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The Urgency of Implementing Plea Bargaining in Resolving Corruption Crime Cases in Indonesia

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Abstract: The research aims to determine the application of plea bargaining or the defendant's admission of guilt as a reform of criminal procedural law in Indonesia. Using a normative juridical method will compare the laws of one country with another, along with existing norms. The concept of the defendant's admission of guilt as the basis for the judge's consideration of imposing criminal sanctions for corruption provides fresh air that the law must create a judicial process that is simple, fast and low cost. The birth of the concept of plea bargaining, which is currently included in the Draft Criminal Code, is expected to solve the problem of the complexity of the judicial process and the costs that must still be incurred when taking the judicial route.

Keywords: Plea bargaining, corruption crime, special route

1. Introduction

The concept of plea bargaining originated in the 18th century in England and the 19th century in the United States. At that time, what developed during that era was guilty pleas or guilty pleas, not plea bargaining (Ziyad, 2018) In various meanings of plea, The meaning and objective of bargaining is the same, namely admitting guilt to a crime to obtain legal relief. Plea bargaining in Black's Law Dictionary Ninth Edition is defined as a form of negotiation or agreement in legal procedures between the public prosecutor and the defendant who admits his guilt and will receive compensation in the form of a reduced sentence or be charged with a minor crime (Arief & Ambarsari, 2018). Langbein's theory states that plea bargaining contains an agreement between the public prosecutor and the defendant or his legal advisor, which results in an admission of guilt by the defendant. Public prosecutors who agree to give lighter charges are compared to using a trial mechanism, which might be detrimental to the defendant because of the possibility of receiving a heavier sentence (Barama, 2016).

The Draft Criminal Procedure Code (RKUHAP) offers fundamental changes relating to the criminal justice system in Indonesia. One of them is the mechanism regulated in Article 199 RKUHAP, which is called the Special Route. To reform criminal procedural law in Indonesia, the concept of plea bargaining has been created, showing that the concept of plea bargaining is starting to be adopted in Indonesia's criminal procedural law system (Putra et al., 2024). Reform of criminal procedural law (Criminal Law Reform) means reviewing existing law with the social, political, philosophical and sociological values that exist in Indonesian society, which underlie policies in law enforcement in Indonesia (Walgrave, 2013).

Plea bargaining, which has been applied in common law countries, has been proven to handle the large number of cases that come in and can prevent high costs and a long time in resolving trials. One of them is the United States referring to statistical data from the United States Department of Justice stating that in 2000, as many as 87.1% of trial processes used a plea bargaining mechanism, and 12.9% proceeded to ordinary court (Lumbantobing & Sitepu, 2023). The Supreme Court stated that the plea bargaining mechanism is an essential and desirable element in the criminal justice system. As many as 95% of charges in the United States are also resolved by pleading guilty (Ruchoyah, 2020). Criminal cases can be resolved through a plea bargaining mechanism so that criminal justice in the United States can realize effective and efficient punishment.

According to Ariyani et al. (2023), the law only works in a vacuum. This means that law enforcement officers carry out law enforcement, and the community can also take a role in efforts to reform the law enforcement system. This reform relies on the existence of legal awareness in enforcing the law better in the future. The basic thing that must be done to

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make criminal law enforcement more qualified is to increase human resources in the law-making process and law enforcement officers (Ariyani et al., 2023). If this is done, public trust in law enforcement will provide appreciation and support. Achieving the goals, vision and mission of national development.

The implementation of plea bargaining in Indonesia is included in the Draft Criminal Procedure Code (RKUHAP) in Article 199 of the Criminal Procedure Code, which is referred to as a special route. Plea bargaining in common law countries can not only be applied to general crimes but also to certain crimes, such as corruption. Based on this, this research aims to identify the urgency of implementing plea bargaining to resolve corruption cases in Indonesia.

2. Methodology

The research method in this research is normative juridical research methods, with the approach method using a statutory approach and a comparative approach. Based on the writing of this research, data collection methods were used as document studies. The process of collecting data or legal materials used by researchers is legal materials that are relevant to the problem being researched. The data used is secondary data consisting of primary, secondary and tertiary legal materials. All legal materials that have been collected will then be analyzed descriptively and qualitatively with emphasis on legislation and comparisons of the criminal justice system in the United States and other countries so that it can be concluded as a form of recommendation or guideline for plea bargaining as a resolution to cases of criminal acts of corruption when it is implemented in Indonesia.

3. Analysis and Discussion

The term plea bargaining may still be unfamiliar to the criminal justice system in Indonesia, but plea bargaining has been implemented in the United States since the 19th century and in England since the 18th century; the special pathway mechanism can be equated with the plea bargaining system. Plea bargaining, implemented in several countries, has been proven to overcome the large number of cases that come in and can prevent high costs and a long time to resolve trials. The following reasons can explain the urgency of plea bargaining in reforming the criminal justice system (Almi, 2023).

3.1 Philosophical Reasons

Article 28D paragraph (1) of the 1945 Constitution reads: Every person has the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law. A good criminal justice process can certainly carry out a criminal justice process quickly, simply and at a low cost while still paying attention to the values of justice in it (Newman, 2023).

3.2 Juridical Reasons

Article 4, paragraph 2 of Law no. 48 of 2009 concerning Judicial Power mandates that the judicial process must be carried out quickly and with low costs. Still, based on existing problems, implementing the judicial process has yet to result in a simple, fast and low-cost judicial process. Currently, the complexity of the criminal justice process in Indonesia means that simple, fast and low-cost justice cannot be implemented in the criminal justice process in Indonesia (Simbolon et al., 2022). This is the juridical basis for the urgency of implementing plea bargaining in Indonesia.

3.3 Sociological Reasons

The criminal justice system in Indonesia has recognized a concept such as plea bargaining as an effort to realize effective and efficient criminal justice which can be found, namely: a) the existence of Article 10A of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection Agency (UU LPSK); b) with the existence of the LPSK Law, protection of witnesses and victims is no longer based on charity or the good nature of law enforcement officials and the relevant government, but rather protection of witnesses and victims is a right guaranteed by law, so that if it is a right guaranteed by law, then fulfilling it is a necessity; c) SEMA Number 4 of 2011 concerning Treatment of Criminal Whistleblowers and Justice Collaborators. The Whistleblower contained in Certain Criminal Cases, basically in SEMA, only provides guidelines for handling cases involving Criminal Whistleblowers (Whistleblowers). In SEMA, it is explained that a person can be said to be a whistleblower if the reporter is the party who knows about and reports a particular criminal act and is not part of the perpetrators of the crime they are reporting (Suyoto, 2017). The SEMA explains that a person can be said to be a justice collaborator if the person concerned is one of the perpetrators of a certain criminal act and admits to the crime. The person concerned provides information as a witness in the judicial process. Whistleblowers and justice collaborators are similar to the plea bargaining system. In the whistleblower, justice collaborator and plea bargaining system, all three are forms of confession/providing information in a criminal act for a specific purpose (Campbell & Schoenfeld, 2013).

However, the three differ in practice and effectiveness in realizing effective and efficient justice, and d) discretion exercised by police investigators. Regulations regarding this discretion are contained in Article 18, paragraph (1) of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, which reads: "In the public interest, officials of the State Police of the Republic of Indonesia in carrying out their duties and authority can act according to their

judgment. Discretion is defined as freedom and authority in making decisions to take appropriate actions or in accordance with the situation and conditions faced wisely and considering all possible considerations and options. Discretion is the freedom to decide in every situation faced according to one's opinion. In simpler terms, discretion is the right to select cases. In this case, discretion is exercised based on the subjectivity of the police themselves to assess whether a case can proceed to trial so that there is no clear legal certainty regarding the exercise of that discretion.

From that concept, before plea bargaining was implemented, Indonesian laws and regulations had regulated several concepts so that the implementation of the criminal justice system in Indonesia could run efficiently (Nelson & Santoso, 2020). Apart from that, the sociological condition in Indonesia has several problems, such as a judicial process that needs to be by the principles of simplicity, speed and low cost, and a buildup of cases in the courts that continues from year to year.

3.4 Legal Political Reasons

Muhammad Najih, in his book "Criminal Law Politics", classifies criminal law politics into several branches and scopes of criminal law politics, one of which is criminal justice policy. This aligns with the urgency of reforming the criminal justice system to realize effective and efficient criminal justice. There are various problems in implementing criminal justice in Indonesia, such as the length of the case resolution process, the high costs of resolving cases, and the never-ending pile-up of criminal cases in court. This reform is by implementing plea bargaining in the criminal justice system in Indonesia (Widianto et al., 2020).

Plea bargaining is closely related to the theory of justice because suspects and defendants have rights that must be protected, especially the right to obtain justice under the law and fairness in treatment. Suspects and defendants should not be tortured to obtain a guilty confession from them. In the reform of the criminal justice system, there is a regulation that is close to plea bargaining, namely the Special Route regulated in Article 199 of the Draft Criminal Procedure Code (RKUHAP) which reads: 1) when the public prosecutor reads the indictment, the defendant admits all the acts charged and pleads guilty to committing a criminal offense which carries a criminal penalty of no more than 7 (seven) years, the public prosecutor can delegate the case to a short trial court; 2) the defendant's confession is stated in an official report signed by the defendant and the public prosecutor; 3) The judge is obliged to inform the defendant of the rights he is giving up by giving a confession as intended in paragraph two (2), informing the defendant of the length of the sentence that may be imposed; and ask whether the confession referred to in paragraph two (2) was given voluntarily; 4) the judge can reject the confession as intended in paragraph (2) if the judge is doubtful about the truth of the defendant's confession; and 5) excluded from Article 198 paragraph five (5), the sentence imposed on the defendant as intended in paragraph one (1) may not exceed 2/3 of the maximum penalty for the criminal offense indicted.

As stated in the article above, it is explained that when the public prosecutor reads the indictment and the defendant admits the act he is charged with. The defendant confirms that he is guilty of committing a crime or criminal act with a penalty of no more than seven (7) years in prison. The public prosecutor can hand over the case to a brief criminal examination event. The confession or guilty plea made by the defendant must be included in the minutes signed by the public prosecutor and the defendant. This article also explains the things that a judge must do, namely notifying the defendant of the rights he waived when giving a confession, then regarding the length of the sentence that is likely to be imposed on him, the judge asks whether the guilty plea or confession was based on coercion or volunteer. The judge can also reject the guilty plea or confession stated by the defendant if the judge is doubtful about the truth of the defendant's confession (Johnson, 2017).

The plea bargaining arrangements in the US differ from the special channels in the Draft Criminal Procedure Code. The most obvious difference is that there is no bargaining over charges and sentences between prosecutors, defendants, or their lawyers. Implementing the plea bargaining system concept in reforming the Indonesian criminal justice system, will make the Indonesian criminal justice system more optimal. Case resolution will become more effective, and the rights of suspects or defendants will not be neglected. The differences between the RKUHAP special route and plea bargaining include: 1) closing access to negotiations (bargaining process) between the prosecutor and the defendant regarding the length of the sentence and the type of charges that will be charged against him; 2) the active role of law in the trial (special route) distinguishes it from plea bargaining (the judge is passive because in the adversarial system a case is considered a dispute between the state vs the defendant); 3) the confession by the defendant in the special route is made in front of the judge at trial, whereas in plea bargaining the confession is made in front of the public prosecutor; and 4) in the special route there is a limit on crimes that can be resolved through this route, namely cases under 7 years old, whereas in plea bargaining all types of punishment can be carried out, even the capital punishment.

Therefore, adjusting the concept of plea bargaining in the RKUHAP does not necessarily change the entire structure of the criminal justice system that currently exists but rather provides its own space in criminal justice, especially in resolving criminal cases that carry a threat of no more than 7 years in prison efficiently and quickly. Supported by the defendant's admission of guilt as the basis for the judge to gain confidence in deciding the case. The parties involved in implementing special channels (Plea Bargaining) in the judicial process in Indonesia include (Ruchoyah, 2020).

3.4.1 Public Prosecutor

The role of the Public Prosecutor in implementing the plea bargaining mechanism is very important because the only actors with legal standing in implementing this system are the public prosecutor and the defendant or their legal advisor. It is hoped that when the plea bargaining system is implemented, training will be held. More understanding will be given to public prosecutors so that later, the plea bargaining system can run by the objectives to be achieved, namely to realize a simple, fast and low-cost trial so that a judicial process will be created effectively and efficiently. The implementation of plea bargaining in Indonesia will occur at the stage before the trial examination process (Garoupa & Stephen, 2008). Before entering the guilty plea stage, three things need to be considered: incompetence, the defendant's mental capacity to plead guilty, and whether the defendant was in a disturbed mental condition at the time of the confession. What is meant by incompetence is whether the defendant is mature and rational enough to understand a trial process; what is meant by mental capacity is whether the defendant has reasonable knowledge or educational capacity.

In contrast, the disturbed mental condition refers to whether, at the time of pleading guilty, the defendant is conscious and sane or not. The public prosecutor will also notify the defendant regarding the waiver of his rights in the form of waiver of the right to appeal and waiver of the right to non-self-incrimination by admitting guilt for the crime he admitted committing. Still, he cannot be forced to provide other information which may involve him as a defendant.

3.4.2 Legal Advisor

In Law Number 18 of 2003, advocates are people whose profession is to provide legal services inside and outside the court who meet the requirements under this law. The application of this Law to both Advocates, legal advisors, practicing lawyers and legal consultants are referred to as advocates. This can be seen in Article 32, paragraph (1) of the Advocate Law, which states that advocates, legal advisors, practising lawyers and legal consultants have been appointed when this law comes into force; they are declared as advocates as regulated in this Law.

The legal advisor must explain to the client the stages of plea bargaining, the maximum consequences of the confession, and the obligation to discuss all offers from the public prosecutor. Legal advisors must estimate whether plea bargaining is more beneficial for the defendant than a regular trial. The legal advisor will also carry out negotiations offered by the public prosecutor (Octarina & Faridah, 2021).

3.4.3 Judge

The judge has the most important role in the stage after plea bargaining, namely to test whether the defendant, in this case, whether the defendant confessed voluntarily or if there was coercion by another party. The judge can also make an offer to the defendant whether he will cancel the agreements he has made during the plea bargaining stage or not. The judge must also warn the defendant about the implications of making a guilty plea or confession, namely: a) the defendant's right to refuse his confession if the court intends to exceed the sentence compared to the sentence recommended by the public prosecutor; b) inform the defendant that by his confession he has also waived his right to be tried at trial; c) provide the defendant with information regarding certain possible penalties; d) ensure that the defendant understands every element of the plea agreement he entered into; e) ensure that the plea agreement is made voluntarily, and the plea bargaining process is carried out on a factual basis; and decide to accept or reject the defendant's confession.

The judge can also warn the defendant about the implications of plea bargaining. The role of the judge in the plea bargaining process, in this case the judge is responsible for examining and deciding on the plea bargaining agreement proposed by the public prosecutor and the defendant. The judge ensures the agreement is based on sufficient evidence (Adriyani & Wahidin, 2024).

Indonesia is a country that adheres to a civil law legal system that does not recognize plea bargaining but has included it in the Draft Criminal Procedure Code. Therefore, to find out what the mechanism or process is when it will be implemented in Indonesia, in this case, you can look in the mirror foreign country. Therefore, adjusting the concept of plea bargaining in the RKUHAP does not necessarily change the entire structure of the criminal justice system that currently exists but rather provides its own space in criminal justice, especially in resolving criminal cases that carry a threat of no more than seven (7) years in prison efficiently and quickly supported by the defendant's admission of guilt as the basis for the judge to gain confidence in deciding the case. In this research, the author focuses more on applying plea bargaining to criminal acts of corruption.

The application of plea bargaining in the criminal justice system can be a concept in resolving criminal cases of corruption where the examination process is long and difficult to prove, the costs incurred are quite large, and the public prosecutor must return state finances that have been damaged due to acts of corruption, usually the proceeds of corruption hidden by the defendant or his family so that returning state finances is not easy (Kisekka, 2020). Apart from that, this concept is also aimed at realizing the goal of eradicating criminal acts of corruption in Indonesia, namely restoring the country's finances and economy, which until now has not been able to recover state losses optimally. Next, the author will discuss the application of plea bargaining in the United States.

Plea bargaining, which applies in the United States, can be applied to all criminal offences, including serious crimes (felonies) and only in the States of California and Mississippi, which do not allow plea bargaining to apply to cases of

sexual and physical violence (assault and murder) as well as cases of criminal acts of corruption (Ziyad, 2018). The resolution of corruption cases in the United States is resolved using plea bargaining because the public prosecutor's evidence is strong, and the defendant admits voluntarily that he is guilty.

The rules for plea bargaining in the United States are regulated in the Federal Rules of Criminal Procedure, specifically in rule 11 sub (b), which states: Considering and Accepting a Plea of Guilty or Nolo Contendere. Advising and Questioning the Defendant. Before the court accepts a plea of guilty or nolo contendere, the defendant may be sworn in, and the court must address the defendant in open court. In the speech, the court must inform the defendant of, and determine that the defendant understands, the following: 1) the right of the government, in prosecution for perjury or false statements, to use any statement the defendant gives under oath against the defendant; 2) the right to plead not guilty, or have already pleaded guilty, to maintain that confession; 3) the right to trial by jury; 4) the right to be represented by legal counsel and, if necessary, to request that the court appoint legal counsel at the hearing and at any other stage of the trial; 5) the right at trial to confront and cross-examine adverse witnesses, to be protected from coercive self-incrimination, to testify and present evidence, and to compel the attendance of witnesses; 6) waiver of the right to trial to the defendant if the court accepts a plea of guilty or no contest; 7) the nature of each charge presented by the defendant; 8) maximum possible penalties, including imprisonment, fines, and terms of supervised release; 9) any mandatory minimum fines; 10) all applicable confiscations; 11) the authority of the court to order restitution; 12) obligation of the court to impose a special assessment; 13) terms of the terms of the plea agreement that waive the right to appeal or indirectly vacate the sentence; and 14) that, if proven guilty, defendants who are not citizens of the United States may be expelled from the United States, denied citizenship, and denied future entry into the United States.

Before accepting a plea of guilty or nolo contendere, the court must address the defendant directly in open court and determine that the plea is voluntary and is not the result of coercion, threats, or promises (other than promises in a plea agreement), ensuring that the plea is voluntary. Decision on a guilty plea, the court must determine the factual basis for the request determine the factual basis for the request. As previously explained, plea bargaining is an agreement from negotiations between the prosecutor and the defendant. In the United States, prosecutors and defendants can negotiate or offer in three ways: 1) charge bargaining. Charge bargaining or negotiation of the articles charged. This is a form of negotiation where the prosecutor will offer the defendant to reduce the type of crime charged; 2) Fact Bargaining. Fact bargaining or negotiation of legal facts is a form of negotiation where the prosecutor will only convey facts that reduce the sentence; 3) Dansentencing Bargaining. Dansentencing Bargaining or sentence negotiation is a form of negotiation between the prosecutor and the defendant regarding the sentence the defendant will receive. In this case, the sentence given will usually be lighter (Tristanto, 2018).

Negotiations between the public prosecutor, the defendant and legal advisors in the United States can be carried out by telephone, in the prosecutor's office or the courtroom and do not involve a judge (Hermawati, 2023). The stages of implementing plea bargaining in the United States are carried out before a trial, which is different from the special route, which is applied after the indictment is read and the confession is made before the judge, public prosecutor and trial; then it is determined that if the defendant admits it will be continued through a brief trial and if the defendant does not want to admit that it will continue with the normal examination of events. Applying plea bargaining or special channels in Indonesia in the RKUHAP is more closed because the defendant's confession is made in court after the public prosecutor has read the indictment. This aims to prevent the opportunity for the public prosecutor to negotiate with the defendant or his legal advisor regarding the articles charged and the criminal sanctions that the prosecutor will give; this usually results in criminal acts of corruption committed by the prosecutor.

4. Conclusion

The adoption of the plea bargaining system, which is attempted to be formulated in the RKUHAP above into the concept of pleading guilty through a special channel, practically has almost the same objective, namely to resolve cases in court efficiently, which substantially provides an opportunity for the defendant to receive a quicker trial light and low costs, as well as being given the possibility of criminal relief if the person concerned is willing to admit guilt before a judge. Although it is different from the original plea bargaining, which gives the public prosecutor more authority to negotiate and bargain over charges, the severity of the sentence, and the presentation of evidence to the defendant and his legal advisor, this is even done before the file is handed over to the court for trial. The application of plea bargaining in the criminal justice system can be a concept in resolving criminal cases of corruption where the examination process is long and difficult to prove, the costs incurred are quite large, and the public prosecutor must return state finances that have been damaged due to acts of corruption, usually the proceeds of corruption hidden by the defendant or his family so that the process of returning state finances is not an easy matter. The application of plea bargaining in the criminal justice system in Indonesia is expected to be a tool so that the recovery of state financial losses can be added to the confession process, so that not only the defendant gets relief from criminal sanctions but state financial losses are also expected to be returned.

The regulation of the concept of admitting guilt through this special route has yet to be said to be perfect because several provisions still need to be improved. One of the reasons is that the RKUHAP drafting team did not create a separate procedure or examination event for defendants who admitted their guilt and only handed over the case to a short examination event. In a brief examination, the RKUHAP stipulates that the trial is presided over by one (1) judge. When

applying the concept of admitting guilt through special channels, attention must also be paid to the provision of punishment based on the strength of the evidence against the perpetrator and the need for society to be protected from future perpetrators. Thus, in determining a sentence based on this concept there must be the ability of the authorities to fulfill the sense of justice in society. The public prosecutor must be able to submit fair charges on the actions committed and prove it with other evidence, the judge also plays an important role in handing down decisions to ensure justice is upheld.

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Conflict of Interest

The authors declare no conflicts of interest.

References

Adriyani, A. N., & Wahidin, M. I. S. (2024). The Role of the Prosecutor's Office in Implementing Plea Bargaining: A Study in the Indonesian Judicial System. *DELICTUM: Jurnal Hukum Pidana Islam*, *2*(2), 10-10. https://doi.org/10.35905/delictum.v2i2.8906

Almi, A. A. (2023). Plea Bargaining System as a Non-Litigation Settlement In The Framework of Repositioning Criminal Justice In Indonesia. *Andalas Law Journal*, *8*(1), 18-28. https://doi.org/10.25077/alj.v8i1.40

Arief, H., & Ambarsari, N. (2018). Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia. *Al-Adl: Jurnal Hukum*, *10*(2), 173-190. http://dx.doi.org/10.31602/al-adl.v10i2.1362

Ariyani, W., Tara, E. D., Utomo, A. P., & Naswa, A. S. (2023). Penegakan Hukum Dalam Penyelesaian Kasus-Kasus Pidana Melalui Kekuatan Media Sosial Pada Era Digitalisasi di Indonesia. In *Prosiding Seminar Nasional Dies Natalis Universitas Muria Kudus*, *2*(1), 1355-1364. *Scribbr.* https://conference.umk.ac.id/index.php/sndies/article/view/543

Barama, M. (2016). Model Sistem Peradilan Pidana Dalam Perkembangan. *Jurnal Ilmu Hukum*, *3*(8), 8-17.

Campbell, M. C., & Schoenfeld, H. (2013). The transformation of America's penal order: A historicized political sociology of punishment. *American Journal of Sociology*, *118*(5), 1375-1423. https://doi.org/10.1086/669506

Garoupa, N., & Stephen, F. H. (2008). Why plea-bargaining fails to achieve results in so many criminal justice systems: A new framework for assessment. *Maastricht Journal of European and Comparative Law*, *15*(3), 323-358. https://doi.org/10.1177/1023263X0801500303

Hermawati, R. (2023). Studi Perbandingan Hukum "Plea Bargaining System" di Amerika Serikat dengan "Jalur Khusus" di Indonesia. *Jurnal Hukum Lex Generalis*, *4*(1), 102-115. https://doi.org/10.56370/jhlg.v4i1.351

Johnson, T. (2019). Public perceptions of plea bargaining. *Am. J. Crim. L.*, *46*, 133.

Kisekka, N. G. (2020). Plea bargaining as a human rights question. *Cogent Social Sciences*, *6*(1), 1-29. https://doi.org/10.1080/23311886.2020.1818935

Lumbantobing, A. P., & Sitepu, S. (2023). Comparison Of Plea Bargaining in The United States With "Special Line" in The Draft Book of Criminal Procedure Code (KUHAP) in Indonesia. *Bengkoelen Justice: Jurnal Ilmu Hukum*, *13*(2), 274-289. https://doi.org/10.33369/jbengkoelenjust.v13i2.31572

Nelson, F. M., & Santoso, T. (2020). Plea Bargaining in Corruption Cases: A Solution for the Recovery of Financial Losses by Indonesia?. *Pertanika Journal of Social Sciences & Humanities*, *28*(2), 1233-1248.

Newman, B. (2023). Plea Bargaining with Wrong Reasons: Coercive Plea-Offers and Responding to the Wrong Kind of Reason. *Criminal Law and Philosophy*, 1-25. https://doi.org/10.1007/s11572-023-09680-w

Octarina, F. N., & Faridah, U. (2021). The Role of Legal Advisors in Criminal Case Settlement Process. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, *4*(4), 9342-9352. *Scribbr.* http://repository.narotama.ac.id/1206/

Putra, A., Dwiono, S., & Iqbal, M. G. (2024). Reform Of The Criminal Procedure Law And Criminal Law Enforcement In Indonesia. *LEGAL BRIEF*, *12*(6), 487-494. https://doi.org/10.35335/legal.v12i6.909

Ruchoyah, R. (2020). Urgensi Plea Bargaining System dalam Pembaruan Sistem Peradilan Pidana di Indonesia: Studi Perbandingan Plea Bargaining System di Amerika Serikat. *Jurnal Hukum Ius Quia Iustum*, *27*(2), 388-409. https://doi.org/10.20885/iustum.vol27.iss2.art9

Simbolon, B. F. M. T., Syahrin, A., & Ablisar, M. (2022, February). Juridical Review of Comparative Prosecution Systems in Indonesia and the United States of Prosecutors Based on Restorative Justice. In *Second International Conference on Public Policy, Social Computing and Development (ICOPOSDEV 2021)* (pp. 85-91). Atlantis Press. https://doi.org/10.2991/assehr.k.220204.014

Suyoto, S. (2017). Peranan Polri Dalam Perlindungan Terhadap Saksi Dan Korban Pada Proses Perkara Pidana. *Jurnal Suara Keadilan*, *18*(1), 1-16. https://doi.org/10.24176/sk.v18i1.3083

Tristanto, Y. W. (2018). Tinjauan Yuridis Penerapan Plea Bargaining Untuk Meningkatkan Efisiensi Peradilan Di Indonesia. *AHKAM Jurnal Hukum Islam*, *6*(2), 1-26. https://doi.org/10.21274/ahkam.2018.6.2.411-436

Walgrave, L. (2013). Integrating criminal justice and restorative justice (1st Ed.). In *Handbook of restorative justice* (pp. 559-579). Willan.

Widianto, M. S., Amarini, I., & Kartini, I. A. (2020). Plea Bargaining in Realizing Effective and Efficient Criminal Justice Systems. *UMPurwokerto Law Review*, *1*(1), 17-26. https://doi.org/10.30595/umplr.v1i1.8051

Ziyad, Z. (2018). Konsep Plea Bargaining Terhadap Pelaku Tindak Pidana Korupsi Yang Merugikan Keuangan Negara. *Badamai Law Journal*, *3*(1), 80-98. http://dx.doi.org/10.32801/damai.v3i1.6059