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Regulatory Harmonization of Plea Bargaining for Petty Corruption in Indonesia's Criminal Justice System

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Abstract

The eradication of corruption in Indonesia continues to face structural challenges, particularly in the handling of petty corruption cases that involve relatively small state losses but consume disproportionate law enforcement resources. This study aims to analyze the urgency, feasibility, and regulatory implications of implementing a plea bargaining mechanism as an alternative resolution model for petty corruption cases within Indonesia's criminal justice system. Using a normative juridical method with statutory and conceptual approaches, this research examines relevant laws, including the Anti-Corruption Law, the Criminal Procedure Code (KUHAP), and the Prosecutor's Office Law, as well as comparative practices from the United States, Italy, and the Philippines. The findings indicate that the absence of explicit legal regulation has resulted in procedural rigidity, inefficiency, and suboptimal recovery of state losses in minor corruption cases. Plea bargaining, if strictly limited and transparently regulated, has the potential to enhance legal efficiency, prioritize restitution of state losses, reduce judicial and correctional burdens, and support a more restorative justice orientation. This study concludes that regulatory harmonization through limited revisions to the Corruption Law and KUHAP, complemented by clear prosecutorial guidelines issued by the Attorney General's Office, is essential to ensure accountability, legal certainty, and public trust. Properly designed plea bargaining should be positioned not as a form of impunity, but as a strategic instrument to optimize corruption eradication while upholding substantive justice and the rule of law.

Keywords: Plea Bargaining; Petty Corruption; Criminal Justice System; Legal Efficiency; Regulatory Harmonization.

Abstrak

Pemberantasan korupsi di Indonesia terus menghadapi tantangan struktural, terutama dalam penanganan kasus korupsi kecil yang melibatkan kerugian negara yang relatif kecil tetapi menghabiskan sumber daya penegakan hukum yang tidak proporsional. Studi ini bertujuan untuk menganalisis urgensi, kelayakan, dan implikasi regulasi dari penerapan mekanisme perundingan pembelaan sebagai model penyelesaian alternatif untuk kasus korupsi ringan dalam sistem peradilan pidana Indonesia. Dengan menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual, penelitian ini mengkaji undang-undang yang relevan, termasuk Undang-Undang Pencegahan Korupsi, Kitab Undang-Undang Hukum Acara Pidana (KUHAP), dan UU Kekejaksaan, serta praktik perbandingan dari Amerika Serikat, Italia, dan Filipina. Temuan tersebut menunjukkan bahwa tidak adanya regulasi hukum yang eksplisit telah mengakibatkan kekakuan prosedural, inefisiensi, dan pemulihan kerugian negara yang tidak optimal dalam kasus korupsi kecil. Perundingan pembelaan, jika dibatasi secara ketat dan diatur secara transparan, berpotensi meningkatkan efisiensi hukum, memprioritaskan restitusi kerugian negara, mengurangi beban peradilan dan pemasyarakatan, dan mendukung orientasi keadilan

yang lebih restoratif. Penelitian ini menyimpulkan bahwa harmonisasi regulasi melalui revisi terbatas terhadap UU Korupsi dan KUHAP, dilengkapi dengan pedoman kejaksaan yang jelas yang dikeluarkan oleh Kejaksaan Agung, sangat penting untuk memastikan akuntabilitas, kepastian hukum, dan kepercayaan publik. Plea bargaining yang dirancang dengan baik harus diposisikan bukan sebagai bentuk impunitas, tetapi sebagai instrumen strategis untuk mengoptimalkan pemberantasan korupsi sambil menjunjung tinggi keadilan substantif dan supremasi hukum.
Kata Kunci: Tawar-Menawar Pembelaan; Korupsi Kecil; Sistem Peradilan Pidana; Efisiensi Hukum; Harmonisasi Peraturan.

INTRODUCTION

Handling petty corruption cases in Indonesia has long been a legal dilemma that remains unresolved systemically. Many cases involving only small amounts of state financial losses are still processed through lengthy, expensive criminal procedures that consume significant law enforcement resources.[1] This reality reflects an imbalance between the costs and benefits of the legal process. While perpetrators only cause limited state losses, the costs of litigation and criminal prosecution can exceed the value of the losses recovered. This demonstrates inefficiencies in the criminal justice system, particularly in the context of restorative justice and the recovery of state assets.[2] This situation raises the urgency to consider more proportionate and adaptive alternative approaches, including the implementation of plea bargaining mechanisms in petty corruption cases.[3]

The current Indonesian criminal justice system does not explicitly differentiate between major and minor corruption crimes in procedural aspects.[4] As a result, all corruption cases, regardless of the amount of losses or impact, are processed using the same procedures, namely prosecution and sentencing based on Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.[5] This certainly complicates efforts to optimize corruption eradication because law enforcement resources are consumed by handling small-value cases. Based on the Attorney General's Office's annual report and data from the Corruption Eradication Commission (KPK), the majority of perpetrators of petty corruption are civil servants or village heads with state losses under IDR 100 million. This data demonstrates the urgency of legally classifying what constitutes petty corruption in order to design more proportional law enforcement policies. Without such a classification, law enforcement continues to operate within a broad framework that does not differentiate the gravity and impact of a crime.

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[1] M. Mudrika et al., "Penerapan Restorative Justice Tindak Pidana Korupsi dengan Nominal Kecil dalam Sistem Peradilan Pidana di Indonesia," *SENTRI: Jurnal Riset Ilmiah* 2, no. 12 (2023): 5261–72.

[2] H. Hestaria et al., "Tinjauan Yuridis Penerapan Prinsip Restorative Justice terhadap Tindak Pidana Korupsi dalam Rangka Penyelamatan Keuangan Negara," *Jurnal Komunitas Yustisia* 5, no. 3 (2022): 112–28.

[3] R.M.A. Jatikusuma and N. Nurbaedah, "Plea Bargaining System (Kesepakatan dalam Proses Hukum Pidana) dalam Tindak Pidana Korupsi Kecil (Petty Corruption," *Mizan: Jurnal Ilmu Hukum* 14, no. 1 (n.d.): 128–37.

[4] A. Akbar and F. H. Jafar, "Penerapan Restorative Justice dalam Perkara Korupsi sebagai Wujud Peradilan Sederhana, Cepat, dan Biaya Ringan," *Jurnal Ius Constituendum* 8, no. 2 (2023): 239–58.

[5] M. Sajali, "Sanksi Pidana Korupsi dalam Hukum Positif (Undang-Undang Nomor 31 Tahun 1999 juncto Undang-Undang Nomor 20 Tahun 2001) Perspektif Hukum Pidana Islam dan Hak Asasi Manusia," *Siyasah* 3, no. 1 (2023): 118–36.

The main characteristics of petty corruption include insignificant state losses, the role of unorganized or individual perpetrators, and limited social impact on the government system or wider society.[6] This type of corruption often occurs at the village or sub-district level, such as the misuse of social assistance funds, village fund allocations, or small-scale procurement of goods.[7] From a criminal justice perspective, handling such cases should consider the value of recovering state losses and the possibility of restitution as a form of accountability.[8] Not all forms of severe punishment are always relevant or necessary. In many cases, the community also needs restitution more than mere imprisonment for the perpetrator. This way, case resolution can be directed towards corrective and restorative justice.[9]

The application of plea bargaining as an alternative in petty corruption cases paves the way for efficiency, effectiveness, and recovery of state finances.[10] The concept of plea bargaining allows perpetrators to admit guilt early in exchange for reduced charges or sentences, provided that the defendant fully reimburses the state for losses and is not carried out systematically.[11] In modern criminal law practice, such as in the United States and several European countries, plea bargaining has become an important instrument in reducing the caseload in courts.[12] In the Indonesian context, this concept is not yet explicitly recognized in the Criminal Procedure Code (KUHAP) or the Corruption Law. However, normatively, the principles of prosecutorial flexibility and the public interest can form the basis for developing this approach in a limited and controlled manner. Its application can be focused on cases with a certain maximum loss value, for example, under IDR 100 million, with oversight by law enforcement agencies and civil society.

Types of plea bargaining include charge bargaining, sentence bargaining, and fact bargaining. Charge bargaining refers to an agreement to amend charges to a less severe charge.[13] Sentence bargaining allows defendants to obtain a reduced sentence by admitting their actions and assisting law enforcement.[14] Fact bargaining involves admitting certain facts to prevent other facts from being revealed during trial.[15] These three types have strategic power in cases with low complexity and small losses, such as petty corruption. This mechanism also opens up space for peaceful resolution without compromising the public interest. As long as it is conducted transparently and supervised,

[6] E.R. Sadik-Zada et al., "E-Government and Petty Corruption in Public Sector Service Delivery," *Technology Analysis & Strategic Management* 36, no. 12 (2024): 3987–4003.

[7] I.T. Sutarna and A. Subandi, "Korupsi Dana Desa dalam Perspektif Principal–Agent," *Jurnal Administrasi Pemerintahan Desa* 4, no. 2 (2023): 121–36.

[8] R. Yang et al., "Restorative Justice dalam Kasus Korupsi: Pro dan Kontra," *Journal Scientific of Mandalika (JSM* 6, no. 7 (2025): 2010–15.

[9] A. Purnomo, "Pendekatan Restorative Justice dalam Menyelesaikan Tindak Pidana Korupsi di Indonesia dalam Hal Pemulihan Keuangan Negara," *Justicia Sains: Jurnal Ilmu Hukum* 8, no. 2 (2023): 531–43.

[10] J. Maramis, "Penambahan Plea Bargaining dalam Sistem Peradilan Pidana di Indonesia," *Lex Administratum* 10, no. 5 (2022).

[11] M. Langer, "Plea Bargaining, Conviction without Trial, and the Global Administratization of Criminal Convictions," *Annual Review of Criminology* 4, no. 1 (2021): 377–411.

[12] S.C. Thaman, *Plea Bargaining in the United States* (Edward Elgar Publishing, 2024).

[13] J. Gormley, "The Inefficiency of Plea Bargaining," *Journal of Law and Society* 49, no. 2 (2022): 277–93, https://doi.org/10.1111/jols.12340.

[14] R. Hermawati, "Studi Perbandingan Hukum 'Plea Bargaining System' di Amerika Serikat dengan 'Jalur Khusus' di Indonesia," *Jurnal Hukum Lex Generalis* 4, no. 1 (2023): 102–15.

[15] M.M. Wilford et al., "Plea-Bargaining Law: The Impact of Innocence, Trial Penalty, and Conviction Probability on Plea Outcomes," *American Journal of Criminal Justice* 46, no. 3 (2021): 554–75.

this approach actually prevents the legal system from experiencing a disproportionate burden.

The basic principles underlying plea bargaining include efficiency, fairness, and restitution. Efficiency is reflected in savings in time, effort, and state budget during the prosecution process. Justice is achieved through a process that does not impose full punishment on perpetrators with minor roles and small losses.[16] Restitution of state losses is the ultimate goal that must be prioritized, in accordance with the spirit of Law Number 31 of 1999 Article 18 paragraph (1) letter b, which requires the restitution of state losses as part of additional punishment.[17] With the plea bargaining approach, this restitution can be carried out early without waiting for a verdict. This supports the principle of substantive justice and reduces the social costs of long-term criminalization.

In the Indonesian criminal justice system, the principles of legality and due process of law are the primary foundations of every legal process.[18] Article 1, number 1 of the Criminal Procedure Code (KUHAP) states that the criminal justice system must be based on applicable law. Meanwhile, the principle of due process of law requires that every individual receive a fair, non-discriminatory, and proportional legal process. In this context, plea bargaining can be integrated without violating the principle of legality, provided it is explicitly regulated through legislation or equivalent implementing regulations. This aligns with the need for criminal procedure reform in Indonesia, currently being drafted in the new Criminal Procedure Code Bill, which has begun to open up the discourse on alternative resolutions for minor criminal cases and restorative measures.

The prosecutor's authority in carrying out the prosecutorial function provides a normative basis for the implementation of alternative approaches such as plea bargaining.[19] Based on Article 30, paragraph (1), letter a of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, prosecutors have the authority to prosecute criminal acts. In addition, Article 35, letter c of the law grants discretionary authority to the Attorney General to take certain policies in handling criminal cases. This authority opens up opportunities for the preparation of internal guidelines for prosecuting cases with a restorative justice approach. In this context, plea bargaining in petty corruption cases can be considered part of a strategic prosecution policy based on the public interest.[20]

To avoid legal uncertainty and social resistance, the implementation of plea bargaining must remain based on the principles of accountability, transparency, and limitations. Every negotiation process between the defendant and the prosecutor must be documented and conducted openly, with oversight from internal and external oversight bodies. This mechanism should not be applied to cases involving elements of violence, organized actors, or repeat offenders. Establishing objective criteria regarding the limits

[16] H.F. Gemilang and R. D. Agustanti, "Penggunaan Plea Bargaining dalam Sistem Peradilan Pidana: Menyeimbangkan Efisiensi dan Keadilan," *Jurnal Interpretasi Hukum* 4, no. 3 (2023): 422–31.

[17] S.H. Kabba et al., "Prosedur Pengembalian dan Pemulihan Kerugian Negara Akibat Tindak Pidana Korupsi," *Jurnal Konstruksi Hukum* 3, no. 1 (2022): 68–74.

[18] Z.J. Fernando, "Due Process of Law dalam Penanggulangan Tindak Pidana di Indonesia," *Majalah Keadilan* 21, no. 1 (2021): 67–89.

[19] M.H. Firmansah and W. Ariyani, "The Urgency of Implementing Plea Bargaining in Resolving Corruption Crime Cases in Indonesia," *Uniglobal Journal of Social Sciences and Humanities* 3, no. 1 (2024): 64–70.

[20] I.D. Kurniawan and W. Budyatmojo, "The Urgency of Implementing Plea Bargaining in the Indonesian Criminal Justice System," *Jurnal Education and Development* 13, no. 1 (2025): 205–9.

of state losses, the nature of the perpetrator, and good faith in restitution are essential prerequisites. Without a strong oversight system, plea bargaining risks undermining public trust in law enforcement agencies. Therefore, the legal system must carefully and gradually design a plea bargaining implementation model.

Optimizing corruption eradication depends not only on how many perpetrators are punished, but also on how much state losses can be recovered and how quickly the legal system can resolve cases without compromising the principle of justice. In this regard, the plea bargaining approach is not a form of impunity, but rather a progressive legal strategy for efficiently resolving petty corruption cases. Regulatory harmonization efforts must prevent this approach from being sporadic or lacking a strong legal basis. If implemented through a measurable, systemic, and accountability-based mechanism, plea bargaining has the potential to become a legal breakthrough in reforming Indonesia's criminal justice system, making it more humane and rational.

RESEARCH METHODS

This research uses a normative juridical method with a statutory and conceptual approach. The statutory approach is carried out by examining relevant positive legal norms, such as Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), and Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia. The analysis of these regulations aims to identify the extent to which the current legal system provides space for or limits the application of the plea bargaining mechanism in handling petty corruption cases. In addition, a conceptual approach is used to understand the basic ideas, principles, and philosophy of plea bargaining as a case resolution mechanism oriented towards efficiency, restorative justice, and recovery of state losses. This approach explores the theoretical framework regarding the need for criminal law reform in Indonesia in response to the challenges of modern legal practice. Data collection was conducted through a library study of legal literature, academic journals, reports from law enforcement agencies such as the Corruption Eradication Commission (KPK) and the Attorney General's Office (AGO), and international legal documents for comparison. Using these methods, this study seeks to provide a strong scientific foundation for the discourse on harmonizing plea bargaining regulations that align with the context of the national legal system and the principles of a democratic state based on the rule of law.

RESULTS AND DISCUSSION

The Urgency of Plea Bargaining in Handling Petty Corruption

The handling of petty corruption cases in Indonesia has become a topical legal dynamic, particularly due to their relatively large number and widespread distribution across various regions. Data released by the Corruption Eradication Commission (KPK) and the Attorney General's Office (AGO) show that a significant number of corruption cases processed involve small state losses, often less than Rp100 million. Nevertheless, the legal process for these cases continues to incur high operational costs, from investigation and prosecution to trial and execution. Ironically, the total cost of handling these cases often exceeds the value of the recovered state losses. In this context, the imbalance between litigation costs and recovery output demonstrates structural inefficiencies in the current criminal justice system. This situation also highlights the potential for a heavy burden on the capacity of law enforcement agencies and correctional institutions.

The criminal justice system should ideally be geared toward efficiency and optimal results in recovering state finances. When small corruption cases are tried like major ones, the time, effort, and budget required are disproportionate to the impact. Many prosecutors and judges are forced to spend time in lengthy trials, despite the simple substance of the cases and the low value of the damages. This situation underscores the rationale for considering alternative approaches, such as plea bargaining, as a more rational legal solution. This concept can shorten the length of the trial process by prioritizing admissions of guilt and the perpetrator's willingness to compensate. Given the limited resources of law enforcement agencies, this mechanism could be a realistic solution.

Plea bargaining in handling petty corruption offers significant benefits, particularly in terms of time and cost efficiency. When corruptors are willing to admit their actions from the outset and reimburse the state for all losses, the case can be resolved more expeditiously without the need for lengthy trials. It allows the state to quickly recover lost assets and saves law enforcement funds, which are typically spent on minor cases. This mechanism can also be used to encourage perpetrators to provide crucial information that leads to the uncovering of larger, systemic cases. These advantages can undoubtedly be a significant added value in broader, multi-layered corruption eradication efforts. In the long term, law enforcement resources can be focused on more complex cases that cause significant losses to the state.

The implementation of plea bargaining also has the potential to ease the burden on correctional institutions, which currently house many convicts for petty crimes. Many corruptors are sentenced to prison even though the state losses incurred were minor and have already been repaid. This situation exacerbates overcapacity in correctional institutions and burdens the state budget due to the costs of maintaining inmates. If plea bargaining is implemented selectively, eligible offenders can be subject to alternative sanctions such as community service or fines, without having to serve a prison sentence. This type of sanction model is more relevant and oriented towards restitution of state losses and a social deterrent effect. Ultimately, the paradigm of punishment could shift from solely retributive to more restorative.

The efficiency of the justice system is not only about expediting processes, but also encompasses restructuring law enforcement priorities. When minor cases dominate the workload of law enforcement, efforts to eradicate large-scale and systemic corruption are hampered by limited time and resources. Plea bargaining provides space to restructure the focus of law enforcement agencies to be more strategic in combating large-scale corruption. By shifting attention to major cases, law enforcement officials can explore networks of power and capital that have previously been difficult to reach. This change in approach not only has administrative implications but also a strong signal that the state is more serious about eradicating the roots of corruption. This scheme can also strengthen cooperation between perpetrators and law enforcement to uncover collective corruption practices.

However, the idea of implementing plea bargaining is not without serious challenges that must be addressed honestly and transparently. One of the public's primary concerns is the stigma that the state is too lenient toward corruptors. In a legal culture that prioritizes strict punishment for violators, a compromise mechanism could actually create a negative perception of the integrity of law enforcement. The risk of creating the perception that corruption can be negotiated will pose a significant challenge to public acceptance. After all, the primary intention of plea bargaining is efficiency and

restoration, not forgiveness without accountability. A comprehensive public explanation of the limitations and procedures of plea bargaining is crucial to avoid misunderstandings.

Another concern relates to the potential for abuse of authority by law enforcement officials during the negotiation process. Plea bargaining creates space for informal interaction between the perpetrator and the prosecutor, which, if not closely monitored, can create opportunities for collusion or substandard decisions. This mechanism can become a transactional tool if not accompanied by strong accountability. Such risks highlight the need for a clear regulatory framework and robust oversight mechanisms to ensure that plea bargaining does not deviate from its intended purpose. The involvement of an independent oversight body and transparency at every stage of the negotiation will significantly determine the credibility of this process. Any agreement resulting from plea bargaining must also be subject to objective review and published within a valid legal framework.

To ensure that plea bargaining does not become a justification for corruption, adequate institutional controls must be established from the outset. Strict regulations regarding the requirements, limitations, and implementation of plea bargaining need to be enshrined in law to avoid open interpretations. Clarity in the rules of the game will provide legal certainty for perpetrators, prosecutors, and the wider public. This mechanism must uphold the principles of legality, transparency, and accountability, on par with formal judicial processes. When accompanied by strict oversight, plea bargaining can actually increase public trust in the legal system because the results can be directly felt through the return of state assets. The balance between the values of justice and efficiency is a crucial point that must not be overlooked in designing this policy.

In addition to institutional controls, it is also crucial to establish a strong ethical foundation for the implementation of plea bargaining. Prosecutors and judges must be provided with ethical guidelines governing how to negotiate, impose sanctions, and assess the perpetrator's willingness to cooperate. The personal integrity of officers is the primary foundation for preventing abuse of this mechanism. Prosecutorial and judicial codes of ethics must be strengthened to address the moral challenges that may arise in this compromise process. Professional ethics need to be consistently trained and instilled at all levels of law enforcement agencies. In this regard, ongoing training and supervision are crucial aspects of building a just plea bargaining system.

Public participation must also be strengthened in responding to the implementation of plea bargaining as part of criminal justice reform. The public needs to be given space to monitor and evaluate the implementation of this policy to ensure it does not proceed in a closed environment. Civil society organizations, the media, and academics can play an active role as critical partners with the government in maintaining transparency and policy integrity. The public must be provided with clear information about the results achieved through plea bargaining to assess whether this policy is effective or creates new loopholes. If public engagement is effective, plea bargaining can be an efficient alternative for resolving petty corruption cases without losing moral and legal legitimacy. Collaboration between the government and the public is key to the successful implementation of this initiative in a fair and balanced manner.

Plea Bargaining Implementation Regulations

Current laws and regulations in Indonesia do not explicitly regulate the plea bargaining mechanism in corruption cases. Law No. 31 of 1999, in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption, does not include provisions that open up space for negotiation between defendants and law enforcement officials. Under

these regulations, the legal process continues formally through investigation, prosecution, and trial mechanisms until a verdict is rendered by a judge. There is not a single article that discusses voluntary admissions of guilt as a basis for reduced sentences in the context of corruption. This situation creates legal rigidity in handling small-scale corruption cases that accumulate in the justice system. When positive law does not provide room for flexibility, efficiency-based solutions become difficult to realize.

The Criminal Procedure Code (KUHAP), as the formal legal basis, also does not recognize the concept of plea bargaining. It still uses an inquisitorial approach that prioritizes the process of proving evidence in court without providing room for formal compromise. Articles 1 through 285 of the KUHAP do not provide any provisions authorizing prosecutors or judges to negotiate with defendants regarding admissions of guilt and the imposition of lighter sentences. This system seemingly closes off opportunities for efficient law enforcement, particularly in cases that could be resolved with a restorative and pragmatic approach. This absence of a normative basis makes it difficult for law enforcement officials to explore more efficient alternatives for resolving cases. This situation demonstrates that the Indonesian legal system requires reform to be able to respond to modern challenges in law enforcement, including in the realm of corruption.

Despite its lack of explicit basis, Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office provides a small loophole. Article 35, letter c, of the Prosecutor's Office Law stipulates that the Attorney General has the authority to implement law enforcement policies that support justice and legal benefit. This discretion can be interpreted as an opportunity to design alternative mechanisms for case resolution, including the application of the concept of plea bargaining within certain limits. In its implementation, this discretion must remain subject to the principle of accountability and must not violate the principle of legality. However, the interpretive potential of this article has not been optimally utilized in corruption prosecution policies. The development of derivative regulations clarifying the scope of this discretion could be a starting point for regulatory harmonization.

In comparison, the legal system in the United States provides an example of the institutional application of plea bargaining. This concept has become a key part of the US federal criminal justice system, where more than 90 percent of criminal cases are resolved without trial. The Federal Rules of Criminal Procedure, specifically Rule 11, clearly regulate the procedures and requirements for plea bargaining, including the role of the judge in ratifying the agreement between the prosecutor and the defendant. A structured system of checks and balances allows this practice to operate transparently and without undermining the public's sense of justice. The process takes place openly before a judge with strict oversight to prevent abuse of authority. This model demonstrates that plea bargaining can be a tool for efficiency without compromising the integrity of the legal system.

Italy also has a similar approach through the concept of "*patteggiamento*," known in its criminal justice system. This mechanism allows defendants who admit guilt to obtain significantly reduced sentences. Articles 444 to 448 of the Italian Code of Criminal Procedure provide a clear legal framework for regulating the negotiation process. This mechanism is designed for cases deemed less complex and less likely to significantly impact national security or the broader public interest. Under certain conditions, a guilty plea can result in a faster and more cost-effective resolution. The Italian legal system demonstrates that compromise, governed by accountability, is acceptable in the modern

criminal justice system. This can serve as a reflection for legal policymakers in Indonesia in formulating contextual legal reforms.

Similar practices are also found in the Philippines and South Africa, particularly in the handling of white-collar crime cases. In the Philippines, plea bargaining is regulated by Rule 118 Section 1 of the Revised Rules of Criminal Procedure, which allows defendants and prosecutors to negotiate as long as it does not compromise the essence of justice and does not apply to serious crimes such as drug trafficking. South Africa adopted a system of plea and sentence agreements under Section 105A of the Criminal Procedure Act 1977, which allows defendants to receive lighter sentences if they cooperate with law enforcement. The experiences of these two countries demonstrate that legal harmonization can be achieved through reforming procedural laws or issuing derivative rules based on the principle of prudence. The concept of justice does not always have to be realized through lengthy and formalistic processes, but can also be achieved through fair and responsible negotiations.

In the Indonesian context, a regulatory harmonization strategy should begin with a limited revision of the Criminal Procedure Code (KUHAP) or the Corruption Law. This revision does not require major changes to the procedural law structure, but rather simply the addition of specific articles that allow plea bargaining in cases involving state losses below a certain threshold. These additional provisions should establish strict requirements, such as full restitution of state losses, a guilty plea, and the absence of violence or recurrence of the crime. This step aims to ensure that plea bargaining does not become a loophole for abuse but instead strengthens the effectiveness of law enforcement. The development of new norms must involve public and academic participation to ensure the quality and legitimacy of the law. This harmonization will be a crucial foundation for adapting national law to global legal dynamics.

In addition to revising the law, the issuance of the Attorney General's Regulation (Perja) also serves as an alternative regulation that can encourage the implementation of the plea bargaining concept. The Perja can detail the procedures for resolving petty corruption cases based on prosecutorial discretion. These regulations can include internal verification mechanisms, oversight procedures, and indicators for assessing whether a case is appropriate for settlement through negotiation. The existence of the Perja will strengthen the implementation of the authority stipulated in Article 35, letter c of the Attorney General's Law, while creating clear ethical and administrative corridors. The issuance of such internal regulations can provide room for institutional experimentation without having to wait for a time-consuming revision of the law. This step can be an intermediary solution to address the need for efficiency and accountability in handling petty corruption cases.

Synchronization between regulations is a crucial next step in the legal harmonization process. All relevant regulations, from the Corruption Law, the Criminal Procedure Code (KUHAP), the Prosecutor's Office Law, to the internal legal instruments of the prosecutor's office and the courts, need to be harmonized in the spirit of procedural fairness and transparency. General legal principles such as proportionality, efficiency, and due process must be used as a reference in designing all regulations related to plea bargaining. This harmonization process is not merely technocratic but also requires an ethical and participatory approach to prevent social and political resistance. A unified legal framework will create legal clarity and foster public trust in the legal system. Institutional commitment is essential to ensure harmonization is not merely a discourse but becomes a practical practice within the justice system.

Transparency and oversight are key principles in any effort to harmonize plea bargaining regulations. In a system unfamiliar with the sentencing negotiation model, the risk of irregularities and public suspicion is high. Therefore, robust accountability mechanisms such as internal audits, regular public reports, and the involvement of external oversight bodies like the Judicial Commission and the Ombudsman are necessary. These mechanisms serve not only as a means of control but also to maintain the integrity of law enforcement institutions in implementing this new policy. Only with a combination of clear regulations and strict oversight can plea bargaining be implemented legally, ethically, and with dignity. This harmonization effort will demonstrate that Indonesian law can move forward without losing its values of justice.

CONCLUSION

The plea bargaining mechanism in corruption cases has the potential to be an effective solution to expedite the case handling process, particularly in cases of petty corruption that do not involve significant state losses. This instrument can reduce the burden on the judiciary and expedite the recovery of state losses through a more pragmatic approach that remains legally grounded. However, to date, there is no legal basis that explicitly regulates the application of plea bargaining in the national legal system, either in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption or in the Criminal Procedure Code (KUHAP). This absence of a legal basis creates uncertainty in practice and risks deviations. Planned and comprehensive regulatory harmonization is needed so that this mechanism can be integrated into the Indonesian criminal justice system without sacrificing the principles of justice, accountability, and public trust in the criminal justice system and corruption eradication.

The government and the House of Representatives are expected to begin opening up serious discussions regarding the possibility of limited revisions to the Corruption Law and the Criminal Procedure Code, particularly to accommodate the plea-bargaining mechanism, which is strictly limited to certain criteria. The Attorney General's Office can be a pioneer in initiating this policy by drafting internal regulations in the form of an Attorney General's Regulation that serves as an ethical and procedural guide for prosecutors, while upholding the principles of prudence and proportionality. Legal education for the public is needed so that the public understands the objectives and limitations of the application of plea bargaining, while also opening up space for civilian oversight as part of democratic control over the legal process. The public must be convinced that this approach is not a form of impunity, but rather an instrument for achieving more substantial, efficient, and accountable justice within the framework of a just state based on the rule of law.

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