



The Balance Between Judicial Process Efficiency And Justice In The Implementation Of Plea Bargaining In The National Criminal Code (KUHP)

Hendra^{1*}, Tri Nugroho Akbar², M. Martindo Merta³

¹Fakultas Hukum, Universitas Palembang

²³Fakultas Hukum, Universitas Sjakhyakirti

*Corresponding author's email: hendrasaidi190@gmail.com

Abstract

The implementation of plea bargaining in Indonesia's criminal justice system, although offering efficiency in resolving cases, must be carried out with caution to ensure a balance between the efficiency of the judicial process and fairness for the defendant. This mechanism, which is included in Article 199 of the Draft Criminal Procedure Code (RKUHAP), aims to expedite the judicial process by allowing case resolution through an agreement between the public prosecutor and the defendant. However, the main challenge in its implementation is ensuring that plea bargaining does not sacrifice the defendant's rights, especially in cases involving serious crimes. Therefore, while this mechanism can reduce case backlogs and speed up legal processes, it is crucial to maintain transparency, protect human rights, and prevent system abuse. Clear regulations in the RKUHAP and strict supervision from the judiciary and society are essential to ensure that the application of plea bargaining aligns with the principles of substantive justice, without infringing on the defendant's rights.

Keywords: *Plea Bargaining, Judicial Process Efficiency, Substantive Justice, RKUHAP*

Introduction

The debate on the reform of the criminal justice system in Indonesia has gained momentum in recent years, particularly regarding the need to expedite case resolution without

The Balance Between Judicial Process Efficiency And Justice In The Implementation Of Plea Bargaining In The National Criminal Code (KUHP)

compromising the principle of substantive justice (Endah Rantau Itasari, 2024). One of the concepts widely discussed in legal literature is the idea of plea bargaining, a mechanism for resolving criminal cases outside of formal court proceedings through an agreement between the prosecutor and the defendant. In countries with advanced legal systems, plea bargaining has become an important instrument in reducing the case burden in courts and expediting the legal process, while also providing legal certainty for the parties involved. Empirical studies show that this mechanism significantly improves the efficiency of case resolution, especially in legal systems that face a high volume of cases to handle each year.

However, in Indonesia, the concept of plea bargaining is still relatively new and has not been explicitly regulated in the current Criminal Procedure Code (KUHP), making its implementation a topic of debate among academics and legal practitioners. Some legal scholars argue that the lack of clear regulations creates legal uncertainty and has the potential to lead to inconsistent practices among law enforcement agencies. This condition has been a major criticism of the old KUHP, which is considered unresponsive to the needs of an effective and efficient modern justice system (Junaidy Maramis, Nurkhikmah Nachrawy, 2017).

As part of the reform of the criminal procedure law, the government and the Indonesian House of Representatives (DPR RI) have formulated the Draft Criminal Procedure Code (RKUHAP), which includes a mechanism equivalent to plea bargaining through the special route provision in Article 199 of the RKUHAP (Lukman Hakim, Ika Sartika Saimima, 2020). This provision provides an opportunity for the public prosecutor and the defendant to resolve cases through a brief examination and a guilty plea, thereby expediting case handling. However, the special route model in the RKUHAP is still substantially different from the classic plea bargaining in common law countries because formal negotiations between the prosecutor and the defendant are not explicitly regulated in all types of cases.

Experts such as Abdul Fickar Hadjar emphasize that the introduction of plea bargaining elements into the Indonesian criminal justice system should not solely focus on efficiency, but must also align with the principles of justice and legal certainty (Hadjar, 2025). According to Hadjar, this innovation must maintain a balance between accelerating the judicial process and protecting the defendant's rights, ensuring that the principle of fair trial is not sacrificed merely for the reduction of case burdens. Such a balance is essential for the legitimacy of the mechanism for resolving cases outside of regular trials.

Supporters of plea bargaining in the Indonesian context also argue that this provision could be a solution to the classic problem of the national criminal justice system, namely the high volume of case backlogs in courts and limited judicial resources. With a mechanism that allows for quicker resolutions, the costs and time of the judicial process can be minimized without sacrificing the essence of judicial examination of the facts. In many other countries, this kind of resolution practice has proven to be efficient in responding to the complexities of criminal law and the ever-increasing volume of cases.

However, on the other hand, some legal experts warn that the implementation of plea bargaining must be strictly limited so as not to undermine the principle of non-self-incrimination or the prohibition against forcing a guilty plea, which is part of the defendant's human rights. A comparative study between traditional plea bargaining and the special route mechanism in the RKUHAP indicates that the defendant's confession in Indonesia occurs after the charges are read, which may conflict with the principle of protection for the defendant during the examination process. Therefore, the protection of the defendant's rights must be strongly emphasized in the implementation rules of the new KUHAP.

In legal analysis, the regulation of plea bargaining in the RKUHAP must be viewed within the framework of legal certainty and the principle of a fair trial, as mandated by Article 28D paragraph (1) of the 1945 Constitution, which guarantees every person's right to recognition, guarantees, protection, and legal certainty in a fair manner (Magawati Iskandar Putri, Ufran, 2024). This mechanism must also be rooted in the principles of simple, swift, and cost-effective justice, which are the objectives of criminal procedural law in Indonesia. Therefore, its implementation should not merely become an administrative tool, but must continue to uphold the essence of substantive justice. This approach emphasizes that the efficiency of the judicial process and justice cannot be separated; they must complement each other.

The implementation of plea bargaining also opens the discussion on the role of judges in the criminal case resolution process. In the classic plea bargaining system, the role of the judge is often limited to assessing the truth of the defendant's confession and ensuring that the agreement is made voluntarily. In Indonesia, the special route model still places the judge as the final examiner of the guilty plea, so clear technical guidelines are needed to ensure that judges do not simply accept the confession without material examination of the facts and evidence of the case. This is crucial to avoid the impression that a guilty plea becomes a shortcut that undermines the independence of the judge.

Training and understanding of law enforcement officials about the plea bargaining mechanism are key factors in ensuring the fairness of the process. Prosecutors, lawyers, and judges must have adequate capacity to implement this mechanism fairly, including assessing the truth of the confession, calculating the implications of the sentence, and ensuring that the defendant is not unlawfully pressured into accepting the agreement. Without strong law enforcement capacity, the implementation of plea bargaining risks producing disproportionate decisions that harm the defendant.

Finally, the discourse on criminal law in Indonesia notes that the balance between judicial process efficiency and substantive justice in the implementation of plea bargaining is not only a procedural technical issue but also a reflection of the fundamental principles of a rule of law state. This debate encourages the reform of the criminal justice system to accommodate innovation without compromising the human rights of the suspect and defendant, strengthening the legitimacy of law enforcement, and creating a modern, responsive criminal justice system that still upholds the principle of justice for all.

Based on the background that has been outlined, the problem formulation in this study is how to balance the efficiency of the judicial process and justice in the implementation of plea bargaining in the national Criminal Code (KUHAP), and what its impact is on the protection of the

The Balance Between Judicial Process Efficiency And Justice In The Implementation Of Plea Bargaining In The National Criminal Code (KUHP)

defendant's rights and the achievement of criminal law objectives in Indonesia. Additionally, this study aims to identify the challenges faced in the implementation of the plea bargaining mechanism in Indonesia, as well as to assess how far the application of plea bargaining can provide a solution to the backlog of cases in courts without sacrificing the principle of justice.

Methods

This study uses a normative research method (Rifa'i et al., 2023), focusing on the study of applicable legal norms, particularly those related to the implementation of plea bargaining in the Indonesian criminal justice system. The research analyzes existing regulations, including Law No. 18 of 2011 on the Judicial Commission and the Draft Criminal Procedure Code (RKUHAP), as well as various relevant legal literature. The data used consists of secondary legal materials, including laws, regulations, doctrines, and expert opinions, which will be analyzed to provide a deeper understanding of the plea bargaining mechanism and its implications on efficiency and justice in the criminal justice process.

Results and Discussion

The application of plea bargaining in the Indonesian criminal justice system is a relatively new concept and has sparked various perspectives from legal practitioners, academics, and law enforcement officers. The concept of plea bargaining, which has been implemented in many countries with a common law legal system, offers defendants the opportunity to admit guilt in exchange for a specific agreement, thereby allowing the judicial process to be completed more quickly. Although it is not explicitly regulated in the Criminal Procedure Code (KUHP), the Draft Criminal Procedure Code (RKUHAP) that is currently under discussion includes provisions regarding a similar mechanism in Article 199 (Dhandy Parindo, Yusuf Daeng, Anton Surya Atmaja, Hapis Reski Putra, 2024). The aim of this implementation is to address the issue of case backlog in courts and enhance the efficiency of the criminal justice process in Indonesia.

However, the application of plea bargaining is not simple. One of the major challenges faced in its implementation is how to maintain a balance between the efficiency of the judicial process and justice for the defendant. Efficiency in the judicial process is important given the high volume of cases that must be resolved each year. The use of plea bargaining can expedite case resolution, reduce the workload of judges, prosecutors, and lawyers, and allow courts to focus on more complex cases. On the other hand, there are concerns that plea bargaining may

sacrifice the defendant's rights, particularly if the defendant is pressured to admit guilt in order to reach a more lenient agreement.

In the perspective of Indonesian law, plea bargaining as regulated in the Draft Criminal Procedure Code (RKUHAP) must take into account the fundamental principles of fair trial and the protection of human rights. Article 28D paragraph (1) of the 1945 Constitution guarantees everyone's right to recognition, protection, and legal certainty in a fair manner. In this context, plea bargaining must be carried out with consideration of whether the admission of guilt is made voluntarily and without any pressure from any party (States et al., 2023). This is important to ensure that plea bargaining does not become a tool to force the defendant to accept a lighter sentence without considering substantive justice in each case.

According to experts such as Abdul Fickar Hadjar, although plea bargaining offers a solution for the high case burden, its application must be maintained to avoid violating the principle of justice. Hadjar suggests that plea bargaining should not be used as a tool to reduce charges in cases involving serious crimes. For example, in cases of corruption or terrorism, the defendant should not be given the opportunity to reduce the sentence merely for the sake of judicial process efficiency. Hadjar emphasizes the importance of carefully examining the agreements reached through plea bargaining to ensure that it does not harm public interest or undermine public trust in the judicial system (Lukman Hakim, Ika Sartika Saimima, 2020).

The efficiency of the judicial process achieved through plea bargaining should be viewed not only in terms of time and cost but also in terms of the quality of the decisions made by the judge. While acknowledging that a swift and cost-effective judicial process is necessary, we must not forget the ultimate goal of the judicial process itself, which is to uphold justice. Therefore, the court must ensure that every decision made, whether related to a plea bargaining agreement or a judgment following a trial, is based on strong evidence and clear facts, while also considering broader legal interests.

One of the main benefits of plea bargaining is the faster resolution of cases. Given the limited human resources in the courts, this mechanism can help reduce the backlog of cases that hinder the progress of the judicial process. In some cases, lengthy trials can lead to dissatisfaction among the defendant and the public with the existing legal system. With plea bargaining, cases can be resolved more quickly without having to go through a lengthy trial process, which ultimately helps reduce the costs incurred by the state and society (Sitohang & Simangunsong, 2025).

However, although plea bargaining offers efficiency in the judicial process, its implementation must prioritize transparency and accountability. Every agreement reached between the prosecutor and the defendant must be executed with full transparency, and the results of the agreement must be accountable to the public. Strict supervision by oversight

The Balance Between Judicial Process Efficiency And Justice In The Implementation Of Plea Bargaining In The National Criminal Code (KUHP)

institutions and society is crucial to ensure that plea bargaining is not misused as a means to serve personal or specific group interests.

On the other hand, the practice of plea bargaining can potentially harm the defendant if not carried out carefully. Defendants who admit their guilt in order to receive a lighter sentence may sometimes feel forced to plead guilty, even though they may not be entirely at fault. This can occur due to psychological pressure or threats to their future if they choose to go through a longer judicial process. Therefore, it is vital to ensure that the guilty plea in plea bargaining is the result of a fully voluntary decision by the defendant.

Additionally, plea bargaining must be applied strictly in accordance with the nature of the crime. For example, in cases involving minor offenses or administrative law violations, plea bargaining may be an appropriate solution to avoid a backlog of cases in court. However, in cases involving serious crimes, such as corruption, terrorism, or human rights violations, plea bargaining must be applied with great caution. These cases require a more transparent and accountable judicial process to prevent undermining the image of Indonesia's legal system in the eyes of the public.

From a human rights protection perspective, it is essential to ensure that the application of plea bargaining does not violate the defendant's rights, particularly the right to fair defense. Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights also stipulates that everyone has the right to equal and fair legal defense, without coercion or threat. Therefore, the plea bargaining mechanism must adhere to the principle of non-self-incrimination, prohibiting the defendant from being forced to plead guilty merely for certain benefits.

The plea bargaining mechanism as regulated in the RKUHAP must be able to address these challenges by providing clear oversight from judicial institutions, ensuring that the process maintains the integrity of Indonesia's legal system. This will help create a judicial system that is not only efficient but also reliable in ensuring justice for all parties involved in the legal process. An efficient judicial process is not only measured by speed but also by the justice it brings in every decision made.

Ultimately, the balance between the efficiency of the judicial process and justice in the application of plea bargaining in Indonesia's legal system is a challenge that must be faced wisely. Clear and transparent regulations, as well as proper implementation, will ensure that this mechanism is not only a solution to the backlog of cases in court but also provides true justice for all parties involved. This balance is the essence of successfully applying plea bargaining in Indonesia's legal system.

Conclusion

The implementation of plea bargaining in Indonesia's criminal justice system, although offering efficiency in case resolution, must be carried out carefully to ensure a balance between the efficiency of the judicial process and justice for the defendant. While this mechanism can reduce case backlogs and expedite legal processes, it is crucial to maintain transparency, protect human rights, and prevent the abuse of the system. Therefore, clear regulations in the RKUHAP, along with strict supervision from judicial institutions and society, are essential to ensure that the application of plea bargaining remains consistent with substantive justice principles and does not compromise the defendant's rights, especially in cases involving serious crimes.

References

- Dhandy Parindo, Yusuf Daeng, Anton Surya Atmaja, Hapis Reski Putra, H. B. (2024). Konstruksi Hukum Justice Collaborator Sebagai Plea Bargaining dalam Sistem Hukum Pidana Indonesia dari Kasus Richard Eliezer. *Jurnal Hukum Indonesia*, 0444, 177–185. <https://doi.org/10.58344/jhi.v3i4.1143>
- Endah Rantau Itasari, E. (2024). Reformasi Hukum Dalam Mewujudkan Keadilan Sosial: Tantangan Dan Prospek Pengembangan Sistem Peradilan Di Indonesia. *Jurnal Cahaya Mandalika*, 5–24.
- Hadjar, A. F. (2025). Plea Bargaining, Warna Baru Sistem Peradilan Pidana Indonesia. *Hukum Online.Com*. <https://www.hukumonline.com/berita/a/plea-bargaining--warna-baru-sistem-peradilan-pidana-indonesia-lt68830285ef318/>
- Junaidy Maramis, Nurkhikmah Nachrawy, H. T. (2017). Penambahan Plea Bargaining dalam Sistem Peradilan Pidana di Indonesia. *Unsrat*, 4.
- Lukman Hakim, Ika Sartika Saimima, A. H. P. (2020). Penerapan Konsep Plea Bargaining dalam RKUHP dan manfaatnya bagi sistem Peradilan Pidana di Indonesia. Deepublish.
- Magawati Iskandar Putri, Ufran, L. S. (2024). Pengaturan Konsep Lembaga Plea Bargaining dalam Pembaruan KUHP. *Jurnal Parhesia*, 1, 23–34.
- Rifa'i, I. jalaludin, Purwoto, A., Ramadhani, M., Muksalmina, Rusydi, muhammad taufik, Harahap, nasruddin khalil, & Mardiyanto, I. (2023). *Metodologi Penelitian Hukum (Issue May)*. sada kurnia pustaka.
- Sitohang, K. A., & Simangunsong, F. (2025). Plea Bargaining Dalam Penyelesaian Tindak Pidana

The Balance Between Judicial Process Efficiency
And Justice In The Implementation Of Plea Bargaining
In The National Criminal Code (KUHP)

Korupsi Pada Sistem Peradilan Pidana. 3(5), 303–311.

States, U., Special, W., & In, L. (2023). Studi Perbandingan Hukum “Plea Bargaining System” di Amerika Serikat dengan “Jalur Khusus” di Indonesia. 4(1), 102–115.