

Plea Bargaining as a Tool for Optimizing Asset Recovery in the Prosecution of Corruption Offenses in Indonesia

Amriyanto¹, Tri Syafari²

¹ Faculty of Law, Khairun University, Indonesia; amriyantounkhair@gmail.com

² Faculty of Law, Khairun University, Indonesia; trisyaf69@gmail.com

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Abstract

Plea bargaining is increasingly considered as an instrument for improving efficiency in criminal justice, yet its application to corruption cases raises a fundamental question concerning the recovery of public assets. This study aims to formulate an asset-recovery-based plea-bargaining model for corruption cases in Indonesia. Using normative legal research through statutory, conceptual, and comparative approaches, this study examines the Indonesian legal framework and plea-bargaining arrangements in the United States, Germany, and Malaysia. The analysis demonstrates that plea bargaining should not be designed merely as a mechanism for accelerating case resolution or reducing sentences. Its novelty lies in positioning verified asset recovery as a substantive prerequisite for obtaining any negotiated legal benefit. Based on this proposition, the study formulates a five-stage model consisting of: (1) voluntary confession and asset disclosure; (2) prosecutor verification of the confession, evidence, and disclosed assets; (3) public interest assessment based on measurable recovery and investigative cooperation; (4) judicial oversight of voluntariness, evidentiary sufficiency, proportionality, and public-interest justification; and (5) an asset recovery-biased sentence proportionate to the verified cooperation and recovery achieved. The model establishes a controlled relationship between cooperation and legal benefit while preventing plea bargaining from becoming an unconditional sentence discount. It provides a corruption-specific framework for integrating negotiated criminal proceedings with asset recovery, due process, and judicial accountability in Indonesia.

Keywords

Asset Recovery; Corruption; Plea Bargaining

Corresponding Author

Amriyanto

Faculty of Law, Khairun University, Indonesia; amriyantounkhair@gmail.com

1. INTRODUCTION

Conceptually and practically, corruption has evolved into a form of *transnational organized crime* with multidimensional impacts on economic stability, governance, and sustainable development. Losses due to corruption take the form not only of abuse of authority or position but also of the loss of state assets intended for the public interest (Siswanto, 2013). The paradigm for eradicating corruption is generally limited to an absolute retributive criminal-law orientation, namely imprisonment with the threat of fairly long imprisonment. Still, it misses the complementary orientation of recovering state



losses. This has a broad impact on state losses that cannot be recovered, where, in essence, state losses include people's rights obtained through tax mechanisms and/or other sources of income stipulated by law.

The paradigm of law enforcement in eradicating corruption in recent decades has shifted in orientation, from initially limited to the absolute punishment of perpetrators (*offender-oriented approach*) to an approach that positions the recovery of assets resulting from corruption (*asset recovery*) as a complementary indicator of law enforcement. This paradigm gained international legitimacy through the United Nations Convention against Corruption (UNCAC), which identifies *asset recovery* as a fundamental aspect of the corruption eradication regime. The convention encourages countries worldwide to develop legal instruments to accelerate the tracking, freezing, confiscation, and return of assets resulting from corruption (Wiguna et al., 2026). In practice, this model can be identified in several forms, including *negotiation justice models* such as *plea bargaining* and *deferred prosecution agreements*, as well as settlement models based on cooperation among perpetrators (*cooperative justice*).

In Indonesia, anti-corruption efforts have shown significant progress through the synergy among law enforcement agencies, including the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police. However, in terms of effectiveness, corruption eradication still faces serious challenges in recovering state losses. Data from Indonesian Corruption Watch (ICW) shows the following statistics: (ACLC, 2024)

Table 1. Amount of State Losses Due to Corruption in the Last 10 Years (2013-2022)

No	Year	Estimated Amount of State Losses
1	Year 2013	Rp3.46 trillion
2	2014	Rp10.69 trillion
3	2015	Rp1.74 trillion
4	2016	Rp3.08 trillion
5	2017	Rp29.42 trillion
6	2018	Rp9.29 trillion
7	2019	Rp12 trillion
8	2020	Rp56.74 trillion
9	2021	Rp62.93 trillion
10	2022	Rp48.79 trillion
Total Estimated Loss		Rp. 238.14

Source: aclc.kpk.go.id, 2024.

The data indicate the substantial scale of financial losses associated with corruption in Indonesia. The reported estimated state losses reached IDR 238.14 trillion during 2013–2022. This figure should, however, be understood as an indicator of the magnitude of the problem rather than as an amount that can automatically be equated with legally recoverable assets. The distinction is important because estimated state losses and assets ultimately traced, seized, confiscated, or returned are legally and institutionally different categories. The magnitude of the losses nevertheless demonstrates why criminal adjudication alone cannot constitute the sole measure of success in corruption enforcement; the recovery of public assets must also occupy a central position in the design of criminal justice policy. The estimated state losses due to corruption above demonstrate that corruption is significantly detrimental to the state and impacts the rights of the public in general. This, when compared to the level of successful recovery, reveals the following general picture:

Table 2. Recovery Rate of State Losses Due to Corruption, 2020–2026

No	Institution	Total Amount of State Asset Rescue
1	Attorney General of the Republic of Indonesia	Rp131,527,786,065,164.89 (±Rp131.53 trillion)
2	Corruption Eradication Commission	Rp2,544,426,279,509 (±Rp2.54 trillion)

Sources: Media Justitia & KPK.

The magnitude of state losses from corruption remains a serious challenge for law enforcement in Indonesia. Throughout the 2013–2022 period, the value of state losses from corruption amounted to approximately IDR 238.14 trillion (Admin, 2026a). On the other hand, the Corruption Eradication Commission (KPK) reported recovering IDR 2.54 trillion, and the Attorney General's Office reported successfully recovering IDR 131.53 trillion in state financial losses through the handling of special criminal cases during the 2020–2026 period. (Admin, 2026b)

The reported asset-rescue figures demonstrate that Indonesian law-enforcement institutions already treat asset recovery as an important component of corruption enforcement. Nevertheless, the existence of recovery powers and institutional efforts does not necessarily resolve the procedural problem of obtaining timely and reliable information concerning concealed assets. Asset recovery frequently depends on identifying financial flows, beneficial ownership, intermediaries, and the location of proceeds. In this context, cooperation from defendants or other participants may possess significant evidentiary and investigative value. The question is therefore whether such cooperation can be incorporated into a legally regulated negotiation mechanism without undermining the integrity of the criminal justice system.

The Indonesian criminal justice system has not yet established a specific, integrated framework that links a defendant's admission of guilt to verified cooperation, asset disclosure, recovery obligations, and the legal consequences of such cooperation in corruption cases. Existing mechanisms that recognize cooperation, including the treatment of justice collaborators and the consideration of cooperation in sentencing, operate within different legal contexts and do not constitute a unified negotiation framework. As a result, there is no standardized legal mechanism for determining when cooperation should generate a negotiated benefit, how the value of recovered assets should be assessed, or what safeguards should prevent selective disclosure and unequal treatment.

The enactment of Law No. 20 of 2025 on the Code of Criminal Procedure creates substantial procedural space to develop negotiated criminal proceedings for corruption in Indonesia. However, widespread consensus around the guilty plea does not, in itself, create an anti-corruption regime to manage the admission of guilt, cooperation, asset declaration, asset recovery, and negotiated sentencing. Accordingly, it leaves important questions for public policy unanswered: In designing negotiations for corruption cases, how can a defendant's legal benefit be commensurate with a demonstrable public benefit, such as asset recuperation? Therefore, it does not matter whether Indonesia is going to adopt the plea bargaining model from another jurisdiction; however, can the guilty plea mechanism, which we currently have, be modified through a new anti-corruption *lex specialis* with higher standards on recovery and in rem rights, securing evidence, judicial check-up, as well as the protection of public interest.

The development of literature on plea bargaining in Indonesia generally still focuses on discussions regarding the possibility of adopting the concept in the reform of the Criminal Procedure Code, as written by Seraphinus and Umi Rozah, with the significance of the study on the formation of laws (Seraphinus Mariano Agung Serman & Umi Rozah, 2025). A similar theme is also studied by Haeranah et al., highlighting the significance of the lack of specific regulations on plea bargaining in Indonesia and the challenges and prospects for its future development in the criminal justice system (Mirzana et al., 2025). The next study was written by Desi Nurana, highlighting the significance of plea bargaining as a means to recover state losses quickly and efficiently. (Nurana, 2024)

A subsequent study with a similar concept but a different analytical focus was conducted by Darma and Waeno (2023), who examined plea bargaining in resolving medical malpractice cases. Their research findings indicate that the mechanism for resolving medical malpractice cases in Indonesia remains oriented toward punishing the perpetrator and has not adequately addressed the recovery of the victim's losses. The authors propose the use of plea bargaining as a legal reform initiative to achieve substantive justice through the defendant's admission of guilt, compensation to the victim, and more effective and efficient case resolution (Darma & Waeno, 2023). The final study by Reza, Ali, and Baidi,

entitled "Asset Confiscation in Corruption Cases through the Plea Bargaining System: Should Indonesia Learn From Nigeria?", analyzes the use of plea bargaining to confiscate assets resulting from corruption, using Nigeria as a comparative model. The study concludes that plea bargaining can enhance the effectiveness of asset confiscation and support the recovery of state losses. (Reza et al., 2024)

The established literature on plea bargaining in Indonesia has, for the most part, focused on the viability of implementing plea bargaining within the justice system, its capacity to accelerate justice procedures, or its use for specific crime groups. Some pieces have linked plea bargaining to compensation, asset forfeiture, or victim-centered justice. These articles do show that plea bargaining and asset recovery are gaining prominence in criminal justice reform in Indonesia; yet, no particular scholarly attention has been given to understanding the institutional ties between negotiated culpability and asset recovery in cases of corruption. There has indeed been no systematic model proposed in which the verifiable loss of asset recovery is considered a necessary ingredient for securing a plea bargain in exchange for a substantive criminal judgment, and in which plea bargaining could be subject to a Public interest Test and be overseen by judicial scrutiny.

This gap is a significant drawback to this bargaining system, in which the level of cooperation has not been objectively linked to specific public benefits, and is vulnerable to moral hazard: the prosecutor may hold significant bargaining power, whilst the defendant may choose to be more or less truthful regarding whether or not to disclose certain assets or information. However, the need for strict conditions would prevent participants from demonstrating substantial cooperation. Therefore, the framework is as follows: to develop a model that encompasses efficiency, fairness (both amongst participants and in comparison with one another), proportionality of sentence reductions in line with the level of cooperation provided, asset recovery, and considerations regarding due process.

Therefore, the research will discuss: 1) what is the rationale for developing plea bargaining in the criminal justice system in Indonesia?; and how is the proportional model of plea bargaining in the criminal justice system in Indonesia?. The purpose of this research is to comprehensively analyze why plea bargaining can be a conceptual offer to optimize the recovery of state assets lost due to corruption, and how the proportional model of plea bargaining can be applied in the Indonesian criminal justice system without denying the principle of legal certainty and the deterrent effect of the perpetrator, as well as restoring state finances and public trust in the legal system in Indonesia according to the Pancasila philosophy.

2. METHODS

This research is a normative legal study using statutory, conceptual, and comparative approaches (Efendi & Ibrahim, 2018). The legal materials used consist of primary legal materials in the form of laws and regulations, such as Law No. 20 of 2025 concerning the Criminal Procedure Code and the United Nations Convention Against Corruption (UNCAC) as an international legal instrument, secondary legal materials in the form of books, scientific journals, and relevant research results, and tertiary legal materials in the form of legal dictionaries and encyclopedias. All legal materials are analyzed qualitatively using descriptive-prescriptive methods to identify legal problems, compare regulatory models, and formulate the concept of asset-recovery-based plea bargaining as part of the renewal of the Indonesian criminal justice system. The data are then analyzed qualitatively using descriptive-prescriptive methods.

The choice of the United States, Germany, and Malaysia was based on their utility and relevance to the construction of a plea-bargaining model for Indonesia. The United States illustrates the high-level development of a plea-bargaining regime coupled with high prosecutorial bargaining power; Germany shows how the negotiated criminal process takes place within a civil-law system with the intervention and control of the judge; Malaysia offers a good example at the regional statutory level by having a distinct legal instrument to address plea bargaining within its Criminal Procedure Code. Therefore, the comparison does not aim to implement any foreign legal model, but rather to identify a protective mechanism for the Indonesian judicial system. The comparative analysis focuses on the relationship between prosecutorial discretion, defendant cooperation, asset recovery, proportionality, and judicial oversight. These aspects are used to identify relevant safeguards in the selected jurisdictions and to formulate a prescriptive Indonesian model that links negotiated legal benefits to verified asset recovery while maintaining due process and judicial accountability.

3. FINDINGS AND DISCUSSION

3.1. The Rationale for Applying Plea Bargaining in Handling Corruption Crimes

The concept of plea bargaining in modern criminal justice systems is no longer understood narrowly as a mechanism for reducing sentences through guilty pleas. Its development demonstrates that this mechanism has transformed into a legal policy instrument aimed at streamlining the judicial process while generating greater public benefits. In corruption cases, these benefits include not only accelerating case resolution but also increasing the state's chances of recovering assets obtained through the perpetrator's cooperation (Zanira & Laksana, 2025). Thus, the primary value of plea bargaining lies in its ability to create a balanced relationship between the interests of law enforcement, legal certainty, and the recovery of state losses.

The need for a plea-bargaining mechanism becomes increasingly relevant given the complexities of proving the nature of corruption, which presents a higher evidentiary burden than conventional crimes. Corruption generally involves networks of perpetrators, multi-layered financial transactions, the use of corporate legal identities, and the transfer of assets across jurisdictions, all of which require significant time and cost for law enforcement (Luna-Pla & Nicolás-Carlock, 2020). Under these circumstances, governments often face a dilemma: whether to maintain lengthy litigation processes that may not yield optimal asset-recovery outcomes, or to seek legal mechanisms that encourage perpetrators to cooperate to expedite the recovery of assets obtained through crime (Wiguna et al., 2026). This dilemma demonstrates that the effectiveness of the criminal justice system is determined not only by the ability to impose penalties but also by the ability to create legal instruments that provide tangible benefits to the public interest.

In the Indonesian context, the criminal procedure system has not yet regulated plea bargaining as a mechanism for resolving criminal cases, particularly those related to corruption, given the highly sensitive nature of such cases. Nevertheless, various legal instruments demonstrate progress toward recognizing the importance of perpetrator cooperation in the law enforcement process. Regulations regarding justice collaborators, the restitution of state losses as a factor considered in sentencing, and the practice of disclosing cases through perpetrator cooperation reflect that the Indonesian legal system essentially recognizes forms of appreciation for the defendant's contribution to achieving law enforcement objectives. However, these instruments remain sectoral in nature and have not yet established a structured, transparent, and clearly defined mechanism for negotiating sentences.

The absence of such regulations actually creates considerable room for discretion in law enforcement practices. Admissions of guilt, restitution of state losses, and cooperation by perpetrators are often treated only as mitigating circumstances, with no uniform measure of the legal reward that can be awarded. Consequently, the relationship between a perpetrator's contribution to the recovery of state assets and the consequences of criminal punishment becomes highly dependent on the discretion of individual law enforcement officials and judges. This situation has the potential to lead to disparities in decisions and reduce legal certainty in handling corruption cases.

The regulation on the admission of guilt in the new Criminal Procedure Code, namely Law Number 20 of 2025 concerning the Criminal Procedure Code, is an update to criminal procedure law that adopts a limited plea-bargaining mechanism under Articles 78 and 234. However, the construction of the norm remains general because it is intended as a mechanism for resolving criminal cases, subject to certain conditions, such as a voluntary confession, legal counsel, the judge's approval, and valid evidence. This regulation has not accommodated the characteristics of certain crimes, including corruption crimes that have complex proof, involve state financial losses, and require optimal asset

recovery. Thus, the norm of admission of guilt in the Criminal Procedure Code remains a general regulation (*lex generalis*) and requires further development if it is to be applied as a specific instrument for handling corruption crimes (Siahaan, 2026). Correlatively, the development of plea bargaining can be justified as follows:

Table 3. Comparison of the Regulations of the Criminal Procedure Code and the UNCAC

Aspect	Law No. 20 of 2025 concerning the Criminal Procedure Code	United Nations Convention Against Corruption
Orientation	Efficiency of case resolution	Corruption eradication and asset recovery
Plea of Guilty	Regulated guilty plea mechanism	Not explicitly regulated
Cooperation of the perpetrators	Limited to the defendant's confession	Managed through cooperation with law enforcement
Asset Recovery	Not yet a condition	Become a fundamental basis in Chapter 5, Asset Recovery
The Role of Judges	Verification	It is left to the positive laws of each country.
Settings Object	All criminal acts that fulfill the elements	Specifically for criminal acts of corruption

On this basis, the idea of implementing plea bargaining should not be understood as an attempt to reduce the strictness of corruption eradication efforts or provide "discounted sentences" to perpetrators. Instead, plea bargaining should be positioned as a legal policy instrument designed to optimize the achievement of the criminal justice system's objectives, particularly in the recovery of state losses. In this construction, any form of lighter legal consequence is not granted solely based on an admission of guilt, but must be directly linked to the perpetrator's actual contribution to the recovery of corrupt assets, the exposure of other perpetrators, and the expedited resolution of the case. Thus, the primary orientation of this mechanism remains on protecting the public interest and optimizing asset recovery, rather than on providing benefits to the perpetrator. (Reza et al., 2024)

Future developments in plea bargaining in the criminal justice system can be informed by philosophical, sociological, and legal considerations. Philosophically, plea bargaining reflects a balance among legal certainty, justice, and expediency by enabling more effective case resolution without neglecting the parties' rights (Muhammad Bintang Firdaus, 2025; Bix, 2011). Sociologically, this mechanism is a response to the increasing complexity of criminal acts, the backlog of cases, the need for

a fast, simple, and low-cost judicial process, and efforts to restore public trust in the legal system (Arista & Purwadi, 2025). Legally, the development of plea bargaining is driven by reforms in criminal procedural law that have begun to accommodate the guilty-plea mechanism in the Criminal Procedure Code. However, the regulations remain general and do not specifically address their application to corruption crimes aimed at optimizing asset recovery. (Aprianto et al., 2025)

Based on these arguments, the rationale for implementing plea bargaining in handling corruption crimes rests on the need to strike a balance between effective law enforcement and optimizing the recovery of state losses. Amid the increasingly complex patterns of corruption and the growing demands for effective asset recovery, the criminal justice system requires legal instruments that encourage cooperation among perpetrators in a measured, transparent, and accountable manner. Therefore, the development of plea bargaining in the Indonesian context needs to be directed not as a complete adoption of other countries' mechanisms, but rather as a reformulation of legal policy adapted to the principles of the rule of law, the characteristics of the Indonesian legal system, and the goal of eradicating corruption, which places the recovery of state assets as one of the primary measures of successful law enforcement.

3.2. Prospects for the Development of Plea Bargaining in the Corruption Criminal Justice System in Indonesia

The prospects for the development of plea bargaining in the Indonesian criminal justice system are fundamentally inseparable from the ongoing dynamics of criminal procedural law reform. For decades, the Indonesian criminal justice system has been built on the due process of law paradigm, which places a full evidentiary examination in court as the primary mechanism for determining a defendant's guilt. This paradigm is a key characteristic of the civil law tradition, which emphasizes the search for material truth through a comprehensive evidentiary process. Consequently, every criminal case, including those involving corruption, must undergo a comprehensive examination, even if the defendant has confessed to all their actions. This model guarantees the protection of the defendant's rights but often results in a lengthy, complex, and resource-intensive law enforcement process. (Ruchoyah, 2020)

On the other hand, developments in law enforcement practices demonstrate that the Indonesian legal system is not entirely closed to various forms of consensual resolution of cases. The application of restorative justice to certain crimes, the recognition of justice collaborators, the existence of diversion mechanisms in the juvenile criminal justice system, and the development of administrative settlements in certain legal fields indicate a tendency for the Indonesian legal system to begin accommodating a more adaptive approach to law enforcement objectives (Aditya Redaya et al., 2024). Although each mechanism has distinct characteristics from plea bargaining, these developments demonstrate that

Indonesian criminal procedure law has indeed moved toward a case-resolution model that is no longer entirely oriented toward conventional litigation processes.

In the context of corruption, the need for more adaptive mechanisms is growing as the complexity of crime patterns increases. Modern corruption is no longer carried out simply; it involves cross-sector financial transactions, the use of legal entities to conceal assets, and money laundering practices that complicate asset tracking (Wedha et al., 2025). It complicates proceedings due to protracted evidence-collection processes and high financial costs of police investigations. At the same time, the state repeatedly insists on expeditious compensation of state damages to the full extent of the recovery of criminal assets. In this context, the emergence of plea-bargaining should be considered another possible policy decision within criminal proceedings, combining the justice system's interest in expediting cases with the maximization of criminal assets.

However, in the application in Indonesia also cannot be ignored, the implementation of plea bargaining in Indonesia is faced with several obstacles. First, there are concerns that this mechanism is seen as an agreement with the perpetrators of corruption through lenient sanctions. This concern is influenced by the nature of corruption as an extraordinary crime and by its placement within a repressive law enforcement regime; thus, a policy that shortens sanctions will be considered contrary to the nature of the anti-corruption regime. Meanwhile, in the development of modern criminal law, the effectiveness of criminal sanctions is not measured from the severity of the sanctions, but the extent to which legal mechanisms achieve the optimal objectives of serving the interests of the community. (Nugroho et al., 2026)

Second, it still lacks a legal foundation that regulates limitations, procedures, and controls in the implementation of plea bargaining. his negotiation mechanism, in the absence of clear regulations, is prone to abuses of authority, transactional practices and inequalities in treatment of defendants, so that in the future the prospect of the development of plea bargaining needs to be accompanied by an institutional design in a transparent, accountable and overseen manner, in this case it is the judge as an institution with full authority to verify the feasibility of agreements, that the confession is made freely and whether the benefits to the state really compare to the legal consequences that will be imposed on the defendant. (Seraphinus Mariano Agung Serman & Umi Rozah, 2025)

Despite these challenges, several factors create opportunities for the development of plea bargaining in Indonesia. First, the increasingly strong orientation of legal policy toward asset recovery underscores the need for instruments that can accelerate the recovery of state losses (Ruth Irmawaty & Yandi, 2024). Second, the criminal procedural law reform agenda provides room to accommodate new mechanisms that are more responsive to the needs of modern law enforcement (Adinda et al., 2024). Third, the practice of countries has shown that plea bargaining can be structured without abolishing the

judge's supervisory role and the due process of law, provided it is strictly regulated and applied under objective guidelines. This is why it is not relevant for the Indonesian legal system to discuss whether the plea bargaining mechanism is compatible, but rather to construct a regulatory model within the framework of the rule of law and combating corruption. In the context of general comparison, the author presents the comparative concept as follows:

Table 4. Comparison of the Implementation of Plea Bargaining Between Countries

Country	Plea Bargaining Model	Position of Judge
United States of America	Very broad, can be in the form of (charge bargaining, sentence bargaining, fact bargaining)	The judge tests the legality and can accept or reject
German	Verständigung im Strafverfahren (negotiated agreement), not plea bargaining in the common law sense.	The judge leads the negotiations, ensures transparency, and can accept or reject the agreement.
Malaysia	Plea Bargaining	Judges play an active role in examining cases, not as a formal rubber stamp.
Country	Plea Bargaining Model	Position of Judge
United States of America	Very broad, can be in the form of (charge bargaining, sentence bargaining, fact bargaining)	The judge tests the legality and can accept or reject
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Sources: Literature Review

A comparative analysis shows that the implementation of plea bargaining in the United States, Germany, and Malaysia shares the goal of increasing the efficiency of criminal case resolution but has been developed through different approaches suited to the characteristics of their legal systems. The United States uses plea bargaining extensively, allowing negotiation of charges and sentences and enabling the public prosecutor to play a dominant role in reaching an agreement (Hermawati, 2023). In contrast, Germany has developed a more limited mechanism for Verständigung im Strafverfahren (Plea Bargaining in the Prosecutor's Office), placing the judge in control of the negotiation process and still requiring evidence to ensure the search for material truth (Weigend & Turner, 2014). Meanwhile, Malaysia has adopted a more moderate model through regulations in the Criminal Procedure Code, under which negotiations between the public prosecutor and the defendant remain under the judge's supervision to ensure that guilty pleas are made voluntarily and in accordance with the principles of a fair trial. (Manab et al., 2018)

These distinctions indicate that the process of developing plea bargaining cannot be equated with the United States model, with its wide-ranging negotiations, but must be tailored to the specific characteristics of the national legal system. For a country that is still adhering to the civil law tradition, such as Indonesia, the experiences of Germany and Malaysia show that developing plea-bargaining

mechanisms can be formulated while preserving judicial activism, the principle of material truth-finding, and the rights of the suspect. As such, the two models will serve as better references for formulating a well-balanced plea-bargaining concept that supports effective law enforcement and maximizes asset recovery from corrupt activities.

From legal and political perspectives, the development of plea bargaining aligns with efforts to strengthen the national criminal justice system to make it more effective, adaptive, and output-oriented (Soesatyo, 2025). Until now, the enforcement of anti-corruption laws has been evaluated based on the number of cases and sentence lengths, rather than on the state's capability to recover assets derived from corrupt activities, a fulfillment of the public interest. In the context of policy-making, plea bargaining should not be the goal, but one means of achieving it.

The comparative experience demonstrates that Indonesia should not adopt plea bargaining through a wholesale transplantation of foreign models. As a civil-law jurisdiction, Indonesia places greater emphasis on judicial responsibility, material truth, and due process of law. Accordingly, the German *Verständigung im Strafverfahren* serves as a relevant reference for maintaining judicial control over negotiated proceedings. At the same time, the Malaysian model underscores the importance of providing a clear statutory basis for plea bargaining and defining the scope of negotiation. These elements can be adapted to the Indonesian context by allowing negotiation to facilitate cooperation and asset recovery, without entirely transferring the determination of criminal responsibility to the prosecutor and the defendant (Paolini et al., 2025). The defendant's confession must remain subject to evidentiary verification, while the court must retain the authority to examine the agreement's voluntariness, factual basis, proportionality, and public-interest justification. In this construction, plea bargaining functions as a regulated procedural mechanism within the existing criminal justice system, rather than as a substitute for adjudication, thereby preserving material truth and due process while providing an institutional pathway for meaningful asset recovery. (Pertiwi & Utari, 2026)

Based on that description, the opportunities for developing plea bargaining in Indonesia were quite wide open, but it depended greatly on how effectively the designers of legislation could realize regulatory designs that suit the nature of the national legal system (Komalasari & Mustafa, 2024). It would not be possible for this concept to be taken in a straight-line imitation of common law countries, but had to be reconstructed from the point of view of the legal principle, independence of the judiciary, the transparency of the proceedings, the defense right of the defendants, and focus on the confiscation of state property/proceeds (Ahmad Fauzi et al., 2025). Therefore, plea bargaining would be part of policy reforms in the law to combat corruption; efficiency would be increased through optimal confiscation of state losses in corruption cases within Indonesia's justice system, which could not be considered an expansion of criminalization.

3.3. The Asset Recovery-Based Plea Bargaining Model in Handling Corruption Crimes in Indonesia

Generally, discussions on the adoption of plea bargaining within the Indonesian criminal justice system raise questions about whether it can be adapted to our legal system. Such an argument leads to a binary choice between advocates of plea bargaining, who cite judicial efficiency, and opponents, who worry that it can subvert the spirit of anti-corruption endeavors. Nevertheless, the basic problem in question is not so much the feasibility of plea bargaining to be adopted but rather how to form a legal model that fits our characteristics of the legal system and the objectives of combating corruption (Simbolon et al., 2024). Therefore, this study proposes a normative model that positions plea bargaining as an instrument for optimizing asset recovery, rather than simply as a mechanism to expedite case resolution.

This model is based on the premise that the primary focus in handling corruption crimes should be on recovering state losses to protect the public interest. Therefore, a defendant's guilty plea does not automatically result in less severe legal consequences (Malik et al., 2026). Such a plea has meaning only in connection with concrete action – the recovery of stolen goods and the revealing of hidden funds, and the rendering of all possible help to investigators in tracing the paths of the funds and in identifying all other participants in the crime. Within the framework of the described construct, the public benefit motive serves as the criterion for applying the separate types of legal liability. (Kurnialim Hia & Rahaditya, 2025)

Based on this construction, the asset recovery-based plea bargaining model is built through at least five stages as follows:

- a. The cooperation and commitment phase in this first step is when the defendant spontaneously confesses to the crimes, takes responsibility for the restitution of assets acquired through crimes, and discloses all assets, including those under the management of others and those held under disguised measures. Such a confession alone is insufficient to settle the case unless the evidence in the case also proves its contents as specified by the criminal procedure law.
- b. The second stage involves confirmation by the prosecutor. At this stage the public prosecutor verifies not only the accuracy of the defendant's testimony but also the availability of assets, the amount of compensation for damage sustained by the state, the defendant's willingness to collaborate, their level of cooperation and contribution to the identification of other involved parties, in case they had acted as accomplices to the offence committed by the defendant. All this information should attest to the actual benefit derived from any kind of cooperation on the defendant's part for the benefit of the state, and to exclude cases where any sort of collaboration with justice is just an attempt to get reduced punishment. (Salsabila & Waluyo, 2025)

- c. Stage three: public-interest assessment, unlike plea-bargaining systems in some countries, which focus on an efficient resolution of the case by the court system. This paper suggests that, first of all, the settlement agreement should be examined for the advantages to the state: (1) value of assets recovered, (2) efficiency of the law-enforcing agency, (3) time consumed in the disposal of the case, and (4) assistance provided by the defendant in bringing to light a deeper corruption network. Hence, the mechanism's criteria for success are not the reduction in sentence length but the value of assets gained by the state. (Rukmono et al., 2024)
- d. The fourth stage is judicial oversight. All agreements reached between the public prosecutor and the defendant must be approved by the judge through an open examination (Violetta et al., 2026). The judge has the authority to assess whether the confession was given voluntarily, whether all requirements have been met, and whether the benefits obtained by the state are commensurate with the legal consequences that will be given to the defendant. The judge also has the authority to reject the agreement or request changes to its contents if it is deemed contrary to the public interest, a sense of justice, or the principle of proportionality (Alexy, 2003). With this mechanism, plea bargaining remains within the framework of due process of law and does not turn into closed negotiations between the defendant and the public prosecutor.
- e. The last step is a pronouncement of the asset-recovery-biased sentence. There are no absolute or automatic minor punishments available under this scheme; rather, they will be applied on a pro rata basis depending on the extent of cooperation and the value of assets restored by the defendant. However, on failure of the defendant to honour any promised commitments or in case the defendant gave wrong information, or concealed any proceeds from any unlawful activity the entire plea is rendered void and the case is prosecuted through the general courts with no benefit to the defendant, so that the plea cannot be used as a means to escape criminal liability. (De Vita & Vozza, 2024; Trinchera, 2025)

Based on these stages, the author can describe plea bargaining as an instrument for recovering state losses as follows:

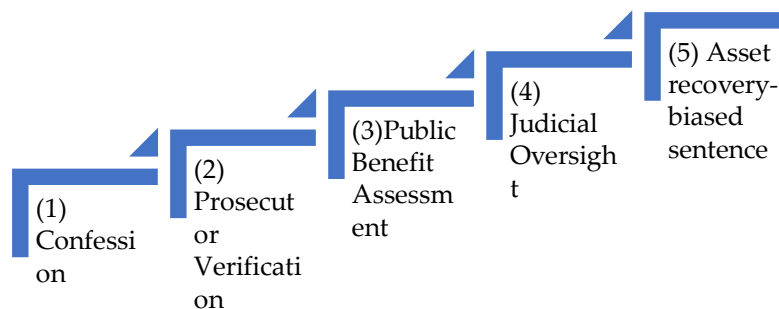


Figure 1. Plea Bargaining Model in Optimizing Recovery of Corruption Crime Assets

In Figure 1, the five levels mentioned above form a mechanism with order and conditions. Initially, the offender chooses to confess willingly and discloses all his assets; the prosecutor's verification process then focuses on investigating the facts, the disclosure of assets, the losses borne by the state, and the defendant's collaboration (Vanisrooy & Wijayanto, 2025). The contents identified in the verification process will then become the subject of the public interest assessment (including the amount of assets retrieved and information disclosed that can assist the investigation) (Trinchera, 2025). Afterward, an examination is conducted by the Court regarding whether there exist such elements as whether the confession is voluntary, whether evidence and facts are available, and proportionality and public interest as well. Then, the sentence, in accordance with the asset recovery preferential principle, can be determined with the Court's approval.

Hence, the entire procedure is inextricably linked: confession establishes the very premise of fruitful cooperation; verification establishes the veracity and extent thereof; ascertainment of public interest assesses its worth; and judicial review serves as a check on the appropriateness of the negotiated outcome (Henin Dyah Syafrina et al., 2026). Hence, the ultimate reduction sentence in question represents, therefore, no foregone conclusion following a guilty plea, but a legally adequate consequence proportionate to effective cooperation and a realization of asset recovery. In case assets are hidden, information provided is of such a nature and of such importance as to render it false, or recovery is not made, negotiated benefits must be withdrawn, and ordinary proceedings could be re-instituted. (Paolini et al., 2025)

Adopting plea bargaining in cases of corruption will inevitably pose a moral hazard risk, as there is a one-to-one relationship between the defendant and the prosecutor in the negotiation process (Fajrin et al., 2023; Kadir et al., 2025). The defendant, if allowed to trade some or all of the information or assets at their disposal for diminished criminal and legal outcomes, could be encouraged to conceal others. At the same time, the prosecutor may find it reasonable to settle for case convenience or a limited workload by negotiating a satisfactory deal with the defendant. Without sufficient checks on potential bargaining, the concept of the criminal justice system could be reduced to a business transaction, in which criminals' cooperation is exchanged for penalties on the merits. (Astuti et al., 2026; Behuku et al., 2025; Rahman & Karimullah, 2025)

In line with this model, our proposed model builds on six core principles: accountability, primacy of asset recovery, proportionality, transparency, judicial oversight, and the public interest. These six principles will ensure that plea-bargaining is not turned into an instrument of accommodation for bribe-takers, but remains within the scope of anti-corruption policy aimed at safeguarding state money and assets. Thus, any legal consequences imposed on the defendants must be tied to actual asset-recovery gains for the state. (Ruth Irmawaty & Yandi, 2024)

With that perspective, plea bargaining is no longer viewed as an effort to provide a "sentence discount" for criminals. However, it is viewed as an instrument policy in law that integrates the state's interest in achieving optimal asset recovery from criminal acts of corruption with the criminal justice system's interest in realizing an effective, efficient, and responsible law enforcement process. For that reason, the development of plea bargaining in Indonesia should lead to the adoption of a legal instrument that makes asset recovery one of the major conditions in every kind of agreement, so that the achievement of anti-corruption measures is not evaluated solely by the number of convicts in cases of corruption. However, it is also evaluated by how much asset recovery from corruption crimes can be obtained for the state or society.

4. CONCLUSION

This study proposes an asset-recovery-based plea-bargaining model as a corruption-specific mechanism within Indonesia's criminal justice system. The model positions verified asset recovery and meaningful cooperation as the substantive basis for any negotiated legal benefit, implemented through five stages: voluntary confession and asset disclosure, prosecutor verification, public-interest assessment, judicial oversight, and an asset-recovery-biased sentence. This construction ensures that plea bargaining is not reduced to an automatic sentence discount but operates as a controlled mechanism that balances asset recovery, proportionality, due process, and judicial accountability. To implement the model, Indonesia needs a specific legal basis, through a *lex specialis* provision in the Anti-Corruption Law or the Asset Confiscation Law, that regulates the requirements and limits of asset-recovery-based plea bargaining. Technical judicial guidelines, including those set out in a Supreme Court Regulation (PERMA), are also necessary to establish procedures for judicial examination, public-interest assessment, asset verification, and the consequences of breach. Such a regulation would provide legal certainty while preventing plea bargaining from becoming a transactional mechanism for reducing punishment.

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