

Discourse on the Role of Victim Advocates in the Concept of Plea Bargaining: Towards Restorative Justice?

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Abstract

The purpose of this research is to examine how the discourse on the role of victim advocates in the concept of plea bargaining as an attempt to achieve restorative justice in the adjudication of criminal cases in Indonesia. The methodology used is qualitative research with a non-doctrinal normative legal research method, as well as a regulatory and conceptual approach. The results of this study reveal a discourse on the situation of victim advocates in the current Indonesian criminal justice system, followed by a critical review of the concept of plea bargaining in the criminal justice system, and attempts to achieve restorative justice for victims by strengthening the role of victim advocates through its implementation in the concept of plea bargaining. Thus, the concept of plea bargaining not only prioritizes the interests of the defendant, but also serves as an alternative pathway to achieve recovery for victims of crime.

1. Introduction

The criminal justice system in Indonesia faces significant challenges in terms of speed, efficiency, and accountability. Lengthy and bureaucratic criminal litigation processes often lead to a backlog of cases and overcapacity in correctional institutions.¹ Inequality of access to justice also shows that the system has not been able to effectively protect the interests of all parties, especially victims. An excessive emphasis on perpetrators and the state has made the need for criminal justice system reform even more urgent.² In this context, alternative approaches are gaining attention in academic and policy discourse. One such approach is plea bargaining, a negotiation process that allows defendants to plead guilty in exchange for a lighter sentence. This concept is

¹ Dheny Wahyudhi, Sri Rahayu, Elly Sudarti, and Herry Liyus, "Prinsip Plea Bargaining dalam Penyelesaian Perkara Pidana secara Cepat Sederhana dan Biaya Ringan dalam Pembaharuan Hukum Acara Pidana," *Jurnal Sains Sosio Humaniora* 6, no. 2, (2022): 46-58.

² E. A. Zulfa, "Implementation of Restorative Justice Principles in Indonesia: A Review," *International Journal of Science and Society* 2, no. 3 (2020).

considered to increase the efficiency of criminal case resolution,³ while also opening up space for restorative justice. The idea has emerged in Indonesia as part of a reform of criminal procedure law oriented towards case resolution and restoration.⁴

The concept of plea bargaining is considered to encourage conflict resolution by taking into consideration the balance between the interests of the public, the defendant, and the victim. Although not yet formally implemented in the Criminal Procedure Code (KUHAP), the idea of plea bargaining has become an important discourse in Indonesian criminal law reform. However, this discourse has sparked debate between those who consider it efficient and those who are concerned about the potential weakening of the principles of justice and equality before the law.⁵ The lack of clarity regarding the mechanism, the potential for abuse of power, and concerns about the neglect of victims' rights are central issues in the criticism of this concept in Indonesia.

The characteristic of the plea-bargaining concept inherently risks neglecting the rights of victims. This stage tends to be conducted behind closed doors and quickly, thereby eliminating the opportunity for victims to actively participate in decision-making. As stated by Erdianti & Suprayitno,⁶ this mechanism has the potential to create pseudo-justice if the interests of victims are not given substantive consideration and if there is no legal obligation to involve them. Thus, the role of victim advocates is crucial as a counterbalance in the judicial process, including in plea bargaining mechanisms. An article by Wulandari & Cahyanto⁷ also emphasizes that the role of victim advocates can strengthen the participatory and restorative dimensions of modern criminal justice systems.

The current situation in Indonesia demonstrates the urgent need for victim advocates. The 2023 LPSK report confirms that victims of sexual violence often refuse to report incidents if there are no advocates to ensure their safety and psychological recovery.⁸ A similar point was made by LBH Jakarta in cases of sexual violence in educational environments, where victim advocates face structural barriers when fighting for victims' rights.⁹ Findings from National Commission on Violence Against Women (*Komnas Perempuan*) also show that advocates for victims of domestic violence often

³ Ronny Putra Dirgantara Paklioy, Juanrico Alfaramona Sumarez Titahelu, and Denny Latumaerissa, "Penerapan Konsep Plea Bargaining Dalam Sistem Peradilan Pidana Terpada di Indonesia," *TATOHI: Jurnal Ilmu Hukum* 4, no. 8, (2024): 651-669.

⁴ Itok Dwi Kurniawan et al., "The Urgency of Implementing Plea Bargaining in the Indonesian Criminal Justice System," *Jurnal Education and Development* 13, no. 1 (2025): 205-209.

⁵ Nabilla Callosa Husin and Naylla Shabilla Callistha Husin, "Plea Bargaining as a Reform in Criminal Procedure Law: An Analysis of Article 199 of the Draft Criminal Procedure Code," *Ius Poenale* 5, no. 1 (2024): 31-42.

⁶ R. N. Erdianti and W. Suprayitno, "Penal Mediation as an Alternative Dispute Resolution for Indonesia Criminal Code," *Wacana Hukum* 26, no. 1 (2020).

⁷ Cahya Lutvi Tri Wulandari, Winarsih Derita Prapti, Muhamad Sayuti Hassan, and L. T. Cahyanto, "Restorative Justice-Based Criminal Case Resolution," *Indonesian Journal of Criminal Law Studies* 10, no. 1 (2025): 239-266, <https://doi.org/10.15294/ijcls.v10i1.24071>.

⁸ Yustia Asri & Rizqy Fihra, "Pentingnya Pendampingan Hukum Bagi Kekerasan Seksual: Kebutuhan Dan Keharusan Hukum Pidana," *Legal Standing: Jurnal Ilmu Hukum* 8 no.2, (2024).

⁹ *Ibid.*

determine the courage of victims to pursue legal proceedings.¹⁰ This reality reveals that the presence of victim advocates is not only a procedural aspect, but also a substantive requirement for bringing a participatory and restorative dimension to Indonesian criminal procedure law. The urgency of the role of victim advocates is even more apparent when linked to the discourse on the implementation of plea bargaining in the Indonesian legal system.¹¹ Under the common law system, plea bargaining is intended to increase the efficiency of cases through the defendant's plea of guilt. This concept has been implemented in several countries, resulting in efficiency by resolving a large number of criminal cases and also reducing the high costs of litigation. The country most famous for maximizing plea bargaining is the United States.¹² This is reflected in the fact that 95% of criminal cases are resolved through plea bargaining.¹³

The concept of restorative justice places the restoration of relationships between offenders, victims, and society¹⁴ as the main objective of criminal law, in contrast to the retributive paradigm which focuses on punishment.¹⁵ Within the context of Indonesia's criminal justice system, restorative justice has begun to be accommodated through regulations such as Law No. 12 of 2022 concerning Sexual Violence Crimes (hereinafter referred to as the TPKS Law). Article 69 paragraph (1) requires law enforcement officials to provide special protection through appropriate assistance. However, the implementation of restorative justice still faces challenges, particularly regarding the consistent protection of victims' rights.¹⁶

There are ambiguity and gaps in the protection of victims' rights, which opens up the potential for procedural injustice. According to Amarini & Widiyanto, the absence of an adequate legal framework means that the position of advocates is highly dependent on the subjective interpretation of law enforcement officials. Academic studies related to victim advocates in plea bargaining are also still very limited. The focus of criminal law studies in Indonesia is still predominantly on procedural aspects and the role of the state, while the relational and psychosocial dimensions of victims are often neglected. This is confirmed by Sakmaf,¹⁷ who assesses that strengthening the role of victim

¹⁰ *Ibid.*

¹¹ Pratiwi Novianti. "Implementasi Plea Bargaining System Kedalam Pembaharuan Sistem Peradilan Pidana Tindak Pidana Korupsi", *Kajian Ilmu Hukum dan Kenegaraan*, (2023).

¹² Junaidy Maramis, Nurhikmah Nachrawy, and Herry Tuwaidan. "Penambahan Plea Bargaining Dalam Sistem Peradilan Pidana di Indonesia", *Lex Administratum* 10, no. 5, (2022): 1-12.

¹³ Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*. (Jakarta. Kencana Prenada Media Grup), (2014).

¹⁴ Mirza Athaya Ghaisan Hakeem, Aqiila Banyu Valentara, Achmad Faizuddin, Muhammad Avin Athalla Rilya, " Telaah Filsafat Hukum Terhadap Restorative Justice sebagai Upaya Dekonstruksi Paradigma Retributif dalam Sistem Pemidanaan di Indonesia," *Media Hukum Indonesia (MHI)*4, no. 1, (2025): 232-241.

¹⁵ Ayu Agustin and Achmad Silchan, "Dualisme Keadilan Retributif dan Restoratif dalam Sistem Peradilan Pidana Indonesia," *Jurnal Sosial dan Teknologi(SOSTECH)*5, no. 10, (2025): 3988-3994.

¹⁶ Henny Saida Flora, "Keadilan Restoratif sebagai Alternatif dalam Penyelesaian Tindak Pidana dan Pengaruhnya Dalam Sistem Peradilan Pidana di Indonesia," *UBELAJ*3, no.2(2018): 142-158.

¹⁷ Penias Isba, Marius Suprianto Sakmaf, and Jumiran, "Evaluation of Restorative Justice Implementation in Criminal Conflict Resolution: Victim and Offender Perspectives,"

advocates remains a gray area in contemporary criminal law discourse in Indonesia. Previous studies include: First, “*Plea Bargaining dan Efisiensi Proses Peradilan di Indonesia*” by Harahap, M., asserts that the application of this concept in Indonesia is still experimental and has the potential to create an imbalance of power between prosecutors and defendants without participatory control from victims.¹⁸ Second, the article “*Efektivitas Plea Bargaining dan Perlindungan Korban dalam Hukum Pidana Indonesia*” argues that plea bargaining without a victim protection mechanism will result in pseudo-justice, because victims are not substantively involved in the legal decision-making process.¹⁹ Third, the article “*Penguatan Peran Pendamping Korban dalam Sistem Peradilan Pidana*” emphasizes that victim advocacy is an instrument of restorative justice, not merely an administrative aspect.²⁰

Therefore, it is important to conduct an in-depth study of the socio-legal discourse on strengthening victim advocates, including the challenges of its implementation in Indonesia. Thus, this study is necessary to examine both the legal substance and the socio-cultural factors that influence the acceptance of victim advocates by the community and authorities as part of alternative dispute resolution mechanisms such as plea bargaining. Eddyono emphasized that a fair and restorative justice model must place victims as active subjects, not merely as objects of policy.²¹ This raises concerns about examining the discourse on the role of victim advocates in the concept of plea bargaining as an effort to achieve restorative justice in the settlement of criminal cases in Indonesia.

2. Research Methods

This study uses qualitative research with a non-doctrinal normative legal research method,²² which is descriptive and explanatory. The data used are primary and secondary data, as well as legal materials consisting of primary, secondary, and tertiary legal materials,²³ with a statute approach and a conceptual approach.²⁴ The research was conducted using a literature study technique. This technique and approach were chosen because, first, the statute approach was used to examine the legal regulations

Delictum: Jurnal Hukum Pidana Dan Hukum Pidana Islam 3, no. 1 (2024): 14–30, <https://ejurnal.iainpare.ac.id/index.php/delictum/index%0AEvaluasi>.

¹⁸ M. Harahap, “Plea Bargaining dan Efisiensi Proses Peradilan di Indonesia,” *Jurnal Lex Crimen* 12, no. 1 (2023): 45–61.

<https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/42187>

¹⁹ D. Erdianti and T. Suprayitno, “Efektivitas Plea Bargaining dan Perlindungan Korban dalam Hukum Pidana Indonesia,” *Jurnal Hukum dan Pembangunan* 52, no. 3 (2022): 387–404, <https://jhp.ui.ac.id/index.php/home/article/view/3921>

²⁰ R. Wulandari and B. Cahyanto, “Penguatan Peran Pendamping Korban dalam Sistem Peradilan Pidana,” *Jurnal HAM* 14, no. 2 (2023): 177–192, <https://ejournal.balitbangham.go.id/index.php/ham/article/view/2321>

²¹ Lidya Rahmadani Hasibuan, “The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context,” *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (2022): 263–272, <https://doi.org/10.36348/sijlcj.2022.v05i07.004>

²² Sulistyowati Irianto and Sidharta, *Metode Penelitian Hukum: Konstelasi dan Refleksi* (Jakarta: Yayasan Obor Indonesia, 2009).

²³ Supratman and Philip, *Metode Penelitian Hukum*, 3rd ed. (Jakarta: Alfabeta, 2015).

²⁴ Peter Mahmud Marzuki, *Metode Penelitian Hukum* (Jakarta: Prenadamedia Group, 2016).

and guarantees related to the discourse on the role of victim advocates in the concept of plea bargaining in Indonesia. Second, it is related to the conceptual approach, which is to examine plea bargaining as a framework for thinking about the analysis of the concept in order to describe it as an alternative path in the efficiency of the Indonesian criminal justice system to see if it can achieve restorative justice.

3. Results and Discussion

3.1. Discourse on Victim Advocacy in the Current Indonesian Criminal Justice System

The concept of victim advocacy in Indonesia gained momentum during the discussion of the TPKS Law in 2022, although the issue had already been raised in the PKDRT Law, PSK Law, and SPPA Law. Basically, victim advocacy aims to ensure the protection and fulfillment of victims' rights (both in legal and non-legal assistance).²⁵ Regarding victim protection, Indonesian criminal law refers to a situation of protection *in abstrakto*.²⁶ This means that criminal acts as defined in current Indonesian criminal law are conceptualized as acts that violate criminal law (public law). Consequently, they are not interpreted as acts that attack or violate the private interests of victims. This is also reflected in Indonesian criminal procedure law, through the Criminal Procedure Code (KUHAP), which is still clearly unresponsive to the interests and fulfillment of victims' rights.²⁷

The acknowledgement of victims' rights in Indonesia currently refers to Article 5 paragraph (1) of the PSK Law. This paper focuses on the letter p regarding the right of victims to receive legal advocacy. However, the explanation of the article does not strictly specify the form and efforts required to obtain this right, nor does it specify the actual mechanism for "the right to legal advocacy". The position related to the "right to advocacy" is also placed last, so that it is considered to be the last to be fulfilled. This may illustrate a situation where there is a high possibility that victims will not be considered for advocacy. However, the intention behind the formulation of the norm in question is not to create a hierarchy of the rights of victims of a criminal act.

²⁵ Quinta Abiseksha Utari Rinjani, et al, "Peran Advokat dalam Perlindungan Anak di Sistem Peradilan Anak dan Pendekatan Restorative Justice bagi Korban dan Pelaku," *INNOVATIVE: Journal of Social Science Research* 5, no. 1, (2025): 4922-4936.

²⁶ Indah Maya, *Perlindungan Korban: Suatu Perspektif Viktimologi dan Kriminologi*, 2nd ed. (Jakarta: Kencana, 2014)

²⁷ Dida Rachma Wandayati, "Perlindungan Hukum Perempuan Korban Pelecehan Seksual dalam Sistem Peradilan Pidana Indonesia Ditinjau dalam Perspektif Viktimologi," *Journal of Feminism and Gender Studies* 2, no. 1 (2022): 54-71

Because of the aforementioned article, which relates to the victim's right to receive assistance, it is important to examine and analyze the discourse on the existence of Victim Advocacy. Victim advocacy in the current criminal justice system in Indonesia can be described as follows:

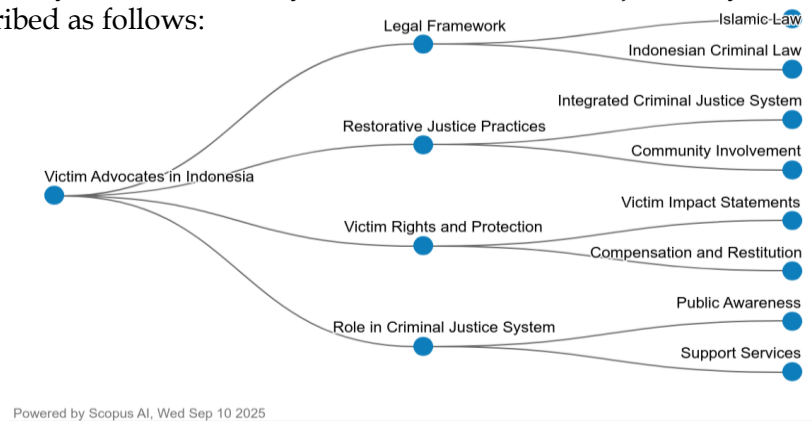


Figure 1. Victim Advocacy Schemes in Indonesia

Source: Scopus AI, 2025

The figure shows that victim advocacy discourse addresses several current situations and desired situations (particularly in victim impact statements). Legal frameworks for victim advocates generally involve the intersection of national criminal law and religious law (particularly Islamic law). Therefore, victim advocates' advocacy activities are conducted by aligning these two legal frameworks.²⁸ This can be seen in dynamic advocacy through legal reform for victim protection, which is pursued through the establishment of mechanisms and alternative policies within the national legal framework.

Then, regarding the practice of restorative justice (hereinafter referred to as RJ) in the criminal justice system, RJ is now seen as a breakthrough in realizing the protection and fulfillment of victims' rights.²⁹ The current situation of RJ in Indonesia is that it is implemented as a mechanism/method³⁰ for resolving criminal cases.³¹ However, ideally, RJ should bridge the gap between the parties in conflict (particularly victims and offenders³²) with the involvement of the community³³ in order to achieve

²⁸ Muhammad Abyan Zaidan, Marlina Dewi Setiani, Nirma Shalwa, and Shinta Mariam, "Sinergi Paralegal and Advokat dalam Mewujudkan Pendampingan Hukum yang Holistik," *Customary Law Journal* 2, no. 3, (2025): 1-10.

²⁹ Elfia Farida et al., "State Responsibility and Victim Protection: An Evaluation of Non-Judicial Measures for Human Rights Violations in Indonesia," *Cadernos de Dereito Actual*, no. 27 (2025): 75-109.

³⁰ Syah Awaluddin, "Keadilan Restoratif: Konsep dan Pengaturannya dalam Sistem Hukum Indonesia," *Amandemen: Jurnal Ilmu pertahanan, Politik dan Hukum Indonesia* 1, no. 1, (2024): 24-42.

³¹ Sri Wiyanti Eddyono, "Restorative Justice for Victim's Rights on Sexual Violence: Tension in Law and Policy Reform in Indonesia," *Journal of Southeast Asian Human Rights* 5, no. 2 (2021): 176-201, <https://doi.org/10.19184/jseahr.v5i2.28011>

³² Nefa Claudia Meliala, "Pendekatan Keadilan Restoratif: Upaya Melibatkan Partisipasi Korban dan Pelaku secara Langsung dalam Penyelesaian Perkara Pidana," *Veritas et Justitia: Jurnal Ilmu Hukum* 1, no.1(2015): 111-135. DOI: <https://doi.org/10.25123/vej.v1i1.1419> .

rehabilitation. Thus, it can be said that the current criminal law enforcement in Indonesia “diminishes” the practice of RJ to merely an attempt at reconciliation.³⁴ In addition, the existence of victim advocates as a form of protection and fulfillment of victims' rights (seeking compensation and restitution) enables them to play an active role³⁵ in the criminal justice system in the form of support services and spreading public awareness. The enactment of the TPKS Law is a breath of fresh air and a concrete manifestation of recognition, as well as a legal basis for the status/role of criminal victim advocates. As stated in Article 1 point 14 of the TPKS Law, “An advocate is a person or other legal entity who is trusted and has the competence to accompany victims in the process and strive to access victims' rights to treatment, protection, and recovery.”

This brings about the existence of advocates whose purpose is to assist victims in fulfilling their access and rights in the form of: handling, protection, and rehabilitation. Related to this context, it is necessary to consider the progression of thought regarding victim advocates in the TPKS Law,³⁶ which leads to the implementation of the victimology paradigm and upholds human rights. This means that the recognition and regulation of victim advocates take into account and incorporates values of respect for human dignity, leading to substantive justice and the principle of protection for vulnerable groups.³⁷

Sociologically, this condition is expected to address the social realities faced by victims (especially victims of sexual violence), namely: power imbalances, trauma and social stigma (social norms and culture that have become accepted as truth by society),³⁸ and unequal access to justice (a weak legal system and minimal formal recognition). The current situation clearly shows that there are problems that weaken the role of victim advocates in the Indonesian criminal justice system. This can be seen in systemic

³³ Dina Desvita Pramesti Putri, “Sounding the Justice for Child: Does Restorative Justice Matters?,” *Journal of Law and Legal Reform* 4, no. 3 (2023): 302-23, <https://doi.org/10.15294/jllr.v4i3.68106>

³⁴ Ribut Baidi Sulaiman, “Restorative Justice: Implementasi Kebijakan Pemidanaan dalam Sistem Hukum Pidana Indonesia,” *Indonesia Criminal Law Review* 2, no. 1, (2023): 1-18. DOI: <https://scholarhub.ui.ac.id/iclr/vol2/iss1/3>.

³⁵ I Made Agus Astra Wiguna and I Dewa Gede Dana Sugama, “Victim Protection in Indonesian Criminal Justice: Assessing the Implementation of Restorative Justice as a New Paradigm,” *West Science Interdisciplinary Studies* 3, no. 07 (2025): 1088-1102, <https://doi.org/10.58812/wsis.v3i07.2042>

³⁶ Fajar Galih Mangku Samudra, Harun Riandy Manalu, Ayu Nabila Kusuma, Indira Fawzia, and Racha Gusty Recoba Satya Nugraha, “Pendampingan Hukum Dalam Penyelesaian Kasus Pelecehan Seksual dengan Restorative Justice,” *Journal Sains Student Research* 3, no. 2, (2025): 301-310. DOI: <https://doi.org/10.61722/jssr.v3i2.4269>.

³⁷ Hendi Suhendi and Sri Hastuti, “Exercise of Victims' Right to Restitution in Human Trafficking Crimes,” *The Journal of Human Rights* 17, no. 2 (2022): 243-62, <https://doi.org/10.22096/hr.2024.2023079.1654>

³⁸ Yonna Beatrix Salamor, Ani Purwanti, and Nur Rochaeti, “Confronting Culturally-Sanctioned Sexual Violence: Reformulating the Law To Address Female Genital Mutilation in Indonesia,” *Indonesia Law Review* 15, no. 1 (2025): 52-74, <https://doi.org/10.15742/ilrev.v15n1.4>

neglect,³⁹ in the form of the lack of legal standing for victim advocates (ineffective regulations, currently only contained in the TPKS Law,⁴⁰ so that law enforcement officials are reluctant to use them in other cases). Furthermore, related to the weak law enforcement situation, there is a lack of integrated coordination between institutions⁴¹ (between law enforcement officials in understanding the victim's perspective),⁴² a lack of capacity and resources for support organizations (non-legal),⁴³ and even attempts to criminalize those who act as victim advocates.⁴⁴

3.2. The Concept of Plea Bargaining in the Criminal Justice System

Plea bargaining (hereinafter referred to as PB) can be simply defined as a negotiation or bargaining over a defendant's voluntary plea of guilt, with the public prosecutor offering a reduced sentence in return.⁴⁵ Timothy Lynch asserts that PB is an agreement (formal/informal) between the defendant and the prosecutor, which includes an agreement to reduce the sentence sought by the prosecutor⁴⁶ and to waive the defendant's constitutional right of non self in crimination.⁴⁷ PB originated in the common law system of the United States, where PB as a stage (adjudication stage:

³⁹ Dina Afrianty, "Agents for Change: Local Women's Organizations and Domestic Violence in Indonesia," *Bijdragen tot de Taal-, Land- en Volkenkunde* 174, no. 1 (2018): 24-46, <https://doi.org/10.1163/22134379-17401024>

⁴⁰ Rifqi Aditya, Donny Eddy Sam Karauwan, and Achmad Junaedy, "Implikasi Undang-Undang Tindak Pidana Kekerasan Seksual (UUTPKS) Terhadap Proses Peradilan Pidana di Indonesia," *Kabilah: Journal of Social Community* 9, no. 2, (2024): 22-31.

⁴¹ Mahrus Ali and Rena Yulia, "Finding the Factors and Proposing the Solution for Preventing Secondary Victimization," *Academic Journal of Interdisciplinary Studies* 12, no. 5 (2023): 262-73, <https://doi.org/10.36941/ajis-2023-0150>

⁴² Rizaldy Anggriawan, "Recovering Ponzi Scheme Losses and Integrating the Victim Impact Statement into Indonesia's Criminal Justice System," *Prawo I Wiez: Law & Social Bonds* 56, no. 3 (2025): 1-34.

⁴³ Fransisco Tarigan et al., "The Rights of Victims of Environmental Crimes in Indonesia: Challenges for Legal Reform," *Journal of Law, Environmental and Justice* 3, no. 2 (2025): 342-82, <https://doi.org/10.62264/jlej.v3i1.130>

⁴⁴ Hartiwiningsih, Seno Wibowo Gumbira, and Jaco Barkhuizen, "Dysfunctional Factors of Environmental Law on Strategic Lawsuit Against Public Participation and Developing Remedial Strategies Through Reconstruction Criminal Law System Model in Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 10, no. 3 (2023): 411-30, <https://doi.org/10.22304/pjih.v10n3.a6>

⁴⁵ Nella Octaviany Siregar, "Plea Bargaining Dalam Sistem Peradilan Pidana Di Beberapa Negara," *Wajah Hukum* 3, no. 1 (2019): 1, <https://doi.org/10.33087/wjh.v3i1.46>

⁴⁶ *Ibid.*

⁴⁷ Lade Sirjon, La Ode Muhamad Sulihin, and Yan Fathahillah Purnama, "Perbandingan Mekanisme Pengakuan Bersalah Pada Jalur Khusus dalam RUU KUHAP dan Konsep Plea Bargaining ditinjau dari Asas Non-Self Incrimination," *Halu Oleo Law Review* 7, no. 2, (2023): 224-235.

arraignment and preliminary hearing⁴⁸) is an integral part of the country's criminal law and criminal administration,⁴⁹ aimed at achieving the benefits of speed and efficiency.⁵⁰

The practice and implementation of PB has raised criticism and concerns about transparency, prompting an evaluation that identified three types of PB: charge bargaining (negotiation of charges), sentence bargaining (negotiation of leniency/sanctions), and fact bargaining (non-disclosure of certain facts).⁵¹ In applying these types, prosecutors tend to use them in an uncertain or irregular manner, so that their implementation depends on the actual circumstances faced by prosecutors in resolving a criminal case. Therefore, PB contains three main points, namely: the number of charges (horizontal), the seriousness of a criminal act (vertical), and the severity of the criminal charges (a sentence).

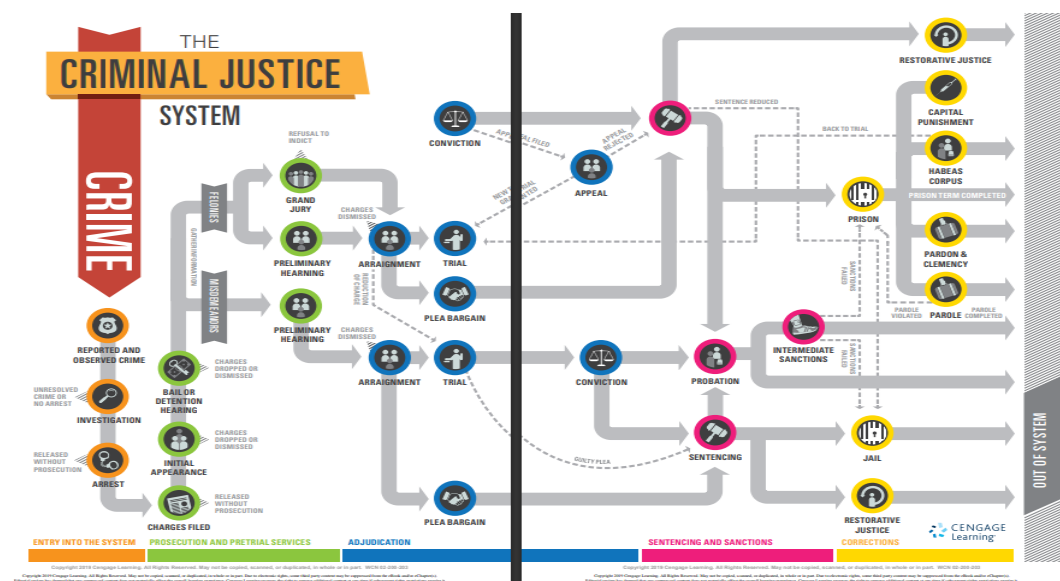


Figure 2. The Criminal Justice System in the United States

Source: Cengage, 2017

As shown in the picture above,⁵² a public lecture entitled “*Understanding the US Legal System*” on October 21, 2022, at the Faculty of Law, Gadjah Mada University. Kavitha Babu, who at the time was a representative of the US Embassy in Jakarta, also

⁴⁸ Ruchayah, “Urgensi Plea Bargaining System Dalam Pembaruan Sistem Peradilan Pidana di Indonesia: Studi Perbandingan Plea Bargaining System di Amerika Serikat,” *JH Ius Quia Iustum* 27, no.2, (2020): 388-409.

⁴⁹ Febby Mutiari Nelson, “Peradilan Sederhana, Cepat, dan Biaya Ringan: Menggagas Penanganan Tindak Pidana Korupsi Melalui Konsep *Plea Bargaining* dan *Deferred Prosecution Agreement*” (Disertasi, Fakultas Hukum, Universitas Indonesia, 2019)

⁵⁰ Ram Subramanian et al., “In the Shadows: A Review of the Research on Plea Bargaining,” no. September (2020): 1-72

⁵¹ Izza Enggar Prasetya, Kukuh Dwi Kurniawan, and Ratna Indri Hapsari, “Pemberlakukan *Plea Bargaining System* Sebagai Alternatif Penyelesaian Perkara Pidana Untuk Tujuan Menyelesaian Konflik,” *Jurnal Jurisprudence* 10, no. 2 (2020): 183-99

⁵² Christina DeJong, George F. Cole, and Christopher E. Smith, *The American System of Criminal Justice*, 16th ed. (Boston: Cengage, 2017)

emphasized that in the United States, courts (judges) consider or assess the voluntary nature of a guilty plea as one of the main factors in its implementation.

The United States, as a common law country, has an advisory system or battle model for its criminal justice system, which John Griffiths describes as a battle between legal counsel and public prosecutors.⁵³ Griffiths puts this forward as a critique of Packer's model for the criminal justice system, which contains two main models: the crime control model and the due process model.⁵⁴ Regarding Packer's model, the crime control model is closer to the emergence of PB, because it is based on the principle of speedy justice and prioritizes administrative findings. This has led the United States criminal justice system towards: the acquittal of suspects, or the provision of opportunities and willingness for suspects to plead guilty (which became the forerunner of PB).⁵⁵

As a critical note, this condition can also be aligned with Frank J. Remington's viewpoint on the integrated criminal justice system. Remington's point of view is related to the ideal criminal justice system, namely integration through coordination, collaboration, and harmonization of all components of the system to ensure efficiency, effectiveness, and fair trials. This condition is reflected through an approach of interaction between subsystems,⁵⁶ thereby incorporating harmonization in the criminal justice administration mechanism (a criminal justice system resulting from the interaction of criminal laws and regulations, institutional administrative practices, and the attitudes/behaviors of its components).⁵⁷ Therefore, it can be interpreted that the emergence of PB, with its characteristics, is quite relevant to Remington's ideal integrated criminal justice system. Besides the point of efficiency, the characteristics of PB are closely attached to the criminal justice system, which not only consists of substantive and formal criminal law but is also integrated into the administrative interaction of its components and criminal justice subsystems. As illustrated in Figure 2, PB is normatively and procedurally incorporated as an integral part of the administration of criminal justice in the United States.

Within the context of the Indonesian criminal justice system, restorative justice (RJ) is currently implemented as a mechanism whose regulations are still scattered across various internal agency rules⁵⁸ and as part of the discretion of law enforcement officials.⁵⁹ This article focuses on establishing RJ as a legal objective, so that RJ becomes

⁵³ Muhammad Rusli, *Sistem Peradilan Pidana Indonesia* (Yogyakarta: UII Press, 2011)

⁵⁴ Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford, CA: Stanford University Press, 1968)

⁵⁵ *Ibid.*

⁵⁶ Michael Barama, "Model Sistem Peradilan Pidana Dalam Perkembangan," *Jurnal Ilmu Hukum* III, no.8, (2016): 8-17.

⁵⁷ Gani Hamaminata, "Perkembangan Sistem Peradilan Pidana di Indonesia," *Jurnal Hukum, Politik dan Ilmu Sosial* 2, no. 4 (2023): 52-64.

⁵⁸ Lucky Ray Ramanda, "Konsep Restorative Justice Dalam Perspektif Keadilan Korban Tindak Pidana Asusila di Indonesia," *RECIDIVE: Jurnal Hukum Pidana dan Penanggulangan Kejahatan* 14, no.3(2025): 314-327. DOI: <https://doi.org/10.20961/recidive.v14i3.99760> .

⁵⁹ Dwi Kurniawan, "Pendekatan Restoratif Justice Melalui Mediasi Penal Dalam Menangani Tindak Pidana Penganiayaan Yang Dilakukan Oleh Anak Di Indonesia," *Jurnal Idea Hukum* 8, no. 1 (2022): 1-15

a value that must be achieved in the implementation of the criminal justice system by positioning the value of justice through the perspective of the offenders and their families, the perspective of the victims and their families, the general public, and stakeholders to achieve rehabilitation to the original circumstances.⁶⁰ For this reason, there is a need for alternative tools/means as an effort to reform Indonesian criminal procedure law. Related to the reform of criminal procedure law, Indonesia has attempted to transplant PB as contained in Article 192 of the February 2025⁶¹ version of the Criminal Procedure Code, which states that: in paragraph (1), in the event that no settlement agreement is reached between the Defendant and the Victim, the Judge is given the opportunity to ask the Defendant whether he/she is willing to admit the charges read by the Public Prosecutor. Thus, this can be interpreted as leading to a condition of negotiation of the defendant's plea of guilty.

Then, paragraph (2) of the article contains matters that must be considered by the judge when the defendant is willing to admit the charges read by the public prosecutor, namely: a. The defendant has been examined at the investigation stage; b. The defendant was accompanied by a lawyer during the examination at the investigation stage; c. The examination at the investigation stage was carried out in an appropriate manner and within a reasonable time; d. The defendant has been informed of and has been able to exercise his rights during the investigation and prosecution; e. The defendant's admission was not caused by pressure, coercion, and/or torture, either physical or psychological, during the investigation and prosecution process; and f. Other matters deemed necessary by the judge. This means that the matters that must be considered actually refer to formal standards that should no longer be questioned. Thus, the nomenclature of the norm in the article in question emphasizes that the legal direction/goal regarding the defendant's guilty plea can occur as an option when a settlement cannot be reached.

Furthermore, Article 221 of the February 2025 version of the Criminal Procedure Code contains the form and implications of a guilty plea made by the defendant. The implications clearly show the discretion of the Public Prosecutor, starting from the transfer of cases with a brief examination, the form of the plea in the form of official records, the obligation of the judge to inform the defendant of the rights they are waiving if they agree to plead guilty, asking whether the plea was given voluntarily, the judge is also given the opportunity to reject the plea if there are doubts, and it also implies that the sentence imposed shall not exceed 2/3 of the maximum penalty charged. The two articles in question do not explicitly mention these stages or procedures as PB, but in terms of nomenclature, there are characteristics similar to those of the PB concept. Romli Atmasasmita argues that efforts to implement PB in Indonesia need to set limits, which include the following: ⁶²

⁶⁰ Lilian Gressthy Florencia and Sri Wiyanti Eddyono Apitutey, "Women and Violence in Hibualamo Traditions (An Analysis of Restorative Justice in Resolving Cases of Domestic Violence)," *SASI* 28, no. 3 (2022): 369-78

⁶¹ Until this research and article were completed, no official manuscript of the new Criminal Procedure Code that had been passed was obtained from the Indonesian House of Representatives website, as it had not yet been promulgated by the Indonesian House of Representatives. Therefore, the 2025 version of the draft Criminal Procedure Code was used.

⁶² Romli Atmasasmita, *Sistem Peradilan Pidana (Criminal Justice System) Perspektif Eksistensialisme dan Abolisionisme* (Jakarta: Putra A. Bardin, 1996)

- a. First, limits on PB as a negotiation between the public prosecutor and the defendant and their advocate. On this point, we agree, but it is necessary to emphasize the parameters/benchmarks for the negotiation space in order to strive for and ensure openness in the process.
- b. Second, the main motivation for negotiation is to expedite the criminal justice process. Given this main motivation, it is necessary to consider the value of justice (especially for victims), so that PB exists not only for the sake of expediting the justice process.
- c. Third, regarding the voluntary nature of the defendant's guilty plea. This point is central to the PB transplant effort, because until now, a guilty plea by the defendant in Indonesian criminal proceedings has only been considered by judges as a mitigating factor in their decisions. As a critical comment, it is important to note that in terms of the voluntary nature of the defendant's guilty plea, it is still necessary to include standardization of the judge's assessment of the voluntary nature.
- d. Fourth, the role/participation of the court (judge) as a referee in PB negotiations is not permitted. The role of the court (judge) here can be seen as part of the control over the implementation of the PB results. Therefore, it is more appropriate for the court to act as a "referee" after the negotiation process has been carried out, rather than being directly involved. This is in line with the position of the PB negotiation process at the prosecution stage, whereby the results of the PB at the prosecution stage are controlled/supervised by the court.

3.3. Opportunities to Stengthen the Role of Victim Advocates in the Concept of Plea Bargaining Towards Restorative Justice in Indonesia

Given Indonesia's positive legal situation, which refers to the protection of victims *in abstracto*, it is important to reform criminal law to refer to protection *in concreto*. The focus on protection in concreto leads to patterns/models of victim protection in the form of: the procedural rights model and the services model.⁶³ These models arise from a victimological perspective that develops an analysis of victims of crime through patterns and consequences of victimization, giving rise to interactions between victims and various entities in the criminal justice system. The procedural rights model is based on the principle that victims of crime have the right to play an active role in the judicial process, while the services model focuses on the principles/standards of service by law enforcement officials to serve and fulfill the rights of victims of crime.⁶⁴ Both lead to forms or efforts to provide direct protection to victims, by positioning victims as active legal subjects involved in the judicial process.

This condition does not negate the fact that there are various types of victims. This raises an interesting point regarding the view that both victim protection models have weaknesses from the perspective of victims (risk of secondary victimization⁶⁵) and increase the workload of law enforcement officials (currently, the fulfillment of victims'

⁶³ Amira Paripurna et al., *Viktimologi dan Sistem Peradilan Pidana* (Surabaya: Deepublish, 2021).

⁶⁴ *Ibid.*

⁶⁵ Bernd Schünemann, "Protection of Children and Other Vulnerable Victims against Secondary Victimization: Making It Easier to Testify in Court," *ERA Forum* 10, no. 3 (2009): 387-96, <https://doi.org/10.1007/s12027-009-0130-7>

rights is based on the sensitivity of law enforcement officials).⁶⁶ Therefore, it is necessary to strengthen the position of victim advocates as the embodiment of both protection models. Under the procedural rights model, victim advocates act as an extension of victims (direct involvement of victims is represented by advocates). Meanwhile, under the service model, victim advocates represent the services provided by law enforcement officials to victims. Therefore, in the concept of PB, the strengthening of victim advocates needs to be positioned during negotiations between the prosecutor and the defendant, with the goal of concretizing the fulfillment of victims' rights and the manifestation of restorative efforts. The following is a diagram of the dynamic role of victim advocates in the PB process:

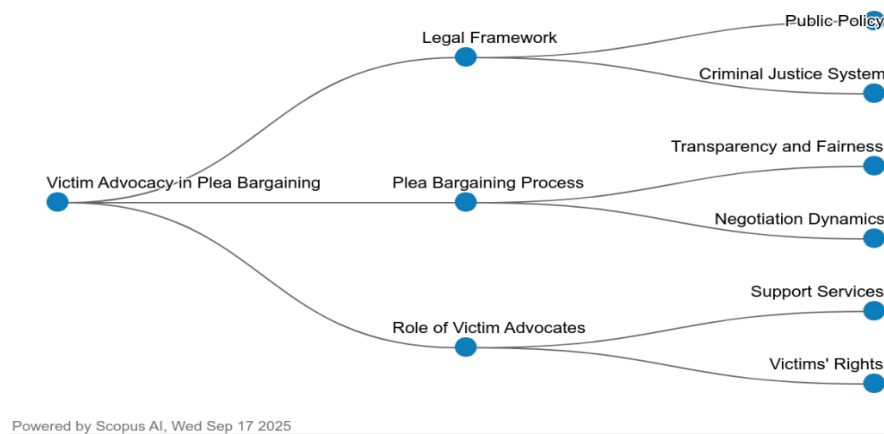


Figure 3. Scheme of the Dynamic Role of Victim Advocacy in PB

Source: Scopus AI, 2025

During the negotiation/bargaining process, the victim's advocate acts as the victim's direct representative, encouraging the prosecutor to include the results of the assessment conducted by the victim and their advocate. This ensures that the PB accommodates the interests and rights of the victim in accordance with their actual experiences. This also promotes transparency and increases the chances of obtaining justice and rehabilitation for victims (restorative justice). The orientation of this scheme is to provide greater opportunities and direct involvement for victim advocates. However, support is needed through a legal framework and public policy (criminal law policy) that is integrated into the criminal justice system. This will encourage and strengthen the role of victim advocates to be more optimal in providing support services, fulfilling the rights and recovery of victims.

Considering the context of achieving restorative justice, it is important to examine it based on the four values of restorative justice proposed by Van Ness and Strong,⁶⁷ namely: inclusiveness, meeting-based, accountability of offenders, and facilitating the reintegration of the parties. Thus, the value of inclusiveness can be reflected in strengthening the role of victim advocates, with reference to the situation and conditions to ensure the active involvement of victims. This is done by helping victims

⁶⁶ Zulkifli Ismail, *Buku Ajar Perlindungan Saksi dan Korban*, vol. 17 (Malang: LITNUS, 2023)

⁶⁷ Daniel W. Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (Waltham, MA: Anderson Publishing, 2015).

to voice their needs, views, and interests so that they are considered fairly.⁶⁸ This condition is also intended to ensure that victims are not marginalized⁶⁹ during the case resolution process (in the implementation of PB). Then, the value based on meetings is aimed at strengthening the role of victim advocates in helping and preparing victims, both emotionally and verbally/non-verbally, as well as achieving healing and reconciliation.⁷⁰ This is aimed at creating a safe and comfortable space for victims, so that meetings take place in an atmosphere of mutual respect and are meaningful (not merely formalities).

Furthermore, the value of emphasizing the offenders's accountability can lead to a situation of plea of guilt (a situation that is highly relevant in the PB process). This condition becomes a driving factor for strengthening victim support, whereby victim advocates need to ensure that offenders can openly acknowledge and take responsibility for the crimes they have committed.⁷¹ This is an important part of understanding the impact on victims, with an emphasis on the rehabilitation process for victims. Moreover, the value of facilitating the reintegration of the parties. Social reintegration is also a goal in restorative justice, so the role of victim advocates needs to be strengthened in order to optimize the space for building an environment and supporting reconciliation, especially for victims.⁷² This situation and condition are the desired goals in the PB process, as a tool/means to achieve restorative justice.

As a critical note, in the context of the rule of law, Adriaan Bedner describes the complexity of the rule of law as being related to the synchronization between the interests of theory and modern legal supremacy, with practices that are inseparable from the political system.⁷³ This leads to procedural and substantive justice values.⁷⁴ Procedural justice leads to justice according to the law.⁷⁵ This means that if victim advocates are not regulated/included normatively in legislation, this will weaken the position of victim advocates (only existing in the PSK Law and upgraded in the TPKS Law). This condition has a significant impact on the fulfillment of victims' rights and

⁶⁸ Tinneke Van Camp, *Victims of Violence and Restorative Practices: Finding a Voice* (London: Routledge, 2014).

⁶⁹ Mochamad Sukedi and I Nengah Nuarta, "Keadilan Restoratif sebagai Upaya Penyelesaian Tindak Pidana dalam Sistem Hukum di Indonesia," *Jurnal Preferensi Hukum* 5, no. 2, (2024): 222-230.

⁷⁰ Chelsea J. Mainwaring, Anat Bardi, and Rosie Meek, "A Glimpse into the Role of Personal Values within the Restorative Justice Process: A Qualitative Study with Restorative Justice Facilitators," *Contemporary Justice Review* 22, no. 1 (2019): 60-85.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Filip Horak and David Lacko, "Triangulation of Theoretical and Empirical Conceptualizations Related to the Rule of Law," *Hague Journal on the Rule of Law*, issue 15, (2023): 191-216.

⁷⁴ Qianlan Wu, "How has China formed its conception of the rule of law? A contextual analysis of legal instrumentalism in ROC and PRC law-making," *International Journal of Law in Context* 13, issue 3, (2017): 277-294.

⁷⁵ Benjamin Nurkic and Faris Hasanovic, "The Rule of Law Between Justice and Mere Legality- A Brief Overview of the Development of Discourse in the Concept of the Rule of Law," *ANNALS:Belgrade Law Review* 70, no. 3, (2022): 823-857.

justice. Meanwhile, substantive justice leads to the quality of the content of the law.⁷⁶ Within the context of Indonesia, this is greatly influenced by the political dynamics at the time the regulation was formed. Therefore, if the formulation of norms (in terms of procedure and nomenclature) is not sensitive to victims (in this case, including the strengthening of victim advocates), then it is very appropriate and relevant to direct it towards a perspective of restorative justice (restoration of the original circumstances).

4. Conclusion

The conclusion of this research is that there is a discourse on efforts to achieve restorative justice for victims by strengthening the role of victim advocates through the transplantation of the concept of plea bargaining. This is because the new Indonesian Criminal Procedure Code, which adopts the concept of plea bargaining as an alternative process for resolving criminal cases, carries the risk of neglecting the rights of victims. Therefore, strengthening victim advocates is crucial to realizing restorative justice in the process of negotiating the defendant's guilty plea. This is intended to help victims articulate their needs, losses, and the harm they have suffered in its entirety. Thus, the legislature needs to pay attention to and include the transplantation of the plea-bargaining concept not only as a means of judicial efficiency, but also as a means of being sensitive to victims, by opening up opportunities to strengthen the role of victim advocates in order to achieve restorative justice.

Reference:

Book:

- Atmasasmita, Romli. *Sistem Peradilan Pidana (Criminal Justice System) Perspektif Eksistensialisme dan Abolisionisme*. Putra A. Bardin, 1996.
- _____. *Sistem Peradilan Pidana Kontemporer*. Kencana Prenada Media Grup, 2014.
- Cole, George F., Christopher E. Smith, and Christina DeJong. *The American System of Criminal Justice*. 16th ed. Cengage, 2017.
- Irianto, Sulistyowati, and Sidharta. *Metode Penelitian Hukum: Konstelasi dan Refleksi*. Yayasan Obor Indonesia, 2009.
- Ismail, Zainal. *Buku Ajar Perlindungan Saksi dan Korban*. Vol. 17. LITNUS, 2023.
- Marzuki, Peter Mahmud. *Metode Penelitian Hukum*. Prenadamedia Group, 2016.
- Maya, Indah. *Perlindungan Korban: Suatu Perspektif Viktimologi dan Kriminologi*. 2nd ed. Kencana, 2014.
- Nelson, F. M. *Peradilan Sederhana, Cepat, dan Biaya Ringan: Menggagas Penanganan Tindak Pidana Korupsi melalui Konsep Plea Bargaining dan Deferred Prosecution Agreement*. Disertasi, Universitas Indonesia, Fakultas Hukum, 2019.
- Rusli, Muhammad. *Sistem Peradilan Pidana Indonesia*. UII Press, 2011.
- Packer, Herbert L. *The Limits of the Criminal Sanction*. Stanford University Press, 1968.
- Paripurna, Ahmad, et al. *Viktimologi dan Sistem Peradilan Pidana*. Deepublish, 2021.
- Strong, Daniel W., Karen H. Strong, and Daniel W. Van Ness. *Restoring Justice: An Introduction to Restorative Justice*. Anderson Publishing, 2015.
- Supratman, and Philip. *Metode Penelitian Hukum*. 3rd ed. Alfabeta, 2015.
- Van Camp, Tinneke. *Victims of Violence and Restorative Practices: Finding a Voice*. Routledge, 2014.

⁷⁶ Yunanto, "Menerjemahkan Keadilan Dalam Putusan Hakim," *Jurnal Hukum Progresif* 7, no. 2, (2019): 192-205.

Journal:

- Aditya, Rifqi, Donny Eddy Sam Karauwan, and Achmad Junaedy, "Implikasi Undang-Undang Tindak Pidana Kekerasan Seksual (UUTPKS) Terhadap Proses Peradilan Pidana di Indonesia," *Kabilah: Journal of Social Community* 9, no. 2, (2024): 22-31.
- Afrianty, Dina. "Agents for Change: Local Women's Organizations and Domestic Violence in Indonesia." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 174, no. 1 (2018): 24-46. <https://doi.org/10.1163/22134379-17401024>.
- Agustin, Ayu and Achmad Silchan, "Dualisme Keadilan Retributif dan Restoratif dalam Sistem Peradilan Pidana Indonesia," *Jurnal Sosial dan Teknologi(SOSTECH)* 5, no. 10, (2025): 3988-3994.
- Ali, Mohammad, and Rr. Yulia. "Finding the Factors and Proposing the Solution for Preventing Secondary Victimization." *Academic Journal of Interdisciplinary Studies* 12, no. 5 (2023): 262-273. <https://doi.org/10.36941/ajis-2023-0150>.
- Anggriawan, Rachmad. "Recovering Ponzi Scheme Losses and Integrating the Victim Impact Statement into Indonesia's Criminal Justice System." *Prawo I Wiesz Law & Social Bonds* 56, no. 3 (2025): 1-34. <https://doi.org/10.36128/PRIW.VI56.1255>
- Apitutey, Lilian Gressthy Florencia, and Sri Wiyanti Eddyono. "Women and Violence in Hibualamo Traditions (An Analysis of Restorative Justice in Resolving Cases of Domestic Violence)." *SASI* 28, no. 3 (2022): 369-378. <https://doi.org/10.47268/sasi.v28i3.972>.
- Awaluddin, Syah, "Keadilan Restoratif: Konsep dan Pengaturannya dalam Sistem Hukum Indonesia," *Amandemen: Jurnal Ilmu pertahanan, Politik dan Hukum Indonesia* 1, no. 1, (2024): 24-42.
- Barama, Michael, "Model Sistem Peradilan Pidana Dalam Perkembangan," *Jurnal Ilmu Hukum* III, no.8, (2016): 8-17.
- Eddyono, Sri Wiyanti. "Restorative Justice for Victim's Rights on Sexual Violence: Tension in Law and Policy Reform in Indonesia." *Journal of Southeast Asian Human Rights* 5, no. 2 (2021): 176-201. <https://doi.org/10.19184/jseahr.v5i2.28011>
- Erdianti, Raden Nuraini, and Wahyu Suprayitno. "Penal Mediation as an Alternative Dispute Resolution for Indonesia Criminal Code." *Wacana Hukum* 26, no. 1 (2020).
- Farida, Eka, Mohammad Arif Mahfud, Krisna C. S. Wibawa, and Nur Aini Ilmy. "State Responsibility and Victim Protection: An Evaluation of Non-Judicial Measures for Human Rights Violations in Indonesia." *Cadernos de Dereito Actual* 27 (2025): 75-109.
- Flora, Henny Said, "Keadilan Restoratif sebagai Alternatif dalam Penyelesaian Tindak Pidana dan Pengaruhnya Dalam Sistem Peradilan Pidana di Indonesia," *UBELAJ3*, no.2(2018): 142-158.
- Hakeem, Mirza Athaya Ghaisan, et al, " Telaah Filsafat Hukum Terhadap Restorative Justice sebagai Upaya Dekonstruksi Paradigma Retributif dalam Sistem Pemidanaan di Indonesia," *Media Hukum Indonesia (MHI)* 4, no. 1, (2025): 232-241.
- Hamaminata, Gani, "Perkembangan Sistem Peradilan Pidana di Indonesia," *Jurnal Hukum, Politik dan Ilmu Sosial* 2, no. 4 (2023): 52-64.
- Hartiwiningsih, Gumbira, Sri Wiyanti, and Jacobus Barkhuizen. "Dysfunctional Factors of Environmental Law on Strategic Lawsuit Against Public Participation and Developing Remedial Strategies through Reconstruction Criminal Law System Model in Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 10, no. 3 (2023): 411-430. <https://doi.org/10.22304/pjih.v10n3.a6>
- Hasibuan, Lely Rakhmawati. "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context." *Scholars*

- International Journal of Law, Crime and Justice* 5, no. 7 (2022): 263–272.
<https://doi.org/10.36348/sijlcj.2022.v05i07.004>
- Husin, Nur Cahyani, and Nur Syaima Cahyani Husin. "Plea Bargaining as a Reform in Criminal Procedure Law: An Analysis of Article 199 of the Draft Criminal Procedure Code." *Ius Poenale* 5, no. 1 (2024): 31–42.
- Isba, Putri, M. S. Sakmaf, and Jumiran. "Evaluation of Restorative Justice Implementation in Criminal Conflict Resolution: Victim and Offender Perspectives." *Delictum: Jurnal Hukum Pidana dan Hukum Pidana Islam* 3, no. 1 (2024): 14–30.
<https://ejurnal.iainpare.ac.id/index.php/delictum/index>
- Kurniawan, Kadek Dwi, Rr. Isyana Hapsari, and I. E. Prasetya. "Pemberlakuan *Plea Bargaining System* sebagai Alternatif Penyelesaian Perkara Pidana untuk Tujuan Penyelesaian Konflik." *Jurnal Jurisprudence* 10, no. 2 (2020): 183–199.
- Kurniawan, Deni. "Pendekatan *Restorative Justice* melalui Mediasi Penal dalam Menangani Tindak Pidana Penganiayaan yang Dilakukan oleh Anak di Indonesia." *Jurnal Idea Hukum* 8, no. 1 (2022): 1–15.
- Kurniawan, I. Dewa, and W. Budyatmojo. "The Urgency of Implementing *Plea Bargaining* in the Indonesian Criminal Justice System." *Jurnal Education and Development* 13, no. 1 (2025): 205–209.
- Mainwaring, C. J., A. Bardi, and R. Meek. "A Glimpse into the Role of Personal Values within the Restorative Justice Process: A Qualitative Study with Restorative Justice Facilitators." *Contemporary Justice Review* 22, no. 1 (2019): 60–85.
- Maramis, Junaidy, Nurhikmah Nachrawy, and Herry Tuwaidan. "Penambahan *Plea Bargaining* Dalam Sistem Peradilan Pidana di Indonesia", *Lex Administratum* 10, no. 5, (2022): 1-12.
- Meliala, Nefa Claudia, "Pendekatan Keadilan Restoratif: Upaya Melibatkan Partisipasi Korban dan Pelaku secara Langsung dalam Penyelesaian Perkara Pidana," *Veritas et Justitia: Jurnal Ilmu Hukum* 1, no.1(2015): 111-135. DOI: <https://doi.org/10.25123/vej.v1i1.1419>.
- Paklioy, Ronny Putra Dirgantara, Juanrico Alfaromona Sumarez Titahelu, and Denny Latumaerissa, "Penerapan Konsep *Plea Bargaining* Dalam Sistem Peradilan Pidana Terhadap di Indonesia," *TATOHI: Jurnal Ilmu Hukum* 4, no. 8, (2024): 651-669.
- Pratiwi, Novianti. Implementasi *Plea Bargaining System* Kedalam Pembaharuan Sistem Peradilan Pidana Tindak Pidana Korupsi, *Kajian Ilmu Hukum dan Kenegaraan* 2, no. 2, (2023): 79-86. DOI: <https://doi.org/10.35912/KIHAN.v2i2.2>.
- Putri, Dwi Dwi Puspita. "Sounding the Justice for Child: Does Restorative Justice Matter?" *Journal of Law and Legal Reform* 4, no. 3 (2023): 302–323.
<https://doi.org/10.15294/jllr.v4i3.68106>.
- Ramanda, Lucky Ray, "Konsep Restorative Justice Dalam Perspektif Keadilan Korban Tindak Pidana Asusila di Indonesia," *RECIDIVE: Jurnal Hukum Pidana dan Penanggulangan Kejahatan* 14, no.3(2025): 314-327. DOI: <https://doi.org/10.20961/recidive.v14i3.99760>.
- Rinjani, Quinta Abiseksha Utari, et al, "Peran Advokat dalam Perlindungan Anak di Sistem Peradilan Anak dan Pendekatan Restorative Justice bagi Korban dan Pelaku," *INNOVATIVE: Journal of Social Science Research* 5, no. 1, (2025): 4922-4936.
- Ruchoyah, "Urgensi *Plea Bargaining System* Dalam Pembaruan Sistem Peradilan Pidana di Indonesia: Studi Perbandingan *Plea Bargaining System* di Amerika Serikat," *JH Ius Quia Iustum* 27, no.2, (2020): 388-409.
- Salamor, Yermia Benu, Ani Purwanti, and Nur Rochaeti. "Confronting Culturally-Sanctioned Sexual Violence: Reformulating the Law to Address Female Genital

- Mutilation in Indonesia." *Indonesia Law Review* 15, no. 1 (2025): 52-74. <https://doi.org/10.15742/ilrev.v15n1.4>.
- Samudra, Fajar Galih Mangku, Harun Riandy Manalu, Ayu Nabila Kusuma, Indira Fawzia, and Racha Gusty Recoba Satya Nugraha, "Pendampingan Hukum Dalam Penyelesaian Kasus Pelecehan Seksual dengan Restorative Justice," *Journal Sains Student Research* 3, no. 2, (2025): 301-310. DOI: <https://doi.org/10.61722/jssr.v3i2.4269>.
- Schünemann, Bernd. "Protection of Children and Other Vulnerable Victims Against Secondary Victimisation: Making It Easier to Testify in Court." *ERA Forum* 10, no. 3 (2009): 387-396. <https://doi.org/10.1007/s12027-009-0130-7>
- Siregar, Nur Oktavia. "Plea Bargaining dalam Sistem Peradilan Pidana di Beberapa Negara." *Wajah Hukum* 3, no. 1 (2019): 1. <https://doi.org/10.33087/wjh.v3i1.46>.
- Sirjon, Lade, La Ode Muhamad Sulihin, and Yan Fathahillah Purnama, "Perbandingan Mekanisme Pengakuan Bersalah Pada Jalur Khusus dalam RUU KUHP dan Konsep Plea Bargaining ditinjau dari Asas Non-Self Incrimination," *Halu Oleo Law Review* 7, no. 2, (2023): 224-235.
- Subramanian, Ram, Laura Digard, Manuel Washington II, and Sarah Sorage. *In the Shadows: A Review of the Research on Plea Bargaining*. September 2020, 1-72.
- Suhendi, Hendi, and Sri Hastuti. "Exercise of Victims' Right to Restitution in Human Trafficking Crimes." *The Journal of Human Rights* 17, no. 2 (2022): 243-262. <https://doi.org/10.22096/hr.2024.2023079.1654>.
- Sukedi, Mochamad and I Nengah Nuarta, "Keadilan Restoratif sebagai Upaya Penyelesaian Tindak Pidana dalam Sistem Hukum di Indonesia," *Jurnal Preferensi Hukum* 5, no. 2, (2024): 222-230.
- Sulaiman, Ribut Baidi, "Restorative Justice: Implementasi Kebijakan Pemidanaan dalam Sistem Hukum Pidana Indonesia," *Indonesia Criminal Law Review* 2, no. 1, (2023): 1-18. DOI: <https://scholarhub.ui.ac.id/iclr/vol2/iss1/3>.
- Tarigan, Febri, Hartiwiningsih, M. Rustamaji, I. B. N. Annisa, and M. M. Gunawan. "The Rights of Victims of Environmental Crimes in Indonesia: Challenges for Legal Reform." *Journal of Law, Environmental and Justice* 3, no. 2 (2025): 342-382.
- Wahyudhi, Dheny, Sri Rahayu, Elly Sudarti, and Herry Liyus, "Prinsip Plea Bargaining dalam Penyelesaian Perkara Pidana secara Cepat Sederhana dan Biaya Ringan dalam Pembaharuan Hukum Acara Pidana," *Jurnal Sains Sosio Humaniora* 6, no. 2, (2022): 46-58.
- Wandayati, Dwi Retno. "Perlindungan Hukum Perempuan Korban Pelecehan Seksual dalam Sistem Peradilan Pidana Indonesia Ditinjau dalam Perspektif Viktimologi." *Journal of Femenism and Gender Studies* 2, no. 1 (2022): 54-71.
- Wiguna, I Made Agus Astra, and I Dewa Gede Dana Sugama. "Victim Protection in Indonesian Criminal Justice: Assessing the Implementation of Restorative Justice as a New Paradigm." *West Science Interdisciplinary Studies* 3, no. 7 (2025): 1088-1102. <https://doi.org/10.58812/wsis.v3i07.2042>
- Wulandari, Cahya Lutvi Tri, Cahyanto Winarsih Derita Prapti Rahayu, and Muhamad Sayuti Hassan. "Restorative Justice-Based Criminal Case Resolution." *Indonesian Journal of Criminal Law Studies* 10, no. 1 (2025): 239-266. <https://doi.org/10.15294/ijcls.v10i1.24071>
- Yustia Asri & Rizqy Fihra. "Pentingnya Pendampingan Hukum Bagi Kekerasan Seksual:Kebutuhan Dan Keharusan Hukum Pidana." *Legal Standing:Jurnal Ilmu Hukum* 8, no. 2 (2024).

Zaidan, Muhammad Abyan, Marlina Dewi Setiani, Nirma Shalwa, and Shinta Mariam, "Sinergi Paralegal and Advokat dalam Mewujudkan Pendampingan Hukum yang Holistik," *Customary Law Journal* 2, no. 3, (2025): 1-10.

Zulfa, Eva Achjani. "Implementation of Restorative Justice Principles in Indonesia: A Review." *International Journal of Science and Society* 2, no. 3 (2020).

Law and Regulations:

Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims.

Law of the Republic of Indonesia Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

Draft Law on the Criminal Procedure Code, February 2025 Version.