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FALSE GUILTY PLEAS IN THE *PLEA BARGAIN* MECHANISM UNDER THE 2025 KUHAP

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Abstract

The 2025 KUHAP introduces a plea bargain mechanism allowing defendants to admit guilt for a reduced sentence, but its procedural design emphasizes formal validity over verifying substantive truth, creating a risk of false guilty pleas. This study analyzes the legal consequences faced by defendants who enter a false guilty plea and evaluates whether Indonesia's legal framework adequately protects substantive truth, using a normative legal method with statutory and conceptual approaches. The findings show that the consequences of a false guilty plea are layered, covering the risk of convicting an innocent person, potential liability for false statements, questions over justice collaborator status, and possible obstruction of justice, each requiring proof of its own legal elements rather than arising automatically. The 2025 KUHAP also does not yet explicitly require judges to conduct an active factual inquiry akin to the factual-basis standard in Boykin v. Alabama, so safeguards should be strengthened through a Supreme Court Regulation, a stronger role for defense counsel, and the involvement of the Witness and Victim Protection Agency (LPSK) to preserve substantive truth.

Keywords: 2025 KUHAP, due process of law, false guilty plea, plea bargain, substantive truth

A. Introduction

The reform of criminal procedural law in Indonesia reached a historic milestone with the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP). One of the most fundamental innovations in the 2025 KUHAP is the introduction of the plea bargain mechanism, a procedure whereby a defendant may admit guilt as part of an agreement with the public prosecutor in order to obtain a lighter sentence or reduced charges. This mechanism is normatively regulated in Article 78 and Article 257 paragraph (5) of the 2025 KUHAP, which authorize public prosecutors to negotiate with

defendants before the main trial takes place.[1] The presence of plea bargaining in Indonesia's legal system is essentially intended to align with the principle of swift, simple, and low-cost justice. The application of plea bargaining is driven by an extremely heavy caseload, which makes it difficult for public prosecutors to work effectively given time constraints, as prosecutors consider the likelihood of a successful prosecution very small because of insufficient evidence or because the defendant is regarded as "respectable" by the jury.[2] Behind this goal of efficiency, however, plea bargaining raises a serious and fundamental legal problem: the possibility of a false guilty plea. The increasing emphasis on managerialism and efficiency has heightened the "incentives to plead guilty falsely" while simultaneously "reducing safeguards and oversight" within the criminal justice system. This growing emphasis on efficiency also has implications for the roles and mindsets of legal professionals in the justice system, as they can be "co-opted into the managerial goals of the criminal process." Three principal themes emerged from the data, relating to the emphasis on efficiency and the pressure faced by legal professionals to expedite case resolution; limited resources and practical constraints that impede their ability to perform their roles effectively; and general acceptance of false guilty pleas through justifications based on defendants' autonomy and choices, even though defendants are generally in a weaker position than law

[1] Mardian Putra Frans dan lainnya, '*Plea bargain*ing System, Deffered Prosecution Agreement, dan Judicial Scrutiny sebagai Upaya Mengatasi Over Kapasitas Lembaga Pemasyarakatan' (2024) 24(2) Perspektif Hukum 153, 163.

[2] Rifi Hermawati, 'Studi Perbandingan Hukum "*Plea bargain*ing System" di Amerika Serikat dengan "Jalur Khusus" di Indonesia' (2023) 4(1) Rewang Rencang: Jurnal Hukum Lex Generalis 102, 104.

enforcement officials and structural factors create conditions conducive to guilty pleas that do not reflect substantive truth.[3] Empirical experience in the United States shows that many criminal cases are resolved through plea bargaining, with defendants voluntarily agreeing to arrangements with prosecutors before entering trial. An admission of guilt by the defendant is the principal condition for reaching an agreement with the public prosecutor. Defendants willing to admit their guilt are expected to receive a lighter penalty, such as a shorter period of detention or a less severe sentence. In this situation, defendants face the "innocent defendant's dilemma" between upholding the principle against self-incrimination and taking advantage of an offered reduction in punishment.[4] The problem is increasingly complex because the plea bargain mechanism in the 2025 KUHAP is designed around an approach that places greater emphasis on procedural validity than on verification of substantive truth, requiring an exchange of procedural dialogue between the prosecutor and defendant or their legal representatives. The principal motivation is to accelerate the resolution of cases, thereby ensuring effectiveness and efficiency. Negotiations take place voluntarily when an accused person admits the conduct and expresses a willingness to cooperate with the public prosecutor to obtain a reduced sentence.[5] Yet the Indonesian criminal

[3] Caitlin Nash, Rachel Dioso-Villa dan Louise Porter, 'Efficiency Over Accuracy?: Exploring Front-Line Practitioners' Experiences and Opinions on the "Guilty Plea System"' (2024) 33(3) Justice Quarterly 421, 426.

[4] Lade Sirjon, La Ode Muhamad Sulihin dan Yan Fathahillah Purnama, 'Perbandingan Mekanisme Pengakuan Bersalah pada Jalur Khusus dalam RUU KUHAP dan Konsep *Plea bargain*ing Ditinjau dari Asas Non-Self Incrimination' (2023) 7(2) Halu Oleo Law Review 224, 232.

[5] Herdino Fajar Gemilang dan Rosalia Dika Agustanti, 'Penggunaan *Plea bargain*ing dalam Sistem Peradilan Pidana: Menyeimbangkan Efisiensi dan Keadilan' (2023) 4(3) Jurnal Interpretasi Hukum 422, 424.

procedure system has traditionally adhered to the principle of substantive truth, under which judges are expected to discover the actual truth from facts revealed at trial rather than simply accept a formal admission agreed upon by the parties. The absence of factual verification standards and the insufficient regulation of special procedures pose problems for their effective and efficient future application. Several provisions remain ambiguous or unclear, particularly the procedure for moving from ordinary examination proceedings to summary proceedings.[6] This creates a wide gap between an admission of guilt resulting from negotiations and the substantive truth that should underpin a criminal judgment in a state governed by the rule of law. From a normative perspective, the phenomenon of false guilty pleas has layered legal implications that require comprehensive examination. In the practice of criminal law enforcement, problems frequently arise when a defendant admits having committed a criminal offense and then clearly provides information about the criminal incident, or has become a justice collaborator, but is nevertheless sentenced to a severe or maximum penalty, sometimes even exceeding the prosecutor's demand. This is attributed to normative provisions of Indonesian criminal law. Indeed, plea bargaining was not formally regulated in either the Criminal Code (KUHP) or Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP).[7] A guilty plea is

[6] Ladito R. Bagaskoro, 'Rekonseptualisasi Jalur Khusus dalam Rancangan KUHAP sebagai Bentuk Reformasi Sistem Peradilan Pidana Indonesia' (2021) 14(1) Arena Hukum 198, 199.

[7] Dhandy Parindo dan lainnya, 'Konstruksi Hukum *Justice collaborator* sebagai *Plea bargain*ing dalam Sistem Hukum Pidana Indonesia dari Kasus Richard Eliezer' (2024) 3(4) Jurnal Hukum Indonesia 178, 178.

entered voluntarily, without coercion, and with the defendant's full understanding. Thus, this comparative examination emphasizes that the absence of restrictions on the types of cases, as in the United States, can be justified only when balanced by a strong judicial role and guarantees of due process of law, as envisaged by Indonesia's criminal procedure reform.[8] The legal framework established by the 2025 KUHAP does not yet provide adequate safeguards to prevent and address the possibility of false guilty pleas, while the Draft Criminal Procedure Code regulates the criminal offenses that may be processed through the special procedure only in a limited manner.[9] This differs from plea bargaining in the United States, which may be used for all types of criminal offenses, including offenses punishable by death.[10] Compared with the United States legal system, which is a major reference for the widespread application of plea bargaining, several safeguards have developed through case law, such as the factual-basis requirement obliging judges to ensure that sufficient facts support a guilty plea before accepting it, as emphasized in the landmark decision Boykin v. Alabama, 395 U.S. 238 (1969). That ruling describes an important legal certainty principle establishing that a guilty plea may not be accepted by a court unless the trial record affirmatively shows that it was entered voluntarily, knowingly, and with the defendant's full understanding. These protective standards have not yet been regulated explicitly and comprehensively in

[8] Henin Dyah Syafrina dkk, 'Model Pengaturan *Plea bargain*ing Dalam Pembaharuan Hukum Acara Pidana Indonesia' (2026) 9(1) Jurnal USM Law Review 371, 374.

[9] Andhika Gilang Ramadhan, Suyanto dan Dara Puspitasari, "Pengakuan Bersalah di Tangan Penyidik: Validitas Pasal 7 Ayat (1) Huruf M KUHAP 2025 dalam Uji HAM", Al-Zayn: Jurnal Ilmu Sosial & Hukum, Vol. 4, No. 2, 2026, hlm. 2300-2310.

[10] Rezky Abdi Fratama, 'Jalur Khusus (*Plea bargain*ing) dalam Hukum Acara Pidana' (2021) 5(2) Badamai Law Journal 233. Boykin v Alabama, 395 US 238 (1969) 242,244.

the 2025 KUHAP. With such arrangements, a guilty plea could genuinely become an instrument providing certainty, leniency, and justice for defendants without sacrificing fundamental principles of criminal law. Plea bargaining must therefore be based on a voluntarily entered guilty plea, assessed objectively, and applied without discriminatory treatment according to clear benchmarks. Where there is an indication that a guilty plea was made under coercion, the judge has full authority to reject the plea bargain application and take other appropriate legal measures.[11] Based on the foregoing problems, this study aims to analyze in depth the legal consequences arising from false guilty pleas under the 2025 KUHAP plea bargain mechanism, while assessing whether Indonesia's legal framework provides adequate protection for substantive truth and defendants' fundamental rights in that process. The study argues that the 2025 KUHAP structurally contains significant normative deficiencies: the adopted plea bargain mechanism gives priority to procedural efficiency and the parties' consent but overlooks judges' duty to verify substantive truth as the final guardians of the criminal justice system's integrity. Without reform through a Supreme Court Regulation requiring active judicial factual examination and a stronger role for advocates and the Witness and Victim Protection Agency (LPSK) in negotiations, the plea bargain mechanism in the 2025 KUHAP risks becoming an instrument that threatens, rather than protects, defendants' human rights and the integrity of Indonesia's criminal justice system.

B. Problem Statement

[11] *Op Cit,* Henin Dyah Syafrina dkk.

Based on the background described above, the issues to be examined in this study are: what are the legal consequences for defendants who enter a false guilty plea in the plea bargain process, and is the Indonesian legal framework capable of guaranteeing protection of substantive truth within that mechanism?

C. Research Objectives

Based on the research problems outlined above, this study aims to identify and analyze the legal consequences for defendants who enter a false guilty plea in the plea bargain process, as well as to examine and analyze the ability of Indonesia's legal framework to ensure protection of substantive truth within the plea bargain mechanism.

D. Research Methods

This is normative legal research, namely research that examines law as norms or rules. The study focuses on an analysis of legislation, particularly Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), in relation to the plea bargain mechanism and guilty pleas. Normative legal research was chosen because the issues under examination arise from gaps, ambiguities, or conflicts among norms in the prevailing positive law. This study uses three types of legal materials. First, binding primary legal materials include Law Number 20 of 2025 concerning the KUHAP, Law Number 8 of 1981 concerning the KUHAP as comparative material, and other legislation relating to defendants' rights and Indonesia's criminal justice system. Second, secondary legal materials that explain primary legal materials comprise legal textbooks, especially in the field of criminal procedure, scholarly journal articles concerning plea bargains, guilty pleas, and substantive truth, as well as findings from relevant earlier studies. Third, tertiary legal materials provide

guidance or additional explanations regarding primary and secondary legal materials, such as legal dictionaries, legal encyclopedias, and official websites of government agencies and legal institutions that are academically accountable. The technique used to collect legal materials in this research is library research, conducted by collecting, reading, studying, and analyzing legal materials relevant to the issues under examination. The materials were gathered from various sources, including legislation, textbooks, scholarly journals, and academically reliable digital sources. This study employs two approaches: the statutory approach, which examines all legislation relating to the plea bargain mechanism and guilty pleas, particularly Article 22 paragraph (4) of Law Number 20 of 2025 concerning the KUHAP; and the conceptual approach, which examines relevant legal concepts such as substantive truth, protection of defendants' rights, and the principle of fair play, drawing on legal doctrines and the views of legal scholars.

E. Research Results and Discussion

Plea bargaining is a mechanism for resolving criminal cases that allows a defendant to admit guilt as part of an agreement with the public prosecutor, with the consequence of receiving particular legal treatment that is more favorable to the defendant. This mechanism developed primarily within the criminal justice system of the United States and later became an important instrument for resolving criminal cases. In practice, plea bargaining allows cases to be resolved without a full trial, thereby reducing the time and resources

required for judicial proceedings.[12] From the perspective of Indonesian legal policy, the idea of plea bargaining arose in response to case backlogs, lengthy trials, and high costs of administering justice. A plea bargain therefore involves not only an admission of guilt but also negotiation regarding the legal consequences that a defendant will receive. In Indonesia, the development of this concept indicates a shift in criminal procedure from an approach entirely oriented toward examination through trial to one that allows cases to be resolved through trial and to an approach that permits resolution through more consensual mechanisms. Nevertheless, implementation must still be adapted to the characteristics of Indonesia's legal system and the fundamental principles of criminal procedure. Plea bargaining is a relatively new concept in Indonesia's criminal law system.

The previous KUHAP did not regulate plea bargaining as a mechanism for resolving criminal cases, while drafts of criminal procedure reform had introduced the concept through the term "special track." The concept provides an opportunity for defendants who admit guilt to have their cases resolved through a simpler procedure.[13] This development subsequently acquired normative form through Law Number 20 of 2025 concerning the Criminal Procedure Code, Articles 78 and 234. The law explicitly includes an admission of guilt, or plea bargain, as one of the reforms in Indonesian criminal procedure, and it entered into force on January 2, 2026. Conceptually, the

[12] A Arky, Mexsasai Indra and Ledy Diana, 'Politik Hukum Pengaturan *Plea bargain*ing Dalam Penegakan Hukum Perkara Pidana Di Indonesia' (2024) 10(21) *Jurnal Ilmiah Wahana Pendidikan* 116, 126.

[13] Haeranah and others, 'The Concept of *Plea bargain* in the Criminal Process System in Indonesia' (2025) 21(1) *Law Reform* 1, 16.

mechanism is intended to improve the efficiency of case resolution while continuing to protect the rights of suspects and defendants.[14] The application of plea bargaining in Indonesian law is essentially an adaptation of a concept developed in other national legal systems.[15]

A comparative study with the United States shows that Indonesia's special mechanism cannot simply be equated with plea bargaining in the American system. The differences concern, among other matters, the structure of the judicial system, the position of judges, the powers of public prosecutors, and forms of oversight of guilty pleas.[16] Accordingly, the plea bargain mechanism in the 2025 KUHAP must be understood as a model shaped by the needs and characteristics of Indonesian law. Adopting the concept does not mean that all features of American plea bargaining automatically apply to Indonesia's legal system. The United States is an example of a system that makes extensive use of plea bargaining to resolve criminal cases. Plea bargaining first developed in the American legal system as a mechanism for reaching an agreement between the public prosecutor and a defendant regarding an admission of guilt and sentencing consequences without having to undergo a full trial.[17]

[14] Cut Nangrie Sari Abuthalib, Dian Ekawaty Ismail and Ahmad, '*Plea bargain*ing dalam Bayang-Bayang Keadilan: Antara Efisiensi Penegakan Hukum dan Degradasi Nilai Kepastian Hukum' (2026) 4(1) *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 1130, 1146.

[15] Annisa Diva Picaesa dan Ferdita Abigael, "Konstruksi Normatif Pengakuan Bersalah dalam KUHAP Terbaru: Adaptasi Mekanisme Common Law dalam Sistem Peradilan Pidana Indonesia", Jurnal Legalitas, Vol. 4, No. 1, Januari 2026, hlm. 43-53.

[16] Mawar Sapanah and Kayus Kayowuan Lewoleba, '*Plea bargain*ing and Indonesia's Special Track Under the New KUHAP: A Comparative Study with United States' (2026) 26(1) *Al-Risalah: Jurnal Ilmu Syariah dan Hukum* 490, 490.

[17] Itok Dwi Kurniawan and Winarno Budyatmojo, 'The Urgency of Implementing *Plea bargain*ing in the Indonesian Criminal Justice System' (2025) 13(1) *Jurnal Edusaintek* 205, 205.

In that system, a guilty plea has significant consequences because the defendant essentially waives several constitutional rights, including the right to trial, the right to present and examine witnesses, and the right not to be compelled to give self-incriminating testimony. The United States Supreme Court therefore emphasized in Boykin v. Alabama that a guilty plea must be made knowingly and voluntarily and must demonstrate that the defendant understands its consequences.[18]

The decision in Boykin v. Alabama, 395 U.S. 238 (1969), has theoretical relevance to discussions of plea bargaining in Indonesia because it demonstrates that a guilty plea is not merely a simple statement of a person's guilt but a legal act by which the defendant relinquishes several fundamental rights. This standard can be a comparative reference for assessing whether guilty-plea procedures in Indonesia adequately protect defendants. Nevertheless, the Boykin standard cannot be regarded directly as a rule of Indonesian law. It is more appropriately used as a comparative perspective for examining whether guilty-plea procedures under the 2025 KUHAP satisfy the principles that a plea must be knowing, voluntary, and based on an adequate understanding of its legal consequences. One principal reason supporting plea bargains is efficiency. Criminal procedure reform is needed to address case resolution processes that are excessively long and convoluted and to reduce court backlogs. Plea bargaining is viewed as one mechanism for achieving swift, simple, and low-cost resolution of

[18] Beben Muhammad Bachtiar and Sarip Hidayat, 'Hak Tersangka atas Peradilan yang Adil dan Tidak Memihak dalam Kerangka *Dua process of law*' (2025) 16(2) *Logika: Jurnal Penelitian Universitas Kuningan* 175, 187.

cases.[19] Yet efficiency is not necessarily synonymous with justice. Tension exists between the interest in efficient law enforcement and the values of justice and legal certainty in the application of plea bargaining.[20] A guilty plea may indeed shorten case resolution, but the mechanism can create problems if a defendant accepts an agreement not because the defendant is actually guilty but because of the risks of going to trial. Plea bargains must therefore strike a balance between efficiency and protection of defendants' rights. Simplified procedures must not lower the standard of legal protection afforded to defendants as legal subjects.[21]

Nevertheless, the efficiency offered by plea bargains may render those rights vulnerable, particularly through the risk of a false guilty plea. This problem arises because a guilty-plea mechanism essentially places the defendant in a position of sacrificing some procedural rights in return for leniency, making it vulnerable to misuse or to pleas entered without an actual basis in substantive truth.[22] A false guilty plea occurs when a person who did not in fact commit an offense chooses to admit guilt. This phenomenon is an important issue in plea bargaining because the decision to plead guilty is not always based on the factual circumstance that the defendant committed an offense. A false guilty plea is a problem that arises when a

[19] Dheny Wahyudhi and others, 'Prinsip *Plea bargain*ing Dalam Penyelesaian Perkara Pidana Secara Cepat Sederhana Dan Biaya Ringan Dalam Pembaharuan Hukum Acara Pidana' (2022) 6(2) *Jurnal Sains Sosio Humaniora* 46, 46.

[20] *Op Cit*, Cut Nangrie Sari Abuthalib, Dian Ekawaty Ismail and Ahmad.

[21] Gregorius Widiartana, "Pengakuan Bersalah dalam Pembaruan Hukum Acara Pidana: Antara Efisiensi Proses Peradilan dan Perlindungan Hak Terdakwa", Jurnal Serambi Hukum, Vol. 19, No. 2, 2026, hlm. 82-91.

[22] *Op Cit,* Lade Sirjon, La Ode Muhamad Sulihin, dan Yan Fathahillah Purnama.

defendant who is actually innocent chooses to admit guilt, including to a lesser offense, to avoid the time, costs, and uncertainty involved in maintaining innocence at trial.[23]

This empirical situation reinforces the existence of a divide between a formal admission of guilt and substantive material truth. Accused persons often make rational calculations about the legal consequences they will experience. When contesting the charges is perceived as creating a risk of a much harsher sentence than accepting an agreement, a guilty plea may occur even if the defendant did not actually commit the offense. A false guilty plea is directly related to the design of the plea bargain mechanism. The wider the gap between the consequences of pleading guilty and those of going to trial, the greater the possibility that the defendant's decision will be influenced by pragmatic considerations rather than the factual circumstances of the case. A false guilty plea cannot be viewed merely as a defendant's individual decision. Structural conditions within the justice system may create pressure that encourages a person to accept an agreement. Such pressure may take the form of threats of more serious charges, uncertainty about the outcome of a trial, limited resources for defending a case, and the length of judicial proceedings. Defense counsel face difficulties when an innocent client considers pleading guilty as a way to avoid the costs and time required to defend the case. In this context, the presence of legal counsel is important. Legal assistance must provide defendants with objective information about the legal consequences of

[23] Caroline Erentzen, Regina A Schuller and Kimberley A Clow, 'Advocacy and the Innocent Client: Defence Counsel Experiences with Wrongful Convictions and *False guilty pleas*' (2021) 2(1) *Wrongful Conviction Law Review* 1, 21.

pleading guilty and the alternative courses of action available. A defendant's decision must not rest solely on the pressure arising from an imbalance of power between defendants and law enforcement officials. Substantive truth is a central orientation of the criminal justice system because criminal proceedings fundamentally seek objectively to establish the facts concerning an offense. Substantive truth requires that case resolution not stop at procedural formalities but seek to ensure correspondence between the events being examined and what actually occurred.[24]

The concept raises a distinct problem when applied to plea bargaining. Unlike an ordinary trial, which offers relatively broad scope for taking evidence, plea bargaining relies on the defendant's admission as one basis for resolving the case. Plea bargaining is situated within an efficiency-oriented framework; nevertheless, efficiency must be reconciled with the principle of a fair trial. Substantive truth should not be positioned as a principle opposed to plea bargaining, but as a substantive limitation on its application. A plea bargain has a consensual character because case resolution is based on agreement between the parties involved. This differs from the paradigm of traditional criminal adjudication, in which the judge has a greater role in evaluating evidence to establish the truth of an alleged offense. The tension arises because agreement between the parties does not necessarily coincide with substantive truth. A defendant's admission may provide a basis for simplifying proceedings but does not by itself guarantee that all facts relevant to the offense have been

[24] Johari, "Kebenaran Materil dalam Kajian Hukum Pidana", *Jurnal Ilmu Hukum REUSAM*, Vol. VIII, No. 2, November 2020, hlm. 118-126.

disclosed. Substantive truth is therefore necessary as a limit on plea bargaining's consensual approach. A defendant's plea must remain subject to a mechanism permitting examination of awareness, voluntariness, and consistency with the facts of the case. To prevent the danger of false guilty pleas and ensure substantive truth, judicial proceedings must comply with the principle of due process of law. Due process of law is a principle protecting individuals at every stage of criminal proceedings. Its application is essential for developing an integrated criminal justice system and protecting human rights. The importance of equality before the law in criminal procedure is also emphasized. Within plea bargaining, due process of law limits the powers of law enforcement officials.[25] Defendants must have an opportunity to understand the charges, obtain legal assistance, and decide freely whether to enter a guilty plea or undergo an ordinary trial. Legal assistance is a fundamental element in guaranteeing suspects' rights and an essential component of due process of law. The right to legal assistance becomes even more significant in plea bargaining because defendants decide not only on the procedure for hearing a case but also on the sentencing consequences they will face.[26]

The principle of due process of law has a constitutional basis in Indonesia, including Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees everyone's right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment

[25] *Op Cit* Dheny Wahyudhi, Sri Rahayu, Elly Sudarti.
[26] Kukuh Dwi Kurniawan, Dwi Ratna Indri Hapsari, dan Izza Enggar Prasetya, *Pemberlakuan Plea Bargaining System sebagai Alternatif Penyelesaian Perkara Pidana untuk Tujuan Menyelesaikan Konflik*, Jurnal Jurisprudence, Vol. 10, No. 2, Desember, 2020, hlm. 189.

before the law.[27] This provision is significant to plea bargains because the guilty-plea mechanism directly affects the defendant's legal position. A guilty plea can be justified only if defendants are guaranteed a fair and nondiscriminatory process leading to that plea.[28]

Due process of law and Article 28D paragraph (1) of the 1945 Constitution can be treated as constitutional limits on the application of plea bargaining. Efficiency in case resolution cannot justify diminishing protection of defendants' fundamental rights. Based on the foregoing, plea bargaining can be beneficial in making case resolution more efficient, but it also raises concerns about possible false guilty pleas and protection of substantive truth. Its application must therefore be constrained by due process of law, legal assistance, judicial supervision, and constitutional guarantees of defendants' rights.[29]

Law Number 25 of 2025 concerning the Criminal Procedure Code constitutes a fundamental change to Indonesia's criminal procedure law.[30]

One reform introduced explicitly is the guilty-plea or plea bargain mechanism. The law entered into force on January 2, 2026, replacing the KUHAP under Law Number 8 of 1981. The introduction of guilty pleas into the 2025 KUHAP indicates a shift in the orientation of criminal case resolution from a system almost entirely dependent on a full

[27] Republik Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28D ayat (1).
[28] Jekson Tato dan Hendra Mailoa, Penerapan Konsep Plea Bargaining Dalam Sistem Peradilan Pidana Terpadu Di Indonesia, TATOHI: Jurnal Ilmu Hukum, Vol. 4, No. 8, Oktober, 2024, hlm. 658.
[29] Ni Kadek Hermawati dan Adnan Nasution, Plea Bargaining dalam Sistem Peradilan Pidana Indonesia: Peluang Efisiensi atau Ancaman terhadap Hak Asasi Terdakwa, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol. 4, No. 5, Mei, 2023, hlm. 8.
[30] Republik Indonesia, Undang-Undang Nomor 25 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana.

trial to one that allows cases to be resolved through a special procedure. Nevertheless, that change does not remove the state's obligation to protect defendants and ensure that sentencing decisions remain grounded in law and fact. The application of plea bargaining in criminal procedure reform is intended to achieve simpler and more efficient case resolution. Efficiency is therefore a procedural objective, while justice and substantive truth remain substantive objectives. A false guilty plea can have complex legal consequences because a person who is actually innocent may acquire the status and consequences of someone who has admitted guilt. At the most fundamental level, such an admission can become the basis for sentencing, causing defendants to lose the opportunity to maintain their innocence through a full trial. Defendants may choose to plead guilty to a lesser offense to avoid the costs and time of defending themselves. This shows that false guilty pleas are not merely a moral question concerning whether an admission is true or false; they can generate concrete legal consequences for a person who did not in fact commit an offense. The plea bargain mechanism must therefore provide procedures for the careful review of guilty pleas before they acquire final legal consequences. Within this study's framework, a false guilty plea may be linked to the provision of false statements if a defendant deliberately conveys untrue facts during the plea process. However, that link cannot be treated as automatic. Article 242 of the former Criminal Code concerned giving false testimony under oath. Under the current Criminal Code pursuant to Law Number 1 of 2023, false testimony under oath is regulated in Article 373. That provision stipulates that any person required under statutory provisions to give testimony under oath who deliberately gives false testimony may be

sentenced to imprisonment for up to seven years. This change is important to the present study because the 2023 Criminal Code entered into force on January 2, 2026. Consequently, reliance on Article 242 of the former Criminal Code as the principal legal basis for the consequences of false guilty pleas under the 2025 KUHAP is no longer appropriate when referring to the currently applicable positive law. Moreover, the elements of the offense of giving false testimony must still be satisfied. A false guilty plea does not automatically constitute false testimony under oath merely because a defendant admits an act that was not actually committed. It is therefore necessary first to analyze whether the statement was made in the circumstances and form required by the relevant criminal provision. Accordingly, both Article 242 of the old Criminal Code and Article 373 of the new Criminal Code are more appropriately used as instruments for analyzing possible criminal liability for false testimony rather than as automatic consequences of every false guilty plea. The relationship between a false guilty plea and a justice collaborator concerns the protections and specific treatment accorded to a person who cooperates with law enforcement officials in uncovering an offense. Indonesian regulation of justice collaborators is not yet fully comprehensive, resulting in inconsistencies in the application of the law by law enforcement officials.[31]

This condition shows that justice collaborator status and protection must rest on clear requirements. If a defendant obtains justice collaborator status on the basis of information or testimony subsequently proven to be deliberately false, questions may

[31] Iansa Chairicca Nurain and Dara Pustika Sukma, 'Urgensi Perlindungan Hukum *Justice collaborator* Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia' (2024) 12(4) *Jurnal Verstek* 372, 380.

arise regarding the continuation of that status. Revocation of justice collaborator status cannot be regarded as an automatic consequence of a false guilty plea without first examining the basis for granting the status, the form of cooperation, and the rules governing withdrawal of protection. Thus, in this study, revocation of justice collaborator status can be analyzed as a possible legal consequence where a false guilty plea is also related to information or statements forming the basis of the defendant's cooperation with law enforcement. Protection of justice collaborators is related to the state's ability to obtain information from persons involved in criminal offenses. That protection includes physical, psychological, and legal safeguards.[32] The role of the Witness and Victim Protection Agency (LPSK) may become particularly important where a defendant also has justice collaborator status or functions, especially to ensure that persons cooperating with law enforcement receive treatment appropriate to their position within the criminal justice system.[33]

In plea bargaining, LPSK's position can become important if the defendant also holds justice collaborator status or serves such a function. Protection in those circumstances must focus not only on physical safety but also on ensuring that the process of providing information is free of pressure and that defendants understand the consequences of their cooperation. A false guilty plea can also be analyzed from the perspective of obstruction of justice when the act is

[32] Tennessee Corint, H Usman and Erwin, 'Perlindungan Hukum *Justice collaborator* Dalam Perspektif Pembaruan Hukum Acara Pidana Indonesia' (2024) 10(1) *Jurnal Hukum to-ra: Hukum Untuk Mengatur dan Melindungi Masyarakat* 29, 39.

[33] Muhammad Junaidi and others, 'Peran Lembaga Perlindungan Khusus Saksi dan Korban (LPSK) Terhadap Perlindungan *Justice collaborator* pada Kasus Pembunuhan Nofriansyah Yoshua Hutabarat' (2023) 19(1) *Tahkim* 27

committed with the purpose of obstructing, interfering with, or misleading law enforcement processes. However, a false guilty plea cannot automatically be categorized as obstruction of justice. Establishing obstruction of justice requires analysis of the elements of the relevant offense, the form of the defendant's conduct, the purpose of that conduct, and the criminal provisions specifically governing interference with judicial proceedings. In plea bargaining, this issue is complex because a defendant making a false guilty plea may occupy two opposing positions. On the one hand, the false plea may serve as a defense or strategy to obtain a particular legal advantage. On the other hand, if it is deliberately used to mislead the court, prosecution, evidentiary process, or sentencing, the conduct may raise issues regarding the integrity of judicial proceedings. Obstruction of justice is therefore more appropriately treated in this study as a potential legal consequence that must be established under the relevant criminal provisions, rather than an automatic effect of a false guilty plea. One major issue for analysis within the plea bargain mechanism is the extent of a judge's duty to examine the factual truth of a defendant's admission. In efficiency-oriented plea bargaining, there is a risk that the defendant's admission will be treated more as a basis for simplifying procedures than as a factual claim still requiring verification. Plea bargaining is positioned as a mechanism for accelerating case resolution through a defendant's guilty plea. The acceleration of that process, however, creates a corresponding need for verification so that the guilty plea does not result in the conviction of a person who is actually innocent. It is important to ensure defendants'

competence and capacity to enter a guilty plea.[34]

Thus, protecting substantive truth concerns not only whether defendants plead guilty but also how the plea is obtained and whether it can be trusted. Judicial oversight is a form of protection capable of preventing invalid guilty pleas. The Boykin v. Alabama standard illustrates that a guilty plea must be knowing and voluntary on the defendant's part.[35] In the American system, courts also examine defendants' understanding of the consequences of their pleas. This standard can be used as a comparative perspective for oversight mechanisms in Indonesia. In Indonesia, judicial oversight is particularly important because plea bargaining affects the defendant's right to a full hearing of the case.[36] Judges must ensure that defendants understand the charges, the consequences of their pleas, and the rights they waive through the mechanism. From the prosecutors' perspective, there is substantial support for applying plea bargaining, but some prosecutors also express concerns about legal certainty, potential abuse of authority, and the reduction of defendants' rights to a fair trial.[37]

Such findings show that oversight mechanisms are needed to balance prosecutorial authority. Advocates occupy a strategic position in preventing false guilty pleas because defendants' decisions to admit guilt have not only procedural consequences but also substantive consequences for their liberty and legal status. Legal assistance is

[34] Alimuddin and others, '*Plea bargain*ing dalam Rancangan Kitab Undang-Undang Hukum Acara Pidana Negara Indonesia' (2024) 8(2) *Legal Standing: Jurnal Ilmu Hukum* 418, 418

[35] *Op Cit*, Haeranah and others.

[36] I Gusti Agung Virlan Awanadi dan I Gusti Agung Kiddy Krsna Zulkarnain, "Konsep Jalur Khusus Terkait dengan Kekuasaan Kehakiman dalam Sistem Peradilan Pidana Indonesia", Locus: Jurnal Konsep Ilmu Hukum, Vol. 5, No. 2, Juli 2025, hlm. 92-103.

[37] *Op Cit,*Beben Muhammad Bachtiar and Sarip Hidayat.

fundamental to guaranteeing suspects' rights and the application of due process of law.[38] In plea bargaining, that function expands to consultation and oversight of negotiations. Advocates must ensure that defendants understand the substance of the charges, possible sentences, the consequences of a guilty plea, and the risks if the plea proves inconsistent with the actual facts. Advocates must also prevent negotiations from turning into pressure on defendants. Strengthening advocates' role is therefore one of the safeguard mechanisms necessary to protect substantive truth. The presence of an advocate must not be viewed merely as formal satisfaction of a defendant's right to representation but as part of the oversight mechanism for plea bargaining. Corruption cases have particular characteristics because they concern the public interest and state losses. The handling of corruption in Indonesia continues to face problems relating to legal substance, legal structure, and legal culture. A recommendation has also been made to establish specific plea bargain rules for corruption cases and improve the integrity of law enforcement officials.[39]

This context shows that plea bargaining in corruption cases requires a higher level of caution. A person's guilty plea in a corruption case must not cause the investigation to stop if other offenders, financial flows, or state losses remain undisclosed. Consequently, protecting substantive truth in corruption cases serves not only to protect defendants but also to ensure that plea bargains do not obstruct the objectives of enforcing anti-corruption law. On this basis, technical

[38] Salis Gunowo, 'Model *Plea bargain*ing pada Sistem Penuntutan Indonesia dalam Perspektif Jaksa' (2025) 3(4) *HAKIM: Jurnal Ilmu Hukum dan Sosial* 1372, 1386.

[39] Tomi Saputra and Aria Zurnetti, 'Peranan Bantuan Hukum sebagai Jaminan Hak Tersangka dalam (*Dua process of law*) pada Sistem Peradilan Pidana Indonesia' (2025) 3(2) *Lareh Law Review* 129, 137.

instruments are needed to operationalize the guilty-plea mechanism in judicial practice. This is relevant because plea bargaining is a new mechanism in Indonesian criminal procedure.

A Supreme Court Regulation may be considered as an instrument for providing technical guidance to judges on procedures for examining guilty pleas. Such guidance could regulate review of the plea's voluntariness, the defendant's understanding, the presence of legal counsel, consistency between the plea and the facts of the case, and the judge's obligation to ensure an adequate evidentiary basis. Such regulation accords with the need for clear rules and oversight mechanisms in applying plea bargaining.[40] However, a proposed Supreme Court Regulation must remain within the limits of the Supreme Court's powers. A PERMA cannot create new criminal norms or expand powers not granted by statute. A PERMA is more appropriately used to provide technical guidance for exercising powers already granted by the 2025 KUHAP. Safeguards against false guilty pleas should include at least several stages. First, the judge must ensure that the defendant understands the charges and the legal consequences of the plea. Second, the judge must ensure that the plea is made without pressure or threats. Third, the defendant must receive effective legal assistance. Fourth, the plea must be supported by sufficient facts and evidence. These principles are supported by the Boykin standard regarding knowing and voluntary pleas and by the principle of legal assistance in due process of law.[41]

[40] Agung Nugroho Santoso, 'Rekonstruksi Regulasi Penanganan Perkara Tindak Pidana Korupsi Melalui *Plea bargain*ing System Oleh Kejaksaan Berbasis Nilai Keadilan' (Disertasi Doktor, Universitas Islam Sultan Agung 2023).

[41] *Op Cit*, Salis Gunowo.

In Indonesia, these mechanisms must also be adapted to the characteristics of the 2025 KUHAP. A guilty plea must not deprive the judge of the function of verifying the case's factual basis. Precisely because a plea has significant consequences, judicial examination must seek to ensure that it is a trustworthy representation of the circumstances of the case. Based on the foregoing discussion, a false guilty plea can create several layers of legal problems. First, a defendant may face a criminal sentence based on admitting an offense that the defendant did not actually commit. Second, if the plea is accompanied by false information satisfying the elements of a particular offense, additional criminal liability may arise. Third, if a defendant has justice collaborator status and the plea relates to information that underpins the cooperation, questions may arise about the continuation of the status and associated legal protection. Fourth, if the act is intended to disrupt or mislead law enforcement and meets the elements of a particular offense, obstruction-of-justice issues may arise. Nevertheless, none of these legal consequences can be treated as automatic merely because a false guilty plea occurs. Each consequence must be based on fulfillment of the relevant legal elements. This approach is essential to uphold the principle of legality and prevent the unwarranted expansion of criminal liability. Substantive truth must be placed as a substantive limit on the efficiency sought through plea bargaining. A guilty plea may simplify examination proceedings, but procedural simplification must not eliminate the duty to ensure that the person sentenced actually committed the offense. The existence of false guilty pleas demonstrates

that an admission of guilt is not always equivalent to factual truth.[42]

Meanwhile, research on plea bargaining in the reform of Indonesian criminal procedure identifies efficiency as one of the mechanism's principal objectives.[43] It is therefore necessary to balance two interests: the efficiency of case resolution and the protection of substantive truth and defendants' rights. Plea bargaining can be justified only where efficiency is not achieved by sacrificing defendants' rights or allowing the possibility of punishing an innocent person. Strengthening the roles of advocates and LPSK offers two means of enhancing safeguards within plea bargaining. Advocates play a direct role in ensuring that guilty-plea decisions reflect a defendant's understanding and will, while LPSK plays an important role in protecting persons with justice collaborator status. Legal assistance is a fundamental part of rights protection under due process of law.[44] LPSK's protective function for justice collaborators is also important.[45]

Both institutions can thus form part of a system of checks and balances in plea bargaining. Advocates safeguard individual defendants' interests, while LPSK provides protection when defendants also cooperate in uncovering criminal offenses. Based on the overall analysis, protection of substantive truth within the plea bargain mechanism under the 2025 KUHAP can be strengthened by reconstructing the oversight mechanism. First, judges need clear guidance on examining voluntariness, defendants' understanding, and the factual basis of pleas.

[42] *Op Cit,* Beben Muhammad Bachtiar and Sarip Hidayat.
[43] *Op Cit,* Caroline Erentzen, Regina A Schuller and Kimberley A Clow.
[44] *Op Cit*, Dheny Wahyudhi and others.
[45] *Op Cit*, Tomi Saputra and Aria Zurnetti.

Second, advocates must play a substantive role from the beginning of negotiations. Third, coordination with LPSK is needed when a defendant has justice collaborator status. Fourth, a guilty plea must not automatically be deemed sufficient without considering the supporting facts and evidence. These recommendations logically follow from the character of plea bargaining, which combines procedural efficiency with an admission of guilt. The greater the legal consequences of a plea, the greater the need to ensure its validity. Accordingly, a Supreme Court Regulation may be considered as an instrument for providing judges with technical guidance, while enhanced legal assistance and LPSK protection serve as external safeguards that strengthen defendants' positions. The introduction of plea bargaining in the 2025 KUHAP represents an important change in Indonesia's criminal procedure system. The mechanism offers more efficient case resolution, but at the same time creates risks to the protection of substantive truth, especially where the plea does not reflect factual circumstances. A false guilty plea may have legal consequences for defendants, but each consequence must be analyzed according to its own legal basis and cannot be assumed to arise automatically.

Likewise, any relationship between a false guilty plea and giving false testimony, revocation of justice collaborator status, or obstruction of justice must be proven according to the applicable legal elements. The more fundamental problem is preventing false guilty pleas from the outset. This protection requires judicial supervision, effective legal assistance, and LPSK protection where defendants have justice collaborator status. Substantive truth under the 2025 KUHAP plea bargain mechanism must therefore operate as a limit on

procedural efficiency. Swift and simple case resolution is acceptable provided that admitting guilt does not become a substitute for factual truth. In this context, issuing a Supreme Court Regulation as technical guidance, strengthening the role of advocates, and enhancing LPSK's functions are measures that may be considered to build stronger safeguards.

F. Conclusion

The legal consequences for defendants who enter a false guilty plea in plea bargaining are layered and tend to be burdensome. First, there is a risk that a person who is actually innocent will be convicted because the person loses the opportunity to prove innocence through a full trial. Second, if the plea is accompanied by deliberately false testimony, it may potentially satisfy the elements of the offense of false testimony as regulated in Article 373 of the Criminal Code under Law Number 1 of 2023. Third, for a defendant with justice collaborator status, false information forming the basis of cooperation may threaten the continuation of that status and the associated legal protection. Fourth, a false plea may raise issues of obstruction of justice if it is used to obstruct or mislead the law enforcement process. None of these four legal consequences applies automatically; each must be established according to the elements of the relevant legal provision in order to uphold the principle of legality. In addition, Indonesia's legal framework, particularly the 2025 KUHAP, does not yet provide adequate protection for substantive truth in plea bargaining because it emphasizes procedural efficiency and the parties' agreement without expressly obliging judges actively to examine the facts underlying a plea. Unlike the United States legal system, which has developed a factual-basis standard through the decision in Boykin v. Alabama, the 2025 KUHAP does

not yet regulate in detail the examination of voluntariness, defendants' understanding, and consistency of the plea with the facts of the case. It is recommended that the Supreme Court issue a Supreme Court Regulation (PERMA) requiring active factual examination of guilty pleas in plea bargaining. Bar associations are advised to develop specific standards for legal assistance during plea bargain negotiations so that defendants receive objective information and are protected from pressure. Lawmakers are encouraged to involve LPSK as an independent supervisor, particularly in cases involving justice collaborators, to ensure substantive truth and protection of defendants' rights.

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