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RECONSTRUCTION OF PLEA BARGAINING NORMS FROM THE PERSPECTIVE OF JAVANESE LOCAL WISDOM "*NGAKU LEPET*" (A CASE STUDY OF CRIMINAL CASE NUMBER 122/Pid.B/2021/PN Pbg)

RECONSTRUÇÃO DAS NORMAS DE NEGOCIAÇÃO DE ACORDO JUDICIAL A PARTIR DA PERSPETIVA DA SABEDORIA LOCAL JAVANESA "NGAKU LEPET" (UM ESTUDO DE CASO DO PROCESSO CRIMINAL N.º 122/Pid.B/2021/PN Pbg)

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Abstract
The regulation of plea bargaining constitutes a novel provision under Law of the Republic of Indonesia Number 25 of 2025 concerning the Indonesian Criminal Procedure Code (National KUHAP) and merits scholarly examination. Plea bargaining is intended to realize the principles of a swift, simple, and cost-efficient judicial process. However, its regulatory framework tends to prioritize the interests of the defendant and the efficiency of the criminal justice system, without providing adequate space for victim restoration. This article proposes a reconstruction of plea bargaining norms through the lens of Javanese local wisdom, namely the concept of ngaku lepet (an acknowledgment of wrongdoing accompanied by an apology), as a normative foundation to ensure restorative justice. Through a case study of assault case Number 122/Pid.B/2021/PN Purbalingga, this article demonstrates that practices of confession and victim forgiveness have long occurred in court proceedings, yet lacked legal implications due to limitations within Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure (Old KUHAP). The findings underscore that integrating plea bargaining with the concept of ngaku lepet holds significant

Resumo
A regulamentação do acordo judicial constitui uma disposição inovadora ao abrigo da Lei da República da Indonésia n.º 25 de 2025 relativa ao Código de Processo Penal da Indonésia (KUHAP Nacional) e merece uma análise académica. O acordo judicial visa concretizar os princípios de um processo judicial rápido, simples e económico. No entanto, o seu quadro regulamentar tende a dar prioridade aos interesses do arguido e à eficiência do sistema de justiça penal, sem proporcionar espaço adequado para a reparação da vítima. Este artigo propõe uma reconstrução das normas do acordo de confissão através da perspetiva da sabedoria local javanesa, nomeadamente o conceito de ngaku lepet (um reconhecimento da culpa acompanhado de um pedido de desculpas), como fundamento normativo para garantir a justiça restaurativa. Através de um estudo de caso sobre o processo de agressão n.º 122/Pid.B/2021/PN Purbalingga, este artigo demonstra que as práticas de confissão e perdão da vítima ocorrem há muito tempo nos processos judiciais, mas careciam de implicações jurídicas devido a limitações da Lei da República da Indonésia n.º 8 de 1981 relativa ao Processo Penal (antigo KUHAP). As conclusões

potential to strengthen victim protection, reduce judicial burdens, and promote substantive justice that is contextualized within Indonesia's socio-cultural values.

Keywords: Plea Bargaining. Local Wisdom. Ngaku Lepet. Restorative Justice. Criminal Procedure Code. Socio-Cultural Values.

sublinham que a integração do acordo de confissão com o conceito de ngaku lepet tem um potencial significativo para reforçar a proteção das vítimas, reduzir os encargos judiciais e promover uma justiça substantiva contextualizada nos valores socioculturais da Indonésia.

Palavras-chave: *Acordo de Confissão. Sabedoria Local. Ngaku Lepet. Justiça Restaurativa. Código de Processo Penal. Valores Socioculturais.*

1 INTRODUCTION

The Indonesian Criminal Justice System (CJS) is structured as an integrated system comprising the police, the prosecution service, the judiciary, and correctional institutions. Although normatively designed in accordance with the principles of due process of law, the implementation of criminal law enforcement continues to encounter structural challenges, including judicial delays, case backlogs, and limitations in achieving substantive justice.

The principle of a swift, simple, and cost-efficient trial, as stipulated in the Law on Judicial Power, frequently remains normative in character and has not been fully realized in practice. Criminal proceedings that extend from the reading of the indictment to the rendering of judgment may be disproportionate, particularly in cases involving relatively uncomplicated evidentiary issues that could potentially be addressed through non-litigation or restorative mechanisms.

Within this framework, the concept of plea bargaining was introduced in the Academic Draft and the Bill on the Criminal Procedure Code (KUHAP) as a specific mechanism for resolving criminal cases through the defendant's admission of guilt. The Bill was subsequently enacted as Law of the Republic of Indonesia Number 25 of 2025 concerning the Indonesian Criminal Procedure Code (National KUHAP). However, the regulation of guilty pleas (plea bargaining), as provided in Article 78 of the KUHAP, continues to generate debate, as it predominantly focuses on the procedural relationship

between the defendant and the public prosecutor, while the role and interests of victims receive comparatively limited normative attention.

A regulatory model that primarily emphasizes the defendant–prosecutor relationship may result in insufficient consideration of victims' interests. In criminal cases such as theft, victims may seek restitution of stolen property, while in cases of assault, victims may incur medical expenses and require rehabilitation. These circumstances indicate that victims experience material and non-material harm requiring legal recognition and appropriate mechanisms of restoration.

This article advances the argument that a plea bargaining framework that does not adequately incorporate victims' interests may contribute to normative imbalance within the criminal justice process. Accordingly, it proposes a reconstruction of plea bargaining norms through the perspective of local wisdom, specifically the Javanese concept of *ngaku lepet*, which emphasizes acknowledgment of wrongdoing, the expression of apology, and victim forgiveness as components of social restoration.

The novelty of this article lies in its attempt to integrate plea bargaining with the local wisdom of *ngaku lepet* as a normative foundation for strengthening restorative justice within Indonesian criminal procedure law—not merely as a social practice, but as a value-based source for the development of national criminal procedural norms.

2 RESULT AND DISCUSSION

A. Plea Bargaining in the National Criminal Procedure Code (KUHAP) and Its Problematics

Article 78 paragraph (1) of the National Criminal Procedure Code (KUHAP) provides that a Guilty Plea may only be applied subject to the following requirements: (a) the offender has committed a criminal act for the first time. (b) the criminal act is punishable by imprisonment for a maximum of five (5) years or by a fine not exceeding Category V. and/or (c) the offender is willing to pay compensation or restitution.

A Guilty Plea is submitted in a specific hearing before the main trial on the merits begins, before a single judge. Where the Guilty Plea is agreed upon, a written agreement is drawn up between the Public Prosecutor and the Defendant with the Judge's approval,

containing the following: (a) the Defendant understands the consequences of the Guilty Plea, including the waiver of the right to remain silent and the right to be tried under ordinary examination procedures. (b) the plea is made voluntarily. (c) the charged provision(s) and the penalty that will be sought against the Defendant prior to the Guilty Plea. (d) the outcomes of negotiations among the Public Prosecutor, the Defendant, and the Advocate, including the reasons for reducing the Defendant's term of punishment. (e) a statement that the Guilty Plea agreement is binding upon the parties who consent to it and applies with the force of law. and (f) evidence of the Defendant's commission of the criminal act to ensure that the Defendant indeed committed the offense.

Thereafter, the Judge is obliged to assess whether the Guilty Plea was made voluntarily, without coercion, and with the Defendant's full understanding. If the Judge accepts the Guilty Plea, the hearing proceeds under summary examination procedures. if the Judge rejects the Guilty Plea, the case continues in accordance with ordinary examination procedures. Furthermore, every implementation of a Guilty Plea must be recorded in the official minutes and become part of the case file. Subsequently, where the Judge is satisfied that the Guilty Plea has been made in accordance with the provisions of this law and is supported by two (2) lawful pieces of evidence, the Judge shall render a decision in accordance with the agreement recorded in the minutes.

Under Article 78 of the National KUHAP, it is clear that a Guilty Plea entails an implication for limiting the maximum sentence imposed, in that the case is processed through summary examination and the decision is rendered in accordance with the agreement set forth in the minutes of the Guilty Plea. Thus, in theoretical terms, plea bargaining is understood as the result of negotiations between the public prosecutor and the defendant, accepted by the Judge, whereby a defendant who pleads guilty receives mitigation of charges or punishment. This practice is common in common law systems and is known in the forms of charge bargaining, fact bargaining, and sentencing bargaining.

Accordingly, the regulation of plea bargaining in the National KUHAP may be said not to have placed the victim as an active subject. This is reflected in the requirements of Article 78 paragraph (1) of the National KUHAP, which may be construed cumulatively or alternatively due to the phrase "and/or," meaning that willingness to pay compensation or restitution is an optional requirement. even in the absence of such

willingness, a Guilty Plea may still be made. In conventional criminal cases such as assault or theft, however, victims suffer tangible losses that require immediate recovery. When a Guilty Plea only results in sentence mitigation for the defendant, the justice produced tends to be procedural rather than substantive.

B. Case Study of Decision Number 122/Pid.B/2021/PN Purbalingga

The Criminal Justice System (Sistem Peradilan Pidana/SPP) under Law of the Republic of Indonesia Number 8 of 1981 on Criminal Procedure (the Old KUHAP) in Indonesia, which adheres to the Continental Law System, regulates trial proceedings in Chapter XVI, Articles 145 through 279. The process begins with the transfer of a case from the Public Prosecutor's Office to the Court, followed by proceedings before the District Court (Pengadilan Negeri) until a judgment is issued. If the Defendant/defense counsel or the Public Prosecutor is dissatisfied with the District Court's decision, an appeal may be filed to the High Court (Pengadilan Tinggi), where the case is re-examined and decided. If dissatisfaction persists with the High Court's decision, a further legal remedy may be pursued by filing a cassation to the Supreme Court (Mahkamah Agung). A judicial review (Peninjauan Kembali) is also available.

Proceedings at the District Court level under the Old KUHAP typically take a considerable amount of time, commencing with case transfer, appointment of the panel of judges, scheduling of hearings, reading of the indictment, objections/exceptions by the Defendant/defense counsel, the prosecutor's response to such objections, an interlocutory ruling, examination of physical evidence, examination of witnesses, examination of experts, examination of the Defendant, examination of a de charge witnesses (witnesses for the defense), the prosecution's sentencing demand, the Defendant's/defense counsel's plea, the prosecutor's reply (replik), the Defendant's/defense counsel's rejoinder (duplik), and finally the final judgment. Completing this process requires at least five (5) hearings and may extend to more than fifteen (15) hearings where there are numerous witnesses and the case is complex.

To prevent such delays, the Chief Justice of the Supreme Court of the Republic of Indonesia, on 13 March 2014, issued Supreme Court Circular Letter Number 2 of 2014 on Case Settlement at the First Instance and Appellate Levels in the Four Judicial Environments. One of its key provisions is that cases at the first-instance level must be resolved within no later than five (5) months, including completion of minute drafting

(minutasi). For cases that, by their nature and circumstances, require more than five (5) months, the panel of judges handling the case must submit a report to the Head of the first-instance court (District Court), with copies addressed to the Head of the appellate court (High Court) and the Chief Justice of the Supreme Court.

A time-consuming trial process also occurred in the case registered at the Purbalingga District Court under Case Number 122/Pid.B/2021/PN Pbg. In that case, Defendant I ASK and Defendant II TFR were charged with having committed, ordered the commission of, and participated in an intentional assault on Saturday, 14 August 2021, at approximately 17:10 WIB at the Kradenan Village Football Field, located in Kradenan Village, Mrebet Subdistrict, Purbalingga Regency. Their acts were regulated and threatened with punishment under Article 351 paragraph (1) of the Indonesian Criminal Code (KUHP) in conjunction with Article 55 paragraph (1) point 1 of the KUHP.

The incident began on Saturday, 14 August 2021, at approximately 16:30 WIB, when a football match commenced between the Indonesia Muda (IM) Football Club from Bobotsari Village, Bobotsari Subdistrict, Purbalingga Regency—among whose players were Defendant I and Defendant II—and the Arwana Football Club from Banjarkerta Village, Karanganyar Subdistrict, Purbalingga Regency—among whose players was the victim witness, FS. After the first half ended and both teams rested for several minutes, the second half began at approximately 17:00 WIB. About ten (10) minutes into the second half, a collision occurred between the victim witness FS and Defendant I while contesting the ball, in which the victim witness struck Defendant I, whereas Defendant I had already passed the ball to another teammate. This caused Defendant I to become angry, leading to a commotion between Defendant I and the victim witness. Observing this, WIDYA, as the referee, blew the whistle to stop the match. Still driven by emotion, Defendant I approached the victim witness and headbutted the victim witness once, and then kicked the victim witness in the abdomen once using his right foot while still wearing football boots.

Seeing the commotion, the referee and other players separated Defendant I from the victim witness and took Defendant I and the victim witness to different places at the edge of the field. Shortly thereafter, Defendant II approached the victim witness and his friends to shake hands. however, at that moment, the victim witness made a statement indicating that he was a member of Brimob. Hearing this, Defendant II became angry,

approached the victim witness, and immediately headbutted the victim witness once. Following this incident, the friends of both defendants and the friends of the victim witness separated them. Defendant I and Defendant II, along with their friends, then left the football field.

As a result of the defendants' actions, the victim witness FS suffered injuries as described in Visum et Repertum Number B-6/816/VER/RSUHIPBG/VIII/2021 dated 31 August 2021, prepared and signed by dr. Melati Nuretika as the examining physician at RSU Harapan Ibu Purbalingga. The examination results stated that there was a palpable hard lump (+) with a diameter of approximately 0.5 cm, pain (+) when the lower jaw was moved, and tenderness (+) in the epigastric region.

The case was transferred to the Purbalingga District Court on 21 December 2021, and involved a total of more than ten (10) hearings, namely: reading of the indictment. reading of objections/exceptions. reading of the prosecutor's response to the exceptions of the defendants' counsel. an interlocutory decision. examination of witnesses (six persons). examination of experts (two persons). examination of the defendants (two persons). examination of a de charge witnesses (two persons). reading of the prosecutorial demand. reading of the defense plea by the defendants and/or counsel. the prosecutor's reply to the defense (replik). the defendants' and/or counsel's rejoinder to the replik (duplik). and finally the reading of the judgment by the panel of judges. Appeals and cassation were also filed in the case.

Given the length of criminal trial proceedings in Indonesia under the Old KUHAP as described above, the principle of a speedy, simple, and low-cost process is clearly not achieved. Consequently, it is not surprising that there have been many demands for the Criminal Justice System under the Old KUHAP to be evaluated and for a new system to be enacted through the Draft KUHAP, especially for minor cases that, in essence, may still be resolved through deliberation or in a familial manner.

In the case at issue, during the examination of the victim witness FS, the panel of judges was able to reconcile the matter, in which the defendants admitted their wrongdoing and apologized to the victim, and the apology was accepted and the victim forgave them. However, because the applicable Criminal Justice System remained that of the Old KUHAP, the trial continued until the judgment was delivered. In addition to apologizing, the defendants voluntarily admitted their wrongdoing, apologized to the

victim witness FS, expressed remorse for their acts that harmed the victim, and promised not to repeat their wrongdoing.

The defendants' guilty plea and apology, and the victim's forgiveness, could also be formalized in a peace agreement, deliberated upon, and implemented in accordance with restorative justice principles, where the defendants could (possibly) pay replacement costs for medical treatment or other recovery-related expenses deemed reasonable (proportionate) and not burdensome to the defendants. With the defendants' guilty plea, their apology, and the victim's forgiveness, the proceedings should not have been protracted. However, in practice, because there is no legal basis to terminate a case once it has been transferred to the court under the Old KUHAP, the case had to continue until the judgment was pronounced.

Accordingly, it may be concluded that sociologically, the conflict between the defendants and the victim witness had been resolved, but normatively it had not, as the judicial process continued until the judgment was read. This is because the Old KUHAP does not provide a mechanism to terminate a case at the trial stage based on settlement or victim forgiveness. As a result, the case continued to consume time, costs, and institutional energy, even though the objective of punishment—particularly social restoration—had been achieved.

C. "Ngaku Lepet" as Local Wisdom in Conflict Resolution

With respect to guilty pleas, there is in fact local wisdom within Javanese culture addressing this issue, known as "*Ngaku Lepet*," namely a person's admission of wrongdoing followed by an apology to others. Although "*Ngaku Lepet*" is generally practiced in commemoration of Eid al-Fitr and symbolized by Ketupat Lepet or "Kupat," it carries a profound philosophical meaning. The concept of *ngaku lepet* (admitting wrongdoing), integrated with the tradition of mutual forgiveness—particularly through the symbolism of ketupat or kupat—positions the admission of wrongdoing and an apology as the foundation for reconciliation and the restoration of social relations.

Ketupat Lepet or Kupat is a maritime Southeast Asian dish made from rice wrapped in a casing woven from young coconut leaves (janur), or sometimes other palm leaves. Lepet (in Javanese) or Leupeut (in Sundanese) is a type of food made of glutinous rice mixed with peanuts, cooked in coconut milk, and then wrapped in janur leaves. This food is commonly found in Javanese and Sundanese cuisine on the island of Java and is

popularly eaten as a snack. Lepet resembles lemper and lontong, although its texture is chewier and stickier due to the use of glutinous rice, and it has a richer savory taste because it is mixed with coconut milk and peanuts.

In Javanese philosophy, the term ketupat or kupat has a specific meaning. Ketupat or kupat is an abbreviation for: *Ngaku Lepet* or *Ngaku Lepat* and *Laku Papat*. *Ngaku lepat* means admitting wrongdoing, while *Laku Papat* means four actions. *Ngaku Lepat* is implemented in Javanese society through the tradition of *sungkeman*, as an expression of admitting wrongdoing. *Sungkeman* manifests the importance of filial piety and respect for parents, humility, and seeking sincerity and forgiveness from parents or elders, as well as from others.

Laku Papat refers to four actions, namely: (1) Lebaran, meaning completion, signifying the end of the fasting period. (2) Luberan, meaning overflowing or abundant, an invitation to give alms to the poor, including paying zakat al-fitr. (3) Leburan, meaning dissolved and erased, implying that sins and mistakes will dissolve because every Muslim is required to forgive one another. and (4) Laburan, derived from the word *labur* (lime), which is commonly used to clarify water or whiten walls, implying that humans should always maintain physical and spiritual purity.

From the *laku papat* described above, one of the key aspects is "Leburan," which requires people to forgive one another. In line with this, Javanese culture recognizes the principle of mutual forgiveness. by forgiving one another, disputes among people in conflict should be resolved, beginning with a voluntary admission of wrongdoing by the party at fault, which is then forgiven by the victim or the harmed party.

D. Reconstruction of Plea Bargaining Based on the Local Wisdom of "*Ngaku Lepet*"

The voluntary admission of wrongdoing, as described above, is one of the primary requirements in the application of the plea bargaining model. Black's Law Dictionary defines plea bargaining as a negotiated agreement between the prosecutor and the defendant whereby a defendant who admits guilt receives a lighter punishment or is charged with a lesser offense. In practice, the prosecutor and defendant engage in negotiation or bargaining in at least three forms: (1) charge bargaining (negotiation of the charged provision), where the prosecutor offers to reduce the category of the charged offense. (2) fact bargaining (negotiation of legal facts), where the prosecutor will present

only facts favorable to the defendant. and (3) sentencing bargaining (negotiation of punishment), namely negotiation between the prosecutor and the defendant concerning the punishment the defendant will receive, which is generally lighter.

In principle, the difference between plea bargaining norms and the local wisdom of "*Ngaku Lepet*" lies in to whom the admission of guilt is conveyed. In plea bargaining, the admission is directed to the prosecutor and the judge, whereas in "*Ngaku Lepet*," the admission is directed to the victim. Accordingly, the application of plea bargaining norms within Indonesia's criminal procedural law system should be integrated or combined with the local wisdom of "*Ngaku Lepet*," with the aim that the victim or the injured party also obtains recovery from the application of plea bargaining norms. Therefore, the defendant's guilty plea should not be merely verified procedurally, but must be accompanied by victim recovery through apology, forgiveness, and, where relevant, proportionate restitution or compensation.

Where the guilty plea is made by the offending party—in this case, the defendants—who apologize to the victim witness FS and are forgiven by the victim witness, the adjudicated case should be resolved more swiftly without a lengthy process requiring multiple procedural stages. A faster trial process would indirectly result in lower costs. By adopting plea bargaining norms while taking into account the local wisdom of "*Ngaku Lepet*" in the National KUHAP, the process would not only be accelerated and the accumulation of cases reduced, but substantive justice would also be achieved, as the perpetrator and the defendant would be able to engage in dialogue to realize restorative justice principles, centered on victim recovery and providing a more humane and contextually grounded form of justice consistent with Indonesian social values.

3 CONCLUSION

The regulation of plea bargaining in the National Criminal Procedure Code (KUHAP) constitutes a progressive step in the reform of Indonesia's criminal procedural law. However, without the perspective of local wisdom, such regulation risks overlooking the interests of victims and substantive justice. The concept of *ngaku lepet* as a Javanese form of local wisdom offers a normative framework for reconstructing plea bargaining so that it becomes more restorative, balanced, and just. Accordingly, Indonesia's criminal

procedural law would not only be procedurally efficient but also responsive to the living values within society.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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