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Public Support for Plea Bargaining in Serious Economic Crimes in Indonesia: Compatibility of Current and Modified Plea Bargaining Models

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Abstract

The incorporation of plea bargaining into Indonesia's Criminal Procedure Code has generated debate regarding its suitability for serious economic crimes. While existing discussions have primarily focused on its compatibility with Indonesian criminal procedure, empirical research examining public attitudes toward plea bargaining in Indonesia remains limited. Using survey data collected through non-probability sampling, the study compares public support for the conventional criminal justice system, restorative justice approaches, the restricted and a modified plea bargaining models. The findings demonstrate that respondents expressed greater support for the modified plea-bargaining model than for other mechanisms. Grounded in Cognitive Continuum Theory, the findings demonstrate that support for plea bargaining is shaped by the quasi-rational mode of cognition, whereby individuals rely on both moral evaluations of punishment and rational assessments of whether the punishment is proportionate to the offender's actions and their impact on victims.

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INTRODUCTION

Economic crime is broad in scope and systematic in nature. In Indonesia, the legal framework governing economic crime is dispersed across the Criminal Code (Law No. 1 of 2023) and several specialised statutes. While the Criminal Code incorporates several forms of economic and financial misconduct, including corruption and money laundering offences, many economic crimes continue to be governed by specialised statutory frameworks, such as the Customs Law and the Law on Development and Strengthening of the Financial Sector, which regulate the banking, capital markets, and insurance sectors.

In 2024 alone, Indonesia recorded 263 money-laundering cases, with total proceeds from predicate crimes amounting to IDR 1.459 trillion.[1] Moreover, ranked 99th in the Corruption

[1] Centre, "PPATK's Integrity To Guard Indonesia's Asta Cita: Annual Report 2024."

Perceptions Index.[2] Moreover, offences such as fraud, corruption and money laundering, which have often been regarded as serious economic crimes, also cause massive financial and psychological harm to both victims and society at large. The high-profile cases include the 2020 Jiwasraya corruption scandal with losses of IDR 16.8 trillion.[3] The 2023 Indosurya banking fraud, which affected 23,000 victims with losses of IDR 106 trillion,[4] Moreover, the 2023 Auto Trade Gold trading robot investment fraud affected 25.000 victims with losses estimated at IDR 9 trillion.[5]

Despite imprisonment as a primary instrument, asset recovery has become increasingly important in addressing serious economic crimes. However, previous studies indicate that achieving victims' compensation and asset recovery through the conventional criminal justice system often remains challenging, particularly in cases involving substantial financial losses, complex financial transactions, and transnational asset transfers. These factors frequently increase the time, cost, and procedural complexity associated with identifying, tracing, and recovering criminal assets.[6] Some scholars have also similarly questioned the effectiveness of mutual legal assistance mechanisms in recovering assets located abroad, noting that differences in legal systems and enforcement priorities may impede cross-border cooperation.[7] The complexities of asset recovery can be observed in several prominent cases, including PT Bank Century Tbk's corruption and money laundering case,[8] PT Asuransi Jiwa Sraya's corruption and money laundering case,[9] PT First Travel's Ponzi scheme case,[10] Moreover, the 2022 Customs crimes were committed by LHD and other offenders.[11]

Recognising these challenges, the new KUHAP (Criminal Procedure Code) introduces several mechanisms to encourage offender participation in resolving economic crimes, including *pengakuan bersalah* (plea bargaining) and *denda damai* (settlement fines). Both mechanisms represent a departure from exclusive reliance on the conventional criminal justice system by incorporating considerations of efficiency, restitution, and loss recovery. Nevertheless, the suitability of settlement-based mechanisms for addressing serious economic crime remains debatable. While the restoration of losses is undoubtedly important, serious economic crimes often involve social harm that extends beyond purely economic interests. As a result, questions remain about whether mechanisms that focus primarily on financial restoration are sufficient to meet expectations of punishment and offender accountability.[12]

In contrast to settlement fines, plea bargaining involves an admission of guilt in exchange for prosecutorial concessions, such as reduced charges or sentences.[13] In practice, plea bargaining has been valued not only for its procedural efficiency in addressing evidentiary difficulties, but

2 International, "2024 Corruption Perception Index."
3 Anggraeni, "Kasus Jiwasraya Rugikan Negara Rp16,807 Triliun, Dirut IFG Beberkan Kabar Terbaru."
4 Saputra, "Ma Ungkap 'Dosa' Bos Indosurya: Himpun Dana Rp 106 Triliun Layaknya Bank."
5 Jatim, "Update Ungkap Kasus Robot Trading Auto Trade Gold, Kerugian Dari 25.000 Korban Capai Rp 9 Triliun."
6 Franssen, "Challenges in the Field of Economic and Financial Crime in Europe and the US, Challenges in the Field of Economic and Financial Crime in Europe and the US."
7 Osamor, "OSAMOR: The Imperatives of Assets Recovery: Plea Bargaining or Civil Recovery? THE IMPERATIVES OF ASSETS RECOVERY: PLEA BARGAINING OR CIVIL RECOVERY?"
8 Saputra, "PK Ditolak Ma, Budi Mulya Tetap Dihukum 15 Tahun Bui Di Kasus Bank Century'."
9 Puspaningtyas, "Korupsi Jiwasraya Rugikan Negara RP 16,8 Triliun, Baru Balik RP 1,45 Triliun."
10 Noroyono, "Cukupkah Aset First Travel Ganti Rugi Korban?"
11 Hamapu, "Bea Cukai Bongkar TPPU Rokok Ilegal, Kerugian Negara Capai RP 1 T."
12 Leopold Sudaryono, "Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia."
13 Alschuler, "Plea Bargaining and Its History."

also for its potential to facilitate restitution to victims and accelerate asset recovery. In some studies, it has been regarded as a mechanism for implementing rational "sanctions" that are cost-effective, wherein it prompts the offender to provide fuller and faster restitution in exchange for a lesser sentence imposed upon them.[14]

The plea-bargaining mechanism was introduced under Articles 78 and 234 of the Criminal Procedure Code. However, it differs from plea bargaining practice in the US, as it has been modified to more closely align with inquisitorial procedures, as exemplified by the significant role of the judge, the absence of bargaining between the public prosecutor and the accused, and the classification of confessions as “strong” evidence. Under the current framework, the application of this mechanism at the prosecution stage is tightly circumscribed. It is limited to first-time offenders, to offences carrying a maximum penalty of five years' imprisonment or a fine not exceeding IDR 500 million, and to cases in which the offender demonstrates a willingness to provide damages or restitution. At the adjudicative stage, its applicability is modestly extended to encompass offences punishable by up to seven years’ imprisonment. [15]

Despite its potential benefits, the adoption of plea bargaining in Indonesia has not been without controversy. Critics have questioned its compatibility with fundamental principles of the Indonesian criminal justice system, particularly regarding due process guarantees, the presumption of innocence, judicial oversight, and the pursuit of material truth. Concerns have been raised that negotiated admissions of guilt may prioritise procedural efficiency over comprehensive judicial fact-finding and expand prosecutorial influence over case outcomes.[16] Additional criticisms concern the protection of defendants' procedural rights, including the possibility that defendants may admit guilt primarily to obtain procedural or sentencing advantages.[17] These concerns are particularly relevant within Indonesia’s inquisitorial framework, where judges play a central role in examining evidence and safeguarding the fairness of criminal proceedings.

At the same time, the growing recognition of plea bargaining within the Criminal Procedure Code reflects an acknowledgement that negotiated case resolution may contribute to more efficient and responsive criminal justice outcomes. The challenge therefore lies in ensuring that plea bargaining is implemented in a manner that preserves due process and remains aligned with the broader objectives of Indonesia’s criminal justice system.

Existing debates have primarily focused on doctrinal compatibility with the Indonesian criminal justice system and comparative criminal procedure frameworks from other countries. At the same time, relatively little attention has been devoted to public attitudes toward plea bargaining in handling cases involving substantial financial losses, multiple victims, and significant public harm. This omission is particularly important because public support is a key dimension of criminal justice legitimacy, and procedural reforms perceived as inconsistent with societal expectations of fairness, proportionality, and accountability may encounter resistance

[14] Faichney, “Autocorrect? A Proposal to Encourage Voluntary Restitution through the White-Collar Sentencing Calculus.”

[15] “Law Number 20 of 2026 Concerning the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana, KUHAP).”

[16] Cut Nangrie Sari Abuthalib, “Plea Bargaining Dalam Bayang-Bayang Keadilan: Antara Efisiensi Penegakan Hukum Dan Degradasi Nilai Kepastian Hukum.”

[17] Oren Gazal-Ayal, “Economic Analysis of Plea-Bargaining and Prosecution.”

regardless of their administrative efficiency.[18] This matter is particularly significant in the context of serious economic crimes, as the current framework limits its application to less serious offences, despite growing concerns regarding asset recovery, victim restitution, and the efficient resolution of complex economic crime cases. Accordingly, this study examines how the Indonesian public perceives the use of plea bargaining in serious economic crime cases, assessing whether levels of public support differ across the conventional criminal justice system, restorative justice approaches, the restricted plea-bargaining model and a modified plea bargaining model. It further explores which factors most strongly shape public support, particularly perceptions of proportionality, moral judgments, and victim restitution. Guided by Hammond's Cognitive Continuum Theory, the study examines how intuitive and analytical modes of reasoning influence public attitudes toward alternative approaches to resolving criminal cases. By examining public preferences and the considerations underlying them, this study contributes to the growing literature on public perceptions of plea bargaining. It provides empirical evidence regarding the conditions under which it is perceived as legitimate in cases of serious economic crimes.

Legitimacy, Normative Alignment and the Criminal Procedure Reform

The legitimacy of criminal law and the criminal justice system is fundamental to securing public compliance with legal norms. Legitimacy reflects the extent to which individuals recognise the authority of legal institutions and regard their decisions as worthy of obedience.[19] Studies demonstrate that individuals are less likely to comply with laws or cooperate with legal authorities they perceive as illegitimate. Consequently, diminished legitimacy not only undermines voluntary compliance but also increases enforcement costs and enforcement difficulties.[20]

Legitimacy depends not only on procedural fairness but also on the perceived effectiveness of criminal justice institutions in achieving core objectives such as deterrence, retribution, rehabilitation, and efficiency.[21] Accordingly, public assessments of legitimacy are shaped by both procedural and distributive justice considerations, especially whether the punishment imposed is perceived as proportionate to the harm caused.[22] This issue becomes salient in cases involving serious economic crimes, where substantial financial losses and widespread victimisation heighten public sensitivity to questions of justice and fairness.

Consequently, efficiency alone cannot justify criminal procedure reform. Although mechanisms such as plea bargaining are frequently defended on the grounds of reducing caseloads, conserving resources, and expediting proceedings, reforms perceived as sacrificing fairness or proportionality for efficiency may undermine public confidence and institutional legitimacy. The legitimacy of plea bargaining must therefore be assessed not merely by its administrative utility but by the extent to which it aligns with public expectations regarding

[18] Herzog, "Plea Bargaining Practices: Less Covert, More Public Support?"

[19] Cheng, Pushkarna, "Enhancing the Legitimacy of Sentences in the Minds of the Public: Evidence from a Public Opinion Survey in Hong Kong."

[20] Fagan, "Legitimacy and Criminal Justice-Introduction."

[21] Bosworth, "Justice Tankebe and Alison Liebling (Eds), Legitimacy and Criminal Justice: An International Exploration."

[22] Liebling, "Legitimacy and Criminal Justice: An International Exploration."

punishment, fairness, and proportionality. Its long-term viability is likely to depend on whether it is perceived as responsive to both victim interests and broader societal moral judgments.

Public Perceptions of Justice and the Conditional Acceptance of Plea Bargaining

Public opinion occupies a pivotal position in assessing the legitimacy of criminal justice reform. Previous studies demonstrate that legal innovations introduced without sufficient regard to societal perceptions risk eroding public trust, weakening cooperation with law enforcement, and undermining the effectiveness of criminal justice institutions.[23] In this sense, public attitudes function not merely as descriptive data but as a normative benchmark against which procedural reforms must be evaluated.

Empirical research in Indonesia reflects a persistent tension between public conceptions of justice and the state's prevailing penal orientation. A study conducted by the University of Indonesia's Department of Criminology reveals a pronounced disparity between public preferences and criminal justice policy under the previous Criminal Procedure Code (Law Number 8 of 1981). While a significant proportion of respondents- approximately 66.8% express support for sentence reductions where offenders demonstrate remorse and are willing to provide restitution, prevailing enforcement practices continue to prioritise imprisonment as the primary response to crime. This gap suggests that public support is not categorically opposed to leniency, but rather conditional upon demonstrable offender accountability and meaningful victim restoration.

In recent years, Indonesian society's understanding of justice has shifted from purely punitive [24]to a more restorative approach, emphasising the repair of harm (Naskah Akademik RUU Kejaksaan). This shift is reflected in survey findings showing that 56.6% of Indonesians support justice approaches that prioritise victim restoration over punitive sanctions.[25] However, survey data suggest that for serious offences such as corruption, commonly categorised as economic crimes, approximately 80% of respondents continue to favour imprisonment as the primary form of retributive justice.[26]

Against this background, the incorporation of plea bargaining into Indonesia's Criminal Procedure Code must be understood as a part of a broader effort to reform criminal procedure in response to systemic pressures. According to statistics from the Directorate General of the General Justice Agency, in January 2023 there were 16,719 ordinary criminal cases awaiting hearings in Indonesian courts. The adoption of plea bargaining was therefore motivated in large part by pragmatic considerations including the desire to reduce case backlogs and minimise institutional costs and resources.

While these considerations provide a compelling rationale for reform, the emphasis on efficiency and case management inevitably invites consideration of how such reforms align with public expectations of justice. Critics have long argued that negotiated resolution may produce sentences perceived as disproportionately lenient relative to the gravity of the offence.[27] Public

[23] Liebling.
[24] Al, "Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia," n.d.
[25] Al, "Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia," 2023.
[26] "Sudaryono et Al."
[27] Johnson, "Public Perceptions of Plea Bargaining," 2019.

resistance to such outcomes is often grounded in concerns that the efficiency gains are achieved at the expense of proportionality and moral condemnation.

These criticisms become even more pronounced in the context of serious economic crimes, which are often characterised by complex evidentiary structures, widespread victimisation and substantial economic harm. Consequently, the appropriateness of applying plea bargaining to such crimes remains contested, despite its potential to facilitate restitution to victims. The issue is especially pertinent in Indonesia, where public perceptions of serious economic crime continue to be shaped by deeply rooted retributive expectations. Survey evidence suggests that although restorative outcomes are increasingly valued in general, public acceptance of reduced punishment declines significantly when offences involve large-scale financial harm, multiple victims, or corruption.[28] In such circumstances, leniency is often interpreted not as pragmatism but as injustice, particularly where restitution is perceived as incomplete or symbolic rather than substantive.

As such, public perceptions of plea bargaining cannot be framed in terms of legitimacy. If plea bargaining is understood primarily as a mechanism for expediting case resolution, its normative justification remains tenuous, specifically in cases where punishment is perceived as insufficiently expressive of societal condemnation. Conversely, where plea bargaining is framed and implemented as a balanced mechanism that integrates retribution with tangible reparation, it is more likely to resonate with public intuitions of justice and fairness.

Theoretical Framework

Cognitive Continuum Theory, developed by Kenneth R. Hammond, provides insight into how individuals evaluate criminal justice policies and reforms. The theory proposes that decision-making is shaped by cognitive processes that incorporate both intuition and analysis. Accordingly, cognition is viewed as occurring along a continuum between intuition and analysis, with an intermediate mode known as quasi-rationality.[29]

The concept of quasi-rationality first emerged from Brunswik's work, which proposed that, under general ecological conditions, cognitive activity can move closer to intuition and further from analysis, or vice versa. Between these two poles, cognition can thus include elements of both intuitive and analytical reasoning. This idea originates from an expansion of the concept of how the perception of an object's physical size represents a "compromise" between the size projected onto the retina and its actual size in the environment. The degree of compromise depends on local conditions. This idea of compromise in perception became the basis for quasi-rationality and the premise of the cognitive continuum.[30]

The intuitive and analytical poles identified by Hammond share similarities with the distinction in dual-process theory between System 1 and System 2 thinking. As such, dual-process theory provides a framework to understand the characteristics of the two cognitive modes that define the continuum. Within this framework, intuition (commonly referred to as System 1) is characterised as a mode of thinking that is fast, easy, associative, and often emotional. Habits

[28] Al, "Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia," n.d.

[29] Dhami, Belton, "Quasirational Models of Sentencing."

[30] Hammond, "Human Judgment and Social Policy: Irreducible Uncertainty, Inevitable Error, Unavoidable Injustice."

regulate System 1 and are therefore relatively resistant to conscious modification.[31] By contrast, analysis (commonly referred to as System 2) is characterised by slower, more energy-intensive, and controlled cognitive processing. This mode of reasoning is comparatively flexible and may be influenced through conscious reflection and deliberation. System 2 relies upon logical evaluation and rational assessment and is constrained by the limitations of working memory.[32]

Existing Studies (Related Literature)

Empirical research on public attitudes towards plea bargaining remains relatively limited. Specifically, there is limited research that provides detailed findings on the relationship between plea bargaining, serious economic crime, and public support for law enforcement efforts, including how the severity of the crime and the punishment society wants imposed on the offender are related. Previous empirical research tends to separate the public's perception of punishment imposed on offenders of white collar crimes and their perception of how plea bargaining is applied as an alternative resolution mechanism.

Since the 1990s, research has examined the severity of crimes and public punitiveness—for example, Cullen et al.[33] found that the majority of respondents supported prison sentences for fraud offenders. However, in the last few years, there has been a shift in public support for imprisonment in cases of white-collar crime. Michel et al.[34] found that the public expressed support for both imprisonment and fines. In addition, support for imposing criminal sanctions on white-collar offenders has increased. As an example, Pickett and Roche.[35] found that a larger proportion of people supported fines and/or probation periods compared to prison sentences in cases of data fraud and selective reporting of scientific data.

However, some studies have examined the social acceptance of plea bargaining, including Cheng's.[36] In Hong Kong. Cheng's research found that public support for plea bargaining was influenced by the type of plea bargaining and the offender's characteristics. Meanwhile, Khogali et al. conducted research based on the procedural justice theory to explore the factors influencing how the public assesses justice achieved through plea bargaining.[37] Their research involved 522 respondents, all of whom were workers listed on Amazon's Mechanical Turk. They found that the general public is sensitive to several factors relating to the procedures and results of plea bargaining, and that individuals have different views of justice depending on the actors involved.

Meanwhile, Johnson researched public perceptions of plea bargaining within the criminal justice system. Johnson examined how the public's understanding of plea bargaining (its processes and aims) influences the criminal justice system's legitimacy.[38] The research used a qualitative approach, asking 239 respondents three open-ended questions to determine what the public knew about plea bargaining. Johnson found that respondents'focused on the role of plea

31 Kahneman, "Maps of Bounded Rationality: Psychology for Behavioural Economics."
32 Bellini-Leite, "Dual Process Theory: Embodied and Predictive; Symbolic and Classical."
33 Rorie, "The Handbook of White-Collar Crime, The Handbook of White-Collar Crime."
34 Cedric Michel, John K. Cochran, "Public Knowledge about White-Collar Crime: An Exploratory Study."
35 Roche, "Questionable, Objectionable or Criminal? Public Opinion on Data Fraud and Selective Reporting in Science,."
36 Cheng, "Public Approval of Plea Bargaining in Hong Kong: The Effects of Offender Characteristics."
37 Mawia Khogali, Kristyn Jones, "Fairness for All? Public Perceptions of Plea Bargaining."
38 Johnson, "Public Perceptions of Plea Bargaining," n.d.

bargaining as an effective mechanism, based on their assumption that the main goal of plea bargaining was to reduce court caseloads. Almost all respondents perceived that the primary aim of plea bargaining was not the enforcement of justice.

RESEARCH METHODS

This study aims to examine the level of public support for different model mechanisms for resolving serious economic crimes. Although the empirical data were collected before the formal incorporation of plea bargaining into the Indonesian Criminal Procedure Code (KUHAP), the study remains relevant because it reflects how the public views different ways plea bargaining can be designed, which continue to influence how the current legal framework is understood and developed.

Given that the study focuses on public support for criminal justice reform. It adopts an interdisciplinary approach combining law and cognitive psychology. While the legal dimension concerns the appropriateness of different mechanisms for resolving serious economic crimes, the psychological dimension seeks to explain how individuals evaluate those mechanisms and form preferences regarding punishment, deterrence and reparation. Accordingly, Hammond's Cognitive Continuum Theory is employed to examine the extent to which different modes of cognition (intuition, analysis, and quasi-rational) influence public support for alternative mechanisms for resolving crime.

Our hypotheses are grounded in Cognitive Continuum Theory, which posits that individuals do not rely exclusively on either analytical reasoning or intuitive judgement when making decisions. Rather, decision-making occurs along a cognitive continuum in which individuals employ varying combinations of rational analysis, intuitive responses, and quasi-rational processes.[39] The theory therefore provides an appropriate framework for examining how moral outrage, perceptions of proportionality, deterrence considerations, and victim restoration shape public attitudes toward plea bargaining and other mechanisms for resolving serious economic crimes.

Empirical data were collected through a structured vignette-based survey. Respondents were presented with four alternative scenarios involving serious economic crime and asked to evaluate different mechanisms of case resolution, namely the conventional criminal justice system, the restricted plea bargaining model reflecting limited eligibility (similar to the current plea bargaining KUHAP model), restorative justice, and the modified plea bargaining model combining retribution and restitution without strict limitations on sentence severity or crime complexity. The study further analyses the factors underlying respondents' preferences for each mechanism.

Hypotheses & Rationale

Therefore, our research's first hypothesis is as follows:

Hypothesis 1 (H1): The level of public support for resolving economic crimes that impose high social cost through the conventional criminal justice system is higher than public support for the use of a restricted plea bargaining mechanism (similar to current KUHAP).

[39] Hammond; Dhami, Belton, "Quasirational Models of Sentencing."

The rationale for this hypothesis is that the retributive theory predicts that public preparedness to support the imposition of long prison sentences is influenced by their intuitions/emotions ('moral outrage'). These feelings are driven by the desire to obtain revenge or retribution for the losses experienced. More specifically, because many economic crimes are considered serious, they are expected to elicit greater moral condemnation of offenders. Retributive attitudes are based on emotions such as anger, disappointment, and humiliation, thereby channelling an individual's desire for retribution.[40]

Emotional-intuitive responses are frequently invoked to explain why members of the public prefer retributive sanctions in cases of serious crime. Intuitive reactions are part of human moral experience, which, in turn, is part of human nature. In other words, people often make decisions through heuristic and intuitive processes, rather than through fully deliberative reasoning. An intuitive desire for justice and fair punishment largely drives the wish to punish offenders. Individuals who are motivated by a sense of revenge refuse to forget the affronts they or others have experienced.[41]

Carlsmith, Darley and Robinson state that the aim of retributive justice is to provide a sense of "fair justice" to the community, with all future legal consequences irrelevant to the imposition of the punishment.[42] Moreover, both individuals and communities frequently favour a form of punishment that resonates with their intuitive sense of justice, even when alternative approaches may produce more beneficial outcomes in practical terms such as restitution, rehabilitation or overall social welfare.

Accordingly, it is hypothesised that the restricted plea bargaining mechanism (similar to the current KUHAP) may receive lower public support in Indonesian society. Specifically, we predict that a large proportion of people will prefer the conventional criminal justice system, as emotions tend to dominate when it comes to imposing sanctions upon offenders of economic crime. As a result, segments of the public may be less inclined to prioritise the offender's responsibility to resolve the losses through restitution. Based on existing research, the public is more punitive than legal experts.[43] This argument is also supported by recent research on public punitiveness towards corruptors, which found that 84% of Indonesians agree with the death penalty for 'big time' corruptors.[44]

The research's second hypothesis is as follows:

Hypothesis 1 (H2): The level of public support for resolving economic crime that imposes high social cost without retribution (imprisonment) and solely through restitution is lower than public support for the usage of a modified plea bargaining involving both imprisonment and restitution in law enforcement efforts.

With a sub-hypothesis as follows:

40 Alles, "Moral Outrage and Betrayal Aversion: The Psychology of Punitive Damages," 2018.
41 Alles, "Moral Outrage and Betrayal Aversion: The Psychology of Punitive Damages," n.d.
42 Kevin M. Carlsmith, John M. Darley, "Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment."
43 Berk, "Must Penal Law Be Insulated from Public Influence?"
44 Dihni, "Survei Indikator: Mayoritas Responden Setuju Koruptor Dan Gembong Narkoba Dihukum Mati."

Hypothesis 2a (H2a): The level of public support for a modified plea bargaining involving both imprisonment and restitution in resolving economic crimes that impose high social cost is higher than public support for the usage of the conventional criminal justice system.

The rationale for H2 and H2a is that the economic approach to rationality depicts individuals as self-interested actors who seek to maximise benefits and minimise costs.[45] Individuals understand that in making choices, they must attach value and probability to the costs and benefits of an action (that is, choose an option to maximise utility).[46] Rational decision-making therefore requires individuals to focus on prospective consequences rather than past losses, including the ability to disregard sunk costs and discontinue courses of action that are no longer beneficial.[47]

Expected utility theory suggests that the public may be more willing to support the recovery of victims' losses as a whole, because this is more rational and profitable, compared with lower support for the imposition of long prison sentences upon offenders, without restitution or with only minimal restitution for victims' losses. Individuals engaging in more deliberative reasoning may place less weight on emotional responses. Accordingly, it is expected that some individuals, who rely predominantly on analytical modes of cognition, rather than intuitive responses shaped by emotional considerations, may be more inclined to prioritise the full restitution of losses over the imprisonment of offenders.

Furthermore, based on our predictions, individuals tend to make decisions through quasi-rational modes of cognition, in which intuitive judgements and analytical considerations operate simultaneously. Decision-making is therefore influenced not only by objective assessment outcomes, but also by subjective evaluations.[48] concerning fairness, accountability and justice. Subsequently, preferences regarding punishment are unlikely to be driven exclusively by either retributive or restorative considerations.

Therefore, It is predicted that there will be a higher level of public support for sentences imposed upon offenders of economic crimes if sentences are a combination of orders for reparation (to restore victim's losses) and retribution (imprisonment), due to considerations of the principle of proportionality, than the level of public support for the imposition of one form of sanction alone (either imprisonment or restitution). This prediction is supported by empirical findings from the University of Indonesia's Faculty of Social and Political Sciences, who found that the majority of people (94.4%) agreed with the imposition of prison sentences, because it would make the offenders regret their actions (81.2%), provide a deterrent effect (78.3%), and encourage the offender to become a better person (76.7%), especially for offenders of economic crimes.[49] However, a proportion of people (66.8%) stated that they would agree with a reduction in severity of sentencing if the offender regretted their actions and was prepared to provide compensation to the victims.

Methods Study 1

[45] Al, "Expected Utility, Self-Control, Morality, and Criminal Probability."

[46] Thomson, "On the Relevance of Cognitive Continuum Theory and Quasirationality for Understanding Management Judgment and Decision-Making," n.d.

[47] Berk, "Must Penal Law Be Insulated from Public Influence?"

[48] Thomson, "On the Relevance of Cognitive Continuum Theory and Quasirationality for Understanding Management Judgment and Decision-Making," n.d.

[49] Al, "Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia," n.d.

Study Design

This research used a qualitative approach to undertake a cross-sectional comparative study, using a one-time data collection through non-probability survey data collection techniques. While this approach facilitated access to a diverse pool of respondents, the use of non-probability sampling limits the representativeness of the sample. Accordingly, the findings should not be interpreted as statistically representative of the Indonesian population and should instead be understood as reflecting the views of the surveyed respondents. We presented respondents with four vignettes (scenarios) which briefly explain a legal case that we designed by controlling several variables: the type of crime, the number of victims, the size of the financial losses, the offender's social status, and the offender's criminal history (see Appendix). In each scenario, three dimensions could be changed at random to create a new scenario. The three dimensions were (1) the type of mechanism used to resolve the criminal case; (2) the punitive element; and (3) the estimated time needed to execute the decision.

Vignettes (Plea Bargaining Scenarios)

In terms of methodology, scenarios for studying plea bargaining are typically designed by creating controlled situations where variables such as the nature of the crime, the amount of financial loss, and the offender's criminal history are manipulated. For instance, variables like the mechanism used to resolve the case, the type of punitive action, and the time required to execute the decision are adjusted to test public support and perceptions of fairness. These scenarios provide a structured framework to explore how plea leniency, as a form of limited restorative justice, functions in the criminal justice system.

Scenario 1

An individual engaged in fraudulent activities and money laundering, resulting in the victimisation of up to 1,000 individuals and yielding profits of up to IDR 100 billion. How serious do you perceive this offence to be? The offender hailed from a middle-class background and possessed no prior criminal record. He expressed a sense of remorse during trial proceedings. In the judicial proceedings, the judge sentenced the offender to 15 years of incarceration and imposed a fine of IDR 8,000,000,000 (eight billion rupiahs). Additionally, assets acquired through criminal activity, totalling IDR 8,000,000,000, were restituted to the victims. The process of restitution, however, is protracted, typically spanning 2 to 3 years post the issuance of a legally binding court decision. Given these circumstances, what level of support do you extend to this judicial agreement?

Scenario 2

An individual engaged in fraudulent activities and money laundering, resulting in the victimisation of up to 1,000 individuals and yielding profits of up to IDR 100 billion. How serious do you perceive this offence to be? The offender hailed from a middle-class background and possessed no prior criminal record. He expressed a sense of remorse by issuing apologies to the victims and the public via media platforms. Subsequently, an agreement was reached between the offender and the prosecutor, wherein the former pleaded guilty without making restitution efforts towards the victims. As a consequence of his plea, the offender received a reduction in sentence, and the prosecutor recommended a sentence reduction in the prison term to the judge.

The judge granted this reduction solely based on the guilty plea. Given these circumstances, what level of support do you extend to this judicial agreement?

Scenario 3

An individual engaged in fraudulent activities and money laundering, resulting in the victimisation of up to 1,000 individuals and yielding profits of up to IDR 100 billion. How serious do you perceive this offence to be? The offender, hailing from a middle-class background, possessed no prior criminal record. He exhibited contrition by issuing apologies to the victims and the public via media platforms alongside a commitment to restore the victims' losses. Subsequently, an agreement was reached between the offender and the prosecutor, wherein the former pleaded guilty and committed to full restitution for the victims. The prosecutor, in turn, opted not to pursue criminal charges or incarceration, notifying the judge accordingly. Following a thorough examination of the case, the judge decided against further prosecution and ordered the release of the offender, taking into account the restitution provided. Restitution for victims is administered proportionally and promptly subsequent to the judge's endorsement of the offender's release. Given these circumstances, what level of support do you extend to this judicial agreement?

Scenario 4

An individual engaged in fraudulent activities and money laundering, resulting in the victimisation of up to 1,000 individuals and yielding profits of up to IDR 100 billion. How serious do you perceive this offence to be? The offender, hailing from a middle-class background, possessed no prior criminal record. He exhibited contrition by issuing apologies to the victims and the public via media platforms alongside a commitment to restore the victims' losses. Subsequently, an agreement was reached between the offender and the prosecutor, wherein the former pleaded guilty and agreed to provide restitution to the victims. The prosecutor recommended a sentence reduction to the judge, with a minimum requirement for restitution set at IDR 30 billion. The judge granted the sentence reduction based on the guilty plea and the amount of restitution provided to the victim, reflecting a proportional reduction in punishment commensurate with the offender's efforts to restore the victim's losses. Restitution, administered proportionally, is expedited post-approval from the judge, through a decision with permanent legal force. Given these circumstances, what level of support do you extend to this judicial agreement?

Measurement

Respondents'were asked to rate (1) how serious they thought the crime was (1 being not at all serious, 5 being very serious); (2) their level of agreement with the punishment imposed (1 = completely oppose, 5 = completely agree); (3) their perception of the punitive element (1 = very unfair, 5 = fair); (4) whether the punishment reflected moral values (1 = not at all reflective, 5 = very reflective); (5) their perception of the commensurability of the punishment to the crime (1 = not at all commensurate, 5 = very commensurate); (6) their perception of the likelihood of the punishment having a deterrent effect (1 = very unlikely, 5 = very likely); (7) their perception of the offender's subsequent feelings of guilt (1 = will not feel guilty at all, 5 = will feel very guilty); (8) their perception of the offender's subsequent feelings of shame (1 = not ashamed at all, 5 =

very ashamed); and (9) their perceptions of whether other people will agree with them (0% = no one will agree with them, 100% = everyone will agree with them).

Respondents were also asked to choose one vignette (from the four modified scenarios) which they perceived to be more effective (in terms of deterrence) and fair. The scenarios were adapted by Cheng et al. (2016) then modified by the authors to compare public support, reflected by the level of public support for scenarios where the perpetrator confessed (plea bargaining) versus when they did not confess (conventional criminal justice system). The scenarios also varied in terms of punitive elements (retributive, reparative, retributive and reparative, or mixed). Some information remained the same, including the estimation of the time needed to execute the decision (directly or indirectly) and on courts and judges (legal recommendations and agreement with those recommendations). Demographic data were also collected from respondents, such as their age, gender, level of education, personal experiences, and socio-economic status, in order to analyse the respondents' personal characteristics.

Target Respondents

The target respondents for this research were members of the general public who had Indonesian National Identity Cards *(Kartu Tanda Penduduk or KTP).* The research was conducted using the G*Power computer program, based on the estimated sample size needed (Kang 2021). With an alpha estimate of 95%, power 80%, and medium effect size (0.25), in order to test four different scenarios, it was determined that at least 159 respondents were required to achieve statistical significance.

Data Analysis

Analysis of variance (ANOVA) was \ used to test the differences between means (seriousness, support, justice, moral conviction, commensurability, deterrent effect, guilty feelings, shame, and shared social support) across the various scenarios (H1, H2, H2a).

Results

1. Respondent characteristics

Data were collected from a total of 375 respondents (**with an alpha of 95%, power 80%, and medium effect size = 0.25, required N = 159; Kang, 2021**). Two attention checks were performed during the survey: attention check one read, "Please choose the answer, 'I will read this seriously'", while attention check two asked respondents to choose the number '3' during questions asked in scenario two. After checking for careless responses, the researchers determined that data from 198 respondents (60.1% male, 39.9% female) was usable. The age range of respondents was from 19 years to 65 years (M = 33.15 years, SD = 11.972), while the highest level of education achieved found that 42.4% of respondents had an undergraduate degree, 38% had a graduate degree, 18.2% graduated from senior high school, 6.1% had a PhD, 1% had a diploma, and 0.5% graduated from junior high school. Respondents were also asked whether they had ever been a victim of fraud/deception, with 56.1% stating that they had and 43.9% stating they had not.

2. Intercorrelation.

The variable scores are the average dimensions from a total of four evaluations (evaluations for scenarios one through four). Here we demonstrate the general pattern of relationships between the research variables.

Specifically, we determined whether variations in resolution mechanisms influenced the level of public support for the scenarios presented. Moreover, we investigated whether there was a correlation between the factors of moral beliefs, perceptions of justice, efficacy of deterrent effects, and perceptions of the offender's guilt and shame and the level of public support for each scenario. Our findings showed that there was a correlation between these factors and the level of public support.

Our findings demonstrated that there was no correlation between the severity of the crime and the level of public support for the use of plea bargaining as a mechanism to resolve economic crime. We also found that although a reduction in sentence length was correlated to the level of public support, the reduction was not limited to a one-third reduction in sentence length but was instead proportional to the offender's admission of guilt and their preparedness to restore victims' losses.

Table 1: ***Intercorrelation between Research Variables***

	1	2	3	4	5	6	7	8	9	10	11
Seriousness											
Support	-0.06										
Moral conviction	0.04	.590**									
Commensurability	-.159*	.709**	.529**								
Deterrence	-.214**	.631**	.438**	.796**							
Guilty feelings	-.160*	.491**	.350**	.634**	.810**						
Shame	.293**	0.06	0.12	0.04	-0.03	-0.03					
Shared social support	0.03	-.155*	-0.08	-.165*	-.149*	-.245**	-.155*				
Gender	0.03	0.00	-0.04	0.02	-0.08	-0.02	-0.02	-0.08			
Education	0.11	-.166*	-0.09	-.208**	-.154*	-.199**	-0.03	.459**	-.321**		
Victim of fraud	-0.04	-0.12	-0.05	-0.06	0.03	-0.04	0.08	0.02	-0.07	-0.04	
Socio-economic status	.144*	0.14	0.07	0.13	0.11	0.11	0.09	.224**	0.00	.153*	-0.04

**$p < .01$, *$p < .05$.

Figure 1 shows the results.

Test of hypothesis

Table 2: ***Test of Differences in Means for All Variables Across All Scenarios***

	Mean				χ^2 *Mauchly*	ε	F
	Scenario 1	Scenario 2	Scenario 3	Scenario 4			
Seriousness	4.60	4.48	4.45	4.46	48.57*	.85 (.86)	2.71
Moral conviction	3.71	2.2	3.11	3.32	18.27*	.95 (.96)	72.67**
Commensurability	2.96	1.73	2.67	3.16	16.23*	.94 (.96)	68.67**
Deterrence	2.9	1.71	2.53	3.07	40.50*	.88 (.90)	66.08**
Guilty feelings	3.13	2.01	2.82	3.11	15.14*	.95 (.97)	59.15**
Shame	3.17	2.2	2.73	3.11	21.22*	.94 (.95)	43.17**
Shared social support	7.15	7.39	7.14	7.35	39.45*	.90 (.91)	1.57

Support	3.53	1.88	2.9	3.28	11.51*	.96 (.98	75.18**

**$p < .01$, *$p < .05$. χ^2 *Mauchly* = value of the significance of the sphericity assumption test indicating a violation of the sphericity assumption. Correction to estimate of differences in mean (value F) using Huynh-Feldt because value ε for the two indexes of Greenhouse-Geisser (Huynh-Feldt) > .75. All mean values come from a 5-point scale, except for shared social support (11-point scale).

Repeated-measures analysis with a time sequence (4 levels) from scenario 1 → scenario 2 → scenario 3 → scenario 4 was carried out to test the difference in mean for all variables. In general, the results of the sphericity assumption test showed that there was a difference in variance between time measurements, showing that each sequence gave an unequal sequence for comparison. To overcome this, a Huynh-Feldt correction was done because of the value of epsilon (ε) > .75. The F-test (corrected) showed that there was a significant difference for almost every research variable (p from F < .05), except for the variables of seriousness and shared social support.

Significant differences in means were found in the levels of moral conviction, commensurability, deterrent effect, offender's guilty feelings, and offender's shame. The pattern which emerged from the description of mean values **(post-hoc analysis)** was that scenario 4 resembled the conditions presented in scenario 1, and that these two scenarios were perceived to be superior to scenario 3 and far superior to scenario 2 (see Appendix).

We expected a non-significant result from research of a case's seriousness in each scenario, because this would mean that each scenario was of a similar weight in terms of seriousness and could be said to be equal. For the shared social support variable, we did not have any specific expectations regarding the mean comparison for this variable; the relevance of this for this research is discussed in depth in the qualitative exploration.

Table 3: ***Sensitivity Analysis: Mean differences for support between scenarios***

Pair	*m.d*	*SE*	*p*	*95% LLCI*	*95% ULCI*
1 vs 2	1.641*	0.11	0.00	1.34	1.94
1 vs 3	.621*	0.13	0.00	0.28	0.96
1 vs 4	0.25	0.12	0.21	-0.06	0.56
2 vs 3	-1.020*	0.12	0.00	-1.34	-0.70
2 vs 4	-1.394*	0.12	0.00	-1.72	-1.07
3 vs 4	-.374*	0.11	0.00	-0.66	-0.08

*$p < .05$ (value of CI 95% for mean differences not above 0). SE = standard error. Pair = contrast between scenarios. m.d is estimated marginal mean from the general linear model.

From this analysis, the level of support for scenario 1 was not significantly different to scenario 4. The omnibus test found that there was a mean difference between scenarios 1 and 4 compared to scenarios 2 and 3. Figure 1 shows the mean differences for levels of support (M1 ≈ M4, M1 & M4 > M3 > M2). Recognising the relative equality between scenarios 1 and 4, we requested the respondents'to choose one of the four scenarios for the dimensions of 'more fair' and 'more effective' at the end of the questionnaire.

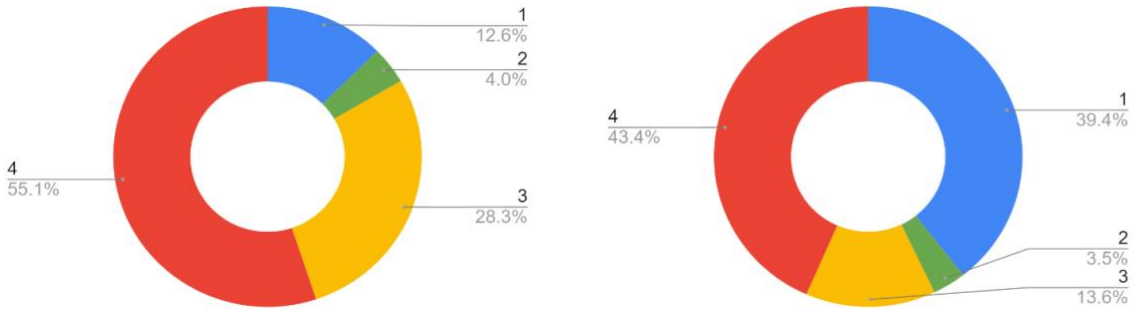


Figure 1: ***Preference for scenarios:*** *"Please choose which scenario you feel is more fair (left) and more effective (right) to make the offender feel deterred, compared to alternative scenarios." The majority of respondents chose scenario 4 for both fairness (55.1%) and effectiveness (43.4%).*

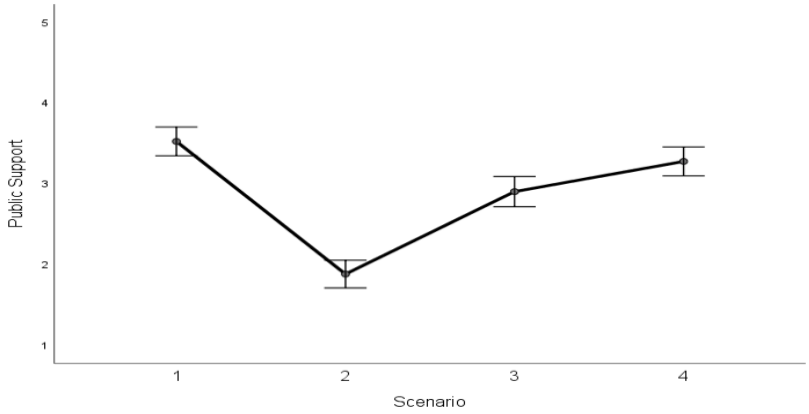


Figure 2: ***Level of public support for plea bargaining scenarios. Error bar is +/- 2 s.e.m.***

Table 4: ***Distribution of level of support for scenarios***

Strongly do not support					**Strongly support**
	1	2	3	4	5
Scenario 1	7.6%	15.2%	22.2%	27.3%	27.8%
Scenario 2	54.5%	20.7%	12.6%	6.1%	6.1%
Scenario 3	19.7%	18.7%	26.8%	21.2%	13.6%
Scenario 4	11.6%	14.6%	26.8%	28.3%	18.7%

To what extent do you support the sentences imposed on the offender? What factors explain the level of support for scenarios?

Table 5: ***Effect of predictors on level of support***

	Scenario 1			Scenario 2			Scenario 3			Scenario 4		
Predictor	β	t	Partial	β	t	Partial	β	t	Partial	β	t	Partial
Seriousness	0.02	0.43	0.03	-0.05	-0.97	-0.07	0.05	1.35	0.10	0.01	0.30	0.02
Moral conviction	0.48	8.48**	0.52	0.13	2.216*	0.16	0.24	4.576**	0.32	0.17	2.516*	0.18
Commensurability	0.32	4.737**	0.33	0.40	4.406**	0.30	0.47	7.334**	0.47	0.44	4.739**	0.33
Deterrence	0.13	1.89	0.14	0.27	2.822**	0.20	0.20	2.87**	0.20	0.21	2.2*	0.16
Guilty feelings	-0.02	-0.25	-0.02	0.10	1.16	0.08	-0.08	-1.05	-0.08	-0.18	-1.65	-0.12

Shame	0.00	-0.04	0.00	-0.11	-1.55	-0.11	0.12	1.97	0.14	0.24	2.813**	0.20
Shared level of support	0.00	0.00	0.00	-0.04	-0.80	-0.06	0.08	2.12	0.15	-0.01	-0.16	-0.01
F	37.22**			35.20**			86.39**			51.61**		
R-sq	58%			57%			76%			66%		

**$p < .01$, *$p < .05$. Partial = partial correlation of predictors on dependent variables. Each predictor is measured using a 5-point scale. β = standardised regression coefficient. N valid = 198. All VIF indices for all predictors below were < 10, indicating that there was no multi-collinearity between predictors.

The results demonstrate that there are different patterns which explain respondents' levels of support for different scenarios. In short, support for scenario 1 was based on moral convictions and perceptions of the commensurability of the sentence imposed on the offender. For scenarios 2 and 3, levels of support were spurred by moral convictions, perceptions of commensurability, and the deterrent effect. For scenario 3, support was determined by the same predictors for scenarios 1 and 2, but also perceptions of the offender's feelings of shame. Scenario 4 was unique in that the plea bargaining proposed in this research was based on principles of public morals, a sense of punitiveness commensurate with the severity of the offender's crimes, the deterrent effect, and the perception that the offender will feel ashamed for their actions. In summary, scenario 4 covered more aspects of public support compared to other scenarios.

We also conducted a follow-up study (qualitative interview) to further investigate public perceptions of economic crime resolutions, building on findings from Study 1. In these interviews, respondents were presented with two scenarios: traditional judicial sentencing (Scenario 1) and plea bargaining with restitution (Scenario 2). The interviews, conducted in March 2024 both in-person and online, consisted of eight open-ended questions focusing on moral conviction, commensurability of punishment, deterrent effect, and the offender's feelings of guilt and shame. The respondents in this study consisted of 18 individuals, with the majority being men (72.2% or 13 respondents) and the remaining women (27.8% or 5 respondents). Their occupations were diverse, with equal representation (16.7% each) from judges, prosecutors, lawyers, academics/lecturers, graduate students, and undergraduate students. The majority of respondents (17 out of 18) preferred Scenario 2, favouring its focus on restitution for victims and a more efficient justice process. They perceived this scenario as aligning with moral principles, offering a proportional punishment, and being more effective in restoring victims' losses and rehabilitating offenders. Scenario 2 also received higher support for its deterrent effect, with 12 respondents'highlighting its economic sanctions as a more relevant punishment for economic crimes. Scenario 1, which focused on longer prison sentences, was seen as less effective in restoring victims' dignity and achieving efficient justice. Overall, Scenario 2 was considered to better reflect principles of utilitarianism and restorative justice, emphasising the importance of repairing harm and ensuring social accountability.

ANALYSIS AND DISCUSSION

This study examined public support for different mechanisms for resolving serious economic crimes through several text-based scenarios (vignettes). The findings demonstrate that public resistance is directed primarily toward the restricted plea bargaining model (similar to current

KUHAP), whereas the modified plea bargaining model received substantially greater support. This indicates that the issue may lie not with plea bargaining itself, but rather with the current design of the mechanism when applied to serious economic crimes.

In Study 1, respondents showed greater support for the conventional criminal justice system than for the restricted plea bargaining model (similar to current KUHAP) in efforts to resolve cases of economic crime that impose extensive victims' losses. This means Hypothesis 1 is accepted. This finding may be explained through the lens of Cognitive Continuum Theory. The seriousness of the offence and the magnitude of the harm suffered by victims are likely to trigger an intuitive rather than fully deliberative mode of cognition. Faced with extensive financial losses and the perceived gravity of the wrongdoing, respondents appear to have relied on immediate moral evaluations concerning blameworthiness and deserved punishment rather than on a detailed assessment of procedural efficiency or case processing benefits. Under such circumstances, intuitive judgments tend to favour punitive responses that visibly condemn the offender's conduct.[50]

Subsequently, respondents may have viewed imprisonment and the conventional criminal justice system as mechanisms that better communicate societal condemnation and reaffirm the moral boundaries violated by the offender; the sentence reductions offered under the restricted plea bargaining model may have been viewed as insufficiently reflecting the seriousness of the wrongdoing, notwithstanding the offender's admission of guilt.

Based on our prediction, respondents' perceptions were initially dominated by retributive intuitions; however, the perceived inadequacy of the punishment offered under the restricted plea bargaining model appears to have prompted further deliberation. As the sentence reduction failed to satisfy respondents' retributive expectations, they appeared to consider whether the mechanism could nevertheless achieve other objectives of criminal justice, particularly deterrence (See Appendix).

Furthermore, our findings also indicate that a proportion of respondents supported the use of restorative justice approaches in resolving serious economic crimes. In accordance with our predictions, these respondents appeared to rely more heavily on analytical modes of cognition (logic) by focusing on the benefits of victim restitution and the reduction of social costs arising from serious economic crimes. Restoration of losses was therefore viewed as a rational response because it directly addressed the harm suffered by victims and promoted more efficient recovery of losses.[51]

However, the modified plea bargaining model, which combined both retribution and restorative elements, received significantly greater support than restorative justice alone (Hypothesis H2 is accepted). The rational considerations concerning victim restoration alone were insufficient to secure public support. As Groenhuijsen has argued, serious crimes involving large numbers of victims cannot be regarded solely as private matters between offenders and victims.[52] Respondents therefore continued to expect a degree of punishment and accountability even when restitution was available.

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50 Alles, "Moral Outrage and Betrayal Aversion: The Psychology of Punitive Damages," n.d.

51 Thomson, "On the Relevance of Cognitive Continuum Theory and Quasirationality for Understanding Management Judgment and Decision-Making," n.d.

52 Braun, "Victim Participation Rights: Variation across Criminal Justice Systems."

Interestingly, the perceptions that the offender would experience shame for their actions were significantly more pronounced in the modified plea bargaining scenario than in the other mechanisms examined in this study (see Appendix). The respondents did not evaluate accountability solely in terms of punishment severity. Rather, they appear to have engaged in a more deliberative assessment of how retributive objectives could be achieved. While imprisonment was initially viewed as the primary means of expressing moral condemnation, respondents also recognised that accountability could also arise through the admission of guilt, restitution, and the acknowledgement of wrongdoing. The association between the modified plea bargaining scenario and offender shame therefore demonstrates that respondents regarded the mechanism as capable of communicating responsibility and societal condemnation while facilitating victim restitution.

Although we did not find a significant difference between public support for the use of the conventional criminal justice system and the modified plea bargaining in Study 1, respondents subsequently identified the modified plea bargaining scenario as the fairest (55.1%) and the most effective mechanism in achieving deterrence (43.4%) (see Appendix). To explore these preferences further, respondents were asked to choose directly between the two alternatives.

The results of Study 2 revealed a shift in favour of the modified plea bargaining model, thereby supporting Hypothesis H2a. This shift may be understood as an extension of the considerations already identified in Study 1. While respondents demonstrated retributive intuitions favouring the conventional criminal justice system, they also recognised alternative forms of accountability embodied in the modified plea bargaining model. These findings appear to reflect what Hammond describes as a quasi-rational mode of cognition.[53], in which intuitive concerns regarding fairness and accountability are balanced against more analytical considerations relating to victim restitution and the practical outcomes of the criminal justice process. Public evaluations therefore reflected an attempt to reconcile competing objectives of criminal justice rather than prioritising any single objective in isolation.

This interpretation is further supported by respondents assessments of proportionality. The modified plea bargaining model was perceived as more proportionate than either the conventional criminal justice system or restorative justice alone because it preserved punishment through imprisonment while ensuring that offenders were held accountable for the harm they caused. This finding is in line with Sudaryono et al, who found that although the public generally does not support restorative justice mechanisms for serious economic crimes, support for sentence reductions increases when the offenders compensate the victims.[54]

In study 2, we also found that some respondents considerations went beyond our hypotheses, with several participants adopting a more analytical mode of cognition by focusing on practical considerations, such as the reintegration of offenders into society and the collateral impact of imprisonment on family members, suggesting that punishment should be "just enough", neither excessively harsh nor unduly lenient. Such responses further support the proposition that public evaluations of serious economic crimes are not determined solely by intuitive reactions but may also incorporate broader social and practical considerations.

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53 Hammond, “Intuition, No! ... Quasirationality, Yes!”

54 Al, “Studi Sikap Publik Terhadap Penerapan Keadilan Restoratif Di Indonesia,” n.d.

Viewed through the lens of Cognitive Continuum Theory, the modified plea bargaining model appears more closely aligned with public expectations regarding the resolution of serious economic crimes. Rather than requiring respondents to choose between punishment and restoration, the mechanism allows both considerations to be evaluated concurrently. Under such conditions, plea bargaining may function not merely as an efficiency mechanism, but as a legitimate means of resolving serious economic crimes by balancing retributive and restorative objectives within Indonesia's criminal justice system.

The findings should be interpreted in light of the specific context examined in this study. The vignette was based on a large-scale fraudulent scheme and associated money laundering activities involving substantial financial losses and a large number of identifiable victims. Although such characteristics are frequently associated with serious economic crimes, other forms of economic crimes, including corruption and banking crimes, may present different patterns of harm, victimisation, and opportunities for restitution. These differences may shape the relative importance that the public attaches to punishment, deterrence, and compensation when assessing the appropriateness of alternative mechanisms for case resolution.

Limitations and Future Research

This study has several limitations. The research employed a non-probability sampling technique, which limits the representativeness of the sample and consequently constrains the generalisability of the findings to the broader Indonesian population. Although the sample exceeded the minimum statistical requirements and included respondents from diverse demographic backgrounds, the findings should be interpreted as reflecting the views of the surveyed participants rather than as definitive estimates of nationwide public opinion.

The study was also intentionally focused on a particular form of serious crime, namely fraud as the predicate crime and money laundering as the follow-up crime. Public support for plea bargaining may differ across other categories of economic crimes, due to differences in the nature and extent of harm caused, the characteristics of victims, and the degree of moral culpability attributed to offenders.

Future research may address these limitations by employing probability-based sampling methods and achieving a more representative demographic distribution of respondents across Indonesia's regions and socio-economic groups. Further studies may also examine whether public support for plea bargaining differs across specific categories of economic crime and explore how factors such as the scale of victimisation, the magnitude of financial loss, the extent of restitution, and offender characteristics influence perceptions of fairness, proportionality, and legitimacy. Finally, our research and that of others (Herzog 2003; Cheng et al. 2016; Riederer & Golding 2020) focus on the public's perceptions of this legal procedure. It will be very valuable to assess the perception of law enforcement officers towards plea bargaining, such as prosecutors, lawyers, judges and other stakeholders in the criminal justice system, such as the police. Such research would contribute to a more nuanced understanding of how plea bargaining may be designed to address the distinctive challenges posed by serious economic crimes while maintaining public confidence in the criminal justice system.

CONCLUSION

This study contributes to ongoing discussions concerning public support for plea bargaining in addressing serious economic crime. The findings demonstrate that public acceptance of plea bargaining cannot be explained solely by considerations of procedural efficiency. Rather, support depends on whether the mechanism is perceived as striking an appropriate balance between offender accountability, proportionate punishment, and restitution for victims. The findings further suggest that public support for plea bargaining is conditional rather than unconditional, with respondents' showing greater acceptance when sentence reductions are accompanied by admissions of guilt and victim compensation.

These findings have important implications for the future development of plea bargaining in Indonesia. In the context of serious economic crimes, negotiated case resolution is more likely to be perceived as legitimate when procedural efficiency is accompanied by meaningful accountability and victim restoration. This suggests that the compatibility of plea bargaining with serious economic crimes depends not merely on procedural efficiency but also on how the mechanism is designed and implemented to satisfy broader public expectations of justice.

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