

Deferred Prosecution Agreements (DPAs) in 2025 Indonesia's Criminal Procedure Code (KUHP): Reforming Corporate Law Enforcement and Determining the Types of Criminal Offenses Suitable for Resolution

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Abstract:

Corporate crime has been officially recognized in the Indonesian legal system through Articles 45–50 of the 2023 Criminal Code (KUHP), which establish corporations as subjects of criminal liability along with justifying and excusing reasons applicable to corporate officers. Furthermore, procedural law governing corporate crime has begun to be accommodated in the 2025 Indonesian Criminal Procedure Code (KUHP). One significant reform introduced is the Deferred Prosecution Agreement (DPA) mechanism, which allows cases to be resolved through an agreement between law enforcement and the corporation, subject to certain conditions. Based on this context, this study formulates the following research problems: (1) which corporate crimes can be resolved through the DPA mechanism in Indonesia, and (2) the criteria for determining the eligibility of corporate crimes for resolution through DPA. This research employs a doctrinal method, emphasizing the analysis of legislation and legal principles, as well as conceptual and comparative approaches to international practices. The findings indicate that DPA is most appropriately applied to corporate crimes, particularly corruption, money laundering, offenses in the banking and capital markets sector, environmental crimes, fraud, theft, forgery and imitation, customs-related crimes, and tax offenses. This mechanism is not suitable for violent crimes or moral blame crimes. DPA represents a compliance-based justice approach, emphasizing restitution, corporate governance improvement, and prevention of recurrence, while aligning Indonesian criminal procedure with the characteristics of modern corporate crime.

Keywords:

Corporate Crime, Deferred Prosecution Agreement, Criminal Procedure Law.