

ABSTRACT

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APPLICATION OF THE ARTICLE OF CORRUPTION CRIME IN THE FORM OF BRIBERY TO FOREIGN PUBLIC OFFICIALS ACROSS EXTRATERRITORIAL JURISDICTIONS

(v + 101 pages)

One of the causes of the increase in corruption cases in Indonesia is from the ease of doing business in Indonesia. The ease of doing business in Indonesia causes many foreign companies or investors interested in doing business in Indonesia. Business activities between Indonesian companies and foreign companies also lead to cross-border transactions. Cross-border business transactions have the potential for corruption, especially in the form of bribery committed by actors from different countries and within different jurisdictions. The Indonesian Anti-Corruption Law does not regulate how to criminalize Indonesian public officials or certain private companies to bribe public officials in other countries or vice versa. Internationally, regulations about the bribery of foreign public officials begin with the U.S. Foreign Corrupt Practices Act of 1977. Furthermore, the United Kingdom also has a law specifically regulating the international prohibition of bribery for British entities, the United Kingdom Bribery Act 2010. The focus of the problem raised in this research is how to apply the article of bribery against bribers and recipients of bribes who are not Indonesian citizens and committed outside Indonesia territory. By using normative legal research method, it is expected to provide an overview of Indonesian legal arrangements regarding the bribery of foreign public officials so that future foreign bribery practices involving Indonesians and foreigners can be eradicated.

Keywords: bribery, foreign public official, cross-jurisdiction, extraterritoriality

References: 61 (1977-2020)