

ABSTRAK

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PERTANGGUNGJAWABAN HUKUM PIDANA KORPORASI DALAM TINDAK PIDANA KORUPSI BERDASARKAN PERMA RI NOMOR 13 TAHUN 2016

(74 Halaman; 0 gambar; 0 Table; 0Lampiran)

Dalam sistem hukum Indonesia, individu dan badan hukum seperti korporasi menjadi subjek hukum. Korporasi, yang merupakan bagian dari hukum perdata, semakin diterima dapat melakukan tindak pidana seperti dalam kasus *Corporate Crime*. Korporasi merupakan terminologi yang erat kaitannya dengan “badan hukum” (*rechtspersoon*) dan “badan hukum” itu sendiri merupakan terminologi yang erat kaitannya atau dipergunakan dalam ilmu hukum perdata. Konsepsi bahwa badan hukum bisa terlibat dalam tindak pidana kini diterima, dan hal ini membawa implikasi bahwa korporasi harus bertanggung jawab atas tindakan kriminalnya. *Corporate Crime* merupakan fenomena di mana korporasi melakukan pelanggaran hukum untuk keuntungan mereka, sering kali dengan mengabaikan peraturan dan norma yang diberlakukan. Perkembangan ini menandai pergeseran dalam hukum pidana dari fokus pada individu ke perusahaan, yang menuntut pertanggungjawaban pidana terhadap korporasi. Untuk itu, prinsip-prinsip hukum seperti *Vicarious liability*, *Strict liability identification theory*, *fungsiional daderschap* dan teori delegasi menjadi dasar dalam menegakkan pertanggungjawaban hukum terhadap korporasi.

Kata Kunci : Hukum Pidana, Tindak Pidana Korupsi, Korupsi Korporasi, PERMA RI No 13 Tahun 2016;

Refrensi : 23 (tahun 2004-2022)

ABSTRACT

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CORPORATE CRIMINAL ACCOUNTABILITY FOR CORRUPTION CRIMES BASED ON PERMA RI NUMBER 13 OF 2016

(71 Pages; 0 Pictures; 0 Table; 0 Attachments)

In the realm of Indonesian law, both individuals and legal entities such as corporations are recognized as legal subjects. Corporations, falling under the domain of civil law, have increasingly become associated with the commission of crimes, notably in the form of Corporate Crime. Initially contentious, the idea that a legal entity could engage in criminal activities has gained acceptance, necessitating that corporations be held accountable for their unlawful actions.

Corporate Crime entails instances where corporations violate laws for their own gain, often disregarding established regulations and norms. This development marks a shift in criminal law from primarily targeting individuals to holding corporations liable for their actions. Consequently, principles such as Vicarious Liability and Strict Liability serve as foundational frameworks for establishing legal accountability for corporations. These principles provide the basis for ensuring that corporations are held responsible for their actions, akin to the accountability expected from natural persons.

As legal constructs on Perma RI number 13 of 2016 distinct from natural persons, corporations require specific legal principles to govern their accountability. Concepts such as Vicarious Liability, Strict Liability, and others mentioned above serve as crucial pillars in attributing responsibility to corporations. Recognizing corporations as capable of criminal conduct underscores the evolution of legal systems to adapt to the complexities of modern business practices and uphold justice in an ever-changing societal landscape.

Keywords : Criminal Law, Corruption Crimes, Corporate Corruption, PERMA RI No.13 of 2016;

Reference: 23 (years 2004-2022)