

ABSTRAK

IMPLIKASI PERTANGGUNGJAWABAN PIDANA KORPORASI DALAM UNDANG-UNDANG NOMOR 1 TAHUN 2023 TENTANG KUHP TERHADAP PENEGAKAN HUKUM PIDANA

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(v + 103 halaman: lampiran)

Pengakuan korporasi sebagai subjek hukum pidana dalam Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP) memiliki implikasi yang akan mempengaruhi mekanisme dalam penegakan hukum terhadap korporasi yang melakukan pelanggaran hukum pidana. Penelitian ini bertujuan untuk menganalisis pengaturan pertanggungjawaban pidana korporasi dalam KUHP Baru memengaruhi mekanisme penegakan hukum serta mengidentifikasi tantangan dan dampak implementasinya terhadap efektivitas penegakan hukum pidana di Indonesia serta pengaturan *Deferred Prosecution Agreements* (DPA) dan *Non-Prosecution Agreements* (NPA) sebagai alternatif pemidanaan di Indonesia. Metode Penelitian yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan studi kasus. Data diperoleh dari peraturan perundang-undangan, literatur hukum, wawancara dengan pakar hukum pidana, serta analisis yurisprudensi. Hasil penelitian menunjukkan bahwa pengaturan korporasi sebagai subjek hukum pidana yang diatur dalam Pasal 45 sampai dengan Pasal 50 KUHP diharapkan penegakan hukum tindak pidana korporasi tidak lagi difokuskan untuk menjatuhkan pidana hanya kepada pengurus korporasi saja, melainkan korporasinya juga harus dijatuhkan pidana sepanjang memenuhi ketentuan Pasal 48 KUHP. Namun, implementasinya masih menghadapi hambatan berupa kesulitan pembuktian, keterbatasan pemahaman aparat penegak hukum. Selain itu, alternatif pemidanaan seperti *Deferred Prosecution Agreements* (DPA) dan *Non-Prosecution Agreements* (NPA) dapat diterapkan kepada korporasi yang bertujuan untuk memulihkan kerugian negara serta mendorong korporasi bertanggung jawab atas pelanggaran yang dilakukan.

Kata Kunci: Korporasi, Tanggung Jawab Pidana, KUHP 2023, Penegakan Hukum, DPA dan NPA.

ABSTRACT

IMPLICATIONS OF CORPORATE CRIMINAL LIABILITY IN LAW NUMBER 1 OF 2023 CONCERNING THE CRIMINAL CODE ON CRIMINAL LAW ENFORCEMENT.

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Recognition of corporations as subjects of criminal law under Law Number 1 of 2023 concerning the Indonesian Criminal Code (KUHP) has implications that will affect the mechanisms of law enforcement against corporations committing criminal offenses. This research aims to analyze how the regulation of corporate criminal liability in the New Criminal Code influences law enforcement mechanisms, as well as to identify the challenges and impacts of its implementation on the effectiveness of criminal law enforcement in Indonesia, including the regulation of Deferred Prosecution Agreements (DPA) and Non-Prosecution Agreements (NPA) as alternative sentencing options in Indonesia. This research employs a normative juridical method with statutory, conceptual, and case study approaches. Data was obtained from statutory regulations, legal literature, interviews with criminal law experts, and jurisprudence analysis. The research results show that the regulation of corporations as subjects of criminal law, as stipulated in Articles 45 to 50 of the KUHP, is expected to ensure that law enforcement for corporate crimes is no longer focused solely on imposing criminal liability on corporate executives, but also on holding corporations themselves criminally liable, provided that the requirements in Article 48 of the KUHP are met. However, its implementation still faces obstacles such as difficulties in gathering evidence and limited understanding among law enforcement officials. Moreover, alternative sentencing options such as Deferred Prosecution Agreements (DPA) and Non-Prosecution Agreements (NPA) could be applied to corporations with the aim of recovering state losses and encouraging corporations to take responsibility for their violations.

Keywords: Corporation, Criminal Liability, 2023 Criminal Code, Law Enforcement, DPA and NPA.