The Application of Corporate Crime Law in Corruption Offence

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Abstract. The corporation has a role in the development and economic development. However, the purpose is usually for the benefit of the corporation; then sometimes it commits crimes. In criminology, corruption comes into the scope of the white-collar crime. The definition of white-collar crime which is stated by Sutherland is to designate the type of the perpetrator of the crime in a crime, that is "people of the high socioeconomic class that offense against the laws made to regulate their works. Corruption criminal conduct is a big problem which always becomes the spotlight and anxiety of community concerns. Becomes Not only social anxiety but also an international one. The
Implementation of the corporation as the subject of corruption offense is regulated in Law Number 31 of 1999 jo. Law No. 20 of 2001 Article 20 (1) states in terms of corruption by or on behalf of a corporation, then the charges and criminal punishment can be made against the corporation or its officers. Therefore, as a limited liability corporation, foundation, which is a cooperative corporation incorporated and unincorporated corporations like Firm, a limited partnership (Vennootschap Commanditaire / CV) when they conduct corruption, then the accountability is the responsibility of the managers. For the legal entity referred to as a board by the laws that govern whereas the illegal substance, is according to each base budget.

Keywords: Application Of The Law, Corporation, Corruption Offense

1. Introduction

Corporation today becomes an entity that has a role in the development of economic life in society. The corporation, which is generally a form of business organization, runs its activities almost in all areas of life. Sophistication in form and concept is a means of the corporation in maintaining its existence, as well as used to launch business cooperation and capital gathering. The economic activity to be done is different from thatof the people who do not know the conception of the corporation. The corporation is more widespread in its activity beyond the borders of the State [1].

In Article 1 Rule 1, the corporation is a group of organized people and/or property, whether it is a legal or non-legal entity. Corporation has an important role in economic development and development. However, since the goal is for profit, the corporation cannot be released in the presence of increasingly sophisticated and varied business crimes. Business

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crime is a common form of crime committed by an individual for the benefit of the economy and is usually done by the corporation or in an organized manner so-called corporate crime [1].

Corruption is not the hallmark of a developing country or a third world, in developed countries although corruption becomes a serious problem, and it is difficult to overcome and eradicate. In Indonesia, corruption has spread everywhere. The practice of corruption decentralization involves not only government elites or public officials but also among parties, entrepreneurs, campus leaders, nongovernmental organizations, even religious leaders[2]. As a result, corruption has damaged the structure and system of work of government institutions, mental communities, the destruction of the State's economy which led to the impoverishment of the poor.

In criminology, the act of corruption in *white collar crime* is a form of action that is far more detrimental to society than the conventional crime. However, the level of public concern for these crime symptoms is not visible[3]. The term *white collar crime* as the concept of evil was first proposed by E. H Sutherland. The notion of *white collar crime* which Sutherland proposes is to designate the type of offender of a criminal thing that is "a person from a high socioeconomic class who commits violations of the law, made to govern his work[3].

The criminal act of corruption is a big problem that has always been the focus and concern of the people — not only national concerns but also international ones. In the resolution *"Corruption in government"* calls on Member States of the United Nations (UN) to set anti-corruption strategy as a top priority in the planning of social and economic development[4].

Efforts to eradicate corruption since the enactment of the Criminal Code (Penal Code) with Law Number 1 Year 1946 on the Regulation of Criminal Law for the Territory of the Republic of Indonesia. In the Act the problem of corruption has been set out in Book II of Chapter XXVIII of the Criminal Code with article 415, article 416, article 417, article 418, article 419, article 420, article 423, article 425, article 430 and article 435 have not yet been known by the formulation of corruption crimes, but it is known as "crime of office". The government's efforts in combating corruption continued with the issuance of the Military Ruling Regulation of April 9, 1957 Number Prt / PM / 06/1957, dated May 27, 1957 Number Prt / PM / 03/1957, and July 1, 1957 Prt / PM / 011 / 1957 until the issuance of Act Number 3 Year of 1971 on the Eradication of CorruptionCriminal[5].

During the Reformation's period, the Government, together with the house of representative members (legislature), has established regulations relating to Corporate Criminal Acts, among others as follows:

- Act Number 28 Year 1999 concerning the Implementation of a Clean and Free State of Corruption, Collusion and Nepotism (State Institution of the Republic of Indonesia Year 1999 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3851).
- Act Number 31 Year 1999 concerning the Eradication of Corruption (State Gazette of the Republic of Indonesia Year 1999 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 3874) which amended Act Number 3 Year 1971.
- Act Number 20 Year 2001 concerning Amendment to the Corruption Act (State Gazette of the Republic of Indonesia Number 134 of 2001, Supplement to the State Gazette of the Republic of Indonesia Number 4150).

With the reform law on corruption eradication, it is expected that gradually corruption criminal act will decline, compared to previous years, and the disclosure and arrest of corruption cases may increase, but the results of it, are not adequate yet. It is still far from the expectation as the law which has been made, has not been used optimally. Criminal corruption

act is an act that can destroy the State, resulting in the Government, and hamper development, aimed at the welfare of the people. In this case, it is still unfortunate and has not been given enough confident attention so that currently there is no corporation which has been snared as perpetrators of corruption[6].

From the description above, in this paper, it will discuss the application of corporate law as the subject of corruption offense and corporate criminal liability as perpetrators of corruption offense.

2. Result and discussion

2.1 Application of Corporate Law as Subject of Corruption Offense

In Indonesia, there are now laws that regulate the criminal act of corruption apart from the Criminal Code, such as the Economic Criminal Act, Corruption Eradication Act[7]. An upgrading of the 1999 Corruption Act is that the subject of crime is not only "natural persons" but also 'corporations.' The meaning of a corporation is a collection of organized persons and / or wealth, whether it is a legal entity or non-legal entity (Article 1 point 1 of Act Number 31 the Year 1999). The imposition of criminal sanctions/actions against corporations in corruption cases is reasonable and by the 8th 1990, United Nations recommendation which asserts, to take action against corruption in "companies." In the 9th United Nations document 1995 namely, it is stated: "Corporations, criminal associations or individuals may be involved in" bribery of officials "for a variety of reasons not all of which are economical. But in many cases, bribery is still used to achieve economic benefits. The aim is to persuade officials to provide various forms of special treatment such as: contracting, expediting/expediting permits, making exceptions or turning a blind eye to rule violations[8].

The Act Number 31 the Year 1999 concerning with the Eradication of Corruption as amended by Act Number 20 the Year 2001 determines the corporation as the subject of corruption offense, contained in Article 20 as follows:

- In the event that a criminal act of corruption is committed by or on behalf of a corporation, criminal prosecution and improper may be made against the corporation and/or its management.
- The corporate crime is committed by the corporation if the offense is committed by persons either based on employment or other relationship, acting within the corporate environment either alone or together.
- In the case of criminal prosecution conducted against a corporation then the corporation is represented by the board.
- The management representing the corporation as referred to in paragraph (3) may be represented by others.
- The judge may order that the corporate administrator to appear to himself in court and may also order that the board be brought to trial.
- In the event thatcriminal action is filed against the corporation, the call to face and delivery of the summons shall be communicated to the management of the board's residence or at the place of office.
- The principal punishment that can be imposed on a corporation is only a fine, with a maximum penal provision plus 1/3 (one third).

Furthermore, regarding who is meant by the administration in Article 20 paragraph (1) of the Corruption Act. In the explanation of Article 20 paragraph (1), there is a provision of what

is meant by the board. The explanatory notes are as follows: "The meaning of the board is a corporate organ which carries out the corporation's management by the articles of association, including those who have the authority and to decide the corporate policies that can be qualified as a criminal act of corruption."

Associated with the term of management, the things to note also that there is a possibility for the term to be used for organs whose duties and authority is to do stewardship sometimes not referred to the board. However, if the corporate organs turn out to have the duty and authority to conduct stewardship, then the organ is referred to as a board under the Corruption Act. Related to the management in the corporation can be described as follows:

2.2 In the Limited Liability Company Act

Limited Liability Company (*Naamloze Vennootschp*) is the most popular form of all business establishments. Limited liability company under Indonesian law is a legal entity which is a capital alliance established under the agreement of 2 (two) or more persons, to engage in business activities with the authorized capital entirely divided into shares[9].

In Article 1 number 1 of Act Number 40 Year 2007 regarding limited Liability Company regulates "Limited Liability Company, hereinafter referred to as the company is a legal entity which is a partnership of capital, established under the agreement, conducting business with the authorized capital wholly divided into shares and fulfilling the requirements stipulated in this law and its implementing regulations ".

In connection in addition to that, in the case of a corporation in the form of a limited liability company, an administrator refers to Act Number 40 the Year 2007 regarding Limited Liability Company. According to the Limited Liability Company Act, the Board of Directors is a member of the Board of Directors which is authorized by the Board of Directors to be the Company's authorized organ and fully responsible for the maintenance of the Company for the interest of the Company, in accordance with the purposes and objectives of the Company, as well as representing company, both inside and outside the court in accordance with the provisions of the articles of association ".

In addition to those articles which also need to be considered are Article 92 paragraph (1), paragraph (2) paragraph (3) and paragraph (4) Limited Company Act which determines that:

- The Board of Directors carries out the management of the Company for the benefit of the Company and in accordance with the purposes and objectives of the Company.
- The Board of Directors is authorized to perform the execution as referred to in paragraph (1) in accordance with the policy deemed appropriate, within the limits specified in this law and / or the articles of association.
- The Company's Board of Directors shall consist of 1 (one) member of the Board of Directors or more.
- In the event that Derory consists of 2 (two) members of the Board of Directors or more, the division of duties and authority of management among members of the Board of Directors shall be stipulated in accordance with the resolution of the General Meetin of Shareholders.

Furthermore, in article 97 paragraph (1) regulates "The Board of Directors shall be responsible for the management of the Company as referred to in Article 92 paragraph (1). Article 103 stipulates that "The Board of Directors may authorize the 1 (one) employee of the Company or more to another person for and on behalf of the company to perform certain legal actions as described in the power of attorney.

In Article 108 paragraph (1) paragraph (2) paragraph (3) and paragraph (4) of Act Number 40 Year 2007 regarding Limited Liability Company to determine:

- The Board of Commissioners shall supervise the management policy, the general management of the Company, and advise the Board of Directors.
- The supervision and provision of advice as referred to in paragraph (1) shall be conducted for the interest of the Company and in accordance with the purposes and objectives of the Company.
- The Board of Commissioners shall consist of 1 (one) member or more.
- The Board of Commissioners consisting of more than 1 (one) member is an assembly,and each member of Dewam Commissioner cannot act individually, but based on the decision of the Board of Commissioners.

Thus, if the corporation performs actions that are contrary to legislation such as corruption, then the response is the board.

2.2.1 In the Foundation Act

The Foundation is a non-member body of law, comprised of property set aside and intended to achieve the goals of the foundation, its objectives in the social, religious and humanitarian fields. In Article 1 of Act Number 16 Year 2001 as already amended by Act Number 28 Year 2004, the foundation is a legal entity consisting of wealth separated and destined to achieve certain social, religious and humanitarian objectives, which do not have members.

If the type of corporation is a Foundation, then to find out who is referred to as "foundation trustee," it can be seen in article 31 paragraph (1) which states "the board is the organ of the foundation that carries out the stewardship of the Foundation." Furthermore, in article 32 paragraph (3) mentioned the composition of the board at least consists of a chairman, a secretary,and a treasurer. Article 35 Paragraph (1) provides that "the board of trustees is solely responsible for the stewardship of the foundation for the interests and purposes of the Foundation and is entitled to represent the foundation both inside and outside the court." And in Article 35 paragraph (2) regulates "every board performs duties in good faith and full responsibility for the interests and purposes of the foundation." Therefore, the board of the foundation is the board in the question of the Corruption Act. According to the Foundation Act, the Foundation Organ consists of, Trustees, Managers,and Supervisors.

2.2.2 In the Cooperative Act

Cooperation is a business in the form of a legal entity whose members consist of individual or cooperative legal entity in which activities, based on the principle of a populist economy based on the principle of kinship to achieve the goal of member prosperity[9]. Cooperatives are considered as one of the pillars of the Indonesian economy, in addition to other pillars of state-owned Enterprises and Private Enterprises. In Article 1 point number 1 of Act Number 17 Year 2007 regarding Cooperatives, it is mentioned "Cooperative is a legal entity established by individual or legal entity of Cooperative with the separation of its member's wealth as capital to run business, fulfilling the aspiration and mutual need in the economic field, social and cultural in accordance with the values and principles of the Cooperative".

If the type of corporation is a cooperative, then to know who is meant by the board of cooperatives must use Act Number 17 of 2012 on Cooperatives. According to the Cooperative Act, organizational tools consist of: Member Meetings, Management, and Supervisors.

Article 31 regulates: "The Cooperative has a cooperative organizational device consisting of Member Meetings, Supervisors and Management. In Article 34 paragraph (1), paragraph (2) and paragraph (3) mentioned:

- Member Meetings shall be held by the Board
- Meetings of Members are attended by Members, Supervisors, and Management.
- A quorum of Member meeting shall be stipulated in the Articles of Association.

Article 58 paragraph (2) regulates "Officials representing Cooperatives inside and outside the court." Furthermore, in Article 60 paragraph (1), paragraph (2) and paragraph (3) are stipulated:

- Every administrator is obliged to perform duties in good faith and full responsibility for the interests and business of Cooperatives.
- The administrator is responsible for the management of the Cooperative for the interest and achievement of the objectives of the Cooperative to the Member Meeting.
- Each board is personally liable if the person concerned is guilty of performing his duties by the provisions referred to in paragraph (1).

From the provision, it appears that if corpororation committed a responsible offense is the managers.

2.2.3 In corporations that are not legal entities

Forms of business that are not legal entities such as Company Company, Civil Alliance, Firm and Persekutuan Komanditer. Because of no legal entity then[10]:

- Can not do legal action in the legal relationship because it is not subject to the law.
- The authority to engage in legal acts shall be laid on partners or allies of such business establishment, with limitations on the arrangements established by the law.
- Company and personal assets are not separated clearly, or in principle, these businesses have no personal wealth.
- Has no rights and obligations.
- Can not be sued and sue on this form of business but can be done to the owner or management because they indirectly do the legal relationship.

Since the firm, the limited partnership (CV), and the civil partnership are not legal entities, then those who are meant by the board of each corporation shall be subject to the articles of association of each corporation.

2.3 Corporate Criminal Accountability as the Offender of Corruption

Talking about criminal responsibility's problem, there are 2 (two) views, namely:

a. *Monitis*'s View which has been stated by Simon view, he formulated the *strafbaarfeit* as an act which by the law was threatened with punishment, contrary to law, committed by a guilty person and the person was held responsible for his deeds. According to the flow of monism, the elements of *straafbaarfeit* include the *objectives* and *subjective* elements, the straafbaarfeit is the same as the conditions of criminal imposition, so it seems that if there is straafbaarfeit, then surely the perpetrator can be punished. Therefore, adherents of the *monistis* view of*straafbaarfeit*argues that the elements of criminal liability concerning the manufacturer of the offense include:
    - Responsibility's ability
    - Errors in a broad sense, intentionally and / or negligence; 3) There is no excuse for forgiveness[11].

b. The dualistis view of adherents of this view is Herman Kontoroicz, he argues for the existence of the terms of the imposition of the criminal against the maker is necessary first to prove the existence of criminal acts, then after that proved a mistake maker subjective [11].

In connection with the existence of two monistis and dualistis views, Sudarto Professor of,Penal Law of Universitas Diponegoro argued in using the term "criminal act" must be certain for the person, what is meant is according to a monistically monolithic view of a person who is not criminal, while for the dualistic view is not sufficient requirement to be imprisoned because still must be accompanied by requirement of criminal liability which must exist in person doing [11].

There are several doctrines that justify corporations as criminal law subjects may be held criminally liable, among others :

a. Indentifikasi Theory or also known as Direct Liability Doctrine.

According to this doctrine that a corporation may be criminally liable either as a maker or a participant for each offense, the presence of men's rea by using the identification principle. Doctrine direct criminal responsibility or doctrine of identification is one of the theories used as justification for corporate criminal liability even if the corporation is not something that can stand on its own. According to this doctrine, the corporation can commit a criminal act directly through "senior officials"[12]. So, in this theory that a corporation can be held accountable then the person committing the crime must be identified first. A new liabilities accountability can be applied to the corporation where the work is done by the person who is the directing mind of the corporation. To determine who becomes the directing mind is viewed in terms of formal juridical, namely through the budget dasr corporation[12].

Lord Diplock that senior officials are those based on the memoranda and the provisions of the foundation or the outcome of the director's decisions or the ruling of the company's general meeting have been entrusted to exercise corporate power[12]. According to the theory, it can be concluded that the directing mind of the corporation is the person that has a position as a determinant in corporate policy and has the legal authority to perform actions related to corporate interests.

b. Silitytrict Liability or Absolute Liability

According to this doctrine that accountability can be requested without the necessity of error. The rationale is that in the case of strict liability a person who has committed a prohibited act as defined in the law can already be punished without question whether the perpetrator has a mistake *(mens rea*) or not. So someone who has committed a crime that meets the formulation of the law should be punished[12]. As for *mens rea,* taken from the phrase *"Actus non estreus nisi menssif rea",* it means an act does not make a person guilty unless his mind is wrong[13].

Russel Heaton implies strict liability as a criminal offense by not requiring an offense against the offender against one or more of the forbidden acts (*actus* reus)[12].According to L. B Curson, the doctrine of strict liability is based on the following reasons:

- It is essential to ensure that certain important rules are necessary for social welfare.
- Prof of the existence of men's rea will be very difficult for the related offenses for social welfare.
- The high level of social hazard posed by the acts concerned.

a. Vicarious Liability Doctrine

Vicarious Liability is a criminal responsibility charged to a person for the actions of others[14], in this case, can also be interpreted as a responsibility replacement. Based on this

substitute accountable doctrine, a person may be held accountable for the actions or misconduct of others, such accountability is almost entirely applied to crimes that are expressly provided for in law. Fundamentally, the vicarious doctrine is based on the principle of *employment principle* in this case that the *employer* is the primary responsibility of the deeds of his workers or employees.

Regarding this *employment principle* Peter Gillies has some opinions in relation to*vicarious liability*, namely[12]:

- A company or corporation may be liable in lieu of acts committed by its employeesoragents.
- In relation to the *employment principle*, these offenses are partially or wholly summary offenses relating to trade regulations.
- The position of the employer or agent in the scope of his work is irrelevant according to this doctrine.

In the case of corporate responsibility as the perpetrator of corruption offense, who can be held accountable? It can be seen in Article 20 paragraph (1), paragraph (2) paragraph (3) and paragraph (4) of Law on Eradication of Corruption. Paragraph (2) "Corruption is committed by the corporation if the offense is committed by persons either based on employment or other relations, acting within the corporate environment either alone or jointly. Article 20 paragraph (3) "in the case of criminal prosecution conducted on a corporation then the corporation is represented by the management. Furthermore, in paragraph (4) stating "the board representing the corporation as referred to in paragraph (3) may be represented by others". From the substance of the article, the Corruption Act entails the doctrine of Identification. The Identification Theory acknowledges that the actions of certain members of the corporation as long as the act relates to the corporation are considered the action of the corporation itself[15].

The Doctrine of Identification is indicated from the phrase "In the event that a criminal act of corruption is committed by or on behalf of a corporation, criminal prosecution and punishment may be made against its corporation and/or its officers" (Article 20 paragraph (1)) and the phrase "done by the corporation if the offense is committed by persons based on employment or other relationships, acting within the corporate environment both alone and collectively "(Article 20 paragraph (2)).

From the description above, the demands and imposition of criminal can be doneon Corporation, management, corporation,and management. Criminal liability corporations in doing his actions always require humans. To be able to account for a corporation, it is necessary first to be made known and determined whether the human acts committed for and on behalf of the corporation can be considered as a corporate act. To determine itthere are several things that mustbe considered, namely:

- Offense/Criminal action is committed or ordered by corporate personnel within the corporate organizational structure has a position as directing mind of the corporation.
- The criminal act shall be conducted in the framework of the intent and purpose of the corporation.
- The criminal act is committed with the purpose of providing benefits to the corporation.
- The perpetrator or the giver of the order has no justification or excuse to be exempt from liability.
- For criminal acts that require the existence of elements of criminal acts and elements of error, the two elements are not necessarily contained in one person only. Thus a corporation can be held criminally accountable as a perpetrator of corruption offense.

The types of sanctions that may be imposed on corporations in the Corruption Eradication Act are: Criminal punishment, only a fine with a maximum penal provision plus 1/3 (one third), as stipulated in Article 20 paragraph (7) Act Number 31 Year 1999 concerning the Eradication of Corruption as amended by Act Number 20 Year 2001. Besides the criminal penalty, it is possible to apply also Article 18 paragraph (1) of Act Number 31 Year 1999 concerning Eradication of Corruption as amended with Act Number 20 Year 2001, namely:

- The seizure of tangible or intangible goods or immovable goods used or obtained from corruption, including those owned by the convicted person where the criminal act of corruption is committed, as well as from the goods substituting the goods.
- Payment of replacement money as much as possible with assets acquired from corruption.
- Closing all or as a company for a maximum of 1 (one) year.
- Revocation of all or as certain rights or the removal of all or as certain advantages, which the Government may or may have provided to the convicted person.

3. Conclusion

From the description of the above discussion, it can be concluded as follows:

- The application of the corporation as the subject of corruption offense in this matter as regulated in Act Number 31 Year 1999 as amended by Act Number 20 Year 2001, in Article 20 paragraph (1) mentions in the event that a criminal act of corruption is committed by or on behalf of a corporation, criminal prosecution and improper may be made against the corporation and/ or its management. So corporations such as limited liability companies, foundations, cooperatives that are corporations incorporated as corporations that are not legal entities such as Firma, CV when doing corruption then the responsible holders are the board. For the legal entity referred to as the board in accordance with the laws governing it while the non-legal entity in accordance with the basic base respectively.
- Corporate criminal liability as a perpetrator of corruption offenses committed by a person if fulfilled all the elements or conditions as follows: The criminal act is committed or ordered by personnel who have a corporate policy position; the criminal act is committed for; corporate objectives; a criminal offense committed may benefit the corporation; the perpetrator or the giver of the order has no justification or excuse to be exempt from liability. The types of sanctions that can be imposed on corporations in the Corruption Eradication Act are: Criminal punishment, only a fine with a maximum penal provision plus 1/3 (one third), and may also be subject to additional penalties.
- Law enforcement officials should use the maximum possible means to combat corruption, one of which is to ensnare corrupt corporations not only focus on humans as physical actors, because in various cases corporations are always involved in corruption.
- Law enforcers should increase their knowledge of criminal law, especially concerning with corporate criminal liability.

References

[1] H. F. Sjawie, "Some Notes on The Supreme Court Regulation Number 13 of 2016 Regarding the Handling Procedures for Criminal Case by Corporation," *IOP Conf. Ser. Earth Environ. Sci.*, vol. 175, p. 012198, Jul. 2018.

[2] A. Ikhwan, *Politik uang dalam pemilihan umum (studi pada pemilihan umum anggota dewan perwakilan rakyat daerah kabupaten tulungagung tahun 2014)*, Penelitian. Tulungagung: KPUD Tulungagung, 2015.

[3] M. Mustofa, *Kleptokrasi Persekongkolan Birokrasi Korporat Sebagai Pola White Collar Crime Di Indonesia*. Jakarta: Predana Media Group, 2010.

[4] N. A. Barda, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: Citra Aditya Bakti, 1998.

[5] H. Andi, *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*. Jakarta: Rajawali Pers, 2005.

[6] B. Lopa, "Kejahatan Korupsi Dan Penegakan Hukum." Kompas, Jakarta, 2001.

[7] S. Azis, *Tindak Pidana Khusus*. Jakarta: Sinar Grafika, 2011.

[8] N. A. Barda, *Masalah Penegakan Hukum Kebijakan Penanggulangan Kejahatan*. Bandung: Citra Aditya Bakti, 2011.

[9] F. Munir, *Pengantar Hukum Bisnis,Menata Bisnis Modern Di Era Global*. Bandung: Citra Aditya Bakti, 2012.

[10] K. H. Online, "Kuliah Hukum Online," *Kuliah Hukum Online*, 2017. .

[11] Muladi and P. Dwidja, *Pertanggungjawaban Pidana Korporasi*. Jakarta: Kencana Prenadamedia Group, 2013.

[12] Kristian, "Urgensi Pertanggunjawaban Korporasi," *J. Huk. Dan Pembang.*, vol. 44, no. 4, 2013.

[13] S. Roeslan, *Pikiran-Pikiran Tentang Pertanggngjawaban Pidana*. Jakarta: Ghalia Indonesia, 1982.

[14] A. Romli, *Asas-Asas Perbandingan Hukum Pidana*. Indonesia, Jakarta: Yayasan Lembaga Bantuan Hukum, 1989.

[15] Padil, "Karakteristik Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Korupsi," *J. IUS Kaji. Huk. dan Keadilan*, vol. 4, no. 1, 2016.