Corporate Accountability in Corruption Crimes: Between Norms and Law Enforcement Reality

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Abstract

This research addresses the gap between legal norms and enforcement reality regarding corporate accountability in corruption crimes in Indonesia. The study aims to identify the extent to which existing legal instruments can hold corporations as criminal subjects. Using a Systematic Literature Review (SLR) methodology, this study examines various academic literature, regulations, and court decisions related to corporate corruption. Data were analyzed descriptively through content analysis to identify patterns and obstacles in implementing legal norms. The findings demonstrate that despite a clear normative framework, law enforcement implementation remains focused on individual perpetrators. Consequently, the effectiveness of corporate criminal liability is significantly influenced by institutional factors, legal culture, and the willingness of law enforcement officials to enforce corporate justice. This research contributes to the development of a more adaptive and responsive criminal law paradigm addressing the complexity of corporate crime in the modern era.

Keywords: Corporate Accountability, Corruption Crimes, Legal Norms, Law Enforcement, Accountability

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Introduction

Corruption in Indonesia demonstrates increasingly complex patterns, not only conducted by individuals but also involving corporate entities as important actors behind power abuse practices. Empirical evidence shows that substantial profits from corruption often flow to legal entities, while individual perpetrators are merely representatives of corporate interests. However, Indonesia's law enforcement system still focuses on imposing criminal sentences on individuals rather than corporations as legal subjects. Based on data from the Anti-Corruption Commission (KPK), most corruption cases involving corporations only trap executives without touching the legal entity itself.

This situation reveals a gap between legal norms that have recognized corporations as criminal subjects and their enforcement reality. This discrepancy raises fundamental questions about the effectiveness of Indonesia's criminal law system in creating institutional accountability and enforcing justice principles in the context of corporate corruption. While legal literature has discussed the concept of corporate criminal liability, the majority focuses on theoretical aspects without fully explaining implementation problems in Indonesia. The Regulation of the Supreme Court No. 13 of 2016 has indeed provided a juridical basis for law enforcement against corporations, but its implementation remains minimal.

This research aims to analyze in depth how corporate accountability is applied in corruption crimes in Indonesia, focusing on the gap between legal norms and their enforcement reality. The urgency of this research lies in the need to fill conceptual and practical gaps in applying criminal law against corporations. The main argument is that achieving effective anticorruption efforts will be difficult without full corporate responsibility, given that corporations often become the source of profit and primary driver in criminal acts

Literature Review 2.1. Corporate Accountability

Corporate accountability (corporate liability) is a legal concept that places business entities as legal subjects accountable for criminal acts committed by executives or employees within the scope of business activities. In modern legal systems, corporations are viewed not only as economic entities but also as legal actors with will and moral responsibility to society. In Indonesia, recognition of corporations as criminal act subjects began through Law No. 7 Drt of 1955 on Economic Crimes and was strengthened in various sectoral laws, including Law No. 31 of 1999 as amended by Law No. 20 of 2001 on Combating Corruption Crimes.

2.2. Corruption Crimes

Corruption is conceptually defined as the abuse of power to obtain personal or group benefits in the form of money, goods, or services. In the context of Indonesian law, corruption crimes are regulated by Law No. 31 of 1999 as amended by Law No. 20 of 2001, encompassing various forms of deviation such as bribery, embezzlement, gratification, and self-enrichment that harms state finances. The manifestation of corruption crimes in corporate contexts can be distinguished into two main categories: (a) corruption by individuals within corporations for personal gain, and (b) corruption conducted in the name or for corporate interests.

2.3. Law Enforcement Against Corporations

Law enforcement in the context of corporate accountability for corruption crimes encompasses the entire process from investigation, prosecution, to judgment execution against corporate entities. According to responsive regulation theory, effective law enforcement must

be adaptive, combining repressive sanctions with regulatory instruments that encourage corporate compliance. Law enforcement against corporations in corruption cases can be viewed through three manifestations: (1) de jure law enforcement—norms and regulations governing criminal liability mechanisms; (2) de facto law enforcement—actual implementation of such norms in judicial practice; and (3) de cultura law enforcement—internalization of legal values in corporate culture and law enforcement institutions

Research Methodology

This is library research employing a Systematic Literature Review (SLR) approach. This method systematically examines all literature relevant to corporate criminal liability, corruption crimes, and law enforcement. Primary data sources derive from academic literature and jurisprudence documenting various case studies on the application of corporate criminal liability in corruption contexts both in Indonesia and globally. Secondary data include theoretical studies, law textbooks, national and international journal articles, anti-corruption agency reports (such as KPK and OECD), and statutory documents.

Data analysis employs content analysis approach enabling the researcher to identify patterns, themes, and inter-variable relationships in examined literature. The analysis process involves data classification based on main categories—namely legal norms, law enforcement implementation, and causative factors of gaps. Analysis is conducted qualitatively by interpreting literature content and drawing evidence-based conclusions.

Results

Literature analysis demonstrates that the concept of corporate accountability in criminal law has developed from a traditional paradigm oriented toward individual legal subjects to recognizing corporations as entities that can be held criminally liable. Although there is clear legal basis and supporting theory, Indonesia's law enforcement reality shows a tendency to avoid prosecuting corporations for corruption. KPK data reveals that the number of corporations prosecuted criminally remains very small compared to individuals. This indicates a gap between norms and implementation, with law enforcement officials still tending to focus on individual perpetrators.

Limitations in technical understanding, complex evidence of corporate involvement, and absence of strong enforcement mechanisms weaken the effectiveness of corporate accountability in corruption contexts. Explanations of corporate corruption phenomena show that non-transparent organizational structures, weak internal oversight, and low compliance culture are primary triggers for corruption in business environments. In many cases, corporatelevel corruption operates systematically, involving networks of actors difficult to unravel through conventional legal approaches.

Empirically, many cases show criminal liability stopping at directors or officials without touching the corporation as a legal entity that directly benefited from corruption crimes. Law enforcement patterns orient more toward individual perpetrators, while corporate entities gaining benefits from criminal acts remain largely untouched. This condition confirms structural and cultural problems within law enforcement institutions, impacting the weakness of criminal law effectiveness in substantively addressing corporate crime.

Conclusion

The The main finding is that the existence of legal instruments explicitly recognizing corporations as criminal subjects—such as Law No. 31 of 1999 as amended by Law No. 20 of 2001 and Supreme Court Regulation No. 13 of 2016—does not automatically produce effective corporate criminal accountability. Although norms exist and juridical instruments appear complete, enforcement practice reveals tendency to avoid corporate prosecution. This fact reveals that the main issue is not legal norm absence but structural and cultural failures of law enforcement institutions in operationalizing corporate accountability.

This research provides significant added value for criminal law science development, particularly in corporate criminal accountability theory. Practically, it contributes to formulating Indonesia's legal system reform direction through regulation strengthening, institutional capacity enhancement, and corporate legal culture formation based on integrity. Research implications point toward necessity of restructuring law enforcement approaches against corporations in both regulatory and institutional aspects, creating a corporate criminal accountability system that is not only normative but also operational with real corruption eradication impact in Indonesia.

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