



Criminal Responsibility Of Suspects And Victims Of Corruption In The Private Bribery Sector In Indonesia

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Abstract

Suspects and Victims of the Arbitrariness of Authorities in the Criminal Justice System Examining whether the Criminal Enforcement Process in the case of Corruption Crimes has been carried out correctly both in the order of Making Legal Norms and in terms of Law Enforcement. Correct and fair resolution of criminal cases is not only seen from the results of the verdict handed down by the judge. Rather, it is seen from the victim who is asked to be held accountable based on the principle of business judgments and is made a suspect for the business decisions he takes in the criminal justice system.. To realize the objectives of criminal justice within the framework of the criminal justice system, the criminal justice model that is guided is actually based on the due process of law. Whether the criminal justice is enforced from the start in accordance with the provisions of procedural law (due process of law) or not (undue process), if it has been implemented in accordance with the provisions of procedural law then the justice has implemented and upheld the ideology envisioned by the rule of law (Rechtstaat). and a democratic society. In order to uphold an honest criminal justice system from start to finish as a form of ideological commitment and justice for people who are dealing with criminal trials, whether suspects, witnesses or victims, this is the main or absolute goal. The aim of this research is to determine the responsibility of a suspect and victim as a manifestation of law enforcement ideology. The method used in writing this research is normative juridical using statutory and conceptual approaches.

1. Introduction

M. Yahya Harahap stated that, the essence of due process of law is that every enforcement and application of criminal law must be in accordance with "constitutional requirements" and must "obey the law", therefore, due process of law does not allow violations of any part of the law. legal provisions under the pretext of enforcing other laws. The administration of criminal justice must be in accordance with Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP).(M. Yahya Harahap, 2007)The Criminal Procedure Code as criminal procedural law which includes criminal justice procedures, must also be a guideline underlying the administration of criminal justice, based on due process of law. The administration of criminal justice must be in accordance with the Criminal Procedure Code, as well as through various procedures or stages that have been regulated in the Criminal Procedure Code to achieve substantive justice or true justice.(M. Yahya Harahap, 2007)

In its implementation, based on facts, the law enforcement process or criminal justice in Indonesia has shown that there are deviations from the application of the due process of law or due process model. This of course gives rise to a pessimistic attitude and apathy in the community towards the process of law enforcement and criminal justice in Indonesia. The portrait of criminal law enforcement in Indonesia itself, which is guided by the Criminal Procedure Code, is a legacy of Dutch colonialism which so far seems to continue to leave problems, both in the order of making legal norms and especially in the order of enforcement.(Yesmil

Anwar Adang, 2019) Law enforcement of course aims to provide justice. Law and justice themselves are like two pieces of a coin, both of which are attached to each other and cannot be separated. The correctness and fairness of the resolution of a criminal case is not only seen from the final result of the decision (sentence) handed down, but also assessed from the beginning of the criminal justice process, whether the criminal justice was enforced from the start in accordance with the provisions of procedural law (due process of law) or no (undue process), if it has implemented according to the provisions of procedural law then the judiciary has implemented and upheld the ideology envisioned by the rule of law (rechtstaat) and a democratic society. In order to uphold a criminal justice system that is fair from start to finish as a form of commitment to the ideology of justice for people who are dealing with criminal justice, whether suspects, witnesses or victims, this is the main or absolute goal.(Romli Atmasmita, 1996)

Starting from the main objective of the Criminal Justice System which is actually to "humanize" humans and is tasked with protecting and achieving the ideals of the law itself to be able to provide justice, certainty and benefit, without violating Human Rights. Therefore, caution in enforcing criminal law is a must for law enforcement officials. In this case, the author will discuss and analyze more deeply regarding law enforcement against Directors of State/Regional Owned Enterprises who are suspected of having committed criminal acts of corruption.(Ifrani, 2017) In this case, the BUMD Directorate was designated as a

suspect/defendant but was actually also a victim. This is related to the responsibility and authority possessed by the Board of Directors, which often causes the Board of Directors to stumble into criminal law issues related to potential losses from BUMDs which are accused of also being State losses (state financial losses), this is like the facts of a case that has been handled by the Author, where the Author saw directly and researched, the Main Director of the Pasar Surrabaya Regional Company (PD. Pasar Surya) in 2018 who was prosecuted for allegedly committing a criminal act of corruption which was detrimental to the State's finances, with this of course raising a question related to legal protection for the Directors in carrying out their activities. management within the BUMD, the Board of Directors should have a limit of responsibility in order to carry out their duties as a Director against the risk of loss to the BUMD.(Zico Junius Fernando, Pujiono, 2022) Because BUMD losses can occur for several reasons and are not limited to mistakes made by the Directors in carrying out the management of the Company or BUMD. This BUMD diéksi was charged with violating the provisions of Articles 2 and 3 of Law Number 31 of 1999 on the Eradication of Corruption and its Amendments (State Gazette of the Republic of Indonesia of 1999 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 4150) hereinafter abbreviated as the Corruption Law.

This is also related to the determination of criminal sanctions against the Directors of BUMD companies for alleged criminal acts of corruption.

Because as is known, in accordance with the principle of criminal law, namely *ultimum remidium*, which means that the existence of criminal sanctions is placed or positioned as the final sanction. This means that in a law the first thing that is regulated or determined is administrative sanctions or civil sanctions, before criminal sanctions. Criminal sanctions are the final remedy or effort in a series of stages in enforcing a legal rule. The final remedy in this case is the ultimate weapon if enforcement mechanisms in other areas of law do not work effectively.(Romli Atmasmita, 1996) However, in reality, currently this principle is not always stipulated in the law enforcement process, instead criminal sanctions are the main choice (*premium remidium*). Based on the above background, this article attempts to explore the accountability of suspects and victims of corruption in the private bribery sector in Indonesia and how it is linked. with what factors influence private sector corruption.

Literature Review

The process of reviewing research results relevant to this research has been carried out. However, from the study of the research results, there are still various differences in terms of the object of study, results and research conclusions. The following are some of the research results that have been reviewed, including:

Research conducted by Fariz Cahyana Urgency with the research title: The urgency of regulating bribery as a criminal act of corruption in Indonesia with the title Research: This research discusses the meaning of bribery based

on the laws and international rules of UNCAC and how law enforcement is carried out by looking at several cases in Indonesia and analyzed according to Law no. 20 of 2001

The second research was conducted by Andreas Nathaniel Marbun, researcher with the research title: Can bribery in the private sector be prosecuted privately? This research discusses the differences between bribery in the private sector and the public sector? How is bribery regulated in No. 11 of 1980 concerning bribery which has not been able to eradicate bribery perpetrators

The third research was conducted by: Nibranska Aslan with the research title Corruption Prevention in the BUMN Sector in the Public Service Perspective. It is about how the Corruption Prevention Policy, corrupt practices are caused by the principles of good cooperative governance which have policies that can be implemented to minimize corruption policies with the board of directors functioning the internal BUMN task force.

Research Methods

The type of research used is normative legal research, namely research that examines statutory regulations that are related to the object of research study, especially regarding legal principles and norms contained in statutory regulations. In this research, the approach used is the Legislative Approach. (Statute Approach) and Concept Approach (Conceptual Approach).

Legislative Approach (Statute Approach), namely an approach by studying and analyzing laws and

regulations that are related to the subject matter of the research.

Conceptual Approach, namely an approach by studying views and doctrines in legal science, concepts and legal principles that are relevant to the main research problem.

2. Results and Discussion

A. Accountability of Suspects and Victims of Private Sector Corruption

A suspect according to Article 1 point number 14 of the Criminal Procedure Code is someone who, because of his actions or circumstances, based on appropriate preliminary evidence (at least two valid pieces of evidence) is suspected of being the perpetrator of a criminal act. Thus, a suspect is someone who is undergoing a preliminary examination, where whether a suspect is guilty or not must be carried out in an honest judicial process by prioritizing the principle of equality before the law. Meanwhile, victims are people who, individually or collectively, have suffered losses, including physical or mental, emotional, economic losses, or substantial interference with their fundamental rights through actions or commissions that violate criminal law in their respective countries. state, including abuse of power. Starting from a law enforcement process that is in accordance with the legal corridors, it is hoped that justice will emerge for communities in need, and the Indonesian nation is in the process of achieving that justice. Of course, this goal will be achieved if there is good faith to apply the law without being guided by interests

and only purely in accordance with the legal process. Both the suspect and the victim mentioned above are elements of the criminal justice system whose legal rights are required to be guaranteed by the State. (Friedman, 1975)

Corruption cases affecting directors in our country, from a company law perspective, according to Law No. 40 of 2007 concerning Limited Liability Companies through Article 97 paragraph (5) have provided a guarantee that members of the Board of Directors cannot be held responsible for losses as intended in paragraph (3). if you can prove:

- a. The loss was not due to his fault or negligence;
- b. has carried out the decision in good faith and prudence for the benefit and in accordance with the aims and objectives of the company;
- c. has no conflict of interest, either directly or indirectly, regarding management actions that result in losses; And
- d. Have taken action to prevent the occurrence or continuation of such losses. Article 97 paragraph (5) law no. 40 of 2007 concerning limited liability companies as an incarnation of the Business Judgment Rule doctrine.(Prasetyo, 2014)

SystemIn common law law, there is a doctrine used in company law, namely the Business Judgment Rule doctrine, this doctrine has become part of the common law legal tradition. This doctrine is the assumption that the Board of Directors makes business decisions which result in losses to the company they manage, but are based on good faith

and are carried out entirely in the interests of the company, so in this case the Directors are protected from responsibility for these losses. (Prasetyo, 2014)

Based on the example of the case that befell the BUMD Directors above, it can be seen that there is a problem in the norms of Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption (UU Tipikor) is subject to multiple interpretations so it does not reflect legal certainty. Namely, it is related to the element "everyone" and the element "can harm state finances" which does not have uniformity, meaning there is no synchronization and harmonization between other applicable laws. The phrase "or another person or a partnership" in Article 2 paragraph (1) and Article 3 of the Corruption Law also creates confusion and gives rise to legal uncertainty in law enforcement practices. (Taufiqurrohman Syahuri Ghazalba Saleh, 2022) Since the publication of the Anti-Corruption Law, state officials or administrative bodies, including the Directorate of BUMN or BUMD, have tended to be unwilling to make decisions within the administrative sphere due to the threat of being caught in criminal acts of corruption. In fact, they do this within the framework of public services and fulfilling people's rights. Based on this, it can be understood that the norms of Article 2 paragraph (1) and Article 3 of Law Number 31 1999 as amended by Law Number 20

2001 concerning the Eradication of Criminal Acts of Couption (UU ripikoí) does not fulfill the principles of lex

scripta and lex scetricta in criminal law.(Kristine Artello & JS aAbanese, 2019)

Legal certainty is one of the objectives of enacting the law, in terms of These are the provisions of Articles 2 and 3 of the Corruption Law which have been proven to have several weaknesses in terms of the formulation of the elements of the Article, so that they still give rise to legal gaps and arbitrariness by law enforcement officials in interpreting the provisions of the Article, because certainty regarding the provisions of the Article has not been fulfilled, as stated in has been explained above. As is well known, this provision is a material offense which requires that there be consequences so that it can be classified as meeting the elements of this Article. However, in practice, the provisions of this article are often interpreted differently, so that they do not achieve legal certainty. Normatively, legal certainty is when a decision is made and promulgated with certainty because it regulates clearly and logically. It is clear in the sense that it does not give rise to doubt and logically does not give rise to clashes and blurring of norms in one system of norms with each other. In this regard, the actions of BUMD Diéksi which are based on the Business Judgment Rule doctrine seem to be powerless when faced with the reality of Law Enforcement. in criminal acts of corruption that have occurred and must be faced by BUMN/BUMD Directors, even though the Business Judgment Rule according to Ridwan Khairandy is a doctrine that teaches that the company Director is not responsible for losses arising from an action in making a

decision, if the action is based on good faith and caution. Directors receive legal protection without the need to obtain justification from shareholders or the courts for the decisions they take in the context of company management. (Robert Prayoko, 2015)

Doctrine is very closely related to judges' decisions (juridprudence). This is because, in making a decision, a judge will take his legal considerations referring to the opinion of legal experts (doctrine). Therefore, regardless of the legal system adopted by a country, doctrine remains a source of law. It is not surprising that the Business Judgment Rule doctrine in company law has not only developed in countries with a common law legal system, but also among adherents of other legal systems. Business Judgment Rule is legal protection for directors and their staff from liability for any policy or business decision or transaction that results in losses for the company, as long as the policy or business decision or business transaction is carried out in good faith, with full prudence, honesty, and in line with responsibility. responsibility and authority. (Robert Prayoko, 2015)

Business Judgment Rule is a rule (doctrne or presumption) which provides immunity or protection for company management (Directors) from any responsibility arising as a result of transactions or activities carried out by them in accordance with the limits of authority and power given to them, with consideration that these activities have been carried out with due observance of standards of caution and good faith and are responsible. The Business Judgment Rule also functions to encourage

Directors to be braver in taking risks rather than being too careful, so that the company does not run. This principle reflects the assumption that law enforcement officials or courts cannot make better decisions in the business field than the Board of Directors. (Prasetyo, 2014) Fatally, judges generally also lack business skills and start studying the problem after the facts have occurred. The background to the enactment of the Business Judgment Rule doctrine is that among all parties in the company, in accordance with their position as Directors, the Directors are the ones with the most authority and the most professional to decide what is best to do for the company, meanwhile if a business decision from the Directors occurs losses for the company, to a certain extent, can still be tolerated considering that not all businesses have to make a profit. In other words, the company must also bear business risks, including the risk of loss. Therefore, the Board of Directors cannot be held responsible just because they made a mistake in making a decision (man's error of judgment) or just because of the company's losses. (Prasetyo, 2014)

As such, the essence of implementing the business decisions doctrine is that all parties, including the courts, must respect business decisions taken by people who understand and are experienced in the business field, especially with complex business problems. Therefore, they should be given great discretion. Those who are experienced and have knowledge of business are of course the Directors, at least they have more experience than the police, prosecutors and judges in court,

who have absolutely no knowledge of business and decide only based on some tips and opinions. The principle of Business Judgment Rule can be used as a justification, namely a reason to eliminate the unlawful nature of the act so that what has been done or done by the defendant can be said to be an appropriate and correct act if the policy is taken with great care, without arbitrariness and It is not aimed at benefiting oneself, this policy is purely carried out to save or for the benefit obtained by BUMN/BUMD (Limited Liability Company). The principle of Business Judgment Rule actually also aims to protect the Board of Directors for every business decision, whether loss or profit, which is a company transaction by fulfilling the principles of prudence and good faith for the interests of the company.(Hector Flores Marquez Ana Lilia Vaderrrama Santibanez, 2021)

The principle of the Business Judgment Rule can be used as a justification, namely a reason to eliminate the unlawful nature of his actions so that what has been done or done by the defendant can be said to be an appropriate and correct action if the policy is taken with great care, without arbitrariness and It is not aimed at benefiting oneself, this policy is purely carried out to save or for the benefit obtained by BUMN/BUMD (Limited Liability Company).(Gunawan Wijadja, 2008)The Business Judgment Rule principle actually also aims to protect the Board of Directors for every business decision, whether bad or profitable, which is a company transaction by fulfilling the principles of prudence and good faith for the interests of the

company. Article 97 paragraphs (3) and (4) of the Company Law, as well as Article 1365 of the Civil Code. Article 97 paragraph (3) of the Company Law states that each member of the board of directors is fully personally responsible for losses to the company if the person concerned is guilty or negligent in carrying out their duties in managing the company. Then Article 97 paragraph (4) of the Company Law states that if the board of directors consists of 2 (two) or more board members, this personal responsibility applies jointly and severally to each member of the board of directors. (Hiariej, 2020) And Article 1365 of the Civil Code states that every unlawful act that causes loss to another person requires that person because of his fault to compensate for the loss. Thus, the responsibility of directors in managing BUMN/BUMD should be more inclined towards civil liability because in this case it is part of private law and not the realm of public law. (Indra Kurniawan, 2021) Directors can be prosecuted in the criminal realm if the directors commit fraud or embezzlement. (Risky Putra et al., 2022) Personal liability to the extent of loss of personal wealth for Directors, for business decisions that are detrimental to the company, has been a debate for a long time. Judges in countries with a common law legal system are familiar with the term business judgment law which states that the court is not an ideal place to assess business decisions, because of the difficulty of reconstructing such business decisions in court after such decisions have been taken several years previously. Business activities require fast decisions and often these decisions are made on the basis of imperfect information.

(Setiawan, 2011)

Too broad an interpretation of the Corruption Crime Law (UU Tipikor) by law enforcement officials is very detrimental to BUMN/BUMD Directors in carrying out their duties. ⁱ aces and functions, because it has been proven that several Directors have been caught in legal cases, especially related to the losses experienced by these BUMN/BUMD. Law enforcement officials have always linked state assets, including assets or property owned, both in BUMN/BUMD, so that if there is a loss, it is always considered a state loss. (Huda, nd) In fact, related to BUMN/BUMD assets is different, namely related to BUMN/BUMD obligations or debts, because the term has never been found that BUMN/BUMD debts are debts or obligations of the state or government. (Lasmauli & Simarmata, 2021) So according to the author, by assessing the analogy, BUMN/BUMD wealth is state wealth. becomes irrelevant. This is because the state only owns shares in BUMN/BUMD which are recorded as state assets. So, it can be concluded that the state is only the shareholder, if it is related to BUMN/BUMD assets, then all forms of actions or decisions made by the BUMN/BUMD Directors are of course within the framework of the Limited Liability Company Law. If the BUMN/BUMD Directors have carried out their duties and functions in good faith, and carried out good corporate governance in accordance with their fiduciary duties as Directors, then the Directors cannot be criminalized (sentenced). Meanwhile, if the board of directors of a BUMN/BUMD does not carry out the principle of fiduciary duty and causes losses to the company, then the directors can be held civilly

responsible for the losses incurred. (Wicaksono, 2009)

B. Factors of Private Sector Corruption Perpetrated by Suspects and Victims and the Impact of Bribery Sector Corruption.

Bribery is a mode that in many cases is used to influence fair treatment of regulations, criminologically, this occurs through friendly cooperation between payment providers and payment recipients. (Indra Kurniawan, 2021) Payment episodes can occur when there is a relationship of interest between the payment provider and the payee. Payment providers are parties with an interest in managing payment recipients. The recipient of the payment has an interest relationship with the payment provider because he is the party who has a position to satisfy or not satisfy the interests of the payment provider. Thus, payment is also mentioned as a value-based violation. The issue of bribery is an issue that has been in the public eye for quite some time. In general, rewards are given to persuasive individuals or authorities to do or not do something related to their situation. Individuals who give gifts as a rule give gifts so that their desires are achieved either as a special benefit or to be released from legitimate discipline or interaction. So it is not business as usual that the ones who benefit most are the authorities in the administration of public authorities who play an important role in choosing something, for example in granting licenses or awarding government projects. Many of the rewards are given

to regulatory implementers such as police, investigators, judges. Likewise, customs, duties and authority relating to the issuance of permits, both business permits, building grants and others. (Lloyd E. Ohlin and Frank J Remington, 1993)

Bribery comes from the word *briberie* (French), which means 'begging' (begging) or 'vagrancy' (vagrancy). In Latin it is called *bribe*, which means 'a piece of bread given to beggar' (a piece of bread given to beggars). In its development, bribe means 'alms' (alms), 'blackmail', or 'extortion' (blackmail) in relation to 'gifts received or given in order to influence corruptly' (gifts or gifts received or given with the intention to influence evilly or corrupt). Thus, someone who is involved in the act of bribery should actually be ashamed if they understand the meaning of the word bribe, which is very despicable and even very demeaning to human dignity, especially for the recipient of the bribe by competing unreasonably and sabotaging fair competition. Having regulations regarding payment errors can help maintain trust and authenticity in monetary transactions. This concentrate also examines and dissects several repayment cases that occurred both in Indonesia and outside Indonesia. From the results of this study, it is realized that private pay off policing in Indonesia is not running well. Assuming this is allowed, cases of repayment will continue to occur in secret areas which are detrimental to the local area and have implications affecting the State. (Nurlaily & Windari, 2022)

Bribery in the private sector also often occurs, but has not received more

attention and has even been forgotten. Internationally, the United Nation Convention Against Corruption (UNCAC) regulates bribery in the private sector and Indonesia has ratified it through Law no. 7 of 2006. Examples of acts of bribery in the private sector contained in the United Nation Convention Against Corruption (UNCAC) are: acts of illegal enrichment (wealth obtained from unnatural means), embezzlement of wealth in the private sector, bribery in the private sector, private sector, and influence trading. However, several points included in bribery in the private sector are non-mandatory or there is no agreement between the countries participating in the convention to declare this action a criminal offense. (UNODC, 2022) Because of its non-mandatory nature, until now Indonesia does not have clear regulations regarding eradicating bribery in the private sector. Private Sector Bribery, which is widespread in Indonesia, is influenced by several factors, namely: According to Gone Theory, Jack Boulogne stated in his book *Fraud Auditing and Forensic Accounting: New Tools and Techniques*, there are several factors that cause criminal acts of corruption, including: (Andi Hamza, 1984)

1. Greed: refers to greedy behavior that can be
2. regular life
3. Disclosure (Exposure): refers to the consequences faced by the perpetrator if they are proven to have done something that constitutes fraud. seen by anyone

4. Opportunities: refers to the situation of an organization, institution, or society so that fraud is possible
5. Needs: refers to the things needed to live life. (Alcántara-Lizárraga & Jima-González, 2022)

The desire of the elite in Indonesia to commit corruption is in line with the high lifestyle of the people in Indonesia and the weak legal system and the small possibility of punishing the corrupt, resulting in someone committing acts of corruption. This situation is also supported by the fact that the rewards or profits obtained by corruptors are very promising for them. The factors causing corruption originate from within the perpetrator, but can also arise from the atmosphere that encourages someone to do this, namely criminal acts of corruption. (Adam Chazawi, 2019) Internal factors in corruption affect a person. Everyone has a different perspective on corruption. One of the reasons according to Pope is that the boundaries of the term corruption are unclear, giving rise to uncertainty in defining corruption. Merican also provides and identifies factors that cause corruption, including colonial legacy, inequality and poor field expertise. Not only internal factors in the occurrence of criminal acts of corruption, there are external factors in criminal acts of corruption, namely, the public's attitude towards matters of criminal acts of corruption, the economic side which often creates an atmosphere of opportunity for corruption, political influence through the use of money and material benefits, organizations that contribute to corruption thereby opening up opportunities for corruption. The economic problem of corruption also results in impacts and

sluggish growth in terms of investment and a decline in private parties in Indonesia who are not interested in securing capital. Besides that, resources are not utilized optimally in productive activities, the quality of goods is low and public services are also low. Decreasing state income from the tax sector and increasing social government debt are causes of poverty due to corruption. Publicly speaking, poverty alleviation is getting slower and access for the poor is limited, crime is increasing and social solidarity is becoming increasingly scarce. (Alcántara-Lizárraga & Jima-González, 2022)

3. Conclusion

Based on the results of the research above, 2 conclusions were obtained, namely: Suspects and victims in private sector corruption based on Law Number 3 of 1999. Eradication of criminal acts of corruption and its amendments (State Gazette of the Republic of Indonesia of 1999 Number 75 Supplement to State Gazette of the Republic of Indonesia Number 4150) contains elements namely enriching oneself, other people and corporations with the aim of benefiting oneself, abusing authority. Meanwhile, Article 3 of the Corruption Law applies to civil servants or public officials against directors of limited liability companies based on Law no. 40 of 2007 concerning limited liability companies, directors are not included as legal subjects. The provisions of PP Number 54 of 2017 stipulate that if the directors in good faith are fully personally responsible, this means that if the directors of a limited liability company are involved in

allegations of corruption, criminal sanctions are imposed on directors of the limited liability company, the existence of criminal sanctions is placed last, meaning civil sanctions are determined by the enactment of the Law. -Law Number 40 of 2007 Article 97 paragraph 5 (five) has provided guarantees to directors if the directors can prove that: the loss was not due to their fault or negligence and the management was in good faith.

Directors of State/Regional Owned Enterprises who are designated as Suspects/Defendants can actually be said to be both Suspects/Defendants and Victims of the abuses of authorities in the Criminal Justice System (double victimization). This is related to the responsibility and authority possessed by the Directorate, which often results in the Directorate being tripped up by criminal law issues related to potential losses from BUMDs which are accused of also being state losses (state financial losses). This resulted in the Board of Directors suffering twice (double), namely suffering from the stigma of the general public who saw the "character assassination" of the determination of the suspect/defendant (double stigmatization), the second was the suffering experienced because they had become victims of misunderstanding by the enforcement authorities. law in carrying out good and correct law enforcement functions in the Criminal Justice System, because it has determined someone to be a Suspect/Defendant when they should not be fit and proper to be a Suspect/Defendant in Criminal Justice

The most important factors and impacts of corruption in private sector

corruption are economic and surrender issues. Socially, the problem of corruption in terms of the private bribery sector, if related to Indonesia, is a cause of poverty which will result in increasing government debt and the process of running infrastructure not running optimally as well as the problem of increasing prices of services and public services in terms of electricity becoming increasingly scarce for poor people.

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