

# Korporasi sebagai pelaku tindak pidana korupsi dan pertanggungjawaban pidananya = Corporation as a perpetrator of corruption and its criminal liability.

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## Abstrak

[<b>ABSTRAK</b><br>

Korporasi tidak dikenal sebagai subyek hukum pidana dalam Kitab Undang-Undang Hukum Pidana (KUHP). Korporasi diakui sebagai subyek hukum pidana melalui undang-undang di luar KUHP, termasuk Undang-Undang No. 31 Tahun 1999 jo Undang-Undang No. 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi. Perkembangan ilmu hukum pidana pun semakin maju dengan kemunculan doktrin-doktrin pertanggungjawaban pidana korporasi. Namun dalam praktik, putusan pengadilan yang menjadikan korporasi sebagai subyek hukum dalam tindak pidana korupsi masih minim dan berbeda-beda penerapan hukumnya. Untuk pertama kalinya, pada tahun 2010 PT. Giri Jaladhi Wana korporasi yang dituntut sebagai pelaku tindak pidana korupsi. Kemudian diikuti oleh kasus tindak pidana korupsi dengan Terdakwa direktur utama PT. Merpati Nusantara Airlines, Hotasi Nababan yang sebenarnya lebih mengarah kepada tindak pidana korporasi. Hal ini kemudian menimbulkan pertanyaan apakah ada kesulitan dalam meminta pertanggungjawaban pidana korporasi. Bagaimana pelaksanaan pertanggungjawaban pidana korporasi dan apa saja kesulitan dalam pelaksanaannya akan dibahas pada skripsi ini.

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Corporation is not known as a subject of criminal law in Indonesia Criminal Code. Corporation is recognized as a subject of criminal law in the acts outside of Indonesia Criminal Law, such as Law No. 31 Year 1999 on Eradication of Corruption (as amended by Law No. 20 Year 2001). The development of criminal law become more advanced with existence of corporate criminal liability doctrines. On the other side, in practice there is lack of jurisprudence that corporation become a subject of criminal law. For the first time, in 2010 Giri Jaladhi Wana Ltd was charged as perpetrator of corruption. This followed by corruption case where the director of Merpati Nusantara Airlines, Hotasi Nababan, as a defendant although this case leads to corporate criminal offence. The question arises whether there are difficulties to implement corporate criminal liability in corruption. How the implementation of corporate criminal liability and the difficulties to implement it will be discussed in this thesis.;Corporation is not known as a subject of criminal law in Indonesia Criminal Code.

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