RECONSTRUCTION OF CRIMINAL SANCTIONS AGAINST PERPETRATORS OF CORPORATE CRIME BASED ON THE VALUE OF JUSTICE

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ABSTRACT

Application of Criminal Law in overcoming corporate crime is intended to identify and analyse the policy formulation of corporate crime and its sanctions. Regarding individuals or corporations but not generalized so that corporations are subject to the threat of applying different sanctions from individuals. Meanwhile, the definition of what is meant by corporation is not formulated in a limitative manner, it is to open discourses and opinions of legal practitioners in order to interpret the corporation in a broad, open and progressive manner. The purpose of this research is to analyze the criminal sanctions against the perpetrators of corporate crime who are not yet just, the weaknesses of the criminal sanctions against the perpetrators of corporate crimes today and the reconstruction of criminal sanctions against the perpetrators of corporate crime based on the value of justice for the victim community. Research Methods uses a sociological juridical approach, so that the findings are applicable now and can be reconstructed to be applied in the future. The results showed that there were several different charges with different court jurisdictions. Criminal fines for corporations are not equipped with special rules. It is felt that the policy on the application of the formulation of corporate crime and the application of sanctions does not fulfil the aspects of certainty and justice, especially the victim community. So that the reconstruction is integral besides being subject to Articles 372, 374 and Article 378 of the Criminal Code including Articles 55 and 56 of the Criminal Code, Law Number 8 of 2010 concerning the Crime of Money Laundering, as well as the Consumer Protection Law and confirmed in the provisions of Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations in Article 229 paragraphs (3) and (4).Therefore, this is a legal loophole that the perpetrators can exploit because it is not strictly regulated by the same and layered charges and articles so that the charges are different.

Key words: Criminal Sanctions; Perpetrators of Crime; Corporation; Justice

A. Introduction

Law Number 40 of 2007 once enacted deals with various problems in application, whether due to a vacuum or open legal loophole, an overly broad formulation or formulation words contain ambiguity if it is related to the reality of the very rapid change in society at the present time.[1]

In legal practice, it shows that basically only legal subjects have the right to be the owner of rights and obligations, including being the owner of certain objects or assets. The legal subjects are individuals who are considered capable of and have the ability to act in law and defend their rights in the law which is an artificial person, which is something that is created by law to meet the needs of the development of community life.[2]

Limited Liability Company is a legal entity which is a capital partnership established based on an agreement and conducting business with an authorized capital of which all capital is divided into shares.[3]

The legal consequence is that the Limited Liability Company as a business entity, all the actions of the body, the benefits obtained as rights and assets of the entity itself, and vice versa. If there is a loss, the body is responsible for it. Individuals who exist are separated from Limited Liability Companies except Limited Liability Companies in the world of "*Personal Standi in Judicio*", a Latin expression used to describe the status of the Limited Liability Company independence.[4]

In Law Number 40 of 2007 concerning Limited Liability Companies, it also regulates merger, consolidation and takeover (acquisition), which previously was effective, the practice of mergers, consolidations, acquisitions is carried out based on the provisions in book III of the Civil Code. Regarding the principle of agreement in general, as a general provision in the Civil Code, the case books III, there are several provisions that can be applied to the implementation of mergers, consolidations, acquisitions, namely using the legal provisions of the engagement in general.[5]

Apart from the above issue, regarding the role of the District Court as a law enforcement agency serving justice seekers, (Piercing the Coporate Veil) which is a concept introduced in Law Number 40 of 2007.[6] In the examination of Limited Liability Companies and breakthroughs regarding legal entities, especially in facing the era of economic globalization in the arrangement of business law, it must be able to overcome various developments in the world of business and trade so as to create a Limited Liability Company and a condition that is conducive to economic actors to conduct business in a healthy manner. The enthusiasm to create conducive situation is reflected in Law Number 40 of 2007 regarding Limited Liability Companies.

[1] M. Yahya Harahap, Limited Liability Company Law, Jakarta, Sinar Grafika, 2015, page. 28
[2] Gunawan Wijaya, Legal Risks as Directors, Commissioners, Friends Forum, Jakarta, 2008
[3] Law Number 40 of 2007 concerning Limited Liability Companies
[4] Sri Rejeki Hartono, Forms of Cooperation in the World of Commerce, Untag Pres,Semarang, 2000, page 17.
[5]Nindy Pramono, Comparison of Limited Liability Companies in Several Countries, written for the Implementation of Scientific Writing Activities Center for Research and Development of the National Legal System National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia, Yogyakarta: Faculty of Law, Gadjah Mada University, 2012.
[6] R. Subekti, Civil Code, Publisher Pradya Paramita, Bandung.2010. page.55.

The role of a Limited Liability Company as a business entity in the form of a legal entity is expected to be one of the pillars of national economic development based on kinship based on economic principles as the embodiment of Pancasila and the 1945 Constitution of the Republic of Indonesia.[7]

The existence of a Limited Liability Company as one of the business actors can participate in driving and directing and advancing activities in the economic field. Thus, it is necessary to continue to strive for a business climate that is conducive, healthy and efficient, so that there are ample opportunities for Limited Liability Companies to grow and develop, more dynamic in connection with the very rapid development of the business and trade world.[8]

In line with the Limited Liability Company, the law development must also adjust in the field of law, which is known as law reform. In building a basic national legal framework, it is necessary to understand and live it, so that every form of law and legislation is always based on the morals, spirit and nature contained in the Indonesian nation's view of life, namely Pancasila and the 1945 Constitution. Furthermore, it must also be adjusted to the demands of the progress of the times, especially in line with demands for reform in the legal sector. Therefore, the law must be able to keep up with the changes that occur in society. Law can function to control society and can also be a means to make changes in society.[9]

According to Barda Nawawi Arief, criminal law reform does not only concern the substance, but always relates to existing values. For that in his view he stated:[10]

> "Reforming criminal law essentially contains meaning, an effort to reorient and reform criminal law in accordance with the socio-political, socio-philosophical and socio-cultural values of Indonesian society which underlie social policies, criminal policies and law enforcement policies in Indonesia". Satjipto Raharjo, as quoted by Nyoman Sarikat Putra, said[11] that the law enforcement process also extends to the stage of making laws.

Material criminal law, seen from a dogmatic-normative point of view, has 3 (three) interrelated main issues, namely:[12] What actions should be punished; What conditions should be met to blame / account for someone for doing that act; and What sanctions / penalties should be imposed on that person. Efforts to combat crime (criminal policy) are essentially an integral part of efforts to protect society (social defence) and efforts to achieve social welfare.

In anticipating efforts to tackle the crime of white color crime, it is very important to carry out a criminal law policy, especially legislative policy, namely how to formulate an act that is considered a white color crime. The conditions must be met for blame/accountable for someone for doing white color crime and what sanctions/crimes should be imposed and how to implement the legislative policy by the judiciary.

The research results of Rully Trie Prasetyo, et al. found that the regulation of corporate criminal sanctions contained in some of these laws was inconsistent. The inconsistency in the determination or imposition of the maximum penalty imposed on a corporation is also the absence of uniformity in determining when a corporation can be said to have committed a crime. criminal acts, uniformity of arrangements for who can be accounted for or prosecuted and sentenced, as well as the formulation of the types of crimes that can be imposed on corporations that commit criminal acts.[13]

Based on the description above, it is interesting to examine more deeply why criminal sanctions against perpetrators of corporate crime are just, the weaknesses that arise and formulate ideal criminal sanctions based on the value of justice.

B. Research Methods

Sociological or empirical juridical approach or field research that is based on primary data. Primary data or basic data is data obtained directly from the community as the first source through field research such as making observations, interviews and distributing questionnaires. Sociological legal research can be realized on the effectiveness of the current law or research on legal identification. Besides, initially this research used positive legal inventory research which is a preliminary activity that is fundamental to conducting legal research. In addition, it also uses research on legal systems which is used to find basic definitions in the legal system as well as research on legal principles that will be used to examine the application of the principles of criminal law.

After data were collected, sorting process was carried out and then analyzed according to the character or nature of each data and interpreted carefully. So that in this study using the content analysis method in order to obtain an objective conclusion from a study, for then it can be obtained a truth or untruth from a hypothesis.

Data analysis is as a process that formally details attempts to find themes and formulate ideas as suggested by the data in an attempt to provide assistance on themes and ideas.[14]

In this way, the collected data is discussed, interpreted, and collected inductively, so that it can be given an accurate picture of what actually happened. Given that this study only displays qualitative data, the authors use inductive data analysis.[15]

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[7]Sudarga Gautama, Limited Liability Company Law Comments, Aditya Bhakti Bandung,2007.page 76. See too Haris Budiman, Anis Mashdurohatun,& Eman Suparman, A Comparative Study Of Spatial Policy In Indonesia And The Netherlands, Jurnal Dinamika Hukum Vol. 18 No. 3, September 2018,pp.295. see too Anis Mashdurohatun, Hayyan Ul, Sony Zulhuda,Social Function Reconstruction Of Intellectual Property Rights (IPR) Based On Justice Values, International Journal of Law Reconstruction Volume I, Issue 1, September 2017.pp.145.

[8] Judicial Library Volume XIII Judicial Technical Development of the Supreme Court of the Republic of Indonesia.

[9]Barda Nawawi Arief, Anthology of Criminal Law Policy, Citra Aditya Bakti, Bandung, 2002, page 28

[10]Satjipto Raharjo, Legal Studies, PT. Citra Aditya Bhakti, Bandung, 2000, page 189

[11]Nyoman, Sarikat Putra Jaya, Head of Criminal Law Selection, Undip Publishing Agency, Semarang, 2005. page 23.

[12]Barda Nawawi Arief, Some Aspects of Policy on Enforcement and Development of Criminal Law Revised Edition, Citra Aditya Bakti, Bandung, 2005, page 136

[13] Rully Trie Prasetyo, Umar Ma'ruf, Anis Mashdurohatun, Corporate Crime in the Perspective of Criminal Law Formulation Policy, Jurnal Hukum Khaira Ummah Vol. 12. No. 4 Desember 2017, pp.739-740

[14] Lexy J. Moleong, Qualitative Research Methodology, Bandung: Rosdakarya Youth, 1994,page. 10

[15]Haris Budiman, Eman Suparman,&Anis Mashdurohatun, Spatial Policy Dilemma: 1environmental Sustain Abilityand Economic Growth, UNTAG Law Review (ULREV), Volume 2, Issue 1, May 2018, pp.2.

C. Research Results and Discussion

Corporations are organized groups of people and/or assets, whether they are legal entities or non-legal entities.[16] A criminal act by a Corporation is a criminal act committed by a person based on a work relationship, or based on other relationships, either individually or collectively acting for and on behalf of the Corporation inside or outside the Corporate Environment.

In the provisions of Article 4 paragraphs 1 and 2 of the Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations explains that (1) Corporations can be held liable for crimes in accordance with the criminal provisions of Corporations in the law governing Corporations. (2) In imposing a crime against a corporation, the judge may judge the error of the corporation as referred to in paragraph (1), among others: a. The corporation can gain or benefit from the crime or the crime is committed for the benefit of the corporation; b. The corporation allows criminal acts to occur; or c. the corporation does not take the necessary steps to take precautions, prevent a greater impact and ensure compliance with applicable legal provisions in order to avoid the occurrence of a criminal act.

Criminal sanctions against perpetrators of corporate crime have not been fair due to the formulation and application of positive law. Among them are the articles in the Criminal Code (KUHP), the Non-Criminal Eradication of Money Laundering, Bankruptcy and Postponement of Debt Payment Obligations, which have not fulfilled the compensation sanctions for victims.

Black's Law Dictionary Henry Campbell Black defines criminal sanctions as punishment attached to conviction at crimes such as fines, probation and sentences.

In the Criminal Code (KUHP) regulates criminal sanctions relating to corporate criminal offenders, among them Article 55, Article 56, Article 372, Article 374 and Article 378. Inclusion is regulated in Articles 55 and 56 of Laws and Regulations No. 1 of 1976 concerning Indonesian Legal Regulations (Criminal Code). Articles 55 and 56 regulate the categories of actions that are included in participating or assisting whether they are included or not. In general, participation can be defined as an act (criminal act) committed by more than one person. The word deelneming means the participation of a person or more when someone else commits a crime.[17]

According to VanHamel, providing a definition of inclusion as a teaching of responsibility or sharing of responsibility in the case of a criminal act. Further, according to the definition of law, it can be carried out by a perpetrator with his own actions as well as physically by committing each of the acts so as to give birth to a criminal act.

The legal basis for participation has been regulated in Article 55 and Article 56 of the Criminal Code. According to its formulation, the criminal provisions in Article 55 of the Criminal Code: (1) To be punished as the perpetrators of a criminal act, namely: 1. Those who do, order to do or who participate in doing; 2. Those who by means of gifts, promises, by abusing power or perspective, by force, threats or by causing misunderstanding or by providing opportunities, means or information, have deliberately stirred another person to commit the crime concerned (2) Regarding the latter, the only things that can be held accountable to them are actions that they have deliberately moved others to do, along with their consequences.

Meanwhile, the criminal provisions in Article 56 of the Criminal Code according to the formula reads: (1). Those who have deliberately provided assistance in committing these crimes. (2). Those who have deliberately provided the opportunity, means or information to commit the crime. According to the Criminal Code, what is meant by participating in the commission is any person who deliberately commits a crime. In the beginning, what was meant by participating in the act was that each participant had committed an act which had fulfilled all the formulations of the criminal act concerned.

Lamintang argued that the forms of deelneming or submission according to Articles 55 and 56 of the Criminal Code are: (1). *Doen plegen* or order to do or what in doctrine is also often referred to as middellijk daderschap; (2). *Medeplegen* or participating in or in doctrine is also often referred to as mededaderschap; (3). Uitlokking or moving other people, and (4). *Medeplichtigheid*.

According to Projodikoro, in Article 55 and Article 56 of the Criminal Code there are five groups of offenders, namely: (1). Who does the action (plegen, dader); (2). Who orders to do actions (doen plegen, middelijke dader); (3). Who participate in the action (medeplegen, mededader);(4). Those who persuade actions to be carried out (uitlokken, uitlokker);(5). That helps deeds (medeplichtig zijn, medeplichtige).

However, in the Criminal Code in Article 55, if we look closely according to the regulations, according to R. Soesilo, it can be seen that the classification of the perpetrators is:

1. Those who do (pleger). This person is someone who has done all the elements of a criminal incident. In a criminal event committed in a position, for example, that person must also fulfill the element of status as a Civil Servant.
2. Those who ordered to do (doen pleger). Here at least two people ordered (doen plegen) and those who were ordered (pleger). So it is not the person himself who commits the criminal incident, but he orders other people, even so he is seen and punished as the person who committed the criminal incident himself, but he orders someone else, being ordered (pleger) it must only be instrument (instrument) only, meaning that he cannot be punished because he cannot be accounted for for his actions.
3. People who participate in doing (medepleger) Doing together in the sense of doing the word together. There must be at least two people, namely the person who committed (pleger) and the person who participated in (medepleger) the criminal incident. Here it is requested that the two people all committed the act of execution, thus committing elements or elements of the criminal incident. For example, it is not permissible to only do preparatory actions or actions that are only helpful, because if so, then the person helping is not included in medepleger but is punished as helping to do (medeplichtige) as stated in article 56.

[16] Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations.
[17] Ike Indra Agus Setyowati, Assistance and Deelmening in Child Rape Cases, Media Iuris Vol. 1 No. 2, Juni 2018 e-ISSN: 2621-5225DOI: 10.20473/mi.v1i2.8831,pp.284-286

Article 372 of the Criminal Code

Any person who with deliberate intent and unlawfully owns property wholly or partly belongs to another person, but which is in his possession not because of a crime, is punishable by embezzlement, with a maximum imprisonment of four years or a maximum fine of nine hundred rupiahs.

Article 373 of the Criminal Code

The act defined in Article 372, if the embezzled is not livestock and the price is not more than twenty-five rupiahs, is punishable as light embezzlement with a maximum imprisonment of three months or a maximum fine of two hundred and fifty rupiahs.

Article 374 of the Criminal Code

Embezzlement committed by a person whose possession of property is due to a work relationship or because of his search or because he has been paid for it, shall be punished by a maximum imprisonment of five years.

Article 378 of the Criminal Code ("KUHP"), with the following article formulations:

Anyone with the intention of illegally benefiting himself or another by using a false name or dignity (hoedaningheid); by deception, or a series of lies, moving another person to hand over something to him, or to give him a debt or write off a debt, shall be threatened, because of fraud, by a maximum imprisonment of four years

In the Decision of the Jakarta High Court Number 36/Pid.Sus/2018/PT.DKI, this decision strengthens the Decision of the South Jakarta District Court Number: 1116/Pid.Sus/2017/PN.Jkt.Brt, in the first level decision the defendant was declared to have proven legally and convincingly, guilty of committing a criminal act by jointly committing fraud by means of electronic transactions and money laundering.

This fraud is carried out without the right to spread false and misleading news about investments that result in consumer losses through the website. The defendant's actions were subject to criminal sanctions as regulated in Article 45A paragraph (1) Law Number 19 of 2016 and Article 55 paragraph (1) 1st of the Criminal Code. The defendant was sentenced to imprisonment for 10 (ten) years and a fine of 500 million was also imposed on the condition that if the fine was not paid, it was replaced by imprisonment for 3 (three) months.

Criminal sanctions against perpetrators of Corporate Crime, in Law Number 8 of 1999 concerning consumer protection is as regulated in Articles 61 and 62. The provisions in Article 61, explain that criminal prosecution can be carried out against business actors and/or their management. Furthermore, in the provisions of Article 62, it explains that: (1) Business actors violating the provisions referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah). (2) Business actors who violate the provisions referred to in Article 11, Article 12, Article 13 paragraph (1), Article 14, Article 16, and Article 17 paragraph (1) letter d and letter f shall be sentenced to imprisonment of a maximum of 2 (two) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah). (3) The applicable criminal provisions shall apply to violations that result in serious injury, serious illness, permanent disability or death.

Corporate regulation as a criminal law subject that is deemed capable of committing a criminal act and can be accountable for its actions criminally in Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, to be precise in articles 7 to 9 which reads: Article 7: (1) The main punishment imposed on the Corporation is a fine of up to 100,000,000,000.00 (one hundred billion rupiah). (2) In addition to the fines as referred to in paragraph (1), additional penalties may also be imposed in the form of: a. Announcement of the judge's decision; b. Freezing part or all of the business activities of the Corporation; c. Revocation of business license; d. Dissolution and / or banning of the Corporation; e. Confiscation of corporate assets for the state; and / or f. Takeover of the Corporation by the state. Article 8: In the case that the convict's assets are not sufficient to pay the fine as referred to in Article 3, Article 4 and Article 5, the penalty shall be replaced by a maximum imprisonment of 1 (one) year and 4 (four) months ". Article 9: (1) In the event that the Corporation is unable to pay the fine as referred to in Article 7 paragraph (1), the criminal penalty shall be replaced by confiscation of Assets belonging to the Corporation or Corporation Controlling Personnel whose value is the same as the penalty imposed (2) In the event that the sale of the confiscated Assets belonging to the Corporation as referred to in paragraph (1) is insufficient, imprisonment in lieu of fines shall be imposed on the Corporation Controlling Personnel by taking into account the fines that have been paid. Based on these provisions, it can be seen that the criminal regulation for corporations in Law Number 8 of 2010 is not formulated singly and is considered to be much more effective and efficient in the context of eradicating criminal acts of corruption (and money laundering) when compared to the provisions in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crime. Therefore, these provisions can be used as a reference in formulating a penalty in lieu of fines if the fines are not paid by the corporation.[18]

Criminal sanctions against perpetrators of corporate crime have not been fair due to the formulation and application of positive law. Among them are the articles in the Criminal Code (KUHP), the Non-Criminal Eradication of Money Laundering, Bankruptcy and Postponement of Debt Payment Obligations, which have not fulfilled the compensation sanctions for victims.

Weaknesses of criminal sanctions against perpetrators of corporate crime, namely: In the substance of the law, there is a lack of sanctions that have not protected victims. The law enforcer is still the mouthpiece of the Law or more so, the flow of

[18] Kristian, Types of Criminal Sanctions That Can Be Applied To Corporations, 44th Year Journal of Law and Development No.1 January-March 2014,pp.116-117.

positivism is not yet progressive. Its legal culture is the low level of education of law enforcers with an average Bachelor's degree/Bachelor degree so that it is still a textbook and cannot interpret the articulation of legal development wisely.

The reconstruction of the regulation of criminal sanctions against perpetrators of corporate crime is indeed an answer to the substantive problems related to the suitability of corporate criminal liability arrangements in statutory regulations with the value of fair legal certainty as the regulation must be able to accommodate the protection of human rights for victims of corporate crime collectively and also to the implementation.

Clear regulation regarding who is the manager of a mining company is obliged to be responsible, because in the regulation in the *ius constitutum*, it is not clear who the management is responsible for if the manager of the company makes a mistake. Given that the purpose of punishment according to this absolute theory is to provide retaliation, especially for company managers who commit crimes.

Crime is the entire condition for the existence of a crime. With the elements of a criminal act, namely: a. Actions in the broadest sense of a human being (active or tolerant) b. Unlawful (both objective and subjective); c. Can be accounted for to someone; d. Threatened with punishment.[19]

The purpose of punishment is to find the basis of criminal law in carrying out an orderly society and consequently the goal of preventing crime, this relative theory requires deterrence. This detention is intended for deterring the perpetrator of the crime so that there is a sense of deterrence or fear so that the criminal is afraid to commit another criminal act. In this case, the company manager commits a crime in carrying out company activities or activities. Because in essence, company managers are the guiltiest party if there is an error in management that can result in harm to the community. This loss is caused by an incorrect mechanism in the management process. If examined from the regulation of corporate punishment in the *ius constitutum*. There is no clear regulation regarding punishment for company managers, how the purpose of punishment is to provide a deterrent effect for company managers who commit crimes. If the regulations themselves are not clear regarding criminal responsibility for the mining company manager who should be responsible in the event of an error or crime committed in its activities.

According to the theory of sustainable development, 110 in the formulation of articles in laws and regulations, it must benefit the current and future generations, so that in the formulation of articles in laws and regulations, it is also necessary to be pro-poor, in this case especially the people or communities who are victims of their activities. .

The absence of regulations regarding which party in the corporation should be responsible in the event that the corporation commits non-crime. This will make it difficult for law enforcement officials to process case law with corporate actors. The legislators should pay attention to how law enforcement officials, police and prosecutors in particular, determine who is obliged and must be responsible for illegal acts or criminal acts committed by a corporation.

The urgent need for this arrangement is solely to provide a deterrent effect on corporate actors and protect victims as a result of activities carried out by the corporation. Several matters related to the scope of corporate criminal liability arrangements that must be regulated in the laws and regulations in Indonesia include:

1. Arrangements regarding the accountability of the management;
2. Pattern/model of corporate criminal liability formulation;
3. Corporate compensation for people who are victims of the consequence's corporate activities.

The reconstruction of the regulation of criminal responsibility for the management of this company is indeed an answer on the basis of problems substantially related to the suitability of corporate criminal liability arrangements in statutory regulations with the value of fair legal certainty as the regulation must be able to accommodate the protection of human rights for victims of corporate crime collectively and also against its application.

Based on the important thing to regulate related to the criminal responsibility of company managers, it is the reconstruction that needs to be manifested in future legal arrangements (*ius constituendum*).

The reconstruction of the value of criminal sanctions against perpetrators of just corporate crime is the balance of legal protection between the perpetrator and the victim. The reconstruction of the norms of just sanctions for perpetrators of corporate crime is by reconstructing the norms or articles in the Criminal Code (KUHP), Eradication of Money Laundering, Bankruptcy and Postponement of Debt Payment Obligations by adding compensation sanctions.

D. Conclusion

Criminal sanctions against perpetrators of corporate crime have not been fair due to the formulation and application of positive law. Among them are the articles in the Criminal Code (KUHP), the Non-Criminal Eradication of Money Laundering, Bankruptcy and Postponement of Debt Payment Obligations, which have not fulfilled the compensation sanctions for victims. Weaknesses of criminal sanctions against perpetrators of corporate crime, namely: In the substance of the law, there is a lack of sanctions that have not protected the victim. The law enforcer is still the mouthpiece of the Law or more so. The flow of positivism is not yet progressive. The legal culture, namely the low level of education of law enforcers, who average undergraduate level, they are still a textbook and cannot interpret the articulation of legal development wisely. The reconstruction of the value of criminal sanctions against perpetrators of just corporate crime is the balance of legal protection between the perpetrator and the victim. Reconstruction of the norms of just criminal sanctions for brain ware is to reconstruct the norms or articles in the Criminal Code (KUHP), Money Laundering, Bankruptcy and Postponement of Debt Payment Obligations by adding compensation sanctions.

[19] Moeljatno, Principles of Criminal Law, Jakarta, 2015 page 25.

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