

Formulasi Pertanggungjawaban Pidana Korporasi Dengan Adanya Peraturan Mahkamah Agung No. 13 Tahun 2016

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Abstract

The development of the concept of corporation not only had a positive impact but also followed by the development of crimes that could be done using corporations or also called corporate crime. Many laws and regulations that have accommodated corporation as legal subjects that can be asked for corporate criminal responsibility have not been followed by regulations governing procedures or procedures for examining corporations as perpetrators of criminal acts. This is very necessary because of the differences in characteristics between corporate crime and other conventional crimes. Responding to legal requirements that have been very urgent and there are distinct challenges for law enforcers because of the different treatment, then the Supreme Court issues Supreme Court Rules No. 13 of 2016. The problem regarding the procedure for corporate sentencing involved in criminal offenses is not only talking about material law but also about formal law or its procedural law. One of the aims and objectives of its formation is to fill the vacuum of criminal procedural law which until now has not regulated the procedures for handling corporations that carry out criminal cases. Supreme Court Rules No. 13 of 2016 is a legal rule aimed at assisting law enforcement officials in handling criminal cases with corporate actors and/or their administrators. This then became one form of thinking that could be the basis for assisting in the formation of criminal procedural laws governing corporations.

Keywords: Corporation, Corporate Conviction, Corporate Responsibility

1. Pendahuluan

1.1. Latar Belakang

Perkembangan kehidupan manusia saat ini tidak dapat dilepaskan dari berbagai aspek seperti ekonomi, politik, kebudayaan, teknologi, dan proses globalisasi yang semakin nyata terutama yang dialami oleh bangsa Indonesia dalam era reformasi seperti sekarang ini. Semua aspek tersebut memiliki hubungan serta keterkaitan satu sama lain. Perkembangan tersebut kemudian menyebabkan semakin beragamnya kebutuhan hidup manusia yang harus dipenuhi. Salah satu cara yang dapat dilakukan untuk memenuhi kebutuhan manusia tersebut adalah dengan membuat korporasi.

Keberadaan korporasi telah banyak memberikan kontribusi dalam memenuhi kebutuhan hidup manusia, contohnya saja dalam bidang ekonomi dengan menciptakan lapangan kerja maupun dari segi pemasukan bagi negara berupa pajak, namun disisi yang lain, perkembangan konsep mengenai korporasi ini juga diikuti dengan semakin berkembangnya kejahatan yang dapat dilakukan dengan menggunakan korporasi atau disebut pula sebagai kejahatan korporasi.