

# THE ANALYSIS OF CORPORATE CRIME IN INDONESIA'S INTELLECTUAL PROPERTY LAWS

Aditya Weriansyah\*, Alvin Prima Ramadani

University of Indonesia,

University of Indonesia

[aditya.weriansyah@ui.ac.id](mailto:aditya.weriansyah@ui.ac.id), [alvin.prima@ui.ac.id](mailto:alvin.prima@ui.ac.id)

## Abstract

*White-collar crime* is a type of crime that involves a large number of individuals, is carried out in a structured, large-scale manner, and results in significantly greater losses than conventional crimes. Given the growing number of organizations, the potential for white-collar crime is currently reasonably high. Corporations are able to commit various crimes, particularly those motivated by profit, such as infringements on intellectual property rights. Given that many of today's intellectual property rights holders are corporations, corporations and intellectual property rights have a strong link. This is understandable given that firms have more resources and cash to invest in developing new products that can be protected by intellectual property rights. As a result of the tight relationship between intellectual property rights and corporations, the government must be aware of potential intellectual property rights violations committed by corporations. This article aims to see if the current set of intellectual property rights legislation can handle corporate crimes. The method employed in this research is a normative juridical method with a statutory approach to produce clear findings from the formulation of corporate crime under intellectual property rights regulations. The study's findings demonstrate how unprepared existing clusters of intellectual property regulations are to deal with prospective corporate criminal activities. The criteria and system of corporate responsibility, as well as alternative consequences for firms, are pretty minimum in these numerous statutes, starting with the framing of the issue of punishment. As a result, based on vicarious liability theory and the corporate culture model, this article proposes that corporations be recognized as punishable entities under all laws controlling intellectual property rights and the establishment of firm standards and corporate obligations. In addition, this study offers suggestions for the types and amounts of punishments that might be appropriate for corporations.

**Keywords:** *Corporation, Crime, Intellectual Property Rights*

## 1. INTRODUCTION

According to Article 1 paragraph (3) of the 1945 Constitution, Indonesia is a legal state. As a result, Indonesia must prioritize human rights in its domestic policy. This is consistent with Julius Stahl's idea of *rechtsstaat*, according to which one of the qualities of the rule of law is the assurance of human rights protection.<sup>1</sup> Human rights protections are included in Articles 28A through 28J of the Second Amendment to the 1945 Constitution, which includes civil and political, economic, social, and cultural rights. Many new things have become obstacles for the state in its efforts to defend human rights as the times have changed.

The protection of intellectual property rights is one of the current challenges. Intellectual property must be preserved as a kind of embodiment of Article 28C paragraph (1) of the 1945 Constitution in terms of human rights in Indonesia. According to Agus Sardjono,

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\* Corresponding Author

<sup>1</sup> Ridwan HR, *Hukum administrasi negara* (Depok: Rajawali Pers, 2020), 5.

intellectual property rights are rights emerging from human intellectual pursuits, such as those in the sectors of industry, art, science, and literature.<sup>2</sup> Sudikno Mertokusumo explained that intellectual property rights are intangible assets or groups of intangible material rights.<sup>3</sup> The advent of new, more organized, and large-scale criminal modes and patterns has made defending intellectual property rights more difficult. It is no longer just the possibility for blue-collar crime but also the potential for white-collar criminality. White-collar crime refers to crimes done by people with a high or respectable social level tied to their jobs and differs from those committed by people with a low social status. Edwin H. Sutherland coined the word in 1939 in front of the American Sociological Society.<sup>4</sup> Crime by corporations is one form of this white-collar crime.

Companies play a critical role in a country's economy as a source of tax income, employment, output, and market price determination.<sup>5</sup> Of course, it will be hazardous if a company commits a crime for which the law is unprepared to penalize it. Even in the September 2019 edition of the RKUHP, corporations are recognized as criminal subjects, as stated in Article 45 of the RKUHP, with the consideration that corporations are becoming increasingly important and can commit criminal acts, either as a crime for corporations or criminal acts for the benefit of corporations or corporate criminals, namely corporations. In England, the corporation as the subject of punishment has long been known, namely in the 1842 case of the Birmingham & Gloucester Railway Co.<sup>6</sup> Whereas in Indonesia, cases involving corporations can be considered very few even though the formulation of corporations as the subject of punishment has been recognized in the Act since Law No. 7 Drt 5 concerning Investigation, Prosecution, and Judiciary of Economic Crimes (Economic Crimes).<sup>7</sup>

Whereas, in Indonesia, there have been various battles over intellectual property rights involving corporations, particularly in the area of intellectual property. However, no one has yet named a corporation as a defendant. As in the Supreme Court Decision No. 1331/K/Pid.Sus/2013 concerning PT. Sunlon Kapasindo's director Ali's dispute over the design of the "charmi" ear cleaning business.<sup>8</sup> Similarly, the Pontianak District Court Decision No. 244/PID.SUS/2012/PN.PTK involves the brand "Cap Badak" and the defendant

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<sup>2</sup> Maria Alfons, "Implementasi Hak Kekayaan Intelektual Dalam Perspektif Negara Hukum," *Jurnal Legislasi Indonesia* 14, no. 3 (2018): 305.

<sup>3</sup> Taufik H. Simatupang, "Hak Asasi Manusia dan Perlindungan Kekayaan Intelektual dalam Perspektif Negara Hukum." *Jurnal HAM* 12, no. 1 (2021): 118.

<sup>4</sup> Theodora Yuni Shah Putri, "Pertanggungjawaban Korporasi Dalam Tindak Pidana Pelanggaran HAM Berat" (PhD diss., FH-UI, 2007), 34-35.

<sup>5</sup> Togi Pangaribuan "Perkembangan Bentuk Pertanggungjawaban Korporasi Dalam Tindak Pidana Korporasi," *Law Review* 19, no. 1 (2019): 2.

<sup>6</sup> Aulia Ali Reza, "Pertanggungjawaban Korporasi Dalam Rancangan Kitab Undang-Undang Hukum Pidana." *Jakarta: Institute for Criminal Justice Reform* (2015): 5, <http://mappifhui.org/2016/12/22/pertanggungjawaban-korporasi-dalam-rancangan-kuhp/>.

<sup>7</sup> *Ibid.*, 8.

<sup>8</sup> Erwin Radon Ardiyanto. "Kebijakan Hukum Pidana Tentang Subyek Hukum Korporasi Di Bidang Hak Kekayaan Intelektual (HKI)." (PhD diss., Universitas Islam Indonesia, 2016): 137.

Haryanto, a director of PT. Tri Havian Prosperous is applicable.<sup>9</sup> Actually, there are other such examples that, if investigated further, have the potential to be entrapped by businesses for their acts, but law enforcement at the local level is limited since the legislation does not accommodate appropriately related to corporate punishment. It is expected that the lack of rules that can criminalize corporations will impact corporate fraud, which will, in turn, harm business competition, investment climate, and economic conditions.

Unfortunately, the information presented in this study demonstrates how unprepared all of our intellectual property laws are to deal with the threat of corporate crime. Law no. 13/2016 on Patents, Law no. 29/2000 on Plant Variety Protection, Law no. 20/2016 on Marks and Geographical Indications, Law no. 28/2014 on Copyright, Law no. 30/2000 on Trade Secrets, Law no. 32/2000 on Layout Design of Integrated Circuits, and Law no. 31/2000 on Industrial Design are all part of the intellectual property rights group. Only four of the seven statutes in the intellectual property family that regulate companies as criminal targets show this lack of readiness. Patent, trademark, and geographical indications laws, plant variety protection laws, and copyright laws are the four. Even after the changes that were made by Law no. 11/2020 on Job Creation none of them makes the requirements for corporate criminal activities or the accountability mechanism explicit. As can be observed from the *strafsoort* and *strafmaat* of the four laws, the sanctions imposed still use the personal paradigm as the sole topic of punishment. The use of cumulative sanctions in the Plant Variety Protection Act, meaning combining imprisonment and fines, is still in place. However, the corporation is a legal fiction that cannot be imprisoned. Furthermore, the fines that are threatened under the four statutes that recognize companies as punishable are pretty small, which is manifestly unfair to be imposed on businesses.

Imperfection in making norms in legislation is a fatal error that can have long implications. When the norms made have weaknesses, it will hinder the law at the *in concreto* stage.<sup>10</sup> For example, how can a business be named as a defendant since the public prosecutor is only allowed to file accusations in the form of imprisonment and penalties, which are constituted cumulatively at the same time under the Plant Variety Protection Law, and companies cannot be imprisoned. Furthermore, with such minor fines for businesses, the choice of indicting corporations is primarily irrelevant, given that the types of sanctions available are confined to fines of extremely small sums. Certainly not comparable to crimes perpetrated by huge organizations, which are sometimes large-scale and necessitate a lengthy investigation and punishment process. Things like this encourage the creation of impossible or detrimental articles to apply.

As a result, the urgency of corporate punishment being accepted into the law that is part of the intellectual property rights group will be explained at the start of this paper. It will also be described in terms of the formulation of norms that should be followed in intellectual property law, both in terms of the formulation of the topic of punishment, the criterion for

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<sup>9</sup> *Ibid.*, 139.

<sup>10</sup> *Ibid.*, 23.

corporate criminal conduct, and the accountability system to the formation of punishments. The paper will conclude to address the issues raised by the intellectual property rights legal family that has not implemented corporate punishment.

## **2. RESEARCH METHODS**

The research method employed in this work is a statutory approach normative juridical research method. This method was chosen in order to be able to analyze in-depth the regulation of corporate criminal acts in the intellectual property rights law family, namely Law no. 13/2016 concerning Patents, Law no. 29/2000 on Plant Varieties Protection, Law no. 20/2016 concerning Marks and Geographical Indications, Law no. 28/2014 concerning Copyright, Law no. 30/2000 on Trade Secrets, and Law no. 32/2000 concerning Layout Design of Integrated Circuits. In addition, this study also compares several provisions of corporate crime with other laws such as Law no. 8/2010 concerning the Crime of Money Laundering and Law no. 31/1999 Jo. UU no. 20/2001 on the Eradication of Corruption Crimes.

## **3. ANALYSIS AND DISCUSSION**

### **3.1. Crime by Corporation**

At first, many people assumed that crimes were only committed by those who were less educated and came from the lower class of the economy. However, this assumption is broken by the fact that crime does not only come from the lower classes, but also by those who are educated and come from the upper classes or what is known as white-collar crime.<sup>11</sup> This white-collar crime is more dangerous considering that the crimes committed usually consist of many people are carried out in a structured, large scale and cause losses that are far from ordinary crimes.<sup>12</sup> Often, white-collar crime makes it difficult for law enforcement officers to carry out investigations and prosecutions. The characteristics of white-collar crime include the following:

1. Invisible;
2. Very complex;
3. Unclear criminal liability;
4. Unclear victims;
5. Vague or unclear legal rules;
6. Difficult to detect and prosecute.<sup>13</sup>

Muladi explained that the form of white-collar crime is like organized crime and corporate crime.<sup>14</sup> In addition to the aforementioned qualities, corporate crime is extremely dangerous due to the fundamental role of corporations in a country, particularly in the economic sector. Economic sectors like employment and state revenue from taxes are inextricably linked to the corporation's survival. Furthermore, businesses frequently control

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<sup>11</sup> Theodora Yuni Shah Putri, "Pertanggungjawaban Korporasi Dalam Tindak Pidana Pelanggaran HAM Berat," 34

<sup>12</sup> Togi Pangaribuan, "Perkembangan Bentuk Pertanggungjawaban Korporasi," 2.

<sup>13</sup> Theodora Yuni Shah Putri "Pertanggungjawaban Korporasi Dalam Tindak Pidana Pelanggaran HAM Berat," 35.

<sup>14</sup> *Ibid.*

the manufacturing industry and significantly influence setting market prices.<sup>15</sup> With such a significant role, it would be hazardous if carried out by corporations in illegal ways. This will only trigger unfair business and create a bad investment climate.

### **3.2. Corporations in the Vortex of Intellectual Property Rights and State Economic Interests**

Indonesia has long been aware of intellectual property rights; even during the Dutch East Indies era, *Auteurswet* 1912, the Dutch copyright regulation, was known, as was Law no. 21 of 1961 concerning Corporate Marks and Commercial Marks, the first law in the field of intellectual property rights after independence. The Dutch, as well as other colonial countries, substantially impacted and inherited the development of intellectual property rights regulation in Indonesia. For their own success, they were interested in spreading the idea of protecting intellectual property rights.<sup>16</sup> Despite this, intellectual property rights rules in Indonesia at the time were deemed ineffectual in combating intellectual property infringement, as well as a lack of public understanding of intellectual property protection, resulting in pervasive intellectual property piracy. As a result, Indonesia has been added to the United States Trade Representative's ("USTR") Priority Watch List.<sup>17</sup>

The United States, which at that time urged Indonesia to renew the Copyright Law, was ignored because at that time, Indonesia was enjoying the high selling price of oil until when oil prices fell, and the Indonesian government needed new resources for investment funds and new foreign exchange, the Government of Indonesia began to consider policies that could be profitable and could attract foreign investors.<sup>18</sup> Therefore, the protection of intellectual property rights in a country affects the level of incoming trade and investment<sup>19</sup>. Stronger protection of intellectual property rights will encourage imports and foreign investment to enter the country.<sup>20</sup> Before investing in a country, a company will check to see if the protection of intellectual property rights in that country is adequate so that their products will be safe if they enter that country. A company will not hesitate to threaten to withdraw from a country if the protection of intellectual property rights they desire is not met; this is what Monsanto, an agrochemical and agricultural biotechnology company based in the United States, did. They threaten to leave Argentina and India when the governments of these countries do not provide intellectual property rights protection as they want.<sup>21</sup> This is caused by intellectual property rights which are now a precious asset for a company, especially for companies engaged in technology and industry, even G. Richard Thoman, CEO of Xerox at the end of 1999, once said, "I am convinced that the management of intellectual property is how value-added that are good at managing IP will win. Those ones

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<sup>15</sup> Togi Pangaribuan, "Perkembangan Bentuk Pertanggungjawaban Korporasi," 2.

<sup>16</sup> Achmad Zen Umar Purba, *Hak Kekayaan Intelektual Pasca TRIPS* (Bandung: Alumni, 2011), 7.

<sup>17</sup> *Ibid.*, 9.

<sup>18</sup> Tim Lindsey *et al.*, *Hak Kekayaan Intelektual Suatu Pengantar* (Bandung: Alumni, 2013), 67.

<sup>19</sup> Rod Falvey, David Greenaway, and Neil Foster, "Intellectual Property Rights and Economic Growth," *SSRN Electronic Journal* (2004): 3, <http://www.ssrn.com/abstract=715982>.

<sup>20</sup> *Ibid.*, 17.

<sup>21</sup> Shalini Bhutani, "Two Countries, One Corporation and Its Intellectual Property Rights" *Economic and Political Weekly* Vol. 51, No. 37 (September 2016): 16.

that aren't going to lose".<sup>22</sup> As time goes by and technology develops, companies become the holder of the most intellectual property rights, especially in patents and industrial designs far more than individuals, this is because a company has a large budget to conduct research to produce an intellectual work.

In Indonesia, too, corporations in the form of legal entities such as corporations and other institutions, rather than individuals, dominate intellectual property holders. Beijing Xiaomi Mobile Software co., Ltd and Kai OS Technologies (Hong Kong) Limited, for example, have the most registrants for industrial designs in 2020. Honda Motor Co., Ltd. and Huawei Technologies Co., Ltd. had the most registrants for the patent in 2020. Hardwood PTE Ltd and PT Indonesia Entertainment Group are the companies behind the brands.<sup>23</sup>

As can be seen from the information above, companies control the majority of intellectual property. This is logical, given how valuable intellectual property is to a company's ability to safeguard its goods or discoveries. Based on the information presented above, it is sad that our laws do not adequately protect the aforementioned corporations from crimes committed by other corporations. It is conceivable that an entity as massive as a structured business, with vast resources and a market reach far more significant than an individual, would infringe on another party's intellectual property without being held accountable.

This happened in the first instance, verdict No. 1733 K/Pid.Sus/2012 on behalf of the Defendant Budi Mulyono Hadi Winarto bin Hadi Winarto who is the Director of PT Garamada Semarang, intentionally or without rights, has made a bench with the same configuration as the bench made by PT. Mamagreen Pacific obtained an Industrial Design Certificate dated April 7, 2009, the bench design was exported by PT Garamada Semarang to Australia. This clearly causes losses for PT Mamagreen Pacific as the legal owner of the industrial design certificate for the bench design. Unfortunately, the punishment imposed for the act of exporting goods that violated the industrial design rights was only one year in prison and a fine of 5 million rupiahs to Budi Mulyono.

In another case, the first instance, verdict No. 881 K/PID.SUS/2010, the Defendant Samuel Hartono Subagio Bakti as Director of PT. Legong Bali sells its product, prawn crackers NY. SIOE packaging has a similarity to NY.SIOK prawn cracker packaging which belongs to Julius Julianto Tjahyono. For this, Julius Julianto Tjahyono suffered a loss of around 500 million rupiahs. However, the verdict handed down to Defendant was only sentenced to 4 months in prison and a fine of 2 million rupiahs. This certainly does not reflect a sense of justice for the victim.

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<sup>22</sup> Kevin G. Rivette and David Kline, "Discovering New Value in Intellectual Property" Harvard Business Review January-February 2000, <https://hbr.org/2000/01/discovering-new-value-in-intellectual-property>.

<sup>23</sup> DJKI, "Laporan Tahunan Direktorat Jenderal Kekayaan Intelektual 2020", KEMENKUMHAM, 2020, <https://dgip.go.id/unduh/laporan-tahunan?tahun=2020>.

### 3.3. Criminal Approach to Corporations in the Intellectual Property Rights Cluster Law

The use of a criminal approach or efforts to criminalize corporations in Indonesia can be considered slow compared to the criminalization of other economic crimes.<sup>24</sup> This can be seen from the lack of regulation of corporate crime in our laws.<sup>25</sup> And although it has been regulated by around 100 (one hundred) laws regarding corporate criminal liability, there are still many shortcomings and inconsistencies in the formulation of the law<sup>26</sup>. One of them is the law in the intellectual property rights group which is still inconsistent in including corporations as the subject of punishment and although it has been recognized as the subject of punishment, there is no regulation at all on the criteria and system of accountability and the provision of alternative sanctions.

In legal science, on the other hand, the criminal approach is feared because of its tragic nature. Therefore, it is frequently utilized as a last resort, or what is known as the *ultimum remedium*. At the very least, taking a criminal approach to corporate crimes can be a preventive and repressive tactic to combat corporate crime. According to the author, the criminal approach to corporate crime is vital for at least two reasons.

First, as can be seen from the characteristics of the criminal law itself, according to J. van Kan, the criminal law threatens breaches with a unique kind of punishment. This extraordinary misfortune refers to sanctions in criminal law that are harsher than other laws. So that lawmakers can use crime as a means of strengthening norms so that they are obeyed in other laws because of their nature. Van Bemmelen called it a servant to other laws.<sup>27</sup>

Second, it cannot be denied that with the existence of harsh sanctions, viewed from the point of view of the *utilitarian prevention: deterrence* theory proposed by Bentham, humans are hedonistic so that all their actions are based on profit and loss. So if there is a sanction that brings greater sorrow than the benefit of doing the act, then people prefer to avoid it.<sup>28</sup> This is in accordance with the pattern of criminal acts committed by corporations that tend to be economically motivated.<sup>29</sup> Perpetrators will certainly think many times in advance regarding profits and losses before committing a criminal act if the sanctions given are able to threaten the sustainability of a corporation.

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<sup>24</sup> K. Kristian, "Urgensi Pertanggungjawaban Pidana Korporasi." *Jurnal Hukum & Pembangunan* 44, no. 4 (2014): 590.

<sup>25</sup> *Ibid.*, 590.

<sup>26</sup> Bahari Sanjaya, Muladi, and Ratna Kumala Sari, "Inkonsistensi Pertanggungjawaban Pidana Korporasi Dalam Peraturan Perundang-Undangan Di Luar KUHP," *Pandecta Jurnal Penelitian Ilmu Hukum* 15, no. 2 (2020): 222, <https://journal.unnes.ac.id/nju/index.php/pandecta/article/view/23013>.

<sup>27</sup> J.M.Van Bemmelen, *Hukum Pidana 1 Hukum Pidana Material Bagian Umum*, diterjemahkan oleh Hasnan (Bandung: Binacipta, 1986), 53.

<sup>28</sup> *Ibid.*

<sup>29</sup> M.Kemal Darmawan, *Teori Kriminologi* (Jakarta: Universitas Terbuka, 2007), 12.

Furthermore, the issue of awareness to make corporations the subject of widespread punishment actually arose decades ago. In the results of their study, the Criminal Law Study Team, in the report on the results of the 1980-1981 Legal Field Assessment, explained that<sup>30</sup>:

*“If the sentence is only for the management. It is not enough to carry out the repression of offences (criminal acts) committed by or with a corporation because the crime is quite large or the loss caused to society or its competitors is very significant.”*

Apart from that, we can also draw out several other reasons why corporate entities must be criminally liable:

1. The profits obtained by the corporation as well as the losses to the community have the potential to be so large that it is not appropriate if the corporation is only subject to civil sanctions;
2. Corporations have an important role in the world economy so that an approach through criminal law is considered the most effective way to influence corporate actions;
3. Corporate actions through their agents often cause no small harm to the community, so that the existence of criminal sanctions is expected to be a preventive measure;
4. The regulation of corporate punishment is one of the efforts to avoid criminal acts against the employees themselves;
5. Punishment of the management alone is not enough to carry out repressive measures against offences committed by or with a corporation. Therefore, it is also necessary to have a system of accountability that allows for criminalizing corporations;
6. Considering that in the socio-economic life, corporations are increasingly playing an important role;
7. There must be the presence of criminal law to enforce the norms and provisions that exist in society.<sup>31</sup>

Meanwhile, there are numerous views as to why a criminal method can be used to defend intellectual property rights, especially from potential criminal activities performed by businesses, when seen from the standpoint of preserving intellectual property rights. The liberal-individualistic theory and the moral theory are two ideas that can at least serve to support the protection of intellectual property rights that must be maintained by public law.<sup>32</sup> In individualistic liberal theory, the benchmark for state intervention in regulating society lies in the losses suffered by others caused by an action. So that if there are actions that harm the interests of others, the state has the authority to make restrictions on these actions.<sup>33</sup> This was put forward by John Stuart Mill in his book *On Liberty*. Moeljatno argues that the goal of the individualistic liberal view is to achieve the freedom and safety of each individual so that an action can be prohibited when it results in a restriction on that freedom and the

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<sup>30</sup> Kristian, “Jenis-Jenis Sanksi Pidana Yang Dapat Diterapkan Terhadap Korporasi,” *Jurnal Hukum & Pembangunan* 44, no. 1 (February 26, 2014): 102, <http://jhp.ui.ac.id/index.php/home/article/view/16>.

<sup>31</sup> K.Kristian, "Urgensi Pertanggungjawaban Pidana Korporasi," 592-593.

<sup>32</sup> Erwin Radon Ardiyanto, "Kebijakan Hukum Pidana," 102.

<sup>33</sup> *Ibid.*, 103.



individual's safety.<sup>34</sup> Based on the above theory, the state can intervene in the preservation of intellectual property rights since violations of intellectual property rights plainly create damages to the owners of intellectual property rights because intellectual property rights are also included in intangible assets.

Whereas in moral theory, an act can be punished if the act violates moral values so that it interferes with moral feelings that exist in society.<sup>35</sup> Infringement of intellectual property rights, which is an invention coming from human intellectual activity that takes time, effort, and frequently a significant amount of money, is immoral conduct that does not demonstrate appreciation for other people's hard work. From the above discussion, it is clear that a criminal approach to companies is critical, both practically and philosophically. Because of the strong relationship between corporations and intellectual property rights, it is vital to include corporate criminal conduct in intellectual property law.

Regulations	Corporations as the subject of law	Criteria for the corporate crime	Accountability system	Type of punishment ( <i>strafsoort</i> )	Length or amount of punishment ( <i>Strafmaat</i> ) *taken from the minimum and maximum values of various offenses in the criminal provisions chapter
Law Number 13 Year 2016 Concerning Patent	Article 1 (13)	-	-	Fine	500 Millions - 3,5 Billions Rupiah
Law Number 29 Year 2000 Concerning Plant Variety Protection.	Article 6 (1)	-	-	Imprisonment and Fine	7 years imprisonment and Fine 2,5 Billions Rupiah
2016. Law Number 20 Year 2016 Concerning Trademarks and Geographical Indication.	Article 1 (19)	-	-	Fine	200 Millions - 5 Billions Rupiah

**Tabel 1** Regulation of Corporate Criminal Acts on Intellectual Property Rights

From the table 1.1, it can be seen that the regulation of corporate criminal acts in the context of the intellectual property rights law. It is essential to know that making criminal arrangements for corporations must begin with a paradigm shift between people and corporations as legal subjects. This is important to avoid misguided thinking when drafting provisions in the relevant laws. De Maglie stated that in order to convict corporations, there are several issues that must be considered, namely regarding what kind of organization can be charged with criminal responsibility. What kind of criminal acts are considered to be

<sup>34</sup> *Ibid.*, 103.

<sup>35</sup> *Ibid.*, 104.

committed by a corporation and what criteria can be used to attribute criminal liability to the corporation<sup>36</sup>. Because the link between intellectual property rights crimes and corporations was explained in the previous discussion, the author will not explain the criteria for criminal acts such as what corporations can do in the following explanation. Furthermore, the author believes it is critical to discuss what types of sanctions are proportional in punishing corporations, given that the *strafsoort* and *strafmaat* in the law are still formulated with the paradigm of only *natuurlijk persoon* as the only *adressatnorm*.

First, to begin with, the four clusters of intellectual property rights laws that regulate corporations as the subject of punishment use the term "legal entity" to describe what type of organization can be charged with criminal liability. This means that the term "corporation" in this law refers only to legal entities such as corporations. When compared to other laws that recognize legal subjects other than individuals, such as money laundering, it is clear that the definition is very broad, encompassing an organized collection of people and/or assets, both legal and non-legal entities. The author agrees with the four existing laws regarding the meaning of corporation in terms of intellectual property rights law. In the context of intellectual property rights, the dominant legal entity is involved in intellectual property rights. This can be seen from the highest number of registrants for intellectual property rights as in the data in the previous discussion. Although intellectual property rights violations can be carried out by entities that are not legal entities, the authors feel that this is nothing to worry about because one of the main objectives of being convicted of a corporation is so that the profits from criminal acts owned by the legal entity can be touched. This is clearly different when viewed in the context of not being a legal entity because there is no separation of assets between the people involved in it and the association. So that, in fact, there is no need to be punished through a separate entity. It is enough to just criminalize the person or management. As a result, the author suggests that inconsistencies in the formulation of criminal subjects in the intellectual property rights law can be immediately uniformed by using the term legal entity as the *adressatnorm*.

Second, to explain what criteria can be used to attribute criminal liability to corporations, it is necessary to explain the theory of corporate punishment first. Basically, the theory of corporate punishment can be seen from two significant dichotomies, namely the theory that moves from the point of view that corporations can be punished because of the mistakes of their management. Secondly, corporations can be punished because of the corporation's mistakes as a separate entity. Theories that draw corporate errors from their administrators are *vicarious liability*, *identification theory* and *aggregation theory*. At the same time, the theory that draws the error of corporations by seeing corporations as separate entity is the theory of the *corporate culture model*

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<sup>36</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi: Mencari Bentuk Pertanggungjawaban Korporasi Dan Pemimpin/Pengurus Korporasi Untuk Kejahatan Lingkungan Di Indonesia?," *Jurnal Hukum & Pembangunan* 46, no. 2 (June 30, 2016): 152, <http://jhp.ui.ac.id/index.php/home/article/view/74>.

### 3.3.1. Vicarious Liability

This theory originates from the concept of civil law, namely *respondeat superior*, namely when there is a relationship between workers and employers where the employer is responsible for the mistakes made by the workers.<sup>37</sup> Simply put if at any time there is an error made by a worker that causes harm to another party, that party can sue the employer to be responsible for the error.<sup>38</sup> However, with the record that the worker's error is still within the scope of his work or authority.<sup>39</sup> In the corporate context, this concept is the most widely used concept of corporate responsibility by various countries. In this case, the corporation is responsible for the actions taken by its management regardless of the person's position in the corporation in question, and the action is still within the *scope of authority* of the work.<sup>40</sup> Regarding the *scope of authority* owned by the worker, it is not necessary to see that the corporation explicitly gives permission for the worker to commit a criminal act, but it is sufficient to show that in committing the crime the worker is carrying out his duties and authorities.<sup>41</sup> Apart from the requirement that an employee of the corporation makes a mistake, the *Australian Criminal Code* also stipulates that the crime be committed to benefit the corporation. In terms of this requirement, the intent of the perpetrator's actions, whether they were carried out solely for personal gain or for the benefit of the corporation in question, can be determined.<sup>42</sup> In addition to Australia, the United States, Germany, the Netherlands, Canada, and France all require the same thing. Unlike the UK, which does not require an intention to benefit the corporation in the case of *DPP v. Kent and Sussex Contractors Ltd.*<sup>43</sup>

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<sup>37</sup> Aliansi Nasional Reformasi KUHP, "Pertanggungjawaban Korporasi," 19.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi," 155.

<sup>41</sup> *Ibid.*, 156.

<sup>42</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi," 158.

<sup>43</sup> *Ibid.*

### 3.3.2. Identification Theory

Gobert stated that this theory is a form of *vicarious liability* theory, but the difference is the qualifications of the management who can attribute their mistakes to corporate responsibility, which is limited to the leadership of the corporation.<sup>44</sup> Regarding the crime, must be within the scope of the management's authority and to benefit the corporation remains a requirement as in the theory of *vicarious liability*.<sup>45</sup> The leader in question is a person who can be considered the "*directing mind*" in a corporation, namely a person who is at the "*top-level management*" in the corporation. This can be seen from the official documents of the corporation.<sup>46</sup> However, testing through the document received criticism from Stern. Stern explains that in modern corporate structures, often, the leader or the central organ of the corporation only approves of the actions of its agents. So that if it is limited to approval only, then the act done will not be included in the act that can be withdrawn as an act from the corporation.<sup>47</sup> Therefore, Stern proposed that the test be carried out in two stages.<sup>48</sup> The first is whether the action is carried out "as" action from the corporation, and the second is whether the action is included in the scope of work of the perpetrator.<sup>49</sup>

### 3.3.3. Aggregation Theory

This theory, according to Gobert, is a theory that bridges the direction of the withdrawal of errors through the corporate entity itself.<sup>50</sup> This is because this theory draws corporate error from the aggregation of the state of mind of individuals within the corporation.<sup>51</sup> This means that individual faults are not required to fulfil a crime perfectly but are collected from several individuals in the corporation.<sup>52</sup> Therefore Gobert said that corporations can still be held responsible even though no one has committed a crime in it.<sup>53</sup>

### 3.3.4. Corporate Culture Model

Cristina de Maglie explained that this theory is a theory that attracts corporate errors so that corporations can be criminally responsible based on the corporate entity itself.<sup>54</sup> If in the previous theory the fault was drawn from the management within the corporation, this time what is seen from the corporation, according to de Maglie, is corporate policy, corporate culture, preventive faults and reactive corporate faults.<sup>55</sup>

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<sup>44</sup> *Ibid.*, 159.

<sup>45</sup> Andreas N. Marbun, *Pertanggungjawaban Tindak Pidana Korporasi* (Depok: Mappi FHUI), chap. 23.

<sup>46</sup> *Ibid.*

<sup>47</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi," 162.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> Andreas N. Marbun, *Pertanggungjawaban Tindak Pidana Korporasi*, 27.

<sup>55</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi," 164.

In corporate policy, corporations are responsible for criminal acts because there is no compliance program from corporations, even policies owned by corporations tend to encourage criminal acts by individuals within the corporation itself.<sup>56</sup> Furthermore, for corporate culture, corporations are responsible for their mistakes which fail to develop a good work culture and comply with regulations made by the government and tolerate violations committed by individuals within the corporation.<sup>57</sup> Then in preventive fault, the corporation is considered to have failed in taking preventive actions that should have been taken to prevent and detect the occurrence of criminal acts within the corporation itself.<sup>58</sup> While the last one is regarding reactive corporate fault, an error on the part of the corporation so that it must be responsible for criminal acts that occur, seen from the reaction of the corporation itself when it finds out that a crime has been committed by its employees within its scope of work.<sup>59</sup>

From the several theories above, it turns out that in various laws in Indonesia, there are various approaches to the theory used to criminalize corporations. Nani Mulyati divides the various approaches based on various articles from several laws into three models.<sup>60</sup>

No.	Model 1	Model 2	Model 3
1.	performed by people based on work relationships or based on other relationships	performed by people who act for and/or on behalf of the corporation	performed or ordered by the corporate controller
2.	within legal entity environment	or for corporate interests	and performed in the context of fulfilling the purposes and objectives of the corporation
3.	individually or together	based on employment or other relationships	and performed in accordance with the duties and functions of the perpetrator or the giver of orders
		within corporate environment	and performed with the intention of providing benefits to the corporation
		individually or together	-

**Tabel 2** Approach on Criminal Corporation

The first model of corporate criminal responsibility comes from Law no. 31/1999 Jo. Law no. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, Law no. 10/1995 jo. Law no. 17/2006 on Customs, Law no. 11/1995 jo. Law no. 39/2007 on Excise, Law no. 15/2003 concerning Stipulation of PP in Lieu of Law No. 1/2002

<sup>56</sup> Andreas N. Marbun, *Pertanggungjawaban Tindak Pidana Korporasi*, 27.

<sup>57</sup> *Ibid.*, 29.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> Nani Mulyati, "Korporasi Sebagai Subjek Hukum dan Pertanggungjawaban Pidananya Dalam Hukum Pidana Indonesia," (Doctoral diss., Universitas Indonesia, Januari 2018), 251.

concerning the Eradication of Criminal Acts of Terrorism into law and Law no. 44 of 2008 concerning Pornography.<sup>61</sup>

The corporate criminal liability model for the second criterion comes from Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law no. 1 of 2009 concerning Aviation and Law no. 17 of 2008 concerning Shipping.<sup>62</sup> While the third model comes from Law no. 8 of 2010 concerning the Crime of Money Laundering Law no. 40 of 2014 concerning Insurance.<sup>63</sup>

In the first model, it is seen that the vicarious liability approach does not require the position of the corporate management itself. In contrast, there is a combination of identification theory and vicarious liability in the second model with the phrase "performed by people acting for and/or on behalf of the corporation".<sup>64</sup> While the third approach uses an identification theory approach in fixing corporate responsibility.<sup>65</sup> In the first model, we have a law against corruption, which is similar to the intellectual property rights crime, both of which are economic crimes; in the third model, we have a law against money laundering, which is also an economic crime. So, despite the fact that the pattern of criminal acts is the same, different approaches are taken. The author argues that the approach that should be used is vicarious liability considering that if an identification approach is used, it will be complicated to convict a corporation if it is only seen from its leaders. Moreover, it is not uncommon for corporate leaders to only be limited to the approval stage while the actual actions are carried out by management who are at lower levels.

In fact, the author proposes that the model approach to the criteria for corporate criminal acts be added to the theory of the corporate culture model so that corporations can be held accountable. The prosecutor's office and the judiciary's internal regulations were enacted, namely PerJa 28/14 and Perma 13/16. Apart from adopting several provisions based on vicarious liability and identification theory, the corporate culture model theory was also adopted in this internal regulation by adding criteria such as whether preventive measures are in place, how the corporation reacts when a crime occurs, and whether the corporation has ensured compliance with applicable regulations. The author believes that adopting this theory can encourage corporations to improve good work culture to avoid criminal entanglement. Further, on who is responsible when a corporation can be prosecuted, Sutan Remy Sjahdeni divides it into four classifications:

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<sup>61</sup> Nani Mulyati, "Korporasi Sebagai Subjek Hukum," 246.

<sup>62</sup> Nani Mulyati, "Korporasi Sebagai Subjek Hukum," 247.

<sup>63</sup> *Ibid.*, 248.

<sup>64</sup> *Ibid.*, 251-252.

<sup>65</sup> *Ibid.*, 253.

“(a) managers as responsible at once makers (b) corporations as responsible manager makers, (c) corporation as a maker as well as a responsible (d) management and corporation as a maker and both are responsible.”<sup>66</sup>

Related to this, the author does not agree on point b. The author agrees with the opinion of Prof. Andri Gunawan Wibisana that there has been a misunderstanding in understanding the corporation as a separate and distinct entity from individuals.<sup>67</sup> The interpretation of point b obscures the position of the corporation as a legal subject. In the case of a corporation that is made a defendant in the trial room, the decision handed down by the judge must be addressed to the corporation itself as a legal subject who bears rights and obligations. This becomes strange when a corporation is charged with punishment but can be imposed on people within the corporation who have no relevance to the decision because they do not have the status of a defendant. Prof Andri Gunawan Wibisana views that this may be due to several factors, namely:

- 1) There is a mistake in understanding between corporate responsibility and the responsibility of corporate leaders/management so that sometimes the two things are often equated or mixed up.;
- 2) Unclear criteria in terms of determining when and for whose actions the corporation can be held responsible;
- 3) The absence of clear criteria in terms of when and for whose actions the leaders/management of the corporation can be held responsible.<sup>68</sup>

As a result, the author proposes that when formulating corporate responsibility norms, there should be no formulation of norms that delegate punishments or judges' verdicts to individuals who are not defendants in the trial. If you want to convict the management, you will need to hold a trial where the administrator is a defendant. Not by entrusting the corporation's decision to management.

Then, regarding what sanctions are appropriate and proportional to be imposed on corporations, we can see from the purpose of the sanctions themselves. J. Van Kan said that criminal law is the law of sanctions itself.<sup>69</sup> As a result, it is reasonable to conclude that sanctions play a critical role in criminal law because sanctions help to achieve the criminal's objectives. As a result, if careless sanctions are enacted, the criminal law will be rendered ineffective. According to Jeremy Bentham, the criminal law should not be used because it is groundless, needless, unprofitable or inefficacious.<sup>70</sup> Table 1.1 shows that the formulation of sanctions in the Intellectual Property Rights Law which recognizes corporations as criminal subjects, can be criticized for several things:

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<sup>66</sup> Erwin Radon Ardiyanto, "Kebijakan Hukum Pidana," 58

<sup>67</sup> Andri G. Wibisana, "Kejahatan Lingkungan Oleh Korporasi," 189.

<sup>68</sup> *Ibid.*

<sup>69</sup> Farid, AZ Abidin, and Andi Hamzah, "Bentuk-Bentuk Khusus Perwujudan Delik dan Hukum Penitensier," *Raja Grafindo Persada, Jakarta* (2006), 277.

<sup>70</sup> Lilik Mulyadi, "Pergeseran Perspektif dan Praktek dari Mahkamah Agung Republik Indonesia Mengenai Putusan Pidanaan," *Majalah Varia Peradilan* (2006): 3.

1. There is still a compilation of cumulative sanctions norms.
2. The tiny amount of fine.
3. There are no additional criminal-related regulations for corporations.

The formulation of norms in the Plant Variety Protection Law, for example, is cumulative despite the fact that it recognizes that criminal acts are not limited to individuals but can also include legal entities. When the sanctioned norm includes corporal punishment and the subject is a corporation, it is evident that something is wrong. Because corporations are essentially legal fictions, how can intangible things be subjected to corporal punishment? As a result, considering that the primary punishment for corporations is exemplary, the formulation of norms should be changed to an alternative.

Furthermore, the peculiarity can be seen in the small nominal fine imposed by the intellectual property rights law, which recognizes corporations as punishable entities. Of course, it becomes ineffective and appears to be ambivalent about the law's goal of criminalizing corporations. Just compare it to the Money Laundering Law (UU TPPU), which governs the most severe criminal offences for corporations with annual revenues exceeding 100 billion. The way the nominal sanctions are written is hugely concerning, and it must be corrected immediately, or the goal of punishing corporations will be defeated. Corporations are large entities that involve many parties and are structured in such a way that they can result in massive losses.

Then regarding the absence of additional criminal arrangements for corporations in the Intellectual Property Rights Law, it is also odd considering that several other laws have already regulated this matter. In addition, additional penalties are essential as an alternative if it turns out that the corporation is unable to pay the required fine. In Article 7 of the Money Laundering Law (UU TPPU), for example, there are additional criminal provisions, namely:

1. announcement of judge's decision;
2. suspension of part or all of the business activities of the corporation;
3. revocation of business licence;
4. dissolution and/or prohibition of the corporation;
5. confiscation of Corporate assets for the state; and/or
6. takeover of the corporation by the state.

It is imperative to change the paradigm from individuals to corporations in determining sanctions, considering that the approaches to types of sanctions are also different. Like the death penalty in an individual, if adopted into a corporation, it is a revocation of a license and imprisonment or imprisonment can be adopted as corporate imprisonment "revocation of all or part of certain rights," for example.<sup>71</sup>

As a result, the author believes it is critical to change the formulation of cumulative sanctions norms by juxtaposing corporal punishment with fines on corporations, given

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<sup>71</sup> K. Kristian. "Jenis-Jenis Sanksi Pidana Yang Dapat Diterapkan Terhadap Korporasi," 112.



that corporations are legal fictions that do not exist. Furthermore, the author sincerely hopes for a minor reduction in the fine that the corporation will receive when it commits a crime. This adjustment is needed in the context of the progress of the times and a reflection of a sense of justice. Finally, the author hopes that additional criminal penalties for corporations are formulated in the Intellectual Property Rights Law to be more flexible and reflect a sense of justice for crimes committed by corporations.

#### 4. CONCLUSION

Recognition of corporations as subjects of punishment is becoming increasingly important amid the strengthening of the role of corporations, especially in the economic sector, moreover in the field of intellectual property rights where corporations currently dominate the ownership of intellectual property rights. This is pretty reasonable considering that corporations have more significant resources and funds than individuals. Amid the strengthening of corporations' role and their close relationship with the field of intellectual property rights, it turns out that our legislative products are not ready to face it yet. This is reflected in the fact that only four of the seven laws specifically mention corporations as a subject of criminal prosecution. Not to mention that none of the four laws has formulated what criteria are so that corporations can be criminally responsible, then what kind of accountability system is there, and there is no adjustment of sanctions for corporate punishment.

The author proposes that corporations be treated as criminal subjects under all intellectual property laws. The criteria for criminal acts committed by corporations are determined using a *vicarious liability* approach and a *corporate culture model*. When it comes to who can be held liable for criminal acts committed by corporations, the clear answer is that the corporation cannot be held liable. It is also necessary to adjust the form of sanctions so that there is no longer a cumulative norm formulation by combining corporal punishment and fines on corporations when imposing sanctions. Furthermore, additional penalties for corporations must be regulated, and the nominal fines that can be imposed if the corporation commits the crime must be reformulated. As a result, it is hoped that a good law will serve as both a preventive and repressive tool in the case of corporate criminal acts involving intellectual property rights.

#### REFERENCES

- Alfons, M. "Implementasi Hak Kekayaan Intelektual Dalam Perspektif Negara Hukum." *Jurnal Legislasi Indonesia* 14 no. 3 (2018): 301-311. <https://doi.org/10.54629/jli.v14i3.111>.
- Andreas N. Marbun, *Pertanggungjawaban Tindak Pidana Korporasi* (Depok: Mappi FHUI), chap. 23. <http://mappifhui.org/wp-content/uploads/2020/03/Pertanggungjawaban-Tindak-Pidana-Korporasi.pdf>.
- Ardiyanto, Erwin Radon. "Kebijakan Hukum Pidana Tentang Subyek Hukum Korporasi Di Bidang Hak Kekayaan Intelektual (HKI)." Dissertation. Universitas Islam Indonesia. 2016.

- Bhutani, Shalini. "Two Countries, One Corporation and Its Intellectual Property Rights" *Economic and Political Weekly* 51, no. 37 (September 2016): 16–18. <https://www.jstor.org/stable/44003701>.
- Darmawan, M.Kemal. *Teori Kriminologi*. Jakarta: Universitas Terbuka, 2007.
- DJKI. "Laporan Tahunan Direktorat Jenderal Kekayaan Intelektual 2020". Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. 2020. <https://dgip.go.id/unduh/laporan-tahunan?tahun=2020>.
- Falvey, Rod, Foster, Neil and David Greenaway. "Intellectual Property Rights and Economic Growth", *Review of Development Economics* 10 no. 4 (November 2006): 1–24. <https://doi.org/10.1111/j.1467-9361.2006.00343.x>.
- Farid, Andi Zainal Abidin and Andi Hamzah. *Bentuk-Bentuk Khusus Perwujudan Delik (Percobaan, Penyertaan, dan Gabungan Delik) dan Hukum Penitensier*. Jakarta: RajaGrafindo Persada, 2006.
- Indonesia. Law Number 29 Year 2000 Concerning Plant Variety Protection. 2000.
- Indonesia. Law Number 30 Year 2000 Concerning Trade Secrets. 2000.
- Indonesia. Law Number 31 Year 2000 Concerning Industrial Design. 2000.
- Indonesia. Law Number 32 Year 2000 Concerning Integrated Circuit. 2000.
- Indonesia. Law Number 8 Year 2010 Concerning Integrated Money Laundering. 2010.
- Indonesia. Law Number 28 Year 2014 Concerning Copyright. 2014.
- Indonesia. Law Number 13 Year 2016 Concerning Patent. 2016.
- Indonesia. Law Number 20 Year 2016 Concerning Trademarks and Geographical Indication. 2016.
- Indonesia. Law Number 11 Year 2020 Concerning Job Creation. 2020.
- Kristian. "Urgensi Pertanggungjawaban Pidana Korporasi." *Jurnal Hukum & Pembangunan* 44, no. 4 (2014): 572-621. <http://dx.doi.org/10.21143/jhp.vol44.no4.36>.
- Kristian. "Jenis-Jenis Sanksi Pidana Yang Dapat Diterapkan Terhadap Korporasi." *Jurnal Hukum & Pembangunan* 43, no. 2 (2017.): 270-288. <http://dx.doi.org/10.21143/jhp.vol44.no1.1>.
- Mulyadi, Lilik. "Pergeseran Perspektif dan Praktek dari Mahkamah Agung Republik Indonesia Mengenai Putusan Pemidanaan." *Majalah Varia Peradilan* (2006.): 1-17.

[https://badilum.mahkamahagung.go.id/upload\\_file/img/article/doc/pergeseran\\_perspektif\\_dan\\_praktik\\_dari\\_mahkamah\\_agung\\_mengenai\\_putusan\\_pemidanaan.pdf](https://badilum.mahkamahagung.go.id/upload_file/img/article/doc/pergeseran_perspektif_dan_praktik_dari_mahkamah_agung_mengenai_putusan_pemidanaan.pdf).

Mulyati, Nani. "Korporasi Sebagai Subjek Hukum dan Pertanggungjawaban Pidananya Dalam Hukum Pidana Indonesia." Dissertation. Universitas Indonesia, Januari 2018.

Pangaribuan, Togi. 2019. "Perkembangan Bentuk Pertanggungjawaban Korporasi Dalam Tindak Pidana Korporasi." *Law Review* 19, no. 1: 1-24. <http://dx.doi.org/10.19166/lr.v19i1.1679>.

Purba, Achmad Zen Umar. *Hak Kekayaan Intelektual Pasca TRIPS*, Bandung: Alumni. 2011.

Putri, Theodora Yuni Shah. "Pertanggungjawaban Korporasi Dalam Tindak Pidana Pelanggaran HAM Berat." Dissertation. Universitas Indonesia. 2007.

Reza, Aulia Ali. *Pertanggungjawaban Korporasi Dalam Rancangan KUHP*. Jakarta: Institute for Criminal Justice Reform, 2015. <http://mappifhui.org/wp-content/uploads/2016/12/Pertanggungjawaban-Korporasi-dalam-Rancangan-KUHP.pdf>.

Ridwan, H. R. *Hukum Administrasi Negara*. Jakarta: Rajawali Pers, 2020.

Rivette, Kevin G, and David Kline. "Discovering New Value in Intellectual Property" *Harvard Business Review*, (January-February 2000). <https://hbr.org/2000/01/discovering-new-value-in-intellectual-property>.

Sanjaya, Bahari Muladi, and Ratna Kumala Sari. "Inkonsistensi Pertanggungjawaban Pidana Korporasi dalam Peraturan Perundang-Undangan di Luar KUHP." *Pandecta Research Law Journal* 15, no. 2 (2020): 218-227. <https://doi.org/10.21107/ri.v13i1.4033>.

Simatupang, Taufik H. "Hak Asasi Manusia dan Perlindungan Kekayaan Intelektual dalam Perspektif Negara Hukum." *Jurnal HAM* 12, no. 1 (2021): 111-122. <http://dx.doi.org/10.30641/ham.2021.12.111-122>.

Tim, Lindsey. *Hak Kekayaan Intelektual Suatu Pengantar*. Bandung: P.T. Alumni, 2013.

Van Bemmelen, J. M. *Hukum Pidana I Hukum Pidana Material Bagian Umum* Bandung: Binacipta, 1985.

Wibisana, Andri G. "Kejahatan Lingkungan Oleh Korporasi: Mencari Bentuk Pertanggungjawaban Korporasi Dan Pemimpin/Pengurus Korporasi Untuk Kejahatan Lingkungan Di Indonesia?." *Jurnal Hukum & Pembangunan* 46, no. 2(2016.): 149-195. <http://dx.doi.org/10.21143/jhp.vol46.no2.74>.