

LEGAL PROTECTION FOR VICTIMS IN CORPORATE CRIME FROM THE PERSPECTIVE OF JUSTICE

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Abstract: Corporate crimes often result in significant losses to society and victims. Therefore, an ideal regulatory direction is needed to ensure adequate legal protection for victims of corporate crimes in Indonesia. The ideal regulation is by implementing a cumulative punishment system for corporate crime perpetrators according to the Criminal Code, which is a cumulative sanction in the provision of two equal sanctions that add up or stack up in accordance with Article 14c paragraph (1), Article 14a, and Article 14b which contain the understanding that the law (as a cumulative policy) and/or Criminal Code Article 100 regarding the death penalty as an alternative route to maximizing criminal sanctions against corporations. This is intended to achieve justice for the victims and create a deterrent effect for perpetrators. The problem that often arises is the difficulty in upholding justice in the enforcement process of corporate crimes. The numerous cases of corporate perpetrators escaping legal action prove that legal protection for victims in Indonesia is still far from the principle of justice. This study aims to analyze the ideal regulatory direction to realize legal protection for victims of corporate crimes from the perspective of justice. This study uses a descriptive-analytical approach with a normative juridical method and examines legislation and court decisions related to corporate crimes. The results show that legal protection for victims of corporate crimes is still inadequate, especially in terms of receiving criminal sanctions in the form of imprisonment or compensation. In addition, law enforcement processes are often hindered by the economic and political power of corporations, which can influence the course of legal proceedings. This creates injustice for victims who feel they are not being treated fairly in the legal decision-making process. Therefore, an ideal regulatory direction is necessary to ensure that victims receive adequate legal protection and balanced justice.

Keywords: Legal Protection, Corporate Crimes, Justice, Victims

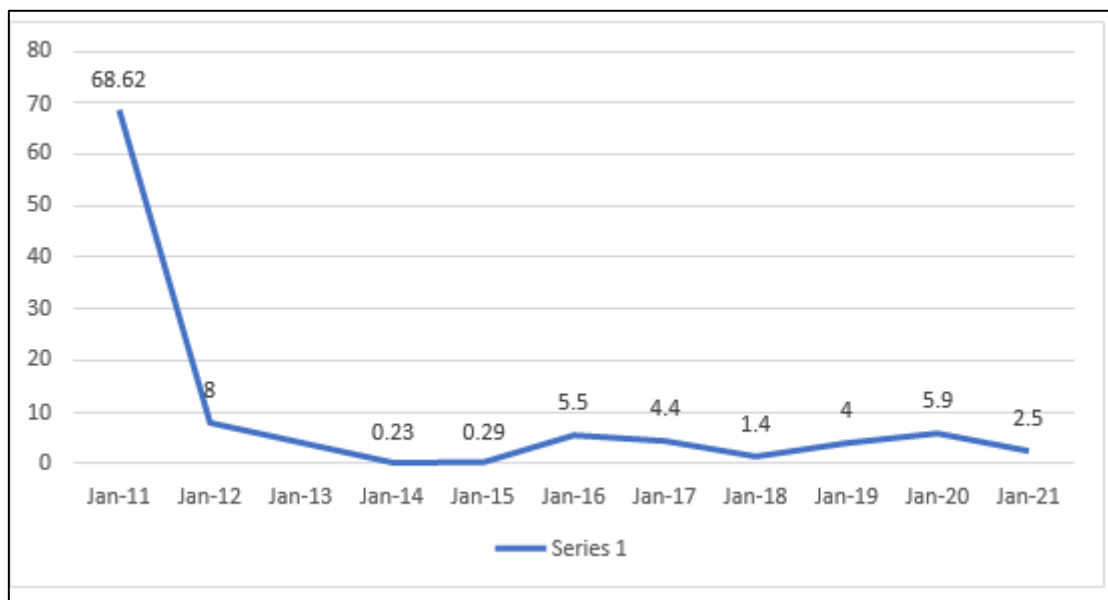
I. INTRODUCTION

According to R. La Porta in the Journal of Financial Economics, the form of legal protection provided by a country has two characteristics, namely preventive and punitive (Rafael La Porta, 1999). The most tangible form of legal protection is the existence of law enforcement institutions such as courts, prosecutors, police, and other non-litigation dispute resolution institutions. Legal protection is closely related to justice. According to Soedirman Kartohadiprodjo, corporate crime is an unlawful act committed by corporations or companies in order to gain greater profits. This action often violates the rights of the public and consumers and can cause significant financial losses to the victims of corporate crime. Legal protection for victims of corporate crime is crucial in this context. Adequate legal protection can provide legal certainty and guarantee the rights of victims of corporate crime, such as the right to compensation and the right to justice in legal proceedings (Syahrudin, M., 2018). Criminal law stipulates that a person should not be punished solely by proving that they have committed an act that violates the law as formulated in a law. Even if the person's actions meet the elements of a crime in a law and are not justified (an objective breach of a penal provision), this does not necessarily fulfill the requirements for imposing criminal penalties. Corporate problems as criminal law subjects are inseparable from civil law aspects. In civil law, individuals are not the only legal subjects recognized. This is because there are still other legal subjects who have rights and can perform legal acts similar to individuals. Unlike the Criminal Code, which only recognizes individuals as legal subjects. Looking at various countries, corporate crime has been regulated in its criminal law system as a criminal subject so that it can be subject to criminal liability. Indonesia's corporate crime is regulated in Law No. 31 of 1999 as amended by Law No. 20 of 2001 concerning the Eradication of Corruption. However, when it comes to corruption, the author believes that theft can be seen from the similarity of its elements to corruption. The

theft referred to here is stealing something entrusted to them that should be safeguarded by the holder of the trust. Essentially, in the element of enriching oneself, others, or a corporation that can harm the country's finances or economy, there is a very clear element of theft. The victim of corruption crimes is generally direct, namely the victim of the crime itself and indirect (pseudo or abstract) namely society, an individual, a community group, and the wider community, and in addition, the victim's losses can also be in the form of material, which is usually assessed in terms of money, and immaterial, such as feelings of fear, pain, sadness, psychological shock, and so on. The position of victims in the criminal justice system and in practice is relatively undervalued because Indonesian legal provisions still rely on protecting offenders (offender-oriented). In theory, the protection model includes the procedural rights model or in France known as the *partie civile* model (civil action system). This model emphasizes that it is very possible for victims to play an active role in the criminal justice process.

The data released by Katadata in 2022 states that the value of losses suffered by the Indonesian public due to illegal investment has reached IDR 117.4 trillion in the period of 2011-2021, as shown in the figure below.

Figure 1. Losses to Society Due to Illegal Investments (2011-2021) (In Trillion Rupiah)



Source : Katadata, 2022

Based on Figure 1, it can be seen that the loss incurred by the Indonesian public due to illegal investments reached Rp117.4 trillion in the past decade. The peak occurred in 2011, with losses reaching Rp68.62 trillion. The figure then decreased by 88.4% to Rp7.92 trillion in 2012. The Financial Services Authority (OJK) claimed that this decrease was due to the handling of the Investment Alert Task Force (Satgas Waspada Investasi). Since the establishment of the task force, losses due to illegal investments during the period of 2012-2021 tended to decrease. According to OJK, illegal investment cases have occurred in almost all regions in Indonesia, with the highest number of cases occurring in Java Island. Meanwhile, the number of illegal investment entities that have been handled by OJK in the last five years reached 1,053 entities. In 2017, there were 79 illegal investment entities that were handled.

Some examples of corporate crimes that, according to the author, have resulted in unfairness to the victims include:

1. Bank Century

This case began when customer funds could not be paid by Bank Century on November 18, 2008. The cause was poor management and a high level of moral hazard.

- a. Corruption of customer funds up to Rp2.8 trillion (Rp1.4 trillion for Bank Century customers and Rp1.4 trillion for Antaboga Deltas Sekuritas Indonesia customers).

- b. Sale of fictitious securities products by Antaboga Deltas Sekuritas, where the products did not have permission from the Central Bank (Bank Indonesia) and Bappepam LK (Capital Market Supervisory Agency).

In its ruling, the court sentenced the management of Bank Century to imprisonment and fines. Former Deputy Governor of Bank Indonesia (BI) Budi Mulya was sentenced to 10 years in prison in the Bank Century corruption case. The Panel of Judges of the Jakarta Corruption Court also imposed a fine of Rp500 million or 5 months' imprisonment. Budi Mulya was found guilty of corruption related to the provision of short-term financing facilities (FPJP) to Bank Century and the designation of Bank Century as a systemically important bank. The judge said that Budi was proven to have violated Article 2 paragraph (1) in conjunction with Article 18 of the Corruption Law No. 20 Year 2001 in conjunction with Article 55 paragraph (1) clause 1 of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code as the primary indictment.

2. PT. First Travel

The issue of legal protection for victims of corporate crime arose in the case of First Travel Tour Agency in 2017. PT. Anugrah Karya Wisata Pertama is a Umrah and tour agency that offers Umrah packages that are cheaper by Rp. 5,000,000 (five million rupiah) than the normal price. The normal price for an Umrah package is around Rp. 19,000,000 - Rp. 20,000,000, while the Umrah package at First Travel is only Rp. 14,000,000 - Rp. 15,000,000. Some people were interested in going on a pilgrimage to Mecca at a relatively low cost. First Travel started its business as a travel agency organized by CV First Travel Karya Utama, which was established on July 1, 2009. Initially, First Travel only offered domestic and international travel services for individuals and companies. The fraud committed by PT. First Travel harmed at least 63,310 prospective hajj and Umrah pilgrims, with material losses amounting to Rp. 905 billion. This was also suspected due to the lack of strict regulations made by the state through Law Number 13 of 2008 concerning the Implementation of Hajj and Umrah. In Law Number 13 of 2008, travel organizers have violated existing provisions regarding the authority and abuse of the rights of hajj and Umrah travel agencies. The Supreme Court, through its decision 3096/K/PID.SUS/2018, assigned the Depok Prosecutor's Office to conduct an auction according to the level of cassation. However, this was considered less favorable to the interests of hajj pilgrims. This is because the provision states that if it has to be auctioned, the auction proceeds must be returned to the pilgrims as victims, in this case the victims of the First Travel pilgrims who not only suffered as victims of the crime committed by PT. First Travel, which involved money laundering and fraud.

3. Cipaganti Karya Guna Persada

The issue of legal protection for victims of corporate crime arose in the case of Cipaganti Karya Guna Persada which took place during the period of 2007-2014 in Bandung. The owners and managers of the cooperative initially established a cooperative aimed at gathering funds from the public to finance various cooperative business activities. In the case of the Cipaganti investment fraud, the business activities of the perpetrators were in violation of the provisions of the cooperative law (Cooperative Law) and they did not obtain the required permit according to the Banking Law. The funds collected from investors were diverted or used for other business activities established by the perpetrators (not directly cooperative activities) and flowed into the personal accounts of the perpetrators. During the period of 2007-2014, the cooperative managed to collect around IDR 4.7 trillion from 23,193 investors. However, the perpetrators were unable to return the funds of IDR 3.2 trillion belonging to 8,738 investors or partners. Based on the decision of the Bandung District Court No. 198/Pid.B/2015/PN.Bdg, the perpetrators were convicted and found guilty based on a final and binding criminal court decision.

4. KSP Indosurya Cipta

The issue of legal protection for victims of corporate crime arose in the case of KSP Indosurya Cipta, which was involved in failed deposit schemes and illegal fundraising. There were 14,500 investors who deposited their funds with KSP Indosurya Cipta, and the total funds collected from tens of thousands of customers were estimated to reach Rp. 15 trillion. The suspects were charged under Article 46 of Law No. 10 of 1998 on Banking and/or Article 372 and/or Article 378 of the Criminal Code, as well as Article 3, 4, and 5 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering. The court approved a homologation agreement as a settlement. The Homologation/Peace Decision No. 66/PDT.SUS-PKPU/2020/PN.Niaga.Jkt.Pst dated July 17, 2020, confirmed that the peace agreement between KSP Indosurya Cipta and all creditors (whether or not they participated in the PKPU process) was legally binding (as stipulated

in Article 286 of Law No. 37 of 2004 on Bankruptcy and PKPU).

Based on the above-mentioned phenomenon, there is a need for legal protection for victims of corporate crime from a perspective of justice. In this case, the author suggests cumulative punishment for corporate crime offenders. The existing laws already provide appropriate penalties for Fraud and Embezzlement, as stated in Articles 372 and 378, which carry a maximum sentence of 4 years in prison. Therefore, if the crime is committed against 50 victims, the punishment would be 50 x 4 years, which is 200 years. This needs to be implemented to deter corporate crime offenders. Additionally, if the expected funds cannot be returned, the punishment will make people hesitant to commit corporate crimes.

Corporate crimes have wider consequences and more victims, even if they are not direct victims. As known, the Criminal Code does not recognize corporations as legal subjects. One indication of this is Article 59 in Book I of the Criminal Code, which states, "In determining punishment for violations by a director, a member of the board of directors, or a commissioner, no punishment shall be imposed on the director or commissioner if it is clear that the violation occurred outside their duties." Thus, this article does not impose criminal sanctions on individuals who did not commit the crime. This means that even if they did it for the corporation or legal entity, the corporation cannot be punished. In addition, the Criminal Code adheres to the principle of no punishment without fault. This is as stipulated in Article 44 of the Criminal Code, which states, "Anyone who commits an act that cannot be attributed to them, due to a defective growth of their soul or because they are disturbed by illness, shall not be punished." Thus, the priority in this article is the individual's soul, while the corporation does not have a soul.

From the cases outlined above, it can be seen that the attention given to witnesses and victims is still considered insufficient. The Criminal Code does not contain clear and specific provisions regarding protection rules for crime victims. The issue of justice in the enforcement of corporate crime has become a serious concern for the public and the government. Although the existing laws and regulations provide clear protection for victims of corporate crime, the law enforcement process is often hindered by the economic and political power of corporations that influence the legal process. The injustice that occurs in the legal process can have a significant impact on victims, such as being unable to obtain fair compensation and feeling unrecognized in the legal process. This issue is very complex because it involves various interests, ranging from the interests of victims, corporations, to the government and society. Therefore, efforts to overcome this problem must involve all relevant parties. The government needs to take a more active role in strengthening law enforcement agencies and improving legislation related to corporate crime (Sudaryanto, T., & Hanafi, I., 2020).

Justice in enforcing corporate crime law is becoming increasingly difficult to achieve in today's complex business world. Large companies with enormous economic power often have access to more skilled and experienced lawyers, allowing them to manipulate the legal system for their own benefit. Meanwhile, corporate crime victims, such as employees or consumers, often struggle to assert their rights in court due to resource and skill limitations. In many cases, victims of corporate crime tend not to receive fair compensation because the involved companies have significant financial and political influence. Therefore, it is essential to create a fair and effective legal system to handle corporate crime and provide protection for those in need (Boyle, F.A., 2007).

Throughout history, the concept of justice has been diverse, with justice being defined as a fundamental virtue or an idea. However, today's development of justice is no longer conceptualized as an idea but more as a value. It is an objective reality outside of human or subjective consciousness in the form of an attitude. Therefore, efforts are needed to strengthen legal protection for victims of corporate crime (Marpaung, L, 2014) and ensure that justice is upheld in the legal process. The enforcement system for corporate crime can be done by increasing the capacity of law enforcement officials in handling corporate crime cases, strengthening oversight institutions, and improving regulations related to corporate crime. With these reforms, it is expected that victims of corporate crime will receive adequate legal protection and balanced justice.

The focus of the legal issue that will be studied is the legal protection of victims in corporate crime from the perspective of justice. The goal of legal protection for victims in corporate crime is to provide a legal umbrella to protect them. Therefore, it is necessary to have laws that regulate aggravation for corporate crime perpetrators, as done by South Korea when there are corporate crimes with many victims, then the punishment is cumulative based on the number of victim reports. According to Article 14c paragraph (1), Article 14a, and Article 14b, the law (as a cumulative policy) and/or Article 98 of the national Criminal Code as an alternative reference for imposing maximum criminal sanctions on corporate crime perpetrators. This is stipulated in Article 98 letter c, which includes the death penalty as a constantly threatened alternative punishment. The death penalty is regulated in Law Number 1 of 2023 concerning the Criminal Code. In Article 98 of that law, it is stated that the death penalty is threatened as a last resort

to prevent the commission of crimes and (to) protect society while at the same time giving a deterrent effect to criminals. Additionally, the principle of legality is adhered to in Indonesian criminal law, where the implementation of the death penalty is considered appropriate for crimes that cause systemic harm to society. This implies that providing protection for victims of crime, including victims of corporate crime, is mandated. This abstract protection includes punishment that can be imposed by a judge through the establishment of general and specific conditions, including restitution for corporate crime victims. In this case, victims have the opportunity to seek justice in court and be compensated for their losses.

II. METHOD

To study the legal regulations and court decisions related to corporate crime, this research uses the descriptive-analytic method. The descriptive-analytic method is one of the research methods used to obtain a detailed description of a phenomenon or event, and then analyze the data to gain a deeper understanding (Firdaus, A., 2018). In conducting the analysis, the researcher will use a qualitative approach to obtain a deeper understanding of the phenomenon of corporate crime and legal protection for victims.

The normative juridical method is used as an explanatory research type that allows the researcher to analyze legal regulations and court decisions related to corporate crime from the perspective of justice for victims. This enables the author to direct ideal legal provisions towards law enforcement in realizing legal protection for victims.

III. RESULT AND DISCUSSION

The Mechanism Of Legal Protection For Victims Of Corporate Crimes

Based on Article 20 of PERMA No. 13 of 2016, it is stated that "Victims who suffer losses as a result of crimes committed by corporations can request restitution according to applicable laws and regulations or through civil lawsuits." The regulation on restitution is stipulated in Government Regulation No. 44 of 2008 concerning Compensation, Restitution, and Assistance to Witnesses and Victims. Article 1 number 2 of Government Regulation No. 44 of 2008 states: "Victims are individuals who experience physical, mental, and/or economic losses caused by a criminal act." Article 1 number 4 further states: "Compensation is compensation for losses provided by the state because the perpetrator is unable to fully provide compensation that is his responsibility." Furthermore, Article 1 number 5 states: "Restitution is compensation for losses given to victims or their families by the perpetrator or third parties, which can take the form of the return of assets, payment of compensation for loss or suffering, or reimbursement of costs for certain actions." If we pay attention to the general provisions in Article 1 of Government Regulation No. 44 of 2008, the focus of this research is on victims who suffer "economic losses" as a result of a criminal act. Meanwhile, compensation is compensation provided by the state because the perpetrator is unable to fully provide compensation that is his responsibility. Restitution is compensation for losses given to victims or their families by the perpetrator or third parties, which can take the form of the return of assets, payment of compensation for loss or suffering, or reimbursement of costs for certain actions. The following are the mechanisms taken in the process of protecting victims of corporate crimes.

1. Restitution

A person who becomes a victim of a crime must face crucial legal issues. After experiencing being a victim of a crime, they must undergo further victimization due to systematic rejection by the criminal justice system. This rejection occurs because the view that the victim's position has been taken over by the state, so the victim's further involvement in the legal process to fight for their rights is considered to burden the existing system. It is also considered to affect the effectiveness and efficiency of law enforcement agencies. Victims, who are the party who suffer and are disadvantaged by criminal law violations, are usually only involved in providing testimony as a victim witness. As a result, victims often feel dissatisfied with the criminal demands presented by the Prosecutor and/or the verdict handed down by the Judge because it is considered not in accordance with the victim's sense of justice. This is caused by the fact that the criminal justice system is established to prosecute perpetrators of crime, not to serve the interests of crime victims.

2. Civil Lawsuit

A Lawsuit for Tortious Conduct (Gugatan PMH), which is a lawsuit for compensation due to an act that is against the law resulting in harm to others. Article 1365 of the Indonesian Civil Code accommodates

this provision that every person has the right to claim compensation for an unlawful act that causes them harm. The article reads: "Every unlawful act which causes loss or damage to another obliges the person who is at fault to compensate for the loss or damage."

To be able to claim compensation based on Gugatan Perbuatan Melawan Hukum (PMH), the following requirements must be fulfilled:

- a. The existence of an act;
- b. The act is against the law;
- c. The existence of a fault;
- d. The existence of a loss or damage;
- e. The existence of a causal relationship between the PMH and the loss or damage.

With the fulfillment of the elements above, a person can claim compensation based on Unlawful Acts. As a result of the unlawful act committed by someone, there are interests of others who feel disadvantaged. In other words, the party that commits the unlawful act is obliged to be responsible for the losses suffered by the other party. This also applies to corporations, it can be concluded that any action by a party that constitutes an unlawful act that results in losses to another party, can legally be held accountable in a civil lawsuit by filing a lawsuit in court. Based on Article 1365 of the Indonesian Civil Code, a person who suffers losses caused by the unlawful acts of others has the right to claim compensation. If the person suffers losses as a result of a criminal act to facilitate the person, the state provides a way to obtain compensation without having to go through the usual civil lawsuit process. However, if the banking corporation does not provide compensation, then the victim of the criminal act committed by the banking corporation can file a civil lawsuit (compensation claim) through the local District Court within the jurisdiction of the banking corporation, based on the final legal force of the criminal case against the banking corporation.

3. Ideal Legal Protection Arrangements for Corporate Crime Victims in terms of Justice Perspective

Theoretically, there are two models of legal protection arrangements for crime victims (Muladi, 1997): the procedural rights model and the services model. The procedural rights model (Bambang Waluyo, 2011) gives victims the right to play an active role in the criminal case settlement process, such as the right to file a complaint, assist the prosecutor, or be heard at every level of case examination where their interests are involved, including the right to consult before conditional release and the right to make a peace agreement. The services model provides standard guidelines for victim care that can be used by the police, such as modifying the victim's statement and/or the prosecutor's handling of the case, providing compensation as a restorative criminal sanction, and taking into account the victim's statement before a sentence is imposed. Victims are considered as a special target that must be served in law enforcement or criminal case settlement activities. Protection of victims' rights to compensation from the convicted offender is regulated under the Indonesian Criminal Code (KUHP).

Reconstruction of victim rights protection can be carried out by arranging the following matters:

- a. Unification or harmonization of laws regulating victim rights including comprehensive regulation of victim rights, the position/position of victims in fighting for their rights, institutions/officers for victim rights protection, procedures for victim protection, and implementation of victim protection.
- b. Establishment of an integrated victim protection mechanism within the criminal justice system, where all law enforcement agencies (police, prosecution, and court) can actively play a role and work together in providing victim rights protection.

In Indonesia, the legal process for restitution and compensation is based on Law No. 13 of 2006 concerning Witness and Victim Protection. Law No. 31 of 2014 concerning Changes to Law No. 13 of 2006 (hereinafter referred to as the Witness and Victim Protection Law) and its implementing regulations. The legal process of restitution and compensation according to these regulations must be based on the victim's request and subsequently determined in a decision or court order by the authorized court. However, the legal process for compensation is specifically intended for human rights courts or victims of serious human rights violations, not for every crime victim. Therefore, in the context of Indonesian positive law, the recovery of losses for victims of massive fraud cannot be in the form of compensation. The legal process for restitution and compensation does not run alone, normatively and factually, as an effort by victims to recover their losses.

Here are the things that can be done to obtain one's rights, either directly or indirectly:

1. Lawsuit for damages

Based on an unlawful act or breach of contract, this action is taken by the victim based on civil procedural law, especially in accordance with the Code of Civil Procedure (HIR). The victim can place the perpetrator as the party who has caused the loss by committing an unlawful act according to Article 1365 of the Civil Code or by committing a breach of contract based on an agreement made between the perpetrator and the victim.

2. Bankruptcy petition according to the Bankruptcy Law

Bankruptcy petition can also be carried out by the victim as a form of legal specialization in civil procedural law. The civil relationship between the perpetrator and the victim in the form of a contract contains obligations that can be conceived as debt. In this case, the criminal perpetrator is placed as a debtor who has an obligation to pay a certain amount of money to the victims as creditors within a certain period of time.

The criminal justice system aims to obtain material truth or objective truth, which is the most comprehensive and genuine truth about a case. In contrast, civil litigation can be resolved only with formal truth, which is truth obtained based on formal evidence presented by one of the parties. The proof of the truth about the perpetrator's actions and mistakes becomes the *ratio decidendi* for the judge in imposing sanctions on the perpetrator. At this level, restitution and asset forfeiture are two forms of criminal sanctions imposed on the perpetrator. These two criminal sanctions are applied as alternatives to each other, meaning that if the obligation of restitution to the victim cannot be fulfilled by the perpetrator, then the asset forfeiture sanction is carried out and returned to the fraud victims as the rightful party (asset recovery system).

From the research results, it can be concluded that the legal protection for victims of corporate crimes is still inadequate. One of the main problems found is the various issues of corporate cases and many judges' decisions that are perceived as far from the sense of legal justice for corporate victims, ranging from decisions resulting in all confiscations being seized by the state and not returned to the victims, to prison laws that are far from the maximum penalty or even a non-guilty verdict. This proves that Indonesia needs to determine the ideal direction of regulation towards corporate perpetrators to realize the principle of justice under the law of the Republic of Indonesia.

The ideal direction of regulation referred to by the author is to provide cumulative punishment for corporate crime perpetrators. In addition, the role of supervisory agencies must also be strengthened to monitor and control the activities of companies that have the potential to commit corporate crimes (Chan, Syapri, 2019). Supervisory agencies must have sufficient authority to monitor corporate activities and conduct effective supervision. Improvements to laws and regulations related to corporate crime are also necessary in this reform. Laws and regulations must clearly regulate corporate crimes, applicable legal sanctions, and legal protection for victims. Furthermore, laws and regulations must also provide legal certainty for companies and victims of corporate crimes (Tilaar, H.A.R., 2019). To support this reform, the government can provide support in the form of sufficient budget allocation to improve the capacity of law enforcement officers and supervisory agencies, as well as to improve laws and regulations related to corporate crime. Support from the community and the business world is also needed so that this reform can run smoothly and provide maximum results (Government Regulation Number 27 of 2021).

Moreover, corporations must also understand that they have a social responsibility to protect the rights of victims and prevent corporate crimes. Therefore, corporations must improve good corporate governance, including strengthening internal and external monitoring systems and improving complaint mechanisms and fair and transparent dispute resolution for victims. By reforming the enforcement of corporate crime laws, it is hoped that legal protection for victims can be improved and balanced justice can be achieved in the legal process. This can also help reduce the level of corporate crime and increase public trust in corporations as socially responsible entities.

IV. CONCLUSION

From the results of the research and discussion conducted, it can be concluded that in the legal protection of corporate victims from the perspective of justice, there is an anomaly in the application of the principle of utility reflected in the judge's decision in the criminal law model. The position between the perpetrator and the victim, where the existence of the victim in a criminal act is not given much attention. Criminal law tends to focus more on the perpetrator than the victim. The victim is only positioned as a reporter and witness of a criminal act, whereas the victim is the object that experiences physical or psychological suffering as a result of the criminal act. In criminal law, the victim is abstracted into a public or societal interest, so that when a criminal act occurs and the perpetrator

has been convicted, it is assumed that the victim has received protection. Criminal law seems to abandon the victim by not caring about their recovery from the losses suffered as a result of a criminal act.

In contrast to civil law, a victim who suffers from the actions of another party is positioned as a person who experiences both material and immaterial losses, and the means used is to file a lawsuit in court. If the lawsuit is accepted, they can apply for a seizure of assets after the decision has legal force.

In money laundering crimes, simply put, money laundering can be defined as a process to make proceeds of crimes or dirty money from corruption, bribery, gambling, drug trafficking, fraud, tax evasion, and other serious crimes appear legal in order to be used safely. Similarly, in the case of investment scams, the proceeds of the scam are used to purchase assets for personal gain, as if they came from a legitimate source of income. Money laundering crimes can cause financial losses, especially in the case of investment scams that promise a certain amount of profit and provide a number of products to facilitate the scam, resulting in losses for investors and suppliers whose products are used in the investment package.

For individuals or legal entities who suffer losses as a result of money laundering crimes, legal action can be taken by reporting to the police or filing a civil lawsuit. Problems can arise if the court prioritizes the execution of criminal verdicts over the execution of civil cases. The prosecutor, as the party responsible for executing the final and binding criminal verdict, not only executes the convicted person but also the results of the criminal act. In the business context, companies generally prefer to file civil lawsuits, where if accepted and legally binding, they can apply for the seizure of assets of the losing party.

In this research, there is a conflict between the execution of civil cases and the execution of money laundering cases, where both have legal force. Legal findings, however, are always made by judges in their decisions. There is no clear text without ambiguity, and this is a characteristic of every language. In this case, it is important to discuss the method of legal findings by judges to anticipate potential negative possibilities, namely:

1. Begriffsjurisprudenz method.

This method is known as the method that allows judges to carry out legal discovery. It also begins to improve the weaknesses in legal doctrine. The doctrine of this method is that even if the law is correct, it may not be complete, but the law can still cover its own shortcomings because the law has an expansive normlogical nature. The use of logical law, commonly known as "syllogism," is the main basis of this method. Therefore, reason and logic are placed in a very special place. The shortcomings of the law, according to this method, should be filled with the use of logical laws and expanding the law based on reason. The purpose of this Begriffsjurisprudenz method is how legal certainty can be achieved, without paying too much attention to the sense of justice and the usefulness of the law for citizens, because it only sees the law as a matter of logic and reason. The study using this method shows that the judge's decision examined does not reflect legal certainty because the benefits principle described by the panel of judges does not provide clarity and ignores the application of formal law in the decision-making process.

2. Interessenjurisprudenz method (Freirechtsschule).

This method emerged as a criticism of the Begriffsjurisprudenz method, where the law is clearly incomplete according to this method. The law is not the only source of law, while judges and other officials have the widest freedom to make "legal discovery." Even according to this method, in order to achieve the highest level of justice, judges may deviate from the law for the benefit of society. On the other hand, this method opens up opportunities for arbitrariness, as judges are ordinary humans who cannot escape various interests and influences around them, including the influence of personal and family interests, and so on. The subjective factors that exist in the judge as an ordinary human being can easily create arbitrariness in their decisions. The decision examined from this method is more suitable because the judge tries to make legal discovery by considering the principle of benefit, but in the application of the decision, they do not examine previous decisions and make it possible for judges to commit abuses of power in their decisions because the decisions they issue exceed their authority as a *judex juris*.

3. Soziologische Rechtsschule method.

This method was born as a reaction to the Freirechtsschule method which primarily intends to prevent the possibility of judicial arbitrariness, related to the granting of *fi-eies* *ermessen* to judges. Nevertheless, this method still acknowledges that judges are not only "law trumpets," but judges must also pay attention to the realities of society, the feelings and needs of the law, and the legal awareness of citizens. Hamaker argued that judges should base their decisions on the legal awareness and legal feelings that are prevalent in society when the decision is made. In line with Hamaker, Hymans stated that only judges' decisions that are in accordance with

legal awareness and the legal needs of citizens are the "real law" (het recht der werkel Ulcheid). In this decision, victims of money laundering crimes have the right to compensation provided by the state. This means that the decision issued by the judge must provide clarity on the efforts of the prosecutor to seize the assets of the money laundering perpetrators and the mechanism for dividing compensation for the victims. The compensation provided can be based on fairness because the results of the seizure of money laundering crimes often harm the victims.

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