



ALSA LEGAL ENGLISH GLOSSARY #2

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“UNMASKING THE IRON HAND OF CORPORATIONS: CRIMINAL
LIABILITY IN CORRUPTION CASES”

By W. Lathifa Luna Qalbi Bempah and Achmad Al-Muhtadee Billah H.

1. Definition of Criminal Law

In the modern era, the world continues to face a growing number of complex and evolving criminal cases. From organized cyberattacks and corruption to violent offenses and corporate misconduct, the rise of global connectivity has intensified both the scale and sophistication of crime¹. These developments have placed increasing pressure on legal systems to respond effectively while maintaining fairness and justice. As new forms of wrongdoing emerge, criminal law remains central to preserving social order and ensuring accountability.

Criminal law is the body of law defining offenses against the community at large, regulating how suspects are investigated, charged, tried, and establishing punishments for convicted offenders.² Criminal law can be defined as a system of laws that identifies behaviors deemed harmful to the public and establishes punishments for those who commit them. Criminal law differs from civil law because it involves acts considered offenses against society, not just against individuals. The primary objectives of criminal law are to punish offenders, protect citizens, deter future crime, and maintain public safety³. In doing so, it reflects society's shared values and the principle that no one is above the law.

At the heart of criminal liability lie two essential components: *actus reus* and *mens rea*. The term *actus reus* refers to the physical act of the crime, while *mens rea* pertains to the mental state or intention behind it⁴. For a conviction to occur, both elements must generally be proven beyond a reasonable doubt. For example, a person who accidentally causes harm without intent may not be held criminally responsible,

¹ Thomson Reuters. (2025). *What is criminal law? — Legal glossary*. <https://legal.thomsonreuters.com/blog/criminal-law-overview-related-terms-and-research-resources/>.

² Garner, B. A. (Ed.). (2019). *Black's law dictionary* (11th ed.). Thomson Reuters.

³ Encyclopædia Britannica. (n.d.). *Criminal law*. <https://www.britannica.com/topic/criminal-law>

⁴ Institute of Chartered Legal Researchers. (2020). *Mens rea and actus reus*. <https://www.iclr.co.uk/knowledge/glossary/mens-rea-and-actus-reus>



whereas deliberate acts driven by intent or recklessness constitute a criminal offense⁵. These elements embody the fairness principle in criminal law by ensuring that punishment corresponds to both the act and the intent.

Criminal law encompasses a wide range of offenses, which can be categorized according to their targets and impact. Crimes against persons such as homicide, assault, and sexual offenses—violate an individual's right to safety and life. Crimes against property, including theft and fraud, threaten financial and economic stability. In contrast, crimes against the state, such as treason and terrorism, endanger national security. Moreover, the emergence of cybercrime has blurred traditional boundaries, introducing transnational elements that challenge enforcement agencies worldwide.

The recognition that legal responsibility is not limited to individuals but can also be extended to collective entities such as corporations reflects the evolution of law in addressing complex social harms. In the context of corruption, corporations often act not merely as passive instruments but as active beneficiaries and enablers of illicit practices through their directors, employees, or agents. The principle of corporate criminal liability emerges from the understanding that corporations, as artificial persons, must be held accountable when their organizational structures facilitate or encourage systemic wrongdoing. This recognition is embodied in various legal frameworks, including Indonesian Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption, which explicitly opens the possibility of prosecuting and sanctioning corporations⁶. By imposing criminal liability—such as fines, restitution, or even dissolution—on corporations involved in corruption, the law affirms that justice must transcend individual culpability and extend to collective entities that wield immense economic and political power.

In the realm of legal science, criminal law is classified as a branch of public law that establishes which acts are prohibited by the state and prescribes criminal sanctions for their violation. The Indonesian term *tindak pidana* originates from the Dutch legal concept *strafbaar feit* or *delict*, which in common law jurisdictions is generally referred to as criminal act or offense. Although doctrinal interpretations vary, scholars generally concur that a criminal act must contain essential elements, namely: (i) the act constitutes a violation of law (*wederrechtelijkheid*), (ii) the act is committed with fault, either intentional (*dolus*) or negligent (*culpa*), and (iii) the act is punishable with criminal sanctions. Consequently, criminal law serves as an instrument of the state to safeguard the rule of law and social order by delineating the boundaries of lawful and unlawful conduct.

⁵ LawInfo. (n.d.). *Burden of proof in criminal trials* <https://www.lawinfo.com/videos/criminal-defense/burden-of-proof-in-a-criminal-trials.html>

⁶ *Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi*.



The Historical development of criminal law in Indonesia reflects a long and complex process shaped by colonial influence and many other factors such as national independence and the continuous pursuit of legal reform. During the Dutch colonial period, Indonesia's criminal law system was largely inherited from the Netherlands and rooted in the *Wetboek van Strafrecht voor Nederlandsch-Indië*, Which came into force on 1st of January 1918 through Koninklijk Besluit No.33 of 1915⁷. Prior to that there existed a dualistic system that distinguished between Europeans and the indigenous population, reflecting the unequal and discriminatory nature of colonial justice. After Indonesia's independence in 1945, the state aspired to build a legal system rooted in national values, yet the colonial criminal code remained in force. It was formally adopted through Law No.1 of 1946 and extended nationwide by Law No.73 of 1958, showing pragmatic choice to maintain legal continuity despite its foreign origins.

Indonesia has sought to reform its criminal law to align with human rights principles and national identity. This effort culminated in the enactment of Law No.1 of 2023 on the new Criminal Code, which replaces the colonial-era code and incorporates value of justice and restorative approaches. Alongside formal law Indonesia also recognizes customary criminal norms that emphasize reconciliation and social harmony. These elements illustrate Indonesia's pluralistic legal system and its continuous effort to balance historical legacy with modern ideals of justice.

2. Corporate Law

Corporate law in Indonesia forms the foundation of legal regulation concerning the creation and the accountability of business entities. As its core lies the principle of separate legal personality, which recognizes corporations *rechspersonas* legal subjects distinct from their shareholders and directors. This concept grants corporations the capacity to own assets and bear legal responsibility independently. Complementing this is the limited liability doctrine, ensuring that shareholders are only liable up to the amount of their capital contribution, an essential mechanism to stimulate investment and economic growth.

Corporate law does not exist within a single codified statute but is instead dispersed across multiple legal frameworks. The principal regulation is Law No.40 of 2007 on Limited Liability Companies (UUPT) as amended by the Job

⁷ Nederlandsch-Indië. (1915). *Wetboek van Strafrecht voor Nederlandsch-Indië*. <https://scholarlypublications.universiteitleiden.nl/access/item:2949906/view>



Creation Law (Law No.6 of 2023), which governs corporate formation and governance. For publicly listed companies there is Law No.8 of 1995 on Capital Markets provides oversight mechanism ensuring transparency and investor protection. Issues related to insolvency and financial restructuring are regulated under Law No.37 of 2004 on Bankruptcy and Suspension of Debt Payment Obligations and employment relation within corporations are governed by Law No.13 of 2003 on ManPowert. Together these statutes establish a complex yet coherent system for regulating corporate conduct in Indonesia's modern economy.

Although Indonesia's corporate law provides a comprehensive framework governing formation, it primarily focuses on civil and administrative aspects of corporate conduct. The growing complexity of business activities and the increasing involvement of corporations in unlawful practices have exposed the limitations of conventional corporate regulations. Corporations as legal entities possess not only economic power but also the capacity to cause significant social harm through actions such as fraud, environmental violations, and corruption. These realities have driven the legal system to extend the notion of liability beyond individuals to include corporations themselves. Thus the evolution of corporate criminal liability emerges as necessary legal response to ensure that corporations, despite being artificial persons can be held responsible for criminal acts committed in their name, for their benefit or through their organizational structures.

3. Corruption in General: A Structural Phenomenon

Corruption, viewed beyond its legal definitions, reveals itself as a deeply ingrained structural phenomenon characterized by institutional deficiencies, obscured decision-making processes, and economic incentives that incentivize unlawful conduct. In addition to individual ethical lapses, corruption thrives within systems that reward illicit actions⁸. Global frameworks like the United Nations Convention against Corruption (UNCAC) underscore this systemic nature, categorizing corruption as a menace that undermines progress, governance, and economic parity. Whether taking the form of bribery, misappropriation, influence peddling, or fraudulent procurement, corruption warps governmental bodies and redirects resources earmarked for communal well-being⁹. Its repercussions are extensive, eroding public confidence, deterring investments, and fostering enduring inefficiencies within state mechanisms.

⁸ Prabowo, H. Y. (2017). Re-understanding corruption in the Indonesian public sector through three behavioral lenses. *Jurnal KPK*.

⁹ United Nations Office on Drugs and Crime. (2023). *United Nations Convention against Corruption*.



In Indonesia, the systemic essence of corruption becomes notably apparent in high-profile instances involving interconnected networks of governmental figures and corporate agents. These instances highlight that corruption seldom operates in isolation; rather, it thrives through intricate interplays among public officials, private enterprises, and financial systems¹⁰ Consequently, countering corruption necessitates not only targeting the immediate wrongdoers but also addressing the organizational and economic frameworks that sustain it.

From the perspective of Indonesian positive law, corruption is situated within the domain of *special criminal law* (*hukum pidana khusus*). Unlike ordinary offenses codified in the Criminal Code (*KUHP*), corruption is regulated through specific legislation, initially Law No. 3 of 1971, later replaced and consolidated under Law No. 31 of 1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption. As a special offense, corruption law departs from general criminal law principles, both in material and procedural aspects. This departure is reflected in special evidentiary rules (such as the use of reversed burden of proof in illicit enrichment cases), extended statutes of limitation, and the establishment of specialized prosecutorial and judicial mechanisms. Accordingly, the legal nomenclature of corruption emphasizes two core aspects. First, corruption is a *special crime* governed by the principle of *lex specialis derogat legi generali*, meaning that the provisions of anti-corruption law prevail over general provisions of the Criminal Code. Second, corruption is characterized as an *extraordinary crime* (*extraordinary crime*), which legitimizes the adoption of extraordinary measures in its enforcement, including the creation of specialized institutions such as the Corruption Eradication Commission (KPK), and the implementation of exceptional legal procedures. Thus, corruption occupies a unique position within Indonesian criminal law: while it shares the fundamental elements of criminal liability with ordinary offenses, its extraordinary character and detrimental impact on state finances, governance, and public trust necessitate its treatment under a special legislative and institutional framework. This dual nature—criminal in substance yet extraordinary in enforcement—reinforces corruption's status as not merely a legal violation, but a profound threat to the integrity of law and justice.

The e-KTP scandal in Indonesia, where billions of rupiah from a national identification card project were misappropriated through collusion between government officials and private actors, and the 1MDB case in Malaysia, involving the embezzlement of billions of dollars from a state-owned investment fund, are

¹⁰ Indonesia Business Post. (2023, January 3). *Top 10 biggest corruption cases in Indonesia*. <https://indonesiabusinesspost.com/518/Politics/top-10-biggest-corruption-cases-in-indonesia>



emblematic examples of corruption's devastating impact. These cases demonstrate how corruption is not merely an individual act of dishonesty but a systemic problem that undermines state finances, weakens institutions, and erodes public trust in governance¹¹.

In legal terms, corruption is defined as the unlawful act of enriching oneself, another person, or a corporation in a manner that causes losses to the state's finances or economy. This definition is codified in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption. Accordingly, corruption is considered not simply an ethical violation but a criminal offense classified as *mala prohibita*—an act prohibited by law due to its inherently destructive consequences for public interest. Corruption can take multiple forms. Petty corruption typically occurs in day-to-day interactions, such as small bribes demanded by officials in exchange for basic services. Grand corruption, by contrast, involves large-scale diversion of state resources by high-ranking officials or elites, often destabilizing entire governance systems. Political corruption arises when political actors manipulate elections, policymaking, or legislative processes for personal or party gain. In more entrenched contexts, systemic corruption develops, where unlawful practices become normalized within institutions, creating a culture of impunity and weakening the rule of law.

4. Corruption as an Act of Extraordinary Crime

The term *extraordinary crime* (*extra ordinary crime*) is a nomenclature in criminal law that refers to a category of offenses deemed to pose an exceptional threat to society, the state, and the rule of law. Unlike ordinary crimes, which primarily harm individuals or specific groups, extraordinary crimes generate systemic damage, undermine public order at large, and often jeopardize the stability of governance. This classification therefore justifies the implementation of exceptional legal frameworks and enforcement mechanisms that deviate from the general principles of criminal law.

The classification of corruption as an *extraordinary crime* is primarily justified by the magnitude of harm it produces. Unlike ordinary offenses that typically affect individuals or limited groups, corruption generates systemic losses that extend across financial, political, and social domains. It directly depletes state finances by diverting public funds intended for essential services such as healthcare, education, and infrastructure, thereby obstructing national development and widening inequality. This erosion of institutional integrity diminishes the efficiency and credibility of government institutions, while simultaneously discouraging both

¹¹ Indonesia Corruption Watch. (2017). *Exposing the e-KTP corruption scandal*. <https://antikorupsi.org/en/article/exposing-e-ktp-corruption-scandal>



domestic and foreign investment. Beyond its economic impact, corruption causes irreparable damage to public trust in the rule of law and political institutions; when citizens perceive that corruption is pervasive and inadequately addressed, they lose confidence in the legitimacy of state authority. For these reasons, the harm caused by corruption is multidimensional and structural, warranting its legal categorization as an extraordinary crime that requires extraordinary measures of prevention and enforcement.

The legal consequences of corruption are severe, not only because it constitutes a violation of criminal statutes but also because it is considered an extraordinary crime (*extraordinary crime*). This classification justifies extraordinary enforcement measures, such as reversing the burden of proof in cases of illicit enrichment, confiscating assets without prior conviction (*non-conviction based asset forfeiture*), and granting broader investigatory powers to specialized anti-corruption bodies like the Komisi Pemberantasan Korupsi (KPK). From a doctrinal standpoint, while the principle of *geen straf zonder schuld* (no punishment without fault) remains fundamental, doctrines such as vicarious liability and strict liability are applied to ensure accountability reaches both direct perpetrators and beneficiaries of corrupt acts.

The classification of corruption as an *extraordinary crime* stems from the fact that it produces multidimensional harm, extending beyond financial losses to political destabilization, institutional degradation, and erosion of public trust in the state. Corruption is systemic in nature, carried out through organized networks and frequently involving corporate entities as instruments or beneficiaries of unlawful enrichment. This condition requires the implementation of extraordinary legal measures, including the imposition of criminal liability on corporations as legal subjects capable of committing criminal acts. The Indonesian Anti-Corruption Law explicitly recognizes corporations as subjects of criminal liability under Article 20 of Law No. 31 of 1999 as amended by Law No. 20 of 2001, which states that when a corruption offense is committed by or on behalf of a corporation, criminal charges and punishment may be imposed on both the corporation and its management.¹ This legal framework demonstrates the intrinsic connection between corporate law and criminal liability, reflecting the principle that the legal structure of a corporation cannot serve as a shield to avoid criminal responsibility.

In the context of corporate criminal liability, the doctrine of corporate criminal liability establishes that corporations may be held accountable under the principle of *strict liability*, meaning that criminal responsibility may be imposed without requiring proof of fault, except where a legally recognized justification such



as *force majeure* is present¹². This legal approach represents an adaptation of criminal law to the complex and modern modus operandi of corruption, which is frequently disguised through internal corporate decision-making processes, the use of shell companies, and the concealment of assets through commercial structures. In addition to strict liability, the doctrine also recognizes several attribution models, including direct liability, which applies when the corporation itself authorizes, directs, or benefits from criminal conduct; vicarious liability, in which the corporation is held responsible for criminal acts committed by employees or executives acting within the scope of their duties and for the organization's benefit; and the identification doctrine, under which the actions and mental state of senior management are treated as those of the corporation itself, as they constitute the "directing mind and will" of the entity.¹³ Through these models, corporate criminal liability ensures that responsibility extends to both individual decision-makers and the corporate structure that facilitates or profits from corruption.

Consistent with this doctrinal framework, Article 18 of the Indonesian Anti-Corruption Law provides additional sanctions such as asset confiscation, including corporate-owned property, as well as the auctioning of substitute assets to recover financial losses suffered by the state.¹⁴ These enforcement mechanisms reinforce the role of corporate criminal liability not only as a punitive measure, but also as an instrument of economic restitution and preventive deterrence. Accordingly, the application of corporate criminal liability closes opportunities for impunity that emerge from the misuse of corporate legal personality and ensures that anti-corruption law effectively removes the economic incentives underlying corrupt behavior. Ultimately, such measures support the restoration of public trust in the rule of law and strengthen the legitimacy and effectiveness of anti-corruption enforcement.¹⁵

5. The Red Thread: Why Corruption Necessarily Leads to Corporate Criminal Liability

Thus, the application of *corporate criminal liability* is a logical consequence of corruption's status as an *extraordinary crime*. Punishment must not be limited to individual offenders but must penetrate organizational structures and target entities

¹² Sjahdeini, S. R. (2021). *Pertanggungjawaban pidana korporasi*. Jakarta: Kencana.

¹³ Arief, B. N. (2019). *Kebijakan legislatif dalam penanggulangan kejahatan korporasi*. Semarang: Badan Penerbit UNDIP

¹⁴ Undang-Undang Nomor 31 Tahun 1999 jo. Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi, Article 18.

¹⁵ Adji, I. S. (2020). *Extraordinary crime and asset recovery in anti-corruption enforcement*. Jurnal Integritas KPK, 6(1), 45–60.



that profit from corrupt practices. Extraordinary measures such as the reversal of the burden of proof, asset forfeiture, direct examination of corporate management, and profit-based sanctions are essential components of criminal policy designed to eliminate the economic motive that underpins corruption. This approach ultimately supports the restoration of public confidence in the rule of law, strengthens the legitimacy of state institutions, and prevents corporations from hiding behind legal personality as a shield of impunity. In the context of corruption offenses committed by corporations, the elements of the offense must be understood not only from the standpoint of individual criminal liability but also through the doctrinal construction of corporate criminal responsibility. The first essential element is the unlawful act, which may take the form of bribery, abuse of authority, fictitious transactions, document manipulation, or inflated procurement costs, committed either directly by the corporation or by individuals acting on its behalf¹⁶. The second element concerns the purpose of obtaining financial gain or enrichment, reflecting the profit-driven nature of corruption, as corporations frequently serve as vehicles through which illicit profits are generated, concealed, and distributed. The third element involves the causation of actual or potential financial loss to the state, which may be demonstrated through state audit findings or expert financial assessments.³ Beyond these substantive elements, corporate corruption must satisfy the element of corporate liability, which is constructed through attribution models such as direct liability, vicarious liability, and the identification doctrine, or in certain cases through *strict liability*, where proving fault is unnecessary unless a recognized justification such as *force majeure* applies. These doctrinal mechanisms ensure that liability extends not only to individual corporate executives but also to the corporate entity that facilitates or benefits from corrupt conduct.

The integration of these elements demonstrates the necessity for extraordinary measures in addressing corruption as an *extraordinary crime*, particularly because corporate structures are commonly exploited to disguise and institutionalize corrupt practices. Accordingly, legal instruments such as asset confiscation and substitute asset forfeiture under Article 18 of the Indonesian Anti-Corruption Law, as well as enhanced corporate fines and reversal of the burden of proof, function not only as punitive enforcement but also as mechanisms for economic restitution and deterrence. Thus, the legal regime governing corporate corruption is designed to dismantle the economic incentives that drive corruption, prevent corporations from utilizing legal personality as a shield of impunity, and restore public confidence in the rule of law and the legitimacy of state institutions.

¹⁶ Siahaan, Y. (2025). Judicial analysis of law enforcement against corruption. Law Justice Journal.



LEGAL ENGLISH GLOSSARY:

No	Terminology	Definition	Explanation
1	Criminal Law	Hukum Pidana	Branch of public law proscribing conduct harmful to societal order, imposing sanctions to enforce nulla poena sine lege.
2	Actus Reus	Perbuatan	Objective conduct element—voluntary act, omission, or state of affairs—essential for criminality per common law tradition.
3	Mens Rea	Kesalahan	Subjective culpability (dolus/culpa) proving moral blameworthiness, requisite under continental and common law systems.
4	Crimes Against Persons	Kejahatan Orang	Offenses infringing bodily integrity (homicide, assault), protected under human rights norms like UDHR Article 3.
5	Crimes Against Property	Kejahatan Harta	Delicts undermining proprietary rights (theft, fraud), addressed via restitutionary principles in civil-criminal interface.
6	Crimes Against State	Kejahatan Negara	Infractions threatening sovereignty (treason), invoking state monopoly on legitimate violence per



No	Terminology	Definition	Explanation
			Weberian theory.
7	Cybercrime	Kejahatan Siber	Transnational digital offenses blurring jurisdictional boundaries, regulated under Budapest Convention frameworks.
8	Corporate Criminal Liability	Tanggung Jawab Korporasi	Imputation of penal responsibility to juridical persons via attribution doctrines, transcending natural person limits.
9	Separate Legal Personality	Kepribadian Hukum	Salomon principle granting corporations autonomous agency, subject to veil-piercing for abuse (e.g., UUPT Indonesia).
10	Tindak Pidana	Perbuatan Pidana	Indonesian doctrinal equivalent of strafbaar feit, requiring wederrechtelijkheid, schuld, and strafbaarheid.
11	Wederrechtelijkheid	Pelanggaran Hukum	Unlawfulness as constitutive element, assessed against statutory or natural law prohibitions.
12	Dolus	Kesengajaan	Direct or eventual intent (dolus directus/obliquus), foundational to mens rea in civil law traditions.
13	Culpa	Kelalaian	Negligent breach of duty of care, calibrated by objective reasonable



No	Terminology	Definition	Explanation
			person standard.
14	Wetboek van Strafrecht	KUHP Kolonial	1918 Dutch Indies code, dualistic in application, retained post-independence via transitional statutes.
15	Criminal Code 2023	KUHP Baru	UU No.1/2023 supplanting colonial legacy, integrating restorative justice and Pancasila values.
16	Corporate Law	Hukum Perusahaan	Regulatory corpus governing entity formation, governance, and dissolution (UUPT as lex generalis).
17	Limited Liability	Tanggung Jawab Terbatas	Shareholder insulation to capital, incentivizing investment per economic efficiency theories.
18	UUPT	UU Perseroan	UU No.40/2007 (am. UU Ciptaker), codifying PT governance and fiduciary duties.
19	Corruption	Korupsi	Mala prohibita enrichment causing state loss (UU Tipikor Art.2-3), systemic per institutional economics.
20	UNCAC	Konvensi PBB	2003 treaty mandating prevention, criminalization, and asset recovery for transnational corruption.



No	Terminology	Definition	Explanation
21	Hukum Pidana Khusus	Hukum Pidana Spesial	Lex specialis regime deviating from KUHP for extraordinary crimes like corruption.
22	Lex Specialis	Hukum Khusus	Derogation principle prioritizing specialized norms over general provisions.
23	Extraordinary Crime	Kejahatan Luar Biasa	Category justifying exceptionalism: reversed proof, extended limitation, specialized fora.
24	Reversed Burden of Proof	Pembalikan Beban	Evidentiary shift in illicit enrichment, balancing efficiency against presumption of innocence.
25	KPK	KPK	Independent commission with supralegislative powers for corruption eradication (UU No.30/2002).
26	Mala Prohibita	Dilarang Hukum	Statutory wrongs sans inherent immorality, contrasted with mala in se.
27	Petty Corruption	Korupsi Kecil	Micro-level extortion in public service delivery, per Transparency International typology.
28	Grand Corruption	Korupsi Besar	Macro-level elite capture of state resources, destabilizing governance structures.
29	Political Corruption	Korupsi Politik	Capture of policymaking



No	Terminology	Definition	Explanation
			for private gain, eroding democratic accountability.
30	Systemic Corruption	Korupsi Sistematis	Institutionalized deviance normalized via path dependency and principal-agent failures.
31	Illicit Enrichment	Kekayaan Tak Wajar	Unexplained asset accretion presumptively corrupt (UU Tipikor Art.38).
32	Non-Conviction Asset Forfeiture	Penyitaan Tanpa Putusan	Civil in rem recovery of crime proceeds, circumventing acquittal barriers.
33	Vicarious Liability	Tanggung Jawab Pengganti	Organizational respondeat superior for agents' acts in course/scope of employment.
34	Strict Liability	Tanggung Jawab Ketat	Faultless responsibility for public welfare offenses, prioritizing deterrence.
35	Direct Liability	Tanggung Jawab Langsung	Corporate ratification or benefit from criminal policy/conduct.
36	Identification Doctrine	Doktrin Identifikasi	Equating directing mind's mens rea/actus reus with corporate will (Tesco v Nattrass).
37	Force Majeure	Kekuatan Memaksa	Excusing event rendering performance impossible, negating strict liability.
38	Asset Confiscation	Penyitaan Aset	In personam forfeiture of tainted property (UU



No	Terminology	Definition	Explanation
			Tipikor Art.18).
39	Substitute Asset Forfeiture	Aset Pengganti	Equitable recovery from untainted assets proportional to proven loss.
40	Bribery	Suap	Corrupt inducement of official action/inaction (UU Tipikor Art.5-13).
41	Abuse of Authority	Penyalahgunaan Wewenang	Fiduciary betrayal for self- enrichment (UU Tipikor Art.3).
42	Fictitious Transactions	Transaksi Fiktif	Sham contracts masking kickbacks or fund diversion.
43	Document Manipulation	Manipulasi Dokumen	Falsification concealing corrupt causation (UU Tipikor Art.15).
44	Inflated Procurement	Pengadaan Mahal	Mark-up schemes enabling collusive profiteering.
45	Profit-Driven Motive	Motif Keuntungan	Teleological enrichment intent distinguishing corruption from negligence.
46	Shell Companies	Perusahaan Boneka	Nominee entities laundering illicit proceeds.
47	Directing Mind	Pikiran Pimpinan	Senior officers embodying corporate mens rea per identification theory.
48	Public Trust	Kepercayaan Publik	Legitimacy capital eroded by perceived impunity (Habermas discourse ethics).



No	Terminology	Definition	Explanation
49	Rule of Law	Rule of Law	Rechtsstaat supremacy constraining arbitrary power.
50	State Finances	Kuangan Negara	Public fisc as corruption's primary victim (UU Tipikor causation requirement).
51	Institutional Integrity	Integritas Lembaga	Bureaucratic efficacy undermined by principal-agent corruption.
52	Economic Deterrence	Pencegahan Ekonomi	Marginalizing crime profitability via sanctions.
53	Restitution	Ganti Rugi	Reparative justice restoring victims ex ante position.
54	Organizational Structures	Struktur Organisasi	Facilitative architectures enabling collective criminality.
55	Legal Fiction	Fiksi Hukum	Juridical artifice imputing agency to abstractions.
56	Attribution Models	Model Atribusi	Doctrinal bridges from natural to artificial person liability.
57	Criminal Sanctions	Sanksi Pidana	Retributive/prophylactic penalties proportionate to gravity.
58	Procedural Aspects	Aspek Prosedural	Derogatory rules enhancing enforcement efficacy.
59	Statutes of Limitation	Daluwarsa	Extended periods reflecting systemic harm longevity.



No	Terminology	Definition	Explanation
60	Specialized Institutions	Lembaga Khusus	Institutional separation combating capture risks.
61	Financial Loss	Kerugian Keuangan	Causal detriment to state economy (actual/potential).
62	Public Order	Ketertiban Umum	Macro-social stability as criminal law telos.
63	National Security	Keamanan Nasional	Existential threats justifying extraordinary measures.
64	Transnational Elements	Unsur Transnasional	Jurisdictional challenges per globalization criminology.
65	Enforcement Agencies	Lembaga Penegak	Hierarchical actors operationalizing penal policy.
66	Customary Norms	Hukum Adat	Pluralistic restorative mechanisms harmonizing with formal law.
67	Pluralistic System	Sistem Pluralistik	Lex validitatis accommodating adat alongside positivism.
68	Legal Continuity	Keberlanjutan Hukum	Pragmatic retention of colonial substrate post-decolonization.
69	Human Rights Principles	HAM	Dignitarian constraints on penal severity (ICCPR Art.7).
70	Restorative Justice	Keadilan Restoratif	Relational repair supplanting retributivism (KUHP 2023).
71	Investor Protection	Perlindungan Investor	OJK oversight ensuring



No	Terminology	Definition	Explanation
			market integrity (UU PM No.8/1995).
72	Insolvency	Kepailitan	Reorganization prioritizing creditor parity (UU No.37/2004).
73	Employment Relations	Hubungan Kerja	Labor protections within corporate hierarchy (UU No.13/2003).
74	Decision-Making Processes	Proses Keputusan	Governance protocols susceptible to capture.
75	Economic Incentives	Insentif Ekonomi	Rational choice drivers of corrupt opportunity.
76	Institutional Deficiencies	Kelemahan Lembaga	Structural enablers per new institutional economics.
77	Influence Peddling	Perdagangan Pengaruh	Rent-seeking via relational capital.
78	Fraudulent Procurement	Pengadaan Curang	Collusive bidding per OECD principles.
79	Collusion	Kolusi	Public-private conspiracy (e-KTP paradigm).
80	Embezzlement	Penggelapan	Fiduciary misappropriation (1MDB archetype).
81	Culture of Impunity	Budaya Impunitas	Normalized deviance per criminological strain theory.
82	Governance Systems	Sistem Pemerintahan	Administrative apparatuses vulnerable to capture.
83	Specialized Prosecutorial	Kejaksaan Khusus	Functional specialization enhancing expertise.



No	Terminology	Definition	Explanation
84	Judicial Mechanisms	Mekanisme Peradilan	Tun Tipikor courts ensuring impartiality.
85	Geen Straf Zonder Schuld	Tanpa Kesalahan	Continental fault principle, adaptable for strict liability.
86	Beneficiaries	Penerima Manfaat	Teleological actors profiting from delict.
87	Investigatory Powers	Wewenang Penyidikan	Expanded KPK wiretap/search authorities.
88	Political Destabilization	Destabilisasi Politik	Legitimacy erosion per elite theory.
89	Organizational Harm	Kerugian Sosial	Externalities of corporate criminogenesis.
90	Economic Parity	Kesetaraan Ekonomi	Corruption as inequality amplifier (Gini effects).
91	Communal Well-being	Kesejahteraan Bersama	Public goods diversionary impact.
92	Interconnected Networks	Jaringan Terhubung	Network theory of systemic corruption.
93	Financial Systems	Sistem Keuangan	Laundering conduits per FATF standards.
94	Ethical Lapses	Pelanggaran Etika	Micro-foundations of macro-corruption.
95	Colonial Justice	Keadilan Kolonial	Discriminatory dualism critiqued in post-colonial theory.
96	National Values	Nilai Bangsa	Pancasila infusion into penal reform.
97	Legal Subjects	Subjek Hukum	Capacity-bearing entities (natural/artificial).
98	Capital Contribution	Setoran Modal	Liability floor per



No	Terminology	Definition	Explanation
			corporate finance doctrine.
99	Job Creation Law	UU Cipta Kerja	Omnibus liberalization amending UUPT.
100	Capital Markets	Pasar Modal	Disclosure regimes curbing insider abuse.
101	Bankruptcy Law	UU Kepailitan	Suspensive insolvency per creditor rights.
102	Manpower Law	UU Ketenagakerjaan	Vicarious exposure via employee acts.
103	Social Harmony	Harmoni Sosial	Adat restorative telos.
104	Pragmatic Choice	Pilihan Pragmatis	Continuity thesis in transitional justice.
105	Formal Law	Hukum Formal	Positivist statutes supplanting custom.
106	Penal Reform	Reformasi Pidana	Teleological shift toward rehabilitation.
107	Corporate Formation	Pendirian Perusahaan	Deed/notarial akta per UUPT Chapter II.
108	Corporate Governance	Tata Kelola	Fiduciary oversight mitigating agency costs.