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Law Enforcement Problems Against Private Actors in Corruption Crimes in Indonesia

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ABSTRACT

The involvement of private actors in corruption crimes in Indonesia shows an increasingly complex trend along with increasing cooperation between the public and private sectors in the management of state finances and strategic projects. Although the Law on the Eradication of Corruption has provided a legal basis for the imposition of criminal liability on everyone, including private actors, law enforcement practices still face various obstacles, such as proving elements of unlawful acts, causal relationships with state financial losses, and the involvement of private actors which are often carried out through corporations or complex transaction schemes. This study aims to analyze the problems of law enforcement against private actors in corruption crimes in Indonesia and formulate efforts to strengthen a more effective law enforcement system. This study uses normative legal research methods with a statutory approach, a conceptual approach, and a case approach. The legal materials used consist of primary, secondary, and tertiary legal materials that are analyzed qualitatively. The results of the study show that law enforcement against private actors still faces various normative and practical obstacles, including the lack of optimal implementation of corporate criminal liability, the difficulty of proving the relationship between the actions of private actors and state financial losses, the weak tracing of assets resulting from criminal acts, and the lack of coordination between law enforcement agencies. Therefore, it is necessary to strengthen regulations, harmonize law enforcement policies, optimize asset recovery mechanisms, and increase the capacity of law enforcement officials so that the eradication of corruption involving private actors can be carried out more effectively, fairly, and provides legal certainty.

Keywords: law enforcement; private actors; criminal acts; criminal liability; asset recovery.

INTRODUCTION

Corruption is a crime that is not only related to the abuse of office by state apparatus, but also involves transactional relationships between public authority holders and private parties. In various corruption cases, the private sector can play the role of bribery-givers, intermediaries, providers of goods and services, beneficiaries, corporate controllers, and parties who jointly design acts that are detrimental to the country's finances or economy. This involvement is not a marginal phenomenon. Data from the Corruption Eradication Commission shows that from

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2004 to the third quarter of 2025, perpetrators with private professions became the group with the most handled, reaching 500 people (Corruption, 2025). This fact shows that the success of corruption eradication is not enough only directed at public officials, but must also touch private actors who provide facilities, resources, networks, and economic benefits in the occurrence of corruption crimes.

Normatively, Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 has opened up space for criminal liability to the private sector. This can be seen from the use of the term "everyone" which includes individuals and corporations, regulations regarding the giving of bribes to civil servants or state administrators, provisions for participation in corruption crimes, and corporate criminal liability (Law No. 31 of 1999 concerning the Eradication of Corruption as amended by Law No. 20 of 2001, 2001). With this construction, a person's status as a private party basically does not eliminate the possibility of criminal liability as long as his actions meet the elements of delicacy specified in the laws and regulations. However, not all corruption crimes have the same subject characteristics. Some offenses can be done by everyone, while others require certain qualities, such as civil servants, state administrators, judges, advocates, wholesalers, building experts, or parties with certain authority. The difference in the quality of the subject often raises problems in determining whether private actors should be positioned as direct perpetrators, bribers, participating parties, assisting parties, corporate administrators, or corporations as the subject of criminal law.

These problems have become increasingly relevant after the enactment of Law Number 1 of 2023 concerning the Criminal Code on January 2, 2026 and the issuance of Law Number 1 of 2026 concerning Criminal Adjustment. Some of the main provisions regarding corruption crimes are placed in the National Criminal Code, while the reference to certain articles in the Law on the Eradication of Corruption is adjusted to the new provisions (Law Number 1 of 2023 concerning the Criminal Code, 2023) This change raises the need to read the provisions of the National Criminal Code and the Law on the Eradication of Corruption in a systematic manner, especially regarding the definition of legal subjects, participation, corporate liability, mistakes, criminalization, and the relationship between general provisions and special provisions. Without harmonization of interpretation, these changes have the potential to cause differences in the application of the law by investigators, public prosecutors, and judges in handling the involvement of private parties.

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At the international level, Indonesia has ratified *United Nations Convention Against Corruption* 2003 through Law Number 7 of 2006. The convention not only regulates corruption involving public officials, but also encourages participating countries to consider criminalizing active and passive bribery in economic, financial or trade activities in the private sector (Nations, 2003). Although Indonesia already has Law Number 11 of 1980 concerning the Crime of Bribery, the regulation of bribery between private parties has not been formulated comprehensively and operationally as part of the regime to eradicate corruption as covered by Article 21 of the UNCAC (Law Number 11 of 1980 concerning the Crime of Bribery, 1980). This situation raises a conceptual problem that needs to be clearly distinguished, namely between "private actors in corruption crimes" and "corruption crimes that occur entirely in the private sector". The first term refers to private parties involved in corruption related to public office, state authority, government procurement, or state finances, while the second term refers to corrupt acts that occur in private business relationships without the direct involvement of public officials or state resources.

In this study, private actors are interpreted as individuals or corporations who are outside the formal structure of state administrators, but are involved as perpetrators, givers, participants, assistants, intermediaries, beneficiaries, or parties who control the actions in a corruption crime. This understanding is important because the involvement of the private sector is not always done simply and directly. In practice, corrupt transactions can be disguised through consulting contracts, commission payments, fictitious work, price inflation, the use of intermediary companies, the provision of facilities, the transfer of assets, transactions with affiliated parties, or decisions made through a layered corporate structure. This complexity results in law enforcement not only having to prove the existence of unlawful acts, but also the relationship between acts, intentionality, public authority, benefits obtained, state losses, and interests or benefits received by actors and corporations.

Another problem arises when criminal acts are committed through corporate activities. The Law on the Eradication of Corruption has recognized corporations as subject to criminal law, while Supreme Court Regulation Number 13 of 2016 provides guidelines on the procedures for handling criminal cases by corporations (Regulation of the Supreme Court of the Republic of Indonesia Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations, 2016). Nevertheless, law enforcement against corporations still faces difficulties in identifying parties who represent the will of the corporation, determining the relationship between the actions of the management and the interests of the corporation, proving the benefits

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received by the corporation, and distinguishing the individual mistakes of the management from the mistakes of the organization. A layered decision-making structure can also lead to responsibilities being spread among directors, commissioners, shareholders, employees, agents, consultants, and affiliated companies. Previous studies have shown that corporate involvement in corruption crimes is more complex than the involvement of individual actors and has not always been followed by the optimal implementation of corporate criminal responsibility (Irza et al., 2025).

The problem of law enforcement against private actors is also related to the tendency to handle cases that are more oriented towards individual actors. In certain circumstances, management, employees, or intermediaries are criminally processed, while corporations that profit from criminal acts are not held accountable. On the other hand, there is also a risk of disproportionate expansion of criminal liability if every employee's actions are automatically considered as corporate actions without proof of the corporation's authority, orders, permits, profits, or failures to carry out prevention. Therefore, law enforcement must remain guided by the principles of legality, the principle of error, legal certainty, proportionality, and the principle that crimes can only be imposed based on valid evidence of the acts and mistakes of each legal subject.

A number of previous studies have focused more on the need for the criminalization of corruption that occurs entirely in the private sector, the reformulation of private bribery, and the theory of corporate criminal accountability. Eddy O.S. Hiariej, for example, emphasized the importance of regulating bribery and embezzlement in the private sector as well as strengthening corporate criminal accountability (Hiariej, 2020). Another study examines the paradigm shift in the National Criminal Code in recognizing corporations as the subject of criminal law and the importance of regulatory harmonization (Irza et al., 2025) Although the study provides an important foundation, there is still a need for research that specifically maps the problems of law enforcement against private actors involved in corruption crimes, by distinguishing the liability of individuals and corporations and paying attention to the legal configuration after the enactment of the National Criminal Code.

Based on these gaps, this study aims to analyze the position of private actors as legal subjects in corruption crimes, identify normative and practical problems in the law enforcement process, and formulate a law enforcement model that is able to ensure legal certainty, justice, and effectiveness in corruption eradication. More specifically, this study answers three questions.

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First, how is the construction of criminal liability against individuals and private corporations in Indonesian laws and regulations? Second, what factors hinder the investigation, prosecution, provenance, and criminalization of private actors? Third, how is the legal reform and harmonization needed to optimize law enforcement against the private sector without neglecting the protection of the rights of suspects and defendants?

This study argues that the effectiveness of law enforcement requires more integrated case handling guidelines, strengthening financial *investigation capacity*, selective but firm implementation of corporate accountability, tracing of final beneficiaries, and prioritizing the recovery of assets resulting from criminal acts. Thus, the contribution of this research lies in the preparation of a law enforcement construction that clearly distinguishes the responsibilities of individual and corporate actors, while placing private actors as an important part of the strategy to eradicate corruption in Indonesia.

METHODS

1. Research *Design*

This study uses a normative legal research design (*Normative Legal Research*) with a qualitative approach. The design of this research was chosen because the research focuses on the analysis of legal norms, legal principles, doctrines, and legal application practices related to criminal responsibility of private actors in corruption crimes in Indonesia (Marzuki, 2017).

The normative legal research design is used to identify the suitability between the applicable legal arrangements (*law in books*) and the problems of their application in law enforcement practice (*law in action*). Through this design, the research is directed to gain an understanding of the legal construction of the private sector as a subject of criminal law, obstacles in the law enforcement process, and the need for legal reform in the eradication of corruption.

2. Research *Object Characteristics*

In normative legal research, the term "study participant" is not used because the study does not directly involve respondents or informants. Therefore, the object of this research is in the form of legal materials and legal documents that have relevance to the research problem.

The criteria for legal materials used include:

a. Inclusion criteria, namely:

a) Laws and regulations governing corruption, criminal liability, and corporations;

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b) Court decisions related to the involvement of private parties in corruption crimes;

c) Criminal law and corporate law literature that discusses the liability of private actors;

d) Relevant scientific journal articles that have gone through an academic process.

b. Exclusion criteria, namely:

a) Legal documents that are not directly related to corruption crimes;

b) Literature that has no relevance to the criminal liability of private parties;

c) Sources that cannot be academically verifiable.

3. Legal Material Selection Technique (*Sampling Technique*)

Because this study is a normative legal research, the respondent sampling technique is not used. The selection of research materials is carried out through the purposive sampling technique of legal materials, namely the selection of sources based on the level of relevance and relevance to the legal issues being studied (Ibrahim, 2013).

The population of legal materials in this study includes all regulations, doctrines, court decisions, and scientific publications related to corruption crimes and private party involvement.

The units of research analysis are:

1. Legal norms regarding the legal subject of corruption crimes;
2. Provisions regarding the criminal liability of individuals and corporations;
3. Court decisions that show the pattern of law enforcement against private actors.

4. Data *Collection*

Data collection was carried out through literature studies (*Library Research*). Research data in the form of primary, secondary, and tertiary legal materials were collected through searching legal documents and academic literature (Amiruddin & Asikin, 2018).

The primary legal material consists of:

a) Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes;

b) Law Number 1 of 2023 concerning the Criminal Code;

c) Law Number 7 of 2006 concerning the Ratification of UNCAC;

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d) Supreme Court Regulation Number 13 of 2016 concerning the Handling of Criminal Cases by Corporations;

e) Relevant court rulings.

Secondary legal materials are obtained from books, scientific journals, expert opinions, and the results of previous research (Soekanto & Mamudji, 2015).

5. Ethical *Consideration*

This study did not involve humans as respondents so did not require the ethical approval of the study of the participants (*ethical approval for human subjects*). However, the research still pays attention to the principles of academic ethics through the use of accountable sources, the inclusion of appropriate reference sources, avoiding plagiarism, and conducting objective legal interpretation without manipulating legal data or facts (Harton, 2006).

6. Research *Procedure*

The research stages are carried out through several steps:

a) First, identify legal issues regarding the involvement of private parties in corruption crimes.
b) Second, conducting an inventory and classification of legal materials based on their relevance to research problems.
c) Third, conduct an analysis of legal norms using a legislative approach, a conceptual approach, and a case approach.
d) Fourth, conducting legal interpretation to find the relationship between normative arrangements and law enforcement practices.
e) Fifth, to prepare legal arguments and recommendations regarding strengthening law enforcement against private actors in corruption crimes (Mertokusumo, 2009).

RESULTS

1. Legal Position of Private Actors in Corruption Crimes in Indonesia

The results of the study show that Indonesia's positive law has provided a wide enough space to place the private sector as a legal subject who can be held criminally responsible in corruption cases. Based on the results of the analysis of Law Number 31 of 1999 as amended by Law Number 20 of 2001, the concept of "everyone" in corruption crimes does not only

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include civil servants or state administrators, but also individuals and corporations who commit, participate in, assist, or profit from corruption crimes (Law No. 31 of 1999 concerning the Eradication of Corruption as amended by Law No. 20 of 2001, 2001).

However, the results of the study found that the regulation of private actors still faces problems in determining the form of their involvement. Not all private parties can be directly categorized as perpetrators of corruption crimes, because the relationship between the acts committed and the elements of delicacy formulated in the law must be seen. For example, in the crime of bribery, the private party can be positioned as a bribe-giver, while in the case of procurement of goods and services, the private party can act as a joint perpetrator with public officials if there is cooperation to commit unlawful acts that harm the state's finances (Hiariej, 2016).

The findings show that the main problem lies not in the absence of a legal basis to ensnare private actors, but in the process of legal qualification of the position and role of the private party in a corruption case.

2. Problems of Proving Criminal Responsibility of Private Actors

The results of the analysis of legal materials show that one of the biggest obstacles in law enforcement against private actors is the problem of proving the relationship between the actions of the perpetrators and the criminal acts of corruption that occur. Unlike public officials who have formal authority, private actors usually do not have administrative authority in state decision-making. Therefore, the proof is more directed at the aspects of interest relations, economic benefits, intentionality, and forms of cooperation with parties with public authority.

In practice, the pattern of private involvement in corruption crimes is often carried out through indirect mechanisms, such as the use of intermediary companies, the provision of commissions, contract engineering, the arrangement of tender winners, the provision of certain facilities, and transactions disguised as legitimate business relationships. This condition causes law enforcement officials to have to prove that there is a causal relationship between the actions of private parties and state losses or abuse of authority committed by public officials (Corruption, 2006)

Based on the results of the research on the legal construction, it was found that there are three main problems in proving private actors:

a) First, the difficulty of determining the boundary between legitimate business activities and actions that have a corrupt character.

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b) Second, it is difficult to prove the existence of malicious intent (*mens rea*) from private actors.
c) Third, it is difficult to prove that the profits obtained by the private sector come from corruption crimes.

These findings show that the approach to eradicating corruption against the private sector is not enough to use only a formal approach based on contractual relationships, but requires an analysis of the substance of the transaction and the economic benefits obtained.

3. Harmonization of Regulations After the Enactment of the National Criminal Code

The results of research on the development of national criminal law show that the existence of Law Number 1 of 2023 concerning the Criminal Code has brought important changes in the criminal accountability system in Indonesia, including regulations regarding corporations as the subject of criminal acts. The National Criminal Code strengthens the concept of corporate criminal liability by stipulating that corporations can be held accountable if criminal acts are committed for corporate interests or provide benefits for corporations (Kristian, 2014)

However, the results of the study also found that there is a potential problem of harmonization between the National Criminal Code and the Law on the Eradication of Corruption as a special rule (*lex specialis*). Differences in concepts regarding legal subjects, forms of offenses, and penal mechanisms can cause differences in interpretation if clear application guidelines are not provided.

Thus, a legal harmonization approach is needed so that the implementation of corruption criminal provisions remains consistent and does not cause legal uncertainty in determining the responsibilities of private actors.

Reporting of research results

A. Results of Identification of Legal Arrangements for Private Actors in Corruption Crimes

Based on the results of the inventory and analysis of primary legal materials, it was found that the Indonesian legal system has provided a normative basis that allows the private sector to be held criminally responsible in cases of corruption. The analysis was carried out by comparing the provisions in the Law on the Eradication of Corruption Crimes, the National Criminal Code, and the provisions regarding corporate criminal liability.

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The results of the analysis show that there are three main forms of private sector involvement in corruption crimes, namely:

a) As an individual perpetrator, if an individual from the private sector directly takes bribes, participates in committing criminal acts, or profits from corruption crimes.

b) As a party that participates in or assists in criminal acts, if the private sector cooperates with public officials in committing acts that meet the elements of corruption.

c) As a corporation, if a criminal act is committed within an organization or provides benefits for business entities.

The findings show that normatively Indonesian law already has the instruments to reach out to private actors. However, the effectiveness of its implementation depends heavily on the ability of law enforcement officials to prove the relationship between the actions of private actors and elements of corruption.

Table 1. Results of Analysis of the Position of Private Actors in Corruption Crimes

Form of Perpetrator	Legal Basis	Analysis Findings
Private Individuals	Article 1 number 3 of the Corruption Law	Can be held accountable if it meets the elements of a criminal act
Bribe Bearers	Article 5 and Article 13 of the Corruption Law	Much is found in business relationships with public officials
Participants in Criminal Acts	Article 15 of the Corruption Law jo. Article 55 of the Criminal Code	Requires proof of cooperation or contribution to criminal acts
Corporation	Article 20 of the Law on Corruption and PERMA No.13 of 2016	Can be punished if the criminal act is committed for the benefit of the corporation

B. Results of Analysis of Law Enforcement Problems for Private Actors

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The results of the study show that the main problem in law enforcement against private actors does not lie in the limitations of legal norms, but in the aspects of application and proof. Based on the analysis of criminal law doctrine and corruption eradication practices, several main obstacles were found.

First, there are difficulties in distinguishing between legitimate business activities and actions that have a corrupt character. Business relationships between the private sector and the government are essentially permissible activities, so law enforcement must be able to prove that the relationship has turned into an unlawful act aimed at unlawful gain.

Second, there is the problem of proving the element of fault (*mens rea*) from the private sector. Unlike public officials who have formal authority, private parties usually do not have administrative authority so that proof is directed to the existence of intentions, knowledge, cooperation, and profits obtained from criminal acts.

Third, there are obstacles in the implementation of corporate criminal liability. Although corporations have been recognized as subjects of criminal law, law enforcement practices are still more often oriented towards individual administrators than business entities as beneficiaries.

Table 2. Findings of Law Enforcement Problems for Private Actors

Analysis Aspect	Research Findings	Impact
Proof of legal relationship	It is difficult to determine the relationship between private action and public authority	Slowing down the proofing process
Elements of error	It is not easy to prove the knowledge and will of the perpetrator	Causing differences in interpretation
Corporate liability	Enforcement is more focused on management	Beneficiary corporations are often untouched

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Harmonization of rules	There is a relationship between the Corruption Law and the National Criminal Code	Requires implementation guidelines

C. Results of Corporate Criminal Liability Analysis

Analysis of regulations shows that the development of Indonesian criminal law has undergone a paradigm shift from an individual approach to an organizational approach. Corporations are no longer just seen as tools used by humans, but can be subjects that have their own legal responsibilities.

The results of the study found that the implementation of corporate criminal liability still faces three main problems:

1. Difficulty determining whether an individual action can be considered a corporate action.
2. The difficulty of proving that the corporation benefits from criminal acts.
3. The application of additional penalties against corporations such as payment of compensation, deprivation of profits, or restrictions on business activities has not been optimal.

The findings show that a more consistent *approach to corporate responsibility* is needed so that the eradication of corruption does not only stop at individual perpetrators, but also targets economic structures that profit from criminal acts.

DISCUSSION

Strengthening Legal Accountability for Private Actors as a New Paradigm for Corruption Eradication

This research was conducted to understand how Indonesian law places private actors in corruption crimes and analyze the challenges that arise in the law enforcement process. The main contribution of this research lies in the affirmation that the eradication of corruption can no longer be understood as an effort that is only oriented towards the abuse of authority by

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public officials, but must instead be seen as a crime that can develop through the interaction between public and private interests.

This perspective shows a change in the character of modern corruption crimes. Corruption does not always occur through the actions of an official who abuses his authority independently, but often involves a network of interests that connects state actors with economic actors. Therefore, the approach of eradicating corruption that only focuses on actors from the public sector has the potential to ignore those who gain economic benefits from a criminal act. The findings of this study reinforce the view that the private sector should be placed as an important part of the corruption prevention and enforcement system (Corruption, 2006).

From a criminal law perspective, the results of this study show a paradigm shift from an individual-centered approach to an approach that considers the role of organizations and economic structures. This development is in line with the modern concept of criminal accountability that looks not only at who the perpetrators are who directly commits the act, but also how an organization enables or benefits from the crime. Hiariej explained that the development of contemporary criminal law shows an expansion of the meaning of the perpetrators of criminal acts, especially when crimes are committed through complex relationships between individuals, power, and economic interests (Hiariej, 2020).

However, this study also shows that expanding accountability to the private sector cannot be done indefinitely. There is a need to maintain a balance between the effectiveness of corruption eradication and the principle of legal certainty. Not every business relationship between the private sector and the government can be categorized as a criminal act of corruption, because economic activities carried out based on contracts and legitimate business mechanisms must still obtain legal protection. Thus, the main challenge of law enforcement is not only to expand the scope of criminalization, but to ensure that the application of the law remains based on proven wrongdoing and a clear causal relationship.

This shows that the main problem in law enforcement against private actors is not solely related to the lack of regulation, but related to the ability of the legal system to translate norms into practice. This condition shows the difference between the existence of legal norms (*law in books*) and the effectiveness of their application (*law in action*). This view is in line with Soerjono Soekanto's theory that the effectiveness of law is not only influenced by the substance of the law, but also by law enforcement factors, supporting facilities, society, and legal culture.

In the context of corporate accountability, this study provides an implication that the criminal paradigm against corporations needs to be strengthened. So far, the approach of law enforcement has often been oriented towards punishing individuals who are within the corporate structure, while corporations as entities that obtain economic benefits have not always been the main focus. In fact, if the profits from criminal acts remain in the corporation, then criminalizing individuals alone does not fully reflect the goal of eradicating corruption. Kristian explained that corporate criminal liability is needed to prevent the use of organizational structures as a means of avoiding legal liability.

The practical implications of this study show that corruption eradication strategies involving the private sector need to be directed at strengthening the *organizational approach*. It is not enough for law enforcement to only prove individual actions, but also need to look at decision-making mechanisms, profit patterns, control relationships, and internal compliance systems within a corporation. This approach is important so that the eradication of corruption not only results in punishment for perpetrators in the field, but is also able to touch the structures that allow criminal acts to occur.

CONCLUSION

This research shows that the involvement of the private sector in corruption crimes is an important part of the development of modern corruption crimes in Indonesia. The eradication of corruption can no longer be understood only as a matter of abuse of authority by public officials, but must also pay attention to the role of private actors who provide facilities, obtain profits, or are involved in the mechanism of criminal acts. Based on the results of the analysis of laws and regulations, legal doctrine, and the development of criminal liability regulations, it can be concluded that Indonesia's positive law has basically provided a sufficient basis to ensnare private actors, both as individuals and as corporations.

However, the effectiveness of law enforcement against private actors still faces problems at the implementation stage. The main problem lies not in the unavailability of legal norms, but in the complexity of proving the relationship between the actions of private actors and the criminal act of corruption, the proof of the element of error, and the determination of the extent to which an individual action can be imposed on the corporation. These conditions show that the successful eradication of corruption involving the private sector requires an approach that is not only oriented towards punishing individuals, but also strengthening the accountability mechanisms of corporations as entities that can benefit from criminal acts.

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The main contribution of this research is to provide an understanding that strengthening the eradication of corruption in Indonesia needs to be directed towards a more comprehensive approach by placing the private sector as part of the strategic subject in the law enforcement system. The strengthening is not only through improving regulations, but also through increasing the capacity of law enforcement officials in conducting investigations based on economic transactions, tracing the benefits of criminal proceedings, and implementing corporate criminal accountability more consistently.

This research has limitations that need to be understood in assessing the validity of the research results. The use of normative juridical methods causes the research to focus more on the analysis of legal norms, legal concepts, and legal documents, so that it does not directly describe the practical experience of law enforcement officials and business actors in dealing with corruption cases. These limitations are not methodological errors, because normative methods are indeed designed to test the construction and consistency of legal norms. However, this limitation causes the results of the study to have a scope of interpretation on the normative legal aspect and have not fully explained the empirical factors that affect the success or failure of the application of the law in the field.

For policymakers and law enforcement officials, this study provides recommendations that strengthening the eradication of corruption in the private sector be carried out through regulatory harmonization, the preparation of guidelines for the implementation of corporate criminal liability, and the improvement of prevention approaches through corporate internal compliance obligations. Thus, law enforcement against private actors not only functions as a punishment mechanism after a criminal act occurs, but also as a preventive instrument to build business governance with integrity.

LIMITATIONS

This research has several limitations that need to be considered in understanding the results and contributions of the research. These limitations are mainly related to the character of the normative legal research methods used. This research specifically aims to analyze the legal construction and law enforcement problems against private actors in corruption crimes based on applicable legal norms, so that the analysis is focused on relevant laws and regulations, legal doctrines, and academic literature.

First, this study has limitations because it does not use an empirical approach in the form of interviews, observations, or direct data collection from law enforcement officials, judges, and

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business actors. Consequently, this study has not been able to directly describe how law enforcement obstacles to private actors occur in institutional practice. However, these limitations do not reduce the validity of the research because the normative approach is indeed aimed at analyzing the consistency, adequacy, and construction of legal norms, not to measure the effectiveness of law application based on the experience of actors in the field.

Second, this study is limited to an analysis of the Indonesian legal system so that it has not made an in-depth comparison with the legal systems of other countries that have developed a broader corporate criminal liability mechanism. These limitations may affect the research recommendation space because alternative regulatory models from other jurisdictions have not been comprehensively analyzed. However, the focus on national law was chosen so that the research can provide a deeper understanding of the internal issues in the Indonesian law enforcement system.

Third, this research uses legal materials in the form of laws and regulations, doctrines, and scientific literature as the basis for analysis. The use of these sources has limitations because the development of law enforcement practices can change following the development of cases, policies of law enforcement institutions, and the interpretation of judges in the latest decisions.

Based on these limitations, further research is recommended to develop an empirical approach by examining the experience of law enforcement officials in handling corruption cases involving the private sector. In addition, follow-up research can use a comparative approach by comparing corporate criminal liability systems in other countries and conducting a broader study of court decisions to obtain a more comprehensive picture of the effectiveness of law enforcement against private actors.

Thus, the limitations in this study do not show methodological weaknesses, but are a consequence of the choice of normative legal research design that aims to gain an in-depth understanding of legal construction. Acknowledging these limitations actually clarifies the scope of research validity while opening up opportunities for the development of further research.

REFERENCES

Amiruddin, & Asikin, Z. (2018). *Introduction to Legal Research Methods*. Rajawali Press.

Hartono, C. F. G. S. (2006). *Legal Research in Indonesia at the End of the 20th Century*. Alumni.

 E-ISSN : 2614-2244
ISSN: 2088-5288

Hiariej, E. O. S. (2016). *Principles of Criminal Law*. Cahaya Atma Pustaka.

Hiariej, E. O. S. (2020). Corruption in the Private Sector and Corporate Criminal Responsibility. *Legal Issues*, *49*(4), 333–344.

Ibrahim, J. (2013). *Normative Law Research Theory and Methodology*. Bayumedia Publishing.

Irza, M. Y., Periani, A., & Triana, I. D. S. (2025). Modern Paradigm of the National Criminal Code on Corruption in the Private and Corporate Sectors. *Journal of Evidence of Law*, *4*(2), 829–839.

Corruption, K. P. (2006). *Understanding to Eradicate: A Handbook for Understanding the Crime of Corruption*. Corruption Eradication Commission.

Corruption, K. P. (2025). *Organizational Integrity Formula, KPK Formula Make Anti-Corruption Commitment Company Culture*. Corruption Eradication Commission. https://www.kpk.go.id

Christians. (2014). *Corporate Criminal Liability System in Corruption Cases*. Aditama Review.

Marzuki, P. M. (2017). *Legal Research*. Kencana Prenada Media Group.

Mertokusumo, S. (2009). *Legal Invention: An Introduction*. Liberty.

Nations, U. (2003). *United Nations Convention against Corruption (UNCAC).*

Regulation of the Supreme Court of the Republic of Indonesia Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations (2016).

Soekanto, S., & Mamudji, S. (2015). *Normative Law Research: A Brief Overview*. RajaGrafindo Persada.

Law Number 1 of 2023 concerning the Criminal Code (2023).

Law Number 11 of 1980 concerning the Crime of Bribery (1980).

Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 (2001).