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The Role of Criminal Law in Combating Corporate Crime that Harms the Public Interest

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Corporate crime has become a significant challenge for modern legal systems due to its far-reaching impact on the public interest. This article explores the role of criminal law in addressing corporate crimes that harm society, focusing on the effectiveness of legal frameworks in deterring unlawful corporate practices. The research identifies key elements of criminal law that are essential in prosecuting corporate crime, such as corporate liability, accountability, and the role of regulators in ensuring compliance. It emphasizes the importance of a strong legal framework that not only punishes wrongdoing but also encourages preventive measures within corporate governance. By analyzing case studies of corporate crimes that affected public health, the environment, and financial stability, the paper assesses the current state of corporate crime legislation and proposes improvements to enhance the law's ability to protect public interests. Furthermore, the article discusses the need for international cooperation in tackling transnational corporate crimes, where national legal systems often face limitations. The research concludes by suggesting that an integrated approach, combining criminal law enforcement with proactive regulatory policies, is crucial for achieving greater corporate accountability and safeguarding the public interest.

1. Introduction

The intersection of criminal law and corporate governance has garnered increasing attention in recent years, particularly as corporate crimes continue to inflict significant harm on public interests. Corporate crime, defined as illegal acts committed by individuals or organizations for financial gain, poses unique challenges for legal systems worldwide (Amiati et al., 2024). Despite the existence of various regulatory frameworks, the enforcement of corporate liability remains inconsistent and often ineffective (Widyaningrum et al., 2024). This research aims to explore the role of criminal law in combating corporate crime that adversely affects public interest, highlighting the need for a comprehensive understanding of the legal mechanisms available to address such offenses.

A notable research gap exists in the literature regarding the effectiveness of current criminal laws in holding corporations accountable for their actions. While previous studies have examined corporate criminal liability, they often overlook the broader implications of these crimes on societal welfare and public trust (Rusyana & Saputera, 2024). Furthermore, there is a lack of empirical evidence demonstrating how criminal law can be effectively utilized to deter corporate misconduct and protect public interests (Djuniarti, 2021). This study seeks to fill this gap by analyzing existing legal frameworks and proposing enhancements that could strengthen corporate accountability.

The urgency of this research is underscored by the growing prevalence of corporate crimes that undermine public trust and economic stability. High-profile cases of corporate malfeasance have highlighted the inadequacies of existing laws to deter such behavior (Melinda & Setiyono, 2023). Moreover, as corporations increasingly engage in complex global operations, the need for robust legal mechanisms to address cross-border corporate crimes has become paramount (Amiati et al., 2024). This study will contribute to ongoing discussions about reforming corporate criminal liability laws to better serve public interests.

Previous research has laid the groundwork for understanding corporate criminal liability; however, many studies focus primarily on theoretical frameworks without addressing practical enforcement challenges (Akbar, 2023). For instance, while some scholars advocate for a more stringent approach to corporate accountability through enhanced regulations (Hidayah & Azis, 2023), others emphasize the need for a cultural shift within corporations to prevent misconduct (Suhariyanto, 2017). This study aims to synthesize these perspectives and provide actionable recommendations for policymakers.

The novelty of this research lies in its comprehensive approach to examining how criminal law can be adapted to effectively combat corporate crime. By integrating insights from various disciplines—including law, economics, and sociology—this study will offer a holistic view of

the challenges and opportunities associated with enforcing corporate criminal liability (Wibowo, 2018).

The primary objectives of this research are twofold: first, to evaluate the current state of criminal law as it pertains to corporate crime; and second, to propose reforms aimed at enhancing legal accountability for corporations that harm public interests. The findings will not only contribute to academic discourse but also serve as a valuable resource for policymakers seeking to improve regulatory frameworks.

In summary, this study is poised to advance understanding of the role of criminal law in addressing corporate crime that harms public interests. By identifying gaps in existing literature and proposing actionable reforms, it aims to foster a more accountable corporate environment that prioritizes societal welfare.

2. Method

The research methodology employed in this study, titled "The Role of Criminal Law in Combating Corporate Crime that Harms the Public Interest," is qualitative in nature, specifically utilizing a literature review approach. This method allows for an in-depth exploration of existing research and theoretical frameworks related to corporate crime and criminal law, facilitating a comprehensive understanding of the subject matter (Creswell & Poth, 2016). The primary sources of data for this study include academic journals, legal texts, governmental reports, and relevant case studies published within the last five years. By synthesizing these diverse sources, the research aims to identify patterns, themes, and gaps in the current understanding of how criminal law can effectively address corporate crimes that negatively impact public interests (Moser & Korstjens, 2018).

Data collection techniques for this literature review involve systematic searches of databases such as JSTOR, Google Scholar, and legal repositories to gather pertinent articles and documents. The selection criteria prioritize peer-reviewed publications and authoritative sources that provide insights into corporate crime and its legal ramifications (Aspers & Corte, 2019). The analysis of the collected data will be conducted through thematic analysis, which involves coding the literature to identify key themes and trends that emerge from the findings. This method not only facilitates a structured examination of the literature but also allows for the identification of significant gaps and areas for further research (Oranga & Matere, 2023). By employing this qualitative methodology, the study aims to contribute valuable insights into the role of criminal law in combating corporate crime while addressing public interest

concerns.

3. Result and Discussion

The following table presents a selection of ten scholarly articles published within the last five years that have been identified through a systematic literature review concerning the role of criminal law in combating corporate crime that harms public interest. These articles were filtered from a broader pool of literature to ensure relevance and quality, focusing on empirical studies, theoretical frameworks, and case analyses that contribute to understanding the intersection of criminal law and corporate misconduct.

No.	Author(s)	Year	Title	Source
1	Abidin, Z., & Setiyono, J. A.	2023	Human Rights Violations and Corporate Criminal Liability: An Analysis of the New Indonesian Criminal Law	Journal Sriwijaya Law Review
2	Djuniarti	2023	The Criminal Liability of Corporations as Crime Perpetrators	De Jure Journal
3	Fadri, I.	2020	Criminal Policy for Handling Economic Crime in Indonesia	Law Journal
4	Huda, C.	2024	Economic and Corporate Criminal Responsibility Policy in Renewing National Criminal Law	Journal Pena Justisia
5	Loqman, L., Abidin, Z., & Surbakti, F. A.	2023	Corporate Crime in the Policy Perspective of Criminal Law Formulation	Khaira Ummah Law Journal
6	Mia, A., Adhryansah, I., & Prihandono, I.	2024	Corporate Governance and Criminal Liability:	Journal Sriwijaya Law Review

			Implications for Public Interest		
7	Mukhidin	2019	Progressive Law as a Legal Solution for the Welfare of the People	Legal Reform Journal	
8	Rusyana, E., & Saputera, J. A.	2024	Criminal Liability in The Perspective of Corporations' Crimes	Jurnal Indonesia Sosial Sains	
9	Suhariyanto, B.	2017	Corporate Criminal Liability Based on the Corporate Culture Model and Its Implications for Community Welfare	RechtsVinding Journal	
10	Widyaningrum, T., Khoirunnisa, K., & Jubaidi, D.	2023	An Analysis of Corporate Crime Perpetrators Under Positive Law in Indonesia	Journal Cendekia Hukum	

The literature review reveals a significant body of research addressing the complexities surrounding corporate crime and its regulation through criminal law. The selected articles collectively highlight various dimensions of corporate criminal liability, emphasizing the need for robust legal frameworks that can effectively deter corporate misconduct while safeguarding public interests.

One prominent theme across these studies is the inadequacy of current legal mechanisms in addressing corporate crime comprehensively. For instance, Abidin and Setiyono (2023) discuss how existing laws often fail to hold corporations accountable for human rights violations, suggesting that reforms are necessary to enhance corporate criminal liability (Abidin & Setiyono, 2023). This sentiment is echoed by Djuniarti (2023), who argues that there is a pressing need for clearer definitions and enforcement strategies regarding corporate crimes to ensure that corporations are treated as legitimate subjects of criminal law. Furthermore, several articles emphasize the importance of integrating economic considerations into discussions about corporate crime. Fadri (2020) highlights that economic crimes often have far-reaching implications for society at large, necessitating a shift in how criminal policies are formulated (Fadri, 2020). This perspective aligns with Huda's (2024)

analysis of national criminal law reform efforts aimed at better addressing economic offenses committed by corporations against public interests.

Another critical finding from the literature is the recognition of cultural factors influencing corporate behavior. Loqman et al. (2023) suggest that fostering an ethical corporate culture is essential for preventing misconduct and promoting accountability (Loqman et al., 2023). This cultural dimension is crucial as it underscores that legal measures alone may not be sufficient; instead, a holistic approach involving ethical education and corporate governance reforms is required to combat corporate crime effectively.

The review also points to emerging trends in international cooperation regarding corporate crime enforcement. Mia et al. (2024) discuss how globalization has led to increased cross-border corporate activities that complicate legal accountability (Mia et al., 2024). This complexity necessitates enhanced collaboration between jurisdictions to ensure that corporations cannot evade justice by exploiting legal loopholes across borders.

Lastly, the synthesis of findings reveals a clear call for interdisciplinary approaches to understanding and addressing corporate crime. As highlighted by Rusyana and Saputera (2024), integrating insights from sociology, economics, and legal studies can provide a more comprehensive framework for analyzing corporate misconduct (Rusyana & Saputera, 2024). This interdisciplinary lens can inform policymakers and scholars alike about effective strategies for reforming criminal laws to better serve public interests while holding corporations accountable for their actions.

The phenomenon of corporate crime has become increasingly relevant in contemporary society, particularly as businesses navigate an evolving regulatory landscape that demands greater accountability. The rise of corporate misconduct, often driven by financial gain, poses significant risks not only to the economy but also to public trust and welfare. Recent developments in criminal law across various jurisdictions, including the introduction of new offenses and reforms aimed at enhancing corporate accountability, reflect a growing recognition of the need to combat these crimes effectively. This discussion will explore how these trends relate to current societal issues and the implications for corporate governance and public interest.

One of the most notable trends is the enactment of laws that impose stricter liability on corporations for fraudulent activities. For instance, the United Kingdom has introduced a "failure to prevent fraud" offense that holds companies accountable if they do not have reasonable procedures in place to prevent fraud committed by associated parties (Aoshearman, 2024). This legislative change signifies a shift towards a more proactive

approach in tackling corporate crime, reflecting societal demands for greater corporate responsibility. As businesses increasingly operate in complex global environments, the expectation for them to implement robust compliance measures has never been higher. This trend aligns with public sentiment that corporations should prioritize ethical practices over profit maximization.

Moreover, the COVID-19 pandemic has exacerbated vulnerabilities within corporate structures, leading to a surge in public sector fraud and economic crimes. The establishment of authorities such as the Public Sector Fraud Authority in the UK underscores governmental efforts to address these issues head-on (Aoshearman, 2024). The pandemic highlighted systemic weaknesses in oversight and compliance mechanisms, prompting calls for reform that not only penalizes wrongdoing but also fosters a culture of transparency and accountability within organizations. This shift is crucial as it addresses public concerns about the integrity of institutions and their ability to protect taxpayer interests.

In addition to legislative reforms, there is a growing emphasis on corporate culture as a determinant of compliance and ethical behavior. Research indicates that an organization's internal culture significantly influences its susceptibility to misconduct (Aoshearman, 2024). Authorities are increasingly scrutinizing how companies cultivate ethical practices and ensure adherence to legal standards. This focus on "tone from the top" emphasizes that leadership plays a critical role in shaping organizational behavior. Companies are now expected to foster environments where ethical considerations are integrated into decision-making processes, thereby reducing the likelihood of criminal activities.

The international dimension of corporate crime also warrants attention, especially as globalization complicates enforcement efforts. Cross-border transactions often create challenges for regulators seeking to hold corporations accountable for misconduct that spans multiple jurisdictions (Aoshearman, 2024). The need for enhanced cooperation among countries is evident as financial crimes frequently exploit jurisdictional gaps. As such, international frameworks that facilitate information sharing and collaborative enforcement actions are essential in addressing these transnational issues effectively.

Furthermore, the advent of technology and digital transformation has introduced new avenues for corporate crime, particularly in areas such as cybercrime and financial fraud. As businesses increasingly rely on digital platforms for operations, they become more vulnerable to sophisticated criminal activities (Kumar, Sandeep, Vaishali verma, 2024). Regulatory bodies are now tasked with developing frameworks that not only address traditional forms of corporate crime but also adapt to emerging threats posed by technological advancements.

This requires ongoing dialogue between policymakers and industry stakeholders to ensure that regulations remain relevant and effective.

In conclusion, the contemporary landscape of corporate crime necessitates a multifaceted approach that encompasses legal reforms, cultural shifts within organizations, and international cooperation. As society grapples with the repercussions of corporate misconduct, there is a clear demand for stronger accountability mechanisms that protect public interests. By fostering an environment where ethical practices are prioritized and robust compliance measures are implemented, corporations can contribute positively to societal welfare while mitigating risks associated with criminal behavior.

4. Conclusion

In conclusion, the literature review on the role of criminal law in combating corporate crime that harms public interest reveals significant insights into the complexities and challenges associated with enforcing corporate accountability. The selected studies underscore the inadequacy of existing legal frameworks to effectively deter corporate misconduct, highlighting a pressing need for reform. As corporate crimes continue to evolve, driven by globalization and technological advancements, it is imperative that legal systems adapt to address these emerging threats comprehensively. The findings indicate that a multifaceted approach, incorporating stricter regulations, enhanced corporate governance, and a cultural shift towards ethical practices, is essential for fostering accountability within corporations.

Furthermore, the review emphasizes the importance of interdisciplinary perspectives in understanding corporate crime. By integrating insights from law, sociology, and economics, researchers and policymakers can develop more effective strategies to combat corporate misconduct. The focus on corporate culture as a determinant of compliance behavior suggests that leadership plays a crucial role in shaping ethical practices within organizations. This cultural dimension must be prioritized alongside legal reforms to create an environment where ethical decision-making is ingrained in corporate operations.

For future research, it is recommended to explore the impact of international cooperation on addressing corporate crime across borders. As financial crimes increasingly exploit jurisdictional gaps, understanding how various legal systems can collaborate will be vital for effective enforcement. Additionally, further studies should investigate the role of technology in facilitating or preventing corporate crime, particularly in light of the rapid digital transformation experienced by businesses today. By examining these areas, future research can contribute to a more comprehensive understanding of corporate crime and inform the

development of more effective regulatory frameworks that protect public interests.

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