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The Concept of Deferred Prosecution Agreements for Corporations within the Reform of Criminal Procedure Law in Indonesia: Opportunities and Challenges

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Abstract: The reform of Criminal Procedure Law in Indonesia is marked by the entry of the common law legal system, namely the concept of a deferred prosecution agreement or known (DPA). DPA has historically developed in common law countries, such as England and the United States. DPA is a new concept in Criminal Procedure Law in Indonesia and is regulated in Article 328 of Law Number 20 of 2025 concerning the Criminal Procedure Code or KUHAP. This study examines two problems, namely: first, what are the opportunities for the concept of a deferred prosecution agreement for corporations in the reform of criminal procedure law in Indonesia and second, what are the challenges of the concept of a deferred prosecution agreement for corporations in the reform of criminal procedure law in Indonesia. This research is normative and prescriptive in nature. The research approaches used include the statute approach, case approach, conceptual approach, and comparative approach. The legal materials consist of primary and secondary sources. The legal materials were collected through a literature review using syllogistic deductive analysis. Based on the research results, it is known that the DPA concept under the Criminal Procedure Code (KUHAP) offers numerous benefits in law enforcement, such as efficiency in criminal justice, safeguarding corporate reputation, maintaining market stability, improving corporate governance, ensuring corporate compliance, and providing compensation to victims. Besides these opportunities, there are also challenges, particularly in the implementation of oversight by the courts.

Keywords: Legal Reform, Criminal Procedure Law, Deferred Prosecution Agreement

INTRODUCTION

Law Number 8 of 1981 concerning Criminal Procedure, or KUHAP, is often touted as a masterpiece of the Indonesian nation. Of course, it cannot continuously withstand the erosion of changing times. The issue of the law's alignment with societal dynamics is the reason for the need for law reform (Maringka, 2015). Law play role fundamental in facilitate change progressive in public, because isthe process by which law develops to achieve unanimity

among values and needs of society (McGuire, 2016). Law always move dynamic follow development public along with the pace of development of science and technology. Legal products are constantly changing and changed according to the times and changes in society because the law does not exist in a vacuum. Thus it can also be stated that the law as a servant of the needs of society must updated so that current with community needs which served (Mahfud, 2006).

The Criminal Procedure Code (KUHAP) is also inseparable from the need for comprehensive reform, considering the situation and environmental conditions that have changed significantly. Efforts to update the Criminal Procedure Code are certainly based on the results of an evaluation of the substance of criminal procedure law norms in Law Number 8 of 1981. Provisions in the Criminal Procedure Code that are considered to contain weaknesses, are incomplete, or are unclear must be corrected so that law enforcement can be implemented optimally. Law Number 8 of 1981 concerning Criminal Procedure Code is an update of the colonial Criminal Procedure Code in the form of *Herz herziene Inlandsch Reglement (HIR)*. Law Number 8 of 1981 concerning Criminal Procedure Code has been used for more than 40 (forty) years and in its application there are still many shortcomings, so it needs to be replaced by Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP).

Efforts to reform criminal procedure law in Indonesia cannot be separated from the influence of globalization. The world feels increasingly smaller, and globalization in economics, finance, and trade also impacts the legal sector. No country can completely isolate itself from these changes. The drafters of the Criminal Procedure Code (KUHAP) recognized that legal reform efforts also needed to learn from the *common law system*, which was deemed sound and appropriate for law enforcement needs in Indonesia. Of course, the adoption of this Western legal system must be carried out carefully and based on in-depth academic study, so that its implementation does not cause problems or obstacles (Santoso, 2024).

The reform of Criminal Procedure Law is also inseparable from the influence of legal systems that differ from those of Indonesia (*Civil Law* /Continental Europe), namely *Common Law* or *Anglo-Saxon*. One of the new legal concepts included in *the common law legal system* in Law Number 20 of 2025 concerning the Criminal Procedure Code is the provision on the *Deferred Prosecution Agreement. Article 328 of Law Number 20 of 2025 concerning the Criminal Procedure Code introduces the Deferred Prosecution Agreement mechanism adopted from the legal systems of common law* countries. The concept of the *deferred prosecution agreement* (DPA) scheme originates from the *common law legal system*, but this should not preclude its application in Indonesia, which uses the *civil law legal system* (Ferdian, 2021).

According to Polly Spreger, as quoted by Febby Mutiara Nelson, the DPA is a concept first developed in the United States and later adopted in the UK as a means of addressing criminal offenses committed by corporations. A DPA is essentially a form of negotiation between prosecutors and corporations (through their legal counsel) aimed at diverting the prosecution process from the judicial process or resolving corporate violations through administrative or civil mechanisms. Thus, the company is not directly taken to court but is instead given the opportunity to resolve its mistakes through a mutually agreed-upon agreement. In practice, the DPA bears similarities to the plea bargaining mechanism. This mechanism has long been recognized in the common law legal system and has proven effective in reducing the backlog of cases. In the United States, approximately 95% of criminal cases are resolved through plea bargaining. Inspired by plea bargaining, the DPA is expected to be an efficient instrument in addressing corporate crime, while also providing tangible benefits to society through sentencing agreements implemented by the corporation (Nelson, 2026).

The DPA mechanism is a form of diversion in corporate crime, with a restorative and compliance -*based resolution approach*. The DPA is a legal mechanism aimed at postponing criminal prosecution by corporations with the aim of legal compliance, recovering losses from criminal acts, and efficiency in criminal justice. The birth of the DPA mechanism is also intended to provide corporations with the opportunity to improve the company and focus on recovering losses (Daneswara et al, 2026). This form of law enforcement is not only carried out against human legal subjects *(natural persons*) but can also ensnare legal entities/corporations (*rechtperson*). Legal entities/corporations (*rechtperson*) are legal subjects that have their own rights and obligations just like human legal subjects (*natural persons*) (Hermawan and Waluyo, 2025).

Deferred Prosecution Agreement (DPA) in Indonesian criminal law is a mechanism for postponing prosecution between prosecutors and corporations as perpetrators of criminal acts. DPA allows corporations to avoid formal justice by fulfilling certain conditions, paying fines and improving the system as an effort to recover losses incurred from the crime that occurred. DPA was adopted to increase legal certainty and the effectiveness of law enforcement against corporate crimes in Indonesia. Article 328 paragraph (1) of the Criminal Procedure Code (KUHAP) regulates in a limited manner that DPA can only be carried out with legal subjects in the form of corporations and not individuals. This limitation is important because the problems are different from those of individuals. When corporations commit crimes, the implications are not only for state finances, but also for the continuity of workers, shareholders and market stability. By limiting it to corporations, DPA is aimed at becoming an instrument to improve governance without having to shut down the wheels of business life completely (Hiariej et.al, 2026).

Corporations as legal subjects in criminal law are not a new concept. In England, corporations have been recognized as subjects of criminal law since the Birmingham & Gloucester Railway Co. case in 1842. In that case, the court ruled that a corporation could be prosecuted for failing to comply with a judge's obligation to conduct its work in accordance with the law (Nelson et al., 2026). As legal entities, corporations play a vital role in economic growth and national development. However, they can also commit various crimes (corporate crimes) that harm the state and society. Moreover, they are often used to conceal assets derived from criminal activities, thus allowing them to avoid prosecution (Hermawan and Waluyo, 2025).

Corporate crime, sometimes referred to as *corporate crime* and sometimes as *white-collar crime*, is currently a major concern in various countries worldwide, particularly in criminal law related to crimes committed by corporations (Syafrinaldi et al., 2024). Crimes committed by corporations have broader consequences and more victims, although sometimes they are not directly affected. Forest fires caused by corporations clearly have a truly extraordinary impact. People are hampered by smoke that interferes with vision and breathing. The smoke from forest fires in Indonesia is not limited to one country; the smoke from these fires has reached neighboring countries (Rodliyah et al., 2020). While corporations play a crucial role in spurring economic growth in a country and even the world, corporations are also the masterminds behind these crimes. This corporate crime constitutes a form of *white-collar crime* (Mukhlis and Sipahutar, 2024).

The existence of the DPA concept in Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) provides new hope for the realization of criminal law enforcement with corporate defendants that is just and certain of law and beneficial to the interests of victims. However, on the other hand, the existence of DPA in the KUHAP also requires careful attention to things that have the potential to become paradoxical or contradictory to efforts to uphold justice for victims of criminal acts with corporate perpetrators. This is inseparable from

the fact that DPA is a concept originating from the *common law system*, which is ideologically and culturally different from the Indonesian state.

Based on the above, this study conducts a comprehensive review of the opportunities and challenges of the *deferred prosecution agreement* (DPA) concept for corporations in the reform of criminal procedure law in Indonesia. As a new concept in criminal procedure law, it certainly offers opportunities and benefits, but also challenges for law enforcement, particularly prosecutors and judges, in its implementation. The results of this study can make a significant contribution to realizing the objectives of the deferred prosecution agreement concept, namely legal compliance, redress for criminal acts, and efficiency in criminal justice.

METHODS

This research is normative legal research. Normative research is conducted by studying and examining primary and secondary legal materials. This is in accordance with the purpose of legal research, namely the process of discovering legal rules, legal doctrines, and legal principles to resolve legal issues encountered (Marzuki, 2014). This research examines the concept of deferred prosecution agreements against corporations from a normative perspective. The nature of this research is prescriptive, namely examining the appropriate matters in the regulation of the concept of deferred prosecution agreements against corporations in the reform of Indonesian criminal procedure law. The research approach used includes:

1. Case approach, namely examining the judge's considerations (*ratio decidendi*) in decisions regarding agreements to postpone prosecution that have permanent legal force.
2. The statutory approach, namely examining *the legislative ratio* and philosophical basis for the birth of the provisions of the prosecution postponement agreement in Law Number 20 of 2025 concerning the Criminal Procedure Code, namely by reading the academic text (NA) of the 2025 Criminal Procedure Code.
3. Conceptual approach, namely examining the doctrine or opinions of criminal law experts regarding deferred prosecution agreements and corporations.
4. A comparative approach, namely comparing the provisions of the DPA under Law Number 20 of 2025 concerning the Criminal Procedure Code with those in the United Kingdom and the United States. From this comparison, elements of similarity and difference can be identified between the two legal systems. Similarities will reveal the core of the legal institution being investigated, while differences are caused by differences in the climate, atmosphere, and history of each nation concerned with the different legal systems (Ibrahim, 2013).

Legal materials include primary materials and secondary legal materials. Primary materials are authoritative legal materials, which consist of: Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 1 of 2023 concerning the Criminal Code and Decree Number 1/Pen.Pid-PPP/2026/PN Srg. Secondary legal materials are all publications on law that are not official documents, such as references, journal articles on the concept of deferred prosecution agreements, and legal dictionaries. The technique of collecting legal materials uses library research. This is based on the method carried out by collecting and analyzing legal materials such as books, literature, laws and regulations, documents, and other legal materials related to the concept of deferred prosecution agreements.

The analytical technique in this legal research is deductive using the syllogistic method. As with the syllogism taught by Aristoteles, the use of the deductive nature in this syllogistic method begins with the submission of a general major premise, then continued with the submission of a specific minor premise. From these two premises, a conclusion is then drawn According to Philipus M. Hadjon as quoted by Peter Mahmud Marzuki, in syllogistic logic for legal reasoning, the major premise is the legal rule, while the minor premise is the legal fact (Marzuki, 2014).

RESULTS AND DISCUSSION

Regulation and Practice of Deferred Prosecution Agreements In Indonesia

Currently, the positive law (*ius constitutum*) of Criminal Procedure Law is regulated in Law Number 20 of 2025 concerning the Criminal Procedure Code or KUHAP. Law Number 20 of 2025 replaces the old Criminal Procedure Law regulated in Law Number 8 of 1981 concerning Criminal Procedure Law. Law Number 20 of 2025 contains many new provisions of Criminal Procedure Law that were not previously regulated in Law Number 8 of 1981. One of the new things in Law Number 20 of 2025 is the provision on the Deferred Prosecution Agreement (DPA). DPA is a concept related to the settlement of criminal cases outside the court, but has not been explicitly regulated in Law Number 8 of 1981 concerning Criminal Procedure Law in Indonesia. In addition to the DPA, the concept of settling cases outside the court in the new KUHAP is *a plea bargain.*

According to Article 1 number 17 of the Criminal Procedure Code, a *Deferred Prosecution Agreement* (DPA) is a legal mechanism for the Public Prosecutor to postpone prosecution against a defendant whose perpetrator is a corporation. This definition contains three main elements, namely:

First, the DPA is a legal mechanism, not an informal policy. This means that it can only be implemented according to procedures stipulated by law. It cannot be treated as a private agreement outside of court oversight.

Second, the DPA is executed by the Public Prosecutor. This indicates that the DPA falls within the jurisdiction of the prosecution. However, the operational provisions of Article 328 of the 2025 Criminal Procedure Code allow for a DPA request to be submitted before the case is referred to court. Therefore, the DPA stands between the Public Prosecutor's resolution of the case and preventing the case from being referred to a regular court hearing.

Third, the DPA only applies to criminal acts by corporations. The DPA is not a general mechanism that can be used for ordinary individual defendants. The subject of the case is a criminal act by a corporation, although the examination of a corporation in practice must always pay attention to who legally acts for and on behalf of the corporation. Systematically, the DPA is within the corporate criminal procedure regime. The discussion of the DPA cannot be separated from the provisions regarding corporations, criminal acts by corporations, the person responsible for the corporation, the position of the Public Prosecutor, the authority of the court in assessing the feasibility and validity of the agreement, and the authority of the court to monitor the implementation of the DPA according to the time specified in the agreement (Bony Daniel, 2026).

Corporations can be subject to criminal law after being regulated in specific regulations, and criminalizing a corporation does not require fault in the act. Corporate criminal liability is without fault. Even if corporate personnel (e.g., directors, commissioners, or employees) commit a violation of the law, the corporation remains responsible. Legal violations often committed by corporations involve violations of regulations rather than moral violations. The corporation itself does not have any criminal intent to violate the law (Supramono, 2020). Corporate crime or corporate criminal offenses is also known as business crime. Such offenses are invariably committed on a large, commercial scale. Consequently, the magnitude of the profit gained by a corporation is directly proportional to the scale of the loss suffered by the victims whether they be the public, the state, the environment, or the economic system as a result of these corporate criminal acts. Beyond being classified as business crime, corporate crime can also be categorized as a form of "white-collar crime Prakas et.al, 2024).

The legal subjects of corporate criminal acts are corporations, Corporate Management, Beneficiaries (*beneficial owners*), and/or third parties in employment relationships. And the parties that can be held responsible for corporate crimes are the corporation itself through 3 (three) models of responsibility: *direct Corporate liability, vicarius liability, strictliability* and

based on the theoretical framework of identification responsibility (*Identification theory*), Aggregation theory (*Aggregation theory*), *Corporate Culture Model* since the Corporation does not have mens rea, then the Management itself, the Corporation together with the management, beneficiaries (*beneficial owners/BO*). (Nainggolan, 2026).

Deferred Prosecution Agreement is an agreement between the public prosecutor and the perpetrator of a crime (corporation) in which the prosecution is suspended for a certain period while the perpetrator carries out the agreed commitments. If the obligation is carried out, the prosecution is dropped, otherwise the criminal process will continue. The main characteristics of the DPA include: specifically for legal entities, not individuals, carried out voluntarily and based on negotiations, containing concrete obligations, such as paying fines, restitution, corporate governance reform and continued cooperation to combat corporate crimes (Nelson, 2025).

The National Criminal Code regulates corporate liability in Article 45 paragraph 3 of Law Number 1 of 2023. Based on the provisions of this article, it is expressly stated that corporations are subjects of criminal acts. Corporations include legal entities in the form of limited liability companies, foundations, cooperatives, state-owned enterprises, regional-owned enterprises, or equivalent, as well as associations, whether incorporated or not, business entities in the form of firms, limited partnerships or equivalent in accordance with the provisions of laws and regulations.

Article 46 of the Criminal Code does not refer to corporate crimes/crimes by corporations, but rather to criminal acts by corporations, as the Criminal Code no longer distinguishes between crimes and violations. In a sociological or criminological context, the English term "corporate crime" can still be referred to as "corporate crime." Based on the provisions of Article 46 of the Criminal Code, corporate crimes have various possibilities:

First, the criminal act was committed by a manager who had a functional position in the corporate organizational structure.

Second, criminal acts are committed by people based on employment relationships or other relationships, people who, based on employment relationships or other relationships, act for and on behalf of a corporation or act in the interests of the corporation (Hiarie and Santoso, 2026).

Corporate liability was initially based on the doctrine *of respondeat superior*, a doctrine that states that corporations themselves cannot commit crimes and be at fault. Only agents acting for and on behalf of corporations can commit crimes and be at fault. Therefore, corporate liability is a form of liability for the actions of others/agents *(vicarious liability*), where the corporation is responsible for the crimes and faults of its agents. This doctrine is taken from civil law and applied to criminal law. *Vicarious liability* usually applies in civil law regarding unlawful acts (*the torts of law*) based on the doctrine *of respondeat superior* (Sjahdeini, 2006).

According to VS Khana as quoted by Mahrus Ali, for there to be corporate responsibility, 3 (three) conditions must be met, namely: the agent commits *a crime* , the crime committed is still within the scope of his work (*within a scope of employment*) and is carried out with the aim of benefiting the corporation (*with intent to benefit corporation*). Ali, 2015). According to Sutan Remy Syahdeini, corporate criminal liability, or in other words, the punishment of corporations as perpetrators of criminal acts, is a new concept in criminal law adopted by many countries, including Indonesia. Several legal issues arise regarding the imposition of criminal liability on corporations. Regarding the principle of criminal law that there is no punishment without fault, how to punish a corporation that does not have *mens rea* (a guilty conscience)? What *doctrine* is used to impose criminal liability on a corporation? What sanctions should be imposed on a corporation if it is proven to have committed a crime? It also raises questions about what are the conditions for a criminal act to be imposed on a corporation? (Sjahdeini, 2017).

At the doctrinal level, there are several theories and many have been adopted as theories for assessing corporate criminal liability, namely:

1. The doctrine of strict criminal liability according to law (*strict liability*).
2. The doctrine of vicarious *liability*.
3. Identification theory (*direct corporate criminal liability*) or the doctrine of direct criminal liability.
4. The aggregation theory states that criminal responsibility can be imposed on a legal entity if the act is carried out by a number of people who fulfill the elements of a crime, where one is related to the other and does not stand alone.
5. The teachings of *the corporate culture* model or work culture model (Hiariej, 2016).

Theories related to corporate liability have developed as a result of thinking and responding to the development of cooperative activities. Different approaches taken by experts and different legal systems in countries that use *common law* and *civil law* have resulted in various theories of corporate liability. Corporate liability is more developed in *Anglo-Saxon countries* that adhere to *common law* because the flexible legal system makes it easier to follow the development of cooperative activities in society than in countries that adhere to Continental Europe that adhere to *civil law* (Kurniawan and Hapsari, 2022). Regarding the status as creator and nature of corporate criminal liability, there are several models of corporate liability as follows:

1.Corporate administrators as responsible creators and administrators.
2.Corporations as creators and managers are responsible.
3.Corporations as creators and also as those responsible (Muladi and Priyatno, 2010).

According to Article 326 (1) of the Criminal Procedure Code, criminal acts by corporations are imposed on the corporation and the person responsible for the corporation. Meanwhile, paragraph (2) states that the person responsible for the corporation as referred to in paragraph (l) consists of: a. administrators who have functional positions in the corporation's organizational structure; b. order givers; c. control holders; or d. beneficial owners. The DPA regulations are contained in Article 328 of the Criminal Procedure Code, which reads as follows:

1. Deferred Prosecution Agreements are aimed at legal compliance, recovery of losses resulting from criminal acts, and efficiency in criminal justice.
2. Deferred Prosecution Agreements may only be applied to criminal acts committed by Corporations.
3. An application for a Postponement of Prosecution Agreement may be submitted by the Suspect, Defendant or Advocate to the Public Prosecutor before the case is referred to the court.
4. The Public Prosecutor may accept or reject the application as referred to in paragraph (3) based on considerations of justice, the victim, and the defendant's compliance with the provisions of statutory regulations.
5. If the Public Prosecutor accepts the application, the Public Prosecutor is obliged to notify the relevant court that the Postponement of Prosecution Agreement process will be implemented and recorded in the minutes.
6. The results of the agreement on the Postponement of Prosecution Agreement must be submitted by the Public Prosecutor to the court within a maximum period of: a. 7 (seven) days after the agreement is signed by the parties.
7. The court is obliged to hold an examination hearing to assess the suitability and validity of the Deferred Prosecution Agreement before it is ratified.
8. In the examination hearing as referred to in paragraph (7), the Judge is obliged to consider: a. the suitability of the conditions in the Postponement of Prosecution Agreement with the provisions of statutory regulations; b. the proportionality of administrative sanctions or

other obligations given to the Suspect or Defendant; the impact on the Victim, society, the environment, the national economy, and the criminal justice system; and d. the ability of the Suspect or Defendant to fulfill the stipulated conditions.

9. In examining the Postponement of Prosecution Agreement, the Judge may request additional information or clarification from the Public Prosecutor, Suspect, Defendant, or other interested parties.
10. If the Judge approves the Postponement of Prosecution Agreement, the ratification is stated in the court decision and the case is postponed in accordance with the agreement.
11. If the judge rejects the Deferred Prosecution Agreement, the case will proceed to trial with a regular examination procedure.
12. The conditions in the Postponement of Prosecution Agreement may include: a. payment of compensation or restitution to the victim; b. implementation of a legal compliance program or improvement of anti-corruption corporate governance; c. reporting obligations and cooperation with law enforcement during the Prosecution Postponement process; or d. other corrective actions deemed necessary by the Public Prosecutor.
13. If the suspect or defendant fulfills all obligations in the Deferred Prosecution Agreement during the specified time period, the case may be stopped without further prosecution by court order.
14. The court has the authority to monitor the implementation of the Deferred Prosecution Agreement in accordance with the time specified in the agreement.
15. If the Suspect or Defendant fails to fulfill the obligations in the Postponement of Prosecution Agreement, the Public Prosecutor has the authority to continue the Prosecution process without requiring additional approval.

Based on several provisions regarding the Postponement of Prosecution Agreement in Article 328 of the Criminal Procedure Code, it can be briefly explained as follows:

1. The function of the DPA in examining corporate crime cases aims to encourage improved governance through compliance obligations, internal audits, and anti-corruption programs, prioritize recovery of state/victim losses rather than solely criminalization, reduce the burden on the courts in complex economic cases, which require expensive and lengthy evidentiary processes, and enable the state to access internal corporate information through mandatory cooperation and reporting. The DPA can be submitted by the suspect, defendant, or their attorney to the public prosecutor. The public prosecutor is the initial *gatekeeper* of the DPA. The public prosecutor's initial authority can accept or reject the request by considering justice, the interests of the victim, and the corporation's compliance with the law. (Nelson, 2026).
2. If the public prosecutor accepts the DPA application, the public prosecutor is required to notify the court and record it in the minutes. The public prosecutor must submit the DPA agreement to the court within 7 (seven) days after the agreement is signed by the parties. This provision ensures transparency and court oversight of the settlement of corporate cases through amicable mechanisms. The court has the authority to assess the feasibility and validity of the DPA before it is ratified. It is hoped that all DPA agreements will be transparent, before the court and judges, and judges are given a central role, not merely as symbols, but as horizontal oversight so that the DPA does not become a tool for political negotiations or behind-the-scenes economic transactions (Hiariej et al., 2026).
3. *Checks and balances* in the DPA can be seen in the role of judges and the transparency of its implementation. The Criminal Procedure Code (KUHAP) stipulates that every DPA must be approved by a judge through an open hearing. Judges, through their authority, assess the proportionality of sanctions and the social impact of the agreement. The court can monitor the implementation of the DPA and its cancellation, which could have legal consequences. This also responds to concerns that the DPA will become a backdoor to

impunity for large corporations. By requiring approval and monitoring by the courts, the 2025 Criminal Procedure Code seeks to establish a system of *checks and balances* between the prosecutor's office and the judiciary (Nelson, 2026).

One of the criminal cases resolved using a deferred prosecution agreement mechanism is an environmental crime case involving a corporation in Serang, Banten. The Attorney General's Office of the Republic of Indonesia, through the Banten High Prosecutor's Office and the Serang District Prosecutor's Office, made new history in the Indonesian criminal justice system. On Monday, May 4, 2026, for the first time, the *Deferred Prosecution Agreement* (DPA) mechanism was officially applied in a corporate environmental crime case involving PT. Crown Steel. (https://dandapala.com/article/detail/persetujuan-dpa-pt-crown-steel-di-pn-serang-jadi-tonggak-baru-kuhap-modern).

PT. Crown Steel, a company engaged in the hazardous and toxic waste processing industry, was proven to have illegally dumped waste in the Cikande industrial area, Serang Regency. The Serang District Court (PN) approved the Deferred Prosecution *Agreement* (DPA) against PT Crown Steel, a steel milling industry corporation operating in the Cikande Modern Industrial Area, Serang Regency. The agreement was stated in Determination Number. /Pen.Pid-PPP/2026/PN Srg which was read in an open hearing for the public on Monday, May 4, 2026. (https://dandapala.com/article/detail/persetujuan-dpa-pt-crown-steel-di-pn-serang-jadi-tonggak-baru-kuhap-modern).

DPA Regulations and Practices in Several Countries

The DPA mechanism provides corporations with the opportunity to improve corporate governance and fulfill their restitution obligations before the case proceeds to prosecution. This regulation demonstrates that lawmakers are beginning to accommodate developments in corporate criminal law that have already been implemented in several countries, such as the United States, the United Kingdom, France, Canada, and others (Agustin dan Wulan, 2026).

As a comparison, the United Kingdom is a *common law country* that applies the concept of *Deferred Prosecution Agreements* (DPAs). The implementation of *Deferred Prosecution Agreements* (DPAs) in the English legal system can be attributed to two main, closely interrelated reasons: first, the increasing pressure on the authorities to conduct successful investigations into corporations involved in criminal acts; and second, the fact that without a formal legal framework, the judiciary shows considerable reluctance to be bound by the parties' agreements (Grasso, 2016). The English model maintains the character of the DPA as a prosecution instrument accompanied by judicial supervision, rather than as a corporate governance mechanism fully implemented by the judiciary (Ichwanudin, 2026).

France exhibits a different configuration. *The Convention Judiciaire d'Intérêt Public,* born out of *Loi Sapin* II, opened up non-trial settlements for corporations without requiring a guilty plea as a prerequisite. However, the monitoring process operates through different channels. Validation still involves a judge, but oversight of compliance programs falls under the jurisdiction *of the Agence Française Anticorruption.* This institution is not simply an extension of the prosecution, but rather a nationally competent body placed under the joint authority of the Minister of Justice and the Minister of Budget, with guaranteed independence for its audit activities (Ichwanudin, 2026). The United States, the United Kingdom, France, and Singapore have implemented the DPA mechanism to resolve corporate crime. A number of major cases involving corporations in these countries have been resolved through the DPA mechanism, such as the cases of Prudential, Siemens, Standard Bank (ICBC Standard Bank PLC), XYZ Company Limited, Rolls-Royce PLC, and others (Nelson, 2025).

In the United States, the Delinquency Penalty (DPA) has undergone a gradual process, so that currently, according to its concept, it only applies to corporations. The DPA as it is known today stems from the Solomon Brothers case in 1992. In 1975, DPAs were simply

"...recognized as an official policy instrument by the US Congress, which established special pre-trial agencies to assist judges in determining offenders' suitability for the newly created rehabilitation programs and to supervise those offenders during the deferral period." This means that the DPA was only introduced as a tool for judges, not prosecutors (Nelson, 2020). The DPA mechanism is flexible because it opens up space for the birth of new parameters such as increased prudence in employee recruitment, strengthening business ethics, and various corporate compliance programs. Another advantage is that corporations can avoid the risks arising from the judicial process, such as falling stock prices, reputational damage, and bankruptcy (Nelson, 2026).

The DPA in the UK was introduced on 24 February 2014, under the provisions of Schedule 17 of the Crime and Courts Act 2013. DPAs are available to the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). A Code of Practice for Prosecution was jointly published by the SFO and CPS on 14 February 2014 following public consultation (Nelson, 2026). In the UK, a DPA is defined as an agreement reached between a prosecutor and a prosecutable organization, under the supervision of a judge. The DPA must first be assessed by an independent judge. If the judge approves and the suspect also agrees to a number of agreements (mainly compensation, restitution and prevention of future misconduct), the prosecution will be dismissed by the prosecutor. Historically, some sources indicate that in the UK it can also be applied to individuals (Nelson, 2020). In the UK, the DPA is a discretionary tool, with prosecutors and companies negotiating an alternative to prosecution. To implement DPA, the Prosecutor must apply a two-stage test, namely the evidentiary stage and the public interest stage (Nelson, 2026).

Brazil is one country with a civil law background that implements the DPA concept. Brazil, facing high levels of white-collar crime, has implemented various changes to combat economic crime. One such effort is the implementation of the DPA in the Clean Company Act in 2013. The Clean Company Act's concept is similar to that in the United States and the United Kingdom. The Clean Company Act is an alternative mechanism for resolving cases for corporations, known as "leniency agreements." Leniency is defined as a state policy that provides incentives to perpetrators of crimes, which can take the form of reduced sentences or immunity, either in part or in full. This is given in return for the perpetrator's willingness to cooperate in uncovering crimes, assisting in investigations, and law enforcement (Nelson, 2026).

Opportunities and Challenges of DPA in Indonesia

In the development of modern criminal law, the resolution of criminal cases no longer relies solely on conventional judicial mechanisms. Various countries have developed more flexible, efficient, and adaptive alternatives to address economic crimes, which often involve corporate actors. One prominent concept is the deferred prosecution agreement (DPA). A DPA is essentially an agreement between law enforcement authorities and a corporation committing a crime, whereby prosecution can be deferred under certain conditions, such as payment of a fine, improvement of internal governance, or cooperation in solving the case. This instrument arose from a practical need, namely that corporations often play a vital role in a country's economy. Pure punishment of corporations, in the form of dissolution or excessively harsh sentences, can have a domino effect on economic stability and the workforce (Nelson, 2026).

The purpose of the DPA according to Article 328 paragraph (1) of the Criminal Procedure Code is to prioritize restorative justice, case efficiency, and recovery of state or victim losses. The purpose of the DPA is at least for legal compliance, recovery of losses due to criminal acts, and efficiency of criminal justice. These three pillars represent a paradigm shift in criminal law in Indonesia, where the main focus was previously on punishing the perpetrator, now the orientation is expanded to include legal compliance, recovery of state

losses and a fast, simple and low-cost judicial process. The DPA is in line with legal progress in the world, that law is not only about punishment, but also compliance and restoration (Hiariej et.al, 20026). The Deferred Prosecution Agreement aims for legal compliance, recovery of losses due to criminal acts, and efficiency in criminal justice. These three objectives must be read as interrelated policy directions. The DPA should not be understood solely as an efficiency instrument. Efficiency can only be justified if accompanied by legal compliance and recovery of losses. If the DPA only accelerates the resolution of cases without recovery and without changes in corporate behavior, the mechanism loses its public legitimacy (Daniel, 2026).

The DPA specifically addresses *crimes for corporations,* namely crimes committed for the benefit of corporations that are essentially conducting normal business but commit irregularities. "This regulation demonstrates that national criminal law seeks to address the increasingly complex development of corporate crime practices, while also ensuring legal certainty in corporate accountability (Hiariej, 2026). According to Michael Bisgrove and Mark Weekes, quoted by Febby Mutiara Nelson, the background to the birth of the deferred prosecution agreement mechanism is that corporate crime is a serious problem, especially because of its link to the economy and its potential impact on the national economy. The investigation, prosecution, and trial processes are costly, slow, and complex. Therefore, innovations are needed that provide faster, more effective, and proportional alternatives with high legal certainty. This innovation developed in the United States, then the United Kingdom, and several other countries (Nelson, 2020).

The Deliberation Agreement (DPA) is the instrument of choice for federal prosecutors in handling cases of corporate violations. A DPA is a form of agreement that allows alleged perpetrators to avoid criminal proceedings, provided they do not commit further violations within a specified period (Parker and Dodge, 2023). The DPA is a modern criminal policy instrument that has developed in law enforcement practice, particularly to address complex corporate and economic crimes. Philosophically, the DPA is rooted in a utilitarian and restorative approach that emphasizes law enforcement efficiency, loss recovery, and prevention through compliance reform. Corporations are expected to play a role in the community's economy by creating jobs, reducing unemployment, and encouraging innovation and economic growth through infrastructure and technology investment. Corporations provide essential products/services, increase tax revenue, and empower local communities through *Corporate Social Responsibility (CSR).* The DPA concept essentially emerged from the development of modern criminal policy within the framework of law enforcement efficiency, particularly in handling corporate and economic crimes. From a modern Criminal Law perspective, the original intent of the DPA can be traced to three main objectives:

1. Effectiveness of law enforcement

   Law enforcement against corporate crimes often faces complex evidentiary barriers, high costs, and the risk of socio-economic impacts if corporations are convicted. The DPA is intended as an alternative prosecution instrument that still ensures perpetrator accountability.
2. Restoration of public and state losses.

   Another original intent is to ensure that the resolution of criminal cases is not solely oriented towards punishment, but also towards recovering losses for victims, the state, and the business environment.
3. Compliance- based *deterrence*

   The DPA aims to encourage corporations to undertake internal *compliance reforms*, thereby preventing similar crimes from occurring in the future.

Thus, philosophically, the DPA is a manifestation of a utilitarian approach to criminal policy that emphasizes a balance between legal certainty, expediency, and justice (Nainggolan, 2026). The DPA is conducted voluntarily between prosecutors and corporations based on *self*

- *reporting* from the perpetrator or the prosecutor's findings regarding the crime. The DPA mechanism always requires a *compliance program* for the corporation. This DPA mechanism is also carried out based on the prosecutor's discretion. There are various benefits to be gained from the DPA, namely:

1) Encourage *self* - *reporting* by corporations by avoiding formal demands that may damage the corporation's reputation, provide certainty regarding the results of the DPA, so that corporations can continue to operate in their businesses, avoid large costs due to prosecution, and allow for a reduction in financial sanctions if the perpetrator corporation is cooperative.
2) Strengthening investigations and prosecutions, so that the obstacles to investigations and inquiries that have been faced so far can be prevented.
3) Increasing the results, a number of corporations that may not be detected by law enforcement, especially prosecutors.
4) Improve corporate compliance and culture.
5) Prevent impacts on third parties, such as unemployment, loss of investors, and damage to market structures (Nelson, 2026).

The existence of the DPA concept in the Criminal Procedure Code is also seen as aligning with one of the important principles of Criminal Procedure Law, namely the principle of speedy, simple, and low-cost trials. This principle is contained in Article 2 number 4 of Law Number 48 of 2009 concerning Judicial Power, which states: " Trials shall be conducted simply, quickly, and at low cost." The DPA model is very much in line with the concept of simple, fast, and low-cost trials. However, the emphasis should be on "speedy and simple trials." However, this does not mean reducing the accuracy and precision in resolving criminal cases (Nelson, 2020).

Imposing maximum sanctions on corporations, such as revocation of business licenses or suspension of operations, can have far-reaching consequences for the economy. The DPA mechanism can be a more effective alternative for resolving cases in recovering state losses than the conventional approach of criminal prosecution alone. In practice, in some countries, the use of DPA has resulted in the recovery of substantial state losses, while conventional criminal prosecution approaches often only result in individual imprisonment with relatively limited recovery of losses (Nelson, 2026). The concept of a DPA (Deferred Presecution Agreement) as an alternative means of resolving criminal cases involving corporate actors has also been criticized. This mechanism is considered to allow corporations to avoid justice simply by paying a fee. However, unlike individuals, corporations lack reason and morality. This necessitates a different approach.

The main challenge is how to truly cooperate with corporations and ensure prosecutors can play a balanced role as both prosecutor and negotiator. While some experts argue that DPAs are no better than conventional criminal mechanisms and are even considered a way for corporations to "buy the law," experience in the United States demonstrates this is not entirely true. The DPA mechanism in the United States is actually flexible, opening up space for new parameters such as increased prudence in employee recruitment, strengthening business ethics, and various corporate compliance programs (Nelson, 2026).

The government is currently striving to strengthen corruption eradication and recover state losses through the implementation of Deferred Prosecution Agreements (DPAs), or Deferred Prosecution Agreements (DPAs), for corporations. However, the concept of DPAs has sparked serious debate regarding the balance between the effectiveness of recovering state losses and the principle of criminal accountability. Concerns arise because the mechanism of deferred prosecution is considered to have the potential to expand the discretion of law enforcement officials while simultaneously opening up the risk of eroding the deterrent effect on corporate criminals. Academic and public discussion needs to be opened as widely as

possible in responding to developments in national criminal law, particularly regarding the implementation of DPAs in handling corruption crimes by corporations. Discourse on DPAs is crucial because this mechanism is directly related to efforts to recover state losses and protect the principle of criminal accountability. Every innovation in the legal system must be ensured not only to be oriented towards the effectiveness of law enforcement and the recovery of state losses, but also to maintain the principles of accountability and justice (Triyana, 2026).

The greatest challenge is no longer at the level of normative conception, but rather institutional capacity. The integrity and competence of the Public Prosecutor will determine whether the DPA negotiation process remains transparent and oriented toward the public interest. Meanwhile, the readiness of judges to establish substantive evaluation standards will determine whether the ratification of the DPA truly becomes a tool of accountability, not just a formal rubber stamp. The future of the DPA in Indonesia will be tested not on the courage to formulate it, but on the ability to implement it fairly and consistently. Objections to the DPA should not be directed at the assumption that this mechanism favors corporations, but more relevantly, the potential for unequal access, as large corporations with lawyers and a mature compliance infrastructure are certainly better equipped to negotiate, implement, and demonstrate compliance. From this perspective, the DPA can be an instrument of reform, but it can also widen the gap in capabilities in dealing with the state. Therefore, judicial oversight and transparent standards should not be understood as procedural accessories. Both are minimum requirements to prevent the DPA from transforming from an accountability instrument into a hidden privilege for the most financially powerful corporations (Ichwanudin, 2026).

After the DPA agreement is signed between the prosecutor and the corporation, the agreement documents must be submitted to the court within a certain period for review by a judge. However, the oversight aspect of the implementation of corporate obligations after the DPA agreement is approved still requires more detailed and rigid regulations. This is necessary to avoid the fate of the supervisory judge and observer mechanism, which has been deemed ineffective in the field (Ho, 2026). The DPA can expedite the process of recovering state losses because its procedures are more efficient than conventional judicial processes. The successful implementation of this mechanism depends heavily on the readiness of the law enforcement ecosystem and a culture of compliance within the corporate environment. The DPA will be effective if business actors already have a culture *of compliance*, good risk management, and control standards such as anti-bribery certification (Setiadi, 2026).

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

The existence of the concept of a *Deferred Prosecution Agreement* (DPA) in the renewal of criminal procedural law in Indonesia, provides new hope for the realization of a more efficient and just criminal justice. The DPA mechanism is an alternative settlement of corporate criminal cases. Corporations have a strategic role in the sustainability of a country's economic life. In the National Criminal Code, in addition to individuals, legal entities or corporations can also be subjects of criminal acts. Corporations that commit crimes will undergo various stages of a very long legal process. This can threaten the continuity of their businesses. When corporations undergo the criminal justice process, it has the potential to destroy the corporation's reputation. Such a situation can disrupt economic and employment stability. The existence of the DPA mechanism is a form of legal innovation that can provide faster, more effective, and proportional case resolution, while providing legal certainty and justice for victims.

In addition to providing a speedy, simple, and cost-effective resolution of criminal cases, the DPA can also improve corporate legal compliance. It can be used as a strategic

instrument to improve internal corporate governance. Corporations can be more selective in hiring employees, strengthen business ethics, and implement various corporate compliance programs. The DPA mechanism can also encourage corporations to promptly fulfill their obligations, such as paying fines and repairing damages caused by corporate actions.

Recommendations

When granting approval to a corporation's request for a postponement of prosecution, the public prosecutor must adhere to the principles of due diligence and prudence. The public prosecutor is required to conduct a comprehensive assessment and research into the corporation's suitability for fulfilling its obligations under the agreement. The principles of certainty and justice for victims also require public prosecutors' attention in implementing the DPA concept. Prosecutors must be able to play a balanced role as both prosecutor and negotiator. They must also be able to encourage the corporation to cooperate in implementing the DPA.

Courts have significant authority within the DPA mechanism. This authority ranges from assessing the feasibility and validity of a DPA before its validation to overseeing its implementation. The court's authority to oversee the implementation of a DPA ensures that corporations fulfill their obligations within the agreed timeframe. Given the court's central role in the DPA, judges need to be empowered with knowledge of the ins and outs of the DPA. Furthermore, the Supreme Court needs to issue technical guidelines for the DPA to ensure a shared understanding and uniformity in its implementation in the field.

Author Contributions

All authors made significant contributions to this study. These contributions included research conceptualization, development of the theoretical framework, data collection, data analysis, interpretation of results, manuscript preparation, scholarly revision, and final approval of the manuscript for publication. All authors confirm that they have read and approved the final version of the article.

AI Disclosure Statement

The author declares that this research manuscript was prepared, researched, written, and edited independently without the use of artificial intelligence (AI) technology or techniques.

REFERENCES

Albertina Ho, 2026, https://ugm.ac.id/id/berita/perjanjian-penangguhan-penuntutan-kejahatan-korporasi-dinilai-bisa-jadi-alternatif-penyelesaian-perkara/

Anak Agung Ngurah Kresnaningrat Daneswara, I Dewa Gede Dana Sugama, *DEFERRED PROSECUTION AGREEMENT* (DPA) DALAM PERKARA TINDAK PIDANA KORPORASI PADA KORPORASI YANG TENGAH DALAM KEADAAN PKPU, JURNAL MEDIA AKADEMIK (JMA) Vol.4, No.6 Juni 2026. DOI: https://doi.org/10.62281/vqf5fb22.

Ardi Ferdian, KONSEP *DEFERRED PROSECUTION AGREEMENT* (DPA) DALAM PERTANGGUNG-JAWABAN PIDANA KORPORASI SEBAGAI BENTUK ALTERNATIF PENYELESAIAN SENGKETA, ARENA HUKUM Volume 14, Nomor 3, Desember 2021. DOI: https://doi.org/10.21776/ub.arenahukum.2021.01403.6.

Asep N. Mulyana, 2019, *Deferred Prosecution Agreement* dalam Kejahatan Bisnis, Jakarta: PT Grasindo.

Bambang Santoso, dkk., THE WESTERN LEGAL SYSTEM IN INDONESIAN CRIMINAL PROCEDURAL LAW REFORM: A GLOBALIZATION AND LEGAL POLITICS PERSPECTIVE, Jurnal Pembaharuan Hukum, Volume 11, Number 2, July 2024. http://dx.doi.org/10.26532/jph.v11i2.30488.

Bony Daniel, Seluk Beluk Perjanjian Penundaan Penuntutan (DPA) & Format Penetapan Pengadilan, 2026 : https://dandapala.com/article/detail/seluk-beluk-perjanjian-penundaan-penuntutan-dpa-format-penetapan-pengadilan.

Costantino Grasso, *Peaks and Troughs of the UK Deferred Prosecution Agreement* : *The Lesson Learned from the DPA between the SFO and ICBC SB Plc*, Journal Of Business Law, Issue 5, 2016.

Didik Sasono Setiadi, 2026, https://ugm.ac.id/id/berita/perjanjian-penangguhan-penuntutan-kejahatan-korporasi-dinilai-bisa-jadi-alternatif-penyelesaian-perkara/

Eddy O.S Hiariej, 2017, Hukum Acara Pidana, Tangerang Selatan: Universitas Terbuka.

Eddy O.S. Hiariej dan Topo Santoso, 2025, Anotasi KUHP Nasional, Jakarta, PT RajaGrafindo Persada.

Eddy O.S. Hiariej, 2016, Prinsip-Prinsip Hukum Pidana, Yogyakarta, Cahaya Atma Pustaka.

Etty Agustin dan Evi Retno Wulan, Kepastian Hukum Atas Frasa Tindak Pidana Korporasi Dalam Mekanisme Deferred Prosecution Agreement, Journal of Innovation Research and Knowledge Vol.6, No.5, Oktober 2026 https://doi.org/10.53625/jirk.v6i5.13221

Fadiyah Ramadhani Putri dkk, Tindak Pidana Penyuapan dari Sudut pandang Teori Identifikasi, al-Jinâyah | Volume 6 Nomor 1 Juni 2020. DOI: https://doi.org/10.15642/aj.2020.6.1.202-228.

Febby Mutiara Nelson dkk, 2026, Tindak Pidana Ekonomi, Teori dan Mekanisme Penyelesaian, Jakarta, Sinar Grafika.

Febby Mutiara Nelson, 2020, *Plea Bargaining & Deferred Proosecution Agreement* dalam Tindak Pidana Korupsi, Jakarta, Sinar Grafika.

Febby Mutiara Nelson, 2026, Mengenal-dpa-dalam-kuhap-baru-solusi-alternatif-penyelesaian-tindak-pidana-ekonomi-oleh-korporasi: https://law.ui.ac.id/mengenal-dpa-dalam-kuhap-baru-solusi-alternatif-penyelesaian-tindak-pidana-ekonomi-oleh-korporasi-oleh-dr-febby-mutiara-nelson-s-h-m-h/.

Gatot Supramono, 2020, Hukuman Korporasi sebagai Pelaku Tindak Pidana, Jakarta, Kencana.

Hannah McGuire. *Indonesian Law Reform and the Promotion of Justice: An Analysis of Law Reformin the Post Soeharto Period, Brawijaya Law Journal, Law and Human Right Issues*, 2016.

Hariman Satria, 2020, Hukum Pidana Korporasi, Doktrin, Norma dan Praksis, Jakarta, Kencana.

Hasbullah Sjawie, 2015, Pertanggungjawaban Pidana Korporasi pada Tindak Pidana Korupsi, Jakarta, Prenada Media Group.

Henry Campbell Black, 1991, *Black'S Law Dictionary*, St. Paul, Minn : West Publishing Co.

Heribertus Jaka Triyana, 2026, https://ugm.ac.id/id/berita/perjanjian-penangguhan-penuntutan-kejahatan-korporasi-dinilai-bisa-jadi-alternatif-penyelesaian-perkara/

Johnny Ibrahim, 2013 Teori & Metodologi Penelitian Hukum Normatif, Malang, Bayumedia Publishing.

Kukuh Dwi Kurniawan dan Dwi Ratna Indri Hapsari, Pertanggungjawaban Pidana Korporasi Menurut *Vicarious Liability Theory*, Jurnal Hukum IUS QUIA IUSTUM NO. 2 VOL. 29 MEI 2022. https://doi.org/10.20885/iustum.vol29.iss2.art5.

Mahrus Ali, 2015, Asas-Asas Hukum Pidana Korporasi, Jakarta, Rajawali Pers.

Marsudin Nainggolan, Urgensi Pengaturan Perma tentang Deferred Prosecution Agreement (DPA), 2026, https://dandapala.com/article/detail/urgensi-pengaturan-permatentang-deferred-prosecution-agreement-dpa.

Megan Jean Parker dan Mary Dodge, *An exploratory study of deferred prosecution agreements and the adjudication of corporate crime*, Journal of Financial Crime (2023) 30 4.

Miko Ginting. 2015. Evaluasi terhadap Pembahasan RKUHAP: Mengapa Pemerintah dan DPR Tidak Berhasil Membahas RKUHAP?. Jurnal Peradilan Indonesia Vol. 3, Juli-Desember.

Moch. Ichwanudin, Paradoks Deferred Prosecution Agreement Korporasi dalam KUHAP 2025, 2026, https://dandapala.com/opini/detail/paradoks-deferred-prosecution-agreement-korporasi-dalam-kuhap-2025.

Moh. Mahfud, 2017, Membangun Politik Hukum Menegakkan Konstitusi, Jakarta, RajaGrafindo Persada.

Muhammad Fatahillah Akbar, Penerapan Pertanggungjawaban Pidana Korporasi dalam Berbagai Putusan Pengadilan, Jurnal Hukum & Pembangunan Tahun ke-51 No.3 Juli-September 2021. DOI: https://doi.org /10.21143/jhp.vol51.no3.1074.

Mukhlis R. dan Chindy Maria Rohani Sipahutar, EKSISTENSI KORPORASI SEBAGAI SUBJEK HUKUM DALAM PERTANGGUNGJAWABAN PIDANA DALAM KITAB UNDANG-UNDANG HUKUM PIDANA (KUHP) BARU, Jurnal Hukum Das Sollen, Vol. 10. No. 1 (2024). DOI : https://doi.org/10.32520/das-sollen.v10i1.3325

Muladi dan Dwidja Priyatno, 2010, Pertanggungjwaban Pidana Korporasi, Jakarta, Kencana.

Muladi dan Dwija Priyatno, Pertanggungjawaban Pidana Korporasi, 2010, Jakarta, PRENADAMEDIA GROUP.

Peter Mahmud Marzuki, 2014, Metode Penelitian Hukum, Jakarta: Kencana Prenamedia.

Ragil Surya Prakasa, et.al, Pertanggunganjawaban Pidana Korporasi terhadap Tindak Pidana Penyediaan Listrik Tanpa Ijin, Vol. 4 No. 2 (2024): eScience Humanity Journal Volume 4 Number 2 May 2024, DOI: https://doi.org/10.37296/esci.v4i2.152.

Robert Strang. 2008. *More Adversarial, but not Completely Adversarial*: *Reformation of the Indonesian Criminal Procedure Code*. *Fordham International Law Journal. Volume* 32. *Issue* 1.

Rodliyah dkk, Konsep Pertanggungjawaban Pidana Korporasi (Corporate Crime) Dalam Sistem Hukum Pidana Indonesia, Jurnal Kompilasi Hukum Volume Volume 5 No. 1, Juni 2020. DOI: https://doi.org/10.29303/jkh.v5i1.43.

Sutan Remy Sjahdeini, 2006, Pertanggungjawaban Pidana Korporasi, Jakarta: Grafiti Pers.

Sutan Remy Sjahdeini, 2017, Ajaran Pemidanaan: Tindak Pidana Korporasi & Seluk Beluknya, Jakarta, Kencana.

Syafrinaldi dkk, Korporasi sebagai Subjek dalam Tindak Pidana Paten (Reformulasi Konsep Pertanggungjawaban Pidana Berdasarkan KUHP Baru Indonesia), Jurnal LEGISLASI INDONESIA Vol 21 No.4 - Desember 2024.

T. Mangaranap Sirait, 2020, Pertanggungjawaban Pidana Korporasi Dari Masa Ke Masa, Yogyakarta, DEEPUBLISH

Undang-Undang Nomor 20 tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana (KUHAP).

UU Nomor 1 tahun 2023 tentang KUHP.