

The Concept of Alternative Justice In The Form of Cumulative Criminal Sanctions For Corporate Crimes (Adopting The Concept of Justice of Thomas Aquinas)

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Abstract: Justice according to Thomas Aquinas is the virtue of justice that involves "aliquid opus adaequantum alteri secundum aliquem aequalitatis modum", which means giving what should be received by others based on proportional equality. However, Thomas' thoughts have not been seen in the law enforcement system in Indonesia, especially in the context of corporate crime victims. Victims often do not receive justice, such as compensation and appropriate punishment for corporate criminals. Indonesia's criminal law system only recognizes two types of punishment, namely primary and additional punishments. Primary punishment includes the death penalty, imprisonment, detention, fines, and closure, with a maximum prison sentence of 20 years even if there are multiple victims with significant losses. Therefore, quantitatively speaking, this is unfair according to the principles of justice explained by Thomas Aquinas. Criminal sanctions against corporate crime perpetrators are regulated in Law Number 11 of 2020 concerning Job Creation. Although legal entities or corporations can be held accountable and punished, the primary punishment against corporations is only in the form of fines and/or additional punishments, such as confiscation of evidence, compensation, and restitution. However, the criminal sanctions in some large cases of corporate crime are not proportionate to the value of losses and the number of victims affected. Therefore, alternative thinking is needed in the context of proportionate punishment based on the principles of justice of Thomas Aquinas, namely cumulative justice. This research aims to analyze the application of cumulative law in Indonesia based on alternative justice for corporate crime victims. Alternative justice must be embodied in the form of revisions to the Criminal Code to implement a more just legal system in Indonesia. This study uses a descriptive-analytical approach with normative legal methods, and examines regulations and the Criminal Code. The results show that cumulative law as an alternative justice for corporate victims in seeking proportional justice must be applied in the legal jurisdiction of the Republic of Indonesia. This does not preclude the possibility of becoming a reality as the law advances and crime becomes increasingly sophisticated and well-organized.

Keywords: Alternative Justice, Cumulative Criminal Sanctions, Corporate Crimes

I. INTRODUCTION

The existence of corporations is increasingly important and strategic. Besides being able to help stimulate the economy, corporations have also reached almost all aspects of life. In Indonesia, corporations operate in various fields, such as education, social services, construction, transportation, and communication. In this context, corporations can create jobs and reduce unemployment. However, corporations also have negative impacts by being involved in various crimes, such as corruption and money laundering. The presence of corporations is like a double-edged sword, on the one hand, it can have positive impacts, but on the other hand, it can also have negative impacts. Considering that criminal phenomena, through their influence on society, disrupt the entire development of nations, endanger the welfare of both spiritual and material citizens, threaten human dignity, and create an atmosphere of fear and violence that undermines the quality of the environment. Sanctions can be understood as a means of strengthening a rule or norm, therefore they must be obeyed and not violated. By using sanctions in a regulation, it is expected to create a good legal system that has firmness, so that what is contained in the rule or norm can encourage someone not to violate it and live according to the prescribed rules or norms. By using sanctions in every regulation, it is hoped that sanctions can become a reinforcement or affirmation of a

legal rule. The strength of a sanction is measured by how many penalties are threatened against the offender. The application of sanctions aims to serve as a tool for maintaining or deterring perpetrators with a real threat of sanctions so that they do not lose their power to uphold justice.

One new strategy to deter perpetrators of corporate crime, such as corruption, is to impose cumulative imprisonment penalties based on the number of offenders. For example, under the Criminal Code Law No. 31 of 1999 concerning appropriate punishment for corruptors, the following is the provision: "Anyone who unlawfully enriches himself or others or a corporation which can harm the state finances or economy shall be punished by imprisonment for life or imprisonment for a minimum of 4 years and a maximum of 20 years and a minimum fine of Rp. 200,000,000.00 and a maximum of Rp. 1,000,000,000.00." Criminal law is a public law, and this position becomes the source of legitimacy for the state to impose coercive sanctions such as deprivation of liberty, which have a higher level of cruelty than sanctions in civil proceedings. Criminal law formulates that punishing someone is not enough by proving that the person has committed an act that violates the law as formulated in a regulation. Although a person's act meets the formulation of a crime in a law and is not justified (an objective breach of a penal provision), it does not automatically fulfill the requirement for imposing a penalty. The problem of corporations as criminal law subjects cannot be separated from the civil law aspect. In civil law, an individual is not the only legal subject recognized. This is because there are still other legal subjects who have rights and can perform legal acts just like an individual. This is different from the Criminal Code, which only recognizes individuals as legal subjects. Looking at various countries, corporate crime has been regulated in their criminal law system as a criminal offense, so it can be subject to criminal liability. In Indonesia, corporate crime is regulated under Law No. 31 of 1999, as previously mentioned.

Basically, in the act of enriching oneself, others, or a corporation that may harm the country's financial or economic situation, there is a clear element of theft. The victims of corruption are generally direct, namely the victims of the crime itself, and indirect (pseudo or abstract) such as society, individuals, community groups, and the wider community. In addition, the victim's losses can also be material, usually valued in money, and immaterial, such as feelings of fear, illness, sadness, psychological shock, and so on. The position of the victim in the criminal justice system and in practice is relatively less respected because Indonesian law still relies on protection for offenders (offender-oriented). In Indonesia, various legal provisions issued by the government also include the word "corporation." Therefore, corporations as legal or non-legal entities are considered capable of committing criminal acts (corporate crime) that can cause losses and can be held accountable in criminal law. With the many special regulations regarding corporations that commit crimes, these regulations include criminal sanctions for corporations. Since corporations do not have a physical body, the criminal sanctions that can be imposed on them are not classical criminal sanctions, except for sanctions related to fines or penalties.

In general, the imposition of fines on corporations is optimal given that their execution is relatively easy, especially if previously corporate assets that are considered closely related to proven criminal acts have been seized. In addition to the imposition of the primary punishment in the form of fines, additional punishment in various forms can be given to the corporation, such as temporary revocation of licenses, prohibition of certain business activities for a certain period, or dissolution of the corporation in question. In addition to fines, additional punishment can be imposed, such as freezing some or all of the corporation's business activities, revocation of business licenses, dissolution and/or prohibition of the corporation, seizure of corporate assets for the state and/or taking over the corporation by the state. Judicial decisions affect criminal sanctions against corporate offenders, and their decisions are considered just if they are in accordance with legal justice or justice in practice.

Thomas Aquinas distinguished three types of law, namely eternal law (*lex aeterna*), natural law (*lex naturalis*), and human and positive law (*lex humana*). He also provided his views on the issue of justice. According to Aquinas, the virtue of justice determines how individuals should relate to one another, not only in terms of what is legally right (*iustum*) but also in terms of what is proportionally fair (*aliquid opus adaequatum alteri secundum aliquem aequalitatis modum*). The alternative is defined in the Indonesian dictionary as referring to several options or "other choices." Therefore, according to Aquinas, justice towards the principles of general and special justice conceives the concept of alternative justice. Alternative justice is a way of imposing cumulative criminal sanctions in the settlement of corporate criminal cases. This is due to various legal cases related to corporate criminal acts where perpetrators do not receive proportionally equivalent criminal sanctions based on the principles of Aquinas, which states that a punishment is proportional when it is equal to what was done, meaning that the punishment is equivalent to the crime committed. This is based on the quantitative principle of the harm caused and the number of victims affected by the same perpetrator. This principle is influenced by justice, which according to Aquinas can be divided into:

1. Distributive justice (*iustitia distributiva*) is justice related to distribution.
2. Legal justice (*iustitia legalis*) pertains to the implementation of the law, or general justice or justice according to the law that corresponds to *lex naturalis*.
3. Commutative justice or justice in exchange (*iustitia commutativa*) is based on achieving the general justice desired by the law that must be implemented for the public interest.

Explanation of Article 20 paragraph (1) of the Anti-Corruption Law refers to the fact that the term "executives" is not only limited to those who are members of a corporate body that carries out management as determined in the articles of association (executives in a formal juridical sense), but also includes anyone who in reality or fact determines corporate policies, including executives who, although not formally authorized to carry out management, in reality carry out management. However, in reality, cumulative criminal sanctions are regulated in the law. In addition, for corporate criminal acts that do not involve state losses but losses to the community due to embezzlement, fraud, investment scams, loans, and others, this refers to corporations as legal subjects in the corruption law, and cumulative legal sanctions can be applied through alternative justice techniques by judges' decisions in assessing various considerations and approaches based on the principle of the quantity of losses and the number of victims harmed by the perpetrator. The same cumulative criminal sanctions, according to the author, are a solution to solving corporate criminal problems that have a significant impact on society. The presence of alternative justice that the author proposes through cumulative law is a form of criminal legal protection for victims against corporate criminal acts in seeking justice, which according to Thomas Aquinas's thought, the imposition of punishment should be proportionate to what has been done, and cumulative criminal sanctions are an alternative choice in providing proportional justice.

II. METHOD

This study utilized secondary data sources from literature studies, such as articles, books, research findings, and other reliable literature. Data collection techniques involved reading, quoting, and analyzing. The data obtained were analyzed using qualitative descriptive methods. The study also conducted an analysis of laws and regulations related to corporate crime and an analysis of the data to gain a deeper understanding (Firdaus, A., 2018). In conducting the analysis, the researcher used a qualitative approach to obtain a deeper understanding of the phenomenon of corporate crime and legal protection for victims. The normative juridical method was used as an explanatory research type that enabled the researcher to analyze laws and regulations, including the Criminal Code, to provide an overview of the criminal sanctions for corporate crime within a concept of justice for the victims of corporate crime. This concept of justice was adopted from the ideas of Thomas Aquinas, enabling the researcher to analyze alternative justice in the form of cumulative law as an effort to ensure protection for corporate crime victims in obtaining their rights and justice from law enforcement authorities, in realizing legal protection.

III. RESULT AND DISCUSSION

The Alternative Justice Concept in the Form of Cumulative Criminal Sanctions as an Effort to Protect Corporate Victims

The characteristic of the cumulative sanction system in the law is marked by the use of the conjunction "and" in its formulation. According to the online version of Kamus Besar Bahasa Indonesia, the word "and" is a coordinating conjunction in the same unit of language (word, phrase, clause, and sentence) with the same type and function. As for the meaning of cumulative, which means adding, the word "and" is cumulative. However, unlike the opinion of Aryadi & Pudyatmoko (2020), the current Indonesian Criminal Code (KUHP) does not provide a formulation on how a person is deemed responsible and what criteria are used to determine responsibility. The criminal responsibility system in Indonesian criminal law currently adheres to the principle of fault as one of the principles in addition to the principle of legality in Article 1 of the Criminal Code. Criminal responsibility is a form of action by a criminal offender for the mistakes they have made. Therefore, criminal responsibility arises because of mistakes that constitute a criminal act committed by a person and there are rules governing such a criminal act (Sr. Sianturi, 1996).

The issue of corporations as criminal law subjects is not separate from civil law aspects. In civil law, individuals are not the only legal subjects recognized. Article 59 of the Indonesian Criminal Code states, "In cases where a penalty is determined for the violation by directors, members of the executive board, or commissioners, the directors, members of the executive board, or commissioners who are not involved in the violation shall not be punished." This article explains that corporations can be subjects of criminal sanctions, which can be in the form of fines or compensation, along with other additional penalties. This is because there are other legal subjects who have rights and can perform legal acts just like individuals, unlike the Criminal Code which only recognizes individuals as legal subjects.

Corporations, based on Article 1 Paragraph (1) of the Anti-Corruption Law as well as Article 1 Paragraph (1) of Indonesian Supreme Court Regulation No. 13/2016, are formulated with the same understanding as the following quote: "Corporation is a group of people and/or assets that are organized and can be legal or non-legal entities." The cumulative theory explanation is based on the legislative process and has historical, sociological, juridical, and political reasons. According to the Indonesian Dictionary, cumulative is related to accumulation, meaning an addition that occurs from a growing part, accumulating in a pile. The definition of cumulative is everything that is constantly increasing or accumulating from various sides or parts, derived from the Latin word "Cumulare". Therefore, if a corporation commits fraud against 50 victims, the definite punishment is 50 x 4 years, which is 200 years. This is necessary to make fraudulent and embezzlement perpetrators within the corporation become deterred, or at least if the expected money cannot be returned, the punishment will make people deterred from committing corporate crimes. The concept of justice throughout history is diverse, and justice in its historical development is interpreted in various ways, ranging from justice as a fundamental virtue or as an idea. In its current development, justice is no longer conceptualized as an idea, but more as a value. It is an objective reality outside of human consciousness or subjective awareness in humans that takes the form of an attitude. A value is created when there is a reciprocal relationship between objective reality and subjective awareness. A particular value will arise if there is a human attitude towards a particular issue, and at the same time, there will also be an answer to that concern that humans possess. Conceptually, a value is understood in two ways: subjectively and objectively (F.X. Mudji Sutrisno, 1993).

The description of the division of justice according to Thomas Aquinas (Budiono Kusomohamidjojo, 2011) is as follows:

1. Distributive justice (*iustitia distributiva*) is justice related to distribution.
2. Legal justice (*iustitia legalis*) pertains to the implementation of the law, or general justice or justice according to law in accordance with the *lex naturalis*.
3. Commutative justice or justice in exchange (*iustitia commutativa*).
4. Retributive justice (*iustitia vindicativa*) concerning criminal law sanctions from Thomas' thought, the author consolidates these thoughts into the form of alternative justice, namely the concept of alternative justice

The justice referred to by the author is one that involves obtaining justice proportional to what is rightfully due to the perpetrator and victim, with proportionality balancing according to rights, portions, and what has been done that is equitable. Alternative justice is representative of the adoption of Thomas Aquinas's thoughts, namely distributive justice (*iustitia distributiva*).

Thomas Aquinas's proposed distributive justice is basically a reincarnation of Aristotle's distributive justice through proportional division of rights and obligations. Distributive justice is a form of respect for the dignity of human beings. Distributive justice is a concept of justice that requires everyone to receive what is rightfully due to them proportionally. In the context of law enforcement, legal provisions must certainly be based on distributive justice, the appropriateness of punishment for the actions taken, and social utility. Furthermore, in the context of government, distributive justice is a form of justice that organizes the relationship between the state and society. In relation to the governance system, distributive justice refers to the role of the governance system and its government in distributing rights and obligations fairly and proportionally to every member of society.

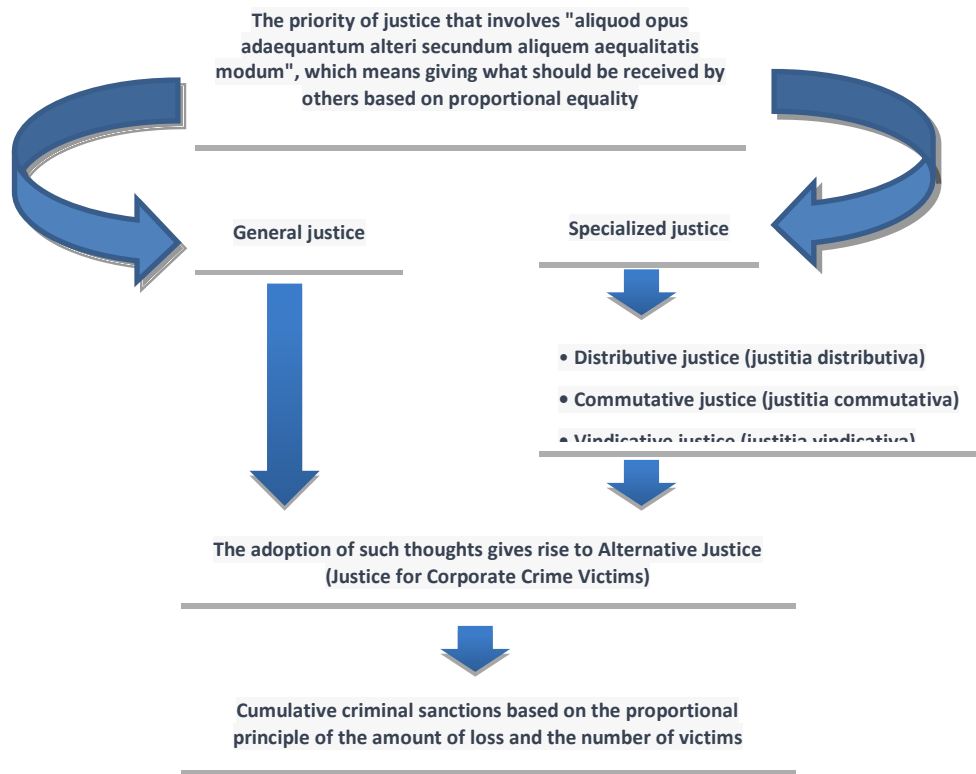
Furthermore, commutative justice or justice in solidarity does not differentiate between degrees or positions in society. Essentially, commutative justice is a primary relationship between individuals in society or justice that regulates interpersonal relationships. Commutative justice requires giving to someone equally.

According to commutative justice, it is considered fair if everyone receives the same treatment and is treated equally regardless of status, position, or gender.

The last one is vindictive justice (*justitia vindicativa*), which is a concept of justice that demands punishment that is commensurate with the offense committed. Vindictive justice tends to lean towards retributive action. According to Aristotle, such retribution is commonly applied in criminal law with a proportionate balance between the offense and the punishment given. Based on vindictive justice, treatment of someone is considered unfair if the prison sentence or fine imposed is in accordance with the predetermined punishment for the crime committed, but rather should be commensurate with the harm caused by the act. Upon further examination, the concept of vindictive justice has been adopted by Indonesia. The concept of vindictive justice is adopted by Article 6 of Law Number 12 of 2011 concerning the Formation of Legislation, which stipulates that every content of legislation must reflect proportional justice for every citizen. This is in line with the principle of cumulative law as an alternative means of obtaining justice. The proportionate sanction referred to in the thinking of Thomas Aquinas is in accordance with the amount of harm caused and the number of victims affected, which must be commensurate in imposing criminal sanctions. The Attorney General of the Republic of Indonesia through Letter of the Attorney General of RI Number: B-036/A/Ft./06/2009, Regarding: Corporations as suspects/defendants in corruption cases, dated 29 July 2009, which confirms the prosecution of corporations as suspects or defendants, if criminal liability in the corruption case is cumulatively attached to both the corporation's management as an individual legal subject and the corporation as a legal entity, then the case file and indictment against the corporation are done and submitted separately from the case file and indictment against the corporation's management. The principle of proportionality is characterized by the relationship between the intended goal and the means of achieving it, reducing harm, and balance. The relationship between the intended goal and the means of achieving it is an important characteristic because this relationship is the object that will be considered. Determining whether a way is beneficial, advantageous, appropriate, and suitable, starts with this relationship. The characteristic of reducing harm is the main point in the application of the principle of proportionality. From the relationship between the intended goal and the means of achieving it, a better and more advantageous way is chosen to reduce the harm that may occur. Thus, the result of applying this principle produces a fair decision and provides a balanced benefit between the parties involved in the case.

Discussing corporate crime, one of the things to consider is that heirs who have agreed to receive inheritance must also bear the responsibility of paying off debts, grants, wills, and other burdens in proportion to what they have received from the inheritance. Efforts that can be made against heirs to pay compensation are by seizing the heirs' assets as the implementation of a court decision that does not require court intervention in the case of seizure permission. If heirs do not want to fulfill their obligations, a lawsuit can be filed with the court. However, in practice, there are differences of opinion among judges in deciding such cases. The concept of justice is often interpreted differently, and it has many dimensions in various fields. In literature, justice is often defined as an attitude and character. The attitude and character that make people act and hope for justice is justice, while the attitude and character that make people act and hope for injustice is injustice. Generally, it is said that an unjust person is someone who does not comply with the law (unlawful, lawless) and is not fair (unfair), whereas a just person is someone who complies with the law (law-abiding) and is fair (Bushlack, T.J., 2011). Justice as part of social values has a very broad meaning and can even conflict with the law at some point, while alternatives are one of the social value systems. Discourses on justice occur in all parts of the world, including in Indonesia. As explained earlier, social unrest in Indonesia is thought to be caused by the lack of justice as expected by Indonesian society as a whole. Alternative justice is an issue where justice is the main concern in the concept of Natural Law in ancient Greece, with Thomas Aquinas laying the foundation for natural law. This is because at that time there was already a general idea of what was fair according to nature (Sumaryono, E., & Sardi, M., 2002) and what was fair had to be in accordance with the law (Made Subawa, 2007). Normatively, the implementation of justice in society is based on Article 16 Paragraph (1) of Law No. 4 of 2004, which states that justice must be upheld even if there is no normative provision. In practical terms, judges have the task of exploring and understanding legal values and the sense of justice in society based on Article 5 Paragraph (1) of Law No. 48 of 2009.

The following is a description of the alternative concept of justice in corporate crime based on the adoption of Thomas Aquinas' concept of justice, according to an analysis of several journals and reading sources, including the idea that justice in specialized sub-justice places criminal sanctions as a proportionate punishment according to what has been done, including in the imposition of sanctions against corporate crime (Lisska, A.J, 2015).

Diagram 1. Thomas Aquinas' Concept of Justice

Alternative justice is a technique in forming justice in legal products in the imposition of cumulative criminal sanctions for victims of corporate crime, because justice is essentially a characteristic and/or obligation rather than an absolute choice that must be given by the state to its people as a form of protection. This is stated in Law No. 39 of 1999 Article 3 paragraph 2. The justice referred to by the author is justice that arises from the idea of Thomas Aquinas in viewing justice in two aspects, general justice and special justice, as the goal of proportional punishment that has been carried out. The context of alternative justice is in the form of cumulative criminal sanctions. The meaning of cumulative is everything that is in the nature of combination, accumulation, or addition of parts, cumulative also means piling up. The imposition of cumulative sanctions is the imposition of two main types of criminal sanctions in criminal law, namely imprisonment and fines. Corruption is a law that adopts a system of formulating cumulative sanctions. The imposition of sanctions with cumulative characteristics does not provide alternatives for the defendant to choose between imprisonment or fines, but is imposed simultaneously, meaning that the defendant must be imposed with two main sanctions at once. An example of the formulation of cumulative sanctions is in the corruption law which has a special characteristic, namely the existence of the conjunction "and" in the formulation of cumulative sanctions as stated in articles such as Article 2, Article 6, Article 8, Article 9, Article 10, Article 12, Article 12B of Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Corruption Crimes in Corporations. Criminal acts that place corporations as legal subjects of criminal acts and have criminal liability can be prosecuted and sentenced based on Article 20 paragraph (7) of the Corruption Crime Law. The main penalty that can be imposed is a fine with a maximum penalty threat plus one-third and can be subject to additional penalties based on Article 18 paragraph (1) and paragraph (2) of the Corruption Crime Law. Furthermore, if corporate crime occurs in private companies based on analysis that corporations are legal subjects whether the crime involves state or societal losses, then the use of cumulative criminal sanctions is based on the theory of special justice (*iustitia specialis*). The application of cumulative criminal sanctions based on Corporate Crimes is regulated in Article 3 of the Supreme Court Regulation No. 13 of 2016 which states that Corporate Crimes are criminal acts committed by individuals based on employment relationships or other

relationships, both individually and together, who act for and on behalf of the corporation within or outside the corporate environment. It can be concluded that "Corporate Crime is a corporate act represented by a person representing the corporation as long as it is done acting on behalf of and for the interests of the corporation, where the act is an act that violates the law and can be held criminally responsible", based on the judge's consideration that the corporation is a legal subject.

The principle of proportional justice in Thomas Aquinas' letter is when it is applied to the same perpetrator who committed a crime with a large amount of loss that has a systemic impact on society and a large number of victims, then the application of cumulative sanctions is an alternative justice as a proportionate punishment. According to Van Bemmelen as quoted by Andi Zainal, the reason for imposing criminal sanctions in the form of suffering is to make criminal law the last resort (*ultimum remedium*) to improve human behavior, especially for criminals, and to provide psychological pressure so that others do not commit crimes. In many cases, large-scale crimes and cumulative criminal sanctions become the *ultimum remedium* contained in Indonesian criminal law, which states that criminal law should be used as a last resort in law enforcement (Sudikno Mertokusumo, 2006). As I examine from the perspective of a judge's decision in the Indosurya case, the perpetrator was acquitted despite having harmed nearly 23,000 victims of the community/nation. The alleged fraud and embezzlement case of the Indosurya Savings and Loan Cooperative (KSP) Henry Surya was acquitted of all charges of fraud and embezzlement through his company KSP Indosurya, with a total loss value to the victims of around Rp. 106 trillion, even though he was previously sentenced to 20 years in prison. If we analyze the Criminal Code's article on embezzlement and fraud, article 378 and 492, the maximum punishment is 4 years in prison or a fine of up to category V, which is Rp. 500 million, as well as article 372 and 486, which stipulate the maximum prison sentence of 4 years or a fine of up to category IV, which is Rp200 million. In the Indosurya case, Henry Surya was fined Rp 200 billion. Article 46 paragraph 1 of Law No. 10 of 1998 concerning Amendments to Law No. 7 of 1992 concerning Banking, juncto Article 55 paragraph 1 of the Criminal Code imposes a sentence of 20 years in prison and a fine of Rp. 200 billion as a substitute for a one-year imprisonment sentence. The Defendant's actions caused trauma to thousands of victims under the guise of a savings and loan cooperative KSP, with the loss to the victims' corporation reaching almost 106 trillion. Unfortunately, the Indosurya Henry Surya case was acquitted of all charges because it was not considered a criminal matter in the judge's decision, whereas in analyzing criminal responsibility under the provisions of the Criminal Code, corporations can be sued for the actions of their managers and employees. The element of guilt in the Criminal Code in the Indosurya case is embezzlement and fraud. Even if only the articles on embezzlement and fraud were applied, which provide a maximum prison sentence of only 4 years, it would be far from proportionate punishment considering the loss caused of 106 trillion. Thomas Aquinas' view on this matter is that the application of cumulative punishment sanctions is appropriate to respond to the sense of justice for corporate victims. This justice alternative becomes a choice in a judge's decision, evaluated based on the principle of the quantity of the amount and number of victims who have suffered losses. This can be analyzed based on the Theory of Approaches (Sanjaya, 2008), which can be used as a basis to consider a case in order to obtain a fair and beneficial decision for everyone in the present and future. Judges will use several theories, such as the theory of balance, art or intuition approach, expertise, and even judges will learn from experiences they gain from each trial. Judges also use the theory of *ratio decidendi*, which is the reasoning done by the judge, which then becomes the main reason for a judge's decision.

The considerations of the Judges in imposing a substitute imprisonment penalty as one of the cumulative sanctions in the verdict of a case being handled are based on legal reasoning and the facts presented in court. In corporate crime cases such as corruption, a thorough examination must be conducted to determine if the accused's actions are truly corrupt, and all evidence presented in court must be examined and considered by the judge in deciding the corruption case. In cases of corruption, the judges will consider every element of the criminal provisions charged against the defendant to determine if the elements have been fulfilled or not by the defendant's actions. The judges will also consider the facts, and various considerations in the judge's verdict will result in a proportional decision, which can be said to be appropriate according to the proportion of the corporate criminal's actions. This analysis is based on Thomas Aquinas' concept of justice, which is equality. According to him, justice relates to what someone should receive according to a proportional equality. Because the regulation of corporate crime should include the choice of criminal sanctions and/or disciplinary actions as additional penalties that can be imposed alternatively and/or cumulatively against the corporation, this includes fines, forfeiture of profits, takeover, temporary closure of buildings, temporary or permanent closure of corporations, revocation of permits, announcement of judge's decisions, temporary or permanent prohibition of certain actions. The purpose of imposing these sanctions is broad, including general prevention, specific prevention, conflict prevention, rehabilitation, making the offender incapable, and can be considered as retaliation (Sutan Remy Sjahdeini, 2011).

Referring to a corporate crime victim case with the imposition of a criminal penalty based on the amount of the victim's losses and the number of victims based on Thomas' view, the criminal penalty has not been said to fulfill the proportional principle (Harnoko, A. Y., & Ratnawati, I. Y., 2015) because the value is said to be equivalent to its proportionality when the value is the same as what was done and is rightfully theirs, whether in the form of imprisonment or compensation. This can be illustrated in the analysis of alternative justice, which can be achieved by impoverishing. Confiscation of assets is intended to send a strong message to corrupt actors that their criminal actions do not provide financial benefits, but rather impoverish them. Furthermore, the existence of seized items, confiscated goods, and execution-seized items as assets will eventually be viewed as something important. With this perspective, it is expected to initiate the emergence of the best possible and well-integrated efforts at every stage of law enforcement to maintain and preserve the value of assets related to criminal acts so that they can be used and utilized properly and bring economic justice.

Furthermore, alternative justice can be implemented by imposing criminal sanctions on more than two individuals and on perpetrators with more than one victim and losses. In such cases, alternative justice in the form of cumulative law is applied. Additionally, following the money in tracing money laundering and other criminal activities is a new approach in law enforcement. The advantage of the follow-the-money approach in tracing perpetrators and criminal proceeds is that it has a wider reach and is perceived to be fair, as seen in cases of illegal logging. This approach prioritizes the pursuit of criminal proceeds, rather than the criminals themselves, making it easier and less risky as it does not involve direct confrontation with potentially resistant perpetrators. The approach targets the criminal proceeds, which are later brought before the legal process and confiscated for the state, as perpetrators do not have the right to enjoy assets obtained through illegal means.

So far, cumulative sanctions have not been applied in Indonesia. In corporate crime cases involving corruption, two fundamental sanctions are imposed simultaneously and unconditionally, meaning that the judge imposes two fundamental penalties on the corporate criminal defendant for corruption. The two fundamental penalties that can be imposed according to Law No. 20 of 2001 on the Eradication of Corruption are imprisonment and fines. Alternative justice in the form of cumulative sanctions based on criminal principles is possible. Looking at the consequences of such crimes, their impact can be highly detrimental to a nation's economic resilience, which can be caused systemically within a nation. Therefore, the perpetrators are threatened with severe punishment to prevent them from repeating such acts, and those who have not yet committed such crimes are deterred from doing so.

IV. CONCLUSION

From the research and discussion conducted, it can be concluded that Thomas Aquinas' concept of justice emphasizes equality or equivalence. Based on the concept of justice of Thomas Aquinas, it is said to be just if someone obtains their rights and obligations according to a proportional equality. From this thought, an alternative form of justice emerged in the form of the application of cumulative criminal sanctions as an adoption of the theory of justice "iustitia specialis" in vindictive justice, which tends to be more focused on punitive actions. This concept is applied in the field of criminal law with a balanced or proportional distribution of punishment according to the offense committed. Alternative justice is the last option in a judge's decision on legal products to achieve justice for corporate victims. So far, cumulative law is regulated in corruption eradication criminal acts that harm the state. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Eradication in corporations that are cumulative-alternative, with the phrase "corporations and/or managers" in the formulation of article 20 paragraph (1), then to prosecute and impose criminal sanctions in the case of corruption can be done by or on behalf of a corporation against "corporations and managers" or against "corporations" only or "managers" only. The criminal act that places the corporation as a legal subject of the criminal act and has criminal liability can be prosecuted and punished based on the provisions of Article 20 paragraph (7) of the Corruption Eradication Law. The primary penalty that can be imposed is a fine with a maximum threat of a fine increased by 1/3 (one-third) and can be subject to additional penalties based on the provisions of Article 18 paragraph (1) and paragraph (2) of the Corruption Eradication Law.

The formulation of cumulative sanctions in corruption crimes has a special characteristic, which is the conjunction "and" in the formulation of cumulative sanctions, as stated in Article 2, Article 6, Article 8, Article 9, Article 10, Article 12, and Article 12B of Law Number 20 of 2001 concerning Amendments to Law Number

31 of 1999 concerning Corruption Eradication in corporations. The criminal act that places the corporation as a legal subject of the criminal act and has criminal liability can be prosecuted and punished based on the provisions of Article 20 paragraph (7) of the Corruption Eradication Law. The primary penalty that can be imposed is a fine with a maximum threat of a fine increased by 1/3 (one-third) and can be subject to additional penalties based on the provisions of Article 18 paragraph (1) and paragraph (2) of the Corruption Eradication Law. Furthermore, if a corporate crime occurs in a private company, based on the analysis that the corporation is a legal subject whether the crime involves state losses or public losses, the application of cumulative criminal sanctions is based on the theory of justice "iustitia specialis." The application of cumulative criminal sanctions for Corporate Crimes as regulated in Article 3 of Supreme Court Regulation Number 13 of 2016 states that Corporate Crimes are crimes committed by individuals based on employment relationships or other relationships, either individually or together, who act for and on behalf of corporations both inside and outside the corporation.

It can be concluded that Corporate Crime is a corporate act represented by individuals who represent the corporation as long as the act is carried out on behalf and for the benefit of the corporation, where such act is a violation of the law and can be subject to criminal liability. Considerations of judicial decisions based on corporations as legal subjects, the principle of proportional justice in the writing of Thomas Aquinas is applied to the same perpetrator who commits a crime with a large amount of losses and systemic impact on society and numerous victims. Thus, the application of cumulative sanctions is an alternative justice as a proportionate punishment as the principle of *ultimum remedium*, which is one of the principles in Indonesian criminal law, stating that criminal law should be the last resort in law enforcement. According to Van Bemmelen, as quoted by Andi Zainal, the reason for imposing criminal sanctions is to make the perpetrator suffer, which makes criminal law used as a last resort (*ultimum remedium*) to improve human behavior, especially for criminals, and provide psychological pressure so that others do not commit crimes.

V. REFERENCES

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