



Accountability of Corporate Criminal Implementation for the Defendant of Character Assassination Acts

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Abstract: *The phenomenon of character assassination is now increasingly prevalent in the digital realm, often carried out by corporate entities through destructive information campaigns. Unfortunately, the criminal law system in Indonesia has not been fully able to provide strict accountability for legal entities. This research aims to analyze how criminal accountability can be applied to corporations involved in character assassination. The research method used is a normative juridical approach with qualitative analysis techniques of relevant regulations and case studies. The results of the study show that there is a void of norms in Indonesian criminal law related to corporate criminal liability in non-physical cases such as digital defamation.*

Keywords: *Accountability, Digital, Law, Character, Corporation, Criminal*

1. BACKGROUND

The development of information and communication technology has driven a major transformation in the way individuals and institutions interact in the public sphere, including in terms of expressing opinions and information. However, this progress has also created serious challenges, namely the increasing intensity of non-physical crimes such as character assassination, which is a systematic action to damage a person's reputation, credibility and integrity in the eyes of the public. This act is often carried out by spreading information that is not necessarily accurate, even systematically manipulated, in order to bring down a certain subject. In practice, corporations can be the main actors in acts of character assassination, whether through misguided corporate communication strategies, the use of third-party services such as digital buzzers, or through engineered media campaigns. This phenomenon not only harms individual rights to good name and dignity, but also creates an imbalance of power because corporations have greater resources in controlling public narratives. According to Wahyudi (2022), the power of corporate communication combined with social media algorithms has become a powerful weapon in influencing public perception and leading to psychological, social, and even economic impacts for victims. (Prasetyo, M. (2022)).

The absence of explicit and adequate regulations in the national criminal law system related to corporate criminal liability in the context of character assassination is a challenge in itself. Indonesian criminal law still tends to be oriented towards individuals as the main legal

subject, while legal entities such as corporations often "escape" from the appropriate legal trap. This is exacerbated by the lack of uniformity in the implementation of Article 118 of the new Criminal Code which mentions the possibility of criminal liability for corporations, but without strong implementation guidelines. The study by Nurhalim and Lestari (2023) shows that the vagueness of norms in corporate criminal regulations opens a gap for corporate perpetrators to take refuge behind legal entities, and free themselves from legal consequences that would have applied if the perpetrators were individuals. This situation has the potential to undermine the principle of justice and create a sense of public distrust of the legal system.

The characteristics of character assassination that are massive, systematic, and covert also cause the evidentiary process in the criminal realm to be very complex. Corporations as collective legal subjects have structures and organs that share responsibilities, so that the proof of malicious intent (*mens rea*) becomes blurred and not directed at certain individuals. Coupled with the fact that most character assassination activities are carried out in digital spaces that cross jurisdictional boundaries, conventional criminal law instruments are no longer adequate to reach the complexity of these actions. According to Santosa (2024), existing criminal law mechanisms must be reformulated in the context of digital crimes, including in determining the standards of collective criminal liability such as corporations. This condition underscores the importance of criminal law reform based on contemporary perspectives that take into account the dynamics of technology and new, rapidly evolving crime patterns. (Hidayat, S. (2024)).

The role of the state in providing legal protection for victims of character assassination is crucial, but currently it still seems minimal. The state has not been optimal in creating a legal ecosystem that is able to balance between freedom of expression and protection of the right to reputation. In many cases, victims have to take legal action personally with a heavy burden of proof, while perpetrators who are large corporations often take cover behind the complexity of formal law. In addition, people's legal literacy about ethical boundaries is low. According to research by Hamzah (2023), the weak regulatory intervention from the state in regulating the digital responsibility of corporate actors is the main cause of the high number of violations of individual reputation rights, especially on social media and other online channels. This situation shows a serious gap between social reality and the existing legal structure.

2. THEORETICAL STUDY

Character Assassination Concept

Character assassination is a form of non-physical violence that attacks a person's personal integrity through the systematic, repeated, and deliberate dissemination of negative information to damage the reputation and public esteem of the victim. This action does not always contain elements of explicit lies as in ordinary defamation, but is more manipulative by utilizing weak information, twisted facts, or unilaterally constructed narratives. According to a study conducted by Ramadhan (2022), character assassination has evolved from traditional practices such as slander to social and political strategies used by individuals and institutions to bring down opponents without having to use physical force. The spread of viral digital content through social media makes this action easier to do, spreads quickly, and is difficult to control. The impact of character assassination not only affects the social and psychological aspects of the victim, but also has a direct impact on their economic conditions, personal relationships, and social position in society. (Kurniawan, S. (2022)).

The conceptual dimension of character assassination is inseparable from political and social communication studies, where character attacks are a key tool in creating negative perceptions of individuals, particularly public figures or those perceived to have influence. Character in this context includes a combination of public perceptions of a person's morality, integrity, honesty and professionalism, and when that character is undermined through a massive information campaign, the individual's credibility can collapse without the need for legal evidence. Character assassination is often carried out in the form of black campaigns, media framing, data manipulation, and disinformation packaged in a seemingly objective narrative. Yulianto (2023) explains that the main strength of character assassination lies in its ability to build public opinion through an emotional approach that leads perception, not logic, so that the public is easily provoked and imposes social judgment on the victim. Victims who are targeted are generally difficult to restore their reputation, even though they have been proven innocent by law.

Corporate Crime in Indonesian Law

Corporate crime is a form of legal responsibility given to a business entity or legal entity in the form of a corporation for a criminal offense committed by the management, employees, or organs of the company on behalf of and for the benefit of the corporation itself. In the context of the Indonesian legal system, the recognition of corporations as subjects of criminal law has undergone significant development, especially after accommodating the principle of corporate criminal liability in several sectoral laws such as the Corruption Law, the Environment Law,

and the Electronic Information and Transaction Law (ITE). Criminal enforcement against corporations is regulated based on the principle that although corporations are not human, they have legal will and capacity to act through their authorized representatives. According to Subekti (2023), the basic principle of corporate criminal liability in Indonesia is built on the principle that the actions and intentions of the management can be attached to the corporation as a legal entity, so that if it is proven to fulfill the elements of the offense, the corporation can be sentenced to punishment just like an individual legal subject. (Hartanto, P. (2022)).

The legal framework in Indonesia shows that criminal liability of corporations is not only symbolic or administrative, but can be realized in the form of basic and additional punishment. This provision can be seen in Supreme Court Regulation No. 13/2016 on the Procedure for Handling Crimes by Corporations, which explicitly regulates the mechanism of punishment against legal entities including forms of punishment such as fines, deprivation of profits, and revocation of business licenses. This norm is an important breakthrough in the national legal system because it provides an operational basis for law enforcers to drag corporations to court and decide on punishment directly to legal entities without the need to associate exclusively with individual perpetrators. Pranowo (2022) stated that the application of corporate crime in Indonesia began to show a progressive trend, although in practice it still faces serious challenges such as proving corporate malicious intent and limited apparatus resources in handling crimes involving complex entities such as corporations.

Accountability in the Corporate Context

Accountability in the corporate context is a fundamental principle that demands that every action, policy and decision taken by a business entity be legally, socially and morally accountable to relevant stakeholders. In modern legal systems, accountability is not only defined as administrative or financial reporting to supervisory authorities, but also concerns the corporation's ability to answer and be responsible for the impacts caused by its business activities, including if these activities cause harm to other parties or society at large. Corporations as legal entities have unique characteristics because they act not as individuals but as collective organizations that have internal structures, management, and separation of ownership and operations. Therefore, the principle of accountability must be applied through an internal system that can trace and assign responsibility to actors in the corporation who are decision makers.

According to Harjanto (2023), one of the main challenges in building corporate accountability is how to develop a system that can link strategic decisions with concrete legal responsibilities, especially when these decisions have a negative impact on external parties

such as consumers, society, or even individuals who are targeted for character assassination through corporate digital campaigns. In certain cases, corporate responsibility becomes blurred due to the absence of individuals who are directly found guilty, so a collective accountability model is needed that allows the legal entity itself to be held criminally liable, including through criminal sanction instruments such as corporate fines, license revocation, or suspension of business activities. This model is in line with the progressive approach of modern criminal law that recognizes the existence of corporations as legal subjects with significant social impacts.

Corporate accountability in the criminal law framework must be accompanied by legal and institutional tools that are able to detect, assess, and impose sanctions on corporate actions that harm society or violate legal norms. In the case of character assassination carried out structurally by companies through negative communication strategies, for example, the form of accountability is not sufficient only in the civil realm, but must penetrate into the criminal realm to provide a deterrent effect and maintain the integrity of the legal system. According to Rinaldi and Mardika (2024), corporations that systematically produce, disseminate, or finance content that damages the reputation of individuals should be subject to criminal liability based on the principle of collective crime, where collective evil intent can be proven through internal documents, command structures, or communication patterns that indicate the organization of criminal acts.

3. RESEARCH METHODS

This research uses a normative juridical approach, which focuses on a literature study of legal norms relevant to corporate criminal accountability in character assassination. This method aims to examine laws and regulations such as the Criminal Code, Law No. 40/2007 on Limited Liability Companies, as well as other legal provisions related to corporate crime. In addition, secondary legal materials in the form of books, scientific journals, and experts' opinions are also used to strengthen conceptual and normative analysis.

Data is collected through library research by reviewing legal documents, academic literature, and relevant court decisions. To enrich the perspective, a limited comparative approach is used to the legal systems of other countries that are more advanced in the application of corporate crime, such as the United States and the Netherlands, specifically related to reputation-based crimes and digital media.

The analysis is done descriptively-qualitatively, by describing the data obtained and interpreting it systematically based on the principles of criminal law and corporate

responsibility. This research links legal theory with actual conditions in order to compile valid and contextual legal arguments, so as to answer the problem formulation as a whole.

4. RESULTS AND DISCUSSION

Cases of Character Assassination by Corporations

Individual character as a social entity inherent in public life is often a strategic target in corporative conflicts involving media power and economic interests. Character assassination carried out by corporations generally leads to systematic efforts to form a negative image through the dissemination of misleading information, media framing, and exploitation of public opinion. According to the results of Mustofa's research (2023), character assassination has transformed into an aggressive business strategy in an effort to undermine the credibility of parties deemed to threaten corporate stability or profits. This activity is exacerbated by the existence of mass media affiliated with the interests of capital owners so that news objectivity is often sacrificed to attack individuals personally. (Fauzan, R. (2023)).

The practice of character assassination can be found in cases of disputes between large companies and internal whistleblowers, where companies use the media to discredit employees who leak ethical lapses or violations of the law. A study by Wahyuni (2023) revealed that in the corporate context, whistleblowers are often targeted by organized negative campaigns, creating a public perception that whistleblowers are system disruptors, even though their actions are a form of loyalty to the law. In contrast to government action in the form of public laws, which arise from its special powers, government action in the form of regulatory policy cannot be scrutinised because the government action does not form a legal basis for the decisions that the policy regulates. (Saragih, Y. M., & Medaline, O. (2018, March)). This process is supported by the use of strategic communication agencies that produce certain narratives to cover up corporate scandals by herding personal issues that corner the whistleblower. The concept of reputation as an individual's social power becomes very vulnerable when dealing with corporative economic interests.

A major case that can be used as an example is the environmental scandal by a palm oil company that was prosecuted by a local activist who later became a victim of character assassination through massive negative coverage. The activist was tendentiously reported in media outlets allegedly under corporate control, highlighting her personal life and family background with narratives framed in such a way as to damage her public image. According to a report from the Institute for Public Information Studies (2022), this character assassination strategy has proven effective in making activists lose legitimacy in the eyes of the public and

making it easier for corporations to continue their projects without social barriers. This incident shows that corporations not only have economic power but also the influence of opinion that can defeat the truth and legal facts.

The use of social media as a tool of character assassination is becoming increasingly common by corporations that feel threatened by critical voices. Fake accounts, bots, and corporate-sponsored cyber campaigns are used to build narratives that undermine the credibility of opponents through personal attacks. A study by Lestari (2022) confirms that many negative digital campaigns against activists or business competitors originate from corporate PR units that use third-party services to spread issues. The character of public figures who speak out critically against corporate policies is slowly shaped as problematic, anti-nationalist, or even moral criminals through repeated distribution of false information. This process occurs in cyberspace that has wide penetration without adequate fact verification control.

The legal implications of corporate character assassination still do not have a firm umbrella in the Indonesian criminal law system, especially if it is carried out in non-violent ways involving the media and the digital world. According to Suharto (2023), this legal gap is used by corporations to move in the gray area under the pretext of freedom of expression and legal business activities. Efforts to criminalize victims occur more often than law enforcement against corporate perpetrators. Many cases show that the reporter or victim is actually reported back by the company on charges of defamation or violation of the ITE Law, showing that the power of capital is able to reverse the logic of the law. The unequal position between individuals and corporate entities in this practice strengthens the urgency of criminal law reform that regulates corporate criminal liability substantively and contextually.

Legal Gaps in Corporate Criminal Enforcement

The Indonesian legal system still faces serious challenges in placing corporations as subjects of criminal law that can be held fully and fairly accountable. Many regulations have not explicitly established a mechanism for criminalizing legal entities, especially in terms of non-physical offenses such as character assassination carried out through the media or corporate communications. Law enforcement becomes even more difficult when regulations do not provide a strict definition of the forms of corporate crime based on reputational damage and social manipulation. According to recent research by Harsono (2023), this legal vacuum results in law enforcement confusion in determining whether a business entity can be subject to criminal sanctions when their activities harm a person's dignity or reputation. The legal position that is still normative and lacks contextualization of technological developments and

digital communication strategies shows that the justice system is not ready to overcome new forms of crimes committed by corporations in a modern framework. (Santoso, J. (2023)).

The criminal law instruments available in the Criminal Code (KUHP) are still very limited in reaching non-conventional crimes committed by corporations through digital channels and mass media. The articles used often still rely on the assumption of individual perpetrators, so that when the perpetrator is a legal entity, the proof process becomes very complex and creates inequality between victims and corporations. Research by Maulida (2022) states that the Criminal Code does not have adequate technical provisions on how to prove *mens rea* or malicious intent in the context of corporations as perpetrators. The criminal process is often hampered at the stage of identifying who personally represents the will of the corporation, so that the legal process can be easily manipulated by placing responsibility on small individuals who are not directly concerned. The absence of a mechanism for imposing structural sanctions on organizations is one of the main causes of weak corporate criminal enforcement in Indonesia.

Law enforcement against corporate crime is also often faced with technical obstacles in the form of uncertainty in proving collective criminal liability. In many cases, character assassination is carried out collectively by the communications team or PR division of a company, working on behalf of management and strategy. However, in judicial practice, identification of perpetrators is often directed at individuals without regard to the command structure within the corporation. A study by Ramdhani (2024) reveals that this practice obscures the structure of responsibility, as individuals who become defendants often do not have the capacity to make strategic decisions, but only carry out the instructions of superiors. Law enforcement that fails to dismantle the organizational structure and decision-making system within the corporation will always put the criminal process in a weak position, because it is unable to target the real root of the problem.

The lack of synchronization between sectoral laws and the Criminal Code also exacerbates the existing legal gaps in the handling of corporate crimes, especially those related to attacks on individual honor and character. Some sectoral regulations such as the ITE Law, Press Law, and Consumer Protection Law do regulate corporate responsibility, but the substance of the punishment is still weak and does not have the driving force towards the collective accountability of the organization. Research by Sari (2023) shows that this inconsistency between regulations causes law enforcement officials to often hesitate in ensnaring corporate offenders, for fear of overlapping authority and multiple interpretations in law enforcement. As a result, many legal reports related to corporate crime end up in

administrative peaceful efforts or only ensnare individual field implementers, without touching the managerial level that should be strategically responsible.

The dominance of the economic and political power of corporations in the justice system creates significant structural inequalities for victims. Many cases show that large corporations have access to stronger legal resources, including professional teams of lawyers, media influence, and power relations with legal officials. This causes the law enforcement process against corporations to often not run objectively. Research by Nugroho (2022) proves that in many corporate criminal cases, victims who try to demand justice actually receive backlash, whether in the form of civil suits, complaints to the police, or digital attacks on social media. This inequality shows how ineffective the current legal system is in providing protection to individuals when dealing with corporate entities that have far greater economic power and influence.

Recommendations for Regulatory Updates

The reconstruction of regulations on corporate crime in Indonesia is urgently carried out through a progressive legal approach that places the principle of substantive justice above formalistic legality. The regulation must contain a more detailed description of the forms of corporate crime, including non-physical crimes such as character assassination committed through digital communication instruments. It is not enough just to mention corporations as subjects of criminal law, but it is necessary to emphasize how the mechanism of proof, accountability, and sanction structure can be applied systematically and fairly. Research by Fauzan (2023) underlines the importance of the presence of new norms in the national legal system that explicitly respond to reputational crimes as a form of corporate-based criminal offenses, considering that the social and psychological impacts are no less damaging than physical crimes.

Regulatory reform must touch the epistemic realm in criminal law, namely how knowledge about criminals is expanded to include institutions, structures and social networks that underlie deviant behavior in corporate entities. The concept of *corporate mens rea* needs to be translated into clear regulations regarding who can be held accountable and how institutional will can be legally identified. Research by Dewantara (2024) shows that criminal enforcement against corporations is greatly helped when the legal system adopts a *respondeat superior* approach, where mistakes made by employees within the scope of their work become the full responsibility of the institution. This approach provides legal certainty and breaks the tendency of corporations to avoid criminal sanctions by blaming individuals alone.

New regulations should establish internal transparency obligations within legal entities to promote structural accountability. Each company must have documented internal control mechanisms, including public communication protocols, use of social media, and campaign strategies involving third-party names. The implementation of this standard should be complemented by regular audits by independent institutions to avoid data manipulation. The study from Permata (2023) emphasizes that character assassination is often carried out systemically by corporations through a series of planned content and narratives, so regulations must be able to penetrate the planning layer and not stop at the end product. Progressive regulations will force corporations to be more careful and responsible in every aspect of their activities that have the potential to harm an individual's reputation. (Kusumawati, N. (2023))

The need for criminal law instruments that directly touch the areas of responsibility of directors, commissioners and owners of capital in cases of corporate character assassination cannot be ignored. The current rules are too weak in penetrating the protective walls of structural positions, so that only those in the field or executors can be charged. In a study by Kurniawan (2022), it was found that many companies use tiered layers of responsibility to create *plausible deniability*, where top management can avoid legal involvement by claiming ignorance of the actions of their subordinates. The updated regulation should explicitly contain the formulation of collective responsibility and leadership responsibility for organizational crime, so that the deterrent effect is not only on technical executives.

Adjustment to the development of information and communication technology must be an integral part of corporate criminal regulation reform. Character assassination crimes facilitated by digital platforms require a legal approach that is adaptive to the dynamics of cyberspace. Regulations should no longer wait until after the crime has occurred, but instead should set up a prevention framework based on digital forensics, narrative monitoring, and tracking the source of commands. Research by Wulandari (2024) suggests that criminal law in the digital era should include specific provisions regarding digital evidence in the context of corporate crime, including tracking algorithms, meta data, and internal communication records.

5. CLOSING

Conclusion

The conclusion of the discussion in this paper confirms that the accountability of the application of corporate crime for defendants who commit character assassination is an urgent need in the Indonesian criminal law system, especially in facing the dynamics of modern crimes that are increasingly complex and systematic.

Character assassination crimes committed by corporations through various media, both conventional and digital, have proven to have a significant impact on the social, psychological, and even economic lives of victims, and require law enforcement that not only touches individual executors, but also corporate entities as institutions that have collective will. Reformulation of legal norms that are more progressive and responsive to reputation-based crimes must be carried out, by strengthening the conceptual basis of corporate crime, clarifying evidentiary standards, and expanding the scope of legal subjects to include internal policy makers in corporate structures. This urgency is reinforced by the findings in various contemporary legal studies which state that the vagueness of current regulations has become a legal loophole that is actually utilized by corporations to systematically avoid criminal responsibility.

Therefore, regulatory reforms that integrate the principles of restorative justice, structural accountability, and adaptation to technological developments are crucial steps so that the Indonesian criminal justice system can truly uphold justice in cases of crimes committed by corporations, including in the context of character assassination which is often difficult to prove but has a broad impact on society.

Suggestions

1. The government needs to draft a special law on corporate crime that covers digital and information crimes.
2. Law enforcement should be provided with specialized training and guidance in handling cases involving non-human entities.
3. Corporations need to establish an internal control system that ensures that there is no violation of the law in the name of business strategy.

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