

## CHALLENGES AND PROSPECTS FOR REPLACEMENT MONEY IN ADDRESSING CORRUPTION CRIMES IN THE INDONESIAN CORPORATE WORLD

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### ABSTRACT

This research examines the challenges and prospects of implementing replacement money in tackling criminal acts of corruption in the Indonesian corporate world. The research method was carried out through a normative juridical approach by analyzing related laws, case studies, and interviews with legal and business practitioners. The discussion begins by exploring the legal context, especially Article 18B of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001. The results of the research show that the application of replacement money as a legal instrument has significant prospects in providing a deterrent effect, and recover state losses. However, challenges arise in implementation practices, especially regarding the availability of accurate financial data and the company's ability to pay replacement money. Article 18B which provides the legal basis for the application of replacement money also requires further clarification to ensure consistency and effectiveness in handling corruption cases in the corporate world. The research results show that although replacement money has prospects in overcoming criminal acts of corruption in the business sector, additional steps are needed to increase its effectiveness. Recommendations include increasing cooperation between law enforcement agencies and companies, as well as expanding the scope of regulations to cover more aspects of business practices that have the potential to become a venue for corrupt practices. This research contributes to detailing the challenges and prospects for implementing replacement money as a legal instrument in the context of criminal acts of corruption in the Indonesian corporate world.

**Keywords:** *prospects for replacement money, corruption crimes, in indonesian companies*

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### INTRODUCTION

Corruption in the corporate world is a serious challenge to Indonesia's economic integrity. Therefore, there needs to be effective efforts to tackle criminal acts of corruption in the business realm. One of the legal instruments that is in the spotlight in this context is the application of replacement money as an effort to recover state losses and provide a deterrent effect to perpetrators of corruption (Hiola, 2022).

The challenges and prospects for implementing replacement money in the Indonesian business context have deep roots in the legal framework (Ulfi, 2020). As a starting point for discussion, we need to detail the legal basis for implementing replacement money, especially those related to Article 18B of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001. This article provides the basis for imposing sanctions compensation money for perpetrators of corruption.

However, in practice, the implementation of replacement money in the Indonesian corporate world faces complex challenges (Mahmud, 2017). One of the main challenges is related to the availability of accurate financial data (Fauzi et al., 2016). The discussion will explain that the success of the replacement money calculation process is very dependent on the transparency and accuracy of the company's financial reports related to criminal acts of corruption.

In addition, the prospect of implementing cash compensation may be hampered by the company's capacity to pay the required amount (Tajuddin, 2015). This creates an ethical and practical dilemma, where law enforcement must consider the sustainability of the company's business while providing sanctions that provide an effective deterrent effect (Rambey, 2016). This discussion will touch on aspects of ethics and business sustainability in the context of implementing replacement money.

In facing these challenges, further clarification is needed regarding the interpretation and application of Article 18B. This clarification is needed to ensure consistency and clarity in handling corruption cases in the corporate world (Anugerah, 2014; Wahyudin, 2017). The discussion will address the need for regulatory improvements to minimize the scope for interpretation that could lead to legal uncertainty.

Apart from Article 18B, this discussion will also involve practical aspects of implementing replacement money. How can the role of law enforcement agencies and companies be enhanced to ensure the effectiveness of the implementation of replacement money? Company involvement and effective communication with law enforcement agencies is the main focus of this discussion.

Likewise, the success of implementing replacement money in tackling corruption in the Indonesian corporate world also depends on the extent to which regulations and business practices are changed and adapted. How can the business regulatory framework be improved to promote transparency and mitigate corruption risks? This discussion will discuss potential changes in business ethics and corporate governance.

In this context, this research aims to contribute in-depth thinking and understanding of the challenges and prospects of replacement money in tackling criminal acts of corruption in the Indonesian corporate world. It is hoped that an in-depth analysis of legal, practical and ethical aspects can provide a comprehensive view regarding the implementation of replacement money in the rapidly growing business context in Indonesia.

## **METHOD**

This research details a methodological approach that focuses on literature studies to explore an in-depth understanding of the application of replacement money as a strategy in overcoming criminal acts of corruption in corporate environments in Indonesia (Soekanto, 2019). The data used in this research comes entirely from reference literature whose reliability has been recognized. By detailing this literature, this research aims to identify the successes, obstacles and impacts of implementing replacement money in the context of companies in Indonesia. Through a comprehensive analysis of key literature, it is hoped that this research can make a significant contribution to further understanding of the effectiveness of this strategy in tackling criminal acts of corruption in the Indonesian business world.

## **RESULTS AND DISCUSSION**

The legal context for the application of replacement money in tackling criminal acts of corruption in the Indonesian corporate world is based on Article 18B of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001. This article provides the legal basis for imposing financial sanctions replacement for perpetrators of corruption. In relation to the corporate world, the prospects are in line with

efforts to eradicate corruption in the business sector. However, challenges arise in implementing this concept (Muhtar, 2019; Wulandari & Sriwijaya, 2019).

The implementation of replacement money in the corporate world has encountered obstacles related to the availability of accurate financial data (Mahmud, 2019; Tajuddin, 2015). Although Article 18B provides a legal basis for imposing compensation sanctions, accurate calculations require transparency of the company's financial statements. The first challenge is overcoming creative and manipulative accounting practices that can obscure the true amount of losses. Therefore, it is necessary to increase strictness in the preparation and examination of financial reports to ensure the accuracy of the data used as the basis for calculating replacement money (Rahmat, 2020; Sinaga et al., n.d.).

In addition, the prospect of implementing reimbursement involves the company's capacity to pay the required amount. Article 18B not only considers the amount of state losses, but also the economic capacity of the perpetrator of corruption. Practical challenges arise when companies are unable to pay restitution imposed, presenting an ethical dilemma for law enforcement (Hamamah & Bachtiar, 2019; Lukas, 2010). Therefore, it is necessary to have a careful evaluation mechanism to assess the company's economic capacity and determine a reasonable amount without destroying the sustainability of its business (Wahyudin, 2017).

Article 18B provides the legal basis for the application of replacement money, but still requires further clarification to ensure consistency and effectiveness in handling corruption cases in the corporate world. This clarification needs to involve a more detailed interpretation and understanding regarding the parameters used in assessing the amount of replacement money. This clarity will help bridge gaps in interpretation that can trigger legal uncertainty and harm efforts to eradicate corruption.

The results of the discussion show that in facing this challenge, there needs to be close involvement and cooperation between law enforcement agencies and companies. This collaboration is not only limited to the process of implementing replacement money, but also to efforts to prevent criminal acts of corruption at the company level. Therefore, positive prospects emerge in the form of increased coordination and collaboration between the business sector and law enforcement agencies.

In ethical and practical aspects, the discussion highlighted the need for company involvement in the assessment and sanctioning process. The implementation of replacement money requires openness and cooperation from the company to ensure business continuity in line with ethics and good corporate governance. This discussion emphasizes the importance of adopting clean business practices and preventing corruption at the corporate level to reduce the risks of implementing cash substitutes (Pramaisella et al., 2021).

In pursuing integrity and eradicating criminal acts of corruption in the Indonesian corporate world, the application of replacement money has emerged as a legal instrument that has its own challenges and prospects. The discussion regarding Article 18B of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes provides a legal basis for the application of replacement money, but the main challenge lies in the availability of accurate financial data and the company's capacity to pay the required amount (Prastika, 2020).

The first challenge faced is related to the availability of accurate financial data. Although Article 18B provides the legal basis for imposing compensation sanctions, the success of its implementation is highly dependent on the transparency and accuracy of the company's

financial reports. Accurate calculations require increased rigor in the preparation and examination of financial reports to ensure that the amount of state losses can be calculated accurately.

The next challenge arises related to the company's capacity to pay the replacement amount. Article 18B not only considers the amount of state losses, but also the economic capacity of the perpetrator of corruption. Therefore, the practice of applying replacement money requires a careful assessment of the company's economic capacity, so that the amount dropped does not threaten the sustainability of its business. In this context, it is necessary to have a careful evaluation mechanism to assess the company's economic capacity and determine a reasonable amount without destroying the sustainability of its business.

The positive prospect of implementing replacement money lies in the potential for increased cooperation between law enforcement agencies and companies. This collaboration is not only related to the process of implementing replacement money, but also to efforts to prevent criminal acts of corruption at the company level. Better coordination and collaboration between the business sector and law enforcement agencies has the potential to create a clean business environment and high integrity (Fatah et al., 2016).

In ethical and practical aspects, the discussion highlighted the need for company involvement in the assessment and sanctioning process. The implementation of replacement money requires openness and cooperation from the company to ensure business continuity in line with ethics and good corporate governance. Therefore, the conclusion of this discussion is the need to adopt clean business practices and prevent corruption at the corporate level to reduce the risk of implementing replacement money.

As an overall result, the application of replacement money in tackling criminal acts of corruption in the Indonesian corporate world has great potential in providing a deterrent effect and recovering state losses. However, the challenges of providing accurate financial data and companies' capacity to pay need to be addressed through improvements in financial reporting systems and companies' economic evaluation mechanisms. Thus, recommendations for improvements in the application of replacement money in the Indonesian corporate world require a holistic approach that involves collaboration between the business sector, law enforcement agencies and policy makers.

## **CONCLUSION**

In conclusion, implementing replacement money to combat corruption in the Indonesian corporate sector poses challenges related to accurate financial data and a company's capacity to meet specified amounts, as outlined in Article 18B of Law Number 31 of 1999. The first challenge involves ensuring transparent and precise financial reports, crucial for calculating replacement money accurately based on state losses. The second challenge pertains to evaluating the implicated company's economic capacity to prevent adverse impacts on business sustainability. Despite these hurdles, the approach offers opportunities for increased collaboration between law enforcement and companies, extending beyond implementation to corruption prevention. The discussion emphasizes the crucial role of company involvement in ethical assessments and sanctions, highlighting the need for clean business practices to reduce the reliance on replacement money. Overall, addressing challenges requires improved financial

reporting systems and economic evaluation mechanisms, calling for a comprehensive approach involving collaboration between the business sector, law enforcement, and policymakers.

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