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Implementation of Social Responsibility for Foreign Companies in Indonesia

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Abstract

Implementing social and environmental responsibility (CSR) by foreign feed mill companies in Mojokerto Regency is essential for sustainable development. This article aims to evaluate the implementation of CSR programs by foreign companies and identify the obstacles faced. The type of research used is empirical legal research using in-depth interview techniques with stakeholders, including company representatives, regional government and local communities. The research results show that foreign feed mill companies in Mojokerto Regency have implemented various CSR programs, including improving community welfare, developing local infrastructure, and environmental conservation efforts. However, several obstacles are faced in implementing this program, including regulatory incompatibility, lack of active participation from the community, and limited resources and coordination between related parties. The conclusion shows a need to increase cooperation between companies, government and society to overcome these obstacles. Harmonizing regulations and increasing transparency and accountability of CSR programs is also crucial in ensuring that corporate social and environmental responsibility can provide optimal benefits for regional development and community welfare in the Mojokerto Regency.

Keywords: Corporate Social Responsibility; Feedmill; Foreign Companies; Mojokerto Regency

Introduction

Corporate Social Responsibility (CSR) has become the primary basis for implementing social responsibility programs, an essential issue in the configuration of relations between the business world and society. As Adam Smith formulated, the corporation's duty is solely to make a profit: "The only duty of the corporation is to make a profit" (Aperiz & Ramasari, 2024). The primary motivation of every company, whether in an industry or business, is to increase profits. "In the provisions of Law Number 25 of 2007 concerning Capital Investment in article 15 letter b, it is stated that there is a miracle for carrying out a company's corporate social responsibility" (Bengngu & Yudiantara, 2024). Article 34 determines that the company will be subject to sanctions if it does not fulfill its obligations. In No. 40 of 2007 concerning Limited Liability Companies, article 74 paragraph (1) states that it is mandatory to carry out

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Social and Environmental Responsibility." Likewise, in Government Regulation No. 47 of 2012 concerning the Social and Environmental Responsibility of Limited Liability Companies, article 2 explains: "Every company as a legal subject has social and environmental responsibilities." (Deromero et al., 2024).

However, conditions in the field sometimes differ from what the regulations stipulate. For example, a foreign-invested company located in the Mojokerto district may have conflicts with residents, which can cause operational disruption and losses for the company. (Dewa & Tanudjaja, 2024). This was triggered by various problems such as CSR funds, which were felt insufficient, increasing the basic food quota every year, and providing supplies of raw materials for residents (special treatment). The application of sanctions in the Limited Liability Company Law and the Investment Law on companies is often being determined, so many companies dare not carry out their social and environmental responsibilities (Dyani, 2017).

Implementing CSR that uses corporate assets to benefit the general public can be considered to have violated and not respected the principles of private property. (K et al., 2024). Corporations feel their rights have been taken away by being obliged to distribute some of their wealth to the community. Therefore, it is necessary to understand and study the beginning of the emergence of private property rights and their benefits for humanity from various perspectives (Hakim & Rahmadani, 2024).

Applying CSR to companies can also be used as a suggestion to retain employees, provide maximum facilities to employees and company *stakeholders*, and reduce social jealousy between employees, immigrants and locals. Another form of CSR is the company's social responsibility towards communities outside the company, such as local communities that do not work as employees and are also affected by other company activities. CSR is defined as a concept of integrating social and environmental concerns internally, which has social responsibility (especially in the practice of relationships with employees and related to issues such as investment in capital change, health and safety and human management) as well as concern for environment related to the use and management of natural resources in production. *External*, which can be seen from the company's relationship and involvement with communities who are its stakeholders (such as business partners, suppliers, customers, public authorities and NGOs representing local communities and the environment) (Kabes et al., 2024). Based on the explanation above, this article examines and analyzes the implementation of foreign corporate social responsibility at PT New Hope and the obstacles experienced—research methods.

Methodology

The type of research is empirical legal research. Because it examines the implementation of Corporate Social Responsibility (CSR) by foreign companies. The foreign company is in Sumbertanggul Village, Mojosari District, Mojokerto Regency, East Java Province, Indonesia. Interview and observation methods were used to obtain data in the field.

Results and Discussion

The implementation of corporate social responsibility in Law Number 40 of 2007 concerning Limited Liability Companies Article 74 paragraph (4) states that every regulation and its implementation is further regulated in Government Regulation Number 47 of 2012 concerning Social and Environmental Responsibility of Limited Liability Companies, in article 2 it is explained that every company as a legal subject has social and environmental responsibilities (Kurniawati & Mustoffa, 2024). East Java Province Regional Regulation Number 4 of 2011 concerning Corporate Social Responsibility is regulated more clearly as stated in Article 19 paragraph (1) Implementation of corporate social responsibility is a

company that is a legal entity, paragraph (2) Companies as referred to in paragraph (1) has the status of a center, branch or implementing unit domiciled in the East Java region, (3) Companies implementing social responsibility are not differentiated between privately owned or state-owned and regional government-owned companies, whether they produce goods or services (Muntari & Seregig, 2024).

Article 10 explains that in carrying out corporate social responsibility, it is mandatory to (a) prepare, organize, design and carry out corporate social responsibility activities according to the principles of social responsibility in the business world by taking into account local government policies and applicable laws and regulations; (b) grow, strengthen and develop a network system of cooperation and partnership with other parties as well as carry out studies, monitor and evaluate the implementation of corporate social responsibility by taking into account the interests of the company, local government, community and environmental sustainability, and letter (c) stipulates that corporate social responsibility is an inseparable part of management policies and company development programs. Apart from that, there are other regulations, namely Mojokerto Regent Regulation Number 19 of 2018, concerning Amendments to Regent Regulation Number 50 of 2013 concerning Guidelines for Implementing Regional Regulation Number 7 of 2012 concerning Corporate Social Responsibility (Noviyanto et al., 2024).

The scope of corporate social responsibility is for the company to develop local communities and the general public. Generally, *community development* is considered an appropriate means for carrying out social responsibility activities. This can be understood from several considerations. First, according to its characteristics, *community development programs* can develop and utilize elements of social capital by both the business world and society (Prasetyawati et al., 2024). The business world can build an image that can impact expanding networks and increasing trust.

Meanwhile, the community, especially local communities, can develop and utilize social solidarity, collective awareness, shared trust and reciprocity to encourage joint action to improve the community's economic, social and cultural living conditions (Sanjaya, 2024). Second, through *community development*, it is hoped that there will be a synergistic relationship between the strengths of the business world through various forms of assistance and the potential in society. Thus, corporate social responsibility is not merely charitable but rather an effort to develop community capacity sustainably and institutionalized. Third, joint activities between the business world and society, especially local communities, through community development can be used by various means of communication. If communication is institutionalized, various issues in the relationship between the business world and society can be discussed through an elegant dialogue process to accommodate the interests of all parties. Companies can use two dominant factors to carry out corporate social responsibility with community development programs. However, if the second factor is dominant, it is feared that it will be at odds with the principles of the business world, which is oriented toward making profits (Sinaga & Lidya, 2024).

Some problems still need to be resolved because there is no reasonable relationship between the company and the surrounding community. Several obstacles have become obstacles to implementing corporate social responsibility in Indonesia: Companies need to pay more attention to the conditions of the communities where the company operates. Such cases as Freeport, Indo Rayon, and so on reflect the rigidity of the relationship between the company and its environment, where society seems to be the object or additional sufferer for the company. The community also feels its existence is being ignored, so conflicts arise, disrupting the company's operational processes. Companies conduct business without paying attention to the damage to the natural environment in their areas, even though these areas are also places where people's lives depend.

The pollution in Buyat Bay is an example of this neglect, which resulted in the community's suffering because tailings contaminated it. Companies exploit nature to the point of destroying it and harming the lives of the broader community without taking into account fair compensation for the

community. The Lapindo mudflow case is a concrete example of the company's cruelty towards local communities, and even now, the problem still needs to be resolved entirely. Companies still need to pay more attention to the importance of corporate social responsibility programs for the company's continued success. Companies even consider corporate social responsibility as an obstacle to achieving maximum profits. Companies still need to be better at implementing corporate social responsibility so that the public cannot fully experience the benefits of the programs provided.

This can be seen in several cases where people cannot fully experience the benefits of the programs provided. This can be seen in several cases where the community is only treated like objects, and the company determines the program activities, even though empowerment efforts require good participation from the community. The communication method is an organized way to convey information from the company to the public. The message can be achieved per the agreed goals (Surahman & Viqran, 2024). Companies must prepare the message content to achieve effective communication by aligning it with the target conditions of the company's social res Company's activities. The communication strategy achieved to maintain success and have the ability to embrace the community in order to create a harmonious relationship between activity implementers and activity targets will be distinct from the strategic ability carried out by activity implementers to maintain the company's credibility.

Company's responsibility communication strategies are considered one of the most significant investments in the company's future (LaCompany's020). Business conditions assume that communication that can run well is essential for the company's future. Companies that will or are currently carrying out corporate social responsibility activities are expected to increase their understanding of implementing corporate social responsibility communication. Suppose a company considers various communication elements in its corporate social responsibility activities. In that case, it will go through a fact-gathering stage in the form of problems the community faces around its operations. This achievement will ensure that the company continues receiving good community appreciation as a priority for corporate social responsibility activities.

Two obstacles to implementing corporate social responsibility exist: the regulatory realm and the financing sources. In the realm of regulation, the obstacles that arise include 1) The lack of clarity in the definition of what is meant by corporate social responsibility, 2) The lack of clarity in the definition creates complexity in the implementation and enforcement of the law and 3) Intensive taxes for companies, taxes that carry out responsibilities—corporate social. Then, related to sanctions against companies that do not carry out social responsibility obligations based on Article 34 paragraph (1) of Law Number 25 of 2007 concerning Capital Investment, they can be subject to administrative sanctions in the form of written warnings, restrictions on business activities, freezing of business activities and investment facilities. Or revocation of business activities and investment facilities. Law Number 40 of 2007 concerns limited liability companies' social and environmental responsibility use.

A company's social and environmental responsibilities must be carried out morally because they are a company's commitment. Companies must move to play a role in a sustainable economy and improve the quality of life and the environment. The company's commitment and environmental responsibility are for external stakeholders and the company (inteCompanyakeholders). This aligns with corporate social responsibility, which contributes outwardly and covers all internal stakeholders, including employees, the board of directors, managers and other internal stakeholders who also play an essential role in a company. Article 74 paragraph (3) of Law Number 40 of 2007 concerning Limited Liability Companies also regulates: "Companies that do not carry out their obligations as stated in article paragraph (1) will be subject to sanctions by the provisions of statutory regulations."

This formulation creates legal uncertainty because it needs to indicate what laws reg, regulations, and sanctions will be imposed on companies that do not carry social and environmental responsibilities. Confusion increases, apart from being because of the restrictions on companies being obliged to carry out corporate social and environmental responsibilities, and it is not clear what mechanism for implementing social and environmental responsibilities must be carried out by companies. The company must budget Company contributions to carry out social responsibilities, and it is also unclear what sanctions will be imposed if they do not.

Based on this, it is necessary to synchronize the concept, funding and mechanisms for implementing corporate social responsibility. A comprehensive legislative regulation regarding corporate social responsibility is essential, especially in formulating minimum standards for the implementation of corporate social responsibility so that they can act as clear guidelines for companies that are required to carry out corporate social responsibility, and these minimum standards can become the basis for the imposition of criminal sanctions, at a later time.

Data from the Mojokerto Regency Employment Service was updated last August 2023; the total workforce was 647,752 people; this figure increased compared to the previous year of 646,778 people or an increase of 974 people. The number of workers in the Mojokerto district area comes from 617,533 people with Mojokerto district resident status and 1,976 people outside the Mojokerto district. This increase proves that there is better investment growth. With the growth of foreign investors entering the Mojokerto district, foreign capital companies are also participating in implementing corporate social responsibility with a more extensive job quota scale.

PT New Hope Jawa Timur Mojokerto is a foreign investor in animal feed production in the Mojokerto district. PT New Hope Jawa Timur Mojokerto was founded in October 2018. She began trials in production on January 6, 2019, with the first production of 4 poultry feeds and a total of 35 employees in 2019 with an organizational structure of HR department, marketing department, quality department assurance, purchasing department, finance department, and production department. At the beginning of the completion of the construction of this company in 2018, several meetings were held with community leaders and the local village government to carry out two-way communication regarding requests from the village government to PT New Hope Jawa Timur Mojokerto to be able to realize the aspirations of the community, community shops, hamlet heads. , and village government officials.

PT New Hope Jawa Timur Mojokerto's corporate social responsibility implementation began in 2018 as a contribution to raising fund donations for the Sulawesi Tsunami natural disaster—PT New Hope branch in Indonesia. The source also added that the New Hope Group company has programs in other social activities, such as providing financial donations to the families of employees who are less fortunate and affected by disasters.

Based on the results of interviews with company sources on Monday, June 10, 2024, this data relates to a letter of joint agreement between the company and the vill Companyernment, which was agreed on March 19, 2019, regarding the social and environmental responsibilities that the company must contribute company communities affected by the animal feed production industry.

In principle, PT New Hope Jawa Timur Mojokerto understands how to adapt to the surrounding area and adapt as a foreign investor who builds its business in residential areas and has a vision and mission, namely to improve life and provide progress to the area or village area. The process of implementing social and corporate responsibility has been carried out by the Company PT New Hope Companymur Mojokerto starting from 2018 to 2024. The following are the main obstacles faced, analyzed based on applicable regulations: Incompatibility and Synchronization of Regulations, Mojokerto Regional Regulation No.7 of 2012 is often not in sync with higher regulations, such as Government Regulation no. 47 of 2012 concerning Social and Environmental Responsibility of Limited Liability



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Companies. This discrepancy causes legal uncertainty and confusion for companies implementing Corporate Social Responsibility.

Example: In Article 7 Paragraph (1), Mojokerto Regional Regulation No. 7 of 2012 regulates the percentage of Social Responsibility financing, but this is not found in higher regulations, giving rise to differences in interpretation and application in the field. Lack of Law Enforcement: Although regulations have stipulated obligations for companies to carry out Corporate Social Responsibility, law enforcement against companies that still need to comply needs to be stronger. This regulation needs to provide more strict sanctions so that some companies feel there are no consequences if they ignore their Corporate Social Responsibility obligations. This lack of law enforcement results in minimal compliance by companies with existing regulations. More effective monitoring and sanction mechanisms are needed to ensure the implementation of corporate social responsibility through regulations.

Unclearness of Fund Allocation and Supervision: Mojokerto Regency Regional regulations regulate the reporting and use of Corporate Social Responsibility funds, but there is often ambiguity and lack of transparency in the allocation and use of these funds. Weak monitoring mechanisms from local governments could cause this lack of clarity. Regulations must provide clear guidelines and a strict monitoring system to ensure that the intended and accountable objectives use Corporate Social Responsibility funds. Lack of Community Participation Implementing Corporate Social Responsibility is often carried out without involving the community in planning and implementation. This causes Corporate Social Responsibility programs to only sometimes be in line with community needs and expectations. Mojokerto Regency Regional Regulations should include provisions that require companies to involve the community in every stage of implementing Corporate Social Responsibility. Community participation increases program effectiveness and ensures company accountability towards local communities.

Limited Company Resources Many small and medium-scale companies need more resources to implement effective Corporate Social Responsibility programs. The Mojokerto Regional Regulation may need to thoroughly consider variations in these companies' financial and operational capacities. Regional regulations must be adjusted to consider each company's capabilities. A more flexible and capacity-based approach can help ensure that all companies, large or small, can participate in Corporate Social Responsibility to the best of their ability. Regarding corporate social responsibility to society, it shows that corporate social responsibility is not only a moral obligation but also a legal obligation that the company must fulfill. Company regulations provide a clear framework, but practical implementation requires commitment from all parties involved.

In Mojokerto Regency, East Java, the company's corporate responsibility is regulated by several essential regulations. The primary regulation is Mojokerto Regency Regional Regulation Number 7 of 2012 concerning Corporate Social Responsibility. This regulation provides a framework for companies operating in the region to implement corporate social responsibility. Article 11:1) Companies that must carry out corporate social responsibility have the status of companies, whether private or state-owned companies and owned by regional governments. 2) Each Company's social responsibility is 1% to 3% of the company's profits. 3) The Company's objection The Company's social responsibility must be proven by a statement letter addressed to the forum for implementing corporate social responsibility.

This article explains and stipulates that all companies in the form of companies (including private, state-owned and regional government-owned companies) must carry out corporate social responsibility. It covers various companies regardless of whether private or government entities own them. This article regulates the contribution the company must allocate. Company social responsibility programs, namely, between 1% to 3% of the company's profits. ICompany's minimum and maximum limits allow flexibility based on the company's financial situation. This article provides a mechanism for



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companies needing help carrying out social responsibility obligations. The company must submit a financial statement addressed to the corporate social responsibility implementing forum that allows it to decide the validity of the company.

Article 11 Companyph (2) of Governor Regulation Number 7 of 2012 concerning Corporate Social Responsibility stipulates the amount of corporate social responsibility at 1% to 3% of company profits, which can cause several obstacles in implementing corporate social responsibility; here are some potential obstacles: 1) Financial impact: Small companies, for companies with small margins an allocation of 1% to 3% of profits can be a significant burden. Large companies may be better able to bear this burden; they may also feel that the presentation needs to be set higher, especially if they already have other social responsibility commitments or other corporate financial burdens to bear. 2) Profit fluctuations: Variability: Company profits can fluctuate yearly.

In years with low profits, the presentation set may feel burdensome compared to years with high profits. 3) Business Priorities: Reinvestment: Some companies may prefer to reinvest their profits into the business for long-term growth rather than allocate them to responsibilities. Corporate social. 4) Strict regulations: Compliance, fixed presentations without flexibility can make it difficult for some companies to comply with these regulations, mainly if they operate in a highly competitive industry or difficult economic conditions. 5) Monitoring and Reporting: Carrying out and reporting corporate social responsibility activities by the specified presentation requires a sound administration system. This can be an additional burden for companies that still do not need to get a robust system.

Even though there are regulatory obstacles, this can encourage companies to be more active in contributing to society and the environment, improving the company's image and company and providing long-term benefits for all parties. Companies with good corporate social responsibility programs can handle this regulation if they have allocated sufficient funds for these activities. This regulation has undergone several changes, one of which is through Mojokerto Regent Regulation Number 19 of 2018, which changes several provisions in Perbup Number 50 of 2013. These changes include the definition of regional apparatus and provisions related to forming a selection team for candidates for the Social Responsibility Implementing Agency Company.

There needs to be more district, provincial, and national regulations, especially regarding the amount of Corporate Social Responsibility financing as regulated in Article 7 Paragraph (1) of Mojokerto Regional Regulation No. 7 of 2012. This creates problems of legal uncertainty and conflicting norms because the higher regulations need to mention the percentage of Corporate Social Responsibility financing specifically. In general, this regulation is intended to ensure that companies contribute to social and economic development in the Mojokerto region by paying attention to the community's welfare and the surrounding environment.

Conclusion

In this research on the implementation of corporate social responsibility in Indonesia, a study by PT New Hope in Mojokerto Regency, East Java, the company is consistently social responsibility in various categories, starting from appreciation to employees, distribution of necessities to the community, distribution of annual funds to the village government, contribution to village activities, and participate in opening employment opportunities specifically for residents around the company, which has company out its obligations by Law Number 40 of 2007 concerning Limited Liability Companies.

If the obstacles faced by the company during the iCompanytation of corporate social responsibility are a lack of human resources for special handling of the distribution of corporate social responsibility at PT New Hope, a lack of public understanding of what is meant by corporate social

responsibility as stated in the applicable regulations, and some individuals have no interest in implementing corporate social responsibility who participate in demands related to corporate social responsibility. The government needs to harmonize regional and national regulations related to social responsibility to provide legal certainty for companies. So, the company must increase its participation and community involvement at every stage of implementing the social responsibility program. Then, regional governments need to strengthen implementation monitoring and law enforcement mechanisms to ensure company compliance and increase transparency and accountability in implementing Social Responsibility programs. Transparent and open reporting regarding the use of CSR funds and the program's impact will increase the community's and other stakeholders' trust.

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