

## Civil Lawsuits Against Business Entities in Judicial Practice

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### ABSTRACT

Unlawful acts constitute one of the fundamental bases for civil litigation within the Indonesian civil law system, particularly when the defendant is a business entity. In judicial practice, business entities as legal persons are frequently involved in commercial activities that may result in losses to other parties, including consumers, business partners, and the broader public. Consequently, claims based on unlawful acts serve as an essential legal mechanism to seek accountability for conduct that violates legal norms and causes damage. This article aims to examine the procedural framework for filing unlawful act claims against business entities in civil courts, to analyze the legal elements that must be established, and to identify evidentiary challenges commonly encountered during litigation. The research adopts a normative juridical method, employing statutory analysis, legal doctrines, and a review of relevant court decisions. The findings indicate that unlawful act claims against business entities tend to be more complex than those directed at individual defendants, particularly in proving the element of fault and establishing a causal link between the conduct and the resulting harm. Moreover, divergent judicial interpretations of the elements of unlawful acts contribute to inconsistencies in court rulings. Judicial decisions in cases involving unlawful acts committed by business entities have significant implications for legal certainty, the protection of injured parties' rights, and the development of standards of legal responsibility in the business sector. Therefore, a comprehensive understanding of the construction of unlawful act claims, along with a strengthened judicial role, is essential to ensure justice and legal certainty in civil law enforcement.

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### INTRODUCTION

The development of economic and business activities in Indonesia has become increasingly complex as a result of globalization, technological advancement, and the intensification of legal interactions between business actors and the public. Business entities, as legal subjects, play a strategic role in promoting national economic growth through production, distribution, and service provision. Nevertheless, business activities are not free from legal risks. In practice, certain corporate actions may cause losses to other parties, including consumers, business partners, and the wider community, thereby giving rise to civil disputes (Sari, 2020).

One of the most frequently employed civil law mechanisms to seek accountability for such losses is a claim based on an unlawful act. In Indonesia, the concept of unlawful acts is rooted in Article 1365 of the Indonesian Civil Code, which provides a legal basis for any injured party to claim compensation for damage arising from conduct that violates the law. This provision is formulated broadly and openly, allowing its application to various legal subjects, including business entities as legal persons with independent rights and obligations (Mirza et al., 2024).

In the corporate context, unlawful act claims become relevant when actions taken by a company whether through managerial decisions or operational activities result in harm to other parties. As legal entities, business organizations cannot be detached from civil liability if it is proven that they have engaged in unlawful conduct, acted beyond their authority, or violated the principles of prudence and good faith (Supriyatn & Herlina, 2020). This reflects the understanding that business entities are not merely economic actors but also legal subjects bound by civil law norms.

However, unlawful act claims against business entities exhibit distinctive characteristics compared to those filed against individuals. These differences arise from the complex organizational structure of corporations, the separation of assets between the legal entity and its management, and collective decision-making mechanisms. Such conditions often complicate the claimant's efforts to establish fault and to determine the party that should bear legal responsibility (Hendri et al., 2026).

In civil court practice, differing judicial approaches are frequently observed in interpreting the elements of unlawful acts when the defendant is a business entity. Some judges adopt a broader interpretation, encompassing conduct that contradicts principles of fairness, prudence, and good faith in business practices. Conversely, other judges apply a more restrictive interpretation, focusing primarily on violations of written legal norms (Mantili & Sutanto, 2019). These divergent interpretations contribute to inconsistent court decisions and may undermine legal certainty.

Furthermore, unlawful act claims against business entities often intersect with contractual relationships. In many cases, conduct initially categorized as a breach of contract evolves into an unlawful act due to the presence of fault that exceeds ordinary contractual non-performance. This situation raises doctrinal debates regarding the boundary between breach of contract and unlawful acts, while also requiring precision in formulating legal claims to avoid obscurum libel or ambiguity in pleadings.

From a consumer protection perspective, unlawful act claims serve an important function in balancing the unequal bargaining positions between business entities and consumers. Corporations generally possess superior economic power and greater access to information, which may give rise to unfair business practices, such as the use of inequitable standard clauses, negligence in maintaining product quality, or disregard for safety standards. In this context, unlawful act claims provide consumers with a legal avenue to seek justice and compensation for losses caused by corporate misconduct (Halim, 2023).

Despite their importance, evidentiary issues in unlawful act claims against business entities present significant challenges. Claimants must establish the existence of an unlawful act, fault, actual loss, and a causal relationship between the conduct and the damage suffered. In practice, business entities often hold a strategic advantage due to their control over internal documents and information, placing claimants in a disadvantaged position. This condition underscores the need for judges to play an active role in evaluating evidence objectively and proportionately.

At the same time, the application of unlawful act doctrine to business entities must take into account the principles of legal certainty and the sustainability of the business climate. Court decisions that are excessively punitive may hinder business activities and investment, whereas overly permissive rulings risk neglecting the rights of injured parties. Accordingly, achieving a balance between victim protection and the interests of the business sector remains a critical concern in civil adjudication.

Based on these considerations, a study of unlawful act claims against business entities in judicial practice is highly relevant. An analysis of the legal foundations, procedural mechanisms, evidentiary challenges, and implications of court decisions is expected to contribute to the development of Indonesian civil law. This article aims to provide a comprehensive understanding of the application of unlawful act doctrine to business entities and to encourage a more consistent, fair, and legally certain judicial practice.

## RESEARCH METHOD

This study employs a normative juridical research method, which focuses on the examination of written legal norms, legal principles, doctrines, and judicial decisions relevant to the issues under investigation. This method is selected because the research concentrates on analyzing claims based on unlawful acts against business entities in civil court practice, a subject that requires a thorough assessment of positive law and its interpretation and application by judges in judicial decisions (Saebani, 2021).

The research adopts several analytical approaches, namely the statute approach, the conceptual approach, and the case approach. The statute approach involves an analysis of legal provisions governing unlawful acts, particularly Article 1365 of the Indonesian Civil Code, as well as other statutory regulations related to the civil liability of business entities. The conceptual approach is used to examine the doctrinal understanding of unlawful acts, corporate legal liability, and the distinction between unlawful acts and breach of contract as developed in legal scholarship. Meanwhile, the case approach is applied by reviewing court decisions that contain judicial reasoning concerning unlawful act claims against business entities, as discussed in national legal journals.

The data utilized in this research consist of secondary legal materials, which are classified into primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations and court decisions

related to unlawful acts and the civil liability of business entities. Secondary legal materials comprise legal textbooks, articles from national academic journals, and previous research addressing unlawful acts, civil law, and judicial practice. Tertiary legal materials serve as supporting references, such as legal dictionaries and legal encyclopedias.

Legal materials are collected through library research by examining relevant books, national scholarly journals, and legal publications. These materials are then systematically categorized according to their relevance to the research issues, including the concept of unlawful acts, procedural mechanisms for filing claims against business entities, and judicial considerations in civil court practice.

Data analysis is conducted qualitatively by interpreting and systematically organizing the collected legal materials in a coherent and logical manner. This analysis aims to develop a comprehensive understanding of the application of unlawful act claims against business entities in judicial practice, as well as to identify legal issues and implications related to legal certainty and the protection of injured parties. The results of the analysis are subsequently presented in a descriptive-analytical format to address the research questions posed.

## DISCUSSION

### The Legal Concept of Unlawful Acts and Business Entities

Unlawful acts constitute a fundamental doctrine in Indonesian civil law, serving as the basis for civil liability arising from conduct that causes harm to others. Normatively, this concept is grounded in Article 1365 of the Indonesian Civil Code, which stipulates that any act that violates the law and results in damage obliges the perpetrator to provide compensation. Along with the development of legal doctrine and jurisprudence, the notion of "unlawfulness" is no longer interpreted narrowly as a mere violation of statutory provisions, but has expanded to include conduct that contravenes principles of propriety, due care, and good faith prevailing within society (Putra, 2021).

When applied to business entities, the doctrine of unlawful acts acquires a more complex dimension, as corporations operate as legal subjects through their governing organs. Corporate conduct in the course of business activities whether manifested in managerial policies or operational practices may be classified as an unlawful act if it is proven to violate legal norms or the principle of good faith in commercial transactions. The principle of good faith, as recognized in Article 1338 of the Indonesian Civil Code, serves as a crucial benchmark in determining whether corporate behavior can be regarded as reasonable and lawful. Violations of this principle, particularly in dealings with consumers or business partners, frequently form the basis of unlawful act claims (Setyawati et al., 2017).

Unlawful acts committed by business entities are also often linked to breaches of consumer protection regulations, as governed by Law Number 8 of 1999. A business entity that fails to comply with product safety standards, provides misleading information, or imposes unfair standard clauses may be deemed to have engaged in unlawful conduct. In such circumstances, unlawful act claims function as a legal mechanism to safeguard the interests of injured parties while simultaneously enforcing corporate accountability for the adverse consequences of business operations.

In judicial practice, judges play a central role in assessing whether the actions of a business entity satisfy the elements of an unlawful act. These elements include the existence of unlawful conduct, fault, actual damage, and a causal relationship between the conduct and the loss suffered by the claimant. Evaluating these elements requires judges to examine factual circumstances and evidentiary materials comprehensively, given that business entities often possess complex organizational structures and collective decision-making processes (Yulistio et al., 2024).

Furthermore, establishing fault in unlawful act claims against business entities does not always require proof of intent. Negligence or a lack of due care in the conduct of business activities may also constitute fault when it results in harm to others. Accordingly, courts are not limited to assessing the specific actions undertaken by a business entity but must also evaluate whether the applicable standards of reasonableness and prudence in business practice have been observed. This approach illustrates that the doctrine of unlawful acts as applied to business entities continues to evolve dynamically in response to the need for effective legal protection within modern commercial relationships.

### The Mechanism of Unlawful Act Claims against Business Entities in Civil Proceedings

In principle, claims based on unlawful acts against business entities are filed before the district court as the judicial body authorized to examine and adjudicate civil cases at the first instance. The litigation process begins with the registration of a claim by the plaintiff who alleges having suffered losses as a result of a specific corporate action. The statement of claim must clearly set out the identities of the parties, the *posita* outlining the factual and legal grounds of the claim, and the *petitum* specifying the legal remedies sought from the court. Precision and clarity in formulating the *posita* and *petitum* are essential to prevent the claim from being deemed vague or inadmissible by the panel of judges.

Once the claim is duly registered, the court proceeds through a series of procedural stages, including the reading of the claim, the defendant's response, the reply and rejoinder, the evidentiary phase, and the submission

of final arguments prior to the issuance of a judgment. During the evidentiary stage, the burden of proof rests with the plaintiff to demonstrate the fulfillment of the elements of an unlawful act, namely the existence of unlawful conduct, fault, actual damage, and a causal link between the conduct and the loss suffered. Evidence may take the form of documentary proof, witness testimony, expert opinions, and other types of evidence recognized under civil procedural law. Judges are vested with discretionary authority to assess the probative value of evidence based on their judicial conviction (Mantili & Sutanto, 2019).

In judicial practice, unlawful act claims against business entities are frequently combined with claims for breach of contract. This situation arises because many civil disputes originate from contractual relationships but subsequently evolve into unlawful acts due to conduct that exceeds ordinary contractual non-performance. Nevertheless, such cumulative claims must be structured carefully and systematically. Failure to clearly distinguish between arguments based on breach of contract and those grounded in unlawful acts may render the claim ambiguous and expose it to dismissal by the court (Hendarman et al., 2025).

Another significant challenge in pursuing unlawful act claims against business entities concerns the proof of corporate conduct and fault. As legal persons, business entities act through their managerial organs and employees. Consequently, the plaintiff must establish that the actions undertaken by corporate officers or staff can be attributed to the business entity as an expression of its institutional will. In this regard, judges are required to assess the nexus between individual conduct and the corporate entity's legal responsibility in an institutional sense (Barokah, 2021).

### **Challenges in Proving Unlawful Acts Committed by Business Entities**

Evidentiary issues constitute a critical stage in unlawful act litigation, particularly when the defendant is a business entity. One of the primary challenges lies in establishing the element of fault and demonstrating a causal relationship between the corporate conduct and the loss suffered by the claimant. Unlike individual defendants, business entities operate through complex organizational structures, where harmful actions often stem from collective decisions or internal corporate policies. This complexity complicates the claimant's efforts to clearly identify the responsible party and to attribute fault to the business entity as a legal person (Abigel, 2025).

Beyond organizational complexity, evidentiary difficulties are also closely related to the claimant's limited access to internal corporate evidence. Essential documents—such as internal policies, audit reports, or records of decision-making processes—are typically under the control of the business entity. This imbalance in access to evidence places a heavier burden on claimants, even in circumstances where actual losses have occurred. In judicial practice, courts often apply a rigorous standard of proof to ensure that the alleged conduct genuinely constitutes an unlawful act, rather than a mere administrative error or an inherent business risk.

Another challenge arises from defense strategies commonly employed by business entities, particularly arguments emphasizing compliance with good corporate governance principles and internal procedural standards. Corporations frequently contend that the disputed actions were carried out in accordance with standard operating procedures and applicable legal regulations. In such cases, judges face the delicate task of balancing respect for corporate autonomy and freedom of enterprise against the imperative to protect injured parties. Several judicial decisions indicate that courts take corporate governance practices into account as one of the indicators in assessing the presence or absence of fault in unlawful act claims (Ikromi, 2024).

Establishing a causal link between the conduct and the resulting damage also presents a distinct challenge in unlawful act claims against business entities. The losses suffered by claimants are often indirect consequences of corporate policies or actions, making it difficult to demonstrate a clear and concrete cause-and-effect relationship. Under these circumstances, judges are required to undertake a thorough evaluation of the sequence of events and the legal consequences arising from the corporate conduct in question. Careful assessment of causation is essential to ensure that judicial decisions are not only fair but also contribute to legal certainty.

### **Implications of Judicial Decisions for Legal Certainty and Public Protection**

Judicial decisions in cases involving unlawful act claims against business entities carry significant implications for the realization of legal certainty and the protection of injured parties. Legal certainty constitutes a fundamental principle of the rule of law, requiring consistency, clarity, and predictability in the application of legal norms. When courts examine and adjudicate unlawful act claims against business entities through comprehensive legal reasoning and well-articulated arguments, such decisions not only resolve individual disputes but also provide guidance for business actors in conducting their commercial activities in accordance with legal norms and the principle of good faith (Kansil & Nadilatasya, 2024).

The acceptance of unlawful act claims against business entities when grounded in clearly established legal elements may generate a deterrent effect, encouraging corporations to exercise greater caution in their business decision-making. This deterrent function plays an important role in promoting the implementation of good corporate governance and enhancing compliance with legal obligations, particularly in relationships involving consumers and business partners. In this sense, judicial decisions serve not merely as instruments for dispute resolution but also as mechanisms of social control over corporate behavior within society (Rekno, 2021).

Nevertheless, inconsistencies in judicial rulings regarding the admissibility and assessment of unlawful act claims against business entities can pose serious challenges to legal certainty. Divergent judicial interpretations of the elements of unlawful acts—especially in distinguishing between breach of contract and unlawful acts—may create uncertainty for injured parties in determining appropriate legal strategies. Such unpredictability risks undermining the sense of justice for claimants, as outcomes become difficult to anticipate even in cases presenting similar legal and factual circumstances.

Beyond their impact on legal certainty, judicial decisions on unlawful acts committed by business entities also have direct implications for public protection. Rulings that prioritize the protection of injured parties, particularly consumers, contribute to the development of a fairer and more accountable business environment. Conversely, if courts adopt an overly restrictive approach in examining unlawful act claims, legal protection for the public may be weakened, thereby allowing business entities to evade responsibility for the harm they cause.

Moreover, judicial decisions in unlawful act cases against business entities function as important precedents for the development of Indonesian civil law. Such precedents establish parameters regarding expected standards of corporate conduct, the scope of legal liability, and benchmarks for determining actions that may be classified as unlawful acts. Accordingly, consistency and the quality of judicial reasoning are essential in building a civil law system that is responsive to the evolving dynamics of business relations and the growing need for public protection.

## CONCLUSION

Based on the discussion of unlawful act claims against business entities, it can be concluded that the doctrine of unlawful acts as regulated under Article 1365 of the Indonesian Civil Code has a broad scope and remains highly relevant for assessing various forms of corporate conduct that cause harm to other parties. As legal subjects, business entities bear responsibility not only for the actions of their governing bodies or management but also for corporate policies that demonstrably contravene legal norms, standards of propriety, and the principle of good faith within civil law relations.

The evidentiary process in unlawful act claims against business entities constitutes a major challenge for claimants, particularly in establishing fault and proving the causal link between the conduct and the resulting damage. The complexity of corporate organizational structures, combined with limited access to internal corporate evidence, often exacerbates the burden of proof. Accordingly, the role of judges becomes crucial in evaluating evidence proportionately and applying principles of substantive justice to prevent an imbalance of positions between business entities and injured parties.

Judicial decisions in unlawful act cases involving business entities carry strategic implications for legal certainty and public protection. Decisions that are consistent, well-reasoned, and oriented toward safeguarding the rights of victims are capable of generating a deterrent effect and encouraging corporations to conduct their business activities in accordance with principles of good corporate governance. Conversely, inconsistent rulings may give rise to legal uncertainty and weaken public confidence in the civil justice system.

Therefore, there is a pressing need to strengthen a responsive and progressive legal approach in adjudicating unlawful act claims against business entities. Such an approach should include the development of more adaptive evidentiary standards, enhanced corporate transparency, and greater consistency in judicial decisions, as essential measures to ensure legal certainty and effective protection for the public amid the evolving dynamics of legal relations and business activities.

## REFERENCES

Abigel, S. (2025). Perlindungan Hukum terhadap Pelaku Usaha atas Perbuatan Melawan Hukum dalam Transaksi Jual Beli yang Dilakukan oleh Konsumen (Studi Putusan No. 727/PDT. SUS. BPSK/2023/PN. Medan) (Doctoral dissertation, Universitas Medan Area).

Barokah, M. R., & Erliyana, A. (2021). Pergeseran Kompetensi Absolut Dari Peradilan Umum Ke Peradilan Tata Usaha Negara: Gugatan Perbuatan Melawan Hukum Oleh Penguasa (Onrechtmatige Overheidsdaad). *Jurnal Hukum & Pembangunan*, 51(4), 824-848.

Halim, A. (2023). Tanggung Jawab Penyedia Platform E-Commerce Dalam Melindungi Transaksi Jual Beli Melalui Platform E-Commerce. *Jurnal Notarius*, 2(1).

Hendarman, H., Yusuf, D. K., & Astarudin, T. (2025). Penyelesaian Sengketa Gugatan Perjanjian Bisnis Akibat Perbuatan Melawan Hukum Menurut Hukum Perdata dan Hukum Islam. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum*, 4(2).

Hendri, A. F., Tazkia, R., & Zinan, Z. (2026). Analisis terhadap Unsur-Unsur Perbuatan Melawan Hukum dalam Putusan Pengadilan Negeri Jakarta Selatan Nomor 79/Pdt. G/2023/PN Jkt. Sel Tahun 2023. *Media Hukum Indonesia (MHI)*, 4(1), 69-74.

Ikromi, Y. (2024). Analisis Perlindungan Hukum Terhadap Pihak Yang Dirugikan Akibat Perbuatan Melawan Hukum Dalam Perjanjian. *Al-Dalil: Jurnal Ilmu Sosial, Politik, Dan Hukum*, 2(2), 78-85.

Kansil, C. S., & Nadilatasya, P. M. (2024). Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik dan Kepercayaan Publik di Indonesia: Analisis Implikasi Hukum dan Etika. *UNES Law Review*, 6(4), 10753-10760.

Mantili, R., & Sutanto, S. (2019). Kumulasi Gugatan Perbuatan Melawan Hukum Dan Gugatan Wanprestasi Dalam Kajian Hukum Acara Perdata Di Indonesia. *Dialogia Iuridica*, 10(2), 1-18.

Mantili, R., & Sutanto, S. (2019). Kumulasi Gugatan Perbuatan Melawan Hukum Dan Gugatan Wanprestasi Dalam Kajian Hukum Acara Perdata Di Indonesia. *Dialogia Iuridica*, 10(2), 1-18.

Mirza, D., Malik, R., Katjong, R. W., Katjong, R. K., Raudhoh, H. S., Kamilah, A., ... & Sulubara, S. M. (2024). *Hukum Perdata: Perspektif Hukum Perdata di Indonesia*. PT. Sonpedia Publishing Indonesia.

Putra, P. A. A. (2021). Konsep Perbuatan Melawan Hukum Perspektif Hukum Ekonomi Syariah. *Gorontalo Law Review*, 4(1), 57-74.

Rekno, W. (2021). Implikasi Putusan Pengadilan yang Telah Mempunyai Kekuatan Hukum Tetap Terhadap Kepastian Hukum Pendaftaran Tanah di Kantor Pertanahan Kabupaten Sleman (Studi Kasus Putusan Mahkamah Agung Nomor 1005 K/Pdt/2006) (Doctoral dissertation, Sekolah Tinggi Pertanahan Nasional).

Saebani, B. A. (2021). Metode Penelitian Hukum Pendekatan Yuridis Normatif.

Sari, I. (2020). Perbuatan Melawan Hukum (PMH) dalam hukum pidana dan hukum perdata. *Jurnal Ilmiah Hukum Dirgantara*, 11(1).

Setyawati, D. A., Ali, D., & Rasyid, M. N. (2017). Perlindungan bagi hak konsumen dan tanggung jawab pelaku usaha dalam perjanjian transaksi elektronik. *Syiah Kuala Law Journal*, 1(3), 46-64.

Supriyatn, U., & Herlina, N. (2020). Tanggung Jawab Perdata Perseroan Terbatas (PT) Sebagai Badan Hukum. *Jurnal Ilmiah Galuh Justisi*, 8(1), 127-144.

Yulistio, M. R., Puspitasari, S. A., Putrie, L. A., Tarina, D. D. Y., & SH, M. (2024). Analisis Yuridis Kasus Perbuatan Melawan Hukum Berdasarkan Studi Kasus pada Putusan Pengadilan Negeri Padang Nomor 161/Pdt. Laporan Penelitian.