International Journal of Social Science and Human Research

**ISSN (print): 2644-0679, ISSN (online): 2644-0695**

Volume 08 Issue 10 October 2025

DOI: 10.47191/ijsshr/v8-i10-08, Impact factor- 8.007

Page No: 7634-7640

# Criminal Liability in Corruption Crimes Committed by Political Parties as Legal Entities

**Muhammad Hasan Ibrohim[1], Eko Soponyono[2]**

[1] Student Master of Law Program, Diponegoro University, Semarang

[2] Lecturer Master of Law Program, Diponegoro University, Semarang

**ABSTRACT:** The recognition of political parties as legal entities entails the consequence that they may be regarded as persons under criminal legal jurisdiction. However, this creates issues concerning criminal liability, particularly in relation to culpability in the form of intent or negligence, as Indonesia's criminal law framework continues to follow the doctrine of nullum crimen sine culpa. The complexity increases as it is often difficult to distinguish whether criminal acts are committed by the party as an institution or by individuals within it. In practice, corruption cases involving political parties have mostly targeted individuals rather than the party itself, creating legal ambiguity and weakening institutional accountability. As political parties hold a strategic role in democratic governance, their involvement in corruption undermines both political integrity and public trust. Normatively, the legal responsibility of political entities as incorporated organizations has been accommodated under the Anti-Corruption Law, the Anti-Money Laundering enactment, and Supreme Court Decree No. 13 of 2016. Moreover, the new Indonesian Criminal Code introduces exceptions to the principle of culpability through the doctrines of strict liability and vicarious liability, thereby enabling the application of penal penalties to political parties without the absolute requirement of proving fault. This study, using a normative juridical approach, emphasizes the need for integrating sociological perspectives to ensure that law enforcement is more responsive to systemic corruption threats in Indonesia's democratic system.

**KEYWORDS:** Political Parties, Criminal Liability, Corruption, Strict Liability, Vicarious Liability, Indonesian Criminal Code

## I. INTRODUCTION

Political entities are national bodies established freely by Indonesia's citizens built upon shared aspirations, desires, and political ideals, with the aim of championing the benefits of the populace, homeland, and administration, plus safeguarding the wholeness of Indonesia's United Republic grounded in Pancasila and the 1945 Charter. The active involvement of citizens in politics is very important for the continuity of national life and development, because ideally every individual plays a role in conveying their aspirations to the government in order to realize common interests. However, aspirations conveyed individually often receive little attention, so a collective forum is needed to channel them more effectively. In this case, political parties function as representative mediums that gather, articulate, and process the aspirations of the people into structured policy directions in the political struggle.[1]

As organizations, political parties are classified as legal entities or legal persons with characteristics and regulations that are distinct from those of legal entities in general.[2] The presence of governmental factions serving as legal entities, both in their capacity as private associations and as legal entities specifically regulated within the framework of political party law, is established through a comprehensive national legal system (total legal order).[3]

The legal existence of political parties comes into being when they are recognized as legal entities, enabling them to act through their representative bodies with rights and obligations separate from those of their members. As legal entities, political parties cannot avoid the legal consequences of their actions, including potential criminal liability. However, Indonesia's penal justice framework, especially the Penal Statute, continues to limits the subjects of criminal acts to individuals. This reflects the traditional view that adheres to the adage the legal maxim "societas delinquere non potest," which establishes that business entities are unable

[1] Vincentius Patria Setyawan, Criminal Liability of Political Parties in Corruption Crimes, *Justitia Et Pax Law Journ*al, Volume 35, Number 1, June 2019, p. 67.

[2] Hans Kelsen, *General Theory of Law and State*, Translated by Andreas Wedberg, Russel & Russel, New York, 1961, p. 98.

[3] Hans Kelsen, *Pure Theory of Law, Translation from the secong (Revised and Enlarged) German Edition by Max Knight, Barkeley, Los Angeles*, University of California Press, London, 1967, p. 190-191.

to be held under criminal prosecuted, so that criminal liability is in principle still directed at individuals acting representing the company, as verified within Section 59 of the Penal Code.[4]

The establishment of governmental organizations serving as juridical bodies has the consequence that they may be considered as entities under penal legislation, however such raises issues related to criminal liability, particularly regarding legal errors in the form of intent or negligence, while Indonesia's penal law framework continues to follow the doctrine of nullum crimen sine culpa. The issue becomes complex because there is no normative clarity regarding the status of political parties as criminal legal entities, unlike civil legal entities, and because it becomes challenging to determine if an unlawful offense was perpetrated by the party institution or an individual within it. Political reform after the collapse of the New Order did open up a more free and pluralistic democratic climate, but in practice, corruption cases involving political parties still often only ensnare individuals, not parties as institutions. This has given rise to legal and political ambiguity regarding the extent to which political parties might be subject to legal culpability, who deserves to be held answerable, and how to establish clear legal boundaries so that political parties do not become seemingly immune to the law.[5]

The eradication of corruption cannot rely solely on a legal approach because this crime is often linked to capital forces that are integrated with the political and institutional systems of the state, including political parties. In practice, as in regional elections, the high cost of campaigns encourages regional head candidates to seek additional sources of funding that have the potential to be misused, and if political parties are involved, they are able to incur criminal accountability as business corporations based on the Corruption Control Law and Supreme Court Provision No. 13 of 2016. However, it is difficult to distinguish whether the crime was committed by the party as an institution or by individuals within it. Since the Old Order era until the Reformation, political parties have been recognized as corporate bodies that could face liability, so that studies on this matter must refer to the three pillars of criminal law offense, guilt, and punishment as the basis for determining the condition of political bodies within the scope of criminal statutes.[6] Therefore, the rules concerning the legal accountability of political organizations the current positive legal system serves as a normative basis for formulating more responsive criminal law policies in the future.[7]

## II. RESEARCH METHOD

Research is an activity that seeks to solve problems systematically using specific methods and techniques. Research activities are efforts to analyze and construct in a methodological, systematic, and consistent manner.[8]

The method used by the author in completing the legal writing is normative juridical, which is an procedure utilized to define the legal rules set forth in statutory provisions.[9] The normative approach involves studying legal principles, legislation, expert opinions, and attempts to approach the issues under study with real legal characteristics or in accordance with the realities of life in society.

## III. RESULTS AND ANALYSIS

### *A. Penal Accountability of Governmental Organizations as Juridical Bodies in Graft Crimes*

The criminal liability of political parties in corruption cases is not only a national issue but also a global concern, requiring political parties to implement transparent and accountable funding mechanisms to prevent corrupt practices. This was reflected in the eighth Global Anti-Graft Summit (IACC) held in Lima, Peru, in 1997, which emphasized corruption as a major obstacle to elections and the political system, and recommended concrete measures such as regulating political contributions, limiting campaign spending, implementing strict audits, and strengthening civic education as a long-term strategy.[10]

At the 11th IACC in Seoul in 2003, with the theme “Different Cultures Common Values,” it was emphasized that political party financing and corruption in elections cannot be separated from the political finance reform agenda. Therefore, political parties were encouraged to carry out internal reforms, implement transparency, and uphold high ethical standards, while the conference also emphasized the need to limit election costs so that reform efforts could be effective.[11]

Article 26 of the UN Anti-Graft Convention (2003) affirms the obligation of each country to establish legal responsibility for legal entities involved in violations, whether through criminal, civil, or administrative sanctions that are effective, proportional, and have a deterrent effect. Following up on this and the IACC agenda, Indonesia regulates the accountability of legal entities, including political movements, in the Graft Prevention Law and the Political Movements Legislation. Statute No. 2 of 2008 in

---

[4] Muladi, *Human Rights and Legal Reform in Indonesia*, The Habibie Center, Jakarta, 2002, p. 157.
[5] Osbin Samosir, *Political Parties in the 21st Century: Definition, Function, and Practice in Indonesia*, UKIPPress Publishing and Printing Center of the Indonesian Christian University, Jakarta, 2022, p. 1.
[6] Herbert L. Packer, *The Limits of The Criminal Sanction*, Stanford University Press, California, 1968, p. 16.
[7] National Law Development Agency, *Symposium on National Criminal Law Reform*, Bina Cipta, Bandung, 1986, p. 56.
[8] Ronny Hanitijo Soemitro, 1990, *Legal Research Methodology*, Ghalia Indonesia, Jakarta, p. 9.
[9] Soerjono Soekanto and Sri Mamudji, 2003, *Normative Legal Research*, A Brief Review, Raja Grafindo Persada, Jakarta, p. 12.
[10] https://iaccseries.org/about, 8th IACC conference.
[11] https://iaccseries.org/about, 11th IACC conference.

combination with Statute No. 2 of 2011 provides that political entities obtain legal entity status through registration with the Ministry of Legal Affairs and Human Rights by complying with specific administrative criteria, such as a notarial deed, management structure, permanent office, and bank account on behalf of the organization. Therefore, the presence of political entities as legal entities is the result of a formal juridical formation process in accordance with the theory of juridical reality, which gives political parties the capacity to act as independent legal subjects with rights, obligations, and standing in judicial proceedings.[12]

The existence of electoral organizations functioning as juridical corporations is confirmed through their Articles of Association, which contain their statutes, bylaws, and central leadership as stipulated in Statute Number 2 of 2008 in connection with Statute Number 2 of 2011, with the Constitutional Documents encompassing at minimum the foundations, mission and mission, symbols, objectives, functions, structure, decision-making mechanisms, political education, and financial management. Although intangible, political parties are recognized as legal entities separate from their members and administrators, with the authority to take legal action, enter into agreements, conduct transactions, and appear as parties in court. Although they cannot be subject to criminal penalties such as imprisonment, political parties can still be held accountable through civil or criminal sanctions in the format of penalties, the oversight of which is strengthened in Regulation Number 13 of 2016 as a manifestation of the national penal law framework's commitment to enforcing the law against collective entities, including political parties.[13]

Regulation Number 13 of 2016 and Statute Number 20 of 2001 stipulate that corporations, including political parties, can face penal responsibility when an offense is perpetrated for the benefit or gain of the organization, with the main sanction being a fine. Law Number 8 of 2010 also expands criminal penalties for money laundering by corporations and their management. Meanwhile, Statute Number 2 of 2008 in connection with Statute Number 2 of 2011 forbids electoral organizations from accepting foreign assistance or illegal donations, with the threat of dissolution or criminal penalties. However, in practice, law enforcement remains weak because corrupt acts are more often seen as the responsibility of individual officials, not the party institution.[14]

There is a view that emphasizes the need for law enforcement officials to have the courage to impose criminal liability on corporations, including political parties. Artidjo Alkostar once asserted that corporations should be able to be named as defendants in corruption cases, as is the practice of the Prosecutor General's Bureau in Kalimantan. In accordance with this, the Chief Prosecutor of the Republic of Indonesia has also stated that political parties may face penal responsibility and even disbanded if they are proven to have received funds from corruption.[15]

Similar support came from civil society, as expressed by ICW researcher Tama S. Langkun, who emphasized that if a political party has been demonstrated to have gained from illegal deeds of dishonesty, the KPK should be able to use the provisions of the TPPU and illegal deeds of dishonesty to pursue political organizations as lawful bodies responsible for criminal acts.[16]

Constitutional law expert Yusril Ihza Mahendra also encouraged the KPK to investigate the involvement of political parties in the e-KTP bribery case[17], emphasizing that a final and binding court decision could be used as a basis for the Constitutional Court to dissolve political parties proven to have benefited from corruption, as part of political and democratic education towards a fair, flourishing, and well-being community in compliance with Pancasila and the 1945 Basic Law.

The development of modern criminal law no longer limits the subject of criminal acts to individuals, but also includes corporations or legal entities with rights and obligations separate from their members.[18] Therefore, illegal deeds of dishonesty perpetrated by administrators or members of political parties can result in criminal liability not only for the individual perpetrators, but also for the political party as an entity that benefits from or allows corrupt acts to occur.

In national criminal law, there are three models of criminal liability. First, only individuals can be punished as specified in Section 59 of the Penal Code, in order that corporate liability is imposed on its management. Second, the perpetrator can be an individual or a legal entity, but criminal liability remains with the individual, as in the Banking, Telecommunications, and Aviation Laws. Third, corporations may be deemed immediately legally responsible, as specified in the Economic Crimes, Corruption Eradication, Environmental Protection, Narcotics, Health, and Political Organizations Statutes, in order that political organizations as lawful bodies are likewise acknowledged as subjects of penal law.

---

[12] Rachmadi Usman, *Legal Dimensions of Limited Liability Companies*, Alumni, Bandung, 2004, p. 50.
[13] Adji, FX, Samekto, *The Relationship between Capitalism and the Concept of Sustainable Development and the Implementation of the Convention on Biological Diversity in Critical Legal Studies*, dissertation summary for a Doctorate in Law at the Diponegoro University Postgraduate Program, Doctoral Program in Law, Diponegoro University Graduate Program, 2004, Semarang, p. 2.
[14] *Ibid*., p. 6.
[15] *KPK states that party cadres caught in corruption cases bear personal responsibility*, https://www.merdeka.com/peristiwa/kpk-sebut-kader partai-tertangkap-korupsi-tanggung-jawab-pribadi.html.
[16] *This is why the KPK has not yet designated corporations as subjects of criminal corruption*, https://www.merdeka.com/peristiwa/ini-alasan kpk-belum-tetapkan-korporasi-jadisubjek-pidana-korupsi. html?utm_source=Detail%20Page&utm_medium=Related%20News&utm_campaign=Mdk-Related-News.
[17] *Ibid.*
[18] Muladi and Dwidja Priyatno, *Corporate Responsibility in Criminal Law*, Bandung, College of Law, 1991, pp. 18–20.

According to A.L.J. Van, there are three doctrines in establishing companies as subjects of penal law:[19] J. Remmelink's psychological theory, which emphasizes people as logical and ethical creatures; J. Ter Heide's sociological approach, which focuses on actions, giving rise to the concept of criminal law without human involvement (*ontmenseljik strafrecht*) and A.C.T. Hart's perspective, which views legal subjects as counterfactual legal concepts. Hart's perspective, which views legal subjects as a counterfactual legal concept. Based on this framework, the recognition of political parties as legal bodies that may be deemed legally responsible is founded on a legal and sociological approach, as confirmed by Article 3 of Statute Number 2 of 2008 in connection with Statute Number 2 of 2011, which regulates the administrative requirements for obtaining legal entity status.

Thus, political parties as lawful bodies may be deemed penally responsible through statutes beyond the Penal Code. According to Muladi, this is part of a semi-global approach to criminal law reform, namely supplementing the Criminal Code with specific provisions such as Article 4 of Perma Number 13 of 2016, Article 20 of the Anti-Graft Statute, Section 6 of the Anti-Money Laundering Statute, and Section 40 of the Political Organizations Statute.[20]

With the implementation of the New Penal Code through Statute Number 1 of 2023, corporations are now explicitly recognized as subjects of penal law as specified in Section 45 subsection (1). According to Raden Narendra Jatna, criminal liability in business practices can be attached individually or collectively, in line with Article 47, which emphasizes that corporate crimes can be committed by internal or external parties, including controllers or beneficial owners. Corporate entities in this provision include various forms of legal entities such as limited liability companies, foundations, cooperatives, state-owned enterprises, regional-owned enterprises, and associations with or without legal entities in accordance with applicable regulations.[21]

Law enforcement against political parties is not only based on legal aspects, but also considers sociological approaches because corruption is seen as a threat to the integrity of democracy. These legal efforts are expected to reinforce the relationship between the law and the fundamental values of social and economic justice.[22] In practice, political party corruption often occurs systematically, as reflected in the spread of corruption due to the decentralization of power, an increase in the state budget that has no impact on poverty alleviation, high levels of corruption in special autonomous regions, weak accountability for maritime development, and the vulnerability of village fund programs to corruption.[23]

Roscou Pound's sociological approach, through his theory of law as a tool of social engineering, positions law as a means of forming a new social order.[24] Therefore, the criminal liability of political parties should be viewed as part of legal reform aimed at realizing substantive justice, rather than merely maintaining the status quo.

The Golkar Party case can be used as an example of how political parties qualify as corporate actors in criminal acts of corruption. Even though it has returned 5 billion rupiah to the Corruption Eradication Commission (KPK), this repayment does not eliminate the criminal element as stipulated in Article 4 of Law Number 31 of 1999. Based on Article 1 paragraph (1) of Law Number 31 of 1999 and Articles 1 and 4 of Perma Number 13 of 2016, political parties can be subject to criminal law if they benefit from criminal acts, allow criminal acts to occur, or fail to take preventive or corrective measures. Thus, the application of criminal liability to the Golkar Party reflects the supremacy of law and justice in accordance with the values of Pancasila.[25]

### *B. Criminal Liability Model for Political Parties as Legal Entities in Corruption Crimes*

Based on a sociological approach, any deviation committed by a political party that harms state finances, hinders development, and deprives people of their economic, social, political, cultural, and religious rights guaranteed by the 1945 Constitution and Pancasila should be subject to criminal liability. In the context of criminal acts of corruption, political parties as legal entities must be held accountable for the systemic impact they have on the state order.

The criminal liability model for political parties as corporations generally takes the form of criminal fines, accompanied by the possibility of additional sanctions such as the announcement of verdicts, suspension of activities, revocation of licenses, dissolution, confiscation of assets, or takeover by the state. If the fine cannot be paid, the corporation's assets may be seized, and if the proceeds are insufficient, substitute imprisonment may be imposed on the corporate controllers. However, the provisions on imprisonment in Article 30 of the Criminal Code are essentially intended for individuals, so their application to political parties as legal entities raises legal issues.

---

[19] Serikat Putra Jaya, Nyoman, *Pembaharuan Hukum Pidana*, Semarang, Pustaka Rizki Putra, 2017, p. 25.
[20] *Ibid*, p. 14.
[21] Ferinda K Fachri, *Examining Corporations as Legal Entities in the New Criminal Code,* March 23, 2024 https://www.hukumonline.com/berita/a/menilik-korporasi-sebagai-subjek-hukum-dalam-kuhp-baru-lt65fe9864a6846/.
[22] Cotterell R., Theory and Values in Social- Legal Studies, *Journal of Law and Society*, Volume 44, Issue S1, October 2017, ISSN: 0263-323, pp.S19-S36.
[23] Widjojanto, Bambang, *Fighting Corruption: Fulfilling Promises, Devoting Oneself*, Malang: Intrans Publishing, 2016, p. 38.
[24] L. Tanya, Bernard, *Theory of Human Order Strategy Across Space and Generations*, Surabaya : CV Kita, 2006, p. 128.
[25] Hidayat. Arief, *The Concept and Implementation of the Pancasila Legal State in Addressing National Legal Issues*, paper presented at the National Seminar on "The Concept and Implementation of the Pancasila Legal State in Addressing National Legal Issues," Semarang, September 30, 2017, in delivering the keynote address by the Chief Justice of the Constitutional Court, Semarang, September 30, 2017, p. 3.

In addition, the effectiveness of additional criminal sanctions depends heavily on the firmness of judges in their verdicts. Failure to explicitly state sanctions can reduce their legal force and potentially lead to substantive injustice. In line with developments in modern law, the doctrine of vicarious liability can be applied to prosecute political parties, as developed in the common law system through the principle of respondeat superior, which stipulates that the principal is responsible for the actions of the agent, in accordance with *the adage qui facit per alium facit per se*.[26]

The doctrine of vicarious liability initially developed in civil law, particularly in the context of employer-employee relationships, and began to be introduced in Europe after World War II, for example in Belgium, Denmark, and France. Since the 1990s, this doctrine has been adopted in corporate criminal law in various countries as the basis for criminal liability for legal entities.[27] Conceptually, vicarious liability is a form of indirect legal responsibility, whereby a person or legal entity can be held liable for unlawful acts committed by another party, even without personal fault. This concept commonly arises in employer-employee relationships, where a superior or principal can be held liable for the acts of a subordinate or agent, as defined in Black's Law Dictionary.[28]

The application of the doctrine of vicarious liability in criminal law poses a challenge to the fundamental principle of criminal punishment, which requires the existence of *actus reus* and *mens rea*, which traditionally can only be attributed to humans. However, in practice, a number of countries have applied it to political parties, such as in Croatia, when the Croatian Democratic Union (HDZ) party was fined 5 million kuna and required to return 24.2 million kuna due to the corrupt actions of party officials who accepted illegal donations worth 31.6 million kuna between 2003 and 2009.[29]

In Greece, a Neo-Nazi political party was held criminally liable because its leaders were proven to have been involved in acts of violence against immigrants, confirming that political parties are recognized as subjects of criminal law. In Turkey, the Constitutional Court has the authority to dissolve political parties that violate the constitution, including through criminal acts. Meanwhile, in the former Yugoslavia, political parties have been implicated in various crimes such as political violence, corruption, tax evasion, election fraud, and even extreme acts such as terrorism, treason, and espionage in order to achieve certain political goals.[30]

In the legal systems of the United States and the United Kingdom, criminal sanctions against political parties do not take the form of dissolution, but rather large fines that can lead to bankruptcy. In contrast, in France, Croatia, and Macedonia, the dissolution of political parties is possible as a form of punishment, accompanied by additional sanctions such as prohibiting party activities for a certain period of time, restricting the publication of activities in public spaces, and placing the party under the supervision of state institutions.[31]

In addition to vicarious liability, the doctrine of strict liability can also be applied to political parties in cases of criminal corruption and other crimes. This doctrine does not require proof of malicious intent (*mens rea*), but rather only proof of unlawful conduct (*actus reus*). This liability is essentially indirect, whereby a party in the position of employer or principal may be held liable for acts committed by subordinates or agents in a contractual relationship.[32]

Strict liability is a form of legal responsibility that does not require the element of fault, whether in the form of intent (*dolus*) or negligence (*culpa*). This model is generally applied to high-risk activities, particularly in civil lawsuits against corporations, for example, related to employee or consumer losses due to defective products. Although it is not necessary to prove fault on the part of the defendant, the plaintiff is still required to demonstrate the existence of a product defect, a causal relationship with the resulting loss, and that the product was unsafe to use. If these elements are met, the plaintiff is entitled to compensation even if the seller has complied with legal procedures in the sale.

In addition to strict liability, there is also the alter ego doctrine or reality theory, which places legal responsibility on a legal entity for the actions of its organs or representatives that are considered to reflect the will of the legal entity itself.[33] Meanwhile, the doctrine of identification allows legal entities to be held directly criminally liable without always requiring mens rea. In the

---

[26] Marsavelski, Alexander, *Responibility of Political Parties for Criminal Offences: Preliminary Observations, Challenges and Controversies*, p. 7. https://papers.ssrn.com/sol3/papers. cfm?abstract_id=2610306&download=yes.

[27] Giliker, Paula, *Vicarious Liability in Tort: A Comparative Perspective*, Cambridge University Press, 978-1-107-62748-2.

[28] Black's law dictionaryhttp://blacks_law.enacademic.com/43539/ vicarious_liability.

[29] Marsavelski, *Op. Cit.* p. 4.

[30] *Ibid, p. 6.*

[31] *Ibid, p. 11.*

[32] Amrani, Hanafi and Mahrus Ali, *Criminal Accountability System: Development and Implementation*, Jakarta, Raja Grafindo Persada, 2015, pp. 133-134.

[33] Kristian, *Criminal Liability System for Corporations Reviewed from Various International Conventions*, Bandung, Refika Aditama, 2017, p. 52.

English legal system, legal entities can even be held criminally liable as both principal perpetrators and participants, although the principle of fault is still maintained as a prerequisite for liability.[34]

In some jurisdictions, the law emphasizes the importance of political parties conducting periodic performance evaluations, even though comprehensive technical guidelines on the mechanism are not yet available. Meanwhile, in the development of Indonesian criminal law through the revision of the National Criminal Code, the principle of fault is still maintained, but it is not understood in a rigid and absolute manner. This is reflected in the provisions on strict liability and vicarious liability in Article 37 of the National Criminal Code as exceptions and complements to the principle of fault in Article 36.[35] Thus, the punishment of perpetrators of criminal acts no longer depends entirely on the existence of fault, but can be applied more flexibly according to specific conditions.

Article 37 letter b of the National Criminal Code explains that when specified in the Law, every person can be held liable for criminal acts committed by another person. This article explains the regulation of vicarious liability in Indonesian criminal law, which is further clarified through the explanation of the article. Based on the explanation of this article, it can be concluded that the regulation of vicarious liability in the National Criminal Code is very limited. The National Criminal Code's understanding of vicarious liability is a provision that determines that every person is responsible for the actions of another person who performs “work” or “acts for them” or “within the limits of their orders.”

Based on this explanation, it can be said that the concept of vicarious liability is limited to corporate criminal liability and command liability.[36] Based on the above explanation, with the existence of the National Criminal Code, which regulates the model/form of criminal liability for political parties as legal entities, it can strengthen law enforcement against political parties in future corruption cases. In addition, regulations related to the model of political party liability as a corporation are also regulated in Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations, Law Number 31 of 1999 concerning Eradication of Corruption Crimes, which was later amended by Law Number 20 of 2001 and Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.

## IV. CONCLUSIONS

1. Political parties as legal entities can be held criminally liable for their involvement in corruption, with reference to the normative provisions set out in national legislation and based on a sociological approach that focuses on the consequences of such criminal acts. The types of criminal liability that have been legally accommodated for political parties include principal penalties in the form of fines and additional penalties.
2. With the National Criminal Code continuing to uphold the principle of fault as the basis for criminal liability, there will be room for exceptions through the recognition of the doctrines of strict liability and vicarious liability as stipulated in Article 37. This provision allows for the imposition of criminal sanctions without the requirement of absolute proof of fault, particularly in cases of corporate liability, including political parties. Thus, the existence of these provisions strengthens the legal basis for prosecuting political parties as subjects of criminal law, especially in cases of corruption, as also supported by provisions in other sectoral regulations.

## REFERENCES

1) Adji, F. X. S. (2004). The Relationship Between Capitalism and the Concept of Sustainable Development and the Implementation of the Convention on Biological Diversity in Critical Legal Studies (Doctoral dissertation, Diponegoro University Graduate Program). Semarang: Doctoral Program in Law.
2) Amrani, H., & Ali, M. (2015). Criminal Accountability System: Development and Implementation. Jakarta: Raja Grafindo Persada.
3) Black’s Law Dictionary. Retrieved from http://blacks_law.enacademic.com/43539/vicarious_liability
4) Cotterell, R. (2017). Theory and Values in Social-Legal Studies. Journal of Law and Society, 44(S1), S19–S36. https://doi.org/10.1111/jols.12059
5) Fachri, F. K. (2024, March 23). Examining Corporations as Legal Entities in the New Criminal Code. Hukumonline. Retrieved from https://www.hukumonline.com/berita/a/menilik-korporasi-sebagai-subjek-hukum-dalam-kuhp-baru-lt65fe9864a6846/
6) Giliker, P. (2016). Vicarious Liability in Tort: a Comparative Perspective. Cambridge: Cambridge University Press.

[34] Iwona Sepiolo-Jankowska, *Corporate Criminal Liability in English law*, DOI 10.14746/ppuam.2016.6.0, https://prestto.amu.edu. pl/index.php/ppuam/article/viewfile/7176/7203.
[35] Kila, Ferdinandus, I Nyoman Gede Sugiartha, Ni Made Puspasutari Ujianti, Criminal Liability without Unlawful Intent from the Perspective of Criminal Law Reform, *Journal of Legal Construction*, Vol. 4, No. 1 (January 31, 2023): 28–34. https://doi.org/10.55637/JKH.4.1.6027.28-34.
[36] Haris, Supriyadi, Application of Vicarious Liability Principles to Parents for Crimes Committed by Their Children, *Badamai Law Journal*, Vol. 3, No. 1 (2018): 41. https://doi.org/10.32801/damai.v3i1.6057.

7) Hidayat, A. (2017, September 30). The Concept and Implementation of the Pancasila Legal State in Addressing National Legal Issues. Paper Presented at the National Seminar "the Concept and Implementation of the Pancasila Legal State in Addressing National Legal Issues," Semarang.
8) Kelsen, H. (1961). General Theory of Law and State (A. Wedberg, Trans.). New York: Russell & Russell.
9) Kelsen, H. (1967). Pure Theory of Law (M. Knight, Trans., 2nd ed.). Berkeley: University of California Press.
10) Kila, F., Sugiartha, I. N. G., & Ujianti, N. M. P. (2023). Criminal Liability Without Unlawful Intent from the Perspective of Criminal Law Reform. Journal of Legal Construction, 4(1), 28–34. https://doi.org/10.55637/JKH.4.1.6027.28-34
11) Komisi Pemberantasan Korupsi (KPK). (2023). KPK states that party cadres caught in corruption cases bear personal responsibility. Retrieved from https://www.merdeka.com/peristiwa/kpk-sebut-kader-partai-tertangkap-korupsi-tanggung-jawab-pribadi.html
12) Komisi Pemberantasan Korupsi (KPK). (2023). This is Why the KPK Has Not Yet Designated Corporations as Subjects of Criminal Corruption. Retrieved from https://www.merdeka.com/peristiwa/ini-alasan-kpk-belum-tetapkan-korporasi-jadisubjek-pidana-korupsi.html
13) Kristian. (2017). Criminal Liability System for Corporations Reviewed from Various International Conventions. Bandung: Refika Aditama.
14) Marsavelski, A. (2015). Responsibility of Political Parties for Criminal Offences: Preliminary Observations, Challenges and Controversies. SSRN Electronic Journal, 1–20. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2610306
15) Muladi. (2002). Human Rights and Legal Reform In Indonesia. Jakarta: The Habibie Center.
16) Muladi, & Priyatno, D. (1991). Corporate Responsibility in Criminal Law. Bandung: College of Law.
17) National Law Development Agency. (1986). Symposium on National Criminal Law Reform. Bandung: Bina Cipta.
18) Osbin, S. (2022). Political Parties in the 21st Century: Definition, Function, and Practice in Indonesia. Jakarta: UKIPPress Publishing and Printing Center of the Indonesian Christian University.
19) Packer, H. L. (1968). The Limits of the Criminal Sanction. Stanford, CA: Stanford University Press.
20) Rachmadi, U. (2004). Legal Dimensions of Limited Liability Companies. Bandung: Alumni.
21) Sepiolo-Jankowska, I. (2016). Corporate Criminal Liability in English Law. Poznań University of Adam Mickiewicz Law Review, 6(0). https://doi.org/10.14746/ppuam.2016.6.0
22) Serikat Putra Jaya, N. (2017). Pembaharuan Hukum Pidana. Semarang: Pustaka Rizki Putra.
23) Setyawan, V. P. (2019). Criminal Liability of Political Parties in Corruption Crimes. Justitia Et Pax Law Journal, 35(1), 67.
24) Soekanto, S., & Mamudji, S. (2003). Normative Legal Research: a Brief Review. Jakarta: Raja Grafindo Persada.
25) Soemitro, R. H. (1990). Legal Research Methodology. Jakarta: Ghalia Indonesia.
26) Tanya, B. L. (2006). Theory of Human Order Strategy Across Space and Generations. Surabaya: CV Kita.
27) Widjojanto, B. (2016). Fighting Corruption: Fulfilling Promises, Devoting Oneself. Malang: Intrans Publishing.
28) World Transparency International. (n.d.). 8th IACC Conference. Retrieved from https://iaccseries.org/about
29) World Transparency International. (n.d.). 11th IACC Conference. Retrieved from https://iaccseries.org/about