



Research Paper

Legal Study on Political Parties as a Corporate In Criminal Acts of Corruption and Money Laundering

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ABSTRACT

The involvement of political parties in various cases of corruption and money laundering which have an impact on the fall of public image and trust in political party organizations. Pros and cons of accountability of political parties involved in corruption and money laundering cases and the imposition of criminal sanctions on political parties as the subject of corporate offenses known for corruption and money laundering. The purpose of the study was to determine the legal sanctions against political parties as corporations in committing criminal acts of corruption and money laundering and the inhibiting factors in imposing sanctions on political parties as corporations involved in corruption and money laundering. This study uses a normative juridical law research method which was carried out for 3 months located in Samarinda City, East Kalimantan Province. The approach used is the Legislative Approach (Statute Approach) and the Conceptual Approach. The technique of collecting legal materials used is through library research and then analyzed. Legal materials were studied by means of qualitative descriptive analysis and legal reasoning techniques. The results of the study indicate that the justification of political parties as corporations in corruption and money laundering is based on philosophical, historical, sociological, and political foundations of criminal law. The factors that hinder the inability to enforce the punishment of political parties as corporations in criminal acts of corruption and money laundering are seen in two perspectives, namely the perspective of the juridical issue of the legislation governing criminal acts, criminal liability in the Anti-Corruption Act and money laundering offenses against political parties that are not implemented. So far, the enforcement of corporate criminal law against political party institutions has not been able to be implemented properly, the ideal concept of corporations is in the form of private and special corporations or in the form of public ones with different provisions on criminal arrangements.

Keywords: Corporate, Corruption, Money Laundering

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I. INTRODUCTION

The involvement of political parties in nation building has been legally formulated in Article 1 Paragraph (1) of Law Number 2 of 2008 updated with Law Number 2 of 2011 concerning Political Parties that political parties are organizations that are national in nature and are formed by a group of citizens Indonesia voluntarily on the basis of a common will and ideals to fight for and defend the political interests of members, society, nation and state, and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Legal definition illustrates the very comprehensive participation of political parties in Indonesia, so that it is not without reason, the orientation that should be built in political parties must be aimed at the interests of all groups and not only certain groups.

The development of the democratic system and structure also demands the development of the performance of political parties. The state agenda in reforming and strengthening political parties also does not escape the government's routine and ongoing agenda as one of the efforts to succeed in the Indonesian nation's democratic transition process. As a pillar of a democratic state, strengthening the degree of institutionalization of political parties is an important thing that is constantly being developed in the concept of modern democracy, so it is common for Schattschneider to mention "modern democracy is unthinkable save in terms of the parties"[1]

Reforms to strengthen political parties in various aspects are taken as a way to achieve the ideal form

of political parties in Indonesia. One form of the government's seriousness in developing political parties is the inclusion of an agenda for strengthening political parties in the National Medium-Term Development Plan (RPJMN) as an integral part of the National Development agenda [2]. In the midst of society, the strengthening of political parties can be seen as part of the collapse of democracy due to the interests of certain groups and is considered as a forum for abuse of power. Until now, the concept of corporate punishment has not been able to become an absolute justification for recognizing corporations as legal subjects like individuals. Regarding how a person should be held accountable for a criminal act committed, not only a prohibited act (*actus reus*) but an evil mental attitude (*mens rea*) is also an absolute requirement that must be met for criminal sanctions to be imposed.

The problem of the involvement of political parties in cases of corruption and money laundering is a serious problem in the enforcement of criminal law. Political parties involved in cases of corruption and money laundering cannot be held criminally responsible for their actions, there is no clear justification for the position of political parties as the subject of criminal law offenses reaping the pros and cons of how political parties should be subject to criminal sanctions .

The subject of corporate offenses that are most likely to ensnare political parties has not been implemented properly, so that both theoretically and the laws and regulations governing corporate provisions are still questionable their effectiveness.

II. RESEARCH METHOD

2.1 Type, Time and Place

The type of research used is Normative Juridical Research, which is a process to find a rule of law, legal principles, and legal doctrines in order to answer legal issues. The research time is 3 months and the research location is in Samarinda City, East Kalimantan Province.

2.2. Problem Approach

The approach used in this paper is the Statute Approach and the Conceptual Approach.

2.3. Source of Legal Material

Sources of legal materials obtained from the library consist of: (a) Primary Legal Materials namely: the 1945 Constitution of the Republic of Indonesia, the Criminal Code, Law Number 20 of 2001 Amendments to Law Number 31 of 1999 Regarding the Eradication of Criminal Acts of Corruption, and Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering; (b) Secondary Legal Materials, namely materials that provide explanations of primary legal materials sourced from books or legal scientific literature, legal journals related to research; and (c) Tertiary, namely a supporting material for primary legal materials and secondary legal materials in the form of literature other than in the field of law, and the internet as well as those related to research problems in order to provide information relevant to this researcher.

2.4. Legal Materials Collection and Processing Techniques

The technique of collecting legal materials used in this research is through library research and then analyzed.

2.5. Legal Material Analysis

Legal materials were studied by means of qualitative descriptive analysis and legal reasoning techniques, namely:

- a. Qualitative descriptive technique is to describe a symptom or event/systematically by describing legal theories.
- b. Legal Reasoning technique is the process of using legal reasons in establishing a legal stance which is formulated in a legal decision called a premise or argument.

III. THEORETICAL FRAMEWORK

3.1. General Understanding of Political Parties and Corporations

Theoretically, political parties emerge as organizations of political activists who seek to control or have a strategy of having power over the government and influencing the people to be able to provide support on the basis of competition with a group or other party groups who have different views. The relationship between politics and political parties is what makes the political party corporation a forum for achieving shared political and social goals.

The meaning of corporation in the legal perspective is described to show the existence of a business entity or company that carries out activities or continuous effectiveness in business or trade transactions, so that the existence of a corporation in the legal world is to indicate the existence of a business entity or company that carries out activities in the trading business [3]. The development of the term corporate law in various countries including Indonesia is basically recognized as a product of the legal system adopted by the Anglo-Saxon model (common law). A more complex explanation of the existence of a corporation is then also explained in the Oxford Dictionary of Law, namely as an entity that has legal personality or further referred to as a legal entity

entity that has a legal personality on the results of human creations that are deliberately created for authority and rights and obligations as human beings and given legal status so that they can act as legal subjects for the benefit of the humans who created them [4]. There are at least 2 (two) opinions regarding what is meant by a corporation [5], namely; (a) a corporation as a trading group that is a legal entity, so that the context of a corporation that can act and be responsible for itself is only a corporation whose status is a legal entity; and (b) another opinion is conveyed in a broader view, a corporation is interpreted from every group of people, whether in a trade or other business relationship, can still be responsible for itself as a corporation. This view is not only related to corporations with legal entities, but all forms of human associations can also be categorized as corporations in the context of this second doctrine.

3.2. Crime Overview

Criminal law is a legal regulation regarding crime. The word "criminal" means something that is "criminalized", that is, by the competent authority delegated to a person as something that he feels uncomfortable with and also something that is not delegated on a daily basis [6]. The purpose of criminal law is to deter people who have committed crimes and to provide protection for the common interest, preventing unhealthy social phenomena so that social justice can be realized.

3.3. Criminal Theory

In general, the theory of punishment is grouped into three groups, namely: (a) Absolute Theory or the Theory of Retaliation, namely punishment as an absolute consequence that must exist as a retaliation to people who commit crimes; (b) The Relative Theory or Theory of Goals, according to the relative theory, the purpose of crime is not just revenge but to create order in society and improve the perpetrator so that he does not commit another crime; and (c) Combined Theory, namely that the purpose of the crime is not only to avenge the crimes of criminals but also to protect society, by creating order.

3.4. Criminal Liability Theory

Criminal Liability is a punishment against the maker for an act that violates a prohibition or creates a prohibited condition. Criminal Liability therefore concerns the legal process that exists in criminal acts against the maker. Considering a person in criminal law is an objective punishment for his actions subjectively to the maker. Criminal liability is determined based on the fault of the maker and not only the fulfillment of all criminal acts. Thus the error is placed as a determining factor of criminal liability. Criminal responsibility as a determinant of the conditions that must exist in the perpetrator. The basis for the existence of a criminal act is the principle of legality, while the basis for criminal prosecution is the principle of error.

3.5. Overview of Corruption Crimes

3.5.1. Definition of Corruption

Viewed from a legal point of view, criminal acts of corruption generally fulfill elements such as acts against the law, abuse of authority, opportunities, or facilities, enriching oneself, other people, or corporations, and harming state finances or the state economy. The crime of corruption in Indonesia is basically the abuse of authority by government officials which can harm the state's finances or the state's economy.

Corruption comes from the Latin: *corruptio* from the verb *corrumpere* which means rotten, damaged, destabilizing, twisting, bribing, stealing, stealing. According to the Big Indonesian Dictionary, the definition of corruption is the misappropriation or misuse of state money (companies, organizations, foundations, and so on) for personal gain or others. Based on Law Number 31 of 1999 jo. Law Number 20 of 2001, categories of corruption crimes include: state financial losses, bribery, extortion, embezzlement in office, conflicts of interest in the procurement of goods and services, and gratuities.

3.5.2. Types of Corruption

Types of corruption include:

a. Corruption of State Money

Types of criminal acts of corruption that are detrimental to the state are abusing one's position to seek profit and harming the state's finances/economy. Usually in the form of tenders, giving goods, or evading tax payments.

b. Bribery Corruption

Bribery is an act of giving money or receiving money or gifts by a government official to do or not to do something that is contrary to his obligations.

c. Corruption Blackmail

Extortion is an act carried out by individual state administrators to benefit themselves or others by violating the law or by abusing their power by forcing someone to give something, pay or receive a discounted payment or to do something for themselves.

d. Embezzlement

Embezzlement in office is categorized as abuse of office, namely the act of a government official with the power he has to embezzle financial statements, eliminate evidence or allow others to destroy evidence that aims to benefit himself by harming the state.

e. Gratuity Corruption

Gratification in a criminal act of corruption is an act of giving gifts that are received by employees or state administrators and are not reported to the KPK within 30 days of receiving the gratification. Gratuities can be in the form of money, goods, discounts, interest-free loans, airline tickets, vacations, medical expenses, and other facilities.

f. Interest in Procurement

Procurement is an activity that aims to present goods/services needed by an agency or company. The person/agency appointed for the procurement of goods/services should be selected after going through a selection process called a tender. However, there is cooperation with state organizers to get the tender by not going through an auction.

3.5.3. Theory of Corruption in Criminal Law

The discussion of the theory of criminal acts of corruption starts from an understanding of the basic meaning of corruption in criminal law is a crime and corruption itself. The word crime etymologically comes from the Dutch language, namely strafbaarfeit. The meaning then according to [7] gave birth to a complete formulation, including: being threatened with a criminal by law, contrary to the law, carried out by a guilty person, and that person is considered responsible for his actions.

This understanding at least places more emphasis on aspects of legislation that are closely related to the basis for which an act can be punished. [8] adds a discussion of criminal acts into an element that has two related properties, namely: the subjective element is related to the perpetrator's self and includes everything that is contained in his heart; and the objective element is the element that is attached to the perpetrator or which has something to do with the circumstances, namely in the circumstances that the actions of the perpetrator must be carried out. [9] put forward the concept asserting that a criminal act (objective) cannot be punished unless a person who commits has a (subjective) fault for his actions or actions. David H. Bayley formulated that corruption is an incentive (a government official) based on bad faith to violate his obligations. [10] In the Crote Winkler Prins Encyclopedia on corruption as follows "*omkoping, noemt men het werschijnseldatambtenaren of anderepersonen in dienst der openbarezaak (zieechterhierondervoorzogenaanmdnietambtelijkcorruptie) zichlatenomkopen*". The word bribery is indeed more familiar to describe an act of corruption than others, this statement also involves an element of moral discrepancy in the act of corruption. Even Robert Klitgaard said that "the main issue about corruption is not in the actions of individuals, but in the moral situation of the community that causes it to arise". On the other hand, some experts such as Thucydides, Plato, Aristotle, Machiavelli, Montesquieu and Rousseau asserted corruption "as a general disease condition that arises or is born from a political body (the body politics). The meaning of corruption is also narrowed in the government sector, namely in negative actions based on behavior that benefits oneself by harming others, carried out by unscrupulous government officials who violate legal provisions, while according to government norms it is considered a despicable act, immoral. A general understanding of the criminal act of corruption that there is a criminal act that specifically regulates the provisions of criminal acts of corruption, this then makes the birth of the term special criminal law in several countries related to corruption, including in Indonesia. The definition of special criminal law is the law that regulates certain actions or to certain people or in other words that special criminal law must be seen from the substance and applies to whom the special criminal law is.

3.6. Overview of the Crime of Money Laundering

The theory of money laundering crime was born from the response to the rapid development of crime so that various types of crimes, whether committed by individuals, groups or corporations, easily occur, and generate large amounts of wealth. The crime is not only committed within the borders of a country, but extends across the borders of other countries so that it is also referred to as a transnational crime, assets tend to be then hidden and reissued as if from legal proceeds. This is what then prompted the birth of the term money laundering or money laundering as a crime, namely the act or attempt of a criminal to hide or disguise the origin of assets obtained from criminal acts by entering the assets resulting from crimes into the financial system, in particular. banking system both at home and abroad, with the aim of avoiding lawsuits and securing assets resulting from crimes from being confiscated by law enforcement agencies.

Money laundering is simply defined as a process of making proceeds of crimes or referred to as dirty money, for example the proceeds from drugs, corruption, tax evasion, gambling, smuggling and others that are converted or converted into a form that looks legal so that it can be used safely [11]. The crime of money laundering or abbreviated is a criminal act which includes placing, transferring, paying, or spending, giving,

entrusting, bringing abroad, exchange, and hide or disguise objects in the form of assets which are known or reasonably suspected to be the result of criminal acts [12].

The term money laundering according to Sjahdeini provides an understanding, namely "a series of activities or a process carried out by a person or organization against illicit money, namely money originating from a criminal act, with the intention of hiding or disguising the origin of the money from the government or the authorities authorized to commit the crime." prosecution of criminal acts, by other means and especially entering the money can then be removed from the financial system as lawful money. In line with Sjahdeini, according to Black's Law Dictionary cited by [13] that, money laundering is defined as a term used to describe investments or transfers of money resulting from corruption, drug transactions, and other illegal sources into the channel legal so that the original source cannot be traced. In simple terms, that money laundering can be assumed as the illegal transfer of money with the aim of saving its source and incorporating it back into legitimate formal economic activities.

The increasingly complex characteristics of the Crime of Money Laundering make it a crime with a special nature. Money laundering is a crime with special characteristics and is also the starting point and means of eradicating economic crimes, not only by eradicating the crime of origin but also the proceeds of the crime of money laundering itself. Regardless of whether or not the predicate offense is obligated to prove, the existence of predicate offenses must still exist as stipulated in the money laundering as a follow-up crime. In principle, legal experts classify these predicate crimes into three approaches, covering all crimes approach, the list approach, and the threshold approach depending on the needs and priorities of each country. Theoretically, money laundering there are three stages of the process of money laundering which include: *placement, layering and integration*.

IV. RESULTS AND DISCUSSION

4.1. Legal Sanctions Against Political Parties as Corporations in Committing Corruption Crimes and Money Laundering

One type of corporation is a collection of organizations in the form of a legal entity, if it is associated with a political party (Parpol), then a political party can be categorized as a corporation. This is based on the definition of political parties as stated in Article 1 point 1 of Law Number 2 of 2008 as amended by Law Number 2 of 2011 concerning Political Parties (UU Political Parties) which reads: Political parties are organizations that are national in nature and are formed by a group of people. Indonesian citizens voluntarily on the basis of the same will and ideals to fight for and defend the political interests of members, society, nation and state, and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Then categorize Political Parties as Legal Entities, in accordance with Article 3 of Law Number 2 of 2011 concerning Political Parties which reads:

1. Political parties must be registered with the Ministry to become legal entities.
2. To become a legal entity as referred to in paragraph (1), a political party must have:
 - a. notarial deed of establishment of a political party.
 - b. a name, symbol, or image that does not have similarities in principle or in its entirety to the name, symbol, or image mark that has been used legally by another political party in accordance with statutory regulations;
 - c. permanent office.
 - d. management of at least 60% (sixty percent) of the number of provinces, 50% (fifty percent) of the number of districts/cities in each province concerned, and 25% (twenty five percent) of the number of sub-districts in each district/city in the area concerned.
 - e. have an account in the name of a political party."

Proving a corporate error according to the Supreme Court Regulation Article 4 number 13 of 2016 concerning procedures for handling criminal cases by corporations in imposing a crime against a corporation, the judge can assess the corporate error stating:

1. Corporations may be held criminally liable in accordance with the provisions on corporate crime in the law governing corporations.
2. In imposing a crime against a corporation, the judge may assess the corporation's mistakes as referred to in paragraph (1), among others: The corporation may obtain profits or benefits from the crime or the crime is committed for the benefit of the corporation.
3. Corporations allow criminal acts to occur or
4. The corporation does not take the necessary steps to prevent, prevent a bigger impact and ensure compliance with applicable legal provisions in order to avoid the occurrence of criminal acts.

Article 20 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Prevention and Eradication of Criminal Acts of Corruption, as follows:

1. In the event that a criminal act of corruption is committed by or on behalf of a corporation, criminal charges and penalties may be made against the corporation and or its management.
2. A crime committed by a corporation if the crime is committed by people, either based on a work relationship or based on other relationships, acting within the corporate environment, either alone or together.
3. In the event that a criminal charge is made against a corporation, the corporation is represented by the management.
4. The management representing the corporation as referred to in paragraph (3) may be represented by another person.
5. The judge may order the management of the corporation to appear in person in court and may also order that the management be brought to court.
6. In the event that a criminal charge is made against a corporation, the summons to appear and the submission of the summons shall be submitted to the management at the management's residence or at the management's office.
7. The principal punishment that can be imposed on corporations is only a fine, with the maximum provisions being a fine plus 1/3 (one third).

Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering Article 6 Paragraph (2):

1. Conducted or ordered by the Corporate Controlling Personnel.
2. Conducted in order to fulfill the purposes and objectives of the Corporation.
3. Performed in accordance with the duties and functions of the perpetrator or the giver of orders.
4. Done with the intention of providing benefits to the Corporation.

and Article 7 states:

1. The principal penalty imposed on a corporation is a fine of a maximum of Rp. 100,000,000,000.00 (one hundred billion rupiah).
2. In addition to the fine as referred to in paragraph (1), the corporation may also be imposed with additional penalties in the form of:
 - a. Announcement of judge's decision.
 - b. Suspension of part or all of the company's business activities.
 - c. Revocation of business license
 - d. Dissolution and/or prohibition of the corporation
 - e. Confiscation of corporate assets for the State
 - f. Corporate take-up by the state.

Furthermore, Article 9 states:

1. In the event that the corporation is unable to pay the fine as referred to in Article 7 paragraph (1), the fine shall be replaced with the confiscation of assets belonging to the corporation or the controlling personnel of the corporation whose value is the same as the penalty imposed.
2. In the event that the sale of the confiscated assets belonging to the corporation as referred to in paragraph (1) is insufficient, imprisonment in lieu of a fine shall be imposed on the controlling personnel of the corporation by taking into account the fines already paid.

The theory of direct corporate criminal liability as well as functional actors understand legal entities/corporations as legal subjects who will and act through humans, and therefore the actions of political party administrators are the actions of political parties themselves, so that "actus reus" and "mens rea" political party administrators in carrying out political party activities are the actions and mistakes of political parties, so that political parties as legal entities can be accounted for and punished.

Based on Article 39 of Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering which concerning Financial Transaction Reports and Analysis Center has the task of preventing and eradicating the crime of money laundering, it has the following functions:

1. Prevention and eradication of money laundering crimes.
2. Management of data and information obtained by Prevention and Eradication of the Crime of Money Laundering
3. Supervision of the reporting party's compliance.
4. Analysis or examination of reports and information on Financial Transactions with indications of money laundering and/or other criminal acts.

Meanwhile, the authority of Prevention and Eradication of the Crime of Money Laundering is as follows:

1. Request and obtain data and information from government agencies and/or private institutions that have the authority to manage data and information, including from government agencies and/or private institutions that receive reports from certain professions.

2. Establish guidelines for identifying suspicious financial transactions.
3. Coordinate efforts to prevent money laundering crimes with relevant agencies.
4. Provide recommendations to the government regarding efforts to prevent money laundering.
5. Representing the government of the Republic of Indonesia in international organizations and forums related to the prevention and eradication of money laundering;
6. Organizing anti-money laundering education and training programs and
7. Organizing socialization on the prevention and eradication of money laundering crimes.

Based on the explanation above, it can be stated that political parties as corporations can be subject to criminal acts if they violate laws such as corruption and money laundering, because political parties are legal entities and have been registered with the Ministry of Law and Human Rights.

Furthermore, it can also be stated that political parties as corporations can be blamed and held accountable for criminal acts of corruption if a member or management of the corporation commits a criminal act of corruption. the crime. Thus the corporation (political party) can be blamed and can be held criminally responsible as long as it is known that the political party management committed the crime for and on behalf of the corporation itself. as regulated in Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. Meanwhile, in the case of money laundering, political parties as corporations can be blamed and held accountable if the political parties receive and use the proceeds from the profits of criminal acts committed by administrators and members of political parties.

4.2. Obstacles to Accountability of Political Parties as Corporations in Crime

Criminal acts can be committed by unions or business entities (corporations). The development of corporate regulation as the subject of criminal acts can be qualified based on three accountability systems, namely[14]:

1. The management of the corporation as the maker, the manager who is responsible.
2. Corporation as maker but responsible management, and
3. Corporation as maker and responsible.

Company law is known as corporate responsibility, meaning that every juridical consequence of the company's actions, good or bad, will be borne by the company itself. The application of the doctrine of piercing the corporate veil in relation to unlawful acts or criminal acts related to corporations. If there is a criminal element in a company's activities even though it is carried out by the company itself, based on the theory of piercing the corporate veil, by law it is also justified if the responsibility is requested from other parties, such as the directors or shareholders [15].

This system has paved the way for prosecuting corporations and holding them accountable under criminal law. There are several reasons that can be used as the basis for asking for accountability, namely: in connection with the concept of a corporation as a legal subject of a criminal act, it can be stated that the General Provisions of Indonesian Criminal Law (KUHP) which are still in force today hold that a criminal act can only be committed by humans (natuurlijk). Meanwhile, corporations according to the fictional theory of Von Savigny are legal subjects, not recognized in criminal law because the Dutch government at that time was not willing to adopt the teachings of civil law into criminal law [15]. In the case of the owner or entrepreneur of a corporation due to the absence of regulation that the management is responsible, then how to decide about the maker and accountability. The consequence of not regulating corporations as the subject of criminal acts in book 1 of the Criminal Code as a general provision of criminal law is that the arrangements in laws outside the Criminal Code are very diverse that in various economic and fiscal crimes, the profits obtained by corporations or the losses suffered by the community can be so large that it is impossible to balance them if they are only imposed on the management, because corporations also enjoy the assets resulting from the crime.

However, the fundamental problem that can prevent criminal penalties from being imposed on political parties as corporations so far is that corporations do not have a soul or conscience or mind, so it is very difficult to measure the extent of wrongdoing or evil intentions that exist in the soul of the corporation. In connection with the concept of the corporation as a legal subject of criminal acts, it can be stated that the General Provisions of Indonesian Criminal Law (KUHP) currently in force still adhere to that a crime can only be committed by humans (natuurlijk person). In his book HamzahHatrik quoted [14] that according to the fictional theory of Von Savigny corporations are legal subjects, not recognized in criminal law because the Dutch government at that time was not willing to adopt the teachings of civil law into criminal law. However, since September 1, 1976 WvS Netherlands has recognized and accepted corporations as legal subjects of criminal acts in accordance with Law No. 377 dated June 23, 1976. For example in the crime of corruption and money laundering, which is in the general provisions of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, that a corporation is an organized collection of people and/or wealth, whether it is a legal entity or not a legal entity. In the legal science literature, what is meant by legal entities are legal subjects who are not human beings, but are everything that is based on the demands of the community's needs by law

recognized as a supporter of rights and obligations [14]. According to legal science, in this case the doctrine that a corporation can be a legal entity must meet several requirements [17] as follows:

1. The existence of separate assets.
2. Have a specific purpose.
3. Have their own interests.
4. The existence of an organized organization

In order for a corporation to be said to have committed a crime, the conditions as stipulated in Article 6 Paragraph (2) of the Law on the Prevention and Eradication of the Crime of Money Laundering must be met, that a crime is imposed on a corporation if the crime of money laundering is committed:

1. Carried out or ordered by the controlling personnel of the corporation.
2. Conducted in the context of fulfilling the purposes and objectives of the corporation.
3. Performed in accordance with the duties and functions of the perpetrator or the giver of orders and
4. Done with the intention of providing benefits to the corporation.

However, Law No. 8 of 2010 does not stipulate who can represent a corporation during investigations, prosecutions and court hearings.

V. CONCLUSION AND SUGGESTION

4.1. Conclusion

Based on the description and analysis, conclusions can be drawn as follows:

1. Determination of legal sanctions against political parties as corporations in committing criminal acts of corruption and money laundering can be carried out by the presence of an intentional act or negligence on the part of the political party administrator who commits the crime for and on behalf of the political party. The form of wrongdoing is not individual but collective in nature and political parties receive benefits from corruption and money laundering.
2. Factors that cannot be punished for political parties as corporations in criminal acts of corruption and money laundering are based on the main criminal sanctions which are regulated only in the form of fines as well as juridical issues of laws and regulations related to corporations as the subject of offenses from the aspect of the study on Regulations regarding criminal acts by political parties are faced with the obstacle of a conflict of norms regarding the provisions of criminal acts between those stipulated in the Law on Political Parties and the Anti-Corruption Law and the Money Laundering Law. Another inhibiting factor that has become a fundamental problem and can prevent criminal penalties from being imposed on political parties as corporations so far is that corporations do not have a soul or conscience or mind, so it is very difficult to measure the extent of the error or malicious intent that exists in the soul of the corporation.

4.2. Suggestion

In order to realize the concept of implementing corporate punishment, the authors provide some suggestions as follows:

1. It is recommended that the DPR together with the President immediately review and strictly regulate the criminal liability of political parties as corporations, both in the General Crime Act or in Corruption Crimes and Money Laundering Crimes. Because even though political parties can be held criminally responsible, but in the Law on Corruption and Money Laundering the criminal law has not explicitly regulated this matter, so that the application of criminal sanctions should be given to political parties as corporations that participate in committing crimes, corruption and money laundering have not been implemented in Indonesia properly.
2. Law enforcement officials should begin to improve and adapt to the development of existing law enforcement needs, especially for political parties as corporations as legal subjects in criminal law, so that the application of sanctions to political parties can be applied properly. The concept of corporate criminal law as a dynamic part of the legal needs of the Indonesian people should receive special attention and can be studied more deeply in the future.

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