



# The Criminal Liability of Political Parties for Corruption Offenses Committed by Their Members

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*Original Article*

## Abstract

The inadequacy of existing regulations governing the criminal liability of political parties for corruption offenses committed by their members, despite the fact that, conceptually, political parties may be classified as corporate entities. It aims to analyze the construction of criminal liability applicable to political parties and to develop an ideal model for future regulation. This research employs a normative legal method, utilizing statutory, conceptual, and case-based approaches. The findings reveal that political parties may be held criminally liable when they benefit from, tolerate, or fail to prevent criminal conduct. However, the current positive legal framework remains ambiguous and fragmented. Accordingly, a reformulation is required through the integration of corporate liability principles and contemporary criminal law theory. The study concludes that strengthening the regulatory framework is essential to enhance the effectiveness of law enforcement and the prevention of corruption within a democratic system.

**Keywords:** *Corporation, Corruption, Political Parties*

## Abstrak

Belum optimalnya pengaturan pertanggungjawaban pidana partai politik dalam tindak pidana korupsi yang dilakukan oleh kader, meskipun secara konseptual partai politik dapat dikualifikasikan sebagai korporasi. Penelitian ini bertujuan untuk menganalisis konstruksi pertanggungjawaban pidana partai politik serta merumuskan model formulasi yang ideal di masa depan. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan bahwa partai politik dapat dimintai pertanggungjawaban pidana apabila memperoleh keuntungan, melakukan pembiaran, atau gagal mencegah tindak pidana. Namun, pengaturan hukum positif masih belum eksplisit. Oleh karena diperlukan reformulasi melalui integrasi prinsip pertanggungjawaban korporasi dan teori pidana modern. Penelitian ini menyimpulkan bahwa penguatan regulasi diperlukan untuk meningkatkan efektivitas penegakan hukum dan pencegahan korupsi dalam sistem demokrasi.

**Kata kunci:** *Korporasi, Korupsi, Partai Politik*

## 1. INTRODUCTION

Corruption constitutes a structural problem that continues to pose a serious challenge to the Indonesian system of governance. This offense not only causes substantial losses to state finances but also undermines the foundations of democracy, erodes public trust in state institutions, and impedes the realization of social welfare. Over time, corruption has evolved from being perceived as an individual offense into a systemic and organized form of criminality involving multiple actors, including political institutions such as political parties.

Political parties occupy a strategic position within a democratic system, serving as instruments of political recruitment, political education, and the aggregation and articulation of public interests. In this regard, they are expected to function as a principal pillar in maintaining the integrity of both the political and governmental systems. However, empirical evidence reveals a persistent paradox, as political parties are frequently associated with corruption cases involving party members and elites. This phenomenon indicates that political party's function not only as political vehicles but also as entities potentially linked to corrupt practices.

One of the primary factors contributing to the involvement of political parties in corruption is the substantial demand for political financing.<sup>1</sup> In practice, the costs associated with participation in both legislative and executive elections are considerable. This financial burden compels political parties to depend on diverse funding sources, including membership dues and contributions from candidates. Consequently, such conditions create significant financial pressures on party members, which may incentivize corrupt behavior as a means of recovering expended political capital.

The relationship between political parties and their members in the context of political financing reflects a close and mutually reinforcing dynamic. In certain instances, this relationship resembles that between corporations and their employees, whereby institutional interests indirectly shape individual conduct. This indication is further corroborated by law enforcement findings that reveal the flow of illicit funds to political parties, both directly and indirectly. Such evidence suggests that political parties are not merely passive beneficiaries but may also play an active role in facilitating corrupt practices.

The Indonesian legal system has, in principle, established a foundation for recognizing political parties as subjects of criminal law. Law Number 20 of 2001 on the Eradication of Corruption explicitly acknowledges corporations as legal entities capable of bearing criminal liability. In this context, political parties, as legal entities, may be

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<sup>1</sup> Maruarar Siahaan, "Implementasi Putusan No. 27/PhPu.D-VIII/2010 Mengenai Perselisihan Hasil Pemilihan Umum Kepala Daerah Kabupaten Lamongan," *Jurnal Konstitusi* 8, no. 1 (2016): 1–22, <https://doi.org/10.31078/jk811>; Ratih Apri Utami, "Analisis Keberlanjutan Dan Pola Pengembangan Co-Operative Entrepreneurship Lembaga Keuangan Mikro Agribisnis (LKM-A)," *Jurnal Ilmu Sosial Dan Ilmu Politik* 19, no. 1 (2016): 65–77, <https://doi.org/10.22146/jsp.10857>.

classified as corporations and, therefore, may theoretically be subjected to criminal sanctions upon proof of involvement in corruption. Moreover, developments in contemporary criminal law have introduced various doctrines of corporate liability—such as vicarious liability, the identification theory, and the corporate culture model—which enable the attribution of criminal responsibility to collective entities.

Nevertheless, in practice, the imposition of criminal liability on political parties in corruption cases has not been effectively implemented in Indonesia. To date, no political party has been formally sanctioned for corruption, despite indications of institutional involvement in several cases. Law enforcement efforts have predominantly focused on individual perpetrators, without extending accountability to the organizational level. This condition reflects a significant gap between legal norms as codified (law in the books) and their practical enforcement (law in action).

The absence of a clear and coherent mechanism linking the conduct of individual party members to the institutional responsibility of political parties constitutes a major impediment to effective law enforcement. Additionally, conceptual and ideological challenges persist, as political parties are often regarded as unique political entities, thereby complicating the application of criminal law principles typically applied to corporations. Furthermore, the lack of a comprehensive legislative framework governing the model of criminal liability for political parties further exacerbates these challenges.

The issue of criminal liability of political parties for corruption has attracted considerable attention in both criminal and constitutional law scholarship, particularly within the context of democratic states such as Indonesia. Prior studies indicate that political parties can no longer be perceived solely as normative political institutions but must also be understood as entities potentially implicated in corrupt practices, either directly or indirectly.

Research by Bawaeda underscores that political parties, as legal entities, may be subjected to criminal liability, particularly within the framework of money laundering. The study highlights that Indonesia's anti-money laundering regime recognizes direct corporate liability, thereby positioning political parties as corporate actors subject to criminal sanctions. Nevertheless, the analysis is primarily confined to the normative structure of money laundering and does not specifically address its implications for corruption offenses.<sup>2</sup>

Similarly, Butarbutar examines the challenges in attributing individual conduct of party members to institutional responsibility. The study argues that, in theory, political parties may be held liable under corporate liability doctrines; however, in practice, law enforcement encounters significant difficulties in establishing the nexus between

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<sup>2</sup> Adi Freddy Bawaeda, "Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Pencucian Uang" (Universitas Gadjah Mada, 2014), <https://etd.repository.ugm.ac.id/penelitian/detail/75041>.

individual actions and institutional intent or policy. While this research provides valuable insights into implementation challenges, it does not yet offer a concrete and operational framework.<sup>3</sup>

Furthermore, Safira analyzes the qualification of political parties as corporations from the perspective of anti-corruption legislation and Supreme Court regulations on corporate criminal liability. The findings suggest that political parties satisfy the criteria of corporate entities, possessing organizational structures, separate assets, and defined objectives. The study also elaborates on the elements of *actus reus* and *mens rea* in this context. However, its scope remains largely conceptual and does not comprehensively address judicial implementation.<sup>4</sup>

Ananda et al. extend the discourse by linking the criminal liability of political parties to the prospect of dissolution as a sanction for corruption. Their findings reveal the existence of a legal basis for prosecuting political parties, yet the absence of explicit mechanisms governing their dissolution, thereby indicating a regulatory gap. Nonetheless, the study focuses primarily on sanctions rather than on the broader construction of criminal liability.<sup>5</sup>

Wahid et al. demonstrate that, in judicial practice, criminal responsibility continues to be individualized, even in cases involving political party members. They propose the adoption of vicarious liability as an alternative model to attribute responsibility to political parties for the actions of their members. Although this approach offers a significant theoretical contribution, it requires further validation within the Indonesian legal context.<sup>6</sup>

Meanwhile, Hakim et al. identify both ideological and juridical barriers to treating political parties as subjects of criminal law. Despite the existence of an adequate normative foundation, no political party has been subjected to criminal sanctions, reflecting a persistent gap between legal norms and their practical enforcement (law in the books versus law in action).<sup>7</sup> Pratiwi et al. further observe that political parties frequently benefit from the proceeds of corruption without being directly prosecuted. The study advocates for the development of a more effective model of criminal

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<sup>3</sup> Russel Butarbutar, "Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Korupsi Dan Pencucian Uang," *Padjadajaran Journal of Law* 3, no. 2 (2016): 351–71, <https://doi.org/10.22304/pjih.v3n2.a7>.

<sup>4</sup> Dea Noor Safira, "Pertanggungjawaban Pidana Partai Politik Yang Melakukan Tindak Pidana Korupsi Dikaitkan Dengan Peraturan Mahkamah Agung Nomor 13 Tahun 2016" (Universitas Katolik Parahyangan, 2020), <http://hdl.handle.net/123456789/13997>.

<sup>5</sup> Ivani Ananda et al., "Tindak Pidana Korupsi Oleh Partai Politik: Urgensi Dan Implikasi Hukum Terhadap Pembubarannya Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Konstitusi & Demokrasi* 5, no. 2 (2025): 135–50, <https://doi.org/10.7454/JKD.v5i2.1510>.

<sup>6</sup> Abdul Wahid et al., "Model Vicarious Liability Partai Politik Terhadap Tindak Pidana Pemilu," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (2020): 180–89, <https://doi.org/10.29303/ius.v8i1.1063>.

<sup>7</sup> Lukman Hakim et al., "Kesulitan Mempertanggungjawabkan Pidana Partai Politik Sebagai Subyek Hukum Dalam Perkara Tindak Pidana Korupsi," *Jurnal Hukum Sasana* 11, no. 1 (2025): 55–71, <https://doi.org/10.31599/sasana.v11i1.3909>.

accountability that addresses political parties as collective entities. However, the proposed framework remains largely normative and has yet to be operationalized.<sup>8</sup>

Finally, Saputri highlights that one of the principal obstacles to effective law enforcement lies in the lack of a clear and consistent definition of political parties as corporate entities within criminal law. This finding reinforces the argument that the core issue extends beyond normative deficiencies to encompass challenges of legal interpretation and implementation.<sup>9</sup>

Finally, Fahri and Puluhulawa examine the appropriate forms of sanctions for political parties implicated in corruption. Their study proposes a range of sanctions, from the reduction of state financial assistance to the dissolution of political parties. While this contribution is significant in terms of sanction formulation, it does not comprehensively integrate these measures within a systematic framework of criminal liability.<sup>10</sup>

Existing scholarship has predominantly focused on the normative and conceptual dimensions of criminal liability for political parties, without adequately addressing the causal nexus between the actions of individual party members and the institutional responsibility of political parties in corruption cases. Moreover, there remains a lack of a systematic formulation that integrates corporate liability theory with the realities of law enforcement practice. This study offers a novel contribution by adopting an integrative approach that holistically connects normative, theoretical, and practical dimensions.

This research aims to provide a comprehensive and in-depth analysis of the criminal liability of political parties in corruption cases involving their members or cadres. Specifically, it seeks to: (1) analyze the construction of criminal liability of political parties in corruption cases by examining the relationship between individual conduct and institutional responsibility from the perspective of corporate criminal law; and (2) formulate an ideal model for future regulation by integrating principles of corporate liability, contemporary criminal law theory, and the demands of national legal reform in order to enhance the effectiveness of law enforcement and corruption prevention within a democratic political system.

## 2. RESEARCH METHODOLOGY

This study employs a normative legal research method aimed at conducting an in-depth analysis of the construction of criminal liability of political parties in corruption cases

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<sup>8</sup> Dian Esti Pratiwi et al., "Model Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Korupsi," *Jurnal Komunitas Yustisia* 4, no. 3 (2021): 980–89.

<sup>9</sup> Ona Saputri, "Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Pencucian Uang," *Lex LATA* 3, no. 1 (2022): 151–65, <https://doi.org/10.28946/lexl.v3i1.866>.

<sup>10</sup> Mohamad Fahri and Mohamad Rusdiyanto U. Puluhulawa, "Menyelidiki Hukum Pertanggungjawaban Pidana Partai Politik Terkait Tindak Pidana Korupsi," *Mandub: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 1 (2023): 145–66, <https://doi.org/10.59059/mandub.v2i1.867>.

involving their members or cadres. The approach focuses on the examination of positive legal norms, principles, and doctrines relevant to corporate criminal liability, particularly in relation to political parties as legal entities.

To enrich the analysis, this research integrates both conceptual and statutory approaches. The conceptual approach is utilized to examine key theories, including corporate criminal liability, vicarious liability, identification theory, and the corporate culture model. Meanwhile, the statutory approach involves the analysis of relevant legislation, including laws governing corruption, political parties, and money laundering.

In addition, a case-based approach is employed through the examination of relevant judicial decisions to understand judicial reasoning and evidentiary patterns. The legal materials used in this study consist of primary, secondary, and tertiary sources, all of which are collected through a comprehensive literature review. These materials are analyzed qualitatively using a normative juridical method, applying grammatical, systematic, and teleological interpretation techniques. The findings are presented in a descriptive-analytical manner to formulate an ideal model of criminal liability for political parties.

### **3. RESEARCH RESULT AND DISCUSSION**

#### **3.1. Criminal Liability of Political Parties in Corruption Cases Involving Party Members or Cadres**

This study aims to analyze the construction of criminal liability of political parties in corruption cases committed by their members or cadres by examining the relationship between individual conduct and institutional responsibility from the perspective of corporate criminal law. The analysis primarily focuses on how Indonesian positive law accommodates the imposition of criminal liability on political parties and how such provisions are implemented in law enforcement practice.

The Indonesian legal system provides an adequate normative foundation for recognizing political parties as subjects of criminal law in corruption cases. This is reflected in the provisions of the Corruption Eradication Law, particularly Article 20, which acknowledges corporations as legal entities capable of bearing criminal liability. In this context, the definition of a corporation as an organized group of persons and/or assets, whether incorporated or unincorporated, implicitly encompasses political parties as legal entities. Moreover, the Law on Political Parties explicitly stipulates that political parties are legal entities established by a group of citizens with a structured organization, defined objectives, and financial resources. Accordingly, there are no conceptual legal barriers to classifying political parties as corporations within the framework of criminal law.

From the perspective of corporate criminal law, an entity may be held criminally liable where the actions of individuals within its organizational structure can be

attributed to the interests, policies, or benefits of the corporation. This is consistent with the provisions of the Corruption Eradication Law, which require a demonstrable link between the individual offender and the corporate environment, whether arising from an employment relationship or other forms of association.

Furthermore, legal developments under Law Number 1 of 2023 concerning the Criminal Code (the National Criminal Code) further reinforce the status of corporations as subjects of criminal law. The National Criminal Code explicitly provides that corporations may incur criminal liability where specific elements are satisfied, including the existence of corporate benefit, the toleration of criminal conduct, and the failure to undertake adequate preventive measures.

**Table 1.**  
*Comparison of Anti-Corruption Law and the National Criminal Code*

Anti-Corruption Law (Law No. 31 of 1999 as amended by Law No. 20 of 2001)	National Criminal Code (Law No. 1 of 2023)
<b>Article 2(1):</b> Acts of unlawfully enriching oneself, another person, or a corporation causing state financial loss; punishable by life imprisonment or imprisonment of 4–20 years and a fine of IDR 200 million–IDR 1 billion.	<b>Article 603:</b> Substantially similar formulation; minimum imprisonment of 2 years with fines categorized under Categories II–VI.
<b>Article 3:</b> Abuse of authority for personal or corporate benefit; punishable by 1–20 years or life imprisonment and fines ranging from IDR 50 million to IDR 1 billion.	<b>Article 604:</b> Similar formulation; minimum imprisonment of 2 years with fines categorized under Categories II–VI.
<b>Article 5:</b> Bribery of public officials; punishable by 1–5 years’ imprisonment and fines ranging from IDR 50 million to IDR 250 million.	<b>Article 605:</b> Regulates both active and passive bribery in greater detail; punishable by 1–6 years’ imprisonment with fines categorized under Categories III–V.
<b>Articles 11 and 13:</b> Gratifications or gifts related to official positions; punishable by up to 5 years or 3 years’ imprisonment and a fine of up to IDR 250 million.	<b>Article 606:</b> Consolidates gratification-related provisions; punishable by up to 4 years’ imprisonment with fines categorized under Category IV.

This provision becomes particularly relevant when examined in the context of political financing practices, where party cadres holding public office are often subject to financial obligations to their respective parties. Such conditions create a potential conflict of interest that may give rise to corrupt practices aimed at satisfying both individual and institutional interests.

One of the principal findings of this study is that the relationship between the actions of individual cadres and the institutional responsibility of political parties cannot be distinctly separated. In many instances, corrupt acts committed by party members are not purely individual in nature but are closely intertwined with the party’s organizational structure, policies, and interests.

From the perspective of corporate criminal liability, several doctrines provide a theoretical basis for explaining this relationship. First, identification theory posits that the actions of individuals occupying strategic positions within an organization may be

attributed to the corporation itself. Second, the doctrine of vicarious liability allows corporations to be held responsible for acts committed by individuals within the scope of their duties. Third, the corporate culture model emphasizes that an organizational environment that tolerates or facilitates legal violations may serve as a basis for attributing criminal liability to the corporation.

These doctrines are highly relevant in the context of political parties. Party cadres holding public office frequently act not only in their personal capacity but also within the broader framework of party interests. Moreover, practices related to political contributions and internal financial pressures suggest the existence of an organizational culture that may encourage or tolerate corrupt behavior.

This argument is further supported by Supreme Court Regulation No. 13 of 2016, which provides that corporations may be held criminally liable where they benefit from a criminal act, permit its occurrence, or fail to take adequate preventive measures. These elements are potentially fulfilled in numerous corruption cases involving political party cadres.

The findings of this study are consistent with prior research asserting that, from a normative standpoint, political parties may be held criminally liable as corporate entities.<sup>11</sup> However, this study advances the discourse by demonstrating that the core issue lies not in the absence of legal norms, but rather in the difficulty of establishing a clear linkage between individual conduct and institutional responsibility. This observation aligns with previous findings that emphasize practical obstacles in law enforcement.<sup>12</sup>

Furthermore, this study expands the analytical framework by incorporating the provisions of the National Criminal Code as part of broader criminal law reform. Unlike earlier studies that primarily focused on the Anti-Corruption Law, this research demonstrates that the National Criminal Code offers a more systematic and comprehensive framework for regulating corporate criminal liability, including that of political parties.

The limited prosecution of political parties as subjects of criminal law cannot be attributed solely to a normative gap but must also be understood in light of structural and cultural factors within the law enforcement system. The prevailing focus on individual perpetrators reflects an enforcement paradigm that has not fully accommodated the concept of corporate criminal liability.<sup>13</sup>

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<sup>11</sup> Bawaeda, "Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Pencucian Uang"; Safira, "Pertanggungjawaban Pidana Partai Politik Yang Melakukan Tindak Pidana Korupsi Dikaitkan Dengan Peraturan Mahkamah Agung Nomor 13 Tahun 2016."

<sup>12</sup> Butarbutar, "Pertanggungjawaban Pidana Partai Politik Dalam Tindak Pidana Korupsi Dan Pencucian Uang"; Hakim et al., "Kesulitan Mempertanggungjawabkan Pidana Partai Politik Sebagai Subyek Hukum Dalam Perkara Tindak Pidana Korupsi."

<sup>13</sup> Muladi Muladi and Dwidja Priyatno, *Pertanggungjawaban Pidana Korporasi*, 3rd ed. (Kencana, 2015); Mochammad Rafi Pravifjayanto, "Rekonstruksi Sistem Pertanggungjawaban Pidana Korporasi Atas Kejahatan Terhadap

Moreover, there remains a tendency to rigidly separate individual actors from institutional entities, despite their close interrelation in practice. As a result, political parties often evade criminal liability, even where they empirically benefit from corrupt acts committed by their members. This condition underscores the need for a reinterpretation of existing legal norms that is responsive to evolving social realities. A more substantive approach is required to assess whether an individual act is genuinely independent or forms part of a broader institutional mechanism.

This study confirms that, from both normative and theoretical perspectives, political parties may be held criminally liable for corruption offenses committed by their members or cadres. This conclusion is grounded in the recognition of political parties as corporate entities under the Anti-Corruption Law and the National Criminal Code, as well as in the applicability of established doctrines of corporate criminal liability.

However, in practice, the imposition of criminal liability on political parties remains ineffective due to difficulties in establishing a clear nexus between individual conduct and institutional interests. Accordingly, more assertive and comprehensive legal reform, coupled with a paradigm shift in law enforcement, is required to ensure that political parties are no longer effectively immune from criminal accountability. The findings of this study contribute to the development of the concept of political party criminal liability and provide a foundation for legal reform that is more responsive to the evolving dynamics of corruption within a democratic political system.

### **3.2. An Ideal Model for Formulating Criminal Liability of Political Parties**

This study seeks to develop an ideal model for the formulation of criminal liability of political parties by integrating principles of corporate criminal liability, contemporary criminal law theory, and the imperatives of national legal reform. Such an approach is intended to ensure more effective law enforcement and corruption prevention within a democratic political system. The primary objective is to address existing gaps in legal norms concerning the criminal liability of political parties as corporate entities in corruption cases involving their members or officials.

The current Indonesian criminal law framework does not yet provide clear and comprehensive regulation regarding the criminal liability of political parties. Although the concept of corporate criminal liability has been recognized in various legal instruments, including the Anti-Corruption Law and the National Criminal Code, its application to political parties continues to encounter both normative and practical challenges. These limitations stem largely from the absence of explicit provisions that

unequivocally establish political parties as subjects of criminal law in the context of corruption offenses.

**Table 2.**

*Similarities Between Political Parties and Corporations as Legal Entities*<sup>14</sup>

No.	Political Parties	Corporations
1	Congress or National Conference functions as the highest decision-making authority.	General meeting of shareholders or members serves as the highest decision-making authority.
2	Members and party leadership determine objectives as stipulated in the Articles of Association and Bylaws.	Members and management determine corporate objectives in accordance with corporate governance instruments.
3	Members act as legal subjects with distinct interests within the organization.	Members or shareholders act as legal subjects with vested interests in the corporation.
4	Funding is derived from membership contributions, lawful donations, and state or regional budgets allocated for party activities.	Corporate assets and financial resources are collectively managed and utilized for corporate purposes.

Conceptually, political parties satisfy the defining characteristics of corporations. This is reflected in their structured organizational framework, the presence of collective objectives articulated in their articles of association and bylaws, and the existence of assets that are distinct from those of their members. Accordingly, from both legal and theoretical perspectives, there are no substantive barriers to classifying political parties as subjects of criminal law capable of bearing liability.

Three principal conditions may serve as the basis for attributing criminal liability to political parties in corruption cases: (1) the political party derives a benefit from the corrupt act; (2) the political party permits or tolerates the commission of the offense; and (3) the political party fails to implement adequate preventive measures to mitigate corruption risks. These conditions reflect concrete manifestations of corporate fault, particularly in the form of negligence and the failure to establish effective compliance mechanisms.

From the standpoint of corporate criminal liability theory, the findings of this study affirm the relevance of identification theory, which posits that the intent and actions of a corporation are represented by individuals occupying positions of strategic authority—commonly referred to as the directing mind and will. Within political parties, this role is typically assumed by central leadership or party elites who possess the authority to determine organizational policy. Consequently, corrupt acts committed by individuals in such positions may be attributed directly to the political party.

Moreover, the integration of modern criminal justice approaches—extending beyond retributive justice to encompass deterrence, rehabilitation, and the protection of

<sup>14</sup> Wahyu Wahyu, “Pertanggungjawaban Pidana Partai Politik Yang Melakukan Tindak Pidana,” *Arena Hukum* 7, no. 2 (2014): 247–69, <https://doi.org/10.21776/ub.arenahukum.2014.00702.6>.

societal interests—is essential. In this context, the imposition of criminal liability on political parties is not solely punitive but also aims to promote internal reform, strengthen oversight mechanisms, and enhance accountability in financial governance and cadre development.

Based on these findings, this study formulates an ideal model for the future regulation of criminal liability of political parties. This model comprises two principal components: the qualifications for liability and the corresponding sanctions. With respect to liability, political parties may be held criminally accountable where the following elements are satisfied: (a) the offense is committed by a party official or representative acting on behalf of the party; (b) the act results in a benefit to the party; (c) the conduct forms part of, or is at least known within, the party’s decision-making structure; (d) there is a failure to implement adequate preventive measures; and/or (e) the existence of negligence.

**Table 3.**  
*Framework of Criminal Liability and Sanctions for Political Parties*

<b>Liability Criteria</b>	<b>Sanction Framework</b>
Offenses committed by party officials or individuals acting on behalf of the party	Primary sanction: enhanced financial penalties (fines)
Acts resulting in benefits to the political party	Confiscation of assets derived from corrupt activities
Conduct forming part of, or known within, party policy or decision-making structures	Revocation of rights, privileges, or state benefits
Failure to implement preventive measures	Dissolution of the political party
Non-compliance with legal obligations or regulatory standards	Additional or supplementary sanctions

With respect to sanctions, this study proposes the imposition of enhanced fines as the principal penalty, complemented by additional measures such as asset confiscation, revocation of specific rights or privileges, and, in certain circumstances, the dissolution of political parties. This model is consistent with the principles of proportionality and effectiveness in corporate criminal liability and takes into account the broader societal impact of corruption within the political sphere.

Compared to prior scholarship, the findings of this study demonstrate a significant advancement. Earlier studies have generally focused on corporate criminal liability in a broad sense, without specifically addressing political parties as distinct and unique entities.<sup>15</sup> This research extends the existing discourse by examining the particular characteristics of political parties and formulating a model that is more contextually relevant and applicable within the Indonesian legal system.

<sup>15</sup> Pravifjayanto, “Rekonstruksi Sistem Pertanggungjawaban Pidana Korporasi Atas Kejahatan Terhadap Lingkungan Hidup Perspektif Hukum Progresif.”

Criminal law reform that explicitly accommodates the criminal liability of political parties is an urgent necessity to strengthen the integrity of the democratic system.<sup>16</sup> In the absence of clear accountability mechanisms, political parties risk becoming instruments for the perpetuation of systemic corruption. Accordingly, the establishment of firm and comprehensive regulations is essential, not only from a legal standpoint but also in terms of promoting good governance.

This study further emphasizes that revising the Law on Political Parties constitutes a strategic and necessary step. Such reform should include explicit provisions prohibiting the receipt or utilization of funds derived from corruption, as well as mechanisms for the criminalization of political parties as legal entities. In addition, harmonization with the provisions of the National Criminal Code and the Anti-Corruption Law is crucial to ensure coherence and consistency within the legal system.

The future formulation of criminal liability for political parties must be grounded in a comprehensive and integrative approach. This approach should extend beyond repressive legal measures and promote the development of a culture of integrity within political parties. In this way, political parties will function not only as subjects of law enforcement but also as active agents in the prevention of corruption.

The recognition and effective implementation of criminal liability for political parties represent a critical step in the evolution of modern criminal law in Indonesia. Such developments will enhance the effectiveness of anti-corruption enforcement while simultaneously strengthening the legitimacy of the democratic system and public trust in political institutions. Accordingly, this reformulation is expected to provide a foundation for a more responsive legal framework capable of addressing future social and political challenges.

#### 4. CONCLUSION

This study aims to analyze the construction of criminal liability of political parties in corruption cases involving their members and to formulate an ideal model for future regulatory development. The findings indicate that, from a legal perspective, political parties may be classified as corporations, thereby rendering them both theoretically and normatively subject to criminal liability, particularly in cases involving the acquisition of benefits, omission, or failure to prevent corrupt practices. However, the current positive legal framework lacks explicit and operational provisions, resulting in the continued tendency to attribute liability primarily to individual party members.

This study further confirms that the integration of corporate liability principles, identification theory, and contemporary criminal justice approaches constitutes a critical foundation for developing a more effective model of criminal liability for political parties. The proposed model incorporates clear criteria for attributing liability and

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<sup>16</sup> Erma Rusdiana, *Pertanggungjawaban Pidana Partai Politik Sebagai Badan Hukum* (Scopindo Media Pustaka, 2021).

proportionate sanctions, including fines, asset confiscation, and, where appropriate, the dissolution of political parties. The significance of this research lies in its contribution to the advancement of national criminal law and the strengthening of a transparent and accountable democratic system. Nevertheless, its limitations stem from its normative orientation, which is not yet supported by empirical evidence. Accordingly, this study recommends revising the Law on Political Parties and conducting further empirical research to assess the practical implementation of the proposed model.

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