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Criminal Accountability of Political Parties Against Money Laundering Crimes

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ABSTRACT
The research objective is to analyze political parties as legal entities that can be qualified as legal subjects that can be held accountable for money laundering crimes; (2) formulate and analyze the ideal concept of political party criminal responsibility in money laundering crimes. This study uses primary data concerning statutory regulations. The results of this study indicate that: (1) political parties can be qualified as corporations with the juridical justification that political parties are legal entities, where this can be examined from various criminal law rules relating to the existence of political parties and corporations as entities granted by the rule of law; (2) a political party as a legal entity can be responsible for a crime through an entity personified by a legal entity called directing *mind and will* or people who have the authority/authority and ability to influence the actions of legal entities; (3) Sanctions that can be imposed on political parties as a result of a criminal act can be in the form of a principal punishment or additional punishment as stated in the laws and regulations.

Keywords: Criminal Liability; Political parties; Money laundering

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I. INTRODUCTION

The crime of corruption is a crime that involves a wide network and involves many people so of course the perpetrators of corruption will enjoy the results of corruption. The process of enjoying corruption will be distributed and certainly move (or change) from one place to another. So the criminal act of corruption should not only be based on one person, the criminal act of corruption can also trace the role and traces of the proceeds of corruption. If that's the case, then all those who share in the benefits of corruption should be able to be charged under the provisions of the crime of money laundering.[1]

The crime of money laundering is a specific form of crime that is related to various types of crimes. The criminal act of money laundering is considered a follow-up crime, namely an attempt by the perpetrator to disguise the proceeds of a crime that has been committed before so that he can enjoy these proceeds without being traced.[2] One of them is the result of corruption. This can be seen in Article 2 paragraph (1) of the Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.With the issuance of Law Number 15 of 2002 as amended by Law Number 25 of 2003, the existence of this law is related to the law on eradicating corruption and other similar laws, namely with one The aim is to narrow down the occurrence of criminal acts of corruption. Therefore, in Article 2 paragraph (1) of Law Number 15 of 2002 as amended by Law Number 25 of 2003 it is stated that the proceeds of crime are assets obtained from criminal acts of corruption. This means that the presence of a law on money laundering is an attempt to assist the work of law on eradicating corruption. This is by the general elucidation of Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002 concerning the Crime of Money Laundering that various relevant laws and regulations which punish predicate crimes*(predicate crime)* among others: Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes, Law Number 30 of 2002 concerning Corruption Eradication Commission.

The link between corruption and money laundering in the political context is quite massive in Indonesia. This argument is supported by several data showing that political parties are the most crucial part of the problem in the rigging of corruption. As, the Transparency International Indonesia (TII) report in*Global Corruption Barometer Asia – Indonesia* that the Indonesian people perceive that the House of Representatives (DPR), which represents politics, is the most corrupt institution in 2020, and this research shows that the DPR's commitment to self-improvement is still minimal.[3] In fact, in the statistical reports of the Corruption

Eradication Commission (KPK), of the 1262 perpetrators of corruption, 35% were cadres or administrators of political parties.[4]

Likewise, the results of research by the Center for Anti-Corruption Studies (PUKAT) at Gajah Mada University (UGM), that all political parties that have representatives as board members or serve in ministries in the 2009-2014 United Indonesia Cabinet are involved in criminal acts of corruption, (no one party clean from corrupt practices). It was found that the Democratic Party was ranked first, with a percentage of 28.40%, followed by the Hanura Party (23.50%), PDIP (18.08%), PKS (17.24%), Golkar Party (16.03%), PKB (14.28 per cent), PPP (13.16%), and Gerindra Party (3.85%).[5]

The forms of corruption committed by representatives of political parties are very diverse, starting with bribery, extortion of strategic sectors, causing losses to state finances, trading in influence and abuse of authority and misusing or playing with the budget of each development program. As seen by the Golkar Party in the criminal act of corruption in the procurement of the Koran for the Ministry of Religion, the BUMN extortion case, the Riau PON case and the SKK Migas case and the e-KTP case. The Indonesian Democratic Party of Struggle (PDIP) is suspected of being involved in the BI Deputy Governor bribery case, the e-KTP case and the simulator case. Even in the facts of the trial and indictment against Adriansyah, a member of the PDIP faction, this party also enjoyed profits by receiving bribes from PT Mitra Maju Sukses to be used to increase operational costs for the PDI-P congress in Bali in 2015.[6]

The Democrat Party is suspected of being involved in the Hambalang case, the Palembang Athlete Village building case, the SKK Migas case, the SIM simulator case, the TVRI bribery case, the Ministry of Health medical equipment case and the e-KTP case. The National Mandate Party (PAN) is suspected of being involved in the Regional Infrastructure Development Acceleration Fund (DPPID) case, the SKK Migas case, and the Hambalang case. Furthermore, PPP was allegedly involved in the case of the Ministry of Agriculture's corn seeds, SKK Migas, and the Hambalang case.

PAN's involvement in enjoying profits from the proceeds of other corruption crimes, was also found in the indictment of the public prosecutor and the facts of the trial of former Health Minister Siti Fadilah Supari at the Corruption Court, namely that there was a flow of funds received, as profit from the company implementing the medical device procurement project at the Ministry Health, which flows to the account of the management of the PAN Central Leadership Council, as well as flows to the account of the founder of PAN, Amin Rais.[7] In addition, it was also revealed that in the indictment of the KPK Public Prosecutor against Andi Narogong, it was stated that the e-KTP corruption money of Rp. 520 billion was divided among several political parties. The Golkar Party and the Democratic Party received IDR 150 billion each, PDIP received IDR 80 billion, and other parties received IDR 80 billion. Even in Setya Novanto's trial, as the defendant in the e-KTP corruption crime, it was revealed that Rp5 billion had flowed to the Golkar Rapimnas, which was later conveyed that the money had been handed over to the KPK.[8]

Even though there have been many representatives of political parties who have undergone criminal responsibility, this is limited to individual accountability, although, as illustrated by several facts in the trials and indictments, there is a flow of proceeds from corruption enjoyed by political parties, as described in the previous section. Tracing the origins of political party funds that have indications that originate from criminal acts of corruption can be carried out by law enforcement in collaboration with the Financial Transaction Reports and Analysis Center (PPATK).[9]

In connection with the dangers of corruption perpetrated by political parties, politics should be used as a subject of criminal law which can be criminalized to implement a deterrent effect on administrators and political parties so that they no longer commit crimes.*(general preventive)*, this is at the same time to educate or improve people or managers or political parties who have committed crimes to become managers or political parties with good character to benefit the community.

Some of the arguments of law enforcers are that the involvement of political party officials or political party cadres in criminal acts of corruption is not the official policy of political parties so accountability is personal and even emphasized that there is no clear mechanism for establishing criminal responsibility for criminal acts of corruption against political parties. But even so, the Supreme Court has a different view on this matter, in Supreme Court Regulation Number 13 of 2016, the Supreme Court has opened the tap to convict legal entities as perpetrators of crimes other than individuals. Meanwhile, the law on money laundering with the phrase "corporation" is glued together as a legal entity such as a political party, which is needed to find or build channels to hold political parties accountable for money laundering crimes in addition to criminal acts of corruption, as well as sanctions for returning state finances and fines. In addition, administrative sanctions need to be applied in a single unit of punishment as the responsibility of political parties.

II. RESEARCH METHODS

The approach used in this study includes a conceptual approach and a statutory approach. The statutory approach means examining the statutory regulations relating to the problems at hand. This study uses its main analysis related to the Law on Political Parties, and the Law on Money Laundering Crimes. The Law on Political Parties is used to describe the characteristics of political parties and their relation as legal entities as referred to in the Money Laundering Law. Meanwhile, the Law on Money Laundering is used to analyze and find out the criminal act of money laundering committed by a political party so that the result is related to whether or not the criminal act of the political party is categorized as a crime of money laundering.

III. DISCUSSION

Law Enforcement of Political Parties in Money Laundering Crimes in Indonesia

Political corruption that occurs in Indonesia has a strong correlation with political party funding activities, this is to finance the activities of political parties, both on a national and local scale. On a national scale, the corruption that has been prosecuted by law enforcement is Hambalang, Wisma Atlet, e-KTP, bribery cases in influence trading cases as well as buying and selling of positions in the Ministry of Religion of the Republic of Indonesia which ensnared the Chairman of the United Development Party, Romahurmuzy. Meanwhile, cases of political corruption on a smaller or local scale were regional head corruption cases involving Ratu Atut in Banten, Rita Widyasari in East Kalimantan, Fuad Amin in Bangkalan, Zumi Zola in Jambi, and others.

KPK data for November 2018 stated that around 61.17% of the perpetrators of corruption that were processed by the KPK were political actors, or the corruption crimes had political corruption dimensions.[10] Those being processed in this case consisted of 69 members of the DPR RI, 149 members of DPRD, 104 regional heads, and 223 other parties involved in corruption cases. This is also in line with the 2017 Transparency International survey which stated that political corruption was also one of the factors contributing to the decline in the index. *Political and Economic Risk Consultancy (PERC)* up to 3 points. This research shows that parties to political corruption are parties who collaborate in committing corruption or in the same case where political actors are caught up in corruption.

So that it becomes clear, if the issue of eradicating corruption, especially political corruption, is not only a national agenda but a global agenda. As stated in International*The 8th Anti Corruption Conference (IACC) in Lima, Peru* on 7 – 11 September 1997 with the theme "Global Integrity Developing Anti-Corruption Strategies in a Changing World", establishing steps to prevent and eradicate corruption, including:

"Given that corruption is a major impediment to electoral processes and political processes, immediate action must be taken to implement effective means of regulating contributions to politicians and political parties and promptly record them publicly and set limits on campaign spending and audit them strictly. and continuing citizenship education programs is very important"

This has been confirmed in several political corruption cases, such as Hambalang, Athlete's House, beef imports, e-KTP, bribery or buying and selling of positions at the Ministry of Religion of the Republic of Indonesia as well as several corruption cases that have been investigated by the KPK. Some of them even ensnared the General Chair of Political Parties such as:

1. Prosperous Justice Party (PKS) President Luthfi Hasan Ishaq. Luthfi Hasan Ishaq was caught up in a bribery case to arrange an additional beef import quota of Rp. 1.3 billion in 2013. Together with his partner, Ahmad Fathanah received bribes from the President Director of PT Indoguna Utama, Maria Elizabeth Liman. Luthfi Hasan Ishaq legally and convincingly violated Article 12 letter an of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 in conjunction with Article 55 paragraph (1) of the Criminal Code. Luthfi Hasan Ishaq is also considered guilty of committing the crime of money laundering while serving as a member of the Indonesian Parliament from 2004-2009 and after that year. Lutfi Hasan Ishaq is considered proven guilty of hiding his assets, placing, transferring, diverting, or paying for the proceeds of crime. The Panel of Judges for Corruption Crime finally sentenced Lutfhi Hasan Ishaq to 16 years in prison and a fine of Rp. 1 billion subsidies 1 year in prison.
2. Corruption ensnared the Chairman of the United Development Party (PPP) Suryadharma Ali. Suryadharma Ali was proven guilty of corruption in the implementation of the pilgrimage, starting with the appointment of haj officers, the appointment of accompanying officers for the amirul hajj, accommodation, and utilization of haj quotas for 2010-2013. Suryadharma Ali also misappropriated the minister's operational funds of Rp. 1.8 billion. As a result of his actions, the state suffered a loss of around Rp. 27 billion. The Panel of Judges at the Corruption Court sentenced him to 6 years in prison and a fine of Rp. 300 million subsidiaries 3 months in prison. Against this decision, Suryadharma Ali submitted an appeal to the DKI Jakarta High Court. But Suryadharma Ali received additional punishment. The Panel of Judges at the DKI Jakarta High Court decided that Suryadharma Ali was sentenced to 10 years in prison.

3. Corruption ensnared the General Chair of the Democratic Party Anas Urbaningrum in the Hambalang development project corruption case and various projects whose funding came from the state budget. Anas Urbaningrum was also charged with the Crime of Money Laundering. Anas Urbaningrum was proven to have committed the act as stipulated in Article 12 letter an of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 in conjunction with Article 64 of the Criminal Code, Article 3 of Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, as well as Article 3 paragraph (1) letter c of Law Number 15 of 2002 in conjunction with Law Number 35 of 2003 concerning Money Laundering Crimes. The Corruption Court sentenced Anas Urbaningrum to 8 years in prison. Anas Urbaingrum appealed to the DKI Jakarta High Court, and the Panel of Judges of the DKI Jakarta High Court reduced Anas Urbaningrum's sentence to 7 years in prison. It didn't stop there, Anas Urbaningrum then filed an appeal to the Supreme Court. But instead of getting leniency, the Panel of Judges increased Anas Urbaingrum's sentence to double the one he received at the DKI Jakarta High Court. Anas Urbaingrum's sentence was increased to 14 years in prison and a fine of Rp. 5 billion prisons subsides 1 year 4 months. In addition, Anas Urbaningrum is obliged to pay Rp. 57,592,330,580 in replacement money to the state. The judge also revoked his political rights. The Supreme Court also rejected Anas Urbaingru's objection, which stated that the predicate crime in the crime of laundering had to be proven first. The judge's refusal was based on Article 69 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering which emphasizes that predicate crimes do not have to be proven first.

On the other hand, the corruption that ensnared Anas Urbaningrum is closely related to the case involving Muhammad Nazaruddin regarding gratuities from Mohammad El Idris, the Manager of PT Duta Graha Indah, so that the company could get the Athlete Village development project. For his actions, Nazaruddin was legally and convincingly proven guilty of committing a criminal act of corruption as stipulated in Article 11 of the Corruption Crime Eradication Law and was sentenced to imprisonment for 4 (four) years and 10 (ten months), as well as a fine of Rp. 200,000,000 with the provision that if the fine is not paid, it will be replaced by imprisonment for four months.

The involvement of political party actors in the Muhammad Nazaruddin corruption case was also acknowledged by one of the witnesses at the trial that the criminal acts of corruption in the case were also closely related to the financing of Anas Urbaningrum's victory as General Chair of the Democratic Party in the Democratic Party Congress. In his decision, Muhammad Nazaruddin was a recipient of gratuities and abused the power that was in him, but this case has another dimension, namely the involvement of political parties in a structured manner as perpetrators of corruption, where the flow of money from crime flows within the body of a political party.

The facts of the trial revealed that Muhammad Nazaruddin, as the Democratic Party's Budget Agency, also participated in the implementation of financing for Anas Urbaningrum's victory in the Democratic Party Congress, billions of money also flowed to the Democratic Party's Branch Leadership Council (DPC) in each region to participate in winning Anas Urbaningrum in congress.

4. Corruption ensnares Golkar Party chairman Setya Novanto. On October 31, 2017, Setya Novanto became a suspect in a corruption case in the 2011-2012 e-KTP procurement at the Ministry of Home Affairs which cost the state Rp. 2.3 trillion. He is suspected of having committed this act together with Anang Sugiana Sudiharddjo, Andi Agustinus alias Andi Narogong, Irwan, Sugiharto and others. Setya Novanto is subject to Article 2 paragraph (1) or Article 3 of the Corruption Eradication Law in conjunction with Article 55 paragraph 1 of the Criminal Code. At the Corruption Court, he was sentenced to 15 years in prison and a fine of 1 billion. Apart from that, in the same case, it was also revealed in the indictment of the KPK Public Prosecutor against Andi Narogong, it was stated that the e-KTP corruption money amounting to Rp. 529 billion was divided among several political parties. The Golkar Party and the Democratic Party received Rp.150 billion each, PDI Perjuangan received Rp.80 billion, and other parties received Rp.80 billion. Even in Setya Novanto's trial, as the defendant in the e-KTP corruption crime, it was revealed that KPK.

Corruption ensnared the Chairman of the United Development Party, as well as a member of the Indonesian Parliament, Romahurmuzy. Romahurmuzy was arrested at a hotel in Surabaya. Together with Romahurmuzy, several officials from the Ministry of Religion were also secured. In January 2020, Romahurmuzy was sentenced to 2 years in prison by the Panel of Judges at the Corruption Court for being proven to have accepted a bribe of Rp. 225 million in a position buying and selling scandal at the Ministry of Religion

Corruption cases involving political party activities are certainly not only mentioned above. The above cases are only a few of the many corruption cases with high escalation. The practice of political corruption in Indonesia is an encounter that creates connectedness as well as corrupt dependence between political parties and party cadres (especially those who fill public positions). Political parties become the dominant entity with the emergence of political corruption. This is because the excavation of legal facts states that, in some cases,

political corruption is carried out to finance the activities of political parties (personal or cadres) or to finance the activities of other political parties, as well as other political activities.

Separating the relationship between political parties and political party cadres in the practice of political corruption is impossible. This was created because the political process that was created accommodated the emergence of political corruption. In the case of political corruption, there appears to be a link in which is not difficult to see that corruption is committed by public officials who have affiliations with political parties or political party cadres, the results of corruption always lead to financing activities of political parties. This happened massively, not only on a national scale but also in the regions.

Political party cadres are spread across various state institutions, both the executive and legislative branches. Even though the judiciary is very rarely a cadre of a political party, there are still people who fill positions in the judiciary who have ties to political party cadres and the political parties themselves who of course have some connection, even if small, with rampant political corruption. Not only in political circles but also in private business circles and businesses run by the state through BUMN/BUMD.

Even though many representatives of political parties have been entangled in criminal cases, corruption and money laundering, this is only individual responsibility, even though it has become a legal fact in court that it is clear that the flow of funds has also been enjoyed by political parties institutionally. Tracing the origins of political party funds that have indications that originate from criminal acts of corruption can be carried out by law enforcement in collaboration with the Financial Transaction Analysis Reporting Center (PPATK).

Even though there are many practices of political party cadres who occupy important positions committing corruption either by accepting gratuities, or bribes or by raiding the state budget/regional budget to finance political party facilities. There are also problems in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Corruption which only imposes criminal responsibility on individuals and corporations. Political parties are not included in the legal entity that can be held criminally responsible where the phrase "everyone" in Article 2 and Article 3 of the Corruption Crime Act designates the legal subject of a person*(natural person)* not in legal entities*(legal person).*

The elucidation section of the Corruption Crime Law also does not mention or broaden the interpretation of corporations, whether political parties are part of corporations. Moreover, the corporation is only limited to the term company. Meanwhile, a political party is not a company. The same is also found in Supreme Court Regulation Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations. The definition of a corporation in the PERMA is*"Corporation is a collection of people and/or wealth that is organized either as a legal entity or not as a legal entity".*

If attached to the context of money laundering crimes, corporate punishment if attached to political parties will encounter implementation problems. The criminal provisions against corporations as stipulated in the Money Laundering Crime Law include freezing corporate business activities, revoking business licenses, dissolving and/or prohibiting corporations and taking over corporations by the state.

The context of freezing corporate business as referred to in Article 7 paragraph (2) letter b of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, there is no explanation of these provisions, and often creates different interpretations between law enforcement agencies. Especially if the context of the intended corporate business freeze is attached to the context of money laundering by political parties. Political parties as previously mentioned are oriented*non-profit oriented* and is a public legal entities. Because political parties are public legal entities, the business being carried out is a strategic element/essential in which political parties are related to the existence of people's political interests in a country. Of course, in this kind of interpretation, it is quite difficult to impose criminal penalties on political parties in the context of money laundering crimes. . In addition, political parties are considered pillars of the nation's democracy, their existence determines the future leadership of the nation, produce a cadre of leaders who are considered capable to lead the country going forward, not only that political party cadres will also fill structural positions in the country going forward. The efforts of political parties are efforts that are closely related to human needs in the context of the nation and state. This explains how vital the affairs of political parties are so it is not without reason that the freezing of political party business also has implications for public life as well as for the nation as a whole.

Regarding the provisions for revoking business licenses, the characteristics of political parties are different from corporations. Political parties have a very vital role in the sustainability of the country. As with the previous provisions, as provisions regulated in a single article, such provisions are not explained in the elucidation of the law. So revocation of a corporate business license, if it is attached to a political party, is also a part that is riskier to implement.

Regarding the dissolution or prohibition of corporations as stipulated in letter d of article 7 paragraph (2) of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, it is also an issue that is quite risky to be implemented against political parties. The unclear intent of the law and the

context of political parties which are important bodies in a country, so that their dissolution or prohibition of their existence is quite a serious matter, as explained earlier.[11]

Furthermore, studies regarding the dissolution of political parties also reap the pros and cons related to the scope of money laundering criminal law that can ensnare this type of political party corporation. The clash of norms between several laws that regulate the same issue related to the dissolution of political parties shows that the characteristics of political parties seem to be different from corporations in general. Several laws and regulations governing the dissolution of political parties besides the TPPU Law are the Political Party Law, the Constitutional Court Law and the 1945 Constitution of the Republic of Indonesia.

If this context is drawn into the discussion regarding the dissolution of political parties, it will bring together Article 7 paragraph (2) letter d of the TPPU Law and Article 41 of the Political Party Law. The scope of the study regarding the money laundering criminal law places dissolution as an additional punishment and is resolved by the enforcement of the money laundering criminal procedural law, while it is different from what is meant in the view of the Political Party Law regarding the same matter.

This provision explains how political parties, in this case, can be dissolved. The Law on Political Parties does not directly accommodate criminal law violations or in this context money laundering criminal law can be used as an excuse to dissolve this type of corporation. Moreover, in addition to the internal factors of political parties (dissolving and joining), in terms of external factors or reasons for political parties, the law gives the authority to disband political parties to the Constitutional Court and not the judiciary in the criminal realm as within the scope of money laundering criminal law.

Law Enforcement Against Political Parties in Several Countries

a. Law Enforcement Against Political Parties in the Norwegian Legal System

The Norwegian Criminal Code has criminal sanctions against public legal entities but must be followed by considerations as regulated in Article 48b. In Article 48b it is stated that:

In deciding whether a penalty shall be imposed on an enterprise under section 48a, and in assessing the penalty vis-avis the enterprise, particular consideration shall be paid to:

a. The preventive effect of the penalty (preventive effect of crime)

b. The seriousness of the offence (serious or not a crime)

c. Whether the enterprise could by guidelines, instruction, training, control or other measures have prevented the offence (whether the corporation has prevented the occurrence of the offence through guidelines, instructions, training, controls or other actions)

d. Whether the offence has been committed to promoting the interest of the enterprise (whether the offence was committed to advance the interests of the corporation)*and.Whether the enterprise has had or could have obtained any advantage by the offence* (whether the corporation has or can benefit from a crime)

f. The enterprise's economic capacity (capability or economic condition of the corporation)

Whether other sanctions have as a consequence of the offence been imposed on the enterprise or on any person who has acted on its behalf, including whether a penalty has been imposed on any person (whether other sanctions as a result of the offence have been imposed on the corporation or on someone acting on behalf of the company, including whether the crime has been imposed on individuals)

From these provisions, there is a tendency to side with public legal entities, but in fact, these considerations are necessary so that the penalties imposed on corporations are commensurate with the crimes committed by these public legal entities so that criminal prosecution of public legal entities is an effective measure.

This is by the principle of subsidiarity, namely that criminal law is placed in its position as a last *resort* so that more administrative and civil sanctions are applied. Thus, according to Muladi, to place criminal law as the first *remedy*, it is necessary to consider the punishment of corporations, namely as an effort effective *at this rate.*

The consideration that criminal law can appear at the forefront is because public legal entity crimes can damage the socio-economic joints of a nation and can endanger the survival of a nation. Nonetheless, the use of criminal law as the first *remedy* must be done carefully and selectively.

a. Law Enforcement Against Political Parties in the United States Legal System.

As with organizations as subjects of offence, Chapter 8 of the United States Sentencing Commission (USC) has outlined penalties for organizations, including for corporations involved in crime. provisions of sanctions that can be imposed on the subject of this offence can include fines, restitution, repairs, community service, and probation. Furthermore, specifically regarding fines, the court determines fines for corporations in one of three ways, namely by way of the amount of the fine based on the level of the violation, the profit value from the violation by the organization, or through the value of the loss that is intentionally known, or by negligence by the organization. the.

The imposition of fines can be doubled according to how serious the organization's mistakes are, the weight of the mistakes can be assessed by the judge through involvement or tolerance for criminal acts, history or

experience of committing criminal acts, violations of order, obstruction of justice, level of compliance and fulfilment of the ethical program and self-reporting, cooperative or not in being responsible for criminal events.
In addition, if a fine has been determined, the court can also add profits to the organization from violations that have not been or are not paid as compensation or by other remedies. This is referred to as confiscation, thus this applies only to cases where there is no loss to the victim, such as money laundering, corruption and others. Confiscation is placed as one of the factors in terms of increasing fines for perpetrators of organizational crimes.
There are also several considerations of other factors specific to the corporation as well known in the United States Attorney Manual (USAM) section 9-28:300, as mentioned as an example of these additional factors is the nature of the seriousness of the violation, including risks to the public, policies and priorities in place, and if there is one that regulates the prosecution of corporations for certain categories of crimes. The authority given to prosecutors in the case of settlement of criminal cases by corporations outside the criminal court line is generally an alternative to admitting guilt by corporations, namely using a deferred prosecution agreement (DPA), or a non-prosecution agreement (non-prosecution agreement). NPA), as well as possible through the acceptance of declination in certain cases.

b. Law Enforcement Against Political Parties in the Dutch Legal System

Several statutory arrangements which then regulate corporate criminal liability in the Netherlands include the *Dutch Penal Code (Code of Criminal Law), Dutch Code of Procedure (Code of Criminal Procedure), Economic Offenses Act (Economic Offenses Act), General Tax Act (Algemene Wer on National Taxes),* and *Dutch Corporate Governance Code (Tabaksblad Code).*
In general, arrangements regarding corporate criminal liability are regulated in the provisions of the Dutch Penal Code (Wetboek van Straafrecht), particularly in Article 51 which reads:

1. *Criminal offences can be committed by natural and legal persons* (criminal offences can be committed by natural persons and legal entities)
2. *If a criminal offence is committed by a legal person, criminal proceedings may be instituted and the penalties and measures provided for by law, if applicable, may be imposed*(when a criminal offence is committed by a legal entity, the criminal process is carried out institutionally and several criminal sanctions and actions as determined by law, if applicable, may be imposed on:

1) *against that legal person, then yes'* (legal entity)
2) *Against those who ordered the act, as well as against those who led the prohibited conduct, or* (against those who have directed the criminal act or against them as a whole)
3) *Against those mentioned under (1) and (2) together* (together)

For the application of the previous paragraphs, the following are equated with the legal entity: the partnership without legal personality, the partnership, the shipping company and the designated assets (considered the same or equivalent to legal entities such as unincorporated companies, partnerships, shipping companies, and special funds).
It can be seen that the Netherlands applied the subject of legal entity offences or legal persons to tend to have a very broad meaning. The scope of the subject of the delict determined by the Netherlands is wider and even regulated in detail, both private legal entities which in their entirety can be subject to criminal liability in the Dutch legal system. Several public legal entities have been found guilty of several criminal acts which indicates that the Netherlands is indeed very broad in regulating the subject of criminal acts. In this case, of course, political parties receive the same focus on the person's legal criminal system, including if it is associated with political parties as a public legal entity.

c. Law Enforcement Against Political Parties in Other State Legal Systems

The application of the doctrine of criminal responsibility to corporations and political parties that commit acts of corruption and money laundering is seen to be applied in several countries, among others. Croatia for example, where the Croatian Court imposed a fine of 5 million and was ordered to pay 24.2 million instead of compensation to the Croatian Democratic Union Political Party (HDZ), one of the largest parties in Croatia, the HDZ Party through its administrators was suspected of committing political corruption, by receiving donations unlawfully during the period between 2003 and 2009 amounting to 31.6 million.
Greece establishes criminal responsibility for administrators of Neo-Nazi Political Parties who are involved in acts of violence against immigrants. Greek law enforcement establishes criminal liability for political parties as legal entities that commit criminal acts.
Turkey stipulates the dissolution of political parties by the Constitutional Court for criminal acts that violate the constitution of Turkey. For some countries of the former Yugoslavia found rampant violence, political corruption, tax evasion, and election fraud. Even political parties that oppose the ruling government are involved in acts of terrorism, treason, and espionage to achieve the desired political goals.

IV. Conclusion

The concept of criminal responsibility for political parties shows that political parties are subjects of criminal law, namely, first, political parties as actors and administrators who are responsible with the aim of general prevention punishment, the goal of individual punishment. Both political parties as actors and administrators of political parties are responsible for punishment to strengthen norms. Third, political parties as perpetrators and responsible political parties with the aim of integrative punishment. Criminal sanctions can be imposed on political parties, namely the type of crime unless stated in the Criminal Code, namely death penalty, imprisonment, and imprisonment, the rest of the sanctions are only imposed on the organs or management of the political party.

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