

Gagasan pembubaran partai politik korup dalam perspektif hukum tata negara Indonesia analisis pengaturan hukum pembubaran partai politik pasca reformasi 1998-2014 = The idea of dissolution of political parties corrupt in perspective Indonesia constitutional law law setting analysis dissolution of political parties post reformation 1998-2014

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Abstrak

[ABSTRAK

Didalam penelitian ini peneliti memberikan gagasan mengenai pembubaran partai politik korup melalui celah hukum pembubaran partai politik di Indonesia dengan memberikan tafsir terhadap makna hukum positif yang mengatur tentang pembubaran partai politik, salah satunya yaitu adanya nomenklatur yang disebutkan didalam Pasal 2 huruf b Peraturan Mahkamah Konstitusi Nomor 12 Tahun 2008 Tentang Pedoman Beracara Pembubaran Partai Politik yang menyebutkan bahwa partai politik dapat dibubarkan oleh Mahkamah Konstitusi apabila kegiatan/akibat yang dilakukan oleh partai politik tersebut bertentangan dengan Undang-Undang Dasar 1945. Klausul ?akibat? yang ditimbulkan tersebut dapat disamakan dengan kegiatan korupsi yang melibatkan pengurus/anggota partai politik yang melaksanakan kegiatan aktifitas kepartaian untuk dapat dibubarkan. Adanya persamaan pengertian yang ditujukan antara korporasi selaku badan hukum yang disamakan dengan pengertian partai politik selaku badan hukum dapat dijadikan sebagai bahan acuan untuk menarik keterlibatan partai politik melalui pengurusnya dalam melakukan tindak pidana korupsi dengan mempergunakan doktrin strict liability dan doktrin vicarious liability yang memungkinkan partai politik tersebut bertanggungjawab atas perbuatan yang dilakukan oleh pengurus/anggota partai politik yang menjalankan aktivitas kepartaian.

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ABSTRACT

Researcher in this study provides an idea of the dissolution of the corrupt political parties through legal loopholes dissolution of political parties in Indonesia to provide interpretation of the meaning of positive law governing the dissolution of political parties, one of which is the existence of the nomenclature referred to in Article 2 paragraph b of the Constitutional Court Regulation No. 12 year 2008 on Guidelines for the Proceedings In the Dissolution of Political Parties which states that a political party can be dissolved by the Constitutional Court if the activities/result conducted by the political parties in conflict with the Constitution of 1945. Clause " due " posed is what can be equated with corruption involving officials/members of a political party conducting the activities of the party to be dissolved. The existence of the common understanding between the corporation intended as a legal entity which is equated with the notion of a political party as a legal entity can be used as a reference for the

conducting the activities of the party to be dissolved. The existence of the common understanding between the corporation intended as a legal entity which is equated with the notion of a political party as a legal entity can be used as a reference for the involvement of political parties through its officials in committing corruption by using the doctrine of strict liability and vicarious liability doctrine that allows the political party responsible for acts committed by officials/members of political parties that run the activities of the party., Researcher in this study provides an idea of the dissolution of the corrupt political parties through legal loopholes dissolution of political parties in Indonesia to provide interpretation of the meaning of positive law governing the dissolution of political parties, one of which is the existence of the nomenclature referred to in Article 2 paragraph b of the Constitutional Court Regulation No. 12 year 2008 on Guidelines for the Proceedings In the Dissolution of Political Parties which states that a political party can be dissolved by the Constitutional Court if the activities/result conducted by the political parties in conflict with the Constitution of 1945. Clause " due " posed is what can be equated with corruption involving officials/members of a political party conducting the activities of the party to be dissolved. The existence of the common understanding between the corporation intended as a legal entity which is equated with the notion of a political party as a legal entity can be used as a reference for the involvement of political parties through its officials in committing corruption by using the doctrine of strict liability and vicarious liability doctrine that allows the political party responsible for acts committed by officials/members of political parties that run the activities of the party.]