

**SUMBANGAN DANA KAMPANYE PEMILU DAN  
KEJAHATAN KORPORASI  
(Dalam suatu Perbandingan)  
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**Abstract**

The form of corporate crime is not only in the field of environment pollution, deceive of consumer, unfair trade practices, etc, but also in the field of politics. In this field, it is usually for economic advantage through the campaign fund contributed to the party. In USA, Watergate scandal, for example, it shows the corporate involvement in the general elections arena, so that in 1971 the USA government legislated a new regulation limiting the sum of corporate contribution to political party.

Indonesia, in the face of general election 2004, has anticipated it by UU No. 12 Tahun 2003. However, if we pay close attention to penal policy as regulated in Article 138 section (5) which just regulates capital punishment (imprisonment and fine), while the additional punishment is not regulated in that statute, it is worried that the statute will not be effective to prevent the corporation's violation of the contribution limit tolerated by the statute.

The weakness of the formulation policy will influence the interaction perpetuation which benefit each-other between contributor and receiver of contribution. As a consequence, it is difficult to prevent the conspirative connection for each elite group interest.

Key words: Campaign contribution, corporate crime.

**A. Pendahuluan**

Ketika Sutherland memulai studinya mengenai pelanggaran hukum yang dilakukan oleh pelaku bisnis, dan studi itu sendiri dimaksudkan untuk membuktikan penjelasan umum mengenai perilaku kriminal. Teori-teori tentang kejahatan yang ketika itu masih menekankan pada penyakit sosial dan gangguan mental sebagai penyebab terjadinya kejahatan, khususnya kemiskinan dan keadaan sosial yang berkaitan dengan kemiskinan, seperti rumah yang tidak layak huni, kurangnya sarana rekreasi, telah dibantah oleh Sutherland. Sutherland yang ketika itu melakukan kajian terhadap kejahatan bisnis (*business crimes*), mengemukakan bahwa perilaku kriminal itu dipelajari, karena itu Sutherland yakin dengan teorinya itu untuk menerangkan kejahatan yang dilakukan oleh para pelaku bisnis. Mereka itu menurut Sutherland bukanlah orang-

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