

ABSTRACT

The development of Criminal Law contributes to the acknowledgment of corporation as subject of criminal law aside from natural law. The existence of corporation has the advantage that it is not being excluded within Press Law in the framework of national law. Such advantage, in particular, provides empowerment upon the existence of pers itself, as well as, provides support due to the occurrence of dispute between pers corporation againsts public interest. The characteristic of the liability of pers corporation, according to universal principles and doctrines of criminal law, differs with the liability upon subject of law within the natural law, which is based on the punishment teaching known as *gein strafzonder schuld*. It is commonly understood that the concept of liability of corporation as subject of law as a manifestation of corporation liability applies the principle of *liability without fault*. Both of them will be considered as approaches to explain the characteristic of press crime liability. Prior to these approaches, it is crucial to understand that the Law number 40 / 1999 defines the subject of law as national pers corporation. Nevertheless, according to the systematic of Criminal Law on pers liability, an individual/person in the pers institution remain considered as subject of law, as well, which implicates to vaguing interpretation on the application of liability norms within the content of Law number 40 /1999. The problematic position eventually appears when a journalist or a pers function, as subject of law, performs a duty as, which is following the request or order from the pers corporation. If such fault is taken into consideration as the basis, it will have impact to deminishing optimum legal support for those performing pers duty. It is also totally againsts the principle of *liability without fault*. In one hand, criminal liability remains necessary to balance the society towards *Human Rights*, particularly when pers performs criminal abuse which damaging the society. In this regard, the expected concept is the concept of criminal liability as a form of corporation liability without the pressure of liability for individual/person or any entity performing as pers. Such expected concept of criminal liability is balanced and proportional liability between the aspect of protection to Human Rights and the aspect of Freedom of Expression in which pers is the instrument. The liability of press crime as a form of corporation liability remains shrouded with uncertainty on the application of the principles of liability without fault and the principle of crime without fault.

(Keyword ; Responsibility of the press, responsibility of press law subject, human rights)