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Reinforcing Corporate Accountability in Indonesian Environmental Law: A Dialectical Examination of Strict Liability and Criminal Sanctions

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Abstract
Corporate accountability in Indonesia's environmental law still faces fundamental challenges, especially in the aspect of applying criminal sanctions against legal entities that commit environmental pollution or destruction. In practice, law enforcement relies more on administrative approaches or civil lawsuits, which often do not provide a deterrent effect and tend to be inadequate in responding to the complexity of environmental damage caused by corporations. This research aims to fill this gap by critically examining how the principle of strict liability can be integrated with the criminal sanction mechanism in national environmental law. With a normative juridical approach and supported by relevant case studies, this study shows that the synergy between the two approaches is able to form a more accountable, effective, and responsive accountability framework to the principles of sustainable development. The results of the analysis recommend the need for a holistic environmental law enforcement model, which not only emphasizes the repressive aspect, but also encourages structural improvements in corporate supervision and active public involvement in overseeing environmental law enforcement in Indonesia.

Keywords: Corporate Responsibility; Environmental Law; Absolute Liability

A. Introduction

Indonesia, as a country with abundant natural resources, is also faced with the threat of increasingly complex environmental damage, especially caused by corporate activities. Massive exploitation of natural resources, land clearing without paying attention to environmental carrying capacity, and air and water pollution due to industrial activities are

problems that cannot be underestimated.[1] In the midst of the increasing escalation of ecological disasters such as floods, droughts, forest fires, and clean water crises, crucial questions arise about how effective the existing legal framework is in ensnaring corporate entities that are the main actors in the destruction of the environment.[2]

Normatively, Indonesia already has various legal instruments to tackle environmental crimes. Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) is the main legal umbrella that regulates the basic principles of environmental protection, including the imposition of administrative, civil, and criminal sanctions. Article 116 of the PPLH Law expressly states that if environmental crimes are committed by, for, or on behalf of business entity, criminal charges can be filed against business entities and/or persons who give orders or who act as leaders in these activities. This provision affirms that legal entities can be made the subject of criminal acts, including crimes against the environment. However, in practice, the law enforcement approach to environmental crime perpetrators is still dominated by administrative sanctions, such as the revocation of business licenses or fines, as well as civil settlements that focus on compensation. This approach has not provided a significant deterrent effect, especially for large corporations that have the resources to avoid or slow down legal proceedings. On the other hand, the enforcement of criminal law against legal entities as perpetrators of environmental crimes often encounters obstacles both in the aspect of proof, the doctrine of corporate criminal liability, and the courage of law enforcement in bringing corporations to the green table.[3]

Although there is a strong legal basis, the implementation of criminal law enforcement against environmental crimes by corporations still faces various challenges. One of the fundamental problems is the weak capacity and commitment of law enforcement officials—both investigators, prosecutors, and judges—in handling environmental cases involving legal entities. Environmental law enforcement is often still trapped in a purely anthropocentric and administrative paradigm, without seeing that environmental damage is a form of extraordinary

[1] Nur Arifatul Ulya and Syafrul Yunardy, "Analisis Dampak Kebakaran Hutan di Indonesia terhadap Distribusi Pendapatan Masyarakat," *E-Journal Penelitian Sosial dan Ekonomi Kehutanan* 3, no. 2 (2006): 4, https://www.mendeley.com/catalogue/5bfac07c-e66a-35ba-98cb-3eb11a7032cf/.
[2] Mas Achmad Santosa, *Membentuk Pemerintahan Peduli Lingkungan dan Rakyat* (Jakarta: ICEL, 2000), 7–10.
[3] Widia Edorita, "Pertanggungjawaban terhadap Pencemaran dan Perusakan Lingkungan Akibat Kebakaran Hutan Dilihat dari Perspektif Hukum," *Jurnal Ilmu Hukum* 2, no. 1 (March 2011): 3, https://www.neliti.com/id/publications/9113/pertanggungjawaban-terhadap-pencemaran-dan-perusakan-lingkungan-hidup-akibat-keb.

crime that has a wide impact on ecosystems and human lives.[4] On the other hand, the strict liability approach, which is supposed to be an effective legal weapon in ensnaring environmental criminals, is often ignored or even not fully understood by law enforcers in the field. Furthermore, the absence of clear technical guidelines in handling environmental criminal cases against corporations is also an obstacle. Determining criminal liability in complex corporate organizational structures requires investigative skills and a deep understanding of corporate mechanisms as well as documentary evidence that is often difficult to access. In many cases, the proof of the element of error (*mens rea*) is a matter of debate, even though through Article 88 of the PPLH Law, the state has taken a progressive step by setting aside the element of error and only focusing on the occurrence of environmental damage as a result of an activity.[5]

In addition to referring to national law, the criminal approach to corporations in environmental matters also has a basis in principles of international law, such as Principle 10 of the 1992 Rio de Janeiro Declaration which emphasizes public participation and access to environmental justice, and the No Harm Principle which obliges states to ensure that activities within their jurisdiction do not harm the environment of other countries. These principles underscore the importance of accountability and law enforcement as key pillars in global environmental protection, which is also Indonesia's obligation as part of the international community.[6] Therefore, this study tries to present a dialectical approach between the concept of strict liability that has been regulated in Article 88 of the PPLH Law, and the corporate criminal approach as possible in Articles 116 and 119 of the same Law. This approach is considered to be able to strengthen the legal position of the state in preventing, taking action, and ensnaring corporations that are proven to be destroying the environment. Furthermore, strict enforcement of criminal law against legal entities can function not only as a tool of repression, but also as a preventive and educational effort, in order to create a collective awareness of the importance of preserving the environment as a shared heritage for future

[4] Rony Saputra, "Pertanggungjawaban Pidana Korporasi dalam Tindak Pidana Korporasi (Bentuk Tindak Pidana Korupsi yang Merugikan Keuangan Negara Terutama Terkait Dengan Pasal 2 Ayat (1) UU PTPK)," *Jurnal Cita Hukum* 2, no. 2 (December 2015): 8, https://doi.org/10.15408/jch.v2i2.2318.

[5] Hariman Satria, "Pertanggungjawaban Pidana Korporasi dalam Tindak Pidana Sumber Daya Alam," *Jurnal Mimbar Hukum* 28, no. 2 (June 2016): 8, https://doi.org/10.22146/jmh.16722.

[6] Melansari D. Lewokeda, "Pertanggungjawaban Pidana Tindak Pidana Terkait Pemberian Delegasi Kewenangan," *Jurnal Mimbar Keadilan* 14, no. 28 (August 2018): 8–9, https://doi.org/10.30996/mk.v0i0.1779.

generations.[7] This research uses normative juridical approach and supported by relevant case studies.

B. Discussion

B. 1. Forms of Criminal Liability That Can Be Imposed on Corporations in Indonesian Environmental Law

The existence of corporations as criminal law subjects in the context of Indonesian environmental law not only represents a shift from the classical paradigm of criminal law that is individualistic, but also reflects the adoption of contemporary theories on corporate criminal liability. In modern criminal liability theory, the concepts of identification theory and aggregation theory are known, each of which explains that corporate wrongdoing can be identified through the actions of the top brass (managing officers) or constructed in aggregate from the collective actions of individuals in the organization. This approach has been expressly adopted in Article 116 of Law Number 32 of 2009 which states that if a criminal act is committed in the name of a corporation, then criminal charges and sanctions can be imposed against the corporation, management, and/or the person who gave the order to commit the criminal act.[8]

The analysis of environmental criminal law theory places corporations not only as passive actors, but as rational entities that have the ability to make strategic decisions and control risks, so that they deserve to be held criminally responsible for the ecological impact of their operational activities. This is reinforced by the system theory in criminal law, which states that in complex organizations such as corporations, responsibilities can be distributed and the internal control system becomes the basis for assessing institutional negligence or intentionality.[9] Thus, sanctions against corporations are not just an instrument of retaliation, but serve as a regulatory tool to encourage compliance with environmental norms. As a concrete example, the environmental criminal case involving PT Kalista Alam is an important precedent in the implementation of corporate criminal liability in Indonesia. In the case, the company was found guilty of illegally burning peatland in Rawa Tripa, Aceh, which caused

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[7] Ramelan, "Pertanggungjawaban Korporasi dalam Hukum Pidana," *Jurnal Hukum Prioris* 1, no. 2 (February 2007): 10, https://doi.org/10.25105/prio.v1i2.318.

[8] Agatha Jumiati and Dahlia, "Penyelesaian Pencemaran Lingkungan Hidup melalui Pendekatan Budaya Hukum dan Hubungan Kemitraan (Suatu Studi Kasus)," *Wacana* 10, no. 1 (September 2012), https://ejurnal.unisri.ac.id/index.php/Wacana/article/view/265.

[9] Muhammad Erwin, *Hukum Lingkungan: Dalam Sistem Perlindungan dan Pengelolaan Lingkungan Hidup Indonesia* (Bandung: Refika Aditama, 2015), 81.

damage to peat ecosystems and protected animal habitats. The Supreme Court in Decision Number 651 K/PDT/2015 upheld the decision of the Meulaboh District Court and imposed a penalty in the form of a fine of Rp366 billion for environmental losses and recovery costs.[10] Although the decision is a civil ruling, the environmental criminal aspect can be adopted in similar cases considering the similarity in the substance of the act and the legal actors, and shows that corporations can be subject to severe sanctions for environmental violations.

Furthermore, the criminal approach to corporations in environmental law is in line with the principle of non-derogable obligations in international law, as stated in the 1992 Rio Declaration and Principle 10 of the 1972 Stockholm Declaration, which obliges states to guarantee people's rights to a healthy and sustainable environment. Therefore, the implementation of these principles in the national legal system, including the imposition of criminal sanctions against corporate entities, is a form of state commitment to mainstreaming environmental protection. The legal approach to corporate criminal liability in Law Number 32 of 2009 shows that Indonesia has moved towards a progressive environmental law paradigm. Not only does it recognize that corporations can become legal subjects, but it also provides concrete legal mechanisms to ensure environmental accountability. In this context, Articles 98 to 120 of the PPLH Law are the backbone of environmental criminal law, which emphasizes that any act that results in pollution and/or destruction of the environment that results in losses to others or the environment can be sentenced to severe criminal sanctions. Article 98 paragraph (1) states that every person who deliberately commits an act that results in pollution and/or destruction of the environment is sentenced to a minimum of 3 years in prison and a maximum of 10 years and a fine of between IDR 3 billion to IDR 10 billion. If the act is committed by the corporation, then based on Article 118, the penalty of the fine is doubled. This shows that the lawmakers adopted the principle of deterrence, by providing a deterrent effect (general and specific deterrence) on business entities so as not to ignore the principle of prudence in their business operations.[11]

Theoretically, the application of criminal liability to corporations in the context of the environment can be related to regulatory compliance theory which states that the threat of criminal sanctions can be an effective means to encourage corporations to comply with environmental regulations. This approach is also in line with the doctrine of command

[10] Absori, *Hukum Penyelesaian Sengketa Lingkungan Hidup* (Surakarta: Muhammadiyah University Press, 2012), 34.

[11] Absori, "Advokasi Masyarakat dalam Penyelesaian Sengketa Lingkungan Hidup di Jaten, Kabupaten Karanganyar," *WARTA* 10, no. 1 (March 2007), https://doi.org/10.23917/warta.v10i1.3201.

responsibility, which places responsibility on the leadership structure in the corporate organization if it is known or should have known that there has been a criminal act committed by its subordinates. In practice, law enforcement against environmental corporations often encounters challenges, such as proving the element of "intentionality or negligence" in the context of the organization. Therefore, increasing the capacity of law enforcement officials, especially environmental investigators and environmental prosecutors, is very important in order to be able to unravel the structure of corporate responsibility appropriately and accurately in court.[12]

A concrete example that shows the direct implementation of these articles can be seen in the case of forest and land fires (*Kebakaran hutan dan lahan* or *karhutla*) by corporations in Sumatra and Kalimantan, such as the case of PT Waringin Agro Jaya, where the Supreme Court through a cassation decision imposed a fine of Rp466 billion for environmental damage caused by the practice of land burning. In this case, even though mistakes were made by field operators, criminal and civil liability was still directed to the corporation because it was proven that there was systemic neglect and failure in implementing an adequate internal control system. This ruling strengthens the argument that in modern environmental law, organizational structure and corporate policies are central elements in shaping criminal liability, not just who the perpetrators are on the ground.[13] In addition, the penal approach in the PPLH Law also has a restorative aspect, as seen in Article 119 letter e which states that additional penalties can be in the form of an obligation to make recovery due to criminal acts, which is in line with the polluter pays principle in international environmental law. This shows that sanctions are not only repressive, but also emphasize corrective and preventive aspects, encouraging corporate actors to take responsibility for environmental restoration, and not just pay fines as compensation. Therefore, Indonesia's legal structure in this case has been quite comprehensive in reaching corporate entities as the subject of criminal law, but its effectiveness remains highly dependent on political will, the courage of law enforcement officials, and public participation in supervising business practices that are risky to the environment. Thus, the recognition and application of corporate criminal liability in environmental law not only has a strong normative foundation, but also reflects the evolution of criminal law thinking towards a system that is more adaptive and responsive to ecological threats stemming from business activities. For

[12] Zulkifli Aspan, "Konstitusionalisasi Hak Atas Lingkungan dalam Perkembangan Hak Asasi Manusia," *Jurnal Ilmu Hukum Amanna Gappa* 18, no. 4 (2012), http://repository.unair.ac.id/id/eprint/32202.
[13] Absori, Khuzaefah Dimyati, and Kelik Wardiono, "Model Penyelesaian Sengketa Lingkungan Melalui Lembaga Alternatif," *Mimbar Hukum* 20, no. 2 (June 2008), https://doi.org/10.22146/jmh.16308.

further effectiveness, regulatory harmonization, strengthening law enforcement capacity, and collaboration between agencies are needed to ensure that environmental law enforcement can run consistently, fairly, and sustainably.[14]

B. 2. The Interaction Between the Principle of Absolute Responsibility and the Application of Criminal Sanctions in Strengthening Corporate Accountability

The principle of *strict liability* in Indonesian environmental law is an important instrument in answering law enforcement challenges against corporations that commit environmental violations. Unlike the classic criminal approach that requires proof of an element of error (*mens rea*), this principle allows the state to prosecute sand impose sanctions on corporations simply by proving the existence of unlawful acts that cause environmental damage. This principle is particularly relevant in the complex operational context of large corporations, where proving individual wrongdoing in the management structure is often difficult and time-consuming, and often hinders the rapid and effective law enforcement process. Normatively, the principle of strict liability is regulated in Article 88 of the PPLH Law, which states that every person whose actions, business, and/or activities use hazardous and toxic materials, produce, and/or manage B3 waste, and/or cause pollution and/or damage to the environment must be absolutely responsible for losses that occur without the need to prove elements of the error. This provision underlines the importance of the precautionary principle and the polluter pays principle, where the party causing pollution or damage is obliged to bear legal responsibility, including the responsibility to restore the environment.[15]

In practice, the application of the principle of strict liability has been used in several environmental cases, especially the case of forest and land fires involving large plantation corporations. One concrete example is the Supreme Court decision Number 3555 K/PDT/2018, in which PT National Sago Prima was declared responsible for the peatland fires in Riau, even though the company denied having committed intentional or negligence. In the case, the court still ruled that the company must be legally responsible for the damage caused by its inability to prevent fires in its concession area. This shows that in the context of environmental

[14] Absori, "Penegakan Hukum Lingkungan pada Era Reformasi," *Jurnal Ilmu Hukum* 8, no. 2 (September 2005), https://www.scribd.com/doc/183803003/Penegakan-Hukum-Lingkungan-di-Era-Reformasi-pdf.

[15] Andi Muhammad Rusdi Galigo, "Perlindungan Hukum Terhadap Masyarakat Terkait Pencemaran Lingkungan Hidup Berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup (Studi Kasus Pencemaran Sungai Cikijing Kecamatan Rancaekek Bandung Jawa Barat)" *Jurnal Ilmu Hukum* 2, no. 2 (June 2016), https://doi.org/10.5281/zenodo.1257745

responsibility, the inability to control the environmental impact of business activities is considered a form of sanctionable offense even in the absence of malicious intent or explicit negligence. The application of the principle of strict liability also reflects a paradigm shift in environmental law that focuses more on preventive protection of the ecosystem rather than simply punishing perpetrators after the incident. This is a form of law in action that aims to strengthen corporate accountability and encourage the application of environmentally friendly technology and a stricter risk management system. Thus, this principle not only functions as a repressive tool, but also as a regulatory instrument that supports sustainable development.[16]

However, despite having a fairly strong normative force, the implementation of the principle of strict liability in the field still faces various challenges, including resistance from business actors, limited capacity of environmental law enforcement institutions, and inconsistencies in court decisions. Therefore, it is important for governments and stakeholders to continue to strengthen the legal and institutional framework so that this principle can be applied consistently and effectively in tackling the environmental crisis that continues to threaten. The interaction of the principle of absolute responsibility with the application of criminal sanctions strengthens the dimension of corporate accountability, since the sanctions imposed are not only administrative or civil, but also include criminal sanctions that have stronger coercive power. Criminal sanctions that can be imposed on corporations include large fines, confiscation of the proceeds of crime, termination of business activities, and dissolution of legal entities.[17] When this principle is used in conjunction with a criminal approach, corporations are not only faced with an obligation to restore the environment, but also bear serious legal consequences for failures in their internal supervisory and risk management systems. For example, in the case of PT Kallista Alam who was convicted by the Meulaboh District Court (Decision Number 12/Pdt.G/2012/PN. MBO) for burning peatlands in Aceh, the company was ordered to pay damages and environmental restoration costs of more than Rp 300 billion. Although this lawsuit is civil in nature, the liability logic used refers to the principle of strict liability, and paves the way for criminal instruments to be applied in similar cases in the future.

With the combination of the principle of strict liability and criminal sanctions, legal pressure is born that encourages corporations to be more careful in carrying out their business activities. It is not enough to just comply with regulations administratively, companies are

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[16] *Ibid.*

[17] Siti Sundari Rangkuti, *Hukum Lingkungan dan Kebijaksanaan Lingkungan dalam Proses Pembangunan Nasional Indonesia* (Surabaya: Universitas Airlangga, 2016).

required to internalize the principle of environmental prudence (precautionary principle) in the planning and implementation of daily operations. This has led to a more robust, transparent, and accountable risk-based environmental management system. In the long term, these interactions not only create a deterrent effect, but also shape a corporate culture that is responsible for the environment and society. Corporate accountability becomes even more pronounced when they realize that any failure to manage environmental impacts has the potential to lead to serious legal consequences, even without the need to prove intent.

Therefore, the synergy between the principle of absolute responsibility and criminal sanctions is not only important in the context of law enforcement, but also a catalyst for internal reform within the corporate body itself. Companies operating in high-risk sectors such as forestry, mining, and the chemical industry are required to establish a comprehensive control system, including employee training, environmental compliance audits, and internal reporting and oversight systems. In this perspective, law enforcement is no longer understood solely as a response to violations, but rather as an effort to form sustainable and responsible collective behavior among business actors.[18]

B. 3. Dialectical Implications of the Application of the Two Approaches in the National Environmental Legal System

The simultaneous application of the criminal liability approach and the principle of strict liability in the national environmental law system creates a dialectic that not only enriches the legal treasures, but also strengthens the effectiveness of environmental protection in Indonesia. This dialectic reflects a paradigm shift from a conventional legal approach to a legal model that is more adaptive to the challenges of the modern environment.[19] In the traditional criminal approach, the element of error (*mens rea*) is an essential element to determine the responsibility of the perpetrator, so the burden of proof tends to be high and takes a long time. However, in the context of complex environmental destruction and often involving high-tech and large-scale corporate actors, this approach becomes less effective. On the contrary, the principle of strict liability offers a more efficient and progressive alternative by prioritizing the absolute responsibility of the perpetrator without the need to prove elements of wrongdoing. This principle focuses on the consequences caused, not the intention of the perpetrator, so that it can speed up the recovery process and provide compensation to the victim or the affected community. One concrete example of the application of this principle is the case of the Lapindo

[18] N. H. T. Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan* (Jakarta: Erlangga, 2004), 12.
[19] Hasjim Djalal, *Perjuangan Indonesia di Bidang Hukum Laut* (Jakarta: Binacipta, 2018), 11.

mud burst in Sidoarjo, East Java.[20] Although there was a debate regarding the technical factors that caused the eruption—whether purely due to drilling errors or natural factors—the state through Presidential Regulation Number 14 of 2007 emphasized that PT Lapindo Brantas was responsible for all losses incurred. This step marks the explicit application of the principle of strict liability in state policies, as well as demonstrating the courage of Indonesian law in placing environmental protection as a priority.[21]

Moreover, the application of the principle of strict liability in Indonesian environmental law shows that the state positions the environment as an entity that has the right to be protected, not just an object of economic exploitation. This approach also opens up space for victims of environmental damage to get justice more quickly and adequately. In the long run, the combination of a criminal approach and strict liability creates a stronger deterrent effect against perpetrators of pollution or environmental destruction, especially from corporations. This is important considering that many environmental cases in Indonesia involve large companies that have strong capital power and political access. In contrast, in the case of forest and land fires (*karhutla*) by oil palm plantation corporations, the state applies a strict criminal approach against directors and field managers who are proven to have intentionally or negligently burned land. For example, in the case of PT Adei Plantation and Industry in Riau (2014), the Pelalawan District Court imposed a criminal sentence on a company manager who was considered responsible for forest burning practices. It shows how the criminal approach is used to provide a deterrent effect and strengthen the accountability of individuals who play an active role in environmentally damaging decision-making. However, in many cases, this criminal approach is bumped into evidentiary constraints, especially if the offenses are committed collectively within complex corporate structures. Therefore, the strict liability approach is an important complement, because it allows the state to still be able to claim compensation and recover environmental damage even if the perpetrator cannot be proven criminally guilty.[22]

The dialectic between these two approaches results in systemic effects in the renewal of environmental law, not only at the normative level, but also in institutional practice. Environmental law enforcement can no longer be carried out sectorally and partially. Cross-institutional cooperation between the Ministry of Environment and Forestry, the Police, the

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[20] Adrian Sutedi, *Hukum Perizinan: Dalam Sektor Pelayanan Publik* (Jakarta: Sinar Grafika, 2010).

[21] Elly Kristiani Purwendah, "Penerapan Regime Tanggung Jawab dan Kompensasi Ganti Rugi Pencemaran Minyak oleh Kapal Tanker di Indonesia," *Jurnal Komunikasi Hukum* 2, no. 2 (August 2016), https://doi.org/10.23887/jkh.v2i2.8410

[22] Taufik Imam Santoso, *Politik Hukum Amdal: Amdal dalam Perspektif Hukum Lingkungan dan Administrasi* (Malang: Setara Press, 2009), 12, https://repository.ubaya.ac.id/7687/1/Politik%20Hukum%20Amdal%20a.pdf.

Prosecutor's Office, and the Courts, as well as a multidisciplinary understanding of the technical and ecological aspects of environmental matters is needed. For example, in the case of PT Bumi Mekar Hijau which was sued by the government for forest destruction in South Sumatra, the court had rejected the lawsuit because it was considered insufficient evidence to prove guilt. However, in appeals and cassations, the Supreme Court reinforced the importance of the application of absolute liability that does not require proof of an element of fault, and ultimately held that the company remains liable for the ecological damage that occurs.[23]

The implication of this dialectical application is the creation of an environmental law system that is more adaptive to the development of the times and the increasingly complex challenges of environmental damage. A repressive criminal approach gives a strong signal to business actors not to repeat the violation, while the principle of strict liability provides a way out for victims and affected communities to get justice quickly and without the burden of complicated proof. The existence of these two approaches also encourages the development of progressive environmental jurisprudence, as well as affirming the role of the state as a protector of people's rights to a clean and healthy environment as stipulated in Article 28H paragraph (1) of the 1945 Constitution. Therefore, the dialectic between criminal liability and strict liability is not a contradiction, but a legal synergy that ensures a balance between justice, certainty, and utility. In the long run, the consistency of the application of these two approaches will contribute to the formation of an environmental legal system that is not only repressive, but also transformative—that is, able to change the paradigm of exploitative economic development to sustainable development that is environmentally friendly. Within this framework, the law becomes not only a tool for punishing, but also a strategic means to encourage behavior change, corporate social responsibility, and ecological protection for future generations.

C. Conclusion

Based on the description that has been submitted, it can be concluded that corporate criminal liability in Indonesian environmental law is a very important legal instrument to ensure that business entities are not immune to legal sanctions for actions that damage the environment. With the recognition of corporations as the subject of criminal law, law enforcement officials have a basis to impose strict sanctions against corporate actors, either

[23] *Ibid.*

through fines and additional criminal sanctions. In addition, the principle of strict liability is a crucial element in strengthening environmental law enforcement because it eliminates the need to prove elements of wrongdoing, thereby speeding up and simplifying the process of imposing sanctions. The simultaneous application of these two approaches in the national environmental law system has a dialectical impact that strengthens accountability, increases law enforcement efficiency, and encourages the realization of environmentally sound sustainable development.

To increase the effectiveness of the implementation of criminal liability against corporations in the environmental sector, it is recommended that the government and law enforcement agencies continue to strengthen technical regulations and the capacity of the apparatus in handling environmental cases involving corporations. It is also necessary to harmonize environmental criminal rules and other legal instruments so that there is no overlap or gap in norms. In addition, it is important to encourage increased legal awareness among business actors through education, environmental compliance certification, and incentives for corporations that apply the principles of green corporate governance. On the other hand, civil society and the media need to be encouraged to play an active role as external monitors so that environmental violations do not go unnoticed by the public. With the synergy between a firm legal approach and community participation, the national environmental law system will be better able to provide real protection for Indonesia's environmental sustainability.

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