

ANALYSIS OF CORPORATE CRIME PUNISHMENT IN ENVIRONMENTAL CASES IN INDONESIA

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Abstract

Industrial progress has led to various impacts on increased production and economy, but also poses significant challenges related to hazardous and toxic waste (B3). The criminal act of B3 waste disposal refers to legal violations related to the handling and disposal of waste containing hazardous and toxic substances. This research uses a normative juridical research type, which means it is a library law research because normative legal research is conducted by examining library materials or secondary data only. The approach uses a statute approach. This approach is carried out by reviewing all legislation and regulations related to the legal issues being discussed. The research results reveal that criminal liability carried out by corporations individually (corporate criminal liability) still invites debate. Many parties do not support the notion that artificially formed corporations can commit crimes and have criminal intent, thereby leading to criminal liability. The punishment of corporate crime cases refers to the legal process encompassing several steps, including investigation, prosecution, trial, legal decision, law enforcement, corporate responsibility, and recovery/prevention.

Keywords: *Punishment; Special Corporate Crime; Environment.*

I. INTRODUCTION

Industrial progress has led to various impacts on increased production and economy, but also poses significant challenges related to hazardous and toxic waste (B3). The increase in industrial activity often leads to an increase in the volume of B3 waste.⁴ The complex industrial processes and various chemicals used can produce more diverse and complex waste.⁵ The use of these materials can increase the complexity of the waste generated and add difficulty in its management.⁶

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⁴ Badrudin Kurniawan, "Pengawasan Pengelolaan Limbah Bahan Berbahaya Dan Beracun (B3) Di Indonesia Dan Tantangannya," *Dinamika Governance: Jurnal Ilmu Administrasi Negara* 9, No. 1 (2019).

⁵ Suminar Setiati Achmadi, Adi Cifriadi, And Muhana Nurul Hidayah, "Redistilat Asap Cair Dari Cangkang Kelapa Sawt Dan Aplikasinya Sebagai Koagulan Karet Alam," *Jurnal Penelitian Karet*, 2015, p. 183-92.

⁶ Kus Indrani Listyoningrum, Danise Yunaini Fenida, And Nurhasan Hamidi, "Inovasi Berkelanjutan Dalam Bisnis: Manfaatkan Flowchart Untuk Mengoptimalkan Nilai Limbah Perusahaan," *Jurnal Informasi Pengabdian Masyarakat* 1, No. 4 (2023): p.100-112.

Moreover, economic growth often leads to rapid urbanization and industrialization. Dense urban and industrial areas can generate significant amounts of B3 waste,⁷ and good monitoring and management are needed to prevent environmental pollution.

B3 waste includes waste that can cause physical hazards, including waste that is flammable, explosive, or can cause direct physical injury. Examples include reactive chemicals or explosives. Uncontrolled or improper disposal of B3 waste can cause environmental pollution. Hazardous substances in B3 waste can contaminate soil, water, and air, endangering ecosystems and human health. Human exposure to B3 waste can have adverse health effects.⁸ Toxic substances in B3 waste can cause respiratory problems, skin irritation, chronic diseases, and even cancer if not properly managed.⁹ Along with global awareness of environmental protection, many countries have implemented stricter regulations related to the handling and disposal of B3 waste. Industrial companies must comply with these regulations or face legal sanctions and fines. Companies are increasingly required to adopt sustainable and responsible business practices, including B3 waste management.¹⁰ Increased CSR motivates companies to reduce their negative impact on the environment. Advances in waste management technology have provided innovative solutions to address B3 waste. Recycling processes, the use of waste processing technologies, and the use of more environmentally friendly raw materials are some examples of these innovations.

The criminal act of hazardous and toxic waste (B3) disposal refers to legal violations related to the handling and disposal of waste containing hazardous and toxic substances.¹¹ B3 materials have the potential to harm the environment and human health if not managed properly. Several criminal actions related to B3 waste disposal involve violations of environmental regulations and laws.

Criminal acts related to these offenses are regulated by environmental laws. The penalties imposed depend on the severity of the violation and may include fines, imprisonment, or a combination of both. These sanctions aim to encourage business owners or individuals to manage B3 waste in a safe and responsible manner.¹² It is

⁷ Pramiati Purwaningrum, Dwi Indrawati, And Hernani Yulinawati, "Evaluasi Pengelolaan Sampah Medis Di Rsud Kota Tangerang," *Jurnal Bhuwana*, 2021, p. 226–32.

⁸ Ika Wahyuning Widiarti, "Pengelolaan Sampah Berbasis Zero Waste Skala Rumah Tangga Secara Mandiri," *Jurnal Sains & Teknologi Lingkungan* 4, no. 2 (2012): p. 101–13.

⁹ Levi Anatolia S.M. Exposto and I Nengah Sujaya, "The Impacts of Hazardous and Toxic Waste Management: A Systematic Review," *Interdisciplinary Social Studies* 1, no. 2 (November 2021): 103–23, <https://doi.org/10.55324/iss.v1i2.20>.

¹⁰ Bulan Prabawani et al., "Drivers and Initial Pattern for Corporate Social Innovation: From Responsibility to Sustainability," *Heliyon* 9, no. 6 (June 2023): e16175, <https://doi.org/10.1016/j.heliyon.2023.e16175>.

¹¹ Adil Luginanto, "Politik Hukum Dalam Upaya Pengendalian Pencemaran Bahan Berbahaya dan Beracun Di Wilayah Laut Yang Berada Dibawah Kedaulatan Indonesia," *Law Reform* 7, no. 2 (October 2012): 42, <https://doi.org/10.14710/lr.v7i2.12409>.

¹² Dian Esti Pratiwi and Tika Andarasni Parwitasari, "Legal Politics On Fly Ash Bottom Ash Waste Conversion Into Non-B3 Waste After Law Number 11 Of 2020 Concerning Job Creation In Indonesia," *Russian Law Journal* 11, no. 2S (2023): p. 389–97.

crucial to comply with regulations and understand the legal consequences to protect the environment and society. Corporate responsibility for B3 waste disposal encompasses a series of obligations and actions that companies must undertake in handling and disposing of B3 waste. This responsibility includes legal, environmental, and social aspects.

Companies must adhere to all relevant environmental regulations and laws governing the handling, transportation, storage, and disposal of B3 waste.¹³ This includes obtaining the necessary permits and licenses from local or national environmental authorities. Corporations are responsible for identifying and managing the risks associated with B3 waste disposal. This also involves implementing best practices in waste management and monitoring potential negative impacts. Companies are expected to be transparent about the types and amounts of B3 waste generated and the actions taken to manage it.

In addition to environmental responsibility, companies must also consider the social impact of their activities related to B3 waste.¹⁴ This may involve participating in local or global initiatives to mitigate negative impacts. Violations of these responsibilities can result in legal sanctions, fines, and damage to the company's reputation. Therefore, companies are encouraged to adopt best practices in B3 waste management for environmental and business sustainability. Thus, this research aims to address corporate accountability for the criminal act of B3 waste disposal.

This study uses a normative juridical research type, which refers to library law research as it involves examining library materials or secondary data only.¹⁵ The research approach used is the statute approach. This approach involves reviewing all legislation and regulations related to the legal issues being discussed.¹⁶

The data analysis used in this study is descriptive qualitative analysis,¹⁷ and conclusions are drawn using the inductive method, which involves explaining specific details and then drawing general conclusions relevant to the issues

¹³ Veza Azteria and Ruslan Abdul Gani, "Pengelolaan Limbah Minyak Pelumas Sebagai Upaya Pengendalian Pencemaran Lingkungan," *BIOLINK (Jurnal Biologi Lingkungan Industri Kesehatan)* 6, no. 2 (January 2020): 178–85, <https://doi.org/10.31289/biolink.v6i2.2725>.

¹⁴ Syaiful Bahri and Febby Anggista Cahyani, "Pengaruh Kinerja Lingkungan Terhadap Corporate Financial Performance Dengan Corporate Social Responsibility Disclosure Sebagai Variabel Intervening (Studi Empiris Pada Perusahaan Manufaktur Yang Terdaftar Di Bei)," *Ekonika: Jurnal Ekonomi Universitas Kadiri* 1, no. 2 (July 2017): 117–42, <https://doi.org/10.30737/ekonika.v1i2.11>.

¹⁵ Dyah Ochtorina Susanti, M Sh, and S H A'an Efendi, *Penelitian Hukum: Legal Research* (Sinar Grafika, 2022).

¹⁶ Muhaimin Muhaimin, "Metode Penelitian Hukum," *Dalam S. Dr. Muhaimin, Metode Penelitian Hukum, Mataram-NTB: Mataram*, 2020.

¹⁷ Endah Marendah Ratnaningtyas; Ramli; Syafruddin; Edi Saputra; Desi Suliwati; Bekty Taufiq Ari Nugroho; Karimuddin; Muhammad Habibullah Aminy; Nanda Saputra; Khaidir; Adi Susilo Jahja, *Metodologi Penelitian Kualitatif* (Sigli Pidie: Yayasan Penerbit Muhammad Zaini, 2023).

discussed in the research.¹⁸ Descriptive analytical is an approach in qualitative research aimed at explaining and describing phenomena or events by paying detailed attention to their entirety.¹⁹

During the analysis process, researchers look for patterns or themes that consistently emerge in the data. These patterns or themes can become the main focus of the discussion of the research results. After identifying the patterns or themes, the researcher develops a detailed and thorough narrative or description of the phenomenon under study. This narrative serves to explain comprehensively what was found in the research. The final step is to re-examine the analysis conducted and interpret the research findings. Researchers ensure that the narrative or description created is consistent with the existing data and relate the findings to relevant theories or literature.²⁰

II. DISCUSSION

The Nature of Corporate Crime in Environmental Contexts

Corporate crime in the environmental context refers to illegal behaviors or actions that violate the law by companies or corporations, causing detrimental impacts on the environment. In this context, corporate crimes encompass violations of environmental regulations, sustainability norms, and ethical principles related to the preservation of natural resources and ecosystems.²¹ Corporate environmental crimes have serious long-term impacts on ecosystems, biodiversity, and human health.²² Therefore, it is crucial to implement strict laws and regulations and ensure that companies adhere to ethical and sustainability standards to prevent and address such crimes.

Green Criminology (GC) was first proposed in the 1990s.²³ Thirty years later, there is still no consensus on the definition of the term "environmental crime." The

¹⁸ Herzoni Saragih, Alpi Sahari, and T Erwin Syahbana, "Pertanggungjawaban Pidana Terhadap Ujaran Kebencian Melalui Transaksi Elektronik," *Legalitas: Jurnal Hukum* 13, no. 2 (December 2021): 119, <https://doi.org/10.33087/legalitas.v13i2.267>.

¹⁹ Eliya Nova Lubis and Ida Nadirah, "Keabsahan Perjanjian Baku Pada Transaksi Forex Dalam Upaya Memberikan Pelindungan Hukum Pada Investor Di Indonesia," *Jurnal Pencerah Bangsa* 3, no. 1 (2023): p.27–35.

²⁰ Triono Eddy, "Management of Natural Resources Based on Local Wisdom by Traditional Law Communities," *International Journal of Educational Research & Social Sciences* 2, no. 6 (2021): 1535–43, <https://doi.org/https://doi.org/10.51601/ijersc.v2i6.190>.

²¹ Michael J. Lynch, "Green Criminology and Environmental Crime: Criminology That Matters in the Age of Global Ecological Collapse," *Journal of White Collar and Corporate Crime* 1, no. 1 (January 2020): 50–61, <https://doi.org/10.1177/2631309X19876930>.

²² Puja Anudiwanti and Hatim Ahmad, "Edukasi Perlindungan Pelestarian Lingkungan Hidup Di Masyarakat Desa Melalui Penguatan Pengaturan Tentang Ekosida," *Jurnal Dedikasi Hukum* 2, no. 3 (December 2022): 317–28, <https://doi.org/10.22219/jdh.v2i3.23463>.

²³ Sahar Karimniya, Shahla Moazami, and Tahmoores Bashiriye, "Merging of Green Criminology with Cultural Criminology and Confronting Environmental Crisis in Light of United Nations Actions," *The Iranian Review for UN Studies* 3, no. 1 (2020): 21–55, <https://doi.org/10.22034/IRUNS.2020.126539>.

term can vary greatly among environmental experts. Indeed, the definitions are so numerous and broad that they cannot be adequately reviewed here.

The coexistence of various definitions of environmental crime can mean the following: (1) environmental crimes are complex and require different terms to distinguish them from one another; (2) it is theoretically useful to have these diverse definitions; and/or (3) the varied definitions reflect green criminologists' efforts to name their concepts, define the boundaries of GC, and address semantic, metaphysical, and epistemological concerns. Alternatively, one could argue that this plurality of definitions represents conceptual ambiguity and that GC moves contrary to Kant's argument in the Critique of Pure Reason, which prioritizes simplicity and clarity over endless complexity and conceptual competition. These issues cannot be resolved here (though my personal preference tends toward clarity and simplicity).

Some definitions of environmental crime are made using a typological approach. For example, by defining types of environmental crimes with reference to other crime colors, environmental crime becomes (1) brown crimes or environmental crimes in urban landscapes; (2) white crimes related to new technology; and (3) green crimes, limited to environmental damage related to wildlife conservation and harm to wildlife.²⁴ However, these definitions do not necessarily align with other definitions. When new definitions are proposed, their justification must be traced, and old and new definitions compared.

Initially, environmental crimes were defined as: (1) harm caused to living beings through the creation of environmental hazards; (2) existing at both local and global levels; (3) consequences related to corporate and state crimes; and (4) as a subject of radical criminology and political economy theory/analysis, with its focus on class analysis.²⁵ Thus, these broad definitions necessitate newer definitions to clarify how they add to or enhance these views.

Discussion of corporations is not unfamiliar to us; recently, we often hear about corporate strategies such as mergers, acquisitions, consolidations, tax planning, and others. Corporations significantly contribute to a country's development, particularly in the economic sector,²⁶ such as state revenue from taxes and foreign exchange, highlighting the positive impacts of corporations. On the other hand, corporations often cause negative impacts, such as pollution, depletion of

²⁴ Richard Stassen and Vania Ceccato, "Environmental and Wildlife Crime in Sweden from 2000 to 2017," *Journal of Contemporary Criminal Justice* 36, no. 3 (August 2020): 403–27, <https://doi.org/10.1177/1043986220927123>.

²⁵ Amanda Raissa Shafira, Satriya Wibawa, and Savitri Aditiany, "Ancaman Impor Sampah Ilegal Terhadap Keamanan Lingkungan Di Indonesia, 2016-2019," *Padjadjaran Journal of International Relations* 4, no. 1 (January 2022): 1, <https://doi.org/10.24198/padjar.v4i1.32458>.

²⁶ Hari Sutra Disemadi and Nyoman Serikat Putra Jaya, "Perkembangan Pengaturan Korporasi Sebagai Subjek Hukum Pidana Di Indonesia," *JURNAL HUKUM MEDIA BHAKTI* 3, no. 2 (February 2020), <https://doi.org/10.32501/jhmb.v3i2.38>.

natural resources, unfair competition, tax manipulation, labor exploitation, producing harmful products for consumers, and consumer fraud.²⁷

The role of corporations as legal subjects is also formulated in Article 1, point 32 of Law No. 32 of 2009 on Environmental Protection and Management, which states that every person is an individual or business entity, whether a legal entity or not.²⁸ With the terminology used in Law No. 32 of 2009 on Environmental Protection and Management, referring to corporations as "business entities," corporations are part of the subject of environmental crimes and can be held criminally accountable under the provisions stipulated in the law. However, it should be noted that the Supreme Court has issued Supreme Court Regulation No. 13 of 2016 on Procedures for Handling Criminal Cases by Corporations.²⁹ This regulation provides the framework for how corporate criminal liability for environmental crimes will be implemented.

While all environmental crimes share the same target, there are important differences. The differences mainly lie in the perpetrators, the criminal actions committed, the victims affected, and the laws and law enforcement agencies governing these actions. The most useful basis for comparison is who commits the environmental crime. Based on this, four types of environmental crimes can be distinguished: corporate, organized, state, and individual. Each variety has its own distinct perpetrators and characteristics, with different levels of risk to public health and the environment.

Corporate crime is organizational crime.³⁰ One of the corporate crimes that has gained attention due to its increasing prevalence is corporate crime in the environmental sector, such as forest fires. Corporate environmental crimes can cause large and complex impacts and victims, depleting natural resources,³¹ human resources, social capital, and even sustainable institutional capital. Defining corporate environmental crimes and uncovering their relationship with an organization's social-environmental responsibility is not an easy task. When crime is the subject, few people mention corporate crime as an example, instead focusing

²⁷ Yayuk Sugiarti, "Aspek Hukum Pencemaran Lingkungan Akibat Limbah Perusahaan Tahu (Study Kasus Di Kabupaten Sumenep)," *Jurnal Jendela Hukum* 7, no. 2 (September 2020): 69–73, <https://doi.org/10.24929/fh.v7i2.1072>.

²⁸ Achmad Ratomi, "Korporasi Sebagai Pelaku Tindak Pidana (Suatu Pembaharuan Hukum Pidana Dalam Menghadapi Arus Globalisasi Dan Industri)," *Al-Adl : Jurnal Hukum* 10, no. 1 (February 2018): 1, <https://doi.org/10.31602/al-adl.v10i1.1150>.

²⁹ Dani Amran Hakim, "Politik Hukum Lingkungan Hidup Di Indonesia Berdasarkan Undang-Undang Nomor 32 TAHUN 2009 TENTANG PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 2 (April 2016): 114–32, <https://doi.org/10.25041/fiatjustisia.v9no2.592>.

³⁰ Moch Iqbal, "Illegal Fishing Sebagai Kejahatan Korporasi Suatu Terobosan Hukum Pidana Dalam Mengadili Kejahatan," *Jurnal Hukum Dan Peradilan* 1, no. 3 (November 2012): 417, <https://doi.org/10.25216/jhp.1.3.2012.417-434>.

³¹ Matthew Hall, "Victims of Environmental Harms and Their Role in National and International Justice," in *Emerging Issues in Green Criminology* (London: Palgrave Macmillan UK, 2013), 218–41, https://doi.org/10.1057/9781137273994_12.

on street crime cases. The most widely accepted concept of corporate crime is legalistic, meaning criminal cases in which the company is punished.³² However, this definition prevents labeling a large number of socially harmful business malpractices as criminal acts and ignores all actions not prohibited by the state due to potential bias influence of the perpetrators in the legislative process.

Sentencing in Special Cases of Corporate Environmental Crimes

Corporate crime sentencing refers to the legal process of determining sanctions or punishments against companies or corporations found guilty of criminal acts. This process includes several steps, such as investigation, prosecution, trial, and enforcement of penalties. The goals of corporate crime sentencing are to impose appropriate sanctions for legal violations by companies, ensure compliance with laws, and protect public and environmental interests.³³

Corporate crime sentencing also involves the legal responsibility of companies for their harmful actions, whether to society, the environment, or other legal aspects. Key elements in corporate crime sentencing include:

- 1) Investigation: Gathering evidence and information related to alleged corporate crimes by law enforcement or relevant authorities.
- 2) Prosecution: Initiating court cases and filing charges against companies or individuals involved in corporate crimes.
- 3) Trial: The court process where both parties present evidence and legal arguments. The court makes decisions based on the facts and laws involved.
- 4) Judicial Decision: The final outcome of the trial, which includes determining sanctions, fines, or penalties imposed on the company or individuals found guilty.
- 5) Enforcement of Penalties: Executing the imposed sanctions or penalties, which may include fines, environmental remediation, or other corrective actions.
- 6) Corporate Responsibility: The fundamental principle in corporate crime sentencing is establishing the legal responsibility of the company for its actions, ensuring accountability for the impacts caused.
- 7) Restoration and Prevention: Focusing on restoration efforts, such as environmental rehabilitation or compensation to affected parties, and preventive measures to ensure similar crimes do not recur.³⁴

³² Isabel Schoultz and Janne Flyghed, "From 'We Didn't Do It' to 'We've Learned Our Lesson': Development of a Typology of Neutralizations of Corporate Crime," *Critical Criminology* 28, no. 4 (December 2020): 739–57, <https://doi.org/10.1007/s10612-019-09483-3>.

³³ Diana Yusyanti, "Tindak Pidana Pembakaran Hutan Dan Lahan Oleh Korporasi Untuk Membuka Usaha Perkebunan," *Jurnal Penelitian Hukum De Jure* 19, no. 4 (December 2019): 455, <https://doi.org/10.30641/dejure.2019.V19.455-478>.

³⁴ Ikka Puspitasari and Erdiana Devintawati, "Urgensi Pengaturan Kejahatan Korporasi Dalam Pertanggungjawaban Tindak Pidana Korporasi Menurut RKUHP," *Kanun Jurnal Ilmu Hukum* 20, no. 2 (2018): 237–54.

Corporate crime sentencing plays a vital role in maintaining justice and balance between business interests, public welfare, and environmental protection. Its objectives include not only punishing offenders but also ensuring learning and behavioral change to create a more ethical and sustainable business environment.

The analysis of corporate crime sentencing in environmental cases in Indonesia involves several aspects. Here are some considerations that could be part of this analysis:

- 1) Environmental Laws and Regulations: Evaluating the extent to which companies have violated relevant environmental laws and regulations, including the application of Law No. 32 of 2009 on Environmental Protection and Management and its implementing regulations. Reviewing the provisions and identifying any violations subject to sanctions.
- 2) Environmental Impact: Assessing the impact of the company's activities on the environment, including the effects on ecosystems, natural resources, and public health.
- 3) Evidence of Violations: Evaluating the validity of evidence collected by investigative authorities, which may include environmental data, inspection reports, and other documentation. Ensuring the evidence is valid, relevant, and sufficient to support the case for sentencing.
- 4) Corporate Responsibility: Assessing the extent to which the company is responsible for its actions, including understanding its internal policies, safety procedures, and risk mitigation efforts. Evaluating internal policies related to the environment, safety procedures, and risk mitigation measures to determine corporate responsibility for environmental impacts.
- 5) Economic and Social Losses: Analyzing the economic and social impacts of the corporate crime, such as local economic losses, loss of livelihoods, and environmental restoration costs. Identifying economic and social losses, including loss of local livelihoods, property value declines, or health costs due to environmental impacts.
- 6) Legal Sanctions: Evaluating the possible legal sanctions under applicable laws, including fines, revocation of operational licenses, criminal charges against individuals or companies, and other legal actions. Analyzing potential legal sanctions under applicable regulations, including fines, license revocation, criminal charges, and appropriate sanctions.
- 7) Restoration and Prevention Efforts: Identifying necessary restoration efforts, including environmental rehabilitation and preventive measures to ensure similar violations do not occur in the future. Identifying required restoration steps, such as environmental rehabilitation and ecosystem restoration, along with preventive measures to avoid future violations.

This analysis helps authorities and stakeholders make fair and effective decisions in corporate crime sentencing in environmental cases in Indonesia. Its aim is to achieve environmental justice, ecosystem restoration, and prevent repeat offenses. The analysis also aids in understanding the complexities of corporate environmental crimes, ensuring proportional and effective sentencing to protect the environment and public interests. Additionally, focusing on restoration and prevention ensures companies are held accountable for their actions and helps prevent future environmental violations.

Legal actions in cases of environmental crimes can encompass various aspects depending on the regulations and laws of a particular country. In the context of Indonesia, these actions typically include the following steps:

- 1) Investigation: Environmental authorities or relevant agencies conduct investigations to gather evidence related to alleged environmental crimes.
- 2) Law Enforcement: Based on the investigation results, legal authorities can take enforcement actions, which may include revoking operational permits, imposing fines, or pursuing criminal charges against the company or individuals involved.
- 3) Court Proceedings: The case can be brought to court for legal examination, involving the presentation of evidence, expert opinions, and legal arguments from both parties.
- 4) Court Ruling: The court will issue a verdict based on the facts and applicable laws. The ruling may include fines, administrative sanctions, permit revocations, or criminal charges.
- 5) Enforcement of Ruling: If the company or individuals are found guilty, they must comply with the court's decision. This may involve paying fines, implementing environmental remediation measures, or adhering to other court orders.
- 6) Environmental Rehabilitation: As part of the legal actions, companies found guilty may be required to undertake environmental rehabilitation, such as cleaning up contaminated areas or restoring affected ecosystems.

Evidence of violations in such cases can include waste analysis data, inspection reports, or other documents showing that the company failed to comply with hazardous waste management and disposal standards. Companies proven to have committed corporate crimes related to hazardous waste (B3) are expected to be held accountable, including paying fines, conducting environmental rehabilitation, and implementing preventive measures to avoid future violations. Sentencing in hazardous waste cases also aims at deterrence, providing a strong message to other companies to comply with environmental regulations. Effective law enforcement is crucial in preventing similar actions in the future.

This connection highlights how violations related to hazardous waste (B3) can be a focal point in corporate crime cases, emphasizing the protection of the environment and public health. The legal framework related to corporate crimes involving hazardous waste (B3) in Indonesia can be found in several laws and regulations. Here are some relevant legal foundations:

- 1) Law No. 32 of 2009 on Environmental Protection and Management: This is the primary law governing environmental protection and management in Indonesia. It outlines the obligations of companies to prevent, reduce, and control pollution and environmental damage, including in the context of hazardous waste.
- 2) Government Regulation No. 101 of 2014 on the Management of Hazardous and Toxic Waste: This regulation details the provisions for managing hazardous waste, including collection, transportation, storage, and disposal. It establishes standards and procedures that companies must follow in handling hazardous waste.
- 3) Law No. 23 of 1997 on Environmental Management: Although preceding Law No. 32 of 2009, it remains relevant. It outlines the obligations of companies to undertake environmental conservation efforts and provides a basis for environmental protection.
- 4) Government Regulation No. 27 of 2012 on Environmental Permits: This regulation sets out the requirements for environmental permits that companies must obtain. In cases involving hazardous waste, companies must comply with specific permit requirements for handling and disposing of hazardous waste.
- 5) Law No. 4 of 1982 on Basic Provisions of Mining and Coal: If corporate crimes related to hazardous waste occur in the mining sector, this legal foundation is also relevant. It outlines the obligations of mining companies to minimize environmental impact, including waste management.³⁵

Criminal actions in corporate crime cases involving hazardous waste in Indonesia involve several steps and legal processes. Here is a general overview of how legal actions can unfold:

- 1) Investigation: Environmental authorities or law enforcement agencies conduct investigations to gather evidence related to alleged criminal acts. This involves examining documents, field inspections, and interviews with relevant parties.
- 2) Prosecution: If the investigation results support the allegations, legal authorities can file charges against the company or individuals involved in managing hazardous waste in violation of the law.

³⁵ K L Hidup, "Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup" (Retrieved from Undang-Undang, 2009).

- 3) Court Proceedings: The legal process then involves the court, where the case is decided by a judge. During the trial, evidence is presented, witnesses are interrogated, and legal arguments are made by both parties.
- 4) Court Ruling: The judge issues a verdict based on the facts and applicable laws. The ruling includes whether the company or individuals are found guilty and the sanctions or penalties imposed.
- 5) Enforcement of Penalties: If the company or individuals are found guilty, they must comply with the court's decision. This may involve paying fines, conducting environmental rehabilitation, or adhering to other court orders.
- 6) Social and Economic Impact: The penalties imposed can have social and economic impacts, including on the company's reputation, economic effects on the local community, and the sustainability of the company's operations.
- 7) Prevention: Sentencing also has a preventive dimension, providing a deterrent effect to other companies to comply with environmental regulations. This encourages companies to implement more sustainable and ethical practices.

This comprehensive legal approach ensures that companies are held accountable for their actions, providing a mechanism to protect the environment and public health while promoting ethical business practices. Criminal acts in the context of corporate environmental crimes in Indonesia involve legal processes aimed at enforcing justice, protecting the environment, and ensuring corporate compliance with applicable regulations. Consequently, penalization encompasses a series of steps designed to impose appropriate sanctions and remediate the damage caused by such illegal activities.

Penalties that can be imposed on corporations under the criminal provisions of the Environmental Protection and Management Law (UU PPLH) include fines and additional penalties or disciplinary actions such as the confiscation of profits gained from the criminal act, the closure of all or part of the business premises and/or activities, repairs of the consequences of the criminal act, the obligation to perform neglected duties, and/or placing the company under guardianship for up to three years. However, these penalties are deemed insufficient in improving the effectiveness of law enforcement against corporate environmental crimes. This is evident from the continued occurrence of environmental pollution cases caused by corporate industrial activities. For instance, the pollution of the Batanghari River, allegedly due to the waste from PT Makin in Tebo Regency, resulted in hundreds of residents in Teluk Rendah Village, Tebo Ilir District, suffering from skin diseases such as itching and festering sores. Other cases include the contamination of the Premulung and Jenes Rivers in Solo due to heavy metals from batik industry waste, the pollution of the Kaligede River in Jepara, allegedly caused by garment, tofu, and industrial waste being dumped into the river, and the pollution of the Baliri River in

North Mamuju Regency by PT Toscano Indah Pratama (TIP), which is suspected of directly discharging its waste into the river, used by locals for their daily needs.

The types of sanctions for corporations committing environmental crimes, as mentioned above, include fines, with the stipulation that the fines imposed on the command giver or leader of the criminal act are increased by one-third, and additional penalties or disciplinary actions. The ineffectiveness of law enforcement against corporate environmental crimes, as evidenced by the continued occurrence of environmental pollution cases by corporations, has led to several ideas regarding appropriate penalization patterns to be applied in enforcing corporate environmental crimes. In other words, the penalization patterns regulated by UU PPLH still have several weaknesses, which are a factor in the ineffective enforcement of corporate environmental crimes. Therefore, several provisions related to penalization patterns based on environmental conservation need to be regulated, including increasing fines, regulating the implementation of fines, and environmental restoration actions.

III. CONCLUSION

Based on the research results, it can be concluded that corporate crime cases highlight corporate non-compliance with environmental regulations established by the government. Penalization serves as a mechanism to enforce this compliance. Corporate environmental crimes can have serious impacts on ecosystems and public health. Penalization is not only about legal violations but also the social and environmental impacts produced. The penalization process emphasizes corporate responsibility for their actions. Companies must be accountable for the impacts of their operational activities and must be prepared to answer for their actions before the law. Penalization plays a crucial role in providing environmental protection. Through legal sanctions, companies are expected to shift their practices towards sustainability and environmental preservation. Besides imposing sanctions, penalization also plays a role in preventing future corporate crimes. Sufficiently severe punishments can deter other companies from violating environmental regulations.

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