

# Corporate Criminal Liability in Environmental Crimes Causing Disaster Risks

Arifin Bernad Tampubolon, Fitri Rafianti, Henry Aspan

## Abstract

Environmental crimes committed by corporations have become a serious legal issue in Indonesia due to their significant impact on ecological sustainability and community welfare. Corporate activities in sectors such as mining, plantations, forestry, and manufacturing frequently contribute to environmental pollution, forest and land fires, and ecological destruction that may trigger disaster risks. This study aims to examine the construction of corporate criminal liability in environmental crimes and to analyze the model of criminal sanctions imposed on corporations causing ecological damage. This research employs a normative legal research method using statutory, conceptual, and case approaches. Legal materials consist of primary legal sources in the form of laws and court decisions, as well as secondary legal materials derived from books, scientific journals, and legal articles. The collected legal materials were analyzed qualitatively through descriptive-analytical methods, legal interpretation, and legal reasoning. The findings reveal that corporate criminal liability in environmental crimes is constructed through the application of identification theory, *vicarious liability*, corporate culture theory, and the principle of *strict liability*. However, law enforcement still faces challenges in proving corporate fault and ensuring effective accountability. Furthermore, the imposition of criminal sanctions remains predominantly focused on monetary fines, which are often insufficient to create deterrent effects. More progressive sanctions, such as revocation of business licenses, environmental restoration obligations, and compensation for affected communities, are considered more effective in ensuring ecological justice and environmental recovery. In conclusion, strengthening corporate criminal liability and implementing restorative and preventive sanctions are essential to achieve effective environmental law enforcement, protect community rights, and ensure environmental sustainability for present and future generations.

**Keywords:** *Corporate Criminal Liability, Environmental Crime, Ecological Damage, Environmental Law Enforcement, Ecological Justice*

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## Introduction

Environmental degradation caused by corporate activities has developed into a serious legal issue in Indonesia. The exploitation of natural resources without due regard to sustainability principles has resulted in various ecological disasters, including forest and land fires, river pollution, and damage to coastal ecosystems that directly affect community life. This condition demonstrates that environmental crime can no longer be viewed merely as an administrative violation, but rather as a criminal offense with broad social, economic, and humanitarian consequences. From a human rights perspective, a good and healthy environment constitutes a fundamental right of society that must be protected by the state [1]. Therefore, the state has an obligation to ensure legal accountability for corporations conducting business activities while neglecting environmental sustainability.

The phenomenon of environmental crime involving corporations can be observed through various cases that have occurred in Indonesia. Forest and land fires in the regions of Sumatra and Kalimantan over recent years have caused transboundary haze pollution, disrupting public health and economic activities. Data from the Ministry of Environment and Forestry (KLHK) indicate that the area affected by forest and land fires in Indonesia in 2023 exceeded 1.1 million hectares, the majority of which occurred within plantation and forestry concession areas. Furthermore, the pollution of the Citarum River in West Java serves as a concrete example of how continuous industrial activities may damage environmental quality and threaten public health. Many local residents have lost access to clean water, suffered respiratory illnesses, and experienced the loss of livelihoods due to ecological destruction. This situation illustrates that the impact of environmental crimes not only damages nature but also directly harms human life.

Within the Indonesian criminal law system, corporations have been recognized as legal subjects capable of bearing criminal liability. Such regulation is reflected in Law Number 32 of 2009 concerning Environmental Protection and Management, which provides a legal basis for the imposition of criminal sanctions against business entities proven to have committed environmental crimes. Nevertheless, the implementation of corporate criminal liability in practice continues to face numerous obstacles. Law enforcement frequently focuses more on individual perpetrators in the field rather than on corporations as the principal actors benefiting economically from environmentally destructive activities. In fact, the development of modern criminal law has positioned corporations as entities capable of acting, making decisions, and obtaining benefits from criminal conduct [2]. Consequently, the construction of corporate criminal liability becomes essential to ensure that law enforcement mechanisms are able to reach the parties truly responsible for environmental destruction.

Another issue concerns the model of imposing criminal sanctions on corporations. Thus far, sanctions imposed have generally taken the form of administrative penalties or criminal fines which, in many cases, fail to create a significant deterrent effect. Large corporations with substantial financial capacity often perceive such sanctions merely as business risks. As a consequence, environmental destruction continues to recur, while society remains the most disadvantaged party. In this context, criminal sanctions should not merely be punitive in nature, but should also emphasize ecological restoration and the protection of affected communities. A justice-oriented legal approach must maintain a balance between legal certainty, utility, and the protection of victims of environmental crimes [3]. Therefore, more progressive forms of criminal sanctions are required, including the revocation of business licenses, mandatory environmental restoration, compensation payments to affected communities, and restrictions on certain corporate activities.

Environmental crimes committed by corporations fundamentally reflect an abuse of economic power that disregards the values of social justice and environmental sustainability. Weak law enforcement against corporations has the potential to create public distrust toward the criminal justice system. Furthermore, such conditions contradict the principle of human rights protection, which places public safety and welfare as primary priorities within national

development [4]. In practice, law enforcement officials also encounter challenges in proving the element of corporate fault, particularly concerning the relationship between corporate policies and the environmental damage caused. The discretion exercised by law enforcement authorities frequently determines the effectiveness of handling environmental crime cases [5]. Therefore, strengthening the legal construction of corporate criminal liability is necessary to ensure that law enforcement processes operate effectively, fairly, and provide genuine protection for both society and the environment.

Based on the foregoing explanation, this research is important to examine the construction of corporate criminal liability in environmental crimes and the model of imposing criminal sanctions on corporations causing ecological destruction. Accordingly, the research questions in this study are as follows:

1. How is the construction of corporate criminal liability in environmental crimes?
2. What is the model for imposing criminal sanctions on corporations causing ecological destruction?

### **Literature Review 1. Theory of Corporate Criminal Liability**

The development of modern economic activities has positioned corporations as major actors in various sectors of development, including industry, mining, plantations, and forestry. On the one hand, corporations contribute significantly to national economic growth; however, on the other hand, corporate activities also have the potential to cause environmental damage with broad impacts on society. In the context of criminal law, this condition has encouraged the development of the concept of corporate criminal liability as a response to the increasing number of crimes committed by business entities. Corporations are no longer viewed merely as economic entities, but also as legal subjects that may be held criminally liable for actions causing harm to society and the environment [11].

The theory of corporate criminal liability developed alongside the transformation of the modern criminal law paradigm, which was previously oriented only toward individual offenders. In classical doctrine, the principle of *societas delinquere non potest* stated that legal entities could not commit criminal offenses. Nevertheless, the development of corporate crime practices demonstrates that many criminal acts are carried out through organized corporate policies, decisions, and activities. Therefore, modern criminal law has gradually recognized that corporations possess the capacity to act through their corporate organs, enabling them to bear criminal responsibility [12].

Under the identification theory, the actions and intentions of certain directors or corporate officials are regarded as the actions and intentions of the corporation itself. This theory explains that when directors or parties possessing authority within a company commit unlawful acts for the benefit of the corporation, such fault may be attributed to the corporation. Identification theory is particularly important in environmental law enforcement because ecological damage generally results from managerial decisions systematically undertaken for economic gain. Consequently, corporations cannot evade responsibility merely by blaming field workers or technical operators.

In addition to identification theory, the concept of *vicarious liability* is also recognized. This theory explains that corporations may be held responsible for the actions of their employees or subordinates insofar as such actions are committed within the scope of employment and provide benefits to the corporation. In the practice of environmental crimes, this theory becomes relevant when pollution or environmental destruction arises from corporate operational activities carried out by employees under corporate instructions or work systems. Therefore, the employment relationship and the benefits obtained by the corporation constitute essential elements in determining corporate criminal liability [13].

Subsequent developments gave rise to the *corporate culture theory*, which emphasizes that corporate crimes are not solely caused by individual actions, but also by corporate cultures

that tolerate or even encourage legal violations. From this perspective, weak internal supervision, excessive profit orientation, and disregard for sustainability principles become major contributing factors to environmental crimes. Corporate culture theory provides an understanding that criminal liability should not only be directed at direct perpetrators, but also at corporate systems and policies that create opportunities for environmental offenses to occur.

In environmental law, corporate criminal liability is closely associated with the principle of *strict liability*. This principle affirms that corporations may be held liable without the necessity of first proving fault whenever their business activities cause serious environmental damage. The application of strict liability aims to provide maximum protection for society and the environment, particularly in cases involving ecological disaster risks. This principle also strengthens the position of victims in obtaining justice because evidentiary processes in environmental cases are often highly complex and require specific technical expertise [14].

The existence of corporate criminal liability is fundamentally intended not only to punish offenders but also to create preventive effects so that corporations conduct their business activities responsibly. In this context, criminal law performs both preventive and repressive functions. The preventive function can be observed in efforts to encourage corporations to comply with environmental protection standards, while the repressive function is realized through the imposition of sanctions on corporations proven to have committed environmental crimes [15]. Therefore, corporate criminal liability serves as an essential instrument in maintaining a balance between economic development and environmental sustainability.

In Indonesia, regulations concerning corporate criminal liability in environmental crimes are governed by Law Number 32 of 2009 concerning Environmental Protection and Management. The law provides a legal basis for imposing criminal sanctions on corporations as well as their management when proven to have committed environmental offenses. This regulation demonstrates that the state recognizes the importance of environmental protection as part of safeguarding the public's right to a healthy and decent living environment. Law enforcement against corporations also represents a concrete manifestation of the state's presence in protecting communities affected by ecological destruction [16].

In practice, however, the implementation of corporate criminal liability still faces numerous challenges. One of the primary obstacles is proving the relationship between corporate policies and the resulting environmental damage. Corporations frequently utilize complex organizational structures to avoid legal accountability. Furthermore, the imbalance of power between affected communities and large corporations often influences the effectiveness of law enforcement. Consequently, law enforcement officials are required to possess professional competence and courage in taking action against corporations proven to have committed environmental crimes [17].

The approach to corporate criminal liability must also consider the values of restorative justice and ecological restoration. Environmental damage cannot be resolved merely through criminal fines, but must also be followed by environmental recovery and the fulfillment of the rights of affected communities. In this context, modern criminal law is not solely oriented toward punishment, but also toward creating social balance and protecting victims [18]. Thus, the concept of corporate criminal liability in environmental crimes should be understood as a legal instrument aimed at preserving environmental sustainability, protecting community rights, and realizing social justice in a sustainable manner.

## **2. Theory of the Imposition of Criminal Sanctions on Corporations**

The imposition of criminal sanctions on corporations constitutes an essential component of the environmental law enforcement system. Criminal sanctions are not merely intended as retaliation against offenders, but also as a means of creating deterrent effects and preventing the recurrence of environmental crimes in the future. In the corporate context, criminal punishment must take into account the extensive impacts caused by corporate activities on society and the

environment. Therefore, the model of criminal sanctions imposed upon corporations must be designed proportionally, effectively, and with an orientation toward ecological restoration [19].

The absolute theory, or retributive theory, explains that punishment is imposed as a consequence of the wrongdoing committed by the offender. In the corporate context, this theory positions punishment as a form of accountability for corporate actions that result in environmental destruction and public suffering. Corporations that gain profits from environmentally destructive activities must bear proportional legal consequences in order to create a sense of justice within society [20].

On the other hand, the relative theory, or utilitarian theory, emphasizes that punishment aims to prevent the occurrence of criminal acts. The imposition of sanctions on corporations is expected to create preventive effects for other companies so that they refrain from committing environmental violations. In practice, fines are commonly used as a form of punishment against corporations. However, monetary penalties are often ineffective against large corporations with substantial financial resources. Therefore, alternative forms of sanctions are required, such as revocation of business licenses, suspension of operational activities, and mandatory environmental restoration [21].

Furthermore, the combined theory views punishment as containing elements of both retribution and prevention. This approach is highly relevant in environmental crimes because ecological destruction produces long-term impacts on human life and society. The imposition of sanctions on corporations should not merely provide punishment, but also ensure environmental restoration and protection for affected communities [22].

In the development of modern law, the restorative justice approach has emerged, emphasizing the importance of restoring losses suffered by victims and the environment. In environmental cases, this approach may be realized through obligations imposed upon corporations to rehabilitate damaged environments, provide compensation to affected communities, and guarantee the sustainability of ecosystems in impacted areas. Such an approach is considered more humane because it focuses not only on punishment, but also on restoring the social and ecological conditions damaged by corporate crimes [23].

Based on these theories, the imposition of criminal sanctions on corporations involved in environmental crimes must be carried out firmly while remaining oriented toward justice and environmental sustainability. Thus, criminal law functions not only as a mechanism of punishment, but also as an instrument for protecting society and preserving the environment for future generations.

### **3. Theory of Environmental Protection from the Perspective of Criminal Law**

Environmental protection constitutes one of the essential objectives in the development of modern legal systems. A good and healthy environment is not only a basic human necessity but also part of the constitutional rights of citizens that must be guaranteed by the state. Within the context of criminal law, environmental protection has evolved as a response to the increasing ecological damage caused by human activities, particularly large-scale industrial and corporate operations. Continuous environmental degradation has the potential to generate ecological disasters, threaten public health, and disrupt the sustainability of future generations' lives [24].

The theory of environmental protection positions law as an instrument of social control aimed at maintaining a balance between economic development interests and environmental sustainability. In practice, environmental criminal law functions to impose limitations on business activities so that they do not exceed the environmental carrying capacity. Corporations, as business actors, possess both moral and legal obligations to conduct their activities based on the principles of prudence and sustainability. When corporate activities are proven to cause pollution or environmental destruction, the state has the authority to enforce the law strictly in order to protect public interests and the environment [25].

Within the framework of the *sustainable development theory*, economic development must not be pursued at the expense of environmental preservation. This principle emphasizes that the utilization of natural resources must consider ecosystem sustainability so that such resources may continue to benefit future generations. Therefore, corporations are not only expected to obtain economic profits but are also required to uphold social and ecological responsibilities toward the surrounding environment. In the context of environmental crimes, the sustainable development theory serves as an important basis for assessing whether corporate activities comply with environmental protection principles or instead create risks of ecological disasters [26].

Furthermore, the *polluter pays principle* is widely recognized as a principle stating that any party causing environmental pollution or destruction must bear the costs of environmental restoration. This principle is closely related to corporate criminal liability because corporations that gain profits from the exploitation of natural resources must also assume responsibility for the resulting impacts. The implementation of this principle is intended not only to punish offenders but also to ensure environmental restoration and protection for affected communities [27].

Environmental protection in criminal law is also associated with the concept of *ecological justice*. This approach emphasizes that the environment must be regarded as an essential component of human life possessing sustainability value. Environmental destruction does not merely result in economic losses but also threatens the public's right to live in a safe and healthy environment. Therefore, law enforcement against corporations committing environmental crimes must be conducted fairly and oriented toward community protection and ecosystem restoration [28].

In the practice of law enforcement, environmental protection often encounters obstacles due to weak supervision and the dominance of economic interests. Corporations frequently exploit regulatory loopholes to avoid legal responsibility for environmental damage caused by their activities. Such conditions indicate that environmental protection requires a strong, transparent, and community-oriented law enforcement system. Thus, the theory of environmental protection serves as a crucial foundation for understanding the urgency of corporate criminal liability in environmental crimes that create disaster risks [29].

#### **4. Theory of Justice in Environmental Law Enforcement**

The theory of justice constitutes one of the principal foundations of the criminal law system, including in the enforcement of environmental law. Justice is not merely interpreted as the imposition of punishment upon offenders, but also as an effort to provide protection and restoration to affected victims. In environmental crime cases, the victims are not limited to particular individuals, but also include society at large and the environment itself. Therefore, law enforcement against corporations must be carried out fairly, proportionally, and with consideration for the social impacts caused [30].

The theory of distributive justice explains that law must be capable of creating a balance between the rights and obligations of every party within society. In the context of environmental crimes, corporations that obtain substantial profits from business activities must bear proportional responsibility when such activities cause ecological damage. Distributive justice demands that affected communities receive legal protection, compensation, and proper environmental restoration [31].

In addition, the theory of restorative justice has developed as an approach emphasizing the restoration of social relationships resulting from criminal acts. In environmental cases, the restorative approach becomes highly important because ecological destruction often causes long-term suffering for communities. Therefore, the resolution of environmental cases should not merely involve the imposition of criminal fines, but must also include obligations for environmental restoration and the fulfillment of the rights of affected communities. This

approach is considered more humane because it prioritizes a balance between punishment and social recovery [32].

The theory of social justice further emphasizes that the state has an obligation to protect vulnerable communities from the impacts of environmental degradation. In many cases, communities living near industrial or mining areas are the parties most directly affected by environmental pollution, whether in the form of health problems, loss of livelihoods, or declining quality of life. Consequently, law enforcement against corporations must be capable of delivering a sense of justice to directly affected communities [33].

Within the framework of a state governed by the rule of law, justice is also closely related to legal certainty and the effectiveness of law enforcement. Weak law enforcement against corporations may result in public distrust toward the criminal justice system. Conversely, firm and fair law enforcement will strengthen public confidence and encourage corporations to conduct business activities more responsibly toward the environment [34].

Accordingly, the theory of justice in environmental law enforcement emphasizes that criminal law functions not only to punish offenders but also to protect community rights, restore environmental conditions, and maintain the sustainability of social life. A humane and sustainability-oriented approach to justice is therefore essential in realizing an effective and equitable system of corporate criminal liability [35].

## Research Methodology

This study employs a normative legal research method using a statutory approach, conceptual approach, and case approach. The normative legal research method was selected because this study focuses on examining legal norms, the concept of corporate criminal liability, and the implementation of criminal sanctions against corporations involved in environmental crimes that create risks of ecological disasters. Fundamentally, normative legal research aims to analyze legal principles, theories, and legal systems related to a particular legal issue in order to obtain comprehensive and systematic legal arguments [36].

The statutory approach is conducted by examining various legal provisions related to corporate criminal liability in environmental crimes, particularly Law Number 32 of 2009 concerning Environmental Protection and Management, the Indonesian Criminal Code, as well as other regulations related to environmental protection and corporate criminal law enforcement. This approach is utilized to understand the legal construction governing the position of corporations as subjects of criminal law and the forms of sanctions that may be imposed upon corporations causing ecological damage [37].

Furthermore, this study also applies a conceptual approach through the examination of legal theories concerning corporate criminal liability, environmental protection, ecological justice, and the imposition of criminal sanctions. The conceptual approach is necessary to develop legal arguments capable of explaining the relationship between corporate activities, environmental destruction, and the criminal responsibility arising from such activities. In this context, the theories of corporate criminal liability, environmental protection, and justice serve as the analytical foundations for addressing the research problems [38].

The case approach is employed to examine several environmental crime cases involving corporations in Indonesia, including cases of forest and land fires, river pollution caused by industrial waste, and environmental destruction resulting from mining and plantation activities. This approach is intended to understand how law enforcement practices against corporations are implemented, as well as the obstacles faced by law enforcement officials in proving corporate fault. The analysis of these cases also aims to assess the effectiveness of criminal sanction models imposed on corporations causing ecological damage and their impacts on society [39].

The sources of legal materials in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations, court decisions, and official legal documents related to environmental crimes and corporate criminal liability. Secondary legal materials are obtained from books, scientific journals, legal articles, and previous studies relevant to the research topic. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and other supporting sources used to clarify legal concepts within this study [40].

The collection of legal materials is conducted through library research by examining various legal literatures, scientific documents, and academic publications relevant to the research topic. All collected legal materials are subsequently analyzed qualitatively using a descriptive-analytical method. Descriptive analysis is employed to describe the construction of corporate criminal liability in environmental crimes, while analytical analysis is used to evaluate the effectiveness of imposing criminal sanctions on corporations causing ecological damage [41].

The analytical method in this study is carried out through legal interpretation and legal reasoning concerning norms related to corporate criminal liability in environmental crimes. This study also applies an argumentative approach in order to identify a more effective, fair, and environmentally oriented law enforcement concept that also protects affected communities. Accordingly, the findings of this research are expected to provide both academic and practical contributions to the development of environmental criminal law in Indonesia, particularly regarding the model of corporate criminal liability for acts causing ecological disaster risks [42].

## **Results 1. Construction of Corporate Criminal Liability in Environmental Crimes**

The development of modern criminal law demonstrates that corporations are no longer viewed merely as economic entities, but also as legal subjects that may bear criminal liability for actions causing harm to society and the environment [37]. In the context of environmental crimes, the construction of corporate criminal liability emerged as a response to the increasing ecological damage caused by large-scale business activities, including mining, plantations, manufacturing industries, and forestry operations. Corporate activities that disregard sustainability principles frequently result in environmental pollution, ecosystem destruction, and ecological disaster risks that directly affect human life and social welfare.

Within the Indonesian legal system, corporate criminal liability is specifically regulated under Law Number 32 of 2009 concerning Environmental Protection and Management. The law provides a legal basis for holding corporations criminally liable when environmental crimes are committed by, for, or on behalf of business entities. This provision reflects the development of modern criminal law, which is no longer solely oriented toward individual fault, but also recognizes collective wrongdoing carried out through corporate systems and policies.

The construction of corporate criminal liability in environmental crimes can be understood through the identification theory. According to this theory, the actions and intentions of corporate directors or executives are regarded as the actions and intentions of the corporation itself. Consequently, when company leaders adopt policies that neglect environmental protection standards for economic gain, such misconduct may be attributed directly to the corporation. This situation can be observed in numerous forest and land fire cases in Indonesia occurring within plantation and forestry concession areas. In many cases, such fires were caused by weak corporate supervision and land-clearing practices that violated environmental regulations.

In addition to identification theory, the construction of corporate criminal liability is also related to the doctrine of *vicarious liability*, which places responsibility upon corporations for the actions of their employees or workers, provided such actions are conducted within the scope of employment and generate benefits for the corporation. In environmental pollution cases, industrial waste disposal is often carried out by field workers under corporate operational

systems. Therefore, corporations cannot evade liability on the grounds that such acts were committed by individual employees, as these activities constitute part of the corporation's overall operational mechanism.

The findings of this study indicate that the implementation of corporate criminal liability in environmental cases continues to face significant obstacles. One of the principal challenges concerns proving the element of corporate fault. Complex corporate organizational structures often complicate efforts by law enforcement authorities to identify the parties responsible for environmental destruction. Moreover, large corporations generally possess greater economic resources and legal influence than affected communities, resulting in an imbalance within the law enforcement process. Consequently, many environmental damage cases conclude without adequate ecological restoration for affected communities [39].

From the perspective of *corporate culture theory*, environmental crimes are influenced not only by individual actions but also by corporate cultures that prioritize economic profit over environmental protection. Weak corporate compliance cultures may create tolerance toward environmentally destructive practices. Therefore, corporate criminal liability should not merely target direct perpetrators in the field, but must also extend to corporate systems and policies that facilitate environmental crimes.

The application of the *strict liability* principle in environmental law further strengthens the construction of corporate criminal liability. This principle establishes that corporations may be held liable without the necessity of proving fault when their business activities cause serious environmental damage. The strict liability principle is particularly important in environmental cases because ecological damage is often broad, complex, and difficult to prove directly. Through this principle, protection for communities and the environment becomes more effective because the legal focus extends beyond proving fault to ensuring restoration of environmental harm.

Based on the findings of this study, the construction of corporate criminal liability in environmental crimes fundamentally seeks to create a balance between economic development and environmental protection. Corporations, as business actors, possess social and legal responsibilities to conduct their activities responsibly and sustainably. Therefore, law enforcement against corporations committing environmental crimes must be implemented firmly in order to ensure legal certainty, public protection, and environmental sustainability for future generations.

## **2. Model of Imposing Criminal Sanctions on Corporations Causing Ecological Damage**

The imposition of criminal sanctions upon corporations involved in environmental crimes constitutes an essential aspect of environmental protection systems. Criminal sanctions are intended not only to punish offenders but also to create deterrent effects and encourage corporations to conduct business activities responsibly. In the context of ecological destruction, criminal punishment must take into account the extensive impacts caused to society, public health, and environmental sustainability.

The findings of this study reveal that the model of criminal sanctions imposed on corporations in Indonesia remains predominantly focused on monetary fines. In practice, fines often fail to create optimal deterrent effects, particularly for large corporations possessing substantial financial resources. Many corporations perceive criminal fines merely as business risks, resulting in the repeated occurrence of environmental violations. This condition demonstrates that fines alone are insufficient to address environmental crimes causing largescale ecological damage.

From the perspective of sentencing theory, criminal sanctions should function not only as retribution but also as preventive mechanisms aimed at preventing the recurrence of criminal acts. Therefore, the model of sanctions imposed upon corporations should be directed toward more progressive forms of punishment oriented toward environmental restoration. One sanction

considered particularly effective is the revocation of business licenses for corporations proven to have intentionally committed repeated environmental pollution or destruction. License revocation directly affects corporate operational continuity and therefore possesses stronger preventive effects than financial penalties alone.

Furthermore, this study highlights the importance of imposing additional sanctions in the form of mandatory environmental restoration. In many environmental crime cases, affected communities suffer not only economic losses but also the loss of access to healthy environments, clean water resources, and sustainable livelihoods. Accordingly, corporations responsible for ecological damage should be required to rehabilitate damaged environments and provide compensation to affected communities. This approach is consistent with the concept of restorative justice, which emphasizes the restoration of victims and environmental conditions.

The model of criminal sanctions imposed upon corporations must also consider the principle of ecological justice. The environment should not merely be regarded as an economic object, but rather as an essential component of human life requiring protection. In this context, criminal punishment must consider the severity of environmental damage, the social impacts generated, and the sustainability of surrounding communities. The greater the ecological damage caused, the heavier the form of criminal liability that should be imposed upon the corporation.

This study further finds that the effectiveness of imposing criminal sanctions upon corporations is significantly influenced by the consistency of law enforcement authorities. Weak supervision and inconsistent law enforcement frequently result in a lack of corporate awareness regarding the importance of environmental protection. Conversely, firm and consistent law enforcement may enhance corporate compliance with environmental regulations and strengthen public trust in the criminal justice system.

Accordingly, the model of criminal sanctions imposed upon corporations causing ecological damage should be directed toward approaches that are not merely repressive, but also restorative and preventive in nature. Criminal sanctions must be capable of creating deterrent effects, restoring environmental conditions, and protecting the public's right to a good and healthy environment. Such an approach is essential for establishing a more just, effective, and sustainability-oriented system of corporate criminal liability in Indonesia.

## Conclusion

Corporate criminal liability in environmental crimes represents a development of modern criminal law that recognizes corporations as legal subjects capable of bearing criminal responsibility for ecological damage resulting from their business activities. This construction of liability is reflected through the application of identification theory, *vicarious liability*, corporate culture theory, and the principle of *strict liability*, all of which provide a legal foundation for the state to take action against corporations responsible for environmental pollution and destruction. In practice, however, environmental law enforcement against corporations continues to face significant challenges, particularly in proving corporate fault and addressing the imbalance of power between corporations and affected communities. Therefore, strengthening the environmental law enforcement system is essential to ensure effective and equitable protection for both society and environmental sustainability.

The model of imposing criminal sanctions on corporations causing ecological damage should not merely focus on monetary fines, but must also incorporate preventive, repressive, and restorative approaches. Sanctions such as the revocation of business licenses, mandatory environmental restoration, and compensation for affected communities are considered more effective in creating deterrent effects while simultaneously restoring ecological damage. Such an approach reflects the principles of ecological justice and the protection of the public's right to a good and healthy environment. Accordingly, environmental criminal law enforcement against corporations must be implemented firmly, consistently, and with a sustainability-oriented perspective in order to protect both present and future generations.

## References

- [1] M. A. Siregar, *Hak Asasi Manusia dalam Sistem Hukum Indonesia*. Medan: Pustaka Prima, 2024.
- [2] M. A. Siregar, R. F. Adrian, dan M. J. Rambe, *Menelusuri Perjalanan Lahirnya Konsep Sistem Hukum Pidana di Indonesia*. Tahta Media, 2023.
- [3] H. Aspan, "Diskresi Aparat Penegak Hukum dalam Sistem Peradilan Pidana," *Jurnal Hukum*, vol. 5, no. 2, pp. 112–124, 2021.
- [4] Suci Ramadani, "Protection of Human Rights Against Victims of Trafficking," *Proceeding International Seminar on Islamic Studies*, vol. 2, no. 1, pp. 145–152, 2023.
- [5] T. R. Zarzani, B. Fitrianto, dan S. Annisa, "The Idea of Renewing Terrorism Criminal Law in Indonesia as an Effort to Overcome Terrorism Based on the Justice Values," *International Journal of Law Reconstruction*, vol. 8, no. 1, pp. 38–55, 2024.
- [6] M. F. Daulay, T. R. Zarzani, dan H. Aspan, "Urgensi Perlindungan Hukum bagi Konsumen Peer to Peer (P2P) Lending di Indonesia," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana*, vol. 4, no. 2, pp. 503–515, 2022.
- [7] N. H. T. Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan*. Jakarta: Erlangga, 2020.
- [8] M. Akib, *Hukum Lingkungan Perspektif Global dan Nasional*. Jakarta: Rajawali Pers, 2022.
- [9] B. Supramono, "Pertanggungjawaban Pidana Korporasi dalam Tindak Pidana Lingkungan Hidup," *Jurnal Ius Quia Iustum*, vol. 27, no. 3, pp. 450–468, 2020.
- [10] Hamzah, *Penegakan Hukum Lingkungan*. Jakarta: Sinar Grafika, 2019.
- [11] M. Hutagalung dan T. R. Zarzani, "An implementation of restorative justice in settlement framework criminal acts fraud and employment to provide useful and fair legal guarantee (Study in Police Regional North Sumatra)," *Legal Brief*, vol. 11, no. 4, pp. 2148–2154, 2022.
- [12] T. M. A. Fitra, T. R. Zarzani, H. Aspan, dan M. A. Siregar, "Inheritance distribution for heirs of different religions: A juridical review based on the compilation of Islamic law in Indonesia," dalam *Proceedings of International Conference on Islamic Community Studies*, Oct. 2025, pp. 6733–6738.
- [13] F. Rafianti dan M. H. A. P. Sinaga, "Nusyuz as the cause of domestic violence: A comparative study of Islamic law and criminal law," *International Journal of Law, Environment, and Natural Resources*, vol. 3, no. 1, pp. 11–20, 2023.
- [14] A. Fahilly, S. Nurhayati, dan F. Rafianti, "Tanggung jawab hukum penjual dalam transaksi jual beli online Shopee pre-order yang mengalami keterlambatan," *Innovative: Journal of Social Science Research*, vol. 5, no. 3, pp. 6892–6904, 2025.
- [15] I. Fatmawati, R. A. Fikri, dan M. A. Siregar, *Peradilan Adat dan Restoratif dalam Penegakan Hukum di Indonesia*. Tahta Media, 2023.
- [16] E. C. Tarigan dan H. Aspan, "Dampak overkapasitas di lembaga pemasyarakatan terhadap pemenuhan hak-hak narapidana di Rutan Kelas IIB Kabanjahe," *Locus Journal of Academic Literature Review*, vol. 4, no. 5, pp. 287–295, 2025.
- [17] F. H. Pardede, S. Nurhayati, dan H. Aspan, "Perlindungan hukum terhadap pekerja outsourcing (Studi pada PT. Arina Tama Persada)," *Jurnal Christian Humaniora*, vol. 9, no. 2, pp. 157–176, 2025.
- [18] R. Sidi dan T. R. Zarzani, "Accountability of Criminal Threats for Stepfathers as Perpetrators of Criminal Acts of Sexual Violence Against Girls (Study of Decision 264/Pid.Sus/2023/PN.Lbp)," dalam *International Conference Epicentrum of Economic Global Framework*, 2024, pp. 1137–1143.

- [19] M. T. Alfiansyah, A. R. Nasution, dan T. R. Zarzani, "Pertanggungjawaban Pidana bagi Pelaku Aborsi sebagai Korban Perkosaan," *Judge: Jurnal Hukum*, vol. 6, no. 09, pp. 1752–1759, 2026.
- [20] R. Rahmayanti, T. R. Zarzani, S. Sukarwoto, dan S. Diriyanti, "Tinjauan Yuridis terhadap Tindak Pidana Kekerasan Fisik di Lingkungan Pendidikan Tinggi (Menggunakan System Boarding School)," *Innovative: Journal of Social Science Research*, vol. 4, no. 3, pp. 10134–10147, 2024.
- [21] H. Mahya dan H. Aspan, "Kajian hukum terkait peran Badan Permusyawaratan Desa dalam pembentukan dan mekanisme penyusunan peraturan desa menurut UndangUndang Nomor 6 Tahun 2014 tentang Desa," *Jurnal Batavia*, vol. 1, no. 5, pp. 250–258, 2024.
- [22] D. Maryana, H. Aspan, dan Y. Mandasari, "Juridical review of the implementation of security and data protection aspects of electronic medical records in accordance with PMK Number 24 of 2022 concerning medical records," dalam *International Conference Epicentrum of Economic Global Framework*, 2024, pp. 1–9.
- [23] N. H. T. Siahaan, *Hukum Lingkungan dan Ekologi Pembangunan*. Jakarta: Erlangga, 2020.
- [24] A. Prasetyo dan R. Nugroho, "Environmental Criminal Law Enforcement in Indonesia: Challenges and Future Directions," *Jurnal Hukum dan Peradilan*, vol. 12, no. 2, pp. 145–160, 2023.
- [25] D. Kurniawan dan S. Mahendra, "Corporate Responsibility in Environmental Pollution Cases in Indonesia," *Journal of Indonesian Legal Studies*, vol. 8, no. 1, pp. 55–72, 2024.
- [26] L. Setiawan, "Sustainable Development and Environmental Protection in Indonesian Law," *International Journal of Environmental Policy*, vol. 5, no. 3, pp. 201–214, 2022.
- [27] R. Firmansyah dan T. Hidayat, "Application of Polluter Pays Principle in Environmental Disputes," *Yustisia Law Review*, vol. 11, no. 1, pp. 88–102, 2021.
- [28] M. A. Rahman, "Ecological Justice and Corporate Environmental Crimes," *Journal of Law and Sustainable Development*, vol. 9, no. 4, pp. 300–318, 2024.
- [29] P. Siregar dan Y. Harahap, "Legal Protection Against Environmental Damage Caused by Corporations," *Jurnal Rechtsvinding*, vol. 13, no. 1, pp. 77–94, 2025.
- [30] H. Wibowo, "The Concept of Justice in Environmental Criminal Law Enforcement," *Journal of Human Rights, Culture and Legal System*, vol. 4, no. 2, pp. 122–137, 2022.
- [31] S. Ananda dan F. Lubis, "Distributive Justice in Environmental Law Enforcement," *Jurnal Dinamika Hukum*, vol. 23, no. 3, pp. 411–427, 2023.
- [32] B. Santoso dan E. Putri, "Restorative Justice Approach in Environmental Crime Cases," *Lex Scientia Law Review*, vol. 7, no. 2, pp. 95–110, 2024.
- [33] M. Yusuf, "Social Justice and Community Rights in Environmental Protection," *Indonesia Law Review*, vol. 14, no. 1, pp. 1–18, 2025.
- [34] T. Wahyudi dan A. Simanjuntak, "Legal Certainty in Corporate Environmental Crime Enforcement," *Jurnal Penelitian Hukum De Jure*, vol. 24, no. 2, pp. 185–200, 2024.
- [35] N. Fadilah, "Humanistic Approach in Environmental Criminal Law Policy," *Law Reform Journal*, vol. 20, no. 1, pp. 44–59, 2025.
- [36] I. Gustina dan A. Pradana, "Normative Legal Research in Indonesian Legal Studies," *Jurnal Penelitian Hukum*, vol. 11, no. 2, pp. 120–132, 2022.
- [37] R. Hidayat dan F. Mahendra, "Corporate Liability in Environmental Law Enforcement," *Jurnal Hukum Lingkungan Indonesia*, vol. 7, no. 1, pp. 45–60, 2023.
- [38] L. P. Sitorus, "Conceptual Approach in Criminal Law Research," *Legal Scientific Review*, vol. 5, no. 3, pp. 201–215, 2021.
- [39] D. Saputra dan M. A. Rizky, "Case Approach in Environmental Crime Analysis," *Journal of Legal and Policy Studies*, vol. 8, no. 4, pp. 310–327, 2024.
- [40] N. K. Harahap, "Sources of Legal Materials in Normative Legal Research," *Jurnal Akademik Hukum*, vol. 10, no. 1, pp. 66–78, 2022.

- [41] S. Rambe dan H. Wijaya, "Library Research Method in Legal Studies," *International Journal of Law and Society*, vol. 6, no. 2, pp. 145–159, 2023.
- [42] Y. Firmansyah dan R. Ananda, "Legal Reasoning and Interpretation in Environmental Criminal Law," *Law and Justice Journal*, vol. 9, no. 2, pp. 221–238, 2025.