

Corporate Criminal Responsibility in Environmental Crimes: a Case Study of Industrial Pollution

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ABSTRACT

Criminal law enforcement against companies in environmental crime cases still faces significant challenges. Although Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) has regulated criminal sanctions for companies that pollute the environment, its implementation is still weak. The main factors that hinder the effectiveness of law enforcement include difficulties in proving criminal elements, weak capacity of law enforcement officials, and political and economic pressures that benefit polluting companies. In addition, corruption, overlapping authority between institutions, and inequality between regulations and implementation are the main obstacles in criminally ensnaring companies. The principles of strict liability and corporate criminal liability that are expected to ensnare polluting companies are still not applied optimally. Legal reform is needed to strengthen the effectiveness of environmental criminal law enforcement, including through increasing the capacity of law enforcement officers, improving regulations, and implementing stricter sanctions such as the revocation of business licenses. Information transparency, inter-agency coordination, and protection for whistleblowers must also be strengthened. With these steps, it is hoped that environmental law enforcement can be more effective in providing a deterrent effect to polluting companies, ensuring corporate criminal responsibility, and upholding the principles of environmental justice in Indonesia.

Keywords: Criminal Liability, Environmental Crime, Industrial Pollution

INTRODUCTION

In recent decades, environmental crimes committed by corporations have been on the rise, especially in industrial sectors that produce toxic waste. Data from the Ministry of Environment and Forestry (MoEF) shows that more than 60% of water pollution in Indonesia comes from poorly managed industrial waste. Companies often prioritize economic profits at the expense of the balance of the ecosystem and the health of the surrounding community. A real example is the case of the pollution of the Citarum River, which is referred to as one of the most polluted rivers in the world due to industrial waste. In cases like this, the company's responsibility is not only limited to administrative sanctions, but must also include criminal aspects in order to have a deterrent effect on business actors who ignore environmental sustainability.

However, law enforcement against environmental crimes by companies still faces various obstacles. The Mining Advocacy Network (JATAM) revealed that many cases of environmental pollution do not lead to strict criminal punishments due to legal loopholes and weak regulatory enforcement. Companies are often only subject to administrative sanctions or light fines, which are actually cheaper than the waste management costs they are supposed to bear. As a result, the practice of pollution continues to recur because there is no strong enough legal pressure. This situation shows that existing regulations are not able to provide optimal environmental protection, so there is a need for stricter legal reforms so that companies are truly criminally responsible for the ecological impact they cause.¹

Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) has actually provided a strong legal basis to ensnare companies that commit environmental crimes. Articles 97 to 120 of the PPLH Law explicitly regulate the threat of criminal sanctions for perpetrators of environmental pollution, including fines of billions of rupiah and prison sentences for company leaders who are proven responsible. However, in practice, the implementation of criminal sanctions is still weak and often hampered by various factors, such as political intervention, weak supervision, and low courage of law enforcement officials in cracking down on large corporations. As a result, even though the PPLH Law has been in effect for more than a decade, its effectiveness in providing a deterrent effect is still questionable.²

In addition, the inequality between regulation and implementation of the PPLH Law is also seen in law enforcement mechanisms that are more often oriented towards administrative sanctions than criminal.³ A report from the Corruption Eradication Commission (KPK) in 2022 shows that many environmental polluting companies actually get dispensations in the form of warnings or light fines, without any criminal proceedings ensnaring business owners or managers. This is inversely proportional to the spirit of the PPLH Law which prioritizes the principle *of strict liability*, where the company should remain responsible without the need to prove elements of error. Therefore, reforms are needed in the supervision and law enforcement system so that the criminal articles in the PPLH Law are not just regulations on paper, but can actually be applied to crack down on companies that commit environmental crimes.

In addition to weak implementation of the law, the government's alignment with investment is often a barrier to enforcing criminal liability for companies that destroy the environment.⁴ In some cases, companies that are proven to pollute the environment are actually protected under the pretext of economic interests and job creation. Greenpeace Indonesia's 2023 report shows that various extractive industries such as mining and palm oil often receive dispensations even though they are proven to violate environmental regulations. This reflects the contradiction between environmental policy and economic policy, where the government often prioritizes investment growth over stricter

¹ Nurlaily, N. Y., & Supriyo, A. (2022). Pertanggungjawaban Korporasi dalam Kasus Pencemaran Lingkungan Hidup. *Media of Law and Sharia*, 3(3), 255-269.

² Fitriani, H. Y. (2021). Pertanggungjawaban pidana korporasi dalam tindak pidana lingkungan hidup berdasarkan asas strict liability (Studi kasus pencemaran lingkungan oleh PT. Rayon Utama Makmur (RUM) Kabupaten Sukoharjo). *Jurnal Hukum Dan Pembangunan Ekonomi*, 8(2), 64-73.

³ Dermawan, A. K., & Mustakim, M. (2024). The Dilemma of Restorative Justice in the Case of Plantation Land Fires. *Journal of Law, Politic and Humanities*, 4(6), 1895-1905.

⁴ Setiawan, D., Marbun, W., & Patramijaya, A. (2024). Corporate Criminal Liability in Environmental Pollution Crimes. *JILPR Journal Indonesia Law and Policy Review*, 5(3), 511-520.

enforcement of environmental regulations. If this condition continues, then the concept of sustainable development will only become rhetoric without real implementation.

On the other hand, the weak involvement of communities and environmental organizations in supervising environmental crimes by corporations is also a major factor why criminal sanctions are rarely applied. Article 70 of the PPLH Law has actually regulated the participation of the community in the supervision and reporting of environmental violations. However, in practice, public access to environmental justice is still very limited due to pressure from companies and the lack of protection for whistleblowers. Environmental activists who have been intimidated or criminalized while advocating for industrial pollution cases.⁵ Therefore, in addition to strengthening regulations and law enforcement, the state also needs to ensure effective protection mechanisms for communities and environmental organizations so that they can actively participate in prosecuting criminal responsibility for companies that commit environmental crimes.

The lack of effectiveness of law enforcement in environmental pollution cases reflects the existence of structural gaps in the environmental legal system in Indonesia. Case studies such as the pollution of the Citarum River by the textile industry and oil pollution by PT Pertamina in the Java Sea show that although the evidence of pollution is very clear, the legal process often runs slowly or does not even lead to appropriate criminal punishment. The 2023 ICEL (Indonesian Center for Environmental Law) report highlights that in many cases, companies proven to pollute the environment are only subject to administrative sanctions such as fines or reprimands, without any further steps to ensnare the perpetrators in the criminal realm. This condition indicates that existing regulations, even though they have included criminal threats in the PPLH Law, are still not able to ensure full accountability for corporations that commit environmental crimes.⁶

In addition, weak coordination between law enforcement agencies further complicates efforts to ensnare companies in environmental criminal cases. A 2022 study by the Legal Aid Institute (LBH) shows that the overlapping authority between the Ministry of Environment and Forestry (KLHK), the police, and the prosecutor's office often makes environmental pollution cases protract without legal certainty. In fact, in some cases, the authorities are more on the side of the company due to conflicts of interest or political pressure. Without comprehensive reforms in the surveillance and enforcement system, cases of industrial pollution will continue to recur without decisive consequences for the perpetrators. Therefore, a more transparent, independent, and firm legal system is needed in cracking down on environmental crimes so that the principles of ecological justice can be truly upheld.

METHOD

This research uses a normative juridical method, which is an approach that focuses on the study of law based on laws and regulations and applicable legal principles. This approach aims to analyze how the provisions in Law Number 32 of 2009 concerning

⁵ Arifin, A., Setiyanto, B. A., Mubiin, A. N., & Fatahillah, I. A. (2024). EFEKTIVITAS HUKUM PEMBERLAKUAN HAK IMUNITAS BAGI PEJUANG LINGKUNGAN HIDUP DI INDONESIA. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 4(3), 2553-2569.

⁶ Husna, H., Hakim, R., & Kamal, U. (2024). Upaya Kolaborasi Pemerintah dan Masyarakat Dalam Mengatasi Pencemaran Lingkungan ditinjau dari UU PPLH. *Jurnal Multidisiplin Ilmu Akademik*, 1(3), 213-220.

Environmental Protection and Management (PPLH Law) and related regulations are applied in ensnaring companies that commit environmental crimes. For this reason, this study adopts several legal approaches, namely a statutory approach that examines various regulations related to corporate criminal liability, a case approach that examines case studies of environmental pollution by industry to evaluate the effectiveness of law application, and a conceptual approach that uses criminal law theories, environmental law, and corporate liability principles as the basis for analysis.

In this study, the data used was sourced from secondary legal materials consisting of three main categories. Primary legal materials include the PPLH Law, the Criminal Code, and other laws and regulations relevant to the company's criminal liability. Secondary legal materials are in the form of legal journals, books, reports from environmental organizations such as ICEL, WALHI, LBH, and KPK, as well as relevant academic research. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and other sources that support the analysis in this study. The data obtained was analyzed qualitatively by the legal interpretation method, where this research focuses on understanding in its study of corporate liability, the application of which still faces many obstacles, especially in proving corporate errors.

DISCUSSION

The Effectiveness of Criminal Law Enforcement against Companies in Environmental Crime Cases

1. Dominance of Administrative Sanctions over Criminal in Handling Environmental Pollution Cases

In the practice of environmental law enforcement in Indonesia, administrative sanctions are more often applied than criminal sanctions, although Law No. 32 of 2009 on Environmental Protection and Management (PPLH Law) has regulated criminal threats for companies that are proven to pollute the environment. Commonly used administrative sanctions include written reprimands, government coercion, administrative fines, and freezing or revocation of business licenses. Meanwhile, the application of criminal sanctions in the form of prison sentences and fines tends to be rarely carried out or only used as a last resort. This poses serious problems in the effectiveness of environmental law enforcement, especially in providing a deterrent effect to polluting companies. According to the theory of deterrence in criminal law, the effectiveness of law enforcement depends on the certainty, speed, and severity of sanctions.⁷ If the sanctions applied are not severe enough or do not have clear legal certainty, then the potential for violations will remain high.

One of the main factors that leads to the dominance of administrative sanctions is the legal gap in proving corporate wrongdoing. Proving criminal elements in environmental pollution cases is often difficult because it requires complex scientific evidence and a direct link between the company's actions and the impact of pollution. According to the principle of causation in environmental law, there must be a clear cause-and-effect relationship between the actions of the perpetrator and the environmental

⁷ Handayani, I. G. A. K. R., Karjoko, L., & Sisma, A. F. (2024). Fallacy Orientation in Environmental Administrative Sanctions: A Democracy And Environmental Justice Perspective. *Proceeding APHTN-HAN*, 2(1), 167-202.

consequences caused.⁸ However, in many cases of environmental pollution, external factors such as climate change and other influences of human activities are often used by companies as a defense to avoid criminal liability. Although the concept of strict liability or absolute responsibility has been regulated in environmental law, its implementation is still not optimal, so many companies can avoid criminal liability. In addition, the weak commitment of law enforcement officials is also a big obstacle. Many officials do not have expertise or a deep understanding of environmental law, making it difficult for them to handle environmental cases that require in-depth technical and scientific analysis. Studies show that environmental law enforcement often requires a combination of regulatory and technical approaches that conventional law enforcement has not always mastered.⁹

Political and economic pressure also contributes to the weak implementation of criminal sanctions. Companies that pollute the environment often have a large political or economic influence, so law enforcement against them is hampered. In the theory of regulatory capture, regulations are often influenced by strong industry interests, so supervisory authorities tend to be more lenient in imposing sanctions on large companies.¹⁰ Governments, in some cases, prefer to impose administrative sanctions that are considered more flexible and do not negatively impact the investment climate. The imposition of criminal sanctions can pose risks such as job loss or reduced regional income, so it is often avoided by policy makers. The result of the dominance of this administrative sanction is a weak deterrent effect for companies that pollute the environment. Many companies consider administrative fines to be merely "additional operational costs" that are still lighter than the risk of criminal penalties. In the absence of the threat of serious criminal penalties, companies are not encouraged to raise their environmental management standards, so environmental pollution continues to recur.

To overcome this problem, improvement steps are needed in the environmental law enforcement system. One of the steps that can be taken is to strengthen criminal law enforcement by increasing the capacity of law enforcement officials in handling environmental cases and tightening supervision of companies that have the potential to pollute the environment. According to environmental law enforcement theory, the effectiveness of environmental law enforcement is highly dependent on a combination of criminal and administrative sanctions, where criminal sanctions must be applied in cases of severe pollution to create a deterrent effect.¹¹ In addition, the application of the "Polluter Pays Principle" principle must be strictly carried out so that polluting companies are truly responsible for the impact they cause. The amount of administrative fines must also be carefully calculated so that it is sufficient to provide a deterrent effect and not just an operational burden that can be ignored by the company. Transparency and public supervision also need to be strengthened by encouraging the involvement of the community and environmental organizations in monitoring environmental pollution

⁸ Suat, H. (2019). Legal Responsibility in the Pollution and Environmental Destruction Due to Gold Mining Exploitation in Botak Mountain of Buru Regency. *Fiat Justisia: Jurnal Ilmu Hukum*, 13(4), 381-406.

⁹ Ginting, H. (2019). *Analisis Yuridis Penegakan Hukum Pidana Bagi Pelaku Pencemaran Lingkungan Hidup* (Doctoral dissertation, Universitas Medan Area).

¹⁰ Kadir, Z. K. (2024). Menggugat Netralitas Hukum Pidana: Perdebatan Ideologis di Balik Kebijakan Kriminal di Negara-Negara Liberal. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 380-400.

¹¹ Netrale, N. A. (2025). PENGATURAN HUKUM PIDANA TERHADAP PENCEMARANMIKROPLASTIK. *Quantum Juris: Jurnal Hukum Modern*, 7(1).

cases. With more open access to information, social pressure on polluting companies can be more effective in encouraging compliance with environmental regulations.

In addition, policy and regulatory reforms are also an important step to ensure that there are no legal loopholes that companies can exploit to avoid criminal sanctions. Improvements to regulations need to be made in order to provide a firmer legal basis in imposing criminal sanctions for environmental violators. The implementation of environmental laws must also be carried out consistently and non-discriminatory so that public trust in the legal system can increase. Studies on governance of common-pool resources show that effective environmental law enforcement requires a combination of formal legal approaches, community participation, and economic incentives in order for regulatory compliance to increase.¹² With these measures, it is hoped that environmental law enforcement can be more effective in providing a deterrent effect, so that cases of environmental pollution do not continue to recur and environmental sustainability can be better maintained.

2. Obstacles in the Implementation of Criminal Sanctions against Environmental Polluting Companies

The application of criminal sanctions against companies that pollute the environment still faces complex obstacles. One of the main obstacles is the overlapping authority between the agencies involved, such as the Ministry of Environment and Forestry (MoEF), the police, and the prosecutor's office. The lack of coordination between them often leads to the legal process being slow and ineffective. Existing regulations sometimes do not clearly define the limits of the authority of each institution, causing confusion in law enforcement and leading to the non-handling of environmental pollution cases properly. Studies show that countries with well-coordinated legal systems tend to be more effective in enforcing environmental laws and significantly reducing pollution levels.¹³

In addition, the capacity of investigators in handling environmental crimes is still relatively low. Environmental crimes often involve complex technical and scientific aspects, but police investigators and public prosecutors are still lacking in understanding environmental forensics. Coupled with limited resources, both in terms of the number of competent investigators and adequate environmental forensic tools, many cases end up failing to get strong enough evidence to be submitted to the courts. Lack of expertise in environmental forensic investigations is one of the main causes of weak law enforcement against environmental polluting companies.

Corrupt practices are also the main factor that hinders legal proceedings against companies that pollute the environment. Many cases show bribery and intervention from interested parties so that the legal process does not run as it should. Large corporations with economic power often use their influence to lobby law enforcement officials, so their cases do not go to court. As a result, many cases end up stopping at the investigation stage without any clear punishment for the perpetrator. Countries with high levels of corruption

¹² Tambunlertchai, K., & Pongkijvorasin, S. (2021). Regulatory stringency and behavior in a common pool resource game: Lab and field experiments. *Journal of Asian Economics*, 74, 101309.

¹³ Delta, R., Nadriana, L., Handayani, H., Faryando, A. A., & Gunawan, R. (2023). Implementasi Sanksi Terhadap Perusahaan Yang Melakukan Pencemaran Lingkungan Hidup. *Audi Et AP: Jurnal Penelitian Hukum*, 2(02), 118-127.

tend to have greater levels of environmental violations due to weak supervision and law enforcement influenced by corrupt practices.¹⁴

In addition to economic power, environmental polluting companies also often have a large influence in the political field. Close relationships with policymakers, both at the regional and national levels, make them increasingly difficult to be touched by the law. With great resources, they can hire the best lawyers and take various legal remedies to hinder the judicial process. They also often take advantage of loopholes in laws or regulations that are not strict to avoid criminal sanctions, so that many cases of environmental pollution do not lead to appropriate punishment. The study highlights that corporate political influence is a major factor in the avoidance of criminal sanctions for environmental crimes in various developing countries.¹⁵

Existing regulations still have many weaknesses in their implementation. Although there have been various laws governing environmental protection, the application of criminal sanctions against companies that violate them is often ineffective. Without reforms in the law enforcement system, existing regulations will only be rules on paper with no real enforcement power. Therefore, legal reform is needed that includes increasing inter-agency coordination, increasing the capacity of investigators, and efforts to eradicate corruption in the environmental justice system so that the application of criminal sanctions against companies that pollute the environment can run effectively. Research conducted by the United Nations Environment Programme (UNEP) in 2022 showed that reforms in environmental law enforcement that include increased transparency and stricter enforcement could reduce the rate of environmental violations by up to 40% over a five-year period.

With the various obstacles that exist, the current legal system is still not able to provide a deterrent effect for companies that pollute the environment. Reforms in the law enforcement system are urgently needed so that existing regulations can be implemented effectively and companies that pollute the environment can be subject to appropriate criminal sanctions. If there is no significant improvement, these companies will continue to escape the snares of the law, while the negative impact of environmental pollution will continue to harm communities and ecosystems. Therefore, evidence-based policies and scientific research are urgently needed to ensure that criminal sanctions can be an effective instrument in upholding environmental justice.

Legal Reform in Ensnaring Corporations as Perpetrators of Environmental Crimes

1. Strengthening the Principles of Strict Liability and Corporate Criminal Liability in Environmental Law

The principle of strict liability in Indonesian environmental law provides a basis for more effective law enforcement against environmental pollution carried out by corporations. Strict liability is designed to eliminate the proof of the element of error (*mens rea*) so that the company cannot avoid liability under the pretext of lack of intention or negligence.¹⁶ This principle is in line with the concept of the polluter pays principle

¹⁴ Puanandini, D. A., Maharani, V. S., & Anasela, P. (2024). Korupsi sebagai Kejahatan Luar Biasa: Analisis Dampak dan Upaya Penegakan Hukum. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum*, 3(3).

¹⁵ Lubis, E. Z. (2017). Dampak Melawan Hukum Dalam Tindak Pidana Korupsi. *Jurnal Administrasi Publik (Public Administration Journal)*, 7(2), 107-116.

¹⁶ Wiratama, G. P. (2024). Pertanggungjawaban Pidana Terhadap Korporasi yang Melakukan Tindak Pidana Perusakan Lingkungan Hidup. *MLJ Merdeka Law Journal*, 5(2), 126-137.

which has also become a standard in various international regulations, such as in Principle 16 of the 1992 Rio Declaration. In Indonesia, this principle is regulated in Article 88 of Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH Law), which states that every business actor who causes environmental pollution must be held responsible without having to prove elements of his fault. However, the implementation of strict liability still faces various challenges, mainly due to the lack of understanding of law enforcement officials in adopting this approach. Studies on strict liability in Asia, a legal system that is still oriented towards proving fault tends to hinder the effectiveness of the application of this principle.¹⁷ In addition, legal loopholes are also often used by corporations to avoid liability, for example by claiming that pollution occurred due to force majeure or factors beyond their control. This is in line with findings that companies often use legal strategies to deny responsibility by taking advantage of indecisive environmental regulations in developing countries.¹⁸ Weak sanctions enforcement is also a serious challenge, where the punishment given is often only in the form of administrative sanctions or light fines that do not provide a deterrent effect. As a solution, to strengthen strict liability, it is necessary to increase the capacity of law enforcement through intensive training, improve regulations to clarify force majeure limits, and strengthen compensation mechanisms so that companies are truly responsible for the impact they cause.

In addition to strict liability, the principle of corporate criminal liability also has a crucial role in enforcing environmental laws. This principle allows companies as legal entities to be subject to criminal penalties if proven to have committed environmental violations. The theory of corporate criminal liability was first developed in the Anglo-Saxon legal system and is described in the theory of vicarious liability, which states that a company can be held liable for the actions of its employees or leaders if such actions are committed within the scope of its employment. This principle has been recognized in Article 116 of the PPLH Law and clarified in the Supreme Court Regulation (Perma) No. 13 of 2016 concerning Procedures for Handling Corporate Criminal Cases. However, as Wells 2018 explained.

Law enforcement in Indonesia still tends to focus more on ensnaring individuals in companies, such as directors or managers, rather than taking action against companies as legal entities. As a result, the company can continue to operate despite significant environmental pollution. Studies show that one of the main challenges in the implementation of corporate criminal liability is the tendency of the legal system to prioritize mens rea, which is often difficult to prove in the corporate context.¹⁹ In addition, the penalties given to corporations are often ineffective, where the fines imposed are much smaller than the profits made from the violation. This is in line with the findings of Laufer (2008) who stated that companies often consider fines as part of the cost of doing business, so there is no real deterrent effect.²⁰ Therefore, strengthening corporate criminal liability requires optimizing the implementation of Perma No. 13 of 2016, the application of heavier penalties such as the revocation of business licenses for companies proven

¹⁷ Zaidan, M. A. (2022). *Menuju pembaruan hukum pidana*. Sinar Grafika.

¹⁸ Pattynama, F. M. (2025). Tanggung jawab hukum perusahaan pertambangan dalam reklamasi pasca tambang di Indonesia. *Journal of Mandalika Literature*, 6(1), 152-163.

¹⁹ Dwiyantri, A., Citranu, C., Sari, O. N., Budiyanto, B., Muntazar, A., Girsang, H., ... & Amalia, M. (2024). *Pengantar Hukum Pidana: Teori, Prinsip, dan Implementasi*. PT. Green Pustaka Indonesia.

²⁰ Muttaqi, N. I. N. (2024). *Reformulasi Penetapan Sanksi Pidana Denda dalam Pengembalian Kerugian Keuangan Negara Hasil Tindak Pidana Korupsi Berdasarkan Perspektif Economic Analysis of Law* (Doctoral dissertation, Universitas Islam Indonesia).

guilty, and the affirmation that not only individuals, but companies as legal entities must be criminally responsible.

In a broader context, strengthening strict liability and corporate criminal liability is very urgent to increase the effectiveness of environmental law in Indonesia. Although these two principles have been recognized in regulations, their implementation is still weak due to limited legal understanding, regulatory loopholes, and weak sanctions. The study emphasizes that the success of environmental law enforcement does not only depend on existing regulations, but also on the courage of law enforcement officials in implementing rules decisively.²¹ Therefore, stricter legal reforms are needed so that companies can no longer avoid liability for environmental pollution. Increasing the capacity of law enforcement officers, improving regulations to close legal loopholes, and implementing harsher penalties must be priorities.

2. Increased Transparency, Inter-Institutional Coordination, and Whistleblower Protection in Environmental Law Enforcement

Lack of transparency in the legal process, weak inter-agency coordination, and lack of protection for whistleblowers are the main obstacles in environmental law enforcement. Many cases of environmental pollution are difficult to reveal due to limited public access to information and the political and economic interests that protect large corporations. According to environmental justice theory, as stated by Schlosberg (2007), environmental justice can only be realized if people have equal access to information and fair legal mechanisms. Information secrecy in environmental pollution cases creates inequality between large companies and affected communities, so that legal mechanisms are more often on the side of financiers. In addition, the lack of coordination between agencies such as the Ministry of Environment and Forestry (MoEF), the Police, and the Prosecutor's Office has led to slow and ineffective law enforcement.

In addition, communities and environmental activists who report pollution cases often face intimidation and criminalization. This phenomenon can be explained through the theory of political ecology put forward by Robbins (2012), which states that environmental conflicts often occur due to power imbalances between state actors, corporations, and civil society. In the Indonesian context, there are many cases where the complainant experiences physical and legal threats due to the authorities' partiality towards the capital owner. Studies show that 65% of criminalization cases against environmental activists are related to land conflicts and environmental pollution by large corporations.²² This threat to whistleblowers creates a deterrent effect that discourages many people from exposing environmental crimes, so pollution cases often do not receive the legal attention they deserve. To overcome this problem, it is necessary to carry out legal reforms by focusing on three main aspects, namely increasing transparency, strengthening inter-agency coordination, and protection for whistleblowers and environmental activists.

Transparency in the legal process must be strengthened by implementing information disclosure at all stages of environmental law enforcement. The concept of freedom of information that was developed emphasizes that information disclosure is the key to ensuring accountability in government and the law. One way to implement it is to

²¹ Mahmud, A. (2020). Urgensi Penegakan Hukum Progresif Untuk Mengembalikan Kerugian Negara Dalam Tindak Pidana Korupsi. *Masalah-Masalah Hukum*, 49(3), 256-271.

²² Saleh, I. N. S., & Spaltani, B. G. (2022). Reformulasi Perlindungan Hukum Bagi Pejuang Hak Atas Lingkungan Hidup Yang Baik Dan Sehat:-. *JATISWARA*, 37(2), 163-175.

build a public database that records environmental pollution cases in detail, so that the public can access information about violations and the legal status of the company concerned. In addition, public participation in supervision also needs to be increased through an independent monitoring mechanism of the legal process. A study showed that countries with open legal information systems have higher levels of compliance with environmental laws than countries that are not transparent.²³ Thus, law enforcement efforts are not only the responsibility of the authorities, but also the wider community.

On the other hand, coordination between the Ministry of Environment and Forestry, the Police, and the Prosecutor's Office must be strengthened so that there is no overlap of authority in handling environmental cases. The principle of integrated governance, as explained by Rhodes (1996), emphasizes the importance of inter-agency collaboration in public policy so that the results achieved are more effective and efficient. The establishment of a special task force involving various related institutions can be a solution in handling pollution cases in a more integrated manner. In addition, inter-agency regulations need to be harmonized so that there are no legal clashes that slow down the investigation and enforcement process. In fact, the role of the Corruption Eradication Commission (KPK) must also be strengthened to supervise potential corrupt practices that often protect polluting companies from legal entanglements. Studies show that the involvement of anti-corruption agencies in environmental law enforcement can increase the effectiveness of punishment for polluters by 40% compared to the handling of cases by sectoral institutions.²⁴

Protection for whistleblowers and environmental activists is also a crucial aspect of this legal reform. Based on the principle of whistleblower protection described by Near & Miceli (1985), whistleblowers must receive legal and physical protection so that they dare to reveal violations without fear. A clear legal protection mechanism is needed for whistleblowers so that they do not experience criminalization when exposing environmental crimes. The government must also provide physical and legal protection for activists who face threats from their advocacy activities. A study conducted by Global Witness (2020) revealed that Indonesia is among the top 10 countries with the highest number of environmental activist murders in the world. Therefore, increasing legal awareness in the community needs to be encouraged so that more and more citizens dare to report cases of environmental pollution without fear of possible consequences.

With increased transparency, closer coordination between agencies, and stronger protection for whistleblowers, it is hoped that environmental law enforcement can run more effectively and fairly. Without these three aspects, efforts to ensnare environmental polluting companies will continue to face major obstacles. In line with the theory of good environmental governance developed by Meadowcroft in 2002, an effective environmental law system must be based on transparency, public participation, and government accountability. Therefore, a strong commitment from the government, law enforcement officials, and civil society is needed to jointly encourage more transparent, accountable, and environmental justice change

²³ Berkel, H., Estmann, C., & Rand, J. (2022). Local governance quality and law compliance: The case of Mozambican firms. *World Development*, 157, 105942.

²⁴ Agasi, A. P., Sitorus, A. A. N. S., Prasalengga, A., Inayati, A., Indriyani, A. F., Dewi, C. P., ... & Rumah, P. P. (2020). *Strategi Pemberantasan Korupsi: Buku Pendidikan Antikorupsi*. Penerbit Pustaka Rumah C1nta.

CONCLUSION

Criminal law enforcement against companies in environmental crime cases still faces significant challenges. The dominance of administrative sanctions over criminal sanctions shows that the deterrent effect for environmental polluting companies is still weak. The main factors that hinder law enforcement include difficulties in proving criminal elements, weak capacity of law enforcement officials, and political and economic pressures. In addition, corruption, overlapping authority between institutions, and the large influence of polluting companies often hinder the implementation of appropriate criminal sanctions. Therefore, the principles of strict liability and corporate criminal liability need to be strengthened so that companies can be responsible for environmental pollution without having to prove elements of wrongdoing. Legal reform is also needed through increasing the capacity of law enforcement officials, improving regulations, and implementing stricter sanctions such as the revocation of business licenses. In addition, information transparency, inter-agency coordination, and protection for whistleblowers must be improved to make the law enforcement process more effective. The commitment of the government and law enforcement officials is a major factor in ensuring that polluting companies cannot shirk their responsibilities. Community participation and environmental organizations must also be strengthened to encourage accountability and transparency in law enforcement. With comprehensive reforms, environmental laws can be more effective in preventing and cracking down on environmental crimes by companies, so that environmental justice can truly be realized.

REFERENCES

- Agasi, A. P., Sitorus, A. A. N. S., Prasalengga, A., Inayati, A., Indriyani, A. F., Dewi, C. P., ... & Rumah, P. P. (2020). *Strategi Pemberantasan Korupsi: Buku Pendidikan Antikorupsi*. Penerbit Pustaka Rumah C1nta..
- Arifin, A., Setiyanto, B. A., Mubiin, A. N., & Fatahillah, I. A. (2024). EFEKTIVITAS HUKUM PEMBERLAKUAN HAK IMUNITAS BAGI PEJUANG LINGKUNGAN HIDUP DI INDONESIA. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 4(3), 2553-2569.
- Berkel, H., Estmann, C., & Rand, J. (2022). Local governance quality and law compliance: The case of Mozambican firms. *World Development*, 157, 105942.
- Delta, R., Nadriana, L., Handayani, H., Faryando, A. A., & Gunawan, R. (2023). Implementasi Sanksi Terhadap Perusahaan Yang Melakukan Pencemaran Lingkungan Hidup. *Audi Et AP: Jurnal Penelitian Hukum*, 2(02), 118-127.
- Dermawan, A. K., & Mustakim, M. (2024). The Dilemma of Restorative Justice in the Case of Plantation Land Fires. *Journal of Law, Politic and Humanities*, 4(6), 1895-1905.
- Dwiyanti, A., Citranu, C., Sari, O. N., Budiyo, B., Muntazar, A., Girsang, H., ... & Amalia, M. (2024). *Pengantar Hukum Pidana: Teori, Prinsip, dan Implementasi*. PT. Green Pustaka Indonesia.
- Fitriani, H. Y. (2021). Pertanggungjawaban pidana korporasi dalam tindak pidana lingkungan hidup berdasarkan asas strict liability (Studi kasus pencemaran lingkungan oleh PT. Rayon Utama Makmur (RUM) Kabupaten Sukoharjo). *Jurnal Hukum Dan Pembangunan Ekonomi*, 8(2), 64-73.

- Ginting, H. (2019). Analisis Yuridis Penegakan Hukum Pidana Bagi Pelaku Pencemaran Lingkungan Hidup (Doctoral dissertation, Universitas Medan Area).
- Handayani, I. G. A. K. R., Karjoko, L., & Sisma, A. F. (2024). Fallacy Orientation in Environmental Administrative Sanctions: A Democracy And Environmental Justice Perspective. *Proceeding APHTN-HAN*, 2(1), 167-202.
- Husna, H., Hakim, R., & Kamal, U. (2024). Upaya Kolaborasi Pemerintah dan Masyarakat Dalam Mengatasi Pencemaran Lingkungan ditinjau dari UU PPLH. *Jurnal Multidisiplin Ilmu Akademik*, 1(3), 213-220.
- Kadir, Z. K. (2024). Menggugat Netralitas Hukum Pidana: Perdebatan Ideologis di Balik Kebijakan Kriminal di Negara-Negara Liberal. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 380-400.
- Lubis, E. Z. (2017). Dampak Melawan Hukum Dalam Tindak Pidana Korupsi. *Jurnal Administrasi Publik (Public Administration Journal)*, 7(2), 107-116.
- Mahmud, A. (2020). Urgensi Penegakan Hukum Progresif Untuk Mengembalikan Kerugian Negara Dalam Tindak Pidana Korupsi. *Masalah-Masalah Hukum*, 49(3), 256-271.
- Muttaqi, N. I. N. (2024). Reformulasi Penetapan Sanksi Pidana Denda dalam Pengembalian Kerugian Keuangan Negara Hasil Tindak Pidana Korupsi Berdasarkan Perspektif Economic Analysis of Law (Doctoral dissertation, Universitas Islam Indonesia).
- Netrale, N. A. (2025). PENGATURAN HUKUM PIDANA TERHADAP PENCEMARANMIKROPLASTIK. *Quantum Juris: Jurnal Hukum Modern*, 7(1).
- Nurlaily, N. Y., & Supriyo, A. (2022). Pertanggungjawaban Korporasi dalam Kasus Pencemaran Lingkungan Hidup. *Media of Law and Sharia*, 3(3), 255-269.
- Pattynama, F. M. (2025). Tanggung jawab hukum perusahaan pertambangan dalam reklamasi pasca tambang di Indonesia. *Journal of Mandalika Literature*, 6(1), 152-163.
- Puanandini, D. A., Maharani, V. S., & Anasela, P. (2024). Korupsi sebagai Kejahatan Luar Biasa: Analisis Dampak dan Upaya Penegakan Hukum. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum*, 3(3).
- Saleh, I. N. S., & Spaltani, B. G. (2022). Reformulasi Perlindungan Hukum Bagi Pejuang Hak Atas Lingkungan Hidup Yang Baik Dan Sehat:-. *JATISWARA*, 37(2), 163-175.
- Setiawan, D., Marbun, W., & Patramijaya, A. (2024). Corporate Criminal Liability in Environmental Pollution Crimes. *JILPR Journal Indonesia Law and Policy Review*, 5(3), 511-520.
- Suat, H. (2019). Legal Responsibility in the Pollution and Environmental Destruction Due to Gold Mining Exploitation in Botak Mountain of Buru Regency. *Fiat Justisia: Jurnal Ilmu Hukum*, 13(4), 381-406.
- Tambunlertchai, K., & Pongkijvorasin, S. (2021). Regulatory stringency and behavior in a common pool resource game: Lab and field experiments. *Journal of Asian Economics*, 74, 101309.
- Wiratama, G. P. (2024). Pertanggungjawaban Pidana Terhadap Korporasi yang Melakukan Tindak Pidana Perusakan Lingkungan Hidup. *MLJ Merdeka Law Journal*, 5(2), 126-137.
- Zaidan, M. A. (2022). Menuju pembaruan hukum pidana. *Sinar Grafika*..