



Enforcement of Criminal Law Against Corporations that do not Conduct an Analysis of Environmental Impact and Cause Environmental Crime

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Abstract

Keywords:

AMDAL, Corporation,
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AMDAL is a tool for monitoring and correcting the implementation of business activities or project activities carried out by companies, as well as for achieving and implementing environmental protection and even creating justice. ecology. This study is a normative legal study that aims to understand the urgency and pattern of punishment for environmental crimes committed by corporations. The results of the study show that the position of AMDAL in environmental management is very important and strategic, because it is a means of preventing environmental pollution through document review mechanisms such as AMDAL and UKL-UPL. Furthermore, the use of AMDAL is a system that ensures the sustainability of company goals. The PPLH Law must contain provisions related to sentencing patterns based on environmental protection, such as increasing the severity of fines, regulating the enforcement of fines, and providing restorative measures for criminal acts.

Kata Kunci:

AMDAL, Korporasi,
Kejahatan Lingkungan

Abstrak

AMDAL merupakan alat untuk memantau dan mengoreksi pelaksanaan kegiatan usaha atau kegiatan proyek yang dilakukan oleh perusahaan, serta untuk mencapai dan melaksanakan perlindungan lingkungan bahkan menciptakan keadilan. ekologi. Kajian ini merupakan kajian hukum normatif yang bertujuan untuk memahami urgensi dan pola penghukuman kejahatan lingkungan yang dilakukan oleh korporasi. Hasil kajian menunjukkan bahwa kedudukan AMDAL dalam pengelolaan lingkungan hidup sangat penting dan strategis, karena merupakan sarana pencegahan pencemaran lingkungan melalui mekanisme pengujian dokumen seperti AMDAL dan UKL-UPL. Selanjutnya, penggunaan AMDAL merupakan sistem yang menjamin keberlanjutan tujuan perusahaan. Undang-undang PPLH harus memuat ketentuan terkait pola pemidanaan berbasis perlindungan lingkungan hidup, seperti peningkatan beratnya pidana denda, mengatur penegakan pidana denda, dan memberikan upaya restoratif bagi tindak pidana.

INTRODUCTION

The existence of law must be viewed from two dimensions. On the one hand, law must be seen as a field or field that requires development and coaching, here law functions as an object of development. On the other hand, the legal dimension is a means of supporting the continuation of development. The law must be able to play a role as a means of safeguarding the implementation of development and its results. He emphasized that environmental law must be able to act as a means of safety for the continuation of environmentally friendly development.¹

Environmentally friendly development should be thought about further by this nation. One of the keys to environmentally friendly development is what we often hear, namely the EIA (Environmental Impact Analysis). The EIA invites humans to take into account the risks of their activities to the environment. The preparation of the EIA is based on understanding how nature is organized, related and functional. What also needs to be considered is the interaction between social, technological and economic forces with the environment and natural resources. This understanding allows for predictions about the consequences of development.

One of the juridical instruments mandated in the UUPPLH (Law No. 32 of 2009) is environmental permits (Article 14 of the UUPPLH jo. Article 1 point 35 of the UUPPLH) which can be called "environmental permits" in full. Environmental permits or complete environmental permits (ILH) are directly linked to the AMDAL and business and/or activity permits (SIU). This means that these environmental permits can be obtained based on the results and recommendations of the EIA. The environmental permit is a prerequisite for the issuance of business and/or activity permits. So, a license to run a business/activity for certain activities stipulated by laws and regulations must have an AMDAL or UKL-UPL (Environmental Management Efforts and Environmental Monitoring Efforts) can only be granted if you already have an environmental permit.

In simple terms, it can be said that AMDAL and/or UKL-UPL are a requirement for environmental permits, and then environmental permits are a condition for the issuance of business/activity licenses.² In the process of development that is increasingly developing and sustainable, it is necessary to conduct a study on the impact of development itself as stated in

¹ Harun M.Husein, *Lingkungan Hidup Masalah, Pengelolaan dan Penegakan Hukumnya* (Jakarta: Bumi Aksara, 1992), hlm..36.

² A.M. Yunus Wahid, 2018, *Pengantar Hukum Lingkungan Ed. Kedua*, PrenamediaGroup, Jakarta, hlm. 212.

Article 22 paragraph (1) of the UUPPLH (Law No. 32 of 2009), which requires an analysis of the environmental impact of businesses and/or activities that are estimated to have an important impact on the environment, therefore a special agency is formed to take care of environmental problems in at the regional level, namely the Environment Agency, one of whose duties is to facilitate the activities of related agencies in terms of environmental impact control, which includes the implementation of AMDAL in the regions. Environmental impact analysis (EIA) is one of the 14 juridical instruments mandated in the UUPPLH (Law No. 32 of 2009) in addition to strategic environmental studies (KLHS), spatial planning, environmental quality books, and so on.³

AMDAL is a study of the impact of an important impact of a business and/or planned activity on the environment that is necessary for the decision-making process on the implementation of business and/or activities. (Article 1 point 11 of the UUPPL jo. Article 1 point 2 of PPIL). In Article 1 number (2) of Government Regulation Number 27 of 2012 concerning Environmental Permits, it is stated that the EIA is a study of the important impact of a business and/or planned activity on the environment that is necessary for the decision-making process about the implementation of business and/or activities. Every business and/or activity that has an important impact on the environment is required to have an EIA.⁴

Environmental Impact Analysis (EIA) is a form of study of the impact of a planned business and/or activity on the environment as a counterbalance to development growth which often causes unexpected impacts on the natural environment and social environment. Regulation of the Minister of State for the Environment of the Republic of Indonesia Number 16 of 2012 concerning Guidelines for the Preparation of Environmental Documents Article 1 explains that Environmental Impact Analysis, hereinafter referred to as EIA, is a study of the important impact of a business and/or planned activity on the environment that is necessary for the decision-making process about the implementation of business and/or activities.⁵

So that the AMDAL is needed in every development process, both from planning to later supervision and if there is a problem, the AMDAL pays attention to every aspect of the existing environment, both physical-chemical, ecological, socio-economic, socio-cultural, and

³ Irwansyah, Wardhani Hakim, Ahsan Yunus, 2017, Environmental audit as instrument forenvironmental protection and management, Journal The Business And Management Review, Volume 9 Number 2, November 2017, Volume 9, Nomor 2, November, hlm. 228

⁴ Peraturan Pemerintah Nomor 27 Tahun 2012 Tentang Izin Lingkungan.

⁵ Peraturan Menteri Negara Lingkungan Hidup Republik Indonesia Nomor 16 Tahun 2012 Tentang Pedoman Penyusunan Dokumen Lingkungan Hidup.

public health. In an effort to preserve environmental capabilities, the analysis of environmental impacts aims to maintain environmental conditions at a certain level of quality in order to ensure the sustainability of development. The role of the agency authorized to make decisions about the environmental impact analysis process is clearly very important. The decisions taken by the apparatus in the administrative procedures taken by the initiators are very decisive for the quality of the environment, because the EIA functions as an instrument for preventing environmental pollution.⁶

The theme of the EIA is a very interesting study, because it concerns the survival of all mankind. This theme must be constantly studied to get good research results for the sustainability of living together. Therefore, the author will make it the title of the article "Criminal Law Enforcement Against Corporations That Do Not Carry Out AMDAL So That It Causes Environmental Crimes".

RESEARCH METHODS

The method used by the author in this writing is the Normative Legal Research Method or Doctrinal Legal Research, which is legal research that uses secondary data sources.⁷ The problems that are researched and studied adhere to the juridical aspect, namely based on norms, laws and regulations, legal theories and opinions of legal experts. In normative law research, law is conceived as a rule of norms that are the basis of human behavior that is considered appropriate.⁸

The technique of collecting legal materials in this study is based on legal materials. The collection of legal materials is carried out by tracing primary legal materials, secondary legal materials and tertiary legal materials. This literature research will discuss and describe narratively from literature books in accordance with the Criminal Code, Law Number 32 of 2009 concerning Environmental Protection and Management. The collected data will be compiled and analyzed qualitatively, that is, the data is analyzed and the results of the analysis are presented systematically in accordance with the problems that the researcher is doing by descriptively explaining the results of the data obtained, as well as drawing conclusions.

⁶ Fitria, 2015, Penegakan Hukum Administrasi Terhadap Analisis Mengenai Dampak Lingkungan (AMDAL) Berdasarkan Undang-Undang 32 Tahun 2009 Di Kota Jambi, Jurnal Ilmu Hukum, Vol 10, Nomor 1, Juli, hlm. 39

⁷ Soerjono Soekanto dan Sri Mamudji. Penelitian Hukum Normatif Suatu Tinjauan Singkat. cetakan kedelapan, (Jakarta: Sinar Grafika, 2004), hlm. 24.

⁸ Amiruddin dan H.Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Jakarta : PT. Raja Garafindo Persada, 2006, hm. 118

RESULTS AND DISCUSSION

The Urgency of Implementing Environmental Impact Analysis (EIA) as Environmental Impact Control in Indonesia

Government Regulation on Environmental Impact Analysis No. 29 of 1986 is published in the appendix to Statute Book No. 42 of 1986 No. 126 3338. The content states that the AMDAL is part of the feasibility study. developing a business and/or operational plan. Government Regulation No. 29 of 1986 was then revoked and replaced with Government Regulation No. 51 of 1993 and then replaced again with Government Regulation No. 27 of 1999 concerning Environmental Impact Analysis. Since then, there have been more and more other laws and regulations related to the EIA, one of the important ones in determining the form of environmental assessment is the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia. .38/MENLHK/ SETJEN/KUM.1/7/2019 Regarding planned businesses and/or activities, an analysis of environmental impacts is carried out.

AMDAL is one of the tools for sustainable development as a decision-making tool at the level of business execution. The AMDAL must be one of the engines of development, but if the implementation is wrong, the AMDAL process can become a burden. Basically, the EIA aims to analyze activities that have the potential to affect the environment, which will be an important point in the decision-making process related to business licenses for these activities. RKL is an effort to overcome the important and important impacts arising from planned activities. Meanwhile, RPL is an effort to control environmental components that have a large and significant impact on the results of planned activities. The scientific implementation procedure will intersect with other disciplines. This is proof that AMDAL has its own scientific method for each type of activity/business. According to Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services, the implementation of the AMDAL must involve the affected communities and environmental observers can be involved in the implementation of the AMDAL.⁹

The issue of environmental potential in the EIA document as a means of preventing pollution and/or environmental damage is a question of when the EIA will fulfill this role. If the AMDAL (Environmental Feasibility Study) document is declared not in accordance with the environment, it means that the document has not been approved, so it is impossible to

⁹ Peraturan Menteri Lingkungan Hidup dan Kehutanan Republik Indonesia Nomor: P.38/MENLHK/SETJEN/KUM.1/7/2019 tentang Rencana Usaha dan/atau Kegiatan Yang Wajib Memiliki Analisis Dampak Lingkungan Hidup, dampak penting adalah perubahan lingkungan hidup yang sangat mendasar yang diakibatkan oleh suatu Usaha dan/atau Kegiatan

apply for an environmental permit, so it must not be a business or activity. permission. does not have an impact on the environment, or if the AMDAL document is subsequently approved, the role of the AMDAL as a means of preventing pollution and/or environmental damage is to anticipate an analysis of environmental impacts. AMDAL documents, in their implementation can be predicted and reduced according to thresholds, quality books or standard criteria for environmental damage.

Law No. 32 of 2009 regulates the implementation of environmental law through three types of law: administrative, civil, and criminal. Of the three possible forms of law enforcement, administrative law enforcement is considered the most important law enforcement effort. This is because administrative law enforcement is more focused on preventing pollution and environmental damage. In addition, the implementation of administrative law aims to punish perpetrators of crimes that pollute and damage the environment. Law No. 32 of 2009 mainly regulates the implementation of administrative law through preventive measures for environmental protection and management.

In addition to administrative provisions, civil law provisions are also regulated in Article 84 of the UUPH which states:

- 1) Settlement of environmental disputes can be pursued through the court or out of court;
- 2) The option of resolving environmental disputes is carried out voluntarily by the parties to the dispute;
- 3) A lawsuit through the court may only be pursued if the dispute settlement effort outside the selected court is declared unsuccessful by one or the parties to the dispute.

The Law also opens a gap for dispute resolution through non-litigation channels or dispute resolution outside the court. The deadline for filing a lawsuit is regulated in Article 89 of the UUPH which states:

- (1) The grace period for filing a lawsuit to the court follows the grace period as stipulated in the provisions of the Civil Code and is calculated from the time when pollution and/or environmental damage is known;
- (2) The provisions regarding the expiration grace period do not apply to pollution and/or environmental damage caused by businesses and/or activities that use and/or manage B3 and generate and/or manage B3 waste

Furthermore, the provisions of the criminal law as a provision (*ultimum remedium*) are regulated in Articles 97 to 120 of CHAPTER XV concerning Criminal Provisions.

Ideal Criminal Pattern for Corporations That Do Not Carry Out AMDAL So That Causes Environmental Crimes

The form/type of sanction for corporations that commit environmental crimes as mentioned above is a criminal fine with the provision that the criminal threat of a fine imposed on the person who gives the order or the leader of the criminal act is aggravated by one-third, and an additional criminal or disciplinary action. In this regard, the ineffectiveness of the enforcement of corporate crimes in the environmental sector as seen from the fact that there are still many cases of environmental pollution carried out by corporations has given rise to several ideas related to the appropriate criminal pattern to be applied in the enforcement of corporate crimes in the environmental sector, or in other words, the criminal pattern that has been regulated by the PPLH Law still has several weaknesses so that it is one of the factors. The enforcement of corporate crimes in the field of the environment is ineffective. Therefore, it is necessary to regulate several provisions related to criminal patterns based on environmental conservation, namely the imposition of criminal fines, the regulation of the implementation of criminal fines, and environmental restoration measures.

a. Criminal Penalties and Fines

Initially, the fine was a civil relationship, namely if someone was harmed, compensation could be requested which depended on the amount of the loss caused, as well as the social status of the victim. Fines are the third main type of punishment in Indonesian criminal law, and are generally only imposed on adults.¹⁰ [10] The principle of Polluter Pays (PPP) means that the perpetrator is responsible and must pay. The principle that polluters must pay can be understood as the principle of "pocket depth" or "affordability" when polluters are rich (industry) and poor people (the general public) are polluters. occurred, namely PPP. Polluters have to pay meaning the penalties imposed should not be seen as the cost of doing business. To ensure full accountability for environmental violations, punishment must consider the interests of the immediate victim of the violation and the public interest.¹¹ [11]

Michael Faure and Goran Skog argue that the cost of punishment should be weighed against the level of fine, the seriousness of the crime, the deterrent effect of the

¹⁰ P.A.F. Lamintang, *Hukum Penitensier Indonesia*, Armico, Bandung, Edisi Pertama, hlm. 80

¹¹ Hartiwingsih, *Hukum Lingkungan Dalam Perspektif Kebijakan Hukum Pidana*, Ctk. Pertama, Surakarta: UPT Penerbitan dan Percetakan UNS (UNS Press), 2008, hlm. 43

criminal punishment, and the interests of the community and the convict. Large fines are imposed on those who commit environmental crimes that have a wide impact on the environment.

So, the higher the damage, the higher the fine. It aims to rehabilitate polluted and/or damaged environments and deter criminals. The imposition of fines commensurate with the level of environmental damage makes the perpetrator aware of the consequences of the crime committed, and allows the perpetrator to regret his actions and not repeat them. Criminal costs are costs incurred by the government to finance the process of prosecuting criminals to court, including court operational costs. Therefore, the social harm caused by the crime increases the cost of punishment because it is a direct and indirect loss that consists of the cost of punishment.

In addition, in determining the amount of crime, it is necessary to take into account the amount of profit obtained from the crime committed by the perpetrator of the crime (actual cost), investigation costs, and the cost of rehabilitating the environment that is polluted and/or damaged by the crime. Since people will benefit a lot from crime, it is necessary to take precautions to get more profits. This is because criminal acts in the form of business entities are carried out with the aim of making profits. Due to heavy fines and confiscation of the proceeds of crime, the offender may be deterred from committing the offense again if he fails to earn the expected profit. and prevent potential criminals from committing crimes. Penalties should be increased to reduce evasion.

Also, when determining the amount of fines, the cost of the investigation must be taken into account, that is, the costs incurred by the state during the investigation of a case or crime. In addition, if the environment that is polluted and/or damaged by crime requires restoration efforts to carry out environmental protection activities, funds are needed for such restoration efforts. The above explanation shows the need to change the regulation on fines for companies that commit crimes against the environment to eliminate the ineffectiveness of imposing such fines. One of the ideas that emerged from this punishment was about the weight of the punishment. The criminal punishment system is a doubling system that does not determine the nominal amount of the fine for each item that aggravates the criminal threat. In this pattern, the amount of fines that must be paid by the

perpetrator must be greater than the seriousness of the crime committed, as predicted by the theory of deterrence theory.¹²

In addition, there must be a regulation in which the amount of fines paid to the offending country is directly spent on environmental protection. If there is no regulation in this case, the model of increasing the severity of criminal penalties through the multiplication system is not related to environmental protection.

b. Arrangements for the Implementation of Criminal Fines

Penalties in environmental laws and regulations require law enforcement arrangements to ensure that violators continue to carry out their environmental protection activities, even if it is not possible to pay criminal fines to the perpetrators of these crimes. In this regard, according to Article 30 of the Criminal Code, the UUPPLH has not regulated regulations related to the implementation of fines that have not been paid by the convict, so that the general provisions for imposing a prison sentence in the event of non-payment of fines apply. The prison sentence is reduced if it does not exceed 6 (six) months. This provision makes the imposition of fines ineffective. Environmental crimes, which are one of the economic crimes, are carried out to increase profits. This means that the threat of fines is designed to prevent criminals from profiting from environmental crimes committed and to prevent criminals from committing them.

The existence of this alternative prison sentence is the reason why convicts who commit fishing crimes for economic reasons prefer alternative prison sentences of no more than 6 (six) months, and do not pay fines. from the fishing violations he committed. that. The above description shows that the UUPPLH needs to contain specifically rules on the imposition of sanctions in the context of the implementation of protection-based management and environmental protection.

Law no. Article 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes. Article 8. If the convict's property is insufficient to pay the fine specified in articles 3, 4, and 5, the fine shall be replaced with imprisonment. 1 (one) year and 4 (four) months. Article 9 (1) In the event that the Corporation is unable to pay the fine as intended in Article 7 paragraph (1), the fine shall be replaced by the confiscation of the Corporation's property or the Corporation's supervisory personnel. under punishment. (2) In the event that the proceeds from the sale of the Corporation's confiscated goods as

¹² Mahrus Ali, Pola Pemberatan Ancaman Pidana Berbasis Konservasi Lingkungan Hidup: Kajian atas Undang-Undang di Bidang Lingkungan Hidup dikutip dari website: aifisdigilib.org/uploads/1/3/4/6/76

intended in paragraph (1) are insufficient, the Corporation's inspecting officer shall be sentenced to imprisonment in lieu of a fine, taking into account the fine that has been paid previously.

c. Sanctions for Remedial Actions Due to Imperative Crimes

Criminal law not only imposes punishment but also sometimes uses actions to achieve its goals. Actions are also punishments, but there is no punishment. The purpose of this action is to ensure public safety against people who are considered more or less dangerous and who are afraid of committing crimes.¹³ The punishment for an act is "what punishment will be given?" Because it departs from the basic idea that the criminalization of acts is more predictive of the perpetrators. The focus of operational sanctions is on helping perpetrators change.¹⁴ Acts are different from criminalization because the purpose of an act is social, while punishment is aimed at punishment that will be applied to the crime committed.

In addition, the criminalization of acts starts from the basic idea of protecting society, educating and caring for its creators. Therefore, the criminalization of acts is educational. In environmental law, there is confusion in distinguishing the types of crimes, namely acts that are included in additional crimes. In Indonesia, in addition to its development, punishment is a social act, so it is not a punishment, and at first it was only used in Java and Madura. Additional crimes cannot be imposed separately, they are imposed together with the principal crime and are different from the principal penalty. In addition, considering the concept of aggravating criminal acts aimed at environmental protection, it is "confiscation of profits from criminal activities", "total or partial closure of companies and places of activity", "environmental protection and management as additional punishments. Increased criminality, "negligence" and/or "corporate trust". Qualitatively, this type of sanction is heavier than imprisonment, detention or fines. For example, a fine of 5 billion that must be issued in the case of punishment that requires the elimination of all consequences of the crime because it is proven to have caused serious environmental damage.

Therefore, it can be concluded that it is appropriate to consider the criminal action regulated in the environmental law as a criminal act only, not to regulate it as an additional crime. The main penalty, in this case a fine. One of the regulated actions in environmental

¹³ Roeslan Saleh, *Stelsel Pidana di Indonesia*, Cetakan Kelima (Jakarta: Aksara Baru, 1987), hlm. 47

¹⁴ Sholehuddin, *Sistem Sanksi Dalam Hukum Pidana*, Edisi Pertama, (Jakarta: Rajagrafindo Persada, 2004), hlm. 17

crime is the increase in criminal offenses. In this regard, a number of environmental protection laws allow judges to take direct action against perpetrators, such as imposing an obligation to repair damage caused by crime. Deeds can become law-abiding citizens by realizing their mistakes and improving themselves.

A criminal convicted of restoring an environment that has been polluted or damaged by his actions can learn firsthand the difficulty of restoring the environment to its pre-crime state. action. repeating the same error. For example, people who commit the crime of polluting river water are punished by returning it to the state before the pollution occurred, because they know that river water is difficult to recover. In addition, perpetrators can see firsthand the damage to the river aquatic ecosystem, such as the death of many fish in the river which can be a source of income for river residents.¹⁵

As a result, the perpetrator realizes how far and serious the consequences of his crime are, where in the end he regrets his actions and tries to improve himself so that he does not repeat it again. In the UUUPPLH, remedial actions (rehabilitation of environmental conditions) are optional for criminal acts. These voluntary sanctions can hinder the implementation of environmental protection activities. This is because the penalty of compensation is not always imposed on those who commit environmental crimes, but the penalty of compensation is a form of punishment that must be used mainly. activities that are directly aimed at restoring and (or) restoring the environment to its original state. before crime to protect the environment. Therefore, to implement a criminal pattern based on environmental protection against companies that commit environmental crimes, it is necessary to carry out corrective punishment for these crimes.

CONCLUSION

In this section , conclusions and suggestions will be presented regarding criminal law enforcement against corporations that do not carry out EIA and cause environmental crimes, which include the following:

1. Environmental Impact Analysis (EIA) was first introduced in 2019 by the National Environmental Policy Act in the United States. According to Law No. 32/2009 concerning Environmental Protection and Management and Government Regulation No. 27/1999 concerning Environmental Impact Analysis. Since then, there have been more

¹⁵ Hanafi Amrani, Dkk, Urgensi Pertanggungjawaban Pidana Korporasi Sebagai Pelaku Tindak Pidana Lingkungan Hidup Dan Pola Pemidanaannya, Laporan Penelitian Kolaborasifakultas Hukum Universitas Islam Indonesia, Yogyakarta, 2017

and more other laws and regulations regarding AMDAL, one of which is classified as very important to determine the form of environmental assessment that will be carried out is the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number: P.38/MENLHK/ SETJEN/KUM.1/7/2019 concerning Business Plans and/or Activities that Must Have an Environmental Impact Analysis. The position of the EIA in environmental management is very important and strategic because it is an instrument for the prevention of environmental pollution that determines the quality of the environment through document testing mechanisms such as the EIA and UKL-UPL. The implementation of AMDAL is also a system that maintains the stability of the company's objectives by maintaining and maintaining the environment.

2. The pattern of criminalization against corporations that do not carry out AMDAL so that environmental crimes in the PPLH Law still has several weaknesses so that it is one of the factors that law enforcement is ineffective, which can be seen from the number of corporations that commit environmental crimes. This fact gives rise to several ideas related to the appropriate criminal pattern to be applied to corporations that do not carry out the EIA so that it causes environmental crimes, namely the regulation of provisions related to criminal patterns based on environmental conservation which includes the imposition of criminal fines, the regulation of the implementation of criminal fines, and sanctions for corrective actions due to criminal acts. The criminal penalty that should be used is a multiplication system by not formulating the nominal amount of the fine in the formulation of each article that has a criminal threat. The penalty of fines regulated in the PPLH Law requires a special implementing rule so that the general rules in the Criminal Code do not apply which are too low in order to achieve environmental protection and management based on environmental conservation. The sanctions for actions regulated in the PPLH Law should not be regulated as additional crimes, but stand alone as sanctions for actions so that their application does not have to be cumulative with the main penalty. In addition, remedial sanctions due to criminal acts imposed on corporations should be imperative for the realization of an ideal criminal pattern.

The suggestions or recommendations that the author can convey are:

1. Regulation of the issuance of AMDAL documents should not provide a legal loophole for mining entrepreneurs to take the maximum amount of money without paying attention to the urgency of environmental sustainability.

2. The improvement of criminal patterns and criminal sanctions in the Environmental Management Law which has the values of legal certainty and the values of justice upheld by all parties.

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