

Corporate Criminal Responsibility in Land Grabbing Crime

Frans Reumi¹, Agus Iskandar PP², Mawarni Fatma³

Universitas Cenderawasih Papua, Indonesia¹, Universitas Terbuka, Indonesia², Universitas Gajah Putih Takengon Aceh Tengah, Indonesia³

Received: June 22, 2025

Revised: July 27, 2025

Accepted: August 02, 2025

Published: August 20, 2025

Corresponding Author:

Author Name : Frans Reumi

Email :

fransreumi@yahoo.com

Abstract: *Land grabbing by corporate entities is a form of structural crime that has a wide impact on land rights, the environment, and social justice in Indonesia. This practice is carried out through various manipulative mechanisms such as falsification of documents, power co-optation, and legal-formal but socially illegitimate land tenure. Unfortunately, the national criminal law framework has not been fully able to reach the complexity of these corporate crimes. This study aims to analyze corporate criminal liability in agrarian crimes with a normative juridical approach through a study of the Criminal Code, UUPA, and PPLH Law. The theory of corporate criminal liability and the concept of piercing the corporate veil are used to connect structural errors in the corporate body with criminal offenses that occur. The results of the study show that there are normative gaps and weaknesses in law enforcement, especially in making corporations the subject of crime effectively. Therefore, it is necessary to integrate criminal, agrarian, and environmental law, as well as the establishment of special criminal norms that are *lex specialis* in agrarian law. The novelty of this research lies in the offer of reconstruction of corporate criminal law enforcement based on substantive justice. This reform is expected to be able to encourage agrarian sovereignty and the protection of people's constitutional rights*

Keywords: *Agria; Corporation; Land-Grabbing*

INTRODUCTION

The phenomenon of *land grabbing* or land grabbing carried out by corporate entities has become a structural issue in the agrarian and criminal law system in Indonesia. Corporations, with economic power and access to power, are often the dominant actors in large-scale land takeovers, whether through license manipulation, document forgery, or government officials' co-optation. This practice not only violates the land rights of indigenous peoples and smallholders, but also creates structural inequalities in the distribution of natural



Creative Commons Attribution-ShareAlike 4.0 International License:

<https://creativecommons.org/licenses/by-sa/4.0/>

resources.¹ Unfortunately, the criminal law response to this kind of practice still seems weak and does not touch the root of the perpetrator, namely the corporate entity as the main perpetrator.

Normatively, Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) has emphasized that land has a social function and should not be used as a mere commodity by a handful of groups, including corporations. However, in practice, many corporations ignore this principle by conducting massive land ownership through legal-formal schemes, but not socially or morally legitimate. The inconsistency between the principles of the UUPA and its implementation shows that there is a vacuum in criminal control over the abuse of authority and power by corporate entities.

In the context of criminal law, Articles 55 and 56 of the Criminal Code (KUHP) open the space to ensnare parties who participate in or assist in the occurrence of criminal acts, including corporate crimes. Article 55 states that those who commit, order to commit, or participate in committing criminal acts can be convicted as perpetrators. Meanwhile, Article 56 targets parties who deliberately provide assistance or encouragement in the implementation of criminal acts. Thus, corporate administrators who actively strategize or make decisions in land grabbing may be subject to criminal liability, either individually or as a representative of the legal entity they represent.²

Although the Criminal Code has not explicitly regulated corporate criminal liability as an independent legal subject, the development of jurisprudence and several sectoral laws such as Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) have recognized the existence of corporations as perpetrators of criminal acts. In Article 116 paragraph (1) of the PPLH Law, it is explained that if environmental crimes are committed by business entities, criminal charges can be filed against the business entity itself and/or its management. This provision is an important precedent in the development of *the doctrine of corporate criminal liability* in the Indonesian legal system.³

The application of a criminal approach to environmental crimes such as land grabbing is becoming increasingly important because of its impact not only on the loss of land rights, but also on environmental degradation. Agrarian crimes committed by corporations are often accompanied by deforestation, water pollution, and significant ecological degradation.⁴ Thus, the PPLH Law can be used as an additional legal

¹ Sepei, A. R., & Yuwafi, R. (2023). *Tanggung Jawab Pidana Korporasi Dalam Kejahatan Lingkungan Tentang Pencemaran Udara Akibat Kebakaran Hutan: Analisis Perspektif Hukum Internasional* (Doctoral dissertation, Sekolah Tinggi Ilmu Hukum IBLAM).

² Dam-de Jong, D. (2019). Ignorantia facti excusat?: The viability of due diligence as a model to establish international criminal accountability for corporate actors purchasing natural resources from conflict zones. In *Accountability, International Business Operations and the Law* (pp. 126-144). Routledge.

³ Widyaningrum, T., Khoirunnisa, K., & Jubaidi, D. (2024). Corporate Criminal Liability: An Analysis of Corporate Crime Perpetrators under Positive Law in Indonesia. *JCH (Jurnal Cendekia Hukum)*, 9(2), 146-157.

⁴ Constantin, C., Luminița, C., & Vasile, A. J. (2017). Land grabbing: A review of extent and possible consequences in Romania. *Land use policy*, 62, 143-150.



basis to ensnare corporations not only for violations of people's agrarian rights, but also for environmental damage that occurs due to illegal or unsustainable land expansion.

Weaknesses in law enforcement against *land grabbing crimes* are also caused by legal approaches that tend to be sectoral and administrative.⁵ Many cases of land grabbing are resolved through administrative or civil mediation, without considering criminal elements such as falsification of documents, fraud, intimidation of citizens, or legal land grabbing.⁶ In fact, the crime has met the elements of the crime as regulated in the Criminal Code. Therefore, the substantive criminal law approach needs to be strengthened in order to provide a deterrent effect for corporations that violate the law.

Furthermore, the enforcement of corporate criminal liability in *land grabbing cases* requires a reinterpretation of the role of law enforcement officials, especially the prosecutor's office and the police, to focus not only on the individual as the perpetrator, but also on the structure and decision-making system within the corporate body. The principle *of piercing the corporate veil* can be used to penetrate legal protections that usually limit corporate liability to formal legal entities. With this approach, criminal acts committed on behalf of the company can be traced to decision-making actors and corporate systems that support the occurrence of criminal acts.⁷

Finally, the importance of integration between the UUPA, the PPLH Law, and criminal law in handling land grabbing cases emphasizes the need for legislative reform that comprehensively regulates corporate criminal liability.⁸ These reforms should be directed at the establishment of special criminal law norms in the agrarian sector that can respond to modern challenges, including the complexity of corporate crime. Without a firm and comprehensive legal framework, the practice *of land grabbing* will continue to be a structural wound that undermines social justice, people's sovereignty over land, and environmental protection.

METHOD

This study uses a normative juridical method, which focuses on literature studies to analyze positive legal norms and legal doctrines related to corporate criminal liability in *land grabbing*. The approach used includes a legislative approach, which includes a review of the provisions of Articles 55 and 56 of the

⁵ Junaedi, A. M., & Setyadi, Y. (2025). ANALISIS POTENSI PELANGGARAN HAM DALAM KASUS PENYELUNDUPAN KAYU (ILLEGAL LOGGING): PERSPEKTIF POLITIK HUKUM DAN IMPLIKASINYA TERHADAP KEBERLANJUTAN LINGKUNGAN. *JOURNAL OF LAW AND NATION*, 4(1), 101-110.

⁶ Apdoni, T., Simbala, Y., & Umbas, R. R. (2025). Kajian Hukum Terhadap Penyerobotan Tanah Menurut Hukum Pidana. *LEX PRIVATUM*, 16(1).

⁷ Novilia, V., & Yusuf, H. (2024). Efektivitas Sanksi Hukum Dalam Penanggulangan Tindak Pidana Ekonomi Khusus: Perspektif Hukuman Ekonomi Terhadap Pelaku Kejahatan Korporasi. *Jurnal Intelek Insan Cendikia*, 1(9), 5364-5378.

⁸ Abidin, M. A. (2024). Kebijakan hukum pidana terkait penjatuan hukuman dalam kejahatan lingkungan hidup. *Jurnal hukum dan kebijakan publik*, 6(3).



Criminal Code related to participation and assistance in criminal acts, as well as Articles 116 and 119 of the PPLH Law which regulate the liability of legal entities for environmental crimes. In addition, a conceptual approach is also used, to examine the theory of *corporate criminal liability*, *piercing the corporate veil*, and the principle of land social function in the UUPA as a basis for criticism of land tenure practices by corporations that violate the principles of agrarian justice.

Normative research aims to examine and understand how the law should apply (*das sollen*), not how the law is practiced in empirical reality (*das sein*), so that the entire analysis process relies on primary and secondary legal materials that are textual and conceptual.⁹

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues.¹⁰ According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system adopted.¹¹ Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.¹²

The data sources consist of primary legal materials (laws, jurisprudence), secondary (scientific literature, legal journals), and tertiary (legal dictionaries, encyclopedias). All materials are analyzed qualitatively to interpret and construct a normative framework that can reach corporate crime in the agrarian sector. The novelty of this research lies in the integration between criminal law, environmental law, and agrarian law to build the concept of corporate criminality in *land grabbing* as a collective and structured crime. This research is expected to be able to encourage more progressive legal reform, by making criminal law a strategic instrument in tackling land grabbing by large-scale economic actors.

DISCUSSION

1. Legal Construction of Corporate Criminal Liability in the National Legal System

Corporate criminal liability is an increasingly central element in the discourse on national criminal law reform. Indonesia's criminal law tradition inherited from the *Wetboek van Strafrecht voor Nederlandsch-Indië*, which is now the Criminal Code, has historically ignored corporations as the subject of criminal law. However, with the increasing number of crimes committed through legal entity instruments, especially in the form of economic crimes and transnational organized crime, the recognition of corporations as

⁹ Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

¹¹ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

¹² Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.



perpetrators of criminal acts has become a legal necessity that cannot be delayed. The existence of Supreme Court Regulation (PERMA) No. 13 of 2016 concerning Procedures for Handling Criminal Acts by Corporations and provisions in sectoral laws such as the Anti-Corruption Law, the Environmental Protection Law, and the Money Laundering Law strengthen the position of corporations as the subject of criminal law in practice.¹³

Normatively, Articles 55 and 56 of the Criminal Code are important entrances to build legal arguments about corporate criminal liability.¹⁴ Although the article explicitly mentions only individuals, legal doctrine has evolved to accommodate functional actors in organizational structures, especially by using the functional perpetrator approach. In this perspective, individuals in managerial structures or decision-makers who give orders, policies, or intentional omissions that lead to criminal acts, can be held criminally liable. This approach shifts the paradigm from personal actors to structural actors, so that it can dismantle the collective responsibility that is systemically organized in the corporate body.¹⁵

Theoretically, the theory of identification and aggregation in the doctrine of corporate criminal liability are the two dominant approaches used to link individual fault with corporate responsibility. Identification theory assumes that the actions and intentions of certain individuals representing a corporation (usually at the executive level) can be attributed directly to a legal entity. Meanwhile, aggregation theory gathers the knowledge, intentions, and deeds of several individuals in a corporation to form a corporate mens rea.¹⁶ Both theories have been used in the Anglo-Saxon legal system and are now helping to inspire national criminal law reform in response to the challenge of corporate crime that can no longer be explained through classical doctrine alone.

Furthermore, the application of the principle of piercing the corporate veil is crucial in dismantling hidden responsibilities that are often disguised through the legal structure of the corporation. This principle allows judges to penetrate the status of an autonomous legal entity and attribute criminal liability to the individuals who actually control the criminal actions of the corporation. In the context of Indonesian law, although it has not been explicitly regulated in the Criminal Code, this principle has been recognized in a number of judicial decisions, especially in cases of environmental crimes and corruption crimes committed by business entities through special purpose vehicle schemes or subsidiaries.

On the other hand, dogmatic stagnation in the criminalization of corporations reflects the weak theoretical and operational framework in Indonesian criminal law. Criminalization of legal entities requires an

¹³ Joko, D. J. S., & SH, M. (2021). *Perkembangan pertanggungjawaban pidana korporasi dalam sistem hukum pidana di Indonesia*. Kepel Press.

¹⁴ Silaban, R. (2022). *Rekonstruksi Regulasi Pertanggungjawaban Pidana Korporasi Sebagai Pelaku Tindak Pidana Lingkungan Hidup Berbasis Nilai Keadilan* (Doctoral dissertation, UNIVERSITAS ISLAM SULTAN AGUNG).

¹⁵ Yang, B., & He, J. (2021). Global land grabbing: A critical review of case studies across the world. *Land*, 10(3), 324.

¹⁶ Yusni, M., & Sigalingging, B. (2024). Pertanggungjawaban Pidana Korporasi Dalam Rangka Untuk Deterrence Effect Dan Effective Deterrence. *Iuris Studia: Jurnal Kajian Hukum*, 5(2), 425-437.



approach that not only focuses on the elements of guilt (*culpa*) and deeds (*actus reus*), but also on internal control mechanisms, compliance programs, and tone at the top in the corporation.¹⁷ Therefore, the establishment of a progressive corporate criminal liability model must integrate the principles of corporate governance, so that there is a balance between prevention, prosecution, and rehabilitation of corporate entities that violate the law.

This discussion also cannot be separated from the context of modern criminal law which carries principles such as deterrence, retributive justice, and restorative justice. In the corporate context, imprisonment is not a relevant sanction, so the approach to punishment must be adjusted through sanctions such as corporate fines, license freezes, restitution to victims, and publication of verdicts in the public interest. This approach is in line with the principle of economic analysis of law which looks at the effectiveness of the law in terms of behavior and economic incentives.

Thus, the construction of corporate criminal liability law in the national legal system requires a new paradigm that is multidimensional, namely a combination of the principles of legality, modern accountability theory, institutional approaches, and progressive judicial practices. The goal is to build a criminal law system that is not only repressive against corporations as criminals, but also preventive in creating business governance with integrity and accountability. Therefore, strengthening the principle of corporate criminal responsibility is not solely a doctrinal discourse, but a necessary legal foundation to tackle complex collective crimes in the current era of economic and technological globalization.

2. Normative Analysis of the Crime of Land Grabbing as a Crime by Corporations

Land grabbing in practice is not merely a civil or administrative unlawful act, but has morphed into a form of structural crime that has a wide impact on citizens' constitutional rights, especially the right to land and decent living space. When this practice is carried out systematically by a legal entity, then a normative approach must be directed to see it as a corporate crime. In the perspective of modern criminal law, the subject of law is no longer limited to individual human beings, but extends to legal entities or corporations as entities that can be subject to criminal sanctions. This is in line with the doctrine of strict liability and vicarious liability, where a corporation can be punished even if the act is committed by its management or workers, as long as it can be proven that the act was carried out within the scope of authority and for the benefit of the corporation.¹⁸

Land grabbing practices involving corporations often include falsification of land documents, abuse of licensing procedures, and in many cases structural violence, either directly through private security forces,

¹⁷ ANDIONO, A. (2025). *PENERAPAN HUKUM PIDANA TERHADAP KORPORASI DALAM KASUS PENCUCIAN UANG* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

¹⁸ Bayangkara, B. A., Tehupeior, A., & Napitupulu, D. R. (2024). Analisis Yuridis Perlindungan Hukum Bagi Masyarakat Di Perumahan Forest Hill (Pihak Ketiga) Atas Perampasan Asset Tanah Oleh Negara Perkara Tindak Pidana Korupsi PT. ASABRI. *Action Research Literate*, 8(5), 1-5.



or indirectly through the co-operation of state regulations and institutions.¹⁹ In normative studies, all of these actions can meet the elements of delicacy as stipulated in the Criminal Code, such as Article 263 concerning forgery of letters, Article 378 concerning fraud, and Article 421 concerning abuse of power by officials. However, the important point is the proof of the organizational structure and the active role of management in the process of confiscation, as stipulated in PERMA Number 13 of 2016.

Within the framework of agrarian law, Law Number 5 of 1960 (UUPA) emphasizes that every right to land is limited by a social function, namely that land use must pay attention to the interests of the community, the environment, and the state. Thus, corporate actions that seize people's land and convert it into large-scale plantation land, industrial estates, or strategic projects without the involvement and consent of indigenous peoples and farmers have violated the fundamental principles of the UUPA. Normatively, violations of the social function of land not only eliminate material property rights, but also create structural inequality conditions that violate the constitutional rights of citizens.

Furthermore, Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) provides an additional legal basis to assess the criminal aspects of land grabbing by corporations. In an ecocriminology perspective, large-scale land grabbing that impacts ecosystem degradation, deforestation, and the eviction of local communities can be qualified as organized environmental crimes. Articles 98 to 103 of the PPLH Law explicitly regulate corporate criminal liability in cases of pollution and/or environmental destruction, including the imposition of additional penalties in the form of restoration of environmental functions and revocation of business licenses. The principles of ecological prudence (precautionary principle) and the principle of intergenerational equity in this law further strengthen the basis for law enforcement officials to see agrarian crimes as part of a broader ecological crime.²⁰

Theoretically, land grabbing by corporations can be understood in the framework of critical legal studies that see the law as not neutral, but vulnerable to being used as a tool for power and economic legitimization. Through this theory, the relationship between the state, corporations, and civil society in agrarian conflicts can be mapped as a hegemonic structure, in which corporations take advantage of legal-formalities and regulatory loopholes to strengthen control over agrarian resources. Therefore, the reading of positive law must be emancipatory in nature, namely placing the protection of the community as the main goal of agrarian criminal law.

As an important note, the criminalization of corporations that perpetrate agrarian crimes is not only a matter of imposing fines or dissolution of corporations, but must also lead to the restoration of community rights and the restoration of ecological damage. Therefore, a normative approach to analyzing land grabbing must be integrated with an interdisciplinary approach, which integrates criminal law, agrarian law, environmental

¹⁹ Sukananda, S. (2021). Analisis Hukum Bentuk Penanggulangan Tindak Pidana Penyerobotan Tanah di Indonesia. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 2(3), 160-169.

²⁰ Arba'Satryadin, M. (2024). ANALISIS YURIDIS PERTANGGUNGJAWABAN PIDANA MAFIA TANAH: STUDI KASUS PUTUSAN PN TANJUNGPINANG NOMOR 144/Pid. B/2022/PN TPG. *UIR Law Review*, 8(2), 121-140.



law, and human rights. This is important so that the law enforcement process does not stop at formal proof, but also produces substantive justice for the land grabbing victims.

Thus, the crime of land grabbing by corporations is a form of multidimensional crime that can be qualified as a corporate crime based on positive Indonesian law. Normative studies of legal instruments such as the UUPA and the PPLH Law show that there is an adequate legal basis to criminally ensnare corporations, especially if the law enforcement is carried out with a progressive approach oriented towards social and ecological justice. Future legal reform efforts must be directed at strengthening agrarian criminal norms and establishing a specific agrarian criminal law regime in response to the increasingly massive practice of land grabbing within the framework of extractive capitalism.

3. Reconstruction of the Criminal Law Enforcement Model against Corporations in Agrarian Crimes

Agrarian crime by corporations is a form of crime that has the characteristics of structural crime, namely crimes that are committed in an organized manner through formal legal mechanisms, but have a major impact on land rights, the environment, and the survival of the community. In Indonesia, this phenomenon appears in various forms, such as large-scale land tenure without public consultation or consent, manipulation of land concession permits, and intimidation of indigenous or local people. In this case, corporations not only act as direct actors, but also as entities that formulate systematic strategies and policies to control agrarian resources for economic gain. However, Indonesia's criminal law has not been fully able to reach these crimes effectively, because it focuses more on individual perpetrators, not corporations as criminally responsible legal subjects.

The reconstruction of the criminal law enforcement model against corporations in agrarian crime requires a new approach that departs from the limitations of the positivistic paradigm in conventional criminal law. Theoretically, the concept of corporate criminal liability has been known in the Indonesian legal system since the recognition of corporations as the subject of criminal acts in various sectoral laws, such as the Environment Law (Law No. 32 of 2009), the Corruption Law, and the Consumer Protection Law. However, there is no regulation that explicitly regulates corporate criminal liability in agrarian crimes. This shows the existence of a *lacuna iuris* or legal vacuum that has an impact on the weak reach of criminal law against corporate structures that carry out land grabbing. Therefore, a reconstruction based on the harmonization of criminal law with agrarian law and environmental law is needed, to form a law enforcement model that is not only repressive, but also corrective and restorative.²¹

One of the crucial aspects of this reconstruction is the establishment of special criminal norms in agrarian law, which is *lex specialis*.²² Agrarian law in Indonesia, which is based on the 1960 UUPA, has not provided an adequate criminal framework, because it emphasizes more on the aspect of regulating land

²¹ Salsabila, D. (2020). Rekonstruksi problematika pertanggungjawaban pidana korupsi korporasi: Kajian normatif kedudukan hukum diametral badan usaha milik negara. *Majalah Hukum Nasional*, 50(1), 19-43.

²² Sukardi, S. (2022). Reconstruction of financial crime investigation methods in law enforcement in the era of the industrial revolution 4.0. *Unnes Law Journal*, 8(1), 133-158.



administration. In fact, in the context of agrarian crimes, there is a collective mens rea element in the organizational structure of corporations that compile systemic land grabbing schemes. Therefore, it is necessary to formulate agrarian criminal offenses that include actions such as falsification of concession maps, destruction of customary boundaries, and the unlawful use of security forces to support corporate interests. The concept of strict liability or vicarious liability can be applied, considering the complexity of relationships in corporations often makes it difficult to prove individual intentions.

Institutionally, the corporate criminal law enforcement model in agrarian crimes also demands strengthening the capacity and integrity of law enforcement agencies. Many cases of land grabbing stop at the level of administrative mediation or civil lawsuits that do not touch the root of the crime. Law enforcement officials tend to position agrarian conflicts as a matter of rights dispute, not as a form of public crime. Such an approach shows the absence of a criminal perspective on gross violations of agrarian rights. Therefore, it is necessary to apply a criminal law enforcement model that is prosecutorial-led investigation, where prosecutors play an active role in developing enforcement strategies from the investigation stage, especially for corporate crimes that are complex in nature and require a systemic reading of the organizational structure of the perpetrators.

Furthermore, the reconstruction of this model must also contain the principle of systemic deterrent effect, not just symbolic sanctions. This can be achieved through the imposition of additional penalties against corporations, such as business freezes, revocation of permits, or ecological fines aimed at restoring land and environmental damage. In the environmental criminal law literature, this approach has developed through the polluter pays principle, which can be adopted into the agrarian context. If a corporation is proven to have committed agrarian crimes, then in addition to imprisonment for its management, structural sanctions against corporate entities must be carried out to prevent institutional recidivism that is, the repetition of crimes by the same company in different forms.

As an international comparator, countries such as Brazil have developed a more progressive approach to tackling agrarian crimes, particularly through the recognition of the collective rights of indigenous peoples and criminal mechanisms against agribusiness corporate entities. This model shows the importance of reformulation of criminal legislation that is able to reach the dynamics of power relations between corporations and society, especially in the legal systems of developing countries that are often weak in the protection of land rights. Indonesia can learn from this approach to build an agrarian legal system that is not only based on formal legality, but also social justice-oriented.

Finally, the reconstruction of the criminal law enforcement model for agrarian crimes by corporations is not only about the formulation of crimes and sanctions, but also about a shift in the legal paradigm towards substantive justice. The new agrarian criminal law must be a tool to dismantle exploitative relations, strengthen the position of local communities, and ensure equitable redistribution of justice. By combining the strength of substantive criminal law, the principle of agrarian prudence, and institutional reform, the law enforcement system can become a transformative instrument in dealing with corporate crime and realizing agrarian sovereignty in Indonesia.

CONCLUSIONS



Creative Commons Attribution-ShareAlike 4.0 International License:

<https://creativecommons.org/licenses/by-sa/4.0/>

The overall study shows that the legal construction of corporate criminal liability in the national legal system has undergone significant developments in line with the recognition of corporations as the subject of criminal law. Although the Criminal Code of colonial heritage has not explicitly accommodated legal actors, judicial doctrine and practice have opened up space for a functional approach to ensnare policymakers within corporate structures. The theory of identification and aggregation provides a theoretical foundation for linking individual wrongdoing to corporate entities, thereby expanding the scope of legal liability. In the context of agrarian crimes, the practice of land grabbing by corporations has been shown to involve abuse of authority, falsification of documents, and the co-optation of state institutions, all of which can qualify as criminal acts. The use of legal instruments such as the UUPA and the PPLH Law emphasizes that agrarian crimes are not only administrative problems, but structural crimes that violate constitutional rights and damage the ecosystem. Therefore, this normative approach to crime must involve the integration of criminal law, environmental law, and human rights. The reconstruction of the criminal law enforcement model against corporations is urgent to answer the stagnation of the positivistic paradigm in dealing with corporate collective crime. The establishment of *lex specialis* norms in agrarian law is needed to comprehensively regulate corporate criminal offenses. Law enforcement must be strengthened through a transformative approach to prosecutorial-led investigations and ecological sanctions. Indonesia needs to set an example of international practices that prioritize social justice in agrarian law reform. Thus, the reform of corporate criminal law in agrarian crime is a strategic path to substantive justice and sustainable agrarian sovereignty.

REFERENCES

- Abidin, M. A. (2024). Kebijakan hukum pidana terkait penjatuan hukuman dalam kejahatan lingkungan hidup. *Jurnal hukum dan kebijakan publik*, 6(3).
- ANDIONO, A. (2025). PENERAPAN HUKUM PIDANA TERHADAP KORPORASI DALAM KASUS PENCUCIAN UANG (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).
- Apdoni, T., Simbala, Y., & Umbas, R. R. (2025). Kajian Hukum Terhadap Penyerobotan Tanah Menurut Hukum Pidana. *LEX PRIVATUM*, 16(1).
- Arba'Satryadin, M. (2024). ANALISIS YURIDIS PERTANGGUNGJAWABAN PIDANA MAFIA TANAH: STUDI KASUS PUTUSAN PN TANJUNGPINANG NOMOR 144/Pid. B/2022/PN TPG. *UIR Law Review*, 8(2), 121-140.
- Bayangkara, B. A., Tehupeiory, A., & Napitupulu, D. R. (2024). Analisis Yuridis Perlindungan Hukum Bagi Masyarakat Di Perumahan Forest Hill (Pihak Ketiga) Atas Perampasan Asset Tanah Oleh Negara Perkara Tindak Pidana Korupsi PT. ASABRI. *Action Research Literate*, 8(5), 1-5.
- Constantin, C., Luminița, C., & Vasile, A. J. (2017). Land grabbing: A review of extent and possible consequences in Romania. *Land use policy*, 62, 143-150.



- Dam-de Jong, D. (2019). Ignorantia facti excusat?: The viability of due diligence as a model to establish international criminal accountability for corporate actors purchasing natural resources from conflict zones. In *Accountability, International Business Operations and the Law* (pp. 126-144). Routledge.
- Joko, D. J. S., & SH, M. (2021). *Perkembangan pertanggungjawaban pidana korporasi dalam sistem hukum pidana di Indonesia*. Kepel Press.
- Junaedi, A. M., & Setyadi, Y. (2025). ANALISIS POTENSI PELANGGARAN HAM DALAM KASUS PENYELUNDUPAN KAYU (ILLEGAL LOGGING): PERSPEKTIF POLITIK HUKUM DAN IMPLIKASINYA TERHADAP KEBERLANJUTAN LINGKUNGAN. *JOURNAL OF LAW AND NATION*, 4(1), 101-110.
- Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).
- Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).
- Novilia, V., & Yusuf, H. (2024). Efektivitas Sanksi Hukum Dalam Penanggulangan Tindak Pidana Ekonomi Khusus: Perspektif Hukum Ekonomi Terhadap Pelaku Kejahatan Korporasi. *Jurnal Intelek Insan Cendikia*, 1(9), 5364-5378.
- Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).
- Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.
- Salsabila, D. (2020). Rekonstruksi problematika pertanggungjawaban pidana korupsi korporasi: Kajian normatif kedudukan hukum diametral badan usaha milik negara. *Majalah Hukum Nasional*, 50(1), 19-43.
- Sepei, A. R., & Yuwafi, R. (2023). *Tanggung Jawab Pidana Korporasi Dalam Kejahatan Lingkungan Tentang Pencemaran Udara Akibat Kebakaran Hutan: Analisis Perspektif Hukum Internasional* (Doctoral dissertation, Sekolah Tinggi Ilmu Hukum IBLAM).
- Silaban, R. (2022). *Rekonstruksi Regulasi Pertanggungjawaban Pidana Korporasi Sebagai Pelaku Tindak Pidana Lingkungan Hidup Berbasis Nilai Keadilan* (Doctoral dissertation, UNIVERSITAS ISLAM SULTAN AGUNG).
- Sukananda, S. (2021). Analisis Hukum Bentuk Penanggulangan Tindak Pidana Penyerobotan Tanah di Indonesia. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 2(3), 160-169.



Sukardi, S. (2022). Reconstruction of financial crime investigation methods in law enforcement in the era of the industrial revolution 4.0. *Unnes Law Journal*, 8(1), 133-158.

Widyaningrum, T., Khoirunnisa, K., & Jubaidi, D. (2024). Corporate Criminal Liability: An Analysis of Corporate Crime Perpetrators under Positive Law in Indonesia. *JCH (Jurnal Cendekia Hukum)*, 9(2), 146-157.

Yang, B., & He, J. (2021). Global land grabbing: A critical review of case studies across the world. *Land*, 10(3), 324.

Yusni, M., & Sigalingging, B. (2024). Pertanggungjawaban Pidana Korporasi Dalam Rangka Untuk Deterrence Effect Dan Effective Deterrence. *Iuris Studia: Jurnal Kajian Hukum*, 5(2), 425-437.

