

The Urgency of Environmental Criminal Law Reform in Ensnaring Corporations: A Case Study of Tin Ecological Crimes by Harvey Moeis

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Entered : April 07, 2025
Accepted : May 20, 2025

Revised : May 05, 2025
Published : May 31, 2025

ABSTRACT

This study examines the urgency of environmental criminal law reform in Indonesia in ensnaring corporations as the main perpetrators of ecological crimes, especially through a case study of tin mining involving Harvey Moeis. Although Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law) regulates the criminalization of business entities, its implementation is still limited to an individualistic approach that is difficult to reach corporate accountability structurally. The inconsistency of the PPLH Law with Law Number 40 of 2007 concerning Limited Liability Companies (PT Law) weakens the effectiveness of law enforcement, because the provisions of social and environmental responsibility in the PT Law are administrative without adequate criminal threats. The dominant vicarious liability approach still fails to accommodate the principles of strict liability and corporate mens rea, so corporations often escape serious criminal sanctions. The research uses a normative qualitative approach with the analysis of primary and secondary legal materials to understand legal constraints and prepare reform recommendations. The results affirm the need for harmonization across laws, strengthening corporate collective accountability, and applying progressive principles in penalties. These reforms are essential to realize effective ecological justice and corporate accountability for environmental crimes in a systemic and sustainable manner.

Keywords: Legal-Update; Corporation; Ecological Crime

INTRODUCTION

The current environmental criminal law instruments, especially those regulated in Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law), still leave loopholes in ensnaring corporations as the main perpetrators of ecological crimes. Although Articles 116 to 118 of the PPLH Law have provided a basis for criminalizing business entities, their implementation is still symbolic and has not reached structural accountability in corporations. When systemic environmental damage occurs as a result of corporate activities, such as in the tin mining case involving Harvey Moeis, proving corporate wrongdoing is often hampered by the doctrine of individual

responsibility that is still dominant in Indonesia's criminal justice system.¹ This causes corporations to often take refuge behind legal entities and escape substantive criminal liability.

In addition, the weakness of corporate criminalization is also influenced by the lack of integrative provisions in Law Number 40 of 2007 concerning Limited Liability Companies (PT Law), especially in the aspects of social and environmental responsibility as stipulated in Article 74. This provision is administrative in nature and has no direct correlation with the threat of criminal sanctions that can be imposed when there is a serious violation of the environment. The PT Law also does not establish a criminal accountability mechanism for directors and commissioners in the context of environmental crimes, so violations by corporations often only lead to administrative or civil sanctions. The insynchronization between the PPLH Law and the PT Law in placing corporations as entities criminally responsible for ecological crimes shows the urgency of a holistic reform of environmental criminal law, including adjusting the corporate accountability structure to be more responsive to the threat of environmental damage carried out systemically by legal entities.²

Ecological crimes committed by large corporations, such as in the tin mining case involving Harvey Moeis, are a form of *state-corporate crime* that shows the symbiosis between economic power and the negligence of state law enforcement. In this context, the massive environmental damage is not only the result of exploitative corporate practices, but also the result of weak supervision, corruption in licensing, and the inability of legal instruments to break the chain of organized crime in the natural resources sector.³ Existing environmental criminal law enforcement is not enough to dismantle corporate collective involvement because it still focuses on individual subjects or only on the formality aspect of licensing, whereas environmental crimes often occur systematically and over a long term, involving the internal structure of corporations and state actors. This strengthens the argument that corporate criminalization is not enough just to prove the actions of individual perpetrators, but must include proving the corporate governance system that gives birth to and facilitates crime.

Furthermore, the corporate criminal liability approach currently used still tends to be *vicarious liability*, where the company is only held liable if it can be proven that there is a mistake from the individual management.⁴ This approach is at odds with the development of *strict liability* and *corporate mens rea* theories, which have been widely adopted in the modern legal system to deal with corporate crimes, especially in complex and cross-sectoral environmental cases.⁵ In the case of Harvey Moeis, who is suspected of being a key actor in the distribution network and illegal tin exploitation in Bangka Belitung, not only individuals should be held accountable, but also the corporate entities

¹ Sari, D. P., Maharani, L. F., Agustin, M., & Diandra, N. I. (2025). Analisis Hubungan Antara Kasus Korupsi Harvey Moeis dan Setya Novanto serta Kaitannya dengan Hukum Tata Negara dan Undang-Undang NRI 1945. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 3(1), 112-122.

² Falah, R. A. (2024). *PERTANGGUNG JAWABAN PIDANA KORPORASI DALAM PENCEMARAN LINGKUNGAN HIDUP* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

³ Moisé, G. M. (2020). Corruption in the oil sector: A systematic review and critique of the literature. *The Extractive Industries and Society*, 7(1), 217-236.

⁴ Kartika, A. (2015). Implementasi Criminal Policy Terhadap Pertanggung Jawaban Kejahatan Korporasi. *Jurnal Ilmiah Penegakan Hukum*, 2(2), 193-209.

⁵ Suartha, I. D. M., & Ivory, J. (2024). Corporate Crime Liability: Beyond Rule Reform on Indonesia Criminal Policy. *Focus Journal Law Review*, 4(2).

that are structured behind it. Therefore, it is necessary to reform the environmental criminal law that can adopt the principles of collective and systemic accountability, including by revising the norms in the PPLH Law and harmonizing it with the PT Law, so that ecological crimes involving large corporations can be responded to in a fair, proportionate, and effective manner.

The lack of effectiveness of criminal law enforcement against corporations in environmental crime cases shows the inequality between the magnitude of the ecological impact and the weak response of law enforcement. In practice, many environmental crime cases end up in administrative sanctions or fines that amount disproportionately to the value of the ecological and economic losses incurred.⁶ This is contrary to the principle of *ultimum remedium* which should not be used as an excuse to avoid the use of criminal instruments when environmental damage has reached a systemic stage. This weak law enforcement shows the absence of courage from law enforcement institutions in cracking down on large corporations, which often have political and economic influence, so that the principle of *ecological justice* fails to be realized. In this context, it is necessary to review the effectiveness of Articles 97-120 of the PPLH Law which regulates criminal sanctions, whether it is able to reach the perpetrators of organized crime in the corporate structure.

Furthermore, the ineffectiveness of criminal law enforcement against corporations also reflects the non-optimal application of the principle of *strict liability* in the Indonesian environmental criminal law system. In fact, Article 88 of the PPLH Law explicitly adheres to the principle of *strict liability* for acts that result in pollution and/or environmental damage.⁷ However, in judicial practice, this article is rarely used as a basis for criminal prosecution and is more often used as a reference in civil lawsuits. This shows that there is still resistance from law enforcement officials in adopting a progressive criminal accountability approach to legal entities. Without the courage to apply this principle consistently, corporations will continue to view environmental violations as *a cost of doing business*, not as a serious crime. Therefore, the reform of environmental criminal law must be directed at strengthening aspects of law enforcement, both in terms of substance and institutional, to ensure that deterrent effects can be achieved and environmental protection does not become subordinate to economic interests alone.

The urgency of environmental criminal law reform in the context of making corporations the subject of criminal law must be seen as a response to the development of increasingly complex and organized modus operandi of environmental crimes. In the perspective of modern law, the existence of corporations as fictitious entities that have wealth, organizational structure, and the ability to make decisions collectively, demands the recognition of *corporate criminal liability* as an integral part of the criminal system. This is in line with the doctrine of corporate criminal liability (*corporate mens rea*), which places the responsibility not only on the individual perpetrator, but on the corporation as a legal entity that directly benefits from the unlawful act. Therefore, the reform of environmental criminal law must overhaul the criminal paradigm from an individualistic

⁶ Kusuma, D. P. R., Yanuari, F. S., & Pratama, R. I. F. (2022). Urgensi Integrasi Biaya Pemulihan Lingkungan Dalam Tindak Pidana Lingkungan Hidup Melalui Sanksi Pidana Denda. *Jurnal Hukum Lingkungan Indonesia*, 8(2), 287-309.

⁷ Roza, I. D., Ibrahim, I., & Nggeboe, F. (2017). Penerapan Asas Pertanggungjawaban Mutlak (Absolute Liability) Dalam Undang Undang Nomor 32 Tahun 2009 Terhadap Perusakan Dan Pencemaran Lingkungan Di Indonesia. *Legalitas: Jurnal Hukum*, 1(5), 132-202.

orientation to a structural approach that highlights the role of the company's internal governance system in enabling ecological crimes.

As a concrete step, the reform should explicitly regulate forms of *corporate fault*, mechanisms for proving collective responsibility, and proportionate and corrective criminal sanctions against legal entities. In comparative legal systems, such as in the Netherlands and Canada, corporate criminalization has included additional penalties such as asset freeze, dissolution of legal entities, and revocation of business licenses. Indonesia, through Law No. 32 of 2009 and Law No. 40 of 2007, still does not have an integrated normative framework between environmental criminalization and corporate structures as a whole. Without a thorough reformulation, law enforcement against environmental crimes will continue to be in inequality, as the legal system lacks reach to the main perpetrators behind the scenes of ecological damage: corporations that enjoy impunity through loopholes. Therefore, harmonization across laws and strengthening the role of law enforcement and judicial officials is inevitable in building a more responsive and progressive environmental criminal system.

METHOD

This research uses a qualitative approach with a normative design. The qualitative approach was chosen because this study aims to deeply understand the urgency of environmental criminal law reform in ensnaring corporations in ecological crime cases, especially in the tin case study involving Harvey Moeis. This approach allows researchers to explore legal realities interpretively, contextually, and critically against the applicable legal system. 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.⁸

The normative research design is used because the main focus lies in the analysis of positive legal norms, both in the form of laws and regulations, legal principles, and relevant doctrines and court decisions. 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.⁹ 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.¹⁰ 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.¹¹ The main data sources in this study consist of primary legal materials, such as Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 40 of 2007 concerning Limited Liability Companies, as well as court decisions and implementing regulations related to environmental crimes and corporate liability. In addition, secondary

⁸ Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

⁹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

¹⁰ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

¹¹ 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>.

legal materials, such as scientific literature, legal journals, and expert opinions, are also used to strengthen juridical arguments. Data analysis is carried out through systematic and argumentative interpretation methods, by placing legal problems in the context of social developments and contemporary environmental crime dynamics.

RESULTS AND DISCUSSIONS

1. The Construction of Corporate Criminal Liability in Ecological Crime

In Indonesia's criminal law system, corporations are now recognized as legal subjects who can be held criminally accountable, including in cases of ecological crimes. This is reflected in Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH Law), which explicitly states that the subject of criminal law is not only limited to individuals, but also business entities. On the other hand, Law No. 40 of 2007 concerning Limited Liability Companies requires corporations to carry out social and environmental responsibility (CSR), especially for entities engaged in the field of natural resources.¹² This provision strengthens the position of the corporation as an entity that has not only rights, but also legal obligations over the social and ecological impacts of its operations. In the perspective of modern criminal law, the recognition of corporations as legal subjects of criminal liability is a form of legal development that adjusts to the complexity of contemporary crimes, which is mostly carried out within the framework of institutional structures.¹³

To establish the basis for corporate criminal liability, the doctrine of criminal law recognizes several important theories. The vicarious liability theory, which developed from the common law system, states that a company is liable for the criminal acts of its subordinates if such acts are committed in the context of an employment relationship and in the interests of the company.¹⁴ This theory is adopted in various international jurisprudence and is considered relevant in the context of Indonesian law. On the other hand, the theory of strict liability, which is widely known in environmental law, eliminates the need to prove the element of error (*culpa* or *mens rea*), simply by showing that a prohibited act has been committed and caused environmental damage. This theory is in line with the precautionary principle in international environmental law, prioritizing the prevention of environmental damage despite scientific uncertainty. Meanwhile, corporate *mens rea* theory tries to construct corporate malicious intent or moral error from organizational structures, policies, and cultures that allow or allow violations to occur. This concept has the support of legal experts such as Celia Wells and Brent Fisse who believe that corporate accountability cannot be determined solely based on individual behavior, but must be seen as the result of a collective decision-making system within the company.

Although normatively there is a legal basis, the implementation of corporate criminal liability in environmental crime cases still faces various obstacles. One of the main challenges is in the aspect of proof, especially to reveal the company's structural

¹² Wibisana, W. (2018). Perspektif politik hukum dan teori hukum pembangunan terhadap tanggung jawab sosial dan lingkungan perseroan terbatas. *Jurnal Komunikasi Hukum (JKH)*, 4(1), 96-113.

¹³ Supanto, D. R., & SH, M. (2023). *Kejahatan ekonomi global dan kebijakan hukum pidana*. Penerbit Alumni.

¹⁴ Abdurrohman, R., Heridadi, H., Kantikha, I. M., & Jaeni, A. (2024). Tanggung Jawab Hukum Rumah Sakit Berdasarkan Doktrin Corporate Liability Menurut Pasal 193 Undang-Undang Nomor 17 Tahun 2023 Tentang Kesehatan. *Jurnal Cahaya Mandalika ISSN 2721-4796 (online)*, 2635-2647.

involvement in a criminal act. This is complicated by the fact that corporate structures are often designed to minimize the trail of criminal liability through the division of authority and delegation of duties. According to Barda Nawawi Arief, in the context of corporate crime, there is often a disassociation between physical perpetrators and legal entities, which makes it difficult for law enforcement to construct criminal offenses. In addition, the low technical capacity of law enforcement in the field of environmental audits and corporate investigations is also an inhibiting factor. The criminal sanctions imposed also tend to be disproportionate to ecological losses, and are more administrative or symbolic.

Therefore, the criminal law approach to ecological crime by corporations needs to be strengthened through normative reform and law enforcement capacity building. One of them is through the application of an integrative approach, which combines criminal, administrative, and civil law aspects simultaneously. In addition, there is a need for stricter regulatory reforms in determining corporate accountability indicators, as well as proof based on the principle of reversal of burden of proof in cases of environmental pollution, as practiced in several jurisdictions. By strengthening the corporate criminal law approach, it is hoped that environmental law enforcement can be more effective and provide a real deterrent effect for perpetrators of ecological crimes.

2. Juridical Analysis of the Tin Case of Harvey Moeis: A Study of Legal Loopholes in Corporate Criminalization

The tin mining case involving Harvey Moeis highlights the complexity of environmental crimes rooted in non-transparent economic and corporate structures. The illegal mining activities in the Bangka Belitung area in this case are not just an administrative violation, but a form of systemic environmental crime involving corporate actors. Harvey Moeis is suspected of playing the role of the controller of an illegal business scheme that disguises mining products without a permit to make it appear legal through the corporate supply chain.¹⁵ However, in the law enforcement process, the focus of the apparatus tends to be limited to individual actors, while corporations as legal entities are not made criminal subjects, even though their structural involvement is very significant.

Normatively, Indonesian law has recognized the concept of corporate criminal liability as stated in Law Number 32 of 2009 concerning Environmental Protection and Management. Article 116 paragraph (1) states that if an environmental crime is committed on behalf of a business entity, then those who can be held criminally liable are: (a) the business entity, and/or (b) the person who gives the order to commit a criminal act or who acts as a leader of activities in the criminal act. Thus, theoretically and juridically, corporate entities can be subject to criminal sanctions. This is reinforced by the doctrine of vicarious liability, which assumes that a corporation can be held liable for the actions of its subordinates if such actions are carried out within the scope of its work for the benefit of the company.

In addition, Supreme Court Regulation (Perma) No. 13 of 2016 provides technical guidelines on how judges, prosecutors, and investigators can process criminal acts by corporations. One of the keys to this Perma is the existence of indications of internal control and company culture that supports or allows criminal acts to occur. With these

¹⁵ Elawati, T., Putri, Z. M., Bahari, S., Suparman, Y., & Pramono, B. (2025). ANALISIS YURIDIS VONIS HAKIM TERHADAP PERKARA TINDAK PIDANAKORUPSI (Studi Kasus Putusan Perkara Nomor: 1/PID. SUS-TPK/2025/PT DKI jo Nomor: 70/Pid. Sus-TPK/2024/PN. Jkt. Pst.). *JUSTLAW: Journal Science and Theory of law*, 2(01), 56-72.

guidelines, law enforcement should be able to penetrate the formal structure of corporations and target the legal responsibilities of business entities, including in cases like Harvey Moeis who allegedly ran operations with systemic support from partner companies.¹⁶

Nevertheless, in practice, law enforcement against corporations faces various loopholes. First, sociologically, the approach to criminal law in Indonesia is still individualistic, focusing on personal accountability, so corporations are often considered only as "passive containers" that cannot "act". In fact, in the progressive legal and critical law approach as stated by Satjipto Rahardjo, law must be on the side of the substance and structure of reality, not just a formality. Second, there are difficulties in proving causality between corporate policies and criminal acts committed by individual actors, especially when corporations apply complex and non-transparent structures. Third, the absence of explicit provisions in the Criminal Code and the Criminal Code regarding technical procedures for processing corporations as defendants is also an obstacle.

This phenomenon reflects so-called regulatory capture, which is a condition in which legal and supervisory institutions become ineffective because they are too close or even controlled by industry interests. Within the framework of green criminology theory, which sees environmental crime as part of structural inequality, cases like this show that laws are often not strong enough to reach powerful economic actors who use legality as a protective shield against illegal practices.

The absence of sanctions against corporate entities in this case has the potential to create impunity that undermines ecological justice and intergenerational justice. Therefore, theoretically and normatively, it is important to develop environmental law enforcement that is not only repressive against individuals, but also proactive and systemic against corporations. This includes the application of the principle of strict liability or absolute responsibility in environmental cases, where proof of error (*mens rea*) is not required, it is sufficient to prove that environmental damage occurred as a result of the company's activities.¹⁷

In order for the legal system to be more effective, there needs to be a harmonization between norms, legal structures, and legal culture, as stated by Lawrence M. Friedman. This means that strengthening regulations alone is not enough; must be followed by reform of law enforcement institutions as well as a paradigm shift in assessing environmental crimes as structured and systematic corporate crimes.

3. The Urgency and Direction of Environmental Criminal Law Reform in Ensnaring Corporate Crime

The urgency of environmental criminal law reform in ensnaring corporate crime is becoming increasingly crucial as the frequency and impact of environmental crimes by business entities increases. In classical criminal law, the subject of criminal law is an individual, while a corporation has not been explicitly recognized as a perpetrator of a criminal act. However, along with the development of modern society, the doctrine of "strict liability" and "corporate criminal liability" began to be accepted, including in the

¹⁶ Mulyadi, M., Pradiani, C., Sagita, N., Al Hafizh, M. F., Alfarizi, R. A., Verrell, J., & Ginting, Y. Y. P. (2025). Ringan di Meja Hijau, Berat di Nurani: Pelanggaran Kode Etik Hakim dalam Korupsi 271 Triliun Harvey Moeis dan Runtuhnya Kepercayaan Publik. *Media Hukum Indonesia (MHI)*, 2(5).

¹⁷ Handayani, P. H. (2025). REKONSTRUKSI POLITIK HUKUM PIDANA EKSAMINASI PENJATUHAN HUKUMAN DALAM KASUS HARVEY MOEIS. *Jurnal Hukum dan Kebijakan Publik*, 7(1).

Indonesian legal system through Law No. 32 of 2009. Unfortunately, the application of the doctrine still faces challenges, especially in terms of proving the role and malicious intentions of corporations (*mens rea*). In fact, in theory, as explained by Nils Jareborg and John Braithwaite, corporate crime has a greater potential for damage than conventional crime because it involves large resources and is often carried out in a covert mode. Therefore, the urgency of reforming environmental criminal law is not only related to legal technicalities, but also concerns a paradigm shift towards legal subjects in the modern criminal system.

In the direction of environmental criminal law reform, the necessary step is to harmonize the norms between the PPLH Law and the Limited Liability Company Law (Law No. 40 of 2007). In the concept of "vicarious criminal liability", a corporation can be held accountable for the actions of its managers or employees if it can be proven that the action was carried out in the company's interests. This is in line with findings that emphasize the need for environmental criminal law to put pressure on organizational structures and internal decision-making patterns within corporations.¹⁸ Thus, the reformulation of norms must be able to overcome the loopholes in legal responsibility that have been used by corporations to avoid criminal sanctions. In addition, the theory of responsibility attribution in criminal law suggests the need for an expansion of legal subjects and models of proving collective responsibility in business entities.

On the other hand, the progressive legal approach became an important theoretical basis in this update. Law, in a progressive approach, must not be stagnant and rigid, but must be responsive to changing social and ecological realities.¹⁹ In the context of corporate criminalization, this approach requires the role of judges and law enforcement officials to be more active in interpreting the law to reach the substance of justice, not just procedural compliance. One concrete form of this approach is the application of ecological sentencing, which is a crime that is not only repressive, but also improves the condition of the environment that has been damaged, as well as preventing similar crimes in the future.

Furthermore, the experience of several countries shows the success of progressive and structural legal approaches in criminalizing corporations. In the Netherlands, the concept of "functionele dader" (functional perpetrator) is used to designate corporations as criminal perpetrators through the actions of their organs. Canada, through Bill C-45, has established corporations as criminal subjects by incorporating the principle of "due diligence" to assess whether the organization has taken appropriate preventive measures. Australia has even formulated a collective intention approach (corporate *mens rea*) which recognizes that the intentions of a corporation can be seen from the collective action patterns of its officials. These three countries show that legal doctrine can evolve to adapt to the complexity of modern criminals, without sacrificing the basic principles of criminal justice.

Taking into account modern criminal law theories, progressive legal approaches, and international practices, environmental criminal law reform in Indonesia should be directed to affirm corporations as full criminal law subjects. Criminal norms need to be expanded to include structural and collective responsibility, evidentiary mechanisms that are not tied to proving personal malicious intent, and corrective, preventive, and

¹⁸ Alfiana, R., Risardi, M., Amin, M., Maulida, R., & Albayani, A. Z. (2024). Tindak Pidana Korupsi dan Pertanggungjawaban Korporasi. *Wathan: Jurnal Ilmu Sosial Dan Humaniora*, 1(1), 64-75.

¹⁹ Hazmi, R. M., & SH, M. (2024). Teori dan Konsep. *Pengantar Hukum Progresif*, 29.

ecological sanctions. Thus, environmental criminal law is not only a tool of repression, but also an instrument of just and sustainable social and ecological transformation

CONCLUSIONS

The construction of corporate criminal liability in ecological crimes in Indonesia has a fairly strong legal basis, as stated in Law No. 32 of 2009 and Perma No. 13 of 2016. Corporations are now recognized as subjects of criminal law that can be held accountable, especially through doctrines such as vicarious liability, strict liability, and corporate mens rea. However, the implementation of this accountability still faces structural and cultural obstacles, such as difficulties in proof, weak law enforcement capacity, and an individualistic legal approach. The Harvey Moeis case is a concrete example of how legal loopholes and limited law enforcement make corporate entities often escape criminal traps, even though their role in environmental crimes is very significant. The dominance of formalistic approaches and the lack of transparency of corporate structures exacerbates inequality in law enforcement, and creates the potential for impunity that threatens ecological and intergenerational justice. Therefore, the reform of environmental criminal law is very urgent. Reforms should include harmonization of norms between the PPLH Law and the Limited Liability Company Law, the expansion of the doctrine of corporate collective responsibility, and the adoption of progressive principles in penalty, including ecological sentencing and reversal of burden of proof. Thus, criminal law serves not only as a tool of repression, but also as a means of transformation towards sustainable environmental justice and real corporate accountability.

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