

Multidoor Approach in Law Enforcement against Environmental Crimes by Corporations

Adriano^{1*}

Article	Abstract
Keywords: Corporations; Environmental Crimes; Law Enforcement; Multidoor Approach	In case of natural resource and environmental management by corporations, violations over laws occur quite often, especially in respect of state administrative, criminal, and civil laws. To present, the real implementation of law enforcement for violating corporations is not all-out as it only works limited on the surface of the cases, not on the core of which. In other words, law enforcement is so partial due to its ignorance to any other possibilities of violations over other legal dimensions and how they should be enforced. As a matter of the fact, overlapping happens, which causes failure in achieving the legal goals, i.e., certainty, justice, and utility. This article, thus, is aimed to acquire new thoughts through optimization of the implementation of valid legislation combined with the practice of solid law enforcement by means of multidoor approach. The approach also involves normative-juridical method through statute and conceptual approaches, completed with case study in combined. Further, the research has seen that law enforcement against corporations for their violations over natural resources and environment is of vast urgency. It is because the violations are inevitably interwoven with three legal dimensions at once, i.e., state administrative, criminal, and civil laws. Next, there are no comprehensive regulations that regulate environmental crimes for corporations. Therefore, a multidoor approach is a powerful way of law enforcement that is suitable for applying to corporations.
Article History Received: Jan 17, 2024; Reviewed: Mar 31, 2024; Accepted: Apr 03, 2024; Published: Apr 05, 2024.	



Copyright ©2024 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions. (How to Cite: "Adriano. (2024). Multidoor Approach in Law Enforcement against Environmental Crimes by Corporations. *Hang Tuah Law Journal*, 8(1), 77-93. <https://doi.org/10.30649/htlj.v8i1.225>")

Introduction

A doctrine that sees corporations pertinent to be held accountable before criminal law is, in fact, a logical consequence that exists after corporations (*rechtspersoon*) are placed as subjects other than humans (*natuurlijke persoon*) in the middle of legal society. Corporations as the bearers of rights and obligations to play their roles for the legal

¹ Faculty of Law, Universitas Hang Tuah, Indonesia

* Correspondence: Adriano, Faculty of Law, Universitas Hang Tuah, Jl. Arief Rahman Hakim, Keputih, Kec. Sukolilo, Surabaya, East Java, 60117, Indonesia. E-mail: adrianorino@gmail.com

society are inexorably treated the way the humans are (Makarov, et.al., 2019). Therefore, in case of natural resource and environmental management, thoughts that see corporations prone to violating the laws are normally logical based on the law perspective. It is because they are considered to have shown a trend of violations against three dimensions of environmental law at once, including administrative environment law, criminal environment law, and civil environment law (Sihombing, 2022).

For instance, regarding administrative environmental law, if corporations are willing to be established and to acquire the legal status for the businesses they are running, all they need to do is to interact with licensing agency that, in this case, it has become the domain of the state administrative law. Licensing agency, in addition, will require all corporations to fulfil specific pre-requisites as administrative requirements. For example, once an industrial corporation produces dangerous and poisonous wastes (B3 wastes), the corporation has to fulfil the requirement to carry out waste management for B3 wastes properly (Sihombing, 2022). Next, if it wants to dispose the wastes to the environment, waste disposal license should be obtained. Thus, albeit the corporation carries out B3 waste management and disposal, yet unequipped with the license still, the corporation violates the clause before law of administrative environment. Next, due to B3 waste disposal by the corporation (regardless of the management), the corporation is still going to be suspected for violation against criminal environment law if polluting chemical substances are found in the wastes it disposed based on the laboratory checking. Excessive wastes over threshold specified by the Environmental Quality Standards are not only seen to harm the administrative standards, but also to pollute the environment. Therefore, the corporation has violated criminal environment law as well (Mujiono, 2019).

The illustration has indicated the flow of a violation against the law of administrative environment that pervades and brings about a new flow to a specific violation against the law of criminal environment. In other words, the corporation has clearly violated criminal environment law. Basically, criminal acts that are committed by corporations, also popularly known as "corporate crime", is actually a novel term in Indonesia's legal order (Tuanaya, 2017). Even for illustrating its common practice, corporate crime is often associated with non-conventional crimes, such as white-collar crime, organization crime, crime of business, and syndicate crime that are commonly referred to organized crimes with economic motives (Amirullah, 2012). Its indication is clear based on the contradiction between corporative goals and interests from numerous

parties, such as competitors, labors, consumers, society, and the State. For that reason, in its law enforcement, particularly related to natural resource and environmental management, new innovations are of importance in order to anticipate new challenges with their high-level advancement (Sirait, 2016).

As explained above, starting from violations against the administrative environment law, the violations have stretched out to be against the law of criminal environment due to the environmental pollution. There are some concrete examples that are often found easily in the society. Combustion for land acquisition or rejuvenation for oil palm plantations that have been trends and have caused bad smog for months, irritating the neighboring countries (Adhari, 2017). It is considered a violation against administrative environment law as the violation due to unfilled requirements for fire extinguisher supplies in some specific radiiuses around the plantation areas to control fire and uncontrolled instructions for land clearing by combusting. Meanwhile, violations against criminal environment have lied on air pollution as the direct impact resulted by the combustion. Another example has shown how rivers in Pekalongan Regency, Central Java, or Surabaya River, have been polluted by B3 wastes produced by local industries. Open mining activities also become the reason why environment is ruined due to lack of studies and explorations; all of which is clearly associated with the corporations. Thus, it is relatively usual that impacts due to many violations and crimes caused by these parties (corporations, not humans) can be rapidly and widely circulating, which causes loads of loss; not only for the economy, but also the environment. Not rarely do the impacts kill people in the huge of amount.

Further, with respect to violations against rights regulated in civil environment law, the State and society who suffer from the impacts are allowed to file civil lawsuits through the courts against the polluting corporations. The State represented by the government files the sue for compensation and cost for environmental restoration to the polluting corporations since the government, on behalf of the State, is the bearer of legal standing. It means that the government becomes the responsible person for organizing good and healthy environment, so if pollutions or environmental damages occur, the State should take actions immediately. Similarly, affected society is also allowed to file a lawsuit for compensation after pollutions and other environmental damages they are suffering from. The lawsuit can be sued through the local courts, or any organizations that concern environmental preservation (Dewanto & Krustiyati, 2024).

Law enforcement for administrative, criminal, and civil law are performed separably as each of which is run as per its own regulations. It is clear that such a practice has weakened the solidity of those three laws, which indicates lack of coordination amidst the three. In fact, all of those three dimensions are equal under the same administrator institution, the Ministry of Environment and Forestry in Indonesia (Ramadhan & Rafiqi, 2021). The institution, further, has the rights to perform law enforcement for environmental law. It is the environmental law that should be enforced since the law itself is associated with three legal dimensions, i.e., state administration, criminal, and civil laws, which automatically turns the institution to be unique and open for pilot project in the law enforcement using multidoor approach. In the end, it is expected that legal certainty, justice, and utility can be of significant efficiency and effectiveness (Kharisma, 2019).

Thus, an identified problem that is considered significant in this article is connected with the importance of law enforcement against corporation. It means that the multidoor approach will be applied for law enforcement if the violations are committed against the natural resources and environment. To sum up, the current research is aimed to acquire new thoughts with strong emphasis on the optimization of valid legislation and the practice of solid law enforcement cross-disciplinarily. Therefore, good management on natural resource and environment can be easily achieved, later.

Method

Normative-juridical method was carried out for this research. The method is regularly applied for legal research whose cores have lied on the system of legal norm, including principles, norms, rules, legislations, agreements, and doctrines. by means of statute and conceptual approaches, which is completed with case study. Statute approach constitutes a specific approach to study constitutions and regulations related to legal issues being undertaken. Conceptual approach refers to an approach to study point of views, thoughts, and doctrines that have stretched out widely in law. Besides, this approach is used as the baseline to formulate legal opinions or thoughts to overcome legal issues under research. At last, case study (case approach) is used to study and understand legal norms applied through studies of cases that occur amidst the society.

Discussion

1. Criminal Environment Law Enforcement against Corporations

With a huge number of constitutions (as material-positive law) that regulate and determine how corporations should be responsible for (criminal cases), it is already the indication of the absence of problems with the corporations. It means that no problems related to administrative, criminal and civil laws are supposed to exist, by any means. Meanwhile, the absence of constitutions that are intended to regulate the legal forms has become the main reason why the process of law enforcement (specifically for criminal law) fails to work properly (Setiadi, 2018).

It can be denied that the corporate crime theory has become a hot topic for many experts of law. Even so many constitutions that exist have regulated it clearly. Despite the fact, the real practice of law enforcement (in case of administrative, criminal, and civil laws) against corporations that have violated the rules and policies is still far from perfection. Should it be converted into a score, we would have scored it "very poor". Indeed, even though several corporations that are alleged to have committed crimes are already ensued, proposed, and enacted by the Judge in the courts, it is still not of equivalency with the potentials or tendencies of the corporation involvement as the masterminds of the violation (Capri, et.al., 2021).

As per Penal Code of Indonesia (old) (currently Indonesia has a new/national Criminal Code in Law Number 1 of 2023 concerning the Criminal Code which will come into force in 2026)), not even a single regulation is found to regulate the definition of corporations, so that in its implementation, everything will be based on the Special Constitutions. For instance, in Article 20, paragraph (1), Act No. 31 of 1999 that had been amended into Act No. 20 of 2001 on the Amendment of Act No. 31 of 1999 on the Eradication of Corruptions, it is stated that "In the event of corruptions committed by or on behalf of corporations, criminal prosecution and impending action can be carried out against the corporations and/or its management." In addition, in Article 103, Act No. 32 of 2009 on Environmental Protection and Management (Act. 32/2009) several provisions have been changed in Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (Omnibus Law) (Rahman, et.al., 2022). It is enacted that "Anybody producing B3 wastes, and not conducting the treatment as enacted in Article 59, shall be subject to imprisonment for one year at the minimum and three years at the maximum and a fine amounting IDR 1.000.000.000 (one billion rupiah) at the minimum and IDR

3.000.000.000 (three billion rupiahs) at the maximum." The terms in Article 103 vary if it is studied further. As per Article 97 on Act. 32/2009, such an action belongs to crime (*misdrijven*), and it is very possible that the corporations are the parties who commit it in connection with Article 116, paragraph (1) on Act. 32/2009. It is enacted that:

"If the environmental crime is committed by, for, or on behalf of corporations, criminal prosecution and impending action are carried out to:

- a. corporations; and/or
- b. anybody who gives order to whomever to carry out that crime, or anybody who officiates as the leader of such a criminal action".

Terms regulated in Act. 32/2009 use the term "corporations" in order to specifically refer to anybody who is running business, as per the writer's perspective. However, the meaning can be more stretched out equal with "the real corporations" in common. It is because corporations can be referred to as either a legal body (*rechtspersoon*) or non-legal one (*non rechtspersoon*). Nevertheless, it will be totally unlike if we refer to the substance of Article 1, Verse 32 of Act. 32/2009, which enacts that "Every person is an individual or business entity, equipped with either legal or non-legal entity." Therefore, in respect of the writer's point of view, the terms are equivalent with the other terms enacted in the common constitutions (only the terms used are different); one to use "business", while the other "corporations". Regardless of that, its core remains the same (Satria, 2017).

In Article 1 Verse 3 Act No. 31 of 1999 on Eradication of Corruptions (as amended by Law No. 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes) enacts: "Every person is an individual, and included as corporation", while the definition of corporation, according to Article 1 Verse 1 of the constitution states, "Corporation is a group of people and or wealth that are well-organized, either in a legal entity or non-legal one." Another example is Act No. 18 of 2013 on Prevention and Eradication of Deforestation. In Article 1 Verse 21, it is stated: "Every person is an individual and/or corporation that conduct deforestation in well-organized ways in the legal areas of Indonesia and/or results in legal consequences in the legal areas of Indonesia." In addition, Verse 22 of the constitution states: "Corporation is a group of people and or wealth that are well-organized, either in a legal entity or non-legal one."

The definition of corporation as stated in the constitution, including those in several constitutions in common that are still valid in Indonesia, is slightly different from that of in doctrines or science of Law. Corporation, or legal entity, is a limited liability

that constitutes a legal entity. Corporation or organization that is treated the way humans are (personal) before law is the bearer of rights and obligations. Thus, the bearers of such rights and obligations include LLC (Limited Liability Company), NV (*Naam Loze Venootsschap*) and Foundation (*Stichting*) (Kristian, 2014). Even the State in the whole part of the world serves to be the legal entity, which in this case, is defined as a group. Thus, it can be simply concluded that doctrine of Law defines corporation as a legal entity. In fact, it is also strictly stated that corporation is definitely a legal entity (*rechtspersoon*). Furthermore, in comparison to Article 1 Verse 23 Act No. 3 of 2020 on Amendment of Act No. 4 of 2009 on Mineral and Coal Mining, it is stated, "Business is any legal entity that runs for mining established based on the Indonesian Law and is located in the area of the Unitary State of the Republic of Indonesia." Next, in connection with Article 163 paragraph (1), it enacts "In the case of crimes, as referred to as in this chapter, it is conducted by a legal entity. In addition to imprisonment and fine sued upon its management, criminal prosecution that can be applied to the legal entity is in the form of fine supplemented with additional burden of 1/3 (one third) out of the maximum standard of fining that is applied." Thus, it is clear that this constitution only acknowledges legal entity as a legal subject (Harkrisnowo, 2019).

Unfortunately, the terms just remain as formality prescribed in the constitution. There are almost none of real actions taken for law enforcement for crimes and violations against the constitutions, especially related to corporations. Simply, corporation crime has only become the college heritage since in its real practice, no law enforcement can be found to deal with corporations that are alleged to commit crimes or violate against the constitution as the lawsuits have been never coming to any courts (at least until the beginning of 2000s). Even the Penal Code of Indonesia released in 1981 through Act No. 8 of 1981 discussed corporation, yet still remained the same (unknowing what corporation is). As a matter of the fact, law enforcers are lost in directions about how to properly enforce the material criminal law, with the formal law not regulating any at all (Harkrisnowo, 2019).

One of the main causes of environmental and natural resource problems lies in political and legal choices. Even though the state has established various regulations and policies as legal baselines and guidance in managing natural resources and the environment, in reality the management and utilization of the environment still faces the same problems, namely that there are conflicts between various laws and regulations, especially regulations in the natural resources sector (Lanawaang, 2020).

tends to be oriented towards a capitalistic economy, assuming that environmental regulation places too much emphasis on the principle of environmental protection. As a result, various laws and regulations which are umbrella provisions such as Act. 32/2009 have not been able to optimally realize environmental preservation and achieve overall people's welfare (Rafiqi, 2021).

In addition, the worst thing happens due to the absence of constitution that is specifically regulating laws for corporations as the Defendant. However, the constitution that regulates sentences or sanctions for the corporations are getting higher in number until today. Limitation as elaborated by the writer in advance must ignite the spirit of the law enforcers to take actions. It is strongly expected that new Penal Code will be released so that it really does regulate the law in the effort of criminal law enforcement against corporations. New prospective "precedents" are also hoped to come soon, which eventually becomes jurisprudential through the enactment from the judge and can play significant roles to deal with corporations (though the constitution is without the legal procedure) well, let alone the enforcement is conducted multidoor. It means that the cases are handled using numerous instruments or legal equipment, especially against illegal actions or violations conducted by corporations and/or humans/individuals. It is carried out with the goal of better optimization of legal implementation that is still valid and performing solid law enforcement cross-disciplinary among institutions based on the shared policies. Therefore, law enforcement against corporations through multidoor approach is supposed to be effective in breaking down the "barriers". If further studied, the cores of issues that occur in law enforcement against corporations (that could be quite technical) may be as follows.

Firstly, the perspective commonly sees corporations as a legal entity, as well as a legal subject (such as LLC, Cooperation, Foundation, State-owned Enterprises, and Local-owned Enterprises). Meanwhile, CV, UD, and Firms are considered to not belong to the legal subject. This phenomenon is explainable. Almost all of the constitutions that regulate (criminal) responsibility of corporations assert, "Corporation is a group of people and or wealth that are well-organized, either in a legal entity or non-legal one." This perception needs justification as it has something to do with how a corporation is defined. Why so? (1) This is not all about doctrine in the science of Law, but more about different characteristics between a legal entity (*rechtspersoon*) and a non-legal entity (*non rechtspersoon*). The difference of the characteristics implies the difference of legal burdens: (a) if the Defendant is a legal entity, it is the legal entity itself that has to be

responsible for the case; (b) if the Defendant is a non-legal entity it is the owners or the boards of management or the active partners of the *non rechtspersoon* who are to be responsible. To make it clear, for instance, if environmental crime is committed by CV. Hutan Jaya, thus it is the owner, or the management, or the active partners of CV. Hutan Jaya who must be responsible for the consequences (not the CV).

Secondly, once violations are committed by the management or staffs or workers hired by the corporations, the corporations are considered criminally mistaken before law. As a matter of the fact, corporations are still strongly required to be responsible for the consequences. As per Adriano There are several criteria in connection with such a case, including (Adriano, 2016):

- a. There is prohibition regulated in the constitution in advance, but is still violated, which causes criminal prosecution against the violating corporations;
- b. It is performed by the management or staffs or people hired by the corporations, which is also eligible to be considered as corporation actions (in some constitutions, such a phenomenon has been strictly stipulated);
- c. The actions are committed in connection with the interests, management, and benefits, or work environment of corporations; or
- d. The Judge is allowed to make assessment whether corporations are mistaken or not, if:
 - 1) corporations gain benefit from the actions, or the actions are mainly based on the corporation interests;
 - 2) corporations remain in silence and take no actions over such cases;
 - 3) corporations do nothing to prevent or anticipate huger negative impacts, and to ensure the legal obedience towards the legal terms that are still valid in order to avoid crimes.
- e. In respect of management or staffs who have been consistent with the statutory provisions, Articles of Association, and Standard Operating Procedure (SOP), it is the corporation that shall be responsible.

2. Fulfilment of Features of Criminal Environment Law by Corporation

In relevance to crimes committed by corporations, and in order to anticipate the massiveness of crimes, which rises dramatically and becomes more complex, renewal on criminal law is needed. It can be started from thinking about one of principles of gaffe, "*geen straf zonder schuld*", which means that there is no crime without gaffe (Amrullah,

2018). In fact, the principle cannot be a single reference to use, and for that reason, in the latest criminal law, criminal responsibility can also be prosecuted to anybody even though he never commits any. Further, this kind of principle belongs to the modern criminal law, which is in fame with its terms of “liability without faulty.” There are three model of accountability for it, including:

First, Absolute Criminal Accountability. It is defined as a scheme of accountability without considering faults. The criminal is subject to the criminal prosecutions once they commit crimes as formulated into the constitutions by leaving behind their inner side. This kind of principle is known as “strict liability”, or, some experts say it “direct liability”, which gives strong emphasis on actions (*actus reus*) instead of inner side (*mens rea*) of the Defendant. Thus, it is the *actus reus* that needs proofs by reviewing the real actions and proving if they are fitted to the standards enacted in the constitutions or not.

Second, Delegated Criminal Accountability. This kind of accountability is also known as the principle of “Vicarious Liability”, which runs for the principle of delegating and “labor’s acts are the boss”. Third, Criminal Accountability of Corporations. This sort of accountability is seen as a specific principle to address the corporations as the legal subject. Thus, any that exists inside it can be accounted for legally, including in cases of criminal law against the actions committed by the corporations through their management and staffs.

Hence, through the principle of liability without faulty, proving corporations wrong is clearly in no need of deliberation as they are equipped with inner side, but rather to examine the legal facts based on what has been committed by the management or staffs working in the corporations. The same thing happens in proving the other features of the article, for instance Article 108 on Act. 32/2009. It is stated, “Every person who burns lands as referred to in Article 69 paragraph (1) letter h shall be punished with imprisonment three years at the minimum and ten years at the maximum and a fine of IDR 3.000.000.000,00 (three billion rupiahs) at the minimum and IDR 10.000.000.000,00 (ten billion rupiah) at the maximum”. Thus, some features that must be proven from the corporations include anybody. Referring to Article 1 section 32, every person is referred to as an individual or business, either with a legal entity or non-legal one. As a matter of the fact, if the Defendant is the corporation, the proof can just be justified through the deed of incorporation, structure of organization, legalization documents, and licensing documents.

Relevant with the mentioned elaboration, it is clear that law enforcement against corporations cannot be separated from legal accountability upon the corporations. Despite the fact that the constitution can determine whether corporations can be either legal or non-legal entity, according to the perspective of Law, accountability lies on the one with the legal entity.

3. Multidoor Approach as an Effort to Stop Environmental Crimes by Corporations

Environmental and forestry crimes are cross-sectoral crimes committed by various typologies of actors, so handling them cannot be left to environmental and forestry agencies alone. The success of environmental and forestry law enforcement lies in a collaborative work system (Nijman, 2022). Multidoor law enforcement can increase the deterrent effect and criminal accountability, because it allows investigators from various sectors to "gang up" on the same case using different laws. This approach will encourage the application of layered articles so as to maximize criminal sanctions against perpetrators (Nijman, 2022).

Integrated law enforcement is mandated in Article 95 of Law Number 32 of 2009 concerning Environmental Protection and Management and Constitutional Court Decision Number 18/PUU-XII/2014, which mandates integrated criminal law enforcement between PPNS, Police and Prosecutors under the coordination of the Minister, namely the Minister of Environment and Forestry. When these provisions have been operationalized through the formation of a Joint Decree of the Minister of Environment and Forestry, the Head of the National Police of the Republic of Indonesia, and the Attorney General Number: PKS.3 of 2021; Number: KB/1/V/Year 2021; and Number: 5 of 2021 concerning Integrated Law Enforcement against Perpetrators of Forest and/or Land Fire Crimes within the Scope of Environmental Crimes (Simalango, et.al.,2021).

Criminal cases in the natural resources sector must be handled by various agencies with different regimes. The government initiated multidoor law enforcement as a form of institutional strengthening in the field of criminal law enforcement, in which various Ministries/Institutions in the natural resources sector collaborate and carry out investigations into a case using more than one legal regime. The multidoor approach is useful in using law enforcement resources more effectively and efficiently, increasing the deterrent effect for criminals, and building coherence between investigations,

inquiries and prosecution. With a multidoor approach, it is possible that the limitations of one legal regulation can be filled with other legal regulations

It has been discussed that law enforcement through multidoor approach is executed by means of numerous legal instruments or equipment against violations by corporations. It is basically intended to optimize the practice of valid statutory regulations and to implement solid law enforcement cross-disciplinarily amongst institutions based on their own authority. In line with that, there are, at least, three legal dimensions that cover corporations in the handling of cases of natural resources and environment, including administrative, criminal, and civil laws. They can be, too, used as the baselines to enforce the law by means of multidoor approach. Certainly, based on the findings, not all of the cases are interconnected to the administrative law in advance. Instead, it can initially go from the others out of the three.

The following is an example case of environmental criminal law committed by Tambang Rimba Raya LLC. The corporation was established in Bandung and is the suspect, in this case. The establishment was based on the Notary No 01 dated January 25, 2005 on Establishment of Limited Liability Company (LLC) Tambang Rimba Raya, and was legalized by the Minister of Law and Human Rights of the Republic of Indonesia as referred to in Decree No: 21/X/2006 dated October 1, 2006. The company has been running coal mining as it acquired its Legalization for Coal Mining witnessed by WLL (initials) as the Operational Director of the Tambang Rimba Raya LLC (conducted separately) on unknown date and day within 2008-2013, or at one specific time in 2008-2013 in Gunung Galunggung, West Java, or in another place that was still under the legal area of the Court for Corruption Crime, specifically in District Court of Bandung. The court had the rights to examine, judge, and enact the corruption crime as referred to Article 5 jo. Article 35 paragraph (1) and (2) Act No. 46 of 2009 on Corruption Crime Court jo. Decree of the Head of Supreme Court of the Republic of Indonesia No: 191/KMA/SK/XII/2010 dated December 2010 on Operation for Corruption Crime Court at District Court of Bandung, District Court of Semarang, and District Court of Surabaya, which in contradiction to law, committed or participated to gain wealth for the sake of himself or other people or a corporation to cause loss for the state's finance and economy. The action was executed by The Tambang Rimba Raya LLC together with the witness WLL under the scheme that follows.

The suspect is the corporation as the bearer of license for coal mining as referred to in Decree ... etc., located at Village ... and Village ..., District ..., Regency ..., Province

East Java with the area of 250,000 ha, and had reached the protection forest area ... etc. In the licensing for field mining, it was led by a witness named WLL (initials) as the Operational Director of (LLC) Tambang Rimba Raya ... etc. The Defendant joined the open licensing of coal mining, beginning with the logging of forest vegetation by the area of 198,000 ha to the dredging of hills reaching the depth of 200 meters ... etc. Henceforth, the tree wood logged from the protection forest was spindled by the average diameter of more and less 1 meter per each, which was collected up to reaching more and less 1,800,000 cubic meters, and for sale and being exported aboard by the Defendant ... etc. In addition, the Defendant had dredged the fertile soil (*spodosol*) located in the surface of the hills by the depth of 2 meters using heavy equipment. With that *spodosol* contained quartz sand and grit after the depth of 7 meters, and was dredged using heavy equipment for sale and being exported abroad by the Defendant ... etc. Furthermore, the layer of soil from the depth of 7 to 12 contained granite, and was also commercialized for sale and being exported abroad by the Defendant ... etc. In fact, the coal sources were just found after the depth of between 75 to 200 meters ... etc.

License that had been granted to the Defendant was the license for coal mining, but in fact, the Defendant had claimed and even sold million cubic of vegetation from the protection forest as the wood was packed in spindles without legal permission for logging or clearing. Next, the Defendant had claimed as well million cubic of fertile soil layer (*spodosol*), and other mining contents without any legal permissions and compensations or income to the State. Moreover, the Defendant did not pay the tax for the spindled wood and other mining products sold and exported ... etc. As a matter of the fact, the Defendant, hereinafter referred to as Tambang Rimba Raya, together with WLL as the Operational Director, did not only destruct the ecosystem in the protection forest, but also environment that shall be protected and managed properly. In addition, such a crime is also burdened with illegal capture and sale of the natural resources by which the State suffers from loss based on the Investigation Audit conducted by the Ministry of Environment and Forestry of the Republic of Indonesia in collaboration with the Audit Board of the Republic of Indonesia No: dated The loss as referred to reaches IDR Etc.

The excerpted illustration above constituted a lawsuit as an actualization of law enforcement in environmental corruption against corporations. To handle the case, multidoor approach is applicable. However, law enforcement for administrative and

civil laws is still in need of execution, which may open other possibilities for other suits to come due to unidentified violations.

Therefore, a systematic design is arranged in response to the violations committed by LLC. Tambang Rimba Raya as follows: First, the administrative law aspect. Types of violations include violations of business permits and environmental approvals. The agencies granting environmental permits/approvals are the Ministry of Environment and Forestry, the Ministry of Agrarian Affairs / National Land Agency, the Ministry of Mineral Resources and Regional Government according to their authority. Second, the civil law aspect. The type of violation is that damaging the environment is an unlawful act that harms the environment itself, society and/or the state. The agencies with the authority to file lawsuits are the Ministry of Environment and Forestry, Regional Government, affected communities, Environmental Organizations. Third, the criminal law aspect. Types of violations are crimes against the environment and illegal logging. The agencies authorized to carry out investigations are the Ministry of Environment and Forestry, the Ministry of Energy and Mineral Resources, and the Police. If there is a criminal act of corruption, the authorized agencies are the Police, Prosecutor's Office and the Corruption Eradication Commission. It is highly expected that through law enforcement by means of a multidoor approach, especially concerning Natural Resources and Environment, the corporation shall be totally terminated so that the natural resources and environment can be restored, in the end.

Infrastructure building is of necessity for law enforcement against corporations. It can be initiated by optimizing existing work units and building cooperation or inter-coordination, either in the levels of work unit or institutions. For instance, related to establishment, legalization, report of changes and dismissal of an LLC, in addition through the effectivization of Legal Entity Administration System/*Sistem Administrasi Badan Hukum* (SISMINBAKUM) managed by the General Directorate of AHU, the Ministry of Law and Human Rights also provides an extra function of up-to-dated record about everything related to corporations. It is accessible for interested parties (such as the investigators for investigations and monitoring apparatus for monitoring needs). It is even important to grant the Corporation Identity Number (NIK) in the computer database, which at least, includes all relevant identity of the corporations in real time. On the other hand, courts (District Courts around the General Judicial Body of Supreme Court) throughout the whole parts of the Unitary State of the Republic of

Indonesia hold the center of track records of corporations that have ever dealt with legal issues. In the end, it will be easier to "recognize" each of the corporations.

Better future in the upcoming time is surely what everyone in this world is always dreaming of, especially by the existence of positive values that come with the existence of corporations. In fact, corporations play a very significant role based on the economic dimension. However, swift and strict responses are also needed for unexpected possibilities, especially violations or crimes committed by corporations when they are running for business. As a consequence, optimization in work unit as applied in Ministry of Environment and Forestry in Indonesia, either in administrative environmental law, criminal law, and civil law, needs to be implemented as a routine. By eliminating sectoral ego, cooperation among parties can be so maintained that justice and law are perfectly enforced.

Conclusions

Law enforcement against corporations related to violations of natural resources and environment is of high urgency. It is perfectly certain that violations that happen reach three legal dimensions, at once, i.e., state administrative law, criminal law, and civil law. For that reason, law enforcement by means of multidoor approach is strongly needed for the real practice against corporations. The multidoor approach is useful in using law enforcement resources more effectively and efficiently, increasing the deterrent effect for criminals, and building coherence between investigations, inquiries and prosecution. One effort that can be made is optimizing work units.

References

Adhari, A. (2017). Kebijakan Kriminal dalam Mencegah dan Menanggulangi Tindak Pidana Penambangan Tanpa Izin di Indonesia. *Bina Hukum Lingkungan*, 2(1), 114-115. <https://doi.org/https://doi.org/10.24970/bhl.v2i1.49>

Adriano. (2016). Karakteristik Pertanggungjawaban Pidana Korporasi. *Jurnal Hukum Dan Peradilan*, 5(1), 83. <https://doi.org/http://dx.doi.org/10.25216/jhp.5.1.2016.91-112>

Amirullah. (2012). Korporasi dalam Perspektif Subyek Hukum Pidana. *Al Daulah Jurnal Hukum Dan Perundangan Islam*, 2(2), 152. <https://doi.org/https://doi.org/10.15642/ad.2012.2.2.139-160>

Amrullah, M. A. (2018). *Perkembangan Kejahatan Korporasi, Dampak dan Permasalahan*

Penegakan Hukum. Prenada Media Group.

Capri, W., Dhian Cahyati, D., Hasanah, M., Prasongko, D., & Prasetyo, W. (2021). Kajian Korupsi Sebagai Proses Sosial: Melacak Korupsi di Sektor Sumber Daya Alam di Indonesia. *Jurnal Antikorupsi INTEGRITAS*, 7(1), 122. <https://doi.org/http://dx.doi.org/10.32697/integritas.v7i1.730>

Dewanto, W. A., Krustiyati, J.M. A. (2024). State Responsibility for Environmental Damage from Climate Change under the No-Harm Principle. *Hang Tuah Law Journal*, 8(1), 62-76. <https://doi.org/https://doi.org/10.30649/htlj.v8i1.200>

Harkrisnowo, H. (2019). Redefinisi Pidana dan Pemidanaan Korporasi dalam Perspektif Rancangan Undang-undang Kitab Undang-undang Hukum Pidana. *Jurnal Legislasi Indonesia*, 16(4), 441. <https://doi.org/https://doi.org/10.54629/jli.v16i4.598>

Kharisma, H. (2019). Pendekatan Multi Rezim Hukum (Multi Door System) Pada Tindak Pidana Perikanan. *Borneo Law Review*, 3(1), 53-72. <https://doi.org/https://doi.org/10.35334/bolrev.v3i1.1013>

Kristian. (2014). Urgensi Pertanggungjawaban Pidana Korporasi. *Jurnal Hukum Dan Pembangunan*, 44(4), 600. <https://doi.org/http://dx.doi.org/10.21143/jhp.vol44.no4.36>

Lanawaang, J. J. (2020). Res Ipsi Loquitur Doctrine in Proofing Process of Environmental Dispute. *Hang Tuah Law Journal*, 4(2), 76-86. <https://doi.org/https://doi.org/10.30649/htlj.v4i2.18>

Makarov, A., Protasevich, A., Zhukova, A. (2019). Special Subjek of Crime as an Object of Criminological Determination. *Russian Journal of Criminology*, 23(9), 980-991. [https://doi.org/https://doi.org/10.17150/2500-4255.2019.13\(6\).980-991](https://doi.org/https://doi.org/10.17150/2500-4255.2019.13(6).980-991)

Mujiono, F. T. (2019). Formulasi Korporasi sebagai Subjek Hukum Pidana dalam Regulasi Lingkungan Hidup di Indonesia. *Lentera Hukum*, 6(1), 55-70. <https://doi.org/https://doi.org/10.19184/ejlh.v6i1.9590>

Rafiqi, I. D. (2021). Pembaruan Politik Hukum Pembentukan Perundang-Undangan di Bidang Pengelolaan Sumber Daya Alam Perspektif Hukum Progresif. *Bina Hukum Lingkungan*, 5(2), 320-321. <https://doi.org/https://doi.org/10.24970/bhl.v5i2.163>

Rahman, N. A., Mochtar, Z. A., Rafiqi, I. D., Jaloh, M. Y. (2022). Legal Politics of Environmental Licensing Governance After Job Creation Law. *Hang Tuah Law Journal*, 6(2), 123-134. <https://doi.org/https://doi.org/10.30649/htlj.v6i2.109>

Ramadhan, F., Rafiqi, I. D. (2021). Antinomy of Community Participation Rights in the Law on the Environmental Sector. *Jurnal Daulat Hukum*, 4(3), 171-188.

<https://doi.org/http://dx.doi.org/10.30659/jdh.v4i3.17212>

Satria, H. (2017). Penerapan Pidana Tambahan dalam Pertanggungjawaban Pidana Korporasi pada Tindak Pidana Lingkungan Hidup (Kajian Putusan Nomor 1554 K/Pid.Sus/2015. *Jurnal Yudisial*, 10(2), 155-171.
<https://doi.org/http://dx.doi.org/10.29123/jy.v10i2.18>

Setiadi, W. (2018). Korupsi di Indonesia (Penyebab, Bahaya, Hambatan dan Upaya Pemberantasan, Serta Regulasi). *Jurnal Legislasi Indonesia*, 15(3), 249-252.
<https://doi.org/https://doi.org/10.54629/jli.v15i3.234>

Sihombing, L. A. (2022). Law Enforcement of Corporate Crime in Forest Fire in Indonesia. *INFOKUM*, 10(5), 1472-1476.
<https://infor.seaninstitute.org/index.php/infokum/article/view/1647>

Simalango, H. M., Tajudin. Imamulhadi. (2021). Reorientasi Pengaturan Pendekatan Multidoor System Penegakan Hukum Tindak Pidana Lingkungan Hidup Pada Sistem Peradilan Pidana Indonesia. *Jurnal Belo*, 6(2), 232-254.
<https://www.semanticscholar.org/paper/Reorientasi-Pengaturan-Pendekatan-Multidoor-System-Simalango-Tajudin/a7ea5e103593645f754d0546f22a0afef1b62ba4>

Sirait, T. M. (2016). Urgensi Perluasan Pertanggungjawaban Pidana Korporasi, Sebagai Manifestasi Pengejawantahan Konstitusi. *Jurnal Konstitusi*, 13(3), 579.
<https://doi.org/https://doi.org/10.31078/jk1335>

Tuanaya, H. H. (2017). Pertanggungjawaban Pidana Korporasi suatu Gagasan untuk Korporasi sebagai Legal Person yang Mandiri dalam Pertanggungjawaban Pidana Korporasi. *Jurnal Surya Kencana Satu*, 7(1), 23.
<https://doi.org/http://dx.doi.org/10.32493/jdmhkdmhk.v7i1.590>

Van Uhm, D.P., Nijman, C.C.. (2022). The convergence of environmental crime with other serious crimes: Subtypes within the environmental crime continuum. *European Journal of Criminology*, 9(4), 542.
<https://doi.org/https://doi.org/10.1177/1477370820904585>