Criminal Law Policy in Environmental Law Enforcement Efforts

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Abstract. The environment is a gift from God Almighty that must be preserved and developed to continue to be a source of life support for humans and other living creatures for continuity and improvement of the quality of life itself. Environmental damage in Indonesia is getting worse every day, and it is worrying. In reality, this has endangered the lives and livelihoods of every living creature inside and outside it. In this research, the approach used is Juridical-Normative, with a dogmatic type of research, a descriptive research form of legal relations. This research is limited to descriptive-analytical research on criminal policies in enforcing environmental laws, especially laws. No. 32 of 2009 in Indonesia by describing the legal facts and criminal provisions in the Environmental Management Law. Criminal Law Policy in Environmental Law Enforcement is currently regulated in Law Number 32 of 2009 which differentiates between individuals and other legal entities or associations, foundations, or other organizations as perpetrators of criminal acts. UUPLH, apart from using basic criminal sanctions and additional criminal sanctions as in the Criminal Code, also uses disciplinary measures to maintain its norms.

Keywords: Environment, Criminal Sanctions, Environmental Management

1 Introduction

The environment is a gift from God Almighty which must be preserved and developed so that it can continue to be a source of life support for humans and other living creatures for the sake of continuity and improvement of the quality of life itself.[1] The environment where humans and other living creatures live is called the living environment. Undoubtedly, other living creatures and humans interact and depend on each other throughout their existence. Life is an ecosystem structure that has an essential nature, where the living environment is a unit that cannot be considered in isolation. Life is defined by frequent interactions and interdependence. The living environment must be seen as a whole, have an organized system and all its components are evenly distributed. Reform and progress have led to many environmental and humanitarian disasters; in this case, the environment is understood traditionally. The environment in which we live is considered as an object. The current state of nature and the

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environment is sometimes getting worse because this view views and places the environment as an object that means money and can only be used to support development.

Currently, there is a global issue about global warming that is hitting the earth. Indonesia, as a developing country, is currently recorded as the fastest forest-destroying country in the world.[2] The exploitation of nature and the environment in Indonesia for capital interests under the pretext of development can be felt since the New Order regime came to power, Indonesia's designated areas have been divided based on capital interests. It can be seen from the planning and extent of land use in Indonesia as follows.[3]

Environmental damage in Indonesia is getting worse day by day, and this is worrying. In reality, this has endangered the lives and livelihoods of every living creature inside and outside it. including the lives of future generations. In essence, life which contains the order and values contained in it is the essence of the environment. Orders and principles that protect the environment, natural resources, and social justice for human existence by paying attention to HAL (Environmental Rights) of present and future generations. The environment must also be considered and maintained for the sake of survival, not just growth and development, and it must be highlighted.

Considering that Indonesia has a history of having many different cultures, many of which respect and uphold the traditions and heritage of their ancestors, as well as upholding the environment and respect for nature, environmental problems in this country are currently becoming the main issue. worries. Like the Baduy indigenous people who adhere to the Pikukuh culture which upholds unwritten customary laws which are prohibited from being violated to preserve nature and the ecosystem. Indigenous communities like this, which are often ostracized, actually respect the environment and nature more than modern society, because the various customary regulations that have been established are strictly adhered to and applied effectively even though the sanctions are not as strict and heavy, so the environment is maintained.

Indonesian people today claim to be more advanced and civilized in the way they think, behave, and work compared to their ancestors in rural and traditional communities. The level of awareness to respect nature and the environment should be higher with all these advances. But the reality is different; in fact, environmental crimes such as illegal logging, sand dredging (reclamation), sand mining, and forest burning are increasingly worsening the current natural and environmental conditions. All of these crimes cause large material and non-material losses. Ironically, prosecuting the perpetrators of these acts is difficult. The law seems unable to speak.

2 Method

The approach used is Juridical-Normative, with a dogmatic type of research, a descriptive research form of legal relations. This research is limited to descriptive-analytical research on criminal policies in enforcing environmental laws, especially laws. No. 32 of 2009 in Indonesia by describing the legal facts and criminal provisions in the Environmental Management Law.

This research was built based on secondary data in the form of theory, meaning, and substance from various literature and statutory regulations, as well as primary data obtained from interviews, observations, and field studies, then analyzed with normative laws, theories,

and expert opinions on related matters, so that it is possible to conclude how criminal law policies can address environmental management and societal environmental problems in the future.

3 Results and Discussion

3.1 Law Number 32 of 2009 concerning Environmental Protection and Management

The official explanation of the Preamble to the 1945 Constitution states that Indonesia as a legal state has the following characteristics: [4]

a. Recognition and protection of human rights;
b. A free and impartial judiciary;
c. Legality in all its forms.

Policing a term that has various implications. As per Satjipto Rahardjo, policing characterized as a course of acknowledging legitimate cravings, in particular the considerations of regulation making bodies which are figured out and specified in lawful guidelines which then, at that point, become a reality. [5] Satjipto Rahardjo continued that: "*the nature of the law.....as an effort to bring order to society, so that life together can run smoothly. This effort includes actions that are thought to be taken....to measure human behavior.*"[6]

Meanwhile, Soedarto defines law enforcement as paying attention to and working on unlawful acts that occur (onrecht in actu) as well as unlawful acts that may occur (onrecht in potentie). [7] The same thing was also stated by Soerjono Soekanto who stated that: "the activity of harmonizing relationships between values which are outlined in solid principles and manifested in attitudes and actions as a series of final stages in the elaboration of values, to create, maintain and preserve peace and asociations. Conceptually, social life is a place where the essence and objectives of law enforcement are found."[8]

Likewise, it was formulated in the 4th National Law Seminar Report that: "Law enforcement is the totality of activities of those implementing law enforcement, justice, and the protection of human dignity, peace, and legal certainty, by the 1945 Constitution." [9] The success of law enforcement is influenced by several factors, and these factors have a close relationship and influence each other. According to Soerjono Soekanto, these factors are:[10]

a. The legal factors themselves;
b. Law enforcement factors, which include officials or institutions that form and implement laws;
c. Facilities supporting law enforcement factors;
d. Community factors;
e. Cultural factors, in particular because of imaginative works and sentiments in view of people and public activity.

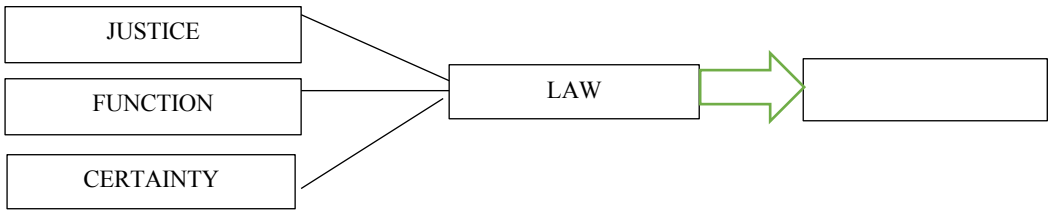
The Crook Code and other criminal regulations and guidelines are one part of regulation, to be specific criminal regulation. Nullum Delictum Nulla Poena Sine Praevia Lege Poenali, or "no violation, no punishment without a regulation that first states it", is the principle of legality used in criminal law.

the act in question constitutes an offense and contains a penalty that can be imposed for that offense." [11] Authorization of natural regulation is firmly connected with the capacity of the contraption and residents' consistence with appropriate guidelines, which cover three areas of regulation, specifically regulatory, criminal, and common. Natural policing firmly connected with the capacity of the contraption and residents' consistence with pertinent guidelines, which cover three areas of regulation, specifically managerial, criminal, and common. These three fields as stated by Biezeveld as the meaning of environmental law enforcement are as follows: " Ecological policing be characterized as the use of the lawful administrative powers to guarantee consistence with natural guidelines, utilizing:

a. administrative management of the consistence with natural guidelines (assessment) (=mainly preventive movement);
b. administrative measures or authorizes if there should be an occurrence of resistance (=corrective movement);
c. criminal examination in instances of assumed offenses (=repressive action);
d. criminal measures or endorses in the event of offenses (=repressive action);
e. civil activity (claim) if there should arise an occurrence of compromising resistance (=corrective movement)".

Based on the opinion above, environmental law enforcement can be carried out preventively and repressively, depending on its nature and effectiveness. Preventive law enforcement refers to the active monitoring of compliance with rules without direct incidents involving actual events that raise questions about whether legal rules have been violated. Counseling, monitoring, and the use of supervisory authorities (samples, termination machines, etc.) are tools for preventive law enforcement. Therefore, those in government who have the power to issue permits and stop environmental pollution act as primary law enforcers. When violations of the law occur, repressive environmental law enforcement is carried out as an effort to immediately end this prohibited behavior. Criminal action generally always follows a violation of regulations and usually cannot negate its consequences. To avoid repeated criminal action, the perpetrator himself must stop the situation.

According to Radbruch, the task of law is to make clear the legal values and postulates down to the deepest philosophical foundations.[12] Written regulations (laws) that contain certain philosophical principles are called statutory regulations. As a norm, legislation prioritizes justice and order, which have certain qualities.



In contrast, philosophical justice never addresses how humans interact with the universe. Greater emphasis is placed on how law and society should treat nature within the values of justice. The implications of this are: To establish an appropriate punishment model other than the current prison sentence, procedural justice must first be guaranteed. Second, all living creatures are treated equally including humans, animals, and plants as a whole.

3.2 Basic Law on Criminal Law Enforcement in Environmental Cases

In Regulation Number 32 of 2009 concerning Ecological Administration, there are several criminal provisions contained in Chapter IX starting from Article 41 to Article 48 as well as in the General Explanation and Law on Environmental Management. There are two sorts of criminal demonstrations presented in Regulation No. 32 of 2009 concerning Ecological Administration, namely: Material Offenses (generic crimes) and Formal Offenses (specific crimes).

Material violations are illegal behavior that harms or pollutes the environment. This material offense is also called an Independent Administrative Crime because the unlawful act does not always depend on whether or not there is a violation of administrative law norms. Actions that conflict with administrative laws and regulations, such as licensing regulations and/or environmental monitoring and management documents (DPPL), are referred to as formal offenses. Therefore, Administrative Crime is another name for Formal Crime. Material criminal acts (also called general criminal acts) are criminal activities or violations that are included in Regulation Number 23 of 1997 concerning Ecological Administration Articles 41 and 42. The danger of discipline for culprits of contamination who are sorted as Material Offenses is a greatest jail of 10 years and a most extreme fine of Rp. 500,000,000,- whenever done purposefully. In the mean time, in the event that the demonstration causes passing, the danger of discipline is 15 years in jail and a fine of Rp. 750,000,000.- . A material offense committed because of carelessness is deserving of 3 (three) years in jail and a fine of up to IDR 100,000,000,- , and on the off chance that the demonstration brings about death, the culprit can be compromised with detainment for a limit of 5 years and a fine of up to - high Rp. 150,000,000.-. The arrangements of the Criminal Regulation in the new Ecological Administration Regulation, as described above, do not only regulate criminal acts of pollution and destruction (generic crimes) or material offenses as intended in Articles 41-42 but also regulate criminal acts of release and disposal of substances or other dangerous and toxic components as well as carrying out dangerous and toxic installations or formal offenses as regulated in Articles 43-44.

3.3 Environmental Dispute Resolution

As in civil cases, resolving environmental disputes through the criminal justice process referred to here is not a matter of procedure or how to resolve the dispute criminally. Briefly outlined below are aspects of environmental crime.

3.3.1 Principle of Subsidiarity

The general explanation of the UUPLH regarding the use of criminal law states that: "As a support for administrative law, the application of criminal law provisions still takes into account the principle of subsidiarity, namely that criminal law should be used if sanctions in other fields of law such as administrative sanctions and civil sanctions as well as alternative resolution of environmental disputes, ineffective and/or the level of guilt of the perpetrator is reasonable."

Based on this explanation, it can be said that the procedures and administration of sanctions in Environmental Law consist of administrative procedures and sanctions. Then, civil or other options for resolving environmental disputes (settlement outside of court), and finally, procedures and criminal sanctions as supporting administrative law. So, it seems as if there is an order of priority in resolving environmental disputes and imposing sanctions. Criminal procedures and criminal sanctions are in 'last' order. This is used when other sanctions are ineffective.

If it is determined that other measures are effective, are criminal proceedings and sanctions still necessary? What about crimes or unlawful acts that are prohibited by UUPLH or that are "already" regulated by UUPLH and cannot be handled peacefully or arbitrarily? It can be understood that the criminal process will continue to be carried out, regardless of whether the additional sanctions are effective or not, as long as the activities carried out by the perpetrator meet the requirements for environmental violations that already exist or are specified in the UUPLH.

The explanation of the article above continues with the sentence and/or the perpetrator's level of guilt is relatively serious, and/or the consequences of his actions are relatively large, and/or the perpetrator's actions disturb the community. It can be said that other procedures may still be used and/or the use of procedures and criminal sanctions are carried out if one or three of these conditions are met. In the end, the principle of subsidiarity formulated in the explanation of the UUPLH can be interpreted in various ways. According to Mudzakar, [13] the principle of subsidiarity can mean;

a) Criminal law is only used to enforce environmental laws and regulations when administrative, civil, and alternative dispute resolution methods have failed. In other words, the criminal process and sanctions are a last resort, final step, or ultimatum for resolution. Therefore, it is not permitted to use the criminal process without first applying administrative, civil, and restitution sanctions to resolve the dispute.
b) Criminal penalties are used as a substitute for civil penalties. This shows that the criminal justice system is used to impose punishment. This technique is used if previous procedures, sanctions, and

alternative actions are useless or unsuccessful, the perpetrator's level of culpability is quite high, the impact of his actions is relatively severe, or his activities cause unrest in society. Therefore, there is no need to use other procedures and sanctions before using criminal procedures and penalties. based solely on experience in applying sanctions that are deemed ineffective in other circumstances.

c) Punishment for crimes as a series of punishments. The procedures and application of criminal sanctions are used as additional sanctions that are cumulative. This can be imagined if other punishments are not successful, the perpetrator has a high sense of guilt, there is a significant negative impact from his actions, or there is unrest in society.
d) Criminal sanctions as an alternative sanction that stands alone. This means that criminal procedures and sanctions are stand-alone substitute sanctions, not connected to other procedures and sanctions. This procedure is adopted if (alternative or cumulative) the perpetrator's level of guilt is classified as serious, and/or the consequences of the perpetrator's actions are relatively large, and/or the perpetrator's actions disturb the community. So, the procedure is not related to whether other sanctions are effective or not. Whichever of these interpretations applies, it seems to refer more to the utilization of criminal methodology, if based on previous experience in enforcing Environmental Law using other procedures that are ineffective and have fulfilled one or all three of these conditions.

It is important to pay attention to the Letter of the Deputy Attorney General for General Crimes Number B-60/E/Ejp/01/2002 concerning Technical Guidelines for Judicial Handling of Environmental Crime Cases related to the principle of subsidiarity and interpretive concerns regarding the use of criminal procedures and sanctions. The technical guidelines are an effort by the leadership of the Indonesian Prosecutor's Office to develop and improve professional judicial technical abilities and skills as well as an effort to foster the independence and unity of personality of general crime investigators in the ranks of prosecutors throughout Indonesia, especially in the judicial sector in the provisions for handling environmental crimes. In addition, there is a push to encourage restrictive and preventive legal measures in environmental protection.

The Legal Specialized Rules likewise express the guideline of subsidiarity, in particular that Criminal Policing for an ecological wrongdoing can start assuming the accompanying lawful activities have been executed:

a) The specialists approved to force managerial authorizations have made a move against the violators by forcing a regulatory approval that can't stop the infringement that happened or,
b) Between the organization that serious the infringement and the local area who became casualties because of the infringement, endeavors

have been made to determine the question through a substitute component beyond court as consideration or harmony, discussion or intervention, yet the endeavors made have arrived at an impasse, as well as endeavors to document a case through the courts, yet these endeavors are likewise insufficient, really at that time could exercises at any point be started or method for implementing natural criminal regulation can be utilized.

The two requirements of the principle of subsidiarity in the form of efforts mentioned above can be waived, if the three terms or conditions below are met:

a) The level of guilt of the perpetrator is classified as serious,
b) The consequences of his actions are quite large,
c) The perpetrator's actions caused public unrest.

In contrast to the General Explanation of the UUPLH which is less clear, what is stated in the Judicial Technical Guidelines is very clear and is a "breakthrough" towards the principle of subsidiarity. This shows that if these two conditions are met then the criminal process and criminal penalties will be implemented or can only begin. Even though administrative sanctions have been implemented, violations still occur because they cannot be stopped. An impasse has been reached in alternative dispute resolution, or a civil settlement has failed. Although it is not explicitly stated what is meant by “ineffective”, it can be assumed that the problem will take a long time to be resolved, the community is still suffering, and the elimination of the polluted or damaged environment has not been successful. Apart from that, there is a perception that the perpetrator is arrogant and triggers tension in the public environment. Especially if evidence of environmental crimes is first known and owned by investigators. Criminal Law can be applied in such circumstances. What is even clearer is that, by the UUPLH explanation, the regulation states that the two requirements above can be waived if the other three (and not just one) requirements are met. This means (can be interpreted) that whether administrative sanctions are effective or not, or whether litigation procedures (civil) or substitute dispute resolution are successful, no longer need to be considered. Criminal law procedures and the imposition of sanctions will be utilized if the three terms or conditions above are met.

Investigators and prosecutors can anticipate that other legal efforts will not be successful if the perpetrator makes a serious mistake and the impact of his actions is significant and very disturbing to the community. If not, you have to wait until other sanctions are implemented. However, this does not exclude the use of processes other than criminal proceedings. There is still the possibility of administrative sanctions such as revocation of permits by authorized officials. Civil lawsuits for unlawful acts by the UUPLH can still be filed because it is the community's right, especially for parties who suffer losses as victims.

3.3.2 Environmental Crime

Environmental crimes are regulated in Chapter IX, namely from Article 41 to Article 47 UUPLH. Article 48 states that criminal acts as referred to in Chapter IX are crimes. Thus, crimes against the environment are regulated in that chapter. Apart from UUPLH, crimes against the environment are also regulated in the Criminal Code (KUHP), for instance in Articles 187, article 188, article 202, article 203, article 502, and article 503 of the Crook Code. Violations against the climate are likewise tracked down parents in law and guidelines outside the Crook Code and outside the UUPLH. For instance (among others) in (a) article 52 passage (1) Regulation no. 5 of 1960 concerning Fundamental Guidelines on Agrarian Standards/UUPA, (b) article 31 of Regulation no. 11 of 1967 concerning Mining, (c) article 11 of Regulation no. 1 of 1973 concerning the Indonesian Mainland Rack, (d) article 15 of Regulation no. 11 of 1974 concerning Water system, (e) article 16 section (1) Regulation no. 5 of 1983 concerning the Restrictive Monetary Zone (EEZ) of Indonesia, (f) article 27 of Regulation no. 5 of 1984 concerning Industry, (g) article 24 of Regulation no. 9 of 1985 concerning Fisheries, (h) article 40 of Regulation no. 5 of 1990 concerning Protection of Organic Regular Assets and Biological systems (Mudzakkir, 2001: 541-543), (I) article 78 of Regulation no. 41 of 1999 concerning Ranger service, (j) article 94 passages (1) and (2) jo. Article 95 sections (1) and (2) Regulation No. 7 of 2004 concerning Water Assets.

Environmental crimes, especially regarding pollution and/or destruction, are spread or found in various laws and regulations other than the UUPLH and the Criminal Code, all of which cannot be stated one by one here. Therefore, the foresight and accuracy of law enforcers, especially investigators, public prosecutors, and judges, are necessary in finding laws and regulations relating to criminal acts of pollution and/or environmental destruction in various kinds of laws and regulations. In other words, which legislation will be used depends on 'against what resources the criminal act of pollution and/or destruction was committed'.

Specifically regarding environmental criminal acts contained in the UUPLH are as follows:

a) Article 41 passage (1): " Any individual who unlawfully purposefully commits a demonstration that outcomes in contamination as well as obliteration of the climate, is compromised with detainment for a limit of 10 (a decade) and a fine of a limit of Rp. 500,000,000.00 (500,000,000 rupiah).
b) Article 41 section (2): " On the off chance that the lawbreaker go about as expected in section (1) brings about the demise or serious injury of an individual, the culprit of the crook act is undermined with detainment for a limit of 15 (fifteen) years and a fine of a limit of Rp. 750,000,000.00 (700 and fifty million rupiah)".
c) Article 42 passage (1): " Any individual who, through carelessness, commits a demonstration that outcomes in contamination as well as

obliteration of the climate, is compromised with detainment for a limit of 3 (three) years and a fine of a limit of Rp. 10,000,000.00 (100,000,000 rupiah)".

d) Article 42 passage (2): " If the crook go about as expected in section 1 (one) brings about the demise or serious injury of an individual, the culprit of the lawbreaker act is compromised with detainment for a limit of 5 (five) years and a fine of a limit of Rp. 150,000,000.00 (one hundred and fifty million rupiah)".
e) Article 43 paragraph (1): "Any person who, by violating the provisions of applicable laws, intentionally releases or disposes of substances, energy and/or other components that are dangerous or poisonous on or into the ground, into the air or surface water, importing, exporting, trading, transporting, storing these materials, running perilous establishments, despite the fact that you know or have sensible grounds to think that these activities could cause contamination and additionally harm to the climate or jeopardize general wellbeing or life. others are undermined with detainment for a limit of 6 (six) years and a fine of a limit of Rp. 300,000,000.00 (300,000,000 rupiah)".
f) Article 43 paragraph (2): "Subjected to the same punishment as the criminal offense as intended in paragraph (1), anyone who deliberately provides false information or omits or hides or destroys information required in connection with the act as intended in paragraph (1), even though you know or have great reason to suspect that the act could cause pollution and/or damage to the environment or endanger public health or the lives of other people."
g) Article 43 section (3): " If the crook go about as expected in section (1) and passage (2) brings about the demise or serious injury of an individual, the culprit of the lawbreaker act is compromised with a greatest detainment of 9 (nine) years and a most extreme fine Rp. 450,000,000.00 (400 and fifty million rupiah)".
h) Article 44 section (1): " Anybody who disregards the arrangements of the relevant regulations, in view of his carelessness in doing the go about as expected in article 43, is undermined with detainment for a limit of 3 (three) years and a fine of a limit of Rp. 100,000,000.00 (100,000,000 rupiah)".
i) Article 44 passage (2): " If the lawbreaker go about as planned in section (1) brings about the demise or serious injury of an individual, the culprit of the crook act is undermined with a most extreme detainment of 5 (five) years and a greatest fine of 150,000,000.00 (one hundred and fifty million rupiah)".

According to theory, environmental crimes (violations) are divided into general offenses and specific offenses. Pollution and/or destruction of the environment is a general criminal act (prohibited act), which is the basis for justification for other criminal acts of a special nature, whether regulated in the

UUPLH or other statutory regulations relating to this matter. criminal law protection of the environment. Mudzakkir's life (2001) is stated as 527. Regarding the meaning of "pollution" and "destruction" of the environment, they refer to the meaning contained in Article 1 Numbers 12 and 14 UUPLH respectively. (See Chapter I of this book for clarification on the meaning of these two terms). Meanwhile, the specific offenses (species) can be seen in the articles mentioned above.

Apart from general and specific offenses, there are also classifications of material offenses and formal offenses. What is meant by a material offense is if the main thing in its formulation is the consequences of an act (which is prohibited). Meanwhile, what is meant by a formal offense is if the main thing in its formulation is committing a criminal act.[14] In other words, material offenses talk about 'constitutive' consequences, while in formal offenses certain consequences can only aggravate or mitigate the crime (even without consequences), the act itself is prohibited and can be punished.

In a narrow sense, a formal violation highlights the activity. Regardless of any possible impact, such actions violate rules or laws and are punishable. As stated by Suparto Wijoyo in Suara Selamat dated 1 November 1998, "What is prohibited and can be threatened in material criminal acts, has certain consequences" (Schaffmeister et al., 1995). Therefore, check the wording of the offense to determine whether it is material or formal. According to this thinking, the main focus of the formulation of Articles 41 and 42 UUPLH is that the consequences of an act, or one that is prohibited and punishable by crime, gives rise to certain consequences. Therefore, these articles are known as material offenses. Paragraph 1 of Article 41 states:

Anyone who intentionally and unlawfully commits an act of pollution or destruction of the environment could potentially be subject to a prison sentence of 10 years and a fine of up to Rp. 500,000,000.00 (five hundred million rupiah). Likewise, according to article 42 paragraph 1: "Anybody who, through carelessness, commits a demonstration that outcomes in contamination or potentially obliteration of the climate, is compromised with detainment for a limit of three (three) years and a fine of a limit of Rp. 100,000,000.00 (100,000,000 rupiah)." Criminal law experts may be able to explain and understand these two formulations. However, this expression can be "confusing" for lay people who are unfamiliar with criminal law. The phrase "unlawfully by "intentionally committing an act" which is nothing more than the formulation "formal offense" is what gives rise to the term "material offense" which comes from the words "cause" and "unlawfully by intentionally committing an action." For example, some parties deliberately commit criminal acts, so that their actions cause environmental pollution (the release of dangerous substances into the environment, the quality of the environment decreases, and the environment cannot be utilized according to its intended purpose. So as far as can be understood, that must be proven primarily whether the environment has been polluted as a result of the act, and not whether the person has committed a criminal offense (because this is a formal offense).

Then Article 42 UUPLH (still a material offense) states "anyone who, through negligence, commits an act that results in pollution and/or destruction of the environment...". Theoretically, one can distinguish between intentionality and negligence. However, in this formulation, it is rather "difficult" to distinguish between intentionality on one side and negligence on the other side. This is due to the phrase "due to negligence in committing an act" which is used in the article. Is it possible for someone to commit certain actions due to negligence? People often act because they are aware, knowledgeable, and motivated. According to the general agreement, what is meant by haram is actually "negligence in an act that is intentionally carried out to result in pollution or damage to the environment, not negligence in carrying out that act". For example, an activity and/or business, in theory, can exist if it meets the standards set out in environmental laws and regulations. Some could not complete these activities or businesses carelessly. The act of carrying out an activity or business is done intentionally, but the result of environmental pollution is not due to carrying out the activity intentionally or legally, but because of the negligence of the person responsible for carrying out the activity or business.

In addition to material and formal offenses, UUPLH also regulates criminal acts committed by corporations or corporate crimes. Hardjasoemantri, (1999: 411) uses the term "corporate responsibility". Criminal acts committed by corporations are regulated in Article 45 and Article 46 UUPLH. From article 46 UUPLH it is said that corporate criminal acts in the environmental sector (environmental corporate crime) are as follows:

a) Criminal acts carried out by or in the interest of legitimate substances, organizations, affiliations, establishments, or different associations. In such cases, criminal procedures and criminal sanctions as contained in Article 47 can be applied (paragraph (1)). Criminal sanctions are imposed not only on the corporation, yet in addition on the people who provide requests to perpetrate criminal demonstrations, or who go about as pioneers in such demonstrations, or both. As per Article 45 UUPLH, the lawbreaker authorization of a fine is expanded by 33% (33% of how much the fine in Articles 41 to Article 44).
b) Criminal acts perpetrated by or for legitimate substances, organizations, affiliations, establishments, or different associations, and carried out by individuals, whether in view of work connections or different connections, acting inside lawful elements, organizations, affiliations, establishments, or different associations. In that case, criminal charges are made and criminal sanctions are imposed on those who give orders or act as leaders without needing to remember whether those people committed the criminal act individually or together (paragraph (2)).

4 Closing

The environment is a gift from God Almighty that must be protected and improved so that it can function as a source of life support for humans and other living creatures to maintain continuity and improve living standards. The importance of protecting the environment from deliberate damage by dishonest people stems from its significant contribution to the welfare of society. Criminal Law Policy in Environmental Law Enforcement is currently regulated in Law Number 32 of 2009 which differentiates between individuals and other legal entities or associations, foundations, or other organizations as perpetrators of criminal acts. UUPLH, apart from using basic criminal sanctions and additional criminal sanctions as in the Criminal Code, also uses disciplinary measures to maintain its norms.

Formal offense evidence that only considers behavioral elements that can be observed using the five senses, such as acts of environmental pollution or destruction, reveals criminal law policies in enforcing laws and regulations in the environmental sector. Punishment aims to apply cumulative sanctions, meaning that the judge can use all criminal provisions of environmental law, either at once or in 2 (two), 3 (three) periods, and so on.

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