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# CORPORATE CRIME IN INDONESIAN ENVIRONMENTAL LEGAL POLICY: A GOVERNANCE PERSPECTIVE

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## Abstract

Corporate crime has been a concern in the development of criminal law for a long time and the Indonesian society has concern regarding the implementation of the legal system. This research paper examines corporate crime in the context of environmental law in Indonesia, providing a legal-philosophical analysis of the responsibilities of corporations and the implications for victims of environmental crimes. The study highlights the philosophical underpinnings of the rule of law in Indonesia, emphasizing the collective will of the people and the limitations of state power. It investigates the intersection of criminal law, corporate law, and environmental law, particularly focusing on the Lapindo Mud Case in Sidoarjo, East Java as a significant example of corporate environmental malpractice. The paper discusses the principles of legality in criminal law, the complexities of corporate criminal liability, and the evolving definitions of victims in environmental crimes. It argues that environmental crimes perpetrated by corporations not only harm individuals but also have broader impacts on communities, ecosystems, and the state. Ultimately, the research calls for a more robust legal framework to hold corporations accountable and protect victims, advocating for an integrated approach that recognizes the rights of both individuals and the environment.

**Keywords:** Corporate Crime, Environmental Legal Policy, Indonesia, Legal Philosophy

## Abstrak

Kejahatan korporasi telah menjadi perhatian dalam pengembangan hukum pidana sejak lama dan masyarakat Indonesia memiliki perhatian terhadap penerapan sistem hukum tersebut. Makalah penelitian ini mengkaji kejahatan korporasi dalam konteks hukum lingkungan di Indonesia, memberikan analisis hukum-filosofis tentang tanggung jawab korporasi dan implikasinya bagi korban kejahatan lingkungan. Penelitian ini menyoroti dasar-dasar filosofis dari aturan hukum di Indonesia, yang menekankan keinginan kolektif rakyat dan keterbatasan kekuasaan negara. Penelitian ini menyelidiki persinggungan antara hukum pidana, hukum korporasi, dan hukum lingkungan, terutama berfokus pada Kasus Lumpur Lapindo di Sidoarjo, Jawa Timur sebagai contoh signifikan dari malpraktik lingkungan korporasi. Makalah ini membahas prinsip-prinsip legalitas dalam hukum pidana, kompleksitas pertanggungjawaban pidana korporasi, dan definisi korban yang berkembang dalam kejahatan lingkungan. Penelitian ini berpendapat bahwa kejahatan lingkungan yang dilakukan oleh korporasi tidak hanya merugikan individu tetapi juga memiliki dampak yang lebih luas pada masyarakat, ekosistem, dan negara. Pada akhirnya, penelitian tersebut menyerukan kerangka hukum yang lebih kuat untuk meminta pertanggungjawaban korporasi dan melindungi korban, mengadvokasi pendekatan terpadu yang mengakui hak-hak individu dan lingkungan.

**Kata Kunci:** Filsafat Hukum, Kebijakan Hukum Lingkungan, Indonesia, Kejahatan Korporasi

## I. INTRODUCTION

According to Mansur Munir, the origin of the state is a collective will, this collective will be a combination of individuals who were part of their social life before the state existed and became the people after the state was formed. The collective will be the basic thing that starts the process of the existence of a country. This unity is what runs a country and the goals of the country are also determined by the collective will (Nasroen, 1968, pp. 85–86). In article 1 paragraph (3) of the Constitution of the Republic of Indonesia it states "The Indonesian State is a State of Law" what is meant by a rule of law is that a government decision cannot be taken if it is not based on exiting law. What is meant is a reasonable law, not a law made suddenly or arbitrarily. Materially, something cannot take effect suddenly but rather is based on existing legal levels and this stands in the name of justice (Pamudji, 1985, pp. 30–31).

The nature and style of the rule of law regarding policy is that there is a limitation of the state's power over individuals, in other words the state is not all-powerful. With this, the state cannot act arbitrarily. Actions carried out by the state against its citizens are limited by law. This is what Anglophone legal experts explained as the "rule of law". We can observe that individuals have rights against the state. In broader terms, it can be said that the people have rights against the authorities and individuals have rights against society. In this case there is a private field (*individuele sfeer*) of each person which cannot be interfered with by the state. Furthermore, violations of individual rights can only be carried out if permitted and based on existing legal regulations. In what was called the principle of legality of the rule of law. Every policy taken by the state must have a legal basis. Legislation that has been made in advance is the limit of the state's power to act. The Constitution contains legal principles and legal regulations that must be obeyed by the government or existing institutions (Gautama, 1983, p. 3).

Legal rules, whether in the form of written or unwritten laws, contain general rules which then become guidelines for individuals and how they behave in social life. These rules become limits for society in taking action against individuals. The existence of such regulations and their implementation will create legal certainty (Marzuki, 2012, p. 137).

In maintaining legal certainty, the role of the state and the courts is very important. The government must not issue implementing regulations that are not regulated by law or are against the law. If that happens, the court must declare that such regulation is null and void, meaning that it is deemed to have never existed so that the consequences that occurred due to the existence of the regulation must be restored to normal. However, if the government still does not want to revoke regulations that have been declared null and void, this will turn into a political problem between the government and the legislators. It is even worse if the people's representative institution as a law maker does not question the government's reluctance to revoke regulations that have been declared null and void by the court. Of course, such things do not provide legal certainty and as a result the law lacked its predictability (Marzuki, 2012, p. 138).

Criminal legal studies are a science that explains and elaborates criminal law. This means that the focus of the study of criminal law is the criminal law that is currently in force or positive criminal law (*ius constitutum*). This definition can be said to be the study of criminal law in the narrow sense. In a broad sense, the study of criminal law is not only limited to violations of these norms, how to ensure that these norms are not violated and examine and form the desired criminal law (*ius constituendum*) (Hiariej, 2016, p. 5).

In Black's Law Dictionary, crime is defined as, "a sanction such as a fine, penalty, confinement, or loss of property, right, or privilege-assessed against a person who has violated the law." Fitzgerald as quoted by Muladi and Barda Nawawi Arief briefly defines crime as "the authoritative infliction of suffering for an offense". A simple understanding was also put forward by Sudarto who stated that crime is suffering that

is intentionally imposed on a person who commits an act and fulfills certain conditions (Hiariej, 2016, p. 36).

Crime as time goes by shows that economic progress also gives rise to new forms of crime which are no less dangerous and the number of victims they cause is not less in comparison. Indonesia is currently hit by contemporary crime which threatens the environment, energy sources, and crime patterns in the economic sector such as bank crime, computer crime, fraud against consumers in the form of low-quality manufactured goods that are beautifully packaged and various corporate crime patterns that operates through penetration and disguise. Talking about corporations, this cannot be separated from the field of civil law. Because corporation is a terminology that is closely related to legal entities (*rechtperson*) and legal entities themselves are terminology that is closely related to the field of civil law (Dirjosisworo, 1991, p. 10).

Corporate crime has long been a concern in the development of criminal law. This can be seen in the emergence of various theories of corporate criminal responsibility which were organized in order to stop or punish corporations that commit crimes/criminalities, such as the identification doctrine and aggregation doctrine which were issued in the early 20th century. The development of criminal law in Indonesia actually includes various laws that have long regulated corporations, such as the Environmental Law, Taxation Law, etc (Topan, 2009, p. 4).

Corporate crime in the environmental field that has been going on for a long time and has injured Indonesian society, especially in the East Java area, is the Lapindo Mud Case. The mudflow appeared and came from the Banjirpanji 1 Well, Porong, Sidoarjo, East Java, which is part of the Brantas Block gas exploration drilling activities. At that time, to be precise, May 29 2006, the Brantas Block was operated by Lapindo Brantas Inc, whose 100% ownership was PT Energi Mega Persada Tbk, a company affiliated with the Bakrie Group (*Menilik Kronologis Tragedi 13 Tahun Lumpur Lapindo*, 2019).

Environmental damage due to corporate activities that come into contact with the environment has a huge impact, from loss of residence, natural disasters, loss of habitat for both flora and fauna that live around it and others. This certainly has a negative impact on the living creatures around it.

The authors attempted to examine the responsibility of corporations that commit environmental crimes that occur in Indonesia and the protection of victims rather than environmental crimes themselves in order to find out the limits of corporate responsibility for the occurrence of environmental crimes and the protection of victims affected by these environmental crimes. There are a bodies of useful articles on corporate problem with environmental law which focused either scripturally to the environmental law such as discussed by Yusrizal (2012) or focused on the empirical problem which were elaborated by Widowaty (2012). Our article here focused not on the scripturalist or empirical problem of environmental law regarding corporations, but more of a philosophical discussion of it which will be divided into two main sections in the discussion, the first parts are the legal study of the corporate, criminal law and environmental law, and the second part discussed more of the problem of victim in Indonesian environmental law and who should be and have been included.

Although focusing more on the legal perspective of environmental legal policy, the governance of such a policy will be of important interest. The Indonesian government's role in the disaster response and its failure to prevent the tragedy (or its inadequate response after the event) presents significant questions about the efficacy of existing regulatory frameworks. Research on how government oversight and regulatory authorities manage risk in high-risk industries is underdeveloped. Finally, while the Lapindo tragedy has been the subject of public discourse, there is a lack of systematic research on lessons learned for future environmental governance in Indonesia. This includes creating a more resilient legal framework to prevent future disasters and

protect both the environment and affected communities.

## II. METHODOLOGY

This study employs the library research method as a component of qualitative research, focusing on the systematic collection of data from primary and secondary sources within libraries (Adlini et al., 2022, p. 978). Library research involves the gathering of information and data using various materials available in libraries (Sari & Asmendri, 2020). For the purposes of this research, mass media sources that quote and analyze the political actions of two specific politicians are utilized as primary sources to explore how their political behavior concerning plastic imports was shaped. Secondary sources, such as books and scholarly articles, are employed to interpret the political behavior and green political ideologies of the subjects under investigation. Quotations serve as the primary tool for distinguishing between primary and secondary sources. Specifically, a quotation derived from an interview or direct statement by the research subjects is considered a primary source, while a quotation that is used to interpret the original source is categorized as secondary. In addition to library research, the study incorporates elements of legal research, specifically drawing upon positive legal research informed by Indonesian environmental law, in which every discussion will involve the legal background of the matter in discussion.

## III. DISCUSSION

### PRINCIPLES OF LEGALITY IN ANTI-CRIMINAL POLICY

Judging from the interests it regulates, there are two types of legal policy, which are public and private law. The first person to carry out this division was Ulpianus. According to Ulpianus, "Huius studii duae sunt positiones, publicum et privatum. Publicum ius est quod ad statum rei Romance spectat, privatum quod ad singulorum utilitatem: sunt enim quædam publice utilia, quædam privatim." From this expression it can be interpreted that ius publicum or public law is related to state functions while private law is related to individual interests (Marzuki, 2012, p. 181).

Anti-criminal policy is a legal system that determines what actions are prohibited and also determines sanctions for those who commit these actions. These actions may be an action or an omission, meaning they must do something but at the same time they do nothing. The basic idea of criminal law is to prevent acts that are detrimental to society. However, not all actions that are harmful to society are criminal acts. So, it is the legislator who determines what acts are criminal acts that are punishable by crime. Thus, not all acts that harm society can be subject to criminal sanctions. In criminal law, the principle of legality applies (Marzuki, 2012, p. 184).

Meanwhile, Jonkers stated that Article 1 paragraph (1) of the Criminal Code, no act is punishable except on the strength of the anti-criminal policy that existed before the act was committed, is an article about principles. Different from other legal principles, this legality principle is stated explicitly in the regulations. In fact, in the opinion of legal experts, a legal principle is not a concrete legal regulation (Hiariej, 2016, p. 54).

Obviously, there is a common view among criminal law experts that the meaning of the principle of legality is that no crime is punishable except without the strength of the criminal provisions according to pre-existing law. This is in accordance with an adage which states, *non-obligate lex nisi promulgate* which means "a law is not binding unless it has been enforced." The provisions as contained in Article 1 paragraph (1) of the Criminal Code are the standard definition of the principle of legality. There are two important things that must be reviewed in Article 1 paragraph (1) of the Criminal Code, which is the meaning of criminal acts and criminal provisions according to criminal law (Hiariej, 2016, p. 54).

### CRIMINAL LIABILITY

In his explanation, Van Hamel does not provide a definition of criminal responsibility, but rather provides an understanding of responsibility. Van Hamel stated in full:

> "Accountability is a normal psychological state and skill that brings three kinds of abilities, which are; 1) being able to understand the true meaning and consequences of one's own actions; 2) being able to realize that these actions are contrary to improving society; and 3) able to determine the will to act)." (Hiariej, 2016)

Further explanation is needed regarding the three abilities stated by Van Hamel regarding the will to act. When corresponding the will to act with mistakes as the most important element of responsibility, there are three opinions:

1. Indeterminism, which states that humans have free will to act. Free will is the basis of volitional decisions. If there is no free will, then there is no guilt. Thus there is no censure so there is no punishment;
2. Determinism, which states that humans do not have free will. Volitional decisions are determined entirely by character and motives which are stimulated from within and from outside. This means that a person cannot be declared guilty because they do not have free will. However, this does not mean that people who commit criminal acts cannot be held responsible for their actions. The absence of free will actually create a person's responsibility for their actions. However, the reaction to the act committed is in the form of action for public order and is not criminal in the sense of suffering;
3. The third opinion states that mistakes have nothing to do with free will. Strictly speaking, freedom of will is something that has nothing to do with mistakes or crime in criminal law (Hiariej, 2016).

The definition of criminal responsibility is put forward by Simon as a psychological condition, so that the application of criminal provisions from a general and personal perspective is considered appropriate (*de toerekeningsvatbaarheid kan worden opgevat als eene zoodanige psychische gesteldheid, waarbij detoepassing van een strafmaatregel van algemeen en individueel standpunt gerechtvaardig is*). According to Simon, the basis for responsibility in criminal law is a certain psychological condition of the person who commits the criminal act and the existence of a relationship between that condition and what is done in such a way that the person can be blamed for committing the act (Hiariej, 2016, p. 122).

## CORPORATIONS AS LEGAL SUBJECTS

There is an idea that the corporation as an entity capable of committing crimes and subject to punishment has developed in three overlapping stages in time sequence. In the first stage, a corporation is considered a legal creation. In reality, the idea that develops at this stage is that it is humans in the corporation who carry out an action. In the second stage, corporations are considered equal to humans. The board of directors is considered the head and the people who work for the corporation are considered the hands of the corporation. In the third stage, the corporation is considered to have a "life" of its own, which is to a certain extent controlled by the natural persons involved in it (Tim Pokja Penyusunan Pedoman Pertanggungjawban Pidana Korporasi, 2017, pp. 22–23).

According to this thinking, there are three theoretical models in interpreting corporate criminal liability. The first model is that corporations are not considered to act alone. but the action is the action of a natural person representing the company and is ascribed to the company. The second model, a corporation acts alone, but its actions are considered the actions of an organ, for example the corporation's board of directors. The third model accepts that a corporate action cannot always be considered an action of a natural person. Nico Keijzer believes that this last model is most suitable for cases related to criminal acts (Tim Pokja Penyusunan Pedoman Pertanggungjawban Pidana Korporasi, 2017, p. 23).

Reksodiputro divides the context of criminal responsibility for corporations into three forms. First, the management of the

Corporation as creators and administrators are responsible. Second, corporations as creators and managers are responsible. Third, corporations as makers and also as responsible. The opinion above is complemented by Sutan Remy Sjahdeini by adding one context, namely that the management and the corporation are both perpetrators of criminal acts, and both must bear criminal responsibility (Tim Pokja Penyusunan Pedoman Pertanggungjawban Pidana Korporasi, 2017, pp. 23–24).

## CORPORATE CRIME IN THE ENVIRONMENTAL SECTORS

Among other things, globalization has shown the existence of a corporate dimension, namely the growth of corporations continues to increase very rapidly in number and size along with their role. This shows that economic, social and political activities are largely influenced by corporate behavior (Topan, 2009, p. 39). Corporations have been the driving forces in most of the technological advances beyond nation-states boundaries.

It cannot be denied that corporations have an important role in globalization through the development process in the economic sector. The role of corporations in the development of their activities can increase the benefits of economic growth through state income in the form of foreign exchange earnings, as well as providing extensive employment opportunities for the community. However, government policies which are oriented towards increasing economic growth by building various industries whose operations are mostly played by corporations, often show deviant behavior in their activities. Deviations in corporate behavior in their activities have become known as corporate crime (Topan, 2009, pp. 39–40). The types of crimes committed by corporations are very diverse and are basically identical to their field of business or form of activity. Therefore, the meaning, formulation and scope of corporate crime are also very diverse (Topan, 2009, p. 40). The Indonesian state itself supported the business rather than focusing on the environment problem as was evident in the passing of the Omnibus Law in 2020, in which the new law will remove requirement for all of its province to havea forest cover of 30% which will be beneficial to the palm oil industry (Regan, 2020).

This can be attributed to the so-called white-collar crime as a form of unconventional crime, having different characteristics from conventional crime, both in terms of the *modus operandi*, the perpetrators and victims. So, white-collar crime can be divided into several groups. The classification of white-collar crime according to Munir Fuady is individuals with a small scale and a simple *modus operandi*, large-scale individuals with a complex *modus operandi*, the one involving corporations and the one in public sector (Topan, 2009).

Corporate crimes in the environmental sector arise from corporate goals and interests that are deviant in relation to their role in the use and management of natural resources, industrial activities by utilizing advanced science and technology to achieve development targets in the economic sector. Without paying attention to the existence of other living creatures, whether humans, animals or plants, and viewing and placing the environment as an object that has the connotation of a commodity and can be exploited for organizational goals and interests in the form of prioritization of profit. This deviant behavior by corporations has brought many disasters to the environment and humanity (Topan, 2009, p. 5).

Meanwhile, the liability of corporations and legal entities when environmental pollution occurs can be subject to criminal sanctions as stated in Article 41, Article 42 and Article 45 of Law Number 23 of 1997 concerning Environmental Management if the criminal act referred to in that chapter is committed by or on behalf of a legal entity, company, association, foundation or other organization, the threat of a fine is increased by one third (Wardana & Susanti, 2005, p. 24). In practice, if an environmental crime is committed by a corporation, criminal liability is not given to the corporation but to the person representing the corporation (Agustian et al., 2020, p. 12).

Environmental law in Indonesia also has its preventive mechanism through what was called as Environmental Impact Analysis (AMDAL) which was used as the basis of licensing in business activities. This AMDAL was supposed to be the consideration regarding corporate crimes in environmental law, in which any corporations should be licensed before carrying out their activities. AMDAL, in principle, is in accordance with Article 33 paragraph (4) of the Constitution of the Republic of Indonesia Year 1945 regarding the development process that should prioritize sustainable development (Zahroh & Najicha, 2022, p. 61).

## DEFINITIONS OF VICTIMS IN ENVIRONMENTAL CRIMES

When talking about victims of crime, it means individually. It was not a wrong view since crimes that commonly occur in society are mostly directed towards individuals. For example, murder, assault, theft and so on. The principle of equality before the law is one of the characteristics of a rule of law state. Likewise, victims must receive legal services in the form of legal protection. It is not only suspects or accused whose rights are protected, but also victims and witnesses must be protected (Waluyo, 2018, p. 34).

Law no. 31 of 2014 concerning amendments to Law 13 of 2006 concerning the Protection of Witnesses and Victims, article 1 paragraph (3) reads "A victim is a person who experiences physical, mental suffering and/or economic loss resulting from a criminal act."

According to Arif Gosita, what is meant by victims are those who suffer physically and mentally as a result of the actions of other people who seek fulfillment for themselves or other people which is contrary to the interests and human rights of those who suffer (Gosita, 1989, p. 75). At this stage of development, victims of crime are not only individuals, but are widespread and complex. The perception is not only of the large number of victims (people), but also of corporations, institutions, governments, nations and states. It is also stated that victims can mean "individuals or groups whether private or governmental (Gosita, 1989, pp. 75–76).

It is more broadly explained regarding individual victims, institutions, the environment, society, nation and state as follows, individual victims are every person as an individual who experiences suffering, whether mental, physical, material or non-material, while institutional victims are every institution that experiences loss in carrying out its activities and functions is to cause prolonged losses as a result of government policies, private policies and natural disasters, environmental victims are every natural environment which contains plant, animal, human and community life as well as all living organisms whose growth and development and their sustainability are very dependent on the natural environment, those who have experienced deforestation, landslides, floods and fires caused by government policies that have gone wrong and irresponsible human actions, both individuals and communities, and the victims of society, nation and state are people who are treated unfairly, discriminatorily, overlapping the distribution of development results as well as their civil rights, political rights, economic rights, social rights, cultural rights are not getting better every year (Abdussalam, 2010, pp. 6–7).

In general, it is said that the relationship between the victim and the crime is the party who becomes a victim as a result of the crime. The party who becomes a victim because another group committed the crime. This is a strong opinion so far which is supported by existing facts even though in practice there are developing dynamics. The victim is the party who is harmed. The perpetrator is the group who profited by harming the victim. Losses that victims often receive or suffer include, for example, physical, mental, economic, self-esteem and so on. This relates to status, position, typological position of victims and so on (Waluyo, 2018, p. 18).

This description emphasizes that the person concerned is a "pure" victim of crime. This means the real victim. "Innocent" victims are simply victims. The *raison d'etre* to become a victim in its possible causes was not because of negligence, ignorance,

carelessness, weakness of the victim nor perhaps the victim's bad luck. It can also occur due to the state's negligence in protecting its citizens. Global developments, economic, political, sociological factors, or other negative factors, make it possible for victims who are not "pure". Here the victim is involved or becomes part of the perpetrator of the crime, even being the perpetrator at the same time (Waluyo, 2018, p. 19).

In relation to environmental crimes, corporations often involve corporations as the perpetrators, which are referred to as corporate crimes in the environmental sector. Corporate crime in the environmental sector is a form of corporate crime that concerns the Indonesian community. The impact of victims of corporate crime on the environment in general was not only depleting natural resources, but also human capital, social capital and even sustainable institutional capital. Victimization that can be caused to both individuals and collectives, even the wider community, includes material losses, losses in health and mental safety, as well as losses in the social sector. This corporate crime will not be resolved just by providing compensation to victims, but its impact on environmental damage due to exploitation that depletes natural resources will of course take a long time to return to normal, some of which cannot even be reversed because of their nature (Topan, 2009, pp. 56–57).

According to Nyoman Serikat Putra Jaya, those who are victims of environmental crimes include the interests of the state or the interests of society, individual or collective people who suffer both physically and mentally, competing companies that comply with environmental regulations that require waste processing at large costs, and employees who work in an unhealthy environment. Apart from direct victims, there are also indirect victims in the form of state losses due to costs incurred in enforcing environmental criminal law. In environmental crimes there is also a distinction between real loss or damage (actual harm) and loss in the form of threats (threatened harm) (Topan, 2009).

Regarding victims affected by environmental crimes, Widowaty explained that victims must receive legal protection in the form of providing compensation and environmental restoration (Widowaty, 2012, p. 165). Environmental restoration itself can be interpreted as improving the environment that has been damaged or polluted by corporations. It is also important to see and consider the losses suffered by victims of environmental crimes because unlike conventional crimes, often victims of environmental crimes do not feel that they have become victims (Yusrizal, 2012, p. 223). Meanwhile, using green victimology approach, Friska Dewi explained that in protecting victims of environmental crimes, justice must be fulfilled not just to humans, but also to environment, species, and ecology (Dewi, 2023, p. 171).

Another victim of environmental crime is the environment itself as it was explained in Law No. 32 of 2009 on the Protection and Management of Environment in which environmental loss is damage resulting from the pollution and damage to the environment (Naibaho & Purba, 2021, p. 31). An anthropocentric viewpoint in looking at corporate crime against environment will not resolve the environmental problem itself, because the true damage done by corporates were actually to the environment in which humans were impacted by it. In terms of deforestation, it was a loss of an ecosystem of plants and animals which impacted the livelihood of the people around the area. We also put the environment as a victim because it deserves to be protected in legal system and must be enforced by the government regulations on its protection.

## INDONESIA'S ANALISIS MENGENAI DAMPAK LINGKUNGAN (AMDAL)

AMDAL (Analisis Mengenai Dampak Lingkungan), or Environmental Impact Assessment (EIA), is a crucial process in Indonesian environmental law that aims to evaluate the potential environmental effects of a proposed development project before it is implemented. The AMDAL process is mandated by Indonesian law to ensure that

significant environmental impacts are identified, assessed, and mitigated. The relevance of AMDAL to Indonesian environmental law lies in its role as a key regulatory tool for environmental protection. Under the Indonesian Environmental Protection and Management Law (UUPPLH), AMDAL is required for projects that have the potential to cause significant environmental harm, such as large-scale infrastructure, industrial developments, and resource extraction. The process helps ensure that projects are carried out in a manner that minimizes adverse environmental impacts, promotes sustainability, and complies with national environmental standards. The relevance of AMDAL within Indonesian environmental law is emphasized by its integration into the country's legal framework. It aligns with Indonesia's commitment to sustainable development and environmental conservation by ensuring that environmental considerations are integrated into the decision-making process for development projects. By requiring projects to undergo an EIA, the law helps balance economic growth with environmental protection, aiming to prevent ecological damage and promote long-term environmental health (Purnama, 2003). Enhancing the effectiveness of Indonesia's AMDAL requires a multifaceted approach that involves improving the quality of environmental assessments, ensuring stronger enforcement and compliance, promoting transparency, and encouraging greater public participation. By addressing issue such as Lapindo Mud tragedy, Indonesia can foster more sustainable development practices that protect the environment, improve social welfare, and contribute to long-term economic prosperity.

Improving the effectiveness of Indonesia's AMDAL in relation to corporate crime against the environment involves addressing both the preventive and reactive aspects of environmental governance. Corporate environmental crime can include illegal pollution, illegal logging, deforestation, and other activities that violate environmental laws, often driven by corporate interests prioritizing profit over environmental sustainability. To tackle this issue, Indonesia's AMDAL system must be strengthened in several ways, ensuring that it is both a preventive tool and an effective means of holding corporations accountable for environmental harm. In some problems such as Lapindo in East Java, the government needs to address curative/reactive measure such as enforcing the legal sanctions and penalties on corporations such as Lapindo. The disastrous impact of Lapindo destroyed not only the environment but also the communities living in the area. Some of the villagers have rebuild their homes but they lost communities because of disputes (Nugroho, 2023). Lapindo didn't deal with the consequences of their actions by themselves and the government, under Joko Widodo in 2014, loaned them $45.5 million to deal with the financial compensations to the impacted communities (Danaparamita, 2016). Thus, we recommend the government to amend the environmental laws to ensure that violations of AMDAL conditions would result in significant fines, criminal charges and revocations of operationg licenses while creating provisions that criminalizes misconduct when the corporations harm the environment. While amending the environmental law to punish the legal offender, the government also needs to stop bailing out corporation such as Lapindo and let them deal with their mess and only step in when the corporations have exhausted all of their financial capabilities. Bailing out corporations such as Lapindo will only result in other companies took lightly on environmental problem.

## IV. CONCLUSION

It has been stated and reviewed in the previous discussion and subsections regarding environmental crimes committed by corporations as well as their responsibilities and victims of environmental crimes for the activities of the corporation itself. The conclusion that can be drawn at the end of this paper is that many things are harmed by environmental crimes as exemplified earlier, namely the Lapindo Mud tragedy in East Java.

Punishment against corporations themselves does not target corporations as a whole, but rather their representatives. Corporations have an obligation to repair the environmental damage they do.

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