JURNAL HUKUM IN CONCRETO
Vol. 3, No. 2 (AGUSTUS) 2024
E-ISSN: 2963-7724

The Legal Framework of Corporate Criminal Accountability in Indonesian Mining Crimes

Dinda Permata Mariza[1*]
[1]Faculty of Law, Universitas Jenderal Soedirman, Indonesia
[1]dindapermatam@gmail.com

Abstract

This study explores the legal framework and enforcement practices related to corporate criminal liability in Indonesia's mining sector. While corporate accountability is formally recognized under the new Indonesian Criminal Code (KUHP 2023), Law No. 4 of 2009 on Mineral and Coal Mining (UU Minerba) lacks procedural clarity for holding corporations liable. Using a normative juridical method, the research analyzes primary legal sources and relevant secondary materials to assess how legal norms are applied in practice. The findings show a disconnect between legal recognition and enforcement. Although KUHP 2023 provides detailed provisions on corporate liability, UU Minerba remains focused on individual actors and offers no clear mechanism for attributing liability to corporate structures. As a result, prosecutions tend to target employees or subcontractors, while corporate decision-makers often evade responsibility. Enforcement is further hampered by weak institutional coordination, limited prosecutorial guidance, and political influence at the regional level. Strengthening corporate accountability requires harmonizing the KUHP and UU Minerba, developing procedural guidelines, and enhancing institutional capacity. Civil society engagement and strategic litigation are also essential to ensuring corporate compliance and promoting environmental justice.
Keywords: corporate criminal liability; environmental crime; legal enforcement; mining law

Abstrak

Penelitian ini mengkaji kerangka hukum dan praktik penegakan hukum terkait pertanggungjawaban pidana korporasi dalam sektor pertambangan di Indonesia. Meskipun pertanggungjawaban pidana korporasi telah diakui secara formal dalam Kitab Undang-Undang Hukum Pidana (KUHP) yang baru, Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara (UU Minerba) masih belum memberikan kejelasan prosedural yang memadai untuk menjerat korporasi sebagai pelaku tindak pidana. Dengan menggunakan metode yuridis normatif, penelitian ini menganalisis sumber hukum primer dan bahan hukum sekunder untuk menilai penerapan norma hukum dalam praktik. Hasil penelitian menunjukkan adanya kesenjangan antara pengaturan normatif dan pelaksanaannya di lapangan. KUHP 2023 telah mengatur mekanisme pertanggungjawaban korporasi secara rinci, namun UU Minerba masih

***Dinda Permata Mariza**
Email: dindapermatam@gmail.com

berfokus pada pelaku perorangan tanpa memberikan panduan konkret mengenai atribusi kesalahan korporasi. Akibatnya, penegakan hukum cenderung hanya menyasar karyawan atau pelaksana lapangan, sementara pengambil keputusan di tingkat korporasi luput dari proses hukum. Hambatan lain mencakup lemahnya koordinasi antar lembaga, keterbatasan pedoman bagi penuntut umum, serta pengaruh politik di tingkat daerah. Penguatan akuntabilitas korporasi membutuhkan harmonisasi regulasi, pengembangan pedoman teknis, peningkatan kapasitas kelembagaan, serta dukungan masyarakat sipil dan litigasi strategis.
Kata kunci: *hukum pertambangan; kejahatan lingkungan; pertanggungjawaban pidana korporasi; penegakan hukum*

1. INTRODUCTION

Criminal law, as a mechanism of social control, is not solely designed to punish wrongdoing but also functions as a vital instrument in shaping public order, protecting collective interests, and upholding legal norms. Its application, particularly in complex societal structures, requires not only codified rules but also coherent policy directions that reflect evolving socio-economic challenges. The formulation and implementation of criminal law must therefore be guided by a structured legal policy framework that anticipates potential threats, especially those arising from industrial and corporate activities.

Criminal law policy, often classified within the broader realm of legal policy, embodies a scientific approach to the systematic development, reform, and application of criminal law. Marc Ancel's theory of penal policy conceptualizes it as an intellectual discipline aimed at crafting more effective criminal legislation and legal responses to societal changes.[1] This perspective places emphasis not only on the repressive function of law but also on its preventive and corrective roles. Criminal law policy, when well-integrated, operates as a bridge between normative legal structures and pragmatic enforcement mechanisms.

[1] Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru) (Jakarta: Kencana, 2014).

A robust penal policy is expected to integrate three essential domains: the substance of criminal law, criminal procedural norms, and the enforcement of criminal sanctions. The synergy among these components determines the functionality of criminal justice institutions. Importantly, penal policy must be designed to balance penal instruments with non-penal interventions such as education, environmental regulation, and economic policy, especially when addressing crimes that transcend individual culpability, such as corporate environmental offenses.

The interconnection between criminal law and environmental governance has gained increasing attention in jurisdictions dealing with rampant natural resource exploitation. In Indonesia, the extractive industries, particularly in the mining sector, have triggered significant legal and ecological concerns. The legal infrastructure regulating mining operations has been criticized for being overly permissive and susceptible to regulatory capture. Licenses for mineral exploitation are frequently granted without adequate environmental feasibility assessments, and the lack of post-licensing oversight has enabled widespread violations by corporate actors.

Although Law No. 4 of 2009 on Mineral and Coal Mining outlines the roles of central and regional governments in managing mining activities, ambiguities remain in the division of authority, especially concerning artisanal and small-scale mining. Local governments, while empowered to enact regional regulations and issue operational permits, often lack the technical capacity and institutional independence to monitor mining activities effectively.[2] Consequently, unsustainable mining practices persist, frequently involving heavy machinery, illegal land clearing, and riverbed extraction, which leave behind deep pits, soil erosion, and irreversible environmental degradation.

The socio-environmental consequences of these unregulated or poorly supervised mining operations are not borne equally. It is not the corporations that suffer the impact

[2] Benedikta Bianca Darongke, "Penegakan Hukum Terhadap Pertambangan Tanpa Izin Menurut Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batu Bara," Lex Et Societatis 5, no. 10 (2017): 1–6, https://doi.org/https://doi.org/10.35796/les.v5i10.18491.

of land degradation, flooding, or toxic runoff, but rather the local communities residing near extraction sites. These communities, many of whom are economically marginalized, become victims of both environmental injustice and legal impunity. Despite the existence of legal provisions criminalizing environmental destruction, enforcement remains heavily constrained by institutional inertia, legal ambiguity, and political interference.

The issue of corporate accountability in such contexts raises doctrinal and practical questions. While Indonesian criminal law recognizes the corporation (*korporasi*) as a legal subject that can be held criminally liable, the operationalization of this liability remains inconsistent.[3] Legal provisions often fall short in defining the standards of culpability for corporate actors. In practice, the lack of clear prosecutorial guidelines, evidentiary standards, and sentencing frameworks has created a vacuum in enforcement. As a result, corporations engaged in environmentally destructive practices are rarely prosecuted, and even when convicted, face negligible penalties that do not reflect the scale of the damage inflicted.[4]

Several academic contributions have attempted to explore this gap. Gilang Izzuddin Amrullah[5] in 2019 conducted a normative legal analysis focusing on structural weaknesses in attributing criminal liability to corporations engaged in mining activities. His study underscores the inadequacy of doctrinal foundations and the lack of statutory specificity in assigning blame to legal persons. Alvika Fatmawati Dwi Putri[6] in 2021,

---

3 Sikumbang Harahap, Zulham Effendy., Ediwarman., Ablisar, Madiasa, "Analisis Hukum Mengenai Penjatuhan Sanksi Pidana Terhadap Pelaku Usaha Pertambangan Tanah Tanpa Izin Usaha Pertambangan Di Kabupaten Deli Serdang," USU Law Journal 5, no. 2 (2017): 1–10, https://jurnal.usu.ac.id/index.php/law/article/v iew/17416.

4 Dany Andhika Karya Gita and Amin Purnawan, "Kewenangan Kepolisian Dalam Menangani Tindak Pidana Pertambangan (Ilegal Mining) Menurut Undang-Undang Nomor 4 Tahun 2009 (Studi Di Kepolisian Negara Indonesia)," Jurnal Daulat Hukum 1, no. 1 (March 15, 2018), https://doi.org/10.30659/jdh.v1i1.2561.

5 Gilang Izzuddin Amrullah, "Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Pertambangan," Jurist-Diction 2, no. 4 (July 23, 2019): 1275, https://doi.org/10.20473/jd.v2i4.14491.

6 Alvika Fatmawati Dwi Putri and Mujiono Hafidh Prasetyo, "Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Di Bidang Pertambangan," Jurnal Pembangunan Hukum Indonesia 3, no. 3 (September 17, 2021): 312–24, https://doi.org/10.14710/jphi.v3i3.312-324.

adopting a criminological approach, examined criminal law policy in addressing illegal mining and emphasized the need for harmonization between environmental and penal legislation. Her work calls for policy integration as a prerequisite for effective deterrence. Moh Rizal[7] in 2024, in a more recent empirical study, documented enforcement failures in coal mining-related environmental offenses and proposed a model of corporate liability based on restorative environmental justice and deterrent financial penalties.

These studies collectively demonstrate that corporate criminal liability, particularly in the context of environmental and mining crimes, remains underdeveloped in Indonesia's legal system. The absence of a unified prosecutorial strategy and the fragmented institutional response hinder the deterrence function of criminal law. While the normative basis for corporate liability exists, its practical realization is obstructed by procedural inconsistencies, legal pluralism, and the asymmetry of power between regulators and corporate offenders.

This article seeks to address these critical gaps by providing a systematic legal analysis of the Indonesian framework governing corporate criminal accountability in mining-related environmental crimes. It examines the statutory structure, judicial interpretation, enforcement challenges, and doctrinal debates surrounding corporate liability. Through this inquiry, the study aims to propose a reconfiguration of criminal law policy that not only enhances enforcement capacity but also aligns with broader principles of environmental sustainability and legal certainty. The analysis draws on doctrinal, comparative, and empirical methods to provide a comprehensive understanding of how law can be used not merely to punish, but to prevent corporate harm against nature and society.

---

[7] S. Rizal, M., Cornelis, V. I., Astutik, "Pertanggung Jawaban Korporasi Dalam Tindak Pidana Lingkungan Pada Sektor Pertambangan Batu Bara Di Indonesia.," *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 3, no. 2 (2024): 362–376, https://jurnal.anfa.co.id/index.php/civilia/article/view/2529.

2. RESEARCH METHODS

This study adopts a normative juridical research approach, which focuses on examining the implementation and coherence of legal norms within Indonesia's positive legal system.[8] As a doctrinal legal study, it emphasizes the interpretation and evaluation of statutory provisions, legal doctrines, and authoritative legal materials, particularly those concerning corporate criminal liability in the mining sector. The research employs library research methods to gather primary legal materials including statutory law, judicial decisions, and regulatory instruments as well as secondary legal materials, such as scholarly journals, legal textbooks, commentaries, and relevant legal theories that support the normative analysis. The selection of these sources is guided by their relevance to the regulation and enforcement of corporate liability for environmental crimes related to mining activities.[9]

The data collected are analyzed using a qualitative descriptive method, which involves interpreting legal norms systematically and critically through the lens of legal theory, statutory interpretation, and doctrinal analysis. The purpose of this method is not only to describe the existing legal framework but also to uncover gaps, inconsistencies, or ambiguities in its application. The analysis is structured to address the central research problem: how corporate criminal liability is regulated and enforced within Indonesian mining law.[10] This approach allows the study to develop normative arguments and legal policy recommendations aimed at improving the effectiveness and accountability of the legal system in dealing with corporate environmental offenses.

---

8 Johan Harlan, Rita Sutjiati Johan, and Penerbit Gunadarma, Metode Penelitian Kesehatan, Cetakan Ke (Depok 16424: Purwanto Joko Slameto, 2018).

9 Muhammad Siddiq Armia, Penentuan Metode Dan Pendekatan Penelitian Hukum (Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022).

10 Jhonny Ibrahim, Johnny Ibrahim, Teori & Metodologi Penelitian Hukum Normatif, Bayumedia Puplishing (Malang: Bayumedia Publishing, 2007).

3. RESULTS AND DISCUSSION

3.1. The Legal Framework Governing Corporate Criminal Liability in Indonesian Mining Law

The Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana*, or KUHP), as the foundational body of criminal law, traditionally classifies criminal offenses into two categories: crimes (*kejahatan*) and violations (*pelanggaran*). This dichotomy plays a critical role in shaping the procedural consequences of prosecution, including the evidentiary threshold, the required mental element, and the severity of punishments imposed. However, many special laws, such as Law No. 4 of 2009 on Mineral and Coal Mining (UU Minerba), do not offer a similar classification. The absence of such a provision has created interpretative challenges, particularly when determining how general provisions of the KUHP should apply to offenses under sector-specific legislation. A lack of clarity regarding whether offenses in UU Minerba are to be treated as crimes or regulatory violations significantly affects their enforceability. In practical terms, it creates uncertainty for law enforcement and the judiciary in classifying the severity of offenses, assessing criminal intent, and assigning culpability.[11] Moreover, it poses a serious legal risk by allowing ambiguity in whether mining-related offenses should be pursued through criminal prosecution or merely administrative sanctions.

Beyond this fundamental ambiguity, UU Minerba also lacks elaboration on how corporations, as legal entities, can be held directly accountable for criminal conduct. While the law acknowledges corporate entities as potential offenders, it does not specify the standards of proof or the organizational conditions under which criminal liability can be assigned to a corporation. As a result, enforcement bodies often default to prosecuting individuals associated with corporate activities, rather than targeting the corporation

[11] Muhammad Ichsan Ali, "The Consequences of Illegal Mining in the Environment: Perspectives Behavioral, Knowledge and Attitude," Int. J. Environ. Eng. Educ., 1, no. 1 (2019): 25–33., https://doi.org/https://zenodo.org/records/2633654.

itself.[12] In contrast, the revised Criminal Code (Law No. 1 of 2023) provides a far more detailed and structured recognition of corporate criminal liability. It explicitly designates corporations as subjects of criminal law and defines a broad range of legal entities that fall under this category. Specifically, Article 45 identifies not only limited liability companies and state-owned enterprises, but also cooperatives, foundations, partnerships, and other associations, whether or not they possess legal personality, as criminal subjects.[13]

The attribution of criminal acts to corporations is further clarified in Article 46, which states that criminal responsibility may be assigned when the offense is committed by individuals who have functional authority within the organizational hierarchy, or by parties acting under formal agreements for and on behalf of the corporation. This standard broadens the traditional scope of liability by considering de facto authority and not solely de jure titles, reflecting the operational reality of corporate governance. Further extending the reach of accountability, Article 47 introduces liability for external actors such as beneficial owners, controlling parties, or individuals with significant influence over corporate actions. This provision is vital in uncovering indirect control and ensuring that those who profit from, or orchestrate, criminal conduct cannot escape liability through organizational complexity.

The core criteria for establishing corporate criminal liability are set out in Article 48, which requires that the offense be committed within the scope of the corporation's business activities, provide an unlawful benefit, be approved or tolerated as corporate policy, or occur due to the corporation's failure to prevent or respond to the criminal conduct. These provisions reflect a dual model of liability, combining elements of both

---

12 I Nyoman. Sarasvati, Audia Priti., Sepud, I Made.,Sutama, "Sanksi Pidana Terhadap Pelaku Tindak Pidana Penambangan Batu Padas Atau Paras Secara Ilegal Criminal Sanctions Against Perpetrators Of Illegal Padas (Paras Stone).," Jurnal Analogi Hukum 2, no. 2 (2020): 1–11, https://doi.org/https://doi.org/10.22225/ah.2.1. 1605.7-11.

13 Dede Indraswara, "Corporate Criminal Liability of Corruption Criminal Actions PT. Sinarmas Asset Management," The Digest: Journal of Jurisprudence and Legisprudence 5, no. 2 (2024): 139–84, https://doi.org/https://doi.org/10.15294/digest.v5i2.3984.

benefit-based and policy-based attribution, which aligns with international best practices. As for sanctions, the revised KUHP stipulates both principal and supplementary penalties tailored to corporations. While principal sanctions include criminal fines, the law provides for asset seizure or business suspension if the corporation is unable to fulfill its financial obligations. In addition, Article 120 of the KUHP outlines supplementary measures such as public announcements of court decisions, license revocations, partial or complete business closures, and in extreme cases, the dissolution of the corporate entity itself.

While Law No. 4 of 2009 on Mineral and Coal Mining stipulates criminal sanctions for a variety of offenses, including unauthorized mining activities, failure to implement post-mining reclamation, and environmental destruction, it lacks procedural clarity when it comes to applying these sanctions to corporate legal subjects. Articles 153 to 162 of the law outline various punishable acts and the corresponding sanctions, such as imprisonment and fines. However, these provisions are drafted with an implicit assumption that the perpetrator is an individual rather than a corporate entity.[14] As a result, the law fails to address the mechanisms by which corporate liability can be determined and enforced, leading to a regulatory vacuum when corporations are the primary beneficiaries of illegal mining practices.

This legal gap presents substantial challenges for both law enforcement agencies and judicial authorities. The absence of a clear framework for attributing criminal liability to corporations often leads legal practitioners to default to prosecuting individual employees, subcontractors, or field-level managers, while executive decision-makers and the corporate entities themselves remain largely beyond the reach of prosecution. Law No. 4 of 2009 on Mineral and Coal Mining does not provide specific provisions that define how criminal intent, negligence, or corporate benefit should be evaluated in cases

[14] Mas Achmad Santosa and Stephanie Juwana, "Corporate Environmental Criminal Liability in Indonesia," in Crime and Punishment in Indonesia (Routledge, 2020), 311–44, https://doi.org/10.4324/9780429455247-16.

involving legal persons. As a result, the current enforcement system tends to disproportionately target lower-level actors, failing to address or deter systemic violations planned or permitted at the corporate level. This misalignment between the structure of corporate offenses and enforcement practices has rendered the implementation of the mining law inconsistent and largely ineffective in holding corporate perpetrators accountable for environmental crimes within the mining sector.

Several legal analyses have emphasized the gap between the formal recognition of corporate criminal liability and its practical enforcement within Indonesia's mining sector. Although the legal framework, including the revised Criminal Code (KUHP 2023), acknowledges corporations as legal subjects, it often lacks the procedural clarity and institutional support necessary for holding corporate entities accountable in practice. In many cases, enforcement disproportionately targets lower-level employees or subcontractors, while corporate executives and decision-makers remain untouched. This misalignment between legal norms and enforcement outcomes significantly weakens the deterrent function of criminal law and raises serious concerns about the erosion of justice and accountability. To address these issues, harmonization between the KUHP and sector-specific legislation, particularly Law No. 4 of 2009 on Mineral and Coal Mining, is essential. Without coherence between general and special laws, efforts to prosecute corporations involved in mining-related offenses will remain inconsistent and ineffective. A well-integrated legal framework that clearly defines liability attribution, procedural mechanisms, and enforcement strategies is necessary to ensure that corporate actors can no longer evade prosecution when engaging in unlawful and environmentally harmful practices.

3.2. Challenges and Prospects for Enforcing Corporate Criminal Liability in the Mining Sector

Enforcing corporate criminal liability in Indonesia's mining sector presents a range of legal and institutional challenges that continue to impede the realization of effective environmental justice. Although both general criminal law, such as the revised Indonesian

Criminal Code (KUHP 2023), and sectoral regulations, including Law No. 4 of 2009 on Mineral and Coal Mining, formally acknowledge the potential for holding corporations accountable, the actual application of these provisions remains sporadic and inconsistent. One major contributing factor is the historically individual-centered orientation of Indonesia's criminal justice system, which has traditionally focused on the culpability of natural persons. This orientation has led to a lack of institutional familiarity and procedural readiness in dealing with corporate defendants. Prosecutors, judges, and investigators often find themselves uncertain about the legal standards, evidentiary requirements, and attribution models needed to pursue cases involving corporate entities.[15] This institutional hesitation results in limited enforcement efforts, even in instances where corporations are the primary beneficiaries of illegal activities and environmental damage.

A central difficulty in prosecuting corporations lies in the complex nature of attributing criminal responsibility to a legal entity. Unlike individuals, corporations operate through multi-layered structures, where decisions are made collectively and authority is often decentralized. Establishing intent (mens rea) or negligence on the part of a corporation involves tracing actions and omissions across various departments, management levels, and operational policies. In the absence of explicit attribution standards, particularly within sectoral laws like the Mineral and Coal Mining Law, law enforcement officials face significant obstacles in proving how specific corporate policies, lack of oversight, or internal systemic failures contributed directly to unlawful mining practices or environmental degradation.[16] This legal ambiguity often leads to fragmented investigations and missed opportunities to hold corporations accountable for

---

[15] Derita Prapti Rahayu et al., "Countering Illegal Tin Mining with a Legal Formulation of Law Based on Local Wisdom in Bangka Belitung, Indonesia," Cogent Social Sciences 10, no. 1 (December 31, 2024), https://doi.org/10.1080/23311886.2024.2311053.

[16] Deny Setiawan, Warasman Marbun, and Arief Patramijaya, "Corporate Criminal Liability In Environmental Pollution Crimes," *JILPR Journal Indonesia Law and Policy Review* 5, no. 3 (June 29, 2024): 511–20, https://doi.org/10.56371/jirpl.v5i3.274.

harm caused under their operational domain. Another key obstacle is the evidentiary complexity inherent in proving corporate crime. Investigations into illegal mining activities often require technical documentation, environmental assessments, and internal corporate records to establish organizational culpability. Gathering such evidence demands inter-agency cooperation and specialized expertise, which are often lacking at both the national and regional levels.[17] Consequently, prosecutors tend to prioritize cases that are easier to handle procedurally, typically targeting individual perpetrators rather than the corporate structures that enable and benefit from such activities.

Decentralization adds further complexity to enforcement. Under Indonesian law, regional governments possess significant authority over mining permits and operations. However, this authority is not always accompanied by adequate institutional capacity or political independence. In several cases, local government officials have been complicit in licensing irregularities or have failed to act against corporations engaged in unauthorized or environmentally harmful mining. This situation creates a regulatory vacuum where enforcement is selective, and accountability is compromised by political considerations.[18] In addition to structural and procedural shortcomings, there exists a cultural reluctance within law enforcement and the judiciary to treat corporations as autonomous criminal actors. Corporate entities are often viewed primarily as economic contributors whose prosecution might disrupt employment and investment. This perception leads to leniency in sanctioning and a preference for administrative remedies such as fines or license suspensions, rather than pursuing full criminal liability through

[17] Muhammad Aditya Wijaya and Alif Imam Dzaki, "Corporate Criminal Liability on Environmental Law: Indonesia and Australia," Mulawarman Law Review, December 30, 2023, 16–28, https://doi.org/10.30872/mulrev.v8i2.1306.

[18] Ahmad Redi, "Responsive Law Enforcement in Preventing and Eradicating Illegal Mining in Indonesia," Journal of Law and Sustainable Development 11, no. 8 (September 29, 2023): e1436, https://doi.org/10.55908/sdgs.v11i8.1436.

the courts. As a result, corporations are seldom deterred from engaging in illegal or negligent mining practices.[19]

Another dilemma arises from the tension between punitive measures and the broader goal of preserving corporate viability. When corporations are involved in essential sectors such as energy or employment, imposing harsh penalties such as dissolution or business suspension is perceived as socially disruptive. This creates a legal paradox in which criminal liability must be enforced without compromising the welfare of innocent stakeholders, including employees and surrounding communities.[20] Therefore, enforcement authorities often hesitate to apply severe sanctions, opting instead for symbolic penalties with limited deterrent effect. Furthermore, the absence of detailed sentencing guidelines for corporate offenders contributes to legal uncertainty and inconsistency. While the new KUHP includes progressive provisions related to corporate accountability, it does not provide comprehensive standards for determining the appropriate level of punishment based on the scale of harm, the level of negligence, or the degree of benefit to the corporation.[21] Without such guidelines, judges face difficulties in crafting penalties that are proportionate and meaningful, potentially resulting in overly lenient or excessively harsh judgments.

Despite these challenges, several developments indicate growing momentum toward strengthening corporate accountability in the mining sector. The inclusion of detailed provisions on corporate criminal liability in the 2023 Criminal Code reflects an evolving legal consensus on the need for clearer rules of attribution and enforcement. The recognition of corporate benefit, policy acceptance, and organizational negligence as

---

[19] Andri G. Wibisana, Michael G. Faure, and Raisya Majory, "Error in Personam: Confusion in Indonesia's Environmental Corporate Criminal Liability," Criminal Law Forum 32, no. 2 (June 25, 2021): 247–84, https://doi.org/10.1007/s10609-021-09412-6.

[20] A. Muh. Ilham, Herman Bakir, and Azis Budianto, "Corporate Criminal Liability in Environmental Crime Related To Unlimited Waste Dumping in Mining Companies," in *Proceedings of the 3rd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2023, 6 May 2023, Salatiga, Central Java, Indonesia* (EAI, 2023), https://doi.org/10.4108/eai.6-5-2023.2333500.

[21] *Ibid.*

grounds for liability provides a normative basis for prosecutors and judges to build stronger cases against corporate offenders.[22] Additionally, civil society organizations, environmental watchdogs, and media outlets are increasingly active in documenting and exposing cases of illegal mining and environmental harm linked to corporate actors. Their efforts have contributed to heightened public awareness and political pressure for more robust enforcement. Strategic litigation and public interest lawsuits have also begun to emerge as tools for holding corporations accountable, particularly when state agencies fail to act.[23]

To enhance enforcement, future reforms must focus on harmonizing the provisions of UU Minerba with the revised KUHP. This includes developing technical guidelines for investigators and prosecutors on handling corporate environmental crimes, enhancing inter-agency coordination, and ensuring that local governments possess the resources and independence to oversee mining operations effectively. At the same time, legal education and judicial training must incorporate corporate criminal liability as a core component, ensuring that all actors in the justice system are prepared to apply the law with consistency and rigor.

CONCLUSION AND SUGGESTION

The legal framework governing corporate criminal liability in Indonesia's mining sector has evolved significantly with the enactment of the new Criminal Code (KUHP 2023), which formally recognizes corporations as legal subjects of criminal law and provides mechanisms for attributing liability. However, sector-specific regulations such as the Minerba Law remain normatively and procedurally underdeveloped, lacking clear standards for assigning criminal responsibility to corporate entities. Therefore,

[22] Setiawan, Marbun, and Patramijaya, "Corporate Criminal Liability In Environmental Pollution Crimes."

[23] Purnomo Wulandari and Sri Endah Wahyuningsih, "The Strict Liability by Corporate in Enforcement of Environmental Law," Law Development Journal 2, no. 4 (February 14, 2021): 477, https://doi.org/10.30659/ldj.2.4.477-488.

enforcement efforts frequently concentrate on individual actors, while corporate leaders and institutions remain largely beyond the reach of criminal prosecution. These limitations, combined with institutional weaknesses such as insufficient investigative capacity, fragmented enforcement authority, and hesitancy among legal practitioners, continue to hinder the realization of accountability, deterrence, and environmental protection in the mining sector.

In addressing these shortcomings, it is essential to prioritize legal harmonization between the KUHP and the Minerba Law, particularly regarding liability attribution and procedural coherence. Developing technical guidelines for prosecutors and investigators would significantly enhance their capacity to handle corporate environmental crimes more effectively. Strengthening institutional capacity through targeted training, improving coordination among relevant agencies, and encouraging judicial assertiveness in applying corporate sanctions are equally critical. Furthermore, empowering civil society and supporting public interest litigation can provide additional oversight and pressure for enforcement. Together, these efforts will help establish a more accountable and sustainable legal framework for managing corporate misconduct in Indonesia's mining industry.

REFERENCE

Aditya Wijaya, Muhammad, and Alif Imam Dzaki. "Corporate Criminal Liability on Environmental Law: Indonesia and Australia." *Mulawarman Law Review*, December 30, 2023, 16–28. https://doi.org/10.30872/mulrev.v8i2.1306.

Ali, Muhammad Ichsan. "The Consequences of Illegal Mining in the Environment: Perspectives Behavioral, Knowledge and Attitude." *Int. J. Environ. Eng. Educ.*, 1, no. 1 (2019): 25–33. https://doi.org/https://zenodo.org/records/2633654.

Amrullah, Gilang Izzuddin. "Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Pertambangan." *Jurist-Diction* 2, no. 4 (July 23, 2019): 1275. https://doi.org/10.20473/jd.v2i4.14491.

Armia, Muhammad Siddiq. *Penentuan Metode Dan Pendekatan Penelitian Hukum*. Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022.

Barda Nawawi Arief. *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*. Jakarta: Kencana, 2014.

Benedikta Bianca Darongke. "Penegakan Hukum Terhadap Pertambangan Tanpa Izin Menurut Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batu Bara." *Lex Et Societatis* 5, no. 10 (2017): 1–6. https://doi.org/https://doi.org/10.35796/les.v5i10.18491.

Dede Indraswara. "Corporate Criminal Liability of Corruption Criminal Actions PT. Sinarmas Asset Management." *The Digest: Journal of Jurisprudence and Legisprudence* 5, no. 2 (2024): 139–84. https://doi.org/https://doi.org/10.15294/digest.v5i2.3984.

Harahap, Zulham Effendy., Ediwarman., Ablisar, Madiasa, Sikumbang. "Analisis Hukum Mengenai Penjatuhan Sanksi Pidana Terhadap Pelaku Usaha Pertambangan Tanah Tanpa Izin Usaha Pertambangan Di Kabupaten Deli Serdang." *USU Law Journal* 5, no. 2 (2017): 1–10. https://jurnal.usu.ac.id/index.php/law/article/v iew/17416.

Harlan, Johan, Rita Sutjiati Johan, and Penerbit Gunadarma. *Metode Penelitian Kesehatan*. Cetakan Ke. Depok 16424: Purwanto Joko Slameto, 2018.

Ibrahim, Jhonny. *Johnny Ibrahim, Teori & Metodologi Penelitian Hukum Normatif*. *Bayumedia Puplishing*. Malang: Bayumedia Publishing, 2007.

Ilham, A. Muh., Herman Bakir, and Azis Budianto. "Corporate Criminal Liability in Environmental Crime Related To Unlimited Waste Dumping in Mining Companies." In *Proceedings of the 3rd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2023, 6 May 2023, Salatiga, Central Java, Indonesia*. EAI, 2023. https://doi.org/10.4108/eai.6-5-2023.2333500.

Karya Gita, Dany Andhika, and Amin Purnawan. "Kewenangan Kepolisian Dalam Menangani Tindak Pidana Pertambangan (Ilegal Mining) Menurut Undang-Undang Nomor 4 Tahun 2009 (Studi Di Kepolisian Negara Indonesia)." *Jurnal Daulat Hukum* 1, no. 1 (March 15, 2018). https://doi.org/10.30659/jdh.v1i1.2561.

Putri, Alvika Fatmawati Dwi, and Mujiono Hafidh Prasetyo. "Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Di Bidang Pertambangan." *Jurnal Pembangunan Hukum Indonesia* 3, no. 3 (September 17, 2021): 312–24. https://doi.org/10.14710/jphi.v3i3.312-324.

Rahayu, Derita Prapti, Sri Rahayu, Faisal, and Andri Yanto. "Countering Illegal Tin Mining with a Legal Formulation of Law Based on Local Wisdom in Bangka Belitung, Indonesia." *Cogent Social Sciences* 10, no. 1 (December 31, 2024). https://doi.org/10.1080/23311886.2024.2311053.

Redi, Ahmad. "Responsive Law Enforcement in Preventing and Eradicating Illegal Mining in Indonesia." *Journal of Law and Sustainable Development* 11, no. 8 (September 29, 2023): e1436. https://doi.org/10.55908/sdgs.v11i8.1436.

Rizal, M., Cornelis, V. I., Astutik, S. "Pertanggung Jawaban Korporasi Dalam Tindak Pidana Lingkungan Pada Sektor Pertambangan Batu Bara Di Indonesia." *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 3, no. 2 (2024): 362–376. https://jurnal.anfa.co.id/index.php/civilia/article/view/2529.

Santosa, Mas Achmad, and Stephanie Juwana. "Corporate Environmental Criminal Liability in Indonesia." In *Crime and Punishment in Indonesia*, 311–44.

Routledge, 2020. https://doi.org/10.4324/9780429455247-16.

Sarasvati, Audia Priti., Sepud, I Made.,Sutama, I Nyoman. "Sanksi Pidana Terhadap Pelaku Tindak Pidana Penambangan Batu Padas Atau Paras Secara Ilegal Criminal Sanctions Against Perpetrators Of Illegal Padas (Paras Stone)." *Jurnal Analogi Hukum* 2, no. 2 (2020): 1–11. https://doi.org/https://doi.org/10.22225/ah.2.1. 1605.7-11.

Setiawan, Deny, Warasman Marbun, and Arief Patramijaya. "Corporate Criminal Liability In Environmental Pollution Crimes." *JILPR Journal Indonesia Law and Policy Review* 5, no. 3 (June 29, 2024): 511–20. https://doi.org/10.56371/jirpl.v5i3.274.

Wibisana, Andri G., Michael G. Faure, and Raisya Majory. "Error in Personam: Confusion in Indonesia's Environmental Corporate Criminal Liability." *Criminal Law Forum* 32, no. 2 (June 25, 2021): 247–84. https://doi.org/10.1007/s10609-021-09412-6.

Wulandari, Purnomo, and Sri Endah Wahyuningsih. "The Strict Liability by Corporate in Enforcement of Environmental Law." *Law Development Journal* 2, no. 4 (February 14, 2021): 477. https://doi.org/10.30659/ldj.2.4.477-488.