Implementation of Straight Liability and Liability Based On Fault Concepts in Environmentally Sound Economic Development in Indonesia

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ABSTRACT
This research aims to answer problems related to the regulation of the concept of punishment in environmental aspects in the Indonesian criminal justice system. Second, this research aims to answer the juridical implementation of the concept of Straight Liability and Liability Based On Fault in environmentally sound economic development in Indonesia. This research uses normative legal research that focuses on primary, secondary, and tertiary legal materials. This research obtained several important points including legal arrangements related to the concept of environmental crime regulated in Law Number 32 of 2009 concerning Protection and Management of the Indonesian Environment. Second, the implementation of the concept of Straight Liability and Liability Based On Fault in environmentally sound economic development in Indonesia has so far not been maximized. This is due to the lack of mentality and consistency of law enforcement officials to enforce environmental law in a complex manner. So that this research proposes to strengthen the essence and existence of law enforcement officials in enforcing environmental law in order to preserve Indonesia's environmental ecosystem.

Key Words: Criminal, Development, Economy, Environment.

INTRODUCTION
Indonesia, as a country rich in natural resources, faces major challenges in preserving the environment while encouraging economic growth. (Aqilla et al., nd) Intensive industrial, mining and agricultural activities often result in significant environmental damage. Currently, Indonesia is facing serious challenges related to increasing pollution and environmental damage. (Feriansyah et al., 2024) Environmental issues remain a big responsibility because they have an impact on the quality of life in the future. Exploitation of natural resources and the
The implementation of straight liability and liability based on fault has caused environmental conditions to worsen, including damage to marine ecosystems, widespread deforestation, frequent floods, landslides, and various other environmental problems. (Nisa & Suharno, 2020) To overcome this problem, environmental law enforcement is very important. One approach used in enforcing environmental law is the concept of straight liability (absolute responsibility) and liability based on fault (responsibility based on error).

Straight liability allows law enforcement without the need to prove the perpetrator's fault or intent, so that the legal process can run more quickly and efficiently. In contrast, liability based on fault requires proof that environmental damage occurred due to negligence or intentional actions by the perpetrator. These two approaches have different implications for law enforcement and their impact on the business world and economic development. Some literature equates the principle of strict liability with absolute liability, but in fact there are significant differences between the two. Absolute liability is also known as liability based on fault, while strict liability is included in the category of liability without fault. In the concept of strict liability, fault is not the only factor determining responsibility, because there are certain exceptions that can waive liability, such as in the case of emergencies. On the other hand, in absolute liability, responsibility is absolute without considering fault and there are no exceptions. (Fitriani, 2021) Therefore, the problem lies in how far the principles of guilt and criminal responsibility are extended, while still considering the balance between individual interests and the interests of the general public.

In Indonesia, the legal basis governing environmental responsibility is contained in several laws and regulations. Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) is one of the main legal umbrellas that regulates environmental law enforcement mechanisms. Article 88 of the PPLH Law confirms that every person whose business actions result in environmental pollution or damage must be absolutely responsible for the losses incurred. This is the application of the concept of straight liability. Apart from that, Law Number 41 of 1999 concerning Forestry and Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction also contain elements of absolute responsibility.

However, the implementation of straight liability often raises concerns among business actors because they can be subject to sanctions even though there is no element of error or negligence. This has the potential to increase operational costs and hamper the investment climate. The principle of strict liability can encourage business actors to be more responsible in preserving the environment. (Alhayyan & Leviza, 2020) On the other hand, the liability based on fault approach provides room for business actors to defend themselves if they can prove that the damage was not the result of their negligence. However, the complex and time-consuming evidentiary process often becomes an obstacle to effective law enforcement.
In the context of economic development, effective environmental law enforcement is very important to ensure that economic growth does not come at the expense of environmental sustainability (Hafid, 2020). Therefore, a comprehensive and collaborative policy strategy involving government, industry and society is needed. Clear regulations, increasing law enforcement capacity, and educating business actors regarding the importance of compliance with environmental regulations are the main keys to achieving a balance between environmental protection and economic development.

Previous research that discusses relevant topics is research related to Reassessing the legal politics of environmental protection in Job Creation laws to support ecological sustainability by Hario Danang Pambudhi and Ega Ramadayanti, Indonesian Environmental Law Journal, Volume 7, Number 2, 2021. (Ramadayanti, 2021)

Therefore, this study aims to analyze the first problem, related to regulations related to the concept of punishment in environmental aspects in the Indonesian criminal justice system. Second, related to the juridical implementation of the Straight Liability and Liability Based on Fault concepts in environmentally sound economic development in Indonesia. A normative juridical approach is used to evaluate the effectiveness of these two concepts based on existing laws and case studies. It is hoped that the research results can provide policy recommendations that can support fair and efficient environmental law enforcement without hampering economic development.

**RESEARCH METHODS**

The research method used is normative or doctrinal legal research that is prescriptive and technical or applied. Normative legal research is library legal research where normative legal research refers to library materials which are used as basic data in analyzing legal materials which refer to legal norms as outlined in statutory regulations. (Deassy JA Hehanussa, 2023) The approaches used in this research are the statutory approach (statue approach) and the case approach (case approach) to examine and analyze cases that occur in the field related to the application of crimes against environmental pollution and destruction according to the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management and other related laws and regulations. The legal materials used are primary, secondary and tertiary legal materials. The analysis used is descriptive analysis which describes the conditions of criminal law enforcement in the environmental sector in Indonesia.

**RESULTS AND DISCUSSION**

*Regulations related to the concept of punishment in environmental aspects in the Indonesian criminal justice system*

The function of law is to regulate and also function as a provider of certainty, security, protection and balance, whose nature can be not only adaptive, flexible, but also predictive and anticipatory. (Firmansyah & Farid,
The potential of this law lies in two main dimensions of the legal function, namely the preventive function and the repressive function. The preventive function is the preventive function, which is expressed in the form of preventive regulations which are basically the design of every action that society wants to take which covers all aspects of human action, including risks and predictive arrangements for forms of risk management. Meanwhile, repressive is a countermeasure function, which is expressed in the form of dispute resolution or restoration of damage to conditions caused by the risk of actions that have previously been determined in the action planning.

Law Number 32 of 2009 concerning Environmental Protection and Management regulates criminal acts in Articles 97 to Article 120. Apart from this law, there is also environmental criminal legislation which is regulated in sectoral laws, namely, among others; Law Number 5 of 1960 concerning Agrarian Principles, Law Number 11 of 1962 concerning Hygiene for Public Enterprises, Law Number 5 of 1967 concerning Forestry Principles, Law Number 5 of 1983 concerning Economic Zones Exclusive Indonesia (ZEEI), Law Number 5 of 1984 concerning Industry, Law Number 9 of 1985 concerning Fisheries, Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems (called the Biological Conservation Law), Law Number 5 of 1992 concerning Cultural Heritage Objects, Law Number 21 of 1992 concerning Shipping, Provincial and Regency City Regulations relating to the environment.

The general principles that apply in environmental criminal law, among others, were put forward by Muladi as follows:

1. Principle of legality is this principle it emphasizes the principles of legal certainty and clarity and sharpness in formulating criminal law regulations, especially insofar as they relate to the definition of environmental crimes and the sanctions that need to be imposed so that perpetrators comply with the norms. In this case, it is related to the accuracy of the criminalization process with all its requirements. One of these conditions is that there are victims and clear losses in the formulation of legal norms.

2. The principle of sustainable development states that economic development must not sacrifice the rights of future generations to enjoy a healthy and good living environment. Because this is a fundamental human right for all humans.

3. The precautionary principle states that if a danger or threat of serious and irreversible damage occurs, lack of scientific certainty should not be a reason to postpone economical steps to prevent environmental damage.

4. One of the conditions for criminalization is the principle of restraint, which states that criminal sanctions may only be used if civil sanctions and administrative sanctions and other methods are found to be ineffective or appropriate for dealing with certain criminal acts. The principle of subsidiarity, also known as the principle of "principle of ultimum ratio" or "principle of ultimum remedium" in criminal law.

The formulation of Environmental Crimes in Law Number 32 of 2009 always begins with the words "whoever". This can be interpreted the same as the meaning of "person". However, in Article 1 point 32 it is emphasized that what is meant by "person" is: Every person is an individual or business entity, whether a
Implementation of Straight Liability and Liability…

legal entity or not a legal entity. On the other hand, articles can be found that regulate the liability of legal entities, companies, associations, foundations or other organizations in accordance with Article 116. Whether based on work relationships or other relationships, those acting in legal entities, companies, associations, foundations or other organizations, claims criminal acts are committed and criminal sanctions are imposed on those who give orders or act as leaders without considering whether these people, whether based on work relationships or other relationships, commit criminal acts individually or together. Thus, it can be concluded that the subjects who can be held responsible for environmental crimes are people and corporations (legal entities) either individually or jointly.

Environmental criminal liability is based on the element of fault on the part of the perpetrator, because in the formulation of the substance of environmental criminal acts there is always an element of intention or negligence, so in this case the principle of "no punishment without fault" (genstrafzondesculd) applies, meaning that a person cannot be punished without being punished. proven that there was guilt in the perpetrator.

If there is an element of intention or negligence, it can be said that environmental criminal liability adheres to the principle of liability based on fault. Starting from the principle of error, in environmental criminal liability, it is as if absolute liability is not possible (strict liability or absolute liability), although there is an opinion that strict liability does not always mean the same as absolute liability. Theoretically, it is actually possible to deviate from the principle of error, by using the principles/teachings of strict liability or vicarious liability. What's more, it's not easy to prove the existence of errors in environmental offenses and errors in corporations/legal entities, unless reverse evidence is treated.

The process of handling a criminal act refers to criminal procedural law, namely Law no. 8 of 1981 concerning the Criminal Procedure Code (hereinafter abbreviated as KUHAP). (Soesilo, 2015) The criminal law enforcement process based on the Criminal Procedure Code consists of:

1. Reporting, complaining, or being caught red-handed,
2. Inquiry,
3. Investigation,
4. Prosecution,
5. The judge,
6. Verdict, and
7. Implementation and supervision of decisions.

All of these processes are interrelated and influence each other, and support each other for the smooth running of the next process. In the law enforcement process there are institutions in each process, including the institutions of the Republic of Indonesia Police (Polri), Civil Servant Investigators, Public Prosecutors, Panel of Judges and Registrars, Supervisory Judges and Observers. In the process of investigating environmental crimes, apart from National Police Investigators, Environmental PPNS also has the authority to carry out investigations based on Law Number 32 of 2009 concerning Environmental Protection and Management. Even though Civil Servant Investigators have the authority to carry out investigations, to continue the results of their investigations
Implementation of Straight Liability and Liability…

to the Public Prosecutor, Civil Servant Environmental Investigators must go through National Police Investigators as regulated in Article 107 of the Criminal Procedure Code and Article 94 of the Law. - Law Number 32 of 2009 concerning Environmental Protection and Management.

Juridical implementation of the Straight Liability and Liability Based on Fault concepts in environmentally sound economic development in Indonesia

Abundant natural wealth has made Indonesia a strategic location for economic activities related to natural resources since colonial times until now. (Husadawan, 2024) Indonesia, with its abundant natural wealth, has faced serious challenges regarding environmental protection. Rapid economic activities, such as industry, mining, and agriculture, often have a negative impact on the environment, causing significant damage can threaten the sustainability of the ecosystem. (Utomo et al., 2023) In this context, environmental law enforcement is crucial to maintaining a balance between economic development and environmental preservation. One approach used in enforcing environmental law is the concept of absolute responsibility or straight liability.

Strict Liability was first implemented in the criminal justice system in Indonesia through Law Number 23 of 1997 concerning Environmental Management which was later changed to Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law). (Arbani, 2022) This concept frees from having to prove guilt and allows the law to be more effective against violations of environmental law.

Strict liability can be applied in environmental cases that have a very large impact and are urgent. For example, company activities that use dangerous chemicals that can damage the ecosystem, produce dangerous waste that can cause pollution and damage to the environment. An example is the case of the spill of crude oil belonging to PT Pertamina on the coast of Karawang, West Java. In this case, it turned out that there were no environmental quality assessment standards and no permission from authorized officials. (Margareta & Boediningsih, 2023)

The concept of straight liability, which requires parties carrying out activities that harm the environment to be responsible without requiring proof of error or negligence. (Katiandagho, 2020) This has been implemented in various regulations in Indonesia. Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) is one of the main legal umbrellas that regulates environmental responsibility in Indonesia. Article 88 of the PPLH Law expressly states that every person whose business actions result in environmental pollution or damage must be held absolutely responsible for the losses incurred. Barda Nawawi Arief emphasized that the application of the principle of straight liability must be limited to certain legal violations which are clearly regulated in law and relate to the welfare of the general public. (Arief, 2018)

The implementation of straight liability in Indonesia is also reflected in other policies and regulations. For example, in the forestry sector, Law Number 41 of 1999 concerning Forestry provides the legal basis for law enforcement against environmental violations in this sector. Likewise, Law Number 18 of 2013 concerning Prevention and Eradication Forest Destruction provides a legal basis for enforcing absolute responsibility in the context of forest destruction.
The implementation of *straight liability* in Indonesia has the main aim of increasing industry compliance with environmental regulations and providing a deterrent effect against perpetrators who violate them. By not having to prove fault or negligence, the law enforcement process can be carried out more quickly and efficiently, thus sending a strong signal that environmental violations will not be tolerated. The aim of implementing this struct liability in Indonesia can cover several aspects, namely regarding the effectiveness of environmental law enforcement. This concept is applied by eliminating the obligation to prove a mistake as intentional. Environmental cases allow this concept to be applied. So that law enforcement is more effective against violations of environmental law.

*Strict liability* concept eliminates the need to prove guilt, so that the concept of strict liability makes it easier for courts to impose penalties on perpetrators of environmental crimes. The next goal is better environmental protection. This strict liability concept encourages companies and individuals to be more careful in managing the environment. This concept aims to find out that they are responsible without having to prove fault. Actors will pay more attention to the environmental impacts of their activities.

Strict liability is used to achieve legal certainty. This concept provides legal certainty because no doubt about guilt must be proven. So that a person who commits an act that has the effect of causing pollution and damage to the environment can be held criminally liable without having to assess whether there is an element of *mens rea* (intention) to commit an environmental crime.

However, even though it has advantages in speeding up the law enforcement process, implementing *straight liability* also has its own challenges. One of them is the potential to raise concerns among business actors, especially regarding uncertainty regarding the limits of responsibility and sanctions that can be applied. This can affect the investment climate and overall economic growth.

*Straight liability* concept in environmental law enforcement in Indonesia is an important step to increase industrial compliance with environmental regulations. (Maskun et al., 2022) Although it provides benefits in speeding up the law enforcement process, there needs to be an appropriate balance between imposing absolute responsibility and ensuring justice for business actors. Therefore, effective environmental law enforcement requires a holistic approach, including educating business actors about the importance of compliance with environmental regulations and efforts to strengthen law enforcement capacity.

The placement of corporations as a subject of criminal law cannot be separated from social modernization. According to Satjipto Rahardjo, the more modern society is, the more complex the social, political and economic systems become, which gives rise to the need for a formal life control system. (Eryarifa, 2022) One of the signs of modernization in the economy is placing corporations as the subject of criminal acts to overcome the negative impacts caused by the existence of corporations. Corporate criminal liability as the subject of criminal acts creates problems when law enforcement officials still adhere to the principle of error, namely that there is no crime without error. Meanwhile, corporations are not humans who have inner attitudes in the form of mistakes in the form of intentional or negligent actions. It must be realized that corporate criminal acts are part of *white collar crime* where determining whether there is a criminal act or
Environmental crimes can be categorized as administrative penal law or public welfare offenses, which gives the impression of the lightness of these acts. In this case, the function of criminal law is to support administrative sanctions for compliance with administrative law norms. So the existence of environmental crimes actually depends on other laws. Environmental losses and damage are not only real but also threats of potential damage, both to the environment and public health. This is because the damage often does not appear immediately and is not easily quantified. In this regard, relatively serious generic crimes should be formulated as material criminal acts, in which case the consequences are an essential element that must be proven. However, for specific crimes which are attached to administrative law which is relatively lighter, a formal formulation can be carried out without waiting for proof of the consequences that occur.

Crimes in the form of environmental pollution and damage have had a huge impact on human life, such as global warming, flash floods, forest fires, landslides which have resulted in human casualties as well as community economic resources, social facilities and public facilities, in addition to that. The decline in the quality of environmental carrying capacity has resulted in various disease endemics affecting almost all regions of Indonesia, such as outbreaks of dengue fever, vomiting, lung disease and diarrhea, etc. Environmental crimes are categorized as crimes in the economic sector in a broad sense, because the scope of environmental crimes and violations is wider than other conventional crimes.

Therefore, the substance of the current national environmental law which is then enlivened by the presence of the job creation law will certainly make the substance of this law prioritize corporations. Efforts to preserve the environment as explained in Law Number 32 of 2009 concerning Environmental Protection and Management do not receive a priority scale in its essence and existence in national development with an environmental perspective. Law must be able to be a pioneer in creating the benefit of humanity. So that the legal substance related to environmental law enforcement, especially the criminal aspect, must be the main aspect of society to protect and preserve the environment as part of sustainable life. Protecting the environment is part of maintaining and upholding human rights.

Implementation of Liability Based On Fault in environmentally sound economic development in Indonesia

Rapid economic growth, especially in the industrial, mining and agricultural sectors, has had serious negative impacts on the environment, including forest destruction, air and water pollution, and loss of wildlife habitat. In efforts to maintain a balance between economic development and environmental preservation, environmental law enforcement is very important. One approach applied in environmental law enforcement is the concept of responsibility based on fault.

The concept of liability based on fault requires proof that environmental damage occurred due to the error or negligence of the party carrying out activities that are detrimental to the environment. In Indonesia, the
application of this concept is reflected in various laws and regulations governing environmental responsibility. Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) provides a legal basis for enforcing responsibility based on fault in cases of environmental damage. Article 69 of the PPLH Law, for example, regulates administrative sanctions for violations of the provisions of the law, which are applied after proven error or negligence.

In addition, in the context of environmental law enforcement in the forestry sector, Law Number 41 of 1999 concerning Forestry provides a legal basis for enforcing responsibility based on fault. The articles in this law stipulate criminal sanctions for violations that are proven to have been committed intentionally or negligently. The implementation of liability based on fault in Indonesia places emphasis on justice in determining responsibility for environmental damage. (Yanti & Fitri, 2022) By requiring proof of error or negligence, this concept provides space for the parties involved to defend themselves and explain the context and mitigation that has been carried out to prevent or repair damage.

Even though it pays attention to aspects of justice, implementing liability based on fault also has its own challenges. The process of proving errors or omissions often requires significant time and resources. In addition, there is a risk that the party committing the violation may use various legal remedies to avoid its responsibilities. In the context of economic development, this approach can also influence the investment climate and business growth. Business actors may become more careful in taking risks and carrying out innovations, because they have to consider the potential for greater legal consequences if errors or omissions occur.

The implementation of liability based on fault in Indonesia is an important step in maintaining justice and accountability in enforcing environmental law. Even though it has challenges in the proof process, this concept ensures that responsibility for environmental damage is held accountable to the party who is actually responsible. However, efforts need to be made to strengthen the legal system's capacity to handle complex cases and increase awareness of the importance of compliance with environmental regulations to achieve an optimal balance between economic development and environmental protection.

Implementation of Straight Liability and Liability Based on Fault in Efforts to Organize Economic Development in Indonesia

Efforts to align economic development with environmental conservation are a major challenge for Indonesia. In this context, the application of the concepts of straight liability and liability based on fault in enforcing environmental law has significant implications for efforts to maintain a balance between sustainable economic growth and environmental preservation.
The concept of *straight liability*, which requires parties carrying out activities that are detrimental to the environment to be held responsible without needing to prove fault, can make a positive contribution to efforts to implement economic development in Indonesia. By sending a strong signal that environmental violations will not be tolerated, *straight liability* can increase industry compliance with environmental regulations. This can create a more stable and trustworthy business environment, which in turn can increase investor confidence and encourage investment in environmentally sustainable sectors.

However, implementing *straight liability* also faces certain challenges in the context of economic development. The potential to raise concerns among business actors regarding uncertainty regarding the limits of responsibility and sanctions that can be applied could hamper investment and economic growth. Therefore, there needs to be a clear and transparent mechanism to determine responsibility and sanctions that will be applied in cases of environmental violations.

On the other hand, the concept of *liability based on fault*, which requires proof that environmental damage occurred due to the error or negligence of the party carrying out activities that are detrimental to the environment, also has an important contribution in efforts to carry out economic development in Indonesia. By placing an emphasis on fairness in determining responsibility for environmental damage, liability based on fault can provide incentives for business actors to take more careful steps in carrying out their activities and take into account the environmental impacts of economic activities.

However, implementing *liability based on fault* also has its own challenges. The process of proving error or negligence often takes a significant amount of time and resources, which can hinder the efficiency of law enforcement. In addition, there is a risk that parties who commit violations may use various legal remedies to avoid their responsibilities, which can reduce the effectiveness of law enforcement and create legal uncertainty for business actors.

In efforts to implement economic development in Indonesia, it is important to find the right balance between the application of the concept of *straight liability* and *liability based on fault* in enforcing environmental law. While *straight liability* can provide incentives for business actors to comply with environmental regulations and create a stable business environment, *liability based on fault* ensures that responsibility for environmental damage is held accountable to the party who is actually responsible. By strengthening the legal system's capacity to handle complex cases and increasing awareness of the importance of compliance with environmental regulations, Indonesia can achieve an optimal balance between sustainable economic development and environmental conservation.

In the context of environmental law enforcement in Indonesia, the application of the concepts of *straight liability* and *liability based on fault* has
significant implications for efforts to develop the economy. Effective environmental law enforcement is crucial in maintaining a balance between sustainable economic growth and environmental conservation. (Rosmaida, 2024) The concept of straight liability, which requires parties carrying out activities that are detrimental to the environment to be held responsible without needing to prove fault, can make a positive contribution to efforts to implement economic development in Indonesia. Straight liability provides an incentive for companies to consider the environmental impact of their activities and take steps to minimize the risk of environmental damage. In this way, companies can be more careful in carrying out their operations, reduce violations of environmental regulations, and overall create a cleaner and safer environment for society.

In addition, straight liability can speed up the law enforcement process, because it does not require a long time to prove error or negligence, thereby reducing administrative costs and the time required to resolve environmental violation cases. However, the implementation of straight liability also faces certain challenges in the context of economic development in Indonesia. One of the main challenges is the potential to raise concerns among business actors regarding uncertainty regarding the limits of responsibility and sanctions that can be applied. This can hinder investment and economic growth, as companies may become more reluctant to take risks and innovate if they feel overburdened with environmental responsibilities. (Wahyuni et al., 2021) On the other hand, the concept of liability based on fault, which requires proof that environmental damage occurs due to the error or negligence of parties carrying out activities that are detrimental to the environment, also has an important contribution in efforts to implement economic development in Indonesia. By placing an emphasis on fairness in determining responsibility for environmental damage, liability based on fault can provide incentives for business actors to take more careful steps in carrying out their activities.

Liability based on fault ensures that responsibility for environmental damage is held accountable to the party who is actually responsible, encouraging caution in economic activities. Thus, companies will be more likely to consider the environmental impact of their activities and take the necessary precautions to reduce the risk of environmental damage. Thus, implementing liability based on fault can help create a more responsible and sustainable business environment. However, like straight liability, implementing liability based on fault also has challenges. The process of proving errors or omissions takes a great deal of time and resources, hampering the efficiency of law enforcement. The risk that violations can be avoided with legal action also reduces the effectiveness of law enforcement and creates uncertainty for business actors.
In efforts to face challenges and utilize the positive potential of these two concepts, it is important for Indonesia to develop a balanced approach in enforcing environmental law. This can be done by strengthening the legal system's capacity to handle complex cases and increasing awareness of the importance of compliance with environmental regulations. In addition, efforts are needed to build dialogue and cooperation between government, industry and civil society to create an environment conducive to sustainable economic growth while preserving the environment. In this way, Indonesia can achieve an optimal balance between sustainable economic development and environmental preservation.

CONCLUSION

The first conclusion is that the juridical regulations related to the concept of punishment in environmental aspects in the Indonesian criminal justice system always pay attention to the juridical aspects contained in Law Number 32 of 2009 concerning Environmental Protection and Management. Apart from that, there are also other related juridical provisions contained in other laws, namely Law Number 5 of 1960 concerning Agrarian Principles, Law Number 11 of 1962 concerning Forestry Principles, Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone (ZEEI), Law Number 5 of 1984 concerning Industry, Law Number 9 of 1985 concerning Fisheries, Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems (called the Biological Conservation Law), Law Number 5 of 1992 concerning Cultural Heritage Objects, Law Number 21 of 1992 concerning Shipping, related Provincial and Regency City Regulations with the environment. Second, this research aims to answer the legal implementation of the concepts of Straight Liability and Liability Based On Fault in economic development with an environmental perspective in Indonesia which has not yet run optimally, so efforts must be made to strengthen the substance and implementation of the juridical provisions related to Straight Liability and Liability Based On Fault in punishing perpetrators of environmental pollution and destruction. On this occasion, it is appropriate to express thanks to all parties, especially to the Justices Journal who have been willing to accept and publish this legal article.

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Implementation of Straight Liability and Liability…