

# Developing a Criminal Model in the Application of Corporate Criminal Liability to Environmental Criminal Actions.

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- **Abstract:** It is very possible that the development of the sentencing model was born out of a study of court decisions and court decisions themselves in various jurisdictions. The Supreme Court of the Republic of Indonesia through the Supreme Court Review Decision Number 236 PK/Pid.Sus/2018 sentenced defendants ES, MN, and AMS to a prison sentence of 2 years each and a fine of Rp. 3,000,000,000.00 (three billion rupiahs). Likewise, Supreme Court Decision Number 2657 K/Pid.Sus/2016 sentenced the defendant PT SPS, represented by TAH as director, to a fine of Rp. 3,000,000,000.00 (three billion rupiah). Both verdicts punished the defendants for burning land which resulted in environmental damage and pollution. This contribution tries to answer the question of why the imposition of criminal sanctions on the two decisions in case a qua above, imposed with a minimum criminal decision and prioritizing a fine criminal sanction?. The contribution explains through the linkage of the four pillars of criminal law, namely criminal acts, mistakes, criminal liability, and sentencing in the context of corporate criminal liability, and confronted with various theories of corporate criminal liability, theories of punishment and compared with several court decisions in several jurisdictions. It was observed that the four pillars of criminal law, the theory of corporate criminal liability, and the theories of punishment have not been explored in-depth, as a result, judges failed to determine proportional and effective criminal sanctions for the prevention of forest and land fires crimes. This paper recommends several changes to the regulation and formulation of the criminal sanction system in the formulation of Law Number 32 of 2009 concerning Environmental Protection and Management in Indonesia. In particular, this paper criticizes the imposition of criminal penalties for legal subjects of individuals and corporations in case aqua and argues that the application of additional criminal and disciplinary measures is a very proportional matter to be applied equivalent to the main punishment in the case of forest and land fires as part of environmental crimes. life.
- **Keywords:** environmental crimes, criminal sanctions, court decisions