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Criminal Law Aspects of Environmental and Forestry Protection Following Indonesia's Job Creation Law (Omnibus Law)

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Abstrak- Fokus penelitian ini adalah menganalisis formulasi tindak pidana dan pemidanaan bidang perlindungan lingkungan hidup dan kehutanan pasca UU Cipta Kerja dan untuk menganlisis aspek hukum pidana dalam perlindungan lingkungan hidup dan kehutanan pasca Undang-Undang Cipta Kerja. Metode penelitian normatif dengan pendekatan perundang-undangan *(statute approach)* dan pendekatan konseptual *(conceptual approach)*. Formulasi Tindak Pidana Dan Pemidanaan Bidang Perlindungan Lingkungan Hidup Dan Kehutanan Pasca UU Cipta Kerja yaitu memberikan arti kebijakan dalam perumusan undang-undang baru, dalam hal ini UU Cipta Kerja. Aspek Hukum Pidana Dalam Perlindungan Lingkungan Hidup Dan Kehutanan Pasca Undang-Undang Cipta Kerja, mencakup: Pertama, rumusan perbuatan yang dilarang (perbuatan pidana/delik) yang ditentukan dalam UU Cipta Kerja, berhubungan dengan orang yang melakukan perbuatan itu, atau pertanggungjawaban pidana beserta sanksi pidana atau pemidanaan. Kedua, berkaitan dengan instrumen penegakannya atau hukum pidana formil.
Kata Kunci: Hukum Pidana, Lingkungan Hidup, Kehutanan

Abstract- This research aims to analyze the formulation of criminal offenses and sentencing regarding environmental and forestry protection following the enactment of the Job Creation Law, as well as to examine the criminal law aspects of such protection under the same law. A normative research method is employed, utilizing both the statute approach and the conceptual approach. The analysis of the formulation of criminal offenses and sentencing reveals the policy intent behind the drafting of the new legislation—specifically, the Job Creation Law. The criminal law aspects concerning environmental and forestry protection under the Job Creation Law encompass two areas: first, the definition of prohibited acts (criminal offenses) stipulated in the law, including the subjects liable for such acts, criminal liability, and the associated criminal sanctions or sentencing; and second, the enforcement mechanisms, or procedural criminal law.
Keywords: Criminal Law, Environment, Forestry

Introduction

Environmental damage often occurs to meet human needs without being based on sustainable principles. One example of modern-day forest destruction, in the form of encroachment, illegal logging, theft of forest products, and forest fires, has increased in the

modern era[1]. Illegal logging is the largest contributor to the rate of forest destruction. Illegal logging is carried out not only by the community but also by businesspeople and government officials in this country. The development of modern society in the face of globalization, along with the processes of industrialization and modernization, will foster changes in social processes within the fabric of society. Industrialization and modernization, and particularly forestry industrialization, have had a significant impact on the sustainability of forests as a support for life and the well-being of all living things on earth. Forests are a crucial resource, not only as a source of timber, but also as a component of the environment.[2]

Indonesia is one of the countries with the largest forest area in the world. Forests serve numerous functions and play a vital role in soil and water conservation, maintaining a healthy atmosphere, and sustaining plant and animal biodiversity. In West Nusa Tenggara (NTB), forest cover has been slowly increasing over time. However, significant work remains to be done, particularly considering the alarming level of forest degradation in NTB. Of the total 1.07 million hectares of forest recorded, approximately 34 percent, or 340,000 hectares, remains damaged and deforested.[3] The state, based on its authority, has created several legal products to protect the environment and forests from human actions and actions that can cause forest damage, starting from Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law), Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction (PPPH Law). However, with the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation (Job Creation Law), it has amended, replaced and added substance.

In general, criminal law functions to regulate and organize community life in order to create and maintain public order. According to Jaro Mayda, as quoted by Siahaan, "criminal sanctions in environmental protection are used as an ultimum remidinum[4]. In formulating environmental crimes, it should always be remembered that environmental losses and damage are not only those that are real (actual harm), but also those that are potential threats of damage, both to the environment and public health. This is because such damage often does not arise immediately and is not easily quantified.[5] Siti Sundari Rangkuti stated that environmental law is state administrative law, therefore administrative sanctions are very

[1] Kusuma, Nurlita Adrianti, and Regan Meganata Surakusumah. "Perlindungan Hutan Dari Tindakan Pembalakan Liar (Illegal Logging) Menurut Peraturan Perundang-Undangan Serta Dampaknya Terhadap Prinsip Pengelolaan Hutan Yang Berkelanjutan." *Jurnal Kajian Hukum Dan Kebijakan Publik| E-ISSN: 3031-8882* 2.3 (2024): 740-748.

[2] Siswanto Sunarso. (2005). *Hukum Pidana Lingkungan Hidup dan Strategi Penyelesaian Sengketa*. Jakarta: Rineka Cipta, hal. 6

[3] https://www.suarantb.com/2021/12/28/340-ribu-hektar-hutan-di-ntb-rusak/

[4] N.H.T. Siahaan. (2004). *Hukum Lingkungan*. Jakarta: Pancuran Alam, hal. 358

[5] Muhamad Erwin. (2009). *HukumLingkungan Dalam Sistem Kebijaksanaan Pembangunan Lingkungan Hidup*. Bandung: Refika Aditama, hal.25

important for "The success of environmental management, criminal sanctions are not the main solution in dealing with environmental pollution problems, but are only the ultimum remedium.[6]

The environmental criminal law aspect following the Job Creation Law has undergone a fundamental paradigm shift. The Job Creation Law significantly emphasizes the principle of ultimum remedium (criminal law as a last resort) and prioritizes administrative sanctions (restorative/remediation) over civil law enforcement/imprisonment. The substance of the omnibus law on job creation not only has implications for employment but also socio-cultural impacts, the potential for increased environmental damage, and a clear chain reaction. Instead of boosting the economy, it will actually burden the future economy. This is certainly not in line with the mandate of the Constitution.[7] When examined through an ecocentric perspective (deep ecology)[8], this policy formulation has profound technical and philosophical implications. Philosophically, deep ecology[9] positions nature as an entity with intrinsic value, regardless of its utility or usefulness for human economic interests. Prior to the enactment of the Job Creation Law, Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH) implicitly contained the seeds of ecocentric principles, particularly through the enforcement of criminal sanctions prior to administrative sanctions for certain violations (primum remedium) and the principle of absolute liability (strict liability).

Based on this, the existence of criminal law needs to be examined to improve environmental and forestry protection related to "Criminal Legal Aspects of Environmental and Forestry Protection Post-Job Creation Law." To this end, two questions are formulated. First, how are criminal offenses and penalties formulated in the field of environmental and forestry protection post-Job Creation Law? Second, what are the criminal legal aspects of environmental and forestry protection post-Job Creation Law?

Methods

[6] Siti Sundari Rangkuti dalam Koesnadi Hardjasoemantri. (1999). *Hukum Tata Lingkungan*. Cet.ke-14. Yogyakarta: Gadjah Mada University Press, hal.419

[7] Taufan. (2025). *Hukum Lingkungan: Pergeseran dan Pengaruh Omnibus Law UU Cipta Kerja dan KUHP Nasional.* Mataram: Sanabil, hal. 293

[8] The term 'Deep Ecology' was first introduced in 1973 by Norwegian philosopher Arne Næss. He drew a fundamental distinction between shallow ecology and deep ecology1 . While shallow ecology promotes environmental conservation primarily for human benefit, deep ecology advocates for recognizing the intrinsic value and dignity of all living beings and nature itself. According to Arne Næss, every creature in the environment has a natural right to exis. Lihat Binanda Saren. (2025). *Deep Ecology: A Philosophical and Ethical Reconsideration.* Research Journal of Language, Literature and Humanities, Vol. 12(3), 7-10, June (2025).

[9] Naess, A. (1973*). The shallow and the deep, long-range ecology movement: A summary.* Inquiry, 16(1–4), 95–100.

Since the type of research used is normative legal research or normative juridical research, there are several approaches used in this study, namely the statute approach and the conceptual approach[10]. The statute approach is an approach carried out by examining laws related to the legal issue being studied[11]. The conceptual approach is based on the views and doctrines that have developed within legal science. Understanding these views and doctrines is a basis for researchers in build a legal argument in solving the legal issue at hand.[12]

Results and Discussion

Formulation of Criminal Acts and Penalties in the Field of Environmental Protection and Forestry Post-Job Creation Law

Formulation policy is "a plan or program from the law maker regarding what will be done in facing certain problems and how to do or implement something that has been planned or programmed"[13]. Prevention and handling of crime with penal suggestions is a penal policy or penal-lave policy, according to Barda Nawawi, its functionalization/operationalization is carried out through 3 (three) stages, namely the formulation stage (legislative policy), the application stage (judicial policy) and the execution stage (administrative policy).[14]

The formulation stage is the most strategic stage in crime prevention efforts using penal means. It is strategic because it is at this stage that guidelines are established for the implementation of subsequent stages, namely the application and execution stages. In other words, errors in formulating legislation will negatively impact the operationalization of its application and execution. The formulation stage is also referred to as law enforcement in abstracto by the legislative body, the institution with the authority to formulate policies.

Based on the above, the policy for formulating criminal acts and punishment in the field of environmental protection and management, provide policy meaning in the formulation of new laws, in this case the Job Creation Law. Crime prevention policies and efforts are essentially an integral part of social defense and social welfare efforts. Therefore, it can be said that the ultimate goal or primary objective is community protection to achieve social

[10] Peter Mahmud Marzuki. (2019). *Penelitian Hukum*. Edisi Revisi Cet.Ke-14. Jakarta: Kencana PrenadaMedia Group, hal. 93

[11] *Ibid*., hal. 96

[12] *Ibid*., hal. 137

[13] Barda Nawawi Arief. (1994). *Kebijakan Legislatif Dalam Penanggulangan Kejahatan Dengan Pidana Penjara (Disertasi)*. Semarang: UNDIP, hal. 63

[14] Barda Nawawi Arief. (2001). *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*. Bandung: Citra Aditya Bakti, hal. 75

welfare.[15] To achieve social welfare, good legislation is needed, for this reason every country has a body that is tasked and authorized to make the desired regulations to express what is contained in society in order to achieve what has been aspired to, which is called a law-making body (legislative body).

The formulation of a law is seen as part of criminal law policy. The meaning of criminal law policy itself implies how to strive for, create, and formulate good legislation. Legislative policy is the policy for establishing and formulating something within a law. Therefore, legislative policy is often referred to as formulative policy.[16] Formulation policy is the most strategic stage of the entire operational/functionalization and concretization process of criminal law. Formulation policy, presented in a draft law, is part of criminal law policy or criminal law policy[17]. Implementing criminal law policy means striving to create criminal laws and regulations that are appropriate to the circumstances and situations at a given time and in the future, while simultaneously implementing criminal law reform Criminal law reform must be carried out with a policy approach, because in essence the reform is only part of a policy step. According to Sudarto, what is meant by legal politics is:[18] *First*, efforts to implement good regulations according to the circumstances and situations at a given time. *Second*, State policy through authorized bodies to establish the desired regulations which are expected to be used to express what is contained in society and to achieve what is aspired to.

Based on the understanding of legal politics above, according to Barda Nawawi Arief: "...seen as part of legal politics, criminal legal politics means how to strive for or create and formulate good criminal legislation."[19] Another opinion regarding the definition of criminal law policy was put forward by Marc Ancel, where he defined penal policy as:

> *"a science and art that aims to enable positive legal regulations to be formulated better." Thus, what is meant by "positive legal regulations" (the positive rules) in Marc Ancel's definition is clearly criminal law legislation. Therefore, the term "penal policy" according to Marc Ancel is the same as the term "criminal law policy or politics"*[20]

The reform of environmental and forestry law following the Job Creation Law fundamentally altered the landscape of criminal law formulations and the sentencing system. Doctrinally, the Job Creation Law shifted the law enforcement model from primum

[15] Situmeang, S. M. T. (2019). Kebijakan kriminal dalam penegakan hukum untuk mewujudkan keadilan dalam perspektif hak asasi manusia. *Res Nullius Law Journal*, *1*(1).

[16] Kenedi, J. (2017). *Buku Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia*. Pustaka Pelajar.

[17] Rahman, R. (2023). *Harmonisasi delik zina dengan nilai-nilai hukum pidana Islam dalam politik hukum pidana Indonesia dan Malaysia* (Doctoral dissertation, Doktor Ilmu Hukum).

[18] Sudarto dalam Barda Nawawi Arief, *Ibid.*

[19] *Ibid*., hal. 25

[20] *Ibid*

remedium (criminal action as the primary means) to strict restrictions based on ultimum remedium, which is deeply integrated with state administration. The Job Creation Law revises a number of criminal provisions in Law No. 32 of 2009 (the Environmental Management Law) and Law No. 18 of 2013 (the Environmental Management Law) by introducing a reliance on sanctions and administrative mechanisms.

Partial Decriminalization & Administrative Threshold Mechanism: Acts that were previously classified as purely criminal offenses (such as operating without environmental approval or exploiting forest areas without a permit) are now shifted to administrative violations. Criminal sanctions can only be applied if administrative sanctions (warnings, administrative fines, or permit suspensions) are ignored or if there is a fatal and massive pollution impact.

Redefinition of Formal Crimes to Material Crimes: The formulation of criminal acts tends to shift from formal crimes (purely violating regulations/permits) to material crimes (requiring proof of environmental damage, threats to human safety, or physical harm). This increases the burden of proof for law enforcement officials (Public Prosecutors and Civil Servants).

Fundamental changes in the criminal justice system are marked by the introduction of a financial-administrative forgiveness/remediation scheme and a reorientation of corporate criminal liability. Through specific provisions (such as Articles 110A and 110B of the Forestry Law following the Job Creation Law), lawmakers have opened the door for ongoing business activities within forest areas to be resolved through mandatory payment of administrative fines and return of profits. This has had a doctrinal impact, shifting the retributive and rehabilitative function of criminal law toward law enforcement focused on state revenue. This also creates legal risks, leading to the phenomenon of large-scale corporate crime being reduced to mere business operational costs.

Criminal Law Aspects of Environmental and Forestry Protection Post-Job Creation Law

The criminal law aspect can refer to the definition of criminal law or its classification according to dogma, doctrine, or principles of criminal law. Dogmatically, criminal law has three problems, namely: prohibited, the person who commits the prohibited act, the punishment threatened for violating the prohibition.[21] In line with this, Herbert L Packer stated that criminal law, rationally, is based on three concepts, namely violation, error, and punishment. These three concepts are symbols of the three basic substances of criminal law,

[21] Sudarto. (1983). *Hukum Pidana dan Perkembangan Masyarakat (Kajian Terhadap Pembaharuan Hukum Pidana)*. Bandung: Sinar Baru, hal. 62.

namely: (1) what actions must be determined as criminal acts (crimes); (2) what provisions must be determined if someone can be known (suspected) to be related to a crime; (3) what must be done to someone who is known to be related to a crime.[22]

In addition to this division, criminal law can also be grouped into substantive criminal law and formal criminal law. Substantive criminal law relates to the formulation of prohibited acts or categories of criminal provisions in the provisions of the Law. Meanwhile, formal criminal law (law of criminal procedure) or criminal procedural law can be briefly formulated as the law that determines how the state exercises its right to carry out criminal penalties, also commonly called criminal law in concerto, because it contains regulations on how substantive criminal law or criminal law in abstracto is poured into reality (in concerto). The state's right to punish is only based on substantive criminal law, therefore the existence of the Criminal Procedure Code (KUHAP) allows the application of substantive criminal law in reality (KUHP).[23]

Based on the criminal law aspects above, the criminal law aspects in environmental law include: First, the formulation of prohibited acts (criminal acts/delicts) which are determined in the laws regulating the environment, related to the person who commits the act, or criminal liability along with criminal sanctions or sentencing. Second... related to the enforcement instruments or formal criminal law.[24] Lawmakers have defined crimes (criminal acts) in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH 2009). The criminal provisions of the UUPPLH 2009 have undergone significant changes compared to the provisions of previous laws, namely the 1982 UUPLH and the 1997 UUPLH. Among them, the 2009 UUPPLH includes more formal and material crimes than before (see Table 1).

In criminal law, as previously described in the section on criminal law aspects of the division of crimes, there are formal crimes and material crimes. Formal crimes do not require consequences, but emphasize the act, whereas material crimes require consequences. The 2009 UUPPLH recognizes formal and material crimes, for example Article 100, Article 111, Article 113 to Article 115. The acts referred to by the legislators are acts that will have consequences and are dangerous. The 2009 UUPPLH determines the formulation of crimes in the criminal provisions contained in Articles 98 to 120. The criminal provisions in the 2009 UUPPLH have also undergone changes through the regulations of the 2023 Job

[22] Suhariyono, *Penentuan Sanksi Pidana dalam Suatu Undang-Undang*, Jurnal Legislasi Indonesia, Vol. 6 No. 4-Desember 2009, hal. 615-666.

[23] Iskandar, U., Judijanto, L., Citranu, C., & Simanjuntak, A. J. L. (2025). *Hukum Pidana*. PT. Sonpedia Publishing Indonesia.

[24] Sari, I. (2019). Unsur-unsur delik materiel dan delik formil dalam hukum pidana lingkungan. *Jurnal Ilmiah Hukum Dirgantara*, *10*(1).

Creation Law, namely changes to Articles 109, 111, and 112, as well as the deleted articles, namely Articles 102 and 110 (See Table 2) in the criminal provisions contained in Articles 98 to 120. The criminal provisions in the 2009 UUPPLH have also undergone changes through the regulations of the 2023 Job Creation Law, namely changes to Articles 109, 111, and 112, as well as the deleted articles, namely Articles 102 and 110 (See Table 2).

No.	Law Number 4 of 1982	Law Number 23 of 1997	Law Number 31 of 2009
1	Material dein	Material and formal crimes In the 1997 UULH, there are only two types of formal crimes as stated in Article 43 paragraph (1) and paragraph (2).	Material and formal offenses, however, have more formal offenses. In the UUPPLH, there are 16 (sixteen) types of formal offenses as formulated in articles 100 to 111, while articles 113 to 115 of the SUPPLH also contain the threat of minimum and maximum sanctions.
2	Does not regulate the liability of the corporate body	Arporast's business liability, by providing the understanding that "a person is a person in a particular area, and/or a group of people, and/or a legal entity.	It can only be used by business actors, but be careful with government officials and people who are involved in preparing the EIA
3	The formulation of the material offense regarding environmental pollution employs the term "environmental pollution," rendering it more abstract than the formulation found in the UUPPLH.	Still adopting the numsesan in the 1982 formulation, namely still using environmental pollution data.	is still using The term environmental pollution is not changed cross-sectionally but does not change the intended meaning or meaning. The PPLH forecast is no longer abstract but more concrete because it uses the standard of ambient quality or the standard of environmental quality.
4			Recognizing material crimes with two categories of aggravation. First, the aggravation is related to causing people to be injured and endangering human health. Second, the aggravation is in the form of causing people to be seriously injured or injured.

Table 2. Criminal Provisions in Law No. 32 of 2009 (UUPPLH) and Law No. 6 of 2023 (Job Creation Law)

No.	Criminal Provisions of the 2009 UUPPLH
1.	**Article 98** (1) Any person who intentionally commits an act that results in exceeding ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah). (2) If the act as referred to in paragraph (1) results in injury and/or harm to human health, the perpetrator shall be punished by imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 4,000,000,000.00 (four billion rupiah) and a maximum of IDR 12,000,000,000.00 (twelve billion rupiah). (3) If the act as referred to in paragraph (1) results in serious injury or death, the perpetrator shall be punished by imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).
2.	**Article 99** (1) Any person who, due to negligence, results in exceeding the ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah). (2) If the act as referred to in paragraph (1) results in injury and/or harm to human health, the perpetrator shall be punished by imprisonment for a minimum of 2 (two) years and a maximum of 6 (six) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiah) and a maximum of IDR 6,000,000,000.00 (six billion rupiah). (3) If the act as referred to in paragraph (1) results in serious injury or death, the perpetrator shall be punished by imprisonment for a minimum of 3 (three) years and a maximum of 9 (nine) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a

	maximum of IDR 9,000,000,000.00 (nine billion rupiah).	
3.	**Article 100** (1) Any person who violates wastewater quality standards, emission quality standards or disturbance quality standards shall be punished with imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah). (2) The criminal offense as referred to in paragraph (1) may only be imposed if the administrative sanctions that have been imposed are not complied with or the violation is committed more than once.	
4.	**Article 101** Any person who releases and/or distributes genetically engineered products into the environmental media in conflict with statutory regulations or environmental permits as referred to in Article 69 paragraph (1) letter g shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah).	
5.	**Article 102** Any person who manages B3 waste without a permit as referred to in Article 59 paragraph (4) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah).	Article 102 is deleted
6.	**Article 103** Any person who produces B3 waste and does not manage it as referred to in Article 59 shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah).	
7.	**Article 104** Any person who dumps waste and/or materials into the environment without a permit as referred to in Article 60 shall be punished with imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah).	
8	**Article 105** Any person who brings waste into the territory of the Unitary State of the Republic of Indonesia as referred to in	

	Article 69 paragraph (1) letter e shall be punished with imprisonment of at least 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 4,000,000,000.00 (four billion rupiah) and a maximum of Rp. 12,000,000,000.00 (twelve billion rupiah).	
9.	**Article 106** Any person who brings B3 waste into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter d shall be punished with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).	
10.	**Article 107** Any person who: imports B3 which is prohibited according to statutory regulations into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter b shall be punished with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).	
11.	**Article 108** Any person who carries out land burning as referred to in Article 69 paragraph (1) letter h shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah).	
12	**Article 109** Any person who carries out business and/or activities without having an environmental permit as referred to in Article 36 paragraph (1) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of a minimum of IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah).	**Article 109** Any person who carries out business and/or activities without having: (1) Business Licensing or approval from the Central Government or Regional Government as referred to in Article 24 paragraph (5), Article 34 paragraph (3), or Article 59 paragraph (4); (2) approval from the Central

		Government or Regional Government as referred to in Article 20 paragraph (3) letter b; or (3) approval from the Central Government as referred to in Article 61 paragraph (1), which results in victims/damage to health, safety and/or the Environment, shall be punished with imprisonment of at least 1 (one) year and a maximum of 3 (three) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp3,000,000,000.00 (three billion rupiah).
13.	**Article 110** Any person who prepares an environmental impact analysis without having an environmental impact analysis competency certificate as referred to in Article 69 paragraph (1) letter i shall be punished with imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah).	Article 110 is deleted
14.	**Article 111** (1) An environmental permit issuing official who issues an environmental permit without being accompanied by an environmental impact analysis (EIA) or UKL-UPL as referred to in Article 37 paragraph (1) shall be subject to a maximum prison sentence of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah). (2) Officials issuing business and/or activity permits who issue business and/or activity permits without being accompanied by an environmental permit as referred to in Article 40 paragraph (1) shall be	**Article 111** The Environmental Approval granting official who issues an Environmental Approval as referred to in Article 24 paragraph (a) and Article 34 paragraph (3) without being accompanied by an Amdal or UKL-UPL shall be punished

	subject to a maximum prison sentence of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah).	with imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah).
15.	**Article 112** Any authorized official who intentionally fails to supervise the compliance of those responsible for businesses and/or activities with environmental laws and permits as referred to in Article 71 and Article 72, which results in environmental pollution and/or damage resulting in the loss of human life, shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).	**Article 112** Any authorized official who intentionally does not supervise the compliance of the person in charge of a business and/or activity with laws and regulations and Business Permits or approval from the Central Government or Regional Government as referred to in Article 72 which results in Environmental Pollution and/or Environmental Damage resulting in the loss of human life shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).
16.	**Article 113** Any person who provides false or misleading information, removes information, damages information or provides incorrect information required in connection with supervision and law enforcement related to environmental protection and management as referred to in Article 69 paragraph (1) letter j shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).	
17.	**Article 114** Every person responsible for a business and/or activity who does not comply with government coercion shall be punished with imprisonment of a maximum of 1 (one) year and a maximum fine of IDR 1,000,000,000.00 (one billion	

rupiah).

18. **Article 115**
Any person who intentionally prevents, obstructs or thwarts the implementation of the duties of environmental supervisory officials and/or civil servant investigators shall be punished with imprisonment of a maximum of 1 (one) year and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

19. **Article 116**
(1) If an environmental crime is committed by, for, or on behalf of an agency business, criminal charges and criminal sanctions are imposed on:
a. business entity; and/or
b. the person who gives the order to commit the crime or the person who acts as the leader of the activities in the crime.
(2) If an environmental crime as referred to in paragraph (1) is committed by a person, based on an employment relationship or based on another relationship who acts within the scope of the business entity's work, criminal sanctions shall be imposed on the person giving the order or the leader in the crime without considering whether the crime was committed alone or together.

20. **Article 117**
If criminal charges are filed against the person who gave the order or the leader of the crime as referred to in Article 116 paragraph (1) letter b, the criminal threat imposed is imprisonment and a fine increased by one third.

21. **Article 118**
For criminal acts as referred to in Article 116 paragraph (1) letter a, criminal sanctions are imposed on the business entity represented by the management who is authorized to represent it in and outside the court in accordance with statutory regulations as the functional actor.

22. **Article 119**
In addition to the criminal penalties as referred to in this Law, business entities may be subject to additional criminal penalties or disciplinary measures in the form of:
a confiscation of profits obtained from criminal acts;
b closing all or part of business premises and/or activities;
c correction of the consequences of criminal acts;
d obligation to do what is neglected without right; and/or

	e placement of the company under guardianship for a maximum of 3 (three) years.	
23.	**Article 120** (1) In implementing the provisions as referred to in Article 119 letters a, b, e and d, the prosecutor shall coordinate with the agency responsible for environmental protection and management to carry out the execution. (2) In implementing the provisions as referred to in Article 119 letter e, the Government has the authority to manage business entities that have been sanctioned by being placed under guardianship to implement court decisions that have permanent legal force.	

Criminal Acts in !!! Forestry as amended by Peru Cpu Kerja chatur in Article 50 111) Forestry as amended by Perpa Cipta Kerja which was ratified into 1 Cipta Kerja

ULI Job Creation has changed a number of rules in the forestry sector, including three important aspects which are also regulated in the new Atmas, namely the elimination of the minimum limit of 10 percent of forest areas, the completion of business continuity in forest areas, and the use of forest areas for the purposes of environmental resilience so that the meaning of criminal law in II Job Creation is to function as the final effort. Ditrojan from the principle of criminal law, the existence of criminal provisions in the 2009 UUPPLH and 111 Prevention and Eradication of Mega Logging as amended through the Cipta Kena Law, is part of the special criminal judge or criminal law in the codification. The Criminal Code is a criminal law, as the parent of criminal law, the criminal provisions of the law in the 1945 Constitution are not allowed to deviate from the general rules of the Criminal Code except in certain emergency circumstances that have been determined in advance in laws outside the Criminal Code, this is stated in the provisions of Article 11 of the Criminal Code that, the provisions in Book I to Chapter VIII are not also applicable to acts that are threatened with criminal penalties by other statutory provisions, except if the law determines otherwise. Similar provisions, the main rule in the 2024 Criminal Code Article 187, which unites: "The provisions in Beb Isampo with Chapter V Book One also apply to acts that can be punished according to the old statutory regulations, unless otherwise determined by the Law.

Environmental and forestry law updates through Law Number & Year 2023 senting the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning the Cpu Keru to Become Law (Job Creation) reconstructing the criminal landscape of the living environment in Indonesia. The most crucial changes Look at the shift in the doctrine of law

enforcement from pri (podana as the same means) to the rigid application of ultimam remedium which is very dependent on state administrative law (Ladmaasmative dependent rules). Revisions to Law Number 32 of 2009 concerning Environmental Protection and Management (1) PPLH) and Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction (ULF P311) show two forms First Formal Delicts and Material Delicts Before the enactment of the Job Creation Law, the act of operating without environmental protection or carrying out forest destruction was categorized as a formal offense that was subject to direct criminal action. After the Job Creation Law, these acts were changed to administrative violations. Criminal law enforcement can only be successful if the forestry causes real consequences (wateriel) leading to fatal environmental damage, threats to human safety, or failure to comply with administrative sanctions (admaveehold)

Second, the Acceptability of Criminal Law in Administrative Law. The formulation of criminal norms after the Opu Kerja Law places administrative sanctions (such as written warnings, administrative fines, and even the freezing of permits) as the primary filter. This limits the discretion of law enforcers (PPNS and Polri Investigators) to conduct criminal investigations proactively before administrative mechanisms are declared exhausted or ignored by business actors.

From the perspective of criminal law dogma (strafrecht dogmatek), the reorientation of criminal punishment in Article 111 of the Job Creation Law emphasizes the aspect of forgiveness/economic compensation rather than pure criminal retribution. This is evident in the clauses addressing the continued illegal activities within forest areas (Article 110A and Article 1108 of the Forestry Law as amended by the Job Creation Law).

Practically the changes have given rise to several doctrinal and practice:

a Implementation of Revenge-Oriented Low Enforcement The criminal law policy shifts the emphasis and deterrence effect towards the development of state property and non-tax revenue through administrative fines.

b The Preudo-Decimization Phenomenon The forgiveness of criminal sanctions through the payment of administrative fines risks reducing environmental and forestry crimes to mere economic calculus or "buya herbsns" (enst of dong san). Large-scale business actors (corporate achorx) who have strong capital have the potential to calibrate administrative fines as reasonable operational costs in order to exploit natural resources.

c Degradation of Absolute Responsibility (Strict ability) Although the provisions of the PPLH Article are maintained, their operational validity is substantially weakened due to the limitation of the qualification of criminal acts that must first pass through the administrative sanction stage.

When examined through the lens of deep ecology (Arne Naess 1973)[25], the fundamental weakness of criminal norms and post-111 Job Creation funding lies in its philosophical foundation which is anthropocentric-pragmatic.

a Rejection of the Intrinsic Value of Ecosystems. Deep clogs position nature as an entity that has absolute rights to sustainability (subject of rights), regardless of its economic value for humans. The renewal of criminal law in the Working Optu, on the other hand, views forests and the environment as development commodities whose recovery can be calculated and restored through monetary and financial compensation.

b The Inability of Monetization to Restore Ecological Degradation Because ecosystem degradation is severable (cannot be restored to its original biological function) it cannot be compensated by paying administrative fines to the state treasury. criminal sanctions allow ecological damage to accumulate during the negotiation or administrative settlement process.

From a deep ecology perspective[26], any environmental damage (ecological harm), including deforestation, habitat fragmentation, and ecosystem pollution, constitutes a fundamental violation of the integrity of the biosphere. The mechanism of criminal amnesty through the payment of administrative fines (as stipulated in Articles 110A and 110B of the Forestry Law, as amended by the Job Creation Law) risks giving rise to a phenomenon of disguised decriminalization. Deep ecology rejects the idea that destroyed ecological integrity can be fully replaced by the monetization of fines. When corporate crimes against forests and ecosystems are viewed merely as the "cost of doing business" within administrative boundaries, the threat of criminal law loses its primary deterrent. Corporations tend to consider administrative fines as an economic calculation rather than a commitment to maintaining ecosystem integrity.

The relaxation of the criminal clauses for environmental damage in the Job Creation Law creates doctrinal obstacles. First, the limitation of criminal liability to acts committed intentionally and repeatedly after administrative sanctions have been ignored weakens the strict liability doctrine, which ideally should proactively protect the intrinsic rights of nature. Second, there is a gap between the criteria for criminal acts according to the ecocentrism doctrine (any action that disrupts the ecological balance is a crime) and the normative criteria

[25] Naess, A. (1973*). The shallow and the deep, long-range ecology movement: A summary.* Inquiry, 16(1–4), 95–100.

[26]Ditinjaui dari delapan prinsip deep ecology, dalam Devall, B., & Sessions, G. (1985). *Deep ecology: Living as if nature mattered.* Peregrine Smith Books

under the Job Creation Law (an action is only considered a crime if the administrative sanction mechanism fails or if there is an element of gross intent).

To overcome doctrinal obstacles and maintain the integrity of the biosphere, a reconstruction of future environmental criminal law (ins constituendum) based on deep ecology is needed[27]:

a Recognition of encade as Dellesam Set Generac Replaces the serious ecological shock (seweide) which damages the sustainability of the ecosystem selsagai marni criminal act without requiring precedent administrative sanctions (primam remediu)
b Recognizing the Failure of Corporations to Carry Out Ecological Due Diligence Automatically Placing Corporate Failure to Carry Out Ecological Compliance (ecological due diligence) as an Element of Corporate Fault (ment rew), so that Criminal Sanctions Can Be Immediate
c Reorientation of Criminal Sanctions on Nature (Nature-Centered Sanction): Shifting financial fines to mandatory ecological restorative sanctions and the imposition of criminal penalties in the form of permanent revocation of licenses (corporate death penalty) for corporations proven to have committed environmental crimes systematically.

In a broader perspective, regarding the existence of criminal law in viewing the arc of life, Kelle Toole et al[28]. describe that criminal law has the power to define, punish, and deter prohibited acts through sanctions and public condemnation. It has symbolic and normative power to formulate societal values and educate the public about acceptable behavior. However, criminal law and its effects are limited by the history and social attitudes that shape its evolution. While we argue that criminal law can and should be used to address adverse impacts on humans and the environment, the law itself is both a problem and a framework for solutions. Without re-evaluating criminal law and its objectives, it will remain too narrowly focused on humans to contribute meaningfully to the development of an effective environmental crime framework.

Rethinking or "greening" criminal law demands a multidisciplinary perspective to challenge anthropocentric foundation that prioritizes human needs, preferences, and experiences, and views nature solely as a resource for human exploitation without intrinsic value. To be effectively applied to protect the environment, criminal law itself must be

[27] Mubarak, A. (2026). Kriminologi: Suatu Tinjauan Terhadap Karakteristik Kejahatan Lingkungan Hidup. *J-HUP: Jurnal Hukum dan Pemerintahan*, *1*(1), 17-25.

[28] Kellie Toole, et.all., *Using the criminal law to protect the environment: Possibilitiesand problems*, People and Nature. 2025;7:3057–3066, DOI: 10.1002/pan3.70170

reformed to recognize the complexity and diverse values that nature possesses. Basic principles of criminal law, including the principle of harm (bam) and legality, and the tendency to prioritize the purpose of an action over its nature and impact need to be reviewed to better accommodate adverse impacts on non-human beings[29]. Considering the interrelationships between these environmental, human, and institutional processes is crucial in designing a criminal law that can be fully implemented, enforced, and effective in practice.

Ecological and criminological analyses can provide insights into the motivations behind certain actions and provide strategic guidance for achieving behavioral change relevant to the development, implementation, and enforcement of criminal law. Effective change can only be achieved by understanding why and how the environment and the ecosystems that comprise it must be supported to survive and thrive, and recognizing the human obligation to protect it. This cultural and philosophical shift must be accompanied by legal change to "expand the community of legal subjects to include non-human beings."[30]

Conclusion

Formulation of Criminal Offenses and Penalties in the Field of Environmental Protection and Forestry Post-Job Creation Law, namely the formulation of criminal offenses and criminal sanctions in the Job Creation Law, regarding what is prohibited, methods how to do or implement something that has been formulated". The formulation stage is the most strategic stage in crime prevention efforts using penal means. It is strategic because it is at this stage that guidelines are established for the implementation of subsequent stages, namely the application and execution stages. In other words, errors in formulating legislation will negatively impact the operationalization of the application and execution of those regulations. The formulation stage is also referred to as law enforcement in abstracto by the legislative body, as the institution with the authority to formulate formulation policies. The formulation policy on criminal offenses and punishment in the field of environmental protection and management provides policy significance in the formulation of new laws, in this case the Job Creation Law. Fundamental changes in the criminal aspect are marked by the birth of a financial-administrative forgiveness/remediation scheme and a reorientation of corporate criminal liability. Lawmakers open up space for ongoing business activities in forest areas to be resolved through mandatory payment of administrative fines and return of

[29] Damanik, J., Kossay, M., Naibaho, M., & Pandiangan, D. (2026). Formulasi Tindak Pidana Ekosida dalam Hukum Pidana Nasional Urgensi Pembaruan Hukum di Era Krisis Lingkungan Global. *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik*, *4*(1), 95-109.

[30] Norman, J. (2018). I*ntroducing the cosmic person: An ecocentric legalsubject.* Alternative Law Journal, 43(2), 126–130. https://journals.sagepub.com/doi/10.1177/1037969X18768611

profits. Criminal Law Aspects in Environmental and Forestry Protection Post-Job Creation Law, including: First, the formulation of prohibited acts (criminal offenses) stipulated in the Job Creation Law, related to the person committing the act, or criminal liability along with criminal sanctions or punishment. Second, related to the enforcement instruments or formal criminal law. The 2009 UUPPLH and the Law on the Prevention and Eradication of Illegal Logging as amended by the Job Creation Law, are part of special criminal law or criminal law outside the codification, it is possible to deviate from the general rules of the Criminal Code. The fundamental weakness of criminal and criminal norms post-Job Creation Law lies in their philosophical foundation which is anthropocentric-pragmatic.

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