

Legal Responsibility of the Board of Directors for Company Negligence Resulting in Forest Fires in Plantation Areas (Case Study of PT. Wana Subur Sawit Indah)

Muhammad Reza Syah Fahlevi^{1,*}, Rahmat Saputra², Erwin Syahrudin³

^{1,2,3} Universitas Bhayangkara Jakarta Raya

Article info

Received: 14 September 2024

Revised: 14 January 2025

Accepted: 13 February 2025

Keywords:

Criminal Liability;

Corporations;

Directors

Correspondence author:

Muhammad Reza Syah Fahlevi

muhammadreza0305@gmail.com

[orcid](#)

Abstract

Forests are a source of people's livelihood and welfare and are now increasingly scarce. As a result of the conversion of forests into plantations, forest area continues to decrease from year to year. Most of the perpetrators of forest fires are companies/corporations that clear land to expand their plantation areas. This research aims to determine the criminal responsibility of directors for company negligence, which resulted in forest fires, and the judge's legal considerations overriding the directors' responsibility. The method used in this research is normative juridical. The approach used is through legislation, cases, and conceptualization. Data collection method through document study. Data analysis uses qualitative analysis. The results of this research are that corporate criminal liability in the environmental sector is imposed on legal entities and their management (directors, managers, shareholders, and commissioners) together if corporate business activities cause environmental damage and the judge's legal considerations overrule the directors' responsibility because it is not proven. Directors' fault, and for this reason, criminal liability is imposed on the corporation.

1. Introduction

Forests, which are a source of livelihood and community welfare, are now increasingly scarce. Therefore, in order for forests to continue to exist forever without reducing their sustainability, we must continue to maintain their existence. As a result of the conversion of forests into plantations, the area of forests continues to decrease from year to year. Many companies are clearing plantations (land clearing) by burning forests to reduce production costs. Although forests are national development assets, they provide real benefits for the lives and livelihoods of communities in a balanced and dynamic manner, including environmental, socio-cultural, and economic benefits. For this reason, forests must be managed, protected, and utilized for the benefit of the present and future generations. The purpose of forest conservation is to maintain the sustainability and function of the forest itself and to maintain its quality, value, and benefits [1]. The 1945 Constitution of the Republic of Indonesia, Article 28 H paragraph 1, reads, "Everyone has the right to live in prosperity physically and mentally, to have a place to live and to obtain a good and healthy environment and has the right to obtain health services" [2].

Indonesia is currently experiencing very serious problems regarding pollution and environmental damage, which are increasing day by day. One of the most frequently felt in Indonesia is forest fires, where the problem of forest fires increases almost every year. Forest fires cause environmental pollution. Environmental pollution is the entry or introduction of organisms, materials, energy, and/or other components into the environment through human activities that exceed the established environmental quality standards. Regulations regarding the accountability of perpetrators who damage the environment are regulated in Law Number 32 of 2009 concerning Environmental Protection and Management, Article 116, paragraph 1: "If an environmental crime is committed by, for or on behalf of a business entity, criminal charges, and criminal sanctions are imposed on the business entity and/or the person who gave the order to commit the crime or the person who acted as the leader of the activity in the crime" [3]. Regarding the sanctions that the perpetrator must receive, this is regulated in Article 99 paragraph (1): "Any person who due to their negligence causes ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria to be exceeded, shall be

punished with imprisonment for a minimum of 1 year and a maximum of 3 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)" [4].

Government regulation number 4 of 2001 on the control of environmental damage or pollution related to forest and land fires regulates the control, rehabilitation, reporting, and management of the environment of officials, sanctions, and regulations for the prevention of forest and land fires. The prohibition on forest burning is regulated in Article 11, "Everyone is prohibited from carrying out forest and/or land burning activities" [5]. Companies whose areas are affected by fire are required to carry out fire prevention in accordance with Article 13 of Government Regulation Number 4 of 2001 concerning the control of environmental damage or pollution related to forest and land fires. "To prevent environmental damage and pollution, companies are required to carry out forest and land fire prevention in running their businesses." Furthermore, Article 14 states, "Every business person, as referred to in Article 13, must have adequate facilities and infrastructure to prevent forest and/or land fires at their business locations" [6].

Regulations regarding the prohibition of forest and land burning are not only regulated in Law Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation Number 4 of 2001 concerning Control of Environmental Damage or Pollution Related to Forest and Land Fires but also in Law Number 11 of 2020 concerning job creation, Article 50 paragraph 2 letter (b) "everyone is prohibited from burning forests" [7]. The impact of land fires, including peatlands, causes the soil to erode more easily, the burning of humus reduces the water-holding capacity, and crystallization reduces the clay content. Smoke disturbances are not limited and may even occur across neighboring countries. Other impacts of forest fires are the loss and destruction of wildlife habitat, increased greenhouse gas emissions, negative impacts on human health, and economic losses. Although the government strictly prohibits forest fires through law, many parties still ignore and violate the law. Most forest fires are caused by companies that clear land to expand plantation forests [8]. Forest fires are still one of the factors that often occur in Indonesia. According to data from the Ministry of Environment and Forestry, forest and land fires in Indonesia from 2016 covered an area of 438,363 hectares, in 2017 an area of 165,484 hectares, in 2018 an area of 529,267 hectares, in 2019 an area of 1,649,258 hectares, in 2020 an area of 296,9942 hectares, in 2021 358,867 hectares and 2022 an area of 204,894 hectares [9].

Like the fires that occurred in PT. Wahana Subur Sawit Indah and PT. Duta Swakarya Indah, both companies are business entities engaged in oil palm plantations with plantation areas of 5,000 and 8,000 hectares. As owners of plantation business permits, both companies are required to have a system, facilities, and infrastructure to control plantation land for opening and/or managing their land. However, in reality, the facilities and infrastructure owned are not sufficient and do not comply with the regulation of the Minister of Agriculture of the Republic of Indonesia number 05/permentan/KB.410/1/2018 dated January 18, 2018 concerning the opening and/or processing of plantation land without burning. The direct impact of the fires in both companies is land damage in the form of lowering the surface of peat soil, the death of plants and animals in the soil, and damage to the water system and ecosystem and the habitat of living things. The verdict handed down by the panel of judges at the Siak Sri Indrapura District Court stated that PT. Wana Subur Sawit Indah, represented by the director, namely Desi binti Sutopo, was found legally guilty of committing a crime "because her negligence resulted in the exceeding of ambient air quality standards and environmental damage criteria" as in the subsidiary charges of the public prosecutor. Sentencing the defendant to a fine of Rp. 3,000,000,000.00 (three billion rupiah) and imposing an additional penalty in the form of reparations due to the crime of Rp. 40,837,006,500.00 (forty billion eight hundred thirty million six thousand five hundred rupiah). With the subsidiary charge, violating Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter (a) of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Management and Protection. The verdict handed down by the panel of judges at the Siak Sri Indrapura District Court stated that the director of PT. Duta Swakarya Indah (Misno bin Kariorejo) was found guilty of committing a crime because his negligence resulted in exceeding the standard criteria for environmental damage carried out by a person acting as an activity leader who was sentenced to 1 year in prison and a fine of 1 billion

rupiah, considered to have violated Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter (b) of Law Number 32 of 2009 concerning Environmental Management and Protection.

In the case of PT. Wana Subur Sawit Indah, the decision should have not only imposed a fine on PT. WSSI, but also imposed a prison sentence on the director of PT. Wana Subur Sawit Indah, as in the case of PT. Duta Swakarya Indah, because in accordance with Article 99 paragraph 1 of Law Number 32 of 2009 concerning environmental protection and management, which states, "Any person who due to his negligence causes the ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria to be exceeded, shall be punished with imprisonment of at least 1 (one) year and a maximum of 3 (three) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp3,000,000,000.00 (three billion rupiah)". However, in the decision, the panel of judges only imposed a fine and imposed an additional penalty in the form of reparations due to the criminal act to PT. Wana Subur Sawit Indah.

2. Methodology

The research conducted by the author in this case uses the normative legal research method, namely by examining the legal rules contained in the norms in the legislation [10]. The research approach used by the author in conducting this research is the Statute Approach, Conceptual Approach, and Case Approach. The sources of legal materials used in the process of compiling this research consist of 3 (three) types, namely, Primary, Secondary, and Tertiary Legal Materials [11].

3. Results and Discussions

Criminal liability means that a person who has committed a criminal act does not mean that the person must be punished but rather that the person must be responsible for the act that has been committed if an element of error is found in the person. A crime consists of two elements: a criminal act (*actus reus*) and a criminal intent (*mens rea*). *Actus reus* or *mens rea* must exist or be fulfilled in a person's actions in order to be held criminally responsible.

Criminal liability can occur after a person commits a crime. There is no criminal liability if a criminal act does not precede it. An act that violates criminal law is interpreted as a criminal act or *actus reus*. Criminal intent or *mens rea* is interpreted as a criminal act committed by a perpetrator with evil intentions or to endanger others. Without any error, a person cannot be held accountable; only people who make mistakes can be held criminally responsible. For there to be the ability to be responsible, there must be the ability to distinguish between good and bad actions in accordance with the law and the ability to determine one's actions according to the awareness of the good and bad actions that have been done. The elements of criminal responsibility concerning the perpetrator of the crime are the ability to take responsibility, Fault in the broad sense (intentional or negligent), and No justification or excuse.

The ability to be responsible is defined as a psychological state that justifies the application of a criminalization effort, both from a general perspective and from the perspective of the perpetrator. A person can be held responsible if he is able to know or realize that his actions are against the law and can determine his will according to that awareness. For the ability to be responsible, there must be 2 elements, namely the ability to distinguish between good and bad actions according to the law and those that are against the law and the ability to determine his will according to the awareness of the good and bad of the actions carried out. The ability to be responsible according to criminal law has 2 main elements in the perpetrator of a crime, namely rational knowledge that can distinguish between good and bad actions and the existence of the will and awareness of the perpetrator to commit the crime.

Corporation in Dutch *poratie*, in English *corporation*, in German *corporation*. Etymologically, the word *corporation* comes from the word *corporation* in Latin. *Corporatio* as a noun comes from the verb *corporare*, which people in the Middle Ages widely used. *Corporate* comes from the word *corpus*, which means body or embodied. Thus, *corporation* means the result of the work of corporealizing, the word

body that is made into a person, a body obtained by human actions as opposed to a human body that occurs according to nature. Satjipto Raharjo stated that a corporation is a body created by law. The body that is created consists of the corpus, namely its physical structure, and into it, the law includes an animus element that makes the body have a personality. Subekti stated that what is meant by corporate or corporation is a company that is a legal entity. Basically, a crime can be identified by the occurrence of losses, which then give rise to criminal liability [12].

Corporate criminal liability arises because of a criminal act committed by a corporation, and the act causes losses. Although a corporation is an entity or legal subject whose existence contributes to improving the economy and national development, it is precisely the corporation that commits criminal acts (corporate crime) that have a detrimental impact on the state and society. Some corporations are used as a place to hide assets resulting from criminal acts that are not touched by the legal process in criminal liability. The subject of criminal law in the provisions of the legislation is a perpetrator of a crime who can be held accountable for the legal acts he has committed as a manifestation of responsibility for his mistakes towards the victim. The current Criminal Code does not regulate corporate criminal liability, and the Criminal Code only regulates criminal acts committed by individuals whose responsibility is also individual. The first law that directly requires corporate criminal responsibility is Emergency Law Number 7 of 1955 concerning the investigation, prosecution, and trial of economic crimes in Article 15, paragraph 1: "If an economic crime is committed by or on behalf of a legal entity, a corporation, an association of other people or a foundation, then criminal charges are made, and criminal penalties and disciplinary measures are imposed both on the legal entity, corporation, association or foundation, both on those who give orders to commit economic crimes or who act as leaders in the act or negligence or on both." In addition, corporate criminal responsibility is regulated in Law Number 10 of 1995 concerning customs, Law Number 11 of 1995 concerning excise, and Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the eradication of corruption. Corporate criminal liability is important to demand because it is unfair if companies that ignore established regulations escape punishment even though the company's actions result in losses for the community.

According to Sutan Remi Sjahdeini, the imposition of criminal responsibility on a corporation for a crime committed by a person if all the following elements or requirements are met;

1. The crime is committed or ordered by corporate personnel who, in the corporate organizational structure, have a position as a directing mind or an important position in the corporation.
2. The crime is committed in the context of the intent and purpose of the corporation.
3. The crime is committed by the perpetrator or on the orders of the person giving the order in the context of his duties in the corporation.
4. The crime is committed with the intention of providing benefits to the corporation.
5. The perpetrator or person giving the order does not have a justification or excuse to be released from criminal responsibility.
6. For crimes that require elements of action and elements of error it does not have to be in one person alone [13].

3.1. Responsibility of the Board of Directors for Company Negligence Causing Environmental Damage

The Board of Directors is one of the organs of a limited liability company; the existence of the Board of Directors is necessary because the company as an individual means that it cannot do anything without the assistance of the Board of Directors as an individual. The Board of Directors is tasked with managing and representing the company and is responsible for the interests and objectives of the company. The Board of Directors is appointed by the General Meeting of Shareholders (GMS); the appointment of the Board of Directors must have several provisions, namely:

- a. Capable of carrying out legal acts
- b. Never been declared bankrupt

- c. Never been a member of the Board of Directors who was found guilty of causing a company to be declared bankrupt
- d. Never been convicted of committing a crime that harms state finances within 5 years prior to appointment [14].

The company carried out Forest and land burning in the opening of plantations. Suppose a forest fire occurs that causes environmental damage and can have an impact on public health, educational activities, the economy, and land or air transportation. In that case, the company can be held accountable. Corporate accountability for criminal acts committed is known as the accountability system, namely;

- a. The corporate management, as the creator and the administrator, must be criminally responsible.
- b. The corporation is the creator of the crime, but the one who must be criminally responsible is the administrator.
- c. The corporation is the creator of the crime, and the corporation must be criminally responsible.
- d. The administrator and the corporation are both creators of the crime, and both must be criminally responsible [15].

The Criminal Code still assumes that legal entities cannot be punished on the grounds that corporations do not have mens rea (intent to do evil); corporations are not individuals even though they can carry out legal acts that individuals and corporations commonly carry out do not have awareness and do not have a real body. Corporations cannot be held accountable because if a corporation's management commits a criminal act, the act is an act outside the corporation's articles of association. The management is responsible personally or together with other management. The management's responsibility implies that a corporation is a legal entity that does not have a physical body and cannot act or have a will except through its management or employees. Management or employees are legal entities that are different from corporations because all forms of corporate legal responsibility are through vicarious liability. Corporations cannot commit crimes, but people who act for and/or on behalf of the corporation can commit crimes. Mistakes and negligence of directors in carrying out the management of the company that gives rise to criminal acts do not eliminate the responsibility of directors; directors can be held criminally responsible based on applicable laws and regulations.

The liability of perpetrators of environmental damage is contained in Article 116 paragraph (1) of the UUPPLH that "if an environmental crime is committed by, for or on behalf of a business entity, criminal charges, and criminal sanctions are imposed on the business entity itself, the person who gave the order or acted as a leader in the crime and the management or leader of the business entity." Corporate criminal liability in the environmental sector is imposed on the legal entity and its management (directors, managers, shareholders, and commissioners) together in the event that its corporate activities and/or business cause environmental damage. As those who represent the interests of the company, the actions of the board of directors are related to corporate actions because every action carried out by the board of directors is considered an action of the legal entity, and the legal entity is responsible for the consequences of the directing mind action as long as the actions of the board of directors are not contrary to the articles of association, laws, and regulations and are carried out in good faith. Every action of the board of directors is an action of the company because it is considered the brain and hands of the company, so the mens rea of the company's actions is seen by its directors so that responsibility can be imposed on the company. The responsibility of the board of directors in managing the company is a form of the fiduciary duty doctrine, namely that the board of directors is a party trusted by another party, in this case, the shareholders, to act on behalf of and in the interests of the party who provides the trust in good faith and responsibly. Every management of the company by the board of directors must not conflict with the principle of fiduciary duty. Directors or corporate officers can be held personally responsible for corporate crimes as long as the official has the authority to prevent the violation or to improve the situation. Accountability for the officer/director does not need to be proven to have mens rea because mens rea has been proven, namely that the corporate officer violates their obligations. Corporate crimes are basically acts committed by directors and/or employees of the corporation, at every level, who carry out functions and duties and are considered to be acting on behalf of the corporation,

which can result in criminal liability. Either to the corporation or together with its employees, personally, criminal liability can be held [16].

Criminal liability for corporate officials who are in positions of responsibility or management of the corporation based on responsible corporate officers and strict liability can be responsible for corporate crimes, even though the official is not aware of the crime. This is because his position in the company requires corporate officials to take action to ensure that the violation will not occur. Directors cannot escape criminal liability in the event of pollution and/or environmental damage because directors have the ability and obligation to supervise corporate activities, including the obligation to preserve the environment. Directors or leaders of activities that give rise to environmental crimes are understood as those who are in control of unlawful conduct. Hence, directors or leaders of activities are responsible for the occurrence of environmental crimes.

The directors or managers of a corporation are responsible for corporate crimes if they have the power to prevent the crime or improve the situation. The responsibility of the management does not need to be proven to have made a mistake because it has been proven that the corporate management did not carry out their duties. Corporate crimes are acts committed by directors and/or employees of a corporation who are said to be carrying out their duties and responsibilities in their position and on behalf of the corporation so that they can give rise to criminal liability. The company and its employees can be held personally criminally liable [17]. Criminal liability for corporate directors who hold responsible positions can be held accountable for corporate crimes, even though the official is not aware of the crime, because corporate directors, based on their positions in the company, should have the opportunity to prevent such violations. Directors cannot avoid criminal liability for environmental pollution and/or damage because they have the authority and obligation to monitor the company's performance, including the obligation to protect the environment. Directors or leaders of activities that give rise to environmental crimes are understood as people who carry out unlawful activities, so directors or leaders of activities are responsible for the occurrence of environmental crimes. The board of directors is a body that regulates a company in accordance with its articles of association, including the determination of corporate policies and its criminal authority [18].

3.2. Legal Considerations of the Judge in Decision Number 240/Pid.B/LH/2020/PN Sak Regarding Negligence of the Board of Directors Responsibility for the Company's Negligence Causing Forest Fires The public prosecutor charged PT Wana Subur Sawit Indah with subsidiary charges, the elements of which are.

3.2.1. *Elements of Every Person*

Article 1, paragraph 32 of the UUPPLH provides the understanding that every person is an individual or business entity, whether a legal entity or not. Based on Article 116, paragraph 1 of the UUPPLH, in the case of a criminal act committed by, for, and on behalf of a business entity that can be prosecuted and punished, namely, Business entities and people who give orders to commit environmental crimes, Business entities and people who act as leaders of activities in environmental crimes, Business entities, people who give orders to commit environmental crimes and people who act as leaders of activities in criminal acts.

PT WSSI is a company or business entity engaged in the business of oil palm plantations. Therefore, PT WSSI, which is the defendant in the quo case, is not a human/person who can be physically or in court, so it must be represented by its management, namely Desi binti Sutopo, as the director of PT WSSI. The panel of judges is of the opinion that the Public Prosecutor has correctly submitted a corporation (PT WSSI) as a defendant so that the element of "every person" has been proven legally and convincingly because the panel of judges refers to the development of Indonesian criminal law regarding the system of corporate responsibility as the subject of a criminal act.

3.2.2. *Elements Resulting from Negligence Result in Exceeding Ambient Air Quality Standards, Water Quality Standards, Sea Water Quality Standards, or Environmental Damage Criteria*

Negligence, error, carelessness, or negligence (*culpa*) in criminal law is defined as an error by the perpetrator of a crime that is not as serious as intentional, namely being less careful so that unintentional consequences occur. *Culpa* includes lack of thought, lack of knowledge, or acting less directed. Negligence contains 2 elements, namely lack of care and predictability of the consequences that will arise. Land that is burned is caused by being deliberately burned, burned. Still, no effort is made at all to extinguish the burning land, and efforts are made to extinguish it, but the facilities and infrastructure to extinguish it are inadequate and not carried out seriously, burned. Efforts are made seriously, and adequate facilities and infrastructure are needed to extinguish it. Suppose the Company prevents land fires, but its facilities and infrastructure are inadequate, resulting in land fires that result in exceeding environmental quality standards and/or environmental damage criteria standards. In that case, the company can be suspected of committing an act (allowing its land to burn) as regulated in Article 99, paragraph 1 of the UUPPLH.

PT WSSI's land is very large but is not supported by adequate facilities and infrastructure to combat fires. Land fires are caused by (1) deliberate burning, (2) burning but no effort to extinguish the burning land, (3) burning and extinguishing efforts are carried out, but extinguishing facilities and infrastructure are inadequate and not carried out seriously, (4) burning and extinguishing efforts have been carried out, and extinguishing facilities and infrastructure are adequate. Suppose the Company prevents land fires from occurring, but its facilities and infrastructure are inadequate, resulting in land fires exceeding environmental quality standards and/or environmental damage criteria. In that case, the Company is suspected of committing an act (allowing its land to burn) as regulated in Article 99, paragraph 1 of the UUPPLH. Based on PERMA number 13 of 2016 concerning the handling of criminal cases by corporations, the panel of judges is of the opinion that Article 4, paragraph 2 letter (c) includes corporate errors in the form of negligence. PT WSSI did not carry out the actions that should have been its obligation to prevent as early as possible even though PT WSSI had made efforts to extinguish the fire because the facilities and infrastructure for controlling and preventing fires were inadequate and inadequate. PT did not want landfires to occur.

The panel of judges is of the opinion that this constitutes negligence (*culpa*) because a criminal act has occurred, namely the failure to make maximum efforts to prevent or extinguish land fires by PT WSSI in the area of its land after the fire there was still thick smoke for approximately one month so that it has exceeded the ambient air quality standards and exceeded the criteria for environmental damage. In Article 116, paragraph 1, letter (a), "criminal sanctions are imposed on business entities represented by management who are authorized to represent inside and outside the court in accordance with statutory regulations. The negligence committed by PT WSSI was the facilities and infrastructure for controlling land fires, which resulted in a criminal act due to financial difficulties experienced by PT WSSI, and PT WSSI had experienced 2 fires in 2015 and 2019. The judge's legal considerations set aside the responsibility of the directors because there was no evidence of any error by the directors. For this reason, criminal liability was imposed on the corporation because the corporation was proven not to have a work plan document for opening and/or processing plantation land, and the facilities and infrastructure for controlling land fires owned by the corporation were inadequate. By the judge, PT WSSI was declared legally and convincingly guilty of committing a crime "Because its negligence resulted in the exceeding of the Ambient Air Quality Standards and Environmental Damage Standard Criteria" as in the subsidiary indictment of Article 99 of the Public Prosecutor paragraph (1) in conjunction with Article 116 paragraph (1) letter (a) of Law Number 32 of 2009 concerning environmental protection and management.

If a corporation commits a crime, not only can the corporation be sued, but its management can also be held accountable for the actions taken by the corporation. Directors can be held criminally responsible if the corporation they lead commits a crime. Directors are considered to know about the corporation's actions because of their position, which is to have the authority to prevent violations committed by the company. If a corporation is held criminally responsible, then its leaders must also be held criminally responsible because the actions taken by the corporation so that the crime occurred are the actions of the

directors. The actions of the directors are considered corporate actions. The criminal responsibility of directors can be individual or joint (if there is more than one director).

4. Conclusion

Responsibility can be requested from someone who has committed an act or crime. The responsibility of the board of directors towards a corporation that commits a crime is that the board of directors can be asked to be accountable. The board of directors is considered to have committed the act because the board of directors is the brain and right hand of the corporation. Criminal liability in the case of environmental crimes can be requested from the corporation and its managers. The board of directors can be released from liability if it is proven that the act carried out is in accordance with the articles of association, in good faith, and applicable regulations.

The judge's legal considerations set aside the board of directors' liability for the company's negligence that resulted in forest fires because the board of directors' fault was not proven. The types of liability are divided into 3, namely, the liability of the business entity, the liability of the business entity and its managers, and the liability of the managers. Decision number 240/Pid.B/LH/2020/Pn Sak, the judge's legal considerations set aside the board of directors' liability because the board of directors' fault was not proven (prudence, professionalism, acquit at de charge). For this reason, criminal responsibility is imposed on the corporation because the corporation is proven not to have a work plan document for opening and/or processing plantation land, and the facilities and infrastructure for controlling land fires owned by the corporation are inadequate.

The regulation of Law Number 32 of 2009 concerning Environmental Protection and Management regarding the criminal liability of directors for corporate crimes is regulated more specifically in order to separate the responsibilities of directors and the corporation itself. The panel of judges should, in addition to giving sanctions to the corporation, also give them to the directors because a corporation cannot commit or commit a crime unless the directors or their employees commit the act for and on behalf of the corporation.

Acknowledgment

This research was conducted independently without any specific funding.

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