



Legal Analysis of Errors in Environmental Crime Decisions

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ABSTRACT

This research is motivated by the right that we as living beings who participate in living on earth are obliged to protect and preserve the environment for a long, healthy and prosperous life. Referring to this, if we observe further, the mistakes or actions committed by humans with the capacity to damage or pollute the environment are usually more to cover up what they have done, even though it is clear that actions that are categorized as destructive must be very dangerous and risky for themselves to human beings. another life. The research method used is a normative juridical and sociological juridical research method. normative juridical law research is aimed at written documents sourced from legislation such as: the Criminal Code, Law Number 32 of 2009 concerning Environmental Protection and Management, and the Qur'an, and the Legal Dictionary. While sociological juridical see the law appears in the reality in society, see the effectiveness of the law that is currently in effect providing protection against environmental destruction. The purpose of this research is to find out and analyze the legal arrangements for the elements of error in environmental crimes. To find out and analyze the factors that cause environmental destruction. The results of this study can be used as material for further studies to contribute ideas for the development of criminal law, especially on the element of error in environmental crimes. As for the practical benefits of this research, namely for law enforcement officers in the criminal justice system, this research is expected to provide input for policy makers in the formulation and legislation related to criminal law, especially in the environmental field.

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1. INTRODUCTION

The environment as a place for humans to live is a gift from God Almighty which is intended for all living things on this earth. Indonesia's vast territory and abundant wealth make this country a place that should be taken into account by foreign countries. If we explore further,

Indonesia's wealth in terms of agricultural, fishery, mining, and human resources are increasingly establishing themselves towards free trade in the future. Regarding environmental crimes for damages intentionally carried out by parties or companies (corporations) that are not responsible in Indonesia, it is now regulated in Law Number 32 of 2009 concerning

Environmental Protection and Management or (UUPPLH). Criminal acts in the environment committed must be accounted for by proving the elements that have been determined by law. Because a crime is an act that is prohibited or required and is threatened with a crime as formulated in the criminal law. However, not for the actions of a person who fulfills the elements of a criminal act, a criminal offense can be imposed or a criminal responsibility can only be imposed if the perpetrator of a criminal act has an error.

2. RESEARCH METHODE

The research method explains the entire series of activities that will be carried out in order to answer the main problem or to prove the assumptions put forward. To answer the research problem and prove assumptions, it must be supported by field facts and research results. In an effort to achieve maximum research results, in terms of data collection, the following research methods are used:

This research is a descriptive normative juridical law research. Normative Legal Research is research conducted by researching library materials (secondary data) or legal research literature. Normative research with secondary data as a source of data or information can be a primary legal source, a secondary legal source, and a tertiary legal source. The implementation of normative research in outline according to the book written by Ediwarman is addressed to;

- a. Research on legal principles, for example on written positive law or research on legal rules that live in society.
- b. Research on legal systematics is carried out by examining the basic understanding and legal system, carried out by examining the basic understanding and legal system in statutory regulations.
- c. Research on synchronization that can be done either vertically synchronization based on the hierarchy of laws and regulations or horizontal synchronization against equal laws and regulations.
- d. Legal history research is research that focuses on the development of law.
- e. Research on comparative law that emphasizes and looks for differences in various legal systems.

Based on the explanation above, this research also leads to, Research on synchronization that can be done either vertically synchronization based on the hierarchy of laws and regulations or horizontal synchronization of equal laws and regulations. Which in this case is because it examines the errors described under environmental law. The research method used is a normative juridical and sociological juridical research method. normative juridical law research is aimed at written documents sourced from legislation such as: the Criminal Code, Law Number 32 of 2009 concerning Environmental Protection and Management, and the Qur'an, and the Legal Dictionary. While sociological juridical see the law appears in the reality in society, see the effectiveness of the law that is currently in effect providing protection against environmental destruction.

3. RESULT AND ANALYSIS

Elements of Errors in Environmental Crimes According to Law Number 23 Year 2009 concerning Environmental Protection and Management

The *Strafbaar Feit* crime is an original Dutch term which has been translated into Indonesian with various meanings, including: criminal acts, offenses, criminal acts, criminal events, and criminal acts. In practice, experts in providing definitions of *Strafbaar Feit* or criminal acts vary, so the word crime has many meanings.

What is meant by a criminal act, according to Simons, is defined as an act (*hendeling*) which is threatened with punishment by law, contrary to the law (*onrechtmatig*) carried out with an error (*schuld*) by a person who is capable of being responsible. The formulation of the crime given by Simons is seen by Jonkers and Utrecht as a complete formulation, because it will include:

1. Threatened with criminal by law;
2. Against the law;
3. Done by someone by mistake (*schuld*);
4. A person is considered responsible for his actions.

Van Hamel also agrees with Somons' formulation of a crime, but adds that "the nature of the act has a punishable nature".

Meanwhile, Vos is one of the experts who formulate a criminal act in a nutshell, namely a human behavior which is given a criminal punishment by legislation. So, a human behavior that is generally prohibited and punishable by criminal.

As it is known that a person can be sentenced to a crime if his actions match all the elements of a criminal act formulated in the articles of the criminal law. It becomes a normative demand that must be met if a person can be blamed for committing a criminal act, namely that the act must be proven to match all elements of a criminal act. If one of the elements of a criminal act is not fulfilled, or cannot be proven, then the consequence is that the crime accused of the perpetrator is not proven.

Judging from the nature of the elements (*bestandelen*), in general the elements of criminal acts can be divided into two types, namely: subjective elements and objective elements, as follows:

a. Subjective Element

Subjective elements are elements that come from within the perpetrator (*dader*) of a crime. These subjective elements are basically things or conditions that can be found in the perpetrator. Included in this category is the state of the soul or mind of the perpetrator.

Subjective elements are divided into two kinds, as follows:

- *Toerekening Waarheit* (responsible ability);

- *Schuld* (error) which consists of:

1. Intentional (*dolus*), which consists of:

- a. *Opzet als oogmerk* (deliberate with intent)
- b. *Opzet bij zekerheidsbewustzijn* (intentionally with definite conviction)
- c. *Opzet bij mogalijkheidsbewustzijn* or *dolus evantualis* (intentional with awareness of the possibility)

2. Negligence (*culpa*).

b. Objective Element

Objective elements are elements that come from outside the perpetrator. As with the subjective element, some experts in describing the elements that are outside the perpetrator are different.

Laminatang stated in Roni Wiyanto's book detailing three forms of objective elements of criminal acts, as follows:

- a. The nature of breaking the law (*wederrechtelijkheid*);
- b. The quality of the perpetrator, for example the condition as a civil servant in a crime according to Article 415 of the Criminal Code, or the condition as a manager or commissioner of a limited liability company in a crime according to Article 398 of the Criminal Code;
- c. Causality, namely the relationship between an action as a cause with a reality as a result.

Meanwhile, according to Leden Marpaung the objective elements include:

- a. Human actions
- b. The consequences of human actions, namely the consequences that harm or damage, even eliminate the interests that are defended by law, for example: life, body, independence, property rights, honor, and so on.
- c. Circumstances

Punishable nature and unlawful nature. Punishable nature refers to the reasons that free the perpetrator from punishment. Meanwhile, the nature of being against the law is when the act is contrary to the law, namely with regard to prohibitions or orders.

The formulation of environmental criminal provisions as regulated in UUPPLH, includes elements of intentional or negligence/negligence. The inclusion of an element of intention or negligence, it can be said that criminal liability in UUPPLH adheres to the principle of liability based on fault, meaning that UUPPLH adheres to the principle of error or culpability.

In UUPPLH No. 32 of 2009 and UUPPLH No. 23 of 1997 recognizes material offenses and formal offenses. The provisions for material offenses in the UUPPLH are only regulated in Article 98 paragraphs (2 and 3) and Article 99 paragraphs (2 and 3). Criminal acts in UUPPLH are categorized as crimes, the sanctions for perpetrators who commit deliberate acts are more western than those committed due to negligence. Perpetrators of pollution and/or destruction that are carried out intentionally or unintentionally or by negligence are threatened with a cumulative penalty of imprisonment and fines with minimal sanctions, while in the Basic Law on the Environment there is no known minimum sanction.

Material offenses are aimed at the consequences of an act of pollution and/or destruction, namely the contamination or destruction of the environment. Proving whether it is true that the defendant has polluted or damaged the environment is the burden of the public prosecutor. This evidence is closely related to scientific evidence, where the role of expert witnesses is to determine whether or not the defendant's actions have polluted and/or damaged the environment.

Material offenses in UUPPLH are regulated in Articles 98, 99, and 108, these offenses contain the meaning that the crime has been completed. Article 98 of the criminal act is committed intentionally, while Article 99 of the criminal act is carried out unintentionally which can be formulated in words due to negligence or negligence while Article 108 relates to land burning. Deliberate offenses have a heavier gradation compared to negligence offenses, because intentionally means that the evil intention has been there since the beginning, while the offense of negligence has no evil intention from the start, but as a result of his actions nature is polluted and/or damaged.

In contrast to formal offenses, where the burden of proof is not required to determine whether the environment has been polluted or damaged, it is sufficient to prove whether the suspect or defendant has violated the provisions of administrative law.

Regarding the application of the element of error in the Criminal Code that the author describes above, it is different from Law number 32 of 2009 concerning Environmental Protection and Management (UUPPLH). This difference can be seen from Article 88 of the UUPPLH which reads "Everyone whose actions, business, and/or activities use B3, generates and/or manages B3 waste, and/or poses a serious threat to the environment, is absolutely responsible for the losses incurred. without the need to prove the element of guilt. So it can be concluded that the application in the Criminal Code with UUPPLH regarding the element of error is clearly different.

Environmental crimes or environmental offenses are legal orders and prohibitions against legal subjects which if violated are threatened with criminal sanctions, including imprisonment and fines with the aim of protecting the environment as a whole as well as elements in the environment such as animal forests, land, air, water and people. Therefore, with this understanding, environmental offenses are not only criminal provisions formulated in the UUPPLH, but also criminal provisions formulated in other laws and regulations as long as the formulation of these provisions is intended to protect the environment as a whole or its parts.

The provisions of Environmental Criminal Law No. 32 of 2009, regulated from Article 97 to Article 120. The Environmental Protection and Management Act explicitly stipulates that environmental crimes are crimes.

Based on the type of crime, UUPPLH divides it into two parts, namely material and formal offenses. However, there are differences in several books that the author cites regarding the distribution of material and formal offenses, including:

1. According to Syahrul Machmud in his book, in UUPPLH, legal acts can be divided into material offenses and formal offenses. Material offenses are regulated in Article 98 paragraphs (2, 3) and 99 paragraphs (2, 3), while formal offenses are regulated in Article 98 paragraph (1), 99 paragraph (1), and articles 100-109. AMDAL drafters without certification, environmental permit issuing officials without being equipped with AMDAL, officials who do not perform their duties properly, false information providers, business and/or activity persons in charge of not carrying out government coercion, as well as people who prevent and hinder or thwart official duties. supervisors, the rest are offenses against corporations.
2. According to Syamsul Arifin which is also contained in his book, the division of material offenses is found in Articles 98 and 99, while formal offenses are regulated into 16 articles in UUPPLH, namely Articles 100 to 115. The provision for formal offenses means that the criminal act of environmental pollution and/or destruction has not actually occurred, but if allowed to drag on, it can result in the nature being polluted and/or damaged. The violation committed in this formal offense is only a violation of administrative law, namely the non-fulfillment of the specified administrative requirements. Material offense means that an act of environmental pollution and/or destruction has occurred, meaning that the perpetrator has committed a series of actions that resulted in the environment being polluted and/or damaged.

In addition to individuals who can be criminally prosecuted, based on modern criminal law theory, a corporate or legal entity (in UUPPLH using the term business entity) as a legal person

is a legal subject that can be criminally prosecuted. As regulated in Articles 116 to 119 of the UUPPLH, it is also regulated in Article 51 of the Dutch Criminal Code.

UUPPLH provides a threat of punishment to the legal person or *rechtsperson* or legal entity with an aggravated fine by adding one third of the maximum fine contained in the UUPPLH Criminal liability for legal entities or business entities as regulated in Article 117 stipulates that, if a criminal act or criminal act of environmental pollution and/or destruction is carried out by or on behalf of a legal entity or business entity, the threat of imprisonment and a fine is increased by one third.

Article 119 states that criminal acts or criminal acts committed by legal entities or business entities or corporations may also be subject to additional penalties or disciplinary actions as follows:

- a. Deprivation of profits derived from criminal acts,
- b. Closure in whole or in part of the place of business and or activity,
- c. Repairs due to criminal acts,
- d. Obligation to do what is neglected without rights and/or
- e. Placement of the company under a maximum of 3 (three) years.

Determination of the law as a perpetrator of a crime is a deviation from the principles of legality and error. Deviations in environmental cases due to the existence of *Rechtsguternotstand*, namely there is a possibility that important legal objects are threatened, and protection is only given by imposing on legal entities. According to Schunemann, a criminal sentence based on *Rechtsguternotstand* must meet several conditions. The most important requirement is that the criminal must have preventive work. The importance of preventive work force must be greater than the interests of the financial integrity of the company. And that it is impossible to punish humans because in reality the crime is committed in a corporate bond.

Elements of Errors in Environmental Crimes Based on Government Regulation of the Republic of Indonesia Number 4 of 2011 concerning Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires.

The element of error in environmental crimes based on Government Regulation of the Republic of Indonesia Number 4 of 2011 concerning Control of Environmental Damage and/or Pollution Related to Forest and/or Land Fires is also not the same as the provisions of the Criminal Code in this Government Regulation. leads to an error, the perpetrator is required to make an election, namely compensation for what he has done as stated below, which is described in Government Regulation No. 4 of 2011 CHAPTER IV CONTROL PROCEDURE

Part One General:

Article 11

Everyone is prohibited from burning forest and or land.

Part Two (Prevention)

Article 12

Everyone is obliged to prevent the occurrence of environmental damage and/or pollution related to forest and/or land fires.

Article 13

Every person in charge of a business whose business can cause a major and significant impact on environmental damage and/or pollution related to forest and/or land fires is obligated to prevent forest and/or land fires at their business location.

Article 14

(1). Every person in charge of the business as referred to in Article 13 is required to have adequate facilities and infrastructure to prevent forest and/or land fires at their business location.

(2) Facilities and infrastructure for preventing forest and or land fires as referred to in paragraph (1) include:

- a. early detection system to detect forest and or land fires;
- b. forest and or land fire prevention tools;
- c. standard operating procedures for preventing and overcoming forest and or land fires;
- d. organizational apparatus responsible for preventing and overcoming the occurrence of forest and or land fires;
- e. training on forest and or land fire prevention on a regular basis.

The person in charge of the business as referred to in Article 13 is obligated to carry out monitoring to prevent forest and/or land fires at their business location and report the results periodically at least once every 6 (six) months equipped with remote sensing data from satellite to the Governor/Regent/Mayor. with a copy to the technical agency and the responsible agency.

Article 16

The official authorized to issue a business permit as referred to in Article 13 must pay attention to:

- a. national policy on forest and or land management as part of the utilization of natural resources;
- b. conformity with regional spatial planning;
- c. the opinion of the community and the customary head; and
- d. consideration and recommendation from the competent authority.

Part Three (Treatment)

Article 17

Everyone is obliged to deal with forest and/or land fires at the location of their activities.

Article 18

- 1) Every person in charge of the business as referred to in Article 13 is responsible for the occurrence of forest and or land fires at his business location and is obliged to immediately take action against forest and or land fires at his business location.
- 2) General guidelines for overcoming forest and/or land fires shall be further stipulated by a Decree of the Minister in charge of forestry after coordinating with other relevant Ministers and the responsible Agencies.
- 3) Further provisions on technical guidelines for overcoming forest and/or land fires as referred to in paragraph (2) shall be stipulated by regional regulations.

Article 19

In the event that the general guidelines and technical guidelines for overcoming forest and/or land fires as referred to in Article 18 paragraph (2) and paragraph (3) have not been stipulated, then

prevention of forest and or land fires is carried out in accordance with the applicable laws and regulations.

Part Four (Recovery)

Article 20

Everyone who causes forest and/or land fires is obligated to restore environmental impacts.

Article 21

- 1) Every person in charge of business as referred to in Article 13 is obligated to carry out restoration of environmental impacts related to forest and or land fires in their business locations.
- 2) General guidelines for the recovery of environmental impacts related to forest and/or land fires shall be further stipulated by the Head of the Responsible Agency.
- 3) Further provisions on technical guidelines for environmental restoration as referred to in paragraph (2) shall be stipulated by regional regulations.

Article 22

In the event that the general guidelines and technical guidelines for the recovery of environmental impacts related to forest and/or land fires as referred to in Article 21 paragraph (2) and paragraph (3) have not been stipulated, the restoration of environmental impacts shall be carried out in accordance with the prevailing laws and regulations. .

Elements of Errors in Environmental Crimes Based on Government Regulation of the Republic of Indonesia Number 27 of 2012 concerning Environmental Permits

The element of error in an environmental crime based on the Government Regulation of the Republic of Indonesia Number 27 of 2012 concerning Environmental Permits is not the same as the Criminal Code setting in this Government Regulation, for acts committed by the perpetrator that lead to an error, the perpetrator is required to make reparations, such as compensation. for what he did as stated below is described in Government Regulation No. 27 of 2012.

A. External Factors

Environmental destruction based on Article 1 point 16 of Law Number 32 of 2009 concerning Environmental Protection and Management;

"Environmental damage is the act of a person causing direct or indirect changes to the physical, chemical, and/or biological characteristics of the environment so that it exceeds the standard criteria for environmental damage".

Environmental destruction in Law No. 23 of 1997 is an action that causes direct or indirect changes to its physical and/or biological properties which causes the environment to no longer function in supporting sustainable development.

If it is considered between the above formulations, both environmental pollution and destruction are unlawful acts that cause harm to other people or the environment, which means that the preservation of environmental functions cannot be realized so that efforts to maintain the continuity and carrying capacity and capacity of the environment will be disturbed.

There are elements that equate the material contained in the two articles above (Article concerning Pollution and/or Environmental Destruction, namely:

1. Both environmental pollution and environmental destruction are actions that cause harm to other people or the environment.
2. Both environmental pollution and environmental destruction are actions that prevent the preservation of environmental functions from being realized.
3. Those actions or actions that result in environmental pollution and/or destruction can be categorized as unlawful acts, unlawful acts, or immoral acts (onrechmatigrdaat) that cause harm to other people or the environment.
4. Pollution and/or destruction of the environment will result in legal consequences in the form of civil and criminal liability.

The environment has limitations, both in terms of quality and quantity. In other words, the environment can experience a decrease in quality and decrease in quantity. This decrease in the quality and quantity of the environment causes environmental conditions to be less or unable to function anymore to support the life of the living things in it. Environmental damage can be caused by several factors. Based on the causes, environmental damage can be caused by natural processes and due to human activities.

The following also describes the causes of environmental damage in general that occur in our daily environment (Factors of Environmental Damage Due to Human Activities), among others:

a. Agriculture

Deforestation is one example of the damage caused by shifting agricultural activities. The abandoned place becomes less fertile and overgrown with weeds. As a further consequence, during the rainy season there will be an intensive process of surface soil erosion. This can cause flooding, while during the dry season such a place will experience water shortages.

b. Fishery

Improper fishing methods, such as using tiger trawls also cause the reduction of certain types of fish in the waters. Moreover, when using explosives, not only the big fish die, but the larvae and other small fish also die.

c. Technology and Industry

The use of tractors in plowing fields as a tool, tractors make it easier and faster to plow the fields. However, sometimes there are other things that are carried away such as residual fuel, oil waste, and so on. This can damage the environment.

d. Pollution

Pollution (pollution) is an event of changing the state of nature (air, water, and soil) due to the presence of new elements or an increase in a certain number of elements.

The types of pollution are as follows:

1. Air Pollution

Industrial waste, mining waste, and motor vehicle fumes can pollute the air. The exhaust fumes consist of carbon monoxide, carbon dioxide, and sulfur dioxide. Carbon dioxide causes stuffy air and increases the temperature of the earth's surface. Carbon monoxide can poison and kill living things while sulfur dioxide causes the air to be corrosive which causes rusting of metals.

2. Noise pollution

Noise pollution can arise from the noise of cars, trains, airplanes, and jets. In entertainment centers, noise pollution can also occur from a tape recorder that is played loudly. The presence of noise pollution can cause various diseases and disorders in humans and livestock, such as heart, respiratory and nervous disorders.

3. Water pollution

Indiscriminate disposal of industrial waste can pollute rivers and seas. If rivers and seas are polluted, as a result, many fish and microbiology that live in them can no longer live. In addition, polluted river and sea water also results in polluted water sources so that it is difficult for humans to get clean and healthy drinking water.

4. Soil pollution

Basically the soil can experience pollution, the causes include:

- Building goods or substances that are not soluble in water originating from factories.
- Disposal of chemical waste and used plastic paper wrapping used bottles.

The above discussion has described several factors or causes of environmental damage and or pollution. Based on this, it is deemed necessary to include the prevention of environmental

damage and/or pollution. Management of environmental damage and/or pollution is an effort to stop the spread and increase of environmental damage and/or pollution and their impacts.

B. External Factors

In addition to external factors, there are also internal factors that can cause environmental damage without us realizing the cause of the damage is due to our own negligence.

1. The occurrence of damage was caused by the negligence of the government, namely government employees who did not optimally supervise the protected forest area so that the destruction was carried out by people who only wanted to enjoy the results of the land.
2. Government employees who are not optimal in carrying out their functions in overcoming forestry problems under their authority. Including one of them is in supervising the function of the protected forest in the area and not paying attention so that the forest function is taken over by the community for personal interests through logging and illegal logging.
3. Lack of human resources in government bodies who are required to pay attention to various forestry problems which cover a very wide area.
4. Lack of capacity of law enforcement officers in alleviating forestry problems in a legal context. Where at this time there are very few experts in the field of law, especially those who understand the environment and forestry in particular.
5. Lack of government supervision of people who have land certificates in protected forest areas who must have valid permits and good environmental equipment if they want to carry out logging or other industrial activities.
6. Lack of public awareness of the importance of ecological survival in the area whose negative impact is that it can endanger life around the area.
7. Lack of awareness of Actors as State Civil Apparatus at the Department of Disaster Management of Simalungun Regency who should be the perpetrators as pioneers in the field of environmental protection and management.

The following also describes the environmental damage factors in general based on natural factors. Environmental damage by nature occurs because of symptoms or natural events that occur in a great way that affect the balance of the environment. Natural events that can affect environmental damage include the following:

a. Volcanic Eruption

Volcanic eruptions can eject lava, lahars, solid materials of various shapes and sizes, hot steam, and volcanic ash. In addition, volcanic eruptions are always accompanied by local earthquakes called volcanic earthquakes.

Lava flows and hot steam can kill all forms of life in their path, while cold lava flows can wash away the soil surface and cause land slides. Sulfur vapor that comes out of the pores of the soil can contaminate soil and water because it can increase the acidity of water and soil. Volcanic dust is very dangerous if inhaled by living things (especially humans and animals), this is because volcanic dust contains very high levels of silica (Si), while volcanic dust attached to the leaves cannot disappear by itself. This causes the plant to be unable to carry out photosynthesis so that it will gradually die. The impact of volcanic eruptions takes years to return to normal. How long does it take to return to

normal conditions depend on the strength of the explosion and the degree of damage inflicted. However, after returning to normal conditions, the area will become a fertile area due to the process of rejuvenation of the soil.

b. Earthquake

Earthquakes are vibrations caused by endogenous motion. The greater the strength of the earthquake, it will cause more severe damage to the earth. Earthquakes cause buildings to crack or crumble, rock structures are damaged, underground rivers are cut off, underground pipelines and channels are damaged, and so on. If the power of an earthquake hits the ocean, it will cause a tsunami, which is a tidal wave of sea water that hits the land at a very high speed.

c. Flood

Flood is a unique form of natural phenomenon. It is said to be unique because floods can occur because of purely natural phenomena and can also be due to the impact of human activities themselves. Floods are said to be pure natural phenomena if natural conditions do affect the occurrence of floods, for example rain that falls continuously, occurs in basin areas, lowlands, or in river valleys. In addition, flooding can also be caused by human activities, for example due to deforestation in catchment areas, piles of garbage that clog the flow of water, or due to damage to dams or water flow control gates. Losses caused by flooding include, among others, loss of fertile soil surface due to eroded water flow, damage to plants, and damage to various buildings produced by humans.

d. Landslide

The characteristics of landslides are almost the same as those of floods. These natural disasters can occur due to natural processes or due to the impact of human carelessness. This natural disaster can damage the soil structure, damage agricultural land, settlements, residents' facilities and infrastructure as well as various other buildings. Landslides generally hit several parts of Indonesia which have a slightly sloping topography or steep slopes. For example, a landslide event hit the Karanganyar area (Central Java) in December 2007.

e. Hurricane/Hurricane

Hurricanes occur because the difference in air pressure is very striking in an area, causing the wind to blow harder. In some parts of the world, there are even frequent whirlwinds. These natural disasters generally damage various plants, destroy various buildings, infrastructure and can endanger aviation. Hurricanes or hurricanes often hit several tropical areas in the world, including Indonesia. Several regions in Indonesia have been hit by this natural phenomenon. One example is a typhoon that hit several areas in Yogyakarta and Central Java.

f. Long dry

This natural disaster is the opposite of a flood disaster. This disaster occurred because of climate deviations that occurred in an area so that the dry season lasted longer than usual. This disaster caused various losses, such as drying up of rivers and water sources, the emergence of hotspots causing forest fires, and thwarting various agricultural efforts undertaken by the population.

4. CONCLUSION

The element of guilt in environmental crimes in the Criminal Code is different from Law number 32 of 2009 concerning Environmental Protection and Management (UUPPLH). This difference can be seen from Article 88 of the UUPPLH which reads "Everyone whose actions, business, and/or activities use B3, generates and/or manages B3 waste, and/or poses a serious threat to the environment, is absolutely responsible for the losses incurred, without the need to prove the element of guilt. So it can be concluded that the application in the Criminal Code with UUPPLH regarding the element of error is clearly different. And mistakes on the environment can also be explained from the elements of pollution and environmental damage that occur due to nature or due to human actions themselves. Accountability in environmental crimes according to Law Number 32 of 2009, is adopted by absolute responsibility (Strict liability), where every person, or corporation (business entity and not a business entity) is absolutely (absolutely) responsible for all losses arising from the crime. UUPPLH provides a threat of punishment to the legal person or rehtsperson or legal entity with an aggravated fine by adding one third of the maximum fine contained in the UUPPLH. The threat of punishment for criminal acts is regulated in the UUPPLH Chapter XV, namely Articles 97 to 120 of the UUPPLH. Where in Articles 116 to 120 regulate the liability of business entities or corporations. The Law on Environmental Protection and Management expressly stipulates that environmental crimes are crimes.

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