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Pertanggungjawaban Pidana Terhadap Korporasi Yang Melakukan Tindak Pidana Lingkungan Hidup

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ABSTRAK

Tujuan penelitian menganalisis pertanggungjawaban pidana terhadap korporasi yang melakukan tindak pidana lingkungan hidup dan pertimbangan hakim dalam membuktikan adanya pertanggungjawaban pidana terhadap korporasi yang melakukan tindak pidana lingkungan hidup dalam Putusan Pengadilan Negeri Cikarang Nomor: 391/Pid.B/LH/2019/PNCKr. Penelitian ini adalah penelitian hukum normatif-empirik. Dari penelitian yang dilakukan diketahui bahwa pertanggungjawaban pidana terhadap korporasi yang melakukan tindak pidana lingkungan hidup dilaksanakan berdasarkan doktrin pertanggungjawaban korporasi yaitu doktrin identification, vicarious liability, dan strict liability, serta mengatur pertanggungjawaban pidana terhadap badan usaha sebagai korporasi bersama-sama dengan pengurusnya. Dalam Putusan Nomor : 391/PID.B/LH/2019/PNCKR an. Terpidana PT. Gunung Garuda, Majelis Hakim menggunakan Doktrin Strict Liability dengan mengacu kepada Perma 13/2016 dimana dalam putusan tersebut, terdapat kesalahan yang dilakukan oleh pengurus sehingga pertanggungjawaban terhadap korporasi tidak menghilangkan adanya kesalahan yang dilakukan oleh pengurus yang melakukan.

Kata Kunci: Pertanggungjawaban; Korporasi; Lingkungan

ABSTRACT

The research objective is to analyze criminal liability against corporations that commit environmental crimes and judge considerations in proving criminal liability against corporations that commit environmental crimes in the Cikarang District Court Decision Number: 391 / Pid.B / LH / 2019 / PNCKr. This research is a normative-empirical legal research. From the research conducted, it is known that criminal liability against corporations that commit environmental crimes can be carried out based on the doctrine of corporate responsibility, namely the doctrine of identification, vicarious liability, and strict liability, as well as regulating criminal liability for business entities as corporations together with their management. In Decision Number: 391 / PID.B / LH / 2019 / PNCKR an. The convicted PT. Gunung Garuda, the Panel of Judges used the Strict Liability Doctrine with reference to Perma 13/2016 where in the decision, there were mistakes made by the management so that accountability to the corporation did not eliminate any mistakes made by the management who committed.

Keywords: Liability Corporation; Environment