

The Concept of Strict Liability in Indonesian Criminal Law and Its Application to Environmental Crimes

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Abstrak: *The concept of strict liability in Indonesian criminal law plays a crucial role in upholding accountability for crimes in which fault is difficult to prove, particularly in environmental cases. The complexity of environmental crimes, which often involve large corporations and have widespread impacts, requires effective and adaptive legal mechanisms. This study aims to analyze the position of strict liability in the Indonesian criminal law system, the scope of its application, and its relevance to environmental protection. The research method used is normative juridical with a statute approach and a conceptual approach, as well as the collection of legal materials through a literature review of relevant laws and legal literature. The results of the discussion indicate that strict liability is an exception to the principle of fault that is applied only to cases with broad impacts on the public interest, such as water, air, and land pollution, and ecosystem destruction. This principle emphasizes accountability for the consequences of actions, accelerates damage recovery, encourages corporate compliance, and strengthens public protection. In conclusion, the application of strict liability makes environmental criminal law in Indonesia more adaptive, preventive, and restorative, effectively balancing the interests of economic development with environmental sustainability.*

Keywords: *Strict Liability; Criminal Law; Environmental Crimes*

INTRODUCTION

Criminal law is a branch of public law that regulates prohibited acts and carries criminal sanctions for anyone who violates them.¹ The primary objective of criminal law is to maintain public order, protect the public interest, and uphold justice. In this context, criminal law has a strong moral and social dimension because it concerns the judgment of human behavior deemed to violate legal norms and human values prevailing in society.² In the Indonesian criminal law system, the primary basis for imposing a criminal penalty is the existence of fault or schuld. This principle is known as the principle of no punishment without fault (geen straf zonder schuld). This principle asserts that a person cannot be

punished if they have not committed a crime, whether in the form of intent (dolus) or negligence (culpa).³ Therefore, proving the element of fault is a very important part of the criminal justice process. The existence of this principle is the foundation of the national legal system, which emphasizes the importance of moral and legal responsibility for every perpetrator of a crime.

The principle of fault also reflects respect for the values of justice and humanity in criminal law. A person can only be held accountable for actions that are within their control. This means that punishment without fault will be considered contrary to the principles of justice and violate human rights

¹ Putri, R. P. (2019). Pengertian Dan Fungsi Pemahaman Tindak Pidana Dalam Penegakan Hukum Di Indonesia. *Ensiklopedia Social Review*, 1(2).

² Muksin, M. R. S. (2023). Tujuan Pemidanaan dalam Pembaharuan Hukum Pidana Indonesia. *Sapientia Et Virtus*, 8(1), 225-247.

³ Yudhianto, H. (2018). Penerapan Asas Kesalahan Sebagai Dasar Pertanggungjawaban Pidana Korporasi. *Karya Ilmiah Dosen*, 4(2).

guaranteed by the constitution.⁴ The existence of the principle of fault has a dual function: protecting individuals from arbitrary punishment and limiting the state's use of criminal law. According to Moeljatno, fault in criminal law is the spiritual connection between the perpetrator and their actions. This means that a person can only be considered guilty if there is a connection between their actions and their spiritual attitude that indicates intent or negligence. This view emphasizes that criminal law not only examines the consequences of an action but also considers the psychological and moral condition of the perpetrator.⁵

As modern society evolves, the principle of fault faces serious challenges. The complexity of social, economic, and technological life has given rise to various new types of crimes for which fault is difficult to prove. Examples include environmental crimes, corporate violations, and economic crimes. In such cases, traditional evidentiary mechanisms are often ineffective, as it is difficult to determine who is directly at fault in the long chain of industrial or corporate activities that cause harm to the wider community. In response to these challenges, the concept of strict liability emerged as an innovation in modern criminal law. This concept allows a person to be held criminally responsible without needing to prove fault. Simply by proving that a prohibited act has occurred and resulted in harm, the perpetrator can be subject to criminal sanctions. This principle represents an exception to the general principle of no liability without fault and emerged as a solution to strengthen the effectiveness of the law in addressing new forms of violations that are difficult to unravel through traditional approaches.⁶

The concept of strict liability first developed in the Anglo-Saxon or common law system, particularly in England and the United

States. Its emergence was driven by the need to protect the public interest from significant harm arising from industrial, commercial, and environmental activities. In this context, proving fault was considered irrelevant because the risk posed by an act was sufficient basis for criminal liability. The focus of strict liability implementation was not on the morality of the perpetrator, but on protecting the public interest and preventing potential greater harm.

According to Roeslan Saleh, criminal law is not solely intended to punish the guilty, but also serves as a means of social protection. Criminal law serves to protect society from dangerous acts that threaten the public welfare. Based on this perspective, the application of strict liability can be understood as an effort to strengthen the preventive function of criminal law. By eliminating the obligation to prove guilt, the state can act more quickly in enforcing the law against acts that pose a significant danger to society. In the context of Indonesian law, the application of the concept of strict liability is adopted in several specific laws and regulations, particularly in the areas of environmental protection and corporations. An example can be found in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), which expressly states that perpetrators of environmental pollution or destruction can be held accountable without needing to prove their guilt. This provision expedites the law enforcement process and provides a deterrent effect on parties who have the potential to damage the environment.

The application of strict liability in environmental law reflects a paradigm shift in criminal law from a retributive approach to a preventive and protective one. The law is no longer solely oriented toward retaliation against guilty perpetrators, but also toward protecting society and preserving the environment.⁷ By

⁴ Fadlian, A. (2020). Pertanggungjawaban pidana dalam suatu kerangka teoritis. *Jurnal Hukum Positivum*, 5(2), 10-19.

⁵ Utoyo, M., Afriani, K., Rusmini, R., & Husnaini, H. (2020). Sengaja Dan Tidak Sengaja Dalam Hukum Pidana Indonesia. *Lex Librum*, 7(1), 75-85.

⁶ Suud, A. K. (2023). Analisis Penerapan Konsep Pertanggungjawaban Mutlak (Strict Liability) Dalam Kasus Korupsi. *Masalah-Masalah Hukum*, 52(2), 153-162.

⁷ Salim, A., Utami, R. A., & Fernando, Z. J. (2022). Green Victimology: Sebuah Konsep Perlindungan Korban dan Penegakan Hukum

eliminating the requirement to prove guilt, criminal law seeks to ensure that anyone who causes public harm is held accountable, regardless of intent. This approach is considered more appropriate to the often systemic and collective nature of modern crime.

Environmental crimes have different characteristics from conventional crimes, because they are complex, involve many parties, and have a broad impact on ecosystems and human life. In many cases, the perpetrators of environmental crimes are not single individuals, but corporations or legal entities that carry out large-scale industrial activities.⁸ This complexity makes proving the element of mens rea (evil intent) very difficult, because in the corporate context, decisions are made collectively and cannot always be traced to a specific individual. Therefore, the application of the traditional principle of fault is often ineffective in ensnaring the main perpetrators behind environmental crimes. The relevance of the application of strict liability in environmental crimes is also related to the constitutional principle stipulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees the right of every person to a good and healthy environment. This principle emphasizes that protecting the environment is not only a moral responsibility, but also a legal obligation of the state to ensure that the constitutional rights of citizens are protected. In this context, strict liability functions as a legal instrument to realize absolute responsibility for perpetrators who cause environmental pollution or damage, while simultaneously strengthening the legal position of victims or communities who are harmed by irresponsible industrial activities.⁹

Despite clear normative provisions, the application of strict liability in judicial practice

still faces several obstacles. The main challenges lie in differing interpretations by judges regarding the scope of absolute liability and the difficulty in proving a causal relationship between the perpetrator's actions and the resulting environmental damage. Furthermore, the limited technical capabilities and resources of law enforcement officials in understanding complex environmental cases also pose a barrier. These factors often allow perpetrators of environmental crimes, particularly large corporations, to avoid legal responsibility. Therefore, a more in-depth study of the concept of strict liability is necessary to ensure the effectiveness of strict liability implementation.

RESEARCH METHOD

The research method used in this study is the normative juridical research method, namely a legal research method that emphasizes the analysis of applicable positive legal norms and legal principles relevant to the problem being studied.¹⁰ This research focuses on a literature study by examining various laws and regulations, legal literature, expert doctrines, and court decisions related to the application of the concept of strict liability in environmental crimes. The legal approach used includes a statute approach to analyze applicable positive legal provisions, a conceptual approach to understand the meaning and scope of the principle of fault and strict liability, and a case approach to examine the application of these principles in judicial practice. The collection of legal materials is carried out through a literature study that includes primary, secondary, and tertiary legal materials as the basis for a legal analysis of the problems being studied.

Lingkungan di Indonesia. *Bina Hukum Lingkungan*, 7(1), 59-79.

⁸ Pratama, T. A. H., Ali, M., & Fadil, F. (2023). Korporasi Sebagai Subyek Hukum dalam Tindak Pidana Lingkungan Hidup. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 611-620.

⁹ Sodikin, S. (2022). Perkembangan Konsep Strict Liability Sebagai

Pertanggungjawaban Perdata Dalam Sengketa Lingkungan Di Era Globalisasi. *Al-Qisth Law Review*, 5(2), 261-298.

¹⁰ Barus, Z. (2013). Analisis filosofis tentang peta konseptual penelitian hukum normatif dan penelitian hukum sosiologis. *Jurnal Dinamika Hukum*, 13(2), 307-318

RESULT AND DISCUSSION

The Concept and Position of Strict Liability in Indonesian Criminal Law

Strict liability is a unique concept of criminal liability because it does not require proof of the element of fault (*mens rea*) from the perpetrator of the crime.¹¹ In conventional criminal law systems, proof of fault is a crucial element in determining whether someone deserves to be punished. However, in strict liability, the focus is not on the perpetrator's intent or negligence, but rather on the factual existence of an act that causes a consequence prohibited by law. Thus, a person can be held criminally liable even if no malicious intent is proven, as long as their act has caused an impact that is regulated as a criminal offense. The concept of strict liability developed from the need to provide stronger protection for the public interest, especially in the context of modern crimes such as environmental, health, and consumer safety violations. These forms of crime are often complex and involve multiple parties, making proving individual fault difficult. Therefore, the law shifts the emphasis of accountability from the moral or psychological aspects of the perpetrator to the consequences of their actions. This approach emphasizes that anyone who causes harm to society or the environment is responsible, regardless of whether or not there was malicious intent.

In the context of criminal law, strict liability has several key characteristics that distinguish it from other forms of criminal responsibility. First, it does not require proof of fault (*mens rea*), so it suffices to prove that a prohibited act has been committed. Second, legal responsibility is directed at the consequences of the act, not the mental state of the perpetrator. Third, this concept is often applied to criminal acts that are administrative in nature or involve broad public interests, such as environmental crimes, industrial violations,

and occupational safety.¹² These characteristics make strict liability an efficient legal mechanism for ensuring compliance with preventive norms. Criminal law itself has a primary function to protect the interests of society from dangerous and detrimental acts. In his view, criminal responsibility is not solely based on moral culpability, but also on the need to maintain social balance. This thinking aligns with the principle of strict liability, which places greater emphasis on protecting the public interest and controlling social risks rather than simply punishing guilty individuals. Therefore, the application of strict liability can be seen as a concrete manifestation of the social function of modern criminal law.

In the Indonesian legal system, the general principle of criminal liability is based on the principle of no punishment without fault (*geen straf zonder schuld*). This principle is a manifestation of the principles of justice and humanity, which place fault as the basis for the legitimacy of punishment. A person can only be punished if proven to have committed an act with intent or negligence.¹³ This principle is reflected in the provisions of the Criminal Code, which explicitly requires *mens rea* as part of criminal liability. The principle of fault in Indonesian criminal law serves as a safeguard against the possibility of abuse of state power in imposing punishment. This principle ensures that every individual will only be punished if they knowingly violate the law or are negligent in fulfilling their obligations. In practice, this principle also plays a role in ensuring a balance between legal certainty and justice, as punishment without fault would conflict with humanitarian values and human rights.

The concept of strict liability has deep historical roots in the Anglo-Saxon legal system and emerged in response to the increasingly complex dynamics of modern crime. In this legal system, proving the element of fault, or *mens rea*, often presents an obstacle to

¹¹ Fitriani, HY (2021). Pertanggungjawaban pidana korporasi dalam tindak pidana lingkungan hidup berdasarkan asas strictibility (Studi kasus pencemaran lingkungan oleh PT. Rayon Utama Makmur (RUM) Kabupaten Sukoharjo). *Jurnal Hukum Dan Pembangunan Ekonomi* 8 (2), 64-73.

¹² Suud, A. K. (2023). Analisis Penerapan Konsep Pertanggungjawaban Mutlak (Strict Liability) Dalam Kasus Korupsi. *Masalah-Masalah Hukum*, 52(2), 153-162.

¹³ Yudhianto, H. (2018). Penerapan Asas Kesalahan Sebagai Dasar Pertanggungjawaban Pidana Korporasi. *Karya Ilmiah Dosen*, 4(2).

enforcing the law against violations involving multiple parties or large-scale industrial systems. As a solution, the principle of strict liability was developed to ensure that perpetrators, both individuals and corporations, can still be held criminally liable even if the element of fault cannot be proven. This principle stems from the understanding that protecting the public interest is far more important than proving malicious intent, which is often difficult to uncover.

The development of this concept is inextricably linked to the need in modern society for a sense of security and protection of basic rights, such as health, safety, and the environment. In this context, strict liability is applied to various areas directly related to the public interest, such as environmental management, oversight of the food and drug industries, and occupational safety. Countries with Anglo-Saxon legal traditions, such as the United Kingdom and the United States, believe that criminal liability without fault can encourage business actors to be more careful in carrying out their activities to avoid causing harm to the wider community.¹⁴

Over time, the influence of the Anglo-Saxon legal system on the Indonesian legal system began to emerge after the realization that many modern crimes were difficult to address using classical criminal law approaches. Environmental pollution, consumer behavior violations, and corporate crimes are concrete examples where proving mens rea becomes nearly impossible because the actions are carried out through a lengthy process, involve many parties, and are sometimes carried out without direct intent. In this context, strict liability began to be selectively adopted into the Indonesian legal system to address the challenges of effective law enforcement.

The primary reason for adopting the concept of strict liability in Indonesia is to increase the effectiveness of legal protection for the public interest while simultaneously closing

legal loopholes frequently exploited by modern criminals.¹⁵ The application of this principle reflects a shift in the orientation of criminal law from merely upholding formal justice to upholding substantive justice oriented toward utility. In the realm of environmental law, for example, it is difficult to prove who had malicious intent in river or air pollution incidents, yet the consequences are clearly detrimental to the wider community. Therefore, absolute liability is necessary to prevent perpetrators from escaping simply because of the difficulty of proving intent.

In Indonesia's positive legal system, strict liability is not explicitly regulated in the Criminal Code (KUHP). However, its application is recognized in various special laws (*lex specialis*) that regulate specific fields. This provision demonstrates that the Indonesian legal system selectively accepts liability without fault as a form of adaptation to global legal developments. This acceptance is not intended to eliminate the principle of fault entirely, but rather to provide a stronger legal basis for law enforcement in sectors related to the interests of the wider community. One of the most concrete forms of recognition of the principle of strict liability is found in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). Article 88 of this law expressly states that anyone whose actions result in environmental pollution and/or damage is obliged to bear the losses without the need to prove fault. This provision provides a strong legal basis for law enforcement officials to take action against perpetrators of environmental pollution without the burden of proving malicious intent, which is often difficult to find in practice. In addition to the PPLH Law, the principle of strict liability is also recognized in several other regulations, such as Law Number 8 of 1999 concerning Consumer Protection and Law Number 41 of 1999 concerning Forestry. In Article 19 of the Consumer Protection Law, business actors are required to be responsible for consumer losses

¹⁴ Saleh, I. N. S., Judijanto, L., Badilla, N. W. Y., Wardhani, N. E., Hartawan, H., & Isnayani, I. (2025). *Hukum dan Peradilan di Indonesia: Kajian Teori dan Praktik Hukum di Indonesia*. PT. Sonpedia Publishing Indonesia. hlm. 19

¹⁵ Nugraha, R. S., Rohaedi, E., Kusnadi, N., & Abid, A. (2025). The Transformation of Indonesia's Criminal Law System: Comprehensive Comparison between the Old and New Penal Codes. *Reformasi Hukum*, 29(1), 1-21.

resulting from goods or services produced, without considering the element of fault. Similarly, Article 80 paragraph (2) of the Forestry Law emphasizes responsibility for activities that result in forest damage. The existence of these provisions demonstrates the consistent acceptance of the principle of strict liability in various legal sectors in Indonesia as a preventive and repressive measure against violations that have wide impacts.

Strict liability occupies a unique position within the Indonesian criminal liability system as an exception to the principle of fault. This principle is applied in a limited manner, only in certain areas directly related to the public interest and public safety. Therefore, strict liability does not eliminate the principle of fault, but rather coexists with it to meet legal needs in specific contexts.¹⁶ The existence of these two principles demonstrates the dynamic and adaptive nature of Indonesian criminal law to societal developments and the complexity of modern criminal acts. The application of strict liability also has important implications for the orientation of Indonesian criminal law. While previously criminal law emphasized retributive justice, the introduction of this principle has shifted the direction of criminal law toward preventive and restorative justice.¹⁷ The principle of strict liability serves as a preventative measure, encouraging perpetrators, particularly corporations, to be more cautious in engaging in activities that could potentially harm society. At the same time, this concept supports efforts to recover losses incurred as a result of violations, reflecting a more constructive spirit of justice.

The shift in criminal law orientation from a retributive approach to a more preventive and restorative approach through the implementation of strict liability marks an evolution in the paradigm of law enforcement in Indonesia. Within this framework, the relevance of strict liability is increasingly evident as a modern criminal law instrument

capable of addressing the need for public protection against violations for which it is difficult to prove the element of fault. The relevance of the concept of strict liability to the objectives of modern criminal law lies in its ability to realize effective law enforcement, particularly for violations for which it is difficult to prove the element of malicious intent or *mens rea*. In the context of modern crimes such as environmental crimes, consumer violations, and corporate crimes, proving individual culpability is extremely complex because it involves technical, systemic, and collective processes. Through the implementation of strict liability, the state can ensure that perpetrators, both individuals and corporations, remain responsible for actions that cause detrimental consequences for the public without being hampered by the constraints of proving intent. This approach makes criminal law more effective in protecting social interests and strengthens the presence of law as an instrument of public protection.

The implementation of strict liability also reflects the transformation of Indonesian criminal law toward a system that is more adaptive and responsive to social developments. This principle demonstrates that the law is not solely oriented toward revenge against the perpetrator, but also toward achieving substantive justice, legal certainty, and the benefit of the wider community. By placing responsibility on the consequences of actions, strict liability serves as a bridge between moral justice and the pragmatic needs of modern law enforcement. This concept emphasizes that Indonesian criminal law is moving in a more progressive direction, not simply punishing the perpetrator but ensuring that every act detrimental to the public interest receives fair and proportional accountability to achieve a just social order.

¹⁶ Nisa, T. K. (2022). ASAS STRICT LIABILITY DALAM PERTANGGUNGJAWABAN PIDANA KORPORASI PADA PROSES PEMBUKTIAN TINDAK PIDANA LINGKUNGAN HIDUP: Indonesia. *Triwangsa Hukum*, 1(2), 1-17.

¹⁷ Sari, G. N. A., Pramudita, W. S. D., Muhklasin, R. M., Sulistianingsih, D., & Martitah, M. (2024). Tinjauan filosofis keadilan restoratif dalam lensa teori keadilan. *Hukum dan Politik dalam Berbagai Perspektif*, 3

Implementation of Strict Liability in Environmental Crimes in Indonesia

The legal basis for the application of strict liability in the environmental sector in Indonesia is expressly regulated in Article 88 of Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). This article stipulates that any person whose actions, business, or activities cause environmental pollution or damage is subject to absolute liability for the resulting losses. This provision emphasizes that proving the element of fault or malicious intent (*mens rea*) by the perpetrator is not a requirement, so that any perpetrator who commits an act that damages the environment can be held directly accountable. The main objective of the strict liability regulation in the UU PPLH is to accelerate the process of restoring damaged environments and ensure effective protection of the public interest. By implementing absolute liability, the burden of proof no longer rests on law enforcement officials to investigate the perpetrator's intent or negligence; instead, it is sufficient to prove that the harmful act has been committed and has resulted in consequences. This approach allows for faster and more decisive law enforcement, while also providing a preventative effect so that business actors are more careful in carrying out their activities and thus minimize environmental damage.¹⁸

Environmental crimes are complex because they often involve large corporations operating on a large scale. The impact of these violations is not limited to a single individual or location but can cause widespread damage to ecosystems, public health, and the quality of life of the community as a whole. This complexity makes proving the perpetrator's fault (*mens rea*) extremely difficult, as the decisions and actions that cause the damage are typically made through a collective and centralized process within the corporate structure. Consequently, traditional law

enforcement methods that emphasize proving individual intent or negligence are often ineffective. Proving intent or negligence in the context of environmental crimes is particularly challenging because they involve multiple stages of the production process, decision-making across multiple levels of management, and systemic operational practices. Under these circumstances, law enforcement will struggle to establish who is truly responsible for the damage. This obstacle often results in the primary perpetrator escaping accountability, while victims or affected communities continue to bear the losses. This rationale underpins the application of strict liability in environmental law.

The application of strict liability in environmental cases aims to ensure more effective and efficient law enforcement. By placing direct responsibility on the perpetrator who caused the damage, law enforcement officials are no longer burdened by the difficulty of proving subjective elements of fault.¹⁹ The focus shifts to the actual consequences of the perpetrator's actions and their relationship to environmental damage. This approach not only expedites the legal process but also ensures real accountability for the perpetrator, so that the community as victims or affected parties receive more concrete protection. Furthermore, the application of strict liability reflects the principle of substantive justice in environmental criminal law. Substantive justice emphasizes that legal accountability must be able to protect the interests of victims and the wider community, not only assess the morality or intentions of the perpetrator. By prioritizing the consequences of actions, strict liability ensures that any party who harms the environment must face legal consequences for their actions. This is in line with the principle of environmental protection as a constitutional

against Environmental Pollution by Industrial Corporations in Indonesia: Efektivitas Penegakan Sanksi Pidana atas Pencemaran Lingkungan oleh Korporasi Industri di Indonesia. *Journal of Society and Development*, 5(1), 37-43.

¹⁸ Ar, A. M., Wirda, W., Rusbandi, A. S., Zulkendra, M., Bahri, S., & Fajri, D. (2024). Peran Niat (*Mens rea*) dalam Pertanggungjawaban Pidana di Indonesia. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 240-252

¹⁹ Lala, A., & Kosim, K. (2025). Effectiveness of Criminal Sanctions Enforcement

right of the community guaranteed by Article 28H paragraph (1) of the 1945 Constitution.

Another rationale for implementing strict liability relates to the preventive nature of modern criminal law. By enforcing absolute liability, businesses and corporations become more cautious in carrying out activities that have the potential to damage the environment. The awareness that any action that causes damage will have direct legal implications encourages companies to implement better risk management procedures, comply with environmental standards, and adopt environmentally friendly technologies. Thus, strict liability is not only repressive but also functions as an instrument of preventive justice. The concept of strict liability in environmental cases is closely related to the Polluter Pays Principle (PPP), which states that polluters are responsible for bearing the full costs of restoring and mitigating environmental damage. This principle emphasizes that legal responsibility extends beyond criminal sanctions to the obligation to repair the damage caused. In this context, strict liability provides a legal basis for the implementation of PPP, preventing perpetrators from avoiding the obligation to repair the environment they have damaged.

The polluter pays principle also has a strong moral basis. The public has the right to compensation and restitution for damages suffered as a result of the activities of others.²⁰ By placing the burden of responsibility on the perpetrator, environmental law emphasizes that the damage caused is not merely a public issue, but rather a direct consequence of the perpetrator's actions, which must be fully borne. This strengthens the legitimacy of the application of strict liability in social and legal contexts. Beyond moral and legal aspects, the application of strict liability in environmental cases supports the goal of environmental restoration (restorative justice). With absolute

responsibility, the perpetrator is required to repair or restore the damaged environmental conditions, thereby minimizing ecological losses and restoring optimal ecosystem function. This concept makes environmental law not only punish the perpetrator but also restore the losses incurred, so that the community can once again enjoy a healthy and safe environment.

The application of strict liability in the context of environmental law has a broad scope and can be applied to both individuals and corporations engaging in high-risk activities affecting the environment. This principle emphasizes that any party causing damage or pollution is absolutely responsible, without the need for proof of fault. This differs from the conventional criminal liability system, where proving mens rea is an absolute requirement for imposing a criminal penalty. In practice, the application of strict liability provides legal certainty for law enforcement officials and protection for communities affected by environmental damage. The scope of strict liability encompasses a variety of environmental crimes with broad impacts. Examples include water, air, and land pollution, which can endanger ecosystems and public health. Furthermore, ecosystem destruction, illegal logging, and forest fires that cause long-term damage are also included in the category of crimes subject to strict liability. By focusing on the tangible consequences of actions, strict liability ensures that environmental damage caused by human activities remains subject to firm action.²¹

In the corporate context, the application of strict liability is not only imposed on the direct perpetrators in the field, but also on owners, managers, or parties who profit from activities that cause damage. This emphasizes that legal responsibility is comprehensive and binding on all parties involved in activities that harm the environment. Thus, this principle

²⁰ Christallago, M., Respati, YN, & Karo-Karo, R. (2020). Implementasi Polluter Pays Principle Pada Perusahaan Pertambangan Dalam Pemulihan Pencemaran Laut. *Tinjauan Hukum*, 20 (02).

²¹ Ningrum, D. K., & Hariyono, D. W. (2025). SANKSI HUKUM SEBAGAI

INSTRUMEN PENEGAKAN TANGGUNG JAWAB SOSIAL DAN LINGKUNGAN PERUSAHAAN DI INDONESIA. *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)*, 5(06), 372-384.

encourages corporations to implement stricter risk management and ensure compliance with environmental standards across the board. Furthermore, the application of strict liability in corporations also reflects the principle of social accountability, whereby companies cannot shift responsibility to employees or managers who commit harmful actions. Responsibility remains with the business entity as the legal entity that profits from these activities. This approach is effective in enforcing corporate discipline and reducing the risk of environmental damage due to operational negligence or irresponsible business practices.

Strict liability can be implemented in the form of criminal sanctions, administrative sanctions, or compensation. In the criminal realm, perpetrators can be subject to fines or imprisonment in accordance with applicable laws. Meanwhile, in the civil or administrative context, corporations are required to pay compensation or cover the costs of restoring the damaged environment. This multidimensional approach ensures that environmental law is not merely repressive but also remedial. An example of the application of strict liability in Indonesia can be seen in the case of PT. Kalista Alam regarding the peatland fires in Rawa Tripa, Aceh, in 2012.²² The court imposed absolute liability on the corporation because the company's activities had caused extensive damage to the peat ecosystem. This case demonstrates the effectiveness of the strict liability principle in upholding corporate responsibility even when proving individual intent or negligence cannot be achieved. Another relevant case is the 2009 Montara oil spill, in which the Indonesian government sought compensation from a foreign oil company for marine pollution in Timor waters.²³ In this case, the strict liability principle was applied to ensure the company was responsible for the losses caused to the marine ecosystem and affected fishermen. This case highlights the relevance of strict liability in

the context of transnational environmental crimes involving large corporations.

In addition to serving as a law enforcement instrument, strict liability also serves as a means of education and prevention. With absolute responsibility, companies and individuals become more aware of the environmental impacts of their activities. Compliance with environmental standards, the implementation of environmentally friendly technologies, and strict risk management are part of preventive efforts that support the creation of a sustainable ecosystem. The broad scope of strict liability, ranging from pollution to ecosystem destruction, demonstrates the flexibility of Indonesian law in adapting to the needs of community and environmental protection. This approach not only strengthens the legal position in demanding accountability but also encourages the creation of a culture of compliance and accountability among corporations and individuals.

The role of law enforcement officials in implementing strict liability is crucial, as the success of the principle of absolute liability depends on a comprehensive understanding by investigators, prosecutors, and judges. In practice, there are still cases where judges misinterpret the law by insisting on proof of the element of fault (*mens rea*), thereby reducing the effectiveness of strict liability enforcement. Therefore, special training, technical guidance, and clear standard operating procedures are needed so that law enforcement officials can enforce the principle of absolute liability consistently, quickly, and accurately, while avoiding legal uncertainty that can harm the community and the environment.

The relevance of implementing strict liability to environmental protection goals lies in its ability to encourage corporations and individuals to be more cautious in carrying out activities that impact the environment. This principle strengthens the role of law as a means

²² Assidiq, H., Bachril, S. N., & Al-Mukarramah, N. H. (2022). Analisis Putusan Pemulihan Lahan Gambut Akibat Aktivitas Pembakaran PT. Kalista Alam di Kawasan Ekosistem Leuser. *Jurist-Diction*, 5(3).

²³ Agusthin, I. D., Ramadhani, S. P., & Fikri, M. A. H. (2024). Mitigasi Penanggulangan Tumpahan Minyak (Oil Spill) di Perairan Laut Kepulauan Riau Berdasarkan Law Of The Sea Convention. *Jembatan Hukum: Kajian Ilmu Hukum, Sosial Dan Administrasi Negara*, 1(2), 186-208

of controlling and protecting the environment, while ensuring concrete accountability for those who damage ecosystems. By enforcing strict liability, the law becomes an effective instrument for balancing the interests of economic development with environmental preservation, thus creating harmony between economic growth, public welfare, and the sustainability of natural resources.

CONCLUSION

Strict liability is a form of exception to the principle of fault (no punishment without fault) that is applied in a limited way to cases that have a broad impact on the public interest. This concept emphasizes responsibility for the consequences of actions, not the perpetrator's intentions or negligence, making it effective in enforcing the law on environmental crimes that often involve large corporations and operational complexities that make it difficult to prove the element of fault. The application of this principle, which is regulated in laws such as the Environmental Management Law and the Consumer Protection Law, not only accelerates the restoration of environmental damage but also encourages preventive behavior, strengthens corporate and individual responsibility, and balances the interests of economic development with environmental preservation, making strict liability a modern criminal law instrument that is adaptive, effective, and supports community protection and environmental sustainability.

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