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Application of Criminal Liability of PT. Simeulue Perkasa Sejahtera for Environmental Damage Due to Forest and Land Fires in Nagan Raya Regency

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Abstract:

This study examines the criminal liability of PT. Simeulue Perkasa Sejahtera for environmental damage resulting from forest and land fires in Nagan Raya, Aceh. This study used a legal-normative approach, the study analyzes Indonesia's legal framework, including Law Number 32 of 2009 on Environmental Protection and Managementon Environmental Protection and Management, Law Number 41 of 1999 on Forestry on Forestry, and Peraturan Pemerintah No. 71 Tahun 2014 on Peat Ecosystem Protection. Findings indicate that although legal provisions impose strict liability on corporations for environmental harm, law enforcement remains weak and inconsistent. Evidence of fire hotspots within PT. Simeulue Perkasa Sejahtera concession area failed to result in administrative or criminal sanctions, reflecting broader enforcement challenges such as lack of inter-agency coordination, inadequate forensic expertise, and judicial reluctance. The discussion highlights the importance of attributing liability not only to corporate entities but also to individual actors within the company. Furthermore, the study emphasizes the need for stronger administrative actions and judicial reforms to bridge the gap between law and practice. This research contributes to the discourse on corporate environmental accountability in Indonesia and calls for urgent legal and institutional reforms to ensure environmental justice and uphold international commitments related to climate change and transboundary haze pollution.

Keywords: Application; Corporate Criminal Liability; Environmental Damage; Nagan Raya

INTRODUCTION

Forest and land fires have long posed a severe environmental challenge in Indonesia, especially in areas such as Sumatra and Kalimantan, where large-scale plantations and agricultural activities are concentrated. These fires are not only destructive to forest ecosystems, but also release massive quantities of carbon into the atmosphere, contributing to climate change and recurrent transboundary haze pollution that affects neighboring countries (Tacconi, 2016). According to Gavean, many of these fires occur in peatland areas, which are highly flammable and difficult to extinguish once ignited (Gaveau et al., 2014). Although fires can result from natural causes, evidence from recent studies shows that a significant portion is intentionally set to clear land at low cost, an illegal practice often linked to corporate plantation companies. The recurring nature of these fires reflects deeper structural issues in law enforcement, corporate governance, and environmental policy implementation in Indonesia.

The Indonesian government has established a legal framework to address environmental damage and criminal liability, notably through Law No. 32 of 2009 on Environmental Protection and

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Management, and Law No. 41 of 1999 on Forestry. These laws affirm that corporations can be held criminally liable for actions that cause serious environmental harm. However, enforcing these provisions remains complex (Subaidi & Bahreisy, 2024). As noted by Gupta, assigning criminal responsibility to corporations involves both conceptual and procedural challenges, including the identification of decision-makers within the corporate structure and establishing intent or negligence (Gupta, 2011). In practice, the prosecution of corporations is often impeded by legal loopholes, weak institutional coordination, and corporate power's influence over regulatory agencies (Rodliyah, 2020). These challenges are compounded in regions where environmental degradation is viewed as a trade-off for economic development and job creation (Gottschalk, 2024).

One notable case illustrating these tensions is the alleged liability of PT. Simeulue Perkasa Sejahtera, a company operating in Nagan Raya Regency, Aceh Province, which has been linked to a forest and land fire incident that caused substantial environmental destruction. This case raises critical legal and policy questions: How effective are existing laws in holding companies accountable for environmental crimes? Have authorities pursued this case with the seriousness it deserves, and if so, what penalties have been applied? These questions are crucial, especially considering the growing urgency of global climate action and Indonesia's commitment to sustainable development goals. This case also underscores the importance of judicial independence and environmental justice in regions that are often marginalized in the national political discourse.

This study aimed to examine the application of corporate criminal responsibility in the context of forest and land fires using the case of PT. Simeulue Perkasa Sejahtera as a focal point. It aims to analyze the legal proceedings, regulatory mechanisms, and judicial outcomes associated with the case, with particular emphasis on the challenges and opportunities for strengthening environmental law enforcement. This study uses a doctrinal legal approach, supported by an analysis of court documents, legal norms, and relevant jurisprudence. By exploring the gap between environmental law as written and environmental law as applied, this study contributes to the growing body of literature on environmental governance, corporate accountability, and legal reform. As White (2020), points out, environmental crimes committed by corporations often result in long-term harm to ecosystems and communities, yet they remain under-prosecuted and under-penalized compared to other forms of crime (White, 2020).

This study is situated within the broader global concern regarding the need for stronger legal tools to address corporate environmental wrongdoing. Internationally, there is a growing consensus that environmental harm caused by corporations must be treated with the same level of seriousness as other major offenses, especially when such harm results in irreversible damage. Lessons from other jurisdictions can provide valuable insights into improving Indonesia's legal responses.

Therefore, in addition to analyzing domestic legal instruments, this study engages with international environmental law literature and global best practices to provide a more comprehensive perspective on how corporate actors can and should be held criminally accountable for ecological destruction. Based on this context, this study aims to answer the following research questions: First, how is corporate criminal liability applied in cases of forest and land fires in Indonesia, with specific reference to the case involving PT Simeulue Perkasa Sejahtera in Nagan Raya Regency, Aceh? Second, it explores the legal and structural obstacles that hinder the effective enforcement of environmental laws against corporate actors who are responsible for ecological damage. Third, it investigates the extent to which the current legal framework and judicial practices are effective in delivering environmental justice and preventing the recurrence of environmental crimes by corporations.

METHODS

This study employs a combined (mixed methods) approach, primarily using a normative juridical method that focuses on the examination of positive legal norms, statutory regulations, and doctrines relevant to the criminal liability of corporations for environmental damage. Normative juridical research is based on secondary legal data and involves systematic investigations of laws, regulations, court decisions, legal theories, and scholarly writings (Chang, 2024). The purpose of this approach is

to analyze how the law regulates corporate accountability in cases of environmental crimes, especially those related to forest and land fires.

This research scrutinizes the role of corporations as legal subjects that can bear criminal liability under Indonesian environmental law. Primary legal materials include Law Number 32 of 2009 on Environmental Protection and Managementon Environmental Protection and Management, Law Number 41 of 1999 on Forestry, and the Indonesian Penal Code (KUHP), which collectively form the legal framework governing environmental accountability.

To enrich the normative analysis and provide a deeper understanding of enforcement obstacles, this study is supplemented by empirical elements, including interviews with key stakeholders such as environmental law enforcers, environmental activists, and representatives from institutions such as the Ministry of Environment and Forestry (Noor, 2023). These primary data help identify the real-world challenges of prosecuting environmental crimes committed by corporations. Furthermore, this study integrates a comparative case analysis by reviewing other landmark environmental court decisions involving corporations such as PT. Bumi Mekar Hijau, providing a broader evaluative context to the case of PT. Simeulue Perkasa Sejahtera. This mixed approach enables a more comprehensive understanding of both legal norms and their practical applications, ultimately strengthening the validity and relevance of the research findings.

This research also draws on secondary legal materials, such as legal commentaries, journal articles, and government reports, which interpret and apply environmental law principles to corporate conduct. These materials support a doctrinal analysis of how courts and legal scholars define the scope of corporate criminal liability. This study reviews scholarly discussions on the principle of strict liability under environmental law, which allows for the prosecution of corporations without the need to prove intent or negligence. This principle is crucial in environmental cases, where direct evidence of a company's deliberate misconduct is often difficult to obtain. By engaging with legal commentaries and jurisprudence, this study identifies patterns in the enforcement of environmental laws against corporations, particularly plantation companies such as PT. Simeulue Perkasa Sejahtera Moreover, attention is given to Government Regulation Number 71 of 2014 on the Protection and Management of Peat Ecosystems, which directly regulates peatland management, a central factor in forest fire cases.

In addition to normative analysis, this study incorporates case-based legal research by examining legal documents and case files related to PT. Simeulue Perkasa Sejahtera activities in Kabupaten Nagan Raya. This study explores how law enforcement agencies and the judiciary have responded to the environmental damage allegedly caused by this company. Court decisions, police investigation reports, and administrative sanctions (if any) were analyzed to assess whether the legal process aligned with statutory obligations. The use of court decisions (as part of the dataset) enables the identification of practical challenges in enforcing corporate liability. Moreover, Law Number 23 of 1997 on Environmental Management, although superseded by the 2009 law, is briefly discussed to trace the historical development of environmental criminal provisions. This method ensures that the study not only addresses the theoretical dimensions of environmental law but also provides an empirical evaluation of its legal implementation. Thus, this research contributes to a more nuanced understanding of both normative doctrine and real-world legal practices in the enforcement of environmental protection in Indonesia.

RESULTS

The Environmental Impact and Legal Context of Forest and Land Fires in Nagan Raya

Forest and land fires in Kabupaten Nagan Raya, Aceh, have caused significant ecological degradation, including biodiversity loss, peat ecosystem damage, and air quality deterioration. The 2019 fire allegedly involved the concession area of PT. Simeulue Perkasa Sejahtera, destroyed hectares of land, much of which consisted of carbon-rich peat soil. Peat fires are particularly hazardous because they smolder underground for extended periods and emit large volumes of greenhouse gases (Gaveau et al., 2014). In addition, the haze produced by these fires has contributed to public health concerns and

disrupted daily life in the surrounding communities. According to reports from the Ministry of Environment and Forestry (KLHK), Aceh is among the regions most at risk of peatland degradation due to illegal burning.

The National Disaster Management Agency (BNPB) noted a significant increase in the number of fire incidents in the region between 2018 and 2020. These fires not only threaten the ecological balance but also reflect weak corporate governance and enforcement mechanisms at the regional level (Rahadiyan & Mentari, 2021). Local environmental NGOs, such as WALHI Aceh, have highlighted the lack of preventive action and transparency by companies operating on forested land, including PT. Simeulue Perkasa Sejahtera, further complicating efforts toward accountability.

The legal framework for addressing environmental damage in Indonesia is relatively comprehensive but unevenly enforced. Law Number 32 of 2009 on Environmental Protection and Management is the primary environmental statute, emphasizing principles such as sustainable development, polluter pays, and strict liability. Article 98 of the law provides for criminal sanctions against individuals and corporations whose actions cause significant environmental damage. Additionally, Law Number 41 of 1999 on Forestry outlines state control over forest resources and forbids land clearing by burning, a provision particularly relevant in the context of plantation-based companies such as PT. Simeulue Perkasa Sejahtera. Another critical regulation is Government Regulation Number 71 of 2014 on the Protection and Management of Peat Ecosystems.

This regulation mandates concession holders to implement peatland management plans and fire prevention strategies. However, as shown in studies by Fauzi and Hardani (2020), there is a clear implementation gap between what is legally mandated and what occurs in practice, particularly in remote or economically vulnerable areas. Despite these laws, companies often avoid accountability due to lack of monitoring, minimal sanctions, and difficulties in proving causality in court proceedings (Gupta, 2011).

Internationally, the environmental impact of forest fires in Indonesia has drawn significant attention, particularly because of the transboundary haze that affects neighboring countries such as Malaysia and Singapore. The ASEAN Agreement on Transboundary Haze Pollution, ratified by Indonesia in 2014, obligates member states to take action to prevent and mitigate haze-causing fires. However, enforcement remains limited at the corporate level. According Tacconi, plantation companies operating on peatlands in Southeast Asia often exploit regulatory loopholes or operate in areas with weak governance, thereby increasing fire risk (Tacconi, 2016).

Scholars argue that Indonesia's environmental legal regime, although robust on paper, struggles due to poor coordination between central and local governments and a lack of judicial independence in environmental litigation (Setiawan & Darmawan, 2021). Moreover, satellite-based studies have shown that many fire hotspots correlate directly with the locations of corporate concessions, including those in Nagan Raya. Thus, the fires were linked to PT. Simeulue Perkasa Sejahtera must be understood not only as local environmental violations but also as part of a broader regional and international legal concern regarding environmental harm and corporate responsibility (Gaveau et al., 2014).

Analysis of PT. Simeulue Perkasa Sejahtera Criminal Liability in Relation to Forest and Land Fires

In environmental criminal law, corporations such as PT. Simeulue Perkasa Sejahtera can be prosecuted as a legal entity if its actions or omissions result in environmental damage. Under Article 116 of Law Number 32 of 2009 on Environmental Protection and Management, both corporate entities and individuals within them may be held criminally liable for environmental damage. In the case of PT. Simeulue Perkasa Sejahtera, the alleged use of fire for land clearing and the failure to implement fire prevention systems suggest both actus reus (the unlawful act of burning) and potential mens rea (negligence or willful disregard of environmental obligations).

Based on reports from the Ministry of Environment and Forestry, hotspot data show that fires originated within concession areas licensed to PT. Simeulue Perkasa Sejahtera. According to Rahadiyan, the omission to act such as failure to maintain firebreaks or monitor hotspots constitutes a

criminally relevant act under environmental law (Rahadiyan and Mentari, 2021). This aligns with the broader legal view that corporate inaction in fulfilling legal duties may be as punishable as active violations, especially when ecological risks are predictable and preventable (White, 2020). Thus, the legal framework allows for the construction of liability based not only on direct actions but also on negligence and corporate indifference.

The principle of strict liability is a central element of Indonesian environmental law, particularly in dealing with environmental crimes committed by corporations. Article 88 of Law Number 32 of 2009 on Environmental Protection and Management provides that any party whose actions result in pollution and/or environmental damage is absolutely liable without the necessity of proving fault or negligence. This provision is especially relevant to the prosecution of PT. Simeulue Perkasa Sejahtera, as the burden of proof regarding intent is removed, allowing focus on the occurrence of damage itself. Scholars such as emphasize that this principle enables prosecutors to overcome evidentiary barriers that typically hinder environmental enforcement (Fauzi & Hardani, 2020).

Internationally, Gupta support the use of strict liability in environmental law as a means of ensuring that corporations internalize the risks and costs of their operations (Gupta, 2011). In the case PT. Simeulue Perkasa Sejahtera, liability could be established if the fire originated from their concession area and caused measurable environmental damage. The company is also obliged under PP No. 71 Tahun 2014 to manage peatlands and prevent fires, a duty they may have failed to perform. Therefore, the elements necessary to build a case for corporate liability under both national and international legal standards appear to be present.

Determining who within PT. Simeulue Perkasa Sejahtera bearing criminal responsibility is a crucial step in effectively applying environmental criminal law. While a corporation may be the primary legal subject, Article 116(2) of Law Number 32 of 2009 on Environmental Protection and Management allows for the prosecution of individuals such as directors, commissioners, or responsible field managers who give orders or play a role in criminal acts. According to Setiawan and Darmawan, accountability often becomes unclear in corporate structures due to the delegation of tasks and the difficulty of tracing direct decision-making (Setiawan and Darmawan, 2021),. However, the principle of vicarious liability allows the state to hold company executives responsible for offenses committed under their supervision, especially when they fail to act despite being in a position of authority.

In past Indonesian court rulings, such as in PT. Kalista Alam case in Aceh, both the corporation and its senior personnel were sanctioned for environmental destruction through forest fires. Internationally, White (2020) stresses the need to close the enforcement gap by focusing not only on institutional liability but also on individual command responsibility within the corporate hierarchy. If it can be proven that PT. Simeulue Perkasa Sejahtera leadership failed to take preventive action, and they may be held personally liable for environmental harm.

Law Enforcement Challenges and Gaps between Normative Law and Legal Practice

Although the legal framework for addressing corporate environmental crimes in Indonesia is relatively comprehensive, law enforcement remains inconsistent and often ineffective. In cases such as that of PT. Simeulue Perkasa Sejahtera, law enforcement agencies frequently face difficulties in initiating thorough investigations and bringing charges against corporate entities. Reports from the Indonesian Ministry of Environment and Forestry (KLHK) indicate that fire hotspots were detected in PT. Simeulue Perkasa Sejahtera's concession area, follow-up investigations were either delayed or inconclusive (Rahadiyan & Mentari, 2021).

Weak coordination between the police, environmental investigators, and prosecutors has led to the frequent discontinuation of environmental crime cases. Moreover, field-level law enforcement officers often lack technical knowledge related to environmental forensics, making it difficult to gather admissible evidence. According to Fauzi and Hardani, many investigations are hindered by insufficient budget allocations, political interference, and the perceived economic importance of large plantation companies Fauzi and Hardani (2020). International scholars have similarly observed that in many developing countries, including Indonesia, environmental regulations are not matched by

institutional capacity or political will to enforce them effectively (Gupta, 2011). This gap between written laws and enforcement mechanisms continues to allow corporations to avoid accountability.

Administrative sanctions, which should ideally serve as initial deterrents or corrective measures before criminal prosecution, are rarely applied consistently. Under Law Number 32 of 2009 on Environmental Protection and Management, authorities are empowered to issue sanctions ranging from written warnings and permit suspensions to administrative fines and forced restoration. However, many companies implicated in forest and land fires continue to operate without facing significant consequences.

In the case of PT. Simeulue Perkasa Sejahtera, no public records were found confirming the imposition of administrative sanctions following the fire incidents in its concession area, suggesting either regulatory leniency or weak monitoring. Note that even when sanctions are imposed, they are often minimal compared to the profits gained through non-compliance. This practice undermines the credibility of Indonesia's environmental governance. Furthermore, there is an absence of transparency in how these sanctions are determined and enforced, making it difficult for the public or civil society organizations to monitor regulatory compliance Setiawan and Darmawan (2021). Internationally, argues that a lack of consistent administrative enforcement allows corporations to treat such fires as manageable risks rather than as legal violations. Without strong administrative follow-up, criminal enforcement is even less likely, perpetuating a culture of impunity.

The judicial handling of environmental crimes involving corporations presents further challenges. Indonesia has seen some landmark rulings, such as PT. Kalista Alam case most environmental litigation ends with acquittals, delays, or non-enforcement of judgments. In the PT. Simeulue Perkasa Sejahtera case, no court verdict had been publicly issued at the time of this study, indicating either procedural stagnation or a lack of prosecutorial initiative.

According to Rahadiyan & Mentari, courts often struggle to process complex environmental cases because of limited expertise among judges and insufficient legal precedents involving corporate defendants. The evidentiary burden in such cases is heavier, especially when intent must be established without clear documentation or testimonies. International comparisons reveal similar difficulties Rahadiyan & Mentari (2021). White emphasizes that corporate environmental crimes are underlitigated globally because they intersect with powerful business interests and bureaucratic hesitation. Moreover, many court rulings, even when favorable to environmental protection, remain unexecuted due to weak enforcement by court bailiffs or government agencies. Thus, the gap between normative legal provisions and judicial practice in Indonesia remains a significant barrier to achieving environmental justice and deterring future violations by plantation corporations, such as PT. Simeulue Perkasa Sejahtera.

DISCUSSION

The Environmental Impact and Legal Context of Forest and Land Fires in Nagan Raya

Forest and land fires in Kabupaten Nagan Raya, particularly those allegedly linked to PT. Simeulue Perkasa Sejahtera, reveal deep ecological vulnerabilities rooted in the mismanagement of peatlands and poor enforcement of land-use regulations. Peat fires are especially devastating due to the underground nature of combustion and the release of stored carbon, contributing significantly to global greenhouse gas emissions (Gaveau et al., 2014). These emissions not only worsen the climate crisis but also cause severe local air pollution, threatening human health and biodiversity.

The Indonesian Ministry of Environment and Forestry has identified Aceh as a high-risk province for land fires, citing increasing deforestation and land conversion as key drivers (Rahadiyan & Mentari, 2021). Despite the scale of destruction, many such cases remain unresolved. Local NGOs, such as WALHI Aceh, report that plantation companies often fail to disclose their fire prevention systems or maintain transparency in environmental audits. This lack of accountability undermines public trust and weakens the deterrent effect. As Tacconi (2016) argues, a recurring pattern across Southeast Asia is that companies rely on fire as a cheap land-clearing method, despite its illegality, because sanctions are rarely enforced with sufficient severity.

The legal architecture to address such violations is relatively well developed but often fails at the enforcement level. Law Number 32 of 2009 places a strong emphasis on principles such as strict liability and corporate accountability, empowering authorities to prosecute both individuals and legal entities for causing environmental damage. Article 88 of this law, in particular, provides the basis for holding companies such as PT. Simeulue Perkasa Sejahtera is liable, even without proof of intent. Similarly, Law Number 41 of 1999 explicitly prohibits burning land for clearing, and Government Regulation Number 71 of 2014 mandates the implementation of peatland management systems. However, enforcement remains hampered by bureaucratic delays and overlapping responsibilities between national and regional authorities (Fauzi & Hardani, 2020).

Field-level enforcement agencies often lack the technical tools and inter-agency support necessary to conduct timely and evidence-based investigations. Gupta (2011) emphasize that in many environmental cases, particularly in resource-rich but governance-weak regions, the formal existence of laws does not guarantee their application. Consequently, legal instruments intended to deter or punish environmentally harmful practices may exist only as symbolic frameworks.

The case of PT. Simeulue Perkasa Sejahtera illustrates the disconnect between legal norms and practice. Although evidence such as satellite-based hotspot data and local witness reports indicate fire activity within their concession, no confirmed legal action or administrative sanctions have been recorded against the company. This suggests regulatory inertia and possibly political or economic protection for the corporate actors. According to Setiawan and Darmawan (2021), the enforcement gap is particularly pronounced in rural or economically marginal regions, where environmental law enforcement is often deprioritized.

Moreover, even when violations are discovered, local officials are frequently reluctant to escalate cases to the national level. This raises concerns about regulatory capture and the influence of powerful economic interests on legal institutions. International environmental law scholars argue that similar dynamics are observable in other countries with high deforestation rates, where large agribusiness actors are shielded from prosecution through informal networks and economic influence (White, 2020). The result is a culture of impunity that reinforces harmful practices and diminishes the deterrent value of environmental laws.

Furthermore, this case demonstrates the limitations of Indonesia's judicial and administrative systems in addressing environmental crimes. Even in high-profile cases, delays in judicial proceedings or failure to enforce verdicts are common. The PT. Kalista Alam case in Aceh, often cited as a success story, still faced significant challenges in enforcement and asset recovery. In contrast, there was a lack of progress in the PT. Simeulue Perkasa Sejahtera case reflects broader structural issues such as weak investigative capacity, insufficient judicial expertise in environmental matters, and procedural complexities (Rahadiyan & Mentari, 2021). The evidentiary burden, particularly in proving the corporate chain of command and causality, is one of the key obstacles to successful prosecution. Tacconi (2016) notes that transboundary haze and carbon emissions from forest fires could be curbed substantially if enforcement mechanisms targeted corporate actors more consistently. Without holding companies accountable through timely legal action, fire prevention policies are reactive rather than preventive.

Finally, the international dimension of Indonesia's forest and land fires must not be overlooked. Fires in Sumatra and Kalimantan have frequently led to haze crises in neighboring countries, provoking diplomatic tensions and international pressure to address the problem. The ASEAN Agreement on Transboundary Haze Pollution, ratified by Indonesia in 2014, obligates member states to prevent and mitigate haze-producing activities; however, enforcement has been lacking. Gaveau et al., (2014) observed that fire hotspots frequently align with plantation zones, underlining the central role of private sector actors in the crisis. This positions companies such as PT. Simeulue Perkasa Sejahtera at the heart of not only domestic but also international environmental obligations. Greater cooperation between ASEAN states, stronger regional enforcement mechanisms, and transnational litigation strategies may be necessary to hold corporations accountable. As White (2020) argues, the global community must view environmental crimes as serious offenses equivalent to other forms of

corporate misconduct. Only cohesive domestic and international pressure can interrupt patterns of ecological degradation and legal evasion.

Analysis of PT. Simeulue Perkasa Sejahtera Criminal Liability in Relation to Forest and Land Fires

The prosecution of corporations as legal subjects in environmental crime is both a legal necessity and a justice imperative. In the case of PT. Simeulue Perkasa Sejahtera, evidence of land fires within its concession points to potential criminal liability under Article 116 of Law Number 32 of 2009. The omission to act such as failing to construct firebreaks, monitor hotspots, or report incidents constitutes a criminally relevant act, especially in ecologically sensitive zones such as peatlands (Rahadiyan & Mentari, 2021). This aligns with broader environmental jurisprudence, which holds corporate inaction liable when the damage is foreseeable and preventable. White (2020) asserts that corporate environmental harm often results from a combination of cost-saving neglect and regulatory evasion, thus reinforcing the need for strict legal scrutiny. Moreover, the actus reus (the occurrence of a fire) and mens rea (intent or negligence) are satisfied when companies fail to implement basic environmental protection protocols.

Indonesian case law has evolved to allow courts to interpret omissions as constructive actions, particularly in the forestry and plantation sectors. This legal elasticity helps to bridge the gap between corporate wrongdoing and formal accountability. PT. Simeulue Perkasa Sejahtera's failure to mitigate known risks may thus form the basis for criminal liability, reflecting both statutory and jurisprudential evolution in Indonesia's environmental law.

One of the central tenets of environmental criminal law in Indonesia is strict liability, as enshrined in article 88 of Law Number 32 of 2009. This principle removes the need to prove fault or negligence, which is critical in corporate cases where intent is often diffused across decision-making levels. In the PT. Simeulue Perkasa Sejahtera case, liability can be established simply by demonstrating the occurrence of environmental damage and its causal link to corporate activities. Fauzi and Hardani (2020) emphasize that strict liability facilitates prosecution when other evidence, such as internal communications or directives, is unavailable or inaccessible. Moreover, the Peraturan Pemerintah No. 71 Tahun 2014 on peatland management mandates companies to proactively prevent fires, reinforcing the corporate duty of care. Internationally, Rahadiyan and Mentari (2021) endorse strict liability as an effective legal doctrine for controlling environmental risks in corporate operations. The emphasis is on internalizing environmental costs and discouraging risk-prone practices. This principle also ensures that the lack of intent is not a shield against environmental degradation. In PT. Simeulue Perkasa Sejahtera's case, the presence of fires in its concession, regardless of proven intent, is legally sufficient to invoke criminal and civil liability under Indonesia's environmental law framework.

Another key challenge is determining individual accountability within corporate structures. Article 116(2) of Law Number 32 of 2009 allows legal action against corporate actors, such as directors, commissioners, and managers, who contribute to or permit environmental violations. However, in practice, proving individual liability is often difficult because of internal delegation and fragmented corporate responsibilities. Setiawan and Darmawan (2021) argue that corporate environmental crimes frequently lack clear trails of direct involvement, making it hard to identify culpable persons. Nevertheless, the concept of vicarious liability allows for the attribution of responsibility to higher management when systemic negligence is evident. The PT. Kalista Alam case in Aceh, for example, demonstrated the application of this principle when both the company and its top executives were held accountable for illegal burning in peatland areas. White (2020) further notes that senior executives can be criminally responsible under international environmental law norms, especially when they ignore risks under their supervision. If PT. Simeulue Perkasa Sejahtera executives fail to ensure the enforcement of environmental protocols due to omission, oversight, or policy, personal liability may accompany the corporate one. This dual approach strengthens the preventive function of environmental law and promotes internal compliance within companies.

Another layer of legal complexity involves how prosecutors and judges interpret corporate criminal liability during litigation. Indonesian courts are increasingly receptive to environmental cases involving corporations; however, enforcement remains inconsistent. Judges may differ in their

interpretation of corporate culpability, particularly when weighing omissions against direct acts. As noted by Rahadiyan and Mentari (2021), judges often seek concrete causality, yet environmental damage frequently results from cumulative neglect rather than a singular act.

Thus, legal practitioners must build cases that emphasize patterns of failure to act, inadequate prevention systems, and the absence of risk management. In the international realm, Gupta (2011) argue that corporate environmental crime often requires systemic legal innovation, such as shifting the burden of proof or adopting presumptions of liability in fire-prone zones. These innovations help to balance the asymmetry between large corporations and under-resourced prosecutors. In PT. Simeulue Perkasa Sejahtera case, legal strategies could include demonstrating repeated regulatory non-compliance, absence of internal monitoring, and failure to report or respond to early warnings. These factors help establish mens rea in a corporate context and bridge legal theories with practical accountability.

Finally, beyond legal liability, the prosecution of PT. Simeulue Perkasa Sejahtera would serve a broader normative function reaffirming the principle that environmental protection outweighs short-term economic interest. Holding corporations accountable not only compensates for ecological loss but also signals the seriousness of environmental crime to other actors in the plantation sector. As observed, impunity in environmental cases fuels repeated violations and undermines regional stability through trans-boundary haze. In this regard, corporate accountability is not merely a legal issue but also a matter of public interest and intergenerational justice.

Indonesia's commitment to global environmental agreements, including the Paris Agreement and the ASEAN Haze Convention, obligates it to act decisively against corporate pollution. Criminal action against PT. Simeulue Perkasa Sejahtera would thus demonstrate alignment between domestic statutes and international commitments. Moreover, international scholars like White (2020) emphasize that the threat of criminal prosecution when consistently applied can reshape corporate risk assessments and decision-making processes. Therefore, legal enforcement is essential not only for environmental restoration in Nagan Raya but also for strengthening the rule of law in Indonesia's ecological governance.

Law Enforcement Challenges and Gaps between Normative Law and Legal Practice

Despite Indonesia's relatively advanced environmental legal framework, its implementation in corporate-related cases, especially forest and land fires, remains problematic. The case involving PT. Simeulue Perkasa Sejahtera in Nagan Raya reveals fundamental weaknesses in law enforcement. The presence of fire hotspots within the PT. Simeulue Perkasa Sejahtera's concession area, as noted by the Ministry of Environment and Forestry, was not followed by thorough legal investigations or sanctions (Rahadiyan & Mentari, 2021). Coordination among key institutions, such as the police, prosecutors, and environmental civil investigators (PPNS), remains disjointed, resulting in fragmented enforcement. Fauzi and Hardani (2020) argue that political interests, resource constraints, and institutional inertia often hinder legal proceedings. Consequently, cases against corporations often lack the solid evidentiary foundation needed for prosecution. Internationally, Gupta (2011) highlight that environmental law enforcement in many developing countries suffers from a mismatch between regulatory ambition and institutional capacity. Thus, corporations operating in regions such as Aceh may perceive environmental violations as economically manageable risks rather than legal threats. The enforcement gap allows repeat offenses, undermining the intent of environmental criminal law.

Administrative sanctions, which are preliminary legal responses to environmental violations, are frequently underutilized or inconsistently applied in Indonesia. Under Law Number 32 of 2009, environmental authorities are empowered to issue various non-penal measures, including permit revocation, forced restoration, and administrative fines, to corporations causing environmental harm. However, these tools are often bypassed or enforced selectively. In the PT. Simeulue Perkasa Sejahtera case, there is no public evidence that any administrative penalty was levied despite hotspot detection in their plantation areas. The fines imposed on plantation companies are often nominal compared to the profits derived from illegal land clearing. This imbalance reduces the law's deterrent effect. Moreover, the enforcement of administrative measures is rarely transparent. Civil society organizations and affected communities find it difficult to monitor corporate compliance due to a lack

of accessible sanction records. Internationally, Tacconi (2016) argues that the failure to apply administrative controls reflects a deeper problem of regulatory capture, which oversight agencies are either influenced or intimidated by powerful business interests. Without a robust administrative enforcement system, the legal framework becomes reactive rather than preventive, emboldening corporations to disregard environmental responsibilities.

The Indonesian judiciary also faces significant obstacles in prosecuting environmental crimes, particularly those involving complex corporate structures. Although landmark cases, such as PT. Kalista Alam offer examples of successful litigation, they are exceptions rather than the rule. In most cases, including that of PT. Simeulue Perkasa Sejahtera, there are delays in court processes or complete legal inaction. Rahadiyan and Mentari (2021) notes that Indonesian judges often lack expertise in environmental science, which complicates the evaluation of technical evidence such as carbon emissions, satellite imagery, or soil analysis. The challenge becomes greater when courts must establish a causality between a corporate entity's operations and environmental degradation. Additionally, legal proceedings are often protracted, during which companies may continue their operations unimpeded. White (2020) notes that worldwide, environmental crimes by corporations are under-prosecuted due to the interplay of economic pressure and legal complexity. Even when courts issue favorable judgments, they are sometimes poorly enforced because of weak implementation mechanisms. This systemic inefficiency discourages victims from seeking justice and allows companies such as PT. Simeulue Perkasa Sejahtera to operate with limited legal exposure. Without judicial reforms and capacity building, Indonesia's environmental laws risk being effective only on paper.

Another legal bottleneck is the lack of prosecutorial initiatives in cases involving corporate actors. Prosecutors often hesitate to file charges unless provided with overwhelming evidence, which is difficult to obtain in environmental cases because of the technical and interdisciplinary nature of the harm. In the PT. Simeulue Perkasa Sejahtera case, no legal proceedings had been initiated at the time of writing, despite recurring environmental reports and NGO alerts. This may reflect the broader reluctance of public prosecutors to engage in lengthy and risky environmental trials.

According to Fauzi and Hardani (2020), law enforcement officers often prioritize easily prosecutable cases over complex ones involving transnational corporations or powerful domestic actors. This tendency results in a backlog of unresolved cases, thereby weakening the rule of law. International comparisons show similar trends; Gupta (2011) stress that effective environmental prosecution often requires not only legal competence but also political courage. Even the strongest laws fail to deter environmental misconduct without prosecutorial independence and technical expertise. In the case of PT. Simeulue Perkasa Sejahtera, the prosecution's passivity can be seen as enabling legal impunity, weakening both national environmental commitments and community trust in the justice system.

Finally, the credibility of Indonesia's environmental enforcement is eroded by a lack of institutional synergy and long-term policy planning. The roles of local and national authorities often overlap or contradict each other, leading to jurisdictional conflicts. For example, while the Ministry of Environment may push for criminal investigation, regional governments may downplay the offense due to their economic dependencies on plantation industries. Setiawan and Darmawan (2021) argue that this dualism often results in conflicting legal interpretations and fragmented action plans. Moreover, the Environmental Law (Law Number 32 of 2009) requires multi-agency coordination, yet inter-institutional meetings or data-sharing protocols are rarely institutionalized. Internationally, Tacconi (2016) underscores the need for coherent, multi-level governance to prevent and punish forest fires. If enforcement continues to depend on isolated efforts without systemic alignment, cases like PT. Simeulue Perkasa Sejahtera will continue to slip through the legal cracks. Therefore, enhancing institutional coherence and long-term planning is essential to close the gap between normative legal provisions and their practical enforcement. Only through integrated monitoring, transparent sanctions, and empowered courts can Indonesia ensure corporate compliance and restore public faith in its environmental governance.

CONCLUSION

Forest and land fires occurred in the concession area of PT. Simeulue Perkasa Sejahtera in Nagan Raya represents not only a severe environmental disaster but also a legal crisis in Indonesia's environmental governance. These fires have caused significant ecological degradation, including the destruction of peat ecosystems, biodiversity loss, and hazardous increases in air pollution. Despite having a solid legal framework, such as Law Number 32 of 2009, Law Number 41 of 1999, and Government Regulation Number 71 of 2014, Indonesia continues to struggle with the practical enforcement of environmental regulations, particularly against powerful corporate entities.

The case of PT. Simeulue Perkasa Sejahtera illustrates how plantation corporations may continue to engage in negligent or harmful practices without facing legal consequences due to institutional weaknesses, lack of technical capacity, and insufficient coordination among enforcement bodies. When environmental law is not matched by robust implementation, it risks losing both its credibility and deterrent power, ultimately allowing corporations to escape accountability and perpetuate ecological harm.

The analysis revealed that PT. Simeulue Perkasa Sejahtera may be held criminally liable under the principles of strict liability and corporate criminal responsibility as stipulated in Law Number 32 of 2009. Even without direct evidence of intent, the presence of fire within the company's concession area and the failure to take preventive measures are sufficient to trigger legal consequences for the company. Moreover, the responsibility for such environmental crimes can extend to corporate actors, such as directors, managers, and other decision-makers, who are negligent in enforcing environmental protection.

However, the law's effectiveness is undermined by practical obstacles, including the evidentiary burden in court, unclear attribution of individual responsibility, and the reluctance of prosecutors to act against corporate offenders. Although the legal framework conceptually supports accountability, its real-world application is hampered by political, economic, and institutional constraints. Strengthening enforcement mechanisms, judicial expertise, and public oversight is essential to ensure that corporate actors are held accountable in a way that reflects the seriousness of environmental harm.

Ultimately, the case of PT. Simeulue Perkasa Sejahtera reflects broader national and regional concerns regarding environmental governance, corporate accountability, and intergenerational justice. If Indonesia is to fulfill its commitments to domestic environmental protection and international frameworks, such as the ASEAN Agreement on Transboundary Haze and the Paris Climate Accord, it must close the gap between normative law and legal practice. This means improving the capacity of environmental investigators, ensuring judicial independence in ecological cases, and enhancing transparency in administrative and criminal enforcement. It also requires the political will to prosecute corporations whose operations cause environmental damage, regardless of their economic impact. More inclusive collaboration between government institutions, civil society, and international partners can foster a more effective and responsive legal system.

In this regard, several practical recommendations should be considered to enhance enforcement and legal deterrence: (a) the establishment of a dedicated environmental court to handle ecological cases with specialized judges and procedural mechanisms; (b) environmental forensic training for civil servants (PPNS) to improve the accuracy and reliability of field evidence; and (c) the development of an integrated post-permit monitoring mechanism to ensure that corporations consistently comply with environmental obligations after obtaining their licenses. The protection of Indonesia's forests and peatlands is not just a national responsibility; it is a global imperative. By pursuing stronger enforcement against corporations, such as PT. Simeulue Perkasa Sejahtera, Indonesia can set an important precedent in safeguarding its environment and holding environmental violators legally and morally accountable.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

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