

**PERTANGGUNGJAWABAN PIDANA KORPORASI ATAS KELALAIAN  
DALAM MENCEGAH KEBAKARAN LAHAN PERKEBUNAN DITINJAU  
DARI UNDANG-UNDANG NOMOR 32 TAHUN 2009 TENTANG  
PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP JO  
UNDANG-UNDANG NOMOR 39 TAHUN 2014 TENTANG PERKEBUNAN**

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**ABSTRAK**

Penelitian ini membahas tentang tindakan PT KU sebuah perusahaan bergerak di bidang perkebunan sawit yang lalai dalam menyediakan sarana dan prasarana untuk mencegah dan mengendalikan kebakaran lahan perkebunan sesuai yang diwajibkan dalam Pasal 56 ayat (2) UU Perkebunan, tidak optimalnya operasional pencegahan kebakaran lahan mengakibatkan PT KU tidak bisa mencegah kebakaran yang lebih luas yang berujung dilampauinya kriteria baku kerusakan lingkungan. Atas kebakaran yang terjadi di lahannya, PT KU mendapatkan sanksi administratif berupa paksaan pemerintah untuk melengkapi sarana prasarana penanggulangan kebakaran lahan perkebunan sesuai aturan, namun PT KU tetap tidak melaksanakan sanksi administratif tersebut. Tindakan PT KU telah melanggar Pasal 99 Ayat (1) UUPPLH dan Pasal 114 UU PPLH. Penelitian dalam skripsi ini menggunakan metode yuridis normatif, dengan pendekatan perundang-undangan, pendekatan konsep, dan pendekatan kasus. Hasilnya yakni Direksi PT KU yang lalai dalam mengarahkan perusahaannya untuk mentaati aturan hukum yang berlaku dan lalai dalam mengawasi jalannya perusahaan, termasuk pencegahan kebakaran pada kebun kelapa sawit diidentifikasi sebagai kesalahan korporasi, sehingga PT KU dapat dikenakan pertanggungjawaban pidana. PT KU terbukti memiliki unsur kesalahan tidak melakukan langkah pencegahan terjadinya tindak pidana sesuai Pasal 4 ayat (2) huruf c Perma 13/2016, sehingga atas kelalaian yang terjadi di bawah manajemen PT KU menjadi syarat bagi PT KU dan Direksi dikenakan pertanggungjawaban pidana sesuai Pasal 116 ayat (1) huruf a dan b UU PPLH.

**Kata Kunci:** Kebakaran Lahan Perkebunan, Tindak Pidana Lingkungan Hidup, Pertanggungjawaban Pidana Korporasi, Teori Identifikasi

**CRIMINAL LIABILITY OF CORPORATIONS FOR NEGLIGENCE IN  
PREVENTING PLANTATION LAND FIRES AS REVIEWED FROM LAW  
NUMBER 32 OF 2009 CONCERNING ENVIRONMENTAL PROTECTION  
AND MANAGEMENT IN CONJUNCTION WITH LAW NUMBER 39 OF  
2014 CONCERNING PLANTATIONS**

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**ABSTRACT**

*This study discusses the actions of PT KU, a company engaged in the palm oil plantation sector, which was negligent in providing facilities and infrastructure to prevent and control plantation land fires as required in Article 56 paragraph (2) of the Plantation Law. The suboptimal operation of land fire prevention resulted in PT KU being unable to prevent wider fires which resulted in exceeding the standard criteria for environmental damage. For the fires that occurred on its land, PT KU received administrative sanctions in the form of government coercion to complete the facilities and infrastructure for controlling plantation land fires according to the rules, but PT KU still did not implement the administrative sanctions. PT KU's actions have violated Article 99 Paragraph (1) of the UUPPLH and Article 114 of the PPLH Law. The research in this thesis uses a normative juridical method, with a statutory approach, a conceptual approach, and a case approach. The result is that the Directors of PT KU who were negligent in directing their company to comply with applicable legal regulations and were negligent in supervising the company's operations, including preventing fires on oil palm plantations, were identified as corporate errors, so that PT KU can be subject to criminal liability. PT KU was proven to have an element of error in not taking steps to prevent criminal acts from occurring in accordance with Article 4 paragraph (2) letter c of Perma 13/2016, so that the negligence that occurred under the management of PT KU is a condition for PT KU and the Directors to be subject to criminal responsibility in accordance with Article 116 paragraph (1) letters a and b of the PPLH Law.*

**Keywords:** *Plantation Fires, Environmental Crimes, Corporate Liability, Identification Theory*