

Accountability of Palm Oil Industrial Business Players on the Pollution of the Environment Reviewed from the Aspects of Environmental Crimes

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Abstract

The problem of the environment is a serious issue that must be addressed by the government and the community as a supervision and reporter of each of the activities of the destroyer of the environment. The pollution and environmental damage continue to increase in line with the increased industrial activity or similar substances; surely the situation needs to get the protection of the law. The pollution or environmental damage, mostly in the context of running a commercial business and often is also the attitude of rulers and the entrepreneurs who do not run or neglecting the obligations of their obligations in the management of the environment. This research is a descriptive quantitative i.e. with provides an overview of the company that takes the environment around the enterprise. Data collection method in this investigation using bibliographical study (Library Research). The types of data used a secondary data that consists of primary legal materials and secondary legal materials. The waste is the remaining exiles who produced from real production activities in the production scale of domestic or household and production on a larger scale. Industrial waste is a remnant of the captives process of production in certain industries. Industrial waste requires the handling and managing seriously in considering the impact will greater emanate than with domestic waste. The industry is a business or management activities of raw materials or half-goods to be the end goods that have added value to get the benefits. The assembly of the business and repairing is a part of the industry also. The results of this industry do not only in the form of goods but also in the form of services.

Keywords: Environmental pollution, waste, industry

1. Introduction

1.1 Background

It caused produces oil nearly 7 tons per hectare and in the last few years of business and investment in the oil palm plantation in Indonesia increased provide valuable timber rapidly. The Request for vegetable oil and the provision for biofuel has encouraged entrepreneurs and the government to continue to develop palm oil business when compared with the soybeans that only 3 tons/hectares. With the availability of land that extended enough and sufficient labor and agroclimatic, Indonesia has the potential for the development of oil palm plantations is very big.¹

From year to year, extensive oil palm plantations in Indonesia have increased fast enough. Remember the oil palm development is not only developed in the western part of Indonesia but also reach out to the east of Indonesia. The development of oil palm plantations also has a positive impact and negative consequences.

For example, the positive influence caused is to increase the income of the community, increase remittances countries, expand jobs, raise productivity and competitiveness and can meet the needs of the consumption and raw material industry in the land. In addition to the positive impact, there is also a negative impact on people and the environment. These results can be produced by the plantation activities, industrial waste or products from the oil palm industry itself. Palm oil factories that operate many cause environmental pollution such as air pollution caused by the smoke from the exile, for example, gas CO₂ results of the burning of the shell fruit. Air pollution can also make the environment is unhealthy. The smell of the stacks of the cluster is empty can also pollute the air. From the combustion process is the cause of the smoke. This smoke can be harmful to the life of living beings because the smoke is poisonous gasses, namely carbon monoxide (CO₂)

As a result of air pollution from the processing of the palm oil result is 1. Deplete Ozone layer substantially as a result of global warming global; 2. Disruption of the human health, such as coughing and respiratory disease (most involved, and pulmonary emphysema, and the possibility of Lung cancer; 3. The destruction of the buildings because through, corrosion on the metal, and fading paint colors; 4. Noise pollution due to the voice of the factory machine; 5. Interrupting the growth of plants, such as leaves or little white plants due to the high concentrations of Internally 2 or acidic gasses. The category of standard index air pollution in Indonesia: a. Good 0-50, b. Quite 51-100, c. Unhealthy 101-199, d. Very unhealthy 200-299, and e. Dangerous 300 more. The index parameters of air pollution standards used; 1. Particulate (PM₁₀), 2. Carbon monoxide (CO), 3. Sulfur dioxide (SO₂), 4. Nitrogen dioxide (NO₂), 5. Ozone (O₃). The Characteristics of air pollution caused by oil palm processing plants is 1) Air becomes colored; the general air is black because of the proportion of CO₂, lead and other elements that high. 2) The Air taste; where when the man the odor of the polluted then automatically will also identify the taste of the air. 3) the air to smell; the polluted as a result of oil palm processing will be issued a foul smell due to boiling fruit. 4) have high temperatures. 5) shortness of breath while inhaling air. This case is due to the reduction of the oxygen concentration in the air is polluted pollutants.

In addition to polluting the air industrial factory palm oil can also contaminate the water. The water is polluted due to the oil palm industry cannot be used again as a result of the boiling process and the results of the exiles hydrosiclone. With the increasing human population and clean water that is in the earth continually decreases, this is due to the loss of water sources as a result of the transition of agricultural land and settlements and water pollution that deepens and concern from day to day.

The Characteristics of contaminated water as a result of the oil palm industry is 1) Existence; temperature changes in normal condition the water temperature will be under the temperature of the environment. Water is usually used for the factory engine cooling when the water with hot conditions is discharged into the river or other water channels and can cause plant and animal water disturbed can even cause the death of massacrred. Therefore the water must be processed before disposed. 2) The change of PH; is a degree that used to declare a level or the validity of that is on a solution. 3) changes color, the smell, and taste of water. 4) the existence of sediment or dissolved materials; Be sludge no in the river due to the factory waste disposal directly disposed of without through the first processing will cause the death of living beings that are in the water.

The sense of water pollution is the event entry tau substance other components (pollutants) into the waters so that the quality of the waters decreased. The source of water contamination from industrial waste, household waste, agriculture and waste mining products. Water pollution caused by oil palm industry waste because after the process of waste water treatment directly cast into the river or the flow of water without processed first. When the water has been polluted still used can lead to a variety of infectious diseases such as Hepatitis disease A. The virus often located on the food have been contaminated as to the milk, meat, fruit raw consumed directly without washed first, and many more diseases caused by water pollution, like polio, cholera, typhus, dysentery amoebae, and worms. To know the level of water pollution can be seen through the greatness of the womb dissolved O₂. There are two methods used to determine the oxygen concentration in the water, namely by chemicals with COD (Chemical Oxygen Demand) and BOD (Biochemical Oxygen Demand). The larger the price of BOD the higher level also was in disfavor. Water pollution that weight eventually can cause pollution of the ground water is the source of water for daily life like washing, bath, cooking, and for drinking water. Ground water is contaminated will it is tough to return to the clean water. Blend and pollutants on the ground water parsing are tough because the water does not flow and does not contain the bacteria microorganisms aerob.

Palm Oil Factories is very helped the government to reduce unemployment in Indonesia. But over time many palm oil factories who did not heed the rules - regulations in running the processing so many pollutions occurs where - which in addition to polluting the air and water businesses in the oil palm industry can also pollute the land. The contamination of the ground is the situation where the human-made chemicals enter and change the natural land environment. The pollution of the land as a result of the oil palm industry can happen because of: 1) leakage of liquid waste or industrial chemicals or commercial facilities, 2) pesticide use water from entering the surface of lands polluted into the layers of the sub-surface, 3) accident auto oil transporter, chemicals.

According to States Ministry of Environment No 51 1995, to reduce or avoid and deal with the consequences that set up as a result of the waste generated from the treatment process, then each industry must make a waste water treatment installation (IPAL). Liquid Waste disposal channels shall be watertight so it does not happen the dispersal of liquid waste into the environment, replacing the appliance measuring cup debit or flow chart rate liquid waste and do the recording of daily intakes liquid waste, do not blend liquid waste, including mixing waste water heat sink into the flow of the liquid waste disposal, separate liquid waste disposal channels with the canal of abundant rain water.

The pollution of the land also provides the impact on the ecosystem. Chemical changes the land of radical can arise as a result of toxic chemicals/dangerous even on low dose though. These changes cause changes in the metabolism of endemic and anthropoids micro-organisms that live in the environment of this land. Even if the bottom of the food pyramid can swallow different chemicals that will eventually concentrate on these creatures companions of the pyramid above. For example such as the concentration of DDT on birds cause fragile eggshell, increasing the level of death nanny goats and possible loss of the species.

2. Discussion

The corporation or the company as the body of the business or the body of law that in the process of production is related directly to the environment. Therefore the most likely in the process of production can cause pollution or environmental destruction. Where the pollution and the destruction of the environment are of course is very harmful to the communities living nearby. In Indonesia generally, perpetrators of destroying the environment or contaminant reduction environment are:

1. Industrial factories processing.
2. The plant material industry - chemicals.
3. Housing, and
4. Fishery (an example of the cattle of the fish in the Toba Lake).

When heard the perpetrators, so that occurs in the minds of our mind is someone who does something, and when they hear the word, those responsible for crimes often is thought by us are criminals or those who have done evil. But in the environmental law does not know the perpetrators but overall responsibility for or owner of a business license. This case is shown when found elements of the pollution caused by the industry and the business or industry will be closed or revoked business license business automatically contained will cease. Remember in all the activities of industry mutual had sex with each other that if one of them stopped and automatically all industrial activities will discontinue especially regarding the permissions that will be directly dealing with the authorities.

Environmental law has a strategic role in preventing the destruction or The environment pollution because the regulation of the environment has an extensive range of benefits for the community. The implementation of environmental laws can be applied with 3 The law and the legal administration, civil law and the last crimes. Environmental law is the law that regulates

the order of the environment (environment), where the environment includes all the objects and conditions, including in it man and ecstatic behavior and deeds which are located in a space where people are and affect the survival and welfare of the people and the bodies of other living bodies.¹ Law modern environment oriented more on the environment or Environment-Oriented Law, while the classic environmental law is more stressed on the orientation of the use of the environment or Use-Oriented Law.

Environmental law also has a strategic role in supporting and maintaining the continuity of human life and the environment. The law of the environment is also a legal instrument for the management of the environment, the environmental laws on being alone are one of a field of the law is controlled by the rule of the rule of law in the state or the law of government. Hence in the execution of the Government officials should pay attention to the general principles of Good Governance. The environment must be kept in quality to provide direct benefits to the people alive today and generations to come. It must be admitted that the environmental law enforcement until this time is still weak or it can be said not enough to satisfy the community. This case can be seen from the number of public protest action against the various situations of the law relating to the environment. Factors that weaken the enforcement of environmental laws is the quality of human resources, limited time and cost are owned by law enforcement personnel as well as the professionalism of law enforcement officials itself.

The case of environmental laws can be quite complicated and complex. Law enforcement agencies have required a need to understand all aspects related to environmental law cases. So the particular expertise required to be possessed by law enforcement agencies. Time and budget often hinder environmental law enforcement. The handling of the case of the environment requires a long time to obtain accurate data as a basis for decision-making. Now the role of the environment as follows: First, environmental laws provide securities in the formulation of policies that support the concept of sustainable development. Second, environmental laws function as a means to manage the environment by implementing the sanction (repressive). Third, environmental regulations provide a guide or a guideline for the community to perform actions that are related to the protection of the rights and obligations that are owned by the community. Fourth, environmental laws provide confirmation of the understanding of the rights and responsibilities of that belonging to the community and behavior that can be harmful to the community itself. Fifth, environmental laws provide while strengthening the mandate to the government officials that are related to the environment to carry out the tasks and functions well in their respective fields which is regulated by the law on the environment. And the authorities in the supervision of environmental regulations that have been established in the Law is:

1. The minister, the Governor or the Regent/Mayor following the authority required to control the obedience of overall responsibility for the business and/or activity on the terms specified in the regulation of the field protection and management of the environment.
2. The minister, the Governor or the Regent/Mayor can delegate authority to control to the professional agencies of officials responsible in the field of the protection and management of the environment.

3. To carry out the supervision, Minister, the Governor or the Regent/Mayor assign supervisors officials environment that is functional officials.
4. The minister, the Governor or the Regent/Mayor under the authority required to control the obedience of overall responsibility for the business and/or activities against environmental permissions.
5. The minister can perform oversight of the compliance of overall responsibility for the business and/or activities that license environment published by the local government if the government considers grave violations in the field of the protection and management of the environment.
6. Senior Environmental Inspector Article 71 Paragraph (3) authorities: a) Do monitoring, b) Request information, c) make a copy of the document and/or make note that required d) entering the distinct place, e) Taking, f) make the audiovisual recording, g) take samples. Check equipment, h) Check installation and/or transportation and/or, i) stop certain violations, j) in carrying out their tasks, officials supervisors environment can coordination with officials in the civil servant investigators, k) overall responsibility for the business and/or prohibited activities preventing the implementation of the duty supervisors officials environment, l) further provisions regarding the procedures for appointing officials supervisors environment and procedures for the implementation of supervision as mentioned in Article 71 paragraph (3), Article 73, Article 74 arranged in Government Regulations.

In the law of the environment the imposition of sanctions there are 3: 1) administrative penalties can be applied against the overall responsibility for the business and/or activity or the owner of a business license based on Article 72 Paragraph (2) UUPPLH form: a. The reproof is written, b. Force the government c. The freezing of the permissions of the environment, d. The revocation of the environment.

The administrative sanctions enforcement efforts by the government should be implemented consistently following the existing authority. The execution of the penalty for administration as vanguards of the backing of law enforcement environment (preum remedium). If the administrative sanction was considered not to be effective, recently used means the civil sanctions will but if not also ignored and used as a weapon of the criminal law of the ultimate punishment (ultimum remedium).

This means that in the criminal law enforcement activities against crimes in the new environment can be started when the authorities have imposed sanctions first administration, is not able to stop the violations happened, or between companies that break and the community who are victims of the breach of the company even though it has been in seeks to settle dispute with how to alternative line out of court as Concord/ peace/ replenishment/ meditation, but did not find the solution or with litigation through civil court, but the effort was also not sufficient, then used the criminal law enforcement environment. The sanctions system in criminal law is an adversarial system. Based on the basis provided by the criminal or the basis of ultimum remedium, placing the means of criminal law as a weapon deals. Because of the nature of the criminal law itself as suffering deliberately burden to those who do the works that meet certain

conditions. Has the character distinguishing illegal crimes with other law fields in the case of sanctions to violators of the norms.

The new criminal law should be applied when other efforts are not sufficient. Not just the criminal only unpleasant frightened at the time of the walk, but then the subject to criminal still feel other sanctions such as social sanctions in the form of "cap" by the community that he never does evil. The seal is called "stigma." So the people who get the stigma evil, and when the stigma cannot be lost, he seems to be sued for life. Environmental law enforcement that accentuates the administrative law based on difficult to prove the criminal acts of the environment and the multitude of industries or business activities to get permission from the government turns to do the pollution or destruction of the environment. The sanction was given more often overturning criminal fines from dropping the imprisonment.

Act No. 32 The year 2009 about the Protection and Management of Environment, set the extent of the protection and management of the environment, among others, load the strengthening of the principles of protection and management of environment that is based on good governance principles. Because the process of each formulation and implementation of pollution prevention instruments and/ or damage to the environment and the response of law enforcement requires the integration of aspects of transparency, participation, accountability, and justice.

The important points that are located in Law Number 32 The year 2009 among others:

1. Integrity of the elements of the management of the environment,
2. Clarity of authority between central and local government,
3. The gains on efforts to control the environment,
4. Strengthening pollution prevention instruments and/or damage to the environment for administrative permissions as a means of the control
5. The organizational ecosystem approach,
6. In response to the certainty and anticipate the development of the global environment,
7. Strengthening democracy environment through access to information, access participation and access to justice and strengthening the rights of the community in the protection and management of the environment,
8. The civil law enforcement, administration, and criminal more clearly,
9. Institutional strengthening of the safety and management of environment that is more productive and responsive,
10. Strengthening the authority of the supervisory officials of the Environment and Civil Servant Investigators Environment.

The central government to give full authority to the regional government in the protection and management of the environment in their respective regions. What is meant by the protection

and management of the environment is: a) aspects of Planning is done through the inventory of environment, the announcement of the region and the formulation of RPPLH eco-region (Protection Plan and Environment Management), b) aspects of the utilization of natural resources is done based on RPPLH. But in this law have been arranged that if a region has not arranged RPPLH, then the utilization of natural resources conducted based on the carrying capacity and the capacity of the environment, c) aspects of the control of pollution and damage to the function of the environment that includes the prevention and mitigation of the restoration.

Environmental control setting instrument, among others KLHS (Environmental Studies Strategic), landscapes, criteria for raw material damage to the Environmental Impact Analysis on Environmental Impact), the UKL and UPL (efforts to manage the environment - Environmental Monitoring Efforts), permissions, economic instruments environmental legislation based on the environment, budget based on environmental risk analysis of the environment, environmental audit, and other devices in accordance with the needs and/ or development of knowledge. Preservation of the environment can be done through natural resource conservation efforts, natural resources backup, and/ or preservation of the function of the atmosphere.

In the aspect of the supervision and the enforcement of environmental laws that can be done is : (1) a stern sanctions settings (administration, civil liability to criminal) for the breach of the raw material quality, transgressor EIA (can including officials who publish without permission EIA or UKL of UPL), transgression and the spread of the products of genetic engineering without rights, waste management B3 (Poisonous hazardous material) without permission, anti-dumping charges without permission, enter the waste to the unitary state without permission, do forest burning, etc., (2) The setting about Officials Supervisors Environment (PPLH) and investigators Civil Government officials (PPNS), and made it as a functional positions.

According to the Article Article 1 paragraph (5) CANDY No 13 2011 about Compensation against the pollution and/or environmental damage, change the loss the cost that should be covered by the overall responsibility for the activities and/or business as a result of pollution and/or environmental damage. According to the Article 87 Paragraph (1) of Act No. 32 The year 2009 about the Protection and Management of Environment (UUPPLH) : " Every overall responsibility for the business and/or activities are done in breach of the law in the form of pollution and/or the destruction of the environment which caused loss on other people or the environment is obligated to pay compensation and/or perform specific actions."

The terms above is the act of breaking the law is done by one of the parties or better done or intentionally that certainly will harm the other party that their rights had been violated and must change the loss caused. What is meant by the act of breaking the law according to Article 1365 of Civil Code, is "each act in breach of the law, which brought the loss to others, requires that for their iniquity published a failure, change the loss." Action against the law is an act that violated the law, morality, the interest of the general public and meritocracy. Therefore every person or entity who do works of the law (environmental pollution) must govern the

responsibility for the loss experienced by the community or government and the echelons. Accountability can be centralized administration through accountability, civil liability or criminal prosecution. For about compensation or compensation related to penal responsibility from action against the law. Then in the Article 3 of the Regulation of the Minister of Environment Number 13 2012 About Compensation against the pollution and/or damage to the environment is the overall responsibility for the business and/or activities done in breach of the law in the form of contamination and/or damage to the environment which caused loss on other people or society and/or environment or state required: a. Perform specific actions; and/or b. pay. And in the Article 4 states, the obligation to do specific actions referred to in Article 3 letter (a) include a. Pollution prevention and/or the destruction of the environment, b. Tackling the pollution and/or the destruction of the environment; and/or, c. Restoration of the environment function. And Article 5 paragraph (1) the loss of environment as referred to in Article 3 letter b include a. Lose because it does not tackle the obligation waste water, emissions, and/or waste management of toxic and hazardous materials, b. The loss for the replacement of the cost of pollution prevention and/or damage to the environment and the restoration of the environment c. The loss of the replacement for the verification cost complaints, inventory environmental disputes and cost of supervision of the payment of restitution and the implementation of specific actions, d. Loss due to the loss of biodiversity and a decrease in the function of the environment; and/or, e. loss of society due to contamination and/or damage to the environment.

The method of counting restitution must be done by the experts that meet the criteria based on Article 6 paragraph (1): a. Have a certificate of competency. b. Have been doing scientific research and/or experienced in the field, c. The pollution and/or damage to the environment, d. Able to evaluate economic environment. Verse (2) to meet the criteria as mentioned in paragraph (1) letter b, experts who do the counting compensation should be based on the appointment of the Minister, the Governor or the Regent/Mayor. Each overall responsibility for the business and/or activities (company/body of law) which cause pollution and/or damage to the environment that is considered as an act against the law. The overall responsibility for the business and/or activity has the responsibility to indemnify emanate, proven so far done the pollution and/or destruction. The proof is a good one causal relationship between an error with the loss (liability based on faults) and without the need to prove the elements of a mistake (liability without faults/strict liability).

For the party who feel wronged against the pollution caused by industrial business, can directly use or convey the information verbally or in writing to the institution that is responsible, about allegations of corruption and/or the destruction of the environment of business and/or activities in the planning phase, implementation, and/or after the implementation of the industry. For the new compensation can be done after the decision to have legal remains. Compensation can produce through filing the lawsuit (in the *Petitum*) to court. The support for a *petitum* (subject demands) is *posita* (basic requirements).

"*Posita* " (primary lawsuit) generally in practice loading issue fact / events law (*rechtfeitan*) that became the basis of the lawsuit about the occurrences) as well as an overview of the topic of the law that is nothing to do with the relationship of the law without having to mention the

Articles pleaded rules of law including customary law for such things would be in the show or explained by the judges in the decision later if deemed necessary. And compensation also can be given after the agreement together to negotiations mediation and arbitration also. The decision of the judges has the power to tie the strength of vindication, strength executorial. For the ruling of the judges has the authority executorial where the verdict can be run when has the force of law remains.

In Law Number 32 The year 2009 load setting the article criminal more when compared with Act No. 23 1997. Act No. 23 1997 only contains six articles criminal sanction with the criminal acts of the environment namely Article 41 until with Article 46. While the Law Number 32 The year 2009 loading 19 Article namely Article 97 until Article 115. If observed and compared UUPPLH more detail sets the types of crimes in the environment, for example, the terms of raw material of the quality of the environment is arranged in a separate article, material waste dangerous and toxic (B3), land clearing, the formulation of the EIA without a certificate also will be subject to criminal sanction.

Criminal acts that were introduced in UUPPLH divided into two crimes i.e. a formal requirement and affection crimes. Defining the two crimes are as follows: a. Dellik affection (generic crime) is the action against the law that causes pollution, or the destruction of the environment that does not require proof of breach of the rules of the law of the administration of such as permissions or in other words can be seen with unseen by the eyes and the impact of direct loss felt the community, b. A formal requirement (specific crime) is the acts that violate the law against the rules of the law administration, consequently to prove that a legal requirement is not required pollution or the destruction of the environment as affection, but enough to demonstrate the breach of the law the administration of only.

Included in the affection UUPPLH crimes related to the evil of the underlying standard namely Article 105 "Everyone who put the waste into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 Paragraph (1) letter c claimed with a brief imprisonment of four years and most long twelve years and a fine of at least Rp 4.000.000.000 and most Rp 12,000.000.000." And Article 106 "Everyone who enter B3 waste into the territory of the Unitary State of the Republic of Indonesia as mentioned in Article 69 paragraph 1 letter d claimed with a brief imprisonment and five years old at least fifteen years and a fine of at least Rp 5.000.000.000 and most Rp 15.000.000.000."

Article 107 "Everyone who enters B3 is prohibited according to the rules and regulations into the territory of the Unitary State of the Republic of Indonesia as mentioned in Article 69 paragraph 1 letter b sued with a brief imprisonment and five years old at least fifteen years and a fine of at least Rp 5.000.000.000 and most Rp 15.000.000.000."

While included in a formal requirement, said as a crime which must be based on the administrative needs of the company or individual act and should be suspected of crimes against the environment can also in Article 98 "Everyone with deliberately done that resulted in the ambient air quality standard paragraphs, raw material water quality, raw material quality of the waters of the sea, or criteria for damage to property to the environment, sued with a brief imprisonment and three years old at least ten years and a fine of at least Rp 3.000.000.000 and

most Rp10.000.000.000."

Article 102 "Everyone who do waste management B3 without permission as mentioned in Article 59 verse 4, sued with a brief imprisonment of one year and most long three years and a fine of at least Rp1.000.000.000 and most Rp 3,000.000.000."

In UUPPLH also regulates the problem of criminal liability for the corporation, who then can apply to that rule so that possible criminal acts of environmental pollution, regardless of the crimes together (vide: Article 116 verse 2). The role of the office of the attorney general who can coordinate with the institution that is responsible for the protection and Management of Environment to carry out the execution in implementing additional criminal action or discipline (vide: Article 119 and Article 120).

The steps that should be taken in the criminal law instrument the environment is looking at an investigation. In the law of the environmental studies listed in Law -Law Number 32 The year 2009 concerning Protection and Management of Environment in Article 94 and Article 95. While entitled to conduct criminal investigations is a senior police and civil officials (PPNS) in the environment government agencies that the scope of the duty and responsibility of the protection and managing environment. The form of cooperation between Investigators with Police investigators can be the help of personnel in order to execute the decision of the environmental laboratory assistance and/or experts and police as coordinator of supervisors Investigators will also provide support in the form of forensic laboratory, identification, and psychology, personal aid researchers, care equipment, forced efforts, prisoners custody and securing the evidence or suspects and/or defendants.

Investigations related very closely with proof. In the attempt to prove very need to found the substantial evidence that at least two evidence. The evidence will be used to catch suspects or certain parties to get the sanction or punishment that will be given. Now the evidence consists of the information from witnesses from the experts, letters, guidance, a description of the accused and the other evidence, including the evidence that is set in the Regulation of the Division. Outline criminal provisions are to catch people who deliberately do criminal acts of the environment, people unaware that resulted in the loss of environment, those who violate the terms of the environment and the people who circulate genetic engineering as well as the produce of B3 waste without doing accountability. Who can apply the criminal punishment is the party giver permission or permits Warner officials of the environment, and the responsibility of business will also get unlawful provisions. Environmental cases often associated with corporate crimes. When the corporation has been doing environmental crimes that need to be noted is the rule of environmental criminal law itself. However, if corporate action toward more accountability and organization can use an instrument of civil law or law administration.

In the Article 55 of the Criminal Code of the book to I give threats to those who do (pleger), which sent do (doen pleger), who also perform (medepleger), and persuade (uitlokker). So when referring to Article 55 then that may be imposed sanctions is to start from the corporate leader, warner activities to the command - who do the activity. It is necessary to understand that if the terms of the criminal law were influenced by the ability of accountability and error

elements. So in strafbaar feit pointed at the conduct of those who formulated in the Law - the Law that had been against the law and therefore should be claimed. The sense of against the law is identical with the "in strijd met hittite recht" or can say contrary to law. Contrary to the law is not only considered as the things that are contrary to the Law but also with the meritocracy.

The relationship between strafbaar feit with the environmental law there is two elements of that important, Which in strafbaar feit feit means handling or the behavior is in the real world that can be perceived by the five senses. If the mind of strafbaar feit connected with the errors of the people that cause the behavior, namely located in the innermost being hidden or not can be perceived with the five senses. The two elements are quite easy to prove because when we see from the first factor is obviously forms such as the damage of forests, water pollution, and all the actions that can be deemed as a crime environment. While on the second element, error someone associated with the atmosphere in the midst of a person namely men know and feel that action contrary to his appetite but his deeds remain to be done. While the influence of other criminal acts is an element capable of responsible, this element is valid evidence that may be imposed for criminal sanction. Concerning the capable reliable, then there is three criminal liability system namely: people, legal, people, and body of law. Crimes committed by corporations not only men that can be subject to criminal sanction, but the body of the law can also be given the criminal penalty. The Third rule of law administration of civil and criminal has the function, and the same goal is to overcome or prevent the destruction of the environment.

The settlement of environmental disputes out of court can only be done by the parties in dispute in civil issues such as to determine the compensation and identify the specific actions in the case of the restoration/environmental improvements to the original state that has the purpose to guarantee will not happen or a repeat of adverse impacts on the environment. This path can be taken based on the agreement between the parties that contend in the environmental problems with the appointed mediator/service that is called a third party to help resolve disputes. When the settlement of disputes outside of the court always failed/not successful, subsequent efforts that can be used by the parties are not satisfied with the settlement out of court is filed a lawsuit. Filing a lawsuit in environmental issues can be done by people, community and/or environmental organizations to refer to the applicable Civil Procedural Law.

The environment is very influential for the survival of living things. The factory that operates must be sensitive and concerned about the social issues and must prioritize maintenance and renewal of the environment. This case does not mean that the company can ignore the responsibility to stakeholders (of interested parties to the business). The company's liability to the stakeholders must be balanced which means not choose one specific party. The pollution of the environment as a result of the industry can occur on air pollution and water and the land that it is the main parts of the man.

To ensure the restoration of the function of the environment environmental permission holders must provide guarantee funds for the recovery of the ecosystem function. Then the bailout saved in government banks appointed by the Minister of the Governor or the Regent/Mayor

following its authority. The minister, the Governor or the Regent/Mayor in agreement with the board can also be pointed to a third party to perform the restoration of the environment function with the use of funds to bail out. To be able to determine who is responsible for the management of a body of law that must bear the burden of the criminal accountability must be traced aspect of the EIA document license (permission) and job task distribution in the office located on the body of law (corporation concerned. Troubleshooting from the documents will produce data, information and the fact that negative impacts by the corresponding business activities and the extent to which the monitoring and control of that have been done on the implications. From the documents can also know how the rights and obligations of the managers of the company to monitor, prevent and control adverse impacts of the activities of the company. So from the lookup will be seen whether the pollution and/or environmental destruction occurs because of the deliberate or due to negligence. Article 6 of the norm that very clearly specifies that the duty of every people keep the conservation of the function of the environment and to prevent and combat the pollution and the destruction of the environment" and "obligated to provide faithful and accurate information about the management of the environment. The Stipulation in Article 46 NORM made the concept of corporate criminal liability in the field of environment imposed on the body of law and the stewards (director, managers responsible for the management of environment company, even to the shareholders and the board of commissioners) together, in terms of activities and/or corporate business is the cause of pollution and or damage to the environment.

3. Conclusions

The setting of environmental laws in Indonesia is the Law Number 32 the year 2009 concerning protection and Processing Environment which aims to realize the achievement of sustainable development environment, "Law Enforcement", also known by the term "implementation of law" and in Dutch "rechtstoepassing, rechtshandhaving", as well as in the adjacent Britain called "law enforcement, "application", the role of law. The development of palm oil factories does not always lead to a positive impact but also a negative consequences. Because palm oil factories elector this waste which can damage the environment and biodiversity, and even damage to the culture of the local community. The development of sustainable palm oil plants will involve the government, investors, community, each of which has different interests. Therefore, there needs to be a partnership between the three perpetrators (stakeholders the palm oil business. The development of oil palm plantations has a positive impact and negative consequences. The positive influence caused among others is to increase the income of the community, increase remittances countries, expand jobs, raise productivity and competitiveness and meet the needs of the consumption and raw material industry in the land. While the impact of the implications of the negatives is ecologically monoculture system on oil palm plantations have altered forest ecosystem loss of biodiversity and tropical rain forest ecosystem and plasma nutfah, a number of species of plants and animals and cause various kinds of the impact of the pollution such as air pollution, water pollution and contamination of the land because palm oil factories producing waste. The imposition of sanctions against violations of environmental contamination can be done with the way among others: a) Through administrative path, b) through civil, c) and the last through the criminal

path as a deterrent effect for the perpetrators of the pollution. Where the three have the same purpose and function is to overcome or prevent the destruction of the environment since the early. The way can do the restoration of the environment function: 1. The cessation of the source of the pollution and the cleansing of the elements of the contaminant reduction, 2. Remediation, 3. Rehabilitation, 4. The restoration and/or other means in agreement with the development of science and technology. If you want to promote the public welfare through the development of palm oil factories and businesses should consider the environment in which the palm oil plants it operates so that it does not cause pollution of both air pollution and water and the contamination of the land. Waste produced by the oil palm industry must be processed with very integrated and technologically so that industrial waste does not pollute the environment. And for the government should be to select the law enforcement personnel who have quality in the field of environmental laws and have a high level of professional to the actualization of the maximum application of the law so that the environment remains awake even though palm oil factories also operate and in the end we the public can enjoy the beautiful environment and healthy.

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