

Revitalizing Strict Liability In Environmental Law Enforcement In Indonesia

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Abstract

Strict liability is deviation to the concept of negligence as accountability without error and is one of the settlement enough dispute effective in the field environment, but change regulation legislation considered will influence and reduce the existence of strict liability, in addition to That various interpretation and application in justice own different interpretations. The purpose of the research This For know whether arrangement accountability absolute Already reflected in law enforcement in Indonesia. Research This use method study qualitative with approach concept, regulation legislation, and relevant case studies. Research results show that changes in strict liability in the PPLH Law to the Omnibus Law do not influence urgency from strict liability only just in the PP section of the Omnibus Law which is considered contradictory with the Omnibus Law, and several interpretation regarding strict liability is not appropriate If consider strict liability as proof of PMH and contains proof upside down, besides That a number of the verdict is also like PT Kalista Alam case, land contaminated oil in Riau, and the Case the spill oil in Balikpapan still use PMH lawsuit, requires proof scientific from lawsuit citizen law suit, and accountability without existence accountability together although There is connection causality between party One with other to the occurrence incident. So that can concluded that meaning the concept of strict liability still experience various interpretation in Indonesia is good from circles academics, regulations legislation, up to the realm of judiciary. Recommendations from the concept of strict liability stands alone and separated from lawsuit civil.

Keywords : Strict liability; Proof; Regulation; Environmental Law

INTRODUCTION

The country is organization the biggest one that has position very worth in welfare economic and social its people. This is For can reach objective together. Ways to achievement welfare economic and social public with management source Power a just world in support activity economy (1). The main thing that becomes attention is transition paradigm which is the basis for effort handle crisis ecological (2). Namely paradigm development sustainable. However effort the Still often obstructed with many people who put aside environment and more prioritize profit economy. According to sachar people in the decade Then put aside environment to the products they production, then Then they realize that importance guard environment (3). Environment life is part most important in guard balance life so that need enforcement law in guard environment life That the (4). In enforcement law environment in the form of Not quite enough answer No always related with preservation environment in the sense of preservation environment, but also related with arrangement utilization or use source Power natural such as water, land, sea, forest, materials mine (5). As well as in cases classic that gave birth accountability by the company and responsibility answer by the state such as case *Trial Smelter*, *Corfu Channel Case*, and *Lake Lanoux* Third case classic said, giving a number of mechanism accountability in the field environment like implementation polluter pay, compensation, rehabilitation, notification and up to state accountability and limitations use right with other countries and not the need plaintiff prove his lawsuit as well as pay attention development economy. One of form accountability in the field environment namely Not quite enough answer absolute (*strictliability*). According to Grey's opinion, concept *strict liability* "is form deviation to the dominant concept of 'negligence' become a basis for standard accountability civil law" (6). Where the principle *strict liability* intended as "accountability" without error" (7). Strict liability can found in a number of regulation legislation in Indonesia such as Constitution Number 4 of 1982 concerning Provision Main Points Environment (KPPLH Law), Law Number 23 of 1997 concerning Management Environment Law (UUPLH), Law Number 32 of 2009 concerning Protection and Management Environment (PPLH Law), Law Number 6 of 2023 concerning Job Creation (Omnibus

Law/ Ciptaker Law) and so on . *Strictliability* as one of the method settlement dispute Enough effective in dispute environment life , thing the can found with a number of case settlement dispute fire forests and land carried out by a number of holder permission business . In 2019 , the Ministry of Environment and Forestry take notes there are 3.15 trillion decision the court that has powerful law remain (*the power of consciousness*) with principle Not quite enough answer absolute (*strictliability*) (8). Case Mandalawangi which is lawsuit public oppose government in decision No. 507/PDT/2003/ PT.Bdg strengthen reinforced *strictliability* with principle precautionary principle . However , according to Ahmad Gelora, the Change of the PPLH Law to the Omnibus Law, the *Strictliability Norm* which is removed its characteristics that's what applies so that the victims of the destruction environment No There is other option (*conditio sine qua non*) mandatory prove element error perpetrator if submit lawsuit based on principle *strict liability* version of the Omnibus Law (8). And Muamar also said in his writing that Article 88 of the UUPPLH , concerning principle *strict liability* has deleted its existence through the Omnibus law so that practices violation environment by corporations in the future come estimated will Keep going the more increased , one of them deforestation in a way massive or in scale big will replace function use land from forest For stability ecosystem become companies the giant that is not care about analysis about impact environment (AMDAL) because No existence principle trapper like *strict liability* contained in in the Omnibus Law (9). Tri Suhendra also said that , Impact direct from reduction principle *strict liability* in Indonesia , namely proof error will the more difficult in enforcement law environment , increasingly the amount damage the environment that occurs , the government and society must emit cost more in prove error that resulted in damage environment , court will be very stiff in give decision If must related from norm new in the Omnibus Law (10). From several view on give interpretation that *strict liability* will experience decline in its implementation through the Omnibus Law, which will add the occurrence damage and pollution environment .

A number of decision court previously also considered wrong in interpret *strict liability* like The case of PT. Lapindo Brantasdi Sidoarjo , plaintiff mix up second type lawsuit action oppose law and accountability absolute and unfortunately the judge also uses it the same logic . As a result , the lawsuit No successful . Because the judge considered the Lapindo case occurred Because disaster nature , while If see principle accountability absolute Already fulfil (11). The case of PT. Kalista Alam in which the government sue PT. Kalista Alam in a way criminal and civil article 1365 and uses strict liability in case fire forest and land , in the decision case This stated do action oppose law with replace all over existing losses due to case said , amounting to more from 366 billion and do return function forest like previously (12). The Lapindo Brantas and PT Kalista Alam cases reflect Still existence various interpretation about strict liability. In addition , the case land contaminated oil in riau on the verdict court number 86/ Rev.G /LH/2023/PN Bkn . plantation coconut palm oil has polluted B3 waste originating from from activity operational Unit Work Special Executor Upstream Oil and Gas Business Activities (SKK Migas) , PT. Chevron Pacific Indonesia (PT. CPI) around GS Kota Batak location , where consequence activity the cause B3 waste enters the land area owned by plaintiff which resulted in plaintiff No can utilise land with worthy until now , but the judge refused lawsuit defendant with one of judge's consideration of B3 waste which is detrimental interest Plaintiff is No clear forms , types and impacts its pollution . The plaintiff's strict liability lawsuit rejected Because No existence proof scientific in the form of results laboratory .

And the case spill oil in the waters Balikpapan Bay , East Kalimantan in 2018 at around 21.35 WITA , namely distribution pipe leak oil crude oil below the sea that is on the 22-26 meters deep owned by PT. Pertamina which connects the Lawe-Lawe Terminal in North Panajam Paser to Refinery Unit V Balikpapan, events This pollute waters Balikpapan Bay is as wide as not enough more than 34,052.72-39,468.35 ha and mangrove forests covering an area of 86.01 ha caused by the anchor of the MV Ever Judge being towed and hitting a pipe belonging to oil (13), which is the point There is order from guide For prepare anchor in a restricted area , then No will maybe Zang Deyi namely The captain of MV Ever Judge misinterpreted order so that Zang Deyi to order cleric 1 for lower anchor boat One seal . Likewise the officer oil No Possible No know there is a broken distributor pipe If there is an early warning system in the pipeline (13)and decisions Jakarta High Court Number 1007/ Pdt /LH/2024/PT DKI, confirms Decision of Central Jakarta District Court Number 976/ Pdt.G /2018/ pn South Jakarta . who punished

Zhang Deyi et.al. with Article 1367 of the Civil Code and strict liability. However party oil No responsible like the fall law accepted by Zhang Deyi et. al.

Based on the description background behind the above , strict *liability* is accountability demands change make a loss on a disaster that caused loss Good to the country and to society . Accountability absolute in Indonesia means as accountability change loss caused by B3 or enter in very dangerous category like fire the forest that is not only harm from aspect economy but also detrimental health humans and the environment . It's just that implementation the concept of strict liability in Indonesia is still experience a number of constraint like a number of decision court in a number of case should using strict liability in finish case the but No used and sometimes Still mixed up with action against the law (PMH), the change of the PPLH Law to the Omnibus Law which is considered change meaning *strict liability* in Indonesia and its occurrence difference interpretation in *strict liability* in Indonesia. Therefore that , phenomenon This bring up need urge For revitalize return draft accountability absolute in law environment in Indonesia. Revitalization the need covers formulation repeat in strengthen framework clear and progressive laws , especially those concerning aspect arrangement and provision sanctions , with formulation that the victim did not need prove in a way scientific in lawsuit use accountability absolute (strict liability) and clarity interpretation that strict liability as accountability that is not need proof action against the law (PMH), but as request accountability absolute without need existence element error . This step aiming For increase effectiveness law environment as well as give effect deterrent to the perpetrators damage environment . Therefore , it is necessary search more in whether arrangement accountability absolute Already reflected in regulation and enforcement law environment in Indonesia?

METHODS

Study This use method study normative juridical with approach concept , regulation legislation and case studies For to unravel not quite enough answer absolute in enforcement law environment . data used sourced from material primary and secondary law , primary legal materials are obtained with collect and review various related legal products , while material law secondary collected from results decision court and publication in the form of books , journals , and forms publication and related matters with law, environmental law , accountability absolute , and so on . From the legal material Then analyzed in a way qualitative use know not quite enough answer absolute in regulation existing legislation and cases , results analysis Then used For reconstruct conclusion about Revitalization accountability absolute in law enforcement in Indonesia.

RESULTS AND DISCUSSION

Environment life is part most important in guard balance human life Alone usually in his life always intersect with existing environment surrounding (4). Man as creature life own very important role where it is said that development civilization Of course has started so man Already live on a environment (14). The importance of quality environment life give awareness to man that need existence effort For guard environment . So in 1972 it was made Stockholm conference as effort For more pay attention environment life (15), Not losing importance declaration This also calls for the nations of the world to have agreement For protect sustainability and improving quality environment life for life human (16). Furthermore, the UN decided For to organize conference in Brazil in 1992 known with The Rio de Janeiro Conference which produced agreement one of them about Environment and Development” (5). In the context of environment , environmental law enforcement is eye chain final from cycle arrangement environment (regulatory chain), and planning policy (policy planning) (17). Environmental law regulation and enforcement in Indonesia is very complex. from regulation legislation up to the enforcement of administrative , criminal and civil law , but which is sufficient interesting For reviewed is in the field of civil about accountability absolute different with civil law in general .

Principle of accountability absolute in law environment

Principle of responsibility answer absolute (*strict liability*) is born Because motivated by the development of industry or the business world that uses technology at risk high where the result or the impact own potential danger against people, property objects and environment life (18). Kiss and Shelton themselves emphasize role strict liability is important protection and preservation environment For interest generation present and future . strict liability plays a role in answer problems environment whose activities contain risk height that is not always Can answered with existence availability proof scientific and not always can fulfil element error (19).

In translation *strict liability* to in Indonesian language is available difference view especially about structure legal existing responsibilities in it . Legal experts in Indonesia who translated *strict liability* as accountability direct , accountability absolute , responsibility strict , accountability without fault and liability based on loss (*liability based on risk*) (6). The difference is view *strict liability* , can put forward that in one the experts law look at that strict liability as accountability based on loss (*risk*). Meanwhile, on the other hand, there are the view that states that *strict liability* as accountability that uses proof reversed on the elements error , so in it still contained element error (*fault*). which uses proof reversed on the elements error (20), However let go from the amount difference interpretation translation *strict liability* as Already adopted and incorporated in regulation legislation with translation ' responsible ' answer absolute ' , then For more to explain writer review the settings in the field associated environment with opinion expert in the field accountability absolute This .

According to Grey's opinion , concept *strict liability* " is form deviation to the dominant concept of ' negligence ' become a basis for standard accountability civil law " (21). Where the principle *strict liability* intended as " accountability " without error " (7), However in *strict liability* there is something to be defense , thing this is what makes it different with *absolute liability* . According to Palmer, "what becomes differentiator main between solute *liability* and *strict liability* are that inside *absolute liability* there is total (or virtually total) rejection of defense of any kind, whether we speak of defense that negate caution, defenses that inculcate the plaintiff, or defenses that exonerate the defense . With thus in *absolute liability* his/her responsibility nature absolutely different with *strict liability* make defense become the exception . Next Daud Silalahi explain " types of activity What only one can enforced on responsibility absolute that is activities that can be cause danger big which results in No can overcome with common efforts carried out (*Abnormally Dangerous Activity*)" (18). In the United States, the principle *strict liability* make criteria that can be called as very dangerous category (*extra hazardous or abnormally dangerous activity*). As in Article 519 paragraphs 1 and 2 in *The Restatement (Second) of Torts* , determines that " A person who does " *abnormally dangerous* " activities are responsible on damage / loss to people, land or treasure object moving sourced from consequence that , although He do activity the with utmost care (*utmost care to prevent harm*). Responsibility answer limited *strict liability* to type losses of a nature activity *abnormally dangerous*" (22). In the Netherlands, according to Van den Berg, "In addition to responsibility answer based on error (*responsibility*) also known as responsibility answer based on *strict liability* , which is called with *risk openness* , namely Not quite enough sharpened answer , without base it on the errors imposed to *nuclear installation , transport of fissionable material, and the sea transport of crude oil*" (22). In the *Restatement (Second) of Torts* 519 (1977) subsection (2), it states that " responsibility based on *strict liability* this restricted only For categorized activities as abnormally dangerous activities . give instructions to the court in determine activity What only one can charged *strict liability* , then *Restatement (Second) of Torts* give tool testing use determine whether A activity including to in very dangerous activity or no ". In case This , the *Restatement (Second) of Torts* 520 (1977) states that " determination whether A activity including to in activity dangerous based on related considerations with factors : 1). Degree high risk from activity the For cause loss , good against people, land , or cattle belonging to others; 2). Activities own possibility For cause great danger ; 3). Risk This No can removed with action caution / prevention ; 4). Activities No including to in activities that can be done done ; 5). Mismatch between activity with place activity done ; 6). Danger level from activity more big from benefits generated by the activity . Six provisions this , giving description that activities included activity dangerous No only seen from factual impact but a number of sufficient consideration For determine activity the including activity dangerous or No .

Revitalization Accountability Absolute in Environmental Law Enforcement in Indonesia

Generally a country of law interpreted as a country where both action government and also the people are based on on law (positive) for prevent existence action arbitrary from ruler of the people themselves (25). Normation in positive law accountability with the principle of strict liability provides strength to public or the injured party from destructive activities or pollute environment life .

According to Fuady “ Principle *strict liability* known Because so the complexity aspect not quite enough answer civil in the field of environment . Some factor difficulty identify area damage / pollution environment that becomes object responsibility related to factors : *first* , tracing aspect causality from case damage / pollution environment no easy because of the media causes pollution / destruction (*substances*) can be very specific and toxic , *secondly* , the nature of the damage depending on the polluted environmental media or broken , so There is character specific and non- specific environment nature fundamental (*general*) , *third* , the nature of the process by which the causal media work pollution that causes effect . The *nature* of the media causes losses environment there is something that causes consequence instantly (*direct effect*) . Consequence instantly This also needs to be distinguished in the form of : a). *direct lethal effect* , namely consequence pollution in the form of death to organization or man in a short time after events / incidents ; b). nature *sub-lethal effect* , namely a consequence but No with turn off directly . Another form of detrimental effects environment , namely a consequence but No with turn off direct but rarely also has a nature then (*long term effect*) and c). *long term effect* , namely new consequences known after ongoing term time after a long time , *fourthly* , it is also related to factors change ecological (*ecological effect*) which requires help knowledge technical . For strengthen the principle of strict liability then entered in various positive laws like Arrangement accountability absolutely set in various regulation legislation as discussed in the main discussion previously , such as the law on Provision Main Points Environment but based on the KPPLH Law at the time This is considered very weak in the application of strict liability because it does not... own firm legal basis correlation between the KPPLH Law and the provisions Article 1365 of the Civil Code which applies accountability based on error , and not yet existence regulation executor from the KPPLH Law. Then the KPPLH Law was replaced with the PLH Law until now This is the PPLH Law which is contained in the Omnibus Law, at the point all these laws emphasize that plaintiff No need prove the element of guilt in submit lawsuit to court .

According to Fuady , “ The Law environment indeed is correct to Article 1365 of the Civil Code which is considered No satisfy the sense of justice society , because if in case environment applied principle burden proof error there is on the victim then justice No will achieved Because cost For prove existence pollution environment no little , cost the No Possible carried public small as a victim” . In addition , in Civil Code requires five conditions a action can enter PMH qualifications , namely : 1). The existence of an act ; 2) the act the oppose law ; 3) existence loss ; 4) the existence of errors , and 5) the existence of connection because effect (*causality*) between action oppose law with the consequences it causes (26). Whereas *strict liability* interpreted as not quite enough answer absolute so ideally No need take issue with There is whether or not element error from perpetrator (6). So in essence draft *strict liability* is draft accountability absolute from activities that are considered to cause danger big which results in No can overcome with abnormally dangerous activity without need proof element liability without fault, other than That in strict liability there are defense that becomes differentiator from *absolute liability* .

In addition , there is interpretation that accountability absolute (strict liability) as accountability backwards as conveyed by Evi and Ardiana who said that , “... in proof charged proof backwards Because plaintiff No need prove there is an element of error and the defendant can free from not quite enough answer when Can prove that the loss that occurred No because , more carry on he say that " In a way automatic burden proof is in oneself defendant so that happen burden proof reversed (shifting burden of proof). Type of liability without liability without fault also regulates amount maximum change loss (ceiling). Absolute liability such as adopted in convention about Accountability on Losses caused by Space Objects are not know reason forgiving or maximum limit change loss " (18). This matter clear No true , as in Perma 2013 it states that "strict liability is not proof upside down , proof No For his mistake , even though Already do all effort in accordance regulation legislation For prevent the occurrence pollution and/ or damage environment , still must responsible answer . Proof backwards itself is generally known in Indonesia in criminal procedure law , evidence act criminal This is obligation from prosecutor general demand defendant in front of court . According to Andi Hamzah, the reversal burden proof is a system proof Where defendant must prove that himself No guilty , if No can prove so

He considered guilty. Confusion this, according to writer Possible due to Because accountability absolute (strict liability is also regulated) in criminal law which can be applied proof upside down, so that not amazed If We find various writings that mention strict liability can be 'proved' 'reversed'. As stated by Kharisma Wulan Fadhila, "The principle of accountability based on liability based on fault by the new Criminal Code adopted in a way absolute. Although thus the New Criminal Code in its policy it is also possible to state guilty to someone who doesn't do act criminal but done by other people. Even it is also possible to to punish somebody **without notice element his mistake**, though elements error act criminal done has fulfilled. With the determination policy accountability like this is at the level practical it is possible For done exception to principle accountability based on error provided matter This ordered by law. Policy related exception about the accountability referred to, there is in Article 37 of the new Criminal Code which reads (27).

"In terms of determined by law, everyone can: a). convicted solely Because has fulfillment of the elements action criminal without notice existence mistake or; b). requested accountability on act crimes committed by others".

Provision This intended for act criminal offenses that contain principle accountability absolute (strict liability) or accountability vicarious liability stated in a way firmly by the relevant law. Article 37 letter a, namely act criminal has can convicted only Because has fulfillment of the elements No criminal from his actions. While Article 37 letter b, provisions This contain principle accountability vicarious liability which determines that everyone is responsible on an act carried out by another person work or action for him or within the limits of his command, for example leader responsible company on action his subordinates. From the explanation the even though it also applies strict liability but own different meanings and intents with strict liability in the field environment, which implements accountability without error, different with this Criminal Procedure Code although apply strict liability but criminal elements or element of error must still fulfilled.

More in short Andri Gunawan's explanation about frequency error understanding or ambiguity about The concept of strict liability in Indonesia is caused by two factors that is (24);

a. There is an inaccuracy in interpret that strict liability still exists require existence element oppose law. Interpretation This appear when error in civil focused on attitude inner perpetrator, in the sense of intent or negligence. In case of this, when the element of error interpreted only as error in a way subjective, or attitude inner the perpetrator, then 'without error' in strict liability is interpreted as without need existence element mens rea, which is related with attitude inner or knowledge from perpetrator deed, so strict liability remains need proof the presence of elements against law from action defendant. Interpretation kind of this is what causes strict liability as accountability civil law in Indonesia does not There is the difference with accountability based on error, in matter This is PMH. Some practice court and also reflected in view experts in Indonesia it seems that strict liability is considered is part from PMH article 1365 of the Civil Code. Views this is the end boils down to one the situation inside strict liability lawsuit, plaintiff Still must prove that behavior and actions defendant has oppose law. This is understanding against strict liability which is not accurate. Strict liability does not only eliminate the element of error in a way subjective as condition accountability, but also eliminates error in a way objective. This means, in strict liability, someone whose actions No oppose law even so, still can requested accountability.

b. There is an assumption that is not right, where strict liability is equated with proof reversed element of error. Inaccuracy understanding is not consequence from No existence phrase without proof of the element of error in the Law". Some Indonesian authors use *res ipsa loquitur* For referring to the proof upside down, and then consider strict liability as *loquitur* recipe ... more carry on article This show that *res ipsa loquitur* or proof backwards No is a strict liability, because basically Still is accountability based on error. This conclusion based on two reasons, first, strict liability does not always indicates proof upside down. Inside strict liability plaintiff Still must prove existence losses and relationships causal between loss with activity defendant. If then defendant prove that losses suffered not because of activities the defendant, but for example due to force majeure, then matter This no show the existence of elements of proof reversed in strict liability, cause what the defendant did This is implementation from principle general law namely 'who postulates he must prove', secondly, in the defendant's strict liability still

responsible although He capable prove that his actions not anymore is act of defiance law , while in proof upside down (especially in res ipsa loquitur matters), defendant will off from accountability If He capable prove that his actions No oppose law . As Andri Gunawan said above about error in understanding strict liability in Indonesia, here writer add to study a decision court that can at least give description weaknesses and differences interpretation in various circles related concept and application of strict liability. The case of PT. Kalista Alam in which the government represented by the Ministry of Environment sued PT. Kalista Alam in a way criminal and civil Article 1365 and use strict liability in case fire forests and land , where actions carried out by PT. Kalista Alam categorized as action oppose law . PT. Kalista Alam as company industry coconut palm oil , open land with on purpose burn so that cause the emergence environmental damage around , and things included action oppose the law that has been set up in Article 1365 of the Civil Code . And it is stated guilty , so that in the verdict case This stated do action oppose law with replace all over existing losses due to case said , amounting to more from 366 billion and do return function forest like previously . In case This lawsuit civil use Article 1365 and strict liability and lawsuits received is Article 1365 of the Civil Code , not strict liability. Because one of the the reason in petition his lawsuit only request accountability based on PMH to the defendant and the judge are the same very No touch on regarding strict liability. Based on Andri Gunawan's opinion and decision court the can We compare with Perma 2013 which has more Far experience development from rule previously , related weaknesses in lawsuit and verdict court about use of strict liability.

Table 4. Comparison Strict Liability Lawsuit with Perma 2013

No.	The Case of PT. Kalista Alam	Perma 2013
1.	Plaintiff fail explain the elements of strict liability in his lawsuit	proof the principle of strict liability must requested by the plaintiff in letter lawsuit
2.	Plaintiff No effort show the difference between PMH and strict liability	The Panel of Judges may add love decision although No requested in a way firmly by the plaintiff , with considerations for the protection and interests of public Court can implementing the precautionary principle
3.	Plaintiff in petitum only to ask for accountability based on PMH	
4.	The judge is the same very No alluding to strict liability.	

Source . Andri Gunawan Wibisana , Perma 2013.

Request strict liability as in permanent must also be requested by the plaintiff moreover Andri also said that ' request strict liability must also be fulfil element ' while in case on can seen that plaintiff at the end petitum request the accountability of PMH and judges is also the same very No alluding to strict liability, while the judge has authority add love decision although No requested by the plaintiff with consideration environment .

CONCLUSION

Strict liability is draft accountability absolute set in a number of regulation legislation in Indonesia that continues experience development , strict liability itself is a specialist lex from PMH which is not need prove the element of guilt in request accountability on losses experienced victim , but implementation arrangement accountability absolute considered Still not enough appropriate with meaning from the concept of strict liability, which is strict liability, namely request accountability and also must fulfil some elements but No The same with PMH which must be prove the element of error , here considered location not enough appropriate from regulation legislation that is still using the word proof , besides That a number of interpretation Good from settings and circles academics as well as justice Still experience different views regarding strict liability such as proof of PMH, and proof of upside down , like case land contaminated oil society gives wrong lawsuits and cases even this want proof scientific (citizen law suit) which is burdensome public usual , and case spill oil in the sea should be Already applied accountability together If There is connection causality on the occurrence incident namely including party oil .

REFERENCES

1. Hasti A, Saleng A, Sumarji J. BKPM's authority in Unplug Mining Business Permit . AL-MANHAI: Journal of Islamic Law and Social Institutions. 2023;5(2):1195–204.
2. Ohoiwutun B. Position and role man in nature : Response on Al Gore's criticism of Arne Naess. Journal Ledalero . 2021;20(1):67–81.
3. Kraus S, Rehman SU, Garcia FJS. Corporate social responsibility and environmental performance: The mediating role of environmental strategy and green innovation. Technological forecasting and social change. 2020;160:120262.
4. Angga LO, Daries DRA, Hartatie , Wibowo DE, Budhiartie A, Maidianti S, et al. Environmental Law for Development with an Environmental Perspective Sustainable Environment . Environment Chemie International Edition, 6(11), 951–952. 2021. 101–126 p.
5. Rahmadi T. Environmental law in Indonesia. 2011;
6. Bin Shahrudin MH. The Law on the Determination of Dowry by the Sultan of Selangor is Reviewed from Islamic Law. Unes Law Review. 2023;6(2):7693–702.
7. Rofiq A, Pujiyono P. Strict Liability as a Counterbalance to the Principle of Error in Indonesian Criminal Law. Journal of Judicial Review. 2022;24(2):319–32.
8. Mahardika AG. Implications Elimination of Strict Liability in the Job Creation Law To Environment in the Era of Sustainable Development Goals. Legacy: Journal of Law and Legislation . 2022;2(1):58–85.
9. Utari AAS. Influence Elimination of the Strict Liability Principle in the Job Creation Law Against Massive Deforestation in Indonesia. Journal State of the Union . 2020;8.
10. Arbani TS. Principle of Accountability Absolute (Strict Liability) for Damage Environment Post Job Creation Law . Al-Haqārah Al-Islāmiyah Journal . 2022;2(1):23–37.
11. Rokhim A. Degradation of “ Strict” Norms Liability ” in Environmental Law Enforcement . Jurispruden : Journal Faculty of Law, Islamic University of Malang. 2022;5(2):178–95.
12. Ikhsana L, Rahmah NA. Civil Lawsuit Cases of Forest and Land Fires PT Kalista Alam (Study of Meulaboh District Court Decision Number 12/PDT. G/2012/PN. MBO). Indonesian Scientia Journal . 2021;7(2):185–200.
13. Muhdar M, Apriyani R. Application of the Conditio sine Qua Non Theory in Spill Events Oil in Balikpapan Bay . Legal Treatise . 2020;16–33.
14. Dewata I, Danhas YH. Pollution Environment . PT. RajaGrafindo Persada-Rajawali Press; 2023.
15. Jacur FR, Pierre-Marie Dupuy and Jorge E. Vinuales (eds.), Harnessing Foreign Investment to Promote Environmental Protection. Incentives and Safeguards, Cambridge, Cambridge University Press, 2013, 470 pp., ISBN 9781107030770 (hardback), US \$129, 99. Leiden Journal of International Law. 2016;29(3):965–9.
16. Maramis RA. Environmental Restoration Responsibility in Activities Investment Mining . Hasanuddin University; 2013.
17. Maskun M, Assidiq H, Bachril SN, Al Mukarramah NH. Overview Normative Implementation Principle Manufacturer 's Responsibility in Waste Management Regulations Plastic in Indonesia. Environmental Law Development . 2022;6(2):184–200.
18. Wati EP, SH MH, Ardiana Hidayah SH. Dynamics of Environmental Law and Its Application . Adab Publisher ; 2021.
19. Wongkar EELT. Revisiting Strict Liability: Developments Conceptual and Its Challenges in Adjudication Environment in Indonesia. Pro Natura Journal . 2024;1(1):1–18.
20. Gunawan J. The Controversy of Strict Liability in Protection Law Consumer . Veritas et Justitia. 2018;4(2):274–303.
21. Sinduningrum A, Marlyna H. Application of Strict Liability in Protection Law Consumers in Indonesia: Comparison with Other Countries. UNES Law Review. 2023;6(2):5021–30.
22. Siahaan NHT. Environmental and ecological law development . Erlangga ; 2004.
23. Purwendah EK, Erowati EM. Principles Polluter Paying (Polluter Pays Principle) in the Indonesian Legal System . Journal of Civic Education Undiksha . 2021;9(2):340–55.
24. Wibisana AG. Job Creation Law and Strict Liability. Environmental Law Development . 2021;5(3):494–522.
25. Busroh AD. System Government Republic of Indonesia. Jakarta: Bina Aksara; 1980. 30 p.
26. Nur YH, Prabowo DW. Implementation Principle Strict Liability in the Framework of Protection Consumer . Bulletin Scientific R&D Trade . 2011;5(2):177–95.
27. Fadhila KW. Criminal Law Reform and Accountability Corporations in Law Criminal Code 2023. Action Research Literate. 2024;8(3):649–57.
28. Hakim W. Environmental audit as an instrument for environmental protection and management. 2017;9(2):228–32.