

ABSTRAK

UU PPLH, UU PPPH, UU Minerba, UU Perkebunan, dan UU Penataan Ruang dibuat untuk mencegah dan melindungi lingkungan hidup dari pencemaran dan kerusakan. Tapi, perbedaan asas yang diadopsi dalam norma ppidanaan UU PPLH dan UU PPPH, yakni asas pertanggungjawaban pidana berdasarkan kesalahan (*mens rea*), disamping pelanggaran hukum (*actus reus*) dengan UU Minerba, UU Perkebunan, dan UU Penataan Ruang yang mengadopsi asas pertanggungjawaban penuh (*strict liability*) telah menghambat penegakan hukum pada ranah empiris. Penelitian ini membahas ketidaktepatan penerapan asas pertanggungjawaban pidana pada beberapa peraturan perundang-undangan bidang lingkungan hidup yang berbeda asas, dan membahas rumusan kebijakan hukum pidana mengenai asas pertanggungjawaban pidana tanpa kesalahan dalam delik lingkungan. Tujuan penelitian ini mendefinisikan kekurangtepatan penerapan asas pertanggungjawaban pidana berdasarkan kesalahan pada beberapa peraturan perundang-undangan bidang lingkungan hidup, dan merumuskan kebijakan hukum pidana mengenai asas pertanggungjawaban pidana tanpa kesalahan pada delik lingkungan. Penelitian ini adalah penelitian hukum (*legal research*) berjenis penelitian teoritis (*theoretical research*) dengan pendekatan konseptual (*conceptual approach*) dan pendekatan kasus (*case approach*). Hasil penelitian ini adanya ketidaktepatan asas yang diadopsi dalam norma ppidanaan UU PPLH dan UU PPPH, yakni asas pertanggungjawaban pidana berdasarkan kesalahan (*mens rea*), bukan asas pertanggungjawaban mutlak (*strict liability*), sebagaimana diadopsi dalam UU Minerba, UU Perkebunan, dan UU Penataan Ruang.

Kata kunci: Kebijakan Kriminal, Pertanggungjawaban Pidana tanpa Kesalahan, Tindak Pidana (Delik) Lingkungan.

ABSTRACT

PPLH Law, PPPH Law, Minerba Law, Plantation Law, and Spatial Planning Law are made to prevent and protect the environment from pollution and damage. However, the difference in the principles adopted in the criminal norms of the PPLH Law and the PPPH Law, namely the principle of criminal responsibility based on fault (mens rea), in addition to violations of the law (actus reus) with the Minerba Law, Plantation Law, and Spatial Planning Law which adopts the full responsibility principle (strict liability) has hindered law enforcement in the empirical realm. This study discusses the inaccuracy of applying the principle of criminal responsibility in several environmental laws and regulations with different principles, and discusses the formulation of criminal law policies regarding the principle of criminal responsibility without fault in environmental offenses. The purpose of this study is to define the inaccuracy of the application of the principle of criminal responsibility based on fault in several environmental laws and regulations, and to formulate a criminal law policy regarding the principle of criminal responsibility without fault in environmental offenses. This research is legal research with the type of theoretical research with a conceptual approach and a case approach. The results of this study indicate that there is an inaccuracy in the principles adopted in the criminal norms of the PPLH Law and the PPPH Law, namely the principle of criminal responsibility based on fault (mens rea), not the principle of absolute liability (strict liability), as adopted in the Minerba Law, Plantation Law, and Spatial Planning Law.

Keywords: Criminal Policy, Criminal Liability without Fault, Environmental Crime.