

RELEVANSI KONSEP *DEFERRED PROSECUTION AGREEMENT* TERHADAP PERTANGGUNGJAWABAN PIDANA KORPORASI DALAM TINDAK PIDANA PEMBAKARAN HUTAN DAN LAHAN

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INTISARI

Penelitian ini memiliki 2 (dua) tujuan yaitu pertama, untuk mengetahui mengenai konsep *Deferred Prosecution Agreement (DPA)* dalam Pertanggungjawaban Pidana Korporasi yang dikomparasikan dengan beberapa negara serta konsiderasi adanya korelasi DPA dalam pranata hukum di Indonesia. Kedua, untuk mengetahui potensi eksistensi penerapan konsep *Deferred Prosecution Agreement* dalam Tindak Pidana Kebakaran Hutan dan Lahan di Indonesia.

Untuk menganalisis penelitian ini, penulis menggunakan metode penelitian hukum normatif. Lebih lanjut, dalam penelitian ini menggunakan beberapa jenis pendekatan, yaitu pendekatan perundang-undangan (*statue approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan kasus (*case approach*) serta pendekatan perbandingan (*comparative approach*).

Berdasarkan penelitian yang telah dilakukan penulis, maka didapatkan hasil sebagai berikut. Pertama, adanya pelaksanaan konsep DPA memberikan hasil yang progresif dalam proses penanganan perkara dalam pertanggungjawaban korporasi di Amerika Serikat dan Inggris, dengan mengubah budaya perusahaan agar dapat memiliki manajemen yang baik dan pelaksanaan program kepatuhan dalam rangka pemulihan atas tindak pidana yang dilakukan. Selain itu, konsep DPA serupa dengan pranata hukum di Indonesia seperti adanya asas oportunitas jaksa, *afdoening buiten process* dan perluasannya dalam keadilan restoratif. Kedua, Konsep *Deferred Prosecution Agreement* dapat menjadi solusi alternatif penanganan perkara pembakaran hutan dan lahan, untuk memaksimalkan pengembalian kerugian negara, mereparasi dan merehabilitasi seluruh sektor terdampak.

Kata Kunci: *Deferred Prosecution Agreement (DPA)*, Pembakaran Hutan dan Lahan, Tindak Pidana Korporasi.

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***THE RELEVANCE OF CONCEPT DEFERRED PROSECUTION AGREEMENT
TO CORPORATE CRIMINAL RESPONSIBILITY IN CRIMINAL ACTS OF
FOREST AND LAND BURNING***

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ABSTRACT

This legal research has 2 (two) objectives. First, to find out about the concept of the Deferred Prosecution Agreement (DPA) in Corporate Criminal Liability compared to several countries and to consider the correlation between DPA in legal institutions in Indonesia. Second, to find out the potential for the application of the concept of the Deferred Prosecution Agreement in the Crime of Forest and Land Burning in Indonesia.

To analyze this research, the author uses the normative legal research method. Furthermore, this research uses several types of approaches, including statue approach, conceptual approach, case approach, and comparative approach.

Based on the legal research that has been done by the author, the following results are obtained. First, the implementation of the DPA concept provides progressive results in the process of handling cases in corporate responsibility in the United States and the United Kingdom, by changing the corporate culture in order to have good management and implementation of compliance programs in the context of recovering from crimes committed. In addition, the DPA concept is similar to legal institutions in Indonesia, such as the principle of opportunity for prosecutors, the afdoening buiten process, and its expansion in restorative justice. Second, the concept of the Deferred Prosecution Agreement is an alternative solution for handling forest and land burning cases, to maximize the return of state losses, repair and rehabilitate all affected sectors.

Keywords: *Deferred Prosecution Agreement (DPA), Corporate Criminal Crime, Criminal Acts of Forest and Land Burning*

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