

BIBLIOGRAPHY

National Legal Instruments

Bill of the Indonesian Criminal Code (2019 Version)

Decision of the Head of the Supreme Court of Indonesia No. 36/KMA/II/2013

Government Regulation No. 22 of 2021 as the implementing regulation to Law
No. 32/2009 as amended by the Job Creation Law

Indonesian 1945 Constitution

Indonesian Criminal Code

Indonesian Criminal Procedural Code

Law No.11/2020 concerning Job Creation

Law No. 32/2009 concerning the Protection and Management of the
Environment

Law No. 23/1997 concerning the Management of the Environment

Law No. 4/1982 concerning The Basic Aspects of Environmental Management
Law No. 48/2009 concerning Judicial Power

Supreme Court Regulation No. 13 of 2016 regarding Procedures for Handling
Corporate Criminal Cases

National Court Decisions

Court Decision No. 54/Pid.Sus/2014/PN.MBO

Court Decision No. 1363 K/PID.SUS/2012

Court Decision No. 309/Pid.B/LH/2020/PN Ktp.

Court Decision No. 310/Pid.B/LH/2020/PN Ktp.

International Legal Instruments

1969 Brussels Convention on Civil Liability for Oil Pollution Damage, 9 ILM 45 (1970).

Rome Statute

Foreign Legal Instruments

Federal Food, Drug and Cosmetic Act 1938;

Judgement of Cooke p, Richardson J concurring in Millar v. Minister of Transport, p. 665.

Kentridge opinion in The State v. Coetzee and Others CCT 50/95, paras. 91-96.

Proudman vs. Dayman

United States vs. Balint 258 US 250, 1922, p. 251.

United States vs. International Minerals and Chemical Corp. pp 533, 537-540.

Books

Ali, Mahrus. 2012. *Dasar-Dasar Hukum Pidana*, Sinar Grafika. Jakarta.

Amrani, Hanafi., Ali, Mahrus. 2015. *Sistem Pertanggungjawaban Pidana*, Rajawali Press. Jakarta.

Arief, Barda Nawawi. 1990. *Perbandingan Hukum Pidana*, Rajawali. Jakarta.

Arief, Barda Nawawi. 2003. *Kapita Selekta Hukum Pidana*. Citra Aditya Bakti. Bandung.

Atmasasmita, Romli. 1989. *Asas-Asas Perbandingan Hukum Pidana*. Yayasan Lembaga Bantuan Hukum Indonesia. Jakarta.

Atmasasmita, Romli. 1996. *Perbandingan Hukum Pidana*. Mandar Maju. Bandung.

Black's Law Dictionary. 2004. Eight Edition. United States of America.

- Burchell, Jonathan M., Milton, John. 2005. *Principles of Criminal Law Second Edition*. Juta.
- Curzon, Leslie Basil. 1997. *Criminal Law*. Macdonald & Evans. Plymouth.
- Farid, Zainal Abidin. 2007. *Hukum Pidana I*. Sinar Grafika. Jakarta.
- Hamzah, Andi. 2008. *Hukum Acara Pidana Indonesia*. Sinar Grafika. Jakarta.
- Hamzah, Andi. 2017. *Hukum Pidana Indonesia*. Sinar Grafika. Jakarta.
- Hardjasoemantri, Koesnadi. 2000. *Hukum Tata Lingkungan*, Gadjah Mada University Press. Yogyakarta.
- Hiariej, Eddy O.S.. 2014. *Prinsip- Prinsip Hukum Pidana*. Cahaya Atma Pustaka. Yogyakarta.
- Hutt, Peter Baron; Grossman, Lewis A; Merril, Richard A. 2007. *Food and Drug Law: Cases and Materials Third Edition*. Foundation Press.
- Lamintang, P.A.F. 1997. *Dasar-Dasar Pidana Indonesia*. Citra Aditya Bakti. Bandung.
- Luqman, Loebby. 2002. *Kapita Selekta Tindak Pidana di Bidang Perekonomian*. Datacom. Jakarta.
- Machmud, Syahrul. 2012. *Problematika Penerapan Delik Formil dalam Perspektif Penegakan Hukum Pidana Lingkungan di Indonesia: Fungsionalisasi Azas Ultimum Remedium Sebagai Pengganti Azas Subsidiaritas*. Mandar Maju. Bandung.
- Maroni. 2015. *Pengantar Hukum Pidana Administrasi*. CV. Anugrah Utama Raharja. Bandar Lampung.
- Marpaung, Leden. 1991. *Unsur-Unsur Perbuatan Yang Dapat Dihukum (Delik) Issue 1*. Sinar Grafika. Jakarta.
- Moeljatno. 1981. *Hukum Acara Pidana*. Yogyakarta. Universitas Gajah Mada.
- Molejatno. 1987. *Asas-Asas Hukum Pidana*. Bina Aksara. Jakarta.
- Moeljatno. 2008. *Asas-Asas Hukum Pidana*. Rineka Cipta. Jakarta.

- Muladi, Priyatno, 2011. *Pertanggungjawaban Pidana Korporasi*, Kencana Prenada. Jakarta.
- Prodjodikoro, Wirjono. 1980. *Hukum Acara Pidana di Indonesia*. Sumur Bandung. Bandung.
- Remy Sjahdeini, Sutan. 2006. *Pertanggungjawaban Pidana Korporasi*. Grafiti Pers. Jakarta.
- Salter, John R. 1992. *Corporate Environmental Responsibility: Law and Practice*. Butterworths. London, Dublin, Edinburgh.
- Schaffmeister, D. 1995. *Hukum Pidana*. Liberty. Yogyakarta.
- Siahaan, Nommy Horas Thombang. 2004. *Hukum Lingkungan dan Ekologi Pembangunan*. Erlangga. Jakarta.
- Sudarto. 1983. *Hukum dan Perkembangan Masyarakat*. Sinar Baru. Bandung.
- Syarif, Laode. 2010. *Hukum Lingkungan Teori, Legislasi dan Studi Kasus*. Raja Grafindo Persada. Jakarta.
- Tyas, J.G.M., Pannett, Alan. 1992. *Law of Torts (M & E Handbook Series)*, MacDonald & Evans. Plymouth.
- van Bemmelen, J.M.. 1987. *Hukum Pidana I: Hukum Pidana Material Bagian Umum Issue. 2*. Binacipta. Bandung.
- Zed, Mestika. 2008. *Metode Penelitian Keputstakaan cet. 1*. Yayasan Obor Indonesia.
- Zulfa, Eva Achjani., Akbari, Anugerah Rizki., Samad, Zakky Ikhsan. 2017. *Perkembangan Sistem Pidana dan Sistem Pemasarakatan Ed. 1, Issue.1*. Rajawali Pers. Depok.

Papers

- International Criminal Court, Office of the Prosecutor. “*Principle of Complementarity in Practice*.” Informal Expert Paper. 2003.
- Kartilantika, Ambar. 2019. “Penerapan Prinsip Strict Liability dalam Gugatan Ganti Rugi oleh Kementerian Lingkungan Hidup dan Kehutanan dalam

Kasus Kebakaran Hutan dan/atau Lahan.” Master’s Thesis, Faculty of Law. Universitas Gadjah Mada.

Wulansari, Retno. 2009. “Penerapan Prinsip Pertanggungjawaban Mutlak dalam Kecelakaan Angkutan Udara di Indonesia :: Studi kasus PT Lion Air Mentari Air Lines.” Master’s Thesis, Faculty of Law. Universitas Gadjah Mada.

Traditional Rights and Freedoms – Encroachments by Commonwealth Laws (IP 46). 2014.

Academic Journals

Adshead, Julie. “Doing Justice to the Environment.” *The Journal of Criminal Law*. Vol. 77, No. 3. 2013.

Ana, Gita Febri. Ginting, Rehnalemken. “Analisis Penerapan Pasal 359 KUHP Mengenai Kealpaan yang Menyebabkan Hilangnya Nyawa Orang Lain (Studi Putusan Nomor: 267/PID.B/2011/PN/SKH).” *Recidive*. Volume 4, No. 2. 2015. p. 185

Bloom, J.L.. “Superfund-type liabilities in Europe.” *Environmental Claims Journal*. Vol. 4, No. 3. 1992.

Bohlen, Francis Hermann. “The Rule in Rylands v. Fletcher. Part I.” *University of Pennsylvania Law Review and American Law Register*. Vol. 59, No. 5. 1911.

Deffains, Bruno., Fluet, Claude. “Social Norms and Legal Design: Fault-Based vs Strict Liability Offences.” 2014.

DS, Mayer. “Perkembangan Hukum Pidana Lingkungan Hidup.” *E-jurnal Peraturan*. 2018.

De Prez, P. “Excuses, Excuses: the Ritual Trivialisation of Environmental Prosecutions.” *Journal of Environmental Law*. Vol. 12, No. 1. 2000.

Faure, Michael G. “Environmental liability of companies.” Directorate-General for Internal Policies, Policy Department for Citizens’ Rights and Constitutional Affairs. 2020.

- Fershee, Joshua. "Choosing a Better Path: The Misguided Appeal of Increased Criminal Liability After Deepwater Horizon." *William & Mary Environmental Law and Policy Review*. Vol. 36, 2011.
- Fowler, Cynthia T. "Human Health Impacts of Forest Fires in the Southern United States: A Literature Review." *Journal of Ecological Anthropology*. Vol. 7, 2003.
- Gunawan, Johannes. "Kontroversi Strict Liability Dalam Hukum Perlindungan Konsumen." *Veritas et Justitia*. Vol. 4. 2018.
- Haryadi, Prim. "Pengembangan Hukum Lingkungan Hidup Melalui Penegakan Hukum Perdata Di Indonesia." *Jurnal Konstitusi*. Vol. 14 No. 1, 01 March. 2017.
- Huda, Chairul. "Beberapa Catatan tentang Konsep Strict Liability dan Penerapannya dalam Praktek Penegakan Hukum Lingkungan dan Hukum Kehutanan dan Perkebunan." (n.d.)
- ICEL. "Pelemahan Instrumen Perlindungan dan Pengelolaan Lingkungan Hidup Dalam RUU Cipta Kerja". *Indonesian Center for Environmental Law*. Issue #2. 18 April 2020.
- Juita, SR., Muryati, DT. Triwati, A. "Asas *Strict Liability* Dalam Pertanggungjawaban Pidana Pada Korporasi Pelaku Tindak Pidana Lingkungan Hidup." *Respository Universitas Semarang*. 2014.
- Kidd, Michael Anthony. "The Protection of the Environment through the Use of Criminal Sanctions: A Comparative Analysis with Specific Reference to South Africa." *University of Natal, Pietermaritzburg*. 2002.
- Koesoemo, Iwan Arto. "Korporasi Sebagai Pelaku Tindak Pidana Lingkungan Hidup: Studi Tentang Kendala Yang Dihadapi Oleh Aparat Penegak Hukum Dalam Penerapan Aturan Pidana Dalam Rangka Penuntutan Terhadap Korporasi Sebagai Pelaku Tindak Pidana Lingkungan Hidup Di Indonesia," *Universitas Indonesia*. Jakarta. 2005.
- Kristian, K. "Urgensi Pertanggungjawaban Pidana Korporasi." *Jurnal Hukum & Pembangunan*. Vol 43, No. 4. 2013.
- Larkin. Jr., James, Paul. "Strict Liability Offenses, Incarceration, and the Cruel and Unusual Punishment Clause." *Harvard Journal of Law & Public Policy*. Vol. 37. Pp. 1067-1068

- Mahfud, M. "United Kingdom and USA's Legislations to Clean Historic Contamination." *Mimbar Hukum Fakultas Hukum Universitas Gadjah Mada*. Vol. 25. No. 1. 2013.
- Meng, Michael Hor Yew. "Strict Liability in Criminal Law: A Re-Examination, *Singapore Journal of Legal Studies*." 1996.
- McCarthy, Finola. "Enforcement and Remedies Under Environmental Legislation – Obtaining Compliance." *Ronan Daly Jermyn Solicitors*. 2005.
- Morelli, John. "Environmental Sustainability: A Definition for Environmental Professionals." *Journal of Environmental Sustainability*. Volume 1, Issue 1. 2011.
- Ong, David M. "The Impact of Environmental Law on Corporate Governance: International and Comparative Perspectives." *European Journal of International Law*. Vol. 12. 2001.
- Patawari. "Tanggung Jawab Hukum Pengrusakan Pencemaran Lingkungan." *Jurnal Hukum Positive*, Vol. 1. 2012.
- Pathak, Rabindra. "Legal Research and Methodology Perspectives, Process and Practice." *Satyam Law International*. Ranchi. 2019.
- Perry, Ronen. "The Deepwater Horizon Oil Spill and the Limits of Civil Liability." *Washington Law Review*. Vol. 86, No. 1. 2011.
- Pratiwi, Dian Kus., Ariani, Dessy, Herryansyah, Despan. "Pengenalan Hak-Hak Konstitusional Warga Negara di Sekolah." *Jurnal Abdimas Madani dan Lestari*, Vol. 1 Iss. 1. 2019.
- Praja, Chrisna Bagus., Nurjaman, Dasep., Fatimah, Dian Arifa., Himawati, Nilma. "Strict Liability Sebagai Instrumen Penegakan Hukum Lingkungan." *Varia Justicia*, Vol 12, No. 1, 2016.
- Quinn, Michael. "Case-based analysis: a practical tool for teaching computer ethics." *ACM SIGCSE Bulletin*. 2006.
- Reed, Alan. "Strict Liability and the Reasonable Excuse Defence: R v Unah [2011] EWCA Crim 1837." *The Journal of Criminal Law*. Vol. 76, No. 4, 2012.

- Santosa, Mas Achmad. “Membentuk Pemerintahan Peduli Lingkungan dan Rakyat.” Indonesian Centre for Environmental Law. Jakarta. 2000.
- Shier, Donna., Bharati, Raj. “Directors’ and Officers’ Environmental Liability.” *Willms & Shier Environmental Lawyers LLP*.
- Siahaan, Maruarar. “Hak Konstitusional Dalam UUD 1943.” Salatiga. 2011.
- Singer, Richard. “The Resurgence of Mens Rea: The Rise and Fall of Strict Liability.” *Boston College Law Review*. 1989.
- Singh, Vineeta. “An Impact and Challenges of Sustainable Development in Global Era”. *Journal of Economics and Development Studies*. Vol. 2, No. 2. 2014.
- Uhlmann, David M. “Protection of the Environment Through Criminal Law: An American Perspective.” *Law Review*, Vol. VI, Iss. 2. 2016.
- Van Hoecke, Mark. “Methodology of Comparative Legal Research, Law and Method.” 2015.
- Wibawa, I Putu Sastra. “Politik Hukum Perlindungan dan Pengelolaan Lingkungan Menuju Ekokrasi Indonesia”. *Kanun Jurnal Ilmu Hukum*. Vol. 18, No. 1. 2016.
- Wibiasana, Andri Gunawan, S.H., LL.M.. “Working Paper: Catatan Kritis Atas Ketentuan Mengenai Lingkungan Hidup Dalam Pasal 23 Rancangan Undang-Undang Cipta Kerja 2020.” *Traction Energy Asia*. 2020.
- Widowati, Yeni. “Pertanggungjawaban Pidana Korporasi Terhadap Korban Dalam Kasus Tindak Pidana Lingkungan Hidup: Kajian Putusan MA No. 862K/Pid.Sus/2010.” *Jurnal Yudisial*, Vol. 5, No. 2. 2012.
- Woods, Michael., Macrory, Richard. “Environmental Civil Penalties.” *University College London*. 2003.

Online References

- Anggreati, Rose. “UU Cipta Kerja Bertujuan Ciptakan Lapangan Pekerjaan di Sektor LHK”. Retrieved from <https://www.medcom.id/ekonomi/bisnis/Rb1mX1Ab-uu-cipta-kerja->

[bertujuan-ciptakan-lapangan-pekerjaan-di-sektor-lhk](#), date accessed January 4th 2021

Azzahra, Zuvvina. "Lingkungan Hidup dalam Pusaran Omnibus Law RUU Cipta Kerja", Retrieved from <https://kawanhukum.id/lingkungan-hidup-dalam-pusaran-omnibus-law-ruu-cipta-kerja/>, date accessed January 4th 2021.

Bierschbach, "Everything you need to know about omnibus bills, and why they're so popular at the Minnesota Legislature", Minnpost, Retrieved from <https://www.minnpost.com/politics-policy/2017/03/everything-you-need-know-about-omnibus-bills-and-why-theyre-so-popular-minne/>, Date accessed November 20 2020.

Byjus. "What is Environment?". Retrieved from <https://byjus.com/commerce/meaning-and-functions-of-environment/>. Date accessed November 18 2020.

Daud Silalahi & Lawencon Associates. 2020. "Hukum Lingkungan dan Penegakannya di Indonesia". Energy and Natural Resources, Environmental Law. Retrieved from <https://www.dslalawfirm.com/id/hukum-lingkungan/>. Date accessed November 19th 2020.

Hiariej, Eddy Omar Sharif. Definisi Hukum Pidana, Pembagian Hukum Pidana & Definisi, Objek, dan Tujuan Ilmu Hukum Pidana, Modul 1. Retrieved from <http://repository.ut.ac.id/4058/1/HKUM4203-M1.pdf>

Huda, Chairul. 2017. Beberapa Catatan tentang Konsep Strict Liability dan Penerapannya dalam Praktek Penegakan Hukum Lingkungan dan Hukum Kehutanan dan Perkebunan. Retrieved from <https://www.iopri.org/wp-content/uploads/2017/10/II-02.-Sekilas-tentang-Strict-Liability.pdf>. date accessed November 21st 2020.

Hukumonline.com, "Mencermati Perdebatan Uji Materi UU Perlindungan dan Pengelolaan Lingkungan Hidup". Retrieved from <https://www.hukumonline.com/berita/baca/lt592e94d38b63b/mencermati-perdebatan-uji-materi-uu-perlindungan-dan-pengelolaan-lingkungan-hidup/>, accessed on 12 March 2021.

Karokaro, Ayat. "Walhi: Kondisi Indonesia Masih Darurat Ekologis". Mongabay. Retrieved from <https://www.mongabay.co.id/2018/04/24/walhi-kondisi-indonesia-masih-darurat-ekologis/>. Accessed on 15 February 2021.

Mehta, Tarini. “Symposium Exploring the Crime of Ecocide: Accountability for Environmental Destruction–Ecocide in National and International Law (Part II) The Way Forward”. *OpinioJuris*. Retrieved from <http://opiniojuris.org/2020/09/25/symposium-exploring-the-crime-of-ecocide-accountability-for-environmental-destruction-ecocide-in-national-and-international-law-part-ii-the-way-forward/>. Date accessed February 10th 2021.

Nurhidayat & Sutiana, Pertanggungjawaban Pidana Korporasi pada Pembakaran Lahan Berdasarkan Teori *Strict Liability*: Kasus PT Surya Panen Subur, *Undang: Juranal Hukum*, Vol 1, No. 1, 2018, p. 60.

Palme Stockholm Conference 1972. YouTube. YouTube, 2012. Retrieved from https://www.youtube.com/watch?v=0dGIsMEQYgI&ab_channel=FPF_ESTIVAL_Å

Prahassacitta, Vidya. 2018. “*Penelitian Hukum Normatif dan Penelitian Hukum Yuridis*”. Retrieved from <https://business-law.binus.ac.id/2019/08/25/penelitian-hukum-normatif-dan-penelitian-hukum-yuridis/>. date accessed November 21st 2020.

Rahmadi, Takdir. “Perkembangan Hukum Lingkungan di Indonesia”. Artikel Umum. Retrieved from <http://pn-ponorogo.go.id/joomla/index.php/artikel-umum/49-perkembangan-hukum-lingkungan-di-indonesia>. Date accessed November 20th 2020.

Samboh, Esther. 2020. “Guide to omnibus bill on job creation: 1,028 pages in 10 minutes”. The Jakarta Post. Retrieved from <https://www.thejakartapost.com/news/2020/02/21/guide-to-omnibus-bill-on-job-creation-1028-pages-in-8-minutes.html>. date accessed November 19th 2020.

Sebijak Institute. “*Empat Potensi Dampak Kebijakan Omnibus Law di Sektor Kehutanan dan Lingkungan*”, Retrieved from <https://sebijak.fkt.ugm.ac.id/2020/10/06/empat-potensi-dampak-kebijakan-omnibus-law-di-sektor-kehutanan-dan-lingkungan/>, date accessed January 4th 2021.

“The Fundamentals of Criminal Law. Oxford University Press”. Retrieved from http://lib.oup.com.au/he/samples/arenson_ACL4e_sample.pdf. date accessed November 21st 2020.

TheLaw.Com Law Dictionary & Black's Law Dictionary. "Omnibus Bill".
TheLaw.Com Law Dictionary & Black's Law Dictionary 2nd Ed.
Retrieved from <https://dictionary.thelaw.com/omnibus-bill/>. Date
accessed November 20th 2020.

University of Minnesota Crookston. "Primary, Secondary, and Tertiary
Sources". Retrieved from [https://www.crk.umn.edu/library/primary-
secondary-and-tertiary-sources](https://www.crk.umn.edu/library/primary-secondary-and-tertiary-sources), date accessed January 5th 2021.

Wanda, Ayu "Penerapan "Strict Liability" dalam Penegakan Hukum
Lingkungan di Indonesia", Retrieved from
[https://www.ui.ac.id/penerapan-strict-liability-dalam-penegakan-
hukum-lingkungan-di-indonesia/](https://www.ui.ac.id/penerapan-strict-liability-dalam-penegakan-hukum-lingkungan-di-indonesia/), Date accessed March 31st 2021.

Wibowo, Kuku. 2020. "Airlangga: Sesuai Namanya, Tujuan UU Cipta Kerja
Ciptakan Lapangan Kerja". tempo.co. Retrieved from
[https://bisnis.tempo.co/read/1395391/airlangga-sesuai-namanya-
tujuan-uu-cipta-kerja-ciptakan-lapangan-kerja](https://bisnis.tempo.co/read/1395391/airlangga-sesuai-namanya-tujuan-uu-cipta-kerja-ciptakan-lapangan-kerja). Date
accessed November 19th 2020.

Yasin, Muhammad. 2020. "Mengenal Metode "Omnibus Law"".
HukumOnline. Retrieved from
[https://www.hukumonline.com/berita/baca/lt5f7ad4c048f87/mengenal-
metode-omnibus-law/](https://www.hukumonline.com/berita/baca/lt5f7ad4c048f87/mengenal-metode-omnibus-law/). Date accessed November 20th 2020.