

ABSTRACT

This research is based on the principle of equality before the law regarding on corporate sentencing in forestry law. Corporations as legal subjects are principally entities that have equal status with natural subjects. This research is focused on three legal issues (1) the legal philosophy of corporate sentencing in a forestry law, (2) the rule of law of corporate sentencing in a forestry law, (3) criminal law policy against corporation as a forestry crime actor. Criminal law instruments in sentencing of corporations as actors of forestry crime are in accordance with the principle of state control over natural resources, human rights principles, principles of maqashidus syariah, and principles of environmental justice. The dynamics of the amendment of Law Number 41 Year 1999 as amended by Law Number 19 Year 2004 regarding Forestry (Forestry Act) have an effect on criminal law enforcement process to corporation. Changes in the criminal provisions of the Forestry Act are the result of constitutional testing in the Constitutional Court and the revocation of certain criminal provisions of the Forestry Act by other laws. The Forestry Act implies imperative cumulative criminal punishment, but not accompanied by the separation of forms of forestry crimes that can be committed by the corporation to affect the criminal sentencing of corporations that commit forestry crimes. Forestry criminal liability by corporations can be applied strict liability principle, with meaning-oriented that strict liability is not equal to absolute liability. The element of fault in the case of corporate liability that commits a forest crime is sufficient to see the existence of corporate crime in accordance with elements of forestry crime. Another element of fault is above a certain age and able to be responsible, done with deliberate or negligence, the absence of a forgiving reason, has been attached to the actors of forestry crime in the form of corporations. Legal protection against victims of forestry crime which corporation as an actor is conducted by including additional criminal formulation in the form of forest recovery. Recommendations in this study is manifested in the formulation policy of forestry criminal law in the future come. Several things to consider in order to amend the Forestry Act in the future include (1) the existence of affirmation of the subject of corporation, (2) the application of the strict liability principle in corporate criminal liability, (3) the implementation of criminal type with the dimension of legal protection against the victims of the forestry act's crimes, (4) integration of administrative policy in forestry field with criminal law policy in the case of corporate crime and (5) implement the principles of Islamic criminal law in sentencing of corporations in forestry crime.

Keywords: *forestry law, sentencing, corporation, criminal liability*