



Corporate Liability in Environmental Pollution Cases: An Analysis of the Strict Liability Principle in Indonesian Jurisprudence

Grace L.D Lingga^{1*}, Engeli Y. Lumaing², Stince Sidayang³
Faculty of Social Sciences and Law, Universitas Negeri Manado

Corresponding Author: Grace L.D Lingga, gracelingga10@gmail.com

ARTICLE INFO

Keywords: Corporation Civil Liability; Environmental Pollution; Strict Liability; Judicial Disparity; UUPPLH

Received : 29, January

Revised : 28, February

Accepted: 28, March

©2026 Lingga, Lumaing, Sidayang:
This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

This research analyzes corporate civil liability for environmental pollution under Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH). Employing normative legal research through statute and case approaches, the study examines two liability regimes: fault-based liability under Article 87 and strict liability under Article 88. Four court decisions from two peatland fire cases involving PT Bumi Mekar Hijau and PT Waringin Agro Jaya, observed between 2015 and 2017, were analyzed to identify patterns of judicial disparity. Applying Hans Kelsen's theory of legal responsibility and Gustav Radbruch's theory of legal purposes, the findings reveal that the ambiguous phrase "serious threat to the environment" in Article 88 is the primary source of judicial inconsistency, simultaneously undermining legal certainty, utility, and substantive justice for environmental pollution victims.

INTRODUCTION

Environmental pollution by corporations constitutes one of the most pressing legal challenges in Indonesia. Large corporations operating in the oil palm plantation, mining, forestry, and manufacturing sectors have been reported to be involved in massive environmental destruction, causing state losses amounting to hundreds of trillions of rupiah. Corporations have become the primary actors of environmental degradation because, as entities oriented toward profit maximization, they frequently disregard principles of environmental sustainability in their operations (Rahmadi, 2014; Siahaan, 2004).

In the context of law enforcement, corporate accountability for environmental pollution may be pursued through three channels: administrative, criminal, and civil. Of these, civil liability holds a strategic role because it can provide direct compensation to victims while simultaneously financing environmental recovery. Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH) establishes two distinct civil liability regimes: fault-based liability under Article 87, and strict liability under Article 88. This structural distinction carries significant legal consequences for the burden of proof and legal certainty for all parties involved.

In practice, however, an analysis of court rulings reveals a layered pattern of disparity in the application of the strict liability principle under Article 88. By comparison, in the case of PT Bumi Mekar Hijau (BMH), the Palembang District Court rejected the entire claim filed by the Ministry of Environment and Forestry (KLHK) by entirely setting aside Article 88 and reverting to a fault-based liability framework (Decision No. 24/Pdt.G/2015/PN.Plg). Conversely, in the case of PT Waringin Agro Jaya (WAJ)—which involved a factually similar context, the South Jakarta District Court applied strict liability from the outset and granted the claim, imposing substantial damages and an environmental restoration order (Decision No. 456/Pdt.G-LH/2016/PN.Jkt.Sel).

This disparity stems from the vagueness of the phrase "causing a serious threat to the environment" in Article 88 of UUPPLH, which lacks clear operational criteria. This normative deficiency generates legal uncertainty that weakens the deterrent effect against corporate polluters and compromises the constitutional right of citizens enshrined in Article 28H(1) of the 1945 Constitution. This study aims to address that gap by systematically analyzing the normative structure of both liability regimes and evaluating patterns of disparity in Indonesian jurisprudence, using Kelsen's and Radbruch's theoretical frameworks.

The principal contribution of this study lies in its identification of three patterns of disparity that have not previously been formulated explicitly in Indonesian environmental law literature: vertical disparity within a single case, horizontal disparity across similar cases, and confirmatory consistency that freezes, rather than resolves the existing disparities.

LITERATURE REVIEW

Gustav Radbruch's Theory of Legal Purposes

Gustav Radbruch theorized that law must simultaneously realize three fundamental values: justice (*Gerechtigkeit*), utility (*Zweckmäßigkeit*), and legal certainty (*Rechtssicherheit*) (Radbruch et al., 2006). These three values do not always operate in harmony but are frequently in tension, demanding careful balancing. The role of judges is, therefore, to find the most appropriate equilibrium among these three values within the context of each specific case.

Radbruch further introduced the concept known as the *Radbruchsche Formel* (Radbruch Formula), which holds that if positive law is manifestly contrary to justice to an intolerable degree (*unerträgliches Maß*), then justice must take precedence over formal legal certainty (Haldemann, 2005). In the context of this study, the formula is applied to assess whether Indonesian environmental law practice has reached a condition that demands corrective normative reform in pursuit of substantive justice.

Hans Kelsen's Theory of Legal Accountability

Explanation of theory here. Hans Kelsen, in the *Pure Theory of Law*, asserts that every legal norm consists of two essential elements: a condition (*tatbestand*) and a consequence (*rechtsfolge*) (Kelsen, 2005). The structure of Kelsen's norm may be formulated as: "If A (*tatbestand*), then B ought to follow (*rechtsfolge*)." The validity of each norm derives from a higher norm within the normative hierarchy (*Stufenbaulehre*) (Asshiddiqie & Safaat, 2006).

Kelsen's framework is particularly relevant to this study because it allows for an evaluation of the normative coherence of Articles 87 and 88 of UUPPLH. When the *tatbestand* (the conditions for norm application) lacks clearly defined boundaries, the *rechtsfolge* (legal consequences/sanctions) cannot be applied consistently. Consequently, a norm that is formally valid within the legal hierarchy may become functionally equivalent to a non-existent norm, a condition Kelsen identifies as operational validity failure (Asshiddiqie & Safaat, 2006).

Concepts of Civil Liability and Strict Liability

Civil liability (*pertanggungjawaban hukum perdata*) is a legal mechanism that establishes the obligation of a person or legal entity to bear the legal consequences of acts that cause harm to another party. Unlike criminal liability, which is oriented toward punishment, civil liability is focused on the restoration of loss and compensation to victims (Martokusumo, 2009). In the context of environmental pollution, this mechanism becomes a critical instrument for ecosystem restoration and protection of affected communities.

The *strict liability* doctrine, originating from the English tort law principle in *Rylands v. Fletcher* (1868) and developed in international environmental law, relieves plaintiffs of the burden of proving fault. It operates on the premise that whoever creates an extraordinary risk of harm must bear the cost of that harm, regardless of negligence. Indonesian environmental law adopted this principle through Article 88 of UUPPLH, though its application has proven inconsistent in practice (Rokhim, 2022; Bagus et al., 2016).

METHODOLOGY

This study employs normative legal research, a form of inquiry conducted through the analysis of literature or secondary data sources (Ali, 2016; Marzuki, 2017). As Marzuki (2017) explains, normative legal research constitutes an effort to identify and formulate the relevant rules, principles, and legal doctrines necessary to resolve legal issues under examination. The focus encompasses the analysis of legal principles, legal structures, and the systematic examination of court decisions.

This study applies two complementary approaches. First, the *statute approach* to examine the legal provisions governing corporate civil liability for environmental pollution, particularly Articles 87 and 88 of UUPPLH, Article 1365 of the Indonesian Civil Code, and other related environmental regulations. Second, the *case approach* to examine four final and binding court decisions from two peatland fire cases.

Legal materials used consist of primary sources: including UUPPLH, the Civil Code, and four court rulings, and secondary sources comprising law journals, textbooks, and academic literature. The four rulings analyzed are: (1) Palembang District Court Decision No. 24/Pdt.G/2015/PN.Plg; (2) Palembang High Court Decision No. 51/PDT/2016/PT.PLG; (3) South Jakarta District Court Decision No. 456/Pdt.G-LH/2016/PN.Jkt.Sel; and (4) DKI Jakarta High Court Decision No. 492/PDT/2017/PT.DKI. Selection of these four rulings was based on the following considerations: both cases involve large-scale corporations in peatland fire incidents in Ogan Komering Ilir (OKI) Regency, South Sumatra; both present the central issue of applying Article 88 of UUPPLH; and both have proceeded through at least two levels of adjudication, enabling both vertical and horizontal comparisons.

Analysis proceeded through a descriptive-analytical approach: legal materials were classified by hierarchy, their normative structure was analyzed using Kelsen's framework, and their achievement of legal purposes was evaluated using Radbruch's tripartite values (Soekanto & Mamudji, 2015; Muhaimin, 2020).

RESEARCH RESULT

Normative Structure of Corporate Civil Liability: Two Distinct Regimes

Regime One: Article 87 UUPPLH (Fault-Based Liability)

Article 87(1) of UUPPLH obliges "every person responsible for a business and/or activity who commits an unlawful act in the form of pollution and/or destruction of the environment that causes loss to another person or the environment" to pay compensation and/or undertake certain actions. This provision operates as *lex specialis* relative to Article 1365 of the Civil Code.

Applying Kelsen's framework, the normative structure of Article 87 may be articulated as follows. The *tatbestand* consists of five cumulative elements: (1) an unlawful act (*onrechtmatige daad*); (2) occurrence of pollution and/or environmental destruction; (3) a materially or immaterially quantifiable loss; (4) the element of fault (*schuld*), whether intentional (*dolus*) or negligent (*culpa*); and (5) a causal link between the act and the resulting harm. The *rechtsfolge* consists of the obligation to pay compensation and/or undertake specified actions such

as installation of waste treatment facilities or environmental restoration. The structural weakness of Article 87 lies in the full burden of proof imposed on the plaintiff. In environmental pollution disputes, the information asymmetry between corporations and victims, the complexity of indirect ecological causal chains, and the limited technical capacity of judicial officers tend to favor corporate defendants over plaintiffs (Efendi, 2011; Bagus et al., 2016).

Regime Two: Article 88 UUPPLH (Strict Liability)

Article 88 of UUPPLH establishes that every person whose actions, business, and/or activities use hazardous and toxic materials (B3), produce and/or manage B3 waste, and/or create a serious threat to the environment, shall be absolutely liable for any resulting damage without the need to prove fault.

The *tatbestand* of Article 88 consists of three alternative triggering criteria: (a) use of hazardous and toxic materials (B3); (b) activities that produce and/or manage B3 waste; and (c) activities that create a serious threat to the environment. If anyone criterion is satisfied, the *rechtsfolge* of absolute liability without fault-proving immediately applies.

The Core Problem: Definitional Vagueness of "Serious Threat"

Normative analysis identifies a fundamental gap in Article 88: the phrase "causing a serious threat to the environment" is not accompanied by any operational definition or measurable parameters. UUPPLH contains no concrete meaning or boundaries for "serious threat" notably, even the definitional provision of Article 1, which lists dozens of important terms, does not include this concept. No objective indicators exist such as type of pollutant, concentration levels, geographic scope of impact, or likelihood of recovery (Rokhim, 2022; Agil & Afinnas, 2023).

Available interpretive instruments, Supreme Court Decision KMA No. 36/KMA/SK/II/2013 (replaced by PERMA 1/2023) and Environmental Impact Assessment (EIA/AMDAL) requirements, cannot fundamentally fill this normative gap because neither constitutes statutory law with general binding force. In Kelsen's perspective, vagueness in the *tatbestand* produces inevitable disparity in the application of the *rechtsfolge* (Asshiddiqie & Safaat, 2006).

Application of the Strict Liability Principle in Court Rulings: Three Patterns of Disparity

Case One: PT Bumi Mekar Hijau (PT BMH)

PT BMH is an Industrial Plantation Forests (*Hutan Tanaman Industri*) company operating in OKI Regency, South Sumatra. Between February and November 2014, large-scale fires occurred across its concession area. KLHK filed a civil claim based on Articles 88 and 90 of UUPPLH.

The Palembang District Court (Decision No. 24/Pdt.G/2015/PN.Plg) rejected the entire claim. The determinative consideration was the complete disregard of Article 88: the court fully reverted to the Article 1365 Civil Code framework, requiring proof of fault. The court held that the fires were caused by extreme El Niño weather conditions beyond the defendant's control, that PT BMH's fire prevention infrastructure was adequate, and that the burned areas

had not sustained permanent damage because the company's acacia trees had begun to regenerate (Rokhim, 2022).

The *Palembang High Court* (Decision No. 51/PDT/2016/PT.PLG) reversed the first-instance ruling and partially granted the claim. The appellate court criticized the first-instance court for disregarding Article 88 and applied concession-holder liability under Articles 48(3) and 49 of the Forestry Law, a construction functionally equivalent to Article 88 because liability attached to territorial control, not proof of fault. Damages awarded amounted to Rp78,502,500,000 for losses to biodiversity, genetic resources, and carbon release. It should be noted that the ruling was not unanimous: the Chief Justice submitted a *dissenting opinion* holding that the District Court ruling should have been upheld.

Case Two: PT Waringin Agro Jaya (PT WAJ)

PT WAJ is an oil palm plantation company in OKI Regency with an effective land-use right (HGU) covering 13,086 hectares. Between July and October 2015, fires occurred across 1,626.53 hectares of its concession, entirely within a peatland ecosystem. KLHK filed a claim based on Article 88 of UUPPLH.

The *South Jakarta District Court* (Decision No. 456/Pdt.G-LH/2016/PN.Jkt.Sel) partially granted the claim, placing strict liability at the center of its reasoning from the outset. The court operationalized "serious threat" through two normative instruments: (1) PT WAJ's obligation to hold an EIA, which inherently signifies a potential for significant environmental impact; and (2) the Supreme Court's SK KMA No. 36/2013, which defines serious threats as broad, irreversible impacts on human health, water, soil, air, flora, and fauna. The court further applied the *precautionary principle*, drew on expert testimony from Dr. Basuki Wasis, M.Sc. a Soil and Environmental Damage Expert who concluded that peatland damage was *irreversible*—and distinguished between *cause in fact* and *proximate cause*. The court ordered PT WAJ to pay material damages exceeding Rp173 billion and to execute environmental restoration valued at approximately Rp293 billion.

The *DKI Jakarta High Court* (Decision No. 492/PDT/2017/PT.DKI) upheld the first-instance decision in its entirety, in contrast to the appellate corrections required in the BMH case.

Three Identified Patterns of Disparity

Comparative analysis of the four rulings reveals three systematic patterns of disparity (Gultom, 2025):

1. First, vertical disparity within a single case: the Palembang District Court and the Palembang High Court faced identical facts but arrived at diametrically opposed rulings on the most fundamental issue, whether Article 88 was applicable at all. The *dissenting opinion* at the appellate level further demonstrates that definitional vagueness generates disagreement even within a single bench.
2. Second, horizontal disparity across cases: the Palembang District Court and the South Jakarta District Court confronted factually similar contexts (peatland fires in OKI, large-scale concession holders, comparable

ecological damage) during overlapping periods, yet deployed fundamentally different normative frameworks, one ignoring Article 88 entirely, the other making it the central basis for decision.

3. Third, confirmatory consistency: the appellate courts in both cases confirmed the rulings of their respective first-instance courts. This means that the disparity was not systematically resolved but rather "frozen", each judicial pathway was preserved, without authoritative unification of legal interpretation.

DISCUSSION

Kelsenian Analysis: Normative Failure of Article 88

From the perspective of Kelsen's theory of legal accountability, the identified disparity reflects a failure of the operational validity of Article 88. The complete disregard of Article 88 by the Palembang District Court BMH case and its replacement with Article 1365 of the Civil Code, demonstrates that the norm is formally *valid* within the legal hierarchy yet incapable of being applied due to the vagueness of its application conditions (*non-application*). In Kelsen's framework, this is functionally equivalent to a non-existent norm (Asshiddiqie & Safaat, 2006).

By contrast, the South Jakarta District Court's success in the WAJ case demonstrates that the *tatbestand* of Article 88 can still be operationalized consistently if judges utilize available normative instruments as interpretive bridges. This *rechtsanwendung* (law application) approach, creative yet remaining within the boundaries of the existing legal system, is normatively more robust than the Palembang High Court's strategy of substituting Article 88 with sectoral forestry regulations (Rasyidi et al., 2023).

However, this success remains individual and fragile: it depends on the judge's awareness of and access to SK KMA No. 36/2013, an instrument that does not constitute statutory law and carries no general binding force. This dependency indicates that the same normative gap will continue to generate disparity in future cases.

Radbruch Analysis: Failure to Achieve Legal Purposes

From the perspective of Radbruch's theory of legal purposes, Indonesia's environmental civil liability system has yet to achieve optimal balance among the three fundamental values of law.

Legal certainty (*Rechtssicherheit*) is fundamentally compromised. The vagueness of "serious threat" means Article 88 cannot be understood with predictability prior to judicial interpretation in any given case. The diverging outcomes in BMH and WAJ further demonstrate that the provision is not applied uniformly. As a result, Article 88 cannot function as a reliable guide to conduct, either for corporate actors seeking to anticipate their liability exposure, or for potential victims seeking a dependable legal protection mechanism (Julyano & Sulistyawan, 2019; Rokhim, 2022).

Utility (*Zweckmäßigkeit*) is achieved only partially and inconsistently. In the WAJ case, Article 88 functioned as designed; in the BMH case at first instance, neither victims nor the environment received adequate legal protection until

appellate correction. The operational value of Article 88 in practice falls far short of its normative potential (Eddy, 2023).

Justice (*Gerechtigkeit*) at a substantive level is compromised in three dimensions: diverging outcomes across cases create horizontal injustice wherein the degree of victim protection depends on which court examines the case; awarded damages frequently fail to reach affected communities effectively; and protracted litigation processes narrow access to justice for the most vulnerable groups, those most directly harmed by pollution (Kristhy et al., 2024).

Applying the Radbruch Formula, the current situation has not fully reached the critical threshold where positive law is so manifestly contrary to justice as to be intolerable. Article 88 was normatively designed in a progressive and victim-protective manner; the central problem lies at the stage of application rather than legislative intent. However, if the vagueness of "serious threat" is not urgently addressed through clearer legislative formulation or consistent Supreme Court jurisprudence, Indonesia's environmental law system risks moving toward a condition of substantive failure that demands normative correction (Haldemann, 2005).

CONCLUSIONS

First, corporate civil liability for environmental pollution in Indonesia's legal system is placed within two distinct regimes: fault-based liability under Article 87 and strict liability under Article 88 of UUPPLH. This normative construction remains inadequate because the vagueness of the phrase "causing a serious threat to the environment" in Article 88 lacks operational criteria, quantitative parameters, or established benchmarks. Using Radbruch's tripartite values, Indonesia's environmental legal system fails to achieve balance: legal certainty is disturbed by imprecise normative formulation; utility is not optimally achieved because the strict liability mechanism suffers from normative obscurity; and justice is compromised because victim protection depends on inconsistent judicial interpretation.

Second, the application of the strict liability principle under Article 88 in Indonesian jurisprudence reveals three systematic patterns of disparity: (a) vertical disparity, contradictory rulings within a single case (BMH between district and high court levels); (b) horizontal disparity, fundamentally different normative approaches to factually similar cases (BMH at the Palembang District Court vs. WAJ at the South Jakarta District Court); and (c) confirmatory consistency, appellate courts affirming respective first-instance rulings, thereby freezing rather than systematically resolving disparity. The root of all three patterns is singular: the vagueness of "serious threat" creates open interpretive space that is filled differently according to individual judges' ecological capacity, quality of expert testimony, and judicial orientation.

RECOMMENDATIONS

The legislature is recommended to revise UUPPLH by operationally defining "serious threat" in Article 88, incorporating qualitative parameters (irreversible damage, wide geographic impact, disruption of ecosystem function) and quantitative parameters (measurable thresholds), as well as categories of

high-risk activities. A mandatory environmental restoration guarantee, such as a *restoration bond* or insurance executable prior to final judgment, should also be established.

The executive (KLHK) is recommended to issue implementing regulations containing technical guidelines on "serious threat" by ecosystem type, together with an ecological damage valuation methodology, establish a specialized multidisciplinary litigation unit, and develop an open database of environmental rulings.

The judiciary (Supreme Court) is recommended to issue a PERMA or SEMA clarifying parameters for "serious threat," reversing the burden of proof onto defendants, and establishing uniform compensation standards, including explicit ecological losses and to expand judicial training in ecology and international environmental law principles.

ADVANCED RESEARCH

This study has several inherent limitations. First, the analytical scope is limited to four rulings from two peatland fire cases, and the findings therefore cannot be directly generalized to all types of environmental pollution disputes. Second, the study is normative in nature and does not include empirical analysis of verdict execution or actual impacts on affected communities. Third, the policy developments following the issuance of PERMA No. 1 of 2023 have not been evaluated in depth.

For future research, the following directions are recommended: (1) development of a quantitative model for "serious threat" through interdisciplinary research (law, ecology, climatology); (2) comparative study of environmental strict liability across jurisdictions, particularly among ASEAN countries and those sharing similar peatland ecosystems; (3) evaluation of the impact of PERMA No. 1 of 2023 on the consistency of Article 88 application; and (4) empirical research on the accessibility and effectiveness of environmental compensation for affected communities.

ACKNOWLEDGMENT

The author wishes to express gratitude especially to my parents and siblings also to all parties who provided suggestions, support, and guidance in the completion of this research, particularly to the academic supervisor at the Faculty of Social Sciences and Law, State University of Manado. This research received no external funding.

REFERENCES

- Agil, M., & Afinnas, A. (2023). Signifikansi pengaturan strict liability dalam Peraturan Mahkamah Agung No. 1 Tahun 2023 tentang pedoman mengadili perkara lingkungan hidup untuk mengatasi kerancuan konseptualnya dalam praktik. *Prosiding Seminar Hukum Aktual*, (1).
- Ali, Z. (2016). *Metode penelitian hukum*. Sinar Grafika.

- Ardiansyah, A. F. (2024). Prinsip pertanggungjawaban mutlak akibat perbuatan melawan hukum dalam sengketa pencemaran lingkungan. *Media Hukum Indonesia*, 2(3).
- Asshiddiqie, J., & Safaat, M. A. (2006). *Teori Hans Kelsen tentang hukum*. Setjen & Kepaniteraan Mahkamah Konstitusi RI.
- Bagus, C. E., Praja, D. N., Fatimah, D. A., & Himawati, N. (2016). Strict liability sebagai instrumen penegakan hukum lingkungan. *Varia Justicia*, 12(1).
- Bix, B. H. (2011). Radbruch's formula and conceptual analysis. *The American Journal of Jurisprudence*, 56(1).
- Cevitra, M., & Djajaputra, G. (2023). Perbuatan melawan hukum (onrechtmatige daad) menurut Pasal 1365 Kitab Undang-Undang Hukum Perdata dan perkembangannya. *UNES Law Review*, 6(1).
- Dinata, K. I. P., & Mahadewi, K. J. (2023). Application of the principle of absolute responsibility juridically to companies that pollute rivers with company's B3 waste. *Jurnal Hukum Sehasen*, 9(2).
- DKI Jakarta High Court. (2017). *Decision No. 492/PDT/2017/PT.DKI*.
- Eddy, T. (2023). The controversy of environmental law policies from regulation perspective. *International Journal of Law Reconstruction*, 7(1).
- Efendi, A. (2011). The settlement of environmental pollution from environmental law aspect. *Risalah Hukum*, 7(1).
- Enrico, S. (2019). Peran yurisprudensi dalam sistem hukum di Indonesia. *Jurnal Konstitusi*, 16(1).
- Eryarifa, S. K. (2022). Asas strict liability dalam pertanggungjawaban tindak pidana korporasi pada tindak pidana lingkungan hidup. *Triwangsa Hukum*, 1(2).
- Government of Indonesia. (2009). *Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH)*.
- Gultom, E. (2025). Analisis yurisprudensi gugatan dan pelanggaran hukum kerusakan lingkungan oleh kegiatan pertambangan. *Jurnal Hukum to-ra: Hukum untuk Mengatur dan Melindungi Masyarakat*, 11(1).
- Haldemann, F. (2005). Gustav Radbruch vs. Hans Kelsen: A debate on Nazi law. *Ratio Juris*, 18(2).
- Hibatullah, M. F., Jafar, S., & Basri, H. (2023). Pertanggungjawaban perdata perusahaan terhadap pencemaran lingkungan hidup (studi penelitian PT. Ciomas Adisatwa). *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh*, 6(1).

- Ivalerina, F. K. (2024). *Mining and environmental protection in Indonesia: Regulatory pitfalls*. Universiteit Leiden. <https://hdl.handle.net/1887/3748341>
- Julyano, M., & Sulistyawan, A. Y. (2019). Pemahaman terhadap asas kepastian hukum melalui konstruksi penalaran positivisme hukum. *Jurnal Crepido*, 01(01). <https://ejournal2.undip.ac.id/index.php/crepido/>
- Kelsen, H. (2005). *Pure theory of law*. University of California Press.
- Kristhy, M. E., et al. (2024). The role of judges in realizing the three basic legal values reviewed from Gustav Radbruch's view. *Journal of Political and Legal Sovereignty*, 1(3).
- Langgai, I. (2022). Civil liability in protection and management of the environment post Law No. 11 Year 2020 concerning creation of work. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, (11), 16849-16857. <https://www.bircu-journal.com/index.php/birci/article/view/5617>
- Machmud, S. (2017). Konsep strict liability dalam hukum acara perdata Indonesia. *Jurnal Hukum Media Justitia Nusantara*, 7(1).
- Martokusumo, S. (2009). *Hukum acara perdata Indonesia*. Liberty.
- Marzuki, P. M. (2017). *Penelitian hukum: Edisi revisi*. Prenadamedia Group.
- Muhaimin. (2020). *Metode penelitian hukum*. Mataram University Press.
- Naldo, R. A. C., & Purba, M. (2021). Pertanggungjawaban mutlak sebab kebakaran lahan perkebunan mengakibatkan ancaman serius. *Fiat Iustitia: Jurnal Hukum*, 9(2).
- Palembang District Court. (2015). *Decision No. 24/Pdt.G/2015/PN.Plg*.
- Palembang High Court. (2016). *Decision No. 51/PDT/2016/PT.PLG*.
- Radbruch, G., Paulson, B. L., & Paulson, S. L. (2006). Statutory lawlessness and supra-statutory law (1946). *Oxford Journal of Legal Studies*, 26(1). <http://www.jstor.org/stable/3600538>
- Rahmadi, T. (2014). *Hukum lingkungan di Indonesia* (2nd ed.). Rajawali Pers.
- Rasyidi, B., Nachrawi, G., & Juwita. (2023). The principle of strict liability in prosecuting environmental criminal actions by corporations. *Journal Humaniora: Jurnal Hukum dan Ilmu Sosial*, 1(2), 41-47. <https://journal.elena.co.id/index.php/humaniorum/article/view/13/8>
- Rhiti, H. (2017). Tanggung jawab mutlak dalam penyelesaian sengketa lingkungan hidup. *Justitia et Pax*, 31(2).

- Rokhim, A. (2022). Degradasi norma 'strict liability' dalam penegakan hukum lingkungan. *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang*, 5(2).
- Siahaan, N. H. T. (2004). *Environmental law and development ecology* (2nd ed.). Erlangga.
- Siregar, M. (2024). Teori hukum progresif dalam konsep negara hukum Indonesia. *Muhammadiyah Law Review*, 8(2).
- Soekanto, S., & Mamudji, S. (2015). *Penelitian hukum normatif: Suatu tinjauan singkat*. Rajawali Pers.
- South Jakarta District Court. (2017). *Decision No. 456/Pdt.G-LH/2016/PN.Jkt.Sel.*