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Sentencing Disparities Against Corporations in Forest Destruction Crimes: An Analysis of Court Decisions

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Abstract: This study examines sentencing disparities against corporations in forest destruction crimes through an analysis of three Indonesian court decisions involving PT. Bososi Pratama, PT. Natural Persada Mandiri, and PT. Pertambangan Nikel Nusantara in the Lalindu protected forest area, North Konawe. The study uses normative legal research with a case approach and a conceptual approach. The case approach is used to examine the ratio decidendi, indictments, prosecutorial demands, criminal sanctions, and evidence status in each decision, while the conceptual approach is used to interpret the findings through doctrines of corporate criminal liability and sentencing disparity. The findings show that disparity does not only appear in the amount of criminal fines imposed by judges. It also emerges earlier in the criminal process through different forms of indictment, unequal prosecutorial demands, inconsistent criminal judgments, and different treatment of evidence originating from comparable sources. The theoretical contribution of this study lies in showing that sentencing disparity in corporate environmental crimes must be understood as a procedural and substantive problem, not merely as a difference in final punishment. The study is urgent because inconsistent sentencing in forest destruction cases can weaken legal certainty, reduce deterrence, and undermine the function of corporate punishment in restoring environmental harm and preventing repeated violations.

Keywords: Corporate Criminal Liability, Court Decision Analysis, Forest Destruction, Sentencing Disparity.

INTRODUCTION

This article examines sentencing disparity against corporations in forest destruction crimes through the analysis of court decisions. Sentencing disparity refers to unequal punishment imposed on offenders whose offenses and levels of seriousness are comparable. In corporate forest destruction cases, this issue becomes more complex because punishment is directed at legal entities that operate through corporate organs, obtain economic benefits, and cause ecological harm through business activities (Hartiwiningsih et al., 2025; Suciptoroso et al., 2022). Therefore, court decisions are important legal materials for assessing whether corporate punishment has been applied consistently and proportionately.

In 2020, forest destruction occurred outside the Mining Business Permit (IUP) area in North Konawe (Konut). The case involved three corporations: PT. Bososi Pratama (PT. BP), PT. Natural Persada Mandiri (PT. NPM), and PT. Pertambangan Nikel Nusantara (PT. PNN). The case began when PT. BP, through its president director, Andi Uci Abdul Hakim, verbally allowed PT. NPM and PT. PNN to manage a mining area within PT. BP's production IUP in Morombo Village, North Konawe Regency, from approximately December 2018 to February 2020.

After the mining process continued, the nickel content and reserves within PT. BP's land decreased. This condition encouraged an expansion of excavation activities outside PT. BP's IUP area. The legal problem arose when PT. NPM and PT. PNN conducted mining in the Lalindu protected forest area in North Konawe Regency. The mining location was outside PT. BP's production IUP area. These activities caused environmental and forest damage in the Lalindu protected forest area and resulted in losses to the state or region.

The three corporations were later examined in separate court proceedings. PT. BP was found guilty in Decision Number 8/Pid.B/LH/2021/PN Unh. PT. NPM was found guilty in Decision Number 927 K/Pid.Sus-LH/2021. PT. PNN was found guilty in Decision Number 115/Pid.B/LH/2020/PN Unaaha. The central problem is that the main criminal fines imposed on the corporate defendants differed, even though the criminal conduct, the location of forest destruction, and the nature of the environmental harm were closely related.

The disparity also appears beyond the final criminal fines. The decisions show differences in the types of indictments submitted against PT. BP, PT. NPM, and PT. PNN. They also show differences in prosecutorial demands, even though the profits obtained by each defendant were relatively comparable. Another disparity concerns the status of evidence, because the panels of judges gave different legal treatment to evidence that came from comparable sources. These differences show that sentencing disparity in this case must be examined as a broader legal process, not only as a difference in the final amount of fines.

Several previous studies have discussed forest protection and forest destruction crimes. Aryana (2021) examined criminal law policy in forest protection and explained policy options for law enforcement officers in dealing with forest destruction offenses. Naluri et al. (2023) analyzed the position of fines in forest destruction crimes in the North Aceh forest area and focused on the implementation of Aceh Regional Regulation Number 7 of 2016, which prohibits individuals and corporations from encroaching on forest areas.

Other studies also provide relevant context but do not directly analyze sentencing disparity against corporations through court decisions. Anis et al. (2022) discussed law enforcement for illegal logging by BPPHLHK in the Sulawesi region. Ikrar et al. (2023) examined the eradication of forest destruction and emphasized direct and indirect forms of forest destruction that damage ecological, social, and economic forest functions. These studies are important, but they have not specifically examined how indictment patterns, prosecutorial demands, judicial fines, and evidence status create disparity in corporate punishment.

Based on this gap, this article offers a court-decision-based analysis of sentencing disparities against corporations in forest destruction crimes. The theoretical contribution of this article lies in connecting sentencing disparity theory with corporate criminal liability in environmental crime cases. The practical contribution lies in identifying points in the criminal process that may produce inconsistent punishment and weaken deterrence. This study has two objectives: first, to explain theoretically the phenomenon of sentencing disparity against corporations in forest destruction crimes; and second, to provide a practical analysis that can help reduce the recurrence of disparate decisions in corporate environmental crime cases.

METHOD

This study uses normative legal research because it examines the implementation of legal norms through court decisions and doctrines of corporate criminal law. Normative legal research is appropriate for analyzing how judges and prosecutors interpret legal rules, construct corporate criminal liability, and apply sanctions in forest destruction cases (Ismaidar et al., 2024; Nahwiy et al., 2024). The research object consists of three court decisions concerning corporate defendants in forest destruction crimes: Decision Number 8/Pid.B/LH/2021/PN Unh, Decision Number 927 K/Pid.Sus-LH/2021, and Decision Number 115/Pid.B/LH/2020/PN Unaaha.

This study applies a case approach and a conceptual approach. The case approach is used to examine the ratio decidendi, indictment structure, prosecutorial demands, criminal judgments, and evidence status in each decision. The conceptual approach is used to interpret the findings through the doctrines of corporate criminal liability, corporate punishment, and sentencing disparity. The legal materials consist of primary legal materials, including court decisions and relevant legislation; secondary legal materials, including books and journal articles; and tertiary legal materials, including legal dictionaries and legal thesauruses. The analysis was conducted descriptively and qualitatively by comparing the legal treatment given to PT. BP, PT. NPM, and PT. PNN, then identifying the forms of disparity that emerged in each stage of the criminal process.

RESULTS AND DISCUSSION

Sentencing of Corporations

Discussing the disparity in sentencing for corporations cannot be separated from corporate criminal liability. Meanwhile, criminal liability will result in punishment for the corporation itself. Therefore, for the sake of greater systematization, this article will first outline the concept of corporate criminal liability, followed by an explanation of the punishment of corporations. Doctrinally, there are 5 theories of corporate criminal liability, namely: First, the identification theory. Pinto and Evans stated that corporations can commit crimes through management that is closely related to the corporation (Snider, 2020). Therefore, corporations can commit criminal acts through their managers. Additionally, an organ acting for and on behalf of a corporation is considered an act of the corporation itself (Roblek et al., 2021). Therefore, an organ acting for and on behalf of the corporation is considered the corporation's own action.

Second, the aggregation theory. Clarkson, Keating, and Cunningham state that under this doctrine, one aggregates all the acts and mental elements of the various relevant persons within the company to determine whether, when combined, they would constitute a crime if committed by a single individual (Toan, 2025). Essentially, the aggregation doctrine emphasizes that all actions and mental states of various relevant individuals within the corporate environment are considered to have been performed by a single person.

Third, strict liability. According to Pollock, strict liability crimes do not require any level of mens rea. The legislature may either forbid or require an act without regard to the actor's mental state (Śliwiński, 2023). Thus, strict liability does not require any form of fault. K. Payne calls this a hallmark of strict liability, namely that no mens rea is required (Payne, 2021). Therefore, lawmakers only define prohibited acts without addressing the issue of guilt or mental state/mens rea. Fourth, vicarious liability. R. LaFave stated that vicarious liability is one where a person, even without personal fault, is more liable for the conduct of another (Todua, 2022). In essence, vicarious criminal liability is a condition where a person without personal fault is responsible for the actions of another.

Still, regarding corporate criminal liability, normatively, in addition to being regulated in each law outside the Criminal Code, currently, there are two technical regulations:

Supreme Court Regulation No. 13 of 2016 concerning Procedures for Handling Criminal Acts by Corporations, and Attorney General Regulation No. 28 of 2014 concerning Guidelines for Handling Cases with Corporate Legal Subjects. The latest legality of corporate criminalization can be seen in Law No. 1 of 2023 concerning the Criminal Code (KUHP).

If the initial section of this article's subheading presented thoughts on theories of corporate criminal liability, then an equally important discussion is the sentencing of corporations. In the Great Indonesian Dictionary, punishment is defined as the method or process of imposing a sentence (Waluyadi et al., 2023). Some also refer to sentencing as a "sentence of the court" (Suriadiata, 2025). Thorsten Sellin refers to sentencing as the "application of criminal sanctions" (Surbakti et al., 2025). Thus, the punishment of corporations concerns the imposition of criminal sanctions on corporations.

In this regard, Article 10 of the Criminal Code (KUHP) states that punishment consists of principal punishments, which include: the death penalty, imprisonment, confinement, fines, and closed punishment. In addition, there are also additional penalties, namely: revocation of certain rights; confiscation of certain goods; announcement of the judge's decision. The question then is whether the main types of criminal penalties in the Criminal Code can be applied mutatis mutandis to corporations?

Answering that question, S. Laufer stated that the most common penalty imposed on a corporate entity is a fine. In essence, the main criminal penalty that can be imposed on a corporation is only a fine. The emergence of fines as the sole principal penalty for corporations is based on the idea that corporations cannot be punished with imprisonment. In a broader context, large fines are expected to deter small corporations from committing crimes.

This argument is supported by Muladi and Dwijapriyatno, who state that imprisonment and the death penalty cannot be imposed on corporations, so the sanction that can be imposed is a fine as the main penalty. Another consideration for why the main penalty against a corporation should be a fine is that, besides not being a person and therefore not subject to corporal punishment, a corporation also possesses wealth or assets, making it easier for the state to pursue criminal prosecution (Joelman & Budi, 2024). Corporations fined will easily pay it, while if the corporation is unable to pay the fine, its assets can be seized by the state as a form of recovering losses. Such a type of main criminal punishment is normatively adopted in various laws in Indonesia, for example, in Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction and Law No. 32 of 2009 concerning Environmental Protection and Management.

In addition to the main penalty, corporations can also be subject to additional penalties. According to Hariman Satria, in addition to the additional penalties mentioned in Article 10 of the Criminal Code, legislation outside the Criminal Code introduces new types of additional penalties, including: revocation of business licenses; suspension of business activities; and closure of all or part of the company.

Disparity in Sentencing

Etymologically, disparity is derived from the English word "disparity," which comes from the Latin word "dissimilitudo," meaning inequality; a difference in quantity or quality between two or more things. Therefore, literally, it is called disparity if something or more has inequality or is different in both quantity and quality. Disparity: dis-parity, is essentially the negation of the concept of parity, which means equality in quantity or value (Cheng & Mistry, 2023). In relation to sentencing, parity can be understood as equality in sentencing. The opposite of parity is disparity, which, when combined with the term sentencing, becomes sentencing disparity. This refers to differences or inequalities in the imposition of sentences on offenders, even though their circumstances or crimes are similar.

Theoretically, sentencing disparities, as the author explained in the introduction. It relates to three things: first, unequal sentencing; second, the same offense; and third, offenses of comparable seriousness. Although it must also be stated that, in reality, no two offenses are the same because each has different qualities and qualifications. However, it would be a serious problem if the range of sentencing differences between similar cases were so large that it could lead to injustice, suspicion, and even public distrust of the law itself. Based on this, disparities in sentencing within criminal law and criminology are never intended to eliminate differences in the severity of punishment for offenders, but rather to reduce the range of these sentencing differences (Pratiwi et al., 2024).

One of the causes of sentencing disparity is the use of indefinite sentencing formulas in a law. Usually, the phrases used are "imprisonment for a maximum of" or "a maximum fine of". Therefore, the threat of punishment is only determined at the maximum. This situation allows judges discretion in choosing the length of imprisonment or fines because there is no minimum limit. Such a model can be found in the Criminal Code as a legacy of classical criminal law (Hiariej, 2017).

To address this, two methods are employed: (1) changing the maximum criminal threat to the minimum (indeterminate sentence). Legislation outside the Criminal Code follows this trend. The majority of criminal threats use the phrase "punished with the shortest prison sentence or the lowest fine". (2) Sentencing guidelines were created as a guide for judges in imposing sentences. Regarding the substance of this article, criminal disparities can be seen in various forms, namely as follows:

1. Disparities in the Indictment

   Before the author elaborates on criminal disparities in the public prosecutor's indictment against the corporate defendants, the author will first provide a composite critique of the public prosecutor's indictment, which contains explicit elementary errors, especially concerning the time range of the forest destruction offense committed by PT. BP, PT. NPM, and PT. PNN, in relation to the criminal articles applied to the defendants.

   In the decisions of PT. BP, PT. NPM and PT. PNN, the public prosecutor, argued that the defendants' actions were carried out between December 2018 and February 2020. That means the corporate defendants have been continuously committing forest destruction for over a year. In that context, the prosecutor should have interpreted this situation as a continuing offense (voorgezete handeling). Its normative formulation is found in Article 64, paragraph (1) of the Criminal Code, which states:

   "If there is a connection between several acts, even if each is a crime or offense, in such a way that they must be considered a single continuing act, then only one criminal rule is applied; if they are different, the one with the most severe principal criminal threat is applied."

   According to Remmelink, an act is considered continuing if a person commits more than one act (gebeuren) where the acts are interconnected and form a single unit (in zodanige verband). This connection contains two conditions: first, it is the embodiment of a decision of the will (Mulyana & Lukitasari, 2022). Second, the action must be of the same kind. This means that the act falls under the same criminal provisions. Schaffmeister, Keijzer, and Sutorius added another condition: the time between one action and another should not be too long.

   In this case, the public prosecutor's indictment in this matter should not only use the provisions in Article 89 paragraph (2) letter a in conjunction with Article 17 paragraph (1) letter b or Article 98 paragraph (3) in conjunction with Article 19 letter b of the P3H Law but should also add the provisions in Article 64 paragraph (1) of the Criminal Code. This needs to be done by the prosecutor because of five things: first, the defendants committed the crime of forest destruction over a long period, from December 2018 to

February 2020. Therefore, the defendants' actions can automatically be considered continuous.

Second, the actions of the defendants are certainly interconnected and related to each other. Third, the offenses committed by the corporate defendants fall under the same criminal provisions, namely the P3H Law. Fourth, the actions committed by these defendants are of the same type, namely, mining within forest areas without the Minister's permission. Fifth, the actions of PT. BP, PT. NPM and PT. PNN represents a willful decision to conduct mining within forest areas, even though they were aware that the mining was outside the production IUP of PT. BP. Returning to the disparity in the indictment by the Public Prosecutor, to provide a complete explanation, the author will describe it in the following table:

Table 1. Details of the Indictment Against the Defendant in the Criminal Case of Forest Destruction

No	Name of Defendant	Type of Charge	Article Charged
1.	PT BP	Single	Article 98, paragraph (3) of the P3H Law
2.	PT NPM	Alternative	First: Article 89 paragraph (2) letter a jo Article 17 or Second: Article 98 paragraph (3) jo Article 19 paragraph (3) j Article 1 letter b of the P3H Law.
3.	PT PNN	Alternative	First: Article 89 paragraph (2) letter a jo Article 17 or Second: Article 98 paragraph (3) jo Article 19 paragraph (3) j Article 1 letter b of the P3H Law.

Source: Primary Research Data, 2025

Based on the table, it can be seen that the corporate defendants are charged with different types of indictments. The defendants PT. NPM and PT. PNN are charged with alternative charges: First: Article 89 paragraph (2) letter a in conjunction with Article 17; or Second: Article 98 paragraph (3) in conjunction with Article 19 letter b of the P3H Law. Specifically for PT. BP, the public prosecutor charged them with a single charge, namely violating Article 98 paragraph (3) of the P3H Law.

Considering the series of charges by the public prosecutor, the actions of the defendants, PT. BP, PT. PNN and PT. NPMs are essentially only one, namely conducting mining within forest areas without the Minister's permit. The method of carrying out these actions is PT. BP made an oral agreement with PT. PNN and PT. NPM to conduct mining within the production IUP area of PT. BP, but because the nickel content within the PT. BP IUP area turned out to be very little; the defendants conducted mining outside the production IUP area of PT. BP. It is at this point that the offense of forest destruction without the Minister's permit is said to have been committed by the defendants. The question then is, are there differences in actions and roles between the defendants?

Based on the prosecutor's claims to each defendant, as stated in the court decision, PT. PNN and PT. NPM acted as mining contractors within the production IUP area of PT. BP. As for the legal basis, PT. BP only provided verbal agreements to the two corporations. However, when the defendants felt that the PT. BP IUP area had a low nickel content; they then mined outside the PT. BP IUP area. The actions taken by PT. PNN and PT. NPM was known and approved by PT. BP. The production results have been shipped and PT. BP has actually profited from the mining process. Therefore, both PT. BP and PT. PNN and NPM are essentially committing the same criminal offense. Although the impression is that PT. BP only participated in mining within the forest area without the Minister's permission.

Therefore, the Public Prosecutor should have charged PT. BP is the same as PT. PNN and PT. NPM with alternative charges, namely: First: Article 98 paragraph (3) in conjunction with Article 19 letter b of the P3H Law, or Second: Article 89 paragraph (2) letter a in conjunction with Article 17. The difference in the type of charges brought against PT. BP actually shows that there has been a disparity in the charges because the actions or facts committed were the same, the profits were divided among the defendants, and the roles of each defendant were also the same. In short, there is a disparity in the charges brought by the public prosecutor against the defendant PT. BP compared to PT. PNN and PT. NPM.

The author also needs to explain the reasons why the prosecutor filed single and alternative charges against the corporate defendants. Theoretically, if the Public Prosecutor files a single indictment, it means that the offense committed by the defendant is only one and does not contain other factors, such as participation and combination of acts. Both the perpetrator and the crime are very clear and simple, so the indictment can be in a single form (Januarsyah et al., 2022). Consequently, if the public prosecutor is unable to prove their indictment, the defendant is acquitted by law.

Conversely, when the public prosecutor presents alternative charges, the judge has three options. First, examine and consider the first charge first, with the following provisions: a) if the first charge is proven, examination of the remaining charges (second and third) is no longer necessary. b) sentencing is based on the charge that is proven. Second, if the first charge is not proven, the judge shall then proceed with the examination of the next charge, with the following provisions: a) acquit the defendant of the first charge that is not proven. b) imposing a sentence based on the next sequence of charges deemed proven. Third, the judge first examines all the charges, and then, based on the results of that examination, the judge selects and determines which charges are appropriate and proven to be the defendant's responsibility.

Considering the explanation, it can be said that in alternative charges, the prosecutor implicitly has doubts about whether the article charged against the defendant is proven. In this case, the public prosecutor is still unsure which article will be proven. To anticipate the defendant's release, the prosecutor filed alternative charges. If the first alternative doesn't prove to be true, there are still the second and third alternatives. Ultimately, the prosecutor left it to the panel of judges to decide which charges could be proven against the defendant.

2. Disparities in Criminal Charges

To provide a complete explanation of disparities in criminal charges, the author will present it in the following table:

Table 2. List of Defendants and Description of Charges in the Forest Destruction Case

No	Name of Defendant	Indictment
1.	PT BP	a) Declares that the defendant PT. BP has been proven legally and convincingly to have committed the offense of participating in or assisting in illegal logging and/or illegal use of forest areas, as charged by the public prosecutor, namely violating Article 98 paragraph (3) Jo. Article 19 letter b of the P3H Law; and b) Imposing a penalty on the Defendant PT. BP in the form of a fine of IDR 9,000,000,000 (nine billion rupiah), with the provision that if the defendant PT. BP does not pay the fine within 1 (one) month from the date the panel of judges' decision becomes final and binding, it will be replaced with the confiscation of the property/assets belonging to the defendant PT. BP is to be sold at auction through the state auction office in accordance with the provisions of the law.
2.	PT NPM	a) Declares that the defendant PT. NPM has been proven legally and convincingly guilty of the offense of "*Corporations conducting mining activities in forest areas without a permit from the Minister*" as charged in the first indictment under Article 89 paragraph (2) letter a in conjunction with Article 17 Paragraph (1) letter b of the P3H Law; and

No	Name of Defendant	Indictment
		b) Imposing a penalty on the defendant PT. NPM in the form of a fine of Rp20,000,000,000.00 (twenty billion rupiah) with the provision that if the defendant PT. NPM does not pay the fine within 1 (one) month from the date the panel of judges' decision becomes final and binding, it shall be replaced with the confiscation of the property/assets belonging to the defendant PT. NPM to be sold at auction through the state auction office in accordance with the provisions of the law.
3.	PT PNN	a) Declares that the defendant PT. PNN has been proven legally and convincingly to have committed the offense of "a corporation conducting mining activities in a forest area without a permit from the Minister" as charged in the First Indictment, namely violating Article 89(2)(a) in conjunction with Article 17(1)(b) of the Forest Protection and Management Law (UU P3H); and b) Imposing a penalty on the defendant PT. PNN in the form of a fine of Rp. 30,000,000,000.00 (thirty billion rupiah) with the provision that if the defendant PT. PNN does not pay the fine within 1 (one) month from the date the panel of judges' decision becomes final and binding, it will be replaced with the confiscation of the property/assets belonging to the defendant PT. PNN to be sold at auction through the state auction office in accordance with the provisions of the law.

Source: Primary Research Data, 2025

Based on the table above, it can be seen that there is a disparity in the prosecutor's demands for each corporate defendant. As for the disparity in the public prosecutor's criminal demands, it can be seen from the amount of fines demanded from the defendant. For the defendant PT. BP, only Rp. 9,000,000,000 (nine billion rupiah) was demanded. Furthermore, PT. NPM was actually charged more heavily, with a fine of Rp. 20,000,000,000.00 (twenty billion rupiah). Then, the largest fine was against PT. PNN, amounting to Rp. 30,000,000,000.00 (thirty billion rupiah). In fact, the actions committed by the defendants were the same, namely, mining within forest areas without the Minister's permission. The roles of the defendants were almost identical to each other, both during the production process and during shipping or sales.

Although PT. BP appears to be merely participating; it cannot be denied that the inclusion of PT. NPM and PT. PNN as mining contractors within the production IUP area of PT. BP was the result of an invitation and verbal agreement between the defendants, including when they decided to mine within the Lalindu protected forest area, whose coordinates were outside the IUP area of PT. BP and PT. BP did not prohibit the defendants from PT. PNN and PT. NPM at all. Thus, based on the trial facts outlined in the court's decision, the prosecutor's criminal charges against the defendants show a disparity.

The public prosecutor should have charged the defendants, taking into account the economic value of the damage to the forests and environment affected by the illegal mining practices in the protected forest area. The value of the loss should be converted to the profit gained by the defendants at the time of shipping or selling the nickel ore. So that the criminal fine can be imposed to the maximum extent. Why should it be demanded to the maximum? Because of the damage, it cannot be easily restored and will take decades to recover to its original state. Therefore, it is only natural that the Public Prosecutor should have accumulated the losses from forest and environmental damage with the profits obtained by the defendants as the losses caused by the actions of the corporate defendants.

Upon observation, the public prosecutor in their indictment did not include additional criminal charges against the corporate defendant. In fact, Article 109 paragraph

(6) of the P3H Law states that, in addition to being subject to fines as referred to in Articles 82 to 103, corporations can be subject to additional penalties such as the closure of all or part of the company. The significance of additional penalties is that they allow for the imposition of secondary criminal sanctions on the defendant, so if the main penalty is not maximized, the additional penalty is expected to restore losses and deter the defendant. Regarding the additional penalty of closing the company in whole or in part, the author can explain that the company still legally exists, but cannot operate temporarily. Because only its business activities were declared temporarily prohibited, but its legal entity status was not revoked.

3. Disparities in Sentencing

Corporate defendants are sentenced to a main penalty of fines, the amounts of which vary from one another. It's just that the prosecutor's criminal demands were not proportional to the judge's decision. In the case at hand, it can be said that there is a disparity in the sentencing stage. More details can be found in the following table:

Table 3. List of Decisions on Charges in the Forest Destruction Case

No	Defendant's Name	Verdict
1.	PT BP	Imposing a fine of Rp 7,000,000,000.00 (seven billion rupiah) on the Defendant PT. BP, represented by Andi Uci Abdul Hakim. If the Defendant fails to pay the fine within 1 (one) month from the date the decision becomes final and binding, the Corporation's assets may be seized by the Prosecutor and auctioned to pay the fine.
2.	PT NPM	Imposing a fine of Rp 2,000,000,000.00 (two billion rupiah) on the Defendant PT. NPM, represented by Nico Fernandus Sinaga. If the fine is not paid within 1 (one) month after the decision becomes final and binding, the Defendant's assets may be seized by the Prosecutor and auctioned to pay the fine.
3.	PT PNN	Imposing a fine of Rp 20,000,000,000.00 (twenty billion rupiah) on the Defendant PT. PNN, represented by Muhammad Andi Agung Hambali Alias Andi Agung. If the Defendant fails to pay the fine within 1 (one) month from the date the decision becomes final and binding, the Corporation's assets may be seized by the Prosecutor and auctioned to pay the fine.

Source: Primary Research Data, 2025

Based on the table, there are several points the author can comment on, namely: first, the disparity in sentences is clearly visible when comparing the fines imposed on each defendant, which also vary in amount. Second, in the case of PT. NPM—the prosecutor charged the corporate defendant with a fine of Rp. 20,000,000,000.00 (twenty billion rupiah). However, the court's decision significantly reduced the amount of the fine to only Rp. 2,000,000,000.00 (two billion) in its verdict. In fact, when connected to the trial facts, several things were revealed, including:

a. The defendant, PT. NPM, represented by Nico Fernandus Sinaga as President Director, reported the condition of the nickel ore, which had been depleted in the working block located within the IUP area of PT. BP in Morombo Village, North Konawe Regency, to Witness Andi Uci Abdul Hakim, President Director of PT. BP. The witness then stated that a new work location would be assigned to the defendant, PT. NPM. The new location assigned turned out to be outside the IUP area of PT. BP was already within the coordinates of the Lalindu protected forest area.
b. Although the defendant, PT. NPM knew that the new work block was outside the Production IUP Area of PT. BP, which is a protected forest area, the defendant, PT. NPM still carried out mining.

c. The defendant, PT. NPM, reported and submitted a payment claim for the results of mining activities, namely nickel ore that had been transported to the jetty location and loaded into barges, to PT. BP.
d. Payment will be made by transfer from PT. BP's account to PT. NPM's account (Bank Mandiri Branch Jakarta Mampang Immigration Account Number 0700007154698) with a payment of USD 9 (nine US dollars)/Metric Ton converted to a flat rupiah rate of Rp. 14,000 (fourteen thousand rupiah)/dollar. This payment will be made by PT. BP no later than 14 (fourteen) days after loading is completed.

From these trial facts, it can be concluded that PT. NPM was fully aware that the location where it was mining was within the Lalindu protected forest area or outside the IUP area of PT. BP, yet it continued mining activities. Through illegal mining in the forest area, the defendant PT. NPM has caused forest damage. Additionally, it also damages the soil and mountain structures, as well as their physical, chemical, and biological content, resulting in significant losses. The problem is, those losses cannot be recovered in a short amount of time. It was also revealed that PT. NPM had profited from the sale and purchase transactions with PT. BP, with the profit amounting to USD 9 (nine US dollars) per Metric Ton. A fact not yet disclosed by the Public Prosecutor is how many times and how many metric tons the defendant, PT. NPM sold nickel ore to PT. BP? This is actually important for calculating the total profit earned by the defendant, PT. NPM, when mining illegally. Considering the impact of the defendant PT. NPM's actions, including the profits it gained, it is appropriate for the panel of judges at the first and appellate levels to impose a fine of Rp. 20,000,000,000.00 (twenty billion rupiah) in accordance with the prosecutor's demands.

Third, considering the criminal threat under Article 89 paragraph (2) of the P3H Law, the prosecutor's demand of Rp. 20,000,000,000.00 (twenty billion rupiah) is essentially only a minimum demand, even though the damage caused includes forest damage, physical, chemical, and biological damage to the soil. Moreover, since the defendant PT. NPM has profited from its mining activities; the panel of judges should have been able to impose a sentence exceeding the amount of the public prosecutor's demand, as the maximum penalty under Article 89 paragraph (2) of the P3H Law is Rp50,000,000,000.00 (fifty billion rupiah).

Fourth, for the defendant PT. BP a fine of 7,000,000,000.00 (seven billion rupiah) was imposed. However, the prosecutor's demand for the defendant was Rp. 9,000,000,000 (nine billion rupiah). This means the judge's verdict is still below the public prosecutor's demands and only slightly higher than the minimum criminal threat in Article 98 paragraph (3) as charged by the public prosecutor. However, court facts revealed that PT. BP had designated a new location for PT. NPM and PT. PNN mining, which it was aware was outside the production IUP area of PT. BP. Therefore, the defendant's malicious intent (dolus malus) from PT. BP is clearly evident in the destruction of forests, the physical, chemical, and biological properties of the soil, including environmental damage. Given this situation, ideally, the defendant PT. BP should be sentenced to a higher fine, for example, the maximum penalty under Article 98 paragraph (3) of the P3H Law, which is Rp15,000,000,000.00 (fifteen billion rupiah).

Fifth, similar to the fine imposed on PT. BP, the amount of the fine imposed by the judge on PT. PNN was Rp. 20,000,000,000.00 (twenty billion rupiah), even though the prosecutor's demand for the defendant's fine was Rp. 30,000,000,000.00 (thirty billion rupiah). The criminal charges arose from the following two trial facts:

a. Although the defendant, PT. PNN, knew that Pit 90/Block 90 and Pit Block C 1/Pit Barokah were located within a protected forest area, the defendant, PT. PNN continued mining activities at Block 90/Pit 90 in November 2019, which were supervised by witness Juang. However, due to soil thickness constraints, activities at Block C 1/Pit Barokah, namely Pit Barokah 1, supervised by witness Muhammad Hambali, Pit Barokah 2, supervised by witness Muhammad Jufri, which took place at the end of November 2019, and Pit Barokah 4, supervised by witness Raymond Abdul Rachman M, which took place in January 2020, were carried out.

b. The results of the mining activity, namely nickel ore, were sold by the defendant, PT. PNN, to PT. Kawah Trading International, among others. PT. PNN, along with PT. BP, entered into a cooperation agreement No. FO BKTI 190820 Agung between the buyer, PT. Kawah Trading International, and the seller, PT. BP, as the first party, and PT. PNN as another first party. Payment was made by the buyer, PT. Kawah Trading International, directly to the defendant's account, PT. PNN, at Bank Mandiri account number: 162-00-8007888-8.

When considering the criminal fine threat in Article 89 paragraph (2) of Law P3H, which is a minimum of Rp. 20,000,000,000.00 (twenty billion rupiah) and a maximum of Rp. 50,000,000,000.00 (fifty billion rupiah), the judge's verdict refers to the minimum criminal fine threat in Article 89 paragraph (2) of Law P3H. The amount of the fine imposed is certainly still below the prosecutor's demand of Rp. 30,000,000,000.00 (thirty billion rupiah). The prosecutor's demand is due to the trial facts, including the losses caused by the defendant's actions of mining within forest areas, which damaged the forest, the environment, and the physical, chemical, and biological properties of the soil. At least the judge's verdict aligns with the prosecutor's criminal charges above.

4. Disparities in the Status of Evidence

In one of the verdicts issued to the three corporate defendants, the status of the evidence was addressed, including items used, prepared, or obtained during the commission of the forest-damaging mining offense. However, each corporate defendant received a different status for the evidence from the panel of judges, even though the source of the evidence was the same. In short, there is a specific criminal disparity regarding the status of evidence. More details can be found in the following table:

Table 4. List of Decisions and Evidence Status for Charges in the Forest Destruction Case

No	Defendant's Name	Verdict Ruling	Status of Evidence
1.	PT BP	a. Hundreds of bundles of document photocopies; and b. Four sheets of royalty payment photocopies to PT BP	Returned to the owner
2.	PT NPM	a. One unit of heavy equipment type excavator brand SANY SY215C, yellow color, model number SY215C, serial number SY021HBJ52028; b. One unit of heavy equipment type excavator brand SANY SY215C, yellow color, number SY215C, serial number SY021HBJ50328; c. One unit of heavy equipment type excavator brand KOBELCO SK200, blue color, model number SSK200-10, serial number YN15T19013; and d. One unit of heavy equipment type excavator brand CATERPILLAR 320GC, yellow color, model number 320GC, serial number CAT00320PZBT00359.	Returned to the owner
3.	PT PNN	a. One unit of excavator brand HITACHI 210, orange color, no hull number, serial number HCMDCDFOV00002282; b. One unit excavator brand HITACHI 200 orange color, hull number 17, serial number HCMDCDF0H00004988;	Seized for the state

No	Defendant's Name	Verdict Ruling	Status of Evidence
		c. One unit excavator brand HITACHI 200 orange color, hull number 18, serial number HCMDCDF0E00004989 d. One unit excavator brand CATERPILLAR 320-D2 yellow color, no hull number, and serial number CAT0320DVXBA10264; and e. One unit of a heavy equipment excavator brand KOBELCO, model SK 200-10, serial number YN15T20585, green color in good condition.	

Source: Primary Research Data, 2025

Based on the table, several things can be explained, namely the following: first, there are still disparities in criminal penalties regarding the status of evidence. Second, regarding the evidence in the case against the defendant PT. NPM, the panel of judges affirmed that the evidence would be returned to its owner. After the author examined the trial facts contained in the decision, the evidence in question belonged to a third party, namely, a heavy equipment rental service. This means that the evidence, which is heavy equipment, has an owner, who is the third party. The only weakness in the decision in question is that the third party referred to has not yet been identified.

Thirdly, regarding the evidence in the case of the defendant PT. PNN, the panel of judges, actually stated that it should be confiscated by the state. However, the heavy equipment evidence also belonged to a third party, namely the heavy equipment rental service. Therefore, the owner of the evidence is actually a third party whose identity is not mentioned in the decision. Fourth, specifically for the defendant PT. BP, the panel of judges, in their verdict, actually stated that the evidence should be returned to PT. BP as its owner. In essence, regarding the status of the evidence, the panel of judges still shows a disparity in sentencing.

CONCLUSION

This article provides a composite critique of three court decisions that indicate a disparity in sentencing against corporations has occurred. When abstracted, the following conclusions can be drawn: first, the main penalty imposed on each corporate defendant is a fine. As for additional penalties, they were not imposed on the defendants at all. Second, in the three court decisions examined, the disparity in sentencing against corporations is found in four areas: disparity in the indictment, the prosecution's demand, the imposition of punishment, and the status of evidence.

Third, in the three decisions above, it is clear that the corporation, through its CEO, committed the criminal act of forest destruction, making the corporation itself criminally liable. Fourth, the criminal sanctions imposed on each corporate defendant are fines. Fifth, neither the public prosecutor nor the panel of judges clearly determined the owner of the heavy equipment evidence, either in the legal considerations or the verdict.

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