



Client Alert

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CORPORATE LIABILITY IN ENVIRONMENTAL CRIMINAL OFFENCES

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On 29 September 2026, the Government of the Republic of Indonesia issued the Regulation of the Minister of Environment/Environmental Control Agency No. 12 of 2026 regarding the Handling of Environmental Criminal Offences ("RM 12/2026"). This regulation revokes the Regulation of the Minister of Environment No. 11 of 2012 regarding the Guidelines for the Investigation of Criminal Offences in the Field of Environmental Protection and Management. At the same time, RM 12/2026 establishes a more comprehensive framework governing the handling of environmental criminal offences by Environmental Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil Lingkungan Hidup* - "PPNS LH"), from the inquiry stage through to formal investigation.

The following are several key provisions introduced under RM 12/2026:

1. Greater Focus on Corporate Environmental Offences

RM 12/2026 introduces a specific framework for the inquiry and investigation of corporate offences through the inclusion of a dedicated chapter on corporate investigations. While RM 12/2026 does not create new offences or sanctions, it provides greater clarity on the manner in which investigations involving corporations may be conducted.

2. Corporate Liability and Responsible Individuals

RM 12/2026 provides that criminal liability for environmental offences committed by a corporation may be imposed not only on the corporation itself, but also on those deemed responsible for the corporation. These include:

- a. functional management personnel;
- b. instructing parties;
- c. controlling persons; and
- d. beneficial owners.

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Compared to the previous regulation, which primarily focused on general investigative procedures, RM 12/2026 provides a clearer basis for identifying and examining individuals behind a corporation's control structure. The express inclusion of these categories also suggests a broader enforcement focus, allowing consideration not only of individuals involved in a company's day-to-day operations, but also of those who exercise influence over, or control, the corporation's decision-making processes.

3. Environmental Criminal Offences and Evidence Gathering

RM 12/2026 provides that the handling of environmental criminal offences may be initiated based on findings from environmental compliance inspections or in the event of a caught-in-the-act violation. Where indications of a criminal offence are identified, PPNS LH may conduct inquiries through crime scene examinations, the collection of evidence, and the taking of statements from witnesses and experts. Based on the outcome of such inquiries, PPNS LH may determine whether the matter should proceed to a formal investigation, be discontinued, or be referred to the relevant competent authority.

RM 12/2026 also recognizes various forms of evidence that may be used in environmental criminal proceedings, including environmental and licensing documents, electronic records generated from monitoring activities and/or remote sensing, and objects or items associated with the alleged offence.

Conclusion

Although RM 12/2026 primarily governs the handling of environmental criminal offences, its significance extends beyond procedural matters. In particular, the regulation introduces a dedicated framework for investigations involving corporations and expressly identifies categories of individuals who may be held responsible for corporate misconduct, including controlling persons and beneficial owners. As such, RM 12/2026 reflects a more comprehensive approach to environmental enforcement in the corporate context.

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For further information regarding the above Client Alert and future updates, please contact our counselors at:

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