Journal of Social Sciences *Vol. VI, no. 1 (2023), pp. 116 - 126*
Fascicle *Social Science* *ISSN 2587-3490*
Topic *Law* *eISSN 2587-3504*

https://doi.org/10.52326/jss.utm.2023.06(1).11
UDC 343:711(594)

LEGAL IMPLICATIONS FOR INCOMPLETE CRIMINAL SANCTIONS NORMS IN LIEU OF FINES FOR CORPORATIONS IN SPATIAL PLANNING CRIMES IN INDONESIA

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Received: 01. 18. 2023
Accepted: 02. 25. 2023

Abstract. Spatial planning corporate criminal sanctions are criminal sanctions imposed on corporations as stipulated in Article 74 of Law Number 26 of 2007. The criminal sanction can be applied in controlling the planning of the territory so that there is order and the space is protected from violations of the use of the space. However, when looking at the data on zoning violations, this hope is still illusory where existing law has failed to deal with corporate violations. In addition, criminal liability has not reached the beneficiaries of the proceeds of corporate crimes so that the legal objectives are not achieved. The aim of this study is to find out what the legal implications of incomplete criminal sanctions instead of fines are for corporations in land-use offences. This research is a normative legal study with multiple approaches, including statutory approaches, case approaches, historical approaches, comparative approaches, and conceptual approaches. Legal material analysis techniques are performed in perspective. The results of the study show that the legal implication of incomplete criminal penalties instead of fines for corporations in land-use offenses is expressed only by Article 74 para. (1) to the Territorial Planning Law (UUPR) 26/2007 - Criminal sanctions for corporations. This cannot simply be operationalized because there is no regulation on the mode of committing crimes (straf modus), there are multiple interpretations that cause confusion. They lead to the non-fulfillment of the legal objectives in the article a quo.

Keywords: *criminal sanctions, corporations, spatial planning, legal implications.*

Rezumat. Pedepsele penale pentru folosirea terenului corporativ se aplică corporațiilor conform prevederilor art. 74 din Legea nr. 26 din 2007 privind amenajarea teritoriului. Sancțiunea penală poate fi aplicată în controlul amenajării teritoriului astfel încât să existe ordine și să fie protejat spațiul de încălcări ale folosirii spațiului. Cu toate acestea, când se analizează datele privind încălcările de zonare, această speranță este încă iluzorie acolo unde legea existentă nu a reușit să se ocupe de încălcările corporative. În plus, răspunderea penală

nu a ajuns la beneficiarii veniturilor din infracțiunile corporative astfel încât obiectivele legale nu sunt atinse. Scopul acestui studiu este de a afla care sunt implicațiile juridice ale sancțiunilor penale incomplete în locul amenzilor pentru corporații în infracțiunile privind folosirea terenurilor. Această cercetare este un studiu juridic normativ cu abordări multiple, inclusiv abordări statutare, abordări de caz, abordări istorice, abordări comparative și abordări conceptuale. Tehnicile de analiză a materialelor juridice sunt realizate în perspectivă. Rezultatele studiului arată că implicarea juridică a pedepselor penale incomplete în locul amenzilor pentru corporații în infracțiunile de folosință a terenurilor este exprimată doar de articolul 74 alin. (1) la Legea amenajării teritoriului (UUPR) 26/2007 - Sancțiuni penale pentru corporații. Acest lucru nu poate fi pur și simplu operaționalizat pentru că nu există o reglementare cu privire la modul de comitere a infracțiunilor (straf modus), există multiple interpretări care provoacă confuzie. Acestea conduc la neîndeplinirea obiectivelor legale din articolul *a quo*.

Cuvinte cheie: *sancțiuni penale, corporații, amenajarea teritoriului, implicații juridice*

1. Introduction

Space as a unified container within the territory of the Unitary State of the Republic of Indonesia which is a gift from God Almighty, includes land space, sea space, air space and space inside the earth, which is intended for the entire Indonesian nation which is not only managed in a sustainable manner, but also must be protected [1]. Sustainable for generations to come and also the creation of harmony between the natural environment and the built environment, especially the physical condition of the territory of the Unitary State of the Republic of Indonesia which is vulnerable to disasters.

The judging from its history to realize the mandate of Article 33 Paragraph (3) and Paragraph (5) [2] in the field of spatial planning, the government has taken steps to make a policy for implementing spatial planning, namely through Law No. 5 of 1960 concerning Basic Agrarian Regulations [3] and Law Number 24 of 1992 concerning Spatial Planning was enacted [4] and replaced by Law Number 26 of 2007 concerning Spatial Planning [5].

The allocation of space with quite diverse cultivation functions includes the functions of residential space, trade and services, offices, service facilities, industry, agriculture, mining, non-green open space, informal sector, warehousing, defense and security, Wastewater Treatment Plant (WWTP), Final Processing Site (TPA), nuclear development, power generation, and/or tourism and mixed functions. The variety of designations or functions of space mentioned above means that the types of violations against spatial functions are very diverse with different impacts, especially if the violations committed by corporations have very broad impacts because land control by corporations is so extensive that it can even control millions of hectares. Therefore violations by corporations seriously endanger the survival of the community and other space users.

Spatial planning violations by corporations have not been fully resolved because, based on Article 74 (1), it can be proven that there are almost no court decisions related to spatial planning crimes committed by corporations. Several cases of spatial planning crimes were found by corporations, but they were not charged with the spatial planning law (UUPR), even if they were charged more with their management [6]. Examples of cases of violations of spatial planning, related to location permits, are more subject to the Corruption Law, criminal bribery of permits, such as the Meikarta case which attracted the attention of the public where there has been a conversion of paddy fields into housing functions. It is clear

that in the Meikarta case it can be charged with the Criminal Article UUPR 26/2007, for example with Article 69 (1) in conjunction with Article 74 (1). However, law enforcers charged him with the Corruption Law as a decision of the panel of judges against Lippo Cikarang (Meikarta) with case number 404 PK/Pid.Sus/2021, charged with Article 5 paragraph (1) letter b Law Number 31 of 1999 [7] as amended with Law Number 20 of 2001 concerning Eradication of Corruption Crimes juncto Article 55 paragraph (1) 1st of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code [8]. The panel of judges sentenced the President Director of Lippo Cikarang, Bartholomeus Toto, to 2 years in prison and Rp. 150 million, a subsidiary of 1 month in prison, by the panel of judges at the Bandung Corruption Court. Toto was found guilty of giving bribes to former Bekasi Regent Neneng Hasanah Yasin in obtaining a number of permits for the Meikarta project development.

The development of Meikarta is still ongoing and continues to be marketed, as if there were no legal consequences for a court decision to be charged with the crime of bribery for land conversion. This condition can be a negative example in cases of spatial planning violations, where corporations are not deterred from continuing to commit violations. The incomplete regulation of the criminal sanction system for corporations can be understood due to a philosophical problem. Theoretical Problems and Legal Problems. Philosophical problems in the ontological aspect stated that corporate criminal sanctions as formulated in Article 74(1) UUPR 26/2007 in conjunction with Article 17 the work copyright law (UUCK) 11/2020 are part of the arrangement for controlling the use of space which is prioritized to recover losses incurred by convicted corporations, but whether in the a quo article it has reached corporate criminal responsibility so that it can reflect the values that exist in Pancasila and has reflected the constitutional mandate of Article 28 D paragraph 1 of the 1945 Constitution.

The Epistemological Aspect explains that Setting norms for corporate criminal sanctions as formulated in Article 74 (1) UUPR 26/2007 Jo Article 17 UUCK 11/2020 whose method of regulation only formulates the type of sanction and the duration of the sanction. The incomplete regulation of the norms of Article 74 (1) can result in multiple interpretations. Such a formalizing method does not reflect legal certainty which will undermine community justice in the use of space. Thus, whether formulations that do not regulate the modus operandi can reach alternative punishments for corporations. The axiological aspect explains that axiologically fines are criminal sanctions that have been considered the most suitable to be applied to corporations. The regulation on spatial planning fines in UUPR 26/2007 Ps.74 (1) should reflect both the legal objectives and the objectives of spatial planning implementation, namely to create a safe, comfortable, productive and sustainable national territorial space based on the Archipelagic Outlook and National Resilience [9]. Can the incomplete norms of Article 74(1) UUPR be useful because at this time violations are still occurring as data released from the Ministry of Agrarian Affairs and Spatial Planning, in its audit during the period 2015 to 2018, there were at least 6,621 locations where violations were indicated.

Theoretical problem is that when the state criminalizes an act, its existence contains legal threats in the form of sanctions for the violators. This threat is expected to be able to prevent someone from committing the prohibited act. Everyone who commits a crime must be punished according to his guilt and commensurate with his guilt. The absence of regulation on the mode of criminal sanctions for corporate convicts in Article 74 (1) of the Spatial Planning Law, indicates the incompleteness of norms, such arrangements are not in

accordance with the theory of criminal law or the theory of the formation of laws and regulations, especially the principles, systematics and techniques in establishment of good legislation.

Legal Problems, namely the regulation of corporate criminal sanctions in Article 74 of the UUPR regulates harsh sanctions for corporations that violate the use of space, but the article in its body and the explanation of the articles do not regulate how to carry out (Straf Modus) criminal sanctions for corporations, so that general provisions apply Criminal Code Article 103, Supreme Court Regulation PER-028/A/JA/10/2014 and Supreme Court Regulation 13/2016. The Criminal Code and other laws and regulations (for example the Corruption Law, the AML Law, UUTEORISM, the Environment Law), however neither the Criminal Code, supreme court rules (Perma) nor Attorney General's Regulations (Perja) as well as other laws and regulations do not provide for substitution punishment for corporate convicts. Article 74 (1) is not operational, there are no legal remedies that can be followed up for corporate convicts who are unable to pay their fines or corporate convicts who are only able to pay part of their fines.

As an effort to create fair legal certainty, in setting criminal sanctions for corporations Article 74 of Law Number 26 of 2007 concerning Spatial Planning in conjunction with Article 17 of Law Number 11 of 2020 concerning Job Creation which relates to criminal penalties in lieu of fines for convicted corporations [10], then the problem can be formulated, namely how are the legal implications for the Incompleteness of Norms of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes in Indonesia at this time.

2. Research Method

This type of research is normative or doctrinal legal research. Doctrinal research is research that provides a systematic explanation of regulations explaining areas of difficulty and possibly predicting future development [11]. Normative or doctrinal legal research is also known as library research or document study because this research is conducted or aimed only at written regulations or other legal materials [12]. This study uses several approaches to obtain comprehensive research results, namely the statutory approach, case approach, historical approach, comparative approach, and conceptual approach. In other words, in this study researchers will see law as a closed system that has comprehensive, all-inclusive and systematic properties [13].

This study uses primary legal materials (consisting of statutes, official records or treatises on making laws and judges' decisions), secondary legal materials (consisting of writings on law in the form of books or journals, research results related to with the scope of research, scientific journals, the internet and reports related to research materials, as well as books related to statutory theory, criminal law theory, and RKUHP 2017 and others), and tertiary legal materials (consisting of legal dictionaries, language dictionaries Indonesia, encyclopedia, and others). The technique of searching primary and secondary legal materials is done by studying literature and internet searching [14]. The analysis technique in this research is carried out from a perspective, namely formulating and proposing guidelines and rules that must be complied with by legal practice and legal dogmatics, and are critical in nature which are then used to solve the problems encountered [15]. Analyzing legal material is carried out by qualifying facts and legal qualifications, generating problems or legal events by looking at the problem index which is examined separately. The analysis technique used is grammatical interpretation or interpretation according to language (Language is required

in law, so language is an important tool for law. To be able to find out the meaning of statutory provisions, statutory provisions are interpreted or explained by describing them according to everyday common language. In here the meaning or meaning of the provisions of the law is explained according to the general everyday language), and Comparative Interpretation (Interpretation by comparison is sought for clarity regarding a law).

3. Results and Discussion

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Regarding the limitations of spatial planning crimes by corporations)

In the Criminal Code, corporations are not recognized as subjects of criminal law, therefore in special criminal laws that are spread outside the Criminal Code, such as the UUPR, the definition of corporations is important to formulate because in special criminal laws, corporations are recognized as one of the subjects of criminal law. This is very reasonable because criminal law it is a system, in which the General Provisions of Book I of the Criminal Code apply to the Special Provisions, both within the Criminal Code itself and those spread outside the Criminal Code. Because in the General Provisions of Book I of the Criminal Code the corporation is not recognized as one of the subjects of criminal law, special provisions that recognize the corporation as one of the legal subjects must regulate it in its general provisions as a result of these deviations. The legal basis that allows this deviation is Article 103 of the Criminal Code which reads "The provisions of Chapter I to Chapter VIII of this book also apply to acts which by other statutory provisions are punishable by crime, unless otherwise determined by law".

The UUPR does not define the meaning of Corporation as specified in Article 74, both in the body and in the explanation of its articles. In Chapter I General Provisions Article 1 number 33 only formulates the meaning of person namely "Person is an individual and/or corporation". Article 1 number 33 only means that the legal subject in the UUPR is an individual and or a corporation.

The implication of not formulating the meaning of corporation in UUPR will result in multiple interpretations, because according to experts the definition of corporation can be narrow and some are broad in nature as defined by Loqman (1993) [16], that corporations are narrow and some are broad. A corporation in a narrow sense is a group of businesses that have a legal entity. Corporations in a broad sense are corporations that do not have to be legal entities, every group of people whether in the relationship of a trading business or other business can be accounted for. Then according to Fuadi (2001) [17], Corporations with legal entities, for example: PT, Cooperatives and others. Meanwhile, corporations that are not legal entities, for example: companies in the form of firms, ordinary trading businesses (sole proprietorship). Furthermore Soekanto (2000) emphasized that the formulation of this definition is important to avoid confusion in interpretation, which can be one of the factors affecting law enforcement [18].

From the above formulation it is very clear that the corporation referred to in the UUPR is not clear whether it adheres to a broad corporation understanding or a narrow corporation understanding, this will result in legal uncertainty and cause injustice to corporations that commit spatial planning crimes. The provisions in Article 74 (1) UUPR which stipulates that corporations can be punished in spatial planning means that in UUPR corporations can commit criminal acts and can be held accountable. Criminal acts in the UUPR

26/2007 Jo UUCK 11/2020, there are 4 (four) actions that are prohibited or made criminal acts. And all of them are active criminal acts, but the law does not classify whether the prohibited actions are crimes or violations. Then in the formulation almost always includes the element "resulting". which can be interpreted as intentional or negligent so that by examining the formulation of the criminal articles it can be classified as a crime. The legal implications of criminal acts are theoretically the threat of punishment imposed in these criminal acts is heavier than the violation.

Article 61 letter b, UUPR 26/2007 reads "utilizing space in accordance with the spatial utilization permit from the authorized official" but because the 'space utilization permit' has been abolished and changed in UUCK 11/2020 to "utilize space according to spatial planning". From these changes, changes in letter b can be read the same as the obligations in letter a. This change has significance because it determines the formulation of the offense. The obligation in Article 61 letter a is formulated as a material offense in Article 69 by requiring a change in the function of space, while letter b is formulated in Article 70 as a formal offense where the elements of the offense are sufficiently fulfilled, namely the use of space that is "not in accordance with the spatial utilization permit issued by the competent authority". With the amendment to Article 61, the implications for the formulation of criminal sanctions in Articles 70 and 71 must also be changed from formal offenses to material offenses.

Theoretically, material offenses are more serious than formal offenses, as well as crimes that are committed intentionally are more serious than crimes committed due to negligence. Of course, this change will potentially make it difficult to prove and impose sanctions for violations of obligations in spatial planning. Therefore, other efforts are needed to facilitate proof. Article 62 UUPR 26/2007 states that "Everyone who violates the provisions referred to in Article 61 is subject to administrative sanctions." However, UUCK 11/2020 changed Article 62 to "everyone who does not obey the established spatial plan which results in a change in the function of the space as referred to in article 61 is subject to administrative sanctions." If viewed carefully, what UUCK 11/2020 Article 62 actually refers to subject to administrative sanctions is not all of the obligations in Article 61 but specifically refers to Article 61 letter a which must result in a change in the function of space. Administrative sanctions in the provisions of Article 62 overlap with criminal sanctions in Article 70 because it regulates the use of space that does not comply with the spatial layout plan and results in a change in the function of space. Such a formulation becomes ambiguous, does not provide legal certainty whether violations of the obligations of Article 61 letter a will be subject to administrative sanctions or criminal sanctions.

By looking at the formulation in Article 74 Paragraph (1) and the elucidation of the article, it turns out that it does not yet provide firmness regarding the limits for determining if a spatial planning crime is committed by a corporation. Corporate crime refers to Article 69, Article 70 and Article 71 of the UUPR, if the crime in these articles is committed by a corporation. It is not clear whether the corporate crime was committed by people either based on work relations or based on other relationships, acting within the corporate environment either alone or together. The implication of the absence of a limit to determine if a spatial planning crime is committed by a corporation is that it can lead to confusion in interpretation, and ultimately it will have an effect on the application stage which does not provide legal certainty, because criminal acts by corporations should be explained as exemplified in the Corruption Law Number 31 of 1999 in conjunction with Law No. 20 of 2001 can be seen in

Article 20 paragraph (2) which reads as follows: "A corporate crime is committed by a corporation if the crime is committed by people either based on work relations or based on other relationships, acting in an environment the corporation either alone or together".

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Towards Corporate Crime Responsibility in Spatial Planning)

In criminal law the principle of legality is the most important basis, the principle of legality is the first and foremost principle in criminal law. In the current Criminal Code, the legality principle is placed in Article 1 or the first article, indicating how crucial this provision is. The principle of legality is often described in the adegium "it is said that there is no action, which can be punished without the regulations that preceded it". The principle of legality in general provides limits to state power, so that the state cannot arbitrarily determine that an act of a citizen is a criminal act so that it can be punished.

In its development the principle of legality is defined in four basic principles, namely: lex scripta, lex certa, lex stricta and lex praevia. Lex scripta means that the criminal law must be written. Lex certa means that the criminal offense formulation must be clear. Lex stricta means that the criminal formulation must be interpreted strictly without any analogy. and lex Praevia, which means that criminal law cannot be applied retroactively. All of these clauses are very important to remember because they are not only a principle, but already a norm of the Indonesian constitution. The application of the principle of legality is part of non-derogable rights, or rights that cannot be reduced under any circumstances, as stated in Article 28I of the 1945 Constitution which reads that the right not to be prosecuted on the basis of a law that applies retroactively is a human right that cannot be reduced under any circumstances. Article 59 of the Indonesian Criminal Code is influenced by the principle of sociates delinquere non potest where a legal entity or corporation is considered unable to commit a crime (and as a consequence cannot be held criminally responsible) [19].

The articles that regulate criminal provisions in spatial planning generally begin with the word everyone which refers to the meaning of person. In Article 1 number 33 it is stated that the definition of people is individuals and/or corporations. Similarly, in Chapter XI regarding criminal provisions, there is an article that regulates corporate responsibility, so it can be concluded that people and corporations (legal entities and so on) can become the subject of spatial planning crimes and can be accounted for, so it can be said that criminal responsibility in legislation UUPR adheres to the principle of liability based on fault. So in principle adhering to the principle of fault or the principle of culpability, even though it is not easy to prove that there was an error in spatial planning offenses and an error in the corporation.

Starting from the principle of error, it is as if in criminal liability there is no possibility of absolute liability (strict liability or absolute liability). However, theoretically it is possible to deviate from the principle of error by using the principles/teachings of strict liability or vicarious liability, as has been applied to the Corruption Act. Observing the formulation of spatial planning criminal responsibility has adopted the Commen Law legal system, namely the doctrines of Strick Liability and Vicarius Liability where administrators and corporations can be held accountable for spatial planning violations.

Under the Criminal Code, legislators will refer to corporate officers or commissioners if they are faced with such a situation [20]. However, in the development of the economic, trade, industrial and other fields in the life of Continental European society, especially in the

Netherlands, corporations have become something that can commit crimes and can be accounted for, as the theory of Jan Remelink, Ter Heide and 'T Hart. Likewise in Anglo Saxon countries justify the implementation of the corporate responsibility system with the theory of identification (Direct Corporate Criminal Liability), the doctrine of Vicarious Liability and Strict Liability under the Law (Strict Liability).

Criminal liability in UUPR legislation adheres to the principle of liability based on fault (accountability based on the principle of fault or the principle of culpability). It is not easy to prove that there was a fault in the spatial planning offenses and the corporation's fault. In the formulation of Article 74 Paragraph (1) UUPR "In the event that the crime referred to in Article 69, Article 70, or Article 71 is committed by a corporation, in addition to imprisonment and fines against its management, the punishment that can be imposed on the corporation is in the form of fines with weighting 1/3 (one third) times the fine as referred to in Article 69, Article 70 or Article 71". So with reference to the above formulation, those who can be held accountable in spatial planning crimes committed by corporations are the management and the corporation. However, criminal responsibility in lieu of fines in Article 74 UUPR has not touched on who should be held responsible. listed as administrator. Based on the formulation of article aquo, the penalty for substituting fines cannot be accounted for.

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Towards the Implementation of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes)

Corporate criminal sanctions for spatial planning violations in substance are for violations as normalized in Article 74 UUPR 26/2007 Jo UUCK 11/2020, subject to fines for corporations that violate the provisions of Article 74. This formulation system is a single track system with the imposition of threats just criminal. Theoretically, the system for formulating criminal threats as a single system is a system for formulating criminal threats that is rigid (imperative). With a system for formulating threats like this, the legal implication is that there is no other choice for judges, judges are only faced with one type of criminal sanction that must be imposed on the defendant. Article 74 of the UUPR lists the longest imprisonment and the most fines, but is not accompanied by sentencing regulations/implementation [21].

Special criminal laws such as the UUPR do not regulate how to carry out fines criminal sanctions both in the torso, explanations and regulations below, the legal implications will apply to the provisions of article 103 of the Criminal Code. Article 30 paragraph 2 of the Criminal Code regulates that if a fine is not paid, that is, a fine will be subject to imprisonment in lieu of a fine. Based on the provisions of Article 31, if the convict does not pay the fine, the convict can undergo a substitute imprisonment without waiting for the deadline for payment of the fine. He always has the authority to free himself from the replacement imprisonment by paying the fine.

Confiscation of certain goods as regulated in article 10 point b number 2 cannot be applied to corporations. This is because in Article 39 of the Criminal Code which regulates confiscation and confiscation, it is expressly stated that:

1) Items belonging to the convict which were obtained by means of a crime or which were deliberately used to commit a crime may be confiscated.
2) In the case of punishment due to a crime committed unintentionally or due to a violation, a decision of confiscation can also be imposed based on matters specified in the law.

3) Confiscation can be carried out against a guilty person who is handed over to the government by a judge, but only for goods that have been confiscated.

The scope of confiscation of goods as regulated in article 39 of the Criminal Code can be categorized as narrow confiscation, because in its current development it is considered insufficient in the context of preventing and eradicating corporate criminal acts. Therefore, the legal implications of this provision cannot be applied to corporations. If a fine is imposed on a person's legal subject, of course it will not cause problems as described above, but this arrangement can only be clearly applied to a person's legal subject, only natural humans. The problem is how about fines imposed on corporate law subjects, some special laws stipulate by seizing corporate assets, the next question is what about corporations that have no assets? UUPR 26/2007 does not regulate this issue so that article 74 does not fulfill the principle of legal certainty in the formation of laws and regulations. So that it can be ascertained that in Article 74 UUPR there are incomplete legal norms or unclear norms.

Can lead to legal uncertainty and open up opportunities for injustice because these norms are not followed by regulations, this of course will lead to multiple interpretations and result in legal uncertainty. Even though the formulation of a norm, in so far as it is concerned with or related to the matter of sentencing (penalties/sanctions) must comply with the principle of "lex stricta, lex certa, and lex scripta", namely the legal principle which emphasizes that a rule of law must be drawn up clearly, firmly, without bias. , and strict so that it does not have room for broad, ambiguous, or even multiple interpretations. According to Law Number 12 of 2011 concerning Formation of Legislation Article 5 letter f it states that forming Legislation must be done based on the principle of Forming good Legislation, such as the principle of clarity of formulation. Then in the following provisions of Article 6 it is stated that the material content of Legislation must reflect the principle of legal certainty [22].

Based on the above analysis, it can be concluded that the substance of the corporate criminal sanction system Article 74 (1) UUPR is contrary to the principle of legal certainty and also contrary to the concept of protection and legal certainty as part of the protection of citizens' human rights regulated in Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution. Therefore, in connection with the inability to apply criminal sanctions in lieu of fines for corporations as a result of the incomplete regulation of the norms of Article 74 (1) mentioned above, it is necessary to think about completing the legal norms of Article 74 (1) by first expanding who can be held accountable when the corporation has no assets or has no good intention not to pay and how the criminal sanction system is regulated.

4. Conclusions

The legal implications for the incompleteness of the Norms of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes, are: Resulting in criminal sanctions for corporations formulated in article 74 (1) UUPR 26/2007 cannot simply be operationalized because they do not regulate the staaf mode; Resulting in multiple interpretations, because it does not formulate the definition of Corporation where according to experts the definition of corporation can be narrow and some are broad; Causing confusion in the application stage because there is no limit to determine if a spatial planning crime is committed by a corporation. Criminal acts by corporations should be explained as exemplified in the Corruption Law. In the investigation and execution of corporate convicts for corporations that are unable or do not have the good will to pay fines, then an in-depth study must be carried out to trace the flow of funds to the beneficiaries. This is intended so that the assets of the

convicted corporation that are placed in the beneficial owner or nominal can be confiscated to replace the fines that are not paid by the convicted corporation, and in carrying out its business the Corporation must obey and participate in maintaining sustainable development, namely, by utilizing space in accordance with the provisions.

Conflicts of Interest: The authors declare no conflict of interest.

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Citation: Syafardan, D.Z.; Sudarsono; Sugiri, B.; Koeswahyono, I. Legal implications for incomplete criminal sanctions norms in lieu of fines for corporations in spatial planning crimes in Indonesia. *Journal of Social Science* 2023, 6 (1), pp. 116-126. https://doi.org/10.52326/jss.utm.2023.06(1).11.

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