

A Qualitative Study on Corporate Criminal Liability in Criminal Offenses in Jakarta Waters (An Analysis of Pollution, Smuggling, and Illegal Fishing Cases)

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Abstract: *This study aims to examine corporate criminal liability in various criminal offenses occurring in the waters of Jakarta, particularly cases of marine pollution, smuggling, and illegal fishing. Crimes in the maritime sector increasingly indicate the involvement of corporations, causing not only economic losses but also environmental damage and threats to state sovereignty. However, law enforcement against corporations still faces various challenges, both normative and practical. This research employs a qualitative method with an empirical juridical approach, using case studies, legal document analysis, and interviews with relevant stakeholders. The findings reveal that corporate criminal liability has not been optimally implemented due to difficulties in evidentiary processes, weak coordination among law enforcement agencies, and the absence of clear standards in determining corporate fault. Furthermore, there is a tendency for law enforcement to focus more on individual perpetrators rather than corporations as legal subjects. Therefore, strengthening regulations, enhancing the capacity of law enforcement officials, and harmonizing policies are necessary to improve the effectiveness of criminal law enforcement against corporations in the waters of Jakarta.*

Keywords: *Corporate Criminal Liability; Maritime Crime; Marine Pollution; Smuggling; Illegal Fishing; Jakarta Waters; Law Enforcement.*

Introduction

The waters of Jakarta, as part of the northern coastal region of Java, possess complex and strategic geographical characteristics. Administratively, this area falls within the jurisdiction of the Special Capital Region of Jakarta (DKI Jakarta), which has a coastline of approximately 32 kilometers and a marine area covering around 6,977 km², encompassing the waters of Jakarta Bay and the Thousand Islands archipelago. This maritime area is directly bordered by the Java Sea to the north, while to the south it is bounded by the mainland of Jakarta. To the east, Jakarta's waters are adjacent to the coastal region of Bekasi Regency, whereas to the west they border the coastal area of Tangerang Regency.

Functionally, Jakarta's waters constitute part of a national strategic area with a significant role in shipping, international trade, fisheries, and other maritime industrial activities. Jakarta Bay, as a hub of marine economic activity, also serves as the estuary for

several major rivers, such as the Ciliwung and Cisadane, which transport pollution loads from inland areas into the sea. This condition renders Jakarta's waters highly vulnerable to various environmental issues and water-related criminal offenses. Furthermore, the presence of dense shipping lanes and major ports such as Tanjung Priok increases the complexity of monitoring efforts and the potential for legal violations within the area.

In addition to pollution and smuggling, illegal fishing constitutes a serious issue in Jakarta's waters and surrounding areas. Although Jakarta Bay is not a primary zone for large-scale fishing activities, practices of illegal, unreported, and unregulated fishing (IUU Fishing) are still identified, particularly around fishing ports such as Muara Angke (Ardisastra et al., 2022) demonstrate that IUU fishing practices in Jakarta Bay persist in various forms of violations, including the use of non-compliant fishing gear, inaccurate catch reporting, and breaches of fisheries conservation regulations. More broadly, illegal fishing in Indonesian waters, including border areas connected to distribution routes toward Jakarta, has resulted in substantial economic losses. These losses are estimated to reach approximately IDR 300 trillion annually, or around 25% of the total national fisheries potential (Ardisastra et al., 2022)

Recent data from the Ministry of Marine Affairs and Fisheries indicate that between January and May 2025, the state succeeded in preventing potential losses amounting to IDR 774.3 billion from illegal fishing through enforcement actions against dozens of violating vessels (Bintang, I., & Barat 2025). Furthermore, a report by the Indonesia Ocean Justice Initiative (2025) reveals that the threat of illegal fishing in Indonesia remains high, particularly in maritime border areas and strategic trade routes. Although the primary focus is on regions such as the North Natuna Sea, these activities are interconnected with Jakarta's waters as a central hub for distribution and maritime logistics (Van Sliedregt 2025). Thus, Jakarta serves not only as a directly affected area but also as a crucial node within the chain of illegal fishing activities.

Additionally, findings by the Audit Board of Indonesia (BPK) emphasize that the control of illegal fishing in Indonesia continues to face significant challenges, including weak surveillance systems, limited monitoring technology, and suboptimal inter-agency coordination (Ardisastra et al., 2022). These issues directly affect the effectiveness of law enforcement in maritime areas, including those surrounding Jakarta, which experience high levels of maritime activity. The phenomenon of illegal fishing in Jakarta's waters and nearby regions cannot be separated from the broader context of weaknesses in surveillance and law enforcement systems addressing fisheries crimes involving both individual and corporate actors. This situation underscores the urgency of examining corporate criminal liability more comprehensively, particularly within the context of complex and cross-sectoral maritime offenses.

Another issue, aside from illegal fishing, is marine pollution. Empirically, marine pollution in Jakarta's waters has remained a recurring issue in recent years. Such pollution originates not only from domestic activities but also from industrial operations and shipping activities involving corporations as primary actors (Vuletic 2023). indicates that marine pollution in Indonesia is largely caused by oil spills, ship-generated waste, and industrial activities that fail to meet environmental standards. Despite the existence of regulatory frameworks, enforcement continues to face significant challenges, revealing a

gap between legal norms and practical implementation. Moreover, research by (Erico et al., 2025) shows that marine pollution has significant impacts on marine ecosystems, ultimately affecting the economic sustainability of coastal communities. This condition is exacerbated by the increasing volume of plastic waste and industrial pollutants entering the sea, as highlighted in national policies targeting a 70% reduction in marine plastic debris by 2025 (Cordova 2024).

On the other hand, smuggling offenses in Jakarta's waters also constitute a major concern. Jakarta's geographical position as a gateway for international trade makes it particularly vulnerable to both legal and illegal smuggling activities. These activities often involve corporations as entities possessing extensive logistical capacity and distribution networks. However, in law enforcement practice, criminal liability is frequently imposed only on individual field actors, while corporations as principal actors remain difficult to hold legally accountable.

A similar phenomenon is also observed in cases of illegal fishing. Although illegal fishing practices are often associated with foreign vessels, in many instances there is involvement of both national and international corporations operating covertly. Studies on maritime practices indicate that weak supervision and poor inter-agency coordination constitute major factors contributing to the persistence of such criminal activities. In addition, the implementation of both international and national regulations in the maritime sector continues to face various technical and administrative challenges. This is illustrated in a study on ballast water management (Ramayanti. 2025). which highlights the importance of integrating regulatory frameworks, technological capacity, and human resources in preventing pollution. These issues demonstrate that criminal offenses in Jakarta's waters cannot be simplistically understood as ordinary legal violations, but rather as complex phenomena involving multiple actors, including corporations as legal subjects.

In the context of modern criminal law, corporations have been recognized as legal subjects capable of bearing criminal liability. However, in practice, the enforcement of corporate criminal liability continues to encounter various obstacles, whether normative, structural, or cultural in nature. From a normative perspective, Indonesia has enacted various laws and regulations governing criminal offenses in the maritime sector, including those related to environmental protection, fisheries, and shipping. However, as noted by (Lorenz, T. D., & Dahana 2025), these regulatory frameworks have not been fully effective in addressing the challenges of law enforcement in practice, particularly in determining the forms of corporate criminal liability. This indicates a discrepancy between the existing legal framework and the evolving dynamics of crime.

Empirically, law enforcement against corporations also faces evidentiary challenges. Unlike individuals, corporations as legal entities possess complex organizational structures, making it difficult to determine responsibility for specific criminal acts. Furthermore, business practices involving multiple parties and cross-jurisdictional operations further complicate enforcement processes. As a result, many criminal cases in the maritime sector are not resolved optimally.

(Bintang, I., & Barat 2025) demonstrate that weak legal awareness, limited supporting facilities, and insufficient inter-agency coordination are key factors hindering the effectiveness of law enforcement in the marine environmental sector. These findings are

relevant to the conditions in Jakarta's waters, where the complexity of issues requires a more comprehensive and integrated approach. From an academic perspective, most previous studies have focused primarily on normative or sectoral aspects, such as marine pollution or illegal fishing, in isolation. Research that specifically examines corporate criminal liability across multiple types of offenses in maritime areas, particularly using a qualitative approach, remains relatively limited. This indicates the existence of a research gap that needs to be addressed through more holistic and contextual studies.

This gap is also reflected in the limited number of studies integrating empirical aspects with corporate criminal law analysis. In fact, a qualitative approach grounded in field realities is essential to gaining a deeper understanding of law enforcement dynamics. Therefore, there is a need for research that not only analyzes legal norms but also explores law enforcement practices, the challenges encountered, and the factors influencing the effectiveness of corporate criminal liability. Based on the foregoing discussion, this study aims to qualitatively examine corporate criminal liability in various criminal offenses within Jakarta's waters, focusing on cases of pollution, smuggling, and illegal fishing. A qualitative approach is chosen as it enables a more in-depth and contextual understanding of the phenomenon, as well as the exploration of perspectives from various stakeholders involved in law enforcement.

The objectives of this study are: (1) to analyze the forms and mechanisms of corporate criminal liability in criminal offenses in Jakarta's waters; (2) to identify the challenges faced in enforcing the law against corporations; and (3) to formulate recommendations to enhance the effectiveness of criminal law enforcement against corporations in the maritime sector. This study is expected to contribute both theoretically and practically to the development of criminal law, particularly in relation to corporate criminal liability in Indonesia.

Literature Review

Corporate Criminal Liability

Corporate criminal liability is a concept that has evolved alongside the increasing role of corporations in various global economic activities, including the maritime sector. In the development of modern criminal law, corporations are no longer viewed as entities immune from criminal sanctions; rather, they are recognized as legal subjects that can be held accountable for actions carried out by their internal organs. According to (Van Sliedregt 2025) developments in international criminal law indicate that corporations are increasingly acknowledged as perpetrators of transnational crimes, including in the context of environmental crimes and natural resource exploitation.

In the national context, the implementation of corporate criminal liability continues to face various challenges, particularly in relation to the proof of fault and the attribution of responsibility (Imanuddin, I., & Aringga 2025) demonstrate that one of the main obstacles in enforcing the law against corporations is the difficulty in establishing *mens rea*, or criminal intent, on the part of a corporation as a legal entity. This is due to the complex organizational structure of corporations, as well as the separation between decision-makers and field operators.

Furthermore, doctrinal approaches such as vicarious liability, strict liability, and the identification doctrine serve as the basis for determining corporate criminal liability.

However, in practice, the application of these doctrines is often inconsistent and depends heavily on the interpretation of law enforcement authorities. A study by (Rusyana, E., & Saputera 2024) emphasizes that regulatory inconsistency and weak corporate oversight systems are major factors hindering the effective enforcement of criminal law against corporations. Moreover, technological developments and globalization have influenced the forms and modus operandi of corporate crime (Manullang et al., 2025) highlight that digital transformation necessitates legal reform in corporate criminal liability, including the use of technologies such as blockchain to enhance transparency and accountability. Thus, corporate criminal liability is not merely a legal issue, but also one that intersects with governance, technology, and global policy.

Crimes in Maritime Areas (Maritime Crime)

Crimes in maritime areas, or maritime crime, constitute a complex and multidimensional phenomenon involving various forms of offenses such as marine pollution, smuggling, and illegal fishing. A key characteristic of these crimes is their transnational nature and their association with organized networks. According to (Stefanus, A. A., & Vervaele 2021) crimes in the fisheries sector, particularly IUU fishing, have developed into forms of transnational organized crime that cannot be effectively addressed within a single jurisdiction. In addition, maritime crime is closely linked to issues of national security and economic stability. Illegal activities at sea not only cause financial losses but also threaten state sovereignty and the sustainability of natural resources.

In practice, law enforcement against maritime crimes faces numerous challenges, including limited resources, the vast scope of surveillance areas, and jurisdictional complexities. Furthermore, maritime crimes often involve corporate actors as either primary perpetrators or facilitators. Therefore, a criminal law approach to maritime crime cannot focus solely on individuals but must also encompass corporations as legal subjects. This underscores the importance of integrating the concept of corporate criminal liability into the handling of crimes in the maritime sector.

Illegal Fishing as a Corporate Crime

Illegal fishing represents one of the most prevalent forms of crime in the maritime sector and has far-reaching economic, environmental, and social impacts. This practice is often carried out by corporations or involves complex business networks, making it difficult to detect and prosecute (T. Riza et al., 2024) assert that the majority of illegal fishing actors are corporations that exploit weaknesses in surveillance and law enforcement systems in developing countries. Moreover, illegal fishing extends beyond administrative violations and encompasses serious criminal acts such as document forgery, labor exploitation, and violations of conservation regulations. From a criminal law perspective, this indicates that illegal fishing is systemic and organized in nature, thereby requiring a comprehensive law enforcement approach (Hikmah 2013).

In the context of corporate criminal liability, illegal fishing presents particular challenges. One major issue is the tendency to prosecute only individual actors in the field, such as ship captains or crew members, while corporations as the primary beneficiaries often remain beyond the reach of law enforcement. Research indicates that this is due to limitations within legal systems that have not yet fully accommodated corporate liability effectively (Nurvianti 2023). Furthermore, legal approaches to illegal fishing must take into

account the economic incentives that drive such violations. In many cases, corporations have significant financial interests and are therefore willing to take risks to violate the law. Consequently, policies must not only be repressive but also preventive in nature, including enhanced monitoring, transparency, and accountability in the fisheries sector.

Law Enforcement Against Corporations in Maritime Crimes

Law enforcement against corporations in the context of maritime crimes remains one of the primary challenges in modern criminal law systems. Although corporations have been recognized as legal subjects, the implementation of law enforcement against them is still far from optimal. This is largely due to the complexity of corporate structures and the difficulty in identifying responsible parties for specific criminal acts. According to (Imanuddin, I., & Aringga 2025) despite the legal framework recognizing corporate criminal liability, enforcement practices still tend to focus on individuals, leaving corporations as principal actors insufficiently addressed.

Additionally, obstacles in law enforcement are closely related to the lack of integration within the legal system. A study (Wijaya, A., & Hartono 2025) reveals inconsistencies among legal substance, legal structure, and legal culture in enforcing criminal law against corporations, resulting in a lack of deterrent effect. This suggests that the issue of law enforcement is not merely technical but systemic, requiring comprehensive reform within the criminal justice system.

In the context of transnational maritime crimes, law enforcement challenges become even more complex. Crimes such as smuggling, marine pollution, and illegal fishing often involve international networks that exploit jurisdictional gaps between states (Usman, M., Khan, A., & Amjad 2021) emphasize that jurisdictional ambiguity and limited international cooperation constitute major obstacles in enforcing maritime law. Therefore, cross-border approaches and legal harmonization are necessary to enhance enforcement effectiveness.

Furthermore, innovative approaches to corporate law enforcement have begun to emerge, including the multidoor enforcement approach, which involves the simultaneous use of various legal instruments (criminal, administrative, and civil) (Adriano. 2024) explains that this approach is effective in addressing corporate crimes in the environmental sector, as it helps to close legal loopholes often exploited by offenders. Therefore, law enforcement against corporations in maritime crimes requires strategies that are comprehensive, integrative, and adaptive to the evolving nature of modern crime.

Methodology

This study employs a qualitative method with a normative juridical approach based on a literature review, aiming to comprehensively examine corporate criminal liability in various criminal offenses within Jakarta's waters. This approach emphasizes the analysis of legal norms, concepts, and doctrines developed in criminal law, particularly those relating to corporations as legal subjects. The qualitative method is chosen as it enables the researcher to gain a comprehensive understanding of legal phenomena through the interpretation of various written sources. According to (Alfakar et al., 2023) literature-based qualitative research is highly relevant for exploring complex issues that require in-depth conceptual and analytical understanding. In the context of legal research, this approach is

also referred to as doctrinal legal research, which focuses on the synchronization between legal principles, norms, and their practical application (Vuletic 2023).

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations related to criminal offenses in maritime areas, such as environmental law, fisheries law, and shipping law. Secondary legal materials comprise international academic journals, scholarly books, and previous research relevant to corporate criminal liability and maritime crimes. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that support conceptual understanding.

Data collection is conducted through documentation techniques and systematic literature searches across various academic databases. Data analysis is carried out using a qualitative descriptive-analytical method, involving the examination, interpretation, and comparison of various legal sources to identify patterns, gaps, and conceptual relevance. This approach aligns with legal analysis methods that emphasize logical and systematic argumentation (Chapsos, I., & Hamilton 2019).

In the analytical process, this study also employs a conceptual approach and a statute approach to comprehensively understand the legal framework governing corporate criminal liability. Additionally, thematic analysis is utilized to identify key issues emerging from the reviewed literature (Levi 2012) argue that thematic analysis is effective in text-based qualitative research for systematically categorizing and interpreting data. To ensure the validity and reliability of the study, a critical evaluation of the sources is conducted by considering their credibility, relevance, and recency, particularly those published within the last five years. Accordingly, this research method is expected to produce a comprehensive, systematic analysis that contributes theoretically to the development of criminal law, particularly in relation to corporate criminal liability in maritime offenses.

Result

The findings of this study indicate that the issues occurring in Jakarta's waters, as outlined in the introduction, namely marine pollution, smuggling, and illegal fishing, are closely linked to the weak implementation of corporate criminal liability within the Indonesian legal system. Normatively, Indonesia has established various legal instruments governing these matters, such as Law Number 32 of 2009 on Environmental Protection and Management, Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 on Fisheries, as well as provisions in the latest Indonesian Criminal Code (KUHP), which recognize corporations as subjects of criminal law. However, the literature review reveals that these regulatory frameworks have not been fully effective in addressing the complexity of crimes in maritime areas, particularly those involving corporations as primary actors (Alfakar et al., 2023)

In the context of marine pollution in Jakarta Bay, as discussed in the introduction, this study finds that although environmental regulations provide a legal basis for corporate criminal liability, their implementation still faces serious challenges. A Study by (Alauddin et al., 2024) shows that in many developing countries, including Indonesia, environmental law enforcement against corporations is often ineffective due to weak supervision and low

levels of corporate compliance. This finding aligns with the empirical conditions in Jakarta, where marine pollution persists despite the existence of regulatory frameworks. Therefore, a gap exists between legal norms (*das sollen*) and practical reality (*das sein*), which constitutes one of the main findings of this study.

Furthermore, with regard to smuggling offenses in Jakarta's waters, the findings indicate that Jakarta's position as a major trade hub and port (Tanjung Priok) makes it particularly vulnerable to transnational criminal activities involving corporations. Existing regulations, such as customs law and shipping regulations, have in fact provided criminal sanctions for smuggling offenses, including those committed by corporations. (Levi 2012) notes that economic crimes involving corporations are often difficult to prosecute due to complex networks and the involvement of actors across multiple jurisdictions. This supports the finding that law enforcement against smuggling in Jakarta's waters continues to face structural and coordination-related challenges.

In terms of illegal fishing, this study confirms that, as discussed in the introduction, such activities are systemic in nature and often involve corporations as the primary actors. Although fisheries law provides prohibitions and sanctions against these practices, its implementation remains suboptimal. A Study by (Van Rooij, B., & Fine 2018) demonstrates that, at the global level, illegal fishing is largely dominated by corporate networks that exploit weaknesses in monitoring systems and legal loopholes. In the Indonesian context, this is reinforced by findings that many illegal fishing cases result in the prosecution of field-level actors, while corporations as the main beneficiaries remain largely beyond the reach of the law.

Moreover, the findings indicate that one of the main factors contributing to the weak enforcement of corporate criminal liability is the difficulty of proving fault and attributing responsibility. Although the concept of corporate liability has been recognized in Indonesian criminal law, mechanisms for establishing corporate fault remain (Vuletic 2023) highlights that a key challenge in corporate criminal liability lies in determining the relationship between individual actions and the overall responsibility of the corporation. This issue is also evident in practice in Indonesia, where law enforcement authorities tend to find it easier to prosecute individuals than corporations.

To establish corporate culpability, legal indicators should focus on whether the offense resulted from corporate policies, organizational decisions, inadequate supervision, failure to implement compliance mechanisms, or actions undertaken for the benefit of the corporation. Corporate liability should be distinguished from individual liability by assessing whether the unlawful conduct reflects a systemic organizational failure rather than solely the personal actions of employees or managers. These indicators provide a clearer basis for attributing criminal responsibility to corporations while maintaining accountability for individual offenders.

In addition, the study identifies a lack of harmonization among various regulations governing criminal offenses in the maritime sector. Despite the existence of multiple sectoral laws, such as environmental, fisheries, and shipping laws, there is insufficient integration in their application to corporate actors. Study by oleh (Lund, D. S., & Sarin 2021) emphasizes

that regulatory fragmentation constitutes a major obstacle in enforcing laws against corporate crime. This condition creates legal loopholes that may be exploited by corporations to evade criminal liability.

From an enforcement perspective, the findings show that current approaches remain largely reactive, focusing on penalizing violations after they occur, without being adequately complemented by preventive measures. In the context of corporate crime, preventive approaches, such as strengthening compliance systems and corporate governance, are crucial (Adriani 2018) demonstrates that compliance-based approaches can enhance the effectiveness of law enforcement against corporations, particularly in high-risk sectors such as maritime and environmental domains.

Furthermore, this study identifies institutional factors as a significant constraint in enforcing laws against corporations in the maritime sector. Limitations in human resources, lack of inter-agency coordination, and minimal utilization of technology represent substantial barriers. Study by (Olaniyi et al., 2024) show that the use of technologies such as maritime surveillance systems can significantly improve monitoring and law enforcement effectiveness in maritime areas. However, in the Indonesian context, the utilization of such technologies remains limited.

From a global perspective, the findings suggest that crimes in maritime areas, including those occurring in Jakarta, cannot be separated from the broader dynamics of transnational crime. Therefore, law enforcement against corporations requires strong international cooperation (Hübschle, A., & Lindley 2024) argue that maritime crimes, including illegal fishing and marine pollution, often involve complex international networks, thereby necessitating cross-border approaches in their enforcement.

Overall, the findings of this study demonstrate that although Indonesia has established a relatively comprehensive regulatory framework, the implementation of corporate criminal liability in maritime offenses in Jakarta's waters continues to face significant challenges. The gap between legal norms and practical enforcement remains a central issue that must be addressed. Accordingly, legal reform is required not only at the normative level but also in terms of strengthening institutional capacity, enhancing the capabilities of law enforcement agencies, and optimizing the use of technology in law enforcement.

Discussion

Based on the research findings discussed previously, it is evident that the issue of corporate criminal liability in maritime offenses within Jakarta's waters is not merely a normative problem, but also reflects structural deficiencies within Indonesia's law enforcement system. In this context, the discussion is directed toward examining how the existing positive law in Indonesia interacts with empirical realities in practice, particularly in addressing three main categories of crime: marine pollution, smuggling, and illegal fishing. Although these three forms of crime possess distinct characteristics, they share a common feature in that they involve corporations as actors with the economic and organizational capacity to commit violations on a large scale.

From the researcher's perspective, the problem of marine pollution in Jakarta's waters reflects a systemic failure in regulating industrial and maritime activities. Although Law Number 32 of 2009 explicitly regulates corporate responsibility for environmental pollution, its implementation remains weak. This is evident from the persistently high levels of pollution in Jakarta Bay, caused by industrial waste, shipping activities, and land-based runoff. In many cases, corporations as the primary polluters are not subjected to maximum criminal sanctions but are instead only sanctioned administratively. From the researcher's viewpoint, this indicates a tendency toward the "administrativization" of environmental crime, whereby violations that should be processed through criminal law are instead resolved through administrative mechanisms that lack sufficient deterrent effect.

Furthermore, in the context of illegal fishing, the researcher observes that practices in Jakarta's waters and surrounding areas form part of a broader and organized criminal network. Illegal fishing not only causes economic losses to the state but also threatens the sustainability of marine resources and the welfare of coastal communities. In many instances, corporations act as the main controlling entities, whether through vessel ownership, operational financing, or the distribution of catch. However, law enforcement against corporations in illegal fishing cases remains very limited. The researcher argues that this is primarily due to two factors: the limited capacity of law enforcement authorities to trace complex corporate structures, and the existence of strong economic interests that protect these corporations.

From a more critical perspective, the researcher also notes that the legal approach to addressing illegal fishing remains overly focused on repressive measures against individual offenders, without addressing the root causes of the problem. Ship crews or fishermen are often criminalized, while corporations as the primary beneficiaries remain beyond the reach of law enforcement. This reflects an imbalance in law enforcement that may lead to injustice. Therefore, the researcher argues that a paradigm shift is necessary, moving from an individual-oriented approach toward one that focuses on corporate structures.

Meanwhile, in the context of smuggling in Jakarta's waters, the researcher finds that this phenomenon cannot be separated from Jakarta's strategic position as a major trade hub and port in Indonesia. Smuggling activities in this area often involve complex and transnational networks, with corporations acting as key actors controlling the distribution of illegal goods. In practice, law enforcement against smuggling faces various challenges, including limited surveillance capacity, weak inter-agency coordination, and regulatory loopholes exploited by offenders. The researcher contends that this condition demonstrates that the existing law enforcement system has not kept pace with the evolving complexity of crime.

In addition, the researcher highlights that across all three types of crime, there is a common pattern characterized by a strong reliance on formalistic legal approaches. In many cases, law enforcement authorities emphasize the fulfillment of formal evidentiary elements without adequately considering broader contexts, such as corporate organizational structures and internal decision-making processes. As a result, many cases are not resolved optimally, as the direct involvement of corporations cannot be sufficiently established. From

the researcher's perspective, this approach needs to shift toward a more substantive one that recognizes corporations as entities bearing collective responsibility.

Furthermore, the researcher argues that weaknesses in law enforcement against corporations in the maritime sector are not solely attributable to legal factors, but also to institutional and legal cultural factors. Limitations in human resources, lack of specialized training in handling corporate crime, and low levels of legal awareness among business actors exacerbate the problem. Additionally, potential conflicts of interest between economic considerations and law enforcement present significant challenges. In many cases, corporations involved in criminal activities contribute substantially to the economy, creating a dilemma between legal enforcement and economic interests.

In this context, the researcher emphasizes the need for a more comprehensive approach to addressing corporate crime in the maritime sector. Such an approach should not be limited to criminal law but must also incorporate administrative and civil measures, while involving multiple stakeholders, including government authorities, law enforcement agencies, academics, and the public. Moreover, the utilization of technology is essential in enhancing monitoring and enforcement effectiveness. Technologies such as vessel monitoring systems and maritime data analytics can facilitate the detection and prosecution of criminal activities.

From a theoretical perspective, the researcher argues that the concept of corporate criminal liability must be further developed to adapt to the evolving nature of modern crime. Traditional approaches that focus solely on individual fault are no longer sufficient to explain the dynamics of complex and organized corporate crime. Therefore, new approaches are required to accommodate concepts of collective and structural responsibility within corporations. This is essential to ensure that corporations cannot easily evade liability through their internal mechanisms.

Overall, this discussion demonstrates that the issue of corporate criminal liability in maritime offenses within Jakarta's waters is complex and multidimensional. Systematic and sustained efforts are required to improve the existing law enforcement system, including regulatory reform, institutional strengthening, and a paradigm shift in law enforcement approaches. In this way, it is expected that law enforcement against corporations can be carried out more effectively and provide a deterrent effect, thereby reducing the occurrence of crimes in the maritime sector.

Conclusion

Based on the findings and discussion presented above, it can be concluded that corporate criminal liability in maritime offenses within Jakarta's waters, particularly in relation to marine pollution, smuggling, and illegal fishing, normatively has a sufficiently established legal foundation within the Indonesian legal system. Various regulations, including laws in the fields of environmental protection, fisheries, and provisions within the latest Indonesian Criminal Code, have recognized corporations as subjects of criminal law that can be held liable. However, in practice, there remains a significant gap between legal norms and their implementation.

This gap is reflected in the relatively weak enforcement of law against corporations, which tends to focus more on individual offenders rather than corporate entities as the principal actors. In cases of marine pollution, corporations are often subjected only to administrative sanctions without optimal criminal prosecution. In smuggling cases, the complexity of networks and cross-jurisdictional involvement makes it difficult to hold corporations legally accountable. Meanwhile, in cases of illegal fishing, law enforcement remains dominated by actions against field-level actors, while corporations that derive the primary benefits frequently remain beyond the reach of legal sanctions.

Furthermore, this study finds that the challenges in implementing corporate criminal liability are influenced by various factors, including difficulties in evidentiary processes, the complexity of corporate structures, regulatory disharmony, and the limited capacity of law enforcement authorities. In addition, institutional factors and economic interests also affect the effectiveness of law enforcement against corporations in the maritime sector.

Therefore, comprehensive efforts are required to strengthen law enforcement against corporations, including through more integrated regulatory reforms, capacity building for law enforcement agencies, and the adoption of more progressive and substantive approaches in determining corporate criminal liability. In this regard, it is expected that criminal law enforcement against corporations in Jakarta's waters can be carried out more effectively, provide a stronger deterrent effect, and contribute to environmental protection, national sovereignty, and the sustainability of marine resources.

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