

ABSTRAK

Judul Skripsi: Deskripsi Tentang Dasar Pertimbangan Hakim Dalam Menjatuhkan Pidana Terhadap Pelaku Tindak Pidana Pembakaran Lahan Kelapa Sawit oleh Korporasi (Studi Kasus Nomor 256/Pid. Sus/2021/Pn. Rengat)” Rumusan masalah yang penulis teliti: 1. Apa dasar pertimbangan Hakim Pengadilan Negeri menjatuhkan pidana terhadap pelaku tindak pidana pembakaran lahan kelapa sawit oleh korporasi? 2. Apa dasar pertimbangan Hakim Pengadilan Tinggi dan Mahkamah Agung menjatuhkan putusan bebas terhadap pelaku tindak pidana pembakaran lahan kelapa sawit oleh korporasi? 1. Untuk mengetahui alasan pertimbangan hakim pengadilan negeri menjatuhkan pidana terhadap pelaku tindak pidana pembakaran lahan kelapa sawit oleh korporasi. 2. Untuk mengetahui alasan pertimbangan hakim pengadilan tinggi dan mahkamah agung menjatuhkan putusan bebas terhadap pelaku tindak pidana pembakaran lahan kelapa sawit oleh korporasi, Variabel bebas dalam penelitian ini adalah: Alasan Hakim Pengadilan Negeri menjatuhkan pidana dan Hakim Pengadilan Tinggi dan Mahkamah Agung menjatuhkan putusan bebas terhadap pelaku tindak pidana pembakaran lahan kelapa sawit oleh korporasi. Variabel terikat dalam penelitian ini: Putusan Hakim Terhadap Tindak Pidana Pembakaran Lahan Kelapa Sawit Oleh Korporasi. Berdasarkan Hasil Penelitian yang penulis lakukan, maka adapun kesimpulan yang diperoleh yaitu Hakim Pengadilan Negeri Menjatuhkan Pidana karena unsur tindak pidana di nilai terbukti, sedangkan Pengadilan Tinggi dan Mahkamah Agung membebaskan terdakwa karena unsur dakwaan, terutama penguasaan lahan, dan hubungan sebab akibat, tidak terbukti. Adapun saran yang di peroleh Hakim perlu lebih cermat dalam menilai unsur tindak pidana, korporasi harus memenuhi kewajiban pencegahan kebakaran lahan, dan pemerintah perlu meningkatkan pengawasan terhadap Perusahaan Perkebunan.

Kata Kunci: *Tindak Pidana, Lingkungan Hidup, Korporasi.*

ABSTRACT

Thesis Title: "A Description of the Basis for Judicial Consideration in Sentencing a Corporation for the Crime of Burning Oil Palm Land (Case Study No. 256/Pid.Sus/2021/PN Rengat)." The research problems are: 1. What was the basis for the District Court judge's decision to impose a criminal sentence on the corporation for the crime of burning oil palm land? 2. What was the basis for the High Court and Supreme Court judges' decisions to acquit the corporation of the crime of burning oil palm land? The research objectives are: 1. To find out the reason behind the Judge of the high court decision to impose a criminal sentence on the corporation for the crime of burning oil palm land. 2. To find out the reason behind the High Court and Supreme Court judges' decisions to acquit the corporation of the crime of burning oil palm land. The independent variable in this study is the reasoning of the District Court judge in imposing a sentence and the reasoning of the High Court and Supreme Court judges in issuing an acquittal regarding the corporate crime of burning oil palm land. The dependent variable is the judicial ruling concerning the corporate crime of burning oil palm land. Based on the research findings, the conclusion is that the District Court judge imposed a sentence because the elements of the crime were deemed proven, whereas the High Court and Supreme Court acquitted the defendant because the elements of the charge specifically land control and the causal link—were not proven. Suggestion arising from the study are that judges need to be more meticulous in assessing the elements of the crime, corporations must fulfill their obligations regarding the prevention of land fires, and the government needs to enhance supervision of plantation company.

Keywords: *Criminal Offense, Environment, Corporation.*