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Deferred Prosecution Agreement as an Instrument of Reform Environmental Corporate Criminal Law Post-Law Job Creation

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Abstract

The reform of corporate criminal law in the Criminal Procedure Code (KUHAP) introduces the Deferred Prosecution Agreement (DPA) as a case resolution mechanism that emphasizes legal compliance, loss recovery, and efficient law enforcement. This article aims to analyze the provisions of the DPA as an instrument for reforming corporate criminal law in the environmental sector and examine the implications and challenges of its implementation following the Job Creation Law and the New Criminal Procedure Code. This research is a normative legal study with a statutory and analytical approach. The results show that the DPA presents a new paradigm that is not solely oriented towards criminalization but also encourages environmental restoration by imposing obligations on corporations to improve governance, implement compliance programs, and undertake corrective actions. However, the effectiveness of its implementation remains hindered by a lack of technical guidelines, unclear environmental restoration standards, and the need to strengthen oversight mechanisms. Therefore, comprehensive implementation regulations and harmonization with the environmental law enforcement system are needed so that the DPA can become an effective, accountable, and environmentally restoration-oriented instrument for reforming corporate criminal law.

Keywords: Deferred Prosecution Agreement, Corporation, Environment.

INTRODUCTION

National development, oriented toward economic growth, positions corporations as key actors in the utilization of natural resources and the implementation of business activities. On the other hand, corporate activities can cause pollution and/or environmental damage, with broad impacts on communities, ecosystems, and sustainable development. The characteristics of environmental crimes involving legal entities mean that law enforcement is not solely focused on criminal penalties, but also on remediating environmental losses and preventing recurrence of violations. Therefore, regulations on corporate criminal liability continue to evolve as part of the reform of Indonesia's criminal law system (Hakim & Wulan, 2026).

Law Number 32 of 2009 concerning Environmental Protection and Management, in conjunction with Law Number 6 of 2023 concerning Job Creation, has established an environmental law enforcement system through three instruments: administrative,

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civil, and criminal. Article 84 paragraph (1) stipulates that environmental dispute resolution can be pursued through the courts or outside the courts. In the administrative aspect, Article 76 authorizes the Minister, governor, or regent/mayor to impose administrative sanctions in the form of written warnings, government coercion, freezing of environmental permits, or revocation of environmental permits. Meanwhile, the criminal provisions in Articles 97 to 120 are intended as repressive instruments against violations that fulfill the elements of environmental crimes (Maulana et al., 2026).

Enforcing environmental criminal law continues to face various challenges, particularly when the perpetrator is a corporation. Complex evidentiary processes, multi-layered decision-making structures, and the separation between legal entities and management often complicate efforts to determine responsibility. Lengthy judicial processes can also hinder the remediation of environmental damage because attention is focused more on proving guilt than on addressing the impacts of the crime. Reforms to criminal procedure law under the Criminal Procedure Code (KUHAP) introduce a new approach to resolving corporate criminal cases through regulations on *Deferred Prosecution Agreements (DPAs*). Article 328 of the KUHAP emphasizes that DPAs aim to ensure legal compliance, restitution of losses resulting from criminal acts, and efficiency in the criminal justice system. This instrument is expressly applicable only to crimes committed by corporations, thereby demonstrating the differentiation of case-resolution mechanisms based on the characteristics of the perpetrators (Abdi et al., 2026).

This regulation is also supported by provisions on corporate criminal liability in Article 326 of the Criminal Procedure Code, which states that liability for criminal acts by corporations is imposed on the corporation and those responsible for it. Those responsible for the corporation include managers holding functional positions within the corporation's organizational structure, those giving orders, those holding control, or those with beneficial ownership. This formulation broadens the subjects that can be requested. Accountability is broadened so that it does not stop at the legal entity itself but also extends to individuals who play a real role in corporate decision-making. The Deferred Prosecution Agreement provides a case resolution mechanism that emphasizes the corporation's fulfillment of certain obligations before prosecution proceeds. Article 328 paragraph (12) of the Criminal Procedure Code stipulates that the conditions in the Deferred Prosecution Agreement can include payment of compensation or restitution to victims, implementation of legal compliance programs and improvements in corporate governance, reporting obligations and cooperation with law enforcement, and other corrective actions. If all obligations are fulfilled, the case can be stopped by a court order. Conversely, failure to fulfill obligations authorizes the public prosecutor to continue the prosecution process (Akbar, 2026).

The existence of Deferred Prosecution Agreements is interesting to study in the context of environmental crimes because their orientation is not solely to impose penalties, but also to encourage reparations for the consequences of the crime. In environmental cases, the losses that arise often include ecosystem damage, loss of environmental functions, and societal losses, all of which require swift and effective recovery measures. These characteristics provide a basis to assess whether Deferred Prosecution Agreements can better accommodate environmental restoration interests than conventional criminal law enforcement mechanisms, without compromising the function of the law. Law enforcement against corporations that commit violations (Idrus, 2026).

Based on these challenges, the regulation of Deferred Prosecution Agreements in the Criminal Procedure Code presents a new paradigm for resolving corporate crimes, relevant to analysis in the environmental sector. A study of the relationship between corporate criminal liability, the Deferred Prosecution Agreement mechanism, and environmental damage recovery is crucial for assessing the effectiveness of this instrument as part of corporate criminal law reform. This analysis is expected to provide a conceptual basis for the prospects of implementing Deferred Prosecution Agreements to support recovery-oriented environmental law enforcement while ensuring legal certainty.

RESEARCH METHODS

This research is normative legal research that examines issues based on positive legal norms, legal principles, and legal doctrines related to *the Deferred Prosecution Agreement* (DPA) as an instrument for reforming corporate criminal law in the environmental sector. The approach used is a statutory approach, examining relevant laws and regulations, including the New Criminal Procedure Code (KUHAP), Law Number 32 of 2009 concerning Environmental Protection and Management, as amended by Law Number 6 of 2023, and other related laws and regulations (Rosidi et al., 2026).

The legal materials used consist of primary legal materials, including relevant laws and court decisions; secondary legal materials, including books, journals, and expert opinions; and tertiary legal materials as supporting materials. These legal materials are analyzed qualitatively by identifying, interpreting, and connecting legal provisions on the application of the DPA to corporate crimes in the environmental sector, thereby generating legal arguments regarding the DPA's position and prospects as part of criminal law reform (Arifuddin et al., 2025).

RESULT AND DISCUSSION

A. The Deferred Prosecution Agreement (DPA) Regulation in the New Criminal Procedure Code as an Instrument for Settling Corporate Criminal Cases in the Environmental Sector

Corporate criminal liability is a crucial issue in the development of modern criminal law, as corporations are not only legal entities with economic capacity but also possess the capacity to create broad social and environmental impacts through their business activities. In the context of environmental crimes, corporations occupy a complex position, serving as drivers of economic development while also perpetrating environmental pollution and/or damage. The characteristics of crimes committed by corporations differ from those of conventional crimes, as they are often not committed directly by a single individual but rather through policies, organizational structures, or managerial decisions within a business entity. This situation demands a reform of criminal law that addresses corporate accountability while providing a case-resolution mechanism appropriate to the characteristics of corporate crimes (Hasanah et al., 2026).

Before the enactment of the new Criminal Procedure Code, the Indonesian criminal procedure system was still based on Law Number 8 of 1981 concerning Criminal Procedure. This system

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established a mechanism for resolving criminal cases through the stages of investigation, prosecution, court hearings, and the implementation of judges' decisions. The approach to resolving criminal cases at that time focused primarily on proving the perpetrator's guilt and imposing criminal sanctions through court decisions. Criminal procedure law did not yet recognize a settlement mechanism based on an agreement between the public prosecutor and the corporate actor, accompanied by certain obligations to repair the consequences of the crime. The absence of such a mechanism led to corporate criminal cases being resolved entirely through conventional judicial processes, which are relatively time-consuming and do not specifically address the need for reparations for the consequences of the crime (Effendy & Ulinihayati, 2026).

In environmental crime cases, the limitations of this conventional approach become increasingly apparent because the losses caused by corporations are not only related to economic interests but also to the sustainability of environmental functions. Environmental pollution or damage can impact communities, ecosystems, and future generations. While criminal penalties against corporations serve a repressive function and lend legitimacy to law enforcement, the criminalization process does not always lead to immediate environmental restoration. A final and binding criminal verdict can take a long time, while the damaged environment requires immediate action to prevent further impacts. This situation demonstrates the need for a legal mechanism that integrates law enforcement with restoration goals.

Changes to environmental regulations through Law Number 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation into Law have affected the environmental protection and management system, particularly in licensing, supervision, and administrative law enforcement. The law maintains the use of administrative, civil, and criminal instruments for resolving environmental issues, as set out in Law Number 32 of 2009 concerning Environmental Protection and Management. However, the changes introduced by the Job Creation Law have not established a mechanism for resolving corporate criminal cases through a Deferred Prosecution Agreement. This means that the need for an updated mechanism to resolve corporate criminal cases has not been fully addressed by these environmental regulatory changes (Ravievsyah et al., 2026).

The introduction of *the Deferred Prosecution Agreement* in the new Criminal Procedure Code represents a reform of criminal procedure law that addresses this need. Article 328 of the Criminal Procedure Code stipulates that the Deferred Prosecution Agreement aims to ensure legal compliance, restitution of losses resulting from criminal acts, and efficiency in the criminal justice system. This regulation demonstrates a shift in the orientation of criminal law from a sole focus on punishment to one that also addresses rehabilitation and the prevention of the recurrence of criminal acts. The Deferred Prosecution Agreement applies only to crimes committed by corporations, thereby demonstrating that lawmakers are paying special attention to the characteristics of corporate criminal liability.

The provisions regarding *Deferred Prosecution Agreements* are also closely related to the construction of corporate criminal liability in Article 326 of the Criminal Procedure Code. This provision stipulates that liability for criminal acts by corporations is imposed on the corporation and on those responsible for it. These responsible parties include managers holding functional positions within the corporate organizational structure, those giving orders, those holding control, and beneficial owners. This regulation demonstrates that the reform of corporate criminal law seeks not only to punish legal entities as entities but also to ensure a relationship of accountability with parties with authority to carry out or control corporate activities. This formulation provides a stronger basis for the application of Deferred Prosecution Agreements because the obligations imposed by the agreement can be directed to parties who actually have the capacity to change corporate behavior (Nafirah & Eviani, 2026).

In its implementation, the Deferred Prosecution Agreement authorizes the suspect, defendant, or advocate to submit a request to the public prosecutor before the case is brought before the court. The public prosecutor has the authority to decide whether to accept or reject the request based on considerations of justice, the victim's interests, and the level of corporate compliance with the law. The agreement is not automatically valid; it must be examined and ratified by the court. The judge is obliged to assess the agreement's compliance with applicable laws and regulations, the proportionality of the obligations imposed, their impact on the victim, society, the environment, the national economy, and the corporation's ability to fulfill its obligations. This mechanism demonstrates that the Deferred Prosecution Agreement upholds the principle of judicial oversight as a safeguard of legal certainty and the public interest.

In the context of environmental crimes, the Deferred Prosecution Agreement (DPA) represents *a* significant reform because it provides space for case resolution that is not solely oriented toward corporate punishment but also encourages recovery and changes in corporate behavior. Obligations that can be included in the agreement, such as compensation payments, implementation of legal compliance programs, improvements in corporate governance, and other corrective actions, are directly relevant to environmental protection goals. This mechanism aligns with developments in modern criminal law, which prioritize restitution and crime prevention as objectives of punishment. The existence of the Deferred Prosecution Agreement demonstrates that reform of corporate criminal law is pursued not only by expanding the scope of criminal liability but also by establishing case-resolution mechanisms that are better suited to the nature of criminal acts committed by corporations (Nuryani & Novriyandra, 2025).

From a legal reform perspective, the Deferred Prosecution Agreement (DPA) in the new Criminal Procedure Code represents a fundamental change compared to the previous system, as it introduces a new instrument for resolving corporate criminal cases, previously unknown in Law Number 8 of 1981 concerning Criminal Procedure or the Job Creation Law. This instrument demonstrates a paradigm shift in criminal law toward a more restorative, rehabilitative, and corrective approach, placing legal compliance and recovery from criminal acts as key objectives of law enforcement. In environmental matters, this approach holds strategic value because the success of law enforcement is determined not only by the criminalization of corporations but also by the legal system's ability to ensure that environmental damage is remedied and to prevent its recurrence.

B. Implications of *Deferred Prosecution Agreement* (DPA) Settlement for Environmental Loss Recovery

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Rehabilitation of environmental losses has become a primary focus in the development of modern criminal law, particularly when corporations commit crimes. Environmental crimes differ from other crimes because their consequences extend beyond economic losses to specific victims, including damage to ecological systems with widespread, long-term impacts. A criminal justice approach that focuses solely on imposing sanctions on perpetrators has not fully addressed this need, as punishing corporations does not automatically restore the environment to a state of pollution or damage. Therefore, reforming criminal law by regulating *Deferred Prosecution Agreements* in the Criminal Procedure Code has shifted law enforcement's orientation toward mechanisms that prioritize recovery, improve corporate behavior, and prevent the recurrence of violations (Nuarta & Sukedi, 2025).

This reform direction aligns with the evolving objectives of criminal justice, which are no longer solely grounded in absolute theories that treat punishment as retribution for unlawful acts. Modern criminal law has begun to develop restorative, rehabilitative, and corrective approaches that view criminal acts as events that cause harm, necessitating action to remedy the resulting consequences. In the context of corporate environmental crimes, this approach is relevant because corporations, as perpetrators, need not only to be sanctioned but also to be encouraged to take responsibility for the resulting impacts. *The Deferred Prosecution Agreement* is an instrument that reflects this paradigm shift, providing space for corporations to fulfill their reparation obligations as part of the settlement of criminal cases.

The primary implication of entering into *a Deferred Prosecution Agreement* for environmental recovery is that it can expedite the implementation of remedial obligations before the case enters the full trial stage. In conventional criminal justice mechanisms, remedial action is often only possible after a final and binding decision has been issued. This process can be lengthy, creating the risk of further environmental damage before remedial action is taken. Under a Deferred Prosecution Agreement, corporations may be required to undertake certain actions during the deferred prosecution period as a consequence of an agreement reached with the public prosecutor. This approach offers strategic value in environmental cases because remedial action is crucial for time (Alaydrus, 2025).

The obligation to restore the environment in *the Deferred Prosecution Agreement* can be linked to Article 328 paragraph (12) of the Criminal Procedure Code, which stipulates that the terms of the agreement may include payment of compensation or restitution to victims, implementation of legal compliance programs, improvement of corporate governance, reporting obligations and cooperation with law enforcement, and other corrective actions. The provisions regarding these corrective actions leave broad interpretive room to include environmental restoration obligations in the agreement. In environmental pollution cases, these obligations may include rehabilitation of the polluted environment, waste management in accordance with legal standards, ecosystem restoration, implementation of environmental audits, or other actions to restore environmental functions. These regulations demonstrate that the Deferred Prosecution Agreement not only imposes legal consequences on corporations, but also establishes a mechanism for corporations to repair the impact of the crimes committed actively (Wicaksana Effendy & Nailariq, 2025).

From a corporate accountability perspective, *the Deferred Prosecution Agreement (DPA) mechanism* also has implications for changing corporate behavior and legal culture. One of the challenges in corporate criminal law enforcement is the tendency for companies to view sanctions as external consequences that do not always encourage internal change. Under the Deferred Prosecution Agreement (DPA), corporations are required not only to fulfill financial obligations but also to improve their compliance and corporate governance structures. The obligation to implement a legal compliance program can encourage companies to improve their internal oversight systems, strengthen mechanisms for preventing environmental violations, and ensure that all business activities comply with environmental protection standards. From a criminal law reform perspective, this mechanism represents a shift from simply punishing perpetrators to addressing the factors that contribute to criminal acts (Zhou, 2025).

Despite their significant potential to support environmental recovery, the implementation of *Deferred Prosecution Agreements (DPAs)* still faces challenges in regulating the substance of recovery. The Criminal Procedure Code (KUHAP) does not yet provide clear parameters for the standards of successful environmental recovery that corporations must meet. Environmental recovery differs from conventional compensation payments because its success can be measured not only by economic value but also by scientific ecological conditions. For example, river pollution cannot be considered resolved simply because a corporation has paid compensation; it must be assessed based on water quality, recovery of biota, and the sustainability of ecosystem functions. This lack of clarity in standards can lead to DPAs being implemented more to fulfill administrative obligations than to achieve actual environmental recovery.

Another issue concerns the oversight mechanism for implementing Deferred Prosecution Agreements. Article 328 of the Criminal Procedure Code authorizes the court to monitor the agreement's implementation. Still, it does not specify the form of oversight or indicators for successful fulfillment of obligations. In environmental cases, oversight cannot be achieved solely by examining reports submitted by corporations; a technical assessment of environmental conditions after remedial measures is required. Judges have the authority to confirm the legal aspects of the agreement but lack the technical expertise to assess the success of environmental rehabilitation. This situation demonstrates the need for the involvement of environmental technical institutions and independent experts in the oversight mechanism so that the implementation of the Deferred Prosecution Agreement does not stop at formal compliance but rather results in demonstrable ecological recovery (Ahwan & Rahmania, 2025).

In addition to oversight issues, the implementation of *Deferred Prosecution Agreements* faces challenges, including potential abuse by corporations seeking to avoid criminal proceedings. Corporations with significant economic capacity may view Deferred Prosecution Agreements (DPAs) as a less demanding settlement mechanism compared to facing court proceedings, which carry greater criminal and reputational risks. If not applied selectively, these mechanisms can lead to the perception that environmental violations can be resolved by paying certain obligations. This situation has the potential to weaken the preventive function of criminal law. Therefore, the implementation of Deferred Prosecution Agreements (DPAs) must take into account the seriousness of the crime, the extent of the environmental impact, the corporation's track record of compliance, and the perpetrator's commitment to restitution.

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Based on this, the settlement of cases through a *Deferred Prosecution Agreement* has significant implications for environmental recovery, as it provides space to implement restorative, rehabilitative, and corrective approaches in the enforcement of corporate criminal law. This instrument can bridge the need for law enforcement against corporations and the need for environmental recovery, both of which often require swift and sustainable action. However, the effectiveness of the Deferred Prosecution Agreement depends not only on the existence of norms governing the mechanism but also on the quality of implementation and supervision, as well as the standards of recovery applied. Strengthening the oversight mechanism and the involvement of environmental experts are crucial to the Deferred Prosecution Agreement becoming an instrument of criminal law reform capable of producing real environmental recovery, rather than merely an administrative resolution of corporate criminal cases.

C. Challenges of Implementing *Deferred Prosecution Agreements* (DPA) as an Instrument for Reforming Corporate Criminal Law in the Environment Following the Job Creation Law and the New Criminal Procedure Code

The introduction of *the Deferred Prosecution Agreement* in the new Criminal Procedure Code (KUHP) represents a shift in direction in the reform of corporate criminal law in Indonesia. Following the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation into Law, environmental law has undergone adjustments, particularly regarding licensing, supervision, and administrative law enforcement. However, the need for a more adaptive mechanism to resolve corporate criminal cases has not been fully addressed by these changes. The introduction of the Deferred Prosecution Agreement in the new KUHP represents a reform that offers an alternative resolution by prioritizing legal compliance, restitution, and improvements in corporate governance as part of law enforcement objectives.

The *Deferred Prosecution Agreement* as an instrument for reforming corporate criminal law is beginning to be seen in practice, as evidenced by its initial application by the Banten High Prosecutor's Office in an environmental crime case involving PT Crown Steel. The case concerns alleged violations of hazardous and toxic waste management regulations in the Cikande industrial area, Serang Regency. The implementation of this mechanism is important because it demonstrates that the concept of the Deferred Prosecution Agreement is not only a normative construct in the Criminal Procedure Code but is also beginning to be used as a new approach to resolving corporate criminal cases. The use of this mechanism also indicates a shift in the orientation of law enforcement, positioning corporations not only as parties to be punished but also as legal subjects that may be held liable for the consequences of resulting criminal acts (Rosnawati et al., 2025).

While the initial implementation of the Deferred Prosecution Agreement (DPA) demonstrates positive progress, the implementation of the Deferred Prosecution Agreement (DPA) still faces challenges, including the lack of comprehensive technical guidelines on how to implement it. Article 328 of the Criminal Procedure Code (KUHP) regulates the objectives, the mechanism for application, court hearings, terms of the agreement, and consequences for non-fulfillment of obligations. These provisions remain general and therefore do not provide clear parameters on which cases are eligible for resolution through the DPA. In the context of environmental crimes, more specific definitions are needed because not all environmental violations have the same level of impact. Crimes that cause significant ecological damage, are carried out systematically, or provide significant economic benefits to corporations should receive a more repressive law enforcement approach than cases that still allow for redress through the agreement mechanism (Nelson, 2019).

The next challenge is determining the public-interest standard for implementing *the Deferred Prosecution Agreement*. Article 328 authorizes the public prosecutor to accept or reject a request based on considerations of justice, the victim, and the defendant's compliance with laws and regulations. This formulation provides substantial discretion to the public prosecutor. This discretion is necessary because each corporate case has distinct characteristics, but it can also raise concerns about the consistency and objectivity of its application. Without measurable parameters, cases with similar conditions may receive different treatment due to the policies of each law enforcement agency. This condition can impact the principles of legal certainty and equality before the law (Ferdian, 2021).

Another challenge directly related to environmental cases is the issue of oversight of the implementation of obligations under *Deferred Prosecution Agreements.* The Criminal Procedure Code (KUHP) authorizes courts to monitor the implementation of agreements but does not yet detail the oversight mechanism. This problem becomes even more complex when the agreed-upon obligations relate to environmental restoration. Oversight of environmental rehabilitation, ecosystem restoration, waste management, or pollution cessation requires technical expertise that the judiciary does not possess directly. Courts can assess the legal aspects of the agreement's implementation, but assessing the success of environmental restoration requires the involvement of environmental technical institutions and independent experts. Without a clear oversight mechanism, the implementation of Deferred Prosecution Agreements (DPAs) may result only in the fulfillment of administrative obligations, without ensuring that environmental functions have been truly restored (Prameswari et al., 2021).

In addition to oversight concerns, the implementation of *Deferred Prosecution Agreements* faces challenges, including potential abuse by corporations seeking to mitigate legal consequences. Corporations with significant financial capacity may view the obligations under the Deferred Prosecution Agreement as costs that must be paid after committing a violation. If not accompanied by strict limitations, this mechanism can create the perception that environmental violations can be resolved through compensation without providing a strong deterrent effect. From an environmental criminal law perspective, this situation is dangerous because it can diminish the function of criminal penalties as an instrument for environmental protection. Therefore, the implementation of the Deferred Prosecution Agreement must continue to consider the aspects of proportional retaliation and deterrence, especially for corporations that commit serious violations or derive economic benefits from actions that damage the environment (Tabasi & Tobondo, 2025).

Institutional challenges are also crucial to the successful implementation of the Deferred Prosecution Agreement. This mechanism requires coordination between prosecutors, courts,

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investigators, and institutions with technical authority in the environmental sector. Prosecutors must be able to assess the level of environmental risk, calculate proportionate restitution obligations, and ensure that the agreement does not harm public interests. Courts also need to have a sufficient understanding of the characteristics of environmental corporate cases so that their oversight function is not merely formal. Strengthening the capacity of law enforcement officers is crucial because the success of the Deferred Prosecution Agreement depends not only on the existence of regulations but also on the institution's ability to implement them objectively and professionally (Saputra et al., 2025).

The final challenge relates to harmonizing *the Deferred Prosecution Agreement* with the existing environmental law enforcement system. Law Number 32 of 2009 concerning Environmental Protection and Management recognizes administrative, civil, and criminal instruments as means of resolving environmental issues. The Deferred Prosecution Agreement (DPA) should be positioned as an instrument that complements these mechanisms, not as one that replaces them entirely. In certain cases, administrative sanctions can run concurrently with restitution obligations, while in cases with a high degree of culpability, criminal proceedings through the usual mechanisms are still required. This harmonization is necessary to ensure that the implementation of the Deferred Prosecution Agreement (DPA) does not lead to overlapping authorities or unclear legal consequences for corporations.

Based on this description, implementing the Deferred Prosecution Agreement (DPA) as an instrument to reform environmental corporate criminal law offers significant potential to improve law enforcement effectiveness following the enactment of the Job Creation Law and the new Criminal Procedure Code. This instrument is capable of providing an approach more suited to the nature of corporate crime through a combination of accountability, remediation, and prevention. The DPA continues to face various challenges, particularly regarding implementation guidelines, case acceptance standards, environmental remediation oversight, potential moral hazard, and institutional readiness. Improving these aspects is crucial to ensure that the DPA is not perceived as a compromise with corporate actors, but rather as a mechanism for criminal law reform capable of creating effective, accountable, and remedial-oriented environmental law enforcement.

CONCLUSION

The Deferred Prosecution Agreement (DPA) in the New Criminal Procedure Code (KUHAP) is an instrument for reforming corporate criminal law, presenting a law enforcement paradigm that is not only oriented towards punishment, but also towards legal compliance, restitution, and improvement of corporate governance, particularly in environmental crimes. The existence of the DPA has implications for accelerating environmental recovery by imposing obligations on corporations before a court decides the case. However, the effectiveness of the DPA implementation still faces various challenges, including the lack of comprehensive technical guidelines, unclear environmental recovery standards and criteria for cases eligible for resolution through the DPA, and the need for a supervisory mechanism involving technical institutions to ensure that the implementation of corporate obligations truly results in real environmental recovery. Therefore, the DPA has the potential to become an effective instrument for reforming corporate criminal law if supported by clear implementation regulations, accountable oversight, and harmonization with the environmental law enforcement system.

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