

NEW PROCEDURE FOR HANDLING ENVIRONMENTAL CRIMES

Regulation of the Minister of Environment/Head of the Environmental Control Agency No. 12 of 2026



The Minister of Environment/Head of the Environmental Control Agency has issued a new regulation that revokes the 2012 guidelines on the investigation of environmental crimes. The regulation sets out how environmental civil-servant investigators (*Penyidik Pegawai Negeri Sipil Lingkungan Hidup*, “PPNS LH”) handle environmental crimes, from the supervision report to the handover of the case file. Among other things, it contains provisions on corporations and the persons in charge of them.

IN BRIEF

Regulation of the Minister of Environment/Head of the Environmental Control Agency No. 12 of 2026 on the Handling of Criminal Acts in the Environmental Sector (“**Permen LH 12/2026**”) takes effect on 29 September 2026. Permen LH 12/2026 revokes Minister of Environment Regulation No. 11 of 2012 on Guidelines for the Investigation of Criminal Acts in the Environmental Protection and Management Sector (“**Permen LH 11/2012**”). It governs how PPNS LH handle environmental crimes, from the preliminary investigation (*penyelidikan*) to the termination of an investigation (*penghentian penyidikan*), including the preliminary investigation and investigation of corporations.

KEY TAKEAWAYS

- Environmental crimes are handled on the basis of either an environmental supervision report or a person being caught in the act (*tertangkap tangan*).
- Liability of a corporation falls on both the corporation and the persons in charge of it, where a person in charge of the corporation must attend the examination of the corporation.
- The naming of a suspect and an arrest are based on at least 2 pieces of evidence, while detention is based on at least 2 pieces of valid evidence. PPNS LH carry out an arrest or detention on the order of investigators of the Indonesian National Police (*Kepolisian Negara Republik Indonesia*, “**Polri**”).

- Inspection of letters and blocking are on the list of coercive measures, together with a prohibition on the suspect leaving Indonesia.
- PPNS LH must inform a suspect of his or her rights clearly and rights to appoint an advocate or a legal aid provider (*pemberi bantuan hukum*) for the suspect, and the examination of a suspect is recorded by surveillance camera throughout.

BACKGROUND

The considerations of Permen LH 12/2026 state that the handling of environmental crimes needs to be regulated so that the law against them can be enforced effectively and efficiently. The considerations also refer to Law No. 32 of 2009 on Environmental Protection and Management, under which PPNS LH are authorised to investigate environmental crimes.

Compared with Permen LH 11/2012, Permen LH 12/2026 provides, among other things, liability of corporations and the persons in charge of them, a list of grounds for detention, and inspection of letters and blocking as coercive measures.

WHAT PERMEN LH 12/2026 REQUIRES

Entry Points to a Case

The handling of an environmental crime is based on an environmental supervision report or on a person being caught in the act. The supervision report is prepared on the basis of environmental supervision carried out in accordance with laws and regulations. If the supervision report reveals a suspected crime, it is set out in an incident report (*laporan kejadian*). The incident report contains at least the identity of the reporter, the identity of the reported party, witnesses, evidence, a brief description of the event and the time of reporting.

A person is caught in the act (*tertangkap tangan*) if the person is caught in any of the following four situations:

- while committing a crime;
- shortly after the crime was committed;
- shortly afterwards, when called out by the public as the person who committed the crime; or
- shortly afterwards, when an object is found on the person that is strongly suspected to have been used to commit the crime and that indicates that the person is the perpetrator, took part in the crime or assisted in it.

Handling on that basis is carried out in accordance with laws and regulations.

Preliminary Investigation of Alleged Environmental Crimes

A preliminary investigation is a series of actions to seek and find an event suspected to be a crime, in order to determine whether an investigation can be carried out. PPNS LH carry it out on the basis of an incident report and an order. In doing so, they are coordinated, supervised and given directions by Polri investigators.

PPNS LH must report the results of the preliminary investigation in writing to their superior and then hold a case examination (*gelar perkara*) in coordination with Polri investigators to decide whether the event is a crime. If the event is a crime, PPNS LH follow it up to the investigation stage. If it is not, PPNS LH terminate the preliminary investigation. If the event is a crime but is not within the authority of the PPNS LH,

they refer the preliminary investigation report to the competent agency.

Commencement of an Investigation

If the case examination decides on an investigation, the superior of the PPNS LH issues an investigation order and an investigation assignment letter. The superior then issues a notice of commencement of the investigation. The notice is delivered to the public prosecutor at the latest 7 days after the investigation order is issued, copied to the reported party and to the reporter or victim, and coordinated with Polri investigators.

Examination of Witnesses, Experts and Suspects

Witnesses, experts and suspects are examined in Indonesian or in a language that they can understand. PPNS LH provide a sworn interpreter for any of them who cannot understand or speak Indonesian. Persons with disabilities, women and elderly persons who are examined receive special treatment in accordance with laws and regulations. A witness also has the right to choose, contact and be accompanied by an advocate in every examination.

In examining a suspect, PPNS LH must clearly inform the suspect of his or her rights and appoint an advocate or a legal aid provider for the suspect. A legal aid provider is a legal aid institution or a community organisation that provides legal aid services. PPNS LH must appoint an advocate for the suspect in either of two situations:

- the suspect is suspected of a crime punishable by the death penalty, life imprisonment, and imprisonment of 15 years or more; or
- the suspect is suspected of a crime punishable by imprisonment of 5 years or more but cannot afford or does not have his or her own advocate.

The examination of a suspect is recorded by surveillance camera throughout the examination. For the purposes of the investigation, PPNS LH may designate a suspect as a crown witness (*saksi mahkota*) to help reveal the involvement of other suspects who deserve to be punished in the same case. PPNS LH may also accept a guilty plea from a suspect. In both cases, PPNS LH coordinate with Polri investigators and the public prosecutor.

Handover of the Case File and the Suspect

PPNS LH hand over the case file through Polri investigators, who then jointly hand it over to the public prosecutor. If the public prosecutor assesses the case file as complete, PPNS LH hand the suspect and the evidence over to the public prosecutor with a covering letter and an order from their superior.

Termination of an Investigation of Environmental Crimes

An investigation is terminated on any of 6 grounds:

- there is insufficient evidence;
- the event is not a crime;
- the investigation is terminated by operation of law;
- there is a court decision that has final and binding legal force against the suspect in the same case;
- the limitation period has expired; or
- the suspect has died.

The ground of the suspect's death does not apply to a suspect who represents a business entity. PPNS LH must involve Polri investigators in terminating an investigation. PPNS LH may resume an investigation if new evidence is found and/or a court decision declares the termination invalid.

Coercive Measures

Coercive measures comprise the naming of a suspect, arrest, detention, search, seizure, inspection of letters, blocking, and a prohibition on the suspect leaving Indonesia. Arrest through to blocking must be supported by an order and/or an official record (*berita acara*).

Detention

PPNS LH carry out the detention of a suspect on the order of Polri investigators, on the basis of at least 2 pieces of valid evidence, if one or more of the following eight circumstances apply:

- the suspect ignores summonses from PPNS LH 2 consecutive times without a valid reason;
- the suspect gives information inconsistent with the facts during the examination;
- the suspect obstructs the examination process;
- the suspect attempts to flee;
- the suspect attempts to damage and destroy evidence;
- the suspect repeats the crime;
- the suspect's safety is under threat, with the consent or at the request of the suspect or defendant; and/or
- the suspect influences a witness not to tell what actually happened.

Search and Seizure

A search is carried out on a house or building, clothing, the body, means of transport, electronic information, electronic documents, and other places and/or objects related to the environmental crime. Before carrying out a search, PPNS LH apply for permission from the chairman of the district court.

The application must be accompanied by a description of the location to be searched and the basis or facts believed to show that evidence related to the crime is at that location. In non-urgent conditions, PPNS LH also apply for permission to seize from the chairman of the district court where the object to be seized is located.

In urgent circumstances, PPNS LH may carry out a search without permission from the chairman of the district court. PPNS LH then request the approval of the chairman of the district court at the latest 2 x 24 hours after the search. PPNS LH may also seize without permission, but only movable objects, and must request that approval within 5 working days. Urgent circumstances for a search include:

- a geographic location that is difficult to reach;
- the potential for attempts to damage and destroy evidence; and/or
- a situation based on the assessment of the PPNS LH.

Urgent circumstances for a seizure include:

- a geographic location that is difficult to reach;
- a person being caught in the act;
- evidence that is likely to be damaged or lost;
- objects or assets that are easy to move;
- a serious threat to the environment and/or a person's life that requires immediate action; and/or
- a situation based on the assessment of the PPNS LH.

Blocking

Blocking must obtain permission from the chairman of the district court. Blocking is a measure to prevent, temporarily, access to the use or transfer of assets, proof of ownership, banking transactions, online platform accounts, electronic information, electronic documents or other administrative products. It is ordered by an investigator, public prosecutor or judge by decision.

In urgent circumstances, PPNS LH may carry out blocking without permission from the chairman of the district court. PPNS LH then request the approval of the chairman of the district court at the latest 2 x 24 hours after the blocking. Urgent circumstances for blocking include:

- the potential transfer of assets;
- a crime related to electronic information and transactions;
- a conspiracy having occurred in an organised crime; and/or

- a situation based on the assessment of the PPNS LH.

Each of the lists of urgent circumstances for a search, a seizure and blocking ends with "a situation based on the assessment of the PPNS LH". Permen LH 12/2026 does not elaborate on that situation.

Inspection of Letters

The inspection of letters is carried out by PPNS LH on the basis of an order from their superior. It concerns letters suspected of being related to an environmental crime and sent through a post office, a telecommunications company and/or a transport company. For the purposes of the investigation, PPNS LH may also ask the head of the post office, telecommunications company or transport company to hand over the letter, and must give a receipt. A letter that is not related to the case is closed again and must be returned to the post office, telecommunications company or transport company at the latest 2 days from completion of the inspection.

Prohibition on a Suspect Leaving Indonesia

PPNS LH may carry out a preventive measure (*pencegahan*), that is, a temporary prohibition on the suspect leaving Indonesia on grounds consistent with the law. The superior of the PPNS LH submits the application for the prohibition to Polri investigators.

Corporations

Liability for an environmental crime committed by a corporation is imposed on the corporation and on the persons in charge of the corporation. The persons in charge of a corporation consist of any of the following four categories:

- management holding a functional position in the corporation's organisational structure;
- the party giving the order;
- the controlling party; or
- the beneficial owner.

A summons to a corporation at the preliminary investigation stage may be represented by a person in charge of the corporation, who must attend the examination of the corporation. If a corporation has been validly summoned but fails to attend, refuses to attend, or does not appoint a person in charge to represent it in the examination, PPNS LH designate one of the persons in charge to do so. PPNS LH then summon again, with an order to officers to bring that person by force. The provisions on coercive measures against persons at the investigation stage apply *mutatis mutandis* to coercive measures against the persons in charge of a corporation.

WHAT HAS CHANGED FROM PERMEN LH 11/2012

Permen LH 12/2026 differs from Permen LH 11/2012, among others, in the following respects. It provides for corporations and the persons in charge of them, which the guideline text does not mention. It lists the grounds for detention, which the guideline text does not contain. It regulates inspection of letters, blocking, crown witnesses and guilty pleas, which the guideline text does not contain. It also provides that Polri investigators order arrests and detentions by PPNS LH, whereas the guidelines had the superior of the PPNS LH investigator sign those orders.

Topic	Permen LH 11/2012	Permen LH 12/2026
Entry points to a case	A crime could become known from a report by the public or officers, from a person being caught in the act by the public or officers, or from the direct knowledge of the PPNS LH investigator.	Handling is based on an environmental supervision report or on a person being caught in the act. A report by the public and the direct knowledge of the PPNS LH are not named as a basis for handling.
Polri investigators and termination of an investigation	Arrest and detention orders were signed by the superior of the PPNS LH investigator at echelon II level or by the coordinator of PPNS LH investigators. Polri investigators provided investigation assistance, including assistance with coercive measures, and the PPNS LH investigator handed the investigation file to the public prosecutor. An investigation was terminated, among other grounds, when the suspect died, with no exception in the guideline text. Transfer of an investigation to Polri investigators was regulated for three situations, among them where the event covered more than one jurisdiction of the PPNS investigator.	Arrest and detention by PPNS LH are carried out on the order of Polri investigators. Among other things, the naming of a suspect is coordinated with Polri investigators, the case file is handed over through them, and PPNS LH must involve them in terminating an investigation. The ground of the suspect's death does not apply to a suspect who represents a business entity. The articles of Permen LH 12/2026 contain no provision on the transfer of an investigation to Polri investigators.

Topic	Permen LH 11/2012	Permen LH 12/2026
Evidence and detention	Sufficient preliminary evidence was defined as evidence in the form of information and data. Such information and data were contained in two of the incident report, the pulbaket report, the official record of examination at the crime scene, witness statements including those of experts, and evidence. Detention was carried out in accordance with the Criminal Procedure Code (KUHP), and the guideline text does not contain a list of grounds for detention.	The naming of a suspect, arrest and detention are based on at least 2 pieces of evidence, and detention is carried out if one or more of eight circumstances apply.
Urgent search and seizure	In very necessary and urgent circumstances, a search could be carried out without a permit from the chairman of the district court, and the PPNS LH investigator reported it immediately to the chairman of the district court to obtain approval. A seizure in very necessary and urgent circumstances or where a person was caught in the act could be carried out without a permit and without a seizure order. The PPNS LH investigator had to report it immediately to the chairman of the district court to obtain approval.	Approval of a search is requested at the latest 2 x 24 hours after the search. A seizure without permission may be carried out only of movable objects, with approval that must be requested within 5 working days. The objects of a search include means of transport, electronic information and electronic documents, whereas the words <i>transportasi</i> and <i>elektronik</i> are not found in the guideline text of Permen LH 11/2012.
List of coercive measures	Inspection of letters, blocking, crown witnesses and guilty pleas are not found in the guideline text. A preventive or exclusion measure (<i>pencegahan</i> or <i>penangkalan</i>) could be requested in writing. The request was addressed, at central level, to Bareskrim Polri and, at regional level, to Dit.Reskrimsus/Sat.Reskrim.	Inspection of letters, blocking, crown witnesses and guilty pleas are regulated. The prohibition on a suspect leaving Indonesia takes the form of <i>pencegahan</i> requested by the superior of the PPNS LH from Polri investigators, and <i>penangkalan</i> is not mentioned.
Corporations and persons examined	The guideline of Permen LH 11/2012 do not mentioned corporation or business entity. The guidelines set out the principles of legality, presumption of innocence, equality before the law and legal aid, including the duty to inform a suspect of the right to legal aid before the examination begins. Interpreters, persons with disabilities and recording of examinations are regulated before in the guideline.	Corporations and the persons in charge of them are regulated. The appointment of an advocate or legal aid provider, the recording of the examination of a suspect by surveillance camera, sworn interpreters, and special treatment for persons with disabilities, women and elderly persons are regulated.

What Does Not Change

Permen LH 12/2026 keeps the period for an arrest at most 1 x 24 hours, and the period of detention at most 20 days with an extension of at most 40 days, as under Permen LH 11/2012.

TIME LIMITS IN PERMEN LH 12/2026

Event	Time limit
Notice of commencement of the investigation to the public prosecutor	At the latest 7 days from the issue of the investigation order.
Summons received by the witness or suspect	No later than 3 working days before the specified date of attendance.
Arrest	At most 1 x 24 hours.
Copy of the arrest order to the suspect's family, a person designated by the suspect, or the head of the neighbourhood association where the suspect lives	Must be given at the latest 1 day from the arrest.

Event	Time limit
Detention	At most 20 days. If exceeded, PPNS LH may apply to the public prosecutor for an extension of at most 40 days.
Approval of the chairman of the district court for an urgent search	Requested at the latest 2 x 24 hours after the search.
Approval of the chairman of the district court for an urgent seizure	Must be requested within 5 working days.
Return of a letter after inspection	Must be returned at the latest 2 days from completion of the inspection.
Return of evidence	Within 7 days of the date the order for the return of evidence is issued.
Period of blocking	May only be carried out for a period of 1 year and may be extended 2 times for a period of 6 months.
Approval of the chairman of the district court for an urgent blocking	Requested at the latest 2 x 24 hours after the blocking.
Lifting of blocking	If the case is terminated at the investigation or prosecution stage, or based on a pre-trial decision on the invalidity of the naming of the suspect, the blocking must be lifted by the official who ordered it. The lifting must take place within 3 working days, with an order revoking the blocking.

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