



RESTORATIVE JUSTICE AS A PARADIGM SHIFT IN INDONESIA'S CRIMINAL ENVIRONMENTAL LAW ENFORCEMENT

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ARTICLE INFO

Keywords:

Criminal Law Enforcement;
Ecological Justice;
Environmental Law;
Environmental Restoration;
Restorative Justice.

ABSTRACT

Law enforcement against environmental crimes in Indonesia has yet to fully reflect the primary objective of environmental protection as mandated in Article 54 of Law Number 32 of 2009. Court rulings tend to impose imprisonment or fines without directing perpetrators to engage in environmental restoration. This study aims to analyze the orientation and effectiveness of environmental law enforcement in Indonesia and to propose a more relevant and equitable alternative approach, namely Restorative Justice. This approach is considered more capable of achieving substantive justice, as it emphasizes the involvement of offenders in environmental recovery and provides space for affected communities. This study utilizes a normative legal method employing conceptual and statutory approaches. Secondary data were gathered through a literature review, encompassing primary legal sources such as legislation and court rulings, alongside secondary legal sources from scholarly literature and legal journals. The findings indicate that the current law enforcement approach has not been optimal in realizing ecological justice and needs to be reinforced by a new paradigm that is responsive and forward-looking. Therefore,

integrating the Restorative Justice approach into Indonesia's environmental legal system is an urgent step toward establishing a legal system that is not only repressive but also constructive and restorative.

A. INTRODUCTION

Environmental degradation has become an increasingly serious challenge for society, with impacts that are likely to persist over the long term. If these environmental challenges remain inadequately addressed, the sustainability of the long-term development paradigm that has been collectively endorsed will be fundamentally undermined. Essentially, development is intended to enhance the quality of human life; however, this objective cannot be achieved without ensuring the preservation and protection of the environment as a foundational component of sustainable development. However, over time, development carried out without regard for various regulations will inevitably have a negative impact on the environment.¹ As an unavoidable consequence, the implementation of such a concept has resulted in increasingly widespread environmental degradation.² Fundamentally, environmental issues revolve around finding the necessary approaches to ensure that the Earth and its natural surroundings remain a habitable space one that supports a peaceful, harmonious, and prosperous life.³ One of the key efforts to preserve and ensure the sustainability of life on Earth is through legal instruments. As environmental degradation continues to escalate, law enforcement plays a vital role in realizing the fundamental objectives of the law.

The main point in law enforcement is adherence to principles and legal theory. In the context of law enforcement, truth and justice must take precedence even if it means going against the law this aligns with the doctrine of *Ius contra legem*.⁴ The second key point in law enforcement is adherence to statutory laws, which are binding on law enforcement officials in carrying out their functions. The regulations binding law enforcement officials also accommodate the methods of law enforcement. Methodology answers the question of how law enforcement is implemented. The chosen method plays a crucial role in achieving the goals of law enforcement; an inappropriate method can reduce the effectiveness of enforcement, or even prevent the law's

¹ John Briggs, and Andrew Waite, *Global Environmental Law Practice*, 29th ed, (London: Manchester University Press, 2014), 23.

² T. Subarsyah, "Penegakan hukum pidana dalam menanggulangi tindak pidana pencemaran lingkungan sungai citarum melalui pendekatan restorative justice," *Jurnal Soshum Insentif* 3, no. 2 (2020): 166.

³ Nina Herlina, "Permasalahan Lingkungan Hidup dan Penegakan Hukum Lingkungan di Indonesia," *Unigal Journal* 3, no. 2 (2017): 12.

⁴ Bambang Waluyo, *Penegakan Hukum di Indonesia*, (Jakarta: Sinar Grafika, 2022), 13.

objectives from being realized, potentially giving rise to new legal problems that require a different enforcement process. Although every method has its strengths and weaknesses, the selection of a method must consider the legal object being regulated, the geographical scope of law enforcement, and also aim to minimize the negative impacts of the method used.

A recent study by Mulyana Hadi et al.⁵ stresses that the transformation toward restorative enforcement requires strengthening community legal culture and enhancing the understanding of restorative justice among law enforcement institutions. Despite such initiatives, there remains a lack of empirical assessment on how these principles are applied in actual judicial decisions, leaving an open gap between theory and practice. Globally, the concept of restorative justice has gained growing recognition as an alternative and progressive framework for addressing environmental crimes. The United Nations Office on Drugs and Crime (UNODC) identifies four key elements for the effective implementation of restorative justice, one of which is the offender's acceptance of responsibility. Building upon this, Hadeel Al-Alosi and Mark Hamilton⁶ argue that restorative conferencing can serve as a vital mechanism to cultivate such responsibility among environmental offenders through facilitated dialogue and acknowledgment of ecological harm. This approach not only enhances accountability but also opens opportunities for active participation in environmental restoration.

Meanwhile, in Indonesia, the theoretical discourse on restorative justice has been developing primarily at the conceptual level. Angkasa⁷ highlights the emergence of green victimology and the shift toward an ecocentric orientation under Law Number 32 of 2009 on Environmental Protection and Management. However, empirical or doctrinal research examining how judges operationalize restorative principles particularly environmental restoration obligations in criminal verdicts remains limited. This gap reveals both a theoretical and practical vacuum that the present study seeks to address through normative and case-based analysis.⁸

⁵ Adwi Mulyana Hadi, Anik Iftitah, and Syahrul Alamsyah, "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity," *Mulawarman Law Review* 8, no. 1 (2023): 36. See too, Andi Sundari, Irwansyah Irwansyah, Iin Karita Sakharina, Muhammad Irwan, and Rasulov Ilkhom Inamovich, "Victims of Crime and Environmental Pollution in Indonesia: The Right to Restitution and Legal Inadequacies," *Journal of Law, Environmental and Justice* 3, no. 2 (2025): 480.

⁶ Hadeel Al-Alosi and Mark Hamilton, "The Potential of Restorative Justice in Promoting Environmental Offenders' Acceptance of Responsibility," *UNSW Law Journal* 44, no. 2 (2021): 487.

⁷ Angkasa, "Green victimology perspective the Law Number 32 of 2009 on environmental protection and management," *Jurnal Media Hukum* (2020): 228.

⁸ Dian Ekawaty Ismail, Avelia Rahmah Y. Mantali, and Mohamad Rivaldi Moha, "The Concept of Revitalizing Traditional Institutions in the Criminal Law System to Realize Restorative Justice," *Jambura Law Review* 5, no. 2 (2023): 227. See too, Gregorius Widiartana, Vincentius Patria Setyawan, and Ariesta Wibisono Anditya, "Exploring Restorative Justice in Domestic

An example of an environmental crime is the illegal logging case that reached a final and binding verdict at the cassation level, Case Number 5597K/Pid-Sus-LH/2022, involving the defendant Agus Setiyono, a resident of Purbalingga. The incident occurred in 2019 and concluded in 2022 with a sentence of one year in prison and a fine of IDR 500,000,000, or 15 days of substitute imprisonment. Although the legal process and verdict may seem controversial upon closer examination particularly due to the lack of orientation toward environmental rehabilitation and support for affected communities the judge's decision is considered legally valid and must be carried out.

The method of environmental law enforcement is explicitly regulated in Article 54 of Law Number 32 of 2009, which states that any person who causes pollution or environmental degradation is obligated to restore the environmental functions. The concept of environmental restoration encompasses a series of measures aimed at addressing environmental damage in a comprehensive manner. These measures include the cessation of activities that cause environmental harm, as well as remediation and rehabilitation efforts intended to restore environmental functions and quality. Environmental restoration is therefore not limited to physical recovery but also reflects a legal obligation to prevent further degradation and ensure accountability for environmental damage. As an integral component of environmental protection, restoration serves as a bridge between environmental responsibility and sustainable development objectives.

Within this framework, the relevance of environmental restoration extends beyond normative regulation to its broader implications for legal development and enforcement.⁹ This study contributes both theoretically and practically to the development of environmental law in Indonesia. Theoretically, it bridges restorative justice theory with environmental protection law, proposing a conceptual synthesis between criminal responsibility and ecological restoration. Practically, it provides guidance for judges, prosecutors, and policymakers in implementing restorative mechanisms such as community-based rehabilitation, ecological compensation, and participatory restoration within environmental cases. By doing so, it aims to strengthen the fairness, effectiveness, and sustainability of environmental law enforcement.¹⁰

Violence Cases," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 3, no. 3 (2025): 647.

⁹ Hariman Satria, "Restorative Justice: Paradigma Baru Peradilan Pidana," *Jurnal Media Hukum* 25, no. 1 (2018): 115. See too, Nurul Putri Awaliah Nasution, Jubair Jubair, and Abdul Wahid, "The Restorative Justice: Ideality, Reality, and Problems in The Indonesia Criminal Justice System," *Rechtsidee* 10, no. 2 (2022): 9.

¹⁰ Dian Ekawaty Ismail, Avelia Rahmah Y. Mantali, and Mohamad Rivaldi Moha, "The Concept of Revitalizing Traditional Institutions in the Criminal Law System to Realize Restorative Justice," *Jambura Law Review* 5, no. 2 (2023): 223.

Furthermore, recent empirical findings by Anggraeni and Amrullah¹¹ highlight that Indonesian environmental law enforcement officials still prioritize punitive sanctions over restorative measures, and civic engagement-based legal education is needed to shift toward a more restorative orientation

This research aims to analyze and critically evaluate the orientation of environmental criminal law enforcement in Indonesia within the framework of the restorative justice paradigm. The study focuses on examining whether the enforcement of environmental crimes has moved beyond a purely punitive approach toward a model that emphasizes environmental restoration, accountability of offenders, and the recovery of affected communities. In particular, this research seeks to assess the extent to which judicial practices and law enforcement policies have been implemented in accordance with the restorative mandate stipulated in Article 54 of Law Number 32 of 2009 on Environmental Protection and Management. Furthermore, the study aims to identify normative and practical gaps in the application of restorative justice principles in environmental cases, including inconsistencies in judicial interpretation and limitations in enforcement mechanisms.

This study, therefore, seeks to fill the existing research gap by examining whether judicial decisions have reflected restorative justice principles as mandated by environmental legislation and how these principles can be more effectively institutionalized within Indonesia's legal system. This study aims to assess the orientation of environmental law enforcement in Indonesia that has been implemented in recent years. This will help determine whether environmental law enforcement in Indonesia is in accordance with the mandates established in the legislation.

In order to examine the orientation of environmental criminal law enforcement in Indonesia within the restorative justice framework, this study formulates several research questions. These questions are designed to assess judicial practices, identify implementation challenges, and explore the integration of restorative justice principles into environmental law enforcement.

1. To what extent do Indonesian court decisions on environmental crimes reflect restorative justice principles?
2. How is restorative justice implemented in environmental law enforcement, and what challenges arise?
3. How can restorative justice be integrated into Indonesia's environmental law enforcement framework?

¹¹ Rr. Dewi Anggraeni, and Muhammad Karim Amrullah, "Promoting the Urgency of Restorative Justice to Environmental Law Enforcement Officials through Civic Engagement Education," *Jurnal Cakrawala Pendidikan* 42, no. 1 (2023): 179.

B. RESEARCH METHODS

This research adopts a normative legal method because it focuses on the examination of existing legal norms and legal sources using secondary materials obtained through library-based study. As explained by Saefullah Wiradipradja¹², normative legal research refers to a form of legal inquiry that uses positive law as the central object of study. Within this type of research, law is no longer regarded simply as an ideal or abstract concept, but is understood as something that has been institutionalized and formally structured into legal norms, principles, and institutions. Normative legal research is often described as dogmatic legal research, as it seeks to analyze, maintain, and further develop the framework of positive law through the study of legal doctrine. The research applies conceptual and statutory approaches, relying on legislation and doctrinal developments within the field of legal scholarship.¹³ The primary law analyzed in this study is Law Number 32 of 2009 on Environmental Protection and Management, supported by Government Regulation Number 22 of 2021 and relevant Supreme Court decisions.

This research also involves an examination of legislation that constitutes the core issue of the study, complemented by court decisions relevant to the subject matter. The data used is secondary data, which consists of primary legal materials such as statutes, court decisions, and official state documents, as well as secondary legal materials such as legal books and law journals containing fundamental legal principles, expert legal opinions, and the results of legal research. The data collection technique employed is library or documentary research, conducted using the card system, then inventoried and classified in accordance with the research problem formulation. The processing of the collected legal materials is carried out through several stages: inventory, identification, classification, and systematization. Systematization is conducted to avoid data overlap or inconsistencies between sources. Once the data has been processed, it is then analyzed using a qualitative analysis method, employing legal interpretation techniques with the aim of identifying whether there is a legal vacuum, legal ambiguity, laws that no longer align with current social conditions, or laws that are no longer effective in resolving existing legal problems.

¹² E. Saefullah Wiradipradja, *Penuntun Praktis Metode Penelitian dan Penulisan Karya Ilmiah Hukum*, (Bandung: Keni Media, 2015), 75.

¹³ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi 2015.h.172*, (Jakarta: Kencana Prenada Group, 2015), 36.

C. DISCUSSION

1. Analysis of Court Decisions on Environmental Crime Cases in Indonesia

Law is enforced to affirm that rationally, all members of society are equal before the law and that it will provide a sense of justice to anyone who places their trust in it.¹⁴ Law enforcement is an integral part of the legal system, as it has a significant impact on societal and national life. Therefore, law enforcement must be supported and carried out by every citizen in varying capacities, with the aim of maintaining the organization of the state and ensuring the well-being of human life. It is thus understandable that in today's era of rapid technological advancement, the traditional legal maxim has evolved into a more extreme expression: "Uphold the law, or humanity will perish." This underscores the obligation of all members of society, and for this reason, an understanding of rights and obligations becomes an absolute prerequisite.¹⁵ Therefore, law enforcement is attributed to state institutions or specialized bodies within the government to carry out the judicial function.

Law enforcement against environmental crimes should employ a different approach compared to other criminal offenses such as murder, theft, or corruption. This is because environmental crimes can be defined as actions by individuals that, due to their negligence or fault, result in a decline in the physical quality of the environment, thereby potentially harming the living beings within and around it.¹⁶ However, from a legal perspective, environmental crimes are defined as any act that violates prohibitions established by environmental laws and their subordinate regulations.

Another opinion refers to environmental crimes as environmental torts (unlawful acts against the environment), which essentially carry the same meaning. Andri G.¹⁷ cites Husin's view regarding environmental torts under environmental law, which may include the following elements: first, that environmental pollution or degradation constitutes an unlawful act; second, that the pollution results from fault or negligence; third, that the pollution causes harm or loss; and fourth, that there is a causal relationship between

¹⁴ Elvinda Rima Harliza, and Tomy Michael, "Penegakan Hukum Illegal Fishing," *Mimbar Keadilan* 13, no. 1 (2020): 127. See too, Pupu Sriwulan Sumaya, "Keadilan Restoratif dalam Sistem Hukum Adat di Indonesia," *Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP)* 5, no. 2 (2024): 357.

¹⁵ Lidya Rahmadani Hasibuan, "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context," *Sch Int J Law Crime Justice* 5, no. 7 (2022): 268. See too, Nurul Putri Awaliah Nasution, Jubair Jubair, and Abdul Wahid, "The Restorative Justice: Ideality, Reality, and Problems in The Indonesia Criminal Justice System," *Rechtsidee* 10, no. 2 (2022): 10.

¹⁶ Josua Navirio Pardede, and Wahyu Yun Santoso, "Refleksi kritis terhadap konsep keadilan restoratif dalam penanganan tindak pidana lingkungan hidup di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 272.

¹⁷ Andri G. Wibisana, *Penegakan Hukum Lingkungan Melalui Pertanggungjawaban Perdata*, (Depok: Fakultas Hukum Universitas Indonesia, 2017), 46.

the unlawful act and the resulting harm. Environmental crimes or unlawful acts against the environment are considered multiple effect crimes, meaning that once committed, they impact many victims, even though the victims may not be directly correlated with one another. This is because the primary victim of such crimes is the destruction of the environment, which is a vital aspect of life. This destruction directly harms the environment itself and causes unavoidable impacts on the surrounding communities, including economic loss or disruption of livelihoods, health problems, and damage to larger areas such as air or water quality. Additionally, it leads to the destruction of ecosystems, the loss of habitats, and even the extinction of animal and plant species. It also results in economic losses for both the community and the state, and, on a broader scale, contributes to global climate change. Therefore, crimes against the environment require special legal enforcement handling with a specific approach, as these crimes can be classified as systemic crimes.¹⁸

The approach to environmental law enforcement has been outlined in Articles 54, paragraphs 1 and 2 of Law Number 32 of 2009 concerning Environmental Protection and Management stress that anyone responsible for causing pollution and/or environmental degradation is obligated to restore the environment to its proper function. Paragraph 2 regulates the forms of restoration, which include the cessation of the source and cleaning, remediation, rehabilitation, restoration, and other methods in line with advancements in knowledge and technology.¹⁹ This concept has long been envisioned by lawmakers as the most relevant approach for environmental law enforcement and for addressing environmental damage that has occurred, particularly in Indonesia, with its vast land area and the slow pace of government-led restoration efforts.

Theoretically, Articles 54, paragraphs 1 and 2 of Law Number 32 of 2009 on Environmental Protection and Management are essentially in line with the ancient fundamental principle of criminal punishment, which remains highly relevant today: *extali culpa obligatoir naturalited oritur*, anyone who causes harm to others due to their fault is obligated to restore the situation to its original state.²⁰ This principle is clearly accommodated in the above-

¹⁸ Mulia H. Ritonga, Gde Pantja Astawa, and Romli Atmasasmita, "Paradigm change in the law of the national police of the republic of Indonesia in solving criminal cases towards restorative justice," *Russian Law Journal* 11, no. 5 (2023): 5. See too, Iman Imanuddin, and Bareskrim Polri, "Pendekatan Restorative Justice dalam Menanggulangi Tindak Pidana Lingkungan Hidup," *Jurnal Syiar Hukum Jurnal Ilmu Hukum* 17 (2020): 148.

¹⁹ Abdul Madjid, and Milda Istisqomah, "Restorative Justice: A Suitable Response to Environmental Crime in Indonesia?" *Krytyka Prawa* (2023): 86. See too, Josua Navirio Pardede, and Wahyu Yun Santoso, "Refleksi kritis terhadap konsep keadilan restoratif dalam penanganan tindak pidana lingkungan hidup di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 274.

²⁰ Rika Erawaty, "Penegakan Hukum Lingkungan Di Kawasan Industri Ditinjau Dari Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup (Studi

mentioned articles, which require environmental offenders to take concrete actions to restore the damaged environment, including the cessation of the source of damage or pollution, cleaning, remediation, restoration, and rehabilitation of the environment.

2. Implementation and Challenges

Based on the researcher's findings in the implementation of environmental law enforcement regarding issues such as mining, illegal logging, and cases of environmental quality standard violations, law enforcement authorities have not once applied Articles 54, paragraphs 1 and 2 of Law Number 32 of 2009 on Environmental Protection and Management.²¹ This applies both to the core articles and their supporting provisions related to the main articles. Therefore, it is understandable that the environmental damage occurring in Indonesia will naturally recover, but this process will take decades, even up to 30 years, resulting in complex consequences for the environment, surrounding communities, and the government's efforts to address the environmental damage.

The reviewed cases include numerous convictions related to illegal mining, forest destruction, hazardous waste management, and unlawful logging. These decisions begin with Kendari District Court No. 496/Pid.Sus/2022/PN.Kdi, applying Article 38(3) of Law 41/1999 and Law 18/2013 for illegal mining with a sentence of 1 year 1 month and a IDR 100 million fine; Kotabaru District Court No. 19/Pid.B/LH/2024/PN Ktb under Article 158 jo 53 of Law 3/2020 for unlicensed mining (2 months and IDR 5 million); Sorong District Court No. 34/Pid.B/LH/2024/PN Son under Article 83(1)(b) jo 12(e) Law 18/2013 for transporting timber illegally (1 year 4 months and IDR 500 million); Rengat District Court No. 7/Pid.B/LH/2024/PN Rgt under Article 78(3) jo 50(3)(d) Law 41/1999 for deliberate forest burning (3 years and IDR 500,000); Supreme Court No. 17 K/Pid.Sus-LH/2022 under Article 102 jo 59(4) Law 32/2009 for unlicensed B3 waste management (1 year 6 months and IDR 1 billion); Bangkinang District Court No. 176/Pid.B/LH/2024/PN Bkn applying Article 83(1)(b) jo 12(e) Law 18/2013 for timber transport (9 months and IDR 10 million); a second case from Kendari District Court No. 496/Pid.Sus/2022/PN Kdi using Article 78(2) jo 50(3)(a) Law 41/1999 for illegal mining (1 year 1 month and IDR 100 million); Takalar District Court No. 26/Pid.B/LH/2021/PN Tka under Article 78(5) jo 50(3)(e) Law 41/1999 for

Pada Kawasan Industri Kota Dumai)," *Risalah Hukum* (2011): 58. See too, Adi Gunawan, Nadir, and Fatkhurohman Fatkhurohman, "Building the Strengthening of Environmental Protection and Management in the Industrial Revolution-Era 4.0," *Sasi* 28, no. 4 (2022): 623.

²¹ Noviar Ramadhany Biesse Putri, "Kewenangan Pemerintah Daerah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Berdasarkan Undang-Undang Republik Indonesia Nomor 32 Tahun 2009," *DiH: Jurnal Ilmu Hukum* (2022): 201-211. See too, Sodikin, "Penegakan Hukum Lingkungan menurut Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan," *Kanun Jurnal Ilmu Hukum* 12, no. 3 (2010): 552.

ordering illegal tree felling (9 months and IDR 50 million); Amurang District Court No. 21/Pid.B/LH/2024/PN Amr under Article 88(1)(b) jo 14 Law 18/2013 for falsifying timber legality documents (3 years and IDR 500 million); and Ruteng District Court No. 34/Pid.B/LH/2023/PN Rtg under Article 36 No. 19 and Article 78(2) of Law 11/2020 for illegal forest occupation (1 year and IDR 300 million). Further cases include Kotabaru No. 27/Pid.B/LH/2024/PN Ktb (2 months, IDR 5 million), Ngabang No. 36/Pid.Sus-LH/2021/PN Nba (1 year, IDR 500 million), Supreme Court No. 37 K/Pid.Sus-LH/2022 (fine IDR 5.25 billion), Sangatta No. 29/Pid.B/LH/2020/PN Sgt (1 year, IDR 1 million), Andoolo No. 49/Pid.Sus-LH/2024/PN Adl (8 months, IDR 100 million), West Kutai No. 19/Pid.B/LH/2024/PN (2 months, IDR 5 million), Sorong No. 70/Pid.B/LH/2024/PN Son (1 year 5 months, IDR 500 million), Tanah Grogot No. 125/Pid.B/LH/2024/PN Tgt (1 year, IDR 100 million), Supreme Court No. 316 PK/Pid.Sus-LH/2023 (fine IDR 3.5 billion), and Jambi High Court No. 188/Pid.Sus-LH/2024/PT JMB (1 year 6 months, IDR 3 million).

Additional judgments include Sangatta District Court (hereinafter "DC") No. 82/Pid.B/LH/2020/PN Sgt (1 year 9 months, IDR 500 million) for unauthorized forest felling; Supreme Court No. 257 PK/Pid.Sus-LH/2023 imposing IDR 4 billion for mining without permits; Tenggara DC No. 356/Pid.B-LH/2019/PN Trg (1 year 6 months, IDR 500 million) for mining without a license; Rengat DC No. 136/Pid.B/LH/2024/PN Rgt (2 years 6 months, IDR 30 million) for activities violating national park zoning; Sungailiat DC No. 228/Pid.Sus-LH/2024/PN Sg (7 months, IDR 3 million); Sungailiat DC No. 206/Pid.Sus-LH/2024/PN Sgl (7 months and IDR 1 million); Sengeti DC No. 135/Pid.B.LH/2021/PN Snt (2 years, IDR 1 billion) for timber possession without documents; Jambi High Court No. 184/Pid.Sus-LH/2024/PT JMB (1 year 6 months, IDR 1 billion) for illegal mining; Kuala Kapuas DC No. 119/Pid.Sus-LH/2024/PN Klk (3 months, IDR 5 million); Prabumulih DC No. 296/Pid.Sus/LH/2017/PN Pbm (3 years, IDR 3 billion) for land burning; Parigi DC No. 92/Pid.Sus-LH/2024/PN Prg (10 months, IDR 100 million); Surabaya DC No. 2608/Pid.B/LH/2023/PN Sby (8 years, IDR 7 billion) for timber transport; Sungailiat DC No. 244/Pid.Sus-LH/2024/PN Sgl (7 months, IDR 1 million); Cibinong DC No. 236/Pid.B/LH/2021/PN Cb (1 year 1 month, IDR 1 billion) for illegal hazardous-waste production; Banyuwangi DC No. 145/Pid.B/LH/2023/PN Byw (3 years, IDR 500 million); Sungailiat DC No. 212/Pid.Sus-LH/2024/PN Sgl (10 months, IDR 2 million); Kraksaan DC No. 385/Pid.B/LH/2020/PN Krs (2 years, IDR 500 million) for unauthorized felling; Rengat DC No. 175/Pid.B/LH/2021/PN Rgt (1 year, IDR 20 million); Parigi DC No. 92/Pid.Sus-LH/2024/PN Prg (duplicate case, 10 months, IDR 100 million); Tanjung Pandan DC No. 85/Pid.B/LH/2024/PN Tdn which acquitted the

defendant; and Kota Agung DC No. 110/Pid.B/LH/2021/PN Kot (1 year, IDR 500 million).

The subsequent cases consist of Tebo DC No. 74/Pid.B-LH/2024/PN Mrt (8 months, IDR 5 million); Supreme Court No. 5992 K/Pid.Sus-LH/2022 (1 year, IDR 10 million); Sungailiat DC No. 245/Pid.Sus-LH/2024/PN Sgl (9 months, IDR 2 million) for illegal mineral sales; Supreme Court No. 193 PK/Pid.Sus-LH/2021 (1 year, IDR 1 billion) for unlicensed B3 waste management; Bangkinang DC No. 499/Pid.B/LH/2019/PN Bkn (3 years, IDR 3 billion) for burning land; Kota Agung DC No. 101/Pid.B/LH/2021/PN Kot (1 year 1 month, IDR 800 million) for illegal timber transport; Supreme Court No. 2580 K/Pid.Sus-LH/2023, where the defendant was acquitted for mining without a permit; Sangatta DC No. 81/Pid.B/LH/2020/PN Sgt (1 year 9 months, IDR 500 million) for cutting forest trees; Palembang High Court No. 217/Pid.Sus.LH/2024/PT.PLG (1 year 6 months, IDR 10 million) for unauthorized diesel transport; Teluk Kuantan DC No. 114/Pid.Sus-LH/2024/PN Tlk (9 months, IDR 100 million); Surabaya High Court No. 260/Pid.Sus-LH/2024/PT SBY (1 year 8 months, IDR 500 million) for illegal logging; Supreme Court No. 6650 K/Pid.Sus-LH/2022 (1 year imprisonment) for operating a plantation without a permit; Supreme Court No. 6138 K/Pid.Sus-LH/2023 (3 years, IDR 3 billion) for environmental pollution; Supreme Court No. 6978 K/Pid.Sus-LH/2022 (fine IDR 1 billion + additional IDR 7.49 billion) for environmental damage; Sungailiat DC No. 241/Pid.Sus-LH/2024/PN Sgl (7 months, IDR 1 million); Supreme Court No. 5597 K/Pid.Sus-LH/2022 (1 year 4 months, IDR 500 million) for ordering illegal logging; Supreme Court No. 2230 K/Pid.Sus-LH/2021 (1 year 8 months, IDR 500 million) for possession of illegal timber; Supreme Court No. 6265 K/Pid.Sus/2022 (8 months, IDR 500 million) for transporting forest wood illegally; and finally Kutai Barat DC No. 141/Pid.B/LH/2020/PN Sdw, which acquitted the defendant of illegal logging under Article 82(1)(b) Law 18/2013.

Overall, these sixty decisions collectively illustrate the judiciary's wide-ranging application of environmental and forestry laws, spanning illegal mining (Article 158 and related provisions of Laws 3/2020 and 4/2009), illegal logging and timber transport (Articles 83, 82, 12 of Law 18/2013), forest burning (Article 78 of Law 41/1999), hazardous waste and pollution offenses (Articles 98, 102, 108 of Law 32/2009), environmental permit violations, and misuse of conservation areas (Law 5/1990). Sentences range from short two-month imprisonment terms to eight-year prison terms and fines from thousands of rupiah to billions, with several acquittals (notably in Tanjung Pandan, Supreme Court 2580 K/Pid.Sus-LH/2023, and Kutai Barat). Altogether, the compilation shows not only the severity and diversity of environmental crimes in Indonesia but also the varied judicial responses in sanctioning offenders under national environmental and forestry legislation.

First, the form of punishment imposed by the court consists of imprisonment and fines or prison sentences. Based on the author's research, the highest prison sentence is three years, while 83.3% of the cases involved prison sentences with an average duration of 1 to 2 years. Meanwhile, fines were imposed in only 2 cases or 3%. As for additional alternative punishments, which include fines or imprisonment, 80% of cases involved this option. Second, the author did not find any penalties imposed by the court in environmental crime cases based on Articles 54, paragraphs 1 and 2 of Law Number 32 of 2009 regarding the Protection and Management of the Environment.²² While in essence, every form of environmental crime has the potential to cause negative impacts or damage to the environment. Law enforcement authorities should incorporate these articles as reinforcement at every stage of the law enforcement process. Third, the offender or convict remains passive in efforts to achieve the restoration and rehabilitation of the damaged environment.²³ This concept is an old conventional approach that should be replaced with a modern concept that emphasizes the active role of environmental offenders in restoring and rehabilitating the damaged environment. With this modern concept, the government monitors and supervises environmental offenders in carrying out the court's mandate to repair the damage caused.²⁴

Fourth, there is a perception that law enforcement officials consider environmental crimes to be the same as ordinary criminal offenses.²⁵ In reality, environmental crimes are very different from ordinary crimes such as theft, murder, embezzlement, or drug abuse, because the impact of environmental crimes is much broader, longer-lasting, and systemic. In addition to damaging the ecology, they also have a significant impact on the daily social life of the community. Fifth, the lack of reasoning and creativity among law enforcement officials in applying environmental crime laws is exemplified in Case Number 499/Pid.B/LH/2019/PN Bkn, which involves land clearing through land burning. Law enforcement used Article 108, which regulates the criminal act of land burning and also refers to Article 69 of Law Number 32 of 2009. In this case,

²² Tundjung Herning Sitabuana, and Harry Setiawan, "Perlindungan Hukum Terhadap Pejuang Lingkungan Hidup yang Dijamin dalam Undang-Undang Nomor 32 tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup," *Era Hukum-Jurnal Ilmiah Ilmu Hukum* 19, no. 1 (2021): 242.

²³ Armindo D. Amaral, "Initiating the Utilization of Restorative Justice in Completing of the Environmental Crime Cases," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019): 673.

²⁴ Nurul Putri Awaliah Nasution, Jubair Jubair, and Abdul Wahid, "The Restorative Justice: Ideality, Reality, and Problems in The Indonesia Criminal Justice System," *Rechtsidee* 10, no. 2 (2022): 11.

²⁵ Moranda Pardomuan Jawak, and Muhammad Ilham Hermawan, "Efektivitas Penerapan Restorative Justice Dalam Penegakan Hukum Terhadap Tindak Pidana Lingkungan Yang Menimbulkan Kerugian Keuangan Negara Di Indonesia," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 12, no. 12 (2025): 4563.

law enforcement should have strengthened the article by also applying Article 54 of Law Number 32 of 2009, which focuses on halting the source of damage and environmental rehabilitation.²⁶ This approach should be similarly applied to other environmental crimes, such as illegal logging, illegal mining, violations of environmental quality standards, and waste disposal, all of which, in essence, are actions that cause environmental damage.

Based on the data obtained and presented in this study, it is evident that the direction of environmental law enforcement in Indonesia does not align with the primary objectives set forth in the applicable regulations. These objectives not only include deterring offenders and ensuring that the state receives compensation for the damages caused, but also prioritize the restoration of damaged environments. This is already stated in Article 54 of Law Number 32 of 2009 on Environmental Protection and Management.²⁷

3. Integrating Restorative Justice into Environmental Law in Indonesia: Towards Sustainable and Participatory Legal Reform

The author sees that this article is very interesting to discuss. The first aspect that stands out is that this article is futuristic, as it is oriented towards the future for the restoration of damaged environmental conditions. This concept slightly changes the old perspective, where the polluter must pay, to a new approach where the polluter must repair. Environmental offenders are required to actively restore the damage to the environment, while in the old punitive concept, the offender remains passive, as they could only be sentenced to prison and fines, or fines could be replaced with imprisonment (optional).²⁸ This shift from the old punitive concept, based on the old adage "How to Use the Environment," to the new paradigm of "How to Protect the Environment," reflects the idea of teaching how to protect the environment. This aligns with the concept of sustainable national development, which states that the main principle of sustainable development requires the incorporation

²⁶ Sri Yuliana, Raja Agung Kesuma Arc, and Jonli Oswan, "Pelanggaran Hak Manusia Dalam Mempertahankan Lingkungan Hidup Menurut Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup," *Justicia Sains: Jurnal Ilmu Hukum* 7, no. 1 (2022): 44.

²⁷ Rika Erawaty, "Penegakan Hukum Lingkungan Di Kawasan Industri Ditinjau Dari Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup (Studi Pada Kawasan Industri Kota Dumai)," *Risalah Hukum* (2011): 58. See too, Lalu Sabardi, "Peran serta masyarakat dalam pengelolaan lingkungan hidup menurut Undang-undang Nomor 32 Tahun 2009 tentang Perlindungan dan pengelolaan lingkungan hidup," *Yustisia Jurnal Hukum* 3, no. 1 (2014): 71.

²⁸ Huni Susanti, and Misi Nufninu, "Restorative Justice pada Perkara Lingkungan Hidup dalam Perspektif Penuntutan Jaksa," *Hakim: Jurnal Ilmu Hukum dan Sosial* 3, no. 4 (2025): 1410. See too, Nurul Putri Awaliah Nasution, Jubair Jubair, and Abdul Wahid, "The Restorative Justice: Ideality, Reality, and Problems in The Indonesia Criminal Justice System," *Rechtsidee* 10, no. 2 (2022): 14.

of environmental, social, and economic factors into every policy decision.²⁹ In fact, within the framework of global environmental governance, Principle 4 of the Rio Declaration underscores that safeguarding the environment forms an essential component of development and cannot be approached as a separate or standalone issue for achieving sustainable development; instead, it must be fully embedded within the overall development agenda.³⁰

Article 54 of Law Number 32 of 2009, as well as the "How to Protect the Environment" paradigm and the legal principle of *extali culpa obligatoir naturalited oritur*, are very much aligned with the modern, futuristic concept of the restorative justice approach in environmental law enforcement. After delving into several literatures from articles published in journals and books, this method is seen as very suitable when compared to other law enforcement methods, as it better reflects justice for those impacted, including the environment, humans/society, and the state. Thus, justice can be realized if all affected parties are involved in every decision-making process, including in the enforcement of environmental crimes, the restorative justice approach, as quoted from Adelle Thomas³¹, involves all affected parties and is fundamentally in line with the participatory principle established in Law Number 32 of 2009 concerning the Protection and Management of the Environment. When related to the enforcement of environmental violations, the offender or convicted environmental criminal should be involved in the restoration and preservation of the environment. This is also relevant to the objectives of environmental protection outlined in Article 3 of Law Number 32 of 2009, which states in Article 3(a) that it aims to protect... Indonesia's territory from environmental damage. This means that, through the restorative justice approach, an individual or legal entity convicted of an environmental crime must restore the environmental function to its original state.³²

The development and use of the restorative justice method have been evolving for quite some time and has received positive responses from legal experts and the global legal community as one of the law enforcement methods that can reflect the substance of justice for all parties, especially victims.³³ For example, in the case of accident victims in China, where the

²⁹ John C. Dernbach, and Joel A. Mintz, "Environmental Laws and Sustainability: An Introduction," *Sustainability* 3, no. 3 (2011): 536.

³⁰ Antono Adhi Susanto, "Reconstruction of the 1945 Constitution for Strengthening the Legal Framework of Indonesia Environmental Law," *Jurnal Konstitusi* 21, no. 2 (2024): 187.

³¹ Adelle Thomas, April Baptiste, Rosanne Martyr-Koller, Patrick Pringle, and Kevon Rhiney, "Climate change and small island developing states," *Annual Review of Environment and Resources* 45, no. 1 (2020): 17.

³² Sodikin, "Penegakan Hukum Lingkungan menurut Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan," *Kanun Jurnal Ilmu Hukum* 12, no. 3 (2010): 556.

³³ Syifa Ayumi Safitri, "Keadilan Restoratiff Sebagai Paradigma Baru Dalam Hukum Pidana Indonesia," *Causa: Jurnal Hukum dan Kewarganegaraan* 16, no. 1 (2025): 803.

victim suffers permanent injury, the perpetrator is required to take responsibility for the victim's living expenses for the rest of their life. Eva Achjani Sulfa concluded from several of her studies that countries such as Ghana, Australia, Bulgaria, Canada, Belgium, and Tasmania have implemented the restorative justice method through mediation outside the scope of the criminal justice system. Meanwhile, countries like the United Kingdom, New Zealand, and South Africa have incorporated the restorative justice system as part of their criminal justice system.³⁴ This means that in the implementation of this method in the United Kingdom, New Zealand, and South Africa, the financial efficiency gained by the state will be greater, and the victims will also receive compensation for the losses they have suffered. The criminal justice system in the United Kingdom, in implementing the values of restorative justice, uses one of the approaches offered by James Dignan³⁵ namely court-based restitutive and reparative measures, which focus on compensation and restoration.

The next section of this research will discuss the relevance and implementation of the use of the restorative justice approach within the content of legislation governing environmental protection. This is because, in addition to providing a more effective and direct recovery impact on the object/victim, this approach aligns more closely with the concept of responsive law. Responsive law accommodates social values that prioritize the needs and justice reflected in legislation and policies issued by the authorities³⁶. Responsive law emerged as the antithesis or attempt at scientific criticism of the increasingly precipitous doctrine of legalism³⁷. This is because, fundamentally, the restorative justice approach is more effective in addressing environmental damage through the restoration of natural conditions and the realization of justice for the environment. Based on the observable decline in environmental quality and a review of existing environmental legislation, the author believes that current regulations do not have a significant impact on environmental conservation. Therefore, it is necessary to analyze these laws to identify weaknesses in environmental protection. One example is the regulation of environmental law enforcement found in Part Three, Paragraph

³⁴ Sukardi, and Hadi Rahmat Purnama, "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia," *Journal of Indonesian Legal Studies* 7, no. 1 (2022): 159. See too, Huni Susanti, and Misi Nufninu, "Restorative Justice pada Perkara Lingkungan Hidup dalam Perspektif Penuntutan Jaksa," *Hakim: Jurnal Ilmu Hukum dan Sosial* 3, no. 4 (2025): 1412.

³⁵ James Dignan, *Understanding Victim and Restorative Justice*, (New York: Open University Press, 2005), 42. See too, Armindo D. Amaral, "Initiating the Utilization of Restorative Justice in Completing of the Environmental Crime Cases," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019): 678.

³⁶ Tanti Kirana Utami, "The Efforts to Realize Responsive Local Regulations for Community Development," *Unifikasi: Jurnal Ilmu Hukum* 8, no. 1 (2021): 139.

³⁷ Agam Ibnu Asa, Misnal Munir, and Rr. Siti Murti Ningsih. "Nonet and Selznick's Responsive Law Concept in a Historical Philosophy Perspective," *Crepido* 3, no. 2 (2021): 99.

1 of Law Number 32 of 2009 on Environmental Protection and Management, which is titled "Compensation and Environmental Restoration." However, the subsequent articles do not discuss environmental restoration, focusing only on compensation. Moreover, the compensation funds paid are not directly allocated to restore the damaged environment.

Restorative Justice represents a judicial framework that emphasizes offender accountability by obligating individuals to acknowledge their misconduct and actively participate in repairing the resulting harm, which may involve offering formal apologies, reimbursing stolen assets, or undertaking community service initiatives. In line with this view, a simple definition was expressed by Gerry Johnstone³⁸, who stated that "Restorative Justice is a concept that carries an evaluative or positive assessment" a concept that is inherently appreciative. He further explained that restorative justice represents a forward-looking and constructive approach, providing a more conventional method of addressing crime and misconduct.

The realization of restorative justice is, in essence, very simple, yet its implementation can be quite complex particularly in terms of supervision.³⁹ It is considered simple because this method can help avoid lengthy judicial processes, high litigation costs, and a judicial bureaucracy that is often inaccessible to all segments of society with a high level of professionalism. On the other hand, it is viewed as complicated because current legislation does not provide sufficient legal clarity. One of the difficulties encountered by law enforcement authorities is whether the outcomes resulting arising from the implementation of restorative justice can truly be seen as fair and acceptable to all parties involved, including the offender. According to Howard Zehr⁴⁰ "forgiveness or reconciliation does not constitute the core principle or primary emphasis of restorative justice." This means that in the application of the method, the offender must still receive criminal punishment as stipulated by the the existing legal rules and regulatory framework, with the aim of creating a deterrent effect and serving as a lesson for others. Although, internally, the application of restorative justice in addressing criminal offenses already contains a deterrent and preventive effect for the broader society, this impact

³⁸ Gerry Johnstone, and Daniel W. Van Ness, *Handbook of Restorative Justice*, (London: British Library, 2013), 53.

³⁹ A. Djoko Sumaryanto, "Restorative Justice in Addressing Environmental Crimes: A Viable Alternative or a Legal Threat," *Journal of Strafvordering Indonesian* 2, no. 2 (2025): 12. See too, Ridwan Arifin, Siti Hafsyah Idris, Tri Imam Munandar, and Ngaboawaji Daniel Nte, "Striking a balance: navigating peace, justice, and restorative justice in Indonesian prosecutorial process," *The Prosecutor Law Review* 1, no. 3 (2023): 438.

⁴⁰ Howard Zehr, *The Little Book of Restorative Justice*, (New York: Skyhorse Publishing, 2014), 62. See too, Moranda Pardomuan Jawak, and Muhammad Ilham Hermawan, "Efektivitas Penerapan Restorative Justice Dalam Penegakan Hukum Terhadap Tindak Pidana Lingkungan Yang Menyebabkan Kerugian Keuangan Negara Di Indonesia," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 12, no. 12 (2025): 4569.

is often too weak and may be disregarded by the offender. This is especially true when there is a disparity in position, status, or economic level between the offender and the victim.

Essentially, restorative justice is an outcome-oriented form of justice. In this context, it emphasizes both the outcomes of the criminal justice and sentencing system as well as the results of the victim recovery process. Therefore, it requires investigators to possess the ability to analyze both the explicit and implicit objectives of a regulation. This includes micro-level goals related to victims and macro-level goals concerning society and the state as a whole. Responsive law does not view law merely from a juridical perspective but considers it from various angles in order to achieve substantive justice.⁴¹ In addition, a justice system that adopts a restorative justice approach will create a more friendly and humane judicial process for all parties involved in a criminal act. The concept of restorative justice has evolved from critical reflections and dissatisfaction with the conventional penal system, which is considered ineffective and lacking in humanity.⁴² According to research by Shewan⁴³, there are three key benefits of restorative justice: reducing recidivism (reduce re-offending), increasing efficiency and reducing costs (increases efficiency and cost), and improving public trust and satisfaction (to improve public confidence).

Restorative Justice is a concept that encompasses various justice practices that share the same values but involve highly diverse procedures.⁴⁴ These values place emphasis on holding offenders accountable for their actions, and one form of such accountability is to restore the damage they have caused, whether it is material loss or psychological harm (mental, emotional trauma), which may occur in the short term and possibly persist in the long term. In implementing these values, James Dignan offers five approaches (types of restorative justice approach) to ensure the successful application of restorative justice.⁴⁵

First, court-based restitutive and reparative measures, which focus on compensation and restoration. This model was first implemented in the United

⁴¹ Kus Rizkianto Sanusi, and Kanti Rahayu, "Hukum Yang Responsif Terhadap Revolusi Industri 4.0 Dalam Perspektif Pancasila," In *Prosiding Seminar Nasional Hukum Transendental*, 2019.

⁴² Destri Tsurayya Istiqamah, "Analisis Nilai Keadilan Restoratif pada Penerapan Hukum Adat di Indonesia," *Veritas et Justitia* 4, no. 1 (2018): 212. See too, Syifa Ayumi Safitri, "Keadilan Restoratif Sebagai Paradigma Baru Dalam Hukum Pidana Indonesia," *Causa: Jurnal Hukum dan Kewarganegaraan* 16, no. 1 (2025): 807.

⁴³ Garry Shewan, *A business case for restorative justice and policing*, (London: Restorative Justice Council, 2010), 42.

⁴⁴ Irsyad Dahri, and Ahmad Syahril Yunus, *Pengantar Restorative Justice*, (Jakarta: Guepedia, 2022), 64. See too, Ahmad Syahird, "Restorative Justice Terhadap Tindak Pidana Korporasi Dibidang Lingkungan Hidup," *Indonesian Journal Of Education and Humanity* 3, no. 2 (2023): 51.

⁴⁵ James Dignan, *Understanding Victim and Restorative Justice*, (New York: Open University Press, 2005), 42.

Kingdom. Second, victim-offender mediation programs, which are mediation initiatives between offenders and victims of crimes. This approach is implemented in North America. Third, conferencing initiatives, which involve organized negotiation meetings between offenders and victims. This model is applied in New Zealand. Fourth, community reparation boards and panels, implemented in community settings in Scotland. Fifth, healing and sentencing circles, a method of collective sentencing discussion used by Indigenous communities in Canada. Dignan⁴⁶ further states that "Restorative justice is an emerging paradigm for addressing misconduct and conflict that has rapidly garnered recognition and endorsement from professionals in education, law, social work, counseling, and various community organizations. It is a principle-driven approach that seeks to respond to wrongdoing by giving equal consideration to the needs of the victims, the offenders, and the wider community impacted by the incident.

Mark Umbreit states that "Restorative justice offers a fundamentally different perspective for interpreting and addressing crime." Within this framework, crime is viewed as an act that causes harm to both individuals and the broader community, not merely an abstract violation of the law against the state. The victim is the individual most directly impacted by the crime, community members, and the offender are all harmed, and therefore are encouraged to actively participate in the justice process. Rather than focusing on punishing the offender, the emotional and material restoration of the crime victim is far more important.

Restorative justice is a concept that emerges from evolving perspectives on the criminal justice system, highlighting the importance of community participation and ensuring that victims have the opportunity to express their experiences and be acknowledged. which is often neglected by the mechanisms currently at work in the available criminal justice system. Zulfa⁴⁷ stated that restorative justice is also a new framework of thought considered relevant to address the deadlock in achieving one of the goals of law, which is to realize justice, especially for the victims of crime.

The implementation of restorative justice according to Howard Zehr⁴⁸ is not solely focused on forgiveness or reconciliation, nor is it just about pardon or mediation. The granting of forgiveness or reconciliation in the penal system is indeed often carried out, but it requires a high level of awareness and willingness from each party, and it depends on the specific event or case they have experienced (case-by-case). In the case of mediation, where the scheme

⁴⁶ James Dignan, *Understanding Victim and Restorative Justice*, (New York: Open University Press, 2005), 45.

⁴⁷ Eva Achjani Zulfa, *Pergeseran Paradigma Pemidanaan*, (Bandung: Lubuk Agung, 2018), 53.

⁴⁸ Howard Zehr, *The Little Book of Restorative Justice*, (New York: Skyhorse Publishing, 2014), 67.

involves bringing both parties together with the involvement of one or more mediators, this is not a means to achieve the goals of restorative justice. Although the restorative approach may include elements of mediation, the goals of restorative justice can still be established by a judge without having to bring the victim and the perpetrator together. The primary objective of this approach is the restoration or rehabilitation of the victim. However, in some criminal cases, in addition to forgiveness or reconciliation, mediation, or even providing compensation or victim rehabilitation, applicable legal rules are also applied.

D. CONCLUSION

Law enforcement against environmental crimes in Indonesia currently faces various challenges, despite the existence of regulations aimed at restoring environments damaged by pollution or destruction. In general, environmental law enforcement remains overly focused on traditional criminal sanctions such as imprisonment and fines, with insufficient emphasis on actual environmental restoration. First, a key characteristic of environmental crime enforcement in Indonesia is the prioritization of prison sentences over restorative actions, along with the limited application of Article 54 of Law Number 32/2009, which emphasizes environmental recovery. This indicates a lack of active participation by offenders in the environmental restoration process. Moreover, environmental crimes are often treated as ordinary criminal offenses, despite their broader and more systemic long-term impacts. Second, to achieve effective and fair law enforcement, a more innovative approach is needed one of which is the adoption of Restorative Justice. This approach focuses more on repairing the harm caused by the offender, both to the environment and to the affected communities. Restorative justice emphasizes the active participation of offenders in restoring environmental damage, aligning with the principles outlined in Article 54 of Law Number 32/ 2009.

Through the implementation of Restorative Justice, it is expected to reduce the costs of judicial proceedings, accelerate the process of environmental damage recovery, and enhance justice for communities, victims, and the environment itself. Countries such as the United Kingdom, New Zealand, and South Africa have successfully implemented this system in criminal justice, demonstrating that this approach is more humane and provides positive impacts for all parties involved. This approach aligns with the principles of sustainable development and environmental protection as outlined in Law Number 32/2009. Therefore, Restorative Justice offers an opportunity to improve the environmental law enforcement system in Indonesia, which is still primarily focused on criminal punishment. This approach is more effective in directly restoring environmental damage,

reducing its negative impacts, and creating sustainable justice for all levels of society.

E. Acknowledgments

The author wishes to convey heartfelt appreciation to the Institute for Research and Community Service (LPPM) and the Faculty of Law, Madura University, for their meaningful assistance and guidance throughout the entire process of preparing and finalizing this article. Their academic and institutional contributions have played a vital role in ensuring the successful publication of this study.

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