

# Criminal Sanctions Against Environmental Pollution and Damage Offenders in the Perspective of Restorative Justice

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DOI: [10.22178/pos.107-18](https://doi.org/10.22178/pos.107-18)

JEL Classification: K39

Received 15.07.2024

Accepted 28.08.2024

Published online 31.08.2024

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**Abstract.** The importance of applying the concept of Restorative Justice in law enforcement, especially in cases of environmental pollution and destruction. Restorative justice is an approach that focuses on the recovery of victims, perpetrators, and communities affected by criminal acts to achieve a more holistic balance and justice. This study aims to analyse the judges' views regarding the application of Restorative Justice in Decision No 98/Pid.B/2014/PN.TOB and No 428/Pid.B/LH/2023/PN.Rhl, and identify the legal consequences of these decisions from Restorative Justice's perspective. The research method used is normative juridical research, which examines the substance of legal rules through statutory and conceptual approaches. The data used consisted of primary, secondary, and tertiary legal materials collected through literature study and analysis of related documents. The results showed that the judges' views in both decisions reflect the application of Restorative Justice principles that focus on recovery and rehabilitation. Despite differences in approach, in general, the judges sought not only to punish the perpetrators but also to repair the damage caused, support the recovery of victims, and maintain social harmony. Further discussion shows that the application of Restorative Justice in these decisions significantly impacts the criminal justice system towards a more humane and rehabilitative direction.

**Keywords:** Restorative Justice; Environmental Pollution; Environmental Damage; Judge's Decision; Criminal Law.

## INTRODUCTION

Although established during the colonial period under the Dutch East Indies Government, Indonesian environmental law has been limited to utilisation (utilisation-oriented law). This regulation was later replaced with legislation that emphasises both utilisation and protection. This transformation has failed to occur despite the emergence of contemporary international environmental law, as exemplified by the 1972 Stockholm Declaration, which significantly influenced the evolution of environmental law in Indonesia [1].

On October 3, 2009, the Indonesian Government enacted Law No 32 of 2009 on the Protection and Management of the Environment (UUPPLH) to replace Law No 23 of 1997. According to the explanation of UUPPLH, the deterioration of environmental quality poses a real threat to the

survival of human life and other forms of life. Therefore, all relevant parties must be involved in the protection and management of the environment diligently and consistently. UUPPLH contains 127 articles and Chapter XVII.

Land is a source of prosperity, welfare, and national life [2]. Using or applying instruments and sanctions in administrative, civil, and criminal law to force legal subjects to comply with environmental regulations can be defined as environmental law enforcement [3]. To achieve this, all individuals who engage in environmental pollution and damage in Indonesia must be punished according to the law.

The principle of subsidiarity was eliminated because its concept was unclear in the old regulations. The principle of *ultimum remedium* in UUPPLH replaces the principle of subsidiarity. This principle applies only to formal violations,

such as violations of wastewater quality standards, emissions, and disturbances. Criminal law is a premium remedium for other formal offences [4]. Chapter XV of Law No 32 of 2009 on Environmental Management consists of 23 articles, from Article 97 to Article 120. Compared to the old Law No 23 of 1997 on Environmental Management, the criminal provisions in UUPLH are much more detailed and comprehensive [5].

As an *a priori* solution, criminal sanctions should be applied to address environmental pollution issues. This is because criminal sanctions, used as a last effort to address environmental pollution problems, are considered ineffective due to various existing weaknesses. Consequently, full accountability must be given to those involved in environmental pollution. The applicable criminal sanction for individuals or legal entities involved in environmental pollution or damage is fines. Historically, administrative and civil sanctions have been applied; thus, criminal sanctions are typically used as a substitute or "ultimum remedium" (last effort). If these criminal sanctions are ineffective, additional sanctions will be applied. Indeed, applying criminal penalties for environmental pollution and damage does not mean aggression towards specific offenders or corporations. However, there is an increase in the prevalence of environmental violations, including various prohibited activities such as waste pollution, air pollution, and illegal logging [6].

Enforcement of environmental regulations through criminal law is unnecessary; instead, enforcement efforts should prioritise restoring environmental sustainability to its original condition. Therefore, regarding environmental protection and management, Law No 32 of 2009 prioritises the enforcement of administrative and civil regulations over criminal regulations [7]. It is essential to consider that using both legal methods allows for actions that continue environmental recovery. Currently, environmental laws safeguarding the entire environment are considered agents of stability and social protection and instruments of development that serve as catalysts for progress or transformation - the lack of synchronisation, alignment, or substantial cultural and structural coherence [8].

In Decision No 98/Pid.B/2014/PN.TOB (further – Decision 98), it is stated that the accused, Nasir Jaalain Alias Nasir, has been proven legally and

convincingly guilty of committing a crime by importing hazardous and toxic materials (B3) into the territory of the Republic of Indonesia, which is prohibited by law. Nasir has fulfilled all the elements mentioned in Article 107 of Law No 39 of 2009 on Environmental Protection and Management.

Supardi Alias Upal Bin Muis, the defendant, was found guilty of committing a crime "due to negligence that resulted in exceeding environmental damage criteria collectively," according to Decision No 428/Pid.B/LH/2023/PN.Rhl (further – Decision 428). The defendant was found guilty of environmental crimes due to the harmful impacts caused by plantation development – such as dredging or digging canals in peatland – on ecosystems and peatland. Observation and analysis findings of environmental and land damage indicate that the damage occurred on peatland (PP No. 150 of 2000) as it met the criteria for damage.

The concept of restorative justice highlights the importance of marginalised communities and/or victims being actively involved in the existing criminal justice system as a response to advancements in the criminal justice system. However, using restorative justice is also a new strategy for law enforcement to address criminal activities [9]. The restorative justice approach is a highly effective strategy for addressing the challenges above in environmental law enforcement. It is a new approach to criminal case resolution, although most of its guiding principles originate from primordial community knowledge. Priority is given to the restorative justice approach to enforce justice and balance for both offenders and victims of crime. Formerly focused on punishment, criminal procedures and processes have transformed towards negotiation and mediation to achieve a fairer and more balanced resolution for offenders and victims [10]. In response to developments in the criminal justice system, the restorative justice approach emphasises the importance of marginalised communities and/or victims participating in the current system. However, law enforcement has also adopted a new approach of restorative justice to address criminal behaviour [9].

In environmental crime cases, the concept of restorative justice is challenging to apply practically. Investigators and prosecutors must be responsible for resolving cases when

offenders, whether individuals or companies have been designated as suspects based on sufficient evidence.

Environmental issues are complex and exciting for in-depth study, so the author will write a thesis on criminal sanctions against environmental pollution and damage offenders from the restorative justice perspective. The decisions analysed by the author are Decision 98 and Decision 428. Therefore, this research aims to understand and analyse the judges' views on Restorative Justice regarding Decisions 98 and 428 and the legal consequences of Decisions 98 and 428 from the perspective of Restorative Justice.

## METHODS

This research employs a normative juridical (legal research) method, which involves examining and analysing the substance of legal rules, such as laws related to the legal issues being discussed. Investigating literature or secondary data will focus on library-based legal research [11], using both a statutory and conceptual approach.

The research uses three types of legal materials: primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consist of legislation related to the research topic, including the 1945 Constitution of the Republic of Indonesia, Law No 8 of 1981 on the Criminal Procedure Code (KUHP), Law No 5 of 1990 on the Conservation of Natural Resources and Ecosystems, Law No 32 of 2009 on the Protection and Management of the Environment, Law No 2 of 2002 on the Indonesian National Police, Regulation of the Indonesian National Police Chief No 14 of 2012 on Crime Investigation Management, Law No 12 of 2011 on the Formation of Legislation, Government Regulations, Ministerial Regulations, Regional Regulations, Law No 11 of 2020 on Job Creation, Law No 6 of 2023 on the Enactment of Government Regulation instead of Law No 2 of 2022 on Job Creation, and other relevant legislation. Secondary legal materials include legal books, legal journals, and views and comments from legal experts on court decisions. The researcher uses legal dictionaries such as Black's Law Dictionary and KBBI to complement the research sources.

The technique for searching legal materials involves finding legal materials through literature reviews, which identify primary and secondary legal materials, as well as expert opinions. Library research includes searching for legal materials related to this study through library-based research. Internet research involves searching for keywords online to find legal materials relevant to the research topic.

The method of legal material analysis used in this research is systematic and grammatical interpretation. Unlike grammatical interpretation, which seeks to understand the intent of legal provisions through linguistic explanations, grammatical interpretation, or language-based interpretation, it is also known as objective interpretation. In contrast, systematic interpretation involves interpreting regulations about other laws, legal regulations, or the entire legal system. The systematic interpretation approach views the law as a unified system of regulations [12].

## RESULTS AND DISCUSSION

*Judges' Perspectives on Restorative Justice in Decision 98 and 428.* Restorative justice is a philosophical framework emphasising mediation or deliberation to achieve non-judicial harmony. Its ultimate goal is to meet the demands of justice for all stakeholders in criminal law, including the accused and the victim, through achieving an optimal and mutually acceptable resolution [13]. Restorative justice includes several essential principles. First, it involves efforts outside the courtroom to reconcile with crime victims, where the initiative can come from the perpetrator or their family members. Second, Restorative Justice provides a mechanism for perpetrators to acknowledge responsibility for their offences by offering compensation for the direct harm caused by their illegal actions. Third, Restorative Justice focuses on resolving criminal legal conflicts through mutual agreement and understanding between the involved parties, namely the offender and the victim [13].

Judges must consider resolving disputes between offenders and victims outside of court when determining appropriate criminal sanctions. A judge is a judicial officer with legal authority to make decisions. Conversely, "the case has been handed to the Judge" implies "the court" in the judges' translation. Judicial power, as mentioned

in the Pancasila, is the autonomous state authority that upholds justice to maintain the law and fairness. Its goal is to form the Unitary State of the Republic of Indonesia as a legal state. To adjudicate means to examine the case; to judge oneself means to adjudicate someone; and judicial proceedings involve handling legal issues and courts. The term "judge" is sometimes applied to wise, knowledgeable, and virtuous individuals.

The Restorative Justice approach applied includes several main methods. First, Victim Offender Mediation (VOM) is a meeting between the offender and the victim facilitated by a mediator, initially developed as an alternative sanction by courts in Canada. Second, Family Group Conferencing (FGC) involves a broader range of participants, including experts, close family members of the victim, the offender, and family members, generally applied to juvenile offences in Australia and New Zealand and known as Restorative Conferencing (RC) in Brazil. Third, Community Restorative Boards (CRB) consist of trained individuals in negotiation who facilitate discussions between the victim, evaluator, and offender to find solutions; if no solution is reached, the case is referred to relevant authorities, as seen in England and Wales. Lastly, Restorative Circles provide a platform for the families and acquaintances of inmates to support their reintegration into society, widely applied in Hawaii [14].

Judges' perspectives on Restorative Justice, as reflected in Decision 98, show a significant shift towards a more humanistic and rehabilitative approach in the criminal justice system. Judges applying Restorative Justice not only focus on punishment but also seek to repair the damage caused by the crime, both to the victim and the wider community. In this context, Restorative Justice aims to restore relationships and create dialogue between the perpetrator and the victim, allowing both to understand the impact of the actions and work towards constructive recovery.

This approach contrasts with traditional punitive actions that often only focus on imposing sanctions without considering the needs of the victim or the potential for rehabilitating the perpetrator. Research has shown that Restorative Justice can promote social reintegration and reconciliation, allowing offenders to take more profound responsibility

for their actions. As a result, victims feel satisfied with the justice received and have the opportunity to recover emotionally.

Judges adopting Restorative Justice principles often act as facilitators in the dialogue and mediation process between the offender and the victim. They strive to reach mutually beneficial agreements consistent with the goal of Restorative Justice, which is to emphasise social and emotional recovery over purely retributive punishment. Integrating these principles into judicial decisions reflects a broader understanding of justice, where the needs of victims, offenders, and society are balanced holistically.

This holistic approach highlights the potential of Restorative Justice to transform the criminal justice landscape and helps foster a more cohesive community. When all parties involved in the criminal justice process can participate in meaningful recovery, the result is fairer justice and a more robust and harmonious society [15, 16].

In the context of Decision 98, the judges' views on Restorative Justice reflect efforts to balance repressive law enforcement with a more humane approach. In the judges' view of this case, restorative justice does not merely see punishment as a form of retribution but also considers how sanctions contribute to repairing social and moral relationships.

The judges in this case seem to understand that Restorative Justice is not just a legal process oriented towards punishment but also aims to reconstruct relationships between the perpetrator, victim, and society. This approach supports achieving more inclusive justice, where all parties' rights, including the victim, the perpetrator, and the surrounding community, are considered. In this decision, judges consider how sanctions can provide the accused with the opportunity to improve themselves while also having a positive effect on the affected community.

Judges also emphasise the importance of applying proportional justice principles. Restorative justice, in this case, is not seen as weakening law enforcement but rather as a way to achieve more comprehensive justice [17]. From the judges' perspective, justice encompasses legal, moral, and social justice. Legal justice refers to applying the law according

to existing rules; moral justice pertains to ethics and norms in society, while social justice considers the broader social impact of the decision.

Although, in many cases, Restorative Justice is more associated with mediation and non-penal dispute resolution approaches, the judge focuses more on corrective justice in this decision. This means that even though mediation elements are not explicitly visible, the concepts of recovery and rehabilitation are the basis for decision-making. This is evident in how judges consider factors that can help the accused reintegrate into society as productive members after serving their sentence.

In addition to individual justice factors, judges also consider the broader social impact of their decisions. Restorative justice in this decision aims to minimise the possibility of conflicts arising from overly repressive decisions or those insensitive to social conditions. Thus, judges understand that the law must enforce justice and maintain social order and harmony in the long term.

The judges' perspectives in this case also show that Restorative Justice plays a role in prevention. The decision aims to punish the accused and send a message to the community about the importance of recovery and rehabilitation as part of the criminal justice system. The deterrent effect sought is not only in the form of physical punishment but also in the form of sustainable behavioural improvement.

The judges' perspectives on Restorative Justice in Decision 98 reflect a commitment to applying more humane and rehabilitative justice principles. Judges integrating Restorative Justice into their decisions seek punishment for the offender and strive to repair the damage caused by the crime, support the recovery of victims, and reinforce social bonds in the community. An in-depth analysis of these judicial perspectives can provide insights into how Restorative Justice is applied in legal practice and how this approach affects the criminal justice system.

Decision 428 reflects a more conservative approach in criminal law enforcement, particularly in applying Restorative Justice. Although Restorative Justice offers an alternative approach that emphasises victim recovery and offender reintegration, the judge focused on prevention and punishment in this case. This is

understandable given that the crime committed is an environmental violation, which is considered to have broad and severe impacts on society. In this context, the judge may feel that strict penalties are more appropriate to provide deterrence and protect more outstanding public interests.

In contrast, this decision also highlights the challenges of integrating Restorative Justice principles into the criminal justice system, especially in cases with widespread impacts, such as environmental crimes. Restorative justice theoretically provides opportunities for offenders to take direct responsibility towards victims and the affected community and contribute to repairing damage. However, applying this principle to environmental crimes requires further discussion, given the often complex nature of the damage and the multiple parties involved.

Thus, this decision could serve as a mirror for legal stakeholders in Indonesia to consider how Restorative Justice principles can be better adapted and applied in specific cases without neglecting the need for strict law enforcement to protect public interests. Further discussion on integrating Restorative Justice in a broader context will be beneficial for developing a more just and inclusive judicial system.

The judges' perspectives on Restorative Justice in Decisions 98 and 428 show two different approaches. In Decision 98 the judge seems to lean towards integrating Restorative Justice principles with a rehabilitative sentencing goal. The judge not only focuses on imposing sanctions but also seeks to repair the damage to the victim and society. This approach is consistent with the theory of sentencing goals that not only seeks punishment but also considers social reintegration and rehabilitation of the perpetrator, reflecting an understanding that justice should consider all parties involved. This shows that the judge strives to balance repressive law enforcement with restoring social relationships.

Conversely, in Decision 428, the judge tends to adopt a more conservative and traditional approach, prioritising legal certainty. In this ruling, the judge seems to focus more on applying sanctions by positive law without allowing much room for therapeutic approaches. This can be interpreted as emphasising retributive justice, where legal violations must be strictly punished

to maintain legal order and provide a deterrent effect. This approach reflects the theory of legal certainty, which values the importance of consistent and predictable application of the law as the foundation of a fair and effective judicial system.

This difference indicates that the case context significantly influences the application of restorative justice in judicial rulings, the judges' values, and the legal priorities deemed most relevant. In the case of Decision 98, priority is given to recovery and rehabilitation, while Decision 428 focuses on law enforcement and the imposition of clear sanctions. This suggests that restorative justice has not yet been entirely accepted as a universal approach within the legal system but rather as an alternative option whose use still depends on the specific factors of each case.

*Legal Consequences Related to Decisions 98 and from a Restorative Justice Perspective.* From the perspective of restorative justice, criminal sanctions for environmental pollution and damage are not solely focused on retributive punishment, such as imprisonment or fines, but also emphasise the restoration of the damage caused and the repair of relationships between the perpetrator, the victim, and the community. Restorative justice focuses on the perpetrator's duty to repair the harm they caused to the environment and community.

In the case reviewed in Decision 98, the defendant, Nasir Jaalain, was found guilty of violating the law by introducing hazardous and toxic waste (B3) of Sodium Cyanide into Indonesian territory without permission. The court imposed a sentence of six years and a fine of five billion rupiah. This reflects a predominantly retributive approach. However, from a restorative justice perspective, the court could also consider additional sanctions to repair the environmental damage caused by the defendant's actions. For instance, the court might order the defendant to participate in environmental rehabilitation programs or make a tangible contribution to the cleanup and recovery of the contaminated area.

Restorative justice also needs to involve the victims, in this case, the affected community, to ensure that their needs for recovery and justice are addressed. This could involve dialogue between the perpetrator and the community and developing a mutually agreed-upon action plan

to restore the environmental damage. Overall, while the criminal sanctions in this case are substantial, applying restorative justice principles could add significant value to environmental protection efforts, focusing on restoration and the social responsibility of environmental offenders.

Decision No 98 entails significant legal consequences from a criminal standpoint and in a broader legal and environmental protection context. The case involves the defendant accused of illegally introducing hazardous and toxic waste (B3) of Sodium Cyanide into Indonesian territory. In this decision, the defendant was found guilty under Article 107 of Law No 32 of 2009 on Environmental Protection and Management.

The legal consequences of this decision include the prison sentence on the accused for six years of imprisonment and a five billion rupiah fine. It also carries legal consequences for the enforcement of regulations concerning hazardous materials. The court underscored that transporting hazardous chemicals without proper authorisation has severe environmental and legal impacts, as such actions pose risks to ecosystems and human health. Moreover, this decision sets a significant precedent in the context of environmental law enforcement in Indonesia, particularly in addressing violations related to hazardous chemicals. It highlights the critical importance of coordination between law enforcement and relevant authorities in monitoring the circulation of materials that could damage the environment.

The implications of this decision can be examined from two aspects. First, from a criminal perspective, the decision underscores that individuals involved in illegal activities concerning hazardous materials will face stringent sanctions. Second, from a policy perspective, the decision reinforces the urgency of implementing stricter and more coordinated environmental laws to prevent similar actions in the future. This ruling also has a substantial legal impact on the defendant and the criminal justice system.

From the defendant's perspective, the decision affects their legal status, individual rights, and criminal record. The criminal judgment can impact personal freedoms, including detention, fines, and restrictions on certain rights, such as political rights or eligibility for public office.

Additionally, this ruling may affect the defendant's social and economic life, including difficulties in finding employment or associated social stigma.

From a jurisprudential standpoint, Decision 98 has significant implications as a precedent for future cases. As a district court ruling, this case can serve as a reference for judges in similar cases, potentially reinforcing or challenging existing legal doctrines. Furthermore, public trust in the judiciary is influenced by such decisions. A fair and transparent ruling can enhance the court's legitimacy, while decisions perceived as unjust or biased may damage the judiciary's reputation and diminish public confidence. In a broader context, this decision could impact legal reforms, including amendments to laws or procedural improvements within the criminal justice system. Controversies or perceived shortcomings in applying the law, in this case, could prompt revisions to regulations or judicial procedures.

The decision also demonstrates the application of the principle of proportionality in imprisonment arrangements. The period of imprisonment before the final decision is subtracted from the imposed prison sentence by Article 22(4) and Article 21(4) of the Criminal Procedure Code (KUHAP). This ensures fairness when calculating the duration of the sentence. The decision emphasises the importance of lawful evidence seizure procedures, as Article 194(1) of KUHAP stipulated. Proper seizure of evidence is crucial for effectively supporting the prosecution in court. Overall, Decision No 98 reflects a comprehensive application of the law, addressing environmental concerns, detention procedures, and evidence seizure to maintain order and security within Indonesian jurisdiction.

In Decision 428 Rokan Hilir, the defendant Supardi Alias Upal Bin Muis was sentenced to 1 year and eight months of imprisonment, along with a fine of IDR 1,000,000,000, with a substitute sentence of 3 months of detention, for committing an offence related to environmental pollution and destruction. This violates Article 99(1) of Law No 32 of 2009 on Environmental Protection and Management.

The restorative justice approach, in this case, reflects an effort to impose sanctions that are not only repressive but also oriented towards environmental recovery and social balance. Restorative justice emphasises repairing the

relationships between the offender, the victim, and the community while considering environmental crimes' impact on ecosystems. Although imprisonment and fines were imposed as forms of accountability for the offender, the therapeutic aspect of justice also considers how the damage caused can be repaired or minimised. This decision demonstrates that criminal sanctions for environmental pollution and destruction are not solely focused on deterring future similar crimes but also encourage offenders to contribute to restoring the affected environment. This approach aligns with environmental justice principles, prioritising collective responsibility and community involvement in preserving environmental sustainability.

In Decision 428 Rokan Hilir, the sentencing of Supardi Alias Upal Bin Muis to 1 year and eight months of imprisonment, along with a fine of IDR 1 billion and a substitute sentence of 3 months of detention, has significant legal implications for environmental pollution and destruction cases, particularly from a restorative justice perspective. First, The sentence serves as a form of retribution and a warning to other potential offenders that severe sanctions will be imposed for environmental destruction. This aligns with the primary goals of restorative justice, which include punishment, prevention, and restoration.

Secondly, although restorative justice typically involves direct efforts to compensate victims, in this case, the substantial fine can be viewed as an attempt to remedy or mitigate the environmental damage caused. However, a significant challenge in applying restorative justice in environmental cases is measuring and restoring damage, given that environmental impacts are often extensive and long-term.

Third, from an environmental law perspective, the decision underscores the importance of criminal responsibility for those engaged in activities that harm the environment, potentially fostering better adherence to environmental regulations. To effectively implement restorative justice principles, the court and legal system should consider how offenders can directly contribute to environmental recovery, such as participating in environmental rehabilitation projects or compensating affected communities. Overall, this decision represents a significant step in environmental law enforcement in Indonesia. It highlights the need for further development in

applying restorative justice to ensure that the impacts of environmental destruction are effectively minimised and restored.

From a restorative justice perspective, the legal consequences of Decisions 98 and 428 have different implications. In Decision 98, the application of restorative justice is evident in the judge's effort to punish the offender and to consider restoring the damage caused by the crime to the victims and the community. In this case, the judge sought to balance repressive law enforcement and a more humane approach, where the punishment is seen as retribution and an effort to repair social disruption.

In contrast, Decision 428 reflects a more conservative approach by the judge. Although restorative justice allows for victim restoration and offender reintegration, in this case, the judge focused more on conventional criminal law enforcement without providing sufficient space for restorative justice approaches. This indicates that applying restorative justice theory still faces challenges in practice, especially in gaining acceptance within a more conservative legal system.

From the perspective of sentencing theory, the first decision more closely reflects rehabilitative goals, where the punishment serves to penalise the offender and repair the damage caused. In the second decision, the sentencing goal aligns more with retributive justice, focusing on delivering punishment as a response to the crime without considering victim restoration or in-depth offender rehabilitation.

In terms of legal certainty, these two decisions show differences in the application of the law,

which can challenge consistency in law enforcement. Decision 428, in this context, supports legal certainty with a more rigid approach. In contrast, Decision 98 demonstrates legal flexibility in pursuing broader justice, although this may lead to uncertainty in its application.

## CONCLUSIONS

Based on the analysis of Decisions 98 and 428, the judges' perspectives on restorative justice reveal different approaches to applying the law. In Decision 98, the judge tended to integrate restorative justice principles with rehabilitative sentencing goals, focusing on imposing sanctions and repairing the damage to victims and the community. In contrast, in Decision 428, the judge prioritises a more conservative approach, emphasising legal certainty and retributive justice, primarily focusing on imposing strict punishments according to the applicable law.

The legal consequences of these two decisions also reflect differing legal approaches. Decision 98 demonstrates an effort to balance repressive law enforcement with environmental damage recovery, while Decision 428 emphasises certainty in law enforcement, which has less room for therapeutic approaches. This indicates that in practice, the application of restorative justice still faces challenges and is not yet widely accepted within the legal system, often viewed as an alternative approach whose use depends on the case context and the legal priorities deemed relevant by the judge.

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