LEGAL ANALYSIS OF THE IMPLEMENTATION OF RESTORATIVE JUSTICE TOWARDS CORPORATE RESPONSIBILITY IN THE CONTEXT OF ENVIRONMENTAL RESTORATION

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Abstract

This study discusses the legal analysis of the application of restorative justice to corporate accountability in the context of environmental restoration. Environmental violations committed by corporations generally have a widespread and serious impact on ecosystems and the lives of surrounding communities. In national regulations, environmental law enforcement can be carried out through administrative, civil, and criminal channels. One key point is that corporations, as legal entities, can be held criminally liable if proven to have caused environmental pollution or damage. However, the imposition of sanctions on corporations still faces various challenges, such as weak enforcement, interference from vested interests, and a lack of concrete restoration for the environment and affected communities. In line with this, the restorative justice approach has begun to gain attention as an alternative in resolving environmental disputes. This approach emphasizes restoring environmental conditions and fulfilling the rights of affected communities, rather than merely punishing the perpetrators. In the context of Law no. 32 of 2009, restorative justice is reflected in out-of-court dispute resolution mechanisms, mediation, and ecological restoration. However, the lack of strong technical and institutional guidelines limits its implementation. Therefore, there is a need to strengthen regulations and the commitment of law enforcement officials to apply restorative justice more effectively in order to create environmental law enforcement that is not only repressive but also solution-oriented and sustainable.

Keywords: Law enforcement, Corporations, Environment

INTRODUCTION

The development of globalization, particularly economics, is fraught with both positive and negative consequences. This necessitates the role of law in economic life, both nationally and internationally, which cannot be distinguished anymore because legal regulations have become global. The potential for crime is related to the utilization of criminal law to combat crime. The global situation has given rise to new types of crimes, particularly in the economic sector, which are developing into global economic crimes. This presents a challenge for crime prevention policies.(Arief, 2018).

Recent economic developments have made the business world increasingly complex. The wide variety of goods and services currently offered has intensified competition between corporations. This competition has led to rapid economic progress. However, it should not be forgotten that rapid economic progress will not eliminate crime. In fact, it is almost certain that the dominant factor causing crime is a result of economic development.(Huda, 2021).

Article 80 of Law Number 20 of 2025 concerning the Criminal Procedure Code (New) determines the types of cases that can be resolved through restorative justice, namely:

1. Criminal acts with a maximum penalty of a fine of category III or a maximum prison sentence of 5 years.
2. The perpetrator committed a crime for the first time.
3. It is not a repetition of a criminal act, except in certain conditions such as criminal acts due to negligence.

In addition, this mechanism can be initiated at the investigation stage based on the victim's report with a peace agreement between the victim and the perpetrator.

The problem of corporate crime that is increasingly developing at this time is in the environmental sector, corruption and other sectors.(Rahmat, 2025). These two sectors have been specifically regulated in legislation regarding their handling patterns. Law Number 32 of 2009 concerning Environmental Protection and Management stipulates the use of criminal law as a last resort (ultimum remedium/subsidiarity principle) for violations of quality standards, wastewater, emissions, and disturbances (Mulyadi, 2019). Practically, the imposition of penalties on corporations committing environmental crimes and corruption is still considered to have no deterrent effect, in addition to the minimal penalties imposed (Effendi, 2020).

Corporations as subjects of criminal acts are still a new concept. Although they have been included in various laws and regulations, the law enforcement process remains very slow. This also applies to law enforcement efforts against corporations that violate Law Number 32 of 2009 concerning Environmental Protection and Management. Regarding corporate criminal liability, there is also a view that says corporations can be held accountable without first proving fault, which is known as absolute liability.(Muladi, 2018).

One alternative for addressing criminal acts committed by corporations is through a restorative approach. Through a restorative approach as an alternative to a repressive or retributive approach in handling corporate crime cases, it is hoped that the handling of corporate crimes will be more efficient, effective, and effective. On the other hand, the pattern for addressing corporate crimes, particularly in the environmental sector, as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management, has not yet fully accommodated the application of the restorative principle. Although this law adheres to the principle of ultimum remedium and recognizes the existence of corporations as subjects of criminal acts,(Wahid, 2017).

In this research, the author conducted a study on the legal analysis of the application of restorative justice to corporate accountability in the context of environmental restoration.Based on the description, the main problems that can be researched and included in this paper can be formulated as follows:1. How are law enforcement arrangements for corporations that violate Law Number 32 of 2009 concerning environmental protection and management? 2. How is restorative justice implemented as an effort to restore environmental pollution and/or damage?

RESEARCH METHODS

In this legal research, the author uses a normative legal research method, namely research conducted by examining secondary legal materials as the primary source. The approach used in this research includes a statute approach, namely by examining the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management, the Criminal Code (KUHP), and various other relevant regulations regarding corporate criminal liability and the principle of restorative justice. In addition, a conceptual approach is also used to understand the meaning, principles, and legal theories that underlie the concepts of restorative justice, corporate responsibility, and environmental restoration. Data in this research were obtained through library research, which includes primary legal materials such as laws and court decisions, secondary legal materials such as legal literature, scientific journals, and expert opinions, and tertiary legal materials such as legal dictionaries and encyclopedias (Subagyo, 2004).

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RESULT AND DISCUSSION

A. Law Enforcement Against Corporations Violating Law Number 32 of 2009 Concerning Environmental Protection and Management

In the development of criminal law in Indonesia, regulations regarding corporate criminal liability have been strengthened through Law Number 1 of 2026, which is part of the reform of the national criminal law system. This law provides a clearer normative basis for the status of corporations as subjects of criminal law and the accountability mechanisms that can be imposed on them.

Law enforcement against corporations violating Law Number 32 of 2009 concerning Environmental Protection and Management is carried out through three mechanisms: administrative, civil, and criminal. This law emphasizes that corporations, as legal subjects, can be held accountable for acts of environmental pollution and/or destruction. Article 116 of the Environmental Protection and Management Law states that if a crime is committed by, for, or on behalf of a business entity, criminal liability can be imposed on the corporation, the party giving the order, or the party acting as a leader in the crime (Subagyo, 2004). In the administrative aspect, sanctions can include written warnings, government coercion, suspension of environmental permits, or revocation of permits. Meanwhile, in the civil realm, the community or government can file a lawsuit for compensation or environmental restoration on the basis of absolute responsibility. On the other hand, criminal law enforcement can be imposed in the form of large fines, partial or complete cessation of business activities, confiscation of profits, and environmental restoration obligations. However, in practice, law enforcement against corporations often encounters obstacles, such as weak evidence, the influence of economic power, and a lack of capacity and independence of law enforcement. Therefore, while the regulations are normatively comprehensive, implementation on the ground still requires strengthening and commitment from all parties.

The definition of a corporation according to the Regulation of the Supreme Court of the Republic of Indonesia Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations is an organized group of people and/or assets, whether a legal entity or not. Corporations are one of the legal subjects regulated in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). This means that corporations are recognized as subjects of environmental crimes considering that the Law regulates criminal provisions related to the environment. In this regard, theoretically there are two known motives for corporate crimes, namely:

1. The aim of a corporation is to obtain maximum profits, which is reflected in individual characteristics; and
2. There is a contradiction between corporate goals and the needs of competitors, the state, workers, consumers and society.

Corporations as subjects of criminal law have been recognized in various legal instruments in Indonesia. Article 116 of Law No. 32 of 2009 states that if an environmental crime is committed by or on behalf of a business entity, criminal charges can be filed against the business entity, its management, or the party giving the order. The new Criminal Code (Law No. 1 of 2023) also explicitly adopts corporate criminal liability. This liability model can take the form of strict liability, vicarious liability, or identification theory (Arief, 2009). The application of these theories in the Indonesian context is still developing, and in practice often gives rise to debate about who represents the will and actions of the corporation (Ali, 2012).

An example of a case that has captured public attention in the context of corporate criminal liability is the hot mudflow case by PT. Lapindo Brantas Inc. in Sidoarjo, East Java. PT. Lapindo Brantas Inc. is a Limited Liability Company (PT) engaged in oil and gas drilling. This company is the operator of the Berantas Block Working Area based on a cooperation contract (KKKS) appointed by the Directorate General of Oil and Gas through BP Migas, in accordance with the provisions of Government Regulation Number 42 of 2002 concerning the Upstream Oil and Gas Business Activities Executive Agency.

In terms of ownership, PT. Lapindo Brantas Inc. is 100% controlled by PT. Energi Mega Persada Tbk, which then owns a 50% participating interest in the Berantas Block Working Area. Meanwhile, other participations are held by PT. Medco E&P Berantas (a subsidiary of MedcoEnergi) at 32%, and Santos Berantas Pty Ltd at 18% (Ministry of Energy and Mineral Resources, 2013). In this case, Lapindo acts as the operator, meaning it has primary responsibility for exploration and drilling operations.

The 2006 hot mudflow caused massive environmental damage, economic losses, and mass displacement. However, the legal process for establishing criminal accountability for Lapindo Brantas was deemed suboptimal. Not a single corporate actor was convicted, and the legal process was largely resolved through administrative approaches and social compensation. This demonstrates the weak implementation of Supreme Court Circular Letter (SEMA) No. 13 of 2016 concerning Guidelines for Handling Criminal Cases with Corporate Subjects. Law enforcement officials, such as the police and prosecutors, remain confused or have not yet maximized their application of the corporate criminal law framework, particularly in determining who is legally responsible, whether as the direct perpetrator or the party giving the order or negligent in supervision.

The Lapindo case underscores the need to strengthen the technical capacity of law enforcement officials, develop knowledge of corporate criminal liability theories (such as identification theory and vicarious liability), and comprehensively update environmental law enforcement policies. Without a comprehensive and consistent understanding, corporations will continue to have loopholes to avoid criminal responsibility for large-scale environmental damage.

Therefore, theoretical and technical understanding of corporate liability theories needs to be continuously improved, especially in legal education and training for law enforcement officers. Furthermore, it's important to understand the types of criminal sanctions that can be imposed on corporations. The Environmental Management Law (UU PPLH) stipulates criminal sanctions in the form of fines, suspension of business activities, revocation of permits, and even dissolution of legal entities. However, in practice, the majority of sanctions imposed are administrative fines, which are disproportionate to the environmental damage caused. Therefore, criminal penalties should be directed towards providing a deterrent effect, not merely symbolic sanctions.

Strengthening law enforcement against corporations can also be done using a multi-door system approach, namely integrating criminal, civil, and administrative aspects into a single, integrated legal process. This approach has been tested in several cases, but has not been fully effective due to limited inter-agency coordination (Nisa & Suharno, 2020).

In addition to the normative approach already described, environmental law enforcement against corporations also requires synergy between institutions, such as the Ministry of Environment and Forestry (KLHK), the police, the prosecutor's office, the courts, and local governments. Weak coordination and differing priorities among law enforcement agencies often hinder the handling of major cases involving corporations, particularly those related to forest fires, river pollution, or hazardous industrial waste. An integrated information system and more transparent reporting mechanisms are needed to ensure that any violations can be handled quickly and accountably.

The role of communities and non-governmental organizations (NGOs)Corporate governance is also crucial in promoting corporate accountability. Through public oversight, legal advocacy, and civil and citizen lawsuits, the public can pressure corporations to take responsibility for the environmental damage they cause. Several environmental lawsuits in Indonesia won by communities demonstrate that civil power can be a crucial complement to environmental law enforcement. However, access to environmental justice for grassroots communities remains limited due to a lack of legal assistance and high court costs (Nisa & Suharno, 2020).

Furthermore, strengthening environmental audit systems and economic instruments such as environmental taxes and green incentives are also crucial steps in preventing corporate violations. Risk-based oversight systems and the precautionary principle need to be strengthened in licensing policies and corporate operational oversight. Furthermore, the implementation of corporate environmental responsibility (CER) must be integrated into internal company policies, not simply part of a greenwashing strategy.

Internationally, Indonesia has also ratified various multilateral agreements on environmental protection, such as the Stockholm Convention, the Basel Convention, and the Kyoto Protocol. These agreements require countries, including corporations, to implement the principles of sustainable and responsible development globally. Therefore, harmonization of national regulations and international commitments regarding environmental law enforcement is essential, including for multinational business entities operating in Indonesia.

Overall, law enforcement against corporate environmental violators must be comprehensive, firm, and sustainable, with an approach that is not only repressive but also preventive and corrective. Consistent law enforcement will not only provide a deterrent effect but also create a healthy and ecologically responsible investment climate. Without political commitment and serious regulatory reform, law enforcement against corporations will continue to face structural challenges and tend to be weak in practice.

B. Implementation of Restorative Justice as an Effort to Recover from Environmental Pollution and Damage

The application of restorative justice in handling cases of pollution and environmental damage is an alternative approach that aims to restore environmental conditions and improve relationships between perpetrators, victims, and the wider community. This approach emphasizes recovery rather than retributive justice and encourages the involvement of all parties in jointly resolving environmental conflicts fairly and constructively.

In the context of Indonesian environmental law, the principle of restorative justice has been implicitly accommodated in Law Number 32 of 2009 concerning Environmental

Protection and Management (UU PPLH). One example is Article 84 paragraph (1), which states that environmental disputes can be resolved outside the courts through mediation, negotiation, arbitration, and other means chosen by the parties. This non-litigation mechanism provides a potential platform for the application of restorative justice, particularly in cases of pollution that causes harm to the community and the environment.

Restorative justice in environmental cases aims not only to provide compensation to affected communities, but also to restore the function of damaged ecosystems and foster long-term environmental responsibility among actors (both individuals and corporations)[3]. In practice, restitution can take the form of land rehabilitation, replanting vegetation, providing access to clean water, and even providing medical treatment to affected residents[4]. This approach also aligns with the polluter pays principle, which states that the party causing the pollution is obliged to bear the costs of environmental restoration[5].

In the context of environmental law enforcement, the Indonesian government has also strengthened environmental restoration policies through Presidential Regulation No. 5 of 2025 concerning Forest Area Regulation. This regulation is a crucial instrument for restructuring the use of forest areas, which have been frequently misused by businesses and corporations.

The Presidential Regulation establishes a Forest Area Regulation Task Force (PKH Task Force) which is tasked with regulating business activities in forest areas that do not comply with the provisions of laws and regulations, including the plantation, mining and other economic activities sectors.

The formation of the PKH Task Force was motivated by the fact that the implementation of provisions regarding the resolution of violations in forest areas as regulated in previous regulations had not been running optimally, so that it was necessary to strengthen government action to regulate forest areas that were illegally controlled.

In its implementation, the PKH Task Force has a number of important authorities, including:

1. Conducting inventory and verification of forest area controlused without permission.
2. Taking back control of forest areas by the statewhich is used illegally.
3. Imposing administrative sanctions or fines on business actors, including corporations that violate the provisions on the use of forest areas.
4. Conducting coordination across ministries and institutionsin the context of forest area restoration and optimization of state revenue.

This policy also emphasizes that forest area enforcement actions do not eliminate criminal liability under statutory provisions. Therefore, corporations committing violations can still be held criminally and administratively accountable.

From a restorative justice perspective, forest area regulation policies are closely linked to the concept of environmental restoration. A restorative approach focuses not only on punishing perpetrators but also emphasizes reparation for the losses caused, including environmental damage caused by corporate activities. Therefore, the government's move to reclaim illegally occupied forest areas and mandate reparation of environmental damage can be seen as an implementation of the restorative principle in environmental law.

Thus, Presidential Regulation No. 5 of 2025 can be positioned as a policy instrument supporting the implementation of restorative justice in addressing environmental violations by corporations. This policy allows the state not only to prosecute perpetrators but also to ensure the restoration of the ecological function of damaged forest areas.

However, the implementation of restorative justice in the environmental sector still faces challenges. One is the lack of technical guidelines and an explicit legal framework governing restorative mechanisms in environmental criminal cases.[6] Furthermore, law enforcement officials are still more familiar with a retributive approach, which focuses more on punishment than restoration.[7] This means that restorative justice has not yet become a primary approach in handling major cases, such as forest fires, industrial waste pollution, or the destruction of conservation areas.

However, a number of efforts have been made to encourage this approach, one of which is through the Ministry of Environment and Forestry's (KLHK) restoration-based law enforcement program, which requires violating companies to undertake environmental restoration as part of administrative and civil sanctions.[8] The KLHK also encourages environmental conflict resolution through multi-stakeholder forums that open up dialogue between communities, the government, and businesses.[9]

The application of restorative justice in environmental cases is crucial for strengthening ecological justice, namely justice that favors not only humans but also nature as an entity with intrinsic value. Therefore, legal reform and institutional strengthening are needed in the future so that restorative justice can become an integral part of Indonesia's environmental legal system.

The enactment of Law Number 11 of 2020 concerning Job Creation has implications for a number of other laws that are still in effect, including those relating to natural resources and environmental protection.

Several articles of the law, which were previously intended to preserve nature, were amended or even removed by Law Number 11 of 2020 concerning Job Creation.

Based on the analysis conducted by researchers, one of the laws related to natural resource management and environmental protection that had an impact after the enactment of Law Number 11 of 2020 concerning Job Creation was Law Number 18 of 2013 concerning Forest Prevention and Destruction.

Through restorative justice, environmental cases no longer need to be resolved in court, allowing for swift justice for the environment and the affected communities. In the context of environmental cases, restorative justice practices should be implemented. The government can establish regulations regarding its mechanisms and limitations.

The enactment of Law Number 11 of 2020 concerning Job Creation has resulted in changes to some of the existing articles, some of which have even been removed, as the government considers them problematic in improving the investment ecosystem and accelerating national strategic projects. Furthermore, changes to laws in the environmental and natural resources sectors have not yet supported the enforcement of natural resource laws, the purpose of which is to preserve the environment and maximize the prosperity of the people.

If we look at the 1945 Constitution Article 33 as the basis for managing natural resources, of course Law Number 11 of 2020 concerning Job Creation, the purpose of which is to improve the investment ecosystem and accelerate national strategic projects, has the potential to conflict with the 1945 Constitution Article 33 as mentioned above, which aims to enforce natural resource laws, the purpose of which is to preserve the environment and maximize prosperity. By understanding the implications of the impact of the article on the environment, the resolution of activities in forest areas that do not have forestry permits or business permits is also regulated in Law Number 11 of 2020 concerning Job Creation, especially for oil palm plantations, this provision is regulated in Articles 110a and 110b of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, the provisions are:

Article 110A

(1) Any person who carries out business activities that have been established and has a Business Permit in a forest area before this Law comes into effect, who has not fulfilled the requirements in accordance with the provisions of laws and

regulations in the forestry sector, is obliged to complete the requirements no later than 3 (three) years after this Law comes into effect.

(2) If after 3 (three) years since the enactment of this Law, the perpetrator has not fulfilled the requirements as referred to in paragraph (1), the perpetrator will be subject to administrative sanctions, in the form of:
   a. payment of administrative fines; and/or
   b. revocation of Business License.

(3) Further provisions regarding the procedures for imposing administrative sanctions and procedures for non-tax state revenue originating from administrative fines as referred to in paragraph (2) are regulated in Government Regulations.

(4)

Article 110B

(1) Any person who commits a violation as referred to in Article 77 paragraph (1) letter b, letter c, and f or letter e, and f or Article 17 paragraph (2) letter b, letter c, and f or letter e, or other activities in forest areas without having a Business Permit carried out before this law comes into effect shall be subject to administrative sanctions, in the form of:
   a. temporary suspension of business activities;
   b. payment of administrative fines; and/or
   c. government coercion.

(2) In the case of violations as referred to in paragraph (1) committed by individuals who reside in and/or around forest areas for at least 5 (five) years continuously with a maximum area of 5 (five) hectares, they are exempt from administrative sanctions and are resolved through forest area management.) Further provisions regarding the procedures for imposing administrative sanctions and procedures for non-tax state revenue originating from administrative fines as referred to in paragraph (1) are regulated in Government Regulations.

These two articles regulate the settlement of business or activity continuation in forest areas. For businesses or activities located in production forest areas, the settlement is in the form of forest area release. Meanwhile, for businesses or activities located in protected forest areas or conservation forest areas, the opportunity to continue the business is given with a time limit and certain conditions, all settlements are given after the business actor pays an administrative fine or pays off the PSDH (Forest Resource Provision) and DR (Reforestation Fund) based on Article 110a Article 110b for activities that already have a business permit but do not have a permit in the forestry sector.

The settlement requires paying PSDH and DR to obtain approval for forest area release. In addition to forest area release, approval for forest area continuation is also possible. This applies to those without business permits and forestry permits. This problem can be resolved through sanctions such as temporarily suspending activities, paying administrative fines, or government coercion. This can then be followed by obtaining approval for forest area use.

Based on the practice of law enforcement, it shows that punishment in our country is much heavier than revenge (retributive) compared to recovery (restorative) and far from the purpose of the law, namely justice, benefit, and certainty (Gustav Radbruch), where justice holds the highest position. Regarding the environment, Indonesia has several applicable legal instruments, such as the Environmental Protection and Management Law and the Fisheries Law. However, these regulations lack a restorative approach to criminal enforcement and still prioritize retaliation (imprisonment and fines).

Based onLaw Number 32 of 2009The Environmental Protection and Management Law (UU PPLH) covers three areas of law for resolving environmental issues: administrative, civil, and criminal. Administrative sanctions are imposed for violations of environmental permits or violations of Environmental Management and Monitoring Efforts (UKP UPL) and Environmental Impact Analysis (Amdal).

The civil route provides a path for the community, both individually and as group representatives (class action), or institutions, to file lawsuits for acts of environmental damage that result in losses. As for criminal sanctions, the Environmental Management and Management Law provide for imprisonment or fines for perpetrators of environmental damage.

However, if we look closely at the criminal articles in the PPLH Law, we can see that the punishment is premium remand or criminal law is positioned as the main punishment. This is emphasized in Article 85 paragraph (2) of the PPLH Law, which states:"out-of-court dispute resolution does not apply to environmental crimes as regulated in this Law.". In the General Explanation, number 6 states"Enforcement of environmental criminal law continues to adhere to the principle of ultimum remedium, which requires criminal law enforcement to be implemented as a last resort after administrative law enforcement is deemed ineffective. The application of this ultimum remedium principle only applies to certain formal crimes, namely criminal penalties for violations of wastewater quality standards, emissions, and environmental disturbances**."**(Maulana, 2025)."

In line with the Environmental Management and Management Law, the Fisheries Law, in regulating criminal sanctions for violators, also does not provide for restorative justice. It is therefore not surprising that the case of Rusli Ismail and his colleagues has not yet produced a solution that touches the natural environment, the victims. The victims of environmental crimes are the environment itself and the surrounding communities that depend on it for their livelihoods. Therefore, it is appropriate that the sanctions imposed also favor the victims. The implementation ofrestorative justiceIn environmental cases, restorative justice is a solution that can address these issues. Restorative justice has recently become a common practice for the Indonesian Attorney General's Office in general criminal cases. As the sole agency authorized to prosecute criminal offenses, the Attorney General's Office can begin expanding this instrument to include environmental crimes (Maulana, 2025).

This way, those who have been harmed no longer need to file civil lawsuits, which not everyone has the resources to do.restorative justiceAs representatives of the state, prosecutors can act as facilitators for perpetrators and injured parties, allowing perpetrators to directly provide compensation to the community and the environment in an agreed-upon form. There's no longer a need for civil lawsuits and no longer need to pay into the state treasury, allowing for immediate repairs to be made to the damaged area.

*Restorative justice*This environmental issue is nothing new. Countries close to Indonesia, such as Australia, have implemented this approach, as in the case of the CEO of Environment and Heritage against the Clarence Valley Council. In this case, the Clarence Valley Council cut down trees of cultural value to the Aboriginal community. Australian authorities facilitated a meeting between the Clarence Valley Council, as the perpetrator, and the Aboriginal community. The meeting aimed to communicate and provide an apology from the perpetrator to the victim, along with certain conditions agreed upon in the forum.*restorative justice*the.

Through this scheme, cases no longer need to be resolved in court. Justice for the environment and the affected communities can be achieved as quickly as possible. In the context of environmental cases in Indonesia, this practice should be implemented. The government can establish regulations regarding the mechanisms and limitations. For cases with relatively small losses and those that do not harm the wider community, *restorative* *justice*This could be a reason for prosecutors to dismiss the case. Meanwhile, for cases involving relatively large and widespread losses, this could be a consideration in court for imposing the lightest possible sentence.

If this concept were implemented, it's possible it could also be applied to corruption cases involving the environment. For example, consider the corruption case involving PT Duta Palma, which involved converting forest areas into illegal plantations. The court's ruling, in addition to sentencing them to prison, only required the restitution of state losses of 2.23 trillion rupiah, out of a total estimated loss of 39.75 trillion rupiah, without any obligation to repair the environmental damage caused.

Another example of an ongoing case is a corruption case that is predicted to break the record for the largest loss, with a value of 271 trillion rupiah. The PT Timah Tbk corruption case, which resulted in environmental damage, is another example. If possible, the concept of restorative justice could also be used as a basis for easing sentences for the perpetrators. Therefore, we hope that when this case is resolved, the children of Bangka Belitung will no longer live in an environment filled with tin mining pits.

CONCLUSIONS

Law enforcement against corporate environmental violators, as stipulated in Law Number 32 of 2009, can be carried out through administrative, civil, and criminal channels, applying the principle of corporate criminal liability. However, its implementation still faces technical and institutional obstacles. On the other hand, the application of restorative justice in environmental cases is a relevant and urgent approach to be implemented in the Indonesian legal system. This approach prioritizes restoration of environmental damage and compensation for affected communities, rather than simply punishing perpetrators retributively. Although Law Number 32 of 2009 concerning Environmental Protection and Management accommodates out-of-court dispute resolution, the application of restorative justice remains limited due to the lack of clear technical regulations and the dominance of punitive approaches in law enforcement practices. Legal and policy reforms are urgently needed, particularly following the enactment of Law Number 11 of 2020 concerning Job Creation, which has the potential to weaken environmental protection. Restorative justice can be a strategic solution to provide ecological justice and strengthen perpetrators' responsibility for their environmental impacts, while accelerating ecosystem recovery.

Based on the results of the discussion and conclusions, it is recommended that the government together with the legislative and judicial institutions immediately update and harmonize regulations related to the legal status and inheritance rights of illegitimate children, especially by

Based on the above conclusions, the author recommends that to implement restorative justice in cases of environmental pollution and damage, the government immediately draft derivative regulations that explicitly regulate the mechanisms, procedures, and actors involved in the restorative process in the environmental sector. These regulations should provide space for active participation for affected communities, environmental experts, and business actors, with environmental restoration as the primary goal. Furthermore, law enforcement officials such as investigators, prosecutors, and judges need to be given specific training on the principles of restorative justice so that they are not solely oriented towards punishment, but also focus on restoring damage and preventing recurrence of pollution. The government also needs to strengthen the capacity of institutions such as the Ministry of Environment and Forestry (KLHK) to mediate and supervise the restorative dispute resolution process. With these steps, it is hoped that the restorative justice approach can become an effective and equitable alternative in environmental law enforcement in Indonesia.

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