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Restorative Justice in Handling Corporate Crimes in Decision 187/Pid.Sus-LH/2024/PN Son

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Abstract

The use of restorative justice in addressing corporate crimes, particularly in Decision Number 187/Pid. Sus-LH/2024/PN Son concerning breaches of environmental regulations by companies. In this situation, restorative justice, typically used in personal instances, can be effectively implemented by corporations that commit criminal acts. This approach explores how it influences environmental restoration and safeguards the communities that are affected. This research seeks to assess the appropriateness of utilizing the principle of restorative justice in cases of corporate crime, especially in this specific instance, and to investigate its effectiveness and legal consequences in attaining meaningful justice and promoting environmental sustainability. The research method used is normative legal research, with a statutory regulatory approach, a case approach, and a conceptual approach. This approach involves a thorough examination of court decisions, applicable laws and regulations, as well as legal theory and related literature. The findings of the research indicate that in Decision 187/Pid. Sus-LH/2024/PN Son, the implementation of restorative justice involves the requirement to rehabilitate the environment and provide compensation to impacted communities, rather than relying solely on traditional penalties like fines or incarceration for companies. This choice signifies the advancement of environmental criminal law, as it focuses on addressing actual damages instead of merely serving symbolic penalties. Restorative justice concerning environmental violations by corporations emphasizes the need to restore harmed ecological conditions rather than solely concentrating on punishment. This method promotes corporate accountability to address environmental damage and offer restitution to impacted communities. Therefore, restorative justice may serve as an alternative approach for resolving corporate criminal cases, emphasizing restoration and sustainability, accompanied by more explicit regulations and rigorous monitoring systems.

Keywords:

Recovery, Corporate, Environment

Introduction

Currently, mangrove forests are facing serious problems in the form of land quality decline that has continued for the past hundred years. This decline is largely due to changes in land use that are not environmentally friendly. One of the main factors is the mushrooming development projects in coastal areas. Rapid urbanization has also accelerated the conversion of mangrove forests into residential areas, industry, and other infrastructure (Hizkia Bryan Hulu et al., 2024). As a result, the area of mangrove cover has decreased over time. In addition to the reduction in area, the ecological quality of mangrove land has also experienced significant degradation. Mangrove forests, which previously served as natural buffers for the coast, are now in critical condition. According to information from the Ministry of Maritime Affairs and Fisheries of Indonesia, by the year 2020, the destruction of mangrove forests in Indonesia had reached 52%. This figure shows that more than half of the mangrove area has experienced degradation (Bahri et al., 2024).

According to the 2022 National Mangrove Map (PMN) data, Indonesia has approximately 3.39 million hectares of mangrove forest. This figure positions Indonesia as the nation possessing the most extensive mangrove area globally. In eastern Indonesia, Papua and West Papua contributed around 1.5 million hectares of mangroves in 2021. This area is known for its high levels of biodiversity and important ecological role in protecting the coastline. Nevertheless, approximately 6% of the overall area of mangroves in the region has suffered damage (Ipaki et al., 2023). One of the affected areas is Sorong City, which is now part of Southwest Papua Province. The conversion of coastal areas in Sorong into industrial and residential areas is the main factor in the damage. Mangrove damage has a negative impact on coastal protection from abrasion and seawater intrusion. In addition, coastal communities who depend on the mangrove ecosystem for their livelihoods are also affected (Naldi & Chastine, 2024).

In the case study of Decision Number 187/PID.SUS-LH/2024/PN Son, it is known that PT. Dokindo Aimas Papua carries out business activities in the field of other transportation equipment industries, especially the ship and boat industry (Putusan et al., 2024). This company is expanding its shipyard and terminal in the coastal area of Sorong City, Southwest Papua. In the development process, PT. Dokindo Aimas Papua was proven to have filled in land which caused damage to the surrounding mangrove forest ecosystem. These activities were carried out without paying attention to applicable environmental protection rules. One of the main violations found was the absence of an Environmental Impact Analysis (AMDAL) document. This document is a crucial requirement for establishing a business that affects the environment. The absence of an AMDAL reflects the company's negligence in fulfilling its legal obligations (Sudarwanto & Kharisma, 2020). As a result, the company is considered responsible for the environmental damage caused.

Due to its negligence in carrying out its business activities, PT. Dokindo Aimas Papua has been demonstrated to have surpassed the standards for ambient air quality, water quality, seawater quality, and criteria for environmental damage. This act constitutes a violation of the provisions of Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter a in conjunction with Article 119 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management. For its actions, the company was sentenced to a fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah). In addition, the company is required to restore the mangrove ecosystem covering an area of 5.5 hectares. The restoration efforts include replanting 20,000 mangrove seedlings within a maximum period of six months. If the restoration is not carried out, an environmental compensation subsidiary of IDR 37,368,511,656.45 will be imposed. This decision confirms that business actors are legally responsible for environmental impacts with a Restorative approach (Putusan et al., 2024).

The study entitled "Restorative Justice in Handling Corporate Crimes in the 187/Pid.Sus-LH/2024/PN Son Decision" presents a significant contribution to the discourse on environmental criminal law enforcement in Indonesia. Compared to the five previous studies, such as the research of Sriwahyu Ningsi Hengki et al. (April et al., 2024) which analysed the Decision 190/Pid.B/LH/2020/PN Plw in Environmental Crimes by Corporations. Ahmad Syahird's research (Syahird, 2023) This text discusses the application of restorative justice in the context of corporate crimes. This study shows the need for a clear legal umbrella to apply restorative justice to corporations. The research of Sigismund Hardian Karjon and Slamet Suhartono (Sigismund Hardian Karjon, 2024) highlights that corporate criminal practices are often considered minor, even though the impact of large-scale burning causes environmental damage and massive social losses. The focus of this research is on 71/PID.B/LH/2021/PN SNT in determining repressive and preventive sanctions, including fines and environmental restoration obligations.

Research by Maskun et al. (Assidiq et al., 2022) The presentation of this journal highlights the judge's considerations, which pertain to the concepts of business and human rights, particularly regarding access to remedies for environmental harm and effects on local communities. Research by Elly Syafitri Harahap et al. (Harahap et al., 2024) revealed that in the decision 349/Pid.B/LH/2019/PN.Plw, corporations are required to pay compensation in the form of environmental improvements worth IDR 38,652,262,000 billion in addition to criminal fines. The originality of this research lies in the juridical-applicative approach to environmental-based corporate crimes in Eastern Indonesia, especially Southwest Papua. Thus, its contribution not only enriches the environmental criminal law literature but also provides a strategic reference for more responsive and ecological judicial practices.

This study has important significance and limitations in answering the need for a legal approach that is more orientated towards environmental restoration, not just criminalising corporations that commit environmental crimes. In this context, the restorative justice approach is relevant because it emphasises the responsibility of corporations to restore ecosystems damaged by their business activities. This study strengthens the idea that restorative justice can be an alternative solution in complex environmental cases. By prioritising the principle of restoration, this study contributes theoretically and practically to the renewal of environmental criminal law in Indonesia. This is very relevant in facing the increasingly worrying ecological crisis. Even so, this study still has important value as an initial foundation in building a more responsive and ecologically just legal system.

Research Methods

This study uses a normative legal research type. The characteristics of this study are to examine the law through three basic legal values, namely certainty, justice, and utility. These values are studied using various methods, namely the legislative approach, the conceptual approach, and the case approach. The information used in this study is in the form of secondary data, which includes library books, research results, journals, articles, and laws and regulations that are relevant to the subject of the study. Qualitative analysis methods include the study of legal materials that have been prepared to be evaluated according to concepts, theories, laws, doctrines, legal principles, or the views of legal experts on environmental crimes committed by corporations.

Results and Discussion

1) Judge's Decision 187/PID.SUS-LH/2024/PN Son

In this case, the defendant is PT. Dokindo Aimas Papua, a legal entity in the form of a limited liability company (PT) domiciled in Sorong City, Southwest Papua. This company is engaged in the other transportation equipment industry, especially in the ship and boat industry, as well as the development of shipyard and terminal facilities. Based on the deed of establishment and its amendments, this company has a complete formal structure with a president director named Thie Semuel Timotius, who also acts as the company's legal representative in this case. In addition, Elisabeth Mince Thie is listed as director, and Ester Jap as commissioner. The chronology of this case began in 2019 when PT. Dokindo Aimas Papua, a limited liability company engaged in the shipyard and terminal industry, expanded its business activities in Klabinain Village, Aimas District, Sorong Regency, Southwest Papua. This expansion was carried out due to the high demand for ship repair services, especially for large ships. The expansion activities were carried out in stages starting in October 2019, stopped during the COVID-19 pandemic, and continued again in 2022 to 2023. The company expanded the land to 5.5 hectares to build docking facilities and supporting terminals in Zone P. However, this activity was carried out without appropriate environmental documents, especially AMDAL (Environmental Impact Analysis), even though the UKL-UPL documents owned since 2009 no longer cover this new development.

In the development process, PT. Dokindo Aimas Papua carried out reclamation and land preparation by clearing mangrove forest vegetation using heavy equipment such as excavators and dump trucks. Mangrove trees were cut down and filled with red and black soil without prior ecological studies. This action had a direct impact on the damage to mangrove vegetation in the convertible production area (HPK). This reclamation and filling activity caused damage to the ecosystem covering an area of 5.5 hectares, which was previously a mangrove forest habitat. This process was carried out without submitting an application for a change in the environmental permit as regulated in PP 27 of 2012 and PP 22 of 2021 concerning environmental management. The negligence of PT. Dokindo Aimas Papua has triggered complaints from coastal communities, especially local fishermen who feel disadvantaged due to the destruction of the mangrove ecosystem, which is a breeding ground for fish and marine biota. The actions of the company PT. Dokindo is assessed to have exceeded the standard limits for ambient air, water, and seawater quality, in addition to violating criteria for environmental damage. After a report and verification by the Balai Gakkum KLHK, this activity was finally stopped on September 1, 2023. In the trial, the test results from a mangrove ecologist, Dr. Dadan Mulyana S.Hut, M.Si, showed that there had been significant changes in the composition of vegetation

and the density of mangrove forests due to the illegal reclamation. Field data also shows drastic degradation of ecosystem function.

In this case, the factual and legal basis for the public prosecutor to file an indictment against PT. Dokindo Aimas Papua is explained. PT. Dokindo is suspected of expanding the shipyard and terminal without having an AMDAL document as regulated in PP No. 27 of 2012 and PP No. 22 of 2021. As a result of this activity, there has been destruction of the mangrove ecosystem covering an area of 5.5 hectares which is not covered in the 2009 UKL-UPL document owned by the company. Expansion activities include land clearing of mangroves, land filling using red and black soil, and development in coastal zones with convertible production forest (HPK) status. Besides harming mangrove plants, these actions also lead to violations of air, water, and seawater quality standards, as well as criteria for environmental damage. This is supported by the opinion of environmental experts and mangrove ecologists who stated that restoring environmental conditions at the location requires a lot of time, money, and effort. Posita also emphasised that the act violated the legal obligations of corporations as stipulated in Articles 50 and 51 of PP No. 27 of 2012 and Articles 89 and 90 of PP No. 22 of 2021. In the legal environmental document, there is no mention of activities including the reclamation and construction of a 30x100 metre dock balloon, which is the main source of environmental damage.

The public prosecutor argued that the negligent actions of PT. Dokindo Aimas Papua caused ecosystem damage that harmed the state materially and ecologically. Consequently, the posita highlighted the significance of enforcing a penalty as well as an extra sanction in the shape of a duty to restore. The calculation of state losses due to the loss of ecosystem services for 10 years reached more than IDR 37 billion. The posita also explained that the defendant did not show good faith by immediately taking care of the changes to the environmental permit, which should have been mandatory before carrying out the expansion project. This was considered a form of neglect of the precautionary principle in environmental protection. By referring to various regulations and documentary evidence such as PKKPRL application letters, UKL-UPL documents, expert statements and location evidence, the posita compiled a strong legal narrative to prove that PT. Dokindo Aimas Papua had violated environmental legal obligations. Therefore, the public prosecutor demanded criminal punishment in accordance with Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter a in conjunction with Article 119 of Law No. 32 of 2009.

In case number 187/Pid. Sus-LH/2024/PN Son, the prosecution's indictment demonstrates decisive actions taken against companies that engage in environmental offenses. The public prosecutor asked the court to recognize PT. Dokindo Aimas Papua has been legally and convincingly found guilty due to its negligence, which caused violations of the accepted quality standards for ambient air, water, and seawater. Along with the imposition of a fine totaling IDR 1,500,000,000. 00, the prosecutor further requested the establishment of extra penalties. These additional penalties would require the responsible party to address environmental harm by planting 20,000 mangrove seedlings over an area of 5. 5 hectares within a timeframe of 6 months. Should the restoration not be executed, it will be substituted with a compensation payment totaling IDR 37,368,511,656. 45. This accusation highlights a restorative justice method and emphasizes environmental recovery as a means of corporate responsibility. Furthermore, the public prosecutor asked for the evidence to stay included in the case file and for the defendant to pay a court fee of IDR 5,000. 00. Through this indictment, the prosecutor emphasizes not only the need for criminal charges but also the importance of ecological restoration as a means of holding the corporation accountable for the environmental harm it has inflicted.

The Panel of Judges determined that PT. Dokindo Aimas Papua was found to have enlarged the shipyard area without obtaining a valid environmental permit. This expansion included reclamation and land development of 5.5 hectares in the coastal area with a mangrove ecosystem, which was not covered in the 2009 UKL-UPL document owned by the company. The judge considered that this action violated the provisions of Articles 50 and 51 of PP No. 27 of 2012 and Articles 89 and 90 of PP No. 22 of 2021, which regulate the obligation to apply for changes to environmental permits. This non-compliance is considered a form of negligence that has a serious impact on the environment, especially the destruction of mangrove forests which have important ecological functions. In its decision, the judge also referred to expert testimony from the field of environment and mangrove ecology. The expert

explained that the mangrove ecosystem, which has been harmed by reclamation, will require significant time and financial resources to be restored. Mangrove forests not only function as a natural habitat for marine biota but also act as a barrier to abrasion and carbon absorption. The panel considered that the environmental damage was not the result of force majeure but rather the defendant's negligence in ignoring the principle of caution and the legal obligation to prepare a new AMDAL. This was reinforced by field findings that showed significant changes in vegetation and loss of ecosystem services.

The judge considered that PT. Dokindo Aimas Papua did not have good faith to carry out voluntary recovery even though it had received complaints from coastal communities. In addition, the company only stopped its activities after intervention from the KLHK Gakkum Office on September 1, 2023. Therefore, according to the judge, preventive and repressive actions must be carried out through a criminal mechanism and the imposition of additional criminal penalties in the form of environmental recovery obligations. The panel emphasised that negligent and environmentally damaging corporate actions cannot be tolerated and must be sanctioned as a form of environmental law enforcement. Another important consideration is the aspect of state losses. Based on expert calculations, the total state losses caused by the destruction of mangrove forests and the loss of ecosystem service functions reached more than IDR 37 billion. The judge acknowledged that, in addition to administrative fines, it is important to ensure that there is real responsibility for ecological restoration by the perpetrator. Therefore, an additional penalty was imposed in the form of an obligation to replant 20,000 mangrove seedlings in the affected location within 6 months. If this obligation is not fulfilled, the company must pay compensation equal to the value of the damage.

The panel also noted that the defendant, as a legal entity, bears criminal responsibility for the actions taken by its management or representatives. In this situation, it was demonstrated that the work order and execution of the reclamation were conducted by the main director of PT. Dokindo Aimas Papua via his subordinates. This indicates a strong connection between personal actions and the obligations of the organization. Consequently, PT. Dokindo Aimas Papua is regarded as having met the criteria for negligence as outlined in Article 99, paragraph (1), in conjunction with Article 116, paragraph (1), letter a of Law No. Law 32 of 2009 regarding the Protection and Management of the Environment. Ultimately, the judge concluded that it was not established that the defendant carried out the act intentionally (main charge), but it was legally and convincingly demonstrated that the defendant acted negligently (secondary charge). Consequently, this ruling resulted in a penalty of Rp1,500,000,000. 00 along with extra obligations concerning environmental restoration or compensation. The judge's considerations in this case reveal how the principle of strict liability is applied in environmental law, along with the inclusion of the restorative justice approach to guarantee ecological restoration. This ruling establishes a significant benchmark for the application of environmental criminal law concerning corporations in Indonesia.

In Verdict Number 187/Pid. Sus-LH/2024/PN Son, the Panel of Judges indicated that PT. Dokindo Aimas Papua was legally and convincingly found to be negligent, leading to violations of environmental quality standards, particularly regarding air, water, and marine conditions. Based on this, the defendant received a penalty of IDR 1,500,000,000. 00. Furthermore, the panel mandated an extra penalty requiring the restoration of the environment by rehabilitating a 5,5-hectare mangrove ecosystem through the planting of 20,000 mangrove seedlings within a maximum timeframe of 6 months. If this responsibility is not fulfilled, it will be substituted with a compensation payment of IDR 37,368,511,656,45. This ruling illustrates the use of the restorative justice principle within environmental criminal law, highlighting the importance of not only punishment but also the restoration of ecosystems. The Panel of Judges additionally indicated that all evidence related to this case is still included in the case file. Furthermore, the defendant must pay court expenses amounting to IDR 5,000.00. This ruling establishes a significant standard for addressing corporate crimes within the environmental field by highlighting the direct accountability of companies for the harm they inflict. This method demonstrates a harmonious blend of restrictive and restorative actions aimed at ensuring the long-term health of coastal ecosystems. (Putusan et al., 2024).

2) Analysis of the Application of Restorative Justice in Decision Number 187/Pid.Sus-LH/2024/PN Son

Restorative justice is a relatively recent and specific policy within the Indonesian criminal law framework. Nonetheless, this policy aligns with the UN declaration established in 2000, which includes significant principles pertaining to the application of restorative justice programs in criminal cases. The suggestion for every country to incorporate the idea of restorative justice into their criminal justice systems has been presented to the UN declaration, which is reinforced by points 27 and 28 of the Vienna declaration, which state (Kelibia, 2023): 27. We resolve to introduce, where suitable, national, regional, and international action plans to assist crime victims, such as mediation methods and restorative justice initiatives. We designate 2002 as the appropriate year for states to adopt relevant practices, enhance victim protection, and explore the creation of a victim fund, in addition to formulating and enacting a witness protection policy; 28. We promote the creation of restorative justice policies, procedures, and programs that honor the rights, needs, and interests of victims, offenders, communities, and all other involved parties.

In practice, the idea of restorative justice has been utilized in various instances, including breaches of the Capital Market Law by PT. Bank Lippo Tbk, Bank Indonesia's Liquidity, Merrill Lynch, and the Monsanto Company. In reality, the integration of the restorative justice approach in criminal cases has commenced. There has been a clear change from enforcing criminal law through retributive justice to utilizing restorative justice (Mirza & Zen, 2022). Nonetheless, the strict transition from retributive justice to restorative justice does not pertain to and affect all kinds of criminal cases. The issue of corporate accountability for the crimes they commit has led to discussions about applying a restorative justice approach to eliminate corporate crimes in the environmental sector in the future. This area often faces challenges and difficulties regarding accountability when corporations engage in unlawful activities (Yulianingrum & Oktaviani, 2022).

The restorative justice approach according to Howard Zehr and Barb Toews is not intended to ignore the formal role of the criminal justice system or other formal legal enforcement (Pardede & Santoso, 2022). This method necessitates a resolution of the case that includes efforts to mend or restore the harmful effects of the crime and revert to the initial condition of the relationship between the victim and the offender. This, in turn, allows the victim the chance to acknowledge responsibility and accept an apology from the offender. Zehr's opinion is relevant when associated as a justification for the restorative justice approach in resolving environmental cases. The opinion regarding this relevance is based on the following arguments:

1. The most important aspect, equally significant in addressing cases of environmental violations, pertains to the initiatives aimed at restoring or remedying the effects of such violations, specifically the damage or pollution inflicted on the environment. Making criminals of offenders (including businesses) may actually impede efforts to rectify the consequences of violations in the environmental field. Ursula Caser stated that incorporating mediation into the implementation of the restorative justice approach will create the most effective and lasting solutions for all involved parties. (sustainable approaches that most effectively address the interests and requirements of all relevant stakeholders).
2. Settlement via a restorative justice approach has the potential to mend the relationship between those who violate environmental laws and their victims, who are primarily members of the broader community. Rebuilding this connection holds significant importance, as it is essential for efforts aimed at reparation or compensation for victims; a relationship is necessary between both parties involved (the perpetrator and the victim). The enforcement of administrative or criminal penalties, such as the cancellation of permits, can affect the termination of the relationship between the two parties, which may lead to the failure of achieving restoration or compensation.
3. The aim of restoration through a restorative justice approach seeks not only to address the harmful effects of environmental violations. Recovery also targets corporations, as the restorative justice method can help to rehabilitate the reputation of the corporation involved in the crime or violation specifically and improve the negative perception of corporations and business entities overall. Considering the significant role that

corporations play in the nation's economy and the value of a good reputation for a corporation, the restorative justice approach stands out as the most suitable and effective option.

Quoting Muladi's opinion regarding victims of environmental violations, according to him in environmental crimes there are two categories of victims, namely concrete victims and abstract victims. This categorisation is based on the concept of environmental damage and loss in the form of real damage and loss (actual harm/actual victim) and threat of damage (threatened harm/potential victims). Thus, the legal protection provided is not only for nature, flora, and fauna but also for the future of humanity (future generations) due to environmental degradation (Nashir et al., 2024). Typically, the inclusion of corrective measures in the resolution of environmental civil cases is founded on the stipulations of Article 87 Paragraph (1) of Law No. Law No. 32 of 2009 addresses Environmental Protection and Management along with Law Number. Law No. 11 of 2020, regarding Job Creation (hereafter referred to as the UUPPLH), stipulates that, "Any individual or entity accountable for a business and/or activity that engages in illegal actions resulting in environmental pollution and/or damage that leads to detriment for others or the environment is required to provide compensation and/or undertake specific measures. " The enactment of this legislation could notably influence improvements in circumstances, particularly as it aims to enhance planning and enforcement of the law (Wicaksono et al., 2024).

As outlined in Article 25 of PERMA 13/2016 on Procedures for Addressing Criminal Acts by Corporations (Sofiatul Istiqomah et al., 2023), the Judge is required to impose a criminal penalty on the Corporation, which may consist of a principal fine and/or supplementary penalties in accordance with applicable laws and regulations. Further penalties enforced in line with the stipulations of laws and regulations include the seizure of gains from unlawful activities; the shutdown of some or all business locations; restitution for damages caused by criminal actions; being mandated to fulfill neglected obligations without entitlement; and placing the company under supervision for a maximum duration of three years (Rahadina & Ratna, 2025). In particular, the cancellation of specific permits, the shutdown of all or part of the corporation's business locations, and the suspension of all or part of the corporation's business operations may each be enforced for a maximum duration of two years. (Rawiyakhirty, 2022).

In this decision, the additional punishment imposed on the defendant is in the form of corrections due to the crime by considering the purpose of punishment, which is not merely as retaliation for the defendant's actions but aims to foster and educate the defendant to realise and understand his mistakes so that in the future he will remain obedient and compliant with legal regulations, especially in the environment. The Panel of Judges did not discuss the quality of environmental restoration but only about how much it would cost to repair the environment as much as the area of land that has been determined. This decision reflects the principle of the polluter pays, where every business entity is required to bear the costs of environmental restoration if its business activities cause environmental pollution or damage. As the Jurisprudence of the Supreme Court of the Republic of Indonesia No. 492 K / Sip / 1970 (16/12/1970) and the Supreme Court Decision of the Republic of Indonesia No. 1720 K / Pdt / 1986 (18/8/1988) basically state, the claim for compensation must include details of the losses suffered; if not included, then the claim cannot be accepted because it is unclear/imperfect (April et al., 2024).

The establishment of accountability is highlighted in Article 4, paragraph (1): corporations may be considered criminally liable under criminal law. Companies may be legally held accountable for crimes as stipulated in the criminal laws that apply to corporations. When imposing criminal penalties on companies, judges may evaluate the mistakes made by the corporation as mentioned in paragraph (1), including (Aripkah, 2020):

1. The corporation can obtain benefits or advantages from the crime or the crime is carried out for the benefit of the corporation;
2. The corporation allows the crime to occur;
3. The corporation does not take the necessary steps to carry out prevention, prevent greater impacts and ensure compliance with applicable legal provisions in order to avoid the occurrence of criminal acts.

In the case of proof that a corporation has committed a crime, the imposition of criminal penalties is regulated in Article 23 (Zamzimi, 2025), namely:

1. The judge may impose a penalty on the corporation or management, or the corporation and management;

2. The judge imposes a penalty as referred to in paragraph (1) based on each law that regulates the threat of criminal penalties against the corporation and/or management;
3. The imposition of a penalty on the corporation and/or management as referred to in paragraph (1) does not preclude the possibility of being applied to other perpetrators who, based on the provisions of the law, are proven to be involved in the crime. In detail, criminal penalties against corporations are regulated in Article 25, namely: 1. The judge imposes a penalty on the corporation in the form of a principal penalty and/or additional penalties;

As in the Decision, the Defendant was charged with Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter a in conjunction with Article 119 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management. Article 99 paragraph (1) of the Environmental Law: "Any person who, due to his negligence, causes the ambient air quality standards, water quality standards, sea water quality standards, or environmental damage criteria to be exceeded, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah)." (*Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup*, n.d.) with the following elements (Margareta & Boediningsih, 2023):

1. Element of Every Person:
   That the element of every person in Article 99 paragraph (1) in conjunction with Article 116 paragraph (1) letter a in conjunction with Article 119 of the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management, namely anyone who must be made a Defendant/dader or every person as a legal subject (supporter of rights and obligations) who can and is able to be held accountable for all his actions.
2. Element due to negligence resulting in exceeding ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria:
   This article requires negligence (culpa) resulting in environmental pollution or damage. In this case, PT. Dokindo Aimas Papua expanded its shipyard and terminal without taking care of changes to the environmental permit or preparing a new AMDAL document. This action was taken even though the company knew that the activity was in a sensitive and protected mangrove ecosystem area. This negligence is evident from the absence of anticipatory steps to comply with the provisions of Article 50 of PP No. 27 of 2012 and Article 89 of PP No. 22 of 2021, which regulates changes in business activities. This element is fulfilled when the result of negligence causes environmental quality to exceed the threshold or be damaged. In this case, the expert stated that the mangrove land clearing and landfilling activities caused damage to 5.5 hectares of mangrove vegetation. This resulted in the loss of the ecological function of mangroves as a barrier to abrasion and a habitat for marine biota. The exceeding of quality standards and damage were scientifically proven based on the results of ecological and vegetation studies by mangrove ecologists.

Article 116 paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management (Rachmat, 2022): "If an environmental crime is committed by, for, on behalf of a business entity, criminal charges and criminal sanctions shall be imposed on: a) The business entity; b) The person who gave the order to commit the crime". The elements are "Committed by a Corporation" (*Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup*, n.d.), This element indicates that the perpetrator of the crime is a legal entity, in this case PT. Dokindo Aimas Papua. A corporation is considered criminally responsible if the act is committed by a manager or a person authorized to act on behalf of the corporation. In this case, the development was carried out on the orders of the president director Thie Samuel Timotius. Therefore, the collective responsibility of the corporation according to the principle of vicarious liability and the principle of strict liability has been fulfilled.

Article 119 of Law Number 32 of 2009 concerning Environmental Protection and Management (Anantama et al., 2020): In addition to the criminal sanctions as referred to in this Law, business entities may be subject to additional criminal sanctions or disciplinary measures in the form of: a. confiscation of profits obtained from criminal

acts; b. closure of all or part of the business premises and/or activities; c. repairs due to criminal acts; d. obligation to carry out what was neglected without rights; and/or e. placement of the company under guardianship for a maximum of 3 (three) years. The elements are as follows. Element of "Criminal Actions against Corporations" (*Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup*, n.d.). (Article 119 of the PPLH Law) This article emphasizes that corporations can be subject to criminal sanctions in the form of fines, additional criminal sanctions such as environmental restoration or repair, and compensation. In the verdict, the judge imposed a fine of Rp1.5 billion and an additional penalty in the form of an obligation to plant 20,000 mangrove trees within six months or, if not done, pay compensation of Rp37.3 billion. This proves that Article 119 is applied to provide a deterrent effect and encourage ecological responsibility towards corporations.

The application of Albert Eglash's restorative justice theory in decision number 187/Pid.Sus-LH/2024/PN Son is reflected in the additional criminal penalty imposed on PT. Dokindo Aimas Papua. The court not only imposed a fine of IDR 1.5 billion for the company's negligence resulting in environmental damage but also ordered the restoration of a 5.5-hectare mangrove ecosystem by planting 20,000 tree seedlings. This approach aligns with Eglash's idea of restorative justice, which emphasizes the importance of the offender's duty to repair the harm caused, rather than solely focusing on punitive measures. The inclusion of environmental restoration in the decision indicates a movement toward rebuilding the connection between the offender and the victim, specifically referring to society and the environment (Akbar, 2021). The court decided that if restoration does not occur, it will be substituted with a payment of IDR 37. 3 billion. This demonstrates a type of "restorative restitution," which is one of the three classifications of justice identified by Eglash, wherein the offender is required to take responsibility for correcting the harm that has been inflicted. This method enhances the function of environmental criminal law, which is not merely punitive but also aims to correct and rehabilitate. Therefore, this choice not only maintains formal justice but also promotes ecological and social accountability among businesses in relation to communities and environmental sustainability (Afifah, 2024).

Conclusions

Decision Number 187/Pid. Sus-LH/2024/PN Son indicates that PT. Dokindo Aimas Papua was legally and convincingly found guilty due to its neglect, which caused environmental pollution, particularly harming the mangrove ecosystem over an area of 5.5 hectares. The Panel of Judges dismissed the main accusation, indicating that the action was performed purposely; however, they affirmed the secondary charge based on negligence. The accused received a penalty of IDR 1.5 billion and was ordered to undertake environmental restoration by rehabilitating 20,000 mangrove seedlings within a period of 6 months. If this is not completed, it will be substituted with compensation payments totaling over IDR 37 billion.

The use of restorative justice for environmental offenses committed by companies highlights the significance of focusing on restoration instead of solely on punishment. Restorative justice provides an alternative way to resolve criminal cases by concentrating mainly on repairing environmental harm, compensating victims, and improving social connections between offenders and the community. This approach creates an opportunity for discussion among the parties involved to achieve a peaceful resolution and collaborative recovery. In business situations, restorative justice plays a crucial role in regaining the positive reputation of businesses and ensuring economic stability.

References

Afifah, H. (2024). Keadilan Restoratif dalam Dinamika Pembaruan Hukum Pidana Indonesia. *Jurnal Syntax Admiration*, *5*(8), 3007–3015. https://doi.org/10.46799/jsa.v5i8.1392

Akbar, M. F. (2021). Keadilan Restoratif Dalam Sistem Peradilan Pidana Sebagai Perwujudan Nilai-Nilai Pancasila. *Justitia et Pax*, *37*(1). https://doi.org/10.24002/jep.v37i1.3821

Anantama, A. T., Munawir, Z., & Rafiqi, R. (2020). Pertanggung Jawaban Pidana Karyawan Korporasi Dalam Tindak Pidana Lingkungan Hidup (Studi Putusan No. 133/Pid.B/2013/PN. MBO). *JUNCTO: Jurnal Ilmiah Hukum*, *2*(2),

119–131. https://doi.org/10.31289/juncto.v2i2.322

April, Hengki, S. N., Puluhulawa, F. U., Puluhulawa, J., Studi, P., Hukum, I., & Gorontalo, U. N. (2024). Analisis Putusan Hakim Dalam Tindak Pidana Lingkungan Hidup Oleh Korporasi. *Jurnal Begawan Hukum (JBH)*, *2*(1), 89–100.

Aripkah, N. (2020). Persoalan Kriteria Batasan Pertanggungjawaban Pidana Korporasi: Tinjauan Terhadap Peraturan Mahkamah Agung Nomor 13 Tahun 2016. *Jurnal Hukum Ius Quia Iustum*, *27*(2). https://doi.org/10.20885/iustum.vol27.iss2.art8

Assidiq, H., Maskun, Siti Nurhaliza Bachril, & Al-Mukarramah, N. H. (2022). Analisis Putusan Pemulihan Lahan Gambut Akibat Aktivitas Pembakaran PT. Kalista Alam di Kawasan Ekosistem Leuser. *Jurist-Diction*, *5*(3), 917–938. https://doi.org/10.20473/jd.v5i3.35782

Bahri, S., Hetwisari, T., Patiroi, A., Hadi, S., & Samudra, M. B. G. S. (2024). Pemulihan Mangrove Dengan Penanaman Rhizophora Mucronata Untuk Mendukung Rehabilitasi Hutan Pantai Barat Provinsi Jawa Tengah. *Jurnal Diseminasi Konstruksi*, *1*(1), 1–12. https://doi.org/10.56911/jdk.v1i1.98

Harahap, E. S., Syahrin, A., Mulyadi, M., & Marlina, M. (2024). Penjatuhan Pidana Tambahan Terhadap Korporasi Yang Melakukan Tindak Pidana Lingkungan Hidup. *Locus Journal of Academic Literature Review*, *3*(1), 103–126. https://doi.org/10.56128/ljoalr.v3i1.280

Hizkia Bryan Hulu, Novriest Umbu Walangara Nau, & Roberto Oktavianus Cornelis Seba. (2024). Analisis Efektivitas Paris Agreement Terhadap Indonesia Sebagai Anggota G20 Dalam Menangani Climate Change. *Jurnal Niara*, *17*(2), 280–298. https://doi.org/10.31849/niara.v17i2.22369

Ipaki, S., Loppies, Y., Serkadifat, Y. S., Kehutanan, P. S., & Sorong, U. V. (2023). *Pengaruh Karakteristik Masyarakat terhadap Partisipasinya dalam Kegiatan Rehabilitasi Hutan Mangrove di Kelurahan Klamana Distrik Sorong Timur*. *7*, 171–182. https://doi.org/10.36339/j-hest.v7i1.83

Kelibia, M. U. (2023). Upaya Diversi Terhadap Anak Yang Melakukan Tindak Pidana Dalam Perspektif Keadilan Restoratif. *IBLAM LAW REVIEW*, *3*(3), 426–441. https://doi.org/10.52249/ilr.v3i3.231

Mirza, I. M. M., & Zen, A. P. (2022). Strategi Internalisasi Asas Restorative Justice dalam Sistem Peradilan Indonesia. *Pancasila: Jurnal Keindonesiaan*, *2*(2), 149–162. https://doi.org/10.52738/pjk.v2i2.45

Naldi, A., & Chastine, B. (2024). Pengaruh beras terhadap budaya pemanfaatan sagu di Maluku. *Journal of Socio-Cultural Sustainability and Resilience*, *1*(2). https://doi.org/10.61511/jscsr.v1i2.2024.565

Nashir, M. A., Maharani, N., & Zafira, A. (2024). Urgensi Pembentukan Undang-Undang Restorative Justice dalam Rangka Reformasi Keadilan dan Kepastian Hukum di Indonesia. *SAPIENTIA ET VIRTUS*, *9*(1), 344–357. https://doi.org/10.37477/sev.v9i1.501

Pardede, J. N., & Santoso, W. Y. (2022). Refleksi Kritis Terhadap Konsep Restorative Justice Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia. *Jurnal Hukum Lingkungan Indonesia*, *8*(2), 263–286. https://doi.org/10.38011/jhli.v8i2.390

Putusan, D., Agung, M., Indonesia, R., Sorong, K., Bernadeta, P., & Rivani, R. (2024). *Putusan Nomor 187/PID.SUS-LH/2024/PN SON*.

Rachmat, N. A. (2022). Hukum Pidana Lingkungan di Indonesia berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, *2*(2), 188–209. https://doi.org/10.15294/ipmhi.v2i2.53737

Rahadina, V. A., & Ratna, E. (2025). Penegakan Hukum Administrasi Terhadap Kebakaran Hutan. *JURNAL USM LAW REVIEW*, *8*(1), 196–214. https://doi.org/10.26623/julr.v8i1.10931

Rawiyakhirty, I. (2022). Penanganan Tindak Pidana Korporasi Terkait Pertanggungjawaban Tindak Pidana Korupsi Oleh PT Nindya Karya (Persero) Ditinjau Dari PERMA Nomor 13 Tahun 2016. *Jurnal Paradigma Hukum Pembangunan*, *7*(1), 21–42. https://doi.org/10.25170/paradigma.v7i1.3140

Sigismund Hardian Karjon, S. S. (2024). *Pertanggungjawaban Pidana Akibat Tindak Pidana Pembakaran Hutan Dan Lahan Yang Dilakukan Korporasi (Analisis Putusan NOMOR 71/PID.B/LH/2021/PN SNT)*. *4*(1), 35.

Sofiatul Istiqomah, Abdul Rokhim, & Diyan Isnaeni. (2023). Kebijakan Hukum Pidana dalam Pertanggung Jawaban

Korporasi yang Melakukan Tindak Pidana Korupsi. *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan*, 278–297. https://doi.org/10.24252/ad.vi.43642

Sudarwanto, A. S., & Kharisma, D. B. (2020). Omnibus Law Dan Izin Lingkungan Dalam Konteks Pembangunan Berkelanjutan. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, *9*(1), 109. https://doi.org/10.33331/rechtsvinding.v9i1.411

Syahird, A. (2023). Restorative Justice terhadap tindak Pidana Korporasi Dibidang Lingkungan Hidup. *Indonesian Journal of Education and Humanity*, *3*(2), 47–64. https://ijoehm.rcipublisher.org/index.php/ijoehm/article/view/101

Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup. (n.d.).

Wicaksono, S., Bagas, B., & Reyhansyah, A. (2024). Penyelesaian Sengketa dan Konflik Pertanahan di Indonesia: Kajian Politik Hukum. *Dialogia Iuridica*, *16*(1), 068–095. https://doi.org/10.28932/di.v16i1.9993

Yulianingrum, A. V., & Oktaviani, Y. W. (2022). Analisis Yuridis Terhadap Penerapan Sanksi Pidana Tambahan Bagi Pemulihan Lingkungan Oleh Korporasi. *Jurnal Analisis Hukum*, *5*(2), 174–188. https://doi.org/10.38043/jah.v5i2.3739

Zamzimi, P. (2025). Tindak Pidana Korupsi oleh Oknum Partai Politik dan Pertanggungjawaban Pidananya. *Jurnal Ilmiah Universitas Batanghari Jambi*, *25*(1), 406. https://doi.org/10.33087/jiubj.v25i1.6065