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GREEN RESTORATIVE JUSTICE: ENVIRONMENTAL ENFORCEMENT AND JUSTICE

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ABSTRACT

Objective: Provides a framework for investigating potential green restorative justice initiatives in Indonesia to address environmental legislation. Time, money, and equity are all preserved in green restorative justice eco-friendly restitution For long-term ecological regulation.

Method: This study employs a sociolegal strategy incorporating a green restorative justice framework to address environmental legal issues. After that, we did some conceptual research.

Results: Explores the possibility of green restorative justice as an additional approach to resolving environmental issues. There are time and money savings with the green restorative justice method. Another discovery is that when other stakeholders, including the government and the media, oversee these cases, implementing ecosystem greening for guilty corporations may be speedier and more beneficial for society.

Conclusion: Explores the possibility of green restorative justice as an additional approach to resolving environmental issues. More expedited, less expensive, and more equitable is the green restorative justice approach. Businesses that are to blame may have ecosystem greening implemented more quickly and to society's benefit with the help of this study to create environmentally friendly enforcement that lasts.

Keywords: Restorative Justice, Environmental, Law Enforcement, Justice.

JUSTIÇA RESTAURATIVA VERDE: APLICAÇÃO DA LEI AMBIENTAL E JUSTIÇA

RESUMO

Objetivo: Fornece uma estrutura para investigar possíveis iniciativas de justiça reparadora ecológica na Indonésia para lidar com a legislação ambiental. Tempo, dinheiro e equidade são todos preservados na justiça reparadora verde restituição eco-friendly Para a regulação ecológica a longo prazo.

Método: Este estudo emprega uma estratégia sociolegal incorporando um quadro de justiça restaurativa verde para abordar questões legais ambientais. Depois disso, fizemos algumas pesquisas conceituais**.**

Resultados: explora a possibilidade de justiça reparadora verde como uma abordagem adicional para resolver questões ambientais. Há economia de tempo e dinheiro com o método de justiça reparadora verde. Outra descoberta é que quando outras partes interessadas, incluindo o governo e a mídia, supervisionam esses casos, implementar a ecologização do ecossistema para corporações culpadas pode ser mais rápido e benéfico para a sociedade.

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Conclusão: explora a possibilidade de justiça reparadora verde como uma abordagem adicional para resolver questões ambientais. Mais rápida, mais barata e mais equitativa é a abordagem da justiça reparadora "verde". As empresas culpadas podem ter a ecologização do ecossistema implementada mais rapidamente e em benefício da sociedade com a ajuda deste estudo para criar uma aplicação ambientalmente amigável que perdure.

Palavras-chave: Justiça Reparadora, Meio Ambiente, Aplicação da Lei, Justiça

1 INTRODUCTION

The setting All things that affect the natural world, the ecosystem, and the well-being of people and other forms of life—including those things themselves—are part of life's spatial unity (Situmeang, 2020). According to Ratio Ridho Sani, the Director General of Law Enforcement for the Environment and Forestry at the Ministry of Environment and Forestry, 587 individuals and 488 businesses were involved in the 941 instances. There is a growing concern about environmental deterioration, particularly in Indonesia, and its potential risk to human life if not addressed (Kartiasih & Personal, 2020).

Unlawful logging, deforestation, air and land pollution, and other human-caused environmental crises include disregarding and overexploiting natural resources for profit (Pratjna et al., 2019). Human rights are at the heart of environmental concerns, making them paramount (Albers, 2017).

Some environmental difficulties include pollution, global warming, resource depletion, improper waste disposal, biodiversity loss, forest loss, and ozone depletion (Marcantonio et al., 2021). Pollution is a big issue for the environment in most situations. Land and air pollution should return to normal within a few million years (Bashir et al., 2022). Aside from that, motorised vehicles are the most significant source in the industry. The two most harmful causes of water contamination, after plastics, nitrates, and heavy metals, are acid rain and oil spills (Bailey et al., 2010). Development activities need an increase in the number and quality of natural resources, which must be uniformly distributed. Development projects pose additional environmental dangers, including pollution and environmental harm (Manisalidis et al., 2020).

Industrial and commercial petrol and pollutant emissions, together with byproducts of fossil fuel combustion, are the primary sources of air pollution. Because it depletes soil-essential plant nutrients, industrial waste is the leading source of soil pollution. (FAO and UNEP, 2021). The harm will only worsen and take much longer to fix if we keep exploiting

nature at this rate. There will be immediate consequences for people if the destruction is severe enough to make the area uninhabitable. People have a crucial role in using and preserving natural resources because people are the only known species capable of rational thought (El Hakim, 2021). Furthermore, the effects of climate change might have devastating consequences for Indonesia. (indonesia.un.org, t.t.). Among the result are a decline in food production, contamination of water sources, the introduction of pests and illnesses to both plants and people, an increase in sea levels, the submersion of smaller islands, and a decline in biodiversity (Schmidhuber & Tubiello, 2007).

People who break the rules should face consequences commensurate with their acts if there are mistakes in exploiting natural resources. The current legal framework primarily employs criminal penalty policies as a means of social management and discipline (Slamet, 2017). Community out-of-court settlements, or Victim Recipient Mediation (VOM), were first used in Canada in the 1970s. The process of restorative justice is getting underway (Gerkin et al., 2017). Local knowledge in Indonesia is well-versed in the notion of restorative justice. This occurs due to Indonesian culture's rich diversity of values and traditions (Suwito et al., 2023). Additionally, they have procedures for resolving conflicts, primarily founded on restorative justice principles (Lasmadi et al., 2020).

Victims, offenders, and even members of the public may all find common ground via restorative justice mediation, which helps put an end to judicial disputes (Adi, 2021). Sharing what occurred, identifying those affected, and coming to a mutual agreement on the offender's responsibility to pay restitution are all part of the plan (Murhula & Tolla, 2020). Some possible responses include making amends to the victim, offering financial compensation, or instituting measures to ensure that the same thing does not happen again (Pritama, 2021). Law enforcement's application of the restorative concept in case resolution is based on the premise that it may lead to healing, according to the Supreme Court's official website (Sukardi & Purnama, 2022).

Restorative justice is an alternative method for dealing with environmental matters; instead of focusing on the environmental justice system's processes, offenders are encouraged to engage in discussion and mediation to resolve their issues (Zvi D, 2005). The environmental policy sector is oblivious to the significance of integrating restorative justice principles into all-encompassing environmental policy initiatives due to the restorative justice movement (Besthorn, 2004). By addressing the needs of society as a whole as well as those of victims and offenders, restorative justice provides a more holistic perspective on crime and its dynamics, causes, and effects (Ufran & Amaral, 2019).

The establishment of policies via the Supreme Court provides evidence of one of the foundations for implementing restorative justice (Satriadi, 2022). The Decree of the Director General of the General Courts, released on 22 December 2020, regulates guidelines on restorative justice in general courts (Sinaga, 2021). The aim is to lay out what occurred, identify the victims, and figure out how to reach a compromise on the offender's responsibility to set things right (Deni, 2021). From a philosophical standpoint, restorative justice seeks to end disputes by making things better or cutting down on losses (Emerald Group Publishing Limited, 2014).

When it comes to environmental issues, restorative justice is a powerful tool (Iberahim et al., 2023). Environmental policymakers are hesitant to include restorative justice practices into all-encompassing policy initiatives because of the restorative justice movement (Praditya, 2022). Sustainable environmental justice is at the heart of the restorative justice approach (White, 2022).

A more widespread implementation of the idea and realisation of the principles of justice that is quick, easy, and inexpensive while maintaining a fair balance is the goal of the Supreme Court's restorative justice guidelines (Pavelka & Thomas, 2019). Through Attorney General Regulation Number 15 of 2020, which addresses Termination of Prosecution, the Attorney General's Office also released a policy on restorative justice. Justice, proportionality, public interest, punishment as a last option, and the concepts of quick, simple, and inexpensive should all be taken into account while implementing the idea of restorative justice (Risha Ahmadi & Sudek, 2021).

When a case reaches a legal conclusion, such as a settlement or other non-judicial resolution, the Public Prosecutor may decide to close it (Riyadi et al., 2020). Using restorative justice as a framework, this essay seeks to investigate environmental crimes. At least 64 out of 470 watersheds have reached critical status in the last 5 years. This is due to several factors, including: Various types of compounds found in industrial waste; Deliberately dumped home garbage into rivers is one example of domestic trash (Banten DLKH, t.t.).

Among Southeast Asian countries, Indonesia has the largest annual forest loss rate, at 680,000 hectares. One hundred and ten rivers are moderately to severely contaminated, according to data given by the Ministry of Environment and Forestry on river damage. According to BNPB's disaster statistics for 2020, 2,923 cases of natural disasters such as floods, landslides, storms, and forest fires were recorded. Even in the Auriga Nusantara study, this worry was present. Deforestation in Papua has been going on for at least 20 years, with the Jokowi administration being responsible for 663,443 hectares of it. The majority of this

deforestation (71% of it) happened between 2011 and 2019. Oil palm plantations, which have expanded over 339,247 hectares, are the leading cause of deforestation. But according to the search results, out of all the area that might have been used for oil palm planting, only 194,000 hectares have been done so, and the rest has been cleared. In 2020, 2,925 natural disasters were recorded in Indonesia by BNPB. These included tornadoes, floods, landslides, fires (both forest and land), droughts, and heat waves (Walhi.or.id, t.t.).

Environmentally sustainable development must take precedence if we are to reach the United Nations Sustainable Development Goals (SDG) 2030. Immediate resolution of environmental legal matters is crucial. Sustainability has evolved into a global priority, and SDG 6 addresses environmental challenges (Sianes et al., 2022). Different areas are sources of mistake. To begin, environmental regulations fail to safeguard both people and the planet. There have been demands for stricter punishments and improved law enforcement due to the widespread belief that environmental authorities do not act swiftly and consistently enough (Forsyth et al., 2021).

Pollution and environmental harm are increasing faster than attempts to repair and restore the environment. This state of affairs shows that ecological concerns still need to occupy the forefront of Indonesia's growth agenda (Laurensius Arliman S, 2018). Therefore, other forms of life on Earth will still be able to rely on the Indonesian environment for sustenance. Sustainable development in Indonesia requires the country's government and other interested parties to protect and manage the environment while also finding solutions to pressing environmental issues (Fuady & Ishak, 2023). To effectively manage and safeguard the environment, a comprehensive system must be established, and this can only be achieved via the formulation of a national policy (Biermann, 2021). These guidelines need to be strictly enforced in every area.

2 RESEARCH QUESTIONS

How may Green Restorative Justice be a remedy for Indonesian environmental legislation? That is the question this study seeks to answer. How is the green restorative justice procedure implemented, by the way? The effect of Restorative Justice on a sustainable lifestyle: how environmentally friendly is it? It is critical to implement fair and effective enforcement measures since the deteriorating state of the environment has threatened the survival of all living beings.

For this reason, innovations in green restorative justice are crucial for long-term progress on environmental problems. In addition to helping society as a whole, this research can speed up the process of ecosystem greening for responsible companies. Assist in the implementation of Indonesia's sustainable environment policy.

3 THEORETICAL FRAMEWORK

Discussing how to settle environmental legal challenges faster, cheaper, and more equitably is intriguing in the environmental sector. With the help of Azwad Rahmad Hambali's theory of punishment and restorative justice, we may develop policies, programs, and methods to address ecological cases in the hopes that this will lead to a more just system overall (Hambali, 2020). Restorative justice as it pertains to corporate wrongdoing is currently unregulated in Indonesian law, according to Ahmad Syahird (Syahird et al., 2023). Ach. Faisol Triwijaya claims that the Law on Environmental Protection and Management's legal provisions have failed because extensive environmental damage continues today. Using a two-mediation pattern that combines the ideas of civil case mediation and penal mediation, the restorative justice approach aims to decrease the number of environmental crimes committed by corporations. This pattern is balanced and aligns with the direction of national environmental enforcement reform (Triwijaya et al., 2020).

Contrary to what Rob White said, simply because victims are identified correctly does not guarantee that their needs will be satisfied by the restorative justice process (Rob White, 2014). The victims' voices, says Besthorn, should be heard and respected fairly. Modern environmental enforcement systems have long struggled with the age-old challenge of listening to and satisfying such demands. Despite numerous internal and external updates to environmental law, the environmental legal process still needs to be revised, requiring a wide range of scientific evidence to establish a causal relationship between an action and its negative consequences and requiring intricate evidentiary procedures (embryo.asu.edu, t.t.). Stewart and Krier state that environmental pollution, land misuse, and natural resource depletion or exhaustion are the three main types of environmental concerns (Dennis Sullivan, 2007).

Regarding environmental matters, Fahruddin administrative law enforcement necessitates the community's involvement by filing lawsuits challenging decisions made by state administrative bodies. When a community suffers from government policy, it may try to alter it by suing the state over its administrative decisions. As an example of a flaw in the environmental law enforcement tool, consider the case of the governor of Central Java, who

reissued a permit to PT. Semen Indonesia under a new name after the company had its original one revoked due to community lawsuits; the governor had previously decided to rescind the permit (Fahruddin, 2019).

According to Muhammad Akib, environmental law violations touch on community members' rights as citizens. As a result, the enforcement process should focus on ensuring legal clarity and, more crucially, protecting the affected community's social justice (Akib, 2014). According to Arief Hidayat, environmental law is a response to the many societal blunders committed by both rich and developing nations, particularly as a consequence of the seemingly limitless practices of industrialization. The community as a whole, not only those in Muladi and Sulistyani, is affected by the environmental degradation and pollution problem. Article 85, paragraph (2) of the Environmental Protection and Management Act states that environmental crimes must be settled in court, which adds a layer of retributive intricacy. As a result, the offender and the victim will no longer be able to make amends. Punishing the offender is the sole remedy for every criminal offence. (Akbar et al., 2023).

During investigations, there still needs to be more enforcement of environmental crimes. It wasn't until 2016 that PT was the latest known corporation to face criminal prosecution. Because Indobarat disposed of Hazardous materials Toxic garbage without processing it first, the company was fined 2 billion rupiah. The absence of enforcement is because individuals would instead engage in civil disputes, which come with their fair share of complications. The present Environmental Protection and Management Act differs from its predecessor, Law No. 23 of 1997, in how the ultimum remedium principle is applied. It is reasonable to assume that the focus of premium remidium, which states that criminal law takes precedence over other legal procedures, applies outside of the scope of this principle, which is limited to crimes involving emissions, disturbances, and violations of regulations for the purity of wastewater.

Despite the Environmental Protection and Management Actomission of an explanation of premium premium, the contrary reading is harmless. The Council of Europe Resolution 77 (28) confirms the role of criminal law as an effort to protect the environment, and the international demands for resolving environmental crimes (echo crimes) highlight the importance of this law. Also, in 1990, the United Nations General Assembly adopted a resolution from the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that dealt with criminal legislation initiatives to safeguard the environment. This resolution was known as Resolution No. 45/121. Similarly, the AIDP Preparatory Colloquium on the Application of Criminal Law to Crime Against the Environment in Ottawa, Canada (1992) proposed criminal law employment in the context of environmental

preservation. Moreover, in March 1994, the United States hosted an International Meeting of Experts on Environmental Crime in Portland. The main point of the meeting was to advocate for criminal sanctions as a means of worldwide environmental protection (Widayati, 2015).

The complete application of all branches of law, including administrative, criminal, and civil law, is essential to the holistic paradigm of environmental law enforcement. There is no need to choose between these three; they can work in tandem for maximum effect. The penalties add up, and full compliance with the law necessitates using all three legal tools and cooperative efforts among law enforcement agencies. The pursuit of justice takes precedence over the preservation of truth and legal certainty in this all-encompassing worldview. Instead of prioritizing legal certainty, the holistic paradigm seeks to protect the facts and accomplish justice for society and the environment. This is more important than implementing regulations, a matter of legal certainty.

In light of this all-encompassing paradigm and the aim of attaining justice ideals that can be addressed through a restorative justice approach, this article will offer suggestions for alternative dispute resolution (ADR) in situations involving environmental violations perpetrated by business entities. We are well aware that civil law acknowledges the possibility of APS by non-litigation procedures, which is, in essence, not dissimilar to ADR in criminal law, i.e., settling disputes outside of court.

As an additional feature of forward-thinking environmental legislation, this idea can incorporate societal ideals regarding local environmental wisdom. This idea is novel because the Environmental Protection and Management Act now governs two things that deviate from restorative justice in the environmental sector: a) The rules of Article 85 paragraph (2), which states that "settlement of disputes outside the court does not apply to environmental criminal acts as regulated in this Law"; and b) General Explanation number 6, which dictates that the ultimum remedium principle is applied only to specific formal criminal acts, specifically violations of wastewater quality standards, emissions, and disturbances. Article 85 paragraph (2) and General Explanation number 6, which uphold the principle of premium (the first "medicine"), have profound implications in a Environmental Protection and Management Act that is primarily defined by retributive justice, which is increasingly being disregarded.

According to Howard Zehr and Barb Toews, the goal of the restorative justice approach is not to downplay the importance of organized crime or other branches of law enforcement. Resolving cases in this way necessitates taking measures to mitigate the harmful effects of environmental crimes and get them back to how they were before (Eriksson, 2005).

Moreover, this state is described as a mechanistic reductionist to ecologically holistic path. For example, environmental law enforcement aims not only to provide a deterrent effect to perpetrators of environmental crimes. But to restore the impact caused by environmental crimes and how responsible the perpetrators are for carrying out ecological reconstruction, as well as trying to overcome environmental crimes so they do not happen again. So far, environmental law enforcement has only been through the courts. Of course, the costs incurred are enormous, require a long time, and are unfair. So, other alternatives are needed to enforce environmental law by exploring green restorative justice. So that sustainable environmental enforcement can be implemented for future ecological development.

3.1 INSIGHTS INTO RESOLVING ENVIRONMENTAL ISSUES VIA JUSTICE IN INDONESIA

The supremacy of law above all other social and political considerations is an inevitable byproduct of a rule of law system. Law, not people, regulates and governs the state and society. All authority is subservient to the law, and it is supreme. A component of a just society is a judiciary that is free to make its own decisions. Without exception, the pressure valve for every breach of the law is the giving of independent authority. The judiciary is now firmly established as the ultimate arbiter of truth and justice due to the delegation of this power. Here, no other entity exists whose job it is to pursue the truth and justice in the event of a disagreement or breach of law. (M. Yahya Harahap, 2004).

There is a lot of debate in academic circles, among legal advisors, NGOs, and the judiciary, about the evolution of legal protection in Indonesia, particularly about class actions and the ability to sue organizations (*ius standi*). Those who incur financial losses due to environmental pollution have the legal right to sue for damages. Litigation is an option for settling.

The resolution of environmental disputes is governed by Law No. 23 of 1997, which is part of Environmental Management, Part One, General Chapter VII. Disputes involving the environment can arise when one or more parties are involved in environmental degradation or destruction or when there is suspicion of such damage. Conflicts surrounding the environment Disputes involving environmental issues fall under the "environmental disputes," which in its dictionary definition means Contentious matter. A dispute arises when one party asserts a right, claim, or demand while the other party counters with arguments or charges. Dispute resolution

terminology in English also differs: resolve disputes, manage conflicts, resolve conflicts, intervene in conflicts (TM. Lutfi Yazid, 1999).

The length of time that parties are at odds with one another is simply one factor in any dispute; in environmental disputes, the presence of a claim is crucial. The main characteristic of a disagreement is the presence of claims. Accordingly, Article 1 number 19 Environmental Management Protection Act is inadequate and misrepresents the existence of a conflict since it just defines environmental disputes as "disputes between two or more parties..." without including a claim.

This is because litigation is a slow and cheap way to settle legal disputes. There is a backlog of unresolved cases at the Supreme Court level, the dispute resolution process is long, the fees of court proceedings are high, and the courts are perceived as less responsive in resolving matters. As a result, decisions often fail to resolve problems. According to Achmad Ali, the accumulation of thousands of cassation cases has been a long-term problem for the Supreme Court of the Republic of Indonesia. The Indonesian legal system, particularly its mechanisms about the Supreme Court's authority, is primarily to blame for the backlog of cases at that level of court. The story of criticism directed towards our highest judiciary institution indicates the seriousness of the situation in Indonesia's justice system. The lower judiciary is also not immune to scorn and stigma and the Judicial Mafia is a stigma that affects them all (Achmad Ali, 2002).

Legal philosophers have noted that the Supreme Court plays a pivotal role in preventing the dominance of private interests and preserving the importance of the law. In contrast to nations that follow the standard law system, this paradigm is unique (H.L.A. Hart) (Charles Himawan, 2003). The Cour de Cassation in France, the Hoge Read in the Netherlands, the Oberste Gerichtshof in Austria, the US Supreme Court, and the UK Privy Council all hold the opinions of the Supreme Court in the highest regard. Legal ideas, namely those of the Supreme Court, have crystallized the legal culture of these countries. Thus, entrepreneurs and bankers from these countries are accustomed to living under its protection. Both their own Supreme Courts' and the other countries' highest courts' legal opinions are carefully monitored in their worldwide company.

Meanwhile, there are no clear legal rules when cases can be resolved normatively in Indonesian civil trials. As a result, individuals with malicious intentions can enjoy material rights that do not belong to them for longer. In contrast, those with good intentions continue to suffer losses due to something. The system is not functioning correctly. A judge with 39 years of experience in Indonesian courts, Yahya Harahap, who now sits on the Supreme Court of the

Republic of Indonesia, detailed the lengthy process that begins with the first level of court and ends with cassation, which can take anywhere from five to twelve years (Rasyid & Herinawati, 2015).

Figure 1

Environmental Dispute Resolution Process through Litigation (Law of The Republic of Indonesia Number 32 Of 2009 Concerning Environmental Protection and Management, N.D.)

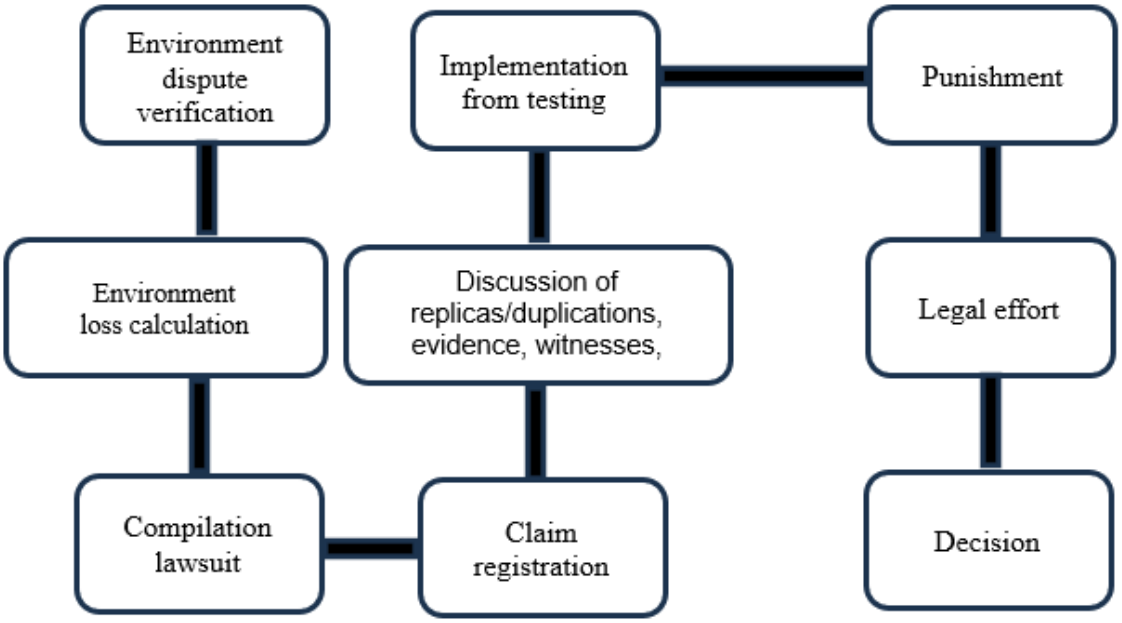


Figure 1 shows the nine steps involved in a lawsuit. It begins with filing the paperwork, which the court is now reviewing. With the premise that solid proof is required, law enforcement agencies have numerous normative requirements. Equal protection under the law is a cornerstone of ecological fairness. Promote fairness so that current evidence presented by both parties must support cases involving alibis.

3.2 A GREEN RESTORATIVE JUSTICE IDEA TO ADDRESS ENVIRONMENTAL LAW ISSUES

Detrimental to the environment, its quality is useless to people. Humans' careless usage of natural resources also contributes to this reality. Nevertheless, there must be answers that may swiftly and painlessly bring victims back to their original state. To address this issue, researchers propose restorative justice. The promising outcomes demonstrate that restorative

justice can address environmental problems. Restorative justice has been used to address environmental challenges in Canada, Australia, and New Zealand (Wijdekop & Van Hoek, n.t.).

The case of Garret v. William (2007) in Australia illustrates how exploratory mining can destroy historic Aboriginal treasures. The defendant ultimately accepted responsibility and formally apologized to the Aboriginal community for the destruction of holy sites. After the apologies, residents received compensation, training, and employment opportunities. (Hamilton, 2008).

Rivers in Canada and New Zealand are revered by indigenous communities as holy sites, yet lawbreakers desecrate these waters. The culprits can restore the river through restorative justice because they are guilty, allowing the surrounding community to enjoy the prior situation. There is hope, nevertheless, that restorative justice can help indigenous communities and government agencies work together more effectively. According to the research, restorative justice is the most effective strategy for acquainting indigenous communities with ecosystem organizations and governmental agencies. Another benefit is that it will bring people in harmony with nature. Article 34 paragraph (1) of Law No. 32 of 2009 about Management and Protection of the Environment, and Article 22 of Law No. 11 of 2020 about Employment Opportunities. Outlines the two main venues for Environmental Dispute Resolution (PSLH): the courtroom and alternative dispute resolution processes.

Paragraph (2) also states that the disputing parties willingly agree to engage in PSLH. Paragraph (3) says that a lawsuit can be initiated through the court system if the desired PSLH endeavour outside of it is announced. In 2021, thirty cases were handled by the PSLH Subdirectorate through the Court. Beyond its work with the Natural Resources Court, PSLH processed thirty application cases, one hundred cases involving the Industrial, Infrastructure, and Services Sectors, and numerous requests, complaints, and submissions.

The restorative justice movement is a massive, varied, and international social movement. Its long-term objective is to alter contemporary society's perspective on and reaction to criminal activity. Environmental damage or destruction can lead to societal and/or environmental degradation, which can cause environmental disputes. The parties to an ecological dispute can resolve it through litigation or non-litigation measures. Furthermore, voluntary environmental conflict resolution is possible. Exhausting all non-judicial dispute resolution options is optional before bringing a case to Court, even if that fails. There is no need to go through an out-of-court procedure when a dispute can be taken straight to Court.

One alternative to litigation is alternative dispute resolution processes, which victims of environmental damage and pollution can use. In doing so, they can rehabilitate the ecosystem

devastated by pollution and devastation while agreeing on the kind and quantity of compensation they will get. Efforts to protect, respond to, and enhance the environment can be pursued legally, including claims for environmental and/or community losses and lawsuits against polluters and destroyers.

Evaluation of environmental issues by litigation vs non-litigation, at a rate of 1:4. Legal entities, including the courts, prosecutors, and police, engage in a litigation settlement process when they resolve cases. The Court's decision is binding, yet it doesn't do anything. It is impossible to disregard the current environmental damage, which necessitates fixing it immediately. All forms of plant and animal life and those who live in their immediate vicinity rely on it.

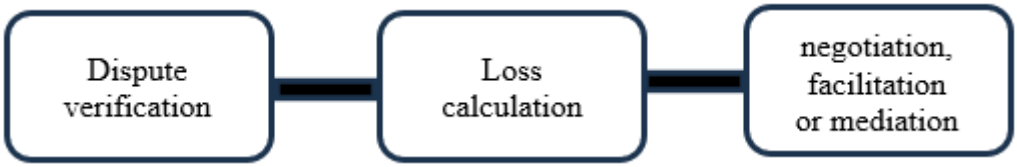
In PSLH, parties can seek assistance from arbitrators and mediators to resolve environmental problems outside of Court or non-litigation methods. So, ecological institutions on both the national and regional levels can do double duty: (1) If environmental (State) losses occur, be the one to decide on restitution and/or specific actions against those responsible for polluting or destroying the environment. As a bonus, (2) helping sides in environmental pollution and damage disputes that result in societal losses. People and businesses in the environmental sector favour restorative justice approaches because they are simple, inexpensive, and quick to implement.

3.3 SIMPLE AND FAST PROCESS

An ecocentric approach must underpin the design of environmental harm and victim limitation according to Law Number 32 of 2009, which pertains to Environmental Protection and Management from a green victimology standpoint. As a result, environmental and other legal concerns are now considered part of victim protection in the legal framework (Space, 2020). This expedited procedure covers every step in the chain, from receiving reports of environmental harm to punishing those responsible.

Figure 2

Environmental Dispute Resolution Process Environmental Dispute Resolution Process through Non-Litigation



- Minutes prepared based on an agreement
- Disagree – proceed through the courts

The amount of loss can then be determined. Such calculations should not be performed carelessly but rather by trained professionals. This area falls under the purview of the Ministry of Forests and the Environment. There are two types of losses: tangible and immaterial. Deforestation, forest fires, and pollution in the ocean are all examples of material losses. On the other hand, environmental damage might cause intangible losses, such as the inability of fishermen to go fishing or the destruction of plantation land. Careful and reasonable execution of these computations is, of course, required.

The next step is to file the case with the appropriate court. Because it is conducted online, this process is quick. The only catch is that you must be meticulous when sending in your case files. For the sake of fairness and clarity in the law, it is essential to identify who is suing, who is the target of the case, and what the disagreement is about. From the indictment until the verdict, the trial proceeds through a maximum of sixteen phases.

The preferred method for settling environmental conflicts does not involve litigation. Based on the statistics in Table 1, efforts to mediate disputes between businesses and impacted residents or facilitate negotiations between the parties themselves are viable possibilities. As part of a restorative justice strategy, the aggrieved party may get compensation through direct participation in the bargaining process. There shouldn't be any hidden fees for security services or anything else if the parties end up in court or the police are involved in the dispute resolution process.

Similarly, the restorative justice method does not necessitate an extensive procedure; merely three gatherings are sufficient. This is about Figure 2, and the initial gathering is meant to level the playing field between those who suffer injury and those who inflict harm to the environment. Without intrusive third parties, the parties can freely express their views and suggestions. Negotiations are likely to fail if they are carried out emotionally. Therefore, all

that is needed at this stage is time and a level head. The second phase focuses on the distribution of losses and rehabilitation costs.

The offender responsible for environmental degradation may be required to pay a small amount as compensation. In most cases, the field calculations and ancillary charges are paid for in cash afterwards. Companies typically pay to fix environmental harm so it goes back to normal, but compensation can also be in the form of services. Mediation or negotiation is the last step. The initial step for industrial participants and impacted people should be to initiate negotiations. If talks break down, the next step is to seek assistance from a mediator appointed by the local government's Environmental Service. Parties to a dispute are more likely to listen and take one other seriously during mediation if prepared to submit to the process. The small sum of compensation, the party responsible for making the repairs, and the payment method are all matters that can be resolved through mediation or negotiation. Because of this, restorative justice is preferable to lengthy judicial processes since it is more efficient and effective.

Restorative justice is not compromised for a quick and easy procedure. Restorative justice needs to take an objective look at the facts and the losses suffered by victims, including local indigenous groups and the environment, as it is a non-litigation approach. Regarding restorative justice and other forms of negotiation, different regions have different values and customs. Any relevant issues, including community beliefs and traditions, must be accommodated by the parties, industry actors, local communities, and third parties like the government. The media can play a significant part in publishing to make the process visible. A swift and easy procedure will ultimately uphold fairness and the parties' interests to achieve sustainable development.

3.4 LOW COST

Compared to litigation, restorative justice approaches—essentially non-litigation pathways—are more cost-effective. Figure 2 depicts the three steps of the negotiation or mediation process, in which the parties will willingly participate. Spending on more efficient costs, such as consumption, negotiations, or rent, is every day among parties whose goal is to settle the disagreement amicably. Each side can get the same amount if we divide all the expenses in half, or 50/50.

Because communities impacted by environmental harm often lack the financial resources, companies will occasionally foot the bill for the negotiation process. This typically occurs when businesses rush to find solutions to their issues and return to work. It is common

knowledge that communities may feel the pinch when companies cut back on production. On top of that, there may be benefits during installation, when businesses can select affordable goods that work with their resources. Here, the bargaining process comes into its own, revealing both the company's strengths and the community's needs. Researchers can conclude that a restorative justice strategy is better suited for environmental settlements due to its low cost.

3.5 APPLICATION OF GREEN AND SUPPORTIVE RESTORATIVE JUSTICE IN A SUSTAINABLE ENVIRONMENT

The culprits responsible for the destruction must be closely watched as they improve the environment. It is necessary to monitor specific individuals, residents, or businesses because they may be the ones causing the damage. The offender will act inefficiently if he believes he can accomplish environmental improvement independently. The issue now is, who ought to serve as supervisor? Community members, businesses, and government agencies can collaborate to provide oversight. From the seeds used for reforestation to the procedures employed to restore the environment, improvements like restoring contaminated waters or reforesting deforested woods require close monitoring. It requires dedication and time to restore an ecosystem to its initial state. Local communities might take an active role in field supervision to monitor the effectiveness of restorative justice and the compatibility of mediation outcomes. Additionally, industry participants can ensure that mistakes do not occur by directly supervising their employees as they make fixes. In addition, the environmental service allows local governments to track the measures' effectiveness.

Media outlets, whether online or in print, are another group that can serve as a good supervisor. The problem of environmental destruction can be brought to the government's attention with the assistance of media journalists if the subject is publicized enough. Companies typically view environmental cases as unimportant since they have existing arrangements with the government. If the patient becomes widely publicised, people will feel wrong about the corporation or those responsible for environmental damage. There must be openness in the government's handling of the case's resolution.

Table 1

Number of Environmental Dispute Settlements 2023(I, n.t.)

Dispute resolution	Litigation	Non-Litigation	Amount
		Natural Resources Sector	Industry, Infrastructure and Service Sector

Year 2022	30	100	30
Total	30	130	

As shown in the table above, environmental justice seekers are more likely to use restorative justice as a problem resolution. As a method for conflict resolution, restorative justice emphasizes treating all parties fairly, including those who have done wrong, those who have been victimized, and the environment as a whole. Without public and governmental understanding and support, any effort to address environmental issues—via litigation or otherwise—will inevitably fail. Consequently, community and governmental oversight of environmental enforcement becomes a powerful instrument.

Several aspects of environmental improvement can be overseen, including the thoroughness of efforts to improve, the amount and quality of work done, and whether or not the outcomes of discussions or mediation are met. Consequently, the media may play a crucial role in mediating environmental conflicts and holding polluters accountable for making repairs. Finally, businesses that harm the environment should give restorative justice their full attention. The safety of future generations can be ensured through restorative justice. All forms of life on Earth, including humans, will persist forever. Restoration, involvement, storytelling, harm categorization and accountability are the five environmental conservation traits all parties involved in restorative justice must consider. If something goes wrong, the media should report it so the case becomes viral, and the government should monitor the process overall.

4 CONCLUSION

As an alternate method, the restorative justice approach can help settle environmental conflicts. By avoiding court intervention, the responsible party and the victims of harm can work together to reach a fair and reasonable settlement. In addition, the parties to the disagreement can profit from restorative justice's expedited, easy, inexpensive, and ecologically honest approach by agreeing to restore the environment. The negotiating process can proceed through mediators appointed by regional governments and environmental services. Furthermore, stakeholders should oversee environmental destroyers to fulfil their responsibility to improve the environment—people from the media, local government, and business communities. The media can play a pivotal role in keeping the focus on dispute settlement, which is fascinating because they can make this issue go viral and draw the government's

attention. Protecting the environment for future generations is the sixth sustainable development goal, and a restorative justice strategy can help get us there by 2030.

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