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Fiqh al-Bīʾah and Restorative–Ecological Justice in Corporate Environmental Crimes

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Abstract: Corporate environmental crimes constitute a serious challenge to environmental law enforcement as they cause extensive ecosystem degradation, undermine human rights, and threaten the sustainability of present and future generations. Despite the existence of various legal instruments, the effectiveness of current enforcement policies in addressing corporate environmental crimes remains questionable. This study aims to analyze the effectiveness of law enforcement against corporate environmental crimes in Indonesia, examine environmental crime enforcement practices in other countries, particularly Canada, and formulate an integrative environmental law enforcement model that combines a restorative justice approach with the principles of *Fiqh al-Bīʾah* to ensure environmental restoration and community protection. This research employs a normative juridical method using statutory, conceptual, and comparative approaches. The study shows that, *first,* corporate environmental law enforcement in Indonesia is ineffective due to weak legal provisions, institutional inconsistency, and a legal culture that underestimates environmental damage. *Second,* in Canada, restorative justice frameworks exist but are limited in practice, with British Columbia adopting a more progressive approach through the Community Environmental Justice Forum involving offenders, affected communities, and authorities in ecological restoration. *Third,* integrating *Fiqh al-Bīʾah* with restorative justice strengthens ecological justice by emphasizing environmental recovery, ecosystem rehabilitation, and fair compensation, enhancing corporate accountability within a sustainable restorative framework.

Keywords: Corporate; Ecological; Environmental Crimes; Justice; *Fiqh al-Bīʾah*; Restorative

Introduction

A clean, healthy, and sustainable environment is widely regarded as a necessary prerequisite for the enjoyment of many long-established and universally recognized human rights, including the right to life, the right to the highest attainable standard of physical and mental health, the right to an adequate standard of living, the right to adequate food, the right to housing, the right to safe drinking water and sanitation, and the right to participate in cultural life, among others (Tang & Spijkers, 2022). This principle was reaffirmed through a resolution of the Human Rights Council (HRC) in 2021, which formally recognized the right to a clean, healthy, and sustainable environment. The resolution simultaneously underscores the responsibility of every state to protect the environment and to safeguard the sustainability and stability of the global economy, including in Indonesia (Gunawan & Arumbinang, 2023). Constitutionally, the legal basis for protecting the public's right to a good and healthy environment is enshrined in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This provision carries legal implications that obligate the state to ensure environmental quality in accordance with the standards mandated therein (Arumbinang & Satriawan, 2025).

However, extensive environmental degradation and pollution have increasingly occurred as a result of the exploitative use of natural resources carried out deliberately and irresponsibly, thereby causing severe adverse impacts on human life. One of the major contributors to environmental damage is corporate activity. Corporations bear ethical responsibilities toward the public and the environment as key stakeholders. Nevertheless, the majority of corporations still lack adequate responsibility in remedying the environmental harm caused by their activities (Nadeem, 2021). Environmental violations constitute acts

that breach existing environmental laws or regulations and pose significant harm to the environment. Corporate environmental violations not only endanger public health and safety but also threaten ecosystem integrity (Ouyang et al., 2023). Despite the existence of various regulatory frameworks designed to govern corporate environmental responsibility, the imposition of criminal sanctions for such violations continues to exhibit substantial weaknesses, particularly in terms of effectiveness, law enforcement, and impartiality (Worden et al., 2024).

In fact, one of the most tangible examples of environmental damage caused by corporations is the recurring forest and land fires that occur almost annually in Kalimantan and Sumatra. Many of these fires are attributable to land-clearing practices employed by palm oil plantation companies through burning methods, which not only undermine the ecological functions of forests but also generate transboundary haze disasters and inflict significant social and public health harms on affected communities (Hartiwiningsih et al., 2025). Data from the Indonesian Forum for the Environment (Wahana Lingkungan Hidup Indonesia/WALHI) indicate that 47 corporations responsible for environmental destruction and allegedly involved in corruption within the natural resource sector have potentially caused state losses amounting to IDR 437 trillion. The scale of forest and land fire incidents in Indonesia is further illustrated by data on the extent of affected areas and the resulting carbon emissions during the 2020–2024 period, as presented in Table 1.

Table 1. Forest and Land Fires in Indonesia 2020-2024

Year	Carbon Emissions (million tons of carbon)	Forest and Land Fire Area (thousand hectares)
2020	40.2	296.942
2021	46.5	358.867
2022	23.5	204.894
2023	182.7	1161.192
2024	99.0	376.805

Source: Ministry of Environment and Forestry of the Republic of Indonesia

Based on these data, it can be observed that the extent of forest and land fires (karhutla) over the past five years has remained relatively lower compared to the large-scale forest fire events that occurred in the previous decade (Absori et al., 2025). One of the most devastating forest and land fire disasters in Indonesia took place in 2015, when more than 2.5 million hectares of land were burned, triggering a severe transboundary haze crisis that affected neighboring countries. At the peak of the crisis, victims of the haze submitted a petition to the National Commission on Human Rights (Komnas HAM), urging an immediate investigation. These facts demonstrate that environmental violations committed by corporations become a particularly serious concern when they result in widespread environmental destruction in Indonesia. Corporate activities and their environmental impacts have increasingly prompted responses from human rights activists and environmental advocates, who seek to hold corporations accountable for environmental crimes through judicial mechanisms (Gunawan & Arumbinang, 2023).

One of the major challenges in enforcing environmental criminal law, particularly in cases of forest and land fires committed by corporations, lies in the difficulty of proving responsibility for such fires. As a result, judicial enforcement efforts often lead to relatively lenient court decisions, and in many cases, to the acquittal of the perpetrators. A notable example is the forest and land fire case involving PT Surya Panen Subur, as decided in Judgment No. 54/Pid.Sus/2014/PN.MBO dated 25 January 2016 and Judgment No. 61/PID/2016/PTBNA dated 12 July 2016. This case concerned allegations of land burning committed in the name of the corporation PT Surya Panen Subur (SPS). In this instance, the judges appeared to lack sufficient diligence during the judicial process, resulting in legal uncertainty. This case illustrates that law enforcement against environmental crimes, particularly those involving corporate actors, requires heightened scrutiny and a more in-depth judicial approach. The forest and land fires involving PT Surya Panen Subur (SPS) attracted significant public attention and highlighted the structural challenges of environmental law enforcement in Indonesia. Based on facts revealed during the trial, satellite data detected 82 fire hotspots within land areas owned by PT SPS (Afriansyah et al., 2019). *Second,* prominent case is Supreme Court Decision No. 3840 K/Pid.Sus.LH/2021, in which the Court rejected the prosecutor's

appeal against PT Kumai Sentosa in a forest and land fire case in Central Kalimantan. The Supreme Court upheld the earlier ruling of the Pangkalan Bun District Court (Decision No. 233/Pid.B/Lh/2020/PN.Pbu), which held that the element of negligence (culpa) had not been satisfied and consequently acquitted the corporation (Sudrajat, 2022). Furthermore, in 2025, the Ministry of Environment and Forestry initiated civil legal proceedings against 27 corporations allegedly involved in allowing forest and land fires (karhutla) to occur on their concession areas, resulting in significant environmental pollution (Narzullayev et al., 2025).

Based on these cases, it is evident that judicial proceedings against corporations accused of environmental crimes tend to be protracted. The lengthy nature of these trials in enforcing environmental criminal law against corporate offenders is further compounded by the fact that additional penalties imposed by the courts have not been oriented toward environmental restoration. This is largely due to the ineffective implementation of supplementary sanctions in the form of remedial measures to address the harm caused by such crimes (Susanto & Purwanto, 2023). Moreover, remedial sanctions for environmental crimes as stipulated in Article 119 letter (c) of the Environmental Protection and Management Act (Undang-Undang Perlindungan dan Pengelolaan Lingkungan Hidup—UU PPLH) have not been optimally enforced due to several factors. These sanctions also fail to adequately consider the victims of environmental crimes, particularly non-human victims, and remain narrowly focused on corporate liability alone. From a legal perspective, criminal sanctions against corporations responsible for environmental damage are regulated under several statutory frameworks, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 3 of 2020 amending Law No. 4 of 2009 on Mineral and Coal Mining, and Law No. 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation(Baron-Mendoza, 2025).

Although the positive legal framework has regulated criminal, civil, and administrative liability for corporations committing environmental crimes, its implementation continues to face various shortcomings (Hartiwiningsih & Gumbira, 2023). In practice, the use of criminal sanctions for acts of environmental pollution and degradation has failed to produce a deterrent effect on either individual or corporate offenders. On the contrary, environmental crimes have continued to increase in both scale and diversity (Sahramäki & Kankaanranta, 2023). One approach that has increasingly been considered to optimize the recovery of losses caused by corporate actors is the application of restorative justice. Through a restorative justice framework, corporations are expected to voluntarily compensate for environmental damage without necessarily undergoing formal criminal prosecution before the courts. The adoption of restorative justice may involve compensation mechanisms that lead to the mitigation or even elimination of criminal liability. Considerations in favor of depenalization are supported by rational arguments related to national economic stability and the broader social impacts of corporate criminalization. In many cases, the consequences of corporate punishment may be more extensive and fundamental, potentially triggering crises across multiple sectors (Mubarok, 2023).

Restorative justice is regarded as a relatively new and sector-specific policy within the Indonesian criminal justice system (Awaliah Nasution et al., 2022). Nevertheless, this policy is consistent with and aligned to the United Nations Declaration adopted in 2000, which sets forth fundamental principles regarding the use of restorative justice programmes in criminal matters (United Nations Declaration on the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters). The concept of restorative justice was further reaffirmed at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok in 2005. Paragraph 32 of the Bangkok Declaration, under the heading "Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice," emphasizes the importance of strategic partnerships in advancing crime prevention and criminal justice reform. In practice, restorative justice approaches have been applied in several cases, including violations of the Capital Market Law involving PT Bank Lippo Tbk, cases related to Bank Indonesia Liquidity Assistance, as well as matters involving Merrill Lynch and the Monsanto Company. These examples demonstrate that restorative justice has, to some extent, been accommodated within criminal proceedings. Paradigmatically, there has been a shift in criminal law enforcement from a retributive justice–based approach toward restorative justice. However, this doctrinal transition from retributive justice to restorative justice does not apply universally to all types of criminal cases (Fulham et al., 2025).

In Islamic law, environmental issues are addressed through a branch of fiqh known as *Fiqh al-Bīʾah* (Islamic environmental jurisprudence). As a strand of Islamic legal thought, *Fiqh al-Bīʾah* offers normative principles that position human beings as khalīfah (stewards) on earth, bearing the obligation to maintain environmental balance and sustainability. Environmental pollution and degradation, within the framework of Islamic criminal law, constitute *jarīmah* (criminal acts), as such conduct causes harm (*maḍarrah*) by damaging the environment and endangering public health (Sianura & Tamudin, 2023). In Islam, environmental destruction is understood as a consequence of human actions, and the prohibition against causing environmental harm is explicitly articulated in the Qur'an. As elaborated in environmental jurisprudence (*Fiqh al-Bīʾah*), all acts that damage the environment are categorically forbidden. Imam al-Māwardī asserts that criminal acts encompass all violations of sharīʿa prohibitions that are subject to *taʿzīr* sanctions (Mujahidin et al., 2025).

Taʿzīr sanctions apply to all individuals. Any person of sound mind who commits an offense whether male or female, adult or child, Muslim or non-Muslim may be subject to *taʿzīr* as a form of moral and legal education (Fadzar et al., 2025). Any Muslim or non-Muslim who unjustifiably harms or disturbs others, whether through actions, speech, or gestures, should be subject to *taʿzīr* sanctions in order to prevent the repetition of such conduct. The objectives of imposing *taʿzīr* sanctions include: first, a preventive function, namely to deter others from committing jarīmah; second, a repressive function, aimed at creating a deterrent effect on the offender; third, a curative function, intended to promote behavioral reform; and fourth, an educative function, designed to provide moral instruction and guidance so as to improve the offender's way of life. The authority to impose *taʿzīr* sanctions lies with the government (the judge). In the Indonesian context, where authority is exercised by the President and subordinate governmental institutions, sanctions against perpetrators of environmental pollution and degradation are implemented under Law No. 32 of 2009, which remains in force to safeguard environmental sustainability and to protect the five essential components of human survival. Accordingly, protecting the environment from pollution and destruction is a mandatory obligation grounded in the principle of maṣlaḥah (public interest) as an effort to realize the objectives of Islamic law (*maqāṣid al-sharīʿah*). The overarching aim of Islamic law is to prevent harm and to promote benefit for humanity in managing all aspects of life, including the environment, in a wise and responsible manner. The prohibition of *ifsād fī al-arḍ* (corruption or destruction on earth), together with the principles of *maṣlaḥah*, *amānah* (trusteeship), and intergenerational justice within *Fiqh al-Bīʾah*, demonstrates a strong conceptual alignment with the notion of ecological justice. These values are also closely aligned with the objectives of restorative justice, namely the restoration of disrupted relationships between human beings, the environment, and God as a result of destructive acts(Mutiara et al., 2025).

In light of the foregoing discussion, the urgency to optimize the paradigmatic shift from a retributive justice–based approach in criminal law enforcement toward restorative justice integrated with the concept of *Fiqh al-Bīʾah* has become increasingly evident. A number of scholars have examined various approaches to addressing corporate environmental crimes. However, these studies generally remain focused on normative and repressive frameworks, emphasizing punitive measures without sufficiently examining environmental restoration and substantive justice for affected communities through a restorative justice approach integrated with *Fiqh al-Bīʾah*. Research by Xinrui Zhang and Jianshu Zhang (2024) indicates that restorative justice has brought significant changes to China's environmental criminal justice system. Nevertheless, the limited availability of empirical studies makes it difficult to substantiate the existing normative arguments and to conduct a comprehensive jurisprudential analysis of environmental restorative justice practices in China (Zhang & Zhang, 2024). A study by Mohamad Alshible et al. (2023) argues that environmental crimes should be prosecuted in a manner comparable to economic offenses, as the latter have prompted legislators to develop legal frameworks that reflect the seriousness of environmental harmn (Alshible et al., 2023). Furthermore, research by Daan P. van Uhm et al. (2022) demonstrates that corporate environmental crimes contribute to increasing scarcity of natural resources (van Uhm & Nijman, 2022). Lieselot Bisschop et sl. highlight planned obsolescence as a form of corporate environmental crime that leads to environmental pollution and degradation in surrounding areas (Bisschop et al., 2025). Angus Nurse (2022) emphasizes that environmental crimes and environmental

damage often produce long-term and irreversible effects. Accordingly, there is a pressing need to enhance the effectiveness of environmental justice systems in addressing environmental offenders and the harm they cause (Nurse, 2022a).

This study addresses this gap by proposing a policy reform for the legal handling of corporate environmental crimes through the introduction of an integrative approach that combines restorative justice with *Fiqh al-Bīʾah*. The urgency of this research is grounded in three major threats posed by corporate environmental crimes (Khater et al., 2025). *First,* there is a threat to ecosystem sustainability and environmental carrying capacity resulting from large-scale and long-term ecological degradation. *Second,* there is a threat to community rights, particularly those of local communities and vulnerable groups, who suffer health, social, and economic losses due to environmental pollution and destruction. *Third,* there is a threat to the authority and effectiveness of environmental law itself, as reflected in weak corporate accountability and the suboptimal implementation of environmental restoration in law enforcement practices. In response to these conditions, this study offers scholarly novelty through three principal contributions. *First*, it develops a conceptual framework for enforcing laws against corporate environmental crimes based on the integration of restorative justice and the principles of *Fiqh al-Bīʾah* as ethical, normative, and ecological foundations. *Second*, it critically examines the limitations of retributive approaches to environmental law enforcement and proposes an alternative model oriented toward environmental restoration and substantive justice. *Third*, this study formulates practical and sustainable policy recommendations for addressing corporate environmental crimes within the Indonesian legal system. In line with these contributions, this research is directed at addressing three central research questions: *first,* how effective is the current enforcement of laws against corporate environmental crimes in Indonesia; *second*, how is environmental crime law enforcement implemented in other countries; and *third*, how can an integrative environmental law enforcement policy model combining restorative justice and Fiqh al-Bīʾah be formulated to ensure environmental restoration and the protection of affected communities in cases of corporate environmental crime (AllahRakha, 2025)..

Literature Review

Corporate Environmental Crime from Legal and Criminological Perspectives

Environmental crime refers to illegal acts that directly endanger the environment. Such crimes can cause extensive damage to ecosystems, increase the risk of disease, trigger environmental disasters, contaminate food chains, generate pollution, degrade wildlife, reduce life expectancy, and raise human morbidity rates (Lirëza & Koçi, 2023). Environmental crime is currently recognized as the fourth largest form of criminal activity worldwide. These crimes include illegal logging, wildlife trafficking, hazardous waste dumping, illegal fishing, and the trade in endangered species (Rodríguez Goyes, 2021). Environmental crime has increasingly emerged as a significant form of organized criminal activity, producing devastating environmental consequences and imposing long-term costs on future generations (van Uhm & Nijman, 2022). Such activities are often carried out by public entities in the form of corporations that prioritize business profits while disregarding the environmental damage caused by their operationsa (Hardiningsih et al., 2024).

From a criminological perspective, corporate environmental crime is understood as part of corporate crime and state–corporate crime, namely crimes arising from power relations between the state and corporations in regulating, or in some cases tolerating, exploitative environmental practicesm (Pons-Hernández, 2022). From a criminological perspective, corporate environmental crime is understood as part of corporate crime and state–corporate crime, namely crimes arising from power relations between the state and corporations in regulating or in some cases tolerating, exploitative environmental practices (Caglar & Yavuz, 2023), but rather the product of political–economic structures that enable corporations to minimize legal accountability through regulatory loopholes, weak law enforcement, and the normalization of environmental risks as business costs (Hossain et al., 2025). Within this context, environmental crimes are often latent, systemic, and difficult to detect, thereby necessitating legal approaches that extend beyond

repression alone to include preventive and restorative mechanisms in order to ensure protection and justice for affected communities (Indah Fhadilah et al., 2025).

The Conceptual Framework of *Fiqh al-Bīʾah* in Environmental Crimes

Fiqh al-Bīʾah is derived from the Arabic language and consists of two words forming a compound construction (*iḍāfah*), namely *fiqh* as the *muḍāf* and *al-bīʾah* as the *muḍāf ilayh*. Linguistically, the term *fiqh* originates from the verb *faqiha yafqahu fiqhan*, which denotes *al-ʿilmu bi al-shayʾ* (knowledge of something) and *al-fahm* (understanding). In terminological usage, *fiqh* refers to a body of knowledge concerning practical *Sharīʿah* rulings, which are derived from detailed and specific evidences (*al-adillah al-tafṣīliyyah*) (Alwy et al., 2025). The term *al-bīʾah* can be interpreted as the environment, namely the entirety of surrounding conditions that encompass both natural and human-made elements in which living beings exist and interact (Sayuti et al., 2025). A unified spatial entity encompassing all objects, forces, conditions, and living beings, including humans and their behaviors, which influence the natural environment itself, the continuity of life, and the welfare of human beings as well as other living creatures (Anis Mashdurohatun et al., 2025).

Fiqh al-Bīʾah refers to a branch of Islamic jurisprudence that articulates normative rules governing the ecological behavior of society by referring to *Sharīʿah* texts, with the objective of achieving environmental conservation and promoting public welfare (*maṣlaḥah*) (Amin, 2025). Environmental *fiqh* (*fiqh al-bīʾah*) has been formulated by Muslim intellectuals as a reflection of the dynamic development of Islamic jurisprudence in response to changing contexts and circumstances. *Fiqh al-bīʾah* seeks to raise human awareness of the interdependent relationship among natural resources, the environment, and humanity, emphasizing that human existence is inseparable from environmental sustainability. Humans cannot survive without the preservation of nature, nor can they be absolved of their responsibility as stewards (*khulafāʾ*) entrusted with the duty to maintain and protect the natural world, which is a divine endowment from God, the Most Gracious and Most Merciful, and serves as the dwelling place for human life on Earth (Muhtar, 2024). The principles of *fiqh al-bīʾah* seek to synergize the relationship between humans and nature in environmental management, with an approach grounded in the objectives of environmental safety and sustainability. These principles establish a moral foundation to support all efforts aimed at the responsible management and conservation of natural resources (Al-Jayyousi, 2016).

The concept of *fiqh al-bīʾah* in the context of environmental crimes refers to a normative framework of Islamic law that regulates human behavior and actions related to environmental conservation. As is widely recognized, ecological crises and environmental crimes are largely precipitated by human actions (Acim & Suharti, 2023). In this context lies the significance of formulating a *fiqh al-bīʾah* paradigm that establishes normative criteria of right and wrong, as well as lawful (*ḥalāl*) and unlawful (*ḥarām*), which serve as standards for evaluating human actions toward the environment in order to prevent the occurrence of environmental crimes (Munib et al., 2022).

Restorative Justice within the Ecological Justice Paradigm

The theory of restorative justice was developed by Howard Zehr and Tony Marshall in response to the shortcomings of the conventional criminal justice system, which is excessively oriented toward retribution (retributive justice) (Hamilton, 2021). Restorative justice is defined as "a process whereby all parties with a stake in a particular offense come together to collectively determine how to address the consequences of the offense and its implications for the future"(Forsyth et al., 2021). Accordingly, the primary focus of this approach is not the punishment of the offender, but rather the restoration of the social and economic balance that has been disrupted by the criminal act (Wallis, 2022).

In relation to restorative justice within the paradigm of environmental justice, this concept explains that restorative justice may be employed as an approach that requires offenders to assume responsibility not only in legal terms, but also in moral and economic terms, through the restoration of environmental damage and the provision of compensation for losses incurred by the state (Minguet, 2021). In this regard, restorative justice may be understood as one of the efforts to uphold ecological justice, in line with the principles of modern environmental law, which position restoration as the primary form of responsibility borne by offenders for environmental damage and crimes, rather than limiting accountability solely to

imprisonment or the payment of fines (Forsyth et al., 2022). In this context, the principle of in dubio pro natura is consistent with the restorative justice paradigm, as both approaches do not emphasize punishment as an end in itself, but instead prioritize ecosystem restoration and ensure that any uncertainty in the evidentiary process is interpreted in favor of environmental protection and sustainability (Pali et al., 2022).

Method

This study employs a normative juridical research method, utilizing statutory, conceptual, and comparative approaches (Jaelani et al., 2024). Normative juridical research in this study aims to examine the application and implementation of positive law specifically statutory regulations governing environmental crimes committed by corporations within factual legal events that have occurred. This method is used to assess whether the existing legal framework is sufficiently efficient and effective in resolving corporate environmental crime cases. The conceptual approach is applied to examine legal doctrines and theoretical frameworks, particularly to reassess the relevance of *Fiqh al-Bīʾah* and restorative justice as alternative approaches for addressing corporate environmental crimes. In addition, a case-based approach is employed to identify relevant judicial practices and jurisprudence. The data sources consist of primary legal materials, including national legislation and relevant international conventions or regulations, as well as secondary legal materials such as scholarly journals, books, and other research outputs that support the analysis (Sutrisni et al., 2024).

Results and Discussion

The Existing Condition of Law Enforcement Against Corporate Environmental Crime

Environmental crime constitutes an unlawful act that directly threatens and damages the environment. Such acts can cause serious harm to ecosystems, increase the risk of disease and environmental disasters, contaminate food chains, exacerbate pollution, lead to biodiversity degradation, and adversely affect the quality of human life and life expectancy, including increased morbidity rates (Lirëza & Koçi, 2023). From the perspective of Islamic law, an act is classified as a crime when it violates obligations established by Allah SWT, as such conduct has the potential to cause harm (*maḍarrah*), disrupt social order, and threaten the sustainability of communal life. Accordingly, the imposition of sanctions for such violations is regarded as a necessary and justified consequence to safeguard the public interest (*maṣlaḥah*). Based on this understanding, law enforcement emerges as a crucial and urgent instrument in addressing environmental crimes committed by corporations. Effective enforcement is essential to ensure environmental protection, deliver justice for affected communities, and preserve the sustainability of life for both present and future generations (Cahyo, 2019).

Law enforcement encompasses all efforts undertaken by law enforcement authorities to ensure the realization of legal certainty, public order, and legal protection. The fundamental objectives of law can only be achieved when various dimensions of legal life consistently maintain harmony and balance with civic morality grounded in the prevailing values of a civilized society (Dessani et al., 2023). Nevertheless, the existing condition of law enforcement against corporate environmental crime in Indonesia reveals several fundamental challenges. Although the regulatory framework formally recognizes corporations as subjects of criminal law, enforcement practices remain weak and have yet to reflect substantive justice. Law enforcement authorities frequently encounter difficulties in holding corporations accountable as legal entities, resulting in criminal liability being disproportionately imposed on individual actors, such as directors or field managers, without addressing the broader corporate structures and policies that give rise to environmental harm (Popa Tache & Săraru, 2024).

First, the case of forest and land burning involving PT Surya Panen Subur was adjudicated in District Court Decision No. 54/Pid.Sus/2014/PN.MBO dated 25 January 2016 and High Court Decision No. 61/PID/2016/PTBNA dated 12 July 2016. This case concerned the criminal offense of land burning committed in the name of the corporation PT Surya Panen Subur (SPS). The case originated from land fire incidents in the Province of Nanggroe Aceh Darussalam (NAD), specifically within oil palm plantation

areas managed by PT SPS in Pulau Kruet Village, Darul Makmur Sub-district, Nagan Raya Regency, occurring on 19–24 March 2012 and 17 June 2012. The involvement of PT SPS in these land fires was initially identified through satellite data recorded by the MODIS system operated by NASA during March 2012. These data indicated the presence of 82 hotspots within PT SPS's concession area, signifying a significant increase in ground temperature in the affected area (Manumayoso et al., 2025). The satellite findings were subsequently verified through on-site inspections conducted by Prof. Bambang Hero Saharjo together with investigative teams from the Indonesian National Police Headquarters (Mabes Polri), Civil Servant Investigators (PPNS), the Nagan Raya Police, the Aceh Environmental Impact Management Agency (Bapedal Aceh), and the Environmental Quality and Control Agency (BPKEL) on 3–4 May and 16 June 2012. Based on the Meulaboh District Court Decision No. 54/Pid.Sus/2014/PN.MBO juncto the Banda Aceh High Court Decision No. 61/PID/2016/PTBNA, law enforcement against the criminal act of land burning committed by PT Surya Panen Subur (SPS) can normatively be regarded as having fulfilled the basic elements of environmental law enforcement. Law enforcement authorities successfully established the occurrence of land burning within PT SPS's oil palm plantation areas through a combination of scientific evidence and factual findings, including NASA MODIS satellite data identifying 82 hotspots, as well as field verification conducted by environmental experts and cross-institutional investigative teams (Lubis, 2023).

From an evidentiary perspective, the use of satellite data and expert testimony demonstrates significant progress in evidentiary methods for addressing environmental crimes that are inherently complex and technically driven. The court accepted this scientific approach as valid and convincing evidence, while simultaneously affirming that the land burning constituted a man-made disaster rather than being caused solely by natural factors (Ali Kusumo et al., 2025). This finding strengthened the construction of corporate criminal liability and established an important precedent in environmental law enforcement in Indonesia. Furthermore, the application of the principle of strict liability in this decision reflects the judiciary's willingness to depart from the conventional paradigm of fault-based proof (mens rea). By emphasizing the factual occurrence of environmental damage within the corporation's operational area, the panel of judges asserted that a business entity may be held criminally liable without the necessity of proving intent or personal negligence. From a doctrinal standpoint, this approach is consistent with the distinctive nature of environmental crimes, which often produce widespread harm and are inherently difficult to attribute to individual acts of wrongdoing (Resosudarmo et al., 2023).

Nevertheless, when the effectiveness of law enforcement is assessed not merely by the success of criminal prosecution, but also by its deterrent effect, environmental restoration, and the realization of ecological justice, the decision in the PT Surya Panen Subur (SPS) case still reveals several weaknesses. The criminal fine of IDR 3,000,000,000 imposed on the corporation appears disproportionate to the scale of environmental damage, the extent of the burned land, and the potential economic benefits gained from land-clearing practices through burning. In the context of large-scale plantation corporations, such a fine risks being treated as a routine operational expense (cost of doing business), thereby failing to generate a meaningful deterrent effect. Furthermore, the judgment was not explicitly accompanied by an obligation to undertake environmental restoration or ecosystem rehabilitation. The absence of restorative sanctions indicates that law enforcement remains predominantly oriented toward a repressive–formalistic approach and has not yet fully incorporated the principles of ecological justice. In fact, the essence of environmental law enforcement should extend beyond punishing offenders to encompass environmental recovery and the protection of affected communities (Hafrida et al., 2022).

Second, the Supreme Court Decision No. 3840 K/Pid.Sus.LH/2021, which rejected the Public Prosecutor's cassation appeal and upheld the Pangkalan Bun District Court Decision No. 233/Pid.B/Lh/2020/PN.Pbu, illustrates a problematic portrait of corporate environmental crime law enforcement in Indonesia. In this case, the Supreme Court concurred with the judex facti that the element of negligence (culpa) was not proven, thereby acquitting PT Kumai Sentosa of all legal charges related to forest and land fires in Central Kalimantan. From a normative perspective, the decision indeed reflects the application of the principle of legal certainty and the evidentiary standards of criminal law, in which fault constitutes an essential element that must be proven by the public prosecutor. However, when examined

from the standpoint of environmental law and the distinctive characteristics of corporate environmental crime, an approach that places excessive emphasis on proving culpa reveals the limitations of a law enforcement paradigm that remains largely conventional. Forest and land fires constitute crimes that are complex, systemic, and far-reaching in their impacts, such that their proof cannot always be reduced to individual negligence or technical failure alone. This decision also demonstrates the suboptimal application of the strict liability principle as accommodated under Law No. 32 of 2009 on Environmental Protection and Management. In the context of high-risk business activities, such as large-scale plantations operating in fire-prone areas corporations should bear legal responsibility for environmental damage occurring within their concession areas, without the necessity of first proving intent or negligence. By continuing to require proof of culpa, the court indirectly shifts environmental risk from corporations to the state and affected communities (Taefur & Nuriyatman, 2024).

From the perspective of law enforcement effectiveness, this decision raises serious implications for its deterrent effect. The acquittal of a corporation on the grounds that the element of negligence was not fulfilled potentially creates a negative precedent, whereby corporations may shield themselves behind technical arguments concerning operational standards or natural factors, even when fires occur repeatedly within their concession areas (Dermawan et al., 2023). This situation weakens the preventive function of environmental law and may encourage permissive attitudes toward unsustainable land management practices. Furthermore, the decision indicates that environmental law enforcement has not yet been fully oriented toward ecological justice. With the acquittal of PT Kumai Sentosa, no adequate legal accountability mechanism exists to restore environmental damage, protect affected communities, or ensure the rehabilitation of ecosystems degraded by the fires. In this context, environmental criminal law fails to perform its corrective and restorative functions. Accordingly, law enforcement in Supreme Court Decision No. 3840 K/Pid.Sus.LH/2021 may be regarded as substantively ineffective, despite its formal compliance with criminal procedural law. This decision reflects a gap between the progressive norms of environmental law and judicial practices that remain oriented toward classical fault-based proof. Therefore, a reorientation of corporate environmental crime law enforcement is required through the strengthened application of strict liability, a shift in the burden of proof, and the integration of restorative–ecological justice principles, so that environmental law not only provides legal certainty but also delivers tangible protection for the environment and affected communities (Vogel et al., 2022).

Based on the cases discussed above, it is evident that the existing condition of law enforcement against corporate environmental crimes has not yet operated effectively (Osorio, 2025). Several factors hinder the effectiveness of such law enforcement.

First, from the perspective of legal substance, the Environmental Protection and Management Law stipulates that polluters and environmental destroyers are obliged to repair environmental pollution and/or damage. As an additional sanction imposed on corporations, remedial measures are also prescribed. Accordingly, the imposition of additional penalties in the form of environmental restoration may contribute to repairing damage resulting from environmental pollution and corporate criminal activities (Li et al., 2024). Environmental restoration is regulated under Article 5 paragraph (1) and Article 32 of Law No. 32 of 2009, which mandate that any person who causes pollution or environmental degradation is obligated to restore environmental functions. Furthermore, environmental damage restoration as regulated under Article 19 of Regional Regulation No. 2 of 2016 on the Prevention and Control of Forest and Land Fires constitutes a series of actions aimed at restoring environmental and community conditions damaged by forest and land fires, including the reactivation of facilities, infrastructure, and installations through renovation activities (Yarmuhammat Xudayberganovich et al., 2025). However, in practice, the implementation of these provisions remains largely ineffective. This ineffectiveness is primarily attributable to the fact that funding for environmental crimes is still treated merely as a nominal component of law enforcement costs, rather than as part of a clear and adequate environmental recovery plan. Moreover, compensation funds imposed on corporations are generally transferred to the state treasury as Non-Tax State Revenue (PNBP), making it difficult to directly utilize these funds for environmental restoration. This is due to the complex allocation mechanisms governing PNBP, which are not specifically designed to support ecological recovery efforts. In addition, although

Law No. 32 of 2009 provides for additional criminal sanctions or corrective measures, such provisions are frequently issued by courts but remain difficult to enforce due to their lack of clarity and concrete implementation mechanisms (Susanto & Purwanto, 2023).

Second, the legal structure factor. Beyond regulatory aspects, institutional structures also significantly complicate the enforcement of environmental law. Coordination among various law enforcement institutions, such as the Police, the Public Prosecutor's Office, and Civil Servant Investigators (PPNS) within the Ministry of Environment and Forestry (MoEF), still requires substantial improvement. Disparities in human resource capacity, budget allocation, and technical equipment across these institutions often hinder effective investigation and prosecution processes. Moreover, external factors such as the economic and political influence of large industrial corporations may affect the course of legal proceedings, from the investigation stage to judicial decisions (Lego Karjoko et al., 2025). The potential for collusion or undue intervention can undermine the integrity of the legal process, ultimately resulting in verdicts that are disproportionate to the severity of the offense or even in the acquittal of perpetrators, thereby injuring the public sense of justice. These conditions are further exacerbated by the limited understanding and lack of specialization among law enforcement officials in dealing with complex environmental issues. The high volume of cases handled by law enforcement agencies, coupled with insufficient prioritization of environmental crimes, often leads to suboptimal handling of industrial pollution cases. In addition, a criminal justice system that remains predominantly formalistic is often insufficiently adaptive to the evidentiary demands of environmental cases, which require multidisciplinary and scientific approaches. Weak internal and external oversight mechanisms over the performance of law enforcement officials also create opportunities for corrupt practices or corporate pressure, which ultimately erode public trust in the justice system's capacity to protect the environment (Southby & del Pozo, 2022).

Third, the legal culture factor also constitutes a crucial element in the enforcement of environmental law. Many corporations have yet to develop a strong culture of compliance with environmental regulations. Business actors' awareness of the importance of corporate social responsibility (CSR) and the principle of environmental sustainability remains relatively low. This condition is further aggravated by weak and ineffective oversight from the relevant authorities (Ni Luh Gede Astariyani & Julio de Araujo da Silva, 2025). On the other hand, the involvement of the public and non-governmental organizations (NGOs) plays a strategic role in monitoring and reporting environmental pollution and degradation practices. Such public participation has the potential to strengthen environmental law enforcement mechanisms. Nevertheless, limited public access to information, low levels of transparency, and the lack of meaningful public participation in decision-making processes often constitute serious obstacles to effective environmental monitoring and law enforcement (Widiartana, Setyawan, et al., 2025).

Based on these factors, it can be inferred that the enforcement of environmental criminal law against corporate offenders has not yet operated effectively or equitably. Weak legal compliance culture among business actors, limited capacity and oversight of law enforcement agencies, as well as minimal public participation and restricted access to information have collectively contributed to the suboptimal enforcement of environmental law. This condition has resulted in the continued prevalence of environmental violations committed by corporations, while the ecological damage and social losses incurred are often inadequately addressed (Widiartana, Vincentius Patria Setyawan, et al., 2025). The prevailing law enforcement approach, which predominantly emphasizes punitive measures under a retributive justice framework, has proven insufficient in generating a meaningful deterrent effect or ensuring environmental restoration. Lenient court rulings, and even acquittals of corporate perpetrators of environmental crimes, further reveal a significant gap between the objectives of environmental protection and actual law enforcement practices (Ketut Rachmi Handayani et al., 2025). Consequently, the interests of affected communities and the sustainability of ecosystems are frequently marginalized. Therefore, reform in environmental law enforcement is urgently required through a paradigm shift toward more progressive approaches, one of which is the adoption of restorative justice. This approach prioritizes environmental restoration as a central objective, while simultaneously promoting active corporate accountability in repairing ecological damage, restoring environmental functions, and providing fair

compensation to affected communities. In this way, law enforcement is expected to become not only repressive, but also corrective and preventive in nature (Arief et al., 2024).

The Regulatory Model of Corporate Criminal Liability for Environmental Crimes in Canada

The application of restorative justice in addressing environmental offenses in Canada normatively derives its legal foundation from the regulation of Alternative Measures and various restorative justice programs that are legitimized under the Criminal Code of Canada (Haluza-Delay, 2007). This approach reflects a shift in the orientation of penal policy from a retributive model toward a corrective and restorative model, which places the restoration of harm and the protection of public interests as its primary objectives (McGregor, 2018). In the context of environmental violations, this approach is particularly relevant because the harm incurred is not merely individual in nature, but has systemic impacts on ecosystems, communities, and broader public interests (Larocque, 2023).

Normatively, the Province of Nova Scotia became the first jurisdiction in Canada to comprehensively institutionalize restorative justice through the Nova Scotia Restorative Justice Program (NSRJP) (Frost, 2019). This program was initially designed for general criminal cases, particularly those involving juvenile offenders; however, its scope was subsequently expanded to encompass regulatory offenses, including environmental violations (Giang et al., 2022). The legal legitimacy of the NSRJP is derived from its authorization by the Attorney General and the Minister of Justice of Nova Scotia, based on Section 717 of the Criminal Code for adult offenders and the Youth Criminal Justice Act for juvenile offenders. Accordingly, from a doctrinal perspective, the NSRJP constitutes a lawful form of criminal case resolution conducted outside the formal judicial process (*extrajudicial measures*) (Asadullah, 2022).

Such regulation demonstrates that the Canadian legal system explicitly provides discretionary space for law enforcement authorities to resolve certain criminal cases outside the litigation process, provided that such resolutions do not conflict with the interests of public protection (Okereke & Charlesworth, 2014). This principle is consistent with the objectives of sentencing under the Criminal Code, namely the protection of society, the reinforcement of respect for the law, and the realization of a just and secure social order. These objectives likewise apply to environmental regulatory offenses governed by provincial legislation; therefore, from a normative perspective, there is no inherent conflict between environmental punishment and the application of restorative justice (Preston, 2011). Within the legal framework of Nova Scotia, environmental violations are generally classified as minor offenses (*summary offences*) subject to the Summary Proceedings Act. Subsection 7(1) of this Act stipulates that the provisions of the Criminal Code apply *mutatis mutandis* to provincial offenses, unless otherwise specified. The juridical implication of this provision is the opening of the possibility for resolving environmental offenses outside the formal judicial process, including through authorized restorative justice programs (Parsons et al., 2021).

Therefore, from a normative standpoint, environmental violations in Nova Scotia satisfy the legal qualifications to be referred to the Nova Scotia Restorative Justice Program (NSRJP) (Veltmeyer & Bowles, 2014). Nevertheless, in law enforcement practice, the handling of environmental violations remains predominantly dominated by conventional adversarial prosecution mechanisms. This prosecutorial process positions the State and the defendant in opposing roles, with its primary focus on establishing the offender's guilt. Doctrinally, such an approach indeed satisfies the principles of legality and legal certainty; however, it is limited in its capacity to accommodate ecological damage restoration and the participation of affected communities (Harter, 2004). The sanctions imposed, particularly fines, are generally not directly oriented toward environmental restoration; as a result, the objective of environmental protection as a public legal interest has not been fully achieved (Rustamaji et al., 2025).

In this context, restorative justice may normatively be regarded as a complementary instrument within the environmental law enforcement system. Through pre charge and post-charge referral mechanisms, law enforcement authorities are granted discretionary authority to assess the appropriateness of applying a restorative approach by taking into account the interests of the accused, the victims, and the community (Robinson et al., 2007). The principal juridical requirements that must be satisfied include the existence of sufficient evidence to proceed with prosecution, the voluntary consent of the accused, and the acceptance of responsibility for the acts or omissions committed. Such acknowledgment, pursuant to the

Criminal Code, may not be used as evidence in other criminal or civil proceedings, thereby ensuring the continued protection of the accused's rights (Nurse, 2022b).

In its publication, Restorative Justice & Environmental Law: An Introductory Guide, East Coast Environmental Law notes that only a single environmental case has ever been referred to the Nova Scotia Restorative Justice Program. However, the report explicitly states that the case was still pending at the time of publication and does not provide details regarding the parties involved or the outcome. Consequently, the publicly available information is limited to the acknowledgment of a single environmental case referral, without disclosure of case numbers, the parties, or the mechanisms employed for its resolution (White, 2003). This indicates that although the NSRJP normatively provides the possibility for referring environmental cases through post-guilty plea or finding mechanisms, in practice, the implementation of restorative justice in the environmental sector in Nova Scotia remains very limited and is not transparently documented in publicly accessible legal sources. Thus, although the Nova Scotia framework is adequate to accommodate restorative justice in the environmental sector, its practical application remains very limited. Nonetheless, this potential remains significant as an initial foundation for the development of an ecological justice paradigm within environmental law enforcement in Canada (Shalihah et al., 2025).

In contrast to Nova Scotia, the Province of British Columbia demonstrates a more progressive application of restorative justice in environmental cases through the Community Environmental Justice Forum. Normatively, this forum represents an actualization of Alternative Measures Agreements as provided under Section 717 of the Criminal Code. The forum functions as a case resolution mechanism that brings together offenders, affected communities, and law enforcement authorities to formulate concrete and measurable restoration agreements. In practice, the forum is frequently applied to environmental violations committed by corporations. The operation of the Community Environmental Justice Forum is further reinforced by the role of the Conservation Officer Service, which is legally granted broad discretion in determining responses to environmental violations (Luthviati et al., 2025).

Guided by the prevailing environmental law enforcement policies, conservation officers may opt for a restorative approach if it is deemed more proportionate and effective than formal prosecution. Doctrinally, this discretion forms part of the principle of limited prosecutorial opportunity, which allows for the adjustment of legal responses according to the characteristics of the offense and its impacts. There are several cases in which the Community Environmental Justice Forum has been applied to address environmental violations, including illegal bear killings, unauthorized discharge of raw waste into rivers, unauthorized release of natural gas into the environment, fish habitat destruction, illegal mercury disposal, illegal fish killings, and the burning of prohibited materials (Columbia, n.d.). In the majority of cases, the offenders are corporations; however, in one instance, the City of Kamloops was the offender for discharging waste into the Thompson River. In each case where the Community Environmental Justice Forum is utilized, fines are also imposed, ranging from CAD 10,000 to CAD 325,000 (Mike Kofahl, 2023).

The practice of applying restorative justice in British Columbia, including in cases of corporate environmental violations, demonstrates that this approach is capable of integrating the objectives of penal sanctioning with environmental restoration (Lowan-Trudeau, 2022). The involvement of Indigenous communities, the acknowledgment of offender responsibility, and the establishment of ecological restoration obligations reflect the application of the principles of substantive justice and the protection of public interests. Accordingly, from a normative doctrinal perspective, the experience of British Columbia demonstrates that restorative justice is not in conflict with the criminal justice system, but rather functions as an instrument that enriches the paradigm of environmental law enforcement (White, 2013).

Several cases demonstrate the effectiveness of this forum, such as the BC Trophy Mountain Outfitters case, which involved the direct participation of Indigenous communities in formulating restoration efforts, including financial compensation, funding for research activities, and direct apologies (Semenova, 2020). In the Teck Metals Ltd case, corporate responsibility was affirmed through financial contributions for river restoration and the implementation of technical preventive measures by the corporation. A comparison of practices in Nova Scotia and British Columbia indicates that the effectiveness of restorative justice implementation is determined not only by normative regulations, but also by institutional arrangements supported by community involvement. The application of restorative justice in environmental crimes thus

functions not merely as an alternative case handling mechanism, but as an instrument capable of achieving ecological justice through the restoration of damaged environments and the strengthening of community relationships (Aji et al., 2020).

Overall, although the legal frameworks in Nova Scotia and British Columbia both allow for the application of restorative justice in environmental cases, the level of implementation differs. Nova Scotia demonstrates adequate normative readiness, yet its practical application remains limited, whereas British Columbia has shown a more consistent and measurable application. This situation confirms that restorative justice has a strong juridical basis within the Canadian legal system and holds significant potential to be further developed as part of an ecological justice paradigm in environmental law enforcement (Kadir Jaelani et al., 2025).

The Integration Model of *Fiqh al-Bīʾah* and Restorative Justice for Corporate Environmental Offenses

The integration of *Fiqh al-Bīʾah* and the restorative justice approach in addressing corporate environmental crimes demonstrates strong relevance within the framework of positive law in Indonesia, particularly through Law Number 32 of 2009 concerning Environmental Protection and Management (Cahyo, 2019). Normatively, the Environmental Protection and Management Law (Law No. 32 of 2009) views the environment as an integrated spatial entity encompassing objects, forces, conditions, and living beings, which are interconnected and influence the continuity of life for humans and other living creatures (Subarsyah, 2020). This conception affirms that environmental protection is not solely the responsibility of the state, but rather a shared duty involving businesses and the community. This perspective is substantially aligned with the principles of *Fiqh al-Bīʾah*, which position the environment as a divine trust (*amānah ilāhiyyah*) that must be preserved to achieve public welfare and prevent environmental corruption (*ifsâd fī al-arḍ*) (Ali Mutakin & Waheeda binti H. Abdul Rahman, 2023). Therefore, environmental crimes committed by corporations cannot be understood merely as administrative violations or ordinary criminal acts; they also constitute breaches of principles aimed at protecting fundamental and long-term public interests (Kamal Gueye & Mohamed, 2023).

Conceptually, *Fiqh al-Bīʾah* is a compound term (*murakkab iḍāfī*) consisting of *fiqh* as the *muḍāf* and *al-bīʾah* as the *muḍāf ilayh*, which literally denotes the understanding of laws concerning the environment. The term *fiqh* originates from the root *faqiha–yafqahu–fiqhan*, which conveys the meaning of *al-ʿilmu bi al-shayʾ* and *al-fahm*, referring to knowledge and deep understanding of a particular subject (Yusuf et al., 2023). In terminological usage, *fiqh* refers to the knowledge of practical Sharīʿah rulings (*al-aḥkām al-ʻamaliyyah*) derived from detailed evidences (*al-adillah al-tafṣīliyyah*) (Arauf, 2021). The dynamic and contextual nature of *fiqh* enables it to be responsive to changing social realities, including issues of environmental degradation and modern environmental crimes. Meanwhile, *al-bīʾah* refers to the environment as an integrated spatial entity encompassing all natural elements and living beings, along with human behaviors that affect ecological balance and the sustainability of life (Munib et al., 2022). Thus, *Fiqh al-Bīʾah* can be understood as an Islamic normative framework that regulates the relationship between humans and the environment in a comprehensive, systemic, and sustainability oriented manner.

From an Islamic perspective, the relationship between humans and the environment is not merely functional, but also ethical and spiritual, rooted in the concept of *tawḥīd*. Nature is regarded as a sign of God's greatness, while humans are positioned as *khulafāʾ fī al-arḍ* entrusted with the responsibility to preserve and safeguard the Earth (Farhan & Hadisaputra, 2022). Prohibitions against wastefulness, pollution, and destruction, along with the emphasis on justice (*ʿadl*) and balance (*mīzān*), indicate that environmental conservation is an integral part of moral responsibility and even a form of worship (Rodin, 2017). Therefore, environmental damage resulting from corporate activities not only entails consequences under positive law but also reflects ethical and spiritual failures in maintaining ecological balance. This perspective reinforces the argument that environmental law enforcement should be directed toward restoration and the prevention of damage, rather than solely toward punishment (Kamal Gueye & Mohamed, 2023).

In line with this development, the Environmental Protection and Management Law (Law No. 32 of 2009) has adopted the principle of corporate criminal liability by recognizing business entities as subjects

of environmental criminal law, including their management or those who issue directives. This regulation marks a paradigm shift from an individualistic approach toward the acknowledgment of the collective and structural nature of environmental crimes (Prameswari et al., 2024). Nevertheless, environmental law enforcement practices that remain predominantly oriented toward imprisonment and fines often fail to adequately address the need for tangible environmental restoration. Conventional sentencing frequently stops at the imposition of penalties without ensuring the repair of the resulting ecological damage, thereby preventing the full realization of environmental protection and management objectives (Imanuddin, 2020).This situation creates an opportunity for the application of a restorative justice approach as a complementary mechanism within the enforcement of environmental criminal law (Ilham, 2025). Restorative justice views crime as an event that causes harm to victims, the community, and the social order, and therefore its resolution is directed toward repairing that harm through dialogue and the active participation of all parties involved (Narzullaeva et al., 2025). This approach aligns with the objectives of the Environmental Protection and Management Law, which emphasize prevention, restoration, and the sustainability of the environment (Pali & Aertsen, 2021). Within this framework, corporate criminal liability is understood not merely as an obligation to endure punishment, but also as an active duty to remediate environmental damage and restore the rights of affected communities (Rozeli & Susila, 2024).

Within the framework of Islamic law, the restorative justice approach exhibits strong conceptual alignment with the principle of *maṣlaḥah* in *Fiqh al-Bīʾah*. The eco-*uṣūl al-fiqh* perspective emphasizes that the legitimacy of criminal sanctions is not determined solely by their retributive nature, but by their capacity to achieve tangible ecological and social benefits (Luth et al., 2022). Therefore, sanctions in the form of obligations for environmental restoration, ecosystem rehabilitation, improvement of corporate environmental management systems, and compensation to affected communities have a strong normative basis in both positive law and Islamic law (Munawaroh & Syaikhon, 2024). The principles of *rafʿ al-ḍarar* (removal of harm) and *jalb al-maṣlaḥah* (promotion of public interest) require that every environmental violation be addressed through concrete efforts to eliminate damage and restore ecological balance. The concept of *al-maṣlaḥah al-mursalah* provides a theoretical justification for the state to formulate adaptive and context-sensitive environmental law enforcement policies (Khuluq & Asmuni, 2024). Within the dynamic realm of *muʿāmalāt* (social and commercial interactions), the state possesses the authority to develop mechanisms of corporate criminal liability that are not limited to punishment, but also encompass the reconstruction of relationships among business actors, the community, and the environment (Sinapoy, 2019). This approach expands the function of environmental law from merely a repressive instrument to a means of achieving substantive justice and ecological sustainability.

The application of restorative justice in environmental crimes requires the identification of victims, whether they are individuals, communities, or the environment itself, represented by the state or affected communities (Roa-García, 2017). The participation of all parties must be voluntary, the offender must demonstrate a willingness to take responsibility, and the process must be free from coercion in order to ensure a genuine focus on ecological and social restoration (Setyowati, 2019). In the Indonesian context, the involvement of the government and communities is crucial in representing environmental interests and articulating collective harms, which are often unaddressed in conventional judicial processes (Mashdurohatun et al., 2025). The most relevant form of participation is a partnership between the state and communities in determining restoration measures that align with ecological and social needs (Rozeli & Susila, 2024).

For restorative justice in environmental crimes to be effective, clear normative regulations are required regarding the forms and procedures of restoration, the timeframe for fulfilling restoration obligations, and the legal consequences if such obligations are not carried out (Jawak & Hermawan, 2025). Environmental restoration must be formulated proportionally based on the extent of the damage, the interests of affected communities, and objective scientific assessments, while still allowing for the recognition of local values and indigenous wisdom (Maulana & Agusta, 2021). In cases where the offender fails to fulfill restoration obligations, a stringent sanctioning mechanism is necessary to ensure that restorative agreements carry enforceability and juridical legitimacy (Ray et al., 2024). Ultimately, the integration of *Fiqh al-Bīʾah*, the restorative justice approach, and the Environmental Protection and

Management Law demonstrates that the strengthening of corporate criminal liability in Indonesia should be directed toward a law enforcement model oriented toward ecological justice (Fauzi, 2025). This approach does not eliminate criminal sanctions, but complements them with obligations for environmental restoration as a manifestation of a more substantive and sustainable form of justice (Forsyth et al., 2021). From a normative doctrinal legal perspective, this integration broadens the meaning of corporate criminal liability from mere legal certainty toward the realization of environmental benefits and sustainability, while simultaneously affirming the relevance of *Fiqh al-Bīʾah* as an ethical and normative foundation in the development of national environmental law (Kamal Gueye & Mohamed, 2023).

Conclusion

Based on the analysis presented, this study identifies three main findings. *First*, law enforcement against corporate environmental crimes in Indonesia has not yet been effectively implemented. This condition is attributable to weaknesses in legal substance, particularly the inadequacy of criminal sanctions and additional penalties that fail to generate a deterrent effect; institutional inconsistency and fragmentation in handling corporate environmental crime cases; and a prevailing legal culture, both within society and state institutions, that tends to underestimate the severity of environmental damage. Consequently, law enforcement remains largely formalistic and has not been able to ensure environmental restoration or substantive ecological justice. *Second,* the implementation of restorative justice in addressing environmental crimes in Canada demonstrates variations in practice across provinces. Nova Scotia has established a relatively adequate normative legal framework through the Nova Scotia Restorative Justice Program; however, in practice, the application of restorative justice remains limited and has not been fully oriented toward ecological restoration. In contrast, British Columbia has adopted a more progressive approach through the Community Environmental Justice Forum, which actively involves offenders, affected communities, and law enforcement authorities in formulating concrete measures for environmental recovery. This comparison illustrates that restorative justice can function not merely as an alternative mechanism for case resolution, but also as a strategic instrument for achieving ecological justice by integrating environmental restoration, community participation, and corporate accountability. *Third,* the integration of restorative justice with the principles of Fiqh al-Bīʾah and the positive legal framework, particularly Law Number 32 of 2009 on Environmental Protection and Management, strengthens the paradigm of ecological justice in the enforcement of corporate criminal liability. This integrative approach emphasizes obligations of environmental restoration, ecosystem rehabilitation, and fair compensation for affected communities as integral components of corporate accountability. By incorporating public participation and grounding enforcement in the principles of *maṣlaḥah* (public interest) and *rafʿ al-ḍarar* (removal of harm), this model expands the meaning of corporate responsibility beyond punishment toward a substantive, adaptive, and sustainable restorative framework. Moreover, it affirms the relevance of *Fiqh al-Bīʾah* as a normative and ethical foundation for the development of national environmental law oriented toward ecosystem protection and intergenerational justice.

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Conflict of Interest

The author declares that there is no conflict of interest.

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