



Ecotheology-Based Enforcement of Environmental Criminal Law: Integrating Positive Law and Islamic Law for Ecological Protection

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Keywords:

Corporate Liability;
Ecological Justice;
Ecotheology;
Environmental Criminal
Law; Islamic Law.

Article history:

Submitted : 2026-06-15
Accepted : 2026-07-22
Available online : 2026-08-18

Abstract: Environmental criminal law enforcement in Indonesia continues to face fundamental challenges, including weak deterrent effects, a predominant administrative orientation, and the suboptimal realization of ecological restoration as an objective of criminal punishment. At the same time, environmental degradation is not merely a legal issue but also has moral, spiritual, and theological dimensions, as it concerns the relationship between human beings, God, one another, and nature. This study aims to analyze ecotheology-based environmental criminal law enforcement by integrating Indonesian positive law with the principles of Islamic law. This study employs normative legal research using conceptual and statutory approaches. The legal materials examined comprise primary legal materials, including Law Number 32 of 2009, Law Number 6 of 2023, Government Regulation Number 22 of 2021, as well as Islamic legal sources derived from the Qur'an, hadith, and principles of Islamic jurisprudence (*qawaid fiqhiyyah*). Secondary legal materials were obtained from scholarly literature, judicial decisions, and reports issued by credible institutions. The findings indicate that ecotheology can strengthen the paradigm of environmental criminal law enforcement by positioning environmental pollution and degradation not only as violations of law but also as a betrayal of the human responsibility as *khalifah* (stewards) of the Earth. This approach promotes a model of criminal punishment that is not solely retributive but also preventive, restorative, educational, and transformative. The study concludes that ecotheology-based environmental criminal law enforcement is relevant to fostering ecological legal awareness, strengthening corporate accountability, and expanding the orientation toward environmental restoration as an integral component of ecological justice.

How to cited: Mubarak, A. Ecotheology-Based Enforcement of Environmental Criminal Law: Integrating Positive Law and Islamic Law for Ecological Protection. *Justice Voice*, 5(2), 157–175. <https://doi.org/10.37893/jv.v5i2.1425>

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1. Introduction

Environmental issues today can no longer be understood merely as technical matters concerning natural resource management; rather, they constitute legal, ethical, and human sustainability concerns. River pollution, forest and land fires, environmentally destructive mining activities, and the disposal of hazardous waste demonstrate that the ecological crisis has entered the social spaces most closely connected to communities (Sudiyanto et al., 2025). In the Indonesian context, environmental criminal law enforcement occupies a strategic position because criminal law is regarded as an *ultimum remedium* capable of exerting strong pressure on perpetrators of environmental crimes, particularly when administrative and civil sanctions are ineffective in preventing further environmental degradation.

The Indonesian Constitution has, in fact, provided a strong legal foundation for environmental protection. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that every person has the right to live in physical and spiritual prosperity, to reside in a place, and to obtain a good and healthy environment. This constitutional provision demonstrates that the environment is not merely an object of development but also an integral component of human rights. Accordingly, when the environment is polluted or degraded, what is affected is not merely the quality of soil, water, or air, but also the rights of citizens to a healthy and dignified life.

Law Number 32 of 2009 on Environmental Protection and Management contains relatively comprehensive criminal law instruments. The law regulates offenses involving pollution, environmental degradation, the management of hazardous and toxic waste, as well as the unauthorized dumping of waste into environmental media. However, its enforcement in practice continues to face a gap between legal norms and their implementation. In many cases, perpetrators of environmental pollution or degradation do not receive prompt and proportionate punishment commensurate with the ecological impacts caused. This condition raises questions about how environmental criminal law should be enforced so that it does not stop at punishment but also prioritizes environmental restoration.

The reality of law enforcement demonstrates that the state has undertaken various efforts to address environmental violations. Data from the Directorate General of Environmental and Forestry Law Enforcement, as reported in late 2024, indicate that throughout 2024, authorities handled 187 environmental and forestry criminal cases, 48 civil cases, 370 administrative sanctions, and 880 public complaints (Triatmojo et al., 2024). These figures demonstrate that environmental issues remain a serious law enforcement agenda. Nevertheless, the number of cases handled also indicates that environmental violations continue to occur and require

a more comprehensive approach, rather than relying solely on positive legal mechanisms.

A concrete example can be found in a hazardous and toxic waste (B3 waste) dumping case addressed in a Supreme Court decision involving PT Nickcrome Indojaya, which the Supreme Court categorized as an important case concerning the disposal of B3 waste. In this case, the corporation was found guilty of dumping B3 waste into environmental media without a permit and was sentenced to a fine (Hendrik, 2025). Cases of this nature demonstrate that environmental pollution often involves corporate structures, licensing, regulatory oversight, and technical compliance. Therefore, environmental criminal law enforcement should not be limited to pursuing individuals who directly carry out activities in the field but should also address corporate decision-making that contributes to environmental degradation.

In addition to waste-related cases, forest and land fires constitute another contemporary example of the complexity of environmental crimes. Forest fires not only cause vegetation loss but also generate transboundary smoke, health problems, economic losses, disruptions to education, and the loss of wildlife habitats (Sheebakayla, 2024). Official government reports and statements consistently emphasize that forest and land fire management requires a combination of prevention, monitoring, administrative sanctions, and criminal law enforcement. However, the recurrence of such incidents indicates that the existing legal approach still needs to be strengthened through a fundamental shift in the way human beings perceive their relationship with nature.

It is in this context that the concept of ecotheology becomes particularly important. Ecotheology regards the environment as part of God's creation with intrinsic value, rather than merely economic value. From this perspective, human beings are not absolute rulers over nature but *khalifah* (stewards) entrusted with the responsibility to maintain balance, prevent environmental degradation, and ensure the sustainability of life (Ghani, 2025). Ecotheology can serve as an ethical foundation for environmental criminal law enforcement because it addresses inner consciousness, moral responsibility, and the religious orientation of society.

Within Islamic law, environmental degradation can be associated with the concept of *fasad*, referring to acts that disrupt order and undermine the common good. Qur'an, Surah Ar-Rum, verse 41, states that corruption has appeared on land and sea as a consequence of human actions. This verse provides a theological basis for understanding ecological degradation not as a neutral phenomenon but as a consequence of human conduct that deviates from the divine trust. Therefore, ecotheology-based environmental criminal law can establish a bridge between state legal norms and the moral and religious norms embedded within society.

The central issue that warrants examination is how environmental criminal law enforcement can be reconsidered through an ecotheological approach. This issue is important because law enforcement that focuses solely on procedural aspects often fails to foster substantive compliance. Perpetrators may fulfill administrative requirements while continuing to disregard their ecological responsibilities. Conversely, communities may perceive environmental degradation as a natural disaster, even though much of such degradation results from human actions for which legal accountability may be imposed.

Previous studies can be broadly categorized into three groups. First, research on environmental criminal law in Indonesia has generally examined the functions of criminal sanctions, scientific evidence, and corporate liability, but has yet to develop an ethical framework that is operationally connected to the stages of law enforcement, as demonstrated by the scholarly publication of Kurniawan, D. A., and Hoesein, Z. A., "*Rekonstruksi Pemidanaan Korporasi dalam Kejahatan Lingkungan Hidup Sebagai Langkah Strategis Pembaharuan Hukum Nasional*," (Kurniawan & Hoesein, 2025). Second, studies on ecotheology and Islamic environmental law have largely elaborated the values of *khalifah*, *amanah*, balance, conservation, and ecological education, with their contributions predominantly situated at the ethical and social awareness levels, as demonstrated by the publication of Arsyad, M., and Hasanah, N., "*Nilai ekologis Islam: Konsep khalifah dan amanah*," (Arsyad & Hasanah, 2025). Third, international literature on ecological justice, green criminology, and restorative environmental justice has broadened the concepts of victimhood, recognition, participation, and restoration, but has not specifically integrated Islamic ethical sources with the architecture of environmental law enforcement in Indonesia, as discussed in Hamilton, M., *Environmental Crime and Restorative Justice*.

Based on this mapping, the research gap of this study lies in the absence of an integrated model that explains: when administrative non-compliance should escalate into criminal intervention; how fault and economic benefits should be attributed to corporations; how ecotheological values can be translated into universal and non-discriminatory legal language; and how criminal punishment can be linked to measurable and monitorable restoration targets. Studies that merely juxtapose positive law with ecological verses are insufficient to address the operational needs of law enforcement authorities.

The novelty of this article lies in the formulation of the Integrative Ecotheological Law Enforcement Model, or the PHEI Model. This model connects four stages: prevention based on ecological risk; the establishment of evidence and attribution of corporate liability; restorative-transformative sentencing; and the execution and monitoring of environmental restoration. Ecotheology is not employed as a basis for creating criminal offenses or determining culpability, but rather as an ethical paradigm translated into universal legal principles of

responsibility, the prevention of harm, balance, participation, restoration, and intergenerational justice.

This study addresses three research questions. First, how does Indonesian positive law regulate the boundaries of criminal intervention, evidentiary requirements, and corporate liability in environmental cases? Second, how can the principles of Islamic ecotheology be integrated as an ethical foundation and interpretive paradigm without replacing the principle of legality within a pluralistic state governed by the rule of law? Third, how can an ecotheology-based model of environmental criminal law enforcement be operationalized at the stages of prevention, investigation, prosecution, sentencing, and restoration?

In line with these questions, this study aims to analyze the legal framework of environmental criminal law and relevant corporate-related judicial decisions, examine the normative boundaries of integrating ecotheology into the national legal system, and propose an implementation model that can strengthen evidence, corporate accountability, the participation of ecological victims, and the restoration of environmental functions. The theoretical contribution of this study lies in bringing ecotheology into dialogue with green criminology and ecological justice, while its practical contribution is a framework of actions and indicators that can be adapted by environmental regulators, investigators, public prosecutors, judges, corporations, and communities.

Against this background, this study seeks to analyze the concept of ecotheology-based environmental criminal law enforcement, elucidate the relevance of positive law and Islamic law in addressing environmental crimes, and propose a sentencing model that not only punishes perpetrators but also fosters ecological awareness and promotes environmental restoration. Accordingly, this study is expected to contribute to the development of environmental criminal law that is more humane, religiously grounded, restorative, and oriented toward ecological justice.

2. Methods

This study employs normative legal research, namely research that focuses on the examination of legal norms, legal principles, legal doctrines, and relevant legal literature (Gozali, 2021). Normative legal research was selected because the primary focus of this study is to examine the construction of environmental criminal law and its integration with the concept of ecotheology in Islamic law. Accordingly, this study does not involve direct field data collection but instead analyzes the norms and concepts that constitute the framework of environmental law enforcement.

This study employs a statutory approach, a conceptual approach, and a case approach (Erliyani, 2021). The statutory approach is used to examine the provisions of positive law governing environmental protection and management, particularly Law Number 32 of 2009, Law Number 6 of 2023, Government Regulation Number 22 of 2021, as well as technical regulations concerning environmental supervision and administrative sanctions. This approach is essential for examining how environmental criminal law norms are constructed within the national legal system.

The conceptual approach is employed to examine the concepts of ecotheology, ecological justice, corporate criminal liability, and restorative sentencing in the context of environmental protection. Through this approach, law is understood not merely as a collection of statutory provisions but also as a system of values connected to public morality and human responsibility toward nature. Ecotheology is positioned as an analytical perspective that connects state legal norms with religious principles concerning *amanah* (trust), *khalifah* (stewardship), *mizan* (balance), and the prohibition against causing environmental harm.

The conceptual approach is also employed to analyze ecotheology, ecological justice, green criminology, corporate liability, and restorative environmental justice. Meanwhile, the case approach is used to examine Supreme Court Decision Number 3700 K/Pid.Sus-LH/2022.

The selection of Supreme Court Decision Number 3700 K/Pid.Sus-LH/2022 is based on four criteria: the case has acquired permanent legal force; the defendant is a corporation; the subject matter concerns B3 waste and scientific evidence; and there are differences in the assessment between the court of first instance and the court at the cassation level regarding the factual circumstances following the commission of the offense. The case analysis covers the legal facts, legal issues, grounds of indictment, scientific evidence, *ratio decidendi*, attribution of corporate fault, types of sanctions, and the orientation toward environmental restoration.

The primary legal materials used in this study consist of applicable legislation, judicial decisions, and Islamic legal sources. The sources of positive law include the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009, Law Number 6 of 2023, Government Regulation Number 22 of 2021, and Minister of Environment and Forestry Regulation Number 14 of 2024. Islamic legal sources include relevant Qur'anic verses, hadith, and principles of Islamic jurisprudence concerning *maslahah* (public benefit), the prevention of harm, and human responsibility as *khalifah* (stewards).

The secondary legal materials comprise books, journal articles, reports issued by government institutions, credible news reports, and scholarly studies concerning environmental criminal law, Islamic law, and environmental ethics. Secondary legal materials also include information obtained from the Supreme Court Decision

Directory, as well as environmental law enforcement reports published by official institutions and reputable media outlets. These materials are used to strengthen the analysis of empirical facts and law enforcement practices.

Tertiary legal materials are used to clarify relevant terms and concepts, including legal dictionaries, encyclopedias, and general reference sources concerning environmental issues and ecotheology. Tertiary legal materials do not constitute the primary basis of the argument but serve to clarify the terminology used throughout the discussion. Accordingly, the analytical framework remains primarily grounded in primary and secondary legal materials possessing academic and legal authority.

Non-academic sources are not used as the primary basis for formulating legal conclusions. Data concerning law enforcement activities are obtained from official publications issued by relevant ministries, while media information serves only as an initial indication that must be verified against legislation, institutional reports, or official judicial decisions. This limitation is applied to maintain the hierarchy of legal authority among the sources of law and to prevent normative arguments from relying on unverified media reports.

The analytical method employed is qualitative-prescriptive analysis. Qualitative analysis is conducted by systematically interpreting legal norms, concepts, and facts, while prescriptive analysis is used to formulate an ideal framework for ecotheology-based environmental criminal law enforcement. This study does not merely describe existing legal norms but also seeks to develop arguments concerning how environmental criminal law can be directed toward ecological restoration, the cultivation of moral awareness, and the strengthening of justice for both human beings and nature ([Marzuki, 2017](#)).

The analysis is conducted in five stages. First, legal materials are inventoried and classified according to the issues of criminal intervention, evidence, corporate liability, sentencing, and restoration. Second, vertical and horizontal harmonization is conducted to assess consistency among legal regulations. Third, judicial decisions are analyzed by comparing the facts at the *tempus delicti*, judicial considerations, and the operative parts of the decisions. Fourth, a critical evaluation is conducted using the theories of ecological justice, green criminology, and restorative justice. Fifth, the PHEI Model is constructed prescriptively by determining its stages, actors, operational measures, output indicators, and pluralism boundaries. The validity of the arguments is maintained through consistency among the research questions, legal materials, interpretive methods, analysis, discussion, and conclusions.

3. Results

Environmental criminal law enforcement should begin with the understanding that environmental crimes have characteristics that distinguish them from conventional crimes. In ordinary crimes, victims can often be directly identified, whereas environmental crimes may affect entire communities, future generations, flora, fauna, soil, water, and air. Their impacts are also not always immediately apparent but may emerge cumulatively over the long term. Therefore, environmental criminal law must recognize harm not merely as material loss but also as ecological damage that disrupts the balance of life.

Theoretically, environmental criminal law operates at the intersection of repressive and preventive functions ([Dwiprigitaningtias, 2019](#)). The repressive function is reflected in the imposition of criminal sanctions by the state on perpetrators of environmental pollution or degradation. Meanwhile, the preventive function is reflected in the use of criminal sanctions as a deterrent against business actors, corporations, and members of the public engaging in activities that pose risks to the environment. In this context, criminal punishment should not be understood merely as retribution but also as an instrument for social and ecological protection. Its ultimate objective is to safeguard the environment so that it remains capable of sustaining life.

Law Number 32 of 2009 provides an important legal foundation for environmental criminal law enforcement. The law stipulates that environmental protection and management encompass planning, utilization, control, maintenance, supervision, and law enforcement. Under this framework, environmental criminal law is essentially part of a broader system of environmental protection. Accordingly, criminal punishment can be effective only when preceded by effective supervision, proper licensing, public participation, and the state's capacity to detect violations at an early stage.

Regulatory developments through Law Number 6 of 2023 and the technical provisions set out in Government Regulation Number 22 of 2021 demonstrate that Indonesian environmental law operates within a framework of risk-based licensing and environmental approvals. Supervision therefore becomes a critical point, as environmental approval documents have little practical significance if business actors fail to fulfill the obligations stipulated therein. In the criminal law context, violations of environmental obligations that result in pollution or environmental degradation should be viewed as governance failures that may give rise to legal liability.

Minister of Environment and Forestry Regulation Number 14 of 2024 on the implementation of environmental supervision and administrative sanctions indicates that the state continues to position administrative instruments as the

initial mechanism for environmental control. This approach is understandable because many environmental violations originate from non-compliance with permits, environmental quality standards, or waste management obligations. However, the administrative approach should not become a space for compromise that weakens criminal law enforcement. When violations result in serious pollution, extensive environmental degradation, or threats to public health, criminal law instruments must be applied firmly and proportionately.

Law enforcement data from 2024 indicate that environmental issues remain a significant burden for the state. Environmental law enforcement authorities reportedly handled 187 criminal cases and 48 civil cases, imposed 370 administrative sanctions, and received 880 public complaints. These data demonstrate two points. First, the public is becoming increasingly aware of the importance of reporting suspected environmental crimes. Second, the large number of cases indicates that ecological compliance has not yet developed into a strong legal culture. Accordingly, law enforcement must address the underlying foundations of public awareness rather than merely increase the number of cases processed.

4. Discussion

At this point, ecotheology offers a significant contribution. Ecotheology views nature as God's creation with moral standing in human life. Nature should not be reduced to an economic commodity that can be exploited without limit. While positive law provides external sanctions, ecotheology strengthens the inner moral awareness that harming nature constitutes a betrayal of the divine trust. This perspective is particularly relevant in Indonesia, where religion exerts strong social influence in shaping community behavior (Ngabalin, 2020).

In Islam, human beings are described as *khalifah* (stewards) on Earth. The concept of *khalifah* should not be understood as legitimizing absolute domination over nature, but rather as a mandate to manage, care for, and maintain the balance of creation. Qur'an, Surah Al-Baqarah, verse 30, refers to God's plan to appoint human beings as *khalifah* on Earth. This stewardship entails an ethical responsibility whereby every human action toward nature must take into account *maslahah* (public benefit), balance, and sustainability. Accordingly, exploitation that causes environmental degradation is contrary to the very essence of the *khalifah* mandate (Arsyad & Hasanah, 2025). Qur'an, Surah Ar-Rum, verse 41, states:

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ ﴿٤١﴾

Which means that corruption has appeared on land and at sea as a consequence of human actions. This verse provides a strong ecotheological basis for

environmental law enforcement. Environmental degradation is not regarded as an event without cause but rather as a consequence of human conduct. If human beings are the cause of environmental degradation, they must also be held accountable on moral, social, and legal grounds (Fahmi, 2026).

In addition to the concept of *fasad*, Islam recognizes the principle of *mizan*, or balance. Surah Ar-Rahman, verses 7–9, instructs human beings not to disrupt this balance. In the environmental context, *mizan* can be understood as an ecological principle that nature possesses an order that must be preserved (Wulan, 2025). River pollution, forest burning, mining activities without restoration, and the disposal of B3 waste constitute violations of *mizan* because they disrupt the balance of ecosystems. Accordingly, environmental criminal law can derive moral legitimacy from this principle of balance.

The hadith of the Prophet Muhammad, which states *لا ضرر ولا ضرار* (there should be neither harm nor reciprocating harm), is also relevant as a foundation of Islamic law for environmental protection. Air, water, and soil pollution clearly cause harm to human beings and other living creatures. The legal maxim *ad-dhararu yuzal*, meaning that harm must be removed, provides a normative basis for the state to prevent and eliminate the impacts of environmental degradation. Within this framework, criminal law enforcement should not be regarded as excessive but rather as part of the obligation to eliminate harm to the public (Hermanto, 2021).

Ecotheology also reinforces the doctrine of *maqashid al-shariah*. Environmental protection can be associated with *hifz al-nafs* (protection of life), *hifz al-mal* (protection of property), *hifz al-nasl* (protection of progeny), and even *hifz al-din* (protection of religion), since genuine religious commitment cannot reasonably justify environmental degradation. Some contemporary scholars have even developed the concept of *hifz al-bi'ah* (protection of the environment) as an explicitly articulated objective of the *shariah*. In the context of environmental criminal law, *maqashid* underscores that environmental degradation constitutes a threat to the primary interests and welfare of human beings (Azaharah & Ameliyah, 2025).

A major challenge in environmental criminal law enforcement lies in the evidentiary process. Environmental crimes often require scientific evidence, including laboratory test results, environmental quality standard analyses, expert assessments, and proof of a causal relationship between the perpetrator's conduct and the resulting environmental damage. The evidentiary process becomes increasingly complex when the perpetrator is a corporation operating through management structures, contractors, and extended chains of decision-making. Therefore, law enforcement authorities must possess the necessary technical capacity and demonstrate the willingness to trace liability to the individuals

responsible for corporate decisions ([Brata, 2022](#)).

Corporate criminal liability is particularly important because many instances of environmental degradation arise from business activities. Corporations may derive substantial profits from the exploitation of natural resources, while the costs of the resulting ecological damage are borne by communities and the environment. From a justice perspective, it would be inequitable if criminal sanctions were imposed only on field-level workers while directors or those responsible for corporate policies remained beyond the reach of enforcement. Environmental criminal law must ensure that illicit gains do not outweigh the risks associated with criminal sanctions. Otherwise, criminal punishment may merely become a cost of doing business that corporations can calculate as part of their operational decisions ([Sekhroni, 2025](#)).

In Islamic law, accountability is likewise grounded in the principle that any action causing harm must be attributed to the party responsible for causing it. The legal maxim *al-ghunmu bil-ghurmi* (لُغْنُمُ بِالْغُرْمِ), which reflects the principle that those who obtain benefits must also bear the associated risks, indicates that the party benefiting from an activity should also assume its consequences. When a corporation derives profits from activities that pollute the environment, it should therefore bear the resulting legal consequences, restoration costs, and social responsibilities toward affected communities. This principle is consistent with the polluter pays principle in modern environmental law ([Rahma et al., 2025](#)).

The B3 waste dumping case demonstrates that environmental crimes do not always occur in dramatic forms such as forest burning. In some cases, they occur through waste disposal practices that may appear to be administrative matters but pose serious risks to soil, water, and human health. The Supreme Court decision in the case involving PT Nickcrome Indojoya demonstrates that unauthorized dumping of B3 waste may result in criminal fines. This case is significant because it reinforces the principle that compliance with waste management requirements is not merely a procedural formality but a legal obligation designed to protect ecological safety ([Hendrik, 2025](#)).

Forest and land fires represent another dimension of environmental crime. Land burning is often associated with low-cost land clearing, inadequate supervision, and negligence on the part of concession holders. Its impacts are not confined to local areas but may extend across regional and even national borders through transboundary haze ([Andela, 2020](#)). From an ecotheological perspective, forest and land fires constitute a clear manifestation of *fasad* because they damage forests as vital supports for life. Law enforcement against forest and land fires should therefore be directed toward the direct perpetrators, those controlling the land, and corporations that fail to take adequate measures to prevent fires.

Supreme Court Decision Number 3700 K/Pid.Sus-LH/2022 in the case involving PT Nickcrome Indojoya originated from the discovery of approximately 50 sacks of B3 waste sludge generated from a metal-plating process. The waste had been placed in a corridor with a soil-and-gravel surface, exposed to sunlight, and was neither packaged nor labeled in accordance with applicable standards. Laboratory testing indicated that the zinc concentration exceeded the threshold for toxic characteristics. The Bandung District Court acquitted the corporation after an on-site inspection found that the condition of the location had been improved. At the cassation level, however, the Supreme Court overturned the decision, held the corporation guilty of dumping waste and/or materials into environmental media without a permit, and imposed a fine of IDR 400,000,000 (Supreme Court of the Republic of Indonesia, 2022).

The central legal issue in this case is whether changes to the condition of the site following the inspection could eliminate the criminal offense that had already occurred. The Supreme Court appropriately directed the assessment back to the circumstances prevailing at the *tempus delicti*. Photographic evidence, witness testimony, test results, and expert testimony should be assessed based on the circumstances at the time the conduct occurred, rather than solely on the condition of the site after it had been altered before the on-site inspection. Post-event remediation may constitute a mitigating factor or preliminary evidence of subsequent compliance, but it does not extinguish the conduct or liability that had already been established.

The decision also underscores the importance of scientific evidence. In B3 waste cases, the classification of substances, concentrations of hazardous materials, placement conditions, potential leakage, and risks to the environment cannot be determined solely through general observation. The probative value of such evidence depends on sampling procedures, chain of custody, laboratory methods, expert competence, and the ability to establish a connection between the test results and the corporation's activities (Brata, 2022). Because the condition of a site may change over time, initial documentation and the preservation of evidence should be undertaken promptly and in a coordinated manner by environmental supervisors and investigators.

From the perspective of corporate liability, Supreme Court Regulation Number 13 of 2016 allows liability to be assessed based on the benefits obtained by the corporation, the corporation's tolerance of the commission of a criminal offense, or its failure to take preventive and compliance measures. In the case under discussion, the waste originated from the corporation's production process and was placed within the company's operational area. These facts provide a basis for tracing the corporation's waste management policies, allocation of authority, compliance budget, management instructions, and benefits derived from cost savings in waste management.

The strength of the decision lies in its affirmation that corrective measures taken after a violation do not extinguish liability. However, its restorative orientation remains limited. The public prosecutor's earlier demands included cleaning the affected area and transferring the waste to an authorized party, whereas the operative part of the cassation decision placed greater emphasis on the criminal fine. Nevertheless, Article 119 of Law Number 32 of 2009 provides scope for additional measures, including measures to remedy the consequences of a criminal offense and obligations to undertake specific actions. Without a restoration order containing clear targets, timelines, costs, and verification mechanisms, a fine risks being treated merely as a cost of doing business and does not guarantee the restoration of environmental functions.

From an ecotheological perspective, post-event remediation constitutes an obligation to eliminate harm rather than a means of extinguishing liability. This principle is consistent with the legal framework under which criminal liability and restoration obligations may operate concurrently. Ideally, sentencing should distinguish three layers of responsibility: accountability for past conduct, cessation of ongoing harm, and restoration of environmental conditions for the future. Accordingly, this decision provides important lessons concerning evidentiary issues while simultaneously demonstrating the need to strengthen restorative sanctions.

The next issue concerns the orientation of sentencing. To date, imprisonment and fines have often been treated as the primary measures of enforcement effectiveness. However, in environmental cases, the effectiveness of law enforcement should also be assessed in terms of ecosystem restoration. Criminal punishment that is not accompanied by restoration may result in the perpetrator being punished while the environment remains damaged. Therefore, the sentencing model should integrate fines, disgorgement of illicit gains, environmental restoration, rehabilitation obligations, publication of judicial decisions, and post-judgment compliance monitoring ([Kurniawan & Hoesein, 2025](#)).

Ecotheology encourages a more transformative approach to sentencing. The purpose of punishment is not merely to deter perpetrators through fear but also to transform the way perpetrators and society perceive their relationship with nature ([Rahmawati et al., 2024](#)). In religious communities, a judgment against perpetrators of environmental crimes may be understood as a moral message that harming nature constitutes both a social wrong and a violation of the law. Courts, prosecutors, investigators, and environmental authorities can incorporate the narrative of ecological justice into public education without compromising legal objectivity.

However, the ecotheological approach must be appropriately situated within a rule-of-law framework. Ecotheology does not mean replacing positive law with the

doctrines of a particular religion. Rather, it functions as an ethical foundation and interpretive paradigm that enriches the understanding of law. In a pluralistic state, ecotheological values can be translated into universal principles such as responsibility, balance, harm prevention, intergenerational justice, and respect for life. In this way, ecotheology can remain inclusive without creating legal exclusivity ([Armansyah et al., 2025](#)).

Ecotheology-based environmental criminal law enforcement also requires active community participation. Communities are not merely victims but also subjects of environmental oversight. The high number of public complaints indicates that public participation occupies an important position in environmental law enforcement. In Islam, *amar ma'ruf nahi munkar* may be understood as a social obligation to prevent wrongdoing, including ecological degradation. Reporting pollution, monitoring business activities, and engaging in environmental advocacy constitute forms of civic responsibility as well as religious and moral responsibility.

Environmental legal education also needs to be strengthened. Many small-scale business operators and members of the public do not understand that activities such as waste disposal, land burning, or damage to water catchment areas may constitute criminal offenses. Ecotheology-based education can make legal messages more accessible by relating them to the values of faith, *amanah* (trust), and responsibility toward future generations. Mosques, *pesantren*, universities, religious organizations, and customary institutions can serve as spaces for fostering ecological awareness and supporting formal law enforcement.

Law enforcement authorities need to establish stronger coordination. Environmental crimes may involve environmental civil servant investigators, the police, prosecutors, courts, environmental experts, local governments, and communities. Weak coordination may cause cases to remain at the administrative stage or fail to meet the evidentiary requirements for criminal proceedings. From an ecotheological perspective, such coordination is not merely a bureaucratic procedure but also part of a collective trust to safeguard the Earth. The state must act as an environmental protector, rather than merely as an authority that grants permits for business activities ([Nabuasa, 2025](#)).

Ecological justice must also take into account affected communities. In many cases, victims of environmental pollution include low-income communities, farmers, fishers, Indigenous peoples, and other vulnerable groups whose livelihoods depend directly on natural resources. They often face difficulties in accessing evidence, legal assistance, and restoration mechanisms. Ecotheology-based environmental criminal law enforcement should therefore prioritize ecological victims through recognition of their losses, restoration of their living environments, and guarantees against the recurrence of environmental harm. Justice should not

end in the courtroom but should also be experienced in the lives of those affected.

The PHEI Model is formulated to address the weaknesses of approaches that treat prevention, enforcement, and restoration as separate processes. The model does not introduce new criminal offenses but instead organizes existing legal instruments into a consistent workflow. Each stage contains operational measures, verifiable outputs, and ecotheological values that have been translated into universal legal principles.

Stage	Operationalization	Outputs/Indicators	Values and Boundaries
Prevention and Early Detection	Mapping ecological risks; integrating obligations into environmental approvals; risk-based supervision; complaint channels; emergency plans and corporate compliance programs.	Baseline environmental data; measurable obligations; compliance history; initial response; access to public information.	<i>Amanah</i> (trust) and precaution. No creation of new criminal offenses.
Evidence and Attribution	Site preservation; sampling and <i>chain of custody</i> procedures; expert analysis; tracing decision-making, economic benefits, tolerance of violations, and failures of prevention in accordance with Supreme Court Regulation No. 13 of 2016.	Valid scientific evidence; established link between conduct and impact; identification of controllers and beneficiaries.	Prohibition of <i>fasad</i> and elimination of harm. Fault must still be established in accordance with law.
Restorative Prosecution and Sentencing	Claims combining proportionate fines, disgorgement of illicit gains, additional measures, cleanup, rehabilitation, publication of judicial decisions, and involvement of affected communities.	A restoration plan specifying baseline conditions, targets, costs, timelines, guarantors, and independent verification.	<i>Mizan</i> (balance), responsibility, and the <i>polluter pays principle</i> . Sanctions must be proportionate.
Execution, Monitoring, and Transformation	Monitoring the implementation of judicial decisions; ecological audits;	Restoration of ecological functions; compensation or restoration of living	Intergenerational justice and learning. Religious values are

public reporting; sanctions for non-compliance; improvements in governance and compliance programs; evaluation of recurrence prevention.	environments; transparency; reduction in repeated violations.	translated into universal principles.
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The model operates through two safeguards. The legal safeguard requires all measures to comply with the principles of legality, the presumption of innocence, scientific evidentiary standards, proportionality, and the right to a defense. The pluralism safeguard requires ecotheological values to be translated into universal principles and prohibits their use to assess the faith or identity of perpetrators. Through these two safeguards, ecotheology strengthens the orientation of environmental law enforcement without transforming the rule of law into the enforcement of religious doctrine.

The effectiveness of the PHEI Model can be evaluated through process and outcome indicators. Process indicators include the promptness of evidence preservation, the completeness of the chain of custody, the integration of monitoring and investigation data, the tracing of economic benefits, community participation, and the clarity of restoration plans incorporated into indictments and judicial decisions. Outcome indicators include reduced environmental risks, implementation of restoration in accordance with scientific standards, restoration of ecological functions, prevention of recurrent violations, payment of restoration costs by polluters, and transparency of reports to the public.

Theoretically, the PHEI Model integrates three dimensions of justice. Retributive justice ensures that perpetrators are held accountable; restorative justice seeks to restore affected victims and ecosystems; while transformative justice aims to improve governance and corporate culture so that violations do not recur. This integration demonstrates that environmental criminal law enforcement is not merely about punishing perpetrators after environmental damage has occurred, but also about building a system that prevents harm, restores the Earth, and distributes responsibility fairly.

Accordingly, addressing the challenges of environmental criminal law enforcement requires more than simply increasing the severity of criminal penalties. More importantly, it requires the development of an integrative paradigm that brings together positive law, environmental science, and ecotheological values. Positive law provides the normative and institutional framework; environmental science provides the scientific basis for evidence; while ecotheology provides the moral impetus for fostering awareness and compliance. The integration of these

three dimensions can produce law enforcement that is firm, equitable, and oriented toward the restoration of the Earth.

Ecotheology-based environmental criminal law enforcement can be formulated through four stages. First, the prevention stage involves ecological education and participatory monitoring. Second, the enforcement stage involves professional investigation and prosecution of both individual and corporate perpetrators. Third, the sentencing stage combines fines, additional criminal sanctions, and restoration obligations. Fourth, the transformation stage involves publication of judicial decisions, compliance development, and the internalization of the value of ecological *amanah*. This model positions criminal law not merely as an instrument of punishment but also as a means of safeguarding life.

5. Conclusion

Based on the foregoing discussion, it can be concluded that ecotheology-based environmental criminal law enforcement represents a relevant approach to strengthening the environmental legal system in Indonesia. Positive law, through Law No. 32 of 2009, Law No. 6 of 2023, and Government Regulation No. 22 of 2021, has provided a normative framework for addressing environmental pollution and degradation. However, its effectiveness requires the strengthening of an ethical paradigm that regards nature as a trust from God and as an integral component of human welfare. Islamic ecotheology, through the concepts of *khalifah*, *amanah*, *mizan*, *fasad*, *maqashid al-shariah*, and the principle of eliminating harm, can broaden the orientation of environmental criminal law from mere punishment toward prevention, restoration, and the transformation of ecological awareness.

Future research should empirically examine the application of ecotheological values in environmental law enforcement practices within the judiciary, prosecution services, environmental investigative institutions, and religious communities. Further research could also examine environmental criminal judgments more specifically to assess the extent to which judges consider ecological restoration, corporate accountability, and justice for affected communities. In addition, interdisciplinary research integrating criminal law, Islamic law, environmental science, and the sociology of law is needed to facilitate the more operational application of an ecotheology-based environmental law enforcement model in public policy.

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