



Implementation of Pancasila Values in Environmental Law Enforcement

Adi Gunawan¹, Suhaimi², Khairul Umam³, Salsa Bila Lina Rahman⁴, Shafa Nadiv⁵

^{1,2,3,4,5}Law Faculty, Madura University, Pamekasan, Indonesia

Abstract: Crimes against the environment are very common in Indonesia, some are included in the judicial process and some are untouched by the law. (1) As a legal state based on Pancasila, of course, for environmental crimes that enter the judicial institution, law enforcement is carried out based on Pancasila, especially the principle of justice; (2) This research is a literature research, with a qualitative discussion method, with secondary data that examines laws and regulations, judges' decisions and theories related to the object of the problem; (3) Based on the results of research that has been conducted, the development of theory and legal knowledge of the principle of justice is developing towards the environment, namely environmental justice, although in the legislation the concept of theory has been accommodated in the rules, but in law enforcement it still does not lead to environmental justice; (4) To date, environmental law enforcement in Indonesia has yet to achieve environmental justice, and law enforcement against environmental crimes can be said to be similar to law enforcement applied to ordinary crimes, which does not address environmental aspects and other aspects of victims due to environmental damage.

Keywords: Crime ; Environment keyword ; Law Enforcement;

1. Introduction

Indonesia is one of the developing countries. Therefore, development in all government and social life sectors is carried out. Development does not always positively impact the environment and people's lives because development on a large scale will broadly impact human life and the natural environment. Therefore, in carrying out development, it is necessary to have a regulation on how to develop or manage various natural resources on the land, sea, and in the air through coordinated and integrated manners supported by human resources, natural resources, and sustainable development patterns (Erwin Muhammad, 2009).

Basically, development aims to provide people's welfare. The country's ideals are outlined in the 4th paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. One of those ideals is to advance the general welfare. In the 1970s, it was known that development was carried out without considering in detail the space conditions to be built and its impact on the environment. It was evidenced by the fact that the world's attention to environmental issues began within the Economic and Social Council of the United Nations during a review of the "1st World Development Decade (1960-1970)" movement results to formulate the "2nd World Development Decade" strategy (1970-1980)" (Koesnadi Hardjasoemantri, 2012).

The United Nations Conference on the Human Environment was held in Stockholm on 5-16 June 1972, attended by 113 countries, including Indonesia. The Stockholm Conference is the starting point for countries to harmonize development with the environment. As a conference participant, Indonesia is also obliged to formulate and har-

Correspondence:

Name: *Adi Gunawan*

Email: *adigunira@gmail.com*

Received: Dec 17, 2025;

Revised: Dec 22, 2025;

Accepted: Jan 07, 2026;

Published: Feb 28, 2026;



Copyright: © 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

monize its laws and regulations concerning the results of the Stockholm conference. Therefore, in 1982, Indonesia stipulated Law Number 4 1982 concerning the Environment (UULH-1982), whose draft began in 1976. The UULH-1982 was changed to Law Number 23 of 1997 concerning Environmental Management (UUPLH- 1997) because it was felt that the law could not fully accommodate the development demands. The 1997 UUPLH was changed to Law Number 32 of 2009, which regulates the Protection and Management of the Environment (UUPLH-2009).

Environmental damage is caused more by development subjects' attitudes, who are less aware of the importance of environmental aspects. In fact, environmental protection is as important as protecting human rights, both of which are interrelated (Siti & Nasution, 2022). The development being carried out at this time is to improve the individuals' or corporations' welfare and is very little oriented towards the public's welfare directly, especially the surrounding people. Moreover, the negative impacts of development based on the wealth of natural resources are environmental damage and the threat of disaster to life. As a result, it creates new problems that can worsen people's lives in future generations.

Environmental damage resulting from natural resource industrialization has violated laws and regulations. The industrialization of the natural resources sector that is currently taking place has violated the sustainable development concept stipulated in Article 1 of Law 32 of 2009 concerning the Protection and Management of the Environment (PPLH), which stipulates that sustainable development concept is a conscious and planned effort that integrates environmental, social and economic aspects into development strategies to ensure environmental integrity and the safety, capability, welfare, and quality of life of the present and future generations. Such a situation certainly requires law enforcement that provides justice for the local community and the Indonesian people as well as the international world and justice for the environment. The concept of environmental justice as a concrete manifestation of Pancasila values in the context of systemic and fundamental environmental damage is very important, because Pancasila values are universal and most relevant in accommodating the various interests of different groups. Environmental damage today is not merely the result of individual behavior, but rather the result of economic structures, development policies, and power relations. The impact of these systemic failures is that poor communities, indigenous peoples, and peripheral regions bear the greatest risks, such as the emergence of slums, floods, landslides, and droughts during the dry season. Meanwhile, the benefits are concentrated among powerful economic actors, elites, key policy makers, and even high-ranking government officials. Environmental justice is needed to ensure that the burdens and benefits of environmental development are distributed fairly, especially to affected groups, rather than unevenly. To achieve this, the law enforcement sector is the most decisive sector in the distribution of environmental justice for victims of environmental crimes.

Any violation of legal norms should receive serious attention from every government agency related to the violation type and receive public attention following their competence to implement law enforcement so that legal objectives can be achieved. Surely, law enforcement must remain in harmony with predetermined laws, both for-

mally and materially, and more importantly, environmental law enforcement must remain in harmony with Pancasila values as the main foundation that unites with norms and implementation of norms. The Pancasila values must be concreted in law enforcement (Kristiyanti, 2018). ; therefore, law enforcement in Indonesia has the Pancasila values' nuances, and the public can see and feel the implementation of the Pancasila state law. Furthermore, its concrete form can be witnessed from the preservation and beauty of nature as a form of Pancasila-based law enforcement.

An estuary of enforcing environmental law is to maintain, preserve, and develop the functions of the environment. In addition, efforts to create comfortable, productive, and sustainable spaces face formidable challenges. It is shown by many problems which reflect that the quality of our living space is still far from these ideals (Gunawan et al., 2022). The decreasing quality of the environment must be seen as a serious problem. Therefore, it is necessary to study human behavior, especially in enforcing environmental law. Efforts to analyze and study enforcement behavior must be placed in a mindset or approach that allows all parties to synergize in revitalizing their living environment to create a comfortable, productive, and sustainable space. This effort must begin by examining Pancasila's values in environmental law enforcement norms.

2. Materials and Methods

This research was library research. The research method was normative legal research, examining legal principles, legal synchronization level, legal provisions, and doctrines regarding environmental law enforcement in Indonesia (Ali, 2013). The data collection techniques were literature and document studies by examining primary legal materials, including the Criminal Code, Criminal Procedure Code, Law Number 32 of 2009 concerning Environmental Protection and Management, and judges' decisions which have permanent legal force, as well as secondary legal materials from literature books and research articles concerned environmental law enforcement in Indonesia. Meanwhile, the research data analysis technique was qualitative analysis, which analyzes data based on consents, theories, laws and regulations, experts' views, or own views to analyze existing environmental law enforcement problems in Indonesia and contribute solutions to overcome those problems (Soerjono Soekanto, 2007). The use of normative legal research has important methodological implications for the ability of research to capture the reality of environmental injustice. These methodological implications provide a certain analytical power, and this method is particularly relevant for a vast research area such as Indonesia, so that literature reviews in the form of secondary data that have been developed over several years can be seen as representing concrete facts. This research is to find out the practice of Pancasila justice values in environmental law enforcement in Indonesia which focuses on theoretical aspects, legislation and judges' decisions.

3. Results and Discussion

Law enforcement is an ongoing attempt that the legal apparatus must carry out as long as the law exists. There will be a legal violation as long as there is a law. The legal violation certainly requires law enforcement. The essence of law enforcement is

basically an attempt to realize legal ideals, in good order or regularity, contained in written articles in the form of legal objectives that have been disturbed or hampered by certain circumstances or actions to achieve these objectives. Law enforcement is required if there is a violation or disobedience to the law. It distinguishes law enforcement from carrying out the law or obeying the law.

Several experts' opinions provide different descriptions of law enforcement. Generally, law enforcement includes activities to enact and apply the law and take legal action against any violations or deviations from the law committed by legal subjects, either through judicial or arbitration procedures and other dispute resolution mechanisms. (Jimly Asshiddiqi, 2015). This concept shows that applying, carrying out, or implementing the law is part of law enforcement. However, looking more deeply at law enforcement will clarify the bright spots of these different concepts. Furthermore, the elements that must exist in law enforcement include: *first*, there are rules. *Second*, some rules are violated by law enforcement subjects (institutions) and lawbreakers. *Third*, there are sanctions or punishments for violators. Wasserman C. classifies law enforcement as applying a series of formal and informal legal tools to enforce sanctions to ensure adherence to a specified set of conditions Dwi, "Penyimpangan Fungsi Dan Nilai-Nilai Pancasila Dalam Penegakan Hukum Sebagai Pedoman Hidup Dalam Bermasyarakat.". Therefore, sanctions application is a differentiator between law implementation and law enforcement. The law implementation means obeying the prescribed law, so there is no need for law enforcement and sanctions. Meanwhile, law enforcement means requiring sanctions for law breakers.

Law enforcement is an important and indivisible component of the legal system to achieve legal ideals. However, implementing law enforcement must also pay attention to existing legal regulations/norms. It is a fatal mistake if law enforcement also violates the regulations. Several things must be considered in law enforcement. According to Najwan, law enforcement's core and meaning lie in harmonizing the values described in solid and manifest principles and attitudes as a final stage of extending the value to create and maintain social peace. Law enforcement cannot be separated from human rights (Anshar & Setiyono, 2020). In a rule-of-law state (*rechtstaat*) such as Indonesia, law enforcement is an absolute thing that must be given by the state as an obligation and duty of the state based on the protection function theory to protect the state's interests as well as the rights and obligations of the state and every citizen both within and from outside the country by administering a fair government and creating social order for people. Moreover, Indonesia is a rule-of-law state based on Pancasila. Pancasila is the provenance of all legal sources that apply in Indonesia. Pancasila is the source of Indonesia's positive law and is a guide line for making laws and regulations in Indonesia (Yuniastuti, 2017). Pancasila values play a very important role in law enforcement; hence, they truly become the tools for the renewal and development of people everyone hopes for. Law can act as a development object in the context of realizing ideal law under the values that live in people (Farida, 2016). The unity of the Pancasila precepts is not only a formal logical unity but also includes ontological unity, epistemological basis, and axiological basis of the Pancasila

precepts Dwi, "Penyimpangan Fungsi Dan Nilai-Nilai Pancasila Dalam Penegakan Hukum Sebagai Pedoman Hidup Dalam Bermasyarakat.". These basic values must animate and become an integrated part of a philosophical foundation in law enforcement regulations and actions.

Law enforcement is a system of activities to enforce the enactment of laws that are inconsistent with the objectives outlined in the law implemented by the state apparatus. Satjipto Rahardjod defines law enforcement as an effort of a nation or state to maintain its existence by organizing resources to realize the people's ideals and image contained in its legal system (Al Arif, 2019). Law enforcement officials realize the state's attempt to realize the objectives contained in the law through the power and authority inherent in law enforcers and the regulatory functions contained in the law. However, what must always be considered in law enforcement is that the law's objective is to make people happy (the greatest happiness for the greatest number of people). Karen Matison reveals that law enforcement will provide a valuable legacy and guidance to avoid future mistakes (Hakim, 2020). In addition, law enforcement can have very important impacts and objectives in the legal system and for people as a whole, namely as preventive, punishment, repairing, and studying measures. Muladi argues that he is more inclined to carry out a combination of sentencing objectives compatible with sociological, ideological, and juridical philosophical approaches, which assume that a crime is a disturbance to equilibrium and harmony in people's lives. Thus, the sentencing objective is to repair individual and social damages caused by criminal acts. It consists of a set of sentencing objectives that must be met conditionally, which objectives are the focus of a casuistic nature (Muhaimin, 2019).

Law Number 32 of 2009 concerning Environmental Protection and Management also states that using natural functions and resources must be balanced harmoniously. Therefore, the responsibility to protect the environment and achieve sustainable development goals must be incorporated into all development policies, plans, and programs (Nina Herlina, 25). Sustainable development implies that the quality of the physical environment can be maintained and even improved for the good of the current and future generations. Thus, the goals are directed towards realizing an intelligent, virtuous, and prosperous nation's life, a fusion of the natural and artificial resources used by focusing on human resources, realizing the need to protect spatial functions, and preventing and overcoming negative environmental impacts.

The objectives of environmental law contained in Law 32 of 2009 concerning Environment Protection and Management have certainly not been realized. It actually can be seen from the existence of the environment around us. It is evident that much waste is not taken care of in various places, natural conditions are increasingly extreme, which endanger life, the forests' condition increasingly dwindles both in quality and quantity, and many more deteriorating conditions of the environment around us. Whether we know it or not, our environmental conditions are getting a 'high fever.' This fact is happening not only in Indonesia but also in various parts of the world. Various environmental problems, including pollution, have negatively impacted human survival. Hence, many people think that actions that cause pollution and damage the environment must be seen as contrary to morality and deserve to be subject

to criminal sanctions because the actions can threaten human health and life individually and in groups (Rahmadi, 2011). Classically, Richard Stewart and James E. Krier classify environmental problems in three ways: *first*, environmental pollution; *second*, wrong use or utilization of land; and third, *excessive* dredging, which causes the depletion of natural resources (Richard Stewart and James E Krier, 1978).

Environmental problems in a country are surely very comprehensive and complex, such as the country's economic problems related to poverty, state income, the quality of human education that affects human culture, facilities and infrastructure problems, and legal issues in which there is law enforcement. In line with the social problems above, in legal matters, there is also a complexity consisting of legal rules, legal subjects, and legal instruments. Weaknesses in Indonesia's environmental law enforcement system come through administrative, civil, and criminal law. It can be seen from the **First** is the main weakness from a legal perspective, both material and formal. The existence of law will greatly affect law enforcement. Besides, applying outdated laws is also a factor in the law enforcement failure in Indonesia Wahyuningsih, "Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Berdasarkan Nilai-Nilai Ketuhanan Yang Maha Esa." and law enforcement structures, where there are still weaknesses in mastery and lack of understanding of environmental law. **Second**, the weak substance of rules or environmental laws that overlap and are multi-interpretative, as the history of Indonesia's environmental laws with Environmental Law's birth in several stages of refinement reflects efforts renewal of policy inconsistencies as a form of quite complex problem dynamics. **Third**, an indifferent and insensitive culture develops in people so that there is neglect of environmental pollution issues and a lack of community participation in overseeing the implementation of environmental law enforcement (Pawestri, 2019). However, unraveling these problems must start with the rule of law, which is used as legal standing in every legal action that will be carried out, namely environmental law. It is effective if environmental law has achieved a goal where various elements are interconnected and effectively enforced. Environment law enforcement is a crucial component of environmental law, where effective law enforcement can force people to comply (Nisa & Suharno, 2020).

Law enforcement is a system of activities to enforce the enactment of laws that are inconsistent with the objectives outlined in the law implemented by the state apparatus. Satjipto Rahardjo states that law enforcement is part of the efforts of a nation or state to maintain its existence by organizing resources to realize the people's ideals and image contained in its legal system (Al Arif, 2019). Furthermore, the discussion on environmental law enforcement, namely by providing limitations on the formulation of definitions regarding actions that can be given legal sanctions, must be given precisely because it is the starting point for implementing environmental law enforcement. Literally, it can be interpreted as an act of a person who, because of his mistake, can change the quality of the physical condition of the environment. Therefore, it can disturb the living things in and around it. However, juridically, environmental crimes can be interpreted as any act that violates the prohibitions determined by the environmental law and the regulations under it.

An environmental crime, according to the two definitions above, is an action, either with a specific purpose or because of negligence, that causes environmental damage. There is no effort to prevent the cause of environmental damage, although the perpetrator has the power and opportunity to prevent environmental damage. Furthermore, there is a reduction in environmental quality, disrupting life in it and its surroundings. Determining environmental quality degradation must be based on definite scientific studies, which show damage to environmental conditions, or on the existence of certain standards or measurements set by a special competent agency, which in the Environmental Law is called Environmental Quality Standards. In addition, there is a causal logical correlation between the subject, the action, the existing environmental damage, and the existence of legal regulations governing the prohibition of these actions.

Another opinion calls environmental crimes 'Acts Against Environmental Law,' which have the same meaning. Andri G. quotes Husin's opinion regarding Acts Against Environmental Law, which can contain the following elements: *first*, pollution or environmental damage is an act against the law. *Second*, the pollution is caused by an error (Fault). *Third*, the pollution causes losses. *Fourth*, losses and illegal actions are related causally (Wibisana, 2017).

Environmental crimes or acts against environmental law are multiple-effect crimes; a crime, once committed, will impact many victims, even though there is no correlation between one victim and another. The main victim of this crime is the destruction of the environment, which is a vital object of life. Indeed, it will have direct detrimental impacts on the environment itself, as well as an unavoidable impact, namely on the victims of the surrounding community in terms of income or sources of livelihood and loss of health problems, disruption of a wider area if it is air or water, destruction of ecosystem habitats, loss of animal and plant life, economic losses for the community and the country, as well as affecting global climate change. Therefore, crimes against the environment require special law enforcement handling with a special approach. This crime can be called a systemic crime, namely a series of parts that work together according to their respective functions and roles to achieve goals determined by the system. Hence, if there is negligence or error that results in harm to the environment or to other people, not everyone in the system can be held accountable.

Before going any further on the main discussion, it is important to discuss the meaning contained in the sentence environmental crimes and why it is necessary to enforce the law to prevent environmental crimes. The word 'crime' concerning law and legal responsibility will be active if a victim or object of the word crime exists. The question is whether our law has recognized the environment as a subject just like humans as legal subjects attached to the rights protected by law. In this case, Indonesia is slightly behind New Zealand in developing environmental law. The Te Awa Tua Law, which was passed in March 2017, recognizes the Whanganui River's existence in the Aotearoa region of the Maori tribe by designating the river as a legal subject and putting an end to indigenous peoples' struggles (Kramm, 2020). India has designated two rivers as legal subjects, along with New Zealand. By designating all

national rivers as legal subjects with rights comparable to those of people or humans, the government of Bangladesh has further advanced the field of environmental law.

The theoretical underpinnings and legal standing of the science of law will unquestionably be affected by changes in the status of a river or environment as an independent legal subject, previously a protected legal object by the state. Establishing environmental rights as a subject at the highest level is the most important. Environmental rights can be declared equal to human rights or even categorized as *ius cogens* with the international community's support through the United Nations organization. As a result, the position of humans as the primary subject of law will be diminished in terms of how much of the environment they use. Humans are already the strongest legal subjects in the legal system. In implementing protection and fighting for their rights, the environment is represented by certain boards as person legal subjects and *rechts-persoon*.

Recognition of the environment as a legal subject will positively impact the environment, which is the initial foothold in environmental protection and law enforcement. Recognition as a legal subject to the environment aligns with the justice value in Pancasila, namely Social Justice for the Indonesian People. Pancasila has a flexible character and can meet the demands of the times in following the globalization of changing times. In discussing issues of justice that arise in people, Pancasila can provide answers to these problems Irawan, "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa.". A form of social justice is justice for the environment and people's rights to a great and healthy environment. It is stated in Article 28 of the 1945 Constitution. In other words, Indonesians depend on a sustainable environment to carry on their lives.

Environmental justice can be said to be the development of a new concept in the legal order. The development of the environmental justice concept is a form of demand for the development of theory against the times when environmental conditions are decreasing and endangering human life. Therefore, law enforcement on environmental justice needs the legal people's attention. Juridically, normative environmental protection, which leads to the environmental justice concept, has been accommodated in Article 54 paragraph (2) of Law 32 of 2009 concerning the Protection and Management of the Living Environment, which stipulates that "The restoration of environmental functions as referred to in paragraph (1) is carried out in the following stages: a. Termination of sources of pollution and cleaning of pollutant elements; b. Remediation; c. Rehabilitation; d. Restoration; and/or e. Other ways following the development of science and technology. Collin adds that environmental justice, especially concerning the fair distribution of environmental rights and benefits, includes races, classes, and people's incomes. Collin claims that distributive justice's substantive rights, which come from public participation in decision-making, include the procedural component (Collin, 2008). According to Millner, environmental justice contains distributional and procedural aspects. It is in accordance with Arcioni and Mitchell's view that, in addition to distributional aspects, environmental justice is also related to public opportunities to participate in decision-making related to environmental management (Kristiyani, 45).

Environmental law enforcement based on the justice aspects of Pancasila should accommodate various aspects that will bring this justice. One of them is the environmental justice aspect. Environmental justice is the main aspect of the problem root of environmental protection by providing justice to the environment. It means that humans no longer make the environment our main source of livelihood by taking the resources in the environment without regard to nature's interests and life continuity in the future. *Second*, utilizing natural resources without destroying them, as needed, by maintaining the natural beauty that has developed naturally for hundreds of years. In addition, utilizing natural resources using research-based modern technology to increase the value of natural resources, such as the field of medicine derived from plants and technological components derived from mineral mines. *The third* is returning nature to its original function by repairing damaged natural conditions, reforesting forests, utilizing legal instruments such as environmental audits, and setting environmental quality standards. *Fourth*, maintaining and developing environmental functions that must be spearheaded by the state as the sovereignty holder over areas with strong authority and instruments attached to the state by involving elements of institutions that are active and committed to maintaining the existence of the environment, as well as involving elements of society individually and culture. Maintaining and developing environmental functions is basically the state obligation as an implementation of the protection function theory, namely the theory of state protection. The state is obliged to provide protection for interests, rights inherent in the state, and rights inherent in every citizen, both domestically and abroad, both current and prospective. Embedding and voicing environmental justice is a starting point that will be oriented toward realizing the Precepts of Social Justice for All Indonesians.

Realizing concrete values in the Precepts of Social Justice for All Indonesians in Indonesian people's lives must be accommodated in good articles of laws and regulations. Prof. Muchsan mentions that good law's characteristics include adhering to principles and theory; it must be responsive, prepared based on statutory regulations, and in accordance with the times. Then, it should be integrated with law enforcement based on Pancasila values, especially justice. The orientation of law enforcement based on Pancasila justice in the environmental field is focused on legal subjects directly involved in legal cases, individual or corporate actors, law enforcers, or the State. *Secondly*, it focuses on the environment as an object damaged or harmed. *Thirdly*, it focuses on local communities affected by environmental damage. The normative legal implications of redistributing environmental fines or directly rehabilitating the environment and compensating victims reinforce the compatibility of criminal sanctions with the objectives of environmental law, namely: ecological restoration and protection of the community's right to a good and healthy environment. Thus, fines do not only function as a repressive instrument, but also as a corrective and restorative instrument. Therefore, legally, this applies the polluter pays principle, which is already accommodated in legislation, and affirms the perpetrator's responsibility for ecological and social impacts. This means that perpetrators are not "released from responsibility" after paying fines, but also bear the costs of recovery.

There is an example of a law enforcement case that is not based on the justice value of Pancasila because law enforcement is not oriented towards the condition of the victim or the environment. The decision of the Pekanbaru High Court Judge Number 130/PID.B-LH/2021/PT PBR. in the Judging section pp. 35-36 states that the Judge granted the subsidiary demand with a penalty of a fine of 3 billion and environmental repair costs of Rp. 40,837,006,500.00 (Forty Billion Eight Hundred Thirty-Seven Million Six Thousand Five Hundred Rupiah). However, what should be questioned in the decision is how the administrative system of the fines to be paid by the defendant or PT. Wahana Subur Sawit Indah. If still using the old concept, namely by depositing money into the State Treasury, the orientation of improving the victims or the environment will receive less serious attention from the state. Peat forest lands that were burned will take a long time to return to their original condition or even funds deposited in the State Treasury are allocated to other interests or other areas or even not allocated to areas as the victims of environmental damage. It is because upholding environmental law with justice from Pancasila must be based on material law, which regulates the essence of the articles, and formal law, which regulates the implementation and process of law enforcement.

The judge's decision in the PT. WSSI case did not order to carry out environmental rehabilitation from wildfire effects and provide compensation to affected communities as compensation regularly. The same thing happened to the people of Bantaeng Regency, South Sulawesi. According to the Mongabay website, in September 2022, the Huadi Group Investment company resulted in air pollution in several villages, piles of nickel material, and slag. It was made worse by the drying up residents' well water in some of these villages. This situation was preceded by Regional Regulation No. 2/2012 concerning Regional Spatial Planning, confirmed by a detailed industrial area spatial planning decision. This area is located on residential land inhabited by thousands of people, covering six villages with an area of 3,152 hectares (Mongabay, 2022). Enforcement of environmental law with justice from Pancasila is oriented towards environmental interests, the State's interests as the sustainable development implementer, and the surrounding people's interests who are affected by the destruction of their environment or even the loss of sources of livelihood. Accordingly, the Pancasila social justice objectives can be realized.

The principle of environmental justice as social justice based on Pancasila calls for an alternative economic system that can contribute to environmentally friendly development, support the liberation of society politically, economically and culturally, and promote policies based on mutual respect between communities, ethnic groups, government and business. Inequality and violations of this justice should be rectified by law, where there are disturbances to the existing legal system. Kuehn refers to such actions as corrective justice, as justice that is intended as an effort to impose sanctions, impose rehabilitation or reforestation obligations and compensation for the environment and victims for those who damage the environment to those affected so that those who cause the damage have the responsibility to restore the impact of environmental damage for the losses (Azhar et al., 2023). According to Bullard, environmental justice has several basic elements, including the right of every person to

obtain protection from environmental damage (Afinas, 2023). One of these basic elements is not yet widely found in Indonesia, where victims of environmental damage, even those that occurred a few days ago in Aceh, North Sumatra, and West Sumatra, provide a clear picture that the government pays very little attention to the victims of mudslides and timber that destroyed several villages and killed thousands of residents, as well as destroying forest habitats.

4. Conclusions

Environmental law enforcement in Indonesia today cannot be considered to be based on Pancasila, especially the principle of Social Justice for All Indonesian People. In its implementation (formal law), law enforcement does not directly lead to the improvement or rehabilitation of the environment as the victim. Instead, the punishment imposed is in the form of fines that go to the state treasury. Furthermore, in environmental law enforcement, the penalties imposed are not directed at the communities directly affected by environmental damage or compensation for damage or loss of community income sources. Basically, law enforcement that leads to environmental rehabilitation and affected communities is law enforcement that is oriented towards sustainable development. Environmental justice marks a paradigm shift in law from a repressive, retributive approach to substantive ecological justice. Normatively, restoration-based law enforcement changes the main objective of environmental law from punishing perpetrators to restoring the environment and protecting the rights of affected communities. Thus, the implications of legal sanctions are no longer measured solely by the severity of the punishment, and the success of law enforcement is assessed by the level of ecological and social recovery. This encourages outcome-based law reform, rather than merely formal compliance. The normative application of restoration requires strengthening sanctions (rehabilitation, recovery, ecosystem restoration) and reducing the dominance of purely criminal sanctions (imprisonment and fines).

5. Acknowledgement

We would like to express our gratitude to the Madura University LPPM for providing financial support for research and publication through an internal grant mechanism. This research serves as a tool for developing our research capabilities and as one of the main solutions for environmental and forest conservation in Indonesia.

References

- Afinas, M. A. A. (2023). Telaah Taksonomi Keadilan Lingkungan dalam Pemenuhan Hak atas Lingkungan. *Prosiding Seminar Hukum Aktual Problematika Kemudahan Proyek Strategi Nasional: Konflik Norma Dan Tantangan Kesejahteraan*, 1, 47–61. <https://www.amnesty.id/ham-dan-lingkungan/>,
- Al Arif, M. Y. (2019). Penegakan Hukum dalam Perspektif Hukum Progresif. *Undang: Jurnal Hukum*, 2(1), 169–192. <https://doi.org/10.22437/ujh.2.1.169-192>
- Ali, Z. (2013). *Metode Penelitian Hukum*. sinar Grafika.
- Anshar, R. U., & Setiyono, J. (2020). Tugas dan Fungsi Polisi Sebagai Penegak Hukum dalam Perspektif Pancasila. *Jurnal Pembangunan Hukum Indonesia*, 2(3), 359–372. <https://doi.org/10.14710/jphi.v2i3.359-372>

- Asshiddiqi, J. (2015). *Green Constitution*. Raja Grafindo.
- Azhar, A., Halim, A., & Azhara Putri, C. (2023). Pemenuhan Keadilan Lingkungan dalam Penerapan Kebijakan Tata Ruang Wilayah Kota Palembang. *Perspektif*, 12(4), 1411–1422. <https://doi.org/10.31289/perspektif.v12i4.10338>
- Collin, R. (2008). Environmental Justice in Oregon: It's the Law. *Environmental Law*, 413–455.
- Dwi, E. (2018). Penyimpangan Fungsi Dan Nilai-Nilai Pancasila Dalam Penegakan Hukum Sebagai Pedoman Hidup Dalam Bermasyarakat. 16(0854), 87–94.
- Erwin, M. (2009). *Hukum Lingkungan Dalam Sistem Kebijaksanaan Pembangunan Lingkungan Hidup*. PT Refika Aditama.
- Farida, S. P. (2016). Revitalisasi Pancasila dalam Penegakan Hukum yang Berkeadilan di Indonesia. *Justicia Islamica*, 3(2), 1–15.
- Gunawan, A., Nadir, N., & Fatkhurohman, F. (2022). Building The Strengthening of Environmental Protection and Management In The Industrial Revolution-Era 4.0. *Sasi*, 28(4), 619. <https://doi.org/10.47268/sasi.v28i4.1145>
- Hakim, E. R. (2020). Penegakan Hukum Lingkungan Indonesia Dalam Aspek Kepidanaan. *Media Keadilan: Jurnal Ilmu Hukum*, 11(1), 43. <https://doi.org/10.31764/jmk.v11i1.1615>
- Idris, S. H., & Nasution, N. (2022). Eco-Anxiety: Right to Healthy Environment. *Yuridika*, 37(2), 473–482. <https://doi.org/10.20473/ydk.v37i2.36275>
- Irawan, F. (2017). *Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa*. 13(2), 162–174.
- Koesnadi Hardjosoemantri. (2012). *Hukum Tata Lingkungan*. UGM Press.
- Kramm, M. (2020). When a River Becomes a Person. *Journal of Human Development and Capabilities*, 21(4), 307–319. <https://doi.org/10.1080/19452829.2020.1801610>
- Kristiani, E. (2019). Konsep Keadilan Ekologi Dan Keadilan Sosial Dalam Sistem Hukum Indonesia Antara Idealisme Dan Realitas. *Jurnal Kajian Pendidikan Ekonomi Dan Ilmu Ekonomi*, 2(1), 1–19.
- Kristiyanti, C. T. S. (2018). Penguatan Manifestasi Nilai Keadilan Pancasila Dalam Penegakan Hukum Di Era Kontemporer. *Justitia et Pax*, 33(1), 1–20. <https://doi.org/10.24002/jep.v33i1.1604>
- Mongabay. (2022). *nestapa warga terdampak kawasan ndustri bantaeng*.
- Muhaimin, M. (2019). Restoratif Justice dalam Penyelesaian Tindak Pidana Ringan. *Jurnal Penelitian Hukum De Jure*, 19(2), 185. <https://doi.org/10.30641/dejure.2019.v19.185-206>
- Nina Herlina. (2017). Permasalahan Lingkungan Hidup Dan Penegakan Hukum Lingkungan Di Indonesia, *Unigal.Ac.Id*, 3(2), 1–16.
- Nisa, A. N., & Suharno, S. (2020). Penegakan Hukum Terhadap Permasalahan Lingkungan Hidup Untuk Mewujudkan Pembangunan Berkelanjutan. *Jurnal Bina Mulia Hukum*, 4(2), 294. <https://doi.org/10.23920/jbmh.v4i2.337>
- Pawestri, A. Y. (2019). Cita Hukum Dan Demokrasi Dalam Sistem Penegakan Hukum Lingkungan Indonesia. *Fairness and Justice: Jurnal Ilmiah Ilmu Hukum*, 17(2), 99–100. <http://jurnal.unmuhjember.ac.id/index.php/FAJ/article/view/2796>
- Rahmadi, T. (2011). *Hukum Lingkungan di Indonesia*. Raja Grafindo.
- Richard Stewart and James E Krier. (1978). *Environmental Law and Policy*. The Bobbs Merrill co.Inc.
- Soerjono Soekanto. (2007). *Soekanto, Soerjono. 2007. Pengantar Penelitian Hukum, Jakarta: UI Press*. UI Press.
- Wahyuningsih, S. E. (2014). Urgensi Pembaharuan Hukum Pidana Materiel Indonesia URGENSI PEMBAHARUAN HUKUM PIDANA MATERIEL INDONESIA BERDASARKAN NILAI-NILAI KETUHANAN YANG MAHA ESA. *Jurnal Pembaharuan Hukum*, 1(1), 17–23. <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/PH/article/view/1457>
- Wibisana, A. G. (2017). *Penegakan Hukum Lingkungan Melalui Pertanggungjawaban Perdata*. FH UI.
- Yuniastuti. (2017). Penegakan Hukum Yang Berkeadilan Pancasila Bagi Perempuan Dan Anak. *Jurnal Ilmiah Hukum*, 11(1), 31–51.