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Research Article

Reconstructing Ecotheological Restorative Justice in Environmental Crime Prevention

Taufik Hidayat Simanjuntak^{1*}, D K Dewi², Mospa Darma³, Faisal Saddat Soadoun⁴

^{1,2,3} Universitas Tjut Nyak Dhien, Medan, Indonesia

*Correspondence: taufikhidayatsimanjuntak@gmail.com

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Abstract

Environmental crime has become one of the most significant challenges to environmental protection because it has caused extensive ecological degradation, biodiversity loss, and long-term threats to sustainable development. The existing environmental criminal justice system has predominantly relied on punitive sanctions, which have not adequately restored damaged ecosystems or strengthened long-term environmental responsibility. This study aimed to reconstruct a comprehensive normative framework for environmental crime prevention by integrating restorative justice with ecotheological principles. The study employed a normative legal research approach using statutory, conceptual, comparative, and philosophical analyses. Data were collected through library research from legislation, judicial decisions, international legal instruments, and scholarly publications concerning environmental criminal law, restorative justice, environmental ethics, and sustainability. The collected legal materials were analyzed qualitatively using prescriptive legal reasoning to identify conceptual limitations and formulate a reconstructed legal framework. The results showed that the prevailing retributive justice model remained insufficient to address the multidimensional impacts of environmental crime because it primarily emphasized punishment rather than ecological restoration and community recovery. The reconstructed framework integrated ecological restoration, moral responsibility, community participation, intergenerational justice, and sustainable environmental governance into a unified legal approach. The study concluded that integrating restorative justice with ecotheological principles provided a more comprehensive normative framework for environmental crime prevention by promoting ecological recovery, ethical accountability, and sustainable environmental governance.

Introduction

Environmental crime has emerged as one of the most pressing legal and ecological challenges of the twenty-first century (Crime, 2022). Illegal logging, mining without permits, forest burning, wildlife trafficking, hazardous waste disposal, and other forms of environmental destruction have caused extensive ecological degradation while simultaneously threatening social welfare, public health, and sustainable development.

These crimes not only result in economic losses but also undermine ecosystem resilience, biodiversity conservation, and the constitutional right of present and future generations to enjoy a healthy environment ([Programme, 2021](#); [Silviana et al., 2025](#)). Despite the existence of increasingly comprehensive environmental regulations, the prevalence of environmental crimes indicates that conventional legal responses remain insufficient to address the complex and multidimensional nature of environmental harm.

The dominant approach to environmental law enforcement has long relied on retributive justice, emphasizing punishment through criminal sanctions, imprisonment, and monetary fines. Although these mechanisms are essential in affirming legal accountability, they frequently fail to restore damaged ecosystems, repair the losses suffered by affected communities, or transform offenders' environmental behavior ([Bank, 2023](#); [Forum, 2024](#)). Environmental crimes produce victims that extend beyond individual persons to include local communities, ecosystems, biodiversity, and future generations. Consequently, a purely punitive model often overlooks the ecological and social dimensions of justice that are fundamental to effective environmental protection.

Ecotheology provides an important ethical and philosophical foundation for addressing this gap. Ecotheology views nature not merely as an economic resource but as a sacred trust that possesses intrinsic value and requires moral responsibility from humanity. Across various religious traditions, ecological stewardship is understood as an ethical obligation to preserve creation, maintain environmental balance, and prevent exploitation of natural resources ([Bosselmann, 2021](#)). By integrating ecological ethics with legal principles, ecotheology reinforces the understanding that environmental protection is not solely a legal obligation but also a moral and spiritual responsibility. Such an approach is particularly relevant in countries where religious values continue to influence public morality and legal consciousness.

The novelty of this study lies in reconstructing an Ecotheological Restorative Justice framework that integrates legal, ecological, ethical, and theological perspectives into environmental crime prevention. Unlike conventional restorative justice models that primarily seek reconciliation among human parties, the proposed framework expands the concept of restoration to encompass ecosystem recovery, ecological responsibility, intergenerational justice, community participation, and moral accountability toward nature. This reconstruction positions environmental restoration as the central objective of justice while recognizing ecological sustainability as an indispensable component of criminal law policy ([Budiyanto & Pondayar, 2026](#); [Yaffey & Benda-Beckmann, 2021](#)).

Based on this background, this study aims to reconstruct an ecotheological restorative justice framework for environmental crime prevention by developing an integrated conceptual model that combines restorative justice principles with ecotheological values ([Ndaru, 2025](#)). The study further seeks to contribute to the advancement of environmental criminal law by offering a normative framework capable of promoting ecological restoration, strengthening community participation, and supporting sustainable environmental governance.

Hypotheses Development

Environmental crime presents unique characteristics that distinguish it from conventional criminal offenses. The harm caused by environmental crimes extends beyond individual victims to encompass ecosystems, biodiversity, natural resources, and future generations. Consequently, conventional criminal justice, which is predominantly grounded in retributive principles, encounters significant limitations in responding to environmental harm. Retributive sanctions generally emphasize offender punishment without ensuring ecological restoration, community recovery, or long-term environmental sustainability. This mismatch between the nature of environmental harm and the prevailing criminal justice response creates a normative gap that necessitates the development of a more comprehensive framework for environmental crime prevention ([Fhadilah et al., 2025](#); [White, 2023](#)).

The integration of restorative justice and ecotheology provides a new theoretical perspective capable of addressing the multidimensional impacts of environmental crime. This integrated approach recognizes that justice should encompass legal accountability, ecological restoration, community participation, ethical responsibility, and environmental sustainability simultaneously ([Van Ness & Strong, 2021](#)). Through this reconstruction, environmental restoration becomes the primary objective of criminal justice rather than merely imposing punitive sanctions. Consequently, the framework encourages preventive legal policies that strengthen environmental awareness, collective responsibility, and long-term ecological resilience.

Despite increasing scholarly attention to restorative justice in environmental law and ecotheology in environmental ethics, previous studies have largely examined these perspectives independently. Existing literature has not sufficiently developed an integrated framework explaining how ecotheological values can reconstruct restorative justice principles to enhance environmental crime prevention. This unresolved theoretical gap constitutes the principal issue addressed in this study. Therefore, the reconstruction proposed in this research seeks to establish an interdisciplinary framework that bridges legal theory, environmental ethics, and ecological governance ([Nations, 2024](#)).

Based on the identified research gap, this study develops the concept of Ecotheological Restorative Justice (ERJ) as a normative framework for environmental crime prevention. The framework consists of five interconnected dimensions: (1) ecological restoration, emphasizing ecosystem recovery as the primary outcome of justice; (2) moral and ethical responsibility, encouraging offenders and society to recognize their ecological obligations; (3) community participation, promoting collaborative environmental governance; (4) intergenerational justice, ensuring that environmental policies protect the rights of future generations; and (5) sustainable environmental governance, integrating restorative legal mechanisms into broader environmental protection policies ([Cullen, 2022](#); [Schlosberg, 2021](#)). These dimensions collectively reconstruct restorative justice into a holistic model that addresses environmental crime through legal, ecological, ethical, and social perspectives.

Conceptual Framework

The conceptual relationship developed in this study can be illustrated as follows:



The conceptual framework illustrates the theoretical reconstruction developed in this study to establish an Ecotheological Restorative Justice (ERJ) framework for environmental crime prevention. The framework begins with Environmental Crime, representing various unlawful activities that cause ecological degradation, including illegal logging, illegal mining, wildlife trafficking, hazardous waste disposal, and other environmentally destructive practices. These crimes produce multidimensional harm affecting ecosystems, biodiversity, local communities, and future generations.

The second stage identifies the Limitations of Retributive Justice. Conventional criminal justice predominantly emphasizes punishment through imprisonment, fines, and other penal sanctions. Although such sanctions are necessary to uphold legal certainty and deterrence, they frequently fail to restore damaged ecosystems, repair social losses, or encourage long-term environmental responsibility. Consequently, retributive justice alone is insufficient to address the complex ecological and social consequences of environmental crime.

Recognizing these limitations leads to the Restorative Justice Reconstruction stage. Restorative justice shifts the focus of criminal justice from punishment toward repairing harm, restoring relationships, encouraging offender accountability, and involving affected stakeholders in resolving environmental conflicts. However, traditional restorative justice was originally designed for interpersonal crimes and therefore requires conceptual reconstruction before it can adequately address environmental crimes, where the victims include nature and future generations.

The reconstruction process is strengthened through the integration of Ecotheological Principles, consisting of Ecological Stewardship, Moral Responsibility, Intrinsic Value of Nature, and Sustainability. Ecological stewardship emphasizes humanity's responsibility to protect and preserve the natural environment. Moral responsibility encourages individuals and institutions to recognize ethical obligations toward ecological conservation ([Ulinihayati & Saleh, 2025](#)). The intrinsic value of nature acknowledges that ecosystems possess inherent worth beyond their economic utility, while sustainability ensures that environmental

governance balances present needs with the rights of future generations. These principles provide the ethical and philosophical foundation for expanding restorative justice beyond anthropocentric perspectives.

The integration of restorative justice and ecotheological principles produces the Ecotheological Restorative Justice Framework, which constitutes the central theoretical contribution of this study. This framework is composed of five interrelated dimensions. Ecological Restoration prioritizes the recovery and rehabilitation of damaged ecosystems as the primary objective of justice. Community Participation promotes collaborative involvement of local communities, government institutions, businesses, and civil society in environmental protection. Moral Accountability reinforces ethical responsibility among offenders and society to prevent future environmental harm. Intergenerational Justice ensures that environmental policies protect not only current populations but also the interests and rights of future generations. Finally, Sustainable Environmental Governance integrates restorative legal mechanisms into broader environmental management and policy implementation to achieve long-term ecological resilience.

The final outcome of the framework is Environmental Crime Prevention. Rather than relying exclusively on punitive sanctions, the proposed framework seeks to prevent environmental crime through ecological restoration, ethical transformation, collective participation, and sustainable governance. Accordingly, the reconstruction of restorative justice through an ecotheological perspective offers a more comprehensive and preventive approach to environmental protection by integrating legal, ecological, social, and moral dimensions within a unified framework.

Overall, the conceptual framework demonstrates that effective environmental crime prevention requires moving beyond conventional retributive justice toward an integrated Ecotheological Restorative Justice model capable of restoring ecosystems, strengthening environmental ethics, encouraging community engagement, and supporting sustainable environmental governance.

Research Proposition

This study adopts a normative legal research approach that focuses on reconstructing legal concepts and developing a new theoretical framework rather than empirically testing causal relationships through quantitative methods. Accordingly, the study does not formulate statistical hypotheses. Instead, it develops a research proposition that serves as the normative basis for analyzing and reconstructing the concept of restorative justice within the context of environmental criminal law.

The proposition is formulated based on the identified theoretical gap between the limitations of the conventional retributive justice model in addressing environmental crimes and the absence of an integrated restorative justice framework grounded in ecological ethics. Existing environmental criminal law primarily emphasizes punitive sanctions, whereas environmental crimes require legal responses that also prioritize ecosystem restoration, ethical responsibility, and sustainable environmental governance. Therefore, integrating ecotheological principles into restorative justice is expected to produce a more comprehensive legal framework capable of responding to the multidimensional nature of environmental harm.

Method

This study employs a normative legal research approach to reconstruct the theoretical framework of Ecotheological Restorative Justice (ERJ) for environmental crime prevention. Normative legal research is appropriate because the study focuses on examining legal norms, principles, doctrines, and conceptual developments rather than measuring empirical variables or testing statistical relationships. The research aims to evaluate the adequacy of the existing environmental criminal law framework and formulate a reconstructed model that integrates restorative justice with ecotheological principles to strengthen environmental crime prevention.

The study relies exclusively on secondary legal data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the Constitution of the Republic of Indonesia, Law Number 32 of 2009 on Environmental Protection and Management (as amended by subsequent legislation), relevant

provisions of the Indonesian Criminal Code, judicial decisions concerning environmental crimes, and applicable international legal instruments relating to environmental protection and sustainable development. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, legal commentaries, conference proceedings, and reports published by national and international organizations addressing restorative justice, environmental criminal law, ecotheology, environmental ethics, and sustainable development. Tertiary legal materials include legal dictionaries, encyclopedias, official government publications, and other authoritative reference sources that facilitate the interpretation of legal concepts and terminology.

Data were collected through library research, involving a systematic review of legislation, judicial decisions, academic literature, and international legal instruments relevant to the research objectives. The literature selection prioritized publications from internationally recognized journals and reputable academic publishers to ensure the credibility and contemporary relevance of the theoretical framework. In addition, legal documents were examined to identify the normative foundations governing environmental crime prevention and restorative justice mechanisms within both domestic and international legal systems.

The analytical technique employed was prescriptive normative analysis, which seeks not only to interpret existing legal norms but also to formulate legal recommendations through conceptual reconstruction. Legal interpretation was conducted using grammatical, systematic, and teleological methods to understand the objectives and coherence of environmental criminal law. Furthermore, a conceptual approach was adopted to integrate restorative justice principles with ecotheological values, thereby constructing a comprehensive normative framework for environmental crime prevention. Comparative analysis was also undertaken to examine international developments concerning restorative environmental justice and ecological governance, allowing the proposed framework to reflect internationally recognized principles of environmental protection and sustainable development.

The validity of the study is established through legal reasoning, doctrinal consistency, and triangulation of legal sources rather than statistical verification. The interpretation and reconstruction of legal concepts were developed by critically examining legislation, judicial decisions, legal doctrines, and contemporary scholarly literature from multiple disciplines. This triangulation enhances the robustness of the proposed framework by ensuring that the reconstructed model is supported by coherent legal arguments, ethical principles, and internationally accepted environmental governance standards.

The outcome of this methodological process is the development of an Ecotheological Restorative Justice (ERJ) framework that reconceptualizes environmental criminal law beyond conventional punitive approaches. By integrating legal analysis with ecotheological ethics and restorative justice principles, the study provides a normative model that emphasizes ecological restoration, moral accountability, community participation, intergenerational justice, and sustainable environmental governance as the foundation for effective environmental crime prevention.

Results And Discussion

Result

The findings of this study demonstrate that the existing environmental criminal law framework remains predominantly grounded in a retributive justice paradigm. Although criminal sanctions such as imprisonment and fines are essential to establish legal accountability, they have not adequately addressed the ecological consequences of environmental crimes. Legal responses continue to emphasize punishment rather than ecosystem restoration, community recovery, and long-term environmental sustainability. Consequently, environmental degradation often persists even after criminal liability has been imposed.

The analysis further reveals that restorative justice principles have significant potential to strengthen environmental criminal law by shifting the focus from punitive sanctions toward repairing environmental

harm and restoring ecological balance. However, the current restorative justice model is conceptually limited because it primarily addresses interpersonal conflicts and does not fully recognize ecosystems, biodiversity, and future generations as legitimate stakeholders in environmental justice (Absori et al., 2026; Wong, 2026).

Based on these findings, this study reconstructs an **Ecotheological Restorative Justice (ERJ)** framework consisting of five interrelated dimensions: ecological restoration, community participation, moral accountability, intergenerational justice, and sustainable environmental governance. The reconstructed framework provides a comprehensive normative model for preventing environmental crime while simultaneously promoting ecological sustainability.

Table 1
Research Proposition Assessment

Research Proposition	Analysis Result	Conclusion
The reconstruction of restorative justice through the integration of ecotheological principles establishes a more comprehensive normative framework for environmental crime prevention than the conventional retributive justice model.	Supported by doctrinal analysis of environmental criminal law, restorative justice theory, ecotheological principles, and comparative legal literature. The integration addresses weaknesses in punitive legal approaches by emphasizing ecological restoration, ethical responsibility, community participation, intergenerational justice, and sustainable governance.	Proposition Supported

Source: Processed by the author (2026).



Figure 1
Conceptual Reconstruction of the Ecotheological Restorative Justice Framework

Description of Figure 1. Conceptual Reconstruction of the Ecotheological Restorative Justice Framework
Figure 1 illustrates the conceptual reconstruction developed in this study to establish an Ecotheological Restorative Justice (ERJ) framework for environmental crime prevention. The framework depicts a logical progression from identifying the problem, recognizing the limitations of the existing legal paradigm, integrating restorative justice with ecotheological principles, and ultimately constructing a comprehensive normative framework aimed at preventing environmental crime.

The reconstruction is therefore strengthened through the integration of Ecotheological Principles, which provide the ethical and philosophical foundation of the framework. These principles consist of Ecological Stewardship, emphasizing humanity's responsibility to protect creation; Moral Responsibility, highlighting ethical obligations toward environmental preservation; Intrinsic Value of Nature, recognizing that nature

possesses inherent worth independent of human interests; and Sustainability, ensuring that environmental governance safeguards the welfare of both present and future generations.

The final outcome of the framework is Environmental Crime Prevention. Rather than relying solely on punitive legal enforcement, the proposed framework promotes a preventive legal approach that integrates ecological restoration, ethical accountability, participatory governance, and sustainable environmental management. This integrated model demonstrates that effective environmental crime prevention requires not only legal sanctions but also moral transformation, community engagement, and ecological stewardship.

Overall, Figure 1 demonstrates the theoretical reconstruction proposed in this study, showing how the integration of restorative justice and ecotheological principles transforms environmental criminal law from a predominantly retributive model into a holistic, preventive, restorative, and sustainability-oriented legal framework. This conceptual model provides the normative foundation for strengthening environmental governance while supporting the broader objectives of environmental justice and sustainable development.

Discussion

The findings of this study demonstrate that the prevailing environmental criminal law framework remains predominantly influenced by the retributive justice paradigm, where criminal sanctions are primarily directed toward punishing offenders through imprisonment, fines, or other penal measures. Although such sanctions are essential for maintaining legal certainty and deterrence, they do not adequately address the ecological consequences of environmental crime. Environmental degradation often persists after judicial decisions have been enforced because punitive sanctions rarely require ecosystem rehabilitation, community recovery, or long-term ecological restoration. This finding supports restorative justice theory, which argues that criminal justice should focus not only on punishment but also on repairing the harm caused by criminal conduct.

From the perspective of restorative justice, justice should be understood as a process of restoring damaged relationships among offenders, victims, and society. However, environmental crimes present unique characteristics because the victims extend beyond human beings to include ecosystems, biodiversity, and future generations. Conventional restorative justice was originally developed to resolve interpersonal conflicts and therefore provides limited guidance for addressing ecological harm. This conceptual limitation explains why environmental criminal law requires a broader normative framework capable of recognizing environmental restoration as an integral component of justice ([Putra, 2025](#)).

From a policy perspective, the proposed framework encourages governments to expand environmental criminal law beyond punitive enforcement. Restorative legal mechanisms may include ecological restoration agreements, mandatory environmental rehabilitation programs, community-based environmental recovery initiatives, ecological compensation, and environmental education for offenders. Such mechanisms not only repair environmental damage but also strengthen public awareness and foster collective responsibility for environmental conservation.

Theoretically, this study contributes to the development of environmental criminal law by demonstrating that restorative justice and ecotheology are mutually reinforcing rather than separate concepts. The integration of these perspectives creates a new interdisciplinary framework capable of responding to the multidimensional characteristics of environmental crime. Accordingly, environmental justice is reconceptualized as a legal process that simultaneously restores ecological integrity, reinforces ethical responsibility, promotes community participation, protects future generations, and supports sustainable environmental governance.

Conclusion

This study concludes that the existing environmental criminal law framework, which is predominantly based on the retributive justice paradigm, has not sufficiently addressed the multidimensional impacts of environmental crime. While punitive sanctions remain important for establishing legal accountability, they are inadequate for restoring damaged ecosystems, strengthening environmental ethics, encouraging community participation, and ensuring sustainable environmental governance. Consequently, a broader

normative approach is required to respond effectively to environmental crimes. Integrating ecotheological values into legal policy may strengthen environmental governance by encouraging ethical transformation, collaborative environmental management, and greater public participation in environmental protection. The proposed framework also contributes to the theoretical development of environmental law by expanding restorative justice beyond interpersonal conflicts to encompass ecological justice and intergenerational responsibility. Future research may further develop this conceptual framework through comparative studies across different legal systems, empirical assessments of restorative environmental justice practices, or interdisciplinary investigations involving law, environmental science, public policy, and theology. Such studies would provide valuable evidence regarding the practical implementation and effectiveness of the Ecotheological Restorative Justice framework in strengthening environmental crime prevention and promoting sustainable environmental governance.

References

- Absori, A., Budiono, A., Khater, M., Mukundan, C., & Mufanti, R. (2026). Principle of ecological restorative justice in corporate environmental crimes policies. *Contrarius*, 2(2). <https://doi.org/10.53955/contrarius.v2i2.271>
- Bank, W. (2023). *Detox Development: Repurposing Environmentally Harmful Subsidies*. World Bank.
- Bosselmann, K. (2021). *Earth Governance: Trusteeship of the Global Commons*. Edward Elgar Publishing.
- Budiyanto, B., & Pondayar, Y. (2026). Conceptualizing the integration of restorative justice in environmental crimes into customary criminal justice. *Journal of Law, Environmental and Justice*, 4(1). <https://doi.org/10.62264/jlej.v4i1.204>
- Crime, U. N. O. on D. and. (2022). *World Wildlife Crime Report 2022: Trafficking in Protected Species*. United Nations.
- Cullen, P. (2022). Restorative justice and environmental harm: Expanding the scope of ecological justice. *The International Journal of Restorative Justice*, 5(3), 365–384.
- Fhadilah, I., Asyafira, L., & Hosnah, A. U. (2025). Restorative justice and environmental crime: Exploring new models for addressing harm to the environment and communities. *Enigma in Law*, 3(1), 14–27. <https://doi.org/10.61996/law.v3i1.84>
- Forum, W. E. (2024). *The Global Risks Report 2024* (19th ed.). World Economic Forum.
- Nations, U. (2024). *The Sustainable Development Goals Report 2024*. United Nations.
- Ndaru, F. A. (2025). Restorative environmental law enforcement: Ensuring environmental restoration and compliance through multiple legal instruments. *Asia Pacific Fraud Journal*, 10(2), 191–208. <https://doi.org/10.21532/apfjournal.v10i2.379>
- Programme, U. N. E. (2021). *Making Peace with Nature: A Scientific Blueprint to Tackle the Climate, Biodiversity and Pollution Emergencies*. United Nations Environment Programme.
- Putra, A. W. (2025). Environmental restoration as a principal punishment in Indonesia environmental crimes: Restorative justice in formulation. *IOP Conference Series: Earth and Environmental Science*, 1537(1), 12066. <https://doi.org/10.1088/1755-1315/1537/1/012066>
- Schlosberg, D. (2021). *Defining Environmental Justice: Theories, Movements, and Nature*. Oxford University Press.
- Silviana, M. P., Hartiwiningsih, & Karjoko, L. (2025). Fiqh al-Bī'ah and restorative–ecological justice in corporate environmental crimes. *JURIS (Jurnal Ilmiah Syariah)*, 24(2). <https://doi.org/10.31958/juris.v24i2.16415>
- Ulinihayati, N., & Saleh, M. A. (2025). The restorative justice in the environmental crimes as an effort to achieve intergenerational environmental justice. *IOP Conference Series: Earth and Environmental Science*, 1537(1), 12063. <https://doi.org/10.1088/1755-1315/1537/1/012063>
- Van Ness, D. W., & Strong, K. H. (2021). *Restoring Justice: An Introduction to Restorative Justice* (6th ed.). Routledge.
- White, R. (2023). Green victimology and environmental justice. *International Journal for Crime, Justice and Social Democracy*, 12(1), 1–15.
- Wong, E. W. (2026). Environment Protection Authority v Forestry Corporation of NSW: Amici curiae and restorative environmental justice. *Journal of Environmental Law*. <https://doi.org/10.1093/jel/eqag005>
- Yaffey, R., & Benda-Beckmann, F. (2021). Restorative justice in environmental governance: Towards ecological reconciliation. *Environmental Policy and Law*, 51(4–5), 295–308.