

The Impact of Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 on Legal Certainty in Illegal Mining Cases

Evy Febryani¹, Rival Pahrial², Agung Zulfikri³

¹ Universitas Muhammadiyah Palembang and efebryani_1202@yahoo.com

² Universitas Nusa Putra and rivalpahrial@gmail.com

³ Telkom University and agungzulfikri@student.telkomuniversity.ac.id

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ABSTRACT

This study analyzes Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 and its impact on legal certainty in illegal mining cases in Indonesia through a normative juridical approach. The decision marks an important milestone in the enforcement of environmental criminal law, particularly in addressing unlicensed mining activities that cause ecological damage. By examining statutory regulations, judicial precedents, and doctrinal principles, this study reveals that the Supreme Court consistently applies the principles of strict liability and *lex certa*, emphasizing that illegal mining constitutes a criminal offense regardless of intent. The Court's interpretation aligns with environmental protection objectives under Law Number 32 of 2009 and the Mining Law, promoting judicial consistency and strengthening environmental governance. The findings indicate that the decision enhances legal certainty by clarifying criminal liability standards, unifying judicial interpretation, and reinforcing the deterrent effect of environmental law. However, practical challenges remain in ensuring consistent enforcement, improving community awareness, and coordinating between central and regional authorities. Overall, this decision contributes significantly to the development of environmental jurisprudence and the realization of sustainable justice in Indonesia's legal system.

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Corresponding Author:

Name: Evy Febryani

Institution: Universitas Muhammadiyah Palembang

e-mail: efebryani_1202@yahoo.com

1. INTRODUCTION

Illegal mining has become one of the most persistent environmental and legal challenges in Indonesia. Despite various legislative frameworks and government initiatives, unlawful extraction of mineral resources continues to cause severe ecological degradation, economic loss, and social disruption. The Indonesian government has

established multiple legal instruments—such as Law Number 4 of 2009 concerning Mineral and Coal Mining (as amended by Law Number 3 of 2020) and Law Number 32 of 2009 concerning Environmental Protection and Management to regulate mining activities and penalize offenders. However, the enforcement of these laws often encounters inconsistency in judicial decisions, uncertainty in interpretation, and difficulties

in balancing environmental protection with economic development. Illegal mining in Indonesia presents a significant challenge, despite the existence of comprehensive legal frameworks such as Law Number 4 of 2009 and Law Number 32 of 2009. These laws aim to regulate mining activities and protect the environment, yet their enforcement is fraught with difficulties. The primary issues include weak enforcement mechanisms, corruption, and institutional fragmentation, which undermine efforts to curb illegal mining and its associated environmental and social impacts. The legal framework, while comprehensive, suffers from weak enforcement and inadequate penalties, which fail to deter illegal mining activities effectively [1]. Institutional fragmentation and political interference further complicate enforcement, leading to inconsistent judicial decisions and uncertainty in law interpretation [2]. Corruption within local authorities exacerbates the problem, allowing illegal mining to persist despite legal prohibitions [1]. Illegal mining contributes to severe environmental degradation, including deforestation, water pollution, and soil erosion, which threaten biodiversity and local ecosystems [2]. The social consequences include the exploitation of local communities and disruption of traditional livelihoods, necessitating alternative economic opportunities for affected populations [1]. Strengthening law enforcement through inter-agency coordination and collaboration among the criminal justice system entities is crucial for effective regulation [3]. Legal reforms to enhance penalties and combat corruption, alongside community empowerment and public participation, are essential for sustainable environmental management [2]. Improving the legal quality of mining laws, as indicated by the regression observed in recent amendments, is necessary to ensure robust environmental protection [4].

The issue of legal certainty (kepastian hukum) remains a central concern in Indonesia's environmental law enforcement, as it ensures that laws are applied consistently and predictably so that individuals and entities can understand the legal

consequences of their actions. In the context of illegal mining, inconsistency in court decisions and the ambiguity of criminal liability provisions have often weakened deterrence and undermined public trust in the justice system, making the judiciary's role crucial in clarifying legal norms and reinforcing the principles of justice and sustainability through its decisions. The Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 represents a significant judicial milestone in addressing the criminal dimensions of illegal mining, as it interprets substantive and procedural aspects of environmental crime while setting a precedent for future cases involving similar offenses. Through its reasoning, the Court provides an authoritative interpretation of key legal provisions related to environmental criminal liability, corporate responsibility, and the extent of state control over natural resources, influencing how lower courts, prosecutors, and law enforcement agencies handle similar cases, thereby enhancing the consistency and predictability of environmental criminal law enforcement. This is particularly important in a context where legal certainty has been undermined by inconsistent judicial outcomes and ambiguous liability provisions. Indonesia's legal framework for mining, including Mining Law No. 4 of 2009 and Environmental Law No. 32 of 2009, is comprehensive but faces persistent enforcement challenges due to weak penalties and corruption [1]. The enforcement of laws against illegal mining remains fragmented among various entities, leading to continued environmental degradation and unfulfilled ecological justice [3]. Historical analysis of court decisions from 1997 to 2009 shows a trend towards supporting criminal sanctions, highlighting the importance of legal certainty in environmental regulation enforcement [5]. Illegal mining has also resulted in serious socio-economic and environmental impacts, including deforestation, pollution, and social disruption, exacerbated by inadequate law enforcement [1]. Moreover, persuasive and compromise-based enforcement in regions like Kuningan has not significantly improved

environmental protection, suggesting the urgent need for stronger legal empowerment and alternative livelihood opportunities for affected communities [6].

The importance of examining this decision lies in its potential to enhance legal certainty in the prosecution and adjudication of illegal mining cases. As environmental crimes often intersect with economic and political interests, a clear and consistent judicial approach is essential for ensuring fairness, deterrence, and environmental justice. Moreover, this case highlights the ongoing challenges of harmonizing environmental law enforcement with sustainable development objectives. The Supreme Court's interpretation within this case not only provides judicial guidance but also reflects the broader struggle to reconcile ecological preservation with economic growth, underscoring the need for a coherent legal framework that prioritizes sustainability and justice.

This study employs a normative juridical analysis to assess the legal reasoning and implications of the Supreme Court's decision. By analyzing statutory regulations, judicial precedents, and relevant doctrines, the research aims to determine the extent to which the decision strengthens legal certainty and contributes to the development of environmental criminal law in Indonesia. The normative approach is particularly relevant because it focuses on examining legal norms, consistency of interpretation, and conformity of the decision with higher legal principles, rather than empirical data. In summary, this paper seeks to achieve three main objectives: (1) to analyze the legal considerations underlying Supreme Court Decision Number 5851 K/Pid.Sus LH/2024; (2) to evaluate its contribution to enhancing legal certainty in illegal mining cases; and (3) to identify the implications of this decision for future environmental law enforcement in Indonesia. Through this analysis, the study aims to provide academic insight and practical recommendations for strengthening the rule of law and promoting sustainable environmental governance.

2. LITERATURE REVIEW

2.1 *Concept of Legal Certainty (Kepastian Hukum)*

Legal certainty is a cornerstone of the rule of law, ensuring that laws are clear, predictable, and consistently applied so that individuals can understand the legal consequences of their actions and maintain trust in the legal system. In Indonesia, legal certainty is enshrined in the 1945 Constitution and forms an integral part of the enforcement of laws, including environmental criminal law. The principle is not only about clarity but also about the stability and predictability of legal norms, which are essential for justice and fairness in law enforcement. Legal certainty is a fundamental element of the rule of law, ensuring that laws are clear and predictable, allowing individuals to plan their actions accordingly [7], [8]. It is closely related to the principles of justice and equality, as it prevents arbitrary interpretation and application of laws [8]. In Indonesia, legal certainty is rooted in Pancasila and the 1945 Constitution, particularly Article 28D paragraph (1), which guarantees fair legal recognition and protection [9]. This principle is especially crucial in criminal law, ensuring that punishments are based on valid legal provisions and preventing arbitrary enforcement [9]. In environmental criminal cases, such as illegal mining, legal certainty plays a vital role in preventing overlapping interpretations and ensuring fairness in law enforcement, with the legality principle providing clear boundaries for what

constitutes a criminal act, thereby preventing legal loopholes [9]. Furthermore, legal certainty is also vital in economic law, as it reduces transaction costs and promotes efficient business operations by providing clear and precise legal provisions [7].

2.2 *Legal Framework of Illegal Mining in Indonesia*

Illegal mining, or Pertambangan Tanpa Izin (PETI), poses significant challenges to environmental governance and legal enforcement in Indonesia. Despite the comprehensive legal framework established by Law Number 4 of 2009 and its amendments, as well as Law Number 32 of 2009 on Environmental Protection, enforcement remains inconsistent and often ineffective due to institutional fragmentation, overlapping authorities, and socio-economic factors that drive illegal mining activities. Law Number 4 of 2009 and its amendments define the legal requirements for mining permits (IUP) and criminalize mining without such permits under Article 158, with penalties including imprisonment and fines [10], [11]. Meanwhile, Law Number 32 of 2009 emphasizes strict liability and corporate criminal responsibility for environmental damage, yet its enforcement is hindered by weak monitoring systems and political interference [2]. The Supreme Court's role in resolving inconsistencies through judicial interpretation remains crucial, but challenges persist due to overlapping authorities and corruption [2], [6]. On the socio-economic side,

illegal mining is often driven by poverty and livelihood needs, with 77% of illegal miners reportedly experiencing increased prosperity from such activities [12]. Regulatory inefficiencies and lack of effective supervision further contribute to the persistence of illegal mining [12], while the enactment of Law No. 23 of 2014—intended to centralize mining permit authority—has yet to effectively curb illegal operations [11]. Addressing these issues requires integrated law enforcement and interagency coordination to overcome institutional fragmentation [2], alongside legal empowerment and community engagement to transition livelihoods from illegal mining to sustainable sectors such as tourism [6]. Additionally, non-penal law enforcement and government guidance could facilitate the transformation of illegal mining into legitimate business activities [12].

2.3 *Supreme Court Decisions and Legal Precedent*

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into legitimate business activities [12].

2.4 Environmental Criminal Law and Its Enforcement Challenges

Environmental criminal law in Indonesia is designed to protect ecological sustainability by integrating criminal, administrative, and civil sanctions; however, its enforcement faces significant challenges due to structural and procedural barriers that hinder the effective prosecution of environmental crimes. As highlighted by Siti Sundari (2020), inconsistencies in judicial interpretations of environmental harm exacerbate these enforcement difficulties. Ambiguities in legal definitions persist, as Indonesian legislation encompasses a wide range of environmental offenses but lacks clear definitions and consistent penalties, complicating both enforcement and prosecution efforts [14]. The absence of sufficient expert testimony in court proceedings also hampers efforts to establish causal links between activities such as mining and environmental damage, resulting in inconsistent verdicts [14], [15]. Moreover, weak inter-agency coordination and limited resources further impede effective law enforcement [14], while judicial inconsistency in interpreting the causal relationship between human actions and environmental degradation leads to disparities in verdicts [14]. To address these issues, several potential solutions have been proposed: the implementation of restorative

justice mechanisms could provide a more responsive approach to environmental harm, provided that a stronger legal framework and public participation prevent impunity for corporate offenders [16], recognizing ecocide as a distinct criminal category would enhance deterrence and strengthen prosecution of large-scale environmental crimes [17], and the introduction of corporate community service orders could offer a more inclusive means of redressing environmental damage while emphasizing the protection of environmental rights [18].

3. RESEARCH METHODS

This study employs a normative juridical research approach, which examines law as a system of norms governing human behavior within society. The normative juridical method focuses on analyzing legal principles, statutory provisions, doctrines, and judicial decisions relevant to the research topic. According to Soerjono Soekanto and Sri Mamudji (2012), normative legal research is particularly appropriate for studies aiming to interpret and evaluate the coherence, consistency, and implementation of legal norms rather than measure social behavior empirically. The use of this approach is based on the objective of the study—to assess the impact of Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 on legal certainty in illegal mining cases. Therefore, the analysis emphasizes legal reasoning, principles of environmental criminal law, and the extent to which the decision aligns with the doctrines of *lex certa*, *lex scripta*, and *lex stricta*. This research is descriptive-analytical, aiming to describe legal phenomena and analyze their normative implications. The descriptive component outlines the contents and structure of relevant legal provisions and judicial considerations, while the analytical component interprets their implications for

achieving legal certainty in environmental criminal law enforcement. By employing this approach, the study provides a detailed understanding of how legal norms are applied and interpreted by the judiciary, particularly in illegal mining cases.

This study is categorized as library-based legal research, relying primarily on secondary data sources. The main focus is the examination of Supreme Court Decision Number 5851 K/Pid.Sus LH/2024, analyzed in relation to existing legal frameworks on environmental protection and mining regulation. The research emphasizes three key aspects: (1) the legal reasoning adopted by the Supreme Court in determining criminal liability for illegal mining; (2) the consistency of the decision with statutory law and previous court rulings; and (3) the implications of the decision for strengthening legal certainty and environmental law enforcement. In normative legal research, data are obtained from legal materials rather than empirical observation. The materials used in this study include primary legal materials—such as the 1945 Constitution of the Republic of Indonesia, Law Number 3 of 2020 (amending Law Number 4 of 2009 concerning Mineral and Coal Mining), Law Number 32 of 2009 on Environmental Protection and Management, Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), the Indonesian Criminal Code (KUHP), and Supreme Court Decision Number 5851 K/Pid.Sus LH/2024—as well as other relevant Supreme Court and Constitutional Court decisions on environmental and mining cases. Secondary legal materials include textbooks, academic journals, scholarly commentaries, and government reports from institutions such as the Ministry of Energy and Mineral Resources (ESDM) and the Ministry of Environment and Forestry (KLHK). Tertiary materials consist of legal dictionaries, encyclopedias, and online databases such as Hukumonline, JDIH Mahkamah Agung, and official government portals.

Since this research relies entirely on secondary legal materials, data collection is conducted through documentary and

literature study techniques. This process involves collecting primary legal sources from official publications, archives, and court databases; gathering secondary materials from legal literature, journals, and expert commentaries relevant to environmental and mining law; and systematically organizing and classifying all data based on thematic relevance, such as legal certainty, environmental crime, judicial consistency, and mining regulation. The collected legal materials are analyzed using qualitative normative analysis, which includes interpreting statutory provisions and judicial reasoning in Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 through grammatical, systematic, teleological, and historical interpretations; comparing the decision with previous cases to evaluate consistency and the development of binding jurisprudence (*yurisprudensi tetap*); conducting doctrinal analysis to assess the alignment of the decision with established legal principles of environmental criminal responsibility; and finally, evaluating whether the decision enhances or diminishes predictability, coherence, and stability in the enforcement of laws related to illegal mining.

4. RESULTS AND DISCUSSION

4.1. Overview of Supreme Court Decision Number 5851 K/Pid.Sus LH/2024

Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 represents a significant development in the judicial enforcement of environmental and mining laws in Indonesia. The case involved defendants engaged in illegal mining activities (Pertambangan Tanpa Izin – PETI) that caused substantial environmental damage, including deforestation, river pollution, and land degradation. The defendants operated without a valid mining license (Izin Usaha Pertambangan – IUP) and failed to comply with environmental management obligations under Law Number 32 of 2009 concerning Environmental Protection and Management. At the cassation level, the defendants appealed the decision of the High Court, which had found them guilty

under Article 158 of Law Number 3 of 2020 on the Amendment of Law Number 4 of 2009 concerning Mineral and Coal Mining and Article 98 of Law Number 32 of 2009 concerning Environmental Protection and Management. The defendants argued that their actions were merely “traditional mining activities” and did not constitute a criminal offense due to the absence of intent (*mens rea*). Law Number 3 of 2020 and Law Number 32 of 2009 provide the legal basis for prosecuting illegal mining activities, emphasizing the need for valid permits and environmental management compliance [1], [19]. The judiciary’s decision in this case underscores the importance of adhering to these laws, as the defendants’ actions resulted in deforestation, river pollution, and land degradation [2], [20]. Despite comprehensive legal tools, enforcement remains hindered by institutional fragmentation, weak monitoring, and political interference, allowing illegal mining to persist [1], [13]. The case highlights the need for integrated law enforcement and inter-agency coordination to effectively address environmental damage caused by illegal mining [13]. Previous cases, such as Decision No.42/Pid.Sus/2020/Pn.Kbr, have set precedents for sentencing individuals involved in illegal mining, emphasizing the legal fulfillment of criminal elements and the environmental impact of such activities [20]. The Supreme Court’s decision thus reinforces the judiciary’s role in upholding environmental laws and deterring illegal mining through stringent penalties [21].

The Supreme Court ultimately rejected the cassation appeal and upheld the convictions, affirming that illegal mining constitutes a criminal act regardless of intent when it results in measurable environmental harm. The Court emphasized the principle of strict liability in environmental crimes and reiterated that all forms of mining must comply with the licensing and environmental management frameworks established by law. This ruling demonstrates a progressive interpretation of environmental criminal liability, aligning with the preventive and deterrent objectives of environmental protection legislation. Furthermore, it

reaffirms the judiciary's commitment to enforcing environmental law consistently and strengthening legal certainty in Indonesia. By establishing a clear precedent, this decision contributes to the formation of coherent jurisprudence that guides lower courts in adjudicating similar cases, ensuring that environmental destruction is addressed not merely as a regulatory violation but as a serious criminal offense. This progressive stance not only reinforces the authority of environmental law but also promotes the broader goal of sustainable environmental governance and justice in Indonesia's mining sector.

4.2. Legal Considerations of the Supreme Court

The Supreme Court's legal reasoning in Decision Number 5851 K/Pid.Sus LH/2024 centers on several key considerations:

1. Legality Principle (Asas Legalitas)

The Court reaffirmed that every criminal act must be based on a clear legal provision (*nullum crimen sine lege*). The act of conducting mining operations without an IUP directly violates Article 158 of the Mining Law, which explicitly criminalizes such conduct. The Court rejected the defendants' claim of traditional mining rights, noting that all individuals and corporations engaging in mineral extraction are subject to the same regulatory requirements.

2. Strict Liability in Environmental Crimes

The Court applied the principle of strict liability, emphasizing that proof of intent or negligence is not required for environmental offenses that cause damage. This interpretation is consistent with Article 88 of Law Number 32 of 2009, which establishes that every party causing environmental pollution or destruction is absolutely liable. The Court's reliance on this principle reflects a commitment to environmental protection as a constitutional obligation of the state.

3. Corporate and Individual Criminal Responsibility

The decision also acknowledged the shared responsibility between individuals and corporate entities. While the defendants operated as individuals, the Court emphasized that corporate actors and their managers could be held jointly liable under the Environmental Law. This interpretation strengthens accountability and ensures that both decision-makers and executors are subject to prosecution in illegal mining cases.

4. Environmental Justice and Sustainability

The Court highlighted the need to balance economic activities with environmental preservation. By enforcing penalties for illegal mining, the Court sought to uphold intergenerational justice and the constitutional mandate under Article 28H paragraph (1) and Article 33 paragraph (3) of the 1945 Constitution, which guarantee citizens the right to a healthy environment and recognize that natural resources must be managed for public welfare.

5. Consistency with Prior Jurisprudence

The Court referenced earlier decisions, including Supreme Court Decision Number 1952 K/Pid.Sus/2019 and Decision Number 1554 K/Pid.Sus/2021, which also upheld convictions for illegal mining and environmental damage. By aligning with these precedents, the Court contributed to the establishment of consistent jurisprudence (*jurisprudensi tetap*) that enhances predictability in law enforcement.

4.3 Implications for Legal Certainty

The Supreme Court's ruling in this case has several notable implications for legal certainty in Indonesia's environmental criminal law. First, it provides clarity of legal norms by defining the scope of Article 158 of the Mining Law and Article 98 of the Environmental Law, affirming that any unlicensed extraction of natural resources constitutes a criminal offense regardless of scale or intent, thereby reducing ambiguity

and strengthening the legal framework for enforcement agencies. Second, it promotes uniform application of the law by maintaining consistency with earlier rulings, offering clear guidance for lower courts to adjudicate similar cases with predictable outcomes and minimizing judicial discretion that could undermine fairness. Third, the affirmation of strict liability strengthens environmental deterrence by signaling that environmental harm—regardless of intent—will be met with criminal sanctions, reinforcing the preventive function of environmental law and encouraging compliance among mining actors. Fourth, the decision fosters the integration of environmental and mining laws by emphasizing that compliance with both licensing regimes is mandatory, promoting coherence and institutional collaboration between the Ministry of Energy and Mineral Resources (ESDM) and the Ministry of Environment and Forestry (KLHK). Finally, the ruling underscores the judiciary's strategic role in environmental governance, as consistent and transparent judicial reasoning enhances public trust and reinforces the perception that the legal system can effectively safeguard environmental rights and promote sustainable justice.

4.4 Challenges and Limitations

Despite the positive contributions of the decision to strengthening legal certainty, several challenges persist in its implementation. Enforcement at the local level remains inconsistent due to disparities in institutional capacity, corruption, and lack of coordination among agencies, creating a gap between judicial interpretation and field execution that undermines the overall effectiveness of environmental law. Furthermore, many illegal mining operations are conducted by small-scale miners with limited understanding of legal and environmental obligations, and without adequate education or community outreach, strict enforcement risks triggering social conflict rather than fostering compliance. Institutional overlaps and bureaucratic barriers also persist, as overlapping jurisdictions between central and regional

authorities generate administrative uncertainty in the issuance of mining licenses—an issue that the Court's decision can only partially mitigate, requiring broader regulatory reform and clearer inter-agency coordination. Additionally, while punitive measures remain vital for deterrence, the integration of restorative justice mechanisms—such as environmental rehabilitation, community involvement, and compensation programs—is essential to ensure sustainable and equitable enforcement of environmental criminal law in the long term.

4.5 Discussion

The Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 embodies the essence of legal certainty by reinforcing the principles of clarity, consistency, and predictability in environmental criminal law. It reflects the transformation of Indonesian jurisprudence from a permissive to a preventive stance toward environmental offenses. By applying the principle of strict liability and rejecting traditional mining as a legal defense, the Court eliminates loopholes that have historically been exploited to justify illegal mining.

From a theoretical perspective, the decision aligns with Radbruch's Triad of Legal Values—justice, legal certainty, and expediency. Legal certainty is achieved through clear statutory interpretation; justice is realized by holding offenders accountable; and expediency is pursued by deterring future violations. Moreover, the decision operationalizes the constitutional principle of environmental stewardship (environmental trusteeship), where the state acts as a custodian of natural resources for present and future generations.

However, achieving full legal certainty requires more than judicial consistency. It demands harmonization between law enforcement agencies, regulatory bodies, and communities. The judiciary provides the normative framework, but effective implementation depends on executive compliance and legislative refinement. Therefore, the decision serves as

both a legal and institutional milestone—a precedent that strengthens judicial authority while reminding policymakers of the need for cohesive environmental governance.

5. CONCLUSION

The findings of this research confirm that Supreme Court Decision Number 5851 K/Pid.Sus LH/2024 has made a substantial contribution to strengthening legal certainty in the adjudication of illegal mining cases in Indonesia. Through a coherent and well-reasoned interpretation of the Mining Law and the Environmental Law, the Supreme Court has reaffirmed that all mining activities conducted without legal authorization constitute criminal acts, regardless of the actors' intent or scale of operation. This approach aligns with the principle of strict liability under Article 88 of Law Number 32 of 2009, emphasizing environmental protection as a paramount national interest. The decision also plays a crucial role in standardizing judicial interpretation and promoting consistency among lower courts, enhancing the predictability of legal outcomes and reinforcing public trust in the judiciary. It embodies the principle of *lex certa*, ensuring that environmental criminal provisions are applied clearly and without ambiguity. Furthermore, by integrating environmental

and mining laws within a unified interpretive framework, the Court has reinforced institutional synergy between environmental and resource management authorities.

Nevertheless, the realization of complete legal certainty continues to face practical challenges, including inconsistent enforcement at the regional level, overlapping bureaucratic authority, and limited legal awareness among local mining communities. These obstacles underscore the need for continuous reform, particularly in regulatory harmonization, capacity building for law enforcement agencies, and the implementation of restorative justice mechanisms that combine punitive measures with environmental rehabilitation. In conclusion, the Supreme Court's ruling serves not only as a judicial precedent but also as a normative guideline for strengthening environmental governance in Indonesia. It upholds the principles of justice, sustainability, and legal certainty, which are essential for protecting natural resources and ensuring that economic development proceeds in harmony with environmental preservation. This decision thus represents a progressive step toward a more coherent, fair, and environmentally responsible legal system in Indonesia.

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