



REALIZATION OF RESTORATIVE JUSTICE RESOLUTION FOR ILLEGAL FISHING PERPETRATORS IN THE KARIMUNJAWA CONSERVATION AREA

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Abstract

Resolving illegal fishing through penalties does not necessarily result in justice for the parties. Theoretically, legal experts state that there are weaknesses in resolving cases using penalty measures. The aim of this research is to determine the urgency of using restorative justice in resolving illegal fishing and to formulate a model for resolving illegal fishing using restorative justice in the Karimunjawa conservation area. The typology of this research is sociological juridical. The data source comes from the primary data and is supported by secondary data consisting of primary, secondary and tertiary legal materials. The data collection method was carried out using directed interviews with sources and literature study. Data processing and analysis was carried out qualitatively using inductive methods. The urgency of using restorative justice in resolving illegal fishing is to minimize the weaknesses of penalty efforts which emphasize the element of retaliation solely for mistakes that have been made by providing suffering so that the perpetrator will repent. The concept of restorative justice places greater emphasis on restoring damage to be repaired by the perpetrator based on the agreement of the parties. Apart from that, it will also be able to lower the accumulation of cases in law enforcement agencies so that it will also reduce the overcapacity of correctional institutions which become a problem in Indonesia. The model for resolving illegal fishing using restorative justice in the Karimunjawa conservation area can be implemented with the criteria that the perpetrator is a local resident of Karimunjawa whose citizenship is an Indonesian and the losses incurred are not too large, both in terms of the number of fish and in terms of environmental damage and this is the first time this criminal act has been committed.

Keywords : *Illegal Fishing, Restorative Justice, Conservation Area*

Abstrak

Penyelesaian kasus penangkapan ikan ilegal melalui hukuman belum tentu menghasilkan keadilan bagi para pihak. Secara teoritis, para ahli hukum

menyatakan bahwa terdapat kelemahan dalam penyelesaian kasus dengan menggunakan upaya hukuman. Tujuan dari penelitian ini adalah untuk mengetahui urgensi penggunaan restorative justice dalam penyelesaian illegal fishing dan merumuskan model penyelesaian illegal fishing dengan menggunakan restorative justice di kawasan konservasi Karimunjawa. Tipologi penelitian ini adalah yuridis sosiologis. Sumber data berasal dari data primer dan didukung oleh data sekunder yang terdiri dari bahan hukum primer, sekunder dan tersier. Metode pengumpulan data dilakukan dengan wawancara terarah dengan narasumber dan studi kepustakaan. Pengolahan dan analisis data dilakukan secara kualitatif dengan menggunakan metode induktif. Urgensi penggunaan restorative justice dalam penyelesaian tindak pidana illegal fishing adalah untuk meminimalisir kelemahan upaya pemidanaan yang lebih menekankan pada unsur pembalasan semata-mata atas kesalahan yang telah diperbuat dengan memberikan penderitaan agar pelaku bertobat. Konsep keadilan restoratif lebih menekankan pada pemulihan kerusakan yang akan diperbaiki oleh pelaku berdasarkan kesepakatan para pihak. Selain itu juga akan dapat menurunkan penumpukan perkara di lembaga penegak hukum sehingga akan mengurangi pula kelebihan kapasitas lembaga pemasyarakatan yang menjadi masalah di Indonesia. Model penyelesaian tindak pidana illegal fishing dengan menggunakan restorative justice di kawasan konservasi Karimunjawa dapat diimplementasikan dengan kriteria pelaku merupakan penduduk lokal Karimunjawa yang berkewarganegaraan Indonesia dan kerugian yang ditimbulkan tidak terlalu besar, baik dari sisi jumlah ikan maupun dari sisi kerusakan lingkungan dan tindak pidana ini baru pertama kali dilakukan.

Kata Kunci : Penangkapan Ikan Secara Ilegal, Keadilan Restoratif, Kawasan Konservasi

INTRODUCTION

Indonesia is an archipelagic country with two-thirds of its territory being territorial waters of which the territory covers 75% of sea waters with an area of 5.8 million km². Indonesia's vast territorial waters have great potential to support new economic growth and national development. These abundant aquatic resources unfortunately invite local people and foreigners to reap them in illegally, one of which is through illegal fishing. Illegal fishing is one of three types of maritime crimes in the fisheries sector which are commonly known by the international community as Illegal, Unreported and Unregulated (IUU) Fishing. Illegal Fishing is an outlaw fishing activity which is an offense as formulated in Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries. The definition of illegal fishing is not found in this law, but regarding fishing offenses is regulated in Articles 84 to 86 and Articles 88 to 94.

Illegal fishing occurs not only in the open seas, but also in conservation areas. According to the Great Indonesian Dictionary, conservation means maintenance and protection of something on a regular basis to prevent damage and destruction through preservation. In

maintaining the sustainability and balance of marine resources, Indonesia has several conservation areas in marine national parks under the supervision of the Ministry of Environment and Forestry known as The Magnificent Seven Indonesia's Marine National Parks which include Cendrawasih National Park, Wakatobi National Park, Kepulauan Seribu National Park, Togean National Park, Taka Bone National Park, and Karimunjawa National Park (UNDP, 2017).

Karimunjawa National Park (TNKJ) is a priority area because of its protection purpose and unique characteristics as a water area. TNKJ is located in the Jepara Regency area, Central Java, which is managed by the Karimunjawa National Planting Center (BTNKJ) based on the Decree of the Minister of Forestry Number 185/Kpts-II/1997. The main duties and functions of the Karimunjawa National Park Hall are described in the revised regulation of the Minister of Environment and Forestry which was issued on 10 February 2016 through Number P.07/MenLHK/Setjen/OTL.1/1/2016.

Based on the Decree of the Director General of PHKA Number SK 28/IV-SET/2012 concerning Zoning of Karimunjawa National Park, currently there are nine zones in the TNKJ area, one of which is the traditional fisheries zone. A fisheries zone is a zone designated for the benefit of exploiting fisheries that have been going on for generations by local communities in a sustainable manner using environmentally friendly fishing infrastructure (Sudaryanti, 2021). Despite given a special zone for quite extensive fishing, the activities in this zone have not been fully carried out optimally. This can be seen in cases of illegal fishing that occur in the TNKJ Conservation area, either violating the zone or using equipment that do not comply with applicable regulations.

Karimunjawa National Park Agency statistical data for 2021 shows that there were 12 cases of illegal fishing in the TNKJ Conservation Area and resolved using penalties measures in the period of 2002 to 2017. After that period until 2022, no illegal fishing data was found on the website <https://tnkarimunjawa.id/>. However, during interviews with fishermen and local communities in Karimunjawa, information was obtained that there are still fishermen who carry out illegal fishing in the Karimunjawa conservation area secretly until now. Perpetrators of criminal acts cannot be left without accountability. If allowed to continue, it will cause chaos in the life of the nation and state. However, the solution does not always have to result in punishment. For certain criminal acts accompanied by strictly defined criteria, it would be much wiser if a resolution was reached based on the agreement of the parties in the spirit that the perpetrator realizes his mistake and must be responsible for repairing the damage that has occurred and will not repeat his actions again.

Based on data obtained from the Ministry of Maritime Affairs and Fisheries website (<https://kkp.go.id>), In 2018, the Ministry of Maritime Affairs and Fisheries (KKP) fisheries monitoring vessels succeeded in arresting 106 fishing vessels carrying out illegal fishing, including 41 foreign fishing vessels and 65 Indonesian fishing vessels. In 2019, fishing vessels arrested for illegal fishing increased to 107 vessels, consisting of 59 foreign fishing vessels and 48 Indonesian fishing vessels. In 2020, illegal fishing activities decreased with the number of 88 cases consisting of 53 foreign fishing vessels and 35 Indonesian fishing vessels. However, in 2021, illegal fishing activities experienced a spike, with the number 197, consisting of 53 foreign fishing vessels and 144 Indonesian fishing vessels. Then in 2022 there will be a decrease to 97, consisting of 18 foreign fishing vessels and 79 Indonesian fishing vessels. (Ditjen PSDKP, 2016).

Resolving illegal fishing through penalties does not necessarily result in justice for the parties. Often the solution using them actually shows the weaknesses that we can recognize and are as expressed by legal experts. Therefore, it is necessary to resolve illegal fishing using other models that minimize the weaknesses of penalties. Restorative justice is a mechanism that can be used to resolve problems with the aim of restoring relations between parties in conflict, carried out informally. The concept of restorative justice is also a recognition of oriental legal philosophy which in resolving any conflict always seeks to restore the damage or mistakes committed (Rochaeti et al., 2023). This problem solving model will produce an accommodative agreement (Sumedana, 2020). This model has been applied especially for minor crimes and crimes committed by children in Indonesia with specified criteria.

Restorative justice is a concept of thinking about the development of the criminal justice system which focuses on the needs of society and victims who are marginalized by the mechanisms in the current criminal justice system (Suyono & Firdiyanto, 2020). Marshall's popular definition of restorative justice is *"a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future"* (Nazeri & Dhanapal, 2019). The application of restorative justice in resolving cases against fishermen who carry out fishing activities outside the traditional fishing zone (illegal fishing) in TNKJ can be used as the best solution to provide a sense of justice for the parties. This action aims to collaboratively create an agreement on the resolution of criminal cases that is fair and balanced for both the victim and the perpetrator by prioritizing restoration to its original state and restoring good relations in the society.

Based on the background above, the problem raised is the urgency of using restorative justice in resolving illegal fishing and a model for

resolving illegal fishing using restorative justice in the Karimunjawa conservation area.

Research on the theme of resolving illegal fishing using the concept of restorative justice in the Karimunjawa conservation area based on literature studies has not yet been found. However, research on resolving illegal fishing which was found used penal measures or litigation efforts located in Karimunjawa and outside the area. Research on criminal law policy in the fisheries sector by linking international regulations was carried out by Marimin, Lazarus Tri Setyawan, and RB Sularto under the title of *Criminal Law Policy in The Field of Fishery Based on Indonesia's International Obligation* (Marimin et al., 2022). Another research related to *illegal fishing* was also done by Mashuril Anwar, Rini Fathonah, and Niko Alexander (Anwar et al., 2021) entitled *Examining Justice in Policies to Combat Illegal Fishing in Indonesia: Perspective of Thomas Aquinas's Concept of Justice*. Apart from that, there is also research on a similar issue entitled *Criminal Law Policy as Primum Remedium in the Crime of Illegal Fishing Viewed from the Theory of Justice* (Riangdi et al., 2023). Meanwhile, research on other illegal fishing issues is *State Jurisdiction in the Prevention and Eradication of Illegal Fishing in Indonesia* (Maryani, 2019). There are many researches on restorative justice, but the majority is related to cases of criminal acts or crimes committed by children, not illegal fishing in the Karimunjawa conservation area. This research was conducted by Muhaimin with the title *Restorative Justice in Resolving Minor Crimes* (Muhaimin, 2019). There is also research with the title *Application and Influence of Restorative Justice as an Alternative for Resolving Crimes in the Criminal Justice System in Indonesia* (Macawalang et al., 2021). Similar research entitled *The Dynamics of Restorative Justice in the Criminal Justice System in Indonesia* discusses the latest legal basis for the process of resolving criminal cases based on restorative justice which is linked to the Police Chief's Regulation number 6 of 2019 concerning Criminal Investigation and the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice (Wulandari, 2021). Research on restorative justice related to child protection, one of which is entitled *Legal Protection for Child Victims of Sexual Abuse in a Restorative Justice Perspective* (Zakaria et al., 2023).

This research is very important because it provides a new concept in resolving illegal fishing crimes in Indonesia by implementing a restorative justice model with strict criteria or boundaries to minimize the weaknesses in resolving criminal acts through penal channels. There is an opinion that courts to seek justice in this era are very difficult to obtain because society has been influenced by the slogan that the law is blunt upwards but sharp downwards, meaning that for small people, criminal law will be enforced

very harshly, but for those who have access to power and wealth as if they were law invincible.

RESEARCH METHOD

The typology of this research is sociological juridical. The data source comes from primary data and is supported by secondary data consisting of primary, secondary and tertiary legal materials. The data collection method was carried out using directed interviews with sources and literature study. Interviews were conducted involving several parties, namely the Head of the Karimunjawa National Park Office (BTNKJ), the Head of the BTNKJ Forest Police Unit, Civil Servant Investigators from the Ministry of Environment and Forestry (PPNS KLHK), local fishermen and the local Karimunjawa community. Primary data and secondary data collected through field studies and literature studies were then processed systematically and analyzed qualitatively using inductive methods in discussions to answer the problem formulation in this research.

RESULT AND DISCUSSION

The Urgency of Using Restorative Justice in Resolving Illegal Fishing in the Karimunjawa Conservation Area

Enforcing the law does not automatically produce justice. Even though they are like two sides of a coin, law is not the same as justice. Soekanto emphasized that *"law enforcement does not merely mean the application of laws"* (Adi, 2021). Pizzi also stated that *"...we have developed a criminal trial system that is entertaining and that places tremendous emphasis on winning and losing, but the system badly underemphasizes truth"* (Suteki, 2023). Pizzi's statement emphasized that in the justice system, legal positivism has experienced degradation because the courts are now no longer a place to obtain justice but as an arena for finding winners. The results that will be achieved from the process of resolving cases using judicial channels are in the nature of a win lose solution, where there will be parties who win and there are parties who lose. With a reality like this, resolving a case through court or penal measures in general often causes dissatisfaction for the parties involved. The law enforcement process using litigation often drains energy, thought and also costs, so that it does not achieve balance for perpetrators and victims involved in criminal cases. Judging from the theory of justice, according to Derrida, it is explained that justice is not always in harmony with the law, because harmony with the law has not guaranteed the realization of justice (Ruhupatty, 2023). Settlement of cases through penal measures is the oldest method in the world. Settlement of cases through the penalty method often gives rise to various new problems which will further complicate the legal settlement situation.

The complexity of law enforcement in various criminal cases gives rise to the need for alternative solutions, using out-of-judicial (non-

litigation) solutions based on restorative justice which is a criticism of repressive justice. Theoretically, experts have identified weaknesses in resolving illegal fishing through penalties, one of which is causing injustice to the parties. Efforts to resolve illegal fishing using a restorative justice model are expected to minimize the weaknesses of penal efforts. Restorative justice, also known as reparative justice, is a justice approach that focuses on the needs of victims and perpetrators of crimes, and also involves the participation of the community and the state and is not solely aimed at imposing criminal penalties (Arief & Ambarsari, 2018). Restorative Justice basically prioritizes restoring the condition of the parties involved in a criminal act and is oriented towards responsibility for the perpetrator as a result of the actions they have committed (Tridianto, 2015). Restorative justice is an approach that aims to resolve problems whose process is based on community involvement and accountability of perpetrators as well as avoidance of punitive practices such as the imposition of prison sanctions as contained in retributive teachings (Burhanuddin, 2022). Restorative justice views that all violations give rise to an obligation for the perpetrator to be responsible for making improvements because he is aware of the mistakes that have been made. Therefore, restorative justice will provide justice to victims, perpetrators and community members involved in it through agreements made through deliberation.

Criminal law should not cause fear in society. Jeremy Bentham through the theory of utilitarianism which prioritizes benefit as the goal of law and to provide happiness for society (Hamzah, 2019). Punishment is not only limited to eliminating the perpetrator's freedom or punishment, but more importantly the perpetrator can realize that what he did was wrong so that he will not repeat his mistake again in the future, while the victim gets to restore his condition to the previous situation.

The concept of restorative justice has been implemented in Indonesian society which still closely adheres to cultural values. The resolution is carried out in a meeting attended by community leaders, the perpetrator, the victim, and the perpetrator's parents/family to discuss and reach agreements to find the best solution in order to correct the mistake. This is actually an embodiment of the fourth principle of Pancasila which is the basic philosophy of the Indonesian nation. Handling of criminal cases is not only oriented towards punishment or retaliation against the perpetrators of criminal acts, but what is no less important is placing responsibility on the perpetrators to restore the situation so that harmony can be achieved again. It contains four important aspects in the implementation of restorative justice, those are: a. a meeting must be held of the parties involved in the criminal act; b. emphasizes restoring the relationship between the perpetrator and the victim by prioritizing the responsibility of the perpetrator to the victim; c. there is an agreement on

the form of responsibility of the perpetrator to the victim and; d. There must be dialogue and mutual listening between the parties involved in a criminal act (Tridianto, 2015). In line with the theory of the purpose of punishment where one of them is the theory of balance states that not only emphasizes the interests of society or the interests of the perpetrator, but also must pay attention to the victim (Rivanie et al., 2022).

Theoretically, there are three models that place the relationship between restorative justice and the criminal justice system, they are: a. as part of the criminal justice system. Restorative justice as a punishment with coercive characteristics, making suffering by the emergence of feelings of guilt and regret in the perpetrator; b. outside the criminal justice system through other institutions that are outside the system. The restorative justice paradigm is in contrast to the criminal justice system which is prohibiting the harsh nature of criminal law so that it must be outside the criminal justice system; c. outside the criminal justice system while still involving law enforcement officials. This means that the resolution model with a restorative approach must remain side by side with the criminal justice system, because this resolution model can be used as the basis for a strategy for handling criminal acts with legal mechanisms. (Juhari, 2019).

Handling criminal acts in the fisheries sector that prioritizes restorative justice has been strengthened by the Ministry of Maritime Affairs and Fisheries. This certainly does not rule out the possibility that other agencies, such as the National Park Office, will also adopt the concept of restorative justice in illegal fishing cases that arise in conservation areas which fall under the legal domain of the Karimunjawa National Park Office. The application of the concept of restorative justice will reduce the accumulation of criminal cases in law enforcement agencies in Indonesia. The imbalance in the number of law enforcement officers in Indonesia to carry out law enforcement compared to the crime rate which continues to increase will certainly have an impact on the length of the process of resolving criminal acts because law enforcement cannot be carried out together at a fast pace if the number of criminal acts is large. This condition is supported by the fact that if all illegal fishing cases result in the perpetrators being punished through litigation, correctional institutions will increasingly have overcapacity. Based on data from the Ministry of Law and Human Rights, up to 2023, all correctional institutions throughout Indonesia are experiencing overcapacity. The Ministry of Law and Human Rights reported that the number of inmates in correctional institutions in Indonesia reached 228,204 people as of October 4 2023. This number has exceeded the total capacity of correctional institutions in Indonesia which is 128,656 people. Based on the data above, this means that the overcapacity of correctional institutions in Indonesia has reached 77%.

Overcapacity of correctional institutions will have a systemic impact related to the failure to achieve optimal correctional system objectives based on Article 2 of Law Number 22 of 2022 concerning Corrections, those are: a. provide guarantees for the protection of the rights of detainees and children; b. improve the quality of personality and independence of inmates so that they realize their mistakes, improve themselves and not repeat criminal acts, so that they can be accepted again by the community, can live normally as good, law-abiding, responsible citizens and can play an active role in development; and c. provide protection to the community from repetition of criminal acts. Apart from that, the overcapacity of correctional institutions and detention centers will also have an impact on the increasing costs the state has to pay to feed convicts and detainees.

Restorative Justice Model for Resolving Illegal Fishing in the Karimunjawa Conservation Area

The implementation of restorative justice in Indonesia today has developed with support from law enforcement institutions ranging from the Police, Prosecutor's Office, to the Courts. The National Police of the Republic of Indonesia regulates the handling of criminal acts based on restorative justice in Police Regulation Number 8 of 2021. The Prosecutor's Office issued the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning the termination of prosecutions based on restorative justice. The court issued guidelines for implementing restorative justice in the scope of general justice as stated in the Circular Letter of the Director General of the General Court Number 1691/DJU/SK/PS.00/12/2020. These various forms of regulations bring good sign regarding restorative justice in the criminal justice system in Indonesia which is expected to provide comprehensive justice for all parties. It's just that the forms of regulations as stated above must be in harmony so that there is no confusion in the implementation process. Therefore, legislators should immediately issue a law on restorative justice which can be used as a juridical basis for law enforcement in Indonesia.

Karimunjawa National Park is an open access area that has open shipping lanes both from inside and outside the Karimunjawa National Park area. Access that is open to the public and the richness of fishery resources is what makes many fishermen from various regions, especially North Coast fishermen, interested in fishing around the Karimunjawa Sea. This of course gives rise to the potential for crime in the fisheries sector or what is commonly referred to as illegal fishing. In general, illegal fishing in Indonesia can be grouped into four groups, those are; fishing without a permit, fishing using a fake permit, fishing using prohibited fishing gear and fishing with types or species that do not comply with the permit.

Cases of illegal fishing that have occurred in the Karimunjawa National Park conservation area based on statistical data from the Karimunjawa National Park Office for 2021 are as follows:

1. On February 23rd, 2010, The perpetrator, Jarum bin Kasmoyo, caught fish with a cantrang net in the traditional fisheries utilization zone in the Karimunjawa National Park area. He violated Article 33 paragraph 3 in conjunction with Article 40 paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems. The case was processed by PPNS BTNKJ and the perpetrator was sentenced to 4 months in prison and an IDR 2.5 million fine.
2. On February 24th, 2010, The perpetrator, Sunari bin Sarwi, caught fish with a cantrang net in the traditional fisheries utilization zone in the Karimunjawa National Park area. He violated Article 33 paragraph 3 in conjunction with Article 40 paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems. The case was processed by PPNS BTNKJ and the perpetrator was sentenced to 4 months in prison and an IDR 2.5 million fine.
3. On June 24th, 2016, Adi Susanto caught fish with a cantrang net in the traditional fisheries utilization zone in the Karimunjawa National Park area. The perpetrator violated Article 33 paragraph 3 in conjunction with Article 40 paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems. The case was processed by PPNS BTNKJ and the perpetrator was sentenced to six months of probation.
4. On October 24th, 2017, the perpetrator caught fish with a purse seine net in the marine protection zone north of Sintok Island in the marine protection zone of Karimunjawa National Park. He violated Article 33 paragraph 3 in conjunction with Article 40 paragraph 2 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems. The case was processed by PPNS BTNKJ and the perpetrator was sentenced to 2 months and 15 days in prison and an IDR 1.2 million fine.

The process of resolving illegal fishing cases in the Karimunjawa conservation area in the case above is carried out through the penalty method. Apart from this data, no other illegal fishing cases have been resolved through the penalty method. According to Wahyono, Head of the BTNKJ Forest Police Unit, he revealed that there are still several local fishermen who carry out fish theft secretly using potassium and compressors gun. Fishermen who use compressor guns carry out their activities at night. Apart from local fishermen, there are several fishermen

from Rembang, Pati and Blora who catch fish using cantrang nets at night near the boundaries of the TNKJ zone. In the future, it is possible that illegal fishing will occur again in the Karimunjawa conservation area. Therefore, it is necessary to prepare a model for resolving illegal fishing using penal or non-penal methods based on the concept of restorative justice. According to Isai Yusidarta, Head of the National Park Management Section (SPTN) Region II, for illegal fishing perpetrators who are forced to do this in the Karimunjawa conservation area with the background of fishermen who are "poor" and catch fish just to meet their daily needs, there needs to be a policy in resolution of the case. The choice of penal measures by imposing criminal penalties on fishermen in the above categories is not the right choice. It is necessary to differentiate the resolution of illegal fishing based on the value of the loss and whether the perpetrator is an individual or a corporation. The settlement model using the methods above is supported by fishermen in Karimunjawa. Even for illegal fishing which causes huge losses, both in terms of the number of fish and in terms of environmental damage, simply imposing criminal sanctions is not enough. As another form of responsibility, individuals or corporations must be burdened with the obligation to restore the damage that has been caused. Restorative justice does not always end in stopping the case. Its implementation can be done outside and inside the judiciary. The criminal paradigm has changed, requiring the involvement of victims in resolving problems that occur due to criminal acts by involving third parties who are fair, neutral and impartial.

A form of illegal fishing that also occurs in the Karimunjawa conservation area is the use of fishing gear that damages coral reefs. Against this form of illegal fishing, restorative justice efforts can be carried out through planting mangrove trees which must be carried out by the perpetrator. A form of resolution with a restorative concept is carried out by negotiating compensation for coral repairs. This was conveyed by Wahyono as Head of the Forest Police Unit. Apart from that, Darsono as an employee of the TNKJ Center believes that the model for resolving illegal fishing using restorative justice can be carried out using an anthropocentrism approach. The theory of anthropocentrism is an environmental ethical theory that views humans as the center of the universe system. Humans and their interests are considered to be the most decisive in the ecosystem structure and the policies taken in relation to nature, either directly or indirectly (Dinas Lingkungan Hidup, 2023). Thus based on this theory, the restorative justice model that can be used to recover losses is returning fish seeds to the sea. Apart from that, it can be done by restoring coral reefs as a home for fish to breed. This model was obtained by looking at an ecological approach. The ecological approach in

marine biology is a principle that regulates the formation and sustainability of marine ecosystems.

The alternative of using restorative justice in illegal fishing cases that occur in the Karimunjawa conservation area is the right step, considering the weaknesses in the process of resolving illegal fishing through penalties. However, to implement a restorative justice settlement model in illegal fishing cases there must be strict limitations or criteria. So far, the model for resolving illegal fishing through restorative justice can be implemented with the criteria that the perpetrator is a local resident of Karimunjawa who is an Indonesian citizen and the losses incurred are not too large, both in terms of the number of fish and in terms of environmental damage. This was conveyed by Wahyono and Isai Yusidharta. Another criterion that needs to be observed together as a condition for carrying out restorative justice is that this is the first time the act has been committed. Because if the perpetrator has repeatedly committed criminal acts or is also known as a recidivist, then there are regulations that this can be used as a reason to aggravate the criminal sanctions that he will receive. This is an embodiment of justice in order to safeguard the interests of society in general.

CONCLUSION

Based on the discussion above, it can be concluded that the urgency of using restorative justice in resolving illegal fishing is to minimize the weaknesses of penal efforts which often lead to injustice because they only emphasize the element of retaliation for mistakes that have been made by providing suffering so that the perpetrator is deterred. The concept of restorative justice places greater emphasis on realizing that the perpetrator's mistake will not be repeated and restoring damage as a form of accountability for the losses incurred through agreements made by the parties through deliberation. Apart from that, the concept of restorative justice will be able to reduce the backlog of cases in law enforcement agencies so that it will also reduce the overcapacity of correctional institutions and detention centers which is a problem in Indonesia. The model for resolving illegal fishing using restorative justice in the Karimunjawa conservation area can be implemented with the criteria that the perpetrator is a local resident of Karimunjawa who is an Indonesian citizen and the losses incurred are not too severe, both in terms of the number of fish and in terms of environmental damage and this is the first time this criminal act has been committed.

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