

AN ANALYSIS OF RESTORATIVE JUSTICE PRINCIPLES APPLIED BY CIVIL SERVANT INVESTIGATORS (PPNS) IN HANDLING ANIMAL, FISH, AND PLANT QUARANTINE CRIMES UNDER LAW NUMBER 20 OF 2025 ON THE CRIMINAL PROCEDURE CODE

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Abstract

This study analyzes the application of restorative justice principles by Civil Servant Investigators (PPNS) in handling animal, fish, and plant quarantine criminal offenses under Law Number 20 of 2025 concerning the Criminal Procedure Code, as well as the inhibiting factors to its implementation. The main issue is the inconsistency between the spirit of restorative justice and the characteristics of quarantine criminal offenses that position the state as the victim. The research employs normative juridical and empirical approaches using in-depth interviews with three informants at the Lampung Animal, Fish, and Plant Quarantine Center and literature study. The analysis applies S. Prajudi Atmosudirjo's Theory of Administrative Law, Aristotle's Theory of Justice, Satjipto Rahardjo's Progressive Law Theory, and Lawrence M. Friedman's Legal System Theory. The findings reveal that although Law Number 20 of 2025 has normatively opened space for the application of restorative justice, in practice it cannot be formally implemented due to three systemic obstacles: legal vacuum (*rechtsvacuum*) at three levels of regulation, structural weakness of PPNS institutions, and the dominance of repressive paradigms in the legal culture of authorities. The study concludes that the application of restorative justice possesses philosophical, juridical, and sociological legitimacy for development, but requires policy reformulation through the drafting of technical regulations, institutional strengthening, classification of violation risks, and development of a legal culture oriented toward substantive justice.

Keywords: Restorative Justice; Quarantine PPNS; Quarantine Criminal Offenses; Law Number 20 of 2025

INTRODUCTION

Indonesia is a country rich in biological natural resources as a gift from God Almighty to be utilized sustainably. These biological resources are spread throughout the territory of Indonesia, both on land and at sea, so Indonesia is often described as one of the countries with the largest biological diversity after Brazil. One form of biological resource management is carried out through agricultural and fisheries systems. Although Indonesia has experienced structural transformation, the agricultural and fisheries sectors remain strategic sectors and have proven resilient during economic crises.

The effort to achieve these objectives faces various obstacles and threats. One major potential threat is the presence of animal and fish diseases as well as plant pest organisms, both those that have not yet entered Indonesia and those already present within its territory. Through Law Number 21 of 2019 concerning Animal, Fish, and Plant Quarantine, the government has sought to prevent threats that may damage the sustainability of biological natural resources from the entry, exit, and spread of animal diseases, fish diseases, and plant pest organisms.

The increasing number of reports on smuggling without quarantine certificate documents in print, electronic, and online media has become an important momentum for re-examining the quarantine law enforcement model, which has tended to be repressive. Changes in the quarantine paradigm, international trade paradigm, external conditions, and internal conditions provide strong reasons to improve legal rules through a renewal of criminal procedure law that is more responsive to the values of justice.

In relation to animal, fish, and plant quarantine criminal offenses, the main principles of restorative justice as referred to in Article 79 of Law Number 20 of 2025 concerning the Criminal Procedure Code include restoration to the original condition, dialogue and participation of the parties, and forgiveness and/or compensation.

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Yasin Arifin et al

Furthermore, the requirements for its application as stated in Article 204 of the Criminal Procedure Code include that the suspect is a first-time offender, the criminal threat is not more than five years of imprisonment, there is a peace agreement between the suspect and the injured party, and there is an admission of guilt and an apology from the suspect. Based on the above description, this study aims to: (1) analyze the principles of restorative justice by PPNS in handling quarantine criminal offenses based on Law Number 20 of 2025; and (2) identify the inhibiting factors in the application of these restorative justice principles.

LITERATURE REVIEW

Restorative justice in this study is understood as a criminal case settlement approach that emphasizes restoration to the original condition, dialogue and participation of the parties, and forgiveness and/or compensation. In the context of quarantine criminal offenses, this concept must be examined carefully because the characteristics of the offense differ from crimes that involve a direct individual victim.

The authority of Quarantine PPNS is analyzed through S. Prajudi Atmosudirjo's Theory of Administrative Law, particularly the concept of discretion or *freies ermessen*. Discretion is important because PPNS deal with cases in which the level of risk, motive, and impact are not always the same.

This study also applies Aristotle's Theory of Justice to assess the proportionality of legal treatment, Satjipto Rahardjo's Progressive Law Theory to emphasize a substantive and humanistic legal orientation, and Lawrence M. Friedman's Legal System Theory to examine obstacles from the aspects of legal structure, legal substance, and legal culture.

METHOD

This study uses normative juridical and empirical approaches. The normative juridical approach is conducted by examining legal principles, norms, and rules related to the research problems, particularly Law Number 21 of 2019 concerning Animal, Fish, and Plant Quarantine and Law Number 20 of 2025 concerning the Criminal Procedure Code. The empirical approach is carried out by collecting primary data directly from the research object at the Lampung Animal, Fish, and Plant Quarantine Center (BKHIT).

The data used consist of secondary data and primary data. Secondary data include primary legal materials, namely laws and regulations; secondary legal materials, namely literature books and scientific works; and tertiary legal materials, namely dictionaries. Primary data were obtained through in-depth interviews with three informants selected by purposive sampling: the Head of BKHIT Lampung, the Head of the Law Enforcement Working Team of BKHIT Lampung, and the Acting Officer of the Raden Inten II Airport Service Unit who also serves as a PPNS of BKHIT Lampung.

Data collection procedures were conducted through library research and field research using observation and interview techniques. The collected data were then analyzed juridically and qualitatively by describing the data in systematic explanatory sentences, followed by drawing conclusions inductively.

The analysis in this study uses four main theories as analytical tools: (1) S. Prajudi Atmosudirjo's Theory of Administrative Law to analyze the discretionary authority of PPNS; (2) Aristotle's Theory of Justice to analyze the proportionality of restorative justice application; (3) Satjipto Rahardjo's Progressive Law Theory to analyze substantive and humanistic law enforcement orientation; and (4) Lawrence M. Friedman's Legal System Theory to analyze systemic inhibiting factors consisting of legal structure, legal substance, and legal culture.

RESULTS AND DISCUSSION

The Application of Restorative Justice Principles by PPNS in Handling Animal, Fish, and Plant Quarantine Criminal Offenses

Law Number 20 of 2025 concerning the Criminal Procedure Code carries a new paradigm in the Indonesian criminal justice system by strengthening the principle of restorative justice. Article 79 of the 2025 Criminal Procedure Code formulates three fundamental elements of restorative justice, namely restoration to the original condition, dialogue and participation of the parties, and forgiveness and/or compensation. Article 204 further establishes the requirements for its application: the suspect is a first-time offender, the criminal threat is not more than five years of imprisonment, there is a peace agreement, and there is an admission of guilt and an apology from the suspect.

Normatively, these provisions open opportunities for the application of restorative justice to various criminal offenses. However, based on an interview with Heri Widodo, S.P., M.Si., as Head of the Law Enforcement Working Team of BKHIT Lampung, the application of restorative justice to quarantine criminal offenses faces

fundamental complexity because the victim in quarantine violations is the state, not an individual. In the conventional construction of restorative justice, mediation requires the presence of a concrete victim who can personally grant forgiveness. When the state is positioned as the victim, the absence of a representative who can personally forgive causes the restorative justice mechanism to lose its core process.

One important finding of this study is the centrality of the case conference mechanism as a forum in which PPNS have discretionary space to assess whether a case should proceed to criminal investigation. In a case conference, PPNS can assess whether a case constitutes a criminal offense or not, whether it should be continued, or whether it is merely an administrative mistake committed by a first-time offender without economic motivation or criminal intent. This discretionary authority of PPNS is a manifestation of the concept of *freies ermesen* in Administrative Law.

Based on the research findings, quarantine cases can be typologized according to their suitability with the restorative justice approach:

Categories of Cases Unsuitable for Restorative Justice: smuggling of protected wildlife; shipment of commodities from disease outbreak areas; repeat offenders with a high frequency of violations; and cases with criminal threats exceeding five years, especially when linked to the Law on Conservation of Biological Natural Resources.

Categories of Cases Potentially Suitable for Restorative Justice: purely administrative violations, such as incorrect documents, failure to report, or late reporting; low-risk or zero-risk commodities; first-time offenders; and cases without economic motivation or malicious intent.

Analysis Based on Aristotle's Theory of Justice

From Aristotle's perspective, the mechanism for distinguishing cases reflects the principle of distributive justice. Not all quarantine violations have the same level of danger; therefore, not all violations should receive identical legal treatment. Administrative violations committed because of ignorance, procedural mistakes, or administrative negligence with low biological risk are certainly different from intentional smuggling.

Aristotle's corrective justice also provides clear limits to the application of restorative justice. In cases involving the smuggling of protected wildlife, the entry of carrier media from disease outbreak areas, or actions that may cause economic losses and threaten national biosecurity, the disturbed balance cannot be restored merely through reconciliation or administrative sanctions. Public interest and community protection must be prioritized so that criminal law enforcement remains necessary.

Analysis Based on S. Prajudi Atmosudirjo's Theory of Administrative Law

S. Prajudi Atmosudirjo defines Administrative Law as the law that regulates the authority, duties, functions, and conduct of state administrative officials, with the aim of ensuring a state administration that is bona fide, orderly, polite, fair and objective, honest, efficient, and fair. Within this theoretical framework, the authority of Quarantine PPNS as state administrative officials who are also granted investigative functions constitutes a specific attributive authority.

Atmosudirjo emphasizes that discretion (*freies ermesen*) is needed as a complement to the legality principle. Discretion is the freedom of a state administrative official to make decisions based on his or her own judgment and wisdom, provided that it does not violate the principles of juridicity and legality. However, this study finds that PPNS discretion currently faces obstacles due to the absence of derivative rules regulating follow-up mechanisms. At present, the result of discretion can only stop a case without clarity regarding the amount of fines or other forms of administrative accountability.

Analysis Based on Satjipto Rahardjo's Progressive Law Theory

Progressive Law Theory, introduced by Satjipto Rahardjo, emerged as a critique of legal positivism, which tends to place legal norms at the center of analysis without considering social reality. Progressive law rejects the assumption that legal institutions are absolute and final; rather, law is always in the process of becoming, or law as a process and law in the making.

In the context of quarantine law enforcement, this progressive spirit should encourage authorities not merely to read statutory texts literally, but also to consider social context, real risks, and the impact of legal decisions on people's lives. Heri Widodo emphasized that the essence of the Quarantine Law is to prevent the spread of pests and diseases, not to punish administrative mistakes. If the goods are healthy, imprisoning a person would contradict the spirit of the law.

This study finds that Quarantine PPNS officers basically hold views that are in line with the spirit of progressive law. This can be seen in the use of the case conference forum as a means to consider various aspects before determining the continuation of legal proceedings, including the offender's motive, the economic value of the goods, the frequency of violations, and the level of biological risk.

Inhibiting Factors in the Application of Restorative Justice

Based on the analysis using Lawrence M. Friedman's Legal System Theory, which states that the effectiveness of law enforcement depends on three elements, namely legal structure, legal substance, and legal culture, this study identifies the following inhibiting factors:

1. Legal Structure Obstacles

This study finds significant structural weaknesses in quarantine law enforcement. In the Quarantine Agency, there is no deputy for law enforcement at the echelon I or II level. PPNS only have a law enforcement working team leader in each directorate, resulting in an unclear and weak position in budgeting and vertical coordination. The biggest obstacles are the absence of derivative regulations and weak institutional structure. This condition has implications for the absence of adequate budgets for law enforcement operations, the absence of special units handling non-penal settlements, and the absence of structured supervision mechanisms over the use of discretion.

2. Legal Substance Obstacles

In terms of substance, this study finds a legal vacuum (*rechtsvacuum*) at three levels: (a) there is no legal umbrella that authorizes restorative settlement when the victim is the state; (b) there is no follow-up mechanism for discretion in the form of substitute administrative sanctions; and (c) there is no commodity risk classification as a basis for differentiating sanctions. Heri Widodo stated that the biggest obstacle is the absence of a legal umbrella regulating non-penal settlement mechanisms for quarantine criminal offenses. Without such a legal umbrella, PPNS discretion cannot be followed up with administrative sanctions, and officers risk being considered to have exceeded their authority.

3. Legal Culture Obstacles

This study finds that the legal culture of law enforcement officers, including Quarantine PPNS, is still dominated by a repressive paradigm. drh. Akhir Santosos stated that restorative justice does not reflect justice in the context of quarantine criminal offenses because justice must side with the broader public interest, namely preventing disease and protecting endangered wildlife. The Head of BKHIT Lampung acknowledged that law enforcement officers have historically been more accustomed to formal and procedural approaches that emphasize enforcement and punishment, influenced by bureaucratic culture, demands for legal certainty, and supervisory orientation that stresses administrative order and deterrence.

Nevertheless, this study also finds that sociologically there is considerable room for developing a restorative justice mechanism because society tends to view imprisonment for administrative violations that do not cause real harm as a measure that does not reflect a sense of justice.

Integration of Findings and Policy Implications

Based on the integration of the four theories, the main problem in applying restorative justice to quarantine criminal offenses does not lie in the incompatibility of the concept of restorative justice with the characteristics of quarantine offenses, but rather in the absence of a legal system capable of accommodating its implementation. Atmosudirjo's theory shows the need for a clear basis of authority. Aristotle's theory demonstrates the need for proportional justice based on the level of risk and impact of the violation. Satjipto Rahardjo's theory emphasizes the need for a more substantive and humanistic orientation in law enforcement. Meanwhile, Friedman's theory explains that the successful application of restorative justice requires harmonization among legal structure, legal substance, and legal culture.

CONCLUSION

The application of restorative justice principles by Quarantine PPNS in handling animal, fish, and plant quarantine criminal offenses has not yet been formally implemented, although it has obtained a normative basis in Law Number 20 of 2025 concerning the Criminal Procedure Code. In practice, restorative justice values are reflected through the case conference mechanism, which considers the offender's level of fault, the impact of the violation, and the risk to national biosecurity. Based on Aristotle's Theory of Justice, S. Prajudi Atmosudirjo's

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Yasin Arifin et al

Theory of Administrative Law, and Satjipto Rahardjo's Progressive Law Theory, a restorative approach to low-risk violations can realize justice that is more proportional, beneficial, and oriented toward restoration.

The inhibiting factors in the application of restorative justice consist of obstacles in legal structure, legal substance, and legal culture. The absence of technical regulations, institutional mechanisms, and implementation guidelines for restorative justice in quarantine criminal offenses means that PPNS do not yet have an adequate legal basis to apply it. Based on Lawrence M. Friedman's Legal System Theory, the disharmony among legal structure, legal substance, and legal culture is the main cause of the suboptimal application of restorative justice in handling quarantine criminal offenses.

RECOMMENDATIONS

The Government and the Indonesian Quarantine Agency need to formulate specific regulations governing the restorative justice mechanism in quarantine criminal offenses, including case criteria, settlement procedures, commodity risk classification, and forms of offender accountability through administrative sanctions as substitutes for criminal punishment.

The Indonesian Quarantine Agency needs to strengthen the institutional capacity of PPNS by establishing a more structured law enforcement unit, providing adequate budget support, preparing standard operating procedures, and conducting training related to the application of restorative justice.

It is necessary to develop a more proportional law enforcement policy by considering the level of violation risk, protection of national biosecurity, and the achievement of substantive justice for all stakeholders, accompanied by socialization to law enforcement officers and the public regarding the restorative justice paradigm.

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