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Sustainable Lies: Constructs of Greenwashing, Consumer Protection, and Interfaith Environmental Ethics in Southeast Asia

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Abstract

Greenwashing constitutes a spectrum of crime that exploits not only consumer trust but also the fundamental principles of environmental sustainability designed to ensure the preservation of the environment. This study analyzes the normative constructs of greenwashing and its implications, evaluating how existing legal frameworks in Indonesia, Malaysia, and the Philippines address this pervasive issue. Employing a normative legal research methodology supplemented by a comparative approach, this study deconstructs greenwashing into a spectrum of legally culpable conduct. This ranges from misleading commercial representation and administrative manipulation to criminal deception involving fraud, false reporting, the concealment of violations, and broader environmental-crime nexuses. An analysis of the relevant frameworks across the three jurisdictions reveals significant normative gaps indicative of deeper structural problems. These deficiencies include a failure to legally connect greenwashing with environmental crimes, inadequate compliance mechanisms, weak penal sanctions, and an overall failure to comprehensively cover the greenwashing spectrum. To address these gaps, this study proposes a set of actionable recommendations designed for adoption by lawmakers in Indonesia, Malaysia, and the Philippines.

KEYWORDS *Consumer Protection, Environmental Protection, Greenwashing; Sustainability*

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Introduction

Compliance with environmental laws has emerged as an essential pillar of modern corporate governance.[1] Legal systems worldwide increasingly recognize the urgency of ensuring environmental sustainability and combating rampant environmental crimes that threaten humanity and future generations.[2] Within the context of the Sustainable Development Goals (SDGs) and the escalating climate crisis, corporate environmental crimes represent a significant threat to global futurity.[3] Environmental degradation not only destroys ecosystems but actively accelerates climate change, severely impacting human livelihoods.[4] In response to these sustainability challenges, efforts to improve corporate environmental governance have materialized through the enactment of domestic laws and international cooperation, culminating in various international instruments specifically designed to address environmental issues.[5] Consequently, environmental awareness has risen significantly among the general public, including consumers,[6] who increasingly demand products and services that are labeled "green" or claim to utilize environmentally conscious practices.[7]

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1 Ruth V. Aguilera et al., "The Corporate Governance of Environmental Sustainability: A Review and Proposal for More Integrated Research," *Journal of Management* 47, no. 6 (July 2021): 1468–97, https://doi.org/10.1177/0149206321991212.

2 Gitanjali N. Gill and Gopichandran Ramachandran, "Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots through Climate Change Litigation," *Environmental Law Review* 23, no. 3 (September 2021): 228–47, https://doi.org/10.1177/14614529211031203.

3 Apoorva Thakur, "Environmental Crimes: A Threat to Sustainable Development Goals," *DME Journal of Law* 5, no. 2 (December 2024): 56–66, https://doi.org/10.53361/dmejl.v5i02.06.

4 Luke A Parsons et al., "Tropical Deforestation Accelerates Local Warming and Loss of Safe Outdoor Working Hours," *One Earth* 4, no. 12 (2021): 1730–40, https://doi.org/10.1016/j.oneear.2021.11.016.

5 Maya Khater, Yassine Chami, and Mohamad Albakjaji, "Legal Environmental Protection and Sustainable Development in the United Arab Emirates," *Journal of Human Rights, Culture and Legal System* 5, no. 2 (July 2025): 378–411, https://doi.org/10.53955/jhcls.v5i2.469.

6 Diana D Boermans et al., "Environmental Awareness and Sustainable Behavior of Respondents in Germany, the Netherlands and Poland: A Qualitative Focus Group Study," *Journal of Environmental Management* 370 (2024): 1–11, https://doi.org/10.1016/j.jenvman.2024.122515.

7 Ángel Peiró Signes et al., "Determinants of Consumers' Response to Eco-Labelled Seafoods: The Interaction between Altruism, Awareness and Information Demand," *Journal of Cleaner Production* 433 (2023): 1–12, https://doi.org/10.1016/j.jclepro.2023.139758.

Unfortunately, sustainability is frequently exploited as a mechanism to deceive consumers and evade legal oversight by corporations that do not genuinely adhere to environmental sustainability standards.[8] Companies employing this unethical approach profit immensely from the artificial value added to their products or services, particularly appealing to environmentally conscious consumers.[9] This pervasive deception raises critical questions regarding these corporations' compliance with binding environmental regulations. Therefore, assessing how legal frameworks address this specific issue is imperative—not only because it jeopardizes sustainable development, but also because it represents a blatant exploitation of the legal system. Robust regulations are essential to ensure that efforts to preserve the environment for future generations are met with adequate compliance from key stakeholders, especially within commercial spheres characterized by competing interests.[10]

Despite these efforts, challenges exacerbated by climate change and the broader global environmental crisis continue to escalate. Southeast Asia, guided by its key collaborative body, ASEAN, is heavily impacted by this crisis. Data indicates that since 1960, the average temperature in the ASEAN region has increased by 0.14°C to 0.20°C due to global warming, resulting in substantially warmer days and nights.[11] Furthermore, environmental degradation continually undermines Southeast Asia's sustainability goals. According to the GI-TOC's 2023 Global Organized Crime Index, 72% of countries in Southeast Asia experience significant or severe impacts from crimes involving flora, fauna, and non-renewable resources. [12] Between 2000 and 2017, Indonesia and Malaysia

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[8] Menno D T de Jong, Gabriel Huluba, and Ardion D Beldad, "Different Shades of Greenwashing: Consumers' Reactions to Environmental Lies, Half-Lies, and Organizations Taking Credit for Following Legal Obligations," *Journal of Business and Technical Communication* 34, no. 1 (September 2019): 38–76, https://doi.org/10.1177/1050651919874105.

[9] This is mostly because of how environmental concern is often regarded as the most important aspect of sustainability, particularly in the realm of marketing and promotion, tied to key consumer attributes. *See* Li Huang et al., "Evaluating the Efficiency of Green Innovation and Marketing Strategies for Long-Term Sustainability in the Context of Environmental Labeling," *Journal of Cleaner Production* 450 (2024): 1–14, https://doi.org/https://doi.org/10.1016/j.jclepro.2024.141870.

[10] Ahmet Faruk Aysan et al., "Natural Resources Governance and Conflicts: Retrospective Analysis," *Resources Policy* 85 (2023): 1–11, https://doi.org/https://doi.org/10.1016/j.resourpol.2023.103942.

[11] Soo Chen Kwan and David McCoy, "Climate Change in South-East Asia: Where Are We and What Are We Bound For? | United Nations University," United Nations University, June 2022.

[12] Global Initiative Against Transnational Organized Crime, "Exposing Elite Protection and Corruption in Environmental Crime across South East Asia and Oceania" (Geneva, August 2024).

collectively caused the loss of 6.04 million hectares of old-growth forest in Borneo (with Indonesia losing 3.74 million hectares and Malaysia 2.29 million hectares), driven primarily by the 6.20 million-hectare expansion of palm oil industrial plantations.[13] In the Philippines, the aquaculture industry is responsible for profound environmental degradation, having caused the conversion of approximately 237,000 hectares of mangrove forests, representing roughly 50% of the nation's original mangrove extent.[14]

As sustainability standards gain traction and increasingly influence environmental legislation and corporate compliance, a dangerous trend has emerged: corporations bypass these standards by actively damaging the environment while falsely labeling themselves as sustainability-compliant or champions of the environmental agenda. This ironically creates a "sustainable lie," manipulating consumers into funding products and services under the false pretense of contributing to a sustainable future. In legal and academic discourse, this unethical phenomenon is termed "greenwashing"—the practice of creating a misleadingly sustainable image or making unsubstantiated environmental claims while continuing to engage in unsustainable or environmentally hazardous operations. In Southeast Asia, where diverse faith systems significantly shape socio-cultural nuances and ethical frameworks, the proliferation of greenwashing can be critically assessed through the religious lenses that influence these societies. Despite the profound ethical perspectives offered by major religions such as Islam and Christianity, greenwashing persists, stifling efforts to realize the SDGs.

Various academic literatures have examined this corporate crime as the sustainability agenda continues to dictate global development. A study by Montgomery, Lyon, and Barg (2024) discovered that despite continuous discourse surrounding greenwashing, the frequency of such cases has not diminished. The practice remains rampant across many jurisdictions, highlighting the arduous challenges legal systems face in tackling this corporate deception.[15] Similarly, a comprehensive literature review by Moodaley and Telukdarie (2023) suggested that sustainability reporting is frequently manipulated to facilitate greenwashing, or at least used primarily to artificially

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[13] Barbara Fraser, "Is Deforestation in Borneo Slowing Down?," CIFOR-ICRAF Forests News, January 2019.

[14] Albaris B. Tahiluddin et al., "Environmental Impacts of Aquaculture in the Philippines," *Israeli Journal of Aquaculture - Bamidgeh* 77, no. 2 (May 2025): 51–81, https://doi.org/10.46989/001c.133778.

[15] A. Wren Montgomery, Thomas P. Lyon, and Julian Barg, "No End in Sight? A Greenwash Review and Research Agenda," *Organization & Environment* 37, no. 2 (June 2024): 221–56, https://doi.org/10.1177/10860266231168905.

inflate Corporate Social Responsibility (CSR) metrics.[16] These findings corroborate the structural issues identified by Liang and Gao (2025), who noted that greenwashing inevitably leads to the erosion of organizational legitimacy and a fundamental lack of corporate integrity.[17]

Furthermore, Other studies have focused on the overarching conceptualization of sustainability. For instance, Ziaul and Shuwei (2023) underscored the urgency of environmental sustainability, implicitly framing it as the foundational element of the broader sustainability agenda.[18] The study further strengthens the urgency and the importance of environmental sustainability, implicitly framing it as a dominant element of the sustainability agenda. This is based on the fact that other aspects of sustainability might not be feasible when an adequate standard of the environment is not met, particularly when future trajectory regarding environmental degradation is taken into account. Unfortunately, despite the emphasis on environmental sustainability, disconnects are often found between the concept and the reporting, particularly in the corporate world, as noted by a study conducted by Bradford et al. (2017).[19] The study notes several ways companies manipulate their sustainability reporting to intentionally hide compliance issues and avoid legal responsibility, such as incorrectly classifying certain activities into general compliance risk categories instead of sustainability-related one.

From an interfaith standpoint, Pratama (2024) discusses how greenwashing has emerged as a significant risk within Islamic finance specifically.[20] While proposing the utilization of *halal* certification as a concrete measure to tackle this problem, the study's findings inherently demonstrate that implementing this solution may prove difficult, due to the lack of consistent standards and the unclear capacity of *halal* certification to integrate environmental standards.

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16 Wayne Moodaley and Arnesh Telukdarie, "Greenwashing, Sustainability Reporting, and Artificial Intelligence: A Systematic Literature Review," *Sustainability*, 2023, https://doi.org/10.3390/su15021481.

17 Yaru Liang and Xiang Gao, "Greenwashing and Financial Performance in Public Health Firms: The Mechanism of Organizational Legitimacy Erosion," *Frontiers in Public Health* 13 (March 2025): 1–11, https://doi.org/10.3389/fpubh.2025.1565703.

18 Islam Md. Ziaul and Wang Shuwei, "Environmental Sustainability: A Major Component of Sustainable Development," *International Journal of Environmental, Sustainability, and Social Science* 4, no. 2 (March 2023): 620–27, https://doi.org/10.38142/ijesss.v4i2.296.

19 Marianne Bradford et al., "Corporate Sustainability Reporting and Stakeholder Concerns: Is There a Disconnect?," *Accounting Horizons* 31, no. 1 (March 2017): 83–102, https://doi.org/10.2308/acch-51639.

20 Muhammad Afif Ryan Pratama, "How Halal Certification and Islamic Ethics Tackle Greenwashing: New Solutions for a Sustainable Economy," *Jurnal of Middle East and Islamic Studies* 11, no. 3 (December 2024): 1–19, https://doi.org/10.7454/meis.v11i3.190.

Furthermore, a bibliometric analysis conducted by Ezeh and Dube (2025) highlights how research surrounding sustainable development, particularly within the tourism sector, has been extensively developed through various religious frameworks.[21] The study also notes that despite this extensive scholarly development, the existing body of literature cannot yet be classified as interfaith *per se*, due to the isolated application of religious frameworks, wherein the religious dimensions utilized in most research predominantly stem from a single religion.

Drawing from this literature review, it is evident that despite continuous discourse surrounding greenwashing, this form of corporate deception is frequently analyzed in an isolated manner, without adequately synthesizing its consumer-protection, administrative-compliance, fraud-based, and environmental-crime dimensions. Furthermore, a prevailing gap in interfaith analysis persists when religious ethical frameworks are utilized, as studies are typically conducted through the lens of a single religion. These are the specific gaps this study aims to address, tying its primary novelty to a normative-comparative exploration of the Indonesian, Malaysian, and Philippine legal systems, while anchoring the analysis within the interfaith ethical frameworks provided by Islam and Christianity, the two major religions in the Southeast Asian region. The main limitation of this study stems from its focus on assessing key legal frameworks based on the explicitly stated goals of environmental sustainability, rather than relying on quantitative empirical evidence regarding public perception. Nevertheless, this study offers critical insights into prevalent greenwashing practices and their structural ties to environmental crimes, providing practical implications for the respective legal systems seeking to fortify their regulatory frameworks, enhance compliance, and advance the broader agenda of environmental sustainability.

Method

This study employs the doctrinal legal research method, often referred to as normative legal research. This methodology focuses on analyzing legal norms within the relevant frameworks applicable to the subject matter of this study.[22] The analysis within this methodological framework typically involves utilizing

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21 Precious Chikezie Ezeh and Kaitano Dube, "Bibliometric Analysis of Trends and Development in Religion and Green Tourism Behavior," *Cogent Social Sciences* 11, no. 1 (December 2025): 1–16, https://doi.org/10.1080/23311886.2024.2445771.

22 Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289–304, https://doi.org/10.37253/jjr.v24i2.7280.

secondary data derived from primary legal sources, which then serves as a lens through which a particular legal topic is evaluated.[23] Additionally, this study utilizes statutory and comparative approaches, ensuring a comprehensive analysis of the normative implications within the relevant legal frameworks and their efficacy when evaluated against other jurisdictions.[24]

The comparative analysis in this study is conducted as a black-letter doctrinal assessment of positive legal norms governing greenwashing-related conduct in Indonesia, Malaysia, and the Philippines. This specific configuration of countries is selected because they represent Southeast Asian jurisdictions actively navigating the complexities of environmental protection, consumer safeguards, and corporate sustainability claims, while simultaneously balancing religiously informed moral and ethical frameworks that influence concerns within these domains. The *tertium comparationis* of this study is constructed using four comparative-analytical parameters relevant to the research topic: the scope of legal prohibitions against false or misleading environmental claims; the coverage of implicit, symbolic, or selective sustainability representations; the proportionality of sanctions for deceptive environmental conduct; and the normative connection between deceptive environmental claims and underlying environmental harm or criminal offenses. These parameters serve as analytical anchors that bind each jurisdiction, ensuring that the comparative analysis does not merely describe legal norms, but evaluates their adequacy in ensuring enforceability and conceptual alignment with the objective of tackling greenwashing.

Indonesian primary legal sources include Law No. 32 of 2009 on Environmental Protection and Management and Law No. 8 of 1999 on Consumer Protection. The Malaysian legal frameworks analyzed comprise the Environmental Quality Act 1974, the Trade Descriptions Act 2011, the Consumer Protection Act 1999, and the Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015. Philippine

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[23] David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum" [*Legal Research Methods: Exploring and Reviewing Methodology in Conducting Legal Research*], *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* [*NUSANTARA: Journal of Social Sciences*] 8, no. 5 (2021): 2463–78, https://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/5601.

[24] Dede Indraswara, "Rekonstruksi
dologis Hukum: Diversifikasi dan Integrasi Penelitian Hukum Normatif (Doktrinal), Empiris (Non-Doktrinal), dan Studi Sosio-Legal (Legal Methodological Reconstruction: Diversification and Integration of Normative (Doctrinal), Empirical (Non-Doctrinal), and Socio-Legal Research)," *IPMHI Law Journal* 5, no. 2 (2025): 205–246, https://doi.org/10.15294/ipmhi.v5i2.41599

legislation examined consists of Presidential Decree No. 1586 of 1978, Presidential Decree No. 1152 of 1977, Securities and Exchange Commission (SEC) Memorandum Circular No. 4, Series of 2019, and Republic Act No. 7394, known as the Consumer Act of the Philippines 1992.

Result & Discussion

A. The Criminality of Greenwashing and Its Ties to Environmental Crimes

It is imperative to establish a foundational understanding of the legal elements that constitute greenwashing as a spectrum of culpable conduct,[25] along with the circumstances in which it may become criminally relevant in consumer-protection, administrative-compliance, fraud-based, and environmental-crime contexts. Exploring the normative constructs surrounding this provides insight not only into why systematic greenwashing may be criminally relevant, but also into how different forms of greenwashing create distinct legal implications across consumer protection, administrative compliance, corporate fraud, and environmental governance.[26] This level of comprehensiveness is particularly critical in the case of environmental crime, as it represents an existential threat to humanity,[27] due to the scale of damage and the potential for ripple effects that impact future generations.[28] This is

[25] Zico Junius Fernando et al., "Greenwashing as a Crime and the Urgency of Redesigning Environmental Criminal Law Paradigm," *Jurnal Kajian Pembaruan Hukum* 5, no. 1 (June 2025): 55–90, https://doi.org/10.19184/jkph.v5i1.53692.

[26] James Gacek, "Corporate Greenwashing and Canada Goose: Exploring the Legitimacy–Aesthetic Nexus," *International Journal for Crime, Justice and Social Democracy* 9, no. 4 (April 2020): 148–62, https://doi.org/10.5204/ijcjsd.v9i2.1385.

[27] Steven Bernstein, "IR, Climate Politics, and Change: Opportunities for Productive Engagement?," *International Relations* 38, no. 3 (August 2024): 349–68, https://doi.org/10.1177/00471178241268314.

[28] This is especially true in the case of corporate complicity, as reflected in how corporate sustainability reporting standards continue to evolve, to navigate the challenges and prevent loopholes that corporate actors, who are naturally profit-driven, could exploit. *See* Skylar Shulman, "Corporate Sustainability Due Diligence: Combining Human Rights and the Environment," *Columbia Journal of Environmental Law* 49, no. 2 (May 2024): 479–523, https://doi.org/10.52214/cjel.v49i2.12633. Comprehensiveness in analyzing environmental issues is also rooted in the concept of environmental dynamism, which urges the world to react accordingly to the constantly evolving challenges, allowing room for pivots if needed, particularly when new challenges emerge. *See* Codou Samba et al., "Method in the Madness? A Meta-Analysis on the Strategic Implications of Decision Comprehensiveness," *Strategic Organization* 19, no. 3 (February 2020): 414–40, https://doi.org/10.1177/1476127020904973.

increasingly relevant as the threat of climate change continues to loom globally, despite various international partnerships and efforts to mitigate it.

Most importantly, greenwashing represents a fundamental issue within the legal system as it essentially exploits existing legal loopholes.[29] Perhaps more sinisterly, greenwashing represents a disconnect between how the concept of sustainability should be applied and how it is actually utilized.[30] This occurs when greenwashing is practiced solely to attract environmentally conscious consumers, rather than to foster genuine climate change awareness or contribute to global efforts by adhering to sustainable environmental standards. Companies can accrue immense profits while actively manipulating consumers into believing they are contributing to environmental preservation by supporting entities that claim to uphold sustainability agendas.[31]

For this reason, it is prudent not to treat greenwashing as a single-dimensional offense that harms the sustainability agenda. Rather, it is essential for any analysis to recognize that greenwashing operates across a spectrum, involving misleading commercial conduct, fraudulent sustainability reporting, administrative manipulation, or any mechanism that enables unethical companies to conceal unsustainable practices or, worse, facilitate environmental violations. The criminal relevance of this issue is anchored in the legal character of the conduct, which defines its level of culpability. This centers on whether the act involves deliberate deception, concealment of regulatory violations, market manipulation, or a direct connection to environmental harm. In other words, the construction of the crime from a culpability standpoint must move beyond tangible consumer or ecological harm toward risk-based offenses that include both concrete and abstract risks, such as the imminent endangerment of ecosystems and systemic manipulation that undermines market integrity.[32]

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[29] Pandu Prahara, Rhea Siagian, and Yossi, "Green Investment or Greenwashing? Foreign Investment in Indonesia's Renewable Energy Sector," *LIBERATICA* 1, no. 1 (August 2025): 23–33.

[30] Khalil Feghali, Reine Najem, and Beverly Dawn Metcalfe, "Greenwashing in the Era of Sustainability: A Systematic Literature Review," *Corporate Governance and Sustainability Review* 9, no. 1 (February 2025): 18–31, https://doi.org/10.22495/cgsrv9i1p2.

[31] Freshtriana Freshtriana and Sung Suk Kim, "The Effect of Greenwashing on Company Value," *Owner: Riset Dan Jurnal Akuntansi* 9, no. 1 (January 2025): 140–48, https://doi.org/10.33395/owner.v9i1.2511.

[32] Lingjuan Tian and Jiajia Niu, "Mitigating Greenwashing in Listed Companies: A Comprehensive Study on Strengthening Integrity in ESG Disclosure and Governance," *Polish Journal of Environmental Studies* 33, no. 6 (July 25, 2024): 6363–72, https://doi.org/10.15244/pjoes/184634.

This culpability spectrum can also be understood through the lens of religiosity, as religions play a crucial role in shaping the values that exist within society. Religiosity does not operate merely as a private system of belief; it significantly influences how communities perceive truthfulness, responsibility, trust, harm, and conduct that is acceptable in social and commercial spheres.[33] Within the context of environmental discourse, religious values play a central role as they are often aligned with sustainability-related behavior, sometimes preceding formal legal commands. In other words, religiosity actively influences the creation of social norms, moral expectations, environmental attitudes, and collective perceptions that ultimately define responsibility in the context of environmental preservation.[34] Viewed from this perspective, greenwashing is no longer merely a simple act that manipulates sustainability norms. It becomes an act that distorts consumer information, and, more egregiously, enables the exploitation of living social values shaped by moral and religious understandings of honesty, responsibility, and harmony with nature. Therefore, assessing the culpability of greenwashing constitutes a crucial effort in upholding religious values, including through the interfaith perspective of this study, where Islamic and Christian ethical frameworks are employed to evaluate the moral and legal gravity of deceptive sustainability claims.

Firstly, understanding the *mens rea* behind greenwashing is a fundamental step toward comprehending the crime and its ties to other environmental offenses.[35] *Mens rea*, or the mental state behind an offense, is a key criminal element that highlights the malfeasance of an act and its subsequent implications and victimizations.[36] This can be explored by identifying the motivations behind greenwashing. Typically, two purposes explain the culpability of greenwashing: to manipulate sustainability compliance and reporting, and to capitalize on the

[33] Philip Schwadel and Sam A. Hardy, "What Aspects of Religiosity Are Associated with Values?," *Journal for the Scientific Study of Religion* 61, no. 2 (June 8, 2022): 374–88, https://doi.org/10.1111/jssr.12777.

[34] Saeid Karimi, Genovaitė Liobikienė, and Fatemeh Alitavakoli, "The Effect of Religiosity on Pro-Environmental Behavior Based on the Theory of Planned Behavior: A Cross-Sectional Study Among Iranian Rural Female Facilitators," *Frontiers in Psychology* 13 (February 25, 2022): 1–12, https://doi.org/10.3389/fpsyg.2022.745019.

[35] This is a common problem behind many environmental crimes and other crimes that are closely related to the environment, as law enforcement officers often face difficulties in establishing mens rea. *See* Wayan Werasmana Sancaya and Komang Adi Kurniawan Saputra, "Criminal Law Policy on Environmental Crimes in Climate Change Issue," *Journal of Tourism Economics and Policy* 5, no. 2 (May 2025): 287–97, https://doi.org/10.38142/jtep.v5i2.1372.

[36] J J Child and Adrian Hunt, "Beyond the Present-Fault Paradigm: Expanding Mens Rea Definitions in the General Part," *Oxford Journal of Legal Studies* 42, no. 2 (May 2022): 438–67, https://doi.org/10.1093/ojls/gqab033.

trend of sustainability branding. These purposes utilize the concept of sustainability not for environmental preservation, but purely for corporate convenience or profit. Most importantly, they represent a significant deviation from the objectives of environmental laws, as typically expressed—either implicitly or explicitly—within the relevant legal framework.

The first purpose is typically a calculated approach where companies deliberately misrepresent their environmental practices to avoid regulatory scrutiny and potential legal consequences.[37] This involves the strategic presentation of selective environmental data, the use of vague terminology lacking standardized definitions, and the emphasis on minor environmental improvements while concealing significant negative impacts.[38] Companies engaging in this form of greenwashing possess full knowledge of their actual environmental performance but choose to present misleading information to regulators, investors, and stakeholders. The *mens rea* in this context is clearer than in other forms of greenwashing due to the sophisticated nature of the act, which demonstrates clear intent to deceive, as these entities actively construct false narratives surrounding their environmental compliance to maintain their operational status while avoiding the costs associated with genuine improvements.

The second purpose is driven by commercial motivation, as it involves companies capitalizing on growing consumer demand for environmentally responsible products, or products labeled "green".[39] This approach can be simpler than the first, as it may only require the intention to exploit environmental symbolism and associations to create a false impression of corporate commitment to sustainability without substance. The mental state here may vary from deliberate deception to willful ignorance, where companies prioritize market positioning over environmental integrity.[40] This form of greenwashing is particularly insidious as it exploits consumers' genuine environmental concerns and their willingness to pay a premium for sustainable products, creating a direct financial incentive for deceptive practices.

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37 Fernando et al., "Greenwashing as a Crime and the Urgency of Redesigning Environmental Criminal Law Paradigm."

38 Ágnes Lublóy, Judit Lilla Keresztúri, and Edina Berlinger, "Quantifying Firm-Level Greenwashing: A Systematic Literature Review," *Journal of Environmental Management* 373 (2025): 1–19, https://doi.org/https://doi.org/10.1016/j.jenvman.2024.123399.

39 Anna Kosyak and Shirokanova Popov, "Analyzing Consumer Preferences for Green Products and Environmental Impact," *Journal of Energy and Environmental Policy Options* 3, no. 4 (December 2020): 134–40.

40 Noémi Nemes et al., "An Integrated Framework to Assess Greenwashing," *Sustainability*, 2022, https://doi.org/10.3390/su14084431.

From these two purposes, an urgency emerges to assess the varying degrees of greenwashing. It operates across a spectrum of severity and intentionality rather than as a binary concept.[41] The most benign form is "aspirational greenwashing," where companies make environmental claims based on genuine intentions but lack the concrete plans or capabilities to fulfill them. At a more serious level, "selective greenwashing" involves companies that actively highlight minor environmental benefits while systematically concealing significant environmental harms.

The most severe form, "systematic greenwashing," involves comprehensive deception campaigns designed to fundamentally misrepresent a company's environmental profile while engaging in practices that cause significant harm. This represents the clearest case of criminal intent, as it involves coordinated efforts to deceive multiple stakeholder groups while simultaneously violating environmental regulations. Companies engaging in systematic greenwashing often employ illicit methods that attract criminal characterization, involving fraudulent reporting, false certification, deliberate concealment of regulatory violations, obstruction of supervision, market manipulation, or conduct connected to actual environmental harm or legally recognized risk.[42] This typically involves sophisticated marketing strategies and misleading scientific claims, further exacerbated by advances in advertising technology.[43] This severe violation represents a direct threat to environmental protection efforts and the integrity of global sustainability movements.

From a sustainability standpoint, it is imperative to clarify the legal boundaries between ordinary misleading sustainability claims, administrative non-compliance, and criminally relevant greenwashing.[44] A pertinent question arises: can non-compliance be considered an environmental crime? Non-compliance typically remains within the realm of administrative violations, civil penalties, or consumer-protection sanctions. However, distinctions emerge when non-compliance is coupled with deliberate concealment, fraud, or systematic deception—all of which are essential elements of greenwashing. In

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[41] de Jong, Huluba, and Beldad, "Different Shades of Greenwashing: Consumers' Reactions to Environmental Lies, Half-Lies, and Organizations Taking Credit for Following Legal Obligations."

[42] Zentoni, Budi Santoso, and David M. L. Tobing, "Mengkriminalisasi Greenwashing: Menjawab Tantangan Perlindungan Konsumen Di Era Keberlanjutan," *LITIGASI* 26, no. 1 (April 2025): 102–37, https://doi.org/10.23969/litigasi.v26i1.19243.

[43] Nurlaily Nurlaily et al., "Digital Advertising as a Threat to Consumer Privacy: A Comparative Legal Analysis," *QONUN: Jurnal Hukum Islam Dan Perundang-Undangan* 9, no. 2 (December 30, 2025): 359–88, https://doi.org/10.21093/qj.v9i2.12656.

[44] Fernando et al., "Greenwashing as a Crime and the Urgency of Redesigning Environmental Criminal Law Paradigm."

such cases, criminality arises not from non-compliance *per se*, but from the fraudulent conduct used to obscure regulatory violations from authorities and consumers. Therefore, non-compliance becomes an aggravating element of greenwashing when it forms part of a deliberate, manipulative, and comprehensive scheme of corporate deception.

Moreover, it is imperative to clarify the specific boundaries of environmental criminality, as they do not always depend exclusively on ecological harm. While ecological harm provides the strongest basis for establishing a crime, environmental criminal law, in response to the escalating risks of climate change, has evolved beyond such rigid parameters.[45] This doctrinal evolution allows legal systems globally to prosecute acts through conduct-based, risk-based, endangerment-based, and compliance-based offenses. From this standpoint, greenwashing should not be treated as an environmental crime merely because it involves misleading sustainability claims. Its criminality arises when the deceptive claim functions as part of a broader scheme of false reporting, regulatory manipulation, concealment of violations, obstruction of supervision, or conduct that creates legally recognized environmental risk.

Furthermore, despite fundamental differences, greenwashing and other acts constituting environmental crimes are closely related. Companies may engage in illegal dumping, emissions violations, or habitat destruction while simultaneously launching extensive campaigns portraying their operations as environmentally responsible.[46] In this scenario, companies position greenwashing as a shield to deflect regulatory scrutiny. This relationship creates a compounding effect where the underlying environmental harm persists without being legally addressed, effectively misleading consumers, investors, and policymakers into rallying behind companies that actively threaten the sustainability agenda. In this context, greenwashing transforms regulatory non-compliance into more serious criminal conduct by introducing elements of fraud, market manipulation, and systematic deception. The synergy between these crimes renders the financial and political resources utilized to improve environmental awareness ineffective.

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[45] Tomohiro Nakane, "New Challenges and Issues for Climate Protection in European Criminal Law," *New Journal of European Criminal Law* 15, no. 3 (September 20, 2024): 275–95, https://doi.org/10.1177/20322844241261156.

[46] Jinzhao Tian et al., "ESG Introduction Mechanism of Construction Firms Based on Bayesian Network Coupled with Machine Learning: Evidence from Zhengzhou," *Journal of Environmental Management* 375 (2025): 1–21, https://doi.org/https://doi.org/10.1016/j.jenvman.2025.124185.

B. Interfaith Perspective of Greenwashing

Religion, as a primary source of ethical frameworks in Southeast Asia, plays a significant role in governing the socio-cultural nuances of Indonesia, Malaysia, and the Philippines. Islam and Christianity are among the world's major religions, commanding billions of adherents globally, including hundreds of millions within Southeast Asia. Both faiths place a significant emphasis on honesty in commercial conduct. For example, the Holy Qur'an mandates in Surah Al-Baqarah (2:42) that believers must "not mix the truth with falsehood or conceal the truth while you know [it]," explicitly proscribing the selective disclosure and manipulative reporting inherent in greenwashing. Similarly, in the Bible, Jesus condemns the use of false, righteous facades to hide internal corruption, famously comparing hypocrites to "whitewashed tombs, which outwardly appear beautiful, but within are full of dead people's bones and all uncleanness" (Matthew 23:27). Given the profound influence of these religious traditions and their core ethical frameworks regarding honesty and truthfulness, utilizing Islamic and Christian perspectives to dissect greenwashing as a distinct form of corporate crime ensures alignment with the conceptual and legal implications previously highlighted.

From a religious standpoint, greenwashing stands in direct opposition to the mandate for honesty in commercial conduct. In the realm of Islamic jurisprudence, this is addressed through the concept of *sidq*, which translates to truthfulness. According to al-Ghazali in *Ihya' 'Ulum al-Din*, this is one of the most essential requirements for a commercial transaction to be considered *halal*.[47] From this perspective, greenwashing constitutes a form of deception that breaches this core ethical framework, an act further accentuated by the fact that it typically involves false sustainability claims, thereby conveying a false impression of *maslahah* (public interest).[48] Albeit indirectly, these connections bolster the argument that the *mens rea* underpinning greenwashing is inherently clear: to profit from a false impression of the product being sold. Therefore, the perspective provided by Islamic jurisprudence supports the acknowledgement of

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[47] Sarini Syarifuddin and Muhammad Ikhwan Saputra, "Al-Ghazali Dan Perilaku Pasar: Perspektif Etika Bisnis Dalam Kitab Ihya Ulum Ad-Din" [*Al-Ghazali and Market Behavior: Business Ethics Perspective in the Book Ihya Ulum Ad-Din*], *Jurnal Ilmiah Ekonomi Islam* 6, no. 3 (2020): 501–7, https://doi.org/10.29040/jiei.v6i3.1312.

[48] This context is even more critical in online transactions, as consumers must rely on information available in digital spaces before making a purchase, leaving their welfare at significant risk. See Nurzahidah bt Hj Jaapar et al., "The Shariah Principles of Online Advertising During the Pandemic of COVID-19," *Journal of Contemporary Islamic Studies* 8, no. 1 (2022): 1–24, https://doi.org/10.24191/jcis.v8i1.1

the gravity of greenwashing, as it directly affects the *maslahah* of consumers, subsequently linking the practice to consumer protection.[49]

In the realm of Christianity, greenwashing likewise stands in direct contrast to truthfulness as an essential requirement of commercial conduct. In Christian moral theology, this is closely related to the virtue of truth and the prohibition of deception. According to Aquinas in *Summa Theologiae*, lying is opposed to truth,[50] while cheating in buying and selling violates justice in commercial conduct.[51] Accordingly, greenwashing can be understood as a deceptive commercial practice that misrepresents the true environmental character of a product or entity, thereby inducing consumers to enter transactions under false assumptions. This is further aggravated by the fact that false sustainability claims fabricate an appearance of ethical responsibility that is unsupported by reality. This introduces an element of deception that conflicts with the requirements of truth as described by Aquinas—specifically, truth in the will and truth in the intellect.[52] In this regard, the Christian perspective offers a similar acknowledgement of the severity of greenwashing, with a more robust emphasis on *mens rea* (mental state), where lying is viewed as a conscious decision to act against the truth. On a broader level, the Christian viewpoint reveals that such acts seriously undermine justice in commercial conduct and ultimately harm the common good, directly linking the identified spectrum of issues to the realm of consumer protection.

Furthermore, the Christian perspective is also rooted in the doctrine of stewardship, scripturally based on Genesis 2:15. This passage states that "The Lord God took the man and put him in the Garden of Eden to work it and take

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[49] In Islamic jurisprudence, the primary conceptual bridge between consumer protection and sustainability is *maqasid al-sharia*, which emphasizes the prevention of harm (*dar' al-mafāsid*), inseparable from the protection of *maslahah*. See Aji Baskoro, "Maqasid Al-Shari'ah for Green Business Oversight: Addressing Greenwashing by Design in Indonesia's Energy Transition," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 17, no. 2 (2025): 214–39, https://doi.org/10.14421/az-zarqa.v17.i2.4621. From the broader lens of Islamic jurisprudence, greenwashing exemplifies the rationale for law, particularly through the perspective of *qashdu al-shar'i*. See also Tegar Islami Putra, Akbar Jihadul Islam, and Abdullah Mufti Abdul Rahman, "Integrating Islamic Laws into Indonesian Data Protection Laws: An Analysis of Regulatory Landscape and Ethical Considerations," *Contemporary Issues on Interfaith Law and Society* 3, no. 1 (2024): 85–118, https://doi.org/10.15294/ciils.v3i1.78690.

[50] Jeffrey E. Brower, "Aquinas on the Nature of Lying," *New Blackfriars* 104, no. 1114 (November 2023): 613–27, https://doi.org/10.1111/nbfr.12865.

[51] Ryan Darr, "The Virtue of Justice and the Justice of Institutions," *Journal of the Society of Christian Ethics* 40, no. 1 (2020): 3–20, https://doi.org/10.5840/jsce202051925.

[52] Aquinas argues that while truth itself, at least as cognized, is a fundamental part of the intellect, it is ultimately expressed through human habits and bodily members, based on the account of the will. See Brower, "Aquinas on the Nature of Lying."

care of it." While explicitly tied to the earliest narratives of creation, this narrative is symbolically profound, positioning humans as stewards with the duty to work, manage, and preserve the world.[53] This framing prevents environmental responsibility from being reduced to mere ownership, dominion, or commercial exploitation. When applied to the context of greenwashing, corporate actors involved in such schemes cannot be viewed merely through the singular lens of entities misrepresenting a product's environmental quality. Rather, they are perceived as actors who misuse the language of ownership to fabricate an appearance of ecological care, in a hypocritical attempt to present themselves as cognizant of religious and societal norms surrounding environmental guardianship.

While this can be tied to the fundamental prohibition against false witness in Christianity, the concept of stewardship remains central.[54] When viewed through this perspective, corporate transparency cannot be considered a mere flexible regulatory requirement; rather, it should be seen as a moral duty fundamentally grounded in truth. Furthermore, deception regarding environmental responsibility critically undermines the common good, as it weakens consumer trust, public accountability, and the shared obligation to protect creation from preventable harm. Therefore, any action that undermines such a sacred goal and the realization of stewardship can be considered a breach of the theological foundations of Christianity.

Synthesizing these interfaith insights reveals that greenwashing can be understood as a convergent form of moral and legal wrongdoing grounded in deception, injustice, and social harm. While Islam acknowledges the severity of greenwashing as a crime through a holistic perspective—emphasizing its impact on *maslahah* as part of *maqasid al-sharia*—Christianity provides a deeper moral and philosophical argument for establishing the *mens rea* behind greenwashing. Although the doctrinal languages differ, both traditions arrive at the same normative conclusion: greenwashing is not a morally neutral branding strategy, but an unethical act that manipulates appearances to secure profit under false pretenses. It deceives consumers, corrupts the fairness of market exchange, and

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[53] Emilio Chuvieco and Michal Karnawalski, "A Vocational Reading of Gen 2:15 to Link Theology of Work and Ecotheology Following Escrivá's Christian Materialism," *Religions* 16, no. 5 (May 4, 2025): 1–12, https://doi.org/10.3390/rel16050596.

[54] Albeit indirectly, the concept of stewardship and false witness can be tied to the obligation of truth-telling, which is also central to the Christian faith. See Cristina Rocha, Joshua Waters, and Rosie Clare Shorter, "Nature-Connection and Creation Care in Australia: Intertwining Indigenous, Christian and Holistic Spiritualities," *Journal of Beliefs & Values* 47, no. 2 (2026): 379–400, https://doi.org/10.1080/13617672.2025.2550950

weakens collective responsibility toward environmental stewardship. The corporate context need not be further dissected through the doctrinal lenses of these two major religions, as they form a concrete interfaith perspective that greenwashing is a fundamentally immoral act in commerce, particularly when the scale of corporate reach is taken into account.

C. Analysis of Indonesian, Malaysian, and Philippine Environmental Laws

The adjudication of crimes inherently linked to environmental issues is critically important—perhaps more so now than ever—as the world confronts the looming threat of climate change and its myriad impacts.[55] As unethical actors devise methods to bypass existing regulations to project an image of sustainability, greenwashing is frequently utilized to conceal poor legal compliance or, worse, facilitate direct environmental crimes. As this practice proliferates across industries, the urgency to assess relevant legal frameworks intensifies, particularly because global legal systems must anticipate and adapt to the evolution of corporate non-compliance and the exploitation of sustainability concepts. Therefore, normative analysis must be conducted comprehensively, supported by adequate theoretical rigor and consistent analytical scrutiny across all relevant legal norms derived from primary sources.[56]

This study utilizes the theory of legal positivism as the theoretical underpinning for the following normative analysis, as it is well-suited to assess the comprehensiveness and adequacy of environmental and consumer protection laws in the face of greenwashing. This theory, as articulated by H.L.A. Hart, posits that law is a system of primary and secondary rules, where the validity of legal norms derives from their sources and social acceptance rather than their moral content.[57] This theory provides a sharp analytical lens through which to examine legal norms relevant to greenwashing and environmental crime adjudication, primarily through Hart's differentiation between primary rules (e.g., prohibitions against acts that harm the environment) and secondary rules

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[55] Marang'a Moses Wambugu et al., "Green Policing, Prosecution and Court Adjudication," *International Journal of Social Science and Human Research* 8, no. 7 (July 2025): 5110–18, https://doi.org/10.47191/ijsshr/v8-i7-22.

[56] Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

[57] Dwanda Julisa Sistyawan et al., "The Development of Positivism's Legal Theory: From Bentham to Hart," *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 9, no. 2 (October 2024): 777–801, https://doi.org/10.22373/petita.v9i2.402.

(e.g., the adjudication procedures for such prohibitions). This conceptualization of how legal issues are regulated and applied, coupled with the consequences of non-compliance, ensures analytical consistency and yields valuable insights.

Moreover, this positivist perspective is integrated with the interfaith ethical framework previously established. This enables the analysis to transcend merely examining whether a jurisdiction formally prohibits false or misleading claims, allowing for a holistic assessment of whether legal norms adequately respond to deception, concealment, consumer trust, and the prevention of harm, as well as the promotion of environmental stewardship. This synthesis is achieved through conceptual alignment between the positivist approach and the values proposed by Islamic and Christian ethics.

Indonesian environmental governance is anchored by Law No. 32 of 2009 on Environmental Protection and Management ("Environmental Law").[58]] Sustainable development is a cornerstone of this law, explicitly defined in Article 1(3) as a "conscious and planned effort" toward development that ensures the integrity of all environmental functions. This core principle permeates the primary law source, governing various aspects of environmental management and protection. Regarding compliance, Article 68 stipulates that every entity conducting business or activities must accurately, timely, and transparently provide information regarding environmental protection, safeguard the sustainability of environmental functions, and remain compliant with regulations concerning environmental protection and the consequences of environmental damage.

The most relevant provision within this framework is Article 69(1)(j), which states: "Every person is prohibited from providing false information, misleading information, eliminating information, damaging information, or providing incorrect statements." However, it is imperative to note that this may not encompass the entire spectrum of greenwashing, particularly subtle branding strategies that utilize sustainability symbolism. Furthermore, this provision lacks supporting legal norms within the same primary source, as there are no established standards regarding the evidence required to support green marketing strategies. This normative gap can be traced back to Article 68, which fails to mandate sustainability disclosure standards, verification protocols for environmental claims, or requirements to make basic reporting to government authorities publicly accessible.

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[58] I Gede Permana Aditya Yoga, "Penegakan Hukum Dalam Menangani Pencemaran Lingkungan Di Pesisir Pantai Bali," *Belom Bahadat* 13, no. 2 (December 2023): 1–14, https://doi.org/10.33363/bb.v13i2.1068.

From a consumer protection standpoint, Law No. 8 of 1999 on Consumer Protection ("Consumer Protection Law") serves as the primary source for safeguarding consumer rights in Indonesia. [59] Highly relevant provisions prohibit core elements of greenwashing, notably Article 9(1)(j), which prohibits businesses from "offering, promoting, advertising or making untrue or misleading statements regarding the usefulness of goods or services." Regrettably, this provision does not cover the majority of the greenwashing spectrum, as products can be promoted without utilizing explicitly false information, yet still constitute greenwashing through information asymmetry, the utilization of selective facts, and sustainability symbolism.[60] Furthermore, Article 4(c) of the law grants consumers a limited set of rights, including "the right to receive true, clear, and honest information regarding conditions and guarantees of goods or services." This does not normatively encompass the right to receive detailed information regarding manufacturing processes or the product's origin when green symbolism is employed. The term "clear" is arguably too narrow, as it is limited to product-specific characteristics rather than broader corporate environmental practices, and the Consumer Protection Law offers no further elucidation on this provision.

In the Malaysian legal system, the primary framework for environmental protection is the Environmental Quality Act 1974 (EQA 1974).[61] The most pertinent provision that could technically assist in tackling greenwashing is Article 34A(2), which requires approval for certain activities through reports submitted to the Director General of Environmental Quality. This provision is normatively tied to the Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015 (EQO 2015). While this provides clearer compliance protocols than the Indonesian framework, it introduces a complex compliance landscape. At its core, however, the normative reality is limited, diminishing the perceived comprehensiveness of the act. The compliance mandates set by EQO 2015 are largely project-specific and sectoral, applying only to a narrow list of 21 categories of large-scale industrial and

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59 Fatkhul Wahab and Ihsan Moh., "Perlindungan Konsumen Dalam Industri Halal: Tinjauan UU No. 8 Tahun 1999 Dari Perspektif Hukum Islam," *Journal of Islamic Finance and Syariah Banking* 2, no. 1 (October 2024): 43–57, https://doi.org/10.63321/jifsb.v2i1.57.

60 Nurlaily Nurlaily et al., "Reassessing Consumer Protection in Digital Markets: Information Asymmetry as Epistemic Injustice in Indonesia and the Philippines," *Vifada Assumption Journal of Law* 3, no. 2 (2025): 21–35, https://jurnal.vifada.id/index.php/law/article/view/168.

61 Haniff Ahamat and Yuki Wong, "Pest Eradication and Environmental Sustainability Dilemma of Malaysia's Palm Oil," *International Journal of Sustainable Development and Planning* 20, no. 7 (July 2025): 3037–43, https://doi.org/10.18280/ijsdp.200728.

development activities (e.g., mining, petroleum, forestry, and major infrastructure projects) rather than establishing comprehensive corporate environmental disclosure obligations. This stems from the absence of the term "sustainability" within the EQA 1974, resulting in a lack of normative basis for robust compliance regarding environmental sustainability.

Regarding consumer protection, two relevant Malaysian primary sources must be analyzed: the Trade Descriptions Act 2011 (Act 730) and the Consumer Protection Act 1999 (Act 599). The Trade Descriptions Act 2011 is vital for ensuring that product descriptions are truthful and free from manipulation.[62] It provides a partially adequate framework for addressing greenwashing, with Section 7(2) establishing that "a trade description which, though not false, is misleading... is deemed to be a false trade description." The Act's broad definition of trade descriptions in Section 6(1) encompasses the "method of manufacture, production, processing or reconditioning," which could technically cover green production claims and environmental performance assertions. However, the framework remains structurally inadequate for addressing the full spectrum of greenwashing, as it lacks specific environmental claim verification standards, fails to mandate third-party substantiation of sustainability assertions, and cannot effectively address sophisticated corporate-level environmental commitments. Section 18(1) offers potential for prosecuting certain facets of greenwashing, as it prohibits "false or misleading statements in any advertisement in relation to any goods or services." Yet, the mechanisms governed here are constrained by the absence of further regulatory guidance or elucidation on what constitutes adequate evidence for environmental claims.

Malaysia's Consumer Protection Act 1999 establishes a relevant framework through overlapping provisions addressing misleading conduct, false representations, and deceptive advertising.[63] Section 9 prohibits conduct "that is misleading or deceptive, or is likely to mislead or deceive, the public as to the nature, manufacturing process, characteristics, suitability for a purpose, availability or quantity" of goods or services. The Act's normative strength lies in Section 10(1), which comprehensively prohibits "false or misleading representation" across numerous categories, including manufacturing processes and place of origin. While seemingly robust, this does not cover the breadth of the greenwashing spectrum, particularly aspirational claims lacking concrete

[62] Nurzahidah Jaapar et al., "Effectiveness of Trade Description Act 2011 in Eradicating Halal Fraud," *International Journal of Academic Research in Business and Social Sciences* 12, no. 9 (September 2022): 1772–83, https://doi.org/10.6007/IJARBSS/v12-i9/14813.
[63] Sonny Zulhuda, "Consumer Protection in the Malaysian Digital Marketplace: From Risks and Concerns to a Law Reform," *Cyberpolitik Journal* 10, no. 19 (July 2025): 68–83.

implementation plans, selective disclosure omitting major environmental harms, or corporate positioning strategies. Furthermore, Section 25(1)(b) imposes fines "not exceeding one hundred thousand ringgit or… imprisonment for a term not exceeding three years," which fails to acknowledge the severity of greenwashing as a distinct crime, limiting punitive thresholds to a relatively low level.

From an environmental standpoint, the Philippines possesses a fragmented framework governing environmental protection. However, the country maintains Presidential Decree No. 1586 (1978), which establishes an Environmental Impact Statement System requiring Environmental Compliance Certificates for critical projects under Section 4. Its relevance to greenwashing is limited to narrow scenarios involving false environmental reporting to regulators, compounded by a critically low penalty under Section 9, which prescribes a fine of only 50,000 PHP for violating Section 4. If a greenwashing act involves a false claim regarding the attainment of necessary certifications, this penalty is insufficient to act as a deterrent.

This regulation is rooted in the fundamental norms of Presidential Decree No. 1152 (1977) ("Philippine Environment Code"). While covering various aspects of environmental protection, it is not sufficiently comprehensive. Section 4 of the Environment Code established emission standards, yet as analyzed regarding Presidential Decree No. 1586 (1978), the compliance framework is inadequate for the spectrum of greenwashing. Both frameworks were enacted before the 21st century, lacking adequate penalty structures and failing to acknowledge the concept of sustainability. The Philippines does have mandatory sustainability compliance regulated through Securities and Exchange Commission (SEC) Memorandum Circular No. 4, Series of 2019, but this regulation governs broad aspects of sustainability, which, given the complexity of environmental issues related to greenwashing, is insufficient. Furthermore, it operates under a "comply or explain" model, which may facilitate selective data utilization and the obfuscation of environmental harms.

In the realm of consumer protection, the Philippines primarily relies on the Consumer Act of the Philippines 1992 (Republic Act No. 7394).[64] Article 50(a) and (b) govern the prohibition of manipulative trade descriptions with a level of comprehensiveness similar to Malaysia's Consumer Protection Act, with the exception of product origin requirements. Consequently, these provisions share the same limitations in addressing greenwashing. Moreover, the requirement in Article 115(a) to substantiate "special claims" is obsolete, as it denotes an explicit

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[64] Merian Arellano-Asas, "Review on the Implementation of the Consumer Act of the Philippines: Insights to Its Plausible Future," *International Journal of Management and Accounting* 6, no. 4 (July 2024): 71–84, https://doi.org/10.34104/ijma.024.071084.

claim, whereas the majority of the identified greenwashing spectrum operates through implication. Most critically, the framework prescribes extremely low penalties for violations, reflecting pre-21st-century valuations. Legislative efforts to address this have failed, leaving the Philippines constrained by regulations that offer almost zero deterrent effect.

Most importantly, owing to these identified gaps, the frameworks from all three jurisdictions lack the ability to bridge greenwashing practices with the broader spectrum of criminally relevant conduct, including consumer deception, administrative manipulation, fraudulent reporting, and environmental offenses involving actual harm or legally recognized risk. This normative lacuna prevents the acknowledgement of criminal severity, thereby precluding harsher punishments for businesses that actively harm the environment while manipulating consumers and regulatory bodies. This gap diminishes the compounding effects of relevant legal frameworks in creating deterrents within the corporate sphere.

When dissected through the positivist approach and aligned with interfaith ethical frameworks, the core weakness across all three jurisdictions is that the law remains robust against explicit falsehoods but considerably weak against the broader spectrum of culpability that defines greenwashing—such as selective disclosure, symbolic sustainability claims, wrongful profits, and corporate conduct that manipulates consumers. More significantly, it exploits growing public concern regarding environmental sustainability, representing a profound moral and ethical failure. This perspective frames the identified gaps as mechanisms that fail to protect truthfulness, consumer trust, and environmental stewardship.

These normative gaps fundamentally hinder the sustainability agenda, leaving consumers vulnerable to paying for products made by corporations that actively degrade the environment. From the perspective of legal positivism, these gaps represent structural problems: absent or inadequate primary rules fail to establish clear prohibitions against deceptive environmental practices, while deficient secondary rules lack proper mechanisms for recognizing, formulating, and enforcing comprehensive anti-greenwashing regulations.

D. Further Implications of Identified Gaps and Future Recommendations

The implications of the gaps identified extend from the erosion of the rule of law within the environmental sector to severe ecological degradation causing immediate and widespread harm. The erosion of the rule of law presents a significant threat to the environmental sustainability discourse,[65] particularly in the corporate sphere, as the continuous establishment of precedents regarding lax enforcement encourages other corporations to emulate the manipulative and hazardous practice of greenwashing to maintain competitiveness—especially since competitors may have already reaped substantial benefits without facing legal repercussions. These cascading effects could cultivate a culture of corruption, which is strongly associated with environmental degradation,[66] particularly in developing nations like Indonesia, Malaysia, and the Philippines. The tangible harm to local populations whose environments are despoiled by irresponsible corporations is profound. This also extends to consumers, as greenwashing tactics can mask the utilization of toxic ingredients that are neither natural, eco-friendly, nor organic.[67]

To tackle these challenges, this study proposes a series of recommendations that all three nations should consider as they approach the 2030 SDG deadline and face the escalating urgency to address unsustainable practices in the corporate world, particularly subtle and manipulative ones like greenwashing. The following table outlines the recommendations for legal development:

TABLE 1: Recommendations for Future Legal Developments

Recommendation	Explanation
Establish Greenwashing-Environmental Crime Nexus	Create aggravated criminal liability when greenwashing conceals or facilitates environmental violations, enabling

[65] By engaging in deceptive marketing campaigns, corporations undermine the foundational principles of the environmental rule of law, which are designed to ensure accountability and foster a genuine expectation of compliance with legal standards. This partly explains why greenwashing has garnered significant attention in the Global North. See Gitanjali N. Gill and Gopichandran Ramachandran, "Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots through Climate Change Litigation," *Environmental Law Review* 23, no. 3 (2021): 228–47, https://doi.org/10.1177/14614529211031203

[66] Mirnawanti Wahab and Rizki Ramadani, "Environmental Corruption Prevention Policies Through Independent Agencies," *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 4 (June 2021): 327–46, https://doi.org/10.25041/fiatjustisia.v15no4.2245.

[67] Marketing campaigns often feature green-related elements to create a perception of safety, frequently without substantiation. See Yohannes Desalegn Wirtu, "A Review of Environmental and Health Effects of Synthetic Cosmetics," *Frontiers in Environmental Science* 12 (2024): 1–25, https://doi.org/10.3389/fenvs.2024.1402893. Greenwashing also exploits the perception that organic goods have lower environmental impacts, though this is not always significant. See Fatemeh Hashemi et al., "Organic Food Has Lower Environmental Impacts per Area Unit and Similar Climate Impacts per Mass Unit Compared to Conventional," *Communications Earth & Environment* 5, no. 1 (2024): 1–18, https://doi.org/10.1038/s43247-024-01415-6

	enhanced penalties and unified prosecution of compound offenses.
Implement Revenue-Based Penalty Structure	Replace fixed monetary penalties with percentage-based fines (e.g., 2–4% of annual revenue) to ensure a proportional deterrent effect across all corporate scales.
Mandate sustainability disclosure requirement for products and services that utilize any sustainability symbolism	Require comprehensive environmental impact disclosure for any product or service using "green" terminology, eco-imagery, or sustainability branding, including manufacturing processes, sourcing practices, and carbon footprint data to prevent symbolic manipulation

Source: Authors' analysis (2026)

The recommendations above are applicable to Indonesia, Malaysia, and the Philippines at the general legislative level. However, it is imperative to note that the implementation of these recommendations requires country-specific adaptation through a pragmatic approach. Regarding Indonesia, recommendations must revolve around strengthening the nexus between environmental disclosure duties, misleading environmental claims, and consumer protection. For Malaysia, these recommendations should be adapted through enhanced substantiation standards, particularly concerning environmental claims regulated by frameworks for environmental quality, consumer protection, and trade descriptions. Lastly, the Philippines requires a prerequisite of regulatory modernization, specifically for the Philippine Environment Code and its compliance framework. Existing norms are outdated, fragmented, and conceptually insufficient for a sustainability-focused national agenda.

Moreover, it is imperative to distinguish a shared normative direction from a uniform model of legal development. These recommendations represent the former, as they address fundamental doctrinal-conceptual deficiencies in the existing frameworks of the three jurisdictions. This is further understood through the specifics of the gaps previously highlighted: Indonesia requires stronger integration between environmental disclosure and consumer protection; Malaysia requires more specific substantiation standards for environmental representations; and the Philippines requires deep structural reform due to the antiquated nature of its Environment Code.

More specifically, the first recommendation centers on establishing the connection between greenwashing and the broader spectrum of criminally relevant conduct, including fraudulent reporting, false certification, deliberate concealment, obstruction of supervision, and environmental offenses involving actual harm or legally recognized risk. Although ordinary greenwashing may not automatically be classified as an environmental crime, systematic greenwashing carries criminal relevance when it functions as a deceptive mechanism to conceal regulatory violations, manipulate compliance, mislead stakeholders, or mask conduct causing environmental harm. The second recommendation ensures that greenwashing carries appropriate consequences. This addresses the identified problem within the Philippine legal system, where penalties are antiquated and possess virtually no deterrent effect. The third recommendation ensures that all three nations can firmly apply sustainability standards to environmental protection—particularly when sustainability symbolism is utilized as a marketing strategy—subject to evaluation by the relevant government body and made publicly available. This can cover a significant portion of the identified greenwashing spectrum, facilitating transparency and preventing corporations from exploiting the sustainability agenda and consumer trust.

In connection with the established moral and ethical benchmarks provided by the interfaith framework, these recommendations address several critical issues. First, establishing a nexus between greenwashing and environmental crimes reflects a shared interfaith rejection of deception that causes broader harm. From an Islamic perspective, this aligns with the protection of *maslahah* and the *maqasid al-sharia* commitment to preventing harm, particularly when false sustainability claims conceal environmental damage. From a Christian perspective, this recommendation finds justification in the prohibition of deceit, the requirement of justice in commercial conduct, and the duty to safeguard the common good. Second, implementing revenue-based penalties corresponds to the interfaith view that illicit profit obtained through deception cannot be treated lightly, especially when corporations exploit consumer trust at scale. This represents a concrete response to the recognition of harm in the Islamic framework and the fundamental acknowledgement of greenwashing as a conscious moral failure in the Christian perspective.

More importantly, the effectiveness of these recommendations cannot depend solely on formal legislative amendment, as this overlooks the necessity of political will. The structural nature of greenwashing represents an issue that must be tackled across multiple dimensions, creating a need for alignment between enforcement capacity, regulatory oversight, corporate lobbying, and the capacity of government bodies to conduct inspection across modern markets.[4] This is where the interfaith framework must be met with concrete civic action, particularly from faith-based communities across various sectors, in collaboration with scholars and civil society groups. The value of social control inherent in these religions, combined with their fundamental alignment on the doctrinal basis to combat greenwashing, can provide added value to assist the Indonesian, Malaysian, and Philippine governments in addressing greenwashing as a distinct spectrum of crime.

Conclusion

This study has yielded significant insights regarding greenwashing, its legal implications, and the normative lacunae that perpetuate its prevalence within the corporate sector. Deconstructing this phenomenon—from *mens rea* to its subsequent legal implications—facilitates the classification of greenwashing as a spectrum of culpable conduct, spanning from misleading commercial representation and administrative manipulation to criminally significant deception, including fraud, concealment, environmental degradation, or conduct posing legally recognized environmental risks. These findings are bolstered by the ethical and moral paradigms derived from an interfaith analysis of Islamic and Christian jurisprudence. Conversely, the identified normative gaps demonstrate that greenwashing persists due to structural deficiencies within the legal frameworks of Indonesia, Malaysia, and the Philippines—with the Philippines exhibiting the most pronounced regulatory deficits, while all three nations maintain inadequate compliance mechanisms.

This study proposes a universal model for legal development applicable across all three jurisdictions, while acknowledging the heightened complexity in the Philippines owing to its highly fragmented environmental statutes. These recommendations are anchored in an interfaith ethical benchmark: the Islamic perspective justifies rigorous responses to greenwashing through its commitment to the prevention of harm and the protection of *maslahah* (public interest), while the Christian perspective posits that systematic greenwashing represents a deliberate corporate choice to profit from deception, false appearance, and an abdication of responsibility toward the common good. Future research should explore empirical evidence concerning greenwashing enforcement to validate these doctrinal findings or scrutinize the feasibility of implementing these recommendations, thereby contributing to the burgeoning body of scholarship.

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