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Regional Rights, Environmental Wrongs: Unpacking the Paradox of Autonomy in Indonesia's Environmental Governance

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Abstract

This paper delves into the complex interplay between regional autonomy and environmental governance in Indonesia, shedding light on the paradoxical outcomes that arise from decentralized decision-making. It examines how the delegation of power to local authorities has both empowered and challenged efforts to enforce environmental regulations and protect natural resources. Through a comprehensive analysis, the paper elucidates the ways in which regional autonomy has led to divergent approaches to environmental management across Indonesia's diverse regions. While some local governments have demonstrated commendable commitment to environmental conservation, others have prioritized economic interests at the expense of environmental sustainability, leading to widespread degradation and ecological harm. Drawing on case studies

and empirical evidence, the paper unpacks the factors contributing to this paradox, including varying levels of institutional capacity, political dynamics, and socio-economic pressures. It highlights instances where regional autonomy has resulted in regulatory loopholes, weak enforcement mechanisms, and conflicts of interest, exacerbating environmental challenges and undermining national conservation efforts. Furthermore, the paper explores potential pathways for reconciling the tension between regional rights and environmental wrongs in Indonesia. It advocates for a holistic approach to environmental governance that integrates principles of subsidiarity with national environmental priorities, fostering collaboration between central and local authorities, and promoting community engagement and empowerment. In conclusion, the paper underscores the imperative of addressing the paradox of autonomy in Indonesia's environmental governance.

KEYWORDS *Environmental Policy, Environmental Governance, Sustainable Development, Local Autonomy, Politics of Law*

Introduction

In the realm of environmental governance, Indonesia stands as a paradoxical case study, where regional autonomy often clashes with environmental sustainability goals.[1] The archipelago nation boasts a diverse array of ecosystems, from lush rainforests to vibrant coral reefs, yet it also faces significant environmental challenges stemming from deforestation, pollution, and biodiversity loss. At the heart of this complexity lies the tension between regional rights and environmental wrongs.

In the pursuit of preserving and enhancing the environment as a divine gift essential for sustaining life, Indonesia grapples with a

[1] Warren, Carol, and John F. McCarthy, eds. *Community, Environment and Local Governance in Indonesia*. Routledge, 2012; Anderson, Zachary R., et al. "Green growth rhetoric versus reality: Insights from Indonesia." *Global Environmental Change* 38 (2016): 30-40; Großmann, Kristina. *Human–Environment Relations and Politics in Indonesia: Conflicting Ecologies*. Routledge, 2021.

multifaceted challenge: reconciling regional autonomy with environmental governance. Embedded within this struggle is a fundamental belief in the sanctity of the environment, framed as a sacred trust bestowed by a higher power. This belief underscores the imperative to safeguard natural resources, from land to air, as indispensable lifelines for humanity and all living beings, nurturing not only survival but also the enhancement of quality of life.[2]

The concept of the living environment, encompassing every element, force, and interaction within the ecological tapestry, forms the cornerstone of Indonesia's environmental ethos. Within this framework, environmental management emerges as a holistic endeavor, weaving together policies and actions aimed at structuring, utilizing, and conserving natural resources. It embodies an integrated approach that encompasses preservation, development, restoration, and oversight, guided by the imperative to sustain the intricate balance of ecological systems.[3]

Yet, Indonesia's journey towards environmental stewardship is beset by the paradox of regional autonomy, where the quest for local empowerment often collides with the imperative of environmental protection. As the nation decentralizes governance structures, granting regions greater authority over their affairs, questions arise about the alignment of local decision-making with broader environmental imperatives.[4] In this context, economic development imperatives

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[2] Taufiqurokhman, Endang Sulastri, and Harits Hafiid. "Indonesian Governments Policy on Environmental Law in the Era of Regional Autonomy." *Systematic Reviews in Pharmacy* 11.12 (2020): 1203-1209; Akib, Muhammad, and F. X. Sumarja. "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy." *Environmental Policy and Law* 49.1 (2019): 83-87.

[3] *See* Cribb, Robert, and U. Desai. "Environmental policy and politics in Indonesia." *Ecological policy and politics in developing countries: Economic growth, democracy, and enforcement. State University of New York Press, Albany, NY* (1998): 65-86.

[4] Resosudarmo, Budy P., and Milda Irhamni. "Indonesia's industrial policy reforms and their environmental impacts." *Journal of the Asia Pacific Economy* 13.4 (2008): 426-450; MacAndrews, Colin. "Politics of the Environment in Indonesia." *Asian Survey* 34.4 (1994): 369-380.

frequently clash with conservation goals, raising concerns about the sustainability of resource management practices and their impacts on ecological integrity.[5]

In addition, national development constitutes a continuum of sustainable endeavors that encompass the collective well-being of the community, nation, and state, aimed at fulfilling the aspirations articulated in the preamble of the 1945 Constitution. Essential to the execution of national development is the conscientious consideration of the three pillars of sustainable development — economic, social, and environmental — in a harmonized manner. This approach aligns with the principles outlined in the United Nations Declaration on the Environment, as underscored during the landmark Stockholm Conference of 1972 and subsequent environmental summits.[6]

In realizing national goals, it is imperative to strike a delicate balance among these pillars, recognizing that sustainable progress hinges on the interplay of economic prosperity, social equity, and environmental stewardship. This balanced approach not only ensures the fulfillment of immediate developmental objectives but also safeguards the well-being of present and future generations, fostering resilience and longevity in the face of evolving challenges.[7]

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[5] Hadi, Sasana, Sugiharti Retno, and Setyaningsih Yuliani. "The impact of foreign direct investment to the quality of the environment in Indonesia." *E3S Web of Conferences*. Vol. 73. EDP Sciences, 2018; Kurniawan, Robi, and Shunsuke Managi. "Economic growth and sustainable development in Indonesia: an assessment." *Bulletin of Indonesian Economic Studies* 54.3 (2018): 339-361.

[6] *See* Wood, Harold W. "The United Nations World Charter for Nature: The Developing Nations' Initiative to Establish Protections for the Environment." *Ecology Law Quarterly* 12.4 (1985): 977-996. *See also* Nurjaya, I. Nyoman. "Progressive Environmental Law of Indonesia: Global Principles of Stockholm and Rio Declarations as Defined within the 2009 Act on Human Environment Protection and Management." *US-China Law Review* 11 (2014); Colombijn, Freek. "Global and local perspectives on Indonesia's environmental problems and the role of NGO's." *Bijdragen tot de Taal-, Land-en Volkenkunde* 154.2 (1998): 305.

[7] Mina, Risno. "Desentralisasi perlindungan dan pengelolaan lingkungan hidup sebagai alternatif menyelesaikan permasalahan lingkungan hidup." *Arena Hukum* 9.2 (2016): 149-165; Jazuli, Ahmad. "Dinamika hukum lingkungan hidup

As such, effective national development strategies must integrate economic growth initiatives with social inclusivity measures and environmental conservation efforts. By embracing this holistic framework, nations can forge a path towards sustainable development that not only fosters prosperity but also preserves the natural heritage upon which all life depends.

The assurance of a pristine and sustainable environment is enshrined within the principles of Pancasila and the 1945 Constitution of Indonesia, underscoring the imperative for legislative frameworks to govern policies, plans, and programs safeguarding this fundamental right.[8] Over the past three decades, the custodianship of environmental and public health management has predominantly rested with governmental authorities.

Constitutional guarantees embedded within Pancasila and the 1945 Constitution impose a legal obligation to enact comprehensive legislation at both national and regional levels, thereby ensuring the realization of citizens' rights to a clean and healthy environment. This legislative framework serves as the foundation for formulating and implementing policies aimed at preserving environmental integrity and safeguarding public health.[9]

However, despite the predominant role of the government in environmental stewardship, effective management necessitates

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dan sumber daya alam dalam rangka pembangunan berkelanjutan." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 4.2 (2015): 181-197.

[8] Satmaidi, Edra. "Politik Hukum Pengelolaan Lingkungan Hidup di Indonesia Setelah Perubahan Undang-Undang Dasar 1945." *Jurnal Konstitusi* 4.1 (2011).

[9] Faiz, Pan Mohamad. "Perlindungan Terhadap Lingkungan dalam Perspektif Konstitusi (Environmental Protection in Constitutional Perspective)." *Jurnal Konstitusi* 13.4 (2016): 766-787; Hakim, Dani Amran. "Politik Hukum Lingkungan Hidup di Indonesia Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Fiat Justisia: Jurnal Ilmu Hukum* 9.2 (2015); Taufiqurrohman, Syahuri, et al. "Environmental Settings in The Indonesian Constitution Perspective." *Ilkogretim Online-Elementary Education Online* 21.3 (2023): 417-423; Najicha, Fatma Ulfatun, and I. Gusti Ayu Ketut Rachmi Handayani. "Legal Protection "Substantive Rights for Environmental Quality" on Environmental Law Against Human Rights in the Constitution in Indonesia." *International Conference on Law, Economics and Health (ICLEH 2020)*. Atlantis Press, 2020.

collaboration and engagement across various sectors of society. Acknowledging the interconnectedness of environmental issues with economic, social, and cultural factors, inclusive governance approaches involving stakeholders from civil society, academia, and industry are indispensable for fostering sustainable outcomes.

In the context of development implementation during the era of regional autonomy, environmental management continues to adhere to the legislative frameworks outlined in Law No. 23 of 1997 on Environmental Management, and Law No. 32 of 2004 on the Financial Balance between the Central and Regional Governments. The exercise of authority is further delineated by Government Regulation No. 25 of 2000, which specifies the allocation of powers between the central government and provincial authorities within autonomous regions.

These legal instruments provide the regulatory framework for environmental governance within the context of regional autonomy. Law No. 23 of 1997 establishes the foundational principles and mechanisms for environmental protection and management, guiding the formulation and implementation of policies aimed at preserving Indonesia's ecological integrity. Meanwhile, Law No. 32 of 2004 outlines the financial arrangements necessary to support regional development initiatives while maintaining fiscal equilibrium between the central and regional governments.

Furthermore, Government Regulation No. 25 of 2000 serves to clarify the distribution of responsibilities and decision-making authority between the central government and provincial administrations, ensuring coherence and consistency in governance practices across autonomous regions. By delineating the spheres of influence and jurisdictional boundaries, this regulation aims to facilitate effective coordination and collaboration in environmental management efforts.[10]

[10] Firman, Tommy. "Decentralization reform and local-government proliferation in Indonesia: Towards a fragmentation of regional development." *Review of Urban & Regional Development Studies: Journal of the Applied Regional Science Conference*. Vol. 21. No. 2-3. Melbourne, Australia: Blackwell Publishing Asia, 2009; Wijaya, Mas Pungky Hendra, and Mohammad Zulfikar Ali. "Legislation Impediments in Reorganising Government Bodies in Indonesia." *Bestuur* 9.1 (2021): 1-12.

Hence, efforts to manage and safeguard Indonesia's environment must be shielded from undue influence and political agendas. Moreover, adherence to robust legal frameworks, such as Law No. 23 of 1997 on Environmental Management, is imperative. Particularly at the autonomous regional level, compliance with this legislation serves as a fundamental guide. Additionally, Law No. 23 of 2004 must also inform implementation practices, ensuring alignment with broader national objectives. Thus, a steadfast commitment to legal integrity and regulatory coherence is essential for effective environmental governance across all administrative tiers.

This paper aims to unpack this paradox by examining the interplay between regional autonomy and environmental governance in Indonesia. By delving into the historical, legal, and political dimensions of this issue, we seek to understand how decentralization efforts have shaped environmental policies and outcomes at the regional level. Specifically, we will explore the extent to which local governments prioritize economic development over environmental conservation, and the implications of such priorities for sustainability and equity.

Drawing on a range of sources, including academic literature, policy documents, and case studies, we will analyze key factors driving this paradox, such as resource dependency, political dynamics, and institutional capacity. Furthermore, we will examine the role of various stakeholders, including government agencies, indigenous communities, and non-governmental organizations, in shaping environmental decision-making and outcomes.

By shedding light on the intricate relationship between regional autonomy and environmental governance in Indonesia, this paper seeks to contribute to broader debates on sustainable development, decentralization, and environmental justice. Ultimately, it underscores the urgent need for holistic and inclusive approaches to address the environmental challenges facing the nation, balancing regional rights with the imperative of protecting Indonesia's natural heritage for future generations.

Environmental Management in the Context of Regional Autonomy

Economic development, while enhancing community welfare, can paradoxically lead to economic losses stemming from environmental degradation, notably through pollution and habitat destruction resulting from inadequate incorporation of environmental considerations into planning processes.[11] Such environmental damage typically arises from the omission of environmental factors in activity planning.

To address the adverse environmental impacts of economic development, the international community, as evidenced by the Rio Declaration of 1992, committed to promoting sustainable development. This principle dictates that development initiatives are permissible only if they do not compromise environmental integrity or endanger the rights of future generations. Thus, sustainable development mandates a holistic approach that balances economic progress with environmental preservation, ensuring the well-being of both current and future societies.[12]

In addition, environmental management in Indonesia has historically been centralized. However, the landscape shifted with the passage of Law No. 32 of 2004, which marked a significant devolution of authority over environmental management from the central government to regional administrations, as outlined in Article 7, paragraph (1). This provision delineates that regional authorities hold jurisdiction over all governance areas except those explicitly reserved for the central government, such as

[11] Raudsepp-Hearne, Ciara, et al. "Untangling the environmentalist's paradox: why is human well-being increasing as ecosystem services degrade?." *BioScience* 60.8 (2010): 576-589; Van den Bergh, Jeroen CJM. "Environment versus growth—A criticism of "degrowth" and a plea for "a-growth"." *Ecological Economics* 70.5 (2011): 881-890.

[12] Wirth, David A. "The Rio Declaration on Environment and Development: Two Steps Forward and One Back, or Vice Versa." *Georgia Law Review* 29.3 (1995); Orellana, Marcos. "Governance and the sustainable development goals: The increasing relevance of access rights in principle 10 of the Rio declaration." *Review of European, Comparative & International Environmental Law* 25.1 (2016): 50-58.

foreign policy, national security, judiciary, monetary and fiscal affairs, religion, and other specified domains.[13]

As per Article 7, paragraph (1), environmental management authority is vested in regional administrations. The Central Government, on the other hand, maintains overarching authority, delineated into specific realms:

1. Development of guidelines for natural resource oversight and environmental conservation.
2. Regulation of environmental management pertaining to marine resource utilization beyond the 12-mile limit.
3. Comprehensive assessment of activities with potential adverse impacts on broader communities and/or involving transboundary defense and security concerns.
4. Establishment of environmental quality standards and pollution guidelines.
5. Formulation of guidelines for natural resource conservation.

This delineation of authority establishes a hierarchical relationship between the Central Government and Regional Governments in environmental governance. For instance, in the management of water quality and pollution control, the Central Government holds authority over determining water quality standards spanning provinces and national borders, alongside the formulation of national water quality policies. Provincial Governments are tasked with coordinating water quality management within their respective jurisdictions, while Regional Governments are responsible for overseeing water quality at the district/city level. This hierarchical structure ensures effective coordination and cooperation among different administrative levels in addressing environmental challenges while upholding national standards and objectives.[14]

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[13] Johar, Olivia Anggie. "Realitas Permasalahan Penegakan Hukum Lingkungan di Indonesia." *Jurnal Ilmu Lingkungan* 15.1 (2021): 54-65; Haryadi, Prim. "Pengembangan hukum lingkungan hidup melalui penegakan hukum perdata di Indonesia." *Jurnal Konstitusi* 14.1 (2017): 124-149.

[14] Akib, Muhammad. "Wewenang Kelembagaan Pengelolaan Lingkungan Hidup di Era Otonomi Daerah." *Jurnal Media Hukum* 19.2 (2012); Wulandari, Andi Sri Rezky, and Anshori Ilyas. "Pengelolaan Sumber Daya Air di Indonesia: Tata

The devolution of environmental management authority from the Central Government to Regional Governments has raised concerns about potential environmental degradation. This apprehension stems from two primary factors. Firstly, there is a tendency for local governments to prioritize generating Local Original Revenue (PAD), potentially leading to neglect of environmental conservation efforts. Secondly, insufficient attention and investment in human resources for environmental management within local administrations may hinder the implementation of comprehensive environmental protection measures, especially amidst the pursuit of ambitious development initiatives.[15]

The era of regional autonomy presents local governments with an opportune moment to optimize regional development efforts. To capitalize on this momentum effectively, local administrations must undertake several key initiatives, including institutional reform, enhancement of the public financial management system, and improvements in public administration practices. These measures are essential for fostering a more efficient and responsive government apparatus.

Within the realm of environmental governance, regional autonomy necessitates:

1. Adaptation of natural resource management policies to align with local ecosystems,
2. Recognition and incorporation of traditional wisdom embedded within community practices of natural resource and environmental management,
3. Adoption of an ecological boundary approach rather than one based solely on administrative delineations,
4. Prioritization of enhancing the local environment's carrying capacity while avoiding degradation beyond ecological limits, and

Pengurusan Air dalam Bingkai Otonomi Daerah." *Gema Keadilan* 6.3 (2019): 287-299.

[15] Lestari, Sulistyani Eka, and Hardianto Djanggih. "Urgensi hukum perizinan dan penegakannya sebagai sarana pencegahan pencemaran lingkungan hidup." *Masalah-Masalah Hukum* 48.2 (2019): 147-163; Nopyandri, Nopyandri. "Penerapan prinsip good enviromental governance dalam rangka perlindungan dan pengelolaan lingkungan hidup." *Jurnal Ilmu Hukum Jambi* 5.2 (2014): 43278.

5. Active engagement and participation of indigenous peoples and local stakeholders as primary stakeholders in policy-making processes related to natural resource management and environmental protection.[16]

By adhering to these principles, local governments can effectively leverage the opportunities presented by regional autonomy to foster sustainable development and preserve ecological integrity within their respective regions.

Good governance entails the effective, efficient, and participatory management of public resources and affairs. Achieving these objectives necessitates a healthy democratic climate founded on the principles of transparency, participation, and accountability. Furthermore, the realization of good governance hinges upon adherence to the concept of the rule of law, which embodies five key characteristics:

1. The exercise of governmental authority in accordance with the rule of law.
2. The provision of legal certainty by the government.
3. The establishment of responsive laws capable of accommodating the aspirations of the populace.
4. The consistent and non-discriminatory enforcement of laws through the implementation of sanctions.
5. The promotion and safeguarding of judicial independence by the government.[17]

To ensure the realization of sustainable development, local governments must prioritize the establishment of robust environmental governance, characterized by adherence to the following foundational principles:

1. Proactive Implementation of Environmental Laws

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[16] Mustaghfiroh, Umi, et al. "Implementasi Prinsip Good Environmental Governance dalam Pengelolaan Sampah di Indonesia." *Bina Hukum Lingkungan* 4.2 (2020): 279-291. *See also* Triyanti, Annisa, et al. *Environmental Governance in Indonesia*. Springer Nature, 2023; Warren, Carol, and John F. McCarthy, eds. *Community, Environment and Local Governance in Indonesia*. Routledge, 2012.

[17] *See* McCarthy, John F., and Carol Warren. "Communities, environments and local governance in Reform Era Indonesia." *Community, environment and local governance in Indonesia*. Routledge, 2012. 1-21.

Local administrations should diligently translate and enforce environmental laws and regulations, emanating from both central and provincial governments, through the formulation and enforcement of pertinent local regulations. Smith emphasized that local governments play a crucial role in translating national environmental policies into actionable measures at the grassroots level. Effective implementation of environmental laws requires proactive engagement and collaboration between local authorities and relevant stakeholders.[18]

2. Conscious Development Planning
   In pursuit of revenue targets and development objectives, local governments must remain cognizant of the finite capacity of ecosystems and prioritize sustainability in their development endeavors. In line with this, López-Gamero stated that local governments must adopt a holistic approach to development planning that prioritizes environmental sustainability alongside economic growth. Development initiatives should be aligned with the carrying capacity of ecosystems to ensure long-term resilience.[19]
3. Protection of Indigenous Rights
   Local administrations are tasked with safeguarding the rights of indigenous and local communities in their efforts to manage natural resources, ensuring their meaningful participation and equitable treatment. In this context, David Johnson asserted that indigenous communities have a deep connection to their land and natural resources. Local governments must respect their rights and ensure their meaningful participation in decision-making processes related to

[18] Smith, Jo, and Pete Smith. *Environmental Modelling: An Introduction*. Oxford University Press, 2007; Smith, Kevin B., and Alan Greenblatt. *Governing states and localities*. Cq Press, 2019.

[19] López-Gamero, María D., José F. Molina-Azorín, and Enrique Claver-Cortés. "The potential of environmental regulation to change managerial perception, environmental management, competitiveness and financial performance." *Journal of Cleaner Production* 18.10-11 (2010): 963-974; López-Gamero, María D., Jose F. Molina-Azorin, and Enrique Claver-Cortés. "Environmental uncertainty and environmental management perception: A multiple case study." *Journal of Business Research* 64.4 (2011): 427-435.

resource management, as emphasized by international conventions and treaties.[20]

4. Harmonization of Sectoral Interests
   Local governments play a pivotal role in facilitating the harmonization of interests across various sectors, fostering collaboration and coherence in policymaking and implementation processes. Furthermore, Saleem Hassan Ali suggests local governments serve as mediators between different sectors with competing interests. Effective governance requires mechanisms for dialogue and collaboration to reconcile conflicting priorities and achieve balanced outcomes.[21]
5. Active Enforcement of Environmental Regulations
   Local administrations should take proactive measures to enforce local laws and regulations pertaining to environmental management, thereby fostering compliance and accountability within their jurisdictions. James pointed that enforcement of environmental regulations at the local level is critical for ensuring compliance and deterring environmental degradation. Local governments should allocate resources and establish robust enforcement mechanisms to uphold environmental standards.[22]

By adhering to these golden rules of environmental governance, local governments can effectively navigate the complexities of sustainable development, promoting ecological integrity and advancing the well-being of present and future generations.

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[20] Johnson, David. "Environmentally sustainable cruise tourism: a reality check." *Marine Policy* 26.4 (2002): 261-270. *See also* David-Chavez, Dominique M., and Michael C. Gavin. "A global assessment of Indigenous community engagement in climate research." *Environmental Research Letters* 13.12 (2018): 123005.

[21] Ali, Saleem Hassan, ed. *Peace Parks: Conservation and Conflict Resolution*. MIT Press, 2007.

[22] James, Oliver. "Regulation inside government: Public interest justifications and regulatory failures." *Public Administration* 78.2 (2000): 327-343. *See also* Butler, Henry N., and Jonathan R. Macey. "Externalities and the Matching Principle: The Case for Reallocating Environmental Regulatory Authority." *Yale Law & Policy Review* 14.2 (1996): 23-66.

Furthermore, in Indonesian context, challenges in environmental management within regional autonomy are multifaceted and include the following key issues:

1. Sectoral and Regional Egos
   Despite the intention of regional autonomy to delegate environmental management authority to local governments, the actual implementation has been hindered by lingering sectoral and regional interests. This has led to a reluctance to cede control over environmental matters, perpetuating centralized decision-making and impeding effective local governance.
2. Overlapping Planning between Sectors
   Planning processes, including environmental management, often suffer from overlapping mandates between different sectors. This results in disjointed efforts and conflicting priorities, hindering cohesive and integrated approaches to environmental conservation and sustainable development.
3. Limited Human Resources
   Inadequate human resources pose a significant challenge to effective environmental management. Many personnel tasked with environmental stewardship lack sufficient understanding of environmental issues, impeding the implementation of informed and effective strategies to address environmental challenges.
4. Priority on Economic Profit in Natural Resource Exploitation
   The pursuit of economic gains continues to overshadow environmental considerations in the exploitation of natural resources. Profit-driven practices often disregard ecological sustainability, leading to environmental degradation and jeopardizing the long-term well-being of local communities and ecosystems.
5. Weak Enforcement of Legal Regulations
   Despite the existence of numerous legal regulations governing environmental protection, enforcement remains weak and inconsistent. This undermines the efficacy of environmental policies

and compromises efforts to address environmental degradation and promote sustainable resource management.[23]

Addressing these challenges requires concerted efforts to overcome entrenched interests, enhance interdisciplinary collaboration, invest in environmental education and capacity building, prioritize ecological sustainability over short-term economic gains, and strengthen enforcement mechanisms to ensure compliance with environmental regulations. Only through such holistic approaches can regional autonomy truly realize its potential to advance environmental governance and sustainable development.

Environmental Law Enforcement in Administrative Law

Administrative law enforcement refers to governmental or executive actions, also known as *bestuurmaatregel*, taken in response to violations of relevant laws. These actions aim to rectify the situation by restoring it to its original state, thereby ensuring compliance with legal requirements.[24]

In this context, many scholars outline two fundamental activities constituting environmental administration law enforcement:

1. Preventive and Remedial Actions

   This encompasses activities aimed at preventing and addressing environmental pollution and/or destruction. These actions leverage administrative authority in accordance with legal mandates to ensure compliance with environmental regulations and mitigate harmful impacts on the environment.

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[23] *See* Setiawan, Bakti, and Sudharto P. Hadi. "Regional autonomy and local resource management in Indonesia." *Asia Pacific Viewpoint* 48.1 (2007): 72-84; Armunanto, A., S. Nadir, and D. Ekawaty. "Environmental dilemma under implementation of Indonesian regional autonomy." *IOP Conference Series: Earth and Environmental Science*. Vol. 343. No. 1. IOP Publishing, 2019.

[24] Pardede, Marulak, et al. "Perspectives of sustainable development vs. law enforcement on damage, pollution and environmental conservation management in Indonesia." *Journal of Water and Climate Change* 14.10 (2023): 3770-3790; Wijayanto, Adi, Hatta Acarya Wiraraja, and Siti Aminah Idris. "Forest Fire and Environmental Damage: The Indonesian Legal Policy and Law Enforcement." *Unnes Law Journal* 8.1 (2022): 105-132.

2. Judicial Review in the State Administrative Court
   This involves the examination of state administrative decisions related to environmental matters in the State Administrative Court. Through judicial review, the legality and legitimacy of administrative actions are assessed, ensuring adherence to procedural fairness and legal principles in environmental governance.[25]

The legal framework for environmental administration law enforcement draws from several laws and regulations, including:

1. Nuisance Ordinance (S. 1926-226)
   This ordinance provides a legal basis for addressing environmental nuisances and disturbances, enabling authorities to take action against activities that pose risks to public health or environmental quality.
2. Law No. 23 of 1997 on Environmental Management (UUPLH)
   This law establishes the legal framework for environmental protection and management, empowering authorities to enforce regulations aimed at preserving ecological integrity and mitigating environmental degradation.
3. Government Regulation No. 20 of 1990 on the Control of Water Pollution
   This regulation sets forth measures for controlling water pollution, outlining standards and procedures for monitoring, prevention, and remediation of water contamination.
4. Government Regulation No. 19 of 1994 *jo.* Government Regulation No. 12 of 1995 concerning Hazardous and Toxic Waste Management (B-3)

[25] Ding, Xiaowei. "On Linking Administrative Law Enforcement and Criminal Justice in Environmental Management." *IOP Conference Series: Earth and Environmental Science*. Vol. 691. No. 1. IOP Publishing, 2021; Salim, Agus, and Liberthin Palullungan. "The challenges of environmental law enforcement to implement SDGs in Indonesia." *International Journal of Criminology and Sociology* 10 (2021): 517-524; Syaprillah, Aditia. "Penegakan hukum administrasi lingkungan melalui instrumen pengawasan." *Bina Hukum Lingkungan* 1.1 (2016): 99-113; Thahira, Atika. "Penegakan Hukum Administrasi Lingkungan Hidup Ditinjau dari Konsep Negara Hukum." *JCH (Jurnal Cendekia Hukum)* 5.2 (2020): 260-274.

These regulations, as amended by Government Regulation No. 18 of 1999 and Government Regulation No. 85 of 1999, establish guidelines for the management of hazardous and toxic waste, including provisions for handling, storage, transportation, and disposal to prevent environmental harm and protect public health.[26]

By leveraging these laws and regulations, environmental authorities can enforce legal provisions, impose sanctions on violators, and uphold environmental standards to safeguard natural resources and promote sustainable development.

The Nuisance Ordinance provides a legal framework for Mayors/Regents to enforce administrative sanctions, which include:

1. Imposition of Additional Permit Requirements
   Following a thorough hearing of the permit holder, the Mayor/Regent may impose new requirements on permits to address violations effectively.
2. Issuance of Corrective Orders
   Authorities can issue orders to rectify negligence or violations promptly, ensuring compliance with environmental regulations.
3. Revocation of Permits
   If corrective measures are inadequate, the Mayor/Regent retains the authority to revoke permits, thereby halting activities that pose risks to public health or the environment.
4. Government Coercion
   In cases where preventive measures are necessary, authorities may resort to government coercion, such as closing workplaces or sealing machinery used in unauthorized activities, as stipulated in Articles 11, 12, and 13 of the Nuisance Ordinance. Furthermore, the Nuisance Ordinance includes provisions for imposing light criminal penalties,

[26] Pelengkahu, Muhammad Rahjay, and Najib Satria. "The Role of Environmental Legal Instruments and Government Policies in Realizing Sustainable Development in Indonesia." *Administrative and Environmental Law Review* 4.2 (2023): 127-138; Kurnia, Hanny. "Legal Arrangements for Criminal Acts of Environmental Pollution in Indonesia." *JILPR Journal Indonesia Law and Policy Review* 3.3 (2022): 86-99; Dadi, Dadi. "How does Environmental Law View Sustainable Ecological Development in Indonesia?." *LEGAL BRIEF* 11.2 (2022): 788-798.

such as fines or imprisonment, as outlined in Article 15, to deter violators.

These administrative measures serve to ensure compliance with environmental regulations, safeguard public health, and mitigate environmental hazards.

Government Regulation No. 20 of 1990 on Water Pollution Control provides a comprehensive framework for administrative sanctions, empowering Regents/Mayors and Governors to take decisive actions to address water pollution. Article 37 delineates several measures that authorities can implement, including:

1. Sealing of Sewage Channels
   In cases of non-compliance with permit requirements or unauthorized disposal practices, authorities have the authority to seal sewage channels to prevent further pollution.
2. Temporary Suspension of Activities
   If activities contribute to water pollution or fail to adhere to regulations, authorities may temporarily suspend operations to mitigate environmental harm.
3. Revocation of Waste Disposal Permits
   Permits may be revoked if conditions outlined in the permit are violated, such as diluting liquid waste or disposing of it without proper authorization from the Ministry of Environment. Failure to submit required reports on waste disposal can also warrant permit revocation.

Additionally, Article 36 grants Regent/Mayor the authority, delegated by the Governor, to issue orders to individuals responsible for activities or businesses to address pollution or destruction. Such orders may require the responsible party to take remedial actions at their expense, ensuring accountability for environmental harm.[27]

In the Government Regulation on Hazardous and Toxic Waste Management (B-3), Bapedal is entrusted with the authority to enforce compliance with its provisions. If a permit holder violates regulations,

[27] *See* Bedner, Adriaan. "Consequences of decentralization: Environmental Impact Assessment and water pollution control in Indonesia." *Law & Policy* 32.1 (2010): 38-60; Kardono, Kardono. "Condition of water resource in Indonesia and its environmental technology." *Jurnal Air Indonesia* 3.2 (2007).

Bapedal may issue a written warning. Should the violation persist beyond a 15-day grace period, Bapedal is empowered to impose sanctions, including the temporary suspension of activities related to B-3 waste treatment. Moreover, administrative sanctions may also be administered by the Minister of Transportation for carriers of B-3 waste who fail to adhere to regulatory requirements, as stipulated in Article 38.

Additionally, under Article 62, paragraphs (2) and (3), the Regent/Mayor, acting on behalf of the authorized agency, has the authority to halt operations or activities that pose environmental hazards. This measure ensures prompt intervention to mitigate risks to the environment.[28]

The administrative sanctions under the Environmental Management Law (UUPLH) are delineated in Articles 25 to 29, ranging from mild to severe penalties imposed on violators of administrative provisions. These sanctions commence with lighter measures such as verbal or written warnings, progressing to government coercion to rectify deficiencies in waste treatment facilities, ensuring compliance with environmental standards. Violators may also be held accountable for the costs associated with remediation efforts, including rescue, mitigation, and recovery expenses. Additionally, administrative fines may be levied as a deterrent against future infractions.[29]

Article 76 of the Law establishes the authority to revoke business licenses as the most severe sanction in administrative law enforcement, reserved for egregious violations. This measure underscores the gravity of non-compliance and serves as a last resort to ensure adherence to environmental regulations.

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[28] Shidarta, Shidarta. "Perbuatan Melawan Hukum Lingkungan Penafsiran Ekstensif dan Doktrin Injuria Sine Damno." *Jurnal Yudisial* 3.1 (2010): 60-77.

[29] Putri, Sri Juwita, et al. "Tinjauan Yuridis Terhadap Sanksi Tindak Pidana dalam UUPLH Dilihat Dari Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Pengelolaan Lingkungan Hidup." *Jurnal Hukum dan Sosial Politik* 1.2 (2023): 194-206; Harahap, Zairin. "Penerapan Sanksi Pidana Di Bidang Lingkungan Hidup Menurut UUPLH." *Jurnal Hukum IUS QUIA IUSTUM* 12.30 (2005): 275-287; Nopyandri, Nopyandri. "Pengaturan Wewenang Pemerintah Daerah dalam Penerapan Sanksi Administrasi Lingkungan." *Jurnal Ilmu Hukum Jambi* 6.1 (2015): 43310.

Furthermore, Articles 48 to 52 empower the Minister of Environment to mandate environmental audits for businesses or activities demonstrating non-compliance with laws and regulations. This proactive approach aims to identify and address systemic issues contributing to environmental degradation, fostering a culture of accountability and continuous improvement in environmental management practices.

Environmental Law Enforcement in Criminal and Civil Law

A. Environmental Criminal Law Enforcement

Within the Environmental Management Law (UUPLH), criminal provisions are delineated in Chapter IX, spanning from Article 41 to Article 48, as well as in its general explanation. These provisions encompass both substantive and procedural aspects of criminal law. Notably, some of these provisions constitute standalone regulations outside the purview of the general provisions outlined in the Criminal Code and Criminal Procedure Code.[30]

1. Law No. 32 of 2009 concerning Environmental Protection and Management

Criminal offenses related to environmental protection and management encompass a range of prohibited actions, including:

1) Exceeding Ambient Air Quality Standards (Article 98(1))

[30] *See* Zaid, M., et al. "The Sanctions on Environmental Performances: An Assessment of Indonesia and Brazilia Practice." *Journal of Human Rights, Culture and Legal System* 3.2 (2023): 236-264; Ali, Mahrus, and M. Arif Setiawan. "Penal proportionality in environmental legislation of Indonesia." *Cogent Social Sciences* 8.1 (2022): 2009167; Farahwati, Farahwati. "Study of Criminal Sanctions for Environmental Pollution and/or Damage." *International Journal of Social Science Research and Review* 6.12 (2023): 249-261; Syarhan, Mohamad, Nyoman Serikat Putra Jaya, and Bambang Hartono. "Traditional Criminal Law Existence in the Settlement of Criminal Action in the Environmental Field in Indonesia." *Turkish Journal of Computer and Mathematics Education (TURCOMAT)* 12.6 (2021): 1467-1478.

This offense refers to actions that lead to air pollution levels surpassing the established standards, contributing to deteriorating air quality and potential health hazards for the population.

2) Causing injury and/or human health hazards as a result (Article 98(2))
   If the violation of air quality standards results in physical harm or poses risks to human health, it escalates the severity of the offense, warranting stricter penalties.
3) Violating Wastewater Quality Standards, Emission Quality Standards, or nuisance quality standards (Article 100)
   This offense encompasses various violations related to the quality of wastewater, emissions, or other environmental factors deemed detrimental to public health or environmental integrity.
4) Managing B3 waste without permission (Article 102)
   B3 waste refers to hazardous and toxic materials. Managing such waste without proper authorization violates environmental regulations and poses significant risks to human health and the environment.
5) Producing B3 waste without implementing management measures (Article 103)
   This offense involves the production of hazardous waste without implementing adequate measures for its safe handling, storage, treatment, and disposal, posing serious environmental and health risks.
6) Dumping waste and/or materials into environmental media without permission (Article 104)
   Unauthorized disposal of waste or materials into environmental media such as water bodies or land without proper authorization is prohibited, as it can lead to pollution and ecological damage.
7) Introducing waste into Indonesian territory (Article 105)
   Importing waste into Indonesian territory without legal authorization violates environmental regulations and may result in increased pollution and environmental degradation.
8) Introducing B3 waste into Indonesian territory (Article 106)
   Specifically targeting hazardous waste, this offense pertains to the unauthorized importation of toxic materials into Indonesian territory, posing significant risks to public health and the environment.

9) Introducing prohibited B3 waste into Indonesian territory (Article 107)
   Importing B3 waste that is prohibited under laws and regulations into Indonesian territory is strictly prohibited due to the severe environmental and health hazards associated with such materials.
10) Engaging in land burning activities (Article 108)
   Burning of land, whether for agricultural purposes or other reasons, can lead to deforestation, habitat destruction, air pollution, and the release of greenhouse gases, contributing to environmental degradation and climate change.
11) Conducting business and/or activities without obtaining an environmental permit (Article 109)
   Operating businesses or conducting activities without obtaining the necessary environmental permits violates regulatory requirements and may lead to uncontrolled environmental impacts and risks.
12) Undertaking an Environmental Impact Assessment (AMDAL) without possessing the requisite competence certificate (Article 110)
   Performing an Environmental Impact Assessment (AMDAL) without the required competency certificate undermines the credibility and effectiveness of environmental assessments, potentially leading to inadequate consideration of environmental impacts and mitigation measures.
13) Issuing environmental permits without a corresponding AMDAL or UKL-UPL (Article 111)
   Issuing environmental permits without a proper Environmental Impact Assessment (AMDAL) or Environmental Management Efforts (UKL-UPL) undermines the integrity of the permitting process and may result in inadequate environmental safeguards.
14) Failing to supervise the compliance of business and/or activity operators with environmental laws, regulations, and permits (Article 112)
   Neglecting to monitor and ensure compliance with environmental laws, regulations, and permits allows for the proliferation of non-compliant practices and undermines effective environmental governance and enforcement.

15) Providing false, misleading, or omitted information pertaining to environmental supervision and law enforcement (Article 113)
Deliberately providing false, misleading, or omitted information during environmental supervision and law enforcement obstructs regulatory efforts and compromises the integrity of environmental governance.
16) Failing to implement government coercion (Article 114)
Neglecting to carry out government coercion measures as prescribed by law hampers efforts to enforce environmental regulations and address non-compliant practices effectively.
17) Obstructing or impeding the duties of environmental supervisory officials and/or investigating civil servants (Article 115).
Actively obstructing or impeding the duties of environmental supervisory officials and civil servants investigating environmental violations undermines regulatory enforcement efforts and may lead to evasion of accountability.

These offenses are outlined in the UUPLH to uphold environmental standards and ensure compliance with regulations aimed at protecting natural resources and public health.

2. Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems

Under Law No. 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems, several criminal provisions aim to protect the integrity of nature reserves and national parks, as outlined below:

1) Acts Resulting in Changes to Nature Reserve or National Park Core Zone Integrity (Article 40(1))
Committing acts that may compromise the integrity of nature reserve areas or the core zones of national parks, in violation of Article 19(1) and Article 33(1), carries a maximum penalty of 10 years' imprisonment and a fine of up to Rp. 200,000,000. Negligence resulting in such acts is punishable under Article 40(3) with a

maximum penalty of 1 year's imprisonment and a fine of up to Rp. 100,000,000.

2) Unauthorized Harvesting of Protected Plants (Article 40(2))
   Harvesting or cutting down protected plants, whether alive or dead, in contravention of Article 21(1) and (2) and Article 33(3), is subject to a maximum penalty of 5 years' imprisonment and a fine of up to Rp. 100,000,000. Additionally, under Article 40(4), those found guilty of violating these provisions face a maximum penalty of 1 year's imprisonment and a fine of up to Rp. 50,000,000.

These criminal provisions are crucial for deterring activities that threaten the conservation of biological resources and their ecosystems, safeguarding Indonesia's rich biodiversity and natural heritage.

3. Law No. 41 of 1999 on Forestry

Under Law No. 41 of 1999 on Forestry, numerous criminal provisions are established to safeguard forest resources and combat activities that threaten forest ecosystems:

1) Damaging Forest Protection Infrastructure and Facilities (Article 78(1) jo. Article 50(1))
   Intentional damage to forest protection infrastructure and facilities is punishable by a maximum of 10 years' imprisonment and a fine of up to Rp. 5,000,000,000.
2) Activities Causing Forest Destruction (Article 78 jo. Article 50(2))
   Engaging in activities leading to forest destruction constitutes an offense, subject to criminal penalties.
3) Unauthorized Occupation or Use of Forest Areas (Article 78(2) jo. Article 53(3))
   Unauthorized occupation, use, or encroachment upon forest areas, including unauthorized tree felling within designated forest zones, carries a maximum penalty of 10 years' imprisonment and a fine of up to Rp. 5,000,000,000.

Additional criminal acts include:

1) Forest Burning (Article 78(3) jo. Article 53(3))
   Setting fire to forests constitutes a criminal offense, subject to punitive measures.

2) Negligent Forest Burning (Article 78(4) jo. Article 50(3))
   Negligently causing forest fires results in criminal liability and potential penalties.
3) Unauthorized Tree Cutting or Harvesting Forest Products (Article 50(3))
   Unauthorized cutting, harvesting, or collection of forest products without the requisite rights or permits is prohibited and subject to penalties.
4) Illegal Possession or Trade of Forest Products (Article 78(5) jo. Article 50(3))
   Receiving, buying, selling, or possessing forest products known or suspected to be obtained illegally constitutes a criminal offense.
5) Mining in Protected Forest Areas (Article 78(6) jo. Article 38(4))
   Engaging in mining activities, including open-pit mining, within protected forest areas without proper permits is prohibited.
6) Unlawful Transportation or Possession of Forest Products (Article 78(7) jo. Article 50(3))
   Transporting, controlling, or possessing forest products without valid certificates is punishable under the law.
7) Unauthorized Grazing of Livestock in Forest Areas (Article 78(8))
   Grazing livestock in undesignated forest areas without specific authorization is prohibited.
8) Unauthorized Use of Equipment in Forest Areas (Article 78(9) and (10))
   Unauthorized use of heavy equipment or tools for cutting trees within forest areas without permission constitutes an offense.
9) Illegal Disposal of Objects Endangering Forests (Article 78(11) jo. Article 50(3))
   Disposing of objects that pose fire hazards or endanger forest functions within forest areas is prohibited.
10) Unauthorized Removal or Transportation of Plants and Wildlife (Article 78(12))
   Removal or transportation of plants and wildlife from forest areas without permission constitutes a criminal offense.

These criminal provisions are crucial for enforcing forestry laws and protecting Indonesia's vital forest ecosystems and biodiversity.

4. Law No. 39 of 2004 concerning Plantations

Under the regulations stipulated in Law No. 39 of 2004 concerning Plantations, certain criminal acts related to plantation cultivation and industrial processing of plantation products are subject to punitive measures, including:

1) Conducting Plantation Cultivation or Processing Without Permit (Article 46(1))
   Engaging in plantation cultivation business or industrial processing of plantation products without the required permit is punishable by a maximum prison sentence of 5 years and a fine of up to Rp. 2,000,000,000.
2) Negligent Violation of Permit Requirements (Article 46(2) jo. Article 17(1))
   Negligently violating permit requirements may lead to imprisonment for a maximum of 2 years and 6 months, along with a fine of up to Rp. 1,000,000,000.

Other criminal acts include:

1) Damage to Plantations and Assets (Article 45(1) jo. Article 21)
   Actions resulting in damage to plantations or other assets are strictly prohibited and may lead to criminal charges.
2) Misleading Advertisement of Plantation Products (Article 51(1) jo. Article 32)
   Advertising plantation products in a manner that misleads consumers is punishable under the law.
3) Illegal Collection of Plantation Products (Article 52 jo. Article 33)
   Collecting plantation products obtained through looting or theft constitutes a criminal offense.
4) Land Burning Causing Pollution and Environmental Damage (Article 48(1) jo. Article 26)
   Opening or cultivating land through burning, resulting in environmental pollution and damage, is strictly prohibited.
5) Falsification of Quality or Packaging of Plantation Products (Article 50(1))

Falsifying the quality or packaging of plantation products is punishable under the law, whether committed intentionally or negligently.

These provisions serve to regulate and oversee plantation activities, ensuring compliance with legal requirements and promoting responsible and sustainable management of plantations and their products.

5. Law No. 7 of 2004 on Water Resources

Under Law No. 7 of 2004 on Water Resources, several criminal provisions aim to safeguard water sources and infrastructure, as outlined below:

1) Destruction of Water Sources and Infrastructure (Article 94(1) jo. Article 24 jo. Article 52)
   Activities leading to the destruction of water sources and infrastructure are punishable by a maximum of 9 years' imprisonment and a fine of up to Rp. 1,500,000,000.
2) Water Use Activities Causing Losses and Damage (Article 94(2) jo. Article 32(3) jo. Article 64(7))
   Engaging in water use activities that result in losses to others and damage to water sources' functions carries a maximum penalty of 6 years' imprisonment and a fine of up to Rp. 1,000,000,000.
3) Renting or Transferring Water Use Rights (Article 94(3) jo. Article 7(2) jo. Article 45(3) jo. Article 63)
   Renting or transferring water use rights without authorization is subject to a maximum penalty of 3 years' imprisonment and a fine of up to Rp. 500,000,000.

Furthermore, other criminal acts include negligence resulting in damage to water resources and infrastructure, interference with water preservation efforts, and negligence in carrying out water use activities leading to losses and damage to water sources. These criminal provisions play a crucial role in upholding water resource management laws and protecting Indonesia's vital water sources and infrastructure from degradation and misuse.

6. Law No. 4 of 2009 concerning Mineral and Coal Mining

Under Law No. 4 of 2009 concerning Mineral and Coal Mining, several criminal provisions aim to regulate mining activities and ensure compliance with licensing requirements, as detailed below:

1) Conducting Mining Business Without Proper Permits (Article 158)
   Engaging in mining business activities without possessing the required Mining Business License (IUP), Mining Production Operation License (IPR), or Special Mining Business License (IUPK) is subject to a maximum penalty of 10 years' imprisonment and a fine of up to Rp. 10,000,000,000.
2) Submission of False Reports or Information (Article 159)
   Providing false reports or information related to mining operations is punishable by a maximum penalty of 10 years' imprisonment and a fine of up to Rp. 10,000,000,000.
3) Exploration Without Proper Permits (Article 160(1))
   Conducting exploration activities without obtaining the necessary Exploration License (IUP) or Special Exploration License (IUPK) is prohibited.
4) Misuse of Exploration Permits (Article 160(2))
   Using an Exploration License (IUP) for production operations constitutes a criminal offense under Article 160(2).
5) Illegal Accommodation, Utilization, Processing, Transport, or Sale of Minerals and Coal (Article 161)
   Unauthorized accommodation, utilization, processing, refining, transportation, or sale of minerals and coal not held by IUP or IUPK holders is strictly prohibited.

These criminal provisions are vital for ensuring the lawful and responsible conduct of mining activities, preventing illegal mining operations, and promoting sustainable management of mineral and coal resources in Indonesia.

B. Civil Environmental Law Enforcement

The civil environmental law enforcement provisions under the previous Environmental Law (UUPLH) were delineated in Chapter VII,

spanning Articles 30 to 39. In the updated Environmental Law (UUPPLH), these regulations are consolidated in Chapter XIII, comprising Articles 84 to 92.

Resolving environmental disputes within the realm of civil law can be pursued through two avenues. Firstly, individuals or entities can opt for traditional legal recourse by bringing their case before a court. Secondly, they have the option to pursue alternative dispute resolution (ADR) mechanisms, which include alternative dispute resolution mechanisms (ADRs) or alternative dispute resolution (ADR) outside the judicial process.[31]

Alternative dispute resolution methods offer parties involved in environmental disputes a means to resolve conflicts outside the formal courtroom setting. These mechanisms, such as mediation or arbitration, provide a more flexible and collaborative approach to resolving disputes. By engaging in ADR, parties can often achieve faster, more cost-effective, and mutually satisfactory outcomes compared to traditional litigation.

It's essential to note that while ADR methods offer benefits such as confidentiality and flexibility, they may not always be suitable for every environmental dispute. Factors such as the complexity of the case, the willingness of parties to collaborate, and the need for legally binding decisions will influence whether ADR is the most appropriate course of action. Therefore, individuals and organizations involved in environmental disputes should carefully consider their options and seek legal advice to determine the best approach for resolving their particular situation.

The legal foundation for environmental dispute resolution service providers is established through Government Regulation 54 of 2000. This regulation serves as an implementing guideline for the provisions outlined in Articles 30 to 33 of the Environmental Law (UUPLH). These articles detail the mechanisms and procedures for resolving environmental disputes within the civil law framework.[32]

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[31] Nicholson, David. *Environmental dispute resolution in Indonesia*. Brill, 2010; Bedner, Adriaan. "Access to environmental justice in Indonesia." *Access to Environmental Justice: A Comparative Study*. Brill Nijhoff, 2007. 89-123.

[32] Arifin, Ridwan, and Siti Hafsyah Idris. "In Dubio Pro Natura: in Doubt, should the Environment Be a Priority? A Discourse of Environmental Justice in

Environmental dispute resolution service providers facilitate the resolution of conflicts related to environmental matters. These service providers typically employ various methods, such as arbitration, mediation, or other third-party interventions, to assist parties in reaching mutually acceptable resolutions.

Arbitration involves appointing a neutral third party, known as an arbitrator, who hears arguments and evidence from both sides and renders a binding decision. Mediation, on the other hand, involves a neutral mediator facilitating communication and negotiation between parties to help them reach a voluntary settlement.

These dispute resolution mechanisms offer several advantages over traditional litigation, including efficiency, cost-effectiveness, and confidentiality. They also provide a more flexible and collaborative approach to resolving disputes, allowing parties to maintain control over the outcome while preserving relationships and minimizing disruption to ongoing activities.

Moreover, if the involved parties opt for extrajudicial settlement of the dispute, recourse to the courts is only permissible once the extrajudicial process concludes unsuccessfully or if one of the disputing parties formally withdraws from negotiations. This protocol aims to establish legal clarity and prevent conflicting rulings.

The resolution of environmental disputes outside the courtroom typically aims to achieve consensus on compensation arrangements and/or specific measures to prevent or mitigate adverse environmental impacts. This approach underscores the importance of reaching mutually agreeable solutions to prevent or address environmental harm effectively.

Conclusion

This study concluded and highlighted that the implementation of Law No. 32 of 2004 marked a significant transition in environmental management authority from the Central Government to Regional Governments, as outlined in Article 7 paragraph (1). This shift

Indonesia." *Jambe Law Journal* 6.2 (2023): 143-184. *See also* Boer, Ben. "Environmental Law in Southeast Asia." *Routledge handbook of the environment in Southeast Asia*. Routledge, 2016, pp. 133-150.

underscores the regionalization of environmental management, where certain responsibilities, such as water quality and pollution control, are designated to different levels of governance. While the Central Government retains oversight over broader aspects like determining water quality nationwide, Provincial Governments are tasked with coordinating water quality management within districts and cities.

In addition, administrative law enforcement plays a pivotal role in upholding environmental regulations. Legal frameworks such as Hinder Ordonantie (S.1926-226) and Law No. 23 of 1997 (UUPLH) provide the basis for enforcing environmental administration law. Similarly, criminal law enforcement targets offenses outlined in various environmental protection and management laws, including those pertaining to conservation, forestry, plantations, water resources, and mining. Furthermore, civil environmental law enforcement, governed by both past and current legislation, provides two pathways for resolving disputes: traditional court litigation or alternative dispute resolution mechanisms. Chapters VII and XIII of the UUPLH detail the procedures for civil enforcement, ensuring that legal avenues are available for resolving environmental conflicts, whether through judicial proceedings or alternative means. This dual approach is designed to foster effective environmental governance and expedite the resolution of conflicts in a manner consistent with legal principles and environmental conservation objectives.

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