

# The Effectiveness of Administrative Sanctions Against Environmental Pollution Cases in Indonesia

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## Abstract

This study investigates the effectiveness of administrative sanctions as a regulatory tool in combating environmental pollution cases in Indonesia. Despite the implementation of various environmental regulations and administrative penalties, the persistence of pollution incidents raises questions about the efficacy of these measures. Through a comprehensive review of legal frameworks, case studies, and empirical data, this research aims to assess the impact of administrative sanctions on deterring environmental violations and promoting compliance. Key factors influencing the effectiveness of administrative sanctions, including enforcement mechanisms, institutional capacity, public awareness, and stakeholder engagement, will be analyzed. Additionally, the study will examine challenges and opportunities for enhancing the enforcement of environmental regulations through administrative sanctions. By providing



insights into the strengths and limitations of current regulatory approaches, this research seeks to inform policy recommendations for strengthening environmental governance and achieving sustainable development goals in Indonesia.

**KEYWORDS** *Environmental Pollution, Administrative Sanction, Environmental Law Enforcement, Justice*

## Introduction

Environment is usually defined as something that surrounds life or organisms. Environment is a collection of everything that makes up conditions and will affect directly or indirectly both life in individual form and in a particular place.<sup>1</sup> The problem of pollution is a very popular problem, widely discussed by people throughout the surface of our earth.<sup>2</sup> The problem of pollution is a problem that really needs to be handled seriously by all parties to be able to overcome the adverse effects that occur due to pollution, even as much as possible to prevent environmental pollution. Environmental pollution occurs when the material cycle in the environment changes, so that the balance in terms of structure and function is disturbed. The imbalance in the structure and function of the material cycle occurs due to natural processes or also due to human actions.<sup>3</sup>

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<sup>1</sup> Hughes, J. Donald. *An environmental history of the world: humankind's changing role in the community of life*. Routledge, 2009.

<sup>2</sup> National Research Council, et al. *Rethinking the ozone problem in urban and regional air pollution*. National Academies Press, 1992; Abbasi, Tasneem, and S. A. Abbasi. "Is the use of renewable energy sources an answer to the problems of global warming and pollution?" *Critical Reviews in Environmental Science and Technology* 42.2 (2012): 99-154; Hardoy, Jorge E., Diana Mitlin, and David Satterthwaite. *Environmental problems in an urbanizing world: finding solutions in cities in Africa, Asia and Latin America*. Routledge, 2013.

<sup>3</sup> Elleuch, Boubaker, et al. "Environmental sustainability and pollution prevention." *Environmental Science and Pollution Research* 25 (2018): 18223-18225; Maruf, Arifin. "Legal aspects of environment in Indonesia: An efforts to prevent environmental damage and pollution." *Journal of Human Rights, Culture and Legal*

In this modern century many human activities or actions to meet biological needs and technological needs so that many cause environmental pollution.<sup>4</sup> Humans are the only component of the biotic environment that has the ability to deliberately change the state of the environment.<sup>5</sup> In an effort to change his environment, with the aim of improving his welfare can cause a problem called pollution. Humans can also change the state of the polluted environment due to their actions into a better environmental condition, become a balanced state, can reduce the occurrence of environmental pollution, and is even expected to prevent pollution.

In terms of chemistry, what is called environmental pollution is the event of the spread of chemicals with certain levels that can change the state of balance in the material cycle, both the state of structure and function so as to interfere with human welfare. This environmental pollution needs to be handled seriously by all parties, because environmental pollution can cause disruption to health welfare and can even have consequences on the human soul.<sup>6</sup> Based on the physical medium of the environment in which these chemicals are spread.

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*System 1.1* (2021); Petraru, Mădălina, and Maria Gavrilescu. "Pollution prevention, a key to economic and environmental sustainability." *Environmental Engineering and Management Journal* 9.4 (2010): 597-614.

- <sup>4</sup> Appannagari, Ramamohana Reddy. "Environmental pollution causes and consequences: a study." *North Asian International Research Journal of Social Science & Humanities* 3.8 (2017): 151-161; Commoner, Barry. *The closing circle: nature, man, and technology*. Courier Dover Publications, 2020.
- <sup>5</sup> Gorshkov, Victor, Anastassia M. Makarieva, and Vadim V. Gorshkov. *Biotic regulation of the environment: Key issues of global change*. Springer Science & Business Media, 2000; Tuomainen, Ulla, and Ulrika Candolin. "Behavioural responses to human-induced environmental change." *Biological Reviews* 86.3 (2011): 640-657; Ellis, Erle C. "Ecology in an anthropogenic biosphere." *Ecological Monographs* 85.3 (2015): 287-331.
- <sup>6</sup> Homer-Dixon, Thomas F. "On the threshold: environmental changes as causes of acute conflict." *International Security* 16.2 (1991): 76-116; Graff Zivin, Joshua, and Matthew Neidell. "Environment, health, and human capital." *Journal of Economic Literature* 51.3 (2013): 689-730.

## Enforcing Administrative Sanctions for Environmental Polluters

In the intricate web of environmental conservation, the enforcement of administrative sanctions stands as a critical pillar in safeguarding the delicate balance between human activities and the natural world.<sup>7</sup> As humanity grapples with the consequences of industrialization and urbanization, the detrimental effects of environmental pollution loom large, threatening ecosystems, biodiversity, and public health. In response, regulatory bodies worldwide have established robust frameworks aimed at deterring and penalizing those who violate environmental regulations. This section explores the imperative of enforcing administrative sanctions for environmental polluters, delving into the legal mechanisms, challenges, and the broader societal implications of holding individuals and entities accountable for their environmental transgressions. By examining the intricacies of administrative enforcement in the context of environmental protection, we gain insight into the collective efforts needed to preserve and sustain our planet for future generations.<sup>8</sup>

In Law Number 32 of 2009, eight articles delineate administrative sanctions, comprising the following provisions:

1. Authorities vested in Ministers, governors, or regents/mayors to impose administrative sanctions on individuals overseeing businesses and/or activities upon detecting violations of environmental permits during supervision.
2. Administrative sanctions encompass:
  - a. Issuance of a written reprimand.
  - b. Implementation of government coercion.
  - c. Suspension of environmental permits.

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<sup>7</sup> Hunter, Malcolm. "Benchmarks for managing ecosystems: are human activities natural?." *Conservation Biology* (1996): 695-697; Goudie, Andrew S. *Human impact on the natural environment*. John Wiley & Sons, 2018; Montgomery, Edward, John W. Bennett, and Thayer Scudder. "The impact of human activities on the physical and social environments: New directions in anthropological ecology." *Annual Review of Anthropology* 2.1 (1973): 27-61.

<sup>8</sup> Kriebel, David, et al. "The precautionary principle in environmental science." *Environmental Health Perspectives* 109.9 (2001): 871-876.

d. Revocation of environmental permits.

Moreover, the Minister reserves the right to impose administrative sanctions on individuals responsible for businesses and/or activities if local governments deliberately neglect to enforce administrative sanctions for serious violations in environmental protection and management.

It is crucial to note that the imposition of administrative sanctions outlined in Article 76 does not absolve individuals overseeing businesses and/or activities from the obligation of remediation and potential criminal liability, as stipulated in Article 78 of the Environmental Protection and Management Law.

Administrative law plays a crucial role in regulating government oversight of business establishment permits and enforcing environmental safeguards in cases of permit violations. Article 25 of the Environmental Protection and Management Law (UUPLH) delineates the provisions concerning administrative sanctions for licensing violations:

1. The Governor or Head of Level I Region is empowered to enforce government coercion on individuals responsible for businesses and/or activities to prevent and rectify violations, as well as address the consequences thereof, including undertaking rescue operations, implementing countermeasures, and conducting necessary activities, unless otherwise specified by law.
2. The authority specified in paragraph (1) may be delegated to the Regent, Mayor, or Head of Level II Region through Level I Regional Regulations.
3. Interested third parties retain the right to petition the authorized individual to initiate government coercion as outlined in paragraphs (1) and (2).
4. Government coercion, as described in paragraphs (1) and (2), must be preceded by a warrant from the authorized entity.
5. Rescue, control, and/or recovery measures outlined in paragraph (1) may be substituted by the payment of a specified sum of money.<sup>9</sup>

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<sup>9</sup> Harahap, Zairin. "Penegakan Hukum Lingkungan Menurut UUPLH." *Jurnal Hukum Ius Quia Iustum* 11.27 (2004): 7-22; Putra, David Aprizon. "Implikasi politik kebijakan hukum pidana dalam UUPLH." *Legality: Jurnal Ilmiah Hukum* 25.2 (2017): 147-157.

These provisions underscore the government's commitment to ensuring compliance with environmental regulations through administrative measures, thereby safeguarding environmental integrity and public health.

Article 27 of the Environmental Protection and Management Law (UUPLH) delineates the procedures and considerations for the revocation of business and/or activity licenses in the event of specific violations. It empowers Regional Heads to propose such revocations to the designated officials, thereby providing a structured avenue for addressing breaches of environmental regulations.<sup>10</sup>

Additionally, the law affords interested parties the opportunity to petition the competent authority for license revocation if their interests are significantly compromised by the violations. This provision underscores the importance of ensuring that environmental protection measures align with the interests and well-being of affected stakeholders.

Moreover, the flexibility of sanction imposition, spanning from ministerial to regional levels, underscores a strategic approach to enforcement. This tiered system allows for tailored responses to varying degrees of violation severity and complexity, enhancing the overall effectiveness of regulatory measures.

Ultimately, the objective of these provisions is to establish clear and adaptable guidelines that can be uniformly applied across relevant agencies. By doing so, the law seeks to foster a cohesive and robust framework for environmental governance, promoting sustainable development and safeguarding the natural environment for future generations.

Furthermore, as for instance case, in Gowa Regency, South Sulawesi, the operations of two asphalt plants, PT Cisco and PT Literal, have sparked significant concern among local farmers and residents due to their perceived environmental impact. On Tuesday (01/05/2016), dozens of

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<sup>10</sup> Sodikin, Sodikin. "Penegakan Hukum Lingkungan menurut Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan." *Kanun Jurnal Ilmu Hukum* 12.3 (2010): 543-563.

farmers gathered at the plants' location in Batu Alam Hamlet, Romangloe Village, Bontomarannu sub-district, to express their grievances.<sup>11</sup>

The primary complaint centered around the damage inflicted on the environment, particularly on agricultural crops, by the waste generated from the factories. Residents reported experiencing respiratory issues attributed to pollution emanating from the plants' operations.

The gravity of the situation prompted demands for immediate resolution, with some residents advocating for the closure of the factories if no viable solution could be reached. Daeng Ngalle, a local farmer, voiced the sentiment shared by many, emphasizing the dire consequences faced by the community if the issue persisted.

Upon observation of the factory surroundings, it became apparent that the emissions from the plants had adversely affected the neighboring rice fields and gardens, causing the vegetation to exhibit signs of distress, with rice plants dying off. The presence of towering chimneys, reaching heights of 30 meters, indicated the scale of industrial activity at the sites.

The visible impact of the plants' emissions, characterized by the pervasive blackening of the surrounding landscape, underscored the urgency of addressing the environmental concerns raised by the affected residents.

In addition to wreaking havoc on farmers' crops, the coal burning waste emanating from the factories has inflicted respiratory distress upon numerous local residents. Kahar, a concerned parent, lamented the dire situation, expressing frustration over the detrimental impact of the factories' emissions on his son's asthma.

Acknowledging the gravity of the situation, the local government has taken steps to facilitate a dialogue between residents and factory representatives, aiming to broker a mutually beneficial solution. Muhammad Yamin, Head of Romangloe Village, affirmed the urgency of addressing residents' grievances, particularly regarding the loss of agricultural livelihoods due to the plants' activities.

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<sup>11</sup> Makmur, Mardiullah. "Pengaruh Pertambangan Batuan Terhadap Perubahan Penggunaan Lahan di Desa Lonjoboko Kecamatan Parangloe Kabupaten Gowa." *Thesis. UIN Alauddin Makassar* (2017).



As tensions mount, residents have maintained a steadfast presence in front of the factories, effectively halting their operations. Security personnel from both the military (TNI) and police (Polri) have been deployed to ensure the safety of residents and manage the ongoing demonstrations.

## Critical Role of Humans in Environmental Preservation

Humans play a pivotal role within environmental systems, constantly influencing and being influenced by them.<sup>12</sup> The magnitude of human impact on the environment is profound, evident in our utilization of nature through advancements in Science and Technology. Through knowledge and innovation, humans have the capacity to both sustain themselves and adapt to their surroundings. However, this exploitation of the environment necessitates a conscientious approach, grounded in principles of environmental conservation. It is imperative that our actions consider the preservation of the environment for future generations, adhering to the principles of environmentally sound and sustainable development.

Consider, for instance, the critical issue of water conservation. While water serves as the lifeblood of human existence, it is often subjected to pollution and wasteful usage under the misconception that its abundance renders conservation unnecessary.<sup>13</sup> Yet, unchecked consumption and pollution pose significant risks, potentially leading to water scarcity crises, as exemplified by the events in Kuta Alam, Banda Aceh on 23 and 24 November 2013. Consequently, it is incumbent upon us, as stewards of the environment, to judiciously manage water resources by utilizing them

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<sup>12</sup> Walker, Brian, et al. "Resilience, adaptability and transformability in social-ecological systems." *Ecology and Society* 9.2 (2004).

<sup>13</sup> Saurí, David. "Water conservation: Theory and evidence in urban areas of the developed world." *Annual Review of Environment and Resources* 38 (2013): 227-248; Corral-Verdugo, Víctor, Robert B. Bechtel, and Blanca Fraijo-Sing. "Environmental beliefs and water conservation: An empirical study." *Journal of Environmental Psychology* 23.3 (2003): 247-257.



sparingly, turning off faucets when not in use, and refraining from contaminating water sources with refuse or other waste materials.<sup>14</sup>

Furthermore, it is imperative to minimize reliance on motorized vehicles. In contemporary society, these vehicles have become integral to human mobility, ferrying us to our destinations with convenience.<sup>15</sup> However, this convenience comes at the cost of escalating pollution levels. A pertinent example can be observed near the gates of KOPELMA on the route to Darussalam campus, where the pervasive dust generated by motorized vehicles underscores the environmental toll of their usage. Therefore, a shift towards sustainable transportation alternatives, such as bicycles or walking for shorter distances, is warranted. Not only does this promote personal well-being through physical activity, but it also contributes to environmental preservation.

Additionally, excessive consumption of paper warrants attention. Given that paper production primarily relies on tree fibers, heightened demand inevitably translates to increased deforestation rates. This phenomenon is starkly illustrated by the recurrent flooding in areas like Tangse, attributed to rampant illegal logging. Consequently, prudent management of paper usage is imperative. Embracing digital communication platforms, such as email and social media, as primary channels for correspondence and documentation can significantly reduce paper consumption, thereby mitigating environmental degradation and its associated consequences.

As stewards of the Earth, it is our responsibility to safeguard the environment, recognizing that its well-being is intricately linked to our own. This endeavor begins with simple yet impactful actions, such as conserving water and paper, and reducing our reliance on motor vehicles.

The preservation of the environment is paramount for our future survival. What may seem mundane in our daily lives takes on profound significance when we acknowledge the vital importance of nature.

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<sup>14</sup> Noer, R., M. Fuady, and N. Ridwan. "Evaluation of the implementation of sustainable transportation system in the green city concept in Banda Aceh City." *IOP Conference Series: Earth and Environmental Science*. Vol. 881. No. 1. IOP Publishing, 2021.

<sup>15</sup> Karliansyah, M. R. "Air pollution impacts on human health and policies to reduce air pollution." *Medical Journal of Indonesia* 29.1 (2020): 6-7.

Environmental protection transcends mere material preparation; it necessitates a moral commitment. Our role as guardians of the environment extends beyond outward demonstrations—it requires a deep-seated awareness and conscientiousness that emanates from within. By embracing this intrinsic responsibility, we not only ensure the health of our planet but also safeguard our own well-being for generations to come.

In our collective endeavor to safeguard the environment, numerous avenues exist through which we can actively contribute to its preservation. One such avenue involves fostering an intrinsic awareness of the interconnectedness between human actions and environmental consequences. By cultivating a deep understanding of the adverse effects of environmental degradation, individuals can develop a sense of responsibility towards nurturing and protecting the natural world.

Another impactful approach involves engaging in community-driven initiatives aimed at promoting sustainable practices. Through activities such as organizing tree planting campaigns or participating in neighborhood clean-up events, communities can collectively work towards mitigating environmental harm and fostering a culture of conservation.

Furthermore, collaboration among community members is vital in amplifying the impact of individual efforts.<sup>16</sup> By fostering a sense of shared responsibility and cooperation, communities can harness collective strength to address environmental challenges more effectively.

Despite the indirect nature of these contributions, their significance cannot be understated. However, individual responsibility transcends these initiatives, extending to every aspect of daily life. Whether at home or in the broader community, mindful consideration of environmental impact should guide our actions.

Moreover, as custodians of the environment, it is imperative to exercise vigilance in overseeing development projects. By ensuring that environmental considerations are integrated into such endeavors, we can promote the creation of cleaner, healthier, and more sustainable

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<sup>16</sup> Bodin, Örjan. "Collaborative environmental governance: Achieving collective action in social-ecological systems." *Science* 357.6352 (2017): eaan1114; Cooper, Caren B., et al. "Citizen science as a tool for conservation in residential ecosystems." *Ecology and Society* 12.2 (2007); Leichenko, Robin, and Karen O'Brien. *Climate and society: Transforming the future*. John Wiley & Sons, 2019.

environments for current and future generations to enjoy. Through these concerted efforts, we can fulfill our role as stewards of the Earth, safeguarding its precious resources for generations to come.

Addressing air pollution stemming from vehicular emissions and industrial waste requires multifaceted strategies. One effective measure involves extensive afforestation efforts, utilizing every available plot of land to cultivate diverse vegetation. Additionally, stringent enforcement of regulations pertaining to air quality, particularly concerning dissolved chemical levels, is imperative. Violators must face strict sanctions to ensure compliance.

Furthermore, promoting recycling initiatives can significantly mitigate waste accumulation and its associated environmental impact. Encouraging citizens to repurpose their waste fosters a culture of resourcefulness and environmental responsibility. Establishing waste disposal facilities away from residential areas, coupled with educational campaigns on composting, recycling, and innovative waste utilization, serves to educate and empower the public towards more sustainable practices. These comprehensive approaches not only address immediate environmental concerns but also contribute to long-term environmental stewardship and public awareness.

It is these symptoms that give impetus to efforts to regulate population numbers as opposed to population density. The goal is, among other things, that foodstuffs and shelter are sufficient. This is where for the increase in the number of human populations, it is necessary to think about family planning for human life.

#### 1. Humans as ecologically dominant organisms

Humans have an important role in the biosphere because humans are ecologically dominant creatures. There are 2 reasons why humans are called ecologically dominant, namely:

- a. Humans can compete better to meet their needs, especially in terms of food, when compared to other creatures besides those in the ecosystem
- b. Humans are able to exert a great influence on the environment in which they live or on other organisms.

A creature is said to be ecologically dominant, when it comes to population size, body size and the ability to change its environment.

## 2. Human as a tool-making creature

The ability to make tools, closely related to the upright nature of humans that allows him to freely use his hands, in addition, the ability is also closely related to the ability of vision, dexterity, and high brain reasoning abilities, so humans become dominant in the ecosystem thanks to the ability to make and use tools.

Human is also an organism that cultivates its food. The change of life from food gathering to croppers and pickers is an achievement that has far-reaching ecological impacts. Agricultural tools developed from the level of cultivation to modern machines that can manage a much wider land.

## 3. Human as a robber creature

The development of human domination is in line with the development of the tools used, humans are known as the creatures that are most powerful in exploiting ecosystems. It can exploit both terrestrial and aquatic ecosystems. This happens because of its omnivorous nature and diverse needs, since the beginning humans exploit ecosystems not only to meet their food needs, but also other needs, such as clothing and housing.

As one link of the food web, humans can destroy other organisms that compete with them, in order to obtain food and other needs. Humans also exploit ecosystems for consumptive purposes, for example for beliefs such as sacrificial animals, animals for sports, for pets, as well as for social prestige. While plants are also used as aesthetic plants such as ornamental flowers.

## 4. Human as the cause of evolution

The rapid advancement of science plays a pivotal role in the process of organic evolution. While natural evolution typically unfolds gradually, human intervention, whether deliberate or inadvertent, hastens this process. Unfortunately, such interference often leads to a decline in the populations of certain organisms, with some even facing extinction. Conversely, certain species experience a rapid proliferation, particularly those that exhibit adaptive traits favored by human-modified environments. Thus, the fluctuating dynamics of ecosystems and the varying fortunes of different species are largely attributed to human influence.

The way humans accelerated evolution was by cultivating animals and plants, creating new habitats, and the spread of animals and plants. Until now humans are still trying to develop new varieties that meet human needs and tastes.

In addition to changing habitats followed by the creation of new varieties of organisms, humans also accelerate evolution by distributing these new animals and plants to areas where there are no such organisms. This rate of spread is further accelerated by improving the community from one place to another.

#### 5. Human as a creature of impurity

Humans are the only creatures that pollute the environment. Animals dispose of feces in the form of faeces that can be decomposed for recycling because they consist of organic substances, but in humans, in addition to faeces, humans also dispose of excrement of other organic substances whose decomposition is very slow. The dirt comes from synthetic materials and even toxic substances.

The source of human waste comes from homes, plantations, workplaces, means of transportation and other activities. All of this will pollute the environment. These impurities are usually waste substances that can be solid, liquid, or gas.

Gaseous waste materials are pollutants produced by industry, such as carbon compounds (CO, CO<sub>2</sub>, hydrocarbons), sulfur dioxide, and others. It can also be produced from burning garbage or mining goods such as coal.

## **Balancing Human Prosperity and Environmental Sustainability: Some Provisions in Indonesian Legal System**

In the intricate tapestry of Earth's ecosystems, humans stand as both architects and inhabitants, wielding significant influence over the environment that sustains them. This dual role, as agents of both harm and benefit, underscores the complex relationship between humanity and the natural world. Through our actions, we shape the landscape, alter ecosystems, and leave an indelible imprint on the planet. However, this impact is not unidimensional; alongside environmental degradation,

humans have also demonstrated the capacity for conservation and restoration. Thus, to truly understand the dynamics of environmental change, it is essential to explore the multifaceted ways in which humans interact with and affect their surroundings. From industrial pollution to conservation efforts, from urbanization to sustainable practices, this exploration delves into the nuanced role of humans as stewards of the Earth, examining both the challenges and opportunities inherent in our relationship with the environment. Through such understanding, we can strive towards a more harmonious coexistence with the planet and forge a path towards a sustainable future.<sup>17</sup>

Furthermore, the role of humans in the environment is positive and some are negative. The negative role of humans is a role that harms the environment. This loss directly or indirectly arises due to human activities in meeting the needs of life, the positive role of humans is a role that has a beneficial impact on the environment because it can maintain and preserve the carrying capacity of the environment.<sup>18</sup>

In this section, we delve into the pivotal role of humanity as a dominant force on Earth, exploring how our actions—whether conscious or unconscious—can influence the vitality of ecosystems. We'll scrutinize the ways in which human endeavors for welfare intertwine with the health of our planet, examining the intricate balance between human prosperity and environmental sustainability.

In Indonesian legal frameworks, the intricate interplay between human prosperity and environmental sustainability is intricately woven into statutes aimed at balancing developmental needs with ecological preservation. One such cornerstone is the Environmental Management Act (Law No. 32 of 2009), which delineates the legal infrastructure for environmental governance, addressing facets like environmental impact assessments and pollution control.<sup>19</sup> Complementing this is the Forestry

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<sup>17</sup> Dunlap, Riley E., and Robert J. Brulle, eds. *Climate change and society: Sociological perspectives*. Oxford University Press, 2015.

<sup>18</sup> Hackmann, Heide, Susanne C. Moser, and Asuncion Lera St. Clair. "The social heart of global environmental change." *Nature Climate Change* 4.8 (2014): 653-655.

<sup>19</sup> Gunningham, Neil. "Environment law, regulation and governance: Shifting architectures." *Journal of Environmental Law* 21.2 (2009): 179-212.



Law (Law No. 41 of 1999), a pivotal statute regulating forest management to ensure sustainability and biodiversity conservation, while also fostering community engagement in forestry endeavors.<sup>20</sup>

Further underpinning Indonesia's commitment to environmental stewardship is the Law on Conservation of Biological Resources and Ecosystems (Law No. 5 of 1990), which outlines measures for safeguarding the nation's rich biological diversity and ecosystems.<sup>21</sup> Additionally, the Water Resources Law (Law No. 7 of 2004)<sup>22</sup> and the Spatial Planning Law (Law No. 26 of 2007) address the sustainable management of water resources and land use planning, respectively, integrating environmental considerations into development processes.<sup>23</sup>

These laws collectively embed principles of environmental sustainability within Indonesia's legal fabric, encapsulating the nation's dedication to fostering economic growth while safeguarding natural resources for present and future generations. By enshrining mechanisms for conservation, sustainable resource utilization, and community involvement, Indonesian law serves as a beacon for promoting harmony between human prosperity and environmental well-being, ensuring a balanced and sustainable path forward.

In the further, at the core of humanity's ascendancy as a dominant force among living beings lie two fundamental attributes. Firstly, our

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<sup>20</sup> Colchester, Marcus. *Justice in the forest: rural livelihoods and forest law enforcement*. Vol. 3. Cifor, 2006.

<sup>21</sup> Lubis, Muhammad Ikhsan. "Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and Law No. 5 of 1990 in Law Enforcement Efforts and Guarantees of Environmental Rights in Gunung Leuser National Park, Indonesia." *Journal of Indonesian Legal Studies* 2.1 (2017): 55-78.

<sup>22</sup> Fulazzaky, Mohamad Ali. "Challenges of integrated water resources management in Indonesia." *Water* 6.7 (2014): 2000-2020; Astriani, Nadia. "Legal Policy of Water Resources Management by Local Governments: A Review of Right to Water in Indonesia." *Hasanuddin Law Review* 1.2 (2016): 250-257.

<sup>23</sup> Amiludin, Amiludin, and Muhammad Asmawi. "Problematics and Legal Dimensions in Arrangement of Space According to Law Number 26 of 2007." *Indonesian Journal of Law and Policy Studies* 1.2 (2020): 106-113; Hudalah, Delik, and Johan Woltjer. "Spatial planning system in transitional Indonesia." *International Planning Studies* 12.3 (2007): 291-303.



inherent capacity for competition serves as a driving force propelling us to excel and adapt within the intricate tapestry of nature. This innate trait fuels our relentless pursuit of progress and success, compelling us to navigate and conquer diverse environments with resilience and determination.

Secondly, our remarkable abilities to influence and affect other creatures underscore our unparalleled impact on the world around us. Through our actions, we wield the power to shape ecosystems, alter the course of natural processes, and exert profound effects on the lives of countless species. From the transformative forces of agriculture to the far-reaching consequences of industrialization, our interventions reverberate throughout the biosphere, leaving an indelible imprint on the fabric of life itself.

In concert, these dual attributes of competition and influence define our role as stewards of the Earth, imbuing us with both the responsibility and the capability to shape the destiny of our planet. It is through a deep understanding of these inherent traits that we can navigate the complex dynamics of our relationship with the natural world, striving to harness our potential for the greater good of all living beings.

The ability to compete has been proven to exist, especially in obtaining food and energy in this universe. Humans are able to produce new food sources that are superior to themselves while other creatures are not. The role of humans in preserving the environment is based on their high ability to adapt.

Environmental sustainability is very important in today's modern world civilization. The idea of preserving the environment and preserving biological resources for life in the future is an interesting challenge.<sup>24</sup> This is based on the idea that humans living today will always face their competitors, both from among humans themselves and with other animals or plants. As a result, the competition is of course there are winners and there are losers. Indirectly, the lives of future generations will be

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<sup>24</sup> Tuchman, Nancy C., Michael J. Garanzini, and Ph D. SJ. "Ecological Sustainability and Human Population Growth: Today's Challenges for the Future of Civilization." *Carta de AUSJAL* 31 (2010): 26-38; Pawłowski, Artur. *Sustainable development as a civilizational revolution*. CRC Press, 2011.

determined by the consequences of this indirect competition. In the reality of practice in the field, actions like the above are often ignored the principle of environmental sustainability, so that the tendency of disaster and catastrophe becomes an inseparable part of us.

Pollution results in changes in environmental conditions that lead to disruption of the ecosystem as a whole. Concrete actions need to be realized so that environmental pollution can be prevented and eliminated.<sup>25</sup> Prevention efforts are related to aspects of urban planning or regional planning. Supervision of development projects is an inseparable part of preventive efforts or preventing environmental damage. Physical facilities development projects, in the form of housing, highways, schools, industries need to get close supervision in order to obtain a clean, healthy and comfortable environment for residents and creatures living around the development. Air pollution due to waste disposal from vehicles and factories needs to be done by planting diverse crops and every inch of vacant land is sought to be planted with green plants.<sup>26</sup> Attention to regulations on the levels of dissolved chemicals in the air needs to be enforced with strict sanctions for violators. The thought of recycling from waste that is disposed of somewhere, thus giving rise to the initiative of every citizen to utilize the waste they dispose of. The provision of waste disposal facilities far from settlements and socialization about composting, recycling of used materials and utilization of waste for better purposes make it a means to educate the public in a better direction.

## Conclusion

In conclusion, the effectiveness of administrative sanctions against environmental pollution cases in Indonesia is a multifaceted issue. While administrative penalties exist to deter and punish polluters, their effectiveness depends on several factors. Firstly, the enforcement of these

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<sup>25</sup> Santosa, Mas Achmad, and Margaretha Quina. "Gerakan Pembaruan Hukum Lingkungan Indonesia dan Perwujudan Tata Kelola Lingkungan yang Baik dalam Negara Demokrasi." *Jurnal Hukum Lingkungan Indonesia* 1.1 (2014): 23-54.

<sup>26</sup> Santosa, Sri Juari, Tomoaki Okuda, and Shigeru Tanaka. "Air pollution and urban air quality management in Indonesia." *CLEAN-Soil, Air, Water* 36.5-6 (2008): 466-475.

sanctions plays a crucial role. Weak enforcement due to corruption, lack of resources, or inadequate monitoring can undermine the deterrent effect of sanctions. Additionally, inconsistencies in applying penalties across regions may lead to unequal treatment of polluters. Secondly, the severity of sanctions matters. Penalties must be proportionate to the environmental damage caused to ensure they act as a deterrent. If sanctions are perceived as lenient or insignificant, they may not effectively discourage polluting activities.

Moreover, the legal framework governing administrative sanctions should be clear, comprehensive, and updated to address emerging environmental challenges adequately. Ambiguities or loopholes in the law can be exploited by polluters, weakening the effectiveness of sanctions. Furthermore, raising public awareness and fostering a culture of environmental responsibility can complement administrative sanctions. Educating businesses and individuals about the consequences of pollution and the importance of compliance can help prevent violations in the first place.

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