

Central Control *vs.* Local Liberties: Environmental Stewardship in Indonesia's Power Struggle

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Abstract

This paper confronts the contentious power dynamics between central governance and local autonomy in environmental stewardship within Indonesia. It dissects the tug-of-war between centralized control and regional liberties, unveiling the ramifications for environmental management and protection. Through a critical lens, the paper examines how divergent interpretations of authority have precipitated a power struggle with far-reaching implications. It scrutinizes instances where central dominance has stifled local initiatives, constraining innovative approaches to environmental conservation. Conversely, it analyzes scenarios where unchecked regional autonomy has led to environmental exploitation and neglect. Drawing on empirical evidence and case studies, the paper unveils the multifaceted dimensions of this power struggle, encompassing legal ambiguities, political maneuvering, and socio-economic disparities. It highlights the inherent tensions between national



environmental imperatives and regional aspirations for self-governance, fueling a discord that undermines sustainable development objectives. Furthermore, the paper interrogates potential pathways forward amidst this power struggle. It advocates for a recalibration of governance structures that reconcile centralized oversight with localized autonomy, fostering cooperative frameworks that empower regions while safeguarding national environmental interests. In conclusion, the paper underscores the urgency of addressing Indonesia's environmental power struggle. It calls for a nuanced approach that navigates the delicate balance between central control and local liberties, forging a path towards collaborative environmental stewardship that transcends political divides and fosters sustainable development for all Indonesians.

KEYWORDS *Local Authority, Environmental Protection, Environmental Management, Environmental Governance*

Introduction

In the dynamic landscape of environmental stewardship, the balance between central control and local liberties often defines the efficacy of policy implementation and sustainability initiatives.¹ Nowhere is this struggle more pronounced than in the diverse archipelago of Indonesia, where a multitude of stakeholders vie for influence over natural resource management. This paper delves into the intricate interplay between central governance and local autonomy in Indonesia's environmental policies, analyzing the implications for sustainable development and ecological conservation.²

¹ Akib, Muhammad. "Wewenang Kelembagaan Pengelolaan Lingkungan Hidup di Era Otonomi Daerah." *Jurnal Media Hukum* 19.2 (2012); Ruhayat, Sandy Gustiawan, Imamulhadi Imamulhadi, and Yulinda Adharani. "Kewenangan Daerah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja." *Bina Hukum Lingkungan* 7.1 (2022): 39-58.

² See Siombo, Marhaeni Ria. "Tanggung Jawab Pemda terhadap Kerusakan Lingkungan Hidup Kaitannya dengan Kewenangan Perizinan di Bidang Kehutanan dan Pertambangan." *Jurnal Dinamika Hukum* 14.3 (2014): 394-405; Nusalawo,

Amidst this complex tapestry, experts offer valuable insights that illuminate the challenges and opportunities inherent in Indonesia's power struggle for environmental stewardship. Ghimire and Pimbert deliver a sobering assessment, highlighting the pitfalls of excessive centralization, which may stifle grassroots initiatives and alienate local communities from conservation efforts.³ Conversely, Miller argues for a balanced approach, emphasizing the need for centralized coordination to harmonize disparate agendas and ensure cohesive national strategies towards environmental protection.⁴

As Indonesia grapples with the urgent imperatives of climate change mitigation and biodiversity preservation, understanding the nuances of central control versus local liberties becomes paramount. This paper aims to dissect these complexities, drawing upon expert perspectives to navigate the intricate maze of Indonesia's environmental governance. Through comprehensive analysis and nuanced evaluation, we endeavor to shed light on the pathways towards effective environmental stewardship amidst Indonesia's power struggle.

In the further challenge—the global challenge of environmental degradation—persists across all nations, including Indonesia. Addressing environmental issues is paramount as they directly impact human survival, necessitating a harmonious coexistence with our surroundings.⁵ In

Modesta, Victor Juzuf Sedubun, and Eric Stenly Holle. "Kewenangan Pemerintah Dalam Melakukan Pengawasan Terhadap Lingkungan Hidup." *TATOHI: Jurnal Ilmu Hukum* 2.7 (2022): 739-756. See also Taufiqurokhman, Endang Sulastri, and Harits Hafid¹. "Indonesian Governments Policy on Environmental Law in the Era of Regional Autonomy." *Systematic Reviews in Pharmacy* 11.12 (2020): 1203-1209; Djayaputra, Gunawan. "Analysis of Natural Resources Management in Indonesia: Environmental Law Perspective." *International Journal* 3.1 (2021).

³ Ghimire, Krishna B., and Michel P. Pimbert. "Social change and conservation: an overview of issues and concepts." *Social change and conservation* (2013): 1-45.

⁴ Miller, Richard O. "Mining, environmental protection, and sustainable development in Indonesia." *The Global Environment*. Routledge, 2023, pp. 317-332.

⁵ Mabogunje, Akin L. "Poverty and environmental degradation: challenges within the global economy." *Environment: Science and Policy for Sustainable Development* 44.1 (2002): 8-19; Ahmed, Nafiu, Taherul Islam Khan, and Aboh

Indonesia, the government, entrusted with the role of governance, has promulgated legislation aimed at environmental management and protection. Law No. 32 of 2009 serves as a foundational framework, delineating guidelines for environmental stewardship and setting forth preventive and punitive measures. Government Regulation No. 27 of 2012 further elaborates on these provisions, particularly regarding environmental permits, as mandated by the aforementioned law. However, despite the enactment of these legal instruments, the efficacy of environmental management and protection in Indonesia remains a concern.⁶

Environmental mismanagement stands as a significant catalyst for natural disasters in Indonesia. At the heart of these environmental challenges lies unchecked development, disregarding the delicate balance of ecosystems and leading to environmental degradation.⁷ Residential, industrial, and agricultural expansions frequently prioritize economic gains over sustainability, exacerbating environmental harm and precipitating disasters. Additionally, environmental mismanagement stems from various factors including inadequate education, economic constraints, unsustainable lifestyles, deficiencies in the legal framework, and lax oversight in environmental governance.

Overcoming environmental management challenges necessitates a comprehensive approach, incorporating heightened environmental awareness, adherence to legal frameworks, and unwavering dedication to environmental preservation among both resource producers and consumers. Unfortunately, a pervasive dearth of understanding regarding the importance of integrated and sustainable environmental stewardship

Augustine. "Climate change and environmental degradation: a serious threat to global security." *European Journal of Social Sciences Studies* (2018).

⁶ See Sembiring, Raynaldo, Isna Fatimah, and Grita Anindarini Widyaningsih. "Indonesia's omnibus bill on job creation: a setback for environmental law?." *Chinese Journal of Environmental Law* 4.1 (2020): 97-109. See also Panaiotov, Todor. *Economic instruments for environmental management and sustainable development*. Nairobi, Kenya: UNEP, 1994.

⁷ 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.

persists across various segments of Indonesian society. This deficiency in environmental consciousness is palpable in everyday practices, where instances of mismanagement proliferate.

Concomitant with the nation's developmental trajectory, prevailing environmental issues manifest in the degradation encircling mining activities, posing imminent threats to landscapes and encroaching upon protected forest reserves. Moreover, incidences of environmental pollution are mounting, exacerbated by the unchecked expansion of transportation and industrial sectors devoid of integrated clean technology solutions, particularly within urban locales.

In the other side, urban rivers are besieged by industrial and domestic waste, while the integrity of soil is increasingly compromised by chemical pollutants stemming from solid waste, fertilizers, and pesticides. This contamination dilemma can be attributed to a collective deficiency in conscientiousness among business entities and the general populace, regarding the imperative of maintaining cleanliness and fostering environmental health.⁸

Notably, the enforcement of environmental legislation emerges as a glaring weakness in the regulatory landscape. The swift pace of national development, undertaken with the noble objective of enhancing societal well-being, often diverges from adherence to established regulations by development stakeholders. This disregard for regulatory frameworks, which should ideally serve as guiding principles in business and operational management, particularly within the realms of social and environmental responsibility, precipitates environmental crises.

In terms of environmental management in Indonesia, there are actually laws and regulations both at the central and regional levels. At the central government level, various kinds of legislation products have been issued ranging from Ministerial Decrees, Ministerial Regulations, Presidential Decrees, Government Regulations to Laws.

As an answer to environmental management policy problems, the government issued Law Number 23 of 1997 which was refined through the issuance of Law Number 32 of 2009 concerning Environmental

⁸ Savage, Victor R. "Ecology matters: sustainable development in Southeast Asia." *Sustainability Science* 1 (2006): 37-63.

Protection and Management. The issuance of Law No. 32 of 2009 seems to be intended to further strengthen aspects of planning and enforcement of environmental law, which can be seen from the more dominant structure of the Law in regulating aspects of planning and law enforcement. However, there is a striking loophole in Law No. 32 of 2009, namely the absence of articles and paragraphs that mention the commitment of stakeholders to slow, stop and reverse the direction of environmental destruction.⁹

In this paper, we will examine the authority of the Central and Regional Governments in managing and protecting the environment in Indonesia, as well as the implementation of policies in the field regarding this through examples of pre-existing cases.

Balancing Central and Regional Authority in Environmental Management: Policy Implementation in Indonesia

Government Central and Regional Authority in Law No. 22 of 1999. In the field of environment, the authority of the Central and Regional Governments is very decisive, but with the existence of Law No. 22 concerning Regional Autonomy, the authority of environmental management becomes divided into two things, this can be observed in article 7 of Law No. 22 of 1999, namely:

- (1) *Regional authority shall include authority in all areas of government, except authority in the fields of foreign policy, security defense, judicial, monetary and fiscal, religious, and other field authorities.*
- (2) *The authority of other fields, as referred to in paragraph (1), includes policies on national planning and macro control of national development, financial balancing funds, state administration systems and state economic institutions,*

⁹ Adnan, Mohammad Gempur. *Jalan Panjang Pengendalian Pencemaran di Indonesia*. Bekasi-Jakarta: Deputi Menteri Negara Lingkungan Hidup Bidang Penegndalian Pencemaran Lingkungan, 2009.

development and empowerment of natural resources and strategic high technology, conservation, and national standardization.

In Law number 22 of 1999 shows the authority of the central government that wants to be divided into the regions, but when viewed from article 7 paragraph 2 it is very visible the limitation of the authority of regional government, actually article 7 paragraph 2 must be clarified again what is meant by the authority of other fields regulated by Law No. 22 of 1999. When viewed from paragraph 2, it will be seen that the authority of the central government is still large.¹⁰

To anticipate the enactment of Law Number 22 of 1999, the working team of the Coordinating Minister for for Supervision of Development and Utilization of State Apparatus and the Office of the State Minister of Environment (BAPEDAL) have tried to formulate an interpretation of the authority of environmental management according to Law Number 22 of 1999.

In general, the authority of environmental management can be divided into:

- a) Central Authority
- b) Provincial Authority
- c) District/City Authority.

The Central Authority consists of policies on:

1. National planning and macro development control;
2. Financial balancing funds such as establishing and allocating specifically to manage the environment;
3. State administration systems such as establishing information systems and laws and regulations in the field of environmental management;

¹⁰ Saija, Vica JE. "Wewenang Pemerintah Daerah dalam Pemberian Izin Lingkungan Hidup." *Sasi* 20.1 (2014): 71-83. See also Akib, Muhammad. *Politik Hukum Pengelolaan Lingkungan Hidup Dalam Perspektif Otonomi Daerah Menuju Pengaturan Hukum Yang Berorientasi Keberlanjutan Ekologi*. Diss. Program Pascasarjana Undip, 2011; Hasyim, Moh, and Siti Ruhama Mardhatillah. "Asas Otonomi Daerah dalam Penegakan Hukum terhadap Izin Lingkungan." *Bina Hukum Lingkungan* 5.1 (2020): 40-61.

4. State economic institutions such as setting business policies in the environmental sector;
5. Construction and empowerment of human resources;
6. High-tech strategies such as setting policies in the use of high-tech strategies that have an impact;
7. Conservation such as establishing environmental management policies for conservation areas between provinces and between countries;
8. National standardization;
9. Implementation of certain authorities such as environmental management in the utilization of natural resources across provincial and state borders, recommendations for environmental laboratories etc.

The authority of the Province consists of:

1. Authority in the field of government that is cross-regency / city;
2. Authorities in certain areas, such as macro regional development control planning, determination of provincial environmental quality standards, which must be equal to or stricter than national environmental quality standards, establishing technical guidelines to ensure environmental balance stipulated in provincial spatial plans and so on.
3. Deconcentration authority such as AMDAL guidance for businesses or and activities outside the central authority.¹¹

The District / City Authority consists of:

1. Environmental management planning;
2. Control of environmental management;
3. Environmental quality monitoring and evaluation;
4. Conservation such as the implementation of protected area management and conservation, land rehabilitation etc.
5. Environmental law enforcement
6. Development of human resources for environmental management.¹²

¹¹ Taufiq, Muchamad. "Kedudukan Dan Prosedur Amdal dalam Pengelolaan Lingkungan Hidup." *Wiga: Jurnal Penelitian Ilmu Ekonomi* 1.2 (2011).

¹² Prasetyo, Dimas Agung, and Wiwik Awiati. "Transformasi Kedudukan Bapedal Sebagai Kelembagaan Pengelolaan Lingkungan Hidup Pada Pemerintah Pusat dan Pemerintah Daerah." *UNES Law Review* 6.1 (2023): 3035-3046.

The Central Government in exercising its authority in the field of environmental management must follow the policies that have been implemented by the Coordinating Minister for Supervision of Development and Utilization of State Apparatus and the State Minister for the Environment. Do not let the reduction of the authority of the central government in the environmental sector cannot prevent environmental mismanagement in order to pursue APBD income, especially in the post of Regional Original Revenue.¹³

According to Sonny Keraf, decentralization is a gradual delegation of central government authority to local governments in the implementation of selective natural resource management. In implementing decentralization, according to Sonny, environmental maintenance must also be included so that the quality of the ecosystem is maintained and sustainable. Thus, although Indonesia-style decentralization was originally a political reaction to maintain stability and territorial integrity, the paradigm of autonomy for the welfare of local communities can still be realized without damaging the quality of the local environment.¹⁴

The problem faced by local governments now is that local governments must increase their local original revenues to meet the APBD (Regional Revenue and Expenditure Budget) target so that the easiest way to meet it all is to re-exploit the environment because this method is the way that the central government usually does to meet the state budget, and this method will continue to be done by local governments well.

In the past, environmental exploitation was primarily concentrated in specific regions such as the Special Region of Aceh, Riau, Irian Jaya/Papua, Kalimantan, and select provinces on the island of Java. However, with the shift in focus towards meeting local government revenue targets, all regions in Indonesia are now inclined to exploit their environmental resources extensively. This trend raises concerns that every

¹³ Soenarjanto, Bagoes. "Penerapan Asas-Asas Umum Pemerintahan Yang Baik dalam Perumusan Kebijakan Publik." *Jurnal Widya Publika* 7.1 (2019): 1-12.

¹⁴ Keraf, A. Sonny. *Etika Lingkungan Hidup*. Jakarta: Penerbit Buku Kompas, 2010.

city and district across Indonesia may engage in large-scale environmental exploitation to fulfill their fiscal objectives.¹⁵

Because of the decentralization in Law No. 22 of 1999 concerning Regional Government, it belongs to city and regency regions. The problem that arises is the anticipation of the central government as the highest authority in the administration of government. Because as we know the authority of the Central Government is:

- a) National planning and macro development control;
- b) Financial balancing funds such as establishing and allocating specifically to manage the environment;
- c) State administration systems such as establishing information systems and laws and regulations in the field of environmental management;
- d) State economic institutions such as setting business policies in the environmental sector;
- e) Construction and empowerment of human resources;
- f) High-tech strategies such as setting policies in the use of high-tech strategies that have an impact;
- g) Conservation such as establishing environmental management policies for conservation areas between provinces and between countries;
- h) National standardization;
- i) Implementation of certain authorities such as environmental management in the utilization of natural resources across provincial and state borders, recommendations for environmental laboratories etc.

As explained above, the authority of the central government in implementing regional autonomy is very important in the environment. So that if there are various problems that arise, the central government must handle them properly because the central government still has the authority to share policy evaluations carried out by local governments so

¹⁵ Hidayat, Herman. "Forest resources management in Indonesia (1968-2004)." *A Political Ecology Approach* (2016); Rabasa, Angel, and Peter Chalk. *Indonesia's transformation and the stability of Southeast Asia*. Rand Corporation, 2001.

that local governments can exercise their authority proportionally in the field of environmental management.

Although there have been many Indonesian government policies plans and programs as well as the participation of various parties, it turns out that natural resources and environmental problems still occur. In this regard, the Ministry The environment has been encouraged to complement existing policies, plans, and programs based on the view that the use of natural resources and the environment must be sustainable.

In preparing this policy, the Strategic Environmental Assessment (KLS) tool is used against existing policies, plans and programs related to natural resources and environmental management. Substantially, KLS is a systematic and logical effort in providing a foundation for the realization of sustainable management of natural resources and the environment through an environmentally sound decision-making process.¹⁶

From several government policies in the field of natural resources and the environment, there are policies in the field of water and energy, which can be guided and synergized with environmental development policies in the regions.

The main points of natural resources and environmental management policies in the water sector are:

1. Water conservation policy needs to place the subsystems of water production, AR distribution, and water consumption in a whole and related unit to lead to achieving a pattern of balance between these sub-systems.
2. Water Production sub-system policies, including (1) Conservation of watershed ecosystems and water sources to ensure water supply; (2) Prevent and restore environmental damage, especially to watershed ecosystems, (3) Control pollution to maintain and improve water quality; (4) Optimization of rainwater utilization.

¹⁶ Umam, A. H. "Rapid assessment of climate change issues in Indonesia strategic environmental assessment (SEA)-KLHS." *IOP Conference Series: Earth and Environmental Science*. Vol. 644. No. 1. IOP Publishing, 2021; Luthfia, A. R., and E. N. S. Alkhajar. "Reflections on climate change policy implementation." *IOP Conference Series: Earth and Environmental Science*. Vol. 824. No. 1. IOP Publishing, 2021.

3. Efficient and efficient water consumption policies to support water conservation.
4. Water distribution sub-system policies, including (1) planning the allocation of surface water and groundwater, (2) improving adequate infrastructure.
5. Establishing spatial plans includes (1) Determining spatial plans according to the carrying capacity and accommodating capacity of the environment (2) Consistency of space utilization; (3) supervision of spatial planning, (4) Improve access to information.
6. Institutional policies, including (1) establishing water management institutions, (2) water dispute resolution mechanisms, (3) economic valuations, (4) economic incentives.
7. The main points of natural resources and environmental policy in the field of energy are:
8. Pollution prevention policies; Quality Standards for Coal mining Liquid Waste, Quality Standards for ambient air quality and motor vehicle exhaust emissions, and AMDAL implementation in every mining activity.
9. Policy of production and supply of environmentally friendly energy.
10. Policy to strengthen security of supply, with efforts to provide fuel mixtures such as gahosol, biodiesel, etc.
11. Environmentally friendly energy utilization policy.
12. Policy of utilizing non-renewable energy efficiently and economically.
13. Renewable energy utilization policy, with the encouragement of investment and technological innovation.¹⁷

With the environmental conditions and status in Indonesia, the Government has also determined. The National Medium-Term Development Plan (RPJM), with the target to be achieved is the

¹⁷ See Medema, Wietske, Brian S. McIntosh, and Paul J. Jeffrey. "From premise to practice: a critical assessment of integrated water resources management and adaptive management approaches in the water sector." *Ecology and Society* 13.2 (2008); Sterner, Thomas, and Jessica Coria. *Policy instruments for environmental and natural resource management*. Routledge, 2013; Kardono, Kardono. "Condition of water resource in Indonesia and its environmental technology." *Jurnal Air Indonesia* 3.2 (2007).

improvement of natural resources and environmental management systems. The aim is to achieve a balance between aspects of natural resource utilization as capital for economic growth (contribution of fisheries, forestry, mining and mineral sectors to PBD) with aspects of protection of the sustainability of environmental functions as a support for the wider living system. The existence of this balance means ensuring the sustainability of development.

For this reason, mainstreaming *the* principles of sustainable development in all sectors, both at the central and regional levels, is a must. What is meant by *sustainable development* is an effort to meet the needs of today's generation without sacrificing the interests of future generations. All activities must be based on three pillars of development in a balanced manner, namely *economically viable*, *socially accepted* and *environmentally sound*. These principles should be elaborated in the form of policy instruments and medium-term development investments (2005-2009) in all sectors and fields related to natural resource and environmental development goals, as below:

The Environmental Development Targets are: (1) Improving river water quality, especially in all critical watersheds accompanied by continuous control and monitoring; (2) the maintenance of lakes and situ, especially in Jabodetabek, with qualified water quality; (3) Reduction of water and soil pollution in large cities accompanied by integrated control and monitoring between sectors; (4) Controlled seawater quality through an integrated approach between land and sea area conservation policies; (5) improvement of urban air quality, especially in Jakarta, Surabaya, Bandung, and Medan, supported by improved management and environmentally friendly city transportation systems; (6) Gradually reduced use of ozone depleting substances (ODS) and completely phased out by 2010 (7) Growing adaptability to global climate change. (8) Sustainable use of biodiversity in accordance with IBSAP guidelines 2003-2020 (Indonesia Biodiversity Strategy and Action Plan); (9) increased 3R (*Reduce, Reuse, Recycle*) efforts in waste management to reduce landfill burden; (10) regionalization of professional landfill management to anticipate limited land in Jabodetabek and other big cities; (11) seek the establishment of a new B3 waste management facility around the industrial activity center; (12) the implementation of innovative

environmental finance regulations as a breakthrough to overcome the lack of financing in the environmental sector (13) dissemination of various international agreements to decision makers at the central and regional levels; (14) improvement of Indonesia's representation system in various international conventions to fight for national interests; and (15) increasing public awareness of the importance of maintaining natural resources and the environment.¹⁸

The targets of environmental development in the forestry sector are: (1) Law enforcement, especially in the eradication of illegal logging and timber smuggling; (2) Establishment of forest areas in the spatial planning of all provinces in Indonesia, at least 30 percent of the forest area that has been demarcated; (3) Optimization of added value and benefits of forest and timber products; (4) Increased non-timber forest products by 30 percent of 2004 production; (5) The increase of industrial timber plantations, covering an area of 3 million hectares, as the basis for forest economic development; (6) Forest conservation and land rehabilitation in 141 priority watersheds to ensure water supply from other life-sustaining systems; (7) Decentralization of forestry through the division of authority and responsibility and communities in sustainable forest management; and (8) Application of innovative science and technology in the forestry sector.

The targets of environmental development in the marine sector are; (1) Reduced violations and destruction of marine resources; (2) Improved management of coastal, marine and small island ecosystems in an integrated manner (3) Completion of maritime boundaries with neighboring countries; and (4) Compatibility of laws and regulations in the marine sector.

¹⁸ 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; Hidjaz, Kamal. "Effectiveness of environmental policy enforcement and the impact by industrial mining, energy, mineral, and gas activities in Indonesia." *International Journal of Energy Economics and Policy* 9.6 (2019): 79-85; Patunru, Arianto A. "The political economy of environmental policy in Indonesia." *The Environments of the Poor in Southeast Asia, East Asia and the Pacific* (2013): 203.

The targets of Environmental Development in the Mining and Mineral Resources Sector are (1) Optimizing the role of oil and gas in state revenues to support economic growth; (2) increasing oil and gas reserves, production, and exports; (3) Guaranteed supply of oil and gas and its products to meet domestic needs; (4) the completion of the Mining Law as a substitute for Law Number 11 of 1967 concerning the Principal of Mining; (5) Increased mining investment with expanded employment and business opportunities; (6) Increased production and added value of mining products; (7) the transfer of technology and labor competence; (8) Improving the quality of downstream industries based on mineral resources, (9) Improving mining occupational safety and health; and (10) Reduced unlicensed mining activities.¹⁹

To achieve the above objectives, the policy direction to be taken includes improving the management and management system of natural resources, optimizing economic benefits and natural resources including environmental services, law enforcement, rehabilitation and restoration of natural resource reserves, and environmental pollution control. The above development targets are made so that natural resources can continue to support the national economy and improve people's welfare without sacrificing the carrying capacity and function of the environment, so that later they can still be enjoyed by future generations.

Central and regional coordination in exercising environmental management and protection authority

The form of the Unitary State of the Republic of Indonesia (NKRI) is in the form of unity on the other hand accommodated by the plurality of nations in accordance with *Bhineka Tunggal Ika*. Regional Government in amending the Constitution of the Republic of Indonesia in 1945 was motivated by the desire to accommodate the spirit of regional autonomy

¹⁹ Prianto, Yuwono, et al. "Penegakan Hukum Pertambangan Tanpa Izin Serta Dampaknya Terhadap Konservasi Fungsi Lingkungan Hidup." *Bina Hukum Lingkungan* 4.1 (2019): 1-20; Ranggalawe, Gocha Narcky, Ino Susanti, and Kamal Fahmi. "Dilema Penegakan Hukum Penyelesaian Pertambangan Tanpa Izin." *Marwah Hukum* 1.1 (2023): 29-40.

in fighting for the welfare of regional communities.²⁰ This was done after learning from constitutional practices in the previous era which tended to be centralistic, the uniformity of government systems such as in Law Number 5 of 1974 concerning Regional Government and Law Number 5 of 1979 concerning Village Government, and ignoring regional interests. As a result of policies that tend to be centralistic, the Central Government has become very dominant in regulating and controlling regions so that regions are treated as objects, not as subjects who regulate and manage their own regions in accordance with their potential and objective conditions.²¹

The amendment of Article 18 of the Constitution of the Republic of Indonesia in 1945 became the legal basis for the implementation of regional autonomy which in the reform era became one of the national agendas. Through the implementation of Regional Government, it is expected to further accelerate the realization of regional progress and people's welfare in the regions, as well as improve the quality of democracy in the regions. All these provisions are formulated permanently, within the framework of guaranteeing and strengthening the Republic of Indonesia, so that the authority relationship between the Central

²⁰ Indrastuti, Lusya, and Budi Prasetyo. "Environmental protection in Pancasila perspective." *ANP Journal of Social Science and Humanities* 1.1 (2020): 7-10; Rafiqi, Ilham Dwi. "Legal Ideals Pancasila in the Development of a National Environmental Legal System." *Audito Comparative Law Journal (ACLJ)* 4.3 (2023): 134-146; Anbarwati, Shofi Fahia. "The Value of Pancasila in Environmental Sustainability." *Jurnal Scientia Indonesia* 4.2 (2018): 163-184.

²¹ For further discussion concerning Pancasila approach and environmental protection in Indonesia, *please see* Fikri, Muhammad Ahsanul, and Yulia Ayu Savitri. "Pancasila, Environmental Protection, and Religious Movements: How Can Pancasila Education in Islamic Boarding Schools Promote Environmental Sustainability?." *Jurnal Panjar: Pengabdian Bidang Pembelajaran* 4.1 (2022): 31-54; Yuwantika, Unfika. "Environmental Education as Part of Pancasila Moral Education." *Journal of Creativity Student* 3.2 (2018): 157-178; Wahyuni, Indah Eges. "Implementation of Pancasila in Environmental Education (Study at SD Negeri 1 Ungaran)." *Journal of Creativity Student* 3.2 (2018): 79-98.

Government and Regional Government is formulated by taking into account regional specificity and diversity.²²

In the amendment of the Constitution of the Republic of Indonesia Year 1945 regulates the relationship of authority of the central government and regional government in one article, namely Article 18A paragraph (1) and paragraph (2) with the formulation that the relationship of authority between the central government and the local governments of provinces, districts, and cities, or between provinces and regencies and cities, is regulated by law by taking into account the specificity and diversity of regions.

Regions in regulating and managing their own government affairs are based on or refer to that:

- (1) The President holds governmental power.
- (2) Financial relations, public services, utilization of natural resources and other resources between the central government and local governments shall be regulated and implemented in a fair and harmonious manner based on law.

The provision of this relationship is intended so that the implementation of local government continues to ensure the principles of justice and harmony. Meanwhile, matters concerning finance, including those concerning regional rights. Similarly, in matters of public services, the utilization of natural resources and other resources is also arranged so that the regions get a proportional share. Along with that, it also guarantees a number of obligations to pay attention to other areas for those that have different natural and other resources or other regions that do not have them.

Viewed from the point of view of the relationship between the Central Government and Regional Government, it can be seen from the relationship in the administration of government, Decentralization policy is intended to give authority to regions to regulate and manage their own households within the bonds of the unitary state of the Republic of Indonesia. That the final responsibility of the administration of

²² Kusuardi, M., and Harmaily Ibrahim. *Pengantar Hukum Tata Negara Indonesia*. Jakarta: CV Sinar Bakti, 1988, pp.256-257.

government affairs handed over to the Regions shall be the responsibility of the National (Central) Government because the final impact of the administration of such affairs shall be the responsibility of the state. The role of the Center in the framework of Regional Autonomy will be in the nature of determining macro policies, supervising, monitoring, evaluating, controlling and empowering so that the Regions can carry out their autonomy optimally. Meanwhile, the role of the regions will be more at the level of implementing autonomy. In exercising its autonomy, the Region has the authority to make regional policies. The policy taken by the Region is within the limits of the autonomy handed over to it and must not conflict with higher laws and regulations, namely norms, standards and procedures determined by the Centre.

The authority given by the central government to local governments in environmental management cannot be used as an opportunity to exploit the environment so that the environment becomes damaged and can no longer be used, for the sustainability of this nation and this is done only to pursue the Regional Budget and Revenue and Expenditure so that only for short-term things long-term investment is drained out.

If viewed the authority of the Central Government is also large in this case so it is necessary to empower the role of the government in environmental management and also the function of the government as a supervisory agency in the event of poor environmental management in local governments. In this case, it is necessary to review various existing policies in the Regional Government so that there are no policies in the form of regional regulations that harm the environment and do not pay attention to the condition of the community.

Oppenheim said in the *Nederlands Gemeenterecht* that the freedom of parts of the State must in no way end in the destruction of state relations. In the supreme supervision lies the guarantee that there is always harmony between the free execution of the duties of the Local Government and the freedom of the performance of the duties of the State by the Ruler of that country.

Supervision is crucial not only to ensure that regions effectively implement policies but also to prevent conflicts between regional regulations and higher-level laws. This necessitates robust coordination between the State Environment Ministry and regional government

apparatus, fostering cooperation between central and regional authorities in environmental management. Central Government oversight is justified as it aligns with its overarching responsibility for both State and Regional Government implementation, thus contributing to the holistic development of the Indonesian state.²³

Supervision of all actions of the Regional Government including the Decisions of the Regional Head, especially existing Regional Regulations can be supervised, if considering the nature of the form of supervision can be divided into:

1. Preventive supervision.
2. Repressive surveillance.
3. General supervision.

And the central government must also be supervised by other state institutions, especially representative institutions whose functions are in the form of supervision, because the central government also has policies related to environmental management.

Given the complexity of environmental management and problems that are cross-sectoral and regional, in the implementation of development, planning and implementation of environmental management is needed in line with the principles of sustainable development, namely balanced economic, socio-cultural, environmental development as pillars that are interdependent and mutually strengthen each other. In its implementation, it involves various parties, as well as firmness in adhering to environmental law. It is hoped that with the participation of various parties and supervision and compliance with laws

²³ Susanto, Hery Agus, and Daniel Susilo. "Legal Supervision and Enforcement in Environmental Law Under The Law Number 32 Year 2009 on Environmental and Protection Management." *YURISDIKSI: Jurnal Wacana Hukum dan Sains* 10.1 (2017): 1-18; Anwar, Muhammad Syaiful, and Rafiqah Sari. "Penegakan Hukum Lingkungan Berbasis Asas Tanggung Jawab Negara di Indonesia." *PROGRESIF: Jurnal Hukum* 15.1 (2021): 112-129; Hasyim, Yonani, and Serlika Aprita. "The Aspects of Environmental Law Enforcement in Indonesia and the Implementation of International Agreements in the Environmental Field in Indonesia." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 21.2 (2021): 209-218; Faturohman, Faturohman, and Asnawi Asnawi. "Dimensi Hukum Tanggung Jawab Negara Terhadap Lingkungan dan Alam." *Jurnal Res Justitia: Jurnal Ilmu Hukum* 2.1 (2022): 14-22.

that can really be enforced, it can be used as a common reference to manage the environment in a wise way so that sustainable development goals can really be implemented in the field and do not stop at slogans. Nevertheless, the facts on the ground often contradict what is expected.²⁴ This is evidenced by the decline in the quality of the environment from time to time, shown several facts in the field that can be observed. Matters related to environmental management in the regions in the era of regional autonomy include the following.

- 1) Sectoral and regional egos. Regional autonomy, which is expected to reduce some of the authority to manage the environment in the regions, has not been able to be implemented properly. Regional egos are still often seen in the implementation of environmental management, life, as well as sector egos. Environmental management is often carried out overlapping between one sector and another
- 2) Overlapping planning between sectors. The reality shows that in program planning (including environmental management) there is overlap between one sector and another
- 3) Funding is still very lacking for the environmental sector. Programs and activities must be supported with adequate funds if they are to be well executed. Although everyone recognizes that the environment is an important and indispensable field, in reality the PAD is still too low allocated for environmental management programs, exacerbated by the absence of funds from the State Budget allocated directly to the regions for environmental management.
- 4) Limited human resources. It must be recognized that in environmental management in addition to adequate funds must also be supported by qualified resources. Human resources are often still not supportive. Many personnel who should be in charge of carrying out environmental management (including local government officials) do not understand well about the importance of the environment.

²⁴ Provincial Government of Special Region of Yogyakarta. *Strategic Plan for Environmental Management of the Special Region of Yogyakarta*. Provincial Government in Yogyakarta, 2002.

- 5) The exploitation of natural resources still prioritizes profit from the economic side.
- 6) Natural resources should be used for development to achieve community welfare. Although this is not the case; The exploitation of mining materials, logging only benefits part of the community, environmental aspects that should be, in fact are much ignored. Facts show that there is no balance between the economy and the environment. Environmental problems still do not get the proper portion.
- 7) Weak implementation of laws and regulations.
- 8) Laws and regulations related to the environment are quite numerous, but in their implementation they are still weak. There are some parties who actually do not implement the laws and regulations properly, even looking for weaknesses from these laws and regulations to be used to achieve their goals.
- 9) Weak enforcement of environmental laws, especially in supervision. Relating to the implementation of laws and regulations is the supervision side of the implementation of laws and regulations. Many violations are committed (environmental pollution, environmental destruction), but are very weak in imposing legal sanctions.
- 10) People's understanding of the environment. Understanding and awareness of the importance of the environment of some people is still weak and this needs to be improved. Not only the lower class of society, but also middle-class people and above, even those with higher education still lack awareness about the environment.
- 11) Application of technology that is not environmentally friendly. The application of environmentally unfriendly technology can occur to expect instant, quick results can be enjoyed. Maybe from the economic side it is profitable but ignores the environmental impact caused. Improper use of fertilizers, pesticides, can lead to environmental pollution. It should be noted that actually in each

region there is local wisdom that has often used environmentally friendly technology for generations.²⁵

Indeed, numerous environmental challenges persist in autonomous regions, stemming from development initiatives aimed at fostering community prosperity, albeit accompanied by consequential impacts. In light of these realities, a critical question arises: Is environmentally sustainable development genuinely prioritized in our developmental pursuits? Are we witnessing an improvement or deterioration in our environmental conditions over time? This concern is exacerbated by the frequency of natural disasters such as tsunamis, earthquakes, floods, droughts, landslides, and mudflows, all of which degrade our environment's quality. Some of these calamities are even attributed to human activities, compounding the urgency of addressing environmental sustainability in our development agendas.²⁶

Various environmental issues stem from development processes that neglect environmental considerations. In the era of autonomy, these problems have grown increasingly complex, contrary to expectations. There are allegations that environmental degradation is linked to the pursuit of regional revenue enhancement, leading to the exploitation of natural resources without due regard for environmental impacts.²⁷

²⁵ Sumarwoto, O (ed). *Towards Jogja, an Environmentally Friendly Province, Agenda 21 for Sustainable Tourism Development of the Special Region of Yogyakarta*. Provincial Government of Special Region of Yogyakarta, 2003.

²⁶ Akhmaddhian, Suwari, et al. "Authority of the Environmental Service in Disaster Management Based on the Law on Environmental Protection and Management." *Disasters* 9 (2022): 103-115; Neolaka, A. "Flood disaster risk in Jakarta, Indonesia." *WIT Transactions on Ecology and the Environment* 159 (2012): 107-118; Hapsari, Ratih Indri, and Mohammad Zenurianto. "View of flood disaster management in Indonesia and the key solutions." *American Journal of Engineering Research* 5.3 (2016): 140-151; Rachel, Indira, and Muhamad Hidayat. "Implementation of Disaster Risk Reduction Policy in Indonesia." *Jurnal Ekonomi* 13.1 (2024): 2104-2120.

²⁷ 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.

In this way, there is a deterioration in environmental quality everywhere, which is followed by the onset of natural disasters. There are many things that cause environmental aspects to be less considered in the development process, which vary from region to region, from local things such as the availability of human resources to broader scale things such as the application of technology that is not environmentally friendly.

Laws and regulations related to environmental management are adequate, however, in their implementation, including in supervising their implementation, it needs serious attention. This is closely related to the good intentions of the government including local governments, communities and interested parties to manage the environment as well as possible so that the principles of environmentally sound sustainable development can be implemented properly. Because development is basically for the welfare of the community, the aspirations of the community need to be heard and development activity programs really touch the interests of the community.²⁸

Conclusion

In conclusion, the discourse surrounding central control versus local liberties in Indonesia's environmental stewardship underscores the complex dynamics inherent in policy implementation and natural resource management. Throughout this analysis, we have observed the intricate interplay between centralized governance and regional autonomy, each wielding significant influence over the trajectory of environmental conservation efforts.

While centralization may offer streamlined coordination and uniformity in policy implementation, it risks marginalizing local voices and neglecting the nuanced realities of diverse ecological landscapes across Indonesia. Conversely, decentralized approaches prioritize community engagement and tailored solutions but may encounter challenges in achieving cohesive national strategies and regulatory enforcement.

²⁸ Office of the Minister of State for the Environment. *Indonesia's Agenda 21, National Strategy for Sustainable Development*. Office of the State Minister for the Environment, 1997.

Amidst this power struggle, it is imperative to heed the insights of experts who advocate for a balanced approach. By fostering collaboration between central authorities, local governments, indigenous communities, and environmental NGOs, Indonesia can harness the strengths of both central control and local liberties to forge a path towards sustainable development and ecological resilience.

Moving forward, policymakers must navigate the delicate balance between top-down directives and bottom-up initiatives, recognizing the importance of context-specific solutions and inclusive decision-making processes. By embracing diversity, fostering dialogue, and empowering local stakeholders, Indonesia can transcend the dichotomy of central control versus local liberties, forging a path towards harmonious environmental stewardship that respects the rights of both nature and its people.

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