




## ARTICLE

# Problems and Challenges on Environmental Law Enforcement in Indonesia: AMDAL in the Context of Administrative Law

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## Abstract

Environmental issues have been increasingly recognized as significant challenges facing Indonesia, as a developing country with a rapidly growing population and a rapidly expanding economy. In recent years, environmental degradation and natural resource depletion have become more acute, resulting in increased pressure on the government to take stronger action to protect the environment. Despite the existence of environmental laws in Indonesia, environmental degradation continues to occur, highlighting the need for better enforcement and stronger legal protections. One of the major environmental problems in Indonesia is deforestation, which is driven by the expansion of agricultural land, mining activities, and logging. This has resulted in significant habitat loss and biodiversity decline, as well as increased greenhouse gas emissions from the loss of forest cover. Additionally, Indonesia's coastline and marine ecosystems are threatened by pollution from industrial activities and plastic waste, which has adverse effects on marine life and human health. Environmental laws in Indonesia include a range of regulatory measures, such as the Environmental Impact Assessment (EIA) and Forest Law Enforcement, Governance and Trade (FLEGT) programs. However, the implementation of these laws is often inadequate, with weak enforcement and a lack of effective penalties for non-compliance. Moreover, corruption and lack of political will have been identified as key factors that hinder the effective implementation of environmental laws in Indonesia.

## Keywords

Environmental Problem, Environmental Legal Instrument, Environmental Management



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## Introduction

Indonesia as one of the developing countries that has a fairly rapid level of development and economic growth, seems to pose new challenges, one of which is in environmental development. When viewed from the high population number of Indonesia's population growth which continues to grow day by day, with a total of 237,641,326 people in 2010, and an increase of 206,264,595 people.<sup>1</sup> The determination of this amount will cause an increase in the need for residential land, so it can be predicted that the shrinkage of agricultural arable lands will increase, this is also in line with the fact that the increasing amount of energy needed by community members is certainly not small. In addition to the increasing number of energy needs needed by the community, the growth of the industrial sector is also one of the consequences in facing the challenges of environmental development, this will certainly lead to the emergence of complexity of environmental problems.<sup>2</sup>

Environmental problems are indeed complex like the dynamics of the world, the longer it will get bigger, where the problem is no longer stagnant in local problems, but will widen on a regional, national, to multinational scale. Similarly, environmental

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<sup>1</sup> Badan Pusat Statistik Indonesia, "Luas Daerah dan Jumlah Pulau Menurut Provinsi, 2002-2016", <https://www.bps.go.id/statictable/2014/09/05/1366/luas-daerah-dan-jumlah-pulau-menurut-provinsi-2002-2016.html>, accessed on 20 April 2020.

<sup>2</sup> It is also emphasized that the industrial sector has a significant impact on environmental sustainability in Indonesia. While the sector has contributed to the country's economic growth and development, it has also been associated with environmental degradation, pollution, and natural resource depletion. One of the main environmental impacts of the industrial sector in Indonesia is air pollution. Emissions from factories and power plants contribute to high levels of particulate matter, sulfur dioxide, and nitrogen oxides, which can cause respiratory problems and other health issues. Water pollution is also a major concern, with industrial effluents and waste discharges contaminating rivers, lakes, and coastal areas. This can have adverse effects on aquatic ecosystems and human health. The industrial sector also contributes to deforestation and biodiversity loss in Indonesia, through the expansion of plantations, mining activities, and logging. This has significant impacts on the country's rich biodiversity, as well as on the livelihoods of local communities that depend on natural resources for their subsistence. To address these challenges, the Indonesian government has implemented a range of policies and programs aimed at promoting sustainable industrial development. These include regulations on emissions and waste management, incentives for renewable energy development, and initiatives to promote sustainable agriculture and forest management. *See also* Maruf, Arifin. "Legal aspects of environment in Indonesia: An effort to prevent environmental damage and pollution." *Journal of Human Rights, Culture and Legal System* 1.1 (2021); Nugraha, Andhyka Tyaz, and Nor Hasni Osman. "Emissions, Economic Growth, Energy Consumption, and Household Expenditure for Indonesia: Evidence from Cointegration and Vector Error Correction Model." *International Journal of Energy Economics and Policy* 9.1 (2019): 291-298; Prastiyo, Slamet Eko, and Suhatmini Hardyastuti. "How agriculture, manufacture, and urbanization induced carbon emission? The case of Indonesia." *Environmental Science and Pollution Research* 27.33 (2020): 42092-42103; Ridwan, Ita Rustiati. "Dampak industri terhadap lingkungan dan sosial." *Jurnal Geografi Gea* 7.2 (2016); Astuti, Tri, Tadjuddin Parenta, and Hamid Paddu. "Peranan Kegiatan Industri Pengolahan Terhadap Pencemaran Lingkungan di Sulawesi Selatan." *Jurnal Analisis* 3.1 (2014): 49-56; Andarini, Ayudhia, Idris Idris, and Ariusni Ariusni. "Pengaruh Kegiatan Sektor Industri, Pertambangan dan Transportasi terhadap Kualitas Lingkungan Ditinjau dari Emisi CO<sub>2</sub> di Indonesia." *Ecosains: Jurnal Ilmiah Ekonomi dan Pembangunan* 5.2 (2016): 125-136.

problems are one of the scourges of problems in interactions between living things, as well as the impact of environmental problems does not only cause consequences for one aspect but will affect each other in accordance with the character of the environment known as the interweaving of links. In line with the increase in population and increasingly limited land area, it will certainly result in a decrease in the level of carrying capacity and carrying capacity of the environment in all aspects, both in the form of land, water to air, so that the use of land use must be used fairly and wisely.

Article 33 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 has stated that, "*the earth, water, and natural resources contained therein are used as much as possible for the prosperity of the people*"<sup>3</sup>. This certainly explains that the environment has a position as a resource that becomes an important asset in order to improve the welfare of the community so that it is understood, the environment has intrinsic value objectively and subjectively for broad interests, including instrumental value to support the ongoing national development of Indonesia<sup>4</sup>. In order to overcome environmental problems and their prevention, environmental law is present

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<sup>3</sup> See Article 33 paragraph (3) of the Constitution of the Republic of Indonesia of 1945. It is further explained and stated that article 33 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 has significant implications for economic development and social justice in Indonesia. The article states that "*the earth, water, and natural resources contained therein shall be controlled by the state and shall be used for the maximum welfare of the people.*" This provision reflects the government's commitment to promoting equitable and sustainable development and ensuring that the country's natural resources are utilized in a way that benefits all Indonesians. The principle of state control over natural resources is enshrined in various laws and regulations, including the Mining Law and the Forestry Law, which require companies to obtain licenses and permits from the government before carrying out resource extraction activities. The implications of Article 33 paragraph (3) can be seen in various aspects of economic development and social policy in Indonesia. For example, the government has implemented various programs aimed at promoting the welfare of small-scale farmers and fishers, such as providing subsidies for agricultural inputs, expanding access to credit, and improving market access. In addition, the government has sought to promote sustainable development through initiatives aimed at reducing greenhouse gas emissions and preserving natural ecosystems, such as the REDD+ program. However, the implementation of Article 33 paragraph (3) has also faced challenges, including issues related to corruption, lack of transparency, and inadequate enforcement of regulations. There have been concerns about the exploitation of natural resources by powerful vested interests, often at the expense of local communities and the environment. Despite these challenges, Article 33 paragraph (3) remains an important principle for promoting equitable and sustainable economic development in Indonesia. By emphasizing the need for state control over natural resources and their use for the maximum welfare of the people, the provision provides a basis for policies and programs aimed at reducing poverty, promoting environmental sustainability, and promoting social justice. *See also* Suparto, Suparto. "Interpreting The State's Right to Control In the provisions of Article 33 Paragraph (3), The Constitution of 1945 Republic of Indonesia." *UIR Law Review* 4.2 (2020): 1-8; Pinilih, Sekar Anggun Gading. "The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia." *Mimbar Hukum* 30.1 (2018): 200-211; Butt, Simon, and Tim Lindsey. "Economic reform when the constitution matters: Indonesia's Constitutional Court and Article 33." *Bulletin of Indonesian Economic Studies* 44.2 (2008): 239-262; Febriani, Syelia, Firga Nevi, and Masduki Asbari. "Pancasila as a Paradigm in Indonesia's People's Economic Development." *Journal of Information Systems and Management (JISMA)* 1.3 (2022): 1-5; Arsil, F., and Qurrata Ayuni. "Understanding Natural Resources Clause in Indonesia Constitution." *IOP Conference Series: Earth and Environmental Science*. Vol. 940. No. 1. IOP Publishing, 2021.

<sup>4</sup> Hyronimus Rhiti, *Kompleksitas Permasalahan Lingkungan Hidup*, (Yogyakarta: Universitas Atma Jaya, 2005), pp. 8-9.

as one of the tools whose position is strong in providing regulations for the protection and prevention of environmental destruction, especially providing regulation of activities that produce negative impacts on the environment.

Furthermore, the role of environmental law is also a functional law that aims to overcome pollution, environmental destruction, and irresponsible use of the environment in terms of environmental protection and management, one of which is regarding strategic environmental studies (KLHS), environmental destruction as stipulated in Law Number 32 of 2009 on Environmental Protection and Management. In Law Number 32 of 2009 hereinafter referred to as UUPPLH. Related to aspects of environmental management that often occur imbalances and deliberations that result in environmental pollution either directly or indirectly to environmental biodiversity which often exceeds the criteria for quality standards of environmental damage<sup>5</sup>.

Based on this instrumentation aspect, environmental law is expected to be able to play a role as part of the functional law itself, which provides related to environmental law instruments that play a role and aim as a form of prevention of environmental pollution, such as: environmental impact analysis (AMDAL), environmental permits, environmental quality standards, economic instruments to environmental audits. In some developed countries, the pouring of environmental law instruments is one of the keys to success in carrying out environmental management. Thus, environmental law is able to act as part of functional law that has succeeded in providing a legal *framework* or legal framework for environmental management from all aspects including legislation, instrumentation, institutions, and environmental law enforcement in order to achieve the success of environmental management programs in Indonesia.

## Methods

The method used in writing this article is a descriptive research method, which is used and intended to investigate the situation with results that will be presented in the form of a report. In writing this article, researchers do not make compositions, additions, or manipulations to the research objects used. The object of research used is qualitative, namely using primary legal materials (legislation), secondary legal materials (literature review materials) and tertiary legal materials (against legal cases) While the approach method used is a juridical normative approach, using conceptual and analytical approaches. The scope used is to include legal principles and positive legal inventory in legal systematics.

## Results and Discussion

### A. Environmental Quality Standards: A Legal Perspective

In Law Number 32 of 2009 concerning Environmental Protection and Management in Article 1 point (13) it is explained that "environmental quality

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<sup>5</sup> Law Number 32 of 2009 concerning Environmental Protection and Management Article 1 Number 16.

standards are measures of limits or levels of living things, substances, energy, or components that exist or must exist and / or elements of pollution that are tolerated for their existence in a particular resource as an element of the environment". Relating to environmental quality standards as a basis for guidelines for environmental management as a form of prevention and *repressive* efforts carried out concretely.<sup>6</sup>

If examined from a juridical point of view the function of environmental quality standards on environmental management, it does play a role in determining the presence or absence of environmental pollution as referred to in Law Number 32 of 2009. In the event that environmental pollution is explained in accordance with Article 1 Number 12 of Law Number 32 of 2009, is the inclusion or entry of living things, substances, energy, and/or other components into the environment by human activities, so that the quality can drop to a certain level that causes the environment to be unable to function in accordance with its designation. Based on Article 20 paragraph (1) of Law Number 32 of 2009, it is also affirmed that there is a determination of the occurrence of environmental pollution measured through environmental quality standards.

As in accordance with the provisions contained in Article 14 paragraph (2) of the UUPPLH which explains the supporting instruments for preventing pollution against environmental damage. Where requires the existence of environmental quality standards that are regulated and consist of ambient quality standards, with the function of determining and measuring changes in environmental quality at sources derived from individual polluting activities<sup>7</sup>. In the purpose of the enactment of environmental quality standards, efforts are required to ensure the function of the environment itself, by not violating the quality standards for environmental damage, then also against the provisions of standard criteria for environmental damage, prevention and mitigation. In the laws and regulations regarding environmental muku stones to their relevance to the development of environmental change, it is necessary to hold a review and readjustment between the old regulations, UUPLH in which, it has not been stated about the types of environmental quality standard specifications in question in accordance with the development of science and technology.

With the enactment of Law Number 32 of 2009 as a form of improvement of the UUPLH, especially in the field of environmental quality standards, an explanation is given about the types referred to therein as in accordance with Article 20 paragraph (2), which includes: Water quality standards; Seawater quality standards; Wastewater quality standards; Ambient air quality standards; Emission quality standards; Disruption quality standards; and other quality standards in accordance with the development of science and technology.

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<sup>6</sup> Siti Sundari Rangkuti, *Hukum Lingkungan dan Kebijakan Lingkungan Nasional*, (Surabaya: Airlangga University Press, 2005), pp. 112-113.

<sup>7</sup> Destiny Rahmadi, *Hukum Pengelolaan Bahan Berbahaya dan Beracun*. (Surabaya: Airlangga University Press, 2003). pp. 82-83.

## B. Environmental Carrying Capacity: An Ecological Context and the Society

The environment is a unity between space and objects, forces, conditions, to living things which include humans and their behavior which certainly has an influence on nature itself. The increasing number of Indonesian populations, which is increasing day by day, will certainly have an impact on increasing the number of natural resource use, which will consequently cause a decrease in the quality of the existing environment. Based on the facts, the complexity of environmental problems in Indonesia until now there are still several prominent cases of environmental problems in Indonesia, such as in terms of energy crisis to environmental quality decline.

The concept and understanding of the carrying capacity of the environment itself or *carrying capacity* when examined in an ecological context has a deep meaning on the number of populations or communities that can be supported by resources and services available in the ecosystem. This factor will later be an influence on the limitations of the ecosystem in making efforts to support life by factoring in the number of resources and services that exist in the ecosystem. Relating to the carrying capacity of the environment, it is indeed closely related and related to the context of sustainable development or known as sustainable development<sup>8</sup>. The development of sustainable development is certainly the concept applied as a calculation method used to determine the population of the number of living organisms that are able to obtain and are considered to have conformity to the balance in the ecosystem concerned in order to be able to run sustainably, so that the damage and quality degradation that occurs in the ecosystem can be overcome by the existence of the carrying capacity of this environment.

The carrying capacity of the environment is understood in Law Number 4 of 1982 concerning the main provisions of Environmental Management and in the UUPPLH is given a definition, relating to the carrying capacity of the environment as the ability of the environment which is a means of supporting the balance between living things and the environment in it.<sup>9</sup> Thus, the carrying capacity of an area can decrease due to human activities intentionally or unintentionally, as well as the consequences of natural forces that occur in nature itself. Borrowing Lenzen's statement, it was stated that in an effort to determine the level of sustainability of natural resources and the environment, related to this, of course, it is necessary to make a comparison between the ecological footprint and the actual area of the productive land. The results of the comparison will later be calculated as a benchmark for comparing the amount of land available and the land needed.

Understanding the concept of sustainable development certainly contains a very complex, integrative and comprehensive dimension meaning, because it not only talks about the urgency of the physical-ecological dimension, but also in social,

<sup>8</sup> Ferina Ardhi Cahyani, "Upaya Peningkatan Daya Dukung Lingkungan Melalui Penerapan Prinsip Sustainable Development Berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Indonesian State Law Review* 2, No. 2 (2020): 168-179.

<sup>9</sup> Article 1 point 1 of Law Number 32 of 2009 concerning Environmental Protection and Management.

cultural, political, and legal aspects<sup>10</sup>. In the context of the concept of sustainable development, social, cultural, legal, and political dimensions are very important and fundamental points in the context of environmental management based on the basis of sustainable development for developing countries, so that the concept of sustainable development is not understood as a static concept, but a dynamic and open concept. For this reason, the concept of sustainable *development* must continue to be studied and developed regularly based on the perspective of modern environmental law, because the carrying capacity of the environment is an important component in providing sustainable and prosperous organism life to living things that inhabit the environment.

The basic concept of sustainable development is actually closely related to the sustainability of the city, in terms of the concept of meeting needs or the concept of needs requires a central focus in efforts to improve the quality of human life, in addition to the existence of the concept of *limitations*. There is also a need as a form of balance effort carried out in two directions, namely to control needs through changing consumption behavior, as an effort to minimize these limitations through the development of technology and institutions. The principle of sustainable development or sustainable is the embodiment of cities whose fields of development and development are considered successful in meeting the needs of the people in it in a sustainable manner, able to compete in the global economy, and with the aim of maintaining harmonization of social, cultural, economic, and political vitality harmony without having to reduce the ability of future generations in an effort to meet their needs.

### C. Strategic Environmental Quality Assessment

National policy in the field of spatial planning certainly does not escape from several problems and complexities in it, such as the problem of conversion of productive agricultural land, increasing critical river basin units (SWS), to the aspect of significantly decreasing the area of tropical forests that should be used as water catchment. In connection with the complexity of these problems, juridical instruments as a form of national policy on spatial planning formally began to be issued and determined as a form of manifestation of the quality of national spatial planning with safe, comfortable, productive, and sustainable criteria in the form of Law Number 24 of 1992, which was later updated to Law Number 26 of 2007. With the enactment of this national spatial planning policy, it is expected to be a clear product of the series of spatial planning processes, utilization, and spatial control.

The Strategic Environmental Assessment (KLHS) is the first instrument regulated in the provisions of Article 14 of Law Number 32 of 2009 concerning Environmental Protection and Management, using the basis for consideration of environmental degradation that is causality across regions and between sectors, however, KLHS is

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<sup>10</sup> Mukhlis Mukhlis. "Konsep Hukum Administrasi Lingkungan dalam Mewujudkan Pembangunan Berkelanjutan." *Jurnal Konstitusi* 7, No. 2 (2010): 67-98.

actually integrated with the regional spatial plan instrument as one of the instruments that has a focus on prevention efforts environmental damage. As mentioned in the UUPPLH, it can be interpreted that the presence of KLHS is certainly an effort to realize the principles of sustainable development as mandated in Article 33 paragraph (4) of the Constitution of the Republic of Indonesia in 1945, so that thus KLHS plays a role and occupies a central position in the legal system of environmental protection and management that integrates the three pillars of development, namely the environment, welfare, and quality of life standards<sup>11</sup>.

The concept of KLHS in UUPPLH as stipulated in Article 1 number 10 is determined regarding KLHS which is a series of systematic, comprehensive, and participatory analyses, especially in relation to the basis for policy, planning in the development of an area to be integrated with the principles of sustainable development. The study he conducted began with the formulation of policies, plans and programs that were reviewed against estimates of the impact of the policy itself. In conducting its review, of course, KLHS must contain careful consideration in social, economic, and environmental sustainability aspects<sup>12</sup>. In the implementation of this KLHS instrument, it also proves that the government's juridical instrument seeks to prevent and overcome environmental problems. If we look deeper, the damage to natural resources and to environmental pollution in Indonesia takes place at a speed that can be said to exceed the ability to control the degradation of natural resources and the environment, it is necessary to have the position of KLHS in playing its role.

Instrumentally, KLHS is here to integrate environmental considerations into the form of policies, domains and program directions and seeks to be able to identify the influences and consequences that will arise from these policies as one of the efforts to support the decision-making process. A transformative position, KLHS aims to be able to improve the level of quality and processes of policy formulation, planning, and programs made, as well as facilitate in the decision-making process in order to create synergy between environmental, social and economic aspects. Furthermore, substantively, KLHS also aims to carry out environmental protection measures as a form of modern sustainability level, which is certainly expected to minimize the negative impacts that will be caused as a consequence of the proposed policies, as well as an effort to maintain the potential of natural resources and the carrying capacity of water, air, soil and ecosystems in stages.<sup>13</sup>

#### **D. Analysis of Environmental Impact (AMDAL)**

Law Number 32 of 2009 concerning Environmental Protection and Management was present and born as one of the juridical instruments in overcoming environmental

<sup>11</sup> I. Gusti Ayu Jatiana Manik Wedanti, "Kajian Lingkungan Hidup Strategis Sebagai Bentuk Integrasi Prinsip Pembangunan Berkelanjutan Dalam Perencanaan Tata Ruang Wilayah." *Jurnal Hukum* 5, No. 3 (2016): 526-542.

<sup>12</sup> Muhammad Akib, *Hukum Lingkungan: Perspektif Global dan Nasional*. (Jakarta: Raja Grafindo Persada, Jakarta, 2014), pp. 108-109.

<sup>13</sup> Atiek Koesrijanti, et.al., *Buku Pegangan Kajian Lingkungan Hidup Strategis*. (Jakarta: Deputi Bidang Tata Lingkungan: Kementerian Negara Lingkungan Hidup RI, 2007), pp. 19-20.



problems, affirming this protection as a form of urgency to give priority to environmental protection as an effort to control the use of natural resources. Other problems that are still faced are of course also related to development policies that are not accompanied by institutional improvements and procurement of relocation of natural resources needed. Thus, information and metadata related to efforts to control environmental damage and pollution are needed, which if can be fulfilled by sectoral parties in conducting inventory, monitoring and evaluation of the implementation of natural resource management.

A good and healthy environment is a human right that can be owned by every Indonesian citizen, as mandated in the Constitution of the Republic of Indonesia Year 1945 in Article 28H which must be carried out on the principles and principles of sustainable development with an environmental perspective. This is certainly the basis for implementing the principle of *sustainable development* that uses environmental insights. This sustainable development is one of the efforts to increase planned awareness by combining aspects of environmental insight along with capabilities, welfare, and quality of life for present and future generations.

Environmental Impact Analysis or AMDAL is one of the studies that becomes a requirement in environmental permits that are arranged systematically, coherently and comprehensively-integral (which are integrated across regional sectors).<sup>14</sup> In the AMDAL mechanism used as the first basis for benchmarks regarding licensing in business activities, the documents contained in the AMDAL must also contain an Environmental Impact Analysis (ANDAL), Environmental Management Plan (RKL), and Environmental Monitoring Plan (RPL) as mentioned in Government Regulation Number 27 of 2017, which states that in preparing the AMDAL itself must be based on terms of reference that have been obtained Approvals and decisions from agencies and experts competing in their fields. The development process carried out should also prioritize and bring the principles of sustainable development with environmental insight, as in accordance with Article 33 paragraph (4) of the Constitution of the Republic of Indonesia Year 1945.

In the implementation of AMDAL and Environmental Management Efforts and Environmental Monitoring Efforts (UKL / UPL) is the management and monitoring carried out on businesses and activities that do not have an important impact on the environment that are needed for the decision-making process for the operation of a business or activity, so that in this case the obligations of UKL-UPL will later be applied to activities that do not include obligations for preparation EIA. Environmental management tools are used as a basis for decision making and reference in the issuance of permits to conduct business and activities, this UKL-UPL document will be made in the project planning phase as a condition of completeness

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<sup>14</sup> Muhammad Erwin, *Hukum Lingkungan: Dalam Sistem Kebijakan Pembangunan Lingkungan Hidup*. (Bandung: Refika Aditama, 2007), pp. 86-87.

in order to obtain permits<sup>15</sup>. In the implementation of AMDAL and UKL-UPL, of course, it must be simpler and have quality, because it must prioritize the values of professionalism, accountability, transparency, and integrity of the parties in making effective decision policies as an effort to obtain environmental permits.

## E. Sustainable Development: Problems and Challenges in AMDAL Framework

In relation to the concept of *sustainable development* that began to be known and developed after the promulgation of the Stockholm Declaration in 1972 marked the establishment of the World Commission on Environment and Development (WCED) or known as the World Level Environmental Commission. In his 1987 report entitled "*Our Common Future*" explained the meaning of *sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs*.<sup>16</sup> This means that the limited capabilities of the environment are present and appear to be created from the conditions of circumstances, technology, and social organization in an effort to meet current and future needs. The United Nations defines sustainable development as development that has a purpose in meeting needs, which is also applied in seventeen global sustainable development goals or *Sustainable Development Goals*. In connection with the implementation of the concept of sustainable development, it is necessary to maintain natural resource ecosystems, one of which is the terrestrial ecosystem which includes it, forests and land rehabilitation. Because in environmental management this will not be separated from the concept of spatial planning which acts as a *balancing* with efforts to improve the quality and function of the environment in it.<sup>17</sup>

In fact, in the implementation of sustainable development does have an influence as well as be influenced by the presence of the environment itself. If analogous, then the environment and development are like machine frames that both cannot run independently. As explained, the implementation of development is carried out as an effort to meet the needs of the community or *human needs*. In the *global coalition* mentioned four basic things that make the benchmark of sustainable development, which include:<sup>18</sup>

- 1) Economic development and health of the environment, which are two main things that become a unity and cannot be separated. Thus, in the decision-making process and in policy formulation must initiate integration that occurs and is carried out between environmental and economic factors;

<sup>15</sup> Anonymous. *Upaya Pengelolaan Lingkungan Hidup dan Upaya Pemantauan Lingkungan Hidup*. (Jakarta: Indonesia Environment & Energy Center, nd). Available online at <https://environment-indonesia.com/articles/pahami-ukl-dan-upl-yuuk/>

<sup>16</sup> Mukhlis Mukhlis. "Konsep Hukum Administrasi Lingkungan dalam Mewujudkan Pembangunan Berkelanjutan." *Jurnal Konstitusi* 7, No. 2 (2010): 67-98.

<sup>17</sup> Maret Priyanta, "Pembaruan dan Harmonisasi Peraturan Perundang-undangan Bidang Lingkungan dan Penataan Ruang Menuju Pembangunan Berkelanjutan." *Hasanuddin Law Review* 1, No. 3 (2015): 337-349.

<sup>18</sup> Walter H. Corson, *The Global Ecology Handbook: What You Can Do about the Environmental Crisis*. (Beacon Press, 25 Beacon Street, Boston, MA 02108, 1990).

- 2) The complexity of environmental problems is interrelated with each other;
- 3) Economic and environmental issues are also related to social and political factors;
- 4) International cooperation and communication are important due to economic factors, pollution and ecosystems that do not understand national borders.

When talking about sustainable development programs in Law No. 32 of 2009 concerning Environmental Protection and Management, emphasis is given that sustainable development is one of the conscious and planned efforts in integrating environmental, economic, and social aspects into development strategies as an effort to guarantee the environment, as well as a source and support for life for safety, ability and well-being of the quality of life of current and future generations. The UUPPLH also provides an obligation for the central and regional governments to be able to provide guarantees and basis for policies for building an area in a planned manner using the AMDAL framework ambiguous, the results of the KLHS, as well as being used as a benchmark so as not to exceed the carrying capacity and accommodating capacity of the environment.

The process of sustainable development must also focus on factors: the condition of natural resources; environmental quality; and population factors. These three factors certainly provide an understanding that sustainable development requires business loading in order to maintain the integrity of the function of the environmental order with the aim that existing natural resources can become a foundation in the process of sustainable development as an effort to improve the standard of living of the Indonesian nation.<sup>19</sup> Fondasi used in an effort to achieve the process of improving the standard of living of the Indonesian nation must see and also pay attention to the practice of spatial planning, for example by taking into account socio-cultural conditions, geographical conditions of entrepreneurship to potential and strategic aspects that are expected to increase the carrying capacity of the environment and Prioritizing the concept of rationality in the practice of implementing sustainable environmental management, which is not only based on field implementation, but also must prioritize environmental law which plays an important part of the environmental legal order.

## Conclusion

From the discussion of various matters regarding the environment and some of the legal provisions that regulate it, it can be underlined that the environment with various problems and also its analysis methods are closely related to the legal constitution that regulates it. In analyzing the environment from various aspects, it does not necessarily only analyze the physical components of nature, but it is also necessary to consider aspects outside the physical components of nature, such as social, economic, and other

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<sup>19</sup> I Gusti Ayu Ketut Rachmi Handayani, *Pengantar Hukum Lingkungan*, (Surakarta: Cakra Books, 2011), pp. 4-5.

components. Because in essence the analysis of the environment provides a review that the position of environmental law or environmental law here has a very important position and role, one of which is related to regulating how the environment and the concept of sustainable development is also the main factor that can be considered in order to improve the quality of life about how much the environment can sustain human life both physically, socially, economically and others in a sustainable manner from now and in the future.

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