

Legal Dynamics of Environmental Governance within the Framework of Sustainable Development in Indonesia

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Abstract

The primary factor posing a challenge to the implementation of environmental policies in Indonesia is weak law enforcement. Well-formulated environmental regulations are rendered ineffective when enforcement is weak and inconsistent. Numerous pollution cases end without meaningful legal consequences, either due to inadequate supervision or conflicts of interest between regulators and business actors. This study employs a normative-juridical approach with a normative legal research specification. Data analysis is conducted using a qualitative juridical method focusing on environmental law and sustainable development. The findings indicate that the implementation of environmental law in Indonesia has not been effective in supporting sustainable development. The main weaknesses lie in institutional limitations, inadequate supervision, and low levels of public participation. In addition, regulatory ambiguity and weak political commitment further hinder effective law enforcement. Therefore, strengthening institutional capacity, harmonizing regulatory frameworks, and integrating environmental considerations into development policies are essential to enable environmental law to function optimally.

Keywords: Environmental Law, Sustainable Development, Law Enforcement

Introduction

Indonesia, as a country endowed with abundant natural resources, faces significant challenges in balancing economic development with environmental preservation. Since the First World Conference on the Human Environment held in Stockholm in 1972, Indonesia has committed to steering its development toward sustainable well-being and to realizing an environmentally sound and sustainable nation, in line with the objectives and policy directions for environmental development outlined in the 2005–2025 Long-Term National Development Plan (Kurniawan et al., 2023a). However, in its implementation, several challenges persist, including a limited understanding of the importance of sustainable natural resource and environmental management, weak law enforcement, high levels of environmental pollution, and a lack of regulatory harmonization between the central and regional governments as well as across related sectors (Herlina, 2017; Kurniawan et al., 2023b).

One of the key instruments for achieving sustainable development is the enforcement of environmental law. Sustainable development constitutes a development approach that integrates economic growth, social equity, and environmental protection in a balanced manner (Nisa & Suharno, 2020). This concept was formally introduced by the World Commission on Environment and Development (WCED) through its report *Our Common Future* in 1987. In Indonesia, the concept has been adopted through various regulatory frameworks, including Law No. 17 of 2007 on the National Long-Term Development Plan (RPJP), which affirms sustainable development as a central pillar of national development planning. Furthermore, Law No. 32 of 2009 on Environmental Protection and Management (UU PPLH), particularly Article 1 paragraph (3), defines sustainable development as a conscious and planned effort to integrate environmental, social, and economic aspects. Its objective is to ensure environmental integrity and the well-being of both present and future generations.

In practice, sustainable development is implemented through various national policies, such as the promotion of renewable energy development, natural resource conservation, forest moratorium policies, and spatial planning based on environmental carrying capacity. According to Retno mulyaningrum (2023) environmental law constitutes an integral component of the national legal system, aimed at creating a balanced order of life between humans and their environment. Within the Indonesian context, environmental law has evolved as a response to increasing pressures on natural resources resulting from economic development, population growth, and industrialization (Herlina, 2017). Juridically, the primary legal foundation of environmental law in Indonesia is Law No. 32 of 2009 on Environmental Protection and Management, which serves as an umbrella regulation governing the rights and obligations related to environmental protection for the government, the public, and business actors alike (Anika Ni'matun Nisa & Suharno, 2020).

However, despite Indonesia's relatively strong environmental legal framework, its implementation is often ineffective. Many environmental violations are not addressed decisively, and offenders frequently evade legal sanctions. A lack of awareness regarding the importance of environmental protection, corruption, and limitations in human and technical resources constitute major obstacles to effective environmental law enforcement in Indonesia (Jihan, 2022). In addition, environmental policies often conflict with economic and political interests. In many cases, environmental violations do not necessarily result in firm legal sanctions.

A prominent example of environmental pollution is the Citarum River in West Java, which has long been recognized as one of the most polluted rivers in the world. According to data from the Ministry of Environment and Forestry (KLHK), approximately 54% of the Citarum River is heavily polluted, 23% moderately polluted, 20% lightly polluted, and only 3% meets established water quality standards. The

primary sources of this pollution originate from domestic waste, industrial effluents, livestock activities, and solid waste directly discharged into the river (Agustine, 2021; Tamba & Surtikanti, 2024).

Another example of environmental pollution can be observed in Lampung Bay, where tens of tons of waste are disposed of daily. This waste originates from various sources, including household and industrial activities, and has accumulated throughout the water column down to the coastal seabed. Such conditions have severely affected marine biota in the bay, including fish populations and coral reefs. As noted by Sonjaya et al. (2020), the accumulation of waste has led to a decline in coral reef populations due to continuous environmental disturbance.

One of the primary challenges in the implementation of environmental policies is weak law enforcement. Well-formulated environmental regulations are rendered ineffective when enforcement mechanisms are weak and inconsistently applied. Many pollution cases ultimately end without meaningful legal consequences, either due to inadequate supervision or conflicts of interest between regulators and business actors (Jiwanti, 2023). Therefore, it is essential to evaluate the dynamics of environmental law in Indonesia, particularly in addressing the challenges of sustainable development (Nursya, 2023a; Situmeang, 2020).

Accordingly, this study aims to analyze the effectiveness of environmental law enforcement in supporting the implementation of sustainable development in Indonesia. It further seeks to identify the legal and institutional obstacles encountered in the enforcement of environmental law in the Indonesian context.

Research Methods

This study employs a qualitative research method with a normative-juridical approach (Huda, 2021). The qualitative method is used to explore and comprehensively understand the dynamics of environmental law in the implementation of sustainable development in Indonesia (Ali, 2022). The normative-juridical approach focuses on the examination of statutory regulations and relevant legal principles, including Law No. 32 of 2009 on Environmental Protection and Management, Law No. 11 of 2020 on Job Creation, and Law No. 17 of 2007 on the National Long-Term Development Plan.

Data were collected through library research by reviewing legal documents, academic literature, and court decisions. The data were analyzed using a descriptive-qualitative method to assess the effectiveness and compatibility of existing regulations with the principles of sustainable development. Ultimately, this study aims to examine the extent to which the legal system is capable of responding to environmental challenges within the framework of national development.

Result and Discussion

The Effectiveness of Environmental Law Enforcement in Supporting the Implementation of Sustainable Development in Indonesia

Environmental law in Indonesia has been designed to support sustainable development by integrating environmental protection, social justice, and economic growth (Retno mulyaningrum, 2023). Law No. 32 of 2009 on Environmental Protection and Management (UU PPLH) serves as the primary legal foundation governing this framework. However, the effectiveness of its implementation continues to face various challenges that require serious attention.

One clear illustration of the weak enforcement of environmental law can be observed in the condition of the Citarum River in West Java. The river is widely recognized as one of the most polluted rivers in the world. According to data from the Ministry of Environment and Forestry (KLHK), approximately 54% of the Citarum River is heavily polluted, 23% is moderately polluted, 20% is lightly polluted, and only 3% of its water meets established quality standards. The primary sources of this pollution include domestic waste, industrial effluents, livestock activities, and household waste discharged directly into the river. A river that should function as a vital source of life has instead been transformed into a waste disposal channel due to weak supervision and low levels of compliance with environmental regulations (Yasminingrum, 2022a).

Another case that reflects the ineffectiveness of environmental law enforcement is the pollution occurring in Lampung Bay. This area receives large volumes of waste disposal on a daily basis, originating from both household and industrial activities. The waste has accumulated throughout the waters and even reached the coastal seabed, thereby disrupting marine habitats. Coral reefs, which function as critical ecosystems for the sustainability of marine life, have experienced population declines as a result of waste accumulation and pollution. This condition indicates that existing regulations are either insufficiently enforced or not effectively implemented at the operational level (Jazuli, 2017).

Despite the availability of regulatory frameworks, the effectiveness of environmental law enforcement remains low. Many companies and industrial actors fail to fulfill their obligations to manage waste properly, while supervision by both regional and central government authorities has not functioned optimally. In this context, development not only fails to achieve sustainability but instead produces ecologically destructive impacts.

The lack of competent human resources and limited budgetary allocations are among the key factors contributing to weak law enforcement. Many institutions, including the Ministry of Environment and Forestry (KLHK) and other law enforcement agencies, face constraints in terms of personnel and facilities required to effectively monitor and sanction environmental violations (Wibisana, 2017). These

limitations create opportunities for violators to evade the sanctions that should otherwise be imposed.

Furthermore, conflicts of interest between economic development and environmental protection frequently constitute significant obstacles. Development projects that prioritize short-term economic gains often disregard long-term environmental impacts. For instance, land clearing for plantations or infrastructure development that fails to consider environmental carrying capacity can result in ecosystem degradation that is difficult, if not impossible, to restore. Corruption also represents a serious challenge in the enforcement of environmental law. Environmental offenders often resort to bribery to evade legal sanctions. Transparency International reported that in 2023 Indonesia ranked 102nd out of 180 countries on the Corruption Perceptions Index, indicating that corruption remains a substantial and persistent problem.

In addition, low levels of public awareness regarding the importance of environmental protection further complicate law enforcement efforts (Ulfatun Najicha, 2022). Many members of the public lack an understanding of the consequences of environmental degradation for their own livelihoods. Environmental issues are often perceived as distant from everyday concerns, resulting in limited public participation in supporting environmental law enforcement. To enhance the effectiveness of environmental law enforcement, several strategic measures should be undertaken, as follows:

Strengthening institutional capacity. The government should enhance the capacity of law enforcement institutions through targeted training programs, the recruitment of additional personnel, and the allocation of adequate financial resources. Without sufficient institutional support, effective law enforcement cannot be realized.

Reforming the environmental justice system. Reform of the environmental judicial system is urgently needed. Lengthy and bureaucratic legal processes should be simplified to ensure that environmental violations can be addressed swiftly and decisively. The establishment of specialized environmental courts may serve as an effective mechanism for handling environmental cases more efficiently.

Enhancing multi-stakeholder collaboration. Collaboration among government institutions, civil society, and the private sector should be strengthened. Through effective partnerships, all stakeholders can contribute to environmental protection efforts. For example, the private sector can adopt sustainable business practices, while civil society organizations can play an active role in monitoring environmental violations.

Promoting environmental education and awareness campaigns. Environmental education and public awareness initiatives should be continuously intensified. These efforts may begin within educational institutions by integrating environmental issues into curricula. In addition, public campaigns through social and mass media can help

disseminate information and foster collective awareness of the importance of environmental protection.

Improving transparency in environmental information management. Transparency in the management and dissemination of environmental information must be enhanced. The public has the right to access information concerning environmental conditions and the impacts of development activities. However, access to such information remains limited, necessitating greater openness to enable meaningful public participation in environmental monitoring and decision-making processes.

Strengthening international environmental cooperation. The government should reinforce international cooperation in the environmental sector. Through such cooperation, Indonesia can promote environmental sustainability and implement global commitments related to environmental protection. International collaboration also facilitates the exchange of knowledge and technology for improved environmental management.

Adopting a community-based approach to environmental management. Community-based approaches are essential in environmental governance. Local communities possess valuable knowledge and local wisdom that can be utilized in conservation and natural resource management efforts. By empowering local communities, environmental management can become more effective and sustainable.

Legal and Institutional Barriers to Environmental Law Enforcement in Indonesia

One of the primary barriers to effective environmental law enforcement in Indonesia is the lack of clarity and firmness in existing environmental regulations. Although Law No. 32 of 2009 on Environmental Protection and Management provides enforcement mechanisms, including criminal, administrative, and civil sanctions, many of its provisions remain general in nature and are not supported by adequate technical guidelines for implementation (Yasminingrum, 2022b). In addition, inconsistencies between this law and other regulations—such as Law No. 11 of 2020 on Job Creation—have generated confusion in practice. For example, the Job Creation Law relaxed several previously stringent Environmental Impact Assessment (AMDAL) procedures, thereby weakening environmental protection and increasing the risk of pollution (Sukananda & Nugraha, 2020).

Institutional factors also play a crucial role in environmental law enforcement. In Indonesia, multiple institutions are vested with authority over environmental protection, including the Ministry of Environment and Forestry (KLHK), the police, and regional governments through local environmental agencies. However, coordination among these institutions is often ineffective, resulting in slow, incomplete, or fragmented handling of environmental violations, and in some cases, the shifting of responsibility among agencies. Moreover, overly bureaucratic

organizational structures and a lack of responsiveness to environmental emergencies render the enforcement system rigid and poorly adapted to on-the-ground dynamics (Yakin, 2017).

Environmental law enforcement is highly dependent on the quality of human resources and the availability of monitoring technologies. Unfortunately, many field officers—particularly within regional environmental agencies—lack specialized expertise in environmental science or environmental law. Limited training opportunities and inadequate access to monitoring technologies, such as water and air quality monitoring systems, satellite imagery, and waste sensors, further weaken oversight of business activities (Nursya, 2023b). As a result, numerous environmental violations go undetected or cannot be scientifically substantiated.

Corruption and conflicts of interest constitute major impediments to effective environmental law enforcement. Many officials involved in environmental licensing and supervision processes reportedly accept gratuities or maintain close relationships with business actors, leading to the issuance of permits without comprehensive consideration of environmental impacts. Even when violations are identified, sanctions may not be imposed due to political or economic interference. This condition undermines the coercive power of environmental law and fosters public perceptions of injustice.

Strong environmental law enforcement also requires active public participation. In practice, however, public literacy regarding environmental rights and applicable regulations remains low. Many communities living near industrial or mining areas are unaware of their right to a clean and healthy environment. This lack of awareness discourages reporting of violations and, in some cases, generates fear of retaliation from business actors or authorities. Furthermore, public access to environmental information—such as AMDAL documents or environmental audit reports—is often limited and lacks transparency.

Litigation or judicial mechanisms frequently fail to provide adequate protection for victims of environmental degradation. Communities seeking legal remedies against polluters often encounter difficulties in proving direct environmental harm, particularly when facing large corporations with substantial legal and financial resources. In addition, lengthy, complex, and costly court procedures discourage affected communities from pursuing legal action. Rigid civil procedural rules and the limited application of collective legal mechanisms, such as class actions, further hinder efficient and collective resolution of environmental disputes.

To date, Indonesia has not established specialized environmental courts to adjudicate environmental cases. Consequently, such cases are handled by general court judges who may lack technical expertise in environmental matters. This situation adversely affects the quality of judicial decisions, which often fail to reflect principles of ecological justice. Several court rulings demonstrate insufficient consideration of the

long-term impacts of environmental damage, resulting in sanctions that are disproportionate to the ecological harm caused.

The Environmental Impact Assessment (AMDAL) mechanism is intended to serve as a primary instrument for controlling the environmental impacts of business activities. However, in practice, many AMDAL documents are prepared merely to fulfill administrative licensing requirements, without a genuine commitment to implementation. Evaluation and supervision of environmental management plans contained in AMDAL documents are also minimal. Supervisory institutions rarely conduct field inspections or verify the accuracy of data presented in periodic reports, thereby weakening the effectiveness of AMDAL as a preventive environmental governance tool.

The lack of harmonization among sectoral policies—such as those governing mining, energy, forestry, and environmental protection—has resulted in policy conflicts at the implementation level. National strategic projects are sometimes prioritized without comprehensive consideration of environmental aspects. For instance, coal-fired power plant projects continue to be implemented despite their well-documented high carbon emissions and detrimental impacts on local ecosystems (Deviani, 2015). This policy dissonance indicates that environmental protection has not yet been positioned as a primary orientation within national development policies (Saputra et al., 2023).

Another major barrier is the weak political commitment to environmental issues. Environmental protection is frequently perceived as an obstacle to investment and economic growth. Under such circumstances, the government tends to compromise with business actors rather than enforcing environmental law rigorously. In fact, strong political commitment is a crucial prerequisite for driving legal reform and strengthening environmental institutions (Medellu & Ledo, 2021). Without firm political will, efforts to protect the environment will continue to lag behind short-term economic interests..

Conclusion

The implementation of environmental law in Indonesia remains ineffective in supporting sustainable development. Although regulatory frameworks are in place, their enforcement is weak due to institutional limitations, inadequate supervision, and low levels of public participation. Pollution cases such as those involving the Citarum River and Lampung Bay clearly demonstrate deficiencies in environmental law enforcement. Therefore, strengthening institutional capacity, ensuring consistent law enforcement, and integrating environmental considerations into development policies are essential to ensure that environmental law effectively supports sustainability.

A major challenge lies in the lack of firmness and clarity within existing environmental legal regulations. Although Law No. 32 of 2009 provides mechanisms for environmental law enforcement, including criminal, administrative, and civil

sanctions, many of its provisions remain general and are not supported by adequate technical guidelines. Inconsistencies between this law and other regulations, such as the Job Creation Law, further create confusion in implementation. Weak political commitment to environmental issues also exacerbates the problem, as environmental protection is often perceived as an obstacle to investment and economic growth. Consequently, the government tends to compromise with business interests rather than enforcing environmental law decisively.

To address these challenges, the government must strengthen the capacity of environmental law enforcement institutions through enhanced training, increased budget allocations, and the provision of adequate monitoring technologies. Public participation in environmental oversight should be expanded through education, improved transparency of information, and active involvement in decision-making processes. Furthermore, regulatory reform is necessary to ensure that environmental laws are clearer, more stringent, and technically operational, particularly by harmonizing Law No. 32 of 2009 with related regulations such as the Job Creation Law. Above all, the government must demonstrate strong political commitment by positioning environmental protection as a national priority rather than as a barrier to investment. Without such commitment, environmental law will continue to fall short in safeguarding the sustainability of natural resources.

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