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## IMPLEMENTATION OF ENVIRONMENTAL LAW AND ENVIRONMENTAL PRESERVATION EFFORTS IN INDONESIA

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### Abstract

Objective study For the analysis of the implementation of environmental law and environmental conservation efforts in Indonesia, the methods used are method study qualitative and type study studies. References . Types of studies References used for digging deep understanding about a topic or phenomenon with analyzing literature And where are the relevant sources? in study This is related to the implementation of environmental laws and environmental conservation efforts in Indonesia. As for the data, it was obtained through the study and analysis of various references, like journals, scientific articles, and documents related to the topic being researched. Then, the researcher read an interesting thread and concluded from the results, findings, and study. Results study This leads to a conclusion. In the context of implementing environmental law and environmental conservation efforts in Indonesia, this research identifies a number of key aspects. Implementation of environmental law is faced with a number of challenges, including conflicts of interest, unequal access to the law, and differences in capacity at the regional government level. However, environmental conservation efforts in Indonesia also show positive initiatives, such as natural habitat conservation, reforestation programs, and renewable energy development. Technological and social innovations are key to increasing the effectiveness of conservation efforts.

**Keywords:** Implementation, law, environment

### Abstrak

*Tujuan penelitian ini untuk menganalisis implementasi hukum lingkungan dan upaya pelestarian lingkungan di Indonesia, Metode yang digunakan adalah metode penelitian kualitatif dengan jenis penelitian studi pustaka. Jenis penelitian studi pustaka digunakan untuk menggali pemahaman yang mendalam tentang suatu topik atau fenomena dengan menganalisis literatur dan sumber-sumber yang relevan yang dimana dalam penelitian ini berkaitan dengan implementasi hukum lingkungan dan upaya pelestarian lingkungan di Indonesia. Adapun data, diperoleh melalui kajian dan analisis terhadap berbagai referensi seperti buku, jurnal ilmiah, artikel, dan dokumen-dokumen lainnya yang berkaitan dengan topik yang diteliti dan kemudian peneliti menarik benang merah dan menyimpulkan dari hasil temuan dan kajian penelitian. Hasil penelitian ini mendapatkan kesimpulan dalam konteks implementasi hukum lingkungan dan upaya pelestarian lingkungan di Indonesia, penelitian ini*

*mengidentifikasi sejumlah aspek kunci Implementasi hukum lingkungan dihadapkan pada sejumlah tantangan, termasuk konflik kepentingan, ketidaksetaraan akses hukum, dan perbedaan kapasitas di tingkat pemerintah daerah. Meskipun demikian, upaya pelestarian lingkungan di Indonesia juga menunjukkan inisiatif positif, seperti konservasi habitat alam, program reforestasi, dan pengembangan energi terbarukan. Inovasi dalam teknologi dan sosial menjadi kunci untuk meningkatkan efektivitas upaya pelestarian.*

**Kata kunci:** *Implementasi, hukum, lingkungan*

## **INTRODUCTION**

Environmental law is a branch of legal science that developed as a response to complex problems that arise as a result of interactions between humans and their environment. With population growth, industrialization, and modernization, challenges to environmental sustainability are increasing, requiring a special and sustainable legal approach. The main focus of environmental law is to protect, manage, and maintain a balance between human interests and nature conservation. In this article, we will explore important aspects of environmental law, including basic principles, the role of government, contemporary issues, and challenges and innovations in dealing with the complexity of environmental problems.

Basic Principles of Environmental Law, by Akhmaddhian (2017), namely: a. Sustainability Principles: One of the main principles in environmental law is the principle of sustainability. This principle emphasizes the need to consider the long-term impacts of human actions on the environment. Environmental law creates a framework that encourages sustainable practices, both in the context of the use of natural resources and in the development of economic policies. b. Environmental Responsibility: Environmental law establishes legal responsibilities for individuals, companies, and governments to maintain and protect the environment. This includes the responsibility to avoid pollution, restore disturbed ecosystems, and minimize negative impacts on nature. c. Community Participation (Public Participation): This principle emphasizes the importance of involving the community in the decision-making process related to the environment. Public participation is the foundation for environmental policymaking and gives a voice to those affected by these decisions.

DA Hakim (2015) explained that it is well known that the government plays a central role in the development, implementation, and enforcement of environmental law. Some of the main functions of government in this context include: a) Creation Policy Environment: The government is responsible for formulating environmental policies that support the principles of sustainability and environmental protection. This involves analyzing the risk environment, determining standard security, and planning a long period of time. For continuity source power nature, b) Enforcement Law Environment: The government has the authority to enforce environmental laws, including regulation and enforcement of practices that are detrimental to the environment. This covers enforcement of pollution in air and water, disposal of dangerous waste, and violations of other regulations in the environment. c) Coaching Awareness Environment: The government also has a role in increasing public awareness about environmental issues.

This can involve educational campaigns, the promotion of sustainable lifestyles, and outreach regarding environmentally friendly practices.

Currently, contemporary issues in environmental law are where environmental law continues to face new challenges in line with changes in global environmental dynamics and technological developments. According to ER Hakim, several contemporary issues that require serious attention within the environmental legal framework include: **Climate Change:** Climate change is a global threat that requires an immediate response. Environmental law must be able to address climate change through regulating greenhouse gas emissions, protecting vulnerable ecosystems, and addressing the socio-economic impacts of climate change. **Plastic Waste Management:** The problem of plastic waste has come into the limelight in recent years. Environmental law needs to develop policies that address the problem of plastic waste from production, distribution, and recycling. **Biodiversity and Habitat Loss:** Protection of biodiversity and natural habitat loss is an important priority in environmental law. This involves creating protected areas, regulating the exploitation of biological resources, and restoring threatened habitats. **New Technologies and Environmental Ethics:** Technological advances such as artificial intelligence (AI) and bioengineering raise complex ethical and legal questions. Environmental law needs to develop in line with technological developments to address its potential negative impacts on the environment.

Even though environmental law has a very important role in maintaining sustainability and balance between humans and the environment, there are a number of challenges faced in its development, namely: **International Legal Uncertainty:** Because many environmental problems are cross-border, international legal uncertainty becomes an obstacle to dealing with these issues. global issues such as climate change and biodiversity. International cooperation and the establishment of global agreements are key to responding to this challenge. **Unequal Access to the Law:** In some countries, access to the justice system to prosecute environmental violations remains unequal. This can hinder the effectiveness of environmental law in protecting people's rights and the environment. **Legal Incongruity:** Some jurisdictions still face challenges in harmonizing environmental law with other laws, such as land law and economic law. This misalignment can create legal loopholes that can be exploited to harm the environment. **Corporate Influence and Lobbying:** The large influence of corporations and industry groups in the policy-making process often poses a major challenge. Strong lobbying can change or weaken environmental regulations, sacrificing environmental interests for economic gain (HMIE Hakim, 2021).

In the face of the complexity of environmental challenges, there are continuous efforts to develop innovation in environmental law. According to Herlina, several innovations in environmental law (2017) involve: a. **Performance-Based Regulation:** This approach emphasizes desired environmental performance outcomes rather than specific rules that must be followed. This gives companies the flexibility to find innovative solutions that achieve environmental goals. b. **Blockchain Technology for Resource Management:** The use of blockchain technology in environmental law can increase transparency and accountability in natural resource management. By creating an immutable digital

footprint, blockchain can help reduce illegal practices such as deforestation and illegal fishing. c. Climate Change Adaptation Law: In response to inevitable climate change, environmental law needs to develop a framework that facilitates adaptation. This includes regulatory adjustments to climate change, climate insurance, and social protection mechanisms. d. Climate Litigation: The rise of climate litigation has become an important tool for forcing governments and companies to take responsibility for their impacts on climate change. Legal advocacy by environmental groups and individuals can create legal precedents that strengthen environmental protection.

Indonesia, with its abundant natural wealth, has its own challenges and complexities in managing the environment. Environmental law in Indonesia has developed, but the problems faced remain complex. In this context, it is necessary to see how environmental law is developing, addressing challenges, and providing hope for sustainable environmental protection.

Environmental law in Indonesia did not emerge instantly; rather, its development is closely linked to the evolution of the country's legal system. Its long history includes several important phases that determined the direction and nature of environmental law in Indonesia, namely the beginning of environmental awareness: Awareness of the need to protect the environment began to emerge at the end of the 20th century. The existence of laws involving environmental aspects, such as Law No. 4 of 1982 concerning forestry, became the initial basis for environmental protection. Era of Reform and Increased Awareness: Post-Reformation in 1998 opened up greater space for community participation and non-governmental organizations in environmental management. Awareness of environmental issues such as climate change and biodiversity is increasing. Development of Environmental Regulations: The Indonesian government has begun to respond to environmental issues by issuing various environmental regulations and laws, including Law No. 23 of 1997 concerning Environmental Management. It creates a framework for environmental management and provides a basis for the establishment of further regulations. Internationalization of Environmental Issues: Environmental issues are increasingly recognized as global problems, and Indonesia participates in international agreements such as the Kyoto Protocol on Climate Change and the Convention on Biological Diversity. This involvement strengthens Indonesia's commitment to environmental protection at the global level (Jadda, 2019).

Despite positive developments, environmental law in Indonesia is still faced with a number of serious challenges. Some of the main challenges include:

1. Conflict of Interest: Conflict between economic interests and environmental protection often becomes an obstacle. Infrastructure development, extractive industries, and agriculture can conflict with environmental sustainability, giving rise to complex conflicts.
2. Implementation and Enforcement: Despite a relatively good legal framework, the implementation and enforcement of environmental laws remain a problem. There are weaknesses in the enforcement of environmental violations, which can

create the impression that such violations can be committed without serious consequences.

3. **Legal Uncertainty:** The lack of consistency and coherence between regulations at various levels of government can create legal uncertainty. This can be exploited by parties who wish to avoid environmental responsibility.
4. **Limited Community Participation:** Although there are laws encouraging community participation in environmental decision-making, community involvement is often limited. There are obstacles to accessing information and a lack of understanding of the role of society in environmental management.
5. **Shifting Consumption Patterns:** Shifting consumption patterns towards a more consumerist and unsustainable lifestyle is becoming an extra challenge. This creates additional pressure on natural resources and leads to increased waste, which is detrimental to environmental conservation efforts (Jazuli, 2015).

According to Lukito, ( 2023) A number of environmental issues dominate the agenda in Indonesia and require special attention in the context of environmental law:

1. **Deforestation and Climate Change:** Indonesia, with its vast tropical rainforests, is facing serious pressure from deforestation. This contributes to global climate change and causes biodiversity loss.
2. **Water and Air Pollution:** Industrial growth and urbanization lead to increased water and air pollution. Rivers polluted by industrial and urban waste, as well as air pollution from transportation and industry, pose serious threats to human health and ecosystems.
3. **Plastic Waste Crisis:** Indonesia is one of the countries that contributes the largest amount of plastic waste in the world. The lack of effective waste management infrastructure and high plastic consumption patterns are creating a deep plastic waste crisis.
4. **Land Conflicts and Indigenous Peoples' Rights:** Industrial and agricultural expansion often conflicts with the rights of indigenous peoples and can create land conflicts. Granting business permits to companies without adequate consultation can be detrimental to local communities and the environment.

Based on the explanation above, researchers are interested in conducting research on the implementation of environmental law and environmental conservation efforts in Indonesia.

## **METHOD**

Method research used by the researcher is method study qualitative with type study studies. References . Types of studies References used For a deep understanding of a topic or phenomenon, analyze the literature. Where are the relevant sources? in study This is related to the implementation of environmental law and environmental conservation efforts in Indonesia. As for data, it is obtained through study and analysis

of various references, like journals, scientific articles, and documents related to the topic being researched. The researcher then reads an interesting thread and concludes from the results, findings, and study study (Aditya et al., 2010).

## **RESULTS AND DISCUSSION**

Research on the implementation of environmental law and environmental conservation efforts in Indonesia is an important focus of study in the context of facing global challenges related to climate change, environmental damage, and the sustainability of natural resources. Through this study, researchers seek to gain an in-depth understanding of the extent to which environmental law has been implemented in Indonesia and what efforts have been made to preserve the environment. By understanding the implementation of the law and the conservation efforts that have been undertaken, challenges faced and opportunities for further improvements in the legal framework and environmental conservation practices in Indonesia can be identified.

Muhdar (2009) stated in his research that in order for environmental law in Indonesia to be more effective in overcoming challenges, several strategic steps need to be taken:

1. **Firm Law Enforcement:** Serious improvements in environmental law enforcement are needed. This includes expanding boldness in taking action against violations, imposing significant sanctions, and ensuring compliance with regulations.
2. **Waste Management Infrastructure Improvement:** Waste management infrastructure needs to be improved to reduce the impact of environmental pollution. Initiatives such as recycling, environmentally friendly waste processing, and educating the public about waste management are key.
3. **Strengthening Community Participation:** The community needs to be more actively involved in decision-making related to the environment. This can be achieved through providing transparent information, open consultation, and educating the public about the importance of environmental conservation.
4. **Renewal of Environmental Regulations:** Consolidation and harmonization of environmental regulations need to be a priority. More comprehensive and consistent regulatory updates will help create a strong legal foundation for environmental protection.
5. **Promotion of Green Technology:** The development and implementation of green technology can help reduce negative impacts on the environment. These initiatives may include the application of renewable energy, environmentally friendly technologies in industry, and the use of technology for environmental monitoring.

Even though challenges still exist, Pitaloka (2021) explains that there are still positive prospects for the development of environmental law in Indonesia. Some potential positive changes include:

1. **Increased Public Awareness:** Public awareness of the importance of environmental conservation continues to increase. Society is increasingly aware of the

negative impacts of unsustainable development and demands better environmental protection.

2. **Technological Innovation:** Technological developments can be an important ally in environmental protection. Blockchain technology, artificial intelligence, and other technological solutions can be used for better monitoring and management.

3. **Government Commitment:** The Indonesian government shows commitment to environmental issues by engaging in international agreements and formulating stricter regulations. Awareness of the importance of sustainability can encourage more reform and concrete action.

4. **Role of Private Companies and Third Parties:** Private companies and third parties can play an important role in supporting environmental protection. Implementing sustainable business practices and corporate social responsibility can help reduce negative impacts on the environment.

5. **International Collaboration:** International cooperation can improve environmental protection efforts. The exchange of knowledge, technology, and experience between countries can help Indonesia overcome global environmental issues.

Based on research from Thahira (2020), **Implementation of Environmental Law in Indonesia: Environmental Legal Framework:** Indonesia has a fairly comprehensive environmental legal framework, starting from Law No. 32 of 2009 concerning Environmental Protection and Management to more detailed implementing regulations. However, challenges arise in the consistent application of these laws at local and national levels. **Government Role:** Implementation of environmental law is often closely linked to the government's role in enforcing regulations. The government has responsibility for making policies, enforcing laws, and monitoring the implementation of environmental programs. **Capacity Gaps:** There are capacity gaps at the local government level in terms of understanding and implementation of environmental laws. Some regions may have limited resources and understanding, hindering the effectiveness of local environmental management. **Oversight and Enforcement:** Despite strong regulations, oversight and enforcement often lack effectiveness. Some companies or individuals may violate environmental regulations without serious consequences, creating legal loopholes.

The challenges in the implementation of environmental law, as explained by Hayatuddin and Aprita (2021), are: **Conflict of Interest:** One of the main challenges is the conflict between economic interests and environmental protection. Economic development is often prioritized without considering negative impacts on ecosystems and the sustainability of natural resources. **Unequal Access to the Law:** Community access to the justice system to prosecute environmental violations is often unequal. Factors such as the cost and complexity of legal procedures can hinder access to justice for those directly affected by environmental violations. **Lack of Public Awareness:** Despite efforts to increase public awareness, many still lack understanding of the importance of environmental conservation. Insufficient awareness can hinder

community support for the implementation of environmental laws. **Rapid Urbanization Growth:** Rapid urbanization growth can lead to changes in land use and increased waste, creating extra pressure on the environment. Regulations that do not keep up with these developments can become outdated.

Therefore, it is necessary to make efforts to preserve the environment with natural habitat conservation. Efforts to preserve natural habitats, especially tropical forests, which are rich in biodiversity, are the main focus. **Habitat conservation programs** aim to maintain ecosystems and prevent species loss. **Reforestation and Ecosystem Restoration Program:** Reforestation and ecosystem restoration are important solutions to overcome the impacts of deforestation and land degradation. This effort involves planting trees, restoring peatlands, and rehabilitating threatened ecosystems. **Community Empowerment:** Empowering local communities in environmental management plays a key role in conservation efforts. By involving the community in decision-making processes and environmental programs, a balance can be created between community interests and environmental protection. **Renewable Energy Development:** The transition to renewable energy is a crucial step in reducing negative impacts on the environment. The development of renewable energy sources, such as solar and wind power, can help reduce greenhouse gas emissions (Alfiansyah, 2023; Rangkuti, 2020).

Besides that, efforts to innovate in environmental conservation efforts, according to Siombo (2013), can be done by using technology. Technology plays an important role in monitoring and managing the environment. Satellite monitoring applications, environmental sensors, and online platforms can provide the data needed for better decision-making. **Social Innovation:** Apart from technology, social innovation is also needed. Innovative programs such as community empowerment campaigns, environmental education in schools, and collaboration between the public and private sectors can trigger behavioral changes and environmental awareness. **Community-Based Approach:** A community-based approach, in which local communities are actively involved in the planning and implementation of environmental conservation programs, can increase the effectiveness of such efforts. **Green Finance:** The development of financial models that support sustainable projects can be an important innovation. Green finance can provide economic incentives for investment in practices that have a positive impact on the environment.

Finally, the hopes and challenges for the future regarding environmental law are **Hope for Continuity:** The main hope is to create continuity in environmental conservation efforts. Implementation of environmental laws and conservation practices must take place in a sustainable manner to ensure environmental protection for future generations. **Strengthening the Role of the Community:** The hope is that the community will become more involved and play a stronger role in environmental conservation efforts. With greater awareness and participation, communities can become effective agents of change. **Adaptation to Climate Change:** There must be serious efforts to adapt to climate change, which cannot be avoided. Environmental adaptation and resilience plans need to be developed to address increasingly real impacts. **Increased Law Enforcement:** It is important to strengthen law enforcement in environmental protection. By increasing the



effectiveness of law enforcement, business actors who violate regulations can be stopped and held accountable for the negative impacts they cause. Multi-Stakeholder Collaboration: Cooperation between government, business, civil society, and international institutions needs to be improved. A multi-stakeholder approach can create strong synergy in achieving environmental conservation goals (Sood, 2021).

## CONCLUSION

Based on the findings and discussion above, it can be concluded that the law environment is an instrument critical in ensuring a balance between the need for man and the sustainability environment. As branch knowledge develops, the law environment keeps going to adapt to the continuing challenges in modern society. With notice principles basic, role government, issues contemporary, challenge, and innovation, yes, more understand complexity and importance of the law environment in guarding continuity and well-being. With a collaborative effort from the government, civil society, and the business sector, we can create a framework for work law that is strong and responsive to changing demands.

In the context of implementing environmental law and environmental conservation efforts in Indonesia, this research identifies a number of key aspects. The implementation of environmental law is faced with a number of challenges, including conflicts of interest, unequal access to the law, and differences in capacity at the local government level. However, environmental conservation efforts in Indonesia also show positive initiatives, such as natural habitat conservation, reforestation programs, and renewable energy development. Technological and social innovations are key to increasing the effectiveness of conservation efforts. Future hopes include continuity in environmental conservation practices, increasing the role of society, and adapting to climate change. Increasing law enforcement and multi-stakeholder collaboration are also important factors in achieving environmental conservation goals in Indonesia. By paying attention to these aspects, it is hoped that Indonesia can move towards better environmental protection and sustainability of natural resources for a better future.

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