

Highlighting the legislation concerning environmental protection and the promotion of sustainability within Indonesia

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Highlighting the legislation concerning environmental protection and the promotion of sustainability within Indonesia

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Abstract

Increased economic activities in Indonesia have significantly contaminated the environment and heightened the urgency of emphasizing legal, environmental rules and sustainability issues. To research Indonesian sustainability promotion and environmental protection, the present study examined various published sources, such as books, journal articles, and legislation. The data indicate that "Environmental Law 2009" governs most of Indonesia's environmental protection laws. Enforcing environmental regulations to make them more resistant to environmental contaminants and harmful substances. The government and legal authorities are still attempting to control environmental damage and dangerous situations. The country's residents are required to comply with environmental laws, the violation of which can result in penalties and punishments. The study's theoretical and practical value is more significant. In addition to stressing the need to update environmental legislation, the present study poses a question regarding their successful application. In addition, this research provides vital insights to the Indonesian government by focusing on the need to effectively monitor and supervise laws to generate favorable environmental protection concerns among Indonesians.

Keywords: Environmental protection, Sustainability promotion, Legislation, and Acts

1. Introduction

As a result of Indonesia's rapid industrialization and expansion of its corporate sector, environmental preservation and sustainability have become major concerns. Increasing behavior and concern for sustainability in the country cannot be achieved without implementing appropriate and sufficient environmental sustainability methods. Aji et al. (2020) stated that authoritative and legal authorities in Indonesia are accountable and liable for adequate environmental protection and sustainability practices laws. Environmental protection can also be attained by increasing Indonesians' ecological

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safety consciousness. Considering people's understanding of environmental protection, the Indonesian people require legislative features and patterns that regulate the roads leading to environmental safety (Absori et al., 2020; Putri, Sugiharti, & Muttaqin, 2023). Environmental protection is essential for promoting a clean and green environment, and the Indonesian government is paying attention to environmental education, which is essential for enhancing public awareness so that individuals can gain life experience in environmental management and sustainability. Maruf (2021) argues that environmental laws are created to safeguard not only humans but also animals, humans, environments, and natural resources. Hence, Indonesia's environmental protection laws seek to regulate contamination, pollution, hunting, and disaster response. In light of modern problems and rising environmental concerns, this study aims to examine Indonesia's environmental sustainability and environmental protection legislation.

Naylor et al. (2019) have noted, that rising industrial activity in Indonesia degrades the environment, imposing negative environmental consequences through air and pollution discharge. Moreover, the negative emissions that resulted from these activities harmed the environment and the health of individuals, causing severe breathing problems and other health problems. These negative discharges can be regulated, and environmental sustainability can be promoted through the design of appropriate environmental legislation. Prior research has examined the environmental effects of Indonesia, but Indonesian legislation governing sustainability and environmental protection has not been addressed in detail (Akhmaddhian, 2020; Najicha & Handayani, 2020). The regulation related to ecological safety in Indonesia must be investigated since, in an era of increased activities, the pollutants discharge and increased environmental harm have provided room for this investigation into sustainability in Indonesia. This study fills the gap by addressing Indonesia's environmental protection and sustainability policies.

The Indonesian environmental laws are intended to aid in protecting and managing the environment by making it more resilient. For greater environmental resilience, management and protection procedures should be undertaken systematically, accurately, and enforceably (Faure & Niessen, 2006; Pudjiastuti, 2021). Indonesia's environmental protection rules and regulations serve as a means of achieving public order or managing the populace through the law. The Indonesian government plays a significant part in the development and improvement of the nation so that social controls can be imposed through its legal authority as a technique for regulating ecological safety. Moreover, as a result of Indonesians' heightened knowledge of environmental education from a young age, they are anticipated to place a greater emphasis on environmental sustainability (Handayani et al., 2021; Nugroho & Eko Prasetyo, 2019). To overcome and avoid environmental harm in the country, Indonesia needs to have proper environmental laws and regulations that are both punitive and preventative. After executing environmental safety legislation effectively, better compliance regulations must be enacted to ensure a cleaner and more sustainable environment.

2. Method

The present study collected data using a "secondary technique." For this objective, public information sources and Indonesian environmental protection laws and

regulations are evaluated through a survey of the relevant literature. In-depth analysis of the legislation and identification of the legal aspects of sustainability concerns in Indonesia. To complete the debate, online sources, various publications, and scientific journals containing information about environmental protection and sustainability laws in Indonesia were consulted. Numerous publications containing material pertinent to the research issue have been studied, and conclusions have been reached through extensive interpretation to extract the most information from the data. So, the present study relies solely on works published in international and domestic journals, all concerned with legal concerns about environmental protection and sustainability in Indonesia. After evaluating several works, it has been determined that the objective of this research has been met by focusing on the academic, legal, and other aspects of the topic of legal, environmental legislation and sustainability concerns in Indonesia. The primary advantage of this type of research is the precision of the data collected from secondary sources. The secondary data and material included in any study are considered more accurate and relevant due to its publication, which resulted in the survey passing a series of checks and screenings before publication.

3. Literature Review

3.1. Legislations related to environmental protection

Environmental protection is the avoidance of unwarranted alterations to ecosystems and their parts. Different nations have specific laws and legal concerns to protect the environment. The term "environmental protection" also encompasses preserving the environment and its constituent parts from the associated alterations caused by human activity (Sreekumar, Shrivastava, & Varma, 2022). For the protection of environmental objectives, the regulatory agencies of many countries impose legally binding legislation on economic agents. Regulatory tool deployment indicates a growing global concern for environmental protection (Liu et al., 2022; Xu et al., 2022). Improving and protecting the human environment is a significant issue affecting people's economic development and well-being worldwide. The government's responsibility and the people's urgent desire are to control ecological safety to preserve and improve the environment (Ding et al., 2022; Earnhart & Friesen, 2022). The "declaration of the united nations conference on the human environment, 1972" is regarded as a legitimate legal instrument for addressing rising environmental degradation and bolstering sustainability resilience. Similar to the United Nations Framework Convention on Climate Change (1998), the Convention on Biological Diversity (1992), and the Rio Declaration on Development and the Environment (1992), there is a multitude of other international laws about environmental preservation.

The United Nation framework convention on climate change stated that:

"Human activities have been increased substantially, which has increased the atmospheric concentrations of greenhouse gases. These enhancements increase natural greenhouse effects and may adversely affect the natural ecosystems and humankind."

(United Nations Framework Conventions)

Liu (2019) emphasized that global environmental regulations focus on ecological conservation and sustainability promotion. The environmental Acts that became law in 2021 serve as the new framework for protecting the environment in the United

Kingdom. Defra initiated an 8-week public consultation on the 16th of March 2022, discussing the new, long-term environmental targets that come under environmental activities such as water biodiversity, air quality, and the effectiveness of resources as well as trash reduction (Fan et al., 2022; Olaoye & Sornarajah, 2023; Yu & Morotomi, 2022). The western areas have sought a clean and sustainable environment for many years. According to research by Amin, Song, and Shabbir (2022), in both the United Kingdom and the European Union, three judicial challenges between 2011 and 2018 required sixty English municipalities to reduce harmful gas pollution within the legal limit. Hence, the statutes stipulate:

"Several Clean Air Zones are being rolled out across the country, and the UK government has been called upon to ensure that these are underpinned through financial aid and support to the affected business and people. Every business entity must control its waste and emissions into the environment."

(UK Environmental Act 2021)

The Environmental Protection Act of 1990 emphasizes, in sections 89 (1) and (2), the responsibility of certain landowners and occupants to keep specified land free of refuse and litter, as well as the responsibility of local authorities and the secretary of state to keep public highways and roads clean, for which they are held liable (Gostin et al., 2019; Guoyan et al., 2022; Khalid, Ahmad, & Ullah, 2021). Like China, the United States, Malaysia, Indonesia, Pakistan, etc., many other industrialized and even developing nations are focusing on environmental trash management.

3.2. Sustainability and environmental protection

The heightened worldwide concern for environmental sustainability has switched the focus of legislation and government regulations to sustainability promotion and environmental preservation. Environmental preservation in many nations aims to preserve a natural and healthy ecosystem. Sustainable development embraces social, environmental, and economic aims to achieve long-term, equitable growth in countries that benefits both present and future generations (Carayannis & Campbell, 2019; Tan et al., 2017). The governing bodies regulate environmental sustainability by considering the responsibility for conserving natural resources and protecting global ecosystems to support future well-being and health. Countries such as China, the United States, the United Kingdom, Indonesia, and Germany have major environmental problems, despite many developed regions having embraced increased economic expansion in recent years. In 1989, China passed an environmental protection law with 6 chapters and 47 articles. From 1995 until 2011, amendments to environmental protection laws were suggested (Bai, Sarkis, & Dou, 2015; Lin & Zhang, 2023; Shelton, 2021). So, the ecologically legislated laws support sustainability criteria, the violation of which is directly associated with severe penalties. The fact that China's National People's Congress has reviewed more than twenty environmental laws at the national level demonstrates the significance of promoting and caring about sustainability.

Similarly, the United States is paying close attention to renewable energy, with several states adopting 100 percent renewable energy. In addition, several nations, including the United Kingdom and Indonesia, are concentrating on encouraging

sustainability (Adams, 2019; Dechezleprêtre & Sato, 2017; McKinley et al., 2017). The sustainability laws also permit defining goals on a level playing field, empowering firms to follow sustainable practices while preserving the opportunity for economic growth (Lazarus, 2023). In addition, there has been a surge in the ESG (environmental, social, and governance) movement, which directs a set of rules for any organization to publicly declare their performance in government, social, and environmental issues. Modern sustainability legislation and promotion laws vary based on industry or region. "The Clean Air Act of 1999" (Republic Act 8749), "The Ecological Solid Waste Management Act" (Republic Act 9003), "The Clean Water Act" (Republic Act 9275), and "The Environmental Awareness and Education Act Of 2009" (Republic Act 512) are among the most important environmental and sustainability promotion laws (Glicksman et al., 2023; Shelton, 2021).

4. Results and discussion

4.1. Environmental protection Legislation in Indonesia

Environmental protection has become a global concern. Diverse nations contribute to environmental conservation by adopting sustainable products, renewable energy sources, and other significant actions (Suartha, Puspitosari, & Hermanto, 2020). In this context, the creation and implementation of numerous environmental protection laws have also been essential. In this sense, Indonesia has successfully enacted various environmental protection laws and regulations. For example, in the "1945 Constitution of the Republic of Indonesia," various revisions were made, and it was declared that natural reserves might be employed to secure the prosperity of the people. It was also reinforced by article 33 of the 1945 Constitution, which stated that the Earth, water, and wealth should be protected (Absori et al., 2020). In 1982, however, "Law No. 4 of 1982" was presented as an umbrella statute within the context of "Principles of Environmental Management." Initially, environmental protection measures were dispersed among numerous statutes, including Criminal Code articles 191, 497, 188, 202, 187, 548, 501, 503, 549, and 500. Yet, the 1916 "Natuurmonumenten Ordonnantie" (Natural Monuments Ordinance) also effectively protected animals and flora. The "Reeden Regulation of 1925" likewise prohibited the discharge of rubbish onto shipping coastlines (Maruf, 2021). After the enactment of "Law No. 5 of 1990 on Conservation of Living Natural Resources and Their Ecosystem," it becomes invalid. In the framework of environmental protection in Indonesia, other environmental rules included "Law No. 5 of 1960 on Basic Agricultural Principles" and "Law No. 5 of 1967 on Basic Provisions on Forests" (Najicha, 2021).

In contrast to other industrialized and developing countries, Indonesia created and implemented robust environmental protection rules in a relatively short 37 years. Government Regulation No. 29 of 1986 on Environmental Impact Assessment was also given by the Indonesian government (AMDAL). Subsequently, "Law No. 4 of 1982" was expanded into "Law No. 23 of 1997," which centered on environmental management. Yet, significant changes were made to the regulations in 2009, and Law No. 32 of 2009 (UUPPLH) was enacted (Muawanah et al., 2018). It focused on global warming, the protection of ecosystems, environmental quality, etc.

4.2. Law No. 32 of 2009 (UUPPLH)

Manufacturing and other industrial firms have been seen to increase environmental pollution, which is hazardous to all life forms, notably the human race. Thus, provisions 22, 24, 25, 26, 27, 29, 30, and 31 of "Law Number 32 of 2009" stressed the necessity for businesses to conduct an "Environmental Impact Analysis" (Akib & Sumarja, 2019). This statute focuses primarily on environmental protection and management. Moreover, according to paragraphs 34 and 35 of "Law Number 32 of 2009," every organization is required to implement an "Environmental Management and Environmental Monitoring Effort" (UKL-UPL) (Deswanto & Siregar, 2018). In addition, according to paragraphs 58 and 59 of "Law Number 32 of 2009," firms must efficiently manage their poisonous and hazardous products, encompassing various activities (transportation, storage, distribution, production, and waste disposal). Following paragraphs 21 and 20 of "Law No. 32 of 2009," corporations are also prohibited from exceeding standard requirements regarding environmental harm and quality standards (Siregar, 2021).

4.2.1. Sanctions

Corporations that break environmental protection laws in Indonesia are subject to various penalties. Initially, administrative sanctions are applied to businesses that break these laws. Articles 75, 73, 74, and 71 of UUPPLH also permit environmental protection legislation enforcement. Civil sanctions are the second type of legal action against corporations that degrade and pollute the environment. Legal compensations and restoration expenses may be imposed on these firms to protect the environment pursuant to article 84 of UUPPLH (Mangku et al., 2020). The final legal measure in this connection is the imposition of criminal sanctions on companies that harm and pollute the environment. The relevant criminal laws are included in "Article 97 of Article Law No. 32 of 2009." Also, these businesses are informed of environmental preservation laws and regulations (Widodo et al., 2019). Yet, when a firm takes illegal steps to pollute the environment, they are obligated to prevent similar actions in the future that could be detrimental to environmental safety and protection.

4.3. Promotion of sustainability in Indonesia

The laws are essential for deterring people who violate environmental regulations. With the lack of environmental legislation, the ecosystem is severely damaged. Indonesian environmental laws belong to a legal field known as the functional field of law, a legalized field that includes provisions about state administration, civil law, and criminal law. Environmental law enforcement in Indonesia comprises ensuring compliance with the applicable environmental laws' standards and restrictions. These provisions are made by supervising and recommending recommendations for law enforcement follow-up through administering criminal, administrative, and civil sanctions. The reports on promoting sustainability in Indonesia provide evidence that the country's development is not yet on the path to sustainability (Monroe, 1999; Tan, 2004). The economy is performing well, and the unemployment rate is declining, but the inequality ratio is large, the ability to adapt is relatively poor, and the environment is degrading rapidly. 'SEOJK No. 16/SEOJK. 04/2021', one of the most recent rules reviewed in Indonesia, has made it essential for the public corporations

of Indonesia to produce a sustainability report every year. This is in response to the escalating environmental degradation and negative climate conditions (Basalamah & Jermias, 2005; Ventyrina et al., 2019). The objective is to enhance enterprises' sustainable investment, which implies that companies in Indonesia must make "sustainability promotion" a significant aspect of their commercial operations. Companies' ability to issue sustainability reports compels them to adhere to environmental and sustainability laws. Law No. 32 of 2009 regarding "Environmental protection and management" is a vital element of environmental legislation, which relates to the country's support of sustainability (Hoang & Kato, 2016; Otto, 1991; Stevenson et al., 2013). The sustainability laws or environmental laws in Indonesia establish the legal framework for managing substantial environmental effects due to business and other activities by individuals and corporations. The "Omnibus Law" adopted an "environmentally friendly" approach to sustainability legislation as crucial to the government's overall objective of boosting investment in Indonesia.

4.4. Status of governmental Legislation against sustainability promotion in Indonesia

Bedner (2008) notes that Indonesia has a substantial number of environmental protection legislation, the most notable of which is Law No. 32 of 2009 regarding Indonesian sustainability. Thus, regional administrations in Indonesia can also take action against environmental law violations. The sustainability regulations do not give these regional environmental institutions a specific name. The laws surrounding Indonesian sustainability aim to produce an environmentally sustainable progression via the ecological development strategy, the rational exploitation, preservation, and restoration of the Indonesian environment and its management. The Indonesian government is attempting to promote ecological sustainability and increase resistance to the protection of hazardous consequences caused by the operations of enterprises and individuals (Absori et al., 2020; Chin, 2022; Faure & Niessen, 2006; Fearnside, 1997). The development of environmental laws in Indonesia occurs in stages. They include environmental inventorying to collect data and information on natural resources, the establishment of ecoregions, formulating environmental resilience, and developing management plans. Thus, the government of Indonesia is responsible for managing natural resources, controlling environmental pollution and damage, formulating strategic environmental assessments, ensuring environmental quality standards, and regulating legalized measures and legal connections between people and other legalized subjects (Basiago, 1995; Kim & Mackey, 2014; Nugraheni & Aime, 2022). This also includes the regulation of socially meaningful activities and the expansion of a financial system for the protection of environmental functions. Following the Indonesian Environmental Law of 2009, businesses with a significant impact on the environment must undergo a sustainable influence analysis to obtain a license for performing such an activity or company. Welker (2009) explained that Indonesian sustainability regulations also focus on dealing with harmful and wasteful poisonous materials, among other provisions. The significance of the law regulating the role of communities in environmental protection and its proper management for the development of sustainability requires special consideration. Lee Peluso, Afiff, and Rachman (2008) found that the Indonesian laws also provide for the

development of the EIS (Environmental information system) to support the development and implementation of environmental protection and policies management, the resolution of environmental issues and the investigation potential of the Republic of Indonesia's police regarding penalties and offenses.

5. Conclusion and recommendations

In recent years, Indonesia has been recognized to have a lower standard of environmental governance, which is allegedly improving. Indonesia's sustainability and environmental protection laws have been amended to impose more stringent emissions and waste limits and more stringent criteria for monitoring environmental impacts. The laws implemented by the Indonesian government aim to achieve the environmental protection criteria that would eventually lead to a sustainable ecosystem. Yet, the results demonstrated that environmental laws in Indonesia are prevailing to benefit the country's sustainability; however, compared to other developed regions, the inspection and control of environmental laws in Indonesia require more revisions. Environmental protection legislation must be expanded to accelerate the decrease of hazardous waste management from corporate and private sources. In addition, in partnership with the European Union and United Nations development programs, the Supreme Court of Indonesia has announced an initiative to build 15 environmental courts in Indonesia. The courts in Indonesia are frequently criticized for their lack of expertise and experienced judges regarding sustainability issues; therefore, it was anticipated that these specialized courts would be established with law enforcement judges and officials certified to handle environmental protection cases. There are some suggestions for addressing the current environmental challenges in Indonesia. Education on environmental protection is the most vital. Environmental education must become a required component of the school curriculum to achieve a favorable outcome for people. Protecting the environment must be emphasized to children so they can predict the negative outcomes of ignoring environmental safety concerns. The behavioral emphasis on environmental stewardship dramatically affects environmental and economic sustainability. This indicates the importance of the need to raise environmental protection awareness. The Indonesian government must pay attention to estimating present environmental hazards and projecting future repercussions. In this manner, the regulations need refinement and modernization to accommodate rising environmental protection concerns. In addition, severe penalties and sanctions must be applied for violations of environmental laws and sustainability protection norms. So, the operations of corporate sectors and individuals in Indonesia would be geared toward achieving more excellent ecological safety following the severe environmental rules.

6. Implications

The research is more significant from both a theoretical and a practical standpoint. Theoretically, this study contributes significantly to the expanding literature on environmental sustainability and protection against harmful consequences. The research is more significant since it illuminates the current state of environmental protection and sustainability promotion policies. Indonesia's regulatory agencies and

legislative bodies can gain insight from this study by modernizing the existing rules to a more significant extent, as an increase in industrial activities and individual operations has increased environmental damage. Comparing the present study's weak environmental regulations to the more robust laws of other developed nations provides practical information.

7. Limitations

There are deficiencies in the present study that can be addressed in future research. Using a survey of laws and public sources of information, the current study investigates Indonesian environmental protection and sustainability regulations. Future researchers can adjust the choice of methodology by examining the topic using a "quantitative research type." In addition, a comparative study involving Indonesia and other developed regions might be conducted in terms of the current level of regulation to generate credible results. Due to time constraints, only limited information regarding Indonesian environmental protection and sustainability promotion laws was reviewed in this cross-sectional study. Future studies may be undertaken exhaustively and descriptively to generate more logical conclusions.

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