Considering Responsibilities: The Indonesian Government at the Intersect of Environmental Damage and Sustainable Development Goals

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Abstract: - The purpose of this study is to investigate a pressing policy concern for the Indonesian government: environmental degradation. The study will focus on the law and its more advanced principles within the context of contemporary legal theory. Research methodology is known as yuridis normatif, which entails a focused examination of relevant documents to determine the relevant principles, standards, and guidelines, as well as theoretical frameworks and administrative regulations. The findings of this study suggest that governments should integrate environmental principles into environmental programs to avert ecological crises, update development policies to place equal emphasis on economic, social, cultural, and environmental factors, and reconstruct environmental law as a solution to environmental problems. The hope is that the research will contribute to a more thorough understanding of environmental law in the context of contemporary jurisprudence and shed light on pressing issues of government transparency and accountability in Indonesia. It is hoped that this research will provide a solid foundation for improving Indonesia's legal framework and legal practice to be more comprehensive and environmentally conscious.

Key-Words: - Environmental degradation, GoI policy, environmental law, ecological crisis solution, sustainable development policy, government transparency, legal framework improvement.

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1 Introduction

At the 1972 United Nations Conference on the Human Environment (UNCHE) in Stockholm, the Declaration on the Human Environment was the main topic of discussion. There are 27 future principles outlined in the Rio Declaration on Sustainable Development; this text incorporates 26 of those ideas, [1].

The Johannesburg Declaration on Sustainable Development, adopted by the global community during the World Summit on Sustainable Development, affirms their commitment to sustainable development policies that protect the environment and its resources, [2]. In the years following the Stockholm Declaration of 1972, there was an initial global dialogue about environmental protection, economic growth, and sustainable development. The Environmental Protection Agency of the United Nations This led to the creation of both the program and Earth Day. Presidential decrees, political consensus, and the establishment of the State Ministry of Development and Environmental Supervision are just a few of the numerous ways the convention has impacted national policy.

For the first time in the second decade (1982–1992), the United Nations Conference on the Human Environment gathered in Nairobi, Kenya, to celebrate its tenth anniversary. During this decade, Indonesia ratified several international treaties, such as the Conservation of World Cultural and National Heritage Convention (No. 26) in 1989, the Law on the Law of the Sea (No. 17) in 1985, and the Law on Environmental Protection (No. 4) in 1982. [3], this presidential decree has now made the 1965 ASEAN Agreement on the Preservation of Natural Resources and Environment, inked in Bangkok, a law, [4], we established the Environmental Impact Control Agency (Bapedal), the Environmental Studies Center (PSL), and nine programs: the Kalpataru program, the EIA program, the Clean River program (Prokasih), and the Adipura program, [5].

Furthermore, the Rio de Janeiro declaration, which included 26 principles, was established at the Earth Summit in Rio de Janeiro, Brazil, in 1992, marking the beginning of the third decade (1992–2002). Current birthrates, sustainable development concepts (such as the "forestry principle," "Agenda 21," and "the framework convention on climate change"), [6], Changes to Law 4 of 1982 and Law 23 of 1997; Law 5 of 1990 on Climate Change; Law No. 5 of 1994 on Ratification of the Convention on Biological Diversity; Law No. 6 of 1994 on Ratification of the United Nations Framework Convention on Climate Change; Law No. 41 of 1999 on Forestry; and Presidential Decree No. 48 of 1991 on Forestry are all examples of regulatory developments, implementations, and accomplishments in Indonesia during this decade, [7], Eighth, Presidential Decree No. 4 of 1995 ratifying the International Tropical Timber Agreement; Ninth, Proclamation No. 19/1999 on Pollution Control and/or Marine Destruction; Tenth, Proclamation No. 41/1999 on Air Pollution Control; Eleventh, Proclamation No. 7/1999 on the preservation of plant and animal species; Twelfth, Proclamation No. 8/1999 on the utilization of wild flora and fauna; Thirteenth, the incorporation of [8].

The Johannesburg Declaration, issued after the World Summit in 2002, lays out plans for protecting the environment from the negative effects of human activity on a global, national, and regional scale to foster sustainable development, [9]. There have been several major environmental laws passed in Indonesia during this decade, including: (1) Law No. 21 of 2004 ratifying the Cartagena Protocol on Biosafety; (2) Law No. 47 of 2005 ratifying the Basel Convention on Transboundary Movement of Hazardous Wastes and Their Disposal; (3) Law No. 18 of 2008 on Waste Management; and (4) Law No. 19 of 2009 ratifying the Stockholm Convention on Persistent Organic Pollutants, [10]; (5) Saka Kalpataru was created; (6) Law No. 23 of 1997 was amended to become Law No. 32 of 2009 on Environmental Protection and Management, and (7) Environmental Judges were appointed, [11].

President Joko Widodo oversaw progress in forestry and environmental protection throughout the country in the fifth decade (2012-2022). Challenges on a worldwide scale, such as the Paris Agreement, shaped this era, [12] and plans to address global warming. Clear instructions, specific instruments, regulations on peat and mangroves, community involvement, and environmental restoration investments are essential for environmental development. During this time frame, the Paris Agreement and the United Nations Framework Convention on Climate Change were formally adopted, [13]. As a result of this ratification, the ratification of the Minamata Convention (Law No. 11 of 2017) and the Job Creation Act of 2020 (Law No. 11 of 2020) were enacted. (1) Law No. 11 of 2017 about the ratification of the Minamata Convention; and (2) the Job Creation Act of 2020 (Law No. 11 of 2020), which prioritizes environmental and forestry sustainability concerns alongside business friendliness and job growth, [14].

The Indonesian government has implemented several regulations in an attempt to curb environmental destruction, but the rate at which the problem is worsening is inversely proportionate to the number of cases of environmental devastation that have occurred in recent years:

a. Indonesia's deforestation rate hit 1.8 million hectares per year, resulting in a loss of 21% of the country's total forest area of 133 million hectares. A decline in environmental

quality, an increase in the frequency of natural disasters, and a threat to the survival of flora and animals are all consequences of deforestation, [15].

b. Damage to Indonesia's coral reefs has reached 30%, or 750 thousand acres, [16]. Coral reef destruction heightens coastal communities' vulnerability to natural disasters, imperils marine life, [17] and slows down the marine fishery industry, [18].
c. Extremely polluted air, [19], Indonesia has problems with water pollution, soil pollution, and marine pollution, [20]. The Citarum River was identified as the world's most contaminated waterway in 2010, [21], online publication Huffington Post. After Beijing, New Delhi, and Mexico City, the World Bank identified Jakarta as the city with the third-highest pollution levels.
d. There are hundreds of species of endangered plants and animals native to Indonesia. According to the IUCN Red List, 76 animal species and 127 plant species in Indonesia are in the most vulnerable category, Critically Endangered. Another 205 animal species and 88 plant species are listed as endangered. Finally, 557 animal species and 256 plant species are listed as vulnerable, [22].

Continuing environmental concerns in Indonesia are attributed to illegal gold mining and government control. Indigenous efforts to safeguard woods and rivers were thwarted by officials accused of guarding against unlawful mining techniques, and neither the 1945 Constitution nor local rules made a serious effort to address environmental harm. Stone's "Should the trees stand?" sparked a revolution in legal theory, and the author uses that to justify his need for increased environmental protection, [23]. This article examines the human rights provisions in the Constitution and the recognition of environmental rights. The idea of ecocracy influences environmental legal disputes worldwide, as seen in cases such as Sierra Club vs. Morton and Wheeler vs. Government of Roja province. This can be seen most clearly in Indonesia's philosophical and theoretical circles, [24]. The instances demonstrate the importance of the doctrine in environmental ethics and ecocratic constructionism by exposing the idea of nature as the holder of legal rights. All of nature will gain from this strategy since it will institutionalize environmental rights and refresh their legal standing in disputes, [25].

While government laws in Indonesia may be wishful thinking, environmental civil responsibility to the government attempts to address rising environmental issues. For the sake of future generations and the health of the planet, acidification must be both complex and structured.

The researcher began by introducing two studies that offered different viewpoints on environmental sustainability and economic development. The first study was conducted by [26], focused on the role of environmentally friendly finance in achieving the Sustainable Development Goals (SDGs) in Indonesia through village funds. The second study, [27], offered a legal framework for environmental management in Indonesia.

The first research looks at how green finance can help promote economic and environmental sustainability through green technology and innovative micro-enterprises; the second study looks at how environmental law and policy in Indonesia affect the conflict between economic interests and environmental preservation. The planned research, titled "Considering Responsibility: the GoI at the Intersection of environmental damage and the Sustainable Development Goals," aims to investigate how legislation functions in addressing the complexities of environmental damage.

To find a solution to environmental problems, this study will use a normative juridical approach to examine legal documents and modern legal theory. Its goals are to (1) highlight the importance of incorporating environmental principles into government programs, (2) promote development policies that are balanced and consider various social factors, and (3) suggest rebuilding environmental law. In the long run, this research hopes to help strengthen Indonesia's legal framework and environmental management practices by shedding light on important parts of government transparency and accountability and expanding our knowledge of environmental law in contemporary jurisprudence.

2 Problem Formulation

The formulation of the research problem are: (1) What role does the civil liability of the Indonesian government play in environmental destruction? and (2) When applying the principles of the contemporary legal framework, how do we apply the theory of sustainable law?

3 Method

This article compiles the findings of a study titled "Environmental Civil Liability to the Government Related to Environmental Destruction in Indonesia". As this study takes a quantitative problem-solving approach to existing legal issues, it employs a juridical normative IE research methodology based on document studies that center on a critical examination of guiding principles, norms, concepts, theories, and enactment. [28], specifically in the context of environmental law, in terms of resolving existing issues and identifying new ones,

With an emphasis on a comprehensive analysis of legal principles, norms, ideas, and theories as they pertain to environmental law, the study titled "Environmental Civil Liability to the Government Related to Environmental Destruction in Indonesia" offers valuable insights gleaned from normative juridical research methodology. Using this methodology, we can examine the current legislative framework and how well it handles environmental issues, while also finding out what other obstacles are out there.

This report is useful because it provides a critical assessment of the legal frameworks in place to hold governments accountable for environmental harm. This research adds to the existing literature on environmental law and governance while also offering concrete suggestions for how lawmakers and lawyers might strengthen environmental protection measures. The analytical approach, detailed in the expanded techniques section, further supported the results. This provides a better foundation for future studies and changes to environmental civil liability laws.

4 Problem Solution

4.1 Environmental Destruction in Indonesia and Civil Liability Claims against the Government

Management and policy of the environment are entirely within the purview of the state, as stated in Article 33, Paragraph 3, of the Constitution of 1945. To maximize the utilization of Indonesia's land, water, and other natural resources for the benefit of the people, the government imposes regulations on them.

The Indonesian government is in charge of environmental management and must ensure that it is both effective and sustainable. The government must investigate the material origins, manufacturing methods, and viability of potential mitigation techniques. The presidency is in charge of a government with a sophisticated structure that allows for thorough monitoring. The Minister of the Environment, like all other government subordinates, is required to report on the results of their work.

However, society, the environment, or other parties may complain if the government is careless in carrying out its responsibilities. The Table 1 (Appendix) illustrates some of the conditions and features that can arise in civil disputes.

Tort cases seek compensation for harm done to individuals, while class action lawsuits represent the interests of larger groups. Judicial review challenges the validity of statutes, whereas non-governmental organizations (NGOs) protect citizens' rights. Individuals or non-governmental organizations (NGOs) sue state authorities for failing to meet certain legal responsibilities, while citizen lawsuits seek to correct policies that harm the public interest. Legal actions of every stripe aim to correct injustices and protect vulnerable populations.

Damages that an individual or business must pay as a result of a civil wrong are known as "damages". Responsibility is the source of civil culpability, yet it lacks a precise definition of illegal behavior. Articles 1365 and 1366 spell out the compensation for injuries sustained as a result of someone else's negligence.

Awareness of the available methods to address a wide variety of legal problems and complaints requires a critical awareness of the distinctions between various legal proceedings, such as standard civil lawsuits, class action lawsuits, standing cases, judicial review, and citizen lawsuits. Persons in typical civil litigation pursue monetary damages for actual, physical harm caused by someone else's illegal actions. On the other hand, a class action lawsuit seeks to streamline legal processes, quickly address broad problems, and symbolize a collective rejection of individualism by combining similar individual claims into a single case.

Judicial review covers both direct and indirect interests, challenging the validity of laws and protecting citizens' constitutional rights. Initiated by NGOs, legal standing claims do not necessitate direct vested interests; rather, they seek to safeguard the public's rights and interests, reflecting NGOs' role as guardians of society. Citizen lawsuits emphasize the execution of legal responsibilities by state organizations rather than direct and quantifiable interests, enabling individuals or NGOs to hold state administrators accountable for decisions perceived as harmful to the public interest. From individual grievances to more systemic

concerns of public and constitutional interest, these legal processes highlight a multipronged strategy for attaining justice.

If the following conditions are met, the act may be deemed illegal:

a. Illegal Thing Happened.
b. There Was an Issue.
c. It Has Its Drawbacks.
d. The experience of a loss can motivate one to take corrective measures 4.

The three main types of lawsuits in civil law are contract, tort, and statutory. The harmed party may file a lawsuit if there is no contractual tie to safeguard them. The subject of law takes rights and obligations, representing himself through legal activities, to assert the responsibility of the government. There are two categories of people:

a. Human.
b. Legal Entity.

People can face legal consequences for their illegal actions or inactions, [29]. Public associations such as provinces, counties, and municipalities are recognized as legal entities under Article 1653 of the Civil Code. These organizations are judicial subjects, meaning they can be sued for their actions, [30].

Due to its official representatives and their ability to carry out legal acts, the government enjoys the status of a legal body, [31]. Its roots are deep in the past, and as a result, it is now recognized as a public, legally recognized body. The government is a legal body since it can enforce civil law and must abide by all applicable regulations. By the acts of jure gestionis, it also engages in commercial activities, [32].

Environmental firms can be sued for damages by the public or legal entities, and it is the government's responsibility to ensure that these companies are held accountable. Anyone who causes harm to another person is obligated to recompense for that harm, according to Article 1365 of the Civil Code, [33]. Money, damages in kind, prohibition, cancellation, or notice of remedies are among the several forms of prosecution available under Article 1365 of the Criminal Code, [31]. A decent and healthy environment, as well as access to medical care, are guaranteed under the Indonesian constitution. Human rights and environmental protection are inseparable, as stated in Article 1 of Law No. 32 of 2009 on Environmental Protection and Management. Everyone has the right to a decent and healthy living environment, as stated in Article 9 paragraph (3) of Law No. 39 of 1999 on Human Rights, and Article 3 letter b of the same document ensures safety, health, and human life, [34].

Environmental Protection and Management Law No. 32 of 2009, Article 88, lays out strict accountability for contamination or damage to the environment. Absent evidence of wrongdoing, the person or people whose actions cause B3 waste and constitute a serious danger to the environment should be held fully responsible for the damages that have occurred. No evidence of misconduct is necessary to support damage awards under the notion of strict responsibility. This provision is a specialty of tort law, [35].

One can seek compensation for damages to the environment due to pollution or destruction by applying civil responsibility, a concept from the field of civil law. Absolute or stringent liability does not require guilt but is the opposite of fault-based liability, which requires proof of wrongdoing. Proof of guilt is necessary for illegal activities, and restitution is available right away. The speed at which science and technology are progressing complicates risk assessment in manufacturing. The need to prove negligence or culpability creates difficulties for authorities trying to enforce environmental laws. Careful polluters can avoid legal consequences for their actions. In 2009, the concept of absolute accountability was established, holding everyone and everything accountable for their actions, including the government. This relieves affected parties of the responsibility of establishing causation and makes polluters more conscientious about their actions. Trials have been held on international environmental issues, and the United States has instituted the power to punish environmental offenders, [36]. An Indian citizen files a lawsuit against the government for polluting the Ganges, a sacred river in Hinduism, [37]. The Indian government has outlawed polluting industries along the Ganges, [38]. Similar environmental issues, such as deforestation, occurred in Indonesia [39]:

a. The governor of Riau Rusli Zainal has awarded environmental permits for forest concessions that have been linked to pollution and corruption. The Supreme Court overturned Zainal's sentence of 14 years in jail and a fine of Rp. 1,000,000,000. The case raises important questions about the regulation of environmental licenses.
b. Suspected rule-breaking occurred during the issuance of Industrial Plantation Forest (HTI) licenses to PT. Lestari Unggul Makmur in the Tebing Tinggi District, Bengkalis Regency, Riau. Vice Regent of Bengkalis, Normansyah Abdul Wahab, disregarded Rokemendasi, a

requirement for the issuance of HTI licenses by the Minister of Forestry.

c. The National Training Education Center and Sports School in Hambalang, Bogor, West Java, had building flaws, according to the Audit Board. According to the plaintiffs, the location permits and the project site plans contradict Bogor Regional Regulation No. 12 of 2009 on Environmental Protection and Management.
d. In violation of Presidential Instruction No. 10 of 2011, Governor Irwandi Yusuf of Aceh issued a permit to turn the area into Kalista Alam. There are now just 17 health centers with wastewater management systems, but the Surabaya City Health Office has plans to construct WWTPs for 45 more in 2015.

When governments make mistakes in awarding environmental licenses that lead to pollution, they become legally responsible for cleaning up the mess they've made. R. L. Rudiger:

"*In light of rising government involvement in environmental protection, it is possible that the state could be held liable for environmental damage in some cases. Extra responsibility arises only in the absence of proper authorization. Administrative law can help, and there may be legal recourse for improper licensing or oversight*", [40].

According to Hikmahanto Juwana, "government agencies are often entangled in disputes due to issuing permits and licenses for company operations," suggesting that the government can be included as a defendant in environmental dispute lawsuits. "For the sake of the public good, courts have the authority to withdraw permits and licenses without requiring payment of damages", [41].

Due to loopholes in its implementation, environmental law frequently leads to government engagement in litigation, whether in the role of plaintiff, enforcer, or defendant, [42]. At least until it's put into action. Based on the author's research, it is the duty of the state (and the government specifically) to guarantee that its inhabitants can reside in an environment free from hazards. The duty of the state (and the government specifically) to guarantee that its inhabitants can reside in an environment free from hazards is ratified by government regulation instead of Law No. 2 of 2022 on job development ("law 32/2009"), which guarantees that "everyone has the right to a good and healthy living environment as part of human rights". The term "air pollution" is defined as "the entry or inclusion of substances, energy, and/or other components into the ambient air by human activities, so that the ambient air quality drops to a certain level that causes the ambient air to not fulfill its function," according to Government Regulation No. 41 of 1999 on Air Pollution Control ("PP 41/1999").

Air pollution from forest and land fires has led to a smog calamity, producing ambiguous air that is unable to do its job. Article 1365 of the Civil Code establishes citizens' entitlement to a safe and healthy environment as a tort actionable against the state or government.

In this particular citizen litigation, the plaintiffs are a group of Palangka Raya city residents who are Indonesian nationals. These defendants are the President (defendant I), the Minister of Environment and Forestry (defendant II), the Minister of Agriculture (defendant III), the Minister of Agrarian and Spatial Planning (defendant IV), the Minister of Health (defendant V), the Governor of Central Kalimantan (defendant VI), and the Provincial Parliament of Central Kalimantan (defendant VII) of the Republic of Indonesia.

In the massive forest fires that have occurred since 1997, the most recent of which occurred in 2015, the plaintiffs allege that the defendants have been negligent in carrying out their duties or mandates as rulers or state officials, resulting in losses, both material and immaterial, ranging from the presence of sick people to deaths due to haze, [43].

The factors in Article 1365 of the Criminal Code were utilized as a basis for the judge's evaluation of the issue of smog coming from forest fires in Central Kalimantan in 2015. Some of the components considered in Article 1365 of the Criminal Code include:

a. **Illegal acts:** The defendants—the president, numerous ministers, the governor of Central Kalimantan, and the DPRD—were blamed for the repeated forest fires due to their subpar efforts in preventing and combating the blazes.
b. **Disadvantages:** Smog disrupts a variety of community activities, including schools and airports, and links to a variety of health issues, including respiratory distress syndrome and diarrhea.
c. **Error:** consists of the defendant's carelessness in performing obligations under the law.
d. **Causal relationship (causality):** The defendants negligence worsened the forest fires, leading to a smog calamity that had far-reaching effects on the community.

4.2 Legal Construction of Sustainable Principles based on the Principles of the Modern Legal Environment towards Legal Construction (Theoretical Approach Study)

4.2.1 Sustainable Principles of Legal Theory based on the Principles of the Modern Legal Environment

According to [44], there is a nested structure of valid legal norms, with hypothetical and fictive "basic norms" at the bottom of the pyramid. Similar to the positivist school of thought, the H group emphasizes internal coherence between standards based on a hierarchy of rules, [45], as a representative of the Positivist School attempting to account for contemporary judicial developments, [46], where rules set the tone for people's daily lives. Societal or lifestyle shifts result from the interplay between "primary rules of obligation" (naturally enacted laws) and "secondary rules of obligation" (the formal framework of legislation), [47]. Adapt to the current legal system, [48].

According to [49], "Modernism" is a philosophical movement and worldview that was sparked by Descartes and bolstered by the Enlightenment (Enlightenment/Aufklarung) movement. Praxis's dualism sees the world in terms of subject and object, which in turn leads to over-objectification and resource depletion that ultimately leads to ecological disaster. His characterizes modern philosophy as an Anglo-Saxon discipline that is empirical, analytical, dominant, and universally acknowledged. [50], which is a topic with serious enough issues to prompt philosophers (and not just philosophers) to think carefully about the issue at hand, consider alternative perspectives, and put forth novel arguments and conclusions. It is possible that the environmental disaster originated from a lack of knowledge of nature, which in turn caused people to spend too little time in nature. [51], our scientific understanding and worldview are at the heart of the problem. If we change our perspective and behaviour towards nature, we may discover a solution to the problem, [52].

To lessen environmental damage and boost the prospect of a sustainable future, the author stresses the significance of incorporating theories into the design of Environmental Law systems.

a. Politics Of Environmental Law.
   Concerns about the environment are at the heart of sustainable legal policies. Political power, institutional authority, and environmental policy. In Indonesia, the environment suffers more from the carelessness of the state than from individual citizens. [53], the term "politics of environmental law" describes the course of legal policy in the area of environmental sustainability. [54], the politics of environmental law describe the overall trajectory of legal policy in the area of environmental sustainability. State policies for environmental protection and management are guided by environmental law; however, these policies often fail to adequately address environmental challenges due to a lack of knowledge, application, and enforcement of underlying concepts and norms. [54], for the sake of future generations' survival and the environment's carrying capacity, environmental policy should give top priority to ecologically benign development and the Sustainable Development Principles, [55]. Governments frequently commit environmental injustices, such as disputes in the mining industry. In many cases, people's calls for justice hit a brick wall, while official government policy declarations foster a condescending mentality that prioritizes corporate profits and investment rationale over alleviating poverty on the ground.
b. Traditional knowledge and Local Environmental Wisdom.
   Traditional knowledge from indigenous and non-indigenous peoples alike shapes how we interact with the natural world, [56]. The government's disregard for indigenous ideas leaves the environment vulnerable to destruction from individuals, groups, and countries, even though indigenous environmental law systems are preferable to government-created ones.
c. Morals and Ethics for the environment.
   The environmental injustice in Indonesia has moved from the realm of abstraction to the realm of ethics, necessitating a holistic and all-encompassing approach to its settlement. Lawrence M. Friedman defines morality as the disposition to act following social norms for no other reason than that doing so is God's will, ethical, or religiously obligatory. [57], a philosophical tradition that opposes modernism and its results by emphasising on human relationships and the interplay between humans and their natural

surroundings.

d. *Deep Ecology.*
According to Fritjof Capra's article "Deep Ecology: A New Paradigm," anthropocentrism is ecology because it recognizes the intrinsic value of all living things and sees the universe as a network of interconnected and interdependent events. This new ecological paradigm addresses ethical concerns that systematically endanger non-human life. The outdated worldview cannot handle the complex ethical issues of today, [58].

To protect key components of sustainable development, the authors argue that environmental regulations should be accidental, commensalist, partial, sectoral, and bypass. To ensure that environmental law safeguards all facets of ecologically sustainable development, the authors propose applying these four factors to canonical legal sources:

a. An environmental policy is a set of rules whose sole purpose is to establish order among the various components of the natural world.
b. Rules are an essential aspect of any policy. However, various articles on conservation and environmental protection are studied and formed, even though the non-environmental sector is the primary focus of this type of legislation. Environmental policies will not conflict with any new or revised laws or regulations that are mutually beneficial and aligned. Each piece of legislation should be reflective of the synthesis of existing environmental policy patterns.
c. To encourage more people to get involved in environmental development, laws go above and beyond mere policy in the sense that they are enforceable in all industries.

As resource depletion, environmental deterioration, and ecological collapse are all potential outcomes of unchecked resource extraction, modern environmental law places a premium on sustainability as a guiding regulatory principle. Ecologically responsible growth must be a top economic priority. Since the environment and natural resources are seen as both a capital for economic expansion (a resource-based economy) and a life-supporting system by those who practice sustainable development, their functionality and carrying capacity must be protected, Ecocentrism, the philosophy of environmentally sound legal concepts, has emerged as a result of recent advancements in environmental ethics. [59], the authors argue that the most recent environmental rules should be based on some modern legal ideas related to environmental protection:

a. Honoring Mother Nature
All major environmental law theories agree that a healthy respect for nature is essential. Humans, as the dominant species on Earth, have a responsibility to treat all members of the biosphere with dignity and compassion. Traditional laws and their consideration of ecological concerns stem from this guiding idea.
b. Moral Obligation Towards Nature, often known as the Principle of Environmental Responsibility.
Since man is a cog in the cosmic wheel, he must help keep it in working order. All members of society share this duty. Man is responsible for the environmental devastation he causes. According to the author's conceptualization, the state of the environment is ultimately the fault of the humans who control the planet's natural systems. As a result, legal concepts such as the polluter-pays principle and the principle of absolute responsibility (strict liability) have emerged in the field of environmental law.
c. Principles of Environmental Care (Caring for Nature)
This principle is motivated by a genuine concern for the benefit of the natural world, rather than self-interest. When people show more concern for the natural world, it helps them develop into self-aware, responsible adults.
d. The Principle of Non-Breakability (Harm)
One must show responsibility, solidarity, and care by, at the very least, avoiding any actions that could endanger the lives of other sentient beings in the cosmos. Caring for, protecting, preserving, and restoring the natural world, and refraining from acts like cutting down trees and littering, are all commensurate with moral duty and responsibility.
e. Principles of life and harmony with nature (Eco-life)
This guiding concept puts the spotlight on what matters in life—not gluttony or greed—but on value, quality, and a good way of life. Worthy human existence in harmony with the natural world has its

limits.

f. Principles of Environmental Justice (Environmental Justice)
   It is important to ensure that all members of society have equal opportunities to participate in discussions on the management, preservation, and utilization of resources. Because of the inherent inequity between modern society and traditional societies in terms of access to and control over natural resources, the interests of Indigenous Peoples require special consideration under this guiding principle.
g. The Principle of Moral Integrity (Moral Integrity)
   To protect the interests of the planet, public authorities should have an honorable attitude and behave by the moral standards that secure the public interest, as outlined in this concept.

Because crises, ecological challenges, and disasters are fundamentally caused by misunderstandings, several number of principles defined in environmental ethics must be pursued and implemented in human life. To put it another way, nature is something that can be manipulated and used however one pleases. There must be a conscious shift away from the current development pattern. In addition to meeting people's material needs, development must also protect and preserve their social, cultural, and natural environments. The consequences of our actions today will be felt not only by us but by future generations as well.

Considering environmental ethics transforms our understanding of the cosmos and our place in it. As the most numerous and pervasive species on the planet, humans are obligated to protect the environment. This principle is foundational to modern ecological law and has its roots in customary law. Everyone has a role to play in protecting the environment. This is why we must all see environmental destruction as a shared responsibility. Legal theories such as the "polluter-pays principle" and "strict liability" represent the belief that those responsible for harm should bear the financial burden.

Caring about the environment goes beyond just looking out for number one. A more self-aware and mature human being has heightened their sense of awareness of their immediate environment. The "Do No Harm" principle emphasizes the importance of not hurting other organisms, which aligns with our moral code. Destroying the environment serves no useful purpose, as our moral code makes clear.

We are urged by the "eco-life" ideology to honor the limitations imposed by nature on our way of life. Rather than focusing on material accumulation, this lifestyle prioritizes a harmonious coexistence with the natural world. Nevertheless, environmental justice ensures equal opportunity for all individuals, particularly Indigenous communities, to access and utilize these resources. More advanced societies should not forget or overlook them. Moral integrity, especially among public officials, ensures that environmental concerns receive top priority. It stresses the significance of holding beliefs and engaging in actions that prioritize and safeguard the public interest, particularly in the area of environmental protection.

In conclusion, we must no longer use knowledge of nature indefinitely for human benefit. There needs to be a broader consideration of environmental, cultural, and social factors in our approach to development. Future generations will also feel the harm we create if we do not change our ways.

4.2.2 Remedy for Environmental Law's Failure to Protect Natural Rights Through Construction

When there is a gap in the law, construction (engineering) law steps in to provide guiding principles and legal anchors. There are three distinct types of construction (engineering law), [60]:

a. Analogy (abstraction). In law, an analogy occurs when a rule is applied to a circumstance that is almost identical to one that is explicitly governed by the rule in question but for which the outward manifestation (legal form) is different.
b. Determination of Law). The law can be refined by not applying it at all, applying it in a way that differs from the requirements of the existing written law, or handling it in such a way (subtly) that no party is at fault.
c. The third type of argument is called a "contrario argument," and it involves denying something true, [61].

The author's earlier description of legal construction must align with the law's interpretation, namely:

a. A grammatical interpretation (grammatical intepretatie) of a text. Regular people determine the interpretation of the provisions or norms of law (written) based on their understanding of the language being used.
b. Relating to or based on the past. The history of general law and, more specifically, the history of lawmaking, clearly demonstrate its historicity.

c. Third, when we talk about systematic interpretation, we're talking about an interpretation that makes links between different sections of the law or different pieces of legislation.
d. Meaning as interpreted by society An interpretation from a sociological perspective takes into account the current social climate.
e. Original meaning Official interpretation (in Dutch: authentieke interpretatie) is synonymous with "authentic interpretation".
f. A contrasting reading The term "comparative interpretation" refers to the practice of deducing meaning from different bodies of legislation by contrasting and contrasting them.

There is less of an incentive for government employees to prevent environmental damage due to the proliferation of environmental standards that overlap with one another, both in Indonesia and around the world. To deal with potential issues in the future, it is important to establish explicit rules of environmental law. Integration, sustainable usage, intergenerational fairness, and intergenerational justice are important tenets of sustainable development, which is still based on anthropocentric concepts, [62].

As a generalization, protecting nature serves human interests at the expense of the environment. As with any kind of dominance or exploitation, abstraction inevitably leads to abuse. It is crucial to analyze how the law has been used to settle environmental disputes, [63].

When abstracting from the reduction of value and reality, it is important not to apply laws mechanically. Taking such a path would elevate the concept of legal certainty above justice itself. [64], tragedies ensue, and the law is legitimately used to oppress and plunder the natural world. [65], the goal of progressive law is to move away from a mechanical approach to the judicial process. The affirmative (allowing the use of alternative measures) progressive mode of judgment is not submissive (completely subordinate to the procedure). Taking affirmative action will result in numerous constitutional violations, [66]. To violate the rules, one must meet many conditions, including [67]:

a. One should not consider the law as something autonomous that exists outside of context, but rather read it as such. Therefore, the law should not be static but rather interpreted dynamically and comprehensively, taking into account the surrounding circumstances.
b. To comprehend the value and actuality of the law, one must read it not only grammatically (text) but also socially (context) and even hermeneutically (interpretation of the deepest meaning).
c. Bringing justice to the natural world requires not simply following the letter of the law (rule and logic), but also common sense, honesty, wisdom, sensitivity, empathy, and dedication. By ignoring established norms, progressive legal theory ushers in a more flexible and adaptable approach to jurisprudence, [68].

In progressive law, breaching the rules can lead to a breakthrough in the reconstruction of existing environmental law. Keep in mind that the officers in charge of carrying out the plan must not only have a high IQ (intelligence quotient) but also a high EQ (emotional quotient) and IQ (spiritual quotient) to be effective, [69].

Absolute responsibility is the standard in corrections. Legislation based on crystal-clear idelaitas (environmental species identification), [70]. By combining them, law enforcement personnel will develop a more enlightened mindset and approach, It helps law enforcement agencies think critically (in a unified way) so that they can deliver substantive justice that goes beyond formalities and legal texts, [71]. This method of analysis and evaluation is the key to achieving environmental justice on a global scale. But it's not simple to evolve into a cutting-edge lawyer, [72]. A comprehensive, progressive law has the potential to solve the problem. The law should be applied progressively from an abstract anthropocentric perspective. We can break the rules with the progressive justice of love, [73]. Concern for the natural world can inspire us to make value judgments that go beyond the written word and the purely mechanical. The interests of natural rights can be protected by a progressive legal system that provides substantive justice for nature, [74]. Finally, we'll adopt a more ecologically-minded, interdisciplinary approach to evaluation. This means that concern for the environment and the pursuit of justice are both crucial.

Table 2 (Appendix) presents the context of Indonesian legislation, Law of the Republic of Indonesia number 6 of 2023 concerning the determination of government regulations in lieu of Law Number 2 of 2022 concerning job creation causes ambiguity in the criteria for important impact activities that require Environmental Impact Assessment (EIA). The solution to this is the establishment of a new, clearer legal basis that prioritises environmental protection. Article 52 of Law No. 5 of 1960 on the basic regulation of agrarian subjects is also considered to be vague and

tends to override environmental protection, requiring significant changes to more severe sanctions for perpetrators of environmental damage. In the context of forest management, articles 50 and 78 of Law No. 41 of 1999 handed over the forest management licence completely to the central government without regard to the local sector, so the removal of central authority in sustainable forest management was necessary. For Article 51-58 of Law No. 22 of 2001 on oil and gas, where a crime is committed by a business entity, the sanction is only a fine, indicating the need for non-discriminatory and even harsher enforcement, especially for elements of the government that commit crimes. Finally, Article 39 of Law No. 18 of 2008 on Waste Management has a definition of imported waste that is still too vague, demanding clarity and firmness in regulation.

Since the Constitution of 1945, government environmental legislation has been faulty, with various restrictions and fines aimed at bettering the economy while exempting the environment. Long-term damage and implications for the ecosystem have resulted from a lack of attention to environmental protection. The government must set strict environmental penalties, quantify the cost of the damage in terms of human lives and material goods, and take appropriate action to address this problem. Re-adopting Indonesia's customary legal system, which emphasizes accountability for environmental upkeep and restoration as well as the exclusion of wrongdoers, can reduce the occurrence of environmental degradation.

To ensure the long-term health of the global economy and the diversity of life on Earth, the government must also implement a comprehensive system of renewable environmental regulations and environmentally beneficial investments. This method has the highest rate of growth in global financial markets and has a beneficial effect on both the environment and society. Integrating local customs with worldwide environmental protection issues can lead to the development of clear and definitive laws for protecting the environment.

5 Conclusion

Preventing ecological disasters, caused by humans' mistaken view of nature as a resource for their gain, requires the government to implement strict environmental regulations into existing programs. This research highlights the critical need to update development plans to balance environmental, social, cultural, and economic concerns; doing so will protect the legacy for the next generation and restore public trust in the government as an advocate for environmental protection rather than an adversary. The present lack of sufficient environmental regulations, marked by weak administrative penalties that do not match the seriousness of ecological harm, necessitates the passage of strong laws similar to those dealing with drugs and corruption, guaranteeing strong penalties for environmental violations.

The findings of this study have important ramifications for the future of environmental and community activism in the fight against short-sighted development ambitions and for the shift in policymaking paradigms within governments towards greater restraint and ecological harmony. Future research should delve further into the complexities of the effectiveness of environmental policies and the methods of legal enforcement, as this study does have some limitations. To promote a culture of responsibility and environmental protection, as well as to set Indonesia on a path toward sustainable development and ecological resilience, this study's recommendations call for a complete revision of environmental laws, with a focus on the implementation of severe punishments for environmental violations.

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APPENDIX

Table 1. Differences in the characteristics of ordinary Civil Lawsuits, Class Action, Judicial Review, Legal Standing, and Citizen Lawsuit

Characteristics	**Ordinary Civil Lawsuit**	**Class Action**	**Judicial Review**	**Legal standing**	**Citizen Lawsuit**
Terminology	Lawsuit for Unlawful Actions	Class Action	Material Review of Laws Against the Constitution	Non-Governmental Organization Lawsuit	**Citizen Lawsuit**
Philosophy	Fighting for individual interests	There is a lack of belief in individualism and a need to simplify the mechanism for lawsuits with representatives.	Protecting the constitutional rights of citizens	NGOs and non-governmental organizations as guardians	Individuals fight for the public interest so that state administrators can improve policies that are deemed detrimental to the interests of the public or citizens.
Relationship of Interest	Direct, real, and measurable interests (real and tangible)	Direct, real, and measurable interests (real and tangible)	Direct and indirect interests	Has no direct interest	Does not have real and measurable interests
Demands	Material compensation for specific actions	Material compensation and specific actions	Cancellation of the provisions of articles in the law in whole or in part	Certain actions and out-of-pocket expenses	Certain actions in the form of the implementation of legal obligations by the state administration (ruling)
Subject Plaintiff	Directly harmed individuals	Class members and class representatives play important roles in the class.	Citizens or non-governmental organizations (NGOs) with legal standing	Organizations that fulfill the specified requirements	Citizens or non-governmental organizations (NGOs) with legal standing
Defendant	Individuals or legal entities	Individuals or legal entities	Lawmakers (House of Representatives and President)	Individuals, legal entities, and state administrators	State administrators (President, Ministries, State-Owned Enterprises)
Notifications	**No notification is required.**	**Notifications from class representatives and class members**	**Notification from the Petitioner to the Respondent**	**No notification required**	Notification from the plaintiff to the defendant

Table 2. Regulations that need to be revised

No	**Problematic rules**	**Impact of the Problem**	**The solution**
1.	Law of the Republic of Indonesia Number 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becomes Law	1. The criteria for important impact activities that require AMDAL (Environmental Impact Analysis) are unclear. 2. The Amdal assessment has the potential to lose its public character. 3. Public participation is significantly reduced. 4. Eliminate environmental permits. 5. Replace it with an environmental approval or business permit. 6. Potential for usurping the territory of customary law communities.	A new legal foundation is necessary to protect and include clear concepts of legal principles and norms related to the environment through regulations that are clearer and parallel to those that neglect sustainable environmental protection.
2.	Article 52 of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (LN No. 104 of 1960; TLN No. 2043);	1. The article that defines the point of paying attention to "economically weak parties" is still too absurd and seems to put aside environmental protection. 2. Relatively short shortfalls with fines that still follow the previous exchange rate. 3. Collecting forest products or the like does not require local wisdom but is based on government decisions that do not know the origins of customary land ownership in several areas.	Significant changes need to be made to the form of sanctions that are more severe and firm against perpetrators who cause environmental damage, ranging from the length of imprisonment to fines. In addition, it is crucial to shift the environmental mindset from supporting the economy to prioritizing the economy for the environment.
3.	Articles 50 and 78 of Law No. 41 of 1999 concerning Forestry (LN No. 167 of 1999;	1. Forest management permits are only given to the central government without paying attention to the local sector as a	Central authority in sustainable forest management is eliminated but handed over

No	Problematic rules	Impact of the Problem	The solution
	TLN No. 3888);	culture that develops in each region 2. Prison deductions, which can be replaced by fines, So that perpetrators of environmental damage do not receive a deterrent effect from these regulations.	to the respective community areas. The emphasis on physical confinement is not to be replaced by a fine but must be accompanied by a fine so that it does not reduce the prison term when the perpetrator has paid the fine.
4.	Articles 51–58 of Law No. 22 of 2001 concerning Oil and Natural Gas (LN No.104 of 1960; TLN No.2043)	1. If a criminal act is committed by a business entity or permanent establishment, the penalty imposed on the business entity or permanent establishment is a fine, with the highest provision being that the fine is increased by one-third. 2. Every person who imitates or falsifies oil and gas fuel and processed products as intended in Article 28 paragraph (1) shall be punished with imprisonment for a maximum of six years and a maximum fine of IDR 60,000,000,000.00 (sixty billion rupiah).	Enforcement of punishment for perpetrators of environmental damage must not be selective; it must be given emphasis and even be more severe if it is an element of the government itself that commits the crime. Innovations carried out by the community in managing petroleum should not be punished; instead, they should be provided with clear assistance and support so that they can provide solutions in the future.
5.	Article 39 of Law No. 18 of 2008 concerning Waste Management (LN) No. 69 of 2008; TLN No. 4851);	1. The definition of imported waste is still too absurd. 2. The maximum prison sentence is 12 years, and the fine is only $5 billion	Clear confirmation regarding waste imports and legal sanctions must be maximized, including fines, and accompanied by international sanctions for countries as perpetrators.
6.	Articles 158–165 of Law No. 4 of 2009 concerning Mineral and Coal Mining (LN No. 4 of 2009; TLN No. 4959);	1. Holders of IUP[1], IUPK[2], IPR[3], or SIPB[4] who deliberately submit reports as intended in Article 70 letter e, Article 105 paragraph (4), Article 110, or Article 111 paragraph (1) incorrectly or submit false information shall be punished with a maximum prison sentence of five (five) years and a maximum fine of Rp. 100,000,000,000.00 (one hundred billion rupiah). 2. Any person whose IUP or IUPK is revoked or expires and fails to perform: a. reclamation and/or post-mining; and/or b. placement of reclamation guarantee funds and/or post-mining guarantee funds will face a maximum imprisonment of five (5) years and a maximum fine of IDR 100,000,000,000 (one hundred billion rupiah). 3. The provisions of Article 165 are deleted.	If a business license holder makes a mistake, they must be given imprisonment for more than 10 years and a fine of more than $100 billion. So that it can protect a sustainable environment and provide a deterrent effect to perpetrators. Reclamation and/or post-mining; and/or b. placement of reclamation guarantee funds and/or post-mining guarantee funds. The reclamation guarantee funds and/or post-mining guarantee funds must be significantly larger than the damage caused, as the environment takes thousands of years to repair itself.
7.	Article 64 of Law No. 10 of 2009 concerning Tourism (LN No. 11) The year 2009 (TLN No. 4966)	1. Anyone who intentionally and unlawfully damages the physical tourist attraction as stated in Article 27 will face a maximum imprisonment of 7 (seven) years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah). 2. Any person who, through negligence and against the law, physically damages or reduces the value of a tourist attraction as	There needs to be a firm and clear article regarding environmental destroyers, including tourism and ecology in the area itself. Among them are progressive sanctions not only against the perpetrator but also against related parties who indirectly participated in

[1] Mining License Terms of Production Operations
[2] Special Mining Business License
[3] A Space Utilization Permit is required.
[4] Rock Mining License

No	Problematic rules	Impact of the Problem	The solution
		intended in Article 27 shall be punished by imprisonment for a maximum of 1 (one) year and/or a fine of a maximum of IDR 5,000,000,000.00 (five billion rupiah).	the act of destruction. So that the domino effect of the norm sanctions can be applied efficiently.
8.	Article 98-120 of Law No. 32 of 2009 concerning Environmental Protection and Management (LN No. 140 of 2009; TLN No. 5059);	1. Every person who intentionally commits an act that results in exceeding the ambient air quality standards, water quality standards, seawater quality standards, or environmental damage standard criteria shall be punished by imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiahs) and a maximum of IDR 10,000,000,000.00 (ten billion rupiahs). 2. Every person who releases and/or distributes genetic engineering products to environmental media in violation of statutory regulations or environmental permits as intended in Article 69, paragraph (1), letter g, shall be punished.	Implementation of regulations for the protection of environmental quality standards needs to be accompanied by the implementation of regulations that are deemed to be inadequate in terms of human resources and performance support facilities, as well as derivative regulations for implementation and measures for violations of quality standards based on existing, needed, and used criteria. Not to be punished, but to give space to parties, in this case, the community, who can make genetic engineering into environmental media, which is good for the environment.
9.	Articles 9 and 85 of Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries (LN No. 154 of 2004; TIN No. 5073);	1. Ownership, control, carrying, and/or use of fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources on fishing vessels in the fisheries management area of the Republic of Indonesia are prohibited for every person. (2) Provisions regarding fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources, as intended in paragraph (1), are regulated by a Ministerial Regulation.	Law enforcement should not only be used when the equipment is used but must also be prevented from doing so, namely by providing regulations for parties who store basic equipment to be able and/or used to damage environmental quality standards. Regulations should impose the same sanctions for damage to quality standards and fish resources in the environment. marine, brackish, and fresh waters.
10.	Articles 8, 12, 82-109, and so on. Law No. 18 of 2013 concerning Prevention and Eradication of Forest Destruction (LN No. 130 of 2013; TLN No. 5432);	1. Everyone is prohibited from carrying out activities in the forest that could disrupt forest destruction 2. Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, often referred to as the P3H Law, is a special criminal law that is intended to eradicate organized forest crime and forest crime committed by corporations. 3. no distinction between communities still have a relationship with forests, in this case, customary forests.	State losses, damage to socio-cultural life and the environment, and an increase in global warming have all resulted from forest devastation, particularly in the forms of illicit logging, mining without permission, and crops without permits. Forest destruction has evolved into a highly organized, transnational, and sophisticated crime that has the potential to endanger people's lives and undermine efforts to prevent and eradicate the practice. Therefore, a solid legal framework is necessary to ensure the efficacy of law enforcement in this fight.
11.	Article 49, Law No. 32 of 2014 concerning Maritime Affairs (LN No. 294 of 2014; TLN No. 5603);	1. Every person who makes permanent use of marine space who does not have a location permit as intended in Article 47, paragraph (1), shall be punished with a	There must be confirmation that is tailored to the needs and wisdom of local communities in handling

No	Problematic rules	Impact of the Problem	The solution
		maximum imprisonment of six (six) years and a maximum fine of Rp. 20,000,000,000.00 (two tens of billions of rupiah).	licensing. 2. spatial planning and zoning; 3. sanitation provisions; 4. Reducing the Authority/Role of Regional Government; 5. Withdrawal of Authority from the Minister to the Central Government; 6. Community Involvement; 7. Foreign Investment or Foreign-Owned Businesses; 8. Provisions for Small Fishermen; 9. Other Obligations; 10. National Commission for the Assessment of Fish Resources 11. Provisions for Fishery Quality Standards; and 12. Changes in Other Document Forms.
12.	Articles 26, 36, 68-74 of Law No. 17 of 2019 concerning Water Resources (LN) No. 190 of 2019; TLN No. 6405).	1. Activities resulting in the following are prohibited: a. disruption of the water system conditions of the Suneai Watershed; b. damage to water sources and/or infrastructure; c. disruption of water preservation efforts; and D. water pollution. 2. Water conservation, as referred to in environmental protection, is still too expensive to be combined with sustainable environmental protection. 3. The damage caused and its long-term effects still outweigh the relatively low sanctions and fines.	There must be an emphasis on prohibiting the destruction of water resources in an unequivocal form and type. The combination of conservation, quality standards, and environmental sustainability of the basic sources of one of the main ecosystems of the environment.

Contribution of Individual Authors to the Creation of a Scientific Article (Ghostwriting Policy)

- Yohanes Suhardin led the conceptualization of the study, designed the methodology, and supervised the entire research project. Yohanes also contributed to the writing and substantial revision of the abstract and conclusion sections, ensuring the integrity of data analysis and interpretation.
- Rudy Haposan Siahaan was in charge of data collection and normative legal analysis, as well as writing sections on the application of contemporary legal theory in the context of Indonesian environmental degradation in Indonesia.
- Rolib Sitorus contributed to research and analysis related to more advanced principles of environmental law principles, as well as developing sections discussing legal solutions to environmental issues.
- Yudhi Priyo Amboro focused on research related to administrative framework and regulation, as well as compiling sections discussing the importance of government transparency and accountability in the context of environmental law.

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