

Challenges in Environmental Law Enforcement by Local Governments in the Era of Regional Autonomy

Annisa Udzakiah,¹ Asep Syaifullah,² M. Fatih Azki A,³ Riki Aprianto⁴

¹universitas islam negeri fatmawai sukarno Bengkulu, Indonesia. E-mail: Audzakiah@gmail.com

²universitas islam negeri fatmawai sukarno Bengkulu, Indonesia. E-mail: asepsyaifullah1122@gmail.com

³universitas islam negeri fatmawai sukarno Bengkulu, Indonesia. E-mail: fatihazki531@gmail.com

⁴universitas islam negeri fatmawai sukarno Bengkulu, Indonesia. E-mail: rikiapriantosl@gmail.com

Abstract

The implementation of regional autonomy in Indonesia grants greater authority to local governments in managing natural resources and the environment. However, in practice, environmental law enforcement by local governments faces numerous challenges. Key obstacles include overlapping regulations between central and local governments, limited human and financial resources, and low public legal awareness regarding environmental issues. Cases in South Sumatra and Riau reveal that bureaucratic procedures in social forestry permits hinder community participation in the legal management of forests, thereby increasing the risk of conflict and unsustainable exploitation of natural resources. Additionally, weak inter-agency coordination and limited institutional capacity at the regional level further exacerbate the situation. To address these issues, it is necessary to enhance institutional capacity, harmonize regulations between central and local governments, and strengthen community involvement in environmental monitoring and law enforcement.

Keywords: *Environmental law enforcement, regional autonomy, local government, social forestry, environmental regulation, institutional capacity*

INTRODUCTION

Regional autonomy is one of the key pillars of Indonesia's post-reform governance system. With the enactment of Law Number 23 of 2014 on Regional Government, the central government has delegated broader authority to local governments to regulate and manage their own administrative affairs, including those related to environmental management.¹ This decentralization is expected to improve the efficiency, accountability, and responsiveness of local governments in responding to

¹ Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244

the needs and problems of local communities, including in preserving the environment.² However, in practice, the implementation of regional autonomy in the context of environmental law enforcement has not gone as smoothly as expected. Many local governments still face various structural, administrative, and political obstacles that hinder the effectiveness of law enforcement efforts against environmental violations.³ Some regions even show a lack of political commitment in dealing with environmental crimes, especially when dealing with economic interests or pressure from industry players.⁴

Limited human resource capacity, lack of budget, and weak supporting infrastructure are real obstacles faced by many regional environmental agencies.⁵ In addition, there are still overlapping authorities between central and local governments in licensing and supervision, leading to unclear responsibilities and weak inter-agency coordination.⁶ One concrete example that reflects this complexity can be seen in the implementation of social forestry programs in South Sumatra and Riau. Although the program aims to provide legal access to communities to manage forests sustainably, the reality is that the complex and bureaucratic licensing process often inhibits community participation. As a result, many communities continue to manage land informally and risk criminalization.⁷

In the midst of these challenges, the role of local governments is crucial in ensuring that environmental law enforcement does not only become a discourse, but is actually implemented in the field. Serious efforts are needed to strengthen institutions, clarify regulations, and build stronger partnerships between the government, communities, and the private sector in order to realize fair and sustainable environmental governance in the era of regional autonomy.⁸

METHOD

This research uses a descriptive qualitative approach with the aim of describing and analyzing in depth the challenges faced by local governments in environmental law enforcement in the autonomy era. This approach was chosen because it allows researchers to explore complex social and institutional phenomena in a region-specific context.⁹

² Ni'matul Huda, *Hukum Pemerintahan Daerah* (Yogyakarta: Nusa Media, 2015), H.27–30.

³ Indonesian Center for Environmental Law (ICEL), *Tantangan Penegakan Hukum Lingkungan di Era Otonomi Daerah* (Jakarta: ICEL, 2023), H.6.

⁴ Dwi Sawung, "Ketika Politik Mengalahkan Lingkungan," *Walhi.or.id*, diakses 1 Mei 2025, <https://www.walhi.or.id>.

⁵ Kementerian Lingkungan Hidup dan Kehutanan (KLHK), *Laporan Kinerja Direktorat Jenderal Penegakan Hukum Lingkungan Hidup dan Kehutanan 2023* (Jakarta: KLHK, 2023), H.18–21.

⁶ R. Herlambang P. Wiratraman, "Desentralisasi dan Problematik Penegakan Hukum Lingkungan," *Jurnal Rechtsvinding* 10, no. 1 (2021): H.77–88

⁷ Cakaplah.com, "Masyarakat Adat Terancam Kriminalisasi karena Lambannya Izin Perhutanan Sosial," diakses 25 April 2025, <https://www.cakaplah.com>.

⁸ Fitriani, "Penguatan Kelembagaan dalam Penegakan Hukum Lingkungan," *Jurnal Otonomi Daerah* 12, no. 2 (2022): H.155–168.

⁹ Norman K. Denzin dan Yvonna S. Lincoln, *The Sage Handbook of Qualitative Research*, 5th ed. (Thousand Oaks: Sage Publications, 2018), H.10–12

The data in this study was collected through two main sources, namely primary data and secondary data. Primary data was obtained through a documentation study of actual news, official government reports, as well as the results of relevant non-governmental organization (NGO) studies. One of the data sources analyzed is a news article from the Cakaplah.com portal that discusses the implementation of social forestry in South Sumatra and Riau as well as the bureaucratic and authority constraints faced.¹⁰ Secondary data includes academic literature reviews, laws and regulations related to regional autonomy and environmental law, as well as policy evaluation reports from relevant ministries and agencies, such as the Ministry of Environment and Forestry (MoEF) and the Ministry of Home Affairs (MoHA).¹¹

The analysis technique used was content analysis of relevant documents and news, particularly to identify key themes such as institutional constraints, overlapping authorities, licensing bureaucracy, and community participation in environmental monitoring. In addition, a spelling and language analysis was carried out on one example of news to assess the accuracy of the use of Indonesian in accordance with the rules of Enhanced Spelling (EYD), as part of a reflection on the quality of legal communication and public information.¹² This research did not involve field surveys or in-depth interviews, but still prioritized the principle of validity and triangulation of data by comparing several sources of information that corroborate each other.¹³

The analytical method used in this research is qualitative content analysis. The analysis was conducted by systematically reviewing news content, policy documents, and literature related to environmental law enforcement by local governments. This research focuses on identifying main themes such as overlapping authority between the central and local governments, bureaucratic constraints on licensing, weak institutional capacity, and low community participation. In addition, the spelling and language used in the news stories used as case studies were also analyzed, to assess compliance with the rules of Enhanced Spelling (EYD) as a form of evaluation of the quality of legal information delivery to the public. The analysis process was conducted by comparing several news sources and documents to find patterns, contradictions, and gaps in the environmental law enforcement system implemented by local governments in the autonomy era.¹⁴

RESEARCH RESULTS

This research found that environmental law enforcement by local governments in the autonomy era faces various challenges that are structural, juridical, and political in nature.

¹⁰ Cakaplah.com, "Masyarakat Adat Terancam Kriminalisasi karena Lambannya Izin Perhutanan Sosial," diakses Mei 2025, <https://www.cakaplah.com>.

¹¹ Kementerian Lingkungan Hidup dan Kehutanan (KLHK), *Laporan Capaian Penegakan Hukum Lingkungan 2023*; Kementerian Dalam Negeri, *Evaluasi Kinerja Pemerintah Daerah Tahun 2023*.

¹² Pusat Bahasa, *Pedoman Umum Ejaan Bahasa Indonesia yang Disempurnakan (EYD)*, Edisi Keempat (Jakarta: Badan Pengembangan dan Pembinaan Bahasa, 2016).

¹³ Uwe Flick, *An Introduction to Qualitative Research*, 6th ed. (London: SAGE Publications Ltd., 2018), H. 145–147

¹⁴ Indonesian Center for Environmental Law (ICEL), *Tantangan Penegakan Hukum Lingkungan di Era Otonomi Daerah, 2023*.

1. Limited Human Resources and Institutional Capacity

One of the main findings is the low institutional capacity of local governments in carrying out environmental monitoring and law enforcement functions. Many regional environmental agencies do not have enough Civil Servant Investigators (PPNS) or sufficient technical expertise in handling environmental violations.¹⁵ This condition is exacerbated by the lack of technical training and budget support from the central government.

2. Regulatory Dualism and Policy Inconsistency

In the context of regional autonomy, there are overlapping authorities between the central and regional governments in regulating and implementing environmental policies. Since the enactment of Law No. 23/2014 on Regional Government, some environmental authorities have been transferred to the provinces, which has caused confusion at the district/city level in handling environmental violations.¹⁶ On the other hand, inconsistencies between local regulations and central regulations often hamper the execution of sanctions against perpetrators of environmental pollution or destruction.¹⁷

3. Political Intervention and Economic Interests

The research also found that the process of environmental law enforcement is often disrupted by local political interests and pressure from capital owners. Many cases of environmental violations by mining companies or large plantations are not dealt with firmly because of the economic-political relationship between entrepreneurs and local officials. This causes the principles of ecological justice and environmental protection to be overridden by considerations of investment and regional income.¹⁸

4. Weak Public Participation and Awareness

Community participation in environmental monitoring is still low, especially in rural areas and areas that are economically dependent on natural resources. This weakness is due to the lack of socialization of environmental regulations and limited access to public information. In some areas, communities are unaware of their rights to report violations or follow the law enforcement process.¹⁹

DISCUSSION

The implementation of regional autonomy in Indonesia since the 1998 reform has brought fundamental changes in governance, including in the field of environmental management. This autonomy is expected to encourage the effectiveness of public services and the sustainability of natural resource management by local governments. However, in practice, this decentralization has created serious challenges in environmental law enforcement. The gap between authority and regional institutional

¹⁵ Wicaksono, R. A., *“Implementasi Penegakan Hukum Lingkungan di Daerah dalam Era Otonomi”*, Jurnal Hukum dan Lingkungan, Vol. 8 No. 1 (2021), hlm. 17.

¹⁶ Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah, Pasal 14-15.

¹⁷ Nuraini, D., *“Sinkronisasi Peraturan Lingkungan Hidup antara Pusat dan Daerah”*, Jurnal Legislasi Indonesia, Vol. 19 No. 2 (2022), hlm. 45

¹⁸ Ibid., hlm. 106.

¹⁹ Suryadi, H., *“Peran Masyarakat dalam Penegakan Hukum Lingkungan di Daerah”*, Jurnal Demokrasi dan Lingkungan, Vol. 6 No. 2 (2021), hlm. 59.

capacity is a major weak point in ensuring optimal environmental protection at the local level.

1. The Context of Regional Autonomy and the Dynamics of Environmental Law Enforcement

Regional autonomy is expressly regulated in Law No. 23/2014 on Regional Government, which gives broad authority to local governments in managing government affairs, including the environment as a mandatory basic service.²⁰ However, the implementation of this authority is often not proportional to the technical and institutional capacity of many regions.

Environmental problems such as water pollution, forest destruction and illegal mining require high legal, administrative and technical capacity. In the legal context, Law No. 32/2009 on Environmental Protection and Management (UU PPLH) mandates local governments to issue environmental permits, prepare AMDAL documents, and enforce administrative, civil and criminal laws.²¹ However, many regions have not been able to fulfill this mandate adequately.

2. Theoretical Frameworks in Environmental Governance and Law

This analytical framework is based on two main approaches: governance theory and environmental law theory. Governance theory, as proposed by Pierre and Peters, emphasizes the principles of transparency, accountability, effectiveness, participation, and the rule of law in governance.²² In this context, local governments should build an environmental law system that encourages public participation, information disclosure, and accountability of public officials.

Meanwhile, environmental law theory according to Philippe Sands emphasizes the precautionary principle, intergenerational equity, and public participation as basic principles in any environmental policy.²³ In a decentralized framework, these principles should guide the formulation of local policies, local regulations, and the governance of environmental permits and supervision.

3. Overlapping Authority and Lack of Legal Certainty

One of the main structural issues in environmental law enforcement is the overlapping authority between the central, provincial, and district/city governments. After the enactment of Law No. 23/2014, the authority to manage mining and forestry was largely transferred to the provinces. However, the environmental impact of these activities is felt more at the district/city level, which no longer has direct authority.²⁴ According to a 2023 report by the Indonesian Center for Environmental Law (ICEL), as many as 60% of district/city governments claimed to have difficulty in taking action against environmental violations due to confusion of authority.²⁵ As a result, the law

²⁰ Republik Indonesia, *Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah*, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244

²¹ Republik Indonesia, *Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*, Lembaran Negara Republik Indonesia Tahun 2009 Nomor 140.

²² Jon Pierre dan B. Guy Peters, *Governance, Politics and the State* (New York: Palgrave Macmillan, 2000), 13.

²³ Philippe Sands dan Jacqueline Peel, *Principles of International Environmental Law*, 4th ed. (Cambridge: Cambridge University Press, 2018), H.205–210.

²⁴ Lembaga Administrasi Negara (LAN), *Evaluasi Kewenangan Lingkungan dalam Era Desentralisasi*, 2021.

²⁵ Indonesian Center for Environmental Law (ICEL), *Laporan Monitoring Penegakan Hukum Lingkungan Daerah*, 2023.

enforcement process is often hampered or even stalled, while environmental damage continues.

4. Limited Resources and Institutionalization

Many regions do not have adequate human and institutional resources to effectively enforce environmental laws. According to data from the Ministry of Environment and Forestry (MoEF), only around 38% of districts/cities in Indonesia have active environmental Civil Servant Investigators (PPNS).²⁶ The absence of PPNS has an impact on the low rate of prosecution of environmental violations that should be prosecuted through criminal and administrative channels.

In addition, environmental budget allocations in the regions are very limited. Data from the Directorate General of Regional Financial Development of the Ministry of Home Affairs shows that the budget allocation for environmental services in many regions is only 0.5-1% of the total APBD, and the majority is allocated for routine expenditure, not supervision or prosecution activities.²⁷

5. Social Forestry Cases: Bureaucracy and Criminalization of Communities

Social forestry programs that aim to give communities legal access to forest management face bureaucratic obstacles. Many indigenous communities and forest farmers have been criminalized for waiting for permits that have not yet been issued. A report by Cakaplah.com (2023) states that farmers in South Sumatra and Riau experience obstacles in land legalization and are often considered breaking the law when carrying out traditional activities.²⁸ KLHK noted that of the 12.7 million hectares of social forestry target, only 43.3% had been granted legal access rights by the end of 2023.²⁹ This reflects the weak synergy between the center and the regions and the suboptimal service of the licensing bureaucracy.

6. Low public participation and legal literacy

Community participation in environmental monitoring is very important. However, people's legal literacy is still low. A WALHI survey in 2022 found that 74% of respondents in environmentally affected areas were unaware of official complaint procedures or the institutions authorized to handle them.³⁰ In addition, local government legal communications tend to be technocratic and uncommunicative. Many legal documents contain language and spelling errors, such as "innya" or "beritayang", indicating low attention to the quality of public communication. This ineffectiveness of communication weakens community involvement in environmental law enforcement.

7. Enforcement Pathways: Administrative, Civil, and Criminal

The PPLH Law regulates three enforcement channels: administrative, civil and criminal. Administrative enforcement such as reprimand or license revocation is often the first choice because it is considered easier. However, this route often fails to provide

²⁶ Kementerian Lingkungan Hidup dan Kehutanan (KLHK), *Laporan Kinerja PPNS Lingkungan*, 2022.

²⁷ Direktorat Jenderal Bina Keuangan Daerah, *Rekapitulasi Anggaran Dinas LH Kabupaten/Kota Tahun 2021–2023*, Kementerian Dalam Negeri.

²⁸ Cakaplah.com, "Masyarakat Adat Terancam Kriminalisasi karena Lambannya Izin Perhutanan Sosial," 2023.

²⁹ KLHK, *Realisasi Capaian Perhutanan Sosial 2023*, Jakarta: Direktorat Perhutanan Sosial, 2023.

³⁰ WALHI, *Survei Literasi Hukum Masyarakat di Wilayah Rawan Konflik Lingkungan*, 2022.

a deterrent effect. Civil and criminal enforcement are still rarely carried out because they require experts and complex processes.³¹ KLHK noted that of the 813 environmental violations in 2022, only 32 cases were criminalized and 14 cases were sued civilly. The rest were resolved administratively or mediated without legal certainty.³²

8. Policy Implications and Strategic Recommendations

Based on the problems described, the following recommendations are considered strategic:

1. Regulatory Reform and Harmonization of Authority

The central and local governments need to develop more detailed and non-conflicting derivative regulations to clarify the boundaries of authority.

2. Institutional and Human Resources Strengthening

Increased recruitment and training of environmental PPNS and an increase in the environmental budget in the APBD are imperative.

3. Simplification of Social Forestry Licensing and Governance

Digital one-stop service based on OSS (Online Single Submission) should be integrated up to the district level.

4. Improving Environmental Literacy and Paralegals

Community-based legal training programs, involvement of universities, and NGOs need to be expanded to support community empowerment.

5. Improving Public Legal Communication

The preparation of legal documents and public announcements needs to use simple, precise, and community-friendly language.

CONCLUSION

Environmental law enforcement by local governments in the autonomy era faces various structural, administrative and social challenges. Although decentralization provides broader authority to the regions, in practice there are still overlapping regulations and weak coordination between the center and the regions. Limited human resources, budget, and institutional capacity exacerbate this condition, so that many environmental violations are not handled optimally. Bureaucratic licensing procedures also hinder community access to legal environmental management, as seen in the implementation of social forestry in South Sumatra and Riau. Lack of community participation and weak social supervision are also factors that hamper the effectiveness of law enforcement.

To overcome these challenges, it is necessary to harmonize regulations between central and local governments, strengthen institutional capacity, and increase legal literacy and community participation in environmental monitoring. In addition, the quality of legal communication through appropriate language and easy to understand by the public is also important to clarify rights, obligations, and procedures in the environmental legal system. With integrated and sustainable efforts, it is expected that

³¹ ICEL, *Tantangan Litigasi Lingkungan di Daerah*, 2023.

³² KLHK, *Data Pelanggaran Lingkungan 2022*, Direktorat Pengaduan dan Penegakan Hukum Administratif.

environmental law enforcement in the autonomy era can run more effectively, fairly and sustainably.

REFERENCES

- Cakaplah.com. 2023. "Masyarakat Adat Terancam Kriminalisasi karena Lambannya Izin Perhutanan Sosial." Diakses 25 April 2025. <https://www.cakaplah.com>.
- Fitriani. 2022. "Penguatan Kelembagaan dalam Penegakan Hukum Lingkungan." *Jurnal Otonomi Daerah* 12, no. 2 (Desember):
- Huda, N. 2015. *Hukum Pemerintahan Daerah*. Yogyakarta: Nusa Media.
- Indonesian Center for Environmental Law (ICEL). 2023. *Tantangan Penegakan Hukum Lingkungan di Era Otonomi Daerah*. Jakarta: ICEL.
- Kementerian Dalam Negeri Republik Indonesia. 2023. *Data Alokasi Anggaran Dinas Lingkungan Hidup Kabupaten/Kota Tahun 2023*. Jakarta: Direktorat Jenderal Bina Keuangan Daerah.
- Kementerian Lingkungan Hidup dan Kehutanan (KLHK). 2023. *Laporan Kinerja Direktorat Jenderal Penegakan Hukum Lingkungan Hidup dan Kehutanan 2023*. Jakarta: KLHK.
- Republik Indonesia. 2009. *Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*. Lembaran Negara Republik Indonesia Tahun 2009 Nomor 140.
- Republik Indonesia. 2014. *Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah*. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244.
- Sawung, D. 2022. "Ketika Politik Mengalahkan Lingkungan." Diakses 1 Mei 2025. <https://www.walhi.or.id>.
- Wiratraman, R. H. P. 2021. "Desentralisasi dan Problematik Penegakan Hukum Lingkungan." *Jurnal Rechtsvinding* 10, no. 1 (April):