

Aspects of Government Coercion in Environmental Licensing Law to Prevent Environmental Crisis In Indonesia

Solechan, Kadek Cahya Susila Wibawa and Aga Natalis

Faculty of Law, Universitas Diponegoro, Jalan Prof. Soedarto, S.H. 50275, Semarang, Indonesia

(Received 21 July, 2021; Accepted 2 September, 2021)

ABSTRACT

Law enforcement in question is through administrative law; with the existence of administrative law, it is expected that the public can obey the rules to increase awareness of the rules; one form of law enforcement is government coercion. Based on the above problems, this study aims to analyze government coercion in environmental licensing law to prevent environmental crises in Indonesia. The study uses a type of normative juridical research with descriptive-analytical research specifications. The results showed that the government's coercion is one of the natural forms of government action used to end violations and reverse the original state of government. Aspects of government coercion are helpful to improve regulations with firm sanctions, especially in the implementation of the Environmental Impact Analysis for sustainable development, where sustainable development impacts the environment itself. There are also unlimited administrative sanctions against government coercion sanctions, payment of forced money and revocation of permits. However, it also regulates other administrative sanctions as stipulated in Article 76 paragraph (2) consisting of a written reprimand, government coercion, freezing of environmental permits, revocation of environmental permits.

Key words : *Environment, Environmental Law, Administrative Sanctions, Government Coercion, Environmental Crisis, Indonesia.*

Introduction

Progress in development that has occurred in Indonesia has dramatically impacted the quality of the environment in Indonesia (Yusuf and Resosudarmo, 2009). Development in several sectors such as the economic sector, government, tourism and so on led to an increasing need for extensive business (Scheyvens, 2011). Development is what makes the environment change in its designation (Stonich, 1995). Therefore, the role of Environmental Impact Analysis is very decisive for environmental quality to minimize environmental quality damage in Indonesia (Sukananda and Nugraha, 2020).

The need for a rule for regulation and regulating land use and projects to control development directly or indirectly impacts the surrounding environment (Bhatia, 2007). The rapid growth of society is a trigger for rapid development growth as well (Otero *et al.*, 2020). People compete to set up businesses and activities such as restaurants, hospitality, entertainment venues, etc. Such businesses and activities carried out by the community are certainly not absorbed from the needs of the land, so that the land is converted as a place of business, of course also cannot be separated from the permit in establishing a business (Anwar *et al.*, 2020). In implementing specific permits, people and businesses tend to

ignore permits that must be granted before establishing and running certain businesses that can create environmental problems that significantly impact the environment (Rom, 2012).

Law enforcement in question is through administrative law; with the existence of administrative law, it is expected that the public can obey the rules to increase awareness of the rules. Law number 32 of 2009 is a form of enforcement of environmental protections (Daeng and Johar, 2021). There are some types of administrative sanctions that are applied, such as government coercion (Bestuursdwang), withdrawal of decisions such as business licenses, the imposition of forced money by the government (dwangsom), the provision of administrative fines (administrative boete) (Susanto, 2019). Based on the above problems, the study analyses government coercion in environmental licensing law to prevent environmental crises in Indonesia.

Materials and Methods

This research is research in the field of legal science. This type of research uses normative legal research; normative legal research is research conducted to collect and analyze secondary data. Normative legal research is usually used only data sources more second only, namely books, diaries, laws and regulations, court decisions, legal theories and opinions of leading legal scholars (Soekanto, 1989) (Saptomo and Sihombing, 2020). The research specification used is descriptive-analytical, i.e. performance inscription on the study results with data as complete and detailed as possible (Connaway and Powell, 2010).

Results and Discussion

Aspects of Government Coercion in the Implementation of Analysis on Environmental Impact in Environmental Law

Definition of Government Coercion Aspects (Bestuursdwang)

Bestuursdwang or government coercion is a real government action used to end violations and reverse the original condition (Ramli, 2019). Bestuursdwang is one of the forms of administrative sanctions (Rahmat, 2018). Administrative sanctions are a feature of the facilities of administrative law that are the nature of the loading to the government

store lid or the recall of a business decision (Stewart, 1981). The use of administrative sanctions as a government authority that originated from written or unwritten administrative law (Addink, 2019).

There are different opinions of the expert regarding government coercion or bestuursdwang; in the opinion of administrative experts, bestuursdwang is an obligation, according to some experts in administrative law, bestuursdwang is an authority (Hondt, 2019). Bestuursdwang is to the -figure authority that has freedom in the sense of Government policy regulations that freely think about whether bestuursdwang is needed or can be used by other sanctions (Verburg, 2019). In essence, the regulations related to bestuursdwang are not as necessary as freedom authority. Some legal instruments use bestuursdwang as a bonded authority or as a facultative authority (Raharja, 2014). Authority must undoubtedly be limited to avoid the use of authority and excessive authority action from the government. Therefore, there must be limits in applying government coercion to the public to achieve justice for the government and justice for the community (Jr, 1993).

The government's coercive aspects of improving regulations with strict sanctions, especially in implementing the Environmental Impact Analysis for sustainable development, impacts the environment itself (Bansal, 2002). Therefore, there is an Environmental Impact Analysis program and regulations on government coercion that can protect and supervise the environment to maintain its beauty (Falkner, 2013).

Limits on government coercive authority (bestuursdwang)

The limit of authority has a purpose in government coercion or bestuursdwang. The purpose of government coercion authority is not to abuse authority excessively and on target (Gumbir, 2016). Normatively in Indonesia itself, the authority's decision in the government's coercion policy is limited in Article 53 paragraph (2) of Law No. 9 of 2004 on Amendments to Law No. 5 of 1986 on State Administrative Justice (Pattipawae, 2019).

The determination contained in the article is determined by overwriting various ways for reasons that can be used in a lawsuit, such as facilities for parties who have an interest in suing decisions that can violate discretionary authority (Jasanoff, 1987). For a reason used in the lawsuit, if something is contrary to the laws and regulations and contrary to the

general principles of good governance (Susilo, 2013). Policies on government coercive authority (bestuursdwang) can be limited by the general principles of good governance also because through its decision policy always get a lawsuit from a person or civil law entity (Lockwood, 2010).

The government's discretionary authority has limitations in the form of a decision other than laws and regulations; the limit is a prohibition on abuse of authority and power and a prohibition on acting arbitrarily (Arlen, 2016). The authority itself is originally from a law that is not allowed to exceed a provision that has been regulated in the law (Ferejohn & Pasquino, 2004). However, suppose the authority is still categorized as reasonable and does not violate the laws and regulations' requirements and rules. In that case, it does not become a limitation of government coercion policy or bestuursdwang if the nature of acting outside the authority, which is given by the laws and regulations, will be considered beyond the policy of authority (Benda-Beckmann *et al.*, 2009).

Introduction to the Environmental Licensing Legal System

Meaning of Environmental Licensing System

In the broadest sense, licensing is something of approval from the ruler that is sourced in legislation. Licensing, in a narrow sense, is an exemption, dispensation and concession. The licensing law is a law that raises the bond of citizens with the state in terms of the number of citizens who ask for permission. A permit is an act of one-sided State Administrative Law included in the regulations derived from the requirements and procedures as the statutory requirements. Licensing law arrangements in the field of environment in Indonesia are still spread and implemented in sharing various laws and regulations listed by classic environmental laws such as person arrangements in various industrial zones, mining, trade, and so on listed in the Constraints Act (Nurjaya, 2007).

Licensing has terms in English and Dutch; the term in English is a licence, permit, and Dutch is vergunning. Permits are only the authority and monopoly of the government; no institution outside the government can permit to manage the environment. Environmental permits are a government tool that has juridical and preventive properties and is used as an administrative instrument that has the use to control arbitrary policies and behavior in the protec-

tion and management of the environment (Dewi *et al.*, 2020).

Integrated licensing in the field of environment is not solely about administrative technicians, which consists of procedures, terms, time, and costs, and related to the substance aspects of environmental licensing (Azhar *et al.*, 2018). The implementation of licensing in the field of the environment such as forestry, mining, plantation field, and so on. Mandatory based on environmental law, which is a legal umbrella. Replacement of Law No. 23 of 1997, in October 2009, was enacted law no. 32 of 2009 on Environmental Protection and Management (Rahail *et al.*, 2018). This law contains some innovations and improvements, including relating to the terms of dispute resolution outside the court of law for environmental issues, class action, conditions of proof (strict liability), implementation of civil law, environmental audit, terms of limitation, administrative sanctions, criminalization of environmental violations to be committed by corporations. In this law, the integrated license of the bush environment is strengthened.

Environmental permits are a condition of the provisions to obtain business licenses or environmental management activities and can obtain environmental permits, business actors, or activities required to make an Environmental Impact Analysis (Sugama, 2007). Those who have authority in issuing environmental permits are Ministers, governors, or regents/mayors in person with the authority of the decree for environmental feasibility or advice on Environmental Management Efforts and Environmental Monitoring Efforts. Ministers, governors, or regents/mayors can delegate the decision of the feasibility of the area or the advice of Environmental Management Efforts and Environmental Monitoring Efforts to the office inaugurated by the Minister, governor, or regent/mayor. The process of obtaining an environmental permit is (Silubun and Putri, 2019):

- a. Preparation of Environmental Impact Analysis as well as Environmental Management Efforts and Environmental Monitoring Efforts,
- b. assessment or evaluation of Environmental Impact Analysis and checking of Environmental Management Efforts and Environmental Monitoring Efforts,
- c. Application and issuance of environmental permits.
- d. Application for an environmental permit sub-

mitted in writing to the Minister, governor, or regent/mayor.

- e. The application for an environmental permit is informed about coinciding with submitting an evaluation of environmental impact analysis or checking of environmental management efforts and environmental monitoring efforts.

The application for an environmental permit is required to complete the document Analysis on Environmental Impacts and formula environmental management efforts and environmental monitoring efforts, business establishment documents or activities, and the profile of the business or activity. Because it is binding with the Analysis of Environmental Impacts, Environmental Management Efforts and Environmental Monitoring Efforts, businesses and environmental management activities, environmental permits are also obliged to dissing the provisions of article 14 of the Environmental Protection and Management Act, which are some of the instruments to prevent pollution or environmental damage (Rahmawaty *et al.*, 2019). Instruments are defined as Strategic Environmental Studies, spatial planning, standard quality of living areas, Environmental Impact Analysis, Environmental Management Efforts and Environmental Monitoring Efforts, environmental, economic instruments, and environmental-based laws and regulations (Salim and Palullungan, 2021). Environmental permits must also be based on the Protection and Management Plan of Living Areas (article 19) if the living area licensing system must be integrated (Purwendah and Mangku, 2020). Licensing also has a purpose related to concrete events that are or will be faced in the future. The purpose is as follows (Surya *et al.*, 2020):

- a. Guide certain activities to select activities such as permits based on rank en horecawet that require taking care and must have certain conditions
- b. Prevent hazards to the environment by permitting individuals and bodies to conduct construction, regulation and supervision and prevention of activities, utilization of space, use of natural resources, goods, infrastructure, certain facilities, or facilities that are useful to protect public security and maintain the environmental sustainability.
- c. Protect objects so that what is done by the government does not occur for the misuse or destruction of objects with official and legal permission.

This goal is expected to minimize environmental damage due to activities that can change the environment.

Implementation of Environmental Impact Analysis to Prevent Environmental Crisis

Reasons for the Implementation of analysis Regarding Environmental Impact

The background of the implementation of the Analysis on Environmental Impacts itself comes from a development that is so rapid in development. With the rapid development of the population in a particular region, there is also an increase in development in the region. This encourages changes to the sustainable environmental population into environmental changes that can threaten and create an environmental crisis (Ahuja *et al.*, 2009).

With such a rapid, it will cause an imbalance of the environment. It is necessary to plan the policy well, especially in urban areas; with the rapid development of development, there is a need for recovery in the city planning area that is so dense from the environmental impact point of view. To prevent environmental damage from becoming more severe damage, it is necessary to implement environmental impact analysis or analysis as a solution to the problem of environmental crisis. There is a statement regarding the environmental impact of the Environmental Impact Analysis process used to report the potential for environmental impact and mitigation of management planning. The purpose of making this Environmental Impact Analysis policy shifts from efforts to minimize negatives to efforts to find the positive.

Most processes of the industry have a positive and negative impact on the environment and society. Therefore, if there is a change in the environment, both by humans and by nature, we will be affected by the environment. This means that if it only evaluates environmental impacts, wajib development shows a clear conservation benefit. If only thinking about social consequences, development must display benefits for social networks: Cost analysis and tangible economic benefits are also mandatory. The result must take the form of an inheritance from "Eternal Value".

Environmental Impact Analysis stands for Environmental Impact Analysis. Understanding of Environmental Impact Analysis is an official research process used to estimate the consequences on the

environment by a project activity plan that aims to establish environmental problems that need to be analyzed in the initial session of planning and designing projects such as considerations for making a decision. According to Government Regulation No. 27 of 1999, the interpretation of the Environmental Impact Analysis is the study of significant and valuable impacts in the decision making of a business and planned activities on the environment needed for making a concern about the implementation of business and activities (Alputila *et al.*, 2018). The Environmental Impact Analysis's main objectives are guarantors so that a business or development activity can operate in a prolonged manner without disturbing and disguising the environment or, in other words, the business or activity is feasible in terms of environmental aspects. According to, implementing environmental impact analysis in line with an available regulation is expected to impact environmentally sound and sustainable development positively.

The document permit process, Environmental Monitoring Plan, and Environmental Impact Analysis

Development activities carried out in various forms of business activity want to cause an impact on the environment. With the application of a sustainable and environmentally sound principle in various development implementation processes, the impact on the environment caused by various development activities is analyzed from the beginning of its planning so that steps in negative impact control and positive impact development can be prepared as quickly as possible (Sugiharto, 2021). Instruments that can be used to implement this matter Analysis of Environmental Impact and Environmental Management Efforts and Environmental Monitoring Efforts, Analysis of Environmental Impact and Environmental Management Efforts and Environmental Monitoring Efforts, also one of the provisions for obtaining environmental permits. Environmental perspective in business or activity is divided into three levels as follows:

- a. Business and activities are mandatory for the Analysis of Environmental Impacts.
- b. Business and activities are mandatory For Environmental Management efforts and Environmental Monitoring Efforts.
- c. Business and activities are required to be a Statement of Ability to Manage and Monitor the

Environment.

In the mechanism of Environmental Impact Analysis, there are known documents that must be completed, namely Environmental Impact Analysis, environmental management plan, environmental monitoring plan. Government Regulation No. 27 of 2012 on Curvature Permits ensures that the initiators prepare environmental impact analysis, environmental management plan and environmental monitoring plan sourced in the frame of reference that has obtained the decision of competent institutions. Environmental Impact Analysis is used as a study that observes overwriting dumps activity. Environmental Impact Analysis aims to analyze an activity that has the potential to tell the impact on the environment, which at the same time will be one of the meaningful points in decision making with the permission of an activity. Environmental Management Plan is an effort in handling significant and valuable impacts that stick out as aflutter of the activity plan. Conversely, the Environmental Monitoring Plan is an effort to monitor environmental components infected with a significant impact as much as the result of an activity plan (Brandao and Cardoso, 2013).

In article 36, paragraph 1 of Law No. 32 of 2009 on environmental protection and management explained that "any business or activity that must have an Analysis of Environmental Impact, as well as Environmental Management Efforts and Environmental Monitoring Efforts, must have an environmental permit". Businesses and activities that are required to have an environmental permit are (Listiyani and Said, 2018)(La Ode Angga and Suat, 2019):

- a. Businesses and activities that are required to have an Environmental Impact Analysis.
- b. Businesses and activities that are required to have Environmental Management Efforts and Environmental Monitoring Efforts.

The provisions of article 109, paragraph 1 of Law No. 32 of 2009, explain that anyone who violates the provisions listed in Law No. 32 of 2009 will be criminally charged. Environmental impact analysis is a study of the impact needed in a business and planned activities on the environment needed for deciding on the implementation of business and or activities. There are three results of the Environmental Impact Analysis study, which is a document of Environmental Impact Analysis as follows (Faizal, 2021):

- a. Document of the Frame of Reference.
- b. Document on Environmental Impact Analysis.
- c. Document on The Environmental Plan, Important Impact Plan is a fundamental environmental change that a business and activities can cause.

The category of Business plans and activities that must have an Analysis of Environmental Impact is included in appendix I of the Regulation of the Minister of the Environment's Republic of Indonesia Number. 05 of 2012 concerning the Types of Business Plans or Activities That Must Have An Analysis of Environmental Impacts. The Analysis Document on Environmental Impact consists of 3 documents, namely the Frame of Reference, Environmental Impact Analysis, Environmental Management Plan and Environmental Monitoring Plan, thus the procedure of structuring the Environmental Impact Analysis Document is the arrangement of the Framework of reference, Environmental Impact Analysis, Environmental Management Plan and Environmental Monitoring Plan that is close to each other.

The Initiators compile the Analysis on Environmental Impacts, The Initiators of SA in compiling a document on Environmental Impact Analysis can be tried alone or ask for support to other parties such as both individuals and those who are members of a service provider of structuring documents Analysis About The Impact of the Environment with the provision of already having a certificate of competence in the author of the Environmental impact analysis. Civil Servants who work in central environmental agencies, provinces, or districts/cities are prohibited from being constituents of the Environmental Impact Analysis.

Initiators are individuals and government institutions that have responsibility for a business and activities to be carried out. Environmental Impact Analysis Document compiled at the planning stages of a Business and Activities with a location must match the spatial plan. If the location of the planned activities is not suitable for spatial plans, the Environmental Impact Analysis document cannot be assessed and must be repatriated to Pemrakarsa. The purpose of the involvement of citizens in the process of Environmental Impact Analysis and environmental permits is to:

- a. People get information about a business plan and activities that have an impact on the environment.

- b. The community can voice responses to business plans as well as activities that have an impact on the environment.
- c. The public can have the right to make decisions regarding recommendations of feasibility and impropriety of business plans and activities that impact the environment.
- d. The public can give advice and opinions or responses to the environmental permit process.

The following is the preparation of the document Analysis on Environmental Impacts and Environmental Management Plan and Environmental Monitoring Plan (Kusuma-Atmadja and Purwaka, 1996):

- a. The initiators compiled several documents, namely Environmental Impact Analysis and Environmental Monitoring Plan, based on a frame of reference document following its approval.
- b. Draft documents on Environmental Impact Analysis and Environmental Management Plan and Environmental Monitoring Plan submitted to the governor, regent, or mayor by the authority of the Secretariat of the Commission for Assessment of Environmental Impact Analysis.
- c. The Commission's Secretariat for the Assessment of Environmental Impact Assessment provides a statement on the completeness of the administrative document analysis on environmental impact and environmental management plan and environmental monitoring plan.
- d. The Commission for the Assessment of Environmental Impact Assessment mandates the team of technicians to assess the completeness of the Environmental Impact Analysis document and the Environmental Management Plan and environmental monitoring plan that is declared administratively complete by the Commission's Secretariat for the Assessment of Environmental Impact Analysis.
- e. Based on the results of the Assessment of Environmental Impact Analysis and Environmental Management Plan and Environmental Monitoring Plan, the Commission for Assessment of Environmental Impact Analysis held a meeting.
- f. In a meeting, if the Commission for the Assessment of Environmental Impact Assessment states that the Anal is document on Environmental Impact and Environmental Management Plan and Environmental Monitoring Plan needs to be improved, then the document is returned to the initiators for repair.
- g. The initiators re-notified the improvement of

the Environmental Impact Analysis documents and the Environmental Management Plan and Environmental Monitoring Plan.

- h. The Commission for The Assessment of Environmental Impact Assessment conducts a final assessment of the completeness of the Environmental Impact Analysis document and the Plan for Environmental Management and Environmental Monitoring Plan.
- i. The Commission for The Assessment of Environmental Impact Analysis delivers the results of the Environmental Impact Analysis document and the Environmental Management Plan and Environmental Monitoring Plan to the Minister, governor, regent or mayor by its authority.
- j. The results of the assessment recommendations on environmental impact assessment and environmental management plan and environmental monitoring plan in the form of a feasibility recommendation or recommendation of impropriety.
- k. The Commission for The Assessment of The Impact of Environment conveys the final assessment results to the Minister, governor, regent or mayor by its authority.
- l. Based on the results of value recommendations from the Commission for Environmental Impact Analysis Assessment, ministers, governors, regents, or mayors decide on environmental feasibility or impropriety.
- m. The period of the decision on environmental feasibility decisions or environmental impropriety within ten working days from the receipt of the recommendation results in the form of a final assessment from the Commission assessing environmental impact assessment.

Administrative Law Enforcement in the Implementation of Environmental Impact Analysis

In-Law No. 32 of 2009 provides three types of environmental law enforcement to enforce administrative, civil, and criminal laws. Among the three forms of law enforcement, administrative law enforcement is suspected to be an actual law enforcement effort. Sanctions are the closing part of the law; one of the sanctions that can be applied to violators of the legislation is administrative sanctions. This is because administrative law enforcement is more directed at efforts to avoid pollution and destroy the area. In addition, the enforcement of the law administration also aims to punish actors of pollution and environ-

mental destruction (Mahfud, 2020).

Administrative law enforcement is essentially regulated in Law Number. 32 of 2009 is through preventive methods in the protection and management of life. There are several types of administrative sanctions that are commonly imposed against a violation that is attempted by actors of activity are (Nuzul and Hamzah, 2020):

- a. Government coercion (bestuursdwang).
- b. A recall of a favourable decision such as a business license is made.
- c. The imposition of forced money by the government (dwangsom).
- d. Award in the form of administrative fines (administrative boete).

There are unlimited administrative sanctions against government coercion sanctions, payment of forced money and revocation of permits only, but it also regulates other administrative sanctions as stipulated in Article 76 paragraph (2). Administrative sanctions consist of the following (Bachrul Amiq, 2018):

- a. Written reprimand.
- b. Government coercion.
- c. Freezing of environmental permits.
- d. Revocation of environmental permits.

The determination made by the ministry of environment in Ministerial Regulation No. 2 of 2013 is guided by the application of administrative sanctions contained in the field of protection and management of the environment that regulate various administrative sanctions as follows (Sopian and Pudjiastuti, 2021):

- a. Written reprimand for Administrative Sanctions in written reprimands is a sanction imposed on the person in charge of business and activity. The person in charge of business and activity has violated laws, regulations, and requirements stipulated in environmental permits.
- b. Government coercion is a sank the administrative in concrete actions to stop violations and or recover in its original condition. The implementation of coercive government sanctions can be carried out against the person in charge of business and activities by first being given a written reprimand. There is also the implementation of coercive government sanctions that can also be punished without being preceded by a written reprimand if the violations that are tried to pose a grave threat to humans and the environment, more extensive battery batteries, if not immedi-

- ately, stopped pollution and damage and more significant losses to the environment if not immediately stopped pollution and damage.
- c. With the freezing of environmental permits and environmental protection and management permits in the form of administrative sanctions freezing environmental permits and protection and management permits are sanctions in the form of legal action not to impose while environmental permits and protection and management permits that have an impact on the cessation of a business and activity.
 - d. Revocation of environmental permits as well as environmental protection and management permits. Administrative sanctions in the form of revocation of area permits are applied in the face of violations, such as:
 - 1) Blame the usefulness of liquid waste disposal permits in hazardous and toxic waste disposal activities.
 - 2) They are committing acts of pollution that can disturb the community.
 - 3) There are no administrative sanctions in the form of government coercion.

Conclusion

Bestuursdwang or government coercion is a real government action used to end violations and reverse their original condition. Bestuursdwang is one form of administrative sanctions whose nature is a sacrifice to government obligations or the withdrawal of a business decision. The use of administrative sanctions as a government authority that originated from written or unwritten administrative law. The coercive aspect of the government is helpful to improve regulations with firm sanctions, especially in the implementation of the Environmental Impact Analysis for sustainable development, where sustainable development has an impact on the environment itself. Therefore, we need an Environmental Impact Analysis program and regulations on government coercion that can protect and supervise the environment to maintain their personality.

With the development in such rapid development, an Analysis of Environmental Impact is needed to deal with environmental damage. According to Government Regulation No. 27 of 1999, the interpretation of the Environmental Impact Analysis is the study of the significant and a-part

impact on the decision making of a business and planned activities on the environment needed for deciding on the implementation of business and activities. The Analysis Document on Environmental Impact consists of 3 documents, namely the Frame of Reference, Environmental Impact Analysis, Environmental Management Plan and Environmental Monitoring Plan, thus the procedure of structuring the Environmental Impact Analysis Document is the arrangement of the Framework of reference, Environmental Impact Analysis, Environmental Management Plan and Environmental Monitoring Plan that is close to each other.

Administrative law enforcement is essentially regulated in Law No. 32 of 2009 through preventive methods in protection and environmental management. There are some types of administrative sanctions that are commonly imposed against a violation that is attempted by actors of activities, namely government coercion (*bestuursdwang*), recall of favourable decisions such as business licenses, imposition of forced money by the government (*dwangsom*), and the provision of administrative fines (*administrative boete*). There are also unlimited if administrative sanctions against government coercion sanctions, payment of forced money and revocation of permits only, but also regulates other administrative sanctions as stipulated in Article 76 paragraph (2) consisting of reprimands, government coercion, and freezing, revocation of environmental permits.

Acknowledgements

We Wish To thank Universitas Diponegoro for supporting this research.

Conflict of Interest: No

References

- Addink, G. H. 2019. *Good Governance: Concept and Context* (First edition). Oxford University Press.
- Ahuja, D., Schaffer, D. and Tatsutani, M. 2009. Sustainable energy for developing countries. *Sapiens*. 2(1): 1–12.
- Alputila, J. M., Waas, R. F. Y., Silambi, E. D., Azis, Y. Z. and Tajuddin, M. A. 2018. Legal Enforcement on Environmental Impact of Palm Oil Plantation of Merauke District. In Hadiyanto, Maryono, and B. Warsito (Eds.), *E3S Web of Conferences* (Vol. 73, p. 02005). <https://doi.org/10.1051/e3sconf/20187302005>

- Anwar, R. K., Hadian, M. S. D., Hendarmawan, H., and Khadijah, U. L. S. 2020. Building Tourism from the Optimization of the Landscape as a Creative Economic Activity of the Community. *Journal of Environmental Management and Tourism*. 11(4): 937. [https://doi.org/10.14505//jemt.11.4\(44\).18](https://doi.org/10.14505//jemt.11.4(44).18)
- Arlen, J. 2016. Prosecuting Beyond the Rule of Law: Corporate Mandates Imposed through Deferred Prosecution Agreements. *Journal of Legal Analysis*. 8(1): 191–234. <https://doi.org/10.1093/jla/law007>
- Azhar, M., Suharso, P., Ispriyarso, B., Purnomo, A., Suhartoyo, S. and Sukirno, S. 2018. Building an Integrated Mining Licensing System in Order to Preserve the Environment in Indonesia. In: M. Amin (Ed.), *E3S Web of Conferences* (Vol. 68, :03009). <https://doi.org/10.1051/e3sconf/20186803009>
- Bachrul Amiq, H. 2018. Administrative Sanction in Environmental Law. *International Journal of Research - Granthaalayah*. 6(6) : 22–37. <https://doi.org/10.29121/granthaalayah.v6.i6.2018.1331>
- Bansal, P. 2002. The corporate challenges of sustainable development. *Academy of Management Perspectives*, 16(2): 122–131. <https://doi.org/10.5465/ame.2002.7173572>
- Benda-Beckmann, F. von, Benda-Beckmann, K. von, & Eckert, J. M. (Eds.). 2009. *Rules of law and laws of ruling: On the Governance of Law*. Ashgate Pub.
- Bhatia, R. 2007. Protecting Health Using an Environmental Impact Assessment: A Case Study of San Francisco Land Use Decisionmaking. *American Journal of Public Health*. 97(3) : 406–413. <https://doi.org/10.2105/AJPH.2005.073817>
- Brandao, F. de P. and Cardoso, R. A. F. 2013. Environmental licensing comparison between Brazil and European Union for transmission lines. *2013 4th International Youth Conference on Energy (IYCE)*, 1–5. <https://doi.org/10.1109/IYCE.2013.6604208>
- Connaway, L. S. and Powell, R. R. 2010. *Basic Research Methods for librarians* (5th ed). Libraries Unlimited.
- Daeng, Y. and Johar, O. A. 2021. Increasing Public Understanding of Environmental Law Enforcement in Lembah Sari Village, Rumbai Pesisir District, Pekanbaru City. *CONSEN: Indonesian Journal of Community Services and Engagement*. 1(1) : 1–8.
- Dewi, D. K., Syahrin, A. and Basyuni, M. 2020. Environmental permission and environmental crime in law enforcement concerning living environmental management and protection. *IOP Conference Series: Earth and Environmental Science*. 452 : 012085. <https://doi.org/10.1088/1755-1315/452/1/012085>
- Faizal, Z. P. 2021. Strict Liability in Environmental Dispute Responsibility Before and After the Enabling of Omnibus Law. *Administrative and Environmental Law Review*. 2(1) : 53–60. <https://doi.org/10.25041/aelr.v2i1.2318>
- Falkner, R. (Ed.). 2013. *The Handbook of Global Climate and Environment policy*. John Wiley & Sons Inc.
- Ferejohn, J. and Pasquino, P. 2004. The law of the exception: A typology of emergency powers. *International Journal of Constitutional Law*. 2(2) : 210–239. <https://doi.org/10.1093/icon/2.2.210>
- Gumbir, S. W. 2016. An Overview on the Abuse of Power in the Perspective of Corruption Law and Government Administration Law in Indonesia Based on the Criminal Justice System and the State Administration of the Justice System. *Yustisia*. 5(3) : 581–606.
- Hondt, L. Y. d'. 2019. *Addressing industrial pollution in Indonesia: The nexus between regulation and redress seeking*. Universiteit Leiden.
- Jasanoff, S. S. 1987. Contested Boundaries in Policy-Relevant Science. *Social Studies of Science*. 17(2) : 195–230.
- Jr, R. H. F. 1993. Individual Rights and Governmental Powers. *Georgia Law Review*. 27(2) : 343–390.
- Kusuma-Atmadja, M. and Purwaka, T. H. 1996. Legal and institutional aspects of coastal zone management in Indonesia. *Marine Policy*. 20(1) : 63–86. [https://doi.org/10.1016/0308-597X\(95\)00034-4](https://doi.org/10.1016/0308-597X(95)00034-4)
- La Ode Angga, L. O. A. and Suat, H. 2019. Legal Responsibility in the Pollution and Environmental Destruction Due to Gold Mining Exploitation in Botak Mountain of Buru Regency. *FIAT JUSTISIA: Jurnal Ilmu Hukum*. 13(4) : 381–406. <https://doi.org/10.25041/flatjustisia.v13no3.1695>
- Listiyani, N. and Said, M. Y. 2018. Political Law on the Environment: The Authority of the Government and Local Government to File Litigation in Law Number 32 Year 2009 on Environmental Protection and Management. *Resources*. 7(4) : 1–13. <https://doi.org/10.3390/resources7040077>
- Lockwood, M. 2010. Good governance for terrestrial protected areas: A framework, principles and performance outcomes. *Journal of Environmental Management*. 91(3) : 754–766. <https://doi.org/10.1016/j.jenvman.2009.10.005>
- Mahfud, M. 2020. An Overview of Strict Liability Offences and Civil Penalties in the UK's Environmental Law. *Jurnal Hukum Dan Peradilan*. 9(1) : 154–169. <https://doi.org/10.25216/jhp.9.1.2020.154-169>
- Nurjaya, I. N. 2007. Indonesian Environmental Law: Environmental Justice System and Enforcement. *Risalah*. 3(1) : 1–12.
- Nuzul, A. A. D. and Hamzah, H. 2020. The Environmental Law Enforcement: In the Framework of Positive Law and Islamic Law. *Al-Bayyinah*. 4(2) : 179–195. <https://doi.org/10.35673/al-bayyinah.v4i2.906>
- Otero, I., Farrell, K. N., Pueyo, S., Kallis, G., Kehoe, L., Haberl, H., Plutzer, C., Hobson, P., García Márquez, J., Rodríguez Labajos, B., Martin, J., Erb, K., Schindler, S., Nielsen, J., Skorin, T., Settele, J., Essl, F., Gómez Baggethun, E., Brotons, L. and Pe'er, G. 2020. Biodiversity policy beyond economic growth. *Conservation Letters*. 13(4) : 1–18. <https://doi.org/10.1111/conl.12713>
- Pattipawae, Dezonda. R. 2019. General Principles of Good

- Governance in Execution in State Administrative Courts. *Journal of Law, Policy and Globalization*. 81: 130–144. <https://doi.org/10.7176/JLPG/81-16>
- Purwendah, E. K. and Mangku, D. G. S. 2020. Implementation of Compensation for Oil Pollution by Tanker Ships in the Indonesian Legal System. *International Journal of Criminology and Sociology*. 10 : 111–119. <https://doi.org/10.6000/1929-4409.2021.10.15>
- Rahail, E. B., Kalalo, J. J. J., Betaubun, H. F. and Kalalo, C. N. 2018. Environmental Law Politics and Malind Anim Indigenous People Rights Protection based on Free and Prior Informed Consent Principles. In: Hadiyanto, Maryono, and B. Warsito (Eds.), *E3S Web of Conferences* (Vol. 73, p. 02017). <https://doi.org/10.1051/e3sconf/20187302017>
- Raharja, I. F. 2014. Penegakan Hukum Sanksi Administrasi Terhadap Pelanggaran Perizinan. *Inovatif*. 7(2) : 117–138.
- Rahmat, R. 2018. Community Involvement in Preparation of EIA Documents as Implementation of Participatory Principles In Law No.32 Year 2009 About Protection and Environmental Management (Study at PT Mandiri Mining Corporindo). *Substantive Justice International Journal of Law*. 1(2) : 95–102. <https://doi.org/10.33096/substantivejustice.v1i2.22>
- Rahmawaty, Perdinan, Dewi, N. W. S. P. and Kurniawan, H. 2019. Integrated approach in determining priority environmental issues in Medan City North Sumatra Province. *IOP Conference Series: Earth and Environmental Science*. 399 : 012003. <https://doi.org/10.1088/1755-1315/399/1/012003>
- Ramli, L. 2019. Human Rights Approach in Environment Law Enforcement based on Law Number 23/2009. *Research, Society and Development*. 8(10) : e458101417. <https://doi.org/10.33448/rsd-v8i10.1417>
- Rom, W. N. 2012. *Environmental policy and public health: Air pollution, global climate change, and wilderness*. Jossey-Bass.
- Salim, A. and Palullungan, L. 2021. The Challenges of Environmental Law Enforcement to Implement SDGs in Indonesia. *International Journal of Criminology and Sociology*. 10 : 517–524.
- Saptomo, A. and Sihombing, B. F. 2020. Certificate of Land Rights in the Legal Philosophy of Notary. *International Journal of Scientific Research and Management*. 8(12) : 297–309. <https://doi.org/10.18535/ijstrm/v8i12.11a02>
- Scheyvens, R. 2011. The challenge of sustainable tourism development in the Maldives: Understanding the social and political dimensions of sustainability: Tourism development in the Maldives. *Asia Pacific Viewpoint*. 52(2) : 148–164. <https://doi.org/10.1111/j.1467-8373.2011.01447.x>
- Silubun, A. J. and Putri, S. G. A. 2019. Analysis of the implementation impact of Merauke Integrated Food and Energy Estate (MIFEE). *IOP Conference Series: Earth and Environmental Science*. 235 : 012086. <https://doi.org/10.1088/1755-1315/235/1/012086>
- Soekanto, S. 1989. *Pengantar Penelitian Hukum*. Universitas Indonesia.
- Sopian, S. and Pudjiastuti, S. R. 2021. Global Issues of Environmental Law Enforcement Impacts on Sustainable Development. *JHSS (Journal of Humanities and Social Studies)*. 5(1) : 56–62. <https://doi.org/10.33751/jhss.v5i1.3226>
- Stewart, R. B. 1981. Regulation, Innovation, and Administrative Law: A Conceptual Framework. *California Law Review*. 69(5) : 1256. <https://doi.org/10.2307/3480247>
- Stonich, S. C. 1995. The environmental quality and social justice implications of shrimp mariculture development in Honduras. *Human Ecology*. 23(2) : 143–168. <https://doi.org/10.1007/BF01191647>
- Sugama, K. 2007. Public Policy for Sustainable Development of Milkfish (Chanos Chanos) Aquaculture in Indonesia. In: P. Leung, C.S. Lee, and P. J. O'Bryen (Eds.), *Species and System Selection for Sustainable Aquaculture* (pp. 347–356). Blackwell Publishing. <https://doi.org/10.1002/9780470277867.ch23>
- Sugiharto, I. 2021. Protection of the Environment through State Administrative Law. *International Journal of Criminology and Sociology*. 10 : 921–928. <https://doi.org/10.6000/1929-4409.2021.10.109>
- Sukananda, S. and Nugraha, D. A. 2020. Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) sebagai Kontrol Dampak terhadap Lingkungan di Indonesia. *Jurnal Penegakan Hukum and Keadilan*. 1(2) : 119–137. <https://doi.org/10.18196/jphk.1207>
- Surya, B., Hamsina, H., Ridwan, R., Baharuddin, B., Menne, F., Fitriyah, A. T. and Rasyidi, E. S. 2020. The Complexity of Space Utilization and Environmental Pollution Control in the Main Corridor of Makassar City, South Sulawesi, Indonesia. *Sustainability*. 12(21) : 9244. <https://doi.org/10.3390/su12219244>
- Susanto, S. N. H. 2019. Karakter Yuridis Sanksi Hukum Administrasi: Suatu Pendekatan Komparasi. *Administrative Law and Governance Journal*. 2(1) : 126–142. <https://doi.org/10.14710/alj.v2i1.126-142>
- Susilo, A. B. 2013. Reformulasi Perbuatan Melanggar Hukum Oleh Badan Atau Pejabat Pemerintahan Dalam Konteks Kompetensi Absolut Peradilan Tata Usaha Negara. *Jurnal Hukum dan Peradilan*. 2(2) : 291–308. <https://doi.org/10.25216/JHP.2.2.2013.291-308>
- Verburg, A. 2019. *Bestuursrechtspraak in balans: Bejegening, beslechting en bewijs*. Boom juridisch.
- Yusuf, A. A. and Resosudarmo, B. P. 2009. Does clean air matter in developing countries' megacities? A hedonic price analysis of the Jakarta housing market, Indonesia. *Ecological Economics*, 68(5), 1398–1407. <https://doi.org/10.1016/j.ecolecon.2008.09.011>
-