



Law Enforcement of Environmental Crimes in Indonesia

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Abstract

The problem of environmental pollution and destruction in Indonesia remains a serious issue with a broad impact on the sustainability of ecosystems and human life. This condition demands effective law enforcement against environmental crimes. This study aims to analyze the concept of environmental crimes, the types of environmental crimes, the role of law enforcement officers, and the application of legal sanctions based on Law Number 32 of 2009 concerning Environmental Protection and Management. The research method used is a normative juridical approach with a descriptive qualitative research type. Data were obtained through a literature study by reviewing relevant laws and regulations, legal literature, and scientific journals. The research stages include problem identification, collection and classification of legal materials, juridical analysis, and drawing conclusions. The results show that environmental crimes are classified as crimes that include material and formal offenses, with various forms of acts such as environmental pollution, environmental destruction, management of B3 waste without a permit, violation of environmental permits, crimes against biodiversity, and illegal mining. Law enforcement involves the Ministry of Environment and Forestry, the Police, and the Prosecutor's Office, and is supported by the application of criminal, administrative, and civil sanctions. However, in practice, law enforcement still faces obstacles, particularly in terms of proof and the effectiveness of sanctions, which have not yet fully provided a deterrent effect. This research is expected to provide academic contributions to the development of environmental law studies and serve as a consideration for strengthening environmental law enforcement in Indonesia.

I. INTRODUCTION

The environment is a fundamental element in supporting the sustainability of human life and other living things (Takdir Rahmadi, 2011). However, along with increasing development activities in various sectors, such as industry, mining, forestry, and infrastructure, various environmental problems are increasingly occurring. Water, air, and soil pollution, as well as ecosystem destruction, are forms of environmental degradation that have serious impacts on public health, ecological balance, and the sustainability of national development (Syahrul Arifin, 2012).

Environmental problems are no longer local, but have become national and even global issues. Environmental damage that occurs in one region can have impacts across regions and across generations (Takdir Rahmadi, 2011). In Indonesia, there are still many cases of environmental pollution and destruction carried out by individuals and corporations, including through unauthorized waste disposal, illegal land clearing, forest fires, and mining activities that ignore the principles of environmental sustainability (Hamid, 2016). This situation indicates that compliance with environmental law provisions still faces various challenges.

In an effort to provide legal protection for the environment, the state has established various regulations, one of which is Law Number 32 of 2009 concerning Environmental Protection and Management. This law emphasizes that environmental pollution and destruction are crimes subject to criminal, administrative, and civil sanctions. Classifying environmental crimes as crimes reflects the state's commitment to preserving the environment and protecting the interests of the community and future generations (Renggong 2018).

Law enforcement against environmental crimes involves the crucial roles of various law enforcement agencies, particularly the Ministry of Environment and Forestry (KLHK), the Indonesian National Police (Polri), and the Indonesian Attorney General's Office (AGO). The KLHK plays a role in supervision and investigation through Civil Servant Investigators (PPNS), the Police carry out criminal investigation and prosecution functions, and the AGO is responsible for prosecution and the implementation of court decisions. Synergy between these institutions is a crucial factor in achieving effective and equitable environmental law enforcement (Anantama, 2020).

Based on these conditions, the study of environmental crimes is crucial for understanding their concepts, types, and law enforcement mechanisms. This paper aims to examine environmental crimes from a specific criminal law perspective, examining the roles of the Ministry of Environment and Forestry, the Police, and the Prosecutor's Office in the law enforcement process and the types of sanctions that can be imposed on perpetrators. This study is expected to contribute to academic thinking in strengthening law enforcement and environmental protection in Indonesia (Putri, 2019).

II. RESEARCH METHODS

The research method used in this study is a normative juridical approach with a descriptive qualitative research type. The normative juridical approach was chosen because this

study focuses on the study of legal norms, legal principles, and laws and regulations governing environmental crimes (Moeljatno, 1998). This study examines the provisions of positive law applicable in Indonesia, specifically Law Number 32 of 2009 concerning Environmental Protection and Management, along with other related regulations that regulate the authority and role of the Ministry of Environment and Forestry, the Indonesian National Police, and the Indonesian Attorney General's Office in enforcing environmental law.

This research falls into the category of normative legal research, which views law as a norm or rule governing human behavior in society. Therefore, the research does not utilize empirical field data collection, but instead focuses on the study of legal materials relevant to the research problem (Putri, 2019). This approach is used to analyze the concept of environmental crime, the types of environmental crime, as well as the mechanisms for law enforcement and the application of sanctions to perpetrators.

The data sources in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials (Fauzan & Siagian, 2017). Primary legal materials include laws and regulations directly related to environmental crimes, including Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 2 of 2002 concerning the Indonesian National Police, and other legal provisions governing the authority of the Ministry of Environment and Forestry and the Prosecutor's Office. Secondary legal materials include criminal law and environmental law textbooks, scientific journals, previous research results, and academic articles discussing law enforcement against environmental crimes. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other supporting sources used to clarify legal terms and concepts.

The research stages are carried out systematically and in stages ((Moeljatno, 1998). The first stage is problem identification, namely

examining the phenomenon of environmental pollution and destruction that still frequently occurs as well as the weak law enforcement against environmental crimes. The second stage is the collection of legal materials, which is carried out through tracing laws and regulations, legal literature, and scientific journals that are relevant to the research focus. The third stage is the classification and inventory of legal materials, namely grouping legal materials based on discussion themes, such as the definition of environmental crimes, types of environmental crimes, the role of law enforcement officers, and legal sanctions. The fourth stage is the analysis of legal materials, which is carried out through legal interpretation and juridical reasoning with a qualitative approach. The final stage is drawing conclusions based on the results of the analysis that has been carried out.

In terms of flow, the stages of this research can be described as follows: problem identification, legal material collection, legal material classification, legal analysis, and conclusion drawing. This flow demonstrates that the research was conducted in a structured and interconnected manner to produce a comprehensive and systematic discussion.

The object of study in this research is environmental crimes and their law enforcement mechanisms in Indonesia. The characteristics of the study object are normative, namely legal norms that regulate prohibitions, obligations, and sanctions for acts of environmental pollution and destruction, as well as the authority of law enforcement agencies in handling these crimes. This research does not use samples or populations in the statistical sense, but rather examines the legal system and normative provisions as a whole. The research location is non-field or library study, so the research is conducted through a review of various legal literature sources. Legal materials are obtained from university libraries, national scientific journals, and official sources of legislation. Although not tied to a specific geographic location, this research focuses on the

Indonesian legal system as the main context of discussion.

The data analysis technique used is qualitative analysis, which involves reviewing, comparing, and interpreting the collected legal materials. The analysis is conducted deductively, starting with general legal provisions and then delving into more specific discussions regarding environmental crimes, the roles of the Ministry of Environment and Forestry, the Police, and the Prosecutor's Office, as well as the application of legal sanctions. The results of the analysis are presented descriptively and analytically for ease of understanding and to provide a clear picture of environmental crime law enforcement in Indonesia.

III. RESULTS AND DISCUSSION

A. Research result

The results of this study were obtained through a normative legal analysis of laws and regulations, legal literature, and doctrines related to environmental crimes in Indonesia (Renggong, 2018). The main focus of the research results includes the concept of environmental crimes, types of environmental crimes, the role of law enforcement officers, and the forms of legal sanctions applied based on Law Number 32 of 2009 concerning Environmental Protection and Management.

The analysis results show that environmental crimes are unlawful acts that are expressly classified as crimes. The criminal provisions in Law Number 32 of 2009 are comprehensively regulated in Articles 97 to 120, which cover acts of environmental pollution and destruction with the threat of imprisonment and quite heavy fines. This law adheres to the concept of material offenses and formal offenses, where an act can be punished either because it has caused certain consequences or because it has committed an act prohibited by law (Moeljatno, 1998).

Based on research findings, environmental crimes can be classified into several main categories: environmental pollution, environmental destruction, unauthorized

management of hazardous and toxic waste, violations of environmental permits, crimes against biodiversity, and unauthorized mining. Each type of crime has distinct characteristics and impacts, but they generally all cause harm to the environment and society.

The research also shows that law enforcement against environmental crimes involves the strategic roles of three main institutions: the Ministry of Environment and Forestry, the Indonesian National Police, and the Indonesian Attorney General's Office. The Ministry of Environment and Forestry plays a role in supervision and investigation through Civil Servant Investigators, the Police are authorized to conduct criminal investigations, and the Attorney General's Office plays a role in the prosecution process and the implementation of court decisions.

Furthermore, research findings indicate that the sanction system for environmental crimes consists of criminal, administrative, and civil sanctions. Criminal sanctions, in the form of imprisonment and fines, are regulated in Articles 98 to 103 of Law Number 32 of 2009, while administrative and civil sanctions serve as preventive measures and environmental restoration. However, the implementation of these sanctions still faces various obstacles, particularly in terms of evidence and law enforcement.

B. Discussion

The discussion of the research results shows that the regulation of environmental crimes in Law Number 32 of 2009 has provided a strong legal basis for environmental protection in Indonesia. The placement of environmental crimes as crimes reflects the recognition that environmental damage is not merely an administrative violation, but an act that has a broad impact on the public interest and the sustainability of future generations (Rahmadi, 2011).

The concept of environmental crimes, which embraces both material and formal offenses, provides flexibility in law enforcement. Material

offenses allow for criminal penalties if the consequences, such as pollution or environmental damage, have already occurred, while formal offenses allow for action against the perpetrator even before the consequences have occurred, as long as the act violates legal provisions. However, in practice, proving material offenses often faces difficulties, particularly in proving a causal relationship between the perpetrator's actions and the resulting environmental impacts (Moeljatno, 1998).

The types of environmental crimes identified in this study demonstrate that environmental crimes are broad and complex. Pollution and environmental destruction are generally associated with industrial and mining activities, while hazardous waste crimes and environmental permit violations demonstrate weak business compliance with environmental regulations. Crimes against biodiversity and illegal mining also reflect the low level of legal and environmental awareness among the public and business actors.

The roles of the Ministry of Environment and Forestry, the Police, and the Prosecutor's Office in enforcing environmental law are clearly defined. However, discussions indicate that coordination between these institutions still needs to be strengthened to ensure effective law enforcement. The Ministry of Environment and Forestry holds significant authority in administrative oversight and investigation, but resource constraints often present a barrier. The Police and Prosecutor's Office are expected to enhance their professionalism and commitment in handling environmental cases, particularly those involving large corporations (Anantama et al., 2020).

Discussions on legal sanctions indicate that the threat of severe criminal penalties has not been a complete deterrent. Court decisions in environmental cases often impose relatively light sanctions compared to the environmental damage caused. This aligns with the view that environmental law enforcement in Indonesia

still tends to be reactive and suboptimal in preventing environmental crimes.

Thus, the results and discussion of this study confirm that although the legal framework for environmental crimes in Indonesia is quite comprehensive, the main challenges lie in implementation and enforcement. Strengthening inter-agency coordination, increasing the capacity of law enforcement officers, and consistency in the application of sanctions are crucial factors in increasing the effectiveness of environmental crime law enforcement in Indonesia.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the research results and discussions outlined above, it can be concluded that environmental crimes are crimes specifically regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. These regulations include the concept of criminal acts, the types of acts that qualify as environmental crimes, the role of law enforcement officials, and the application of criminal, administrative, and civil sanctions. This research shows that the legal framework for environmental crimes in Indonesia has been formulated quite comprehensively, but in practice, law enforcement still faces various obstacles, particularly in terms of evidence, coordination between law enforcement agencies, and the application of sanctions that have not fully provided a deterrent effect. Therefore, the effectiveness of environmental law enforcement depends not only on normative provisions, but also on the consistency and commitment of law enforcement officials in their implementation.

B. Suggestion

Based on these conclusions, it is recommended that law enforcement for environmental crimes in Indonesia be further strengthened through increased coordination between the Ministry of Environment and

Forestry, the Police, and the Prosecutor's Office. Furthermore, the capacity and professionalism of law enforcement officers, particularly in proving environmental cases, are needed. The government is also expected to encourage the application of proportionate and consistent sanctions to provide a deterrent effect and prevent the recurrence of environmental crimes. Academically, further research is expected to examine the empirical aspects of environmental law enforcement to complement normative studies and make a broader contribution to the development of environmental law.

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