



Implementation of Criminal Law Enforcement Against Environmental Pollution in Indonesia

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Abstrak: Criminal law enforcement is an important instrument in protecting and managing the environment in a sustainable manner. This study aims to analyze the application of criminal law to environmental pollution based on Law Number 32 of 2009 and identify obstacles in its implementation. The focus of the study includes the effectiveness of criminal sanctions against polluters and factors that hinder the optimization of law enforcement. The method used is empirical juridical with a qualitative approach, through interviews, observations, and document studies at the Jambi City Environmental Office. Research shows that criminal law enforcement has not been running optimally. The administrative and restorative justice approach is more dominant, but it has not been effective in having a deterrent effect. The main obstacles include weak coordination between institutions, limited resources, and low awareness of business actors on environmental document obligations. In addition, the permissive legal culture and the infrequent application of criminal sanctions also weaken law enforcement. There is a need to strengthen synergy between agencies, increase the capacity of law enforcement officials, and balance between repressive and restorative approaches. More effective criminal law enforcement is expected to improve legal compliance and provide real protection for the environment.

Keywords: Law; Milieu; Pollution; Enforcement.

INTRODUCTION

The environment is a spatial unit that includes all objects, energy, conditions, and living things, including humans and their behavior, which have an impact on nature, survival, and the welfare of humans and other living things.¹ In this integrated ecosystem, human activities have a direct impact on the surrounding environmental conditions. Overexploitation of natural resources such as air, water, and soil pollution, as well as degradation of natural habitats can lead to major changes and degradation of environmental quality and create unsustainable conditions and threaten the ecological balance.² In addition, excessive exploitation

¹ Andi Hamzah, *Penegakan Hukum Lingkungan*, Bandung: P.T. Alumni, 2016, Hlm. 1.

² Husni, Nurul, and Remiswal Remiswal. "Peran manusia terhadap keseimbangan lingkungan hidup di Nagari Limakaum." *Jurnal Penelitian Ilmu Pendidikan Indonesia* 3.2 (2024): 338-344.





can also trigger social conflicts among the community.³ So, even though humans are only one element in the environment, their behavior can affect the survival and well-being of humans and other living things.

Forest fires, ocean ecosystems, the destruction of most of the world's organs, floods that still occur everywhere, landslides, and many more, are some examples of problems that continue to occur and threaten the sustainability of ecosystems in Indonesia, so criminal law enforcement is needed to overcome problems related to environmental pollution.⁴ Law enforcement is aimed at improving order and legal certainty in people's lives, this is carried out by ordering the functions, duties, and authorities of law enforcement agencies according to their respective roles and based on a system of maximum cooperation and goals achieved.⁵ One of the main factors that lead to weak enforcement of environmental laws is the lack of capacity and resources that law enforcement agencies have. In addition, there are also obstacles in proving environmental crimes, where strong and comprehensive scientific evidence is often needed.⁶ Another problem that also hampers environmental law enforcement efforts is the conflict of interest between economic development and environmental conservation.

The government of Indonesia has established a legal framework to preserve the environment through Law No. 32 of 2009 on Environmental Protection and management. This law emphasizes the importance of environmental permits as a preventive instrument, as well as providing a basis for the enforcement of administrative, civil, and criminal laws.⁷ UUPPLH is a legal umbrella that regulates various aspects related to environmental protection and management in Indonesia. In this law, there are provisions that regulate the definition of environmental pollution, environmental crimes, and including the threat of sanctions for polluters and environmental destruction. In practice, however, criminal enforcement of environmental violations still faces various challenges. Empirical research in the field shows that many businesses do not yet understand the obligation to have environmental documents, or even ignore them even though they have been approved.

Based on interviews with the Department of Environment (DLH) Jambi city, revealed that the form of pollution that occurs, among others, is the disposal of waste exceeds quality standards and garbage disposal is not in place.⁸ DLH conducts law enforcement through two channels, namely routine supervision and response to community reports. Actions taken include reprimands, administrative sanctions, and revocation of business licenses. Although Law No. 32 of 2009 on Environmental Protection and management has provided a strong legal basis, criminal law enforcement against environmental polluters in various regions, including Jambi province, still shows various weaknesses.

³Aditia Syaprilillah, *Buku Ajar Mata Kuliah Hukum Lingkungan*, Yogyakarta: deepublish, 2018, Hlm. 2.

⁴ Setiawan, Agus. "Keanekaragaman hayati Indonesia: Masalah dan upaya konservasinya." *Indonesian Journal of Conservation* 11.1 (2022): 13-21.

⁵Yulia Monita Nisrina, Ramadhani, Hafrida, "Peran Hukum Pidana Dalam Upaya Penegakan Tindak Pidana Pembunuhan Bayi Di Wilayah Kota Jambi," *PAMPAS: Journal Of Criminal* 4, no. 3 2023, Hlm. 302.

⁶Leni Widi Mulyani, "Kendala Penegakan Hukum Pidana Lingkungan Di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 6, no. 2, 2020, Hlm. 7.

⁷ Dwiprigitaningtias, Indah. "Kedudukan Hukum Instrumen Ekonomi Lingkungan Hidup (Ielh) Dalam Upaya Penanganan Lingkungan Hidup Akibat Dari Kegiatan Industri: The Legal Status of Environmental Economic Instruments (EEIs) in Addressing Environmental Issues Arising from Industrial Activities." *Res Nullius Law Journal* 6.2 (2024): 127-143.

⁸ Muslih, M. "Efektifitas Peraturan Daerah Kota Jambi No. 8 Tahun 2013 Tentang Pengelolaan Sampah Dalam Mewujudkan Lingkungan Sehat Dan Bersih Di Kota Jambi." *Legalitas: Jurnal Hukum* 8.2 (2016): 29-47.



One obvious example occurred in 2024, when the Ministry of Environment and Forestry (KLHK) designated as many as 28 companies in Jambi as owners of the red PROPER rating (company performance rating assessment Program in Environmental Management), which indicates that these companies are conducting poor environmental management. Nevertheless, most of these companies are only subject to administrative sanctions, without criminal legal proceedings that should be able to exert a deterrent effect. This phenomenon shows that the criminal law has not become the main instrument in the prosecution of environmental pollution cases.⁹

Based on these conditions, it can be concluded that the enforcement of criminal laws against environmental pollution has not gone well. This condition is an important basis in this study to assess the extent to which criminal law enforcement efforts are implemented, as well as what factors inhibit the effectiveness of Law No. 32 of 2009 in providing protection to the environment.

METHODOLOGY

The research method that can be used in this study is a qualitative approach method using several data collection techniques such as interviews, observations, and document analysis. The type of research used in this analysis is empirical juridical, which is research carried out on existing legal facts by conducting research directly in the field to find out the problems that arise.¹⁰

The material used in this legal research is sourced from secondary data, which in the context of this research consists of secondary data. Data collection in this study was carried out by means of interviews and study of document data. The data obtained from the results of the research were analyzed using a descriptive method, which illustrated the results of research related to the topic. Meanwhile, the data that has been obtained is provided by a qualitative method, namely by giving opinions in the form of sentences and not in the form of numbers.¹¹

RESULTS AND DISCUSSION

1. Implementation of Criminal Law in Environmental Pollution Cases

Law Number 32 of 2009 provides a clear legal basis for criminal sanctions against environmental destruction and pollution. This criminal provision is an ultimum remedium, namely as a last resort when the administrative mechanism is ineffective or when a serious violation occurs.¹² Therefore, the Environment Agency as a technical institution has the initial responsibility in identifying violations, documenting evidence of pollution, and recommending criminal law enforcement if the elements of the offense have been met.

⁹ Joni Rizal, "Sebanyak 28 Perusahaan Di Jambi Masuk Daftar Proper Merah KLHK, Terancam Pidana Karena Tak Bocus Kelola Lingkungan Hidup," 2024, <https://www.metrojambi.com/nasional/134772920/sebanyak-28-perusahaan-di-jambi-masuk-daftar-proper-merah-klhk-terancam-pidana-karena-tak-bocus-kelola-lingkungan-hidup>. Diakses pada 23 Juni 2025

¹⁰ Tan, David. "Metode penelitian hukum: Mengupas dan mengulas metodologi dalam menyelenggarakan penelitian hukum." *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8.8 (2021): 2463-2478.

¹¹ Ratnaningtyas, Endah Marendah, et al. "Metodologi penelitian kualitatif." *No. Januari. Aceh: Yayasan Penerbit Muhammad Zaini* (2023).

¹² Rahmawati, Nur Ainiyah. "Hukum Pidana Indonesia: Ultimum Remedium Atau Primum Remedium." *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan* 2.1 (2013).



Based on the results of the researcher's interview with Mr. M. Fauzi as the Head of the Structuring, Supervision, and Enforcement of Environmental Law at the Environment Agency regarding the role of the Environmental Agency in enforcing laws against environmental pollution and the procedures or mechanisms for handling environmental pollution cases carried out by the Environmental Agency, he said that: "In terms of legal substance, the rules governing environmental pollution are quite strong, especially with the existence of Law Number 32 of 2009. However, in implementation, we often face obstacles in law enforcement, because not all officials have a deep understanding of environmental issues that are quite complex and require a scientific approach. In terms of facilities and infrastructure, our laboratory test equipment is still limited and requires high costs, so the proof process is often hampered. Community participation has also not been maximized, many do not know or are reluctant to report if pollution occurs, and this has an impact on delays in action. In addition, the legal culture of the community is still low, many business actors do not have good legal awareness and only obey if they have been reprimanded or sanctioned, even though ideally they obey from the beginning to protect the environment."¹³

From the results of the interview above, it can be concluded that the implementation of environmental criminal law is already running, although it is not optimal. To understand its implementation as a whole, it can be analyzed through five factors that affect the effectiveness of the law as stated by Soerjono Soekanto, namely the substance of the law, law enforcement, facilities and infrastructure, society, and legal culture.

In terms of legal substance, the rules regarding environmental pollution in Indonesia are quite adequate. Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) clearly regulates environmental crimes, including prison sentences and fines that can be imposed on polluters. The articles in this law provide a strong legal basis for the authorities to take action, both against individuals and corporations. The resource person from DLH said that normatively, there is no legal vacuum, all are available.

Law enforcement factors play a crucial role in ensuring that laws and regulations are not just written norms, but also implemented in real terms. Based on the results of the interviews, it is known that the effectiveness of law enforcement is highly determined by the level of integrity and competence of the officers on duty. One of the main problems is the limited number of investigators who have a deep understanding of the technical and legal aspects of pollution cases.

Factors of facilities and infrastructure, the implementation of environmental law enforcement can not be separated from the availability of adequate facilities and infrastructure.¹⁴ To prove the existence of pollution, the apparatus needs an Environmental Laboratory, sampling equipment, as well as experts who can analyze the test results. Unfortunately, most DLHS in the regions do not have their own laboratories and have to work with third parties, such as universities or private laboratories. This often leads to delays in legal proceedings due to waiting for the results of laboratory tests.

¹³ Interview with Mr. M. Fauzi as Head of Structuring, Supervision, and Environmental Law Enforcement at the Environment Agency

¹⁴ Ridlo, Ahmad Ainur, and Imroatin Arsali. "Dinamika Penegakkan Hukum Lingkungan Di Indonesia Dalam Menghadapi Problematika Lingkungan Hidup: Dynamics Of Environmental Law Enforcement In Indonesia In Dealing With Environmental Problems." *Journal Presumption of Law* 6.2 (2024): 140-157.



Community factors, the community has an important role in reporting and monitoring cases of environmental pollution.¹⁵ Interviews show that reports from residents are often the beginning of open cases of pollution. Public awareness of the impact of pollution on health and ecosystems has begun to grow, especially in areas that often experience pollution due to industrial waste. However, on the other hand, there are still many people who do not know that environmental pollution can be processed through criminal channels.

Furthermore, the factor of legal culture, shows the extent to which society and apparatus respect and obey the law.¹⁶ From the interview, it is known that the legal culture in the field of the environment is still weak. Many entrepreneurs consider administrative fines only as an additional cost, not as a form of punishment. Meanwhile, criminal law enforcement is often seen as a threat, not as a way to safeguard the environment. In many cases, problem solving is more often carried out outside the law, although in fact the offense already meets the criminal element.

2. Obstacles in Environmental Criminal Law Enforcement

Enforcement of criminal law against environmental pollution is an important part of environmental protection and management efforts as stipulated in Law Number 32 of 2009. In practice, this law enforcement process is faced with various obstacles, both structurally, culturally, and instrumentally. To comprehensively understand, this discussion describes the results of an interview with one of the employees of the Environment Agency and is associated with theories and secondary data from various scientific journals.¹⁷ The main focus in this section is on the obstacles faced in the law enforcement process as well as the approach used by local governments in handling cases of environmental pollution.

Based on the results of an interview with Agus as the First Environmental Impact Control Officer (Functional Position) at the Environment Agency regarding what are the obstacles or obstacles that are often faced in the process of law enforcement against environmental pollution and whether the legal sanctions given are effective enough to provide a deterrent effect to environmental pollution perpetrators by the Environment Agency, he said as follows:

"The obstacles we face in enforcing criminal law against environmental pollution are quite complex and interrelated. In terms of legal substance, although the rules already exist, in the field there are often loopholes or articles that have multiple interpretations, making it difficult to follow up the enforcement process. For law enforcement factors, the limited number and capacity of human resources who truly understand environmental aspects is a challenge in itself, especially if the case requires technical proof.¹⁸ Facilities and infrastructure are also obstacles, because we do not have complete and independent test equipment, so we often rely on laboratories outside the area which is time-consuming and costly. Then, community involvement is still weak, many residents choose to remain silent because they are afraid or feel

¹⁵ Syaputri, Martika Dini. "Peran dinas lingkungan hidup kota Surabaya dalam pengendalian pencemaran air Sungai Brantas." *Refleksi Hukum: Jurnal Ilmu Hukum* 1.2 (2017): 131-146.

¹⁶ Putra, Haekal Amalin Firdany, et al. "Membangun Budaya Hukum Yang Kuat Untuk Mendukung Supremasi Hukum." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3.2 (2025): 983-990.

¹⁷ Ridlo, Ahmad Ainur, and Imroatin Arsali. "Dinamika Penegakan Hukum Lingkungan Di Indonesia Dalam Menghadapi Problematika Lingkungan Hidup: Dynamics Of Environmental Law Enforcement In Indonesia In Dealing With Environmental Problems." *Journal Presumption of Law* 6.2 (2024): 140-157.

¹⁸ Apriliani, Rizka, and Nur Muhammad Ihsan. "Dinamika Hukum Perlindungan Lingkungan Hidup: Tantangan Dan Inovasi Dalam Penegakan Hukum." *Jurnal Metrum* 2.2 (2024): 77-90.



helpless to face polluters, especially if the perpetrators are from the large industrial sector. Finally, the low legal culture of both the community and business actors makes awareness to protect the environment has not grown comprehensively. They tend to obey because they are afraid of sanctions, not because they are aware of the law."¹⁹

The results of the interviews show that although the implementation of criminal law enforcement against environmental pollution has been running, various obstacles still hinder its effectiveness. These constraints are closely related to the factors that affect the law as previously explained. The obstacle in the substance of the law lies in the implementation and firmness of norms. Although the PPLH Law is firm, its implementation is often hampered by multiple interpretations of certain articles, especially related to criminal elements and environmental impact proofing. The absence of detailed technical arrangements in some implementing regulations causes confusion for the authorities in determining whether an activity meets the elements of pollution that can be punished.

One of the biggest obstacles is the limited capacity of law enforcement. Many officials have not received special training on handling environmental criminal cases, both from the technical (environmental science) and juridical (criminal justice) sides. Weak coordination between agencies also hinders the smooth running of the investigation. In some cases, differences of opinion between DLH and the prosecutor's office cause the legal process to run slowly or even not continue. The limitations of laboratories, test equipment, and monitoring systems make scientific proof of pollution difficult. In environmental criminal law, proving the element of "causing pollution" relies heavily on laboratory data. If the tool is not available, then the case can be stalled at the investigation stage. In addition, budget limitations also make DLH unable to conduct periodic tests on all pollution-prone points.

Public awareness is still low and is an obstacle in itself. Not all residents know that environmental pollution is a criminal act that can be reported.²⁰ In fact, there are residents who hesitate to report for fear of social pressure or a relationship with the perpetrator. Lack of legal education causes the potential of reporting from the public is not utilized optimally. A culture of compromise and an informal approach is still a major barrier in criminal law enforcement. When the legal process begins, it is not uncommon for there to be intervention from community leaders, village officials, and even officials, to resolve problems in a family way. This kind of practice causes the legal process is not complete and the perpetrator is not deterrent.

CONCLUSIONS

The implementation of criminal law enforcement against environmental pollution in the regions has basically been carried out with reference to the provisions of applicable laws, such as Law Number 32 of 2009 concerning Environmental Protection and Management. The results of the interviews show that the Environmental Service (DLH) is trying to carry out its duties through supervision, examination of environmental documents, and the provision of administrative sanctions and criminal reporting if serious violations are found. In practice, this form of criminal law enforcement begins to be applied to polluters who are proven to be violators, but more often it is preceded by an administrative approach that must answer the problems and the objectives and implications of the research results in 1 paragraph.

¹⁹ Interview Agus as the first Jafung (Functional Position) Environmental Impact Control at the Environment Agency.

²⁰ Manik, Sri Elviana, Nursaidah Hasibuan, and Mauliza Rahmi. "Pentingnya keterlibatan masyarakat dalam pencegahan tindak pidana lingkungan hidup." *Jurnal Metrum* 2.2 (2024): 134-146.



- However, the implementation still faces a number of quite complex obstacles. Based on Soerjono Soekanto's theory, these obstacles include five main interrelated factors, namely: the substance of the law that is still multi-interpreted and sometimes not firm on corporations, law enforcement officials whose number and competence are limited, lack of facilities and infrastructure such as laboratories and environmental test equipment, low public participation due to fear or ignorance of the law, and permissive legal culture, where the community and the apparatus prioritize peaceful settlements rather than criminal proceedings.

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