

Optimization of Environmental Protection and Management as a Form of Implementing the Going Concern Principle

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Abstract

This study discusses various aspects of environmental protection and management in Indonesia, including Environmental Impact Analysis (AMDAL), Environmental Protection and Management Plan (RPPLH), and the implementation of the Blue Sky Program and Adipura Program. This study highlights the importance of AMDAL in identifying and controlling environmental impacts before implementing a project, as well as the role of RPPLH in ensuring sustainable development policies. In addition, this study evaluates the effectiveness of the Blue Sky Program in controlling motor vehicle emissions and the Adipura Program in improving cleanliness and waste management in urban areas. Furthermore, an analysis is conducted on environmental law enforcement based on Law Number 32 of 2009 and the Job Creation Law, highlighting challenges in its implementation, such as weak supervision, lack of legal awareness, and intervention by economic interests. This study emphasizes that synergy between the government, society, and the business world is the main key to realizing effective environmental protection and sustainable development.

Keywords : *Principles of Sustainability, Environmental Law*

I. INTRODUCTION

Environmental problems are increasingly worsening due to various uncontrolled human activities. The trend of environmental degradation is seen from the expanding damage to forests, worsening air pollution, and declining water quality caused by industrial and domestic waste. (Arsyad, 2008) Excessive industrial activities, unplanned urbanization, and exploitation of natural resources without considering sustainability aspects are the main factors causing the decline in environmental carrying capacity (Hasid, 2022). As a result, ecosystem balance is disturbed, ultimately impacting human life, both in terms of health and economy.

One concrete example of environmental degradation is deforestation, which causes the loss of natural habitats for flora and fauna, increases carbon emissions, and reduces the soil's ability to absorb water, contributing to natural disasters such as floods and landslides (Basri, 2024). In addition, air pollution caused by vehicle and industrial emissions has led to an increase in respiratory diseases, while water pollution from toxic waste threatens aquatic life and the clean water supply for humans. Uncontrolled exploitation of natural resources, such as mining and massive use of fossil fuels, further worsens environmental damage and accelerates climate change (Mangunjaya, 2015).

The negative impacts of declining environmental carrying capacity are strongly felt in various aspects of life. The decreasing air quality increases respiratory diseases such as asthma and lung infections, while water pollution results in clean water crises in many areas (Hudha, 2018). Economically, environmental degradation causes a decline in agricultural productivity due to reduced soil fertility and changing rainfall patterns. Furthermore, increasingly frequent ecological disasters caused by the declining carrying capacity result in significant losses for communities, including casualties, infrastructure damage, and rising mitigation and recovery costs. Therefore, stricter policies in environmental management are urgently needed to ensure the sustainability of life in the future (Fatahillah, 2024).

Rapid population growth correlates directly with increased exploitation of natural resources. The growing population causes increased demand for food, water, and energy, which ultimately burdens environmental carrying capacity (Firmandayu, 2023). Forests are cleared to be converted into agricultural and residential land, while exploitation of resources such as groundwater and minerals increases drastically. As a result, ecosystem balance is disturbed, natural resource reserves are depleted, and environmental carrying capacity becomes increasingly limited (Priyanta, 2016). Without being balanced by sustainability policies, excessive exploitation can cause permanent environmental damage and reduce the quality of human life in the future.

Besides natural resource exploitation, population growth also contributes to increased waste, energy consumption, and uncontrolled urbanization. Large cities face challenges in managing increasing domestic waste and garbage, which often ends up polluting rivers and seas (Syamsir, 2024). High energy consumption, especially from fossil fuels, accelerates greenhouse gas emissions that directly impact global warming. Rapid urbanization without

proper planning also causes deforestation, reduced water absorption areas, as well as increased air pollution and traffic congestion that contribute to declining quality of life in urban communities (Latuconsina, 2010).

High population pressure also contributes to global phenomena such as climate change and ecological disasters. The increase in global temperatures due to excessive carbon emissions causes changes in extreme weather patterns, rising sea levels, and increased frequency of natural disasters such as floods, droughts, and tropical storms (Erawaty, 2013). In many countries, unsustainable land exploitation causes soil degradation and food crises, worsening poverty and social inequality. Therefore, uncontrolled population growth must be balanced with sustainable environmental policies to maintain environmental carrying capacity and ensure the welfare of future generations (Waas, 2014).

Sustainable development is a concept aimed at balancing economic, social, and environmental needs to meet the needs of the present generation without sacrificing future generations. In environmental law, this concept serves as the main basis for managing natural resources and protecting the environment. Law Number 32 of 2009 on Environmental Protection and Management asserts that development must consider the principle of sustainability, as stated in Article 2 which mentions the principles of preservation and sustainability as the foundation of environmental protection (Rachmat, 2022). This shows that every development policy must consider the carrying capacity and capability of the environment to maintain the ecosystem (Jazuli, 2015).

Law Number 32 of 2009 on Environmental Protection and Management also emphasizes the goals of environmental protection and management, one of which is to ensure the continuity of life for living beings and the preservation of ecosystems as stated in Article 3. This principle aligns with the concept of sustainable development, which not only focuses on economic growth but also ensures that natural resources remain available for future generations (Andin, 2024). Furthermore, sustainable development aims to control the wise use of natural resources and prevent pollution and environmental damage (Fahmi, 2011). Thus, development policies must align with environmental conservation efforts to avoid negative impacts such as land degradation, water pollution, and climate change.

The role of law in creating a balance between economic development and environmental protection is very important. Article 4 of Law Number 32 of 2009 on Environmental Protection and Management regulates that environmental protection and management include planning, utilization, control, maintenance, supervision, and law enforcement (Fadhilah, 2022). This regulation ensures that development activities are not only oriented toward economic gain but also consider ecological and social aspects. With firm legal policies and strict supervision, development can continue without sacrificing environmental sustainability (Afandi, 2014). Therefore, the implementation of environmental law based on sustainability principles is key to realizing responsible and sustainable development.

This study is highly relevant in efforts to understand and evaluate the implementation of

government environmental policies in supporting the sustainability principle. By reviewing various policies such as AMDAL (Environmental Impact Assessment), RPPLH (Environmental Protection and Management Plan), Blue Sky Program, Adipura Program, as well as environmental law enforcement mechanisms, this study can provide an overview of the effectiveness of these regulations in maintaining environmental carrying capacity and capability. In addition, this research also contributes to identifying the impact of policies on environmental quality and the availability of natural resources for future generations. Thus, the results of this study can serve as a foundation for developing more adaptive and effective policy recommendations to realize sustainable development balanced between economic, social, and environmental aspects.

2. METHOD

This study uses normative juridical research focusing on the analysis of environmental law policies, particularly in the application of sustainability principles. The data sources used are secondary data including legislation, scientific journals, and environmental policy documents relevant to this study. The analytical method applied is qualitative analysis, where government policies related to environmental protection and management will be reviewed based on the sustainability principles regulated in legislation such as Law Number 32 of 2009 on Environmental Protection and Management. With this approach, the research can identify the effectiveness of the policies implemented as well as their impact on environmental carrying capacity and capability.

3. RESULT AND DISCUSSION

3.1 Implementation of Government Policies in Supporting the Principle of Sustainability.

Environmental Impact Analysis (AMDAL) is a study conducted to assess the potential significant impacts of a business plan or activity on the environment before the activity is carried out (Yakin, 2017). Based on Article 1 point 11 of Law Number 32 of 2009 concerning Environmental Protection and Management, AMDAL aims to provide a basis for decision-making regarding the environmental feasibility of a project. With AMDAL, the government can identify, predict, and control negative impacts that may arise from an activity, thus maintaining the principle of sustainable development.

The provisions regarding AMDAL are regulated in various regulations, especially in Law Number 32 of 2009 concerning Environmental Protection and Management. Article 22 paragraph (1) mandates that every business or activity that has significant impacts on the environment must have an AMDAL document before obtaining an environmental permit (Ruhayat, 2022). The criteria for significant impacts of an activity are determined by various factors, such as the area affected, the intensity and duration of the impact, cumulative nature, and the potential for the impact to be reversed on the environment (Article 22 paragraph (2)).

Furthermore, Article 23 details the types of businesses required to prepare an AMDAL, such as landform changes, exploitation of natural resources, processes with the potential to cause pollution, and the application of technologies that may significantly impact the environment.

The preparation of AMDAL involves several stages, from document preparation, assessment by the AMDAL evaluation commission, to the issuance of an environmental permit. The main stages in the AMDAL process include the preparation of Terms of Reference (KA-ANDAL), Environmental Impact Analysis (ANDAL), Environmental Management Plan (RKL), and Environmental Monitoring Plan (RPL). One important aspect of this process is public and stakeholder involvement, which aims to ensure that social and ecological impacts have been properly considered before the project is implemented.

The Environmental Protection and Management Plan (RPPLH) is a strategic planning tool aimed at maintaining the balance between development and environmental sustainability. RPPLH is defined in Article 1 point 4 of Law Number 32 of 2009 concerning Environmental Protection and Management as a written planning document that includes environmental potential, existing problems, and efforts for protection and management within a certain period. RPPLH plays an important role in ensuring that development policies at both national and regional levels consider sustainability and environmental carrying capacity.

In terms of regulation, RPPLH is governed by Law Number 32 of 2009 concerning Environmental Protection and Management. Article 5 of this law regulates the stages in planning for environmental protection and management, which include environmental inventory, determination of ecoregion areas, and the preparation of RPPLH. Furthermore, Article 9 divides RPPLH into three levels: national, provincial, and regency/city RPPLH, each of which is prepared based on inventory data at its respective level. The preparation of RPPLH must also consider various aspects, such as ecological characteristics, population distribution, local wisdom, community aspirations, and the impact of climate change as stipulated in Article 10.

In its implementation, RPPLH becomes the basis for development planning in various sectors, including forestry, agriculture, industry, and housing. RPPLH covers the utilization and reservation of natural resources, maintenance of environmental quality, and efforts for climate change mitigation and adaptation. In addition, RPPLH must be included in long-term and medium-term development plans to ensure that development policies remain based on the principle of sustainability. The effectiveness of RPPLH highly depends on the synergy between central and regional governments, as well as the involvement of the community and the business sector in implementing environmental policies.

The Blue Sky Program is a government initiative aimed at reducing air pollution and improving urban environmental quality. One of the main focuses of this program is the control of motor vehicle emissions through regulations on ambient air quality standards and emission quality standards, as stipulated in Article 20 of Law Number 32 of 2009 concerning Environmental Protection and Management. This program encourages the use of more

environmentally friendly fuels and the application of low-emission technologies to reduce negative impacts on air quality. In addition, air pollution control through the Blue Sky Program is also in line with the provisions of Article 16 of the same law, which emphasizes the importance of efficient utilization of natural resources and adaptive capacity to climate change.

In its implementation, the Blue Sky Program plays a role in ensuring that motor vehicle exhaust emissions do not exceed environmental quality standards. The government applies policies such as vehicle emission testing, promotion of quality fuel, and development of more environmentally friendly transportation infrastructure. In accordance with Article 19 paragraph (2), this policy must consider the carrying capacity and environmental load to remain sustainable. The impact of the implementation of this program can be seen in improved air quality, reduced pollution, and improved public health due to decreased exposure to harmful pollutants.

The Adipura Program aims to improve cleanliness and urban environmental management through an assessment of regional performance in maintaining cleanliness and waste management. This program is based on environmental sustainability principles as stipulated in Article 19 paragraph (1), which requires spatial planning to consider the Strategic Environmental Assessment (KLHS). The assessment criteria in the Adipura Program include aspects of cleanliness, waste management, greening, and efficiency in natural resource management. Furthermore, Article 16 mentions that evaluating the efficiency of resource utilization and ecosystem service performance is an important part of measuring the program's success.

The success of the Adipura Program can be measured by the increasing number of regions receiving the Adipura award as proof of success in creating a clean and healthy environment. However, challenges faced in the implementation of this program include lack of public awareness, limited waste management infrastructure, and imbalances in policy implementation between regions. Therefore, strengthening regulations and increasing community participation are key factors in ensuring the sustainability of this program. With synergy between the central government, regional governments, and the community, the Blue Sky Program and Adipura Program can become effective instruments in maintaining environmental quality and achieving sustainable development.

Environmental law enforcement is an important instrument in maintaining environmental sustainability and preventing pollution and environmental degradation. The main regulation that forms the basis of environmental law enforcement in Indonesia is Law Number 32 of 2009 concerning Environmental Protection and Management in conjunction with Law Number 6 of 2023 concerning Job Creation. In Article 69, there are various prohibitions for individuals and business entities, such as the prohibition of polluting the environment, bringing hazardous waste into Indonesian territory, illegal land burning, and providing false information regarding environmental impacts. With this regulation, violators proven to commit violations may be subject to administrative, civil, or criminal sanctions.

The provisions of Article 88 stipulate that business actors causing environmental damage are strictly liable for the impacts caused. This means that it is not necessary to prove fault in the actions of the business actors to demand legal responsibility. In many cases, companies proven to pollute the environment are required to pay compensation and carry out environmental restoration. In addition, Article 109 provides criminal sanctions for individuals or business entities that operate without a valid environmental permit, with imprisonment ranging from 1 to 3 years and fines between 1 to 3 billion rupiah.

However, in practice, environmental law enforcement often faces various obstacles. One of them is weak supervision by the authorities, as regulated in Article 112, which states that officials who do not carry out supervision may be subject to criminal sanctions of up to one year in prison or a fine of up to 500 million rupiah. Moreover, factors such as economic interest interventions, lack of legal awareness, and limited capacity of law enforcement officers in handling environmental cases are also significant barriers. Therefore, it is necessary to strengthen the capacity of supervisory institutions, increase transparency in the issuance of environmental permits, and enhance community participation in monitoring the enforcement of environmental law to ensure environmental sustainability.

3.2 The Impact of Environmental Policies on Environmental Carrying Capacity and Supporting Capacity

Environmental policies in Indonesia have undergone significant development, especially with the enactment of Law Number 32 of 2009 concerning Environmental Protection and Management and its various implementing regulations. These regulations aim to maintain ecosystem balance by regulating aspects of prevention, mitigation, and environmental recovery. However, the implementation of these policies still faces various challenges, especially in terms of law enforcement and public awareness of the importance of environmental protection. In some cases, existing policies have not been fully effective in curbing environmental degradation caused by uncontrolled exploitation of natural resources.

The impact of these policies on air, water, and soil pollution can be seen from the various control efforts carried out by the government, such as the implementation of environmental quality standards and licensing mechanisms for industrial waste management. For instance, regarding air pollution, policies related to emission standards for industries and motor vehicles have been enforced, yet challenges remain in supervision and regulatory enforcement. Water pollution from poorly managed industrial waste also continues to be a major issue, particularly in areas with high industrial activity. Additionally, soil degradation due to land-use changes and mining activities often results in long-term environmental and community impacts.

In controlling greenhouse gas emissions, industrial waste, and deforestation, Indonesia's environmental policies have adopted various legal instruments and programs, such as commitments under the Paris Agreement to reduce carbon emissions. The government also encourages the implementation of Cleaner Production and the Extended Producer

Responsibility (EPR) principle for industries to reduce pollution. Nevertheless, the effectiveness of these policies remains questionable, considering the ongoing practices of forest and land burning, as well as the exploitation of natural resources that contribute to climate change and biodiversity loss.

The concept of environmental carrying capacity and supporting capacity is a crucial element in the sustainable management of natural resources. Environmental carrying capacity refers to the ability of an ecosystem to support life without experiencing permanent damage, while supporting capacity is the maximum limit of resource utilization that can occur without causing environmental degradation. Environmental policies such as Law Number 32 of 2009 concerning Environmental Protection and Management aim to maintain a balance between resource use and environmental conservation. However, weak policy implementation often leads to overexploitation, resulting in a decline in environmental carrying capacity, such as reduced soil, water, and air quality due to industrial and mining activities.

In the mining, forestry, and fisheries sectors, policies governing natural resource exploitation aim to prevent over-exploitation that can permanently damage ecosystems. Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management stipulates the necessity of Environmental Impact Assessments (AMDAL) as a primary requirement for resource-based business permits. However, implementation in the field often faces challenges, such as lack of supervision over issued exploitation permits. For example, in the forestry sector, forest conversion for plantations and mining without proper management has led to massive deforestation, reducing the environment's carrying capacity for biodiversity and disrupting the hydrological cycle.

The policy implications for ecosystem balance can be both positive and negative, depending on the extent to which sustainability aspects are considered in the formulation and implementation of these policies. Policies that fail to account for ecological and sustainability principles can cause long-term negative impacts, such as soil fertility decline, water pollution due to industrial waste, and the loss of wildlife habitats. For instance, policies allowing industrial expansion without adequate environmental assessment can trigger environmental crises, as seen in the nickel mining case in Sulawesi, where mining activities led to marine pollution and loss of coastal community livelihoods.

A major challenge in natural resource management is the conflict of interest between economic growth and environmental conservation. On one hand, natural resource exploitation contributes significantly to state revenue and economic development, but on the other, if uncontrolled, it can damage ecosystems that support long-term life. A clear example is the dilemma in mining policies, where the government often grants exploitation permits to large companies without considering the resulting environmental impact, which ultimately triggers social conflict with local communities. Therefore, a stricter policy approach is needed based on the principles of good governance, stronger oversight, and community involvement in natural resource management to create a balance between economic interests and

environmental sustainability.

The right to a good and healthy environment is a fundamental right guaranteed under Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to a good and healthy environment. This guarantee is reinforced in Law Number 32 of 2009 concerning Environmental Protection and Management, which regulates the public's right to obtain information, participate in decision-making, and receive justice in environmental management. However, in practice, policy implementation often remains suboptimal, particularly in law enforcement against polluters and environmental destroyers. Weak sanctions for polluting industries and limited public access to environmental restoration rights are major challenges in guaranteeing this right.

Environmental policy is closely related to community rights, especially vulnerable groups such as indigenous peoples and communities affected by natural resource exploitation and spatial planning changes. Many cases show how policies that overlook local community interests can lead to displacement, loss of livelihoods, and environmental pollution that threatens their health and sustainability. For instance, policies granting large-scale mining or plantation permits often ignore the rights of indigenous communities over their customary lands. In this case, the state has an obligation to ensure that development policies are not solely focused on economic growth but also protect the environmental rights of communities, especially those most vulnerable to its impacts.

Public participation in environmental policy is a key factor in ensuring the right to a healthy environment. Law Number 32 of 2009 provides space for the public to be involved in the formulation, implementation, and monitoring of environmental policies through various mechanisms, such as public testing, environmental consultations, and complaints about suspected environmental violations. However, the main challenges in implementing public participation are lack of access to information, corporate interest dominance, and low community capacity in advocating for their environmental rights. Therefore, strengthening public engagement mechanisms and transparency in policy-making are crucial steps to ensure that the right to a good and healthy environment is genuinely realized for all levels of society.

4. CONCLUSION

AMDAL, RPPLH, the Blue Sky Program, and the Adipura Program are key instruments in maintaining the balance between development and environmental conservation in Indonesia, as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. However, their effectiveness highly depends on the implementation of regulations, strict supervision, and the active participation of both the public and the business sector. Environmental law enforcement is a crucial factor in preventing pollution and environmental destruction, although it still faces various challenges such as weak oversight, economic interest interference, and limited capacity of law enforcement officers. Therefore, regulatory strengthening, increased legal awareness, and transparency in environmental

policies must continue to be pursued so that the principles of sustainable development can be optimally realized.

Environmental policies in Indonesia have seen significant progress with the existence of various regulations aimed at maintaining ecosystem balance and ensuring the public's right to a good and healthy environment. However, the implementation of these policies still faces challenges, particularly in aspects of law enforcement, supervision, and community involvement. Uncontrolled exploitation of natural resources, weak sanctions against polluters, and disparities in access to environmental policies often have negative impacts on ecosystems and vulnerable groups such as indigenous peoples. Therefore, a stricter policy approach based on the principles of sustainability, transparency, and increased public participation is needed to ensure a balance between economic growth and environmental conservation in the long term.

5. REFERENCES

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