

Latest progress in Indonesian environmental policy

by:

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In February 2021, Indonesian Government approved a new regulation, namely the **Government Regulation No. 22 of 2021** herein after as “No.22/PP/2021”, revising, cancelling, and adding to several other environmental regulations in the past. This policy covers the implementation of environmental protection and management with details in:

1. Environmental approval
2. Water quality protection and management
3. Air quality protection and management
4. Marine quality protection and management
5. Environmental damage control
6. Waste Management of B3 (toxic) and non-B3
7. Guarantee funding for environmental functions restoration
8. Environmental information system
9. Guidance and supervision, and Imposition of administrative sanctions

Direct translation from the Indonesian Government Regulation No.22/PP/2021:

“The quality of the environment and natural resources that function to support the lives of citizens must be ensured that they are always in good condition. In order to ensure that these functions run properly, it is necessary to carry out serious and consistent environmental protection and management efforts by all stakeholders.

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms, “everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and have the right to health services”. Furthermore, **Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia** also confirms, “The national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity.” As a follow-up to the mandate of the 1945 Constitution of the Republic of Indonesia, **Law Number 32 of 2009** concerning Environmental Protection and Management, which is intended to provide regulatory references in guaranteeing the right of everyone to a good and healthy environment, has been promulgated as mandated in the 1945 Constitution of the Republic of Indonesia.

In addition to ensure and guarantee the availability of good and healthy environmental conditions, the Government is also obliged to be able to guarantee welfare and a decent economic life for every citizen. In order to achieve this, **Law Number 11 of 2020** concerning Job Creation has been promulgated which is intended to encourage ease of investment, increase employment opportunities for all citizens of the Republic of Indonesia and simplify licensing regulations. Law Number 11 of 2020 concerning Job Creation amends several provisions in Law Number 32 of 2009 concerning Environmental Protection and Management, followed up by implementing Government Regulations, namely Government Regulations concerning the Implementation of Environmental Protection and Management. This Government Regulation is intended to ensure harmony between economic interests for the welfare of citizens and environmental sustainability, which is the right of citizens.

The Government Regulation concerning the Implementation of Environmental Protection and Management is prepared with substance content including planning, utilization, control, maintenance,

supervision and enforcement of Environmental Law, which is in line with the scope of Environmental Protection and Management as stated in Article 4 of Law Number 32 Year 2009 on Environmental Protection and Management.

Planning in this Government Regulation includes planning for the protection and management of Water Quality, Air Quality, and Sea Quality which is carried out through the stages of inventory, preparation and determination of quality standards, preparation and determination of planning areas, preparation and determination of plans for Protection and Management of Water, Air and Sea Quality.

Utilization and maintenance in this Government Regulation is intended to be able to maintain the sustainability and continuity of environmental quality, which is carried out, based on the Water Quality Protection and Management Plan (RPPMA), Air Quality Protection and Management Plan (RPPMU), and Marine Quality Protection and Management Plan (RPPML).

Control in this Government Regulation includes control at the Business and/or Activity level, starting at the planning stage through the Environmental Approval mechanism with Environmental documents in the form of Amdal, UKL-UPL, or SPPL. Control at the operation and post-operation stages uses environmental quality standard instruments and Environmental Damage Standard Criteria. Control efforts are carried out by aligning the formulation of the ease of setting up Business Licensing with the regulation of controlling the impact of Business and/or Activities on the Environment.

This Government Regulation regulates the Management of B3 Waste and Non-B3 Waste, which includes management in waste generators and B3 Waste management services. Management of B3 Waste and Non-B3 Waste includes regulations regarding the determination of B3 Waste and non-B3 Waste, reduction, storage, collection, transportation, utilization, processing and stockpiling to ensure the safety of human health and environmental sustainability.

Environmental law enforcement and supervision are carried out to ensure that the provisions set out in the planning stage of a Business and/or Activity are carried out in accordance with the plan. Consequences will be given if there are deviations in the implementation of the Business and/or Activity against the obligations in the Environmental Approval in the Business Licensing or Approval. Government. The application of law enforcement is carried out with the principle of *ultimum remedium* (in Indonesian criminal law which says that criminal law should be a last resort in law enforcement) and through the stages of implementing Administrative Sanctions.

In the context of effectiveness and efficiency as well as comprehensive integration of Environmental Protection and Management, this Government Regulation also provides direction and mandate to build an Environmental Information System that is complementary and can be integrated.