

The Ideality of Implementing Administrative Sanctions Against Environmental Damage

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Abstract: Based on the Government Regulation in Lieu of Law, it has reduced and changed the nomenclature for the imposition of administrative sanctions against environmental pollution and damage. As regulated in the Implementation of administrative sanctions from the instrument, five points are regulated by the government sanctions instrument. This article uses normative research methods with statutory and analytical approaches. Using primary and secondary data types using deductive logic analysis methods. The results of this study indicate that there is a change in administrative sanction arrangements, especially in administrative fines, where there is no specific indicator in providing the amount of fines. The revocation of business licenses is certainly in line with Good Governance, which lies in legal certainty, effectiveness, and efficiency. This is because the government has full responsibility for the legal position that is made to be implemented as fairly as possible. In addition, the government plays an active role in maximizing administrative law instruments wisely and responsibly.

1. Introduction

Natural resources are a gift from God Almighty, so they cannot be exploited excessively. *Natural resources* are a mandate that must be maintained for the sustainability of human life and other living things and also maintained for current and future generations. The management of developing natural resources in Indonesia is now carried out to improve the country's economy and to prosper the community, including people living in border areas, as stated in the 1945 Constitution of the Republic of Indonesia in Article 33. In its development, the management of natural resources in Indonesia tends to damage the environmental sector and often does not consider the concept of sustainable development.¹ Major cities across the developing world led to an increase in population coupled with the need to reach out to activities located in different parts of the city.²

Article 28H, Indonesian 1945 Constitution states that everyone has the right to live in physical and mental prosperity, to live, and to get a good and healthy environment, and the right to obtain

¹ Nina Herlina, "PERMASALAHAN LINGKUNGAN HIDUP DAN PENEGAKAN HUKUM LINGKUNGAN DI INDONESIA," *Jurnal Ilmiah Galuh Justisi*, (May 16, 2017), <https://jurnal.unigal.ac.id/index.php/galuhjustisi/article/view/93/85#>.

² Muhammad Farda and Chandra Balijepalli, "Exploring the Effectiveness of Demand Management Policy in Reducing Traffic Congestion and Environmental Pollution: Car-Free Day and Odd-Even Plate Measures for Bandung City in Indonesia," *Case Studies on Transport Policy* 6, no. 4 (December 1, 2018): 577-90, <https://doi.org/10.1016/j.cstp.2018.07.008>.

health services.³ Based on the Indonesian 1945 Constitution, it can be concluded that the Indonesia people have the protection the right to a good and healthy environment.⁴ This is also regulated in Law Number 32 of 2009 concerning Regulation in place of Law Number 2 of 2022 concerning job creation. However, based on Government Regulation in place of Law Number 2 of 2022 Article 76, Paragraph 2 states that further provisions regarding the procedures for imposing administrative sanctions are regulated in a Government Regulation.⁵ The article has emphasized that arrangements for applying administrative sanctions will be further regulated in Government Regulation 22 of 2021 concerning implementing Environmental Protection and Management.

The responsibility of environmental protection and management in Indonesia is owned by the state, which is under Law Number 32 of 2009 concerning environmental protection and management Article 2A which states that the state guarantees that the utilization of natural resources will provide maximum benefits for the welfare and quality of life of the people, both present and future generations.⁶ The state guarantees the rights of citizens to a good and healthy environment, and the state prevents the utilization of natural resources that cause pollution and or damage to the environment.⁷

The principle of state responsibility is a manifestation of the principle of the state as an organization of (political) power,⁸ which contains an understanding that the state is obliged to protect citizens or residents, territorial and all natural resources and property of the state and its residents. The state's protection of the environment is oriented toward environmental law. This is under Law Number 32 of 2009 concerning environmental protection and management Article 1 Paragraph 1, which states that environmental law is a unit of space with all objects, forces, conditions, and living things, including humans and their behaviour that affect nature itself and the continuity of life and the welfare of humans and other creatures.

Based on Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, Article 1 Paragraph 99 emphasizes that administrative sanctions are a tool of administrative, legal means in imposing a government obligation or withdrawing a state administrative decision imposed on the person in charge of the business. In addition, activities are based on disobedience to the provisions stipulated in the legislation in the field of environmental protection and management and business licensing or government approval. In the application of administrative sanctions there are five points in the application of administrative sanctions issued in the form of a decision as stipulated in Government Regulation Number 22

³ Gunawan Djayaputra, "Analysis of Natural Resources Management in Indonesia: Environmental Law Perspective," *International Journal of Social Science and Public Policy* 3, no. 1 (2021): 2, <https://doi.org/DOI:10.33642/ijsspp.v3n1p1>.

⁴ Fatma Ulatur Najicha, "Legal Protection 'Substantive Rights for Environmental Quality' on Environmental Law Against Human Rights in the Constitution in Indonesia," in *Proceedings of the International Conference on Law, Economic and Health* (Atlantis Press, 2020), 4-5, <https://doi.org/https://doi.org/10.2991/aebmr.k.200513.136>.

⁵ Suprpto, "Highlighting the Legislation Concerning Environmental Protection and the Promotion of Sustainability within Indonesia," (December 31, 2022), <https://ijcs.com/menu-script/index.php/ijcs/article/view/540>.

⁶ I Dewa Made Suartha Hervina Puspitosari Hermanto Bagus, "RECONSTRUCTION COMMUNAL RIGHTS REGISTRATION IN ENCOURAGING INDONESIA ENVIRONMENTAL PROTECTION," (March 11, 2020), <http://sersec.org/journals/index.php/IJAST/article/view/6085>.

⁷ Andi Muhammad Asrun, "DAMPAK PENGELOLAAN SAMPAH MEDIS DIHUBUNGKAN DENGAN UNDANG-UNDANG No 36 TAHUN 2009 TENTANG KESEHATAN DAN UNDANG-UNDANG No. 32 TAHUN 2009 TENTANG PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP," *Pakuan Justice Journal of Law (PAJOUJL)*, (May 16, 2020), <https://doi.org/10.33751/pajouj.v1i1.2037>.

⁸ David Held, "LAW OF STATES, LAW OF PEOPLES: Three Models of Sovereignty," *Legal Theory* 8, no. 1 (March 1, 2002): 1-44, <https://doi.org/10.1017/s1352325202081016>.

of 2021 Article 508 Paragraph 1: 1. Written reprimand; 2. Government coercion; 3. Administrative fines; 4. Suspension of business licenses; 5. Revocation of business license.

In enforcing the application of administrative sanctions, especially in environmental damage and pollution, there are two habiting factors, namely, first, derived from statutory factors, where in this factor, there are overlaps between one regulation and another. For example, in terms of the application of administrative sanctions, there is a legal vacuum in applying administrative sanctions, specifically in terms of administrative fines.⁹ This is reflected in Government Regulation 22 of 2021 in Article 518 Paragraph 1, which states the number of administrative fines with the criteria for not carrying out obligation in business licensing. Environmental approval will be determined based on the level of minor, moderate, and every violation. Then, in its embodiment, no particular classification or indicator shows the level of mild, moderate, and severe violations. There are differences in nomenclature for the application of administrative sanctions between the previous Government Regulation Number 22 of 2021.¹⁰ This is regulated in Government Regulation Number 22 of 2021 in Article 511 Paragraph 2, which states that the imposition of government coercion can be imposed without being preceded by a written warning if the violation poses a dire threat to humans and the environment, more significant and broader pollution, and greater losses to the environment. If analyzed more deeply, related to the article, this means force majeure in terms of management and protection for the environment.

The second inhibiting factor is the inhibiting factor that comes from the law enforcement agency itself. Government Regulation Number 22 of 2021 emphasizes that the minister, Governor, and regent or mayor have the authority to apply administrative sanctions. This means that government regulation needs help in terms of overlapping administrative sanctions. However, Government regulation has provided a classification of authority for applying administrative sanctions. However, article 507 states that the minister, Governor, or regent/mayor, in applying administrative sanctions, can delegate their authority to officials in charge of law enforcement regional apparatus organization in charge of the environment is a form of overlap in the authority of each institution. However, this does not include the application of administrative fines, where the imposition of administrative fines will end up in the ministry agency alone. The reason is that administrative fines will be imposed as non-tax state revenue.

The problem in this second inhibiting factor is the need for more knowledge of law enforcers related to developments in environmental matters. This is because environmental law in Indonesia still needs to adopt International technology-based environmental instruments fully. In addition, the discussion of environmental law enforcement instruments in Indonesia has yet to be specialized. Thums specialization is one of the inhibiting factors in terms of administrative law enforcement in Indonesia.

Based on the background description above, the problems can be identified first how is the implementation of administrative sanctions against companies that have damaged and polluted

⁹ Astri Anggreani Kiay Demak., Henry R. Ch. Memah., and Alsam Polontalo., "View of PENERAPAN SANKSI ADMINISTRASI DALAM UPAYA PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP," *Lex Administratum*, Vol. VIII No. 3 (Jul-Sep 2020), <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/29761/28822>.

¹⁰ Nelly Marisi Situmeang, "Licensing for Hazardous and Toxic Waste Management: A Study on Environmental Administrative Law (Case Study: Court Judgment Number 1872/PID.B/:H/2015 /PN.LBP)," *Talanta.Usu.Ac.Id*, (March 26, 2022), <https://doi.org/10.32734/jeds.v3i1.7824>.

the environment, and the second is the application of administrative sanctions based on Government Regulation Number 22 of 2021 concerning the implementation of environmental protection and management have been ideal. This article aims to compare and analyze the application of administrative sanctions based on Government Regulation Number 22 of 2021 concerning environmental protection and management implementation. In addition, the author also wants to know whether administrative sanctions based on Government Regulation Number 22 of 2021 concerning environmental protection and management are ideal in their implementation.

2. Method

The author used a normative law approach in this study. Peter Mahmud Marzuki argues that normative law study can be interpreted as research examining the implementation of provision law favorable legislation and contract in a manner factual on every law incident, specifically in public. This approach also is used to reach goals that have been specified. Therefore, this study uses an approach with the primary material regarding characteristics of principles law, concert on law, view and doctrines laws, regulation, and analytical approaches. Regarding the data, this study used primary data sources that included material law regarding characteristic authority, covering the constitution, and binding court decisions in a juridical manner.

Additionally, the author uses secondary data sources that support primary data. Secondary data used in this study, such as books, papers, reports research, journal, and others related to moderate research studied by researchers. Lastly, the method analysis used in the study is logic deductive.

3. Implementation of Administrative Sanctions Against Environmental Damage and Pollution

Based on Government Regulation in place of Law Number 2 of 2022 concerning Job Creation in Article 76 Paragraph 2, page 93, further provisions regarding the procedures for imposing administrative sanctions in the environmental realm are regulated in government regulations. This means that the regulation to replace has emphasized that the imposition of administrative sanctions will be further regulated in Government Regulation Number 22 of 2021 concerning the implementation of environmental protection and management.

The authority to impose administrative sanctions as stipulated in Article 506 Paragraphs 1,2 and 3 have confirmed that the imposition of administrative sanctions is adjusted to the classification of the issuance of licenses and approvals issued by each government agency.¹¹ This means that the central government, provincial government, and district or city government can impose administrative sanctions under the issuance of licenses and approvals. The delegation also supports this to officials who oversee or are in charge of the environment as an instrument of supervision of environmental quality. In applying administrative sanctions, 5 points are issued in the form of a decision as stipulated in Government Regulation Number 22 of 2021 Article 508 Paragraph 1: 1) Written reprimand; 2) Government coercion; 3) Administrative fine; 4) Suspension of business licenses; 5) Revocation of business license.

¹¹ Mahrus Ali et al., "Punishment without Culpability in Environmental Offences," *Cogent Social Sciences* 8, no. 1 (September 6, 2022), <https://doi.org/10.1080/23311886.2022.2120475>.

Of course, when compared to previous regulations, as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation Number 27 of 2012 concerning Environmental Permits, which are then regulated in more detail in the Minister of Environment Regulation Number 2 of 2013, there are significant differences. This difference can be seen in the nomenclature and content of the substance of each article. This is because the birth of the Job Creation Law, which was later improved through regulation to replace Number 2 of 2022 concerning Job Creation, has changed and reduced the contents of each regulation in the regulation to replace. One of the regulations that have been changed and reduced is the regulation on environmental protection and management which is also regulated in the regulation to replace.

The mechanism for applying administrative sanctions as stipulated in Government Regulation Number 22 of 2021, ranging from written warnings to revocation of business licenses, is very different when compared to the previous regulation.¹² Government Regulation Number 22 of 2021 is quite general in its administrative sanctions enforcement mechanism. In addition, there is no specific classification for applying administrative sanctions. This is inversely proportional to the previous regulation, where the regulations on enforcing administrative sanctions are detailed and rigorous in providing classification to apply administrative sanctions. The types of administrative sanctions regulated in Government Regulation Number 22 of 2021 concerning the implementation of environmental protection and management are as follows.

3.1. Written Reprimand

In the written mechanism, administrative sanctions regulated in Government Regulation Number 22 of 2021 state that administrative sanctions are applied if the person in charge of the business has violated the provisions of the business license. In addition, the central and local government's approval of environmental approval and laws and regulations in environmental protection and management are administrative. Applying these written warnings is the first instrument in carrying out administrative sanctions. This means that applying written warnings has a preventive meaning of prevention to reduce the level of damage and pollution in the environmental sector given to the person in charge of the business through a decision.

3.2. Government Coercion

Government coercion is a further sanction from the sanctions of a written warning as a real action effort carried out by the government to the party responsible for the business. This sanction helps restore violations in the environmental sector. This is also confirmed in Article 511 in Paragraph 1, which states that administrative sanctions in the form of government coercion are applied to the person in charge of the business who does not carry out the order based on a written warning within the specified period. However, the period is not determined as the length of time specified, based on article 511 in paragraph 2 of Government Regulation Number 22 of 2021.

Which states that the imposition of government coercion can be imposed without preceding a written warning. Suppose the violations committed pose a dire threat to humans and the environ-

¹² Sopian and Sri Rahayu Pudjiastuti, "GLOBAL ISSUES OF ENVIRONMENTAL LAW ENFORCEMENT IMPACTS ON SUSTAINABLE DEVELOPMENT," *JHSS (Journal of Humanities and Social Studies)* 5, no. 1 (March 29, 2021): 56-62, <https://doi.org/10.33751/jhss.v5i1.3226>.

ment, more excellent and comprehensive pollution, and significant environmental losses. In that case, this article can be analyzed more, meaning force majeure in management and environmental protection. This means that if the pollution level produced by a business or activity is considerable and impacts all living things and their ecosystems, then the government can strictly impose government coercion sanctions without being preceded by a written warning. The sanctions issued by the government are said to be under the concept of good governance,¹³ which is contained in effectiveness and efficiency, especially in preserving environmental functions.

In applying government coercion, temporary suspension of production, transfer of production facilities, closure of wastewater and emission channels, demolition, confiscation of goods that have the potential to cause violations of the environment, the obligation to compile environmental evaluation document or environmental management document, and other actions aimed at stopping violations and actions from restoring environmental functions. To apply government coercion, especially in carrying out obligation, in this case, the minister, governor, regent, or mayor, the norms of the procedure along with the standards are to force the party responsible for the business to restore the function of the environment caused by the operation and then have an impact on environmental pollution and damage.

3.3. Administrative Fines

This administrative fine enforcement instrument is the latest as stipulated in the Job Creation Regulation in Article 82C Paragraph 1. Compared to previous regulations stipulated in Law Number 32 of 2009 concerning environmental protection and management Article 76 Paragraph 2, this instrument only contains four administrative sanctions: written reprimand, government coercion, suspension of business license, and the last revocation of business licenses. Meanwhile, administrative fines are included in environmental and economic instruments, especially in development planning and economic activities. This is then the point of the environmental compensation mechanism. However, in the job creation regulated, the enforcement of administrative fines is then regulated and included as an integral part of the administrative sanctions instrument. Based on the Job Creation regulation and further regulated in Government Regulation Number 22 of 2021 Article 514, Paragraph 1 emphasizes the criteria for imposing administrative sanctions fines as follows: 1) Does not have environmental approval but has a business license; 2) Does not have environmental approval and business license; 3) Performing actions that exceed wastewater quality standards and emission quality standards that are not under the business license; 4) Not carrying out obligations in business licenses related to environmental approval; 5) Preparing an EIA without a certificate of EIA compiler competency; 6) Due to negligence, perform actions that result in exceeding air or ambient quality standards, water, seawater, disturbances, and or standard criteria for environmental damage that are not under business licenses related to environmental approval. 7) Committing an act that results in pollution and damage to the environment, where the act is committed due to negligence and does not harm human health or serious injury or death.

This administrative fine will become non-tax state revenue, which is then mandatory for the person in charge of the business. Then, this administrative fine is deposited into the state treasury

¹³ Muhammad Alif K. Sahide et al., "Anticipating a New Conservation Bureaucracy? Land and Power in Indonesia's Essential Ecosystem Area Policy," *Land Use Policy* 97 (September 1, 2020): 104789, <https://doi.org/10.1016/j.landusepol.2020.104789>.

under the level of violation committed. In addition, this administrative fine is carried out simultaneously with government coercion sanctions.

Based on the Job Creation Regulation in Article 82C Paragraph 1, which is further regulated in Government Regulation Number 22 of 2021 concerning the implementation of environmental protection and management, this regulation has been designed in detail and rigidly to the imposition of administrative fines. This means that imposing administrative fines has two positive and negative possibilities. The positive is that the imposition of administrative fines based on the Job Creation Regulation contains unique affirmation regarding compensation mechanisms in the environmental realm. Then the job creation regulation also regulates the detailed and rigorous mechanism for imposing administrative fines. Meanwhile, looking from the negative side, the imposition of administrative fines is fascinating from the realm of environmental and economic instruments as it has been regulated in such a way.

However, the next concern is a game about the number of funds determined. This is also based on the absence of a unique classification regarding the imposition of administrative fines, especially in determining indicators used as a corridor for the level of violation, especially in the realm of light, medium, or heavy violations. Based on the regulation to replace job creation, which is further regulated in Government Regulation Number 22 of 2021, it only contains the number of fines for violations and does not provide a particular classification.

The level of fines as stipulated in Government Regulation Number 22 of 2021 in Article 518 Paragraph 2 is for minor violations subject to a fine of 1 million to 5 million, moderate violations subject to a fine of 10 million to 15 million, and severe violations subject to a fine of 20 million till 25 million. Then, the fine amount will be calculated accumulatively from each violation for the number of fines based on negligence that impacts the environment, which is then reviewed from environmental quality standards; a maximum fine of 3 billion will be imposed.

3.4. Suspension of Business License

The sanction of freezing business licenses is a preventive legal action carried out by the government as a temporary halt to business activity, especially in the environmental realm.¹⁴ In the application of sanctions for freezing business licenses, of course, this sanction is in line or line with the concept of Good Governance contained in the principle of responsibility. In the responsibility principle, the government has primary duties and functions as a policy implementer and always focuses on the community's interests. Suppose it is related to the sanction of freezing this permit. In that case, it can be understood that the government is the most responsible for imposing sanctions on environmental damage and pollution issues in business activity. This is also supported by the principle of legal certainty, which is included in the concept of Good Governance.

In Government Regulation Number 22 of 2021, the regulation on the suspension of business licenses is implemented if the person in charge of the business does not implement government

¹⁴ M. Adystia Sunggara and Endra Wijaya, "Criminal Law Politics in the Management of Natural Resources: Efforts to Confront the Positivist Thinking Absolutism," in *Proceedings of the International Conference on Law, Economic and Health* (Atlantis Press, 2020), 7, <https://doi.org/https://doi.org/10.2991/aebmr.k.200513.003>.

coercion, the person in charge of the business does not pay administrative fines, and the person in charge of the business does not pay fines for each delay based on the implementation of government coercion. However, implementing this business license suspension is not regulated regarding the grace period. This means that implementing this business license suspension has an unlimited time.

The provision of unlimited time for the enforcement of business license suspension implies that the entrepreneur or person in charge of the business is allowed to improve the environment under the business license issued at the beginning. Of course, this is a very floating or ambiguous factor. The application does not determine the minimum and maximum time limits. In addition, this is also very detrimental to the environmental ecosystem if the person in charge of the business does not carry out his responsibility to improve the quality of the environment as before. This will have an impact on the environment and also the community, especially the people who live around the place of business, and will have an impact on the provision of further sanctions, namely the revocation of business licenses.

3.5. Revocation of Business Licenses

Revocation of business licenses is an instrument of administrative sanctions that is final. This means that the government has applied the sanctions of revocation of business licensing, and it can be understood that the violations committed by the person in charge of the business can be considered not feasible. This is because the person in charge of the business does not carry out the entire instrument of administrative sanctions that have been given to the person in charge of the business,¹⁵ Such as written warnings, government coercion, and suspension of business licenses. As confirmed in Government Regulation Number 22 of 2021 Article 522, which states that the person in charge of the business does not carry out obligations in government coercion, does not pay administrative fines, does not pay fines for delays in the implementation of government coercion, does not carry out obligations in the suspension of business licenses, and has been proven to have polluted the environmental realm that cannot be overcome or restored.

4. The Ideality of Implementing Administrative Sanctions based on Government Regulation Number 22 of 2021

The creation of Law Number 11 of 2020 concerning Job Creation on October 5, 2021, is undoubtedly a new color for legal life in Indonesia. This is because the Job Creation Law has at least overhauled almost all legal products in Indonesia, with 1,244 articles and 79 laws into a single legal product. Furthermore, using the omnibus law method, one of the laws and regulations that are also amended in the Job Creation Law is Law Number 32 of 2009 concerning Environmental Protection and Management.¹⁶ However, Law Number. 11 of 2020 concerning Job Creation was later revised and improved through the decision of the Constitutional Court with Number 91/PUU-XVII/2020.

¹⁵ H. Bachrul Amiq, S.H., and M.H., "ADMINISTRATIVE SANCTION IN ENVIRONMENTAL LAW," *Zenodo (CERN European Organization for Nuclear Research)*, (June 30, 2018), <https://doi.org/10.5281/zenodo.1299906>.

¹⁶ Adnan Hamid and Hasbullah Hasbullah, "Legal Hermeneutics of the Omnibus Law on Jobs Creation: A Case Study in Indonesia," *Beijing Law Review* 13, no. 03 (January 1, 2022): 449-76, <https://doi.org/10.4236/blr.2022.133028>.

Then, this law was passed by the Indonesian Parliament into Government Regulation in place of Law Number 2 of 2022 concerning Job Creation on March 21.

In applying administrative sanctions between Government Regulation in place of Law Number 2 of 2022, further regulated in Government Regulation Number 22 of 2021, and Law Number 32 of 2009, there are differences in nomenclature for its implementation. This is due to the need for clarification of the Regulation to Replace Job Creation in transforming the imposition of administrative sanctions, especially on government coercion sanctions. Whereas it can be understood together, freezing business licenses is a form of government coercion. Meanwhile, at the time of the enactment of Law Number 32 of 2009, especially the imposition of administrative sanctions, restoring and providing a deterrent effect on the person in charge of the business was considered ineffective. In addition, in its first subtext, there is no clarity regarding fines for delays that can be used to restore the environment. Second, the imposition of sanctions for freezing and revoking environmental permits is very rarely done. Most state administrative officials rarely impose sanctions for freezing and revoking business licenses. The reason is that freezing and revoking business licenses are hefty sanctions. However, the Job Creation Regulation, as regulated in Government Regulation Number 22 of 2021, regulates in detail about administrative fines.

Of course, the application of administrative sanctions regulated in Government Regulation Number 22 of 2021 regarding the imposition of administrative fines has relevance to criminal sanctions. As stipulated in Law Number 32 of 2009, there is a phrase that some follow-up violations will be subject to criminal sanctions, which are then deleted in Regulation to Replace Number 22 of 2021 and regulated as administrative fines.

In the aspect of supervision in Government Regulation Number 22 of 2021, there needs to be more clarity regarding its implementation. This is regulated in Article 502 of Government Regulation Number 22 of 2021 Article 1, which states that the minister can supervise business licenses issued by local governments. If the minister considers that there has been a severe violation in environmental protection and management, the minister can conduct direct supervision. This statement means the minister has complete power over applying administrative sanctions in the environmental realm. However, it can be known together, based on Article 524, it has emphasized that each agency has its duties and functions in supervising the implementation of compliance with the application of administrative sanctions under the classification or according to the issuance of environmental approval based on its issuance. From a governance perspective, ideally, the central government, in this case, the ministry, can only take over supervision and impose administrative sanctions only up to the provincial government level. Meanwhile, the district/city government's responsibilities in supervising administrative sanctions and imposing administrative sanctions must still be carried out by the district/city government without having to be taken over by the central government, especially the ministry.¹⁷

If the district/city government does not supervise the implementation of administrative sanctions issued by the regulation, the ministry and the provincial government can warn the district/city government. This is not without reason; the reason is, if you look at it from a governance perspective, you must use several considerations, including the principle of regional autonomy, the

¹⁷ Enny Agustina, "Implementation of the Regional Government and Administrative Sanctions in Indonesia Regional Regulations," *Humanities & Social Sciences Reviews* 8, no. 1 (2020): 179, <https://doi.org/https://doi.org/10.18510/hssr.2020.8125>.

spirit of bureaucratic reform, and the aspect of Good Governance, which is included in the principle of supervision. Thus, the district and city governments can carry out their duties and functions, and the central and provincial governments do not interfere with the principles of regional autonomy and the spirit of bureaucratic reform.

The imposition of administrative sanctions is a form of reparatory. This means that the sanctions applied are a reaction to violations of the norms, which are then used to restore the original conditions. In understanding the meaning of administrative sanctions, especially in the environmental realm, this sanction has a preventive or preventive meaning. It is also a law enforcement instrument classified as effective and efficient in financing compared to other sanctions, such as civil and criminal sanctions. Therefore, if you review Government Regulation Number 22 of 2021, it produces many problems, particularly regarding arrangements between administrative, civil, and criminal sanctions. These three sanctions overlap and have different meanings and substances from one another.

The regulation of administrative sanctions based on Government Regulation Number 22 of 2021 is a legal setback in implementing administrative sanctions in the environmental sector. This is because there are many arrangements regarding the imposition of administrative sanctions that change when compared to previous regulations.¹⁸ As stipulated in Law Number 32 of 2009, this has changed the nomenclature of the procedures for imposing administrative sanctions. Additionally, the imposition of administrative sanctions based on Government Regulation Number 22 of 2021 has added indicators of the imposition of sanctions, namely in the form of administrative fines. At the same time, administrative fines are an environmental economics instrument intended for criminal sanctions in imposing penalties on those responsible for businesses that have violated the norms. In addition, this administrative fine only contains the acceptable amount for the violation. It does not provide a particular classification related to the reference in providing mild, moderate, or severe violations.

5. Conclusion

The application of administrative sanctions based on Substitute Regulation Number 2 of 2022 concerning Job Creation and further regulated in Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management certainly has significant differences compared to previous regulations. This is reflected in the imposition of administrative sanctions when referring to the regulations of Law Number 32 of 2009, which only regulates four instruments related to administrative sanctions, including written warnings, government coercion, suspension of environmental permits, and revocation of environmental permits. In making one additional instrument, the imposition of administrative sanctions is believed to provide adequate value to the imposition of administrative sanctions on business persons responsible who have done damage and pollution in the environmental sector. As a result, administrative law enforcement in the environmental sector can run effectively and efficiently under sustainable development and good governance.

¹⁸ Dian Esti Pratiwi., Hartiwingsih, and tika Andarasni Parwitasari, "Legal Politics on Fly Ash Bottom Ash Waste Conversion Into Non-B3 Waste After Law Number 11 of 2020 Concerning Job Creation in Indonesia," *Russian Law Journal* XI, no. 2s (2023): 391, <https://www.russianlawjournal.org/index.php/journal/article/view/700>.

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