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Environment Overuse in Indonesia: The Optimization Based on Regional and International Law Perspective

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Abstract

The purposes of this research is to identify and analyzed environmental management regulated according to international and Indonesia law. Also to proposed the optimization land conversion regulations to overcome exploitation. The research method used in this research is the library search method, namely by studying various legal books, a collection of laws and regulations, legal articles, the internet and other written sources. The results of the study show how the regulation of international law for the protection of the environment needs to be considered for its sustainability. From this research, it can be concluded that international law regulation on environmental utilization must have an appropriate spatial planning by taking into account the sustainability of the environment itself.

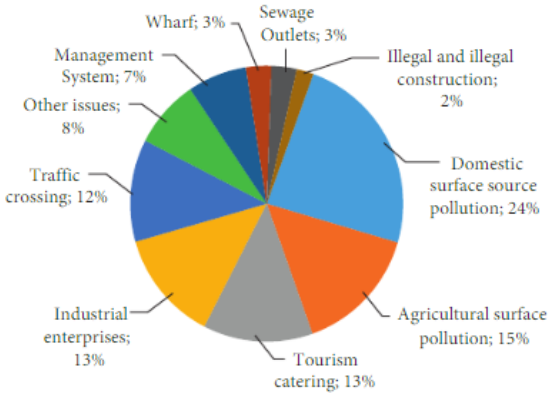
1. Introduction

International law plays a very important role in the life of the international community. Through international law, countries formulate principles of relations and cooperation in various fields of international activity to achieve common goals. Through the provisions of international law, countries are required to comply with all international legal regulations in order to prevent possible disputes and resolve disputes that occur. Through international law formulated in various forms of international agreements, countries combine their efforts to deal with issues of security, human rights, the

environment and terrorism.[1] Without the provisions of international law, it is impossible for the world to achieve progress and harmonious living, without harmonious living between countries is also impossible to achieve peace and security needed for the welfare of mankind, including in the field of natural resource management.[2]

The use of natural resources must be in line with the environmental impacts. Every development plan that requires land must be planned accountably and transparently with clear calculations of land and location requirements for each development planning period. Regional governments, especially districts, must also consider all aspects before granting permission to convert land for the development of tourism areas.[3] So there needs to be a high awareness of the importance of plantation land and the importance of ecosystem balance for the sake of survival and sustainability for the resilience, independence and welfare of present and future generations and reducing individuals who overuse the environment under the pretext of development.[4] However, the fact is that currently various environmental damages have occurred in various countries around the world. The types of environmental damage can be seen in Figure 1 below:

Figure 1: Main sources of global environmental problems



Source: Zeyang Yu, Journal of Environmental and Public Health

From Figure 1 above, it can be seen that the highest percentage of environmental damage is in domestic surface source pollution and agricultural surface pollution.[5] Then, with the existence of various environmental problems, data also emerged regarding countries with environmental sustainability scores. This can be seen in Figure 2 below:

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1 Farah Nur Laily, Fatma Ulfatun Najicha. Penegakan Hukum Lingkungan Sebagai Upaya Mengatasi Permasalahan Lingkungan Hidup Di Indonesia, Wacana Paramarta Journal Ilmu Hukum, 2022.

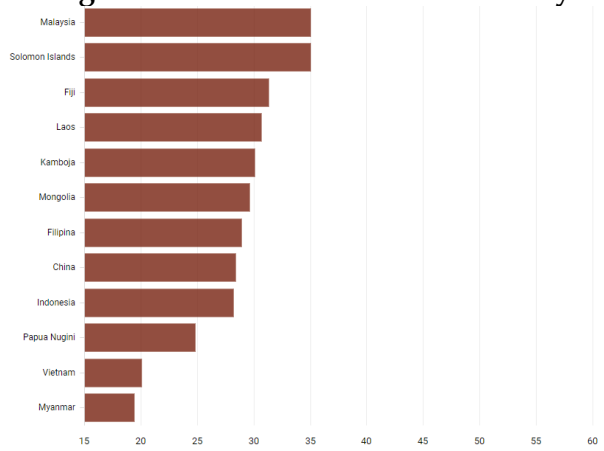
2 Muhammad Amin Hamid, "Penegakan Hukum Pidana Lingkungan Hidup Dalam Menanggulangi Kerugian Negara", Journal of Law, Vol. 6 No. 1 year 2016.

3 Soerjono Soekanto, Faktor-faktor yang Mempengaruhi Penegakan Hukum, Jakarta: Rajawali Press, 1983, p 2

4 Eric Rahmanul Hakim, Penegakan Hukum Lingkungan Indonesia Dalam Aspek Kepidanaan, MEDIA KEADILAN Journal Ilmu Hukum, 2020.

5 Zeyang Yu, "Analysis of the Effectiveness of International Law in GlobalEnvironmental Relations from the Perspective of InternationalInstitutional Theory", *Journal of Environmental and Public Health*, Vol. 4, 2022, 1-10 DOI:10.1155/2022/15050405

Figure 2. Environmental Sustainability Scores in Asia Pacific Countries (2022)



Sources: https://databoks.katadata.co.id/datapublish/2022/07/25/pelestarian-lingkungan-indonesia-tergolong-buruk-di-asia-pasifik, accessed in 11 May 2024.

Figure 2 shows the environmental sustainability scores of countries in the Asia Pacific region. From this picture it can also be seen that our country, namely Indonesia, received an environmental sustainability score of 28.2 out of 100. This score places Indonesia in 164th place out of 180 countries in the world. Indonesia is ranked 22nd out of 25 Asia Pacific countries, or 8th out of 10 ASEAN countries. In other words, this score is so low that even if you look at the Asia Pacific scale, Indonesia's position is also at the bottom of the lowest score.

National management of natural resources and the environment needs to be regulated to serve as a basis for determining policies for the use and protection of the environment.[6] To understand Environmental Law in Indonesia, one cannot be separated from understanding the development of the worldwide movement towards the environment which has resulted in global commitments, both functioning as guidelines (international soft law) and binding (hard law). The global environmental management policy was first established at the United Nations Conference on the Human Environment (UNCHE 1972), including the Declaration on the Human Environment, consisting of a preamble and 26 principles commonly called the Stockholm Declaration. This global policy in environmental management has provided a strong impetus for the development of Environmental Law.[7]

Threats to the environment can be said to be ongoing at this time. Environmental damage occurring in the global environment has reached an alarming level. The occurrence of various changes that show indications of environmental imbalance can already be felt clearly in today's global life. Unpredictable changes in seasons, various forms of natural disasters due to environmental damage that occur in almost all countries, and so on are major problems currently affecting the global environment.

[6] Absori. (2005). Penegakan Hukum Lingkungan Pada Era Reformasi. Journal Ilmu Hukum, p 221.

[7] Dharani, Y. Penataan dan Penegakan Lingkungan Pada Pembangunan Infrastruktur dalam Mewujudkan Pembangunan Berkelanjutan, (Studi Kasus Pembangunan PLTU II Di Kecamatan Mundu Kabupaten Cirebon), Padjajaran Journal Ilmu Hukum , 2017, 4(4), p 61-83

Based on the explanation in the background above, the problems that will be discussed in this research are: How is environmental management regulated according to international and Indonesia law? And how to optimize land conversion regulations to overcome exploitation?

Similar theme of this research has previously been conducted by L Yustitianingtyas, L Y E Pratiwi, A D Irawan, D Stansyah and S Arifin, entitled "Environmental Law Policy in Indonesia: Challenges and Sustainable Justice". However, this research is different from the research by L Yustitianingtyas, et.al., because in this research not only focuses on national environmental law, but also focuses on environmental law in the international scope.

2. Research Methods

This research is normative legal research with a statutory approach. This research uses a statutory approach or a juridical approach, namely research on legal products. This research is included in the qualitative research tradition.[8] The characteristic of qualitative research is to see the phenomenon being studied as it is. The data analysis method used is library research, or analysis from general to specific. The data collection technique that will be processed in this research is by using library study techniques.

3. Result and Discussion

3.1. Environmental Management Regulations According to International Law

International environmental law is a part or branch of the development of international law.[9] The use of the term international environmental law originates from the development of the term international law, so that the sources of international environmental law cannot be separated from the sources of international law which always refer to article 38 of the Statute of the International Court of Justice. One of the regulations in the international environmental sector is the Stockholm Declaration 1972 at Stockholm Conference produced several important documents for the early development of international environmental law, namely:

a. Declaration on the Human Environment which consists of 26 principles;
b. Action Plan consisting of 109 recommendations;
c. Recommendations regarding institutions and finances to support the implementation of the Action Plan consisting of:
    1) Environmental Program Governing Council;
    2) Secretariat headed by an Executive Director;
    3) Environmental Fund;
    4) Environmental Coordinating Agency or UNEP (United Nations Environmental Program) based in Nairobi, Kenya
d. The conference designated every June 5th as (World Environment Day).

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[8] Setiawan Santana K, *Menulis Ilmiah Metodologi Penelitian Kualitatif Edisi Kedua,* Buku Obor, 2010, hlm.1, 17-18; Lihat juga Sulistyowati Irianto dalam *Metode Penelitian Hukum Konstelasi dan Refleksi*, Buku Obor-JHMP FHUI,(2009), hlm.299.

[9] Soerjono Soekanto, Faktor-faktor yang Mempengaruhi Penegakan Hukum, Jakarta: Rajawali Press, 1983, p 2

At the conference there were views in the form of declarations from participating countries assessing the results of the Conference, such as Canada, Chile, Egypt, India, Kenya, Pakistan, Sudan, United Kingdom, Yugoslavia, assessing it as "a first step in developing international environmental law". There are also 26 main points produced in the Stockholm Declaration regarding environmental and development issues. In addition to these 26 principles, the Stockholm conference approved 106 recommendations contained in the International Action Plan, which consists of three framework parts, namely:

Table 1. Three Framework parts Aprroved From Stockholm Conference

No.	Framework	Description
1.	Global assessment programme/ earthwatch.	Supports the field of scientific research and education by offering volunteers the opportunity to join research teams around the world to collect field data in areas such as wildlife conservation, rainforest ecology, marine science and archaeology.
2.	Environmental management activities	It is a method that plays a role in helping stakeholders in making decisions regarding investment in controlling environmental impacts, building a culture of reducing pollution and minimizing waste in industry, as well as increasing economic efficiency.
3.	Supporting measures; education and training, public information, andorganizational and financing arrangements	It is an effort to support further environmental utilization by considering other factors.

Source: Processed by the author

Following the 1972 Stockholm Declaration, Indonesia took several steps to improve environmental management, including the issuance of the first Law No. 4 of 1982 concerning the main provisions of Environmental Management which was later replaced by Law no. 23 of 1997 concerning environmental management and replaced by Law Number 32 of 2009 concerning Environmental Protection and Management which is in effect to this day. The development of international environmental law after the 1972 Stockholm conference was very progressive in line with the international community becoming increasingly aware of the importance of balancing the living needs of the world community with the protection and preservation of the global environment. After the material on the results of the 1972 Stockholm Conference was finished. It was continued with much more material, namely material on the results of the High Level Conference (Earth Summit) in Rio de Janeiro on 3-14 June 1992, also known as the UN Conference on Environment and Development (United Nations Conference on Environment and Development-UNCED).

The conferences resulted Rio Declaration, which recognized public participation in environmental decision-making as a key principle of environmental governance. Principle 10 of the Rio Declaration states that environmental issues are best addressed with the participation of all concerned citizens at the relevant levels. The Rio Declaration also stipulates that states are required to ensure that individuals have appropriate access to environmental information held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. Furthermore, states must facilitate and encourage public awareness and participation by providing information to the best of their ability.[10]

The most recent is the Johannesburg Declaration in 2022. This declaration essentially embodies the obligations outlined in Principle 21 of the Stockholm Declaration and the Rio Declaration, which regulate the sovereign rights of states over natural resources and the state's responsibility to prevent transboundary environmental impacts. Essentially, Law No. 32 of 2009 and the Johannesburg Declaration emphasize prevention, which is crucial in environmental management. Both also provide legal regulations for environmental management.[11]

Environmental management which is carried out with the principles of State responsibility, the principle of sustainability and the principle of benefit hopes to realize sustainable development with an environmental perspective within the framework of the complete development of Indonesian people and the development of the entire Indonesian society who believe in and devoted to God Almighty. Planning for environmental protection and management is carried out through the following stages:

a. Environmental inventory;
b. Determination of ecoregions; And
c. Preparation of Environmental Protection and Management Plan.

3.2. Environmental Regulations Based on Indonesian National Law

The 1945 Constitution of the Republic of Indonesia states that a good living environment and health are human rights and constitutional rights of every Indonesian citizen. Therefore, the state, government and all stakeholders are obliged to protect and manage the environment in implementing sustainable development. So that Indonesia's environment can continue to be a source of life support for the Indonesian people and other living creatures.[12]

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[10] I Gusti Ayu Eviani Yuliantari, "Community Participation in Supporting The Development Of Future Generation Rights Principles Towards Sustainable International Environmental Law Enforcement", *International Conference Towards Humanity Justice for Law Enforcement and Dispute Settlement*, 1 (1), 2022.

[11] Aldi Pebrian, Aullia Vivi Yulianingrum, "Peran Pemerintah dalam Pengelolaan Sumber Daya Alam berdasarkan Kearifan Lokal", Jurnal Analisis Hukum (JAH), 6 (2), 2022.

[12] Black define principle as a fundamental truth or doctrine, as of law; a comprehensive rule or doctrine which furnishes a basis or origin for others; a settled rule of action, procedure, or legal determination, see: Henry Campbell Black, 1990, Black's Law Dictionary, 6th ed., West Publishing Co., St. Paul, p. 1193.

In line with Indonesia's environment, it must be protected and managed well based on the principles of state responsibility, the principle of sustainability and the principle of justice. In addition, environmental management must be able to provide economic, social and cultural benefits based on the principles of precaution, environmental democracy, decentralization, as well as recognition and respect for environmental and traditional wisdom. According to Law Number 32 of 2009 Article 1 Paragraph 2, environmental protection and management, which encompasses planning, utilization, control, maintenance, supervision, and enforcement, is a methodical and integrated approach used to preserve environmental sustainability and prevent environmental pollution and/or damage. Sustainable development is a deliberate and planned endeavor that integrates elements of environmental, social, and economic development strategies to guarantee the capabilities, welfare, and quality of life of current and future generations. This is further explained in Article 1 Paragraph 2. [13]

In implementing sustainable development, the natural resources and environmental sectors need to pay attention to further elaboration of the mandate contained in the national development program, which has a mandate in essence is to foster efforts to utilize natural resources. It utilized as possible for the prosperity of the people by paying attention to sustainability and balance environment, sustainable development, economic and cultural interests of local communities and spatial planning. Environmental management, including prevention, control of damage and pollution as well as restoration of environmental quality, requires the development of various policy tools and programs as well as activities supported by other environmental management support systems. The system includes institutional stability, human resource and environmental partnerships, in addition to legal regulations, information and funds.

Apart from that, environmental law enforcement can be carried out preventively or repressively. Preventive law enforcement means active monitoring is carried out on compliance with regulations without direct events involving concrete events that give rise to suspicion that legal regulations have been violated. This effort can be carried out by monitoring and using supervisory authority. Repressive law enforcement is carried out in cases of acts that violate the rules and aims to immediately end the prohibited act. Sanctions are the result of an action or reaction from another party, both humans and social institutions, to human actions.[14]

In Law Number 32 of 2009 concerning Environmental Protection and Management jo Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law (Perppu) Number 2 of 2022 concerning Job Creation, there are 3 (three) legal instruments in enforcing environmental law, namely administrative legal instruments, civil law and criminal law. Some of the sanctions applied in the context of environmental law enforcement are:

a. Criminal Sanctions

[13] Paul Scholten dalam J.J. H. Bruggink, 1999, Refleksi tentang Hukum, alih bahasa Arief Sidharta, Cetakan ke-2, Citra Aditya Bakti, Bandung, p, 119-120.

[14] Utrecht, *Pengantar Dalam Hukum Indonesia,* (Jakarta: Penerbit Ichtiar, 1992), p. 17.

The problem of formulating environmental offenses for environmental pollution can be resolved by understanding the juridical definition of environmental pollution and the formulation of criminal sanctions. Relying on Article 1 point 14 of the UUPPLH and Articles 97-120 of the UUPPLH, a definition of environmental violations can be formulated. Criminal sanctions are the final legal action (*ultimum remedium*). Criminal sanctions are given to every party who commits criminal acts of environmental pollution and destruction. One of the functions of imposing criminal sanctions is to prevent or deter perpetrators who have the potential to carry out irresponsible behavior towards the environment. One of the oppressive strategies used to enforce environmental regulation is the imposition of criminal penalties. The PPLH Law has provisions governing criminal penalties in Articles 97 through 120. Formal and material infractions are the two (two) categories of criminal penalties.

The Environmental Law's Articles 98 and 99 constitute material infractions. The repercussions of the activity are what are forbidden in material offenses. In the meanwhile, the Environmental Law's Articles 100–115 comprise formal criminal offenses. The conduct itself, regardless of whether it contravenes the terms of the relevant laws and regulations, is what needs to be established in formal criminal crimes. As a last resort, criminal penalties are applied to violators (*ultimum remidium*). But lately, criminal penalties are beginning to take precedence over other sanctions (*primum remidium*).

Criminalizing those who pollute the environment is a response to environmental infractions and, from a philosophical standpoint, attempts to give society legal protection for the environment's quality. Because criminal penalties only make the offender sad and not the behavior, they are less successful at reducing environmental damage. Many criminal penalty formulations necessitate careful consideration of the efficacy of punishment implementation. Both individuals and legal companies may be held criminally liable for environmental breaches. Legal entities that violate environmental regulations and contaminate the environment may also face criminal penalties, which are often imposed on an individual basis. In addition, Article 119 contains extra criminal penalties or orderly proceedings against corporate companies, namely in the form of:

a. Confiscation of profits obtained from criminal acts;
b. Closure of all or part of business premises and/or activities;
c. Reparations resulting from criminal acts;
d. The obligation to do that which is ignored without right;
e. Placement of the company under guardianship for a maximum of 3 (three) years.

Efforts to enforce environmental law through criminal law are how the three main issues in criminal law are realized in laws which more or less have a role in carrying out social engineering, namely those which include the formulation of criminal acts, criminal liability, and both criminal and disciplinary sanctions. In accordance with its aim, which is not only a means of order, environmental law also contains the aim of societal reform. Law as a tool of social engineering is very important in environmental law.[15]

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[15] Helmi, "Hukum Lingkungan dalam Negara Hukum Kese jahteraan Untuk Mewujudkan Pembangunan Berkelan- jutan", Inovatif; Journal Ilmu Hukum, Vol 4. No. 5, 2011, p, 93-103

In development planning, it is important to have data and facts about the existing conditions of the area to be worked on. Facts and data can be in the form of positive or negative potential contained in regional planning objects. The more detailed and accurate the data you have, the more it will support the planning process that will be carried out. Meanwhile, in the development implementation process, many factors are involved which represent the interests of the multi-stakeholders involved.

b. Civil Sanctions

According to Article 88 UUPPLH, anyone whose business, operations, or activities use B3, generate and/or manage B3 waste, or otherwise endanger the environment is strictly liable for any losses that arise without having to demonstrate any element of error. The clauses pertaining to absolute liability are novel and differ from Burgerlijk Wetboek (BW) or Article 1365 of the Civil Code, which deals with illegal acts (onrechtmatige daad). It has been explained that businesses or activities that apply strict liability use toxic and dangerous materials; if an action is taken that pollutes or damages the environment outside of that, Article 1365 of the Civil Code must be consulted for requirements like fault (schuld). According to Mas Achmad Santosa, environmental conflicts should be settled through civil law tools in order to ascertain who is liable for damages or losses brought on by environmental degradation. The plaintiff must demonstrate both the presence of pollution and the connection between it and the losses incurred. Proof entails giving the judge assurance regarding the veracity of the specific incidents under dispute. In addition, Article 84 of the PPLH Law clarifies that in order to get compensation and/or reimbursement for environmental restoration expenses in the event of an environmental dispute, namely:[16]

1. Settlement of Environmental Disputes Outside of Court

Settlement of environmental disputes outside of court is regulated in Article 85 and Article 86 of the Environmental Law. Resolving environmental disputes outside of court is carried out to reach an agreement regarding the form and amount of compensation and/regarding certain actions to ensure that negative impacts on the environment do not occur or recur. Settlement of environmental disputes outside of court does not apply to environmental crimes. This settlement is carried out through voluntary environmental mediation by interested parties, namely parties who suffer losses and cause losses, related government agencies and can also involve parties who are concerned about environmental management.

2. Settlement of Environmental Disputes Through Court

Settlement of environmental disputes through the courts is regulated in Articles 87 to 93 of the PPLH Law. This article states that the resolution of environmental disputes through the courts is held to resolve compensation, environmental restoration, absolute responsibility, deadlines for filing lawsuits, government and regional

[16] Farah Nur Laily, Fatma Ulfatun Najicha, ibidem.

government lawsuits, community lawsuits, environmental organization lawsuits, administrative lawsuits.[17]

c. Administrative Sanctions

Administrative Sanctions are administrative legal instruments that impose obligations/orders and/or recall state administrative decisions imposed on those responsible for business and/or activities on the basis of non-compliance with laws and regulations in the field of environmental protection and management and/or provisions in environmental permits. The application of administrative sanctions is related to and cannot be separated from general policies which aim to create order, realize legal certainty and guarantee the protection of everyone's rights from anything that disturbs them. Administrative sanctions are sanctions imposed for administrative violations or administrative provisions of laws and regulations, such as activities related to permits, environmental quality standards, environmental management plans, and so on. Administrative sanctions are the first legal action given to companies that pollute and damage the environment. Administrative sanctions have an instrumental function, namely preventing and controlling prohibited acts and are primarily aimed at protecting the interests protected by the violated legal provisions.[18] Provisions regarding administrative sanctions in the Environmental Law are regulated in Chapter XII Part Two, namely Articles 76 to Article 83. Based on Article 76 paragraph (2) of the Environmental Law, administrative sanctions consist of:[19]

1) Written warning;
2) Government coercion;
3) Suspension of environmental permits; or
4) Revocation of environmental permits.

Based on this, environmental management is more concentrated in the region, therefore national policy in the environmental sector must formulate a natural resource and environmental development program consisting of:

Table 2. Formulate a natural resource and environmental development program:

No.	Programme	Goals
1.	Current development programs and Increasing Access to Information on	The program aims to obtain and disseminate complete information about the potential and productivity of natural resources and the environment through inventory and evaluation, as well as strengthening

[17] Hailu, H., Hinde, O. ., Midhakso, R. ., Bayera, G. ., Limenih, B. ., & Ayana, A. N. . (2024). Knowledge, Attitude, and Behavior of Farmers Towards Restoration of Degraded Land; the Cases of Harbo and Adea districts in the Oromia Region, Ethiopia. *Indonesian Journal of Social and Environmental Issues (IJSEI)*, *5*(1), 1-13. https://doi.org/10.47540/ijsei.v5i1.1021

[18] Martiyah, dkk. (2020). Penegakan Hukum Terhadap Pencemaran Limbah Cair Pabrik Kelapa Sawit di Kabupaten Penajam Paser Utara Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup. *Journal Lex Suprema.* 2(1), p, 136.

[19] Article 76 (2) Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup (UU PPLH).

	Natural Resources and the Environment.	information systems. The target to be achieved through this program is the availability of information and accessibility of natural resources and the environment, both in the form of spatial data infrastructure, as well as the balance sheet value of natural resources and the environment by the community in each region.
2.	Program for Increasing the Effectiveness of Natural Resource Management, Conservation and Rehabilitation	The aim of this program is to maintain a balance in the use and conservation of natural resources and the environment of forests, sea, air, water and minerals.
3.	Environmental Damage and Pollution Prevention and Control Program.	The aim of this program is to improve environmental quality in an effort to prevent environmental damage and/or pollution and restore environmental quality.
4.	Program Settings and Law Enforcement, Natural Resources Management and Environmental Conservation.	The program aims to develop institutions, legal system arrangements, statutory regulations and law enforcement to realize effective and fair management of natural resources and environmental conservation.
5.	Increasing Civil Society Programs in Natural Resource Management and Environmental Conservation Functions.	The aim of this program is to increase the role and awareness of relevant parties in managing natural resources and preserving the environment.

Source: Processed by the author

3.3. Optimizing Land Conversion Regulations to Overcome Exploitation

Legislation is very important and cannot be ignored, especially in a rule of law country. As is known, one of the elements of a rule of law is government based on statutory regulations or what is often referred to as the principle of legality. The principle of legality is one of the main principles that is used as the basis for every government and state administration in every rule of law country.[20] This principle of legality will support the implementation of legal certainty, because legal certainty will occur because a regulation can make every action that will be taken by the government can be predicted, namely by looking at the applicable laws and regulations, then in principle it will then be able to be seen or what is expected to be done by the government officials concerned.[21]

[20] Gunanto, E.S. Konversi Lahan Pertanian Mengkhawatirkan . PT. Raja Persada Grafika 2007, p 35

[21] Abdurrahman, Beberapa aspekta tentang hukum agraria, jakarta 1983, p 68.

Laws in Indonesia must be aimed at achieving the state's goals as stated in the preamble to the 1945 Constitution, namely to develop the entire nation and all of Indonesia's blood, educate the nation's life, advance the welfare and life of the people. These constitutional provisions must be used as an instrument for development politics and legal politics for the restructuring of national agrarian politics within the framework of agrarian reform by making Pancasila a legal political paradigm, so that Pancasila can function as a basic philosophy and common platform in the context of state life.[22]

One of the popular space utilization control instruments is licensing. Licensing instruments control every space utilization activity so that it is in accordance with the established spatial planning plan. Thus, to find out whether the use of space is in accordance with its intended purpose, it can be seen from the statutory regulations in the field of spatial planning.[23] In this regard, to find out whether a permit can be issued for a business converting plantation land into a tourist area in a protected area, it is necessary to test the suitability of the protected area utilization plan with statutory regulations in the field of spatial planning, including Law No. 26 of 2007 About Spatial Planning.[24]

According to Law 26 of 2007 concerning Spatial Planning, Indonesia implements a zoning system to control space use. These provisions are outlined in Articles 35 and 36. Zoning at the national level will be further regulated by Government Regulation. Provincial level zoning will be regulated further by provincial regional regulations. District or city level zones are further regulated in district or city regional regulations. Even though Indonesia has implemented this zoning system for a long time, in reality this system always fails.

For example, areas that have been designated as industrial areas such as Tangerang, Sidoarjo and Bekasi have now been turned into residential areas. Why is that? First, the zoning system is closely related to the creation of regional base maps.[25] In reality, Indonesia does not yet have an integrated regional base map that applies nationally. The existing basic maps are still very sectoral in nature. It is proven that each agency has its own map, in fact more than twelve agencies in Indonesia have regional maps for their own purposes which results in overlapping of one map with another, making this system difficult to implement. Second, it is closely related to the licensing system. If permits do not comply with established regulations, simply because they are pursuing Locally-generated revenue, the zoning system will not be successful. Third, the zoning system is suitable for application in areas that are not dense and orderly. In reality, certain areas (Java and Bali) are already congested and disorganized, making it difficult to implement a zoning system. Even though this system is detrimental to several parties, for example the area is designated as an industrial zone but there are many housing

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[22] Affan Mukti, Pokok-pokok bahasan Hukum Agraria, USU press, 2006, p 109

[23] Ilham dkk, Perkembangan dan Faktor ± Faktor Yang Mempengaruhi Konversi Lahan Sawah SertabDampak Ekonominya, IPB Press Bogor 2003, p 90

[24] Viktor VARJÚ: director, senior research fellow, SPECIAL SECTION: REGIONAL DEVELOPMENT CHALLENGES IN CENTRAL AND EASTERN EUROPE, 38. évf., 1. szám, 2024 https://doi.org/10.17649/TET.38.1.3550

[25] Winoto, J. Kebijakan Pengendalian alih fungsi tanah pertanian dan Implementasinya, Rineka Cipta, Jakarta 2005, p 105

complexes, then homeowners can be given compensation for relocation. However, the implementation of compensation does not always satisfy both parties.

Studies regarding the implementation of compensation for the public interest are mostly unsatisfactory to the parties because they involve many factors. Fourth, directive regulations, whether in the form of regional regulations for each region, will of course vary according to the situation and conditions, although they must not deviate from national level zoning directives. Fifth, in principle, development activities must be adjusted to the Detailed City Spatial Plan. The Detailed City Spatial Plan must not deviate from the Regional Spatial Plan, and the making of the Regional Spatial Plan must be aligned with land use by using a zoning model in land use. However, in reality, when there is a lack of synchronization between development activities and the Regional Spatial Plan, what is adjusted is the Regional Spatial Plan. So the Regional Spatial Plan often changes (inconsistent). Even when a regent is walking around, he can point out what he wants to build here, what he wants to build there. In conclusion, the index of a regent or governor or other authority is more effective than a spatial plan or land use plan**.**

4. Conclusion

Based on the explanation of the discussion above, the conclusion is that the legal regulation of environmental management in accordance with the 1972 Stockholm Declaration is based on the international environmental law approach, the International Environmental Law Approach. Environmental protection and management is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision and law enforcement. The implementation of the Stockholm Declaration in Indonesia has had a positive impact on the implementation of the Law Number 32 of 2009 concerning Environmental Protection and Management or Environment Law which is carried out with the principle of State responsibility. The principle of sustainability with an environmental perspective within the framework of developing Indonesian society as a whole and all who believe and are devoted to God Almighty. The essence of regulating land conversion from a spatial planning perspective is that statutory regulations are very decisive regarding land conversion. With the existence of regulations in the form of laws regarding spatial planning and so on, it is hoped that land conversion for tourism development must be based on the environment and community welfare equally land conversion for tourism development must refer to the spatial planning that has been determined by the government. So this arrangement is very essential to provide legal certainty and protection of the environment and community welfare equally.

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Laws and Regulations

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Law No. 26 of 2007 About Spatial Planning

Law Number 32 of 2009 concerning Environmental Protection and Management

Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law (Perppu) Number 2 of 2022 concerning Job Creation

Rio Declaration

Statute of the International Court of Justice

Stockholm Declaration 1972