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PROBLEMS OF THE AUTHORITY OF LOCAL GOVERNMENT OFFICIALS IN CONTROLLING ENVIRONMENTAL DAMAGE

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Post-Job Creation Law decentralization of ecological competencies to provincial authorities engendered structural frailties impairing local remediation efficacy. This examination dissects provincial officials' juridical mandate for ecological harm mitigation, pinpoints execution hurdles, and proposes optimal reinforcement paradigms. Normative juridical inquiry integrates statutory, doctrinal, and cross-jurisdictional lenses via bibliographic scrutiny of enactments, tenets, and scholarship. Revelations affirm authority curtailment via Online Single Submission centralization, constricting preventive policy latitude. Multidimensional deficits span normative redundancies, Regional Environmental Agency shortfalls, intersectoral discord, and investment-ecology tensions. Reinforcement mandates subsidiarity-driven harmonization, provincial capacity elevation, and participatory good governance for enduring communal integration.

Keywords: *Environmental Damage Control; Good Environmental Governance; Regional Government Authority*

INTRODUCTION

Indonesia's ecological stewardship grapples with escalating structural intricacies amid proliferating provincial growth. Law Number 23 of 2014 on Regional Governance statutorily entrusts local officials with harm mitigation in jurisdictions. Practically, however, execution lags markedly behind aspirations.[1] Normative disunity, central-provincial jurisdictional

[1] "Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government," 2014.

redundancies, and frail local institutional prowess chiefly impede mitigation efficacy. Pervasive degradation via land shifts, illicit extraction, unregulated effluents intensifies these frailties across locales.[2]

In principle, the power vested in local government authorities for environmental oversight stems from decentralization and regional autonomy doctrines, empowering localities to govern their internal matters in line with applicable statutes and rules. The framework of sound environmental governance posits that proficient stewardship of the environment demands precise delineation of responsibilities, official accountability, and robust involvement from the public. Furthermore, the precautionary approach enshrined in global environmental jurisprudence obliges empowered officials to implement preventive measures prior to the onset of harm, as opposed to merely responding once damage has transpired.[3]

A prominent issue arises from the substantial disparity between normative expectations (das sollen) and actual practices (das sein) in the exercise of environmental oversight powers by regional authorities. From a normative standpoint (das sollen), Law Number 32 of 2009 on Environmental Protection and Management, along with its subsequent revisions via the Job Creation Law, meticulously outlines protocols for monitoring, enforcement of environmental regulations, and the application of administrative penalties. In reality, however (das sein), numerous local officials fail to execute their monitoring duties effectively and, in some instances, condone breaches of environmental standards to favor investment interests. Such discrepancies underscore institutional shortcomings with profound repercussions for regional environmental sustainability.[4]

An examination of prior research reveals that the majority has concentrated on broad facets of environmental regulation or oversight at the national level, neglecting a targeted analysis of local officials' powers in managing environmental harm following decentralization. Studies on conflicts over environmental jurisdiction exist, yet they are confined to the forestry domain. Investigations into administrative sanctions for environmental infractions are available, but they lack thorough exploration of regional institutional aspects. The present study addresses this void by undertaking a holistic assessment of challenges surrounding local

[2] Annisa Sephia Jannah, Najmi Fauziatus Salma, and Atikah Salma, "“Tanggung Jawab Administratif Pemerintah Daerah Dalam Pengawasan Izin Lingkungan” *Media Hukum Indonesia*, Vol.4, No. 1, (2025) : 99–115.

[3] Sri Anggraini, "“Tinjauan Yuridis Perizinan Dalam Pengelolaan Lingkungan Hidup Sebagai Sarana Pencegahan Pencemaran Dan Kerusakan Lingkungan Hidup” *AL-MANHAJ Jurnal Hukum dan Pranata Sosial Islam* ,Vol.4, No.2, (2022): 319–24.

[4] Dimas Agung Prasetiyo and Wiwik Awiati, “Transformasi Kedudukan Bapedal Sebagai Kelembagaan Pengelolaan Lingkungan Hidup Pada Pemerintah Pusat Dan Pemerintah Daerah” *UNES Law Review*, Vol6, No. 1 (2023) : 3035–46.

government officials' authority in environmental damage control, encompassing normative, institutional, and practical dimensions, thereby offering an original perspective absent from existing scholarship.[5]

This study seeks to: scrutinize and evaluate the statutory framework governing local government officials' authority in mitigating environmental damage; pinpoint and delineate the challenges encountered by these officials in exercising such authority; and propose an optimal, efficacious framework for bolstering their capacity to address environmental harm. It is anticipated that this work will advance scholarly discourse in environmental law and regional governance law, while furnishing actionable policy guidance for decision-makers at both local and national tiers.

RESEARCH METHODS

Normatively, this entails assessing the divergence between statutory provisions on local government officials' authority for environmental damage mitigation and their practical execution. The investigation employs three integrated legal methodologies: the statute approach (legislative approach), conceptual approach (conceptual approach), and comparative approach (comparative approach). The statute approach entails a review of pertinent legislation, from Law Number 32 of 2009 on Environmental Protection and Management and Law Number 23 of 2014 on Regional Government to their implementing rules. The conceptual approach serves to construct a theoretical foundation drawing on good environmental governance doctrine, decentralization principles, and the precautionary principle. The comparative approach facilitates benchmarking of regional environmental authority models across select nations to yield insightful contrasts.

Legal materials for this study are categorized into three types. Primary materials encompass statutes and regulations, judicial rulings, and formal governmental directives pertaining to environmental and regional administration matters. Secondary materials comprise scholarly publications, legal periodicals, textbooks, prior studies, and pertinent academic resources. Tertiary materials, including legal dictionaries, encyclopedias, and terminological compendia, aid in clarifying key concepts. Data collection proceeds methodically and exhaustively via library-based inquiry. Subsequently, all gathered materials undergo prescriptive-analytical processing, which delineates prevailing norms, appraises their

[5] Mohammad Roy, Wakhid Ilham, and Muhammad Rizal Fahlefi, "Politik Hukum Peraturan Bupati Nomor 63 Tahun 2016 Kabupaten Tulungagung Dalam Pengendalian Kerusakan Lingkungan Akibat Penambangan Pasir" *UNES Law Review*, Vol.6, No. 3 (2024) : 3815–26.

alignment with foundational legal tenets, uncovers legislative deficiencies, and devises practical, forward-looking proposals to enhance local officials' authority in environmental damage control.

RESULTS OF RESEARCH AND DISCUSSION

1. Legal Regulation of the Authority of Local Government Officials in Environmental Damage Control

The normative basis for local government officials' authority in managing environmental damage in Indonesia is anchored in two pivotal, mutually reinforcing statutes: Law Number 32 of 2009 on Environmental Protection and Management (UUPPLH) and Law Number 23 of 2014 on Regional Government. Together, these enactments establish a comprehensive legal structure delineating environmental duties between central and local administrations under the regional autonomy paradigm. The UUPPLH expressly stipulates that environmental damage control encompasses three core mechanisms: prevention, mitigation, and restoration. Regional officials are required to operationalize these through oversight processes, environmental permitting, conduct of Environmental Impact Analysis (EIA), and imposition of administrative penalties on enterprises breaching environmental standards. Meanwhile, Law Number 23 of 2014 designates environmental matters as concurrent domains, apportioned among central, provincial, and district/city levels based on impact magnitude and issue specificity.

Nevertheless, regulatory evolution marked a profound alteration following the enactment of Law Number 11 of 2020 on Cipta Kerja, subsequently reaffirmed by Law Number 6 of 2023. Notable modifications targeted environmental permitting, reallocating powers formerly exercised by local entities to the national level via the Online Single Submission (OSS) system. This reconfiguration markedly constrains regional officials' capacity to regulate potentially damaging business operations within their jurisdictions. Moreover, it diminishes opportunities for local stakeholders' engagement in environmental policymaking, undermining a fundamental tenet of effective environmental governance principles.

2. The Problem of the Authority of Local Government Officials in Environmental Damage Control

The implementation of environmental damage control authority by local government officials is faced with various structural, normative, and technical-operational problems. These problems can be identified comprehensively as summarized in the following table:

Table 1. The Problem of the Authority of Local Government Officials in Environmental Damage Control

Yes	Problematic Dimensions	Forms of Problems	Impact
1	Normative	Overlapping central-regional regulations after the Job Creation Law	Legal uncertainty of regional authority
2	Institutional	Limitations of the Environment Agency	Weak supervision and law enforcement
3	Coordination	Fragmentation of authority between agencies	Inefficiency in handling environmental damage
4	Technical	Limitations of human resources and regional budgets	Supervision is not optimal
5	Politics	Conflict of interest in investment vs environmental protection	Tolerance for environmental violations

Source: Processed from various references, 2025

From a normative viewpoint, a core challenge lies in the disequilibrium of powers between central and regional administrations post the Job Creation Law's introduction. Environmental permitting authority, once vested in local governments, has been consolidated at the national tier, depriving regional officials of their primary tool for preempting prospective environmental harm. Consequently, prevailing statutes often lack the precision needed to address ecological repercussions from nationally designated strategic initiatives situated locally, as evidenced by the Whoosh High Speed Train development in Purwakarta Regency, which underscores the tangible constraints on district-level authority when confronting damage stemming from centrally directed projects.[6]

In terms of institutional aspects, the Environment Agency (DLH), serving as the principal entity for executing regional environmental authority, frequently encounters hurdles such as inadequate personnel, insufficient funding for operations, and poor intersectoral collaboration. This reality is vividly demonstrated in the handling of inorganic waste at Ciomas Market, where the Serang Regency DLH acknowledged that its pollution abatement initiatives have fallen short of desired efficacy owing to multiple operational constraints.[7] This problem reflects that the authority given normatively is not followed by adequate institutional capacity building.

[6] Nikita Dea Angelina, Putri Agustin, and Yahdi Oktama, "Kewenangan Pengelolaan Lingkungan Hidup Oleh Pemerintahan Daerah Dalam Perspektif Otonomi Daerah" *BULLET : Jurnal Multidisiplin Ilmu*, Vol.1, No. 3, (2022) : 426–33.

[7] Noviar Ramadhany Biesse Putri, "Kewenangan Pemerintah Daerah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Berdasarkan Undang-Undang Republik Indonesia Nomor 32 Tahun 2009" *DIH : Jurnal Ilmu Hukum*, Vol.18, No. 2, (2022) : 201–11.

Within the mining domain, challenges surrounding the authority of environmental oversight personnel have grown notably intricate. Environmental Supervisory Officials (PPLH) must perform thorough monitoring spanning environmental permit issuance and EIA assessments, project planning and execution, up to post-extraction phases. Yet, in reality, this oversight frequently proves suboptimal, stemming from ambiguous jurisdictional demarcations between central and regional PPLH, particularly for mining operations authorized centrally while exerting direct environmental effects on local communities.[8]

Coordination deficits between central and regional administrations constitute a major contributor to these issues. The regional autonomy ethos enshrined in Article 18 of the 1945 Constitution of the Republic of Indonesia is intended to afford local governments latitude in tailoring environmental management to their unique contexts and requirements. In practice, however, local powers are frequently curtailed by central directives that overlook region-specific circumstances, fostering institutional frictions that erode the efficacy of environmental damage mitigation efforts.[9]

3. Model of Strengthening the Authority of Local Government Officials in Environmental Damage Control

Drawing from the foregoing problem analysis, bolstering local government officials' authority in environmental damage control demands an integrated, systemic strategy. Normatively, foremost, alignment must be achieved across the UUPPLH, Regional Government Law, and Cipta Kerja Law to eliminate authority overlaps that impair regional oversight functions. The apportionment of environmental responsibilities, currently predicated solely on impact scale, warrants reevaluation to incorporate local capacities and the subsidiarity principle—namely, that issues manageable at lower tiers ought not to be usurped by superior levels.[10]

Secondly, fortifying regional-level Environment Agency (DLH) institutions represents an indispensable imperative. Essential measures encompass enhancing personnel expertise via specialized training in environmental surveillance, augmenting budgets for oversight and enforcement operations, and deploying IT-driven systems for real-time ecological monitoring.

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[8] Leni Oktopiani, "Kewenangan Pemerintah Daerah Dalam Urusan Pemerintahan Di Bidang Lingkungan Hidup Dalam Penyelesaian Kerusakan Lingkungan Hidup Akibat Proyek Kereta Cepat Whoosh Di Kabupaten Purwakarta," *Jurnal Darma Agung*, Vol. 32. No.3, (2024). : 298–316.

[9] Averin Dian Boruna Sidauruk, "Interdependensi Kewenangan Pemerintah Daerah Dengan Otonomi Daerah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia" *Neoclassical Law Review*, Vol.4, No. 1 (2025): 11–19.

[10] Sandy Gustiawan Ruhiyat, "Kewenangan Daerah Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja," *Bina Hukum Lingkungan*, Vol. 7, No.1, (2022).

Such reinforcements align with the tenet that robust regional autonomy execution hinges on sufficient resources, as evidenced by the Purwakarta Regency autonomy assessment, which revealed incomplete success attributable to deficiencies in fiscal and infrastructural provisions.[11]

Thirdly, the authority enhancement framework must incorporate facets of civic engagement and transparent administration. Sound environmental governance principles assert that oversight efficacy transcends mere official prerogatives, hinging also on community involvement in monitoring and decision processes. Accordingly, regional officials should cultivate inclusive participation channels, such as designating local residents as collaborative environmental watchdogs, consistent with the sustainable development-oriented paradigm for environmental protection and management. Consequently, an optimal authority reinforcement model extends beyond reallocating formal powers between central and local entities; it entails a comprehensive overhaul of environmental stewardship, integrating precise normative clarity, robust institutional capabilities, and vibrant public involvement into a unified, enduring system.[12]

CONCLUSION

In Indonesia, the statutory framework delineating local government officials' powers for environmental damage control is principally shaped by Law Number 32 of 2009 and Law Number 23 of 2014. Nonetheless, the Job Creation Law's passage has recentralized key regional prerogatives at the national level, engendering structural disparities that undermine local environmental oversight. Regional officials confront multifaceted challenges, encompassing regulatory redundancies, constrained institutional resources, disjointed central-local coordination, and tensions between economic investment priorities and ecological safeguards. Optimal reinforcement of local authority necessitates regulatory alignment grounded in subsidiarity, bolstering of Environment Agency capabilities, and adoption of exemplary environmental governance incorporating community roles as vital allies to achieve robust, enduring damage mitigation.

[11] Vonny Anneke Wongkar, "Problematika Hukum Kewenangan Pejabat Pengawas Lingkungan Hidup Dalam Penegakan Hukum Lingkungan Di Bidang Pertambangan" *Jurnal Hukum To-Ra*, Vol.10, No. 2 (2024) : 271–85.

[12] Robert Nicolas Warong et al., "Eksisitensi Kewenangan Pemerintah Daerah Terhadap Pencegahan Dan Pemberantasan Perusakan Lingkungan Hidup Dalam Perspektif Otonomi Daerah" *Jurnal Tata Mana*, Vol.6, No. 2 (2025). .

RECOMENDATION

Addressing the challenges to local government officials' authority in environmental damage mitigation demands deliberate, methodical, and proactive measures. The national government ought to amend Job Creation Law clauses that diminish regional environmental powers, emphasizing subsidiarity while equilibrating environmental imperatives with economic objectives. Regional administrations must take initiative to enhance Environmental Service institutions through superior personnel development, advanced technology-enabled surveillance systems, and adequate fiscal allocations. Furthermore, enacting locally attuned regulations consonant with sound environmental governance tenets is essential to foster efficacious, responsible, and equitable ecological oversight.

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