

MULTIPARADIGM LEGAL INNOVATION IN ESTABLISHING AN ENVIRONMENTAL CRIME COMMISSION FOR SUSTAINABLE TRANSFORMATION IN INDONESIA

Andi Yuzril Muhammad^{1*}, A.M. Yunus Wahid², Haeranah³

^{1,2,3}*Hasanuddin University (Indonesia)*

*) email: muhammaday25b@student.unhas.ac.id

Abstract

Environmental degradation and environmental crime represent complex challenges that extend beyond ecological damage, affecting economic sustainability, social justice, and cultural values within society. In Indonesia, the enforcement of environmental criminal law remains fragmented and sectoral, involving multiple institutions with overlapping authorities. This institutional configuration has resulted in ineffective law enforcement, prolonged legal processes, and limited accountability for large-scale environmental crimes, particularly those involving corporate actors.

This article examines the politics of law surrounding the establishment of an Environmental Crime Commission as a form of multiparadigm legal innovation aimed at supporting sustainable development. By integrating legal, economic, social, and cultural paradigms, this study moves beyond conventional normative-repressive approaches to environmental law enforcement. The research employs a normative legal methodology using statutory, conceptual, and comparative approaches to analyze the urgency, legitimacy, and strategic value of creating a specialized environmental law enforcement body. The findings demonstrate that the establishment of an Environmental Crime Commission constitutes an institutional innovation capable of addressing structural weaknesses in existing enforcement mechanisms. From an economic perspective, effective enforcement contributes to sustainable resource management and the internalization of environmental costs. Socially, it strengthens environmental justice and public access to justice. Culturally, it fosters a shift in legal culture toward greater ecological awareness and responsibility.

This study concludes that the Environmental Crime Commission represents a multiparadigm innovation that not only enhances the effectiveness of environmental criminal law enforcement but also functions as an instrument for economic, social, and cultural transformation in line with the principles of sustainable development.

Keywords: Environmental Crime, Multiparadigm Innovation, Politics of Law, Sustainable Development

1. INTRODUCTION

Environmental degradation and pollution constitute multidimensional problems that not only lead to the deterioration of ecosystems but also generate serious consequences for economic stability, social resilience, and the sustainability of community cultures. Within the context of national development, economic activities oriented primarily toward growth often relegate environmental protection to a secondary concern, thereby giving rise to various forms of systematic and organized environmental crime.

The emphasis of legal objectives on welfare and social justice is frequently interpreted through the prioritization of economic roles in constructing Indonesia as a welfare state. This condition is understandable, given that although the welfare state

paradigm generally adheres to methods aimed at achieving prosperity and improving quality of life, its conceptual framework remains heavily centered on economic, political, social, and cultural dimensions (Binawan & Soetopo, 2023).

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every individual is entitled to physical and mental well-being, adequate housing, and a healthy and sustainable environment, along with access to health services. Embedded within this constitutional guarantee is the recognition of procedural environmental rights, including the right to obtain information, to participate in environmental decision-making, and to seek justice in ensuring the realization of a healthy environment. These rights further extend to the ability of individuals and communities to express opinions, submit proposals, or raise objections to planned activities that may pose risks to environmental integrity (Delyarahmi & Murniwati, 2023).

The right to a healthy environment is closely intertwined with efforts to protect and preserve the environment. Human rights norms can serve as a driving force for environmental protection and the development of environmental law. Accordingly, comprehensive regulation of environmental rights and effective guarantees for their realization are of critical importance as integral components of environmental protection efforts (Zunnuraeni et al., 2022).

In addition, Article 33 paragraph (4) of the 1945 Constitution establishes that the organization of the national economy must be grounded in the principles of economic democracy. This constitutional provision emphasizes collective welfare, equitable efficiency, sustainability, environmental responsibility, and national self-reliance, while also requiring a balanced relationship between economic advancement and the preservation of national cohesion (Ayu Anzalia et al., 2023).

Within the Indonesian legal system, the enforcement of environmental criminal law remains dominated by a sectoral and fragmented approach involving multiple institutions with separate authorities, including the police, civil servant investigators, the public prosecutor's office, and the courts. Such an institutional configuration causes law enforcement processes to be slow and ineffective, and insufficiently capable of holding accountable perpetrators of large-scale environmental crimes, particularly those involving corporations and intellectual actors (Sekhroni, 2019).

These conditions reveal the limitations of an environmental law enforcement paradigm that relies solely on a normative–repressive approach. Addressing environmental crime requires a paradigmatic innovation capable of integrating legal, economic, social, and cultural perspectives simultaneously. Within the framework of sustainable development, environmental law enforcement should function not merely as a punitive mechanism, but also as an instrument of transformation toward development governance grounded in ecological justice.

Departing from these issues, this article examines the legal–political foundations for the establishment of a Commission for the Eradication of Environmental Crimes as

a form of institutional innovation. The discussion focuses on how the creation of a specialized environmental law enforcement body can contribute to sustainable economic transformation, the strengthening of social justice, and the development of a legal culture oriented toward the protection of the environment.

2. METHODOLOGY

This research employs a normative legal research method. A statutory approach is used to analyze national legal policies related to the enforcement of environmental criminal law and the institutional design of law enforcement bodies. In addition, a conceptual approach is applied to examine the concepts of legal politics, sustainable development, ecological justice, and institutional innovation from the perspectives of constitutional law and environmental law.

The study also utilizes a comparative approach by examining models of environmental law enforcement institutions in several countries that have established specialized bodies, such as the Environmental Protection Agency in the United States and the Environmental Protection Authority in Australia. The analysis is conducted qualitatively, emphasizing legal reasoning and argumentative construction to formulate the relevance and urgency of establishing a Commission for the Eradication of Environmental Crimes within the Indonesian context.

The comparative approach is carried out by comparing the legislation of one country with that of one or more other countries regulating similar issues. Through such comparison, the author is able to obtain a clearer understanding of the consistency between legal philosophy and statutory frameworks across different jurisdictions (Irwansyah, 2024). This comparative study is particularly valuable for uncovering the underlying rationales behind specific legal provisions addressing similar problems in two or more countries, thereby providing a solid basis for recommendations in the formulation or revision of legislation (Peter Mahmud Marzuki, 2024).

3. FINDINGS AND DISCUSSION

3.1. Legal Paradigm: Legal Politics and Institutional Innovation in Law Enforcement

Satjipto Rahardjo defines *legal politics* as the activity of making choices and determining the means to be employed in order to achieve particular social objectives through law within society. This concept encompasses answers to several fundamental questions: (1) what objectives are to be achieved through the existing legal system; (2) which methods are considered the most appropriate for attaining those objectives; (3) when and through what mechanisms the law should be changed; and (4) whether a stable and established pattern can be formulated to guide the

selection of objectives and the means to achieve them effectively (Moh. Mahfud, 2017).

In the Indonesian context, the direction of legal policy to be formulated or developed is not merely aimed at establishing a national legal system, but more importantly at realizing public welfare. This is what Bagir Manan describes as a permanent component of legal politics. This view aligns with Abdul Hakim Garuda Nusantara's argument that the law to be developed should consistently refer to the nation's collective ideals, namely the establishment of a democratic rule of law grounded in social justice (Muhammad Akib, 2016).

The legal politics of environmental criminal law enforcement in Indonesia demonstrate a tendency to preserve a fragmented institutional structure. This policy choice has resulted in weak inter-agency coordination and limited effectiveness in addressing environmental crime cases. From the perspective of a constitutional state, such conditions create a gap between the constitutional guarantee of the right to a good and healthy environment and the reality of its implementation.

The establishment of a Commission for the Eradication of Environmental Crimes may be understood as an institutional innovation intended to overcome these limitations. From a legal-political standpoint, the presence of a specialized body reflects a paradigmatic shift from sectoral law enforcement toward an integrated enforcement model that is more responsive to the complex nature of environmental crimes.

3.2. Economic Paradigm: Environmental Crime and the Transformation toward Sustainable Development

The environment constitutes a shared heritage of all humanity across generations and must therefore be preserved sustainably over time. While every individual is entitled to utilize environmental resources, no one possesses the right to damage or degrade their quality in ways that impose harm on others. Conversely, all parties bear an obligation to maintain and protect the environment responsibly by preventing threats and disturbances that may endanger it (Munadjat Danusaputro, 1985).

Environmental pollution extends beyond local boundaries and generates consequences at the global level, manifesting in phenomena such as climate change, depletion of the ozone layer, and cross-border pollution. In this context, the effective application of criminal law against those responsible for environmental harm plays a crucial role in protecting global sustainability. Growing international concern over environmental crime reflects its profound negative effects on ecological systems, public health, and the long-term viability of the environment (Erva Yunita et al., 2024).

Based on data from the Ministry of Environment and Forestry, between 2015 and 2023 there were 1,369 recorded cases of environmental criminal law enforcement in Indonesia, with 52 cases reported in 2023 alone (Fernando et al., 2025).

According to data published by Databooks (Katadata), the number of environmental crime incidents in Indonesia by category during the 2023–2024 period can be summarized as follows:

Table 1. Number of Environmental Crime Incidents in Indonesia by Type

Type	2023	2024
Plantation-related crimes	1.160	1.459
Oil and gas crimes	1.032	1.249
Illegal mining	839	796
Illegal logging	560	446
Illegal fishing	244	199

Source: <https://databoks.katadata.co.id/lingkungan/statistik/6940e384edcb3/kejahatan-lingkungan-hidup-di-indonesia-naik-pada-2024-ini-jenisnya>, accessed on January 11, 2026

Environmental degradation is a challenge faced by all countries, including Indonesia, where the rate of environmental damage remains relatively high. Various environmental components face persistent threats of degradation and pollution. Forest Watch Indonesia (FWI), in its publication *Portrait of Forest Conditions in Indonesia*, reports that deforestation rates reached approximately 2 million hectares per year in 2000, declined to 1.5 million hectares per year during 2000–2009, and further decreased to 1.1 million hectares per year in 2009–2013. However, deforestation rates increased again to 1.47 million hectares per year during the 2013–2017 period. Although aggregate deforestation figures show a declining trend, FWI critically notes that deforestation of natural forests has, in fact, increased. While gross and net deforestation graphs demonstrate a downward trend, the graph for natural forest deforestation shows the opposite pattern—an upward trajectory (Zunnuraeni et al., 2022).

Nana Sudiana and Hasmana Soewandita identify a range of interrelated environmental challenges. These include land degradation driven by deforestation, illegal logging, and the conversion of land for plantations, industrial activities, extractive operations, and residential development. They also highlight riverbank erosion caused by the operation of large and high-speed vessels, along with increased river sedimentation resulting from accelerated erosion processes. In addition, alterations in land use and the expansion of port infrastructure, docking facilities, and log storage areas are noted as factors disrupting natural surface water systems. Finally, the authors draw attention to declining water quality, which is largely attributable to industrial effluents, ballast water discharges from vessels, and the accumulation of solid household waste (Akhmaddhian, 2020)

Environmental crime carries far-reaching economic implications, including state financial losses, degradation of natural resources, and increased social costs borne by communities. Within the sustainable development paradigm, environmental crime represents a distortion of the principles of economic efficiency and justice.

The establishment of a Commission for the Eradication of Environmental Crimes has the potential to serve as a key instrument in supporting economic transformation toward sustainable development. Through more effective and integrated law enforcement, such an institution could strengthen legal certainty, prevent illegal exploitation of natural resources, and promote the internalization of environmental costs within economic activities.

3.3. Social Paradigm: Ecological Justice and Access to Justice

From a social perspective, weak environmental law enforcement directly results in the neglect of community rights to a clean and healthy environment. Communities—particularly vulnerable groups—often suffer the greatest harm from environmental crimes while lacking adequate access to justice.

Gustav Radbruch argues that the classical theory of law prioritizes legal objectives in the following order: (1) justice, (2) utility, and (3) legal certainty. Justice constitutes the core of any legal system and cannot simply be sacrificed, as emphasized by John Rawls (1921–2002) in *A Theory of Justice* (1971) (Beny Siswanto, 2024).

Van Kan maintains that law aims to safeguard individual interests from interference, while Thomas Hobbes asserts that the primary purpose of law is to create social order, which must be upheld at all costs. Ethical legal theory, on the other hand, posits that justice is the ultimate goal of law, emphasizing that legal content should be determined by ethical consciousness regarding what is just and unjust (Achmad Ali, 2017a).

Law also provides guidance on permissible and prohibited conduct to ensure social order and regularity. This regulatory function is possible because law inherently governs human behavior through commands and prohibitions (R. Soeroso, 2021).

The establishment of a Commission for the Eradication of Environmental Crimes could strengthen the role of law as an instrument of social protection. Through more professional and independent enforcement mechanisms, such a body has the potential to enhance public trust in the legal system and broaden access to ecological justice.

Modern Western legal theory further identifies several indicators, including: (1) the standard priority theory, which holds that law aims to achieve justice, utility, and legal certainty simultaneously; and (2) the casuistic priority theory, in which these objectives remain the same but their order of priority may vary depending on the circumstances (Achmad Ali, 2017b).

3.4. Cultural Paradigm: Legal Culture and Ecological Harmony

From John Rawls's perspective, the purpose of law enforcement lies in advancing three fundamental objectives, namely legal certainty, the realization of justice, and the promotion of social utility (Zainal Arifin Mochtar & Eddy O.S. Hiariej, 2023)

Lawrence M. Friedman identifies three key indicators for evaluating law enforcement within society (Ana Aniza Karunia, 2022).

- First, *legal substance*, which includes norms, patterns of human behavior, and both written law and living law within society. Drawing on H.L.A. Hart's theory, Friedman explains that legal substance consists of rules and provisions governing institutional behavior.
- Second, *legal structure*, referring to the institutional framework that shapes and limits the legal system, including law enforcement institutions such as the police, prosecution services, courts, and correctional facilities.
- Third, *legal culture*, defined as societal attitudes toward law that determine how law is used, avoided, or misused.

Environmental law enforcement is closely linked to societal legal culture. An anthropocentric paradigm oriented toward the exploitation of natural resources continues to dominate development practices, thereby hindering the growth of ecological awareness as an integral component of national legal culture.

Institutional innovation through the establishment of a Commission for the Eradication of Environmental Crimes could play a significant role in driving cultural transformation. Consistent and integrity-based law enforcement would not merely function as a repressive tool, but also as an educational mechanism capable of shaping collective awareness regarding the importance of environmental protection.

3.5. The Commission for the Eradication of Environmental Crimes as a Multi-Paradigmatic Innovation

Overall, the establishment of a Commission for the Eradication of Environmental Crimes represents a multi-paradigmatic innovation in environmental law enforcement. This institution does not merely signify a change in legal design, but also serves as an instrument for economic, social, and cultural transformation aligned with the principles of sustainable development.

Within the Sustainable Development Goals (SDGs) framework, commitments to environmental protection and biodiversity conservation are embedded across multiple goals. These include Goal 6 on ensuring the availability and sustainable management of clean water and sanitation; Goal 11 on developing inclusive, safe, resilient, and sustainable cities and communities; Goal 12 on promoting responsible patterns of consumption and production; and Goal 13 on addressing climate change and its impacts. In addition, Goals 14 and 15 specifically emphasize the conservation and sustainable use of marine and terrestrial ecosystems, encompassing efforts to protect biodiversity, manage forests sustainably, combat desertification, and prevent as well as reverse land degradation (Armida Salsiah Alisjahbana & Endah Murniningtyas, 2018).

4. CONCLUSION

This article demonstrates that the establishment of a **Commission for the Eradication of Environmental Crimes** constitutes a strategic necessity within the legal-political framework of environmental law enforcement in Indonesia. As a form of multi-paradigmatic institutional innovation, such a body holds significant potential to enhance the effectiveness of law enforcement, promote sustainable economic transformation, broaden access to social justice, and cultivate a legal culture oriented toward the protection of the environment.

Within the broader framework of sustainable development, institutional innovations of this kind represent a crucial component of efforts to transform the legal system toward development governance that is more equitable, sustainable, and grounded in ecological awareness.

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