8 Setiyono. 2002. *Kejahatan Korporasi Analisis Viktimologi dan PertanggungjawabanKorporasi dalam Hukum Pidana Indonesia*, at 2–4. Malang: Averroes Press.
9 Hidayatulloh. 2016. "Putusan Bebas atas Dakwaan Tindak Pidana Lingkungan Hidup (Analisis Putusan No. 781/Pid/B/2009/PN.Cbn)". *Jurnal Cita Hukum* 4(1): 155–166.
10 Article 84, para. (1)UU No. 32 Tahun 2009: arrangements regarding environmental dispute settlement, conducted in trial or outside trial.
11 Arif Sidharta. 2010. *Apakah Teori Hukum Itu?*, at 47. Penerbitan Tidak Berkala, No. 3. Bandung: Laboratorium Hukum Universitas Katholik Parahyangan.
12 Johny Ibrahim. 2007. *Teori dan Metodologi Penelitian Hukum Normatif*, at 300. Malang: Bayumedia.
13 Bernard L. Tanya, Yoan N. Simanjuntak and Markus Y. Hage. 2013. *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, at 5. Jakarta: Genta Publishing.
14 Barda Nawawi Arief. 2002. *Kebijakan Hukum Pidana*, at 109. Bandung: PT. Citra Aditya Bakti.
15 *Ibid*., at 76.
16 Andi Hamzah. 2001. *Asas-Asas Hukum Pidana*, at 15. Jakarta: Rineka Cipta.
17 Cited in Mardjono Reksodiputro. 1994. *Sistem Peradilan Pidana Indonesia (Melihat Kejahatan dan Penegakan Hukum dalam Batas-Batas Toleransi)*, at 81. Jakarta: Pusat Keadilan dan Pengabdian Hukum.
18 *Ibid*., at 82.
19 *Ibid*.
20 *Ibid*., at 83.
21 Takdir Rahmadi. 2011. *Hukum Lingkungan di Indonesia*. Jakarta: PT. Raja Grafindo Persada.
22 Moelyatno. 1997. *Azas-Azas Hukum Pidana*, at 78. Jakarta: Bina Aksara Mutiara.
23 Syamsul Arifin, Hukum Perlindungan and Pengelolaan Lingkungan. 2012. *Hidup di Indonesia*, at 218–219. Jakarta: PT. Soft Media.
24 *Ibid*., at 226–227.
25 *[B3 waste is apparently the general means of referring to hazardous and toxic waste in Indonesia. See Ruliana, T., Suroso, A. and Supriyadi, N. 2016. "Policy of Waste Management of Hazardous Toxic (Waste B3)"*. Scientific Papers Series Management, Economic Engineering in Agriculture and Rural Development *16(3): 293. Ed.]*
26 Muladi dan Dwidja Priyatno. 2012. *Pertanggungjawaban Pidana Korporasi*, , at 23–24. Jakarta: Kencana.
27 Satjipto Rahardjo. 1996. *Ilmu Hukum*, at 110. Bandung: Alumni.
28 Chaidir Ali. 1997. *Badan Hukum*, at 64. Bandung: Alumni.
29 A.Z. Abidin. 2003. *Bunga Rampai Hukum Pidana*, at 54. Jakarta: Pradnya Paramita.
30 I.S. Susanto. 1995. *Kriminologi*, at 87. Semarang: Fakultas Hukum Universitas Diponegoro.
31 Muladi. 1997. *Hak Asasi Manusia, Politik dan Sistem Peradilan Pidana*, at 160. Semarang: Badan Penerbit Universitas Diponegoro.
32 Dwidja Priyatno. 2004. *Kebijaksanaan Legislasi tentang Sistem Pertanggungjawaban Pidana Korporasi di Indonesia*, at 103. Bandung: Utomo.
33 *Ibid*.
34 Six investigators were interviewed. All of them had extensive experience in handling environmental cases.
35 Interview with Bambang Edi Santoso, 12 February 2018.
36 *Ibid*.
37 *Ibid*.

DOI 10.3233/EPL-190130

Indonesia

Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy

by Muhammad Akib,[i] F.X. Sumarja[ii] and Heryandi[iii]

Environmental problems, especially their legal and policy aspects, began to attract serious attention in almost all countries, following the 1972 United Nations Conference on the Human Environment (Stockholm, Sweden). Both globally and nationally, the negative impacts of development activities have been recognised as one cause underlying a range of environmental problems.

From the meeting in Stockholm to the 1992 UN Conference on Environment and Development (Rio de Janeiro), a policy of sustainable development began to evolve and was eventually globally agreed. Work in these meetings referred to and was inspired by the 1987 report of the World Commission on Environment and Development (WCED), which used the term "sustainable development" in the now common environmental context, to mean "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".[1]

Indonesian law and policy reflect this concept in, for example, Article 33(3) and (4) of the country's 1945 Constitution (usually referred to as "UUD 1945"): "The land and the water and the natural resources contained therein are controlled by the State and shall be used for the greatest benefit of the people". Thus, national environmental law promotes two constitutional objectives – ecological sustainability and public welfare.

The politics of environmental law, as expressed in these clauses, are rather clearly not concrete, regarding the meaning and scope of the State's authority and control in this field. The essence of that job – to provide people with the greatest prosperity – ironically limits rather than extending control over these responsibilities. Article 33(3) does not clarify the practical parameters of included concepts such as sustainability and the protection of the carrying capacity of the earth in general, particularly its water and other natural resources.[2] This lack of specificity is proper, in light of the fact that the clause juxtaposes two goals – State control over natural resources and the people's welfare. They are expressed in terms of one another. It is clear, therefore, that the land, water and other natural resources must be "secured" from any possibility that they will be controlled or monopolised by individuals or civil legal entities (especially by foreign parties).

[i] Professor, Faculty of Law, State University of Lampung, Indonesia.
[ii] Lecturer, Faculty of Law, State University of Lampung.
[iii] Professor, Faculty of Law, State University of Lampung.

In this context, however, the terms "controlled by the State" and "used for the greatest benefit of the people" do have accepted definitions. They literally mean that the State is recognised to be the manager of natural resources. As such, it is responsible for maintaining resource sustainability as a means to achieving people's prosperity in a sustainable manner.[3] Prior to the amendment of UUD 1945, these clauses were the only reference to environmental law policy in Indonesia.

Following the amendment of UUD 1945, the politics of environmental law became clearer. Article 33(4) was added, which states that: "The national economy shall be organised on the basis of economic democracy that upholds the principles of [*inter alia*]... environmental sustainability, …, and keeps a balance in the progress and unity of the national economy". This provision provides a foundation for the official management of the country's economic activities in a manner that does not cause environmental damage. It also firmly entrenches the interrelationship of the two policies (economic policy and environmental policy), so that the amended UUD 1945 can be considered as both an economic constitution[4] and an environmental one.[5]

The spirit of this interlinkage should be a genuine guide for every legal policy relating to environmental management. One such policy that is particularly important in this regard is that of regional autonomy. So long as the implementation of the legal policy on decentralisation and regional autonomy actualises the political spirit of environmental law, it should have a significant positive impact on the environment and people's welfare. As Ribot opined, decentralisation is a way to improve efficiency and fairness in the management of natural resources.[6] Further to Ribot, Sonny Keraf suggested four reasons that a transition to regional autonomy would benefit the environment:

1. Regional autonomy brings policy and public decisions closer to the people in the region, so that they will be better fitted to the environmental conditions in the region.
2. It ensures that environmental policy decisions and implementation are subject to more direct and faster control, also making them less costly.
3. The necessities of local community that are related to the environment will be given more attention and accommodated.
4. Each region's fate is determined by the region itself. Thus, it is expected that the local government and the local community will seriously anticipate every possibility related to the environment.[7]

On the other hand, the policy of regional autonomy is often characterised as exploitative and economically oriented. From this perspective, regional autonomy will necessarily result in environmental destruction and destitution. Since 1999 – the year in which regional autonomy was rolled out in Indonesia – there have been few indications of any improvement in environmental conditions. In fact, to some extent the opposite has occurred. Damage to and pollution of the environment continue to occur and have sometimes tended to increase. The statistics are still in flux.

In the forestry sector, for instance, statistics indicated that forest destruction for the period 1982–1990 was about 900,000 hectares per year; increasing to 1.8 million hectares per year for the period 1990–1997; and to 2.83 million hectares per year for 1997–2000 (the time period including the initial transition to regional autonomy). In the post-transition period, 2000–2006, forest damage still reached 1.08 million hectares per year.[8] A different study (by Matthew Hansen from the University of Maryland) sets the level of forest losses annually from 2000–2012 at about 6.02 million hectares per year. Indonesia is overtaking Brazil as the country with the highest deforestation rate in the world.[9] In 1993, the total area of Indonesian mangrove forests was recorded as 3.7 million hectares, but by 2005, there were only 1.5 million hectares left.

Other sectors show similar declines. The condition of Indonesian coral reefs has declined dramatically in the last 50 years,[10] and 70 percent of environmental damage in Indonesia is reportedly caused by mining operations.[11]

These problems and many other legal outcomes of regional autonomy have not mirrored the politics of environmental law as set forth in UUD Article 33. Weak authority and institutions, coupled with a lack of inter-regional cooperation in environmental management, have apparently prevented regional autonomy from producing the expected positive impact on the environment.

Research Questions

This article considers two basic questions:

1. How has the implementation of regional autonomy affected the actualisation of environmental law policies in Indonesia?
2. Is the integration of "eco-cratic" principles and regional autonomy necessary in order to realise ecological sustainability and community welfare in the era of regional autonomy?

Discussion: Environmental Law and Regional Autonomy

It is essential that all parties, especially the stakeholders both at the central and regional levels, make an effort to actualise environmental policies oriented towards ecological sustainability in the implementation of regional autonomy. This includes at least four aspects, described in the following sections.

The Ecological Sustainability of Regional Legislation

The establishment of legislation based on ecological sustainability ("green legislation") at the regional level is mandated in Article 44 of the Act concerning Environmental Protection and Management (UU No. 32 of 2009), which functions as a basic principle as well as harmoniser in the formation of all national and regional laws:

> *Every single drafting of laws and regulations at the national and regional levels must pay attention to the*

0378-777X/19/$27.50 © 2019 IOS Press

protection of environmental functions and the principle of environmental protection and management in accordance with the provisions stipulated in this Law.

Before regional autonomy, local regulations were not oriented towards ecological sustainability. For instance, the Acts concerning the Principles of Governance in the Regions (UU No. 1 of 1945 through to UU No. 5 of 1974) include no provision for regulating environmental affairs in the regions. They do, however, regulate the technical aspects and utilisation of natural resources by various sectors. At that time, regional autonomy was nothing more than a democratic formality. However, Manan suggests that regional autonomy is the spearhead to realising prosperity.[12]

Several reasons have been put forward to explain why the initial instruments for the implementation of regional autonomy did not specifically address these environmental mandates:

1. The system adopted for the implementation of regional government tends to be centralised so that almost all governmental affairs transform into central authority actions.
2. The constitutional law on regional autonomy is based on the pre-amendment of UUD 1945 Article 18, which provides a blank mandate to the legislators to implement it according to the dominant political will at a particular time.[13]
3. At that time, there was no clear direction of environmental law policies. UUD 1945 Article 33 was interpreted as an economic provision,[14] with no thought of an environmental or "green" constitution and the environmental law had not yet been formulated.
4. Finally, as a newly independent country, Indonesia was intensively focused on economic success; almost all governmental policies were linked in some critical way to economic growth.

As the governmental system transitioned from centralised to decentralised, environmental policy began to be regulated at a regional level. This gave rise to a range of legal issues, including a lack of harmonisation between the environmental legislation and policies of regional governments and those adopted at the national level. As a result, the direction and political orientation of environmental law has not been effectively implemented. While the politics of environmental law calls for holistic ecological legal regulation, regional environmental regulation tends to be partial, regionally administrative, and economy-oriented.

Through national laws concerning Regional Government (*i.e.*, UU No. 32 of 2004 *supra*, as well as other legislative efforts including UU No. 22 of 1999 "on Regional Government" which was replaced by UU No. 23 of 2014 "Concerning Regional Government"), the regulation of environmental affairs is focused on "environmental control" and the pattern of its implementation tends to be through territorially divided administrative authorities. Many such jurisdictions are much wider in area than can be effectively covered by the designated administrative authorities.[15] Various regional legislative instruments on the environment tend to be economically oriented, as evident when one compares the number of these that regulate "Regional Taxes and Retribution" (PDRD) to the number that regulate environmental management and protection.[16] A significant portion of regional regulations have been cancelled by the Minister of Home Affairs, having been found to contravene higher regulations and/or the public interest.[17]

Six activities are necessary, if the goal of enacting and implementing local legislation based on ecological sustainability is to be realised:

- Changing the mindset of stakeholders from an economic orientation to an orientation focused on ecological sustainability;
- Increasing the legislators' understanding of the principles and legal aspects of environmental management;
- Strengthening the mechanism for the coordination and harmonisation of the (currently unregulated) processes of formulating regional legislation, particularly in the environmental field;
- Firmly establishing and applying environmental laws and regulations relevant to the development of regional laws;
- Applying the principles of good environmental governance (*e.g.*, community empowerment, transparency, democratic decentralisation, recognition of the limited carrying capacity of ecosystems and sustainability, recognition of the rights of indigenous peoples and local communities, clarity, consistency, harmonisation and enforceability) in the formation of regional laws;[18]
- Strengthening cooperation with universities in education, research and community service, to foster understanding and awareness of the values and basic principles embodied in legal aspects of environmental management.

These efforts would undoubtedly require the establishment of an environmental action programme, with supporting legal instruments (regional regulations). It is also important to recruit civil servants and legislative candidates who have ecological vision and commitment.

Reinforcement of Regional Authority in the Field of the Environment

It is critical to reinforce regional authority (both rights and obligations) in Indonesia, given that such authority now serves as the basis of the country's governance.[19] In the context of regional autonomy, the rights of a regional authority refer to the regional power to regulate and manage itself, while its obligation refers to the proper exercise of its administrative power.[20] Formal, legitimate authority is absolutely essential, as a benchmark for the validity of governmental actions. As Hadjon argued, every governmental action must be based on legitimate authority that is regulated by the law.[21] Governmental actions that are not based on legitimate

0378-777X/19/$27.50 © 2019 IOS Press

authority are considered arbitrary and, as such, legally impermissible.

In fact, the authority underlying regional environmental management is often unclear due to the weakness of the current legal authorisation for such action. Specifically, the Act Concerning Regional Government (UU No. 23 of 2014 replacing UU No. 22 of 1999) is very limited in its empowerment of regional authority to impose environmental controls, and does not address holistic environmental management. Unfortunately, this authority is dominated by the field of "environmental impact control" and is, in some cases, administratively territorial in nature.

Considering all those facts, the following four thoughts have been offered (and in some cases already undertaken) to strengthen regional authority in environmental management. Firstly, regional authority as stipulated in Article 18 paragraph (2) and paragraph (5) of UUD 1945 must be arranged in detail as a coordinated matter – a law of regional government and/or a law of environmental management – clarifying the exact powers and duties of the regional government in these areas. A detailed distribution model of this type (called the *ultra vires* model, because it makes it clear which actions are beyond the authority granted to regional governments) has been implemented since 2009 under the Act concerning Environmental Protection and Management (UU No. 32 of 2009) and the Act Concerning Regional Government (UU No. 23 of 2014). The *ultra vires* distribution model is certainly suitable for democratic countries such as Indonesia, especially to avoid conflicts of authority between the centre and the regions.

Secondly, the scope of regional authority in environmental management should focus not only on "environmental control" or "environmental impact control", but rather should cover all aspects of environmental management, from planning, utilisation, control and maintenance, through supervision and law enforcement.

Thirdly, the geographic division of regional authority should be done using an "ecosystem approach" to ensure that territorial and/or administrative divisions do not cause or contribute to further damage to ecosystems. The ecosystem approach must mainstream the distribution of authority between the centre and the regions. Moreover, this pattern of sharing among the regions must also be used in related sectoral legislation, such as forestry, mining, maritime affairs and fisheries.

An essential element of the entire concept of regional autonomy is its ability to provide opportunities for the regions to govern in accordance with the character and interests of their people.

Improving the Institutional Capacity of Regional Government

In practice, the implementation of the strong authority given to the regions requires strong environmental institutions, which are essential to successful environmental management.[22] Environmental institutions are the pillars of environmental administration.[23]

Equally important, however, is the constitutional problem that arises where the duties and functions given to a technical institution are relatively weak, such as where the technical institution is only authorised to formulate technical policies and provide technical support for their administration. Ideally such an agency should also be authorised to implement these policies.

In this connection, the tasks and functions of the regional environment agency or institution are increasingly weak as the regional authority is much more focused on "controlling environmental impacts". Other tasks and functions, which would involve a broader focus and more operational efforts, are within the purview of sectoral institutions at the regional level (regional offices).

In general, the formation and empowerment of regional environmental institutions have instead been somewhat generic. Specific regions have not chosen to base their environmental institutional development on locally descriptive typologies, such as disaster-prone areas, industrial-intensive areas, conservation areas, and others.

The Development of Inter-Regional Environmental Cooperation

It is sometimes suggested that the strengthening of regional autonomy has brought about a kind of ethnocentrism in the form of local or regional "egoism". One factor that reflects this regional egoism is the emergence of various inter-regional conflicts originating from natural resource use, stemming from a combination of environmental degradation and the scarcity of natural resources.

Hence, one of the fundamental problems is the absence of specific legal arrangements relating to inter-regional cooperation in the environmental field. Although UU No. 23 of 2014 concerning Regional Government regulates regional cooperation, its provisions are very general. As a result, the cooperation that is developing today is more economic than ecological in its orientation. Inter-regional cooperation is, however, an increasingly urgent need – environmental quality continues to decline and natural resources to diminish in quantity and accessibility. Legal/constitutional instruments are needed that will address and require cooperation between regions in the environmental field with detailed specificity.

Integrating Eco-cracy and Regional Autonomy – Promoting Ecological Sustainability and Social Prosperity

As used in this paper, the term "eco-cracy" means the empowerment of the State or government on the basis of "the sovereignty given by the environment". In another words, eco-cracy is a belief that the environment is the highest authority,[24] and that the actions of State administrators and stakeholders must be subordinate to principles such as environmental sustainability, eternity and harmony.

To effectively implement eco-cracy at the regional level, these environmental principles must be firmly elaborated in the country's constitution. As of 2004–

0378-777X/19/$27.50 © 2019 IOS Press

2005, Hayward reported that more than 100 countries, including Indonesia, have environmental policies in their national constitutions.[25]

Using this criterion, Indonesia's constitution is a green constitution. Environmental policy is definitely written into the environmental legal norms of Articles 28H(1) and 33(4), which the authors consider to represent Indonesia's eco-cracy, given that they also represent the highest environmental policies in Indonesia. While Article 28H(1) protects environmental human rights, 33(4) regulates the principles of sustainability and environmental insight in the implementation of the national economy.

Their constitutional status means that Articles 28H(1) and 33(4) must be the guiding principles behind every environment-related policy at every level. In the context of regional autonomy, these principles of eco-cracy must also be a guide in the development and implementation of regional policies and all regional autonomy in the environmental field.

Through the integration of eco-cracy principles, regional autonomy can result in the regions' deliberate adoption of "green legislation", broad regional authority in the field of the environment (green authority), strong regional environmental institutions (green institutions), and effective inter-regional cooperation in the environmental field (green inter-regional cooperation).

Unless supported by adequate funding and budgets (green budgeting), it is relatively certain that these green concepts will not work well. Adequate allocation of environmental budgets depends on the commitment and vision of government administrators and other stakeholders, including legislators. Ultimately, if the principle of eco-cracy is integrated into the policy of regional autonomy, then regional autonomy will not merely manifest the people's welfare in the region, but at the same time also indicate ecological sustainability, which in turn will promote sustainable prosperity.

Conclusion

As shown, the era of regional autonomy is faced with various environmental problems that indicate that the political will behind environmental law in Indonesia is not yet oriented towards environmental protection and ecological sustainability. This paper highlights two points:

1. The actualisation of environmental law and policy in the course of implementing regional autonomy must include, as a minimum, the following:
   - establishing regional legislation based on ecological sustainability,
   - strengthening regional environmental authority,
   - increasing regional environmental institutional capacity, and
   - developing inter-regional environmental cooperation.
2. The principles of eco-cracy should be integrated with the principles and objectives of regional autonomy. In so doing, it may be possible to realise both ecological sustainability and sustainable prosperity.

Notes

1 WCED (translated by Sumantri, B.) 1988. *Hari Depan Kita Bersama [Our Common Future]*, at 13. Jakarta: PT Gramedia.
2 Santosa, M.A. 2001. *Good Governance & Hukum Lingkungan*, at 99. Jakarta: Indonesian Center for Environmental Law.
3 Akib, M. 2013. *Politik Hukum Lingkungan, Dinamika dan Refleksinya Dalam Produk Hukum Otonomi Daerah*. *Second Edition*, at 46–47. Jakarta: PT RajaGrafindo Persada; and Akib, M. 2011. "Politik Hukum Pengelolaan Lingkungan Hidup Dalam Perspektif Otonomi Daerah Menuju Pengaturan Hukum Yang Berorientasi Keberlanjutan Ekologi", at 141. Dissertation, Doctoral Program in Law, Diponegoro University, Semarang.
4 Asshiddiqie, J. 2010. *Konstitusi Ekonomi*, at 74. Jakarta: Penerbit Buku Kompas.
5 Asshiddiqie, J. 2009. *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, at 4. Jakarta: Rajawali Pers.
6 Ribot, J.C. 2004. *Waiting for Democracy, The Politics of Choice in Natural Resource Decentralization*, at 8. Washington DC: World Resources Institute.
7 Sonny Keraf, A. 2002. *Etika Lingkungan*, at 199–200. Jakarta: Penerbit Buku Kompas.
8 Ministry of Forestry. 2009. *Statistik Kehutanan 2008*. Jakarta: Ministry of Forestry.
9 2014. "Kerusakan Hutan Indonesia Terus Meningkat". *Tempo.Co*, 1 July. Online at http://www.tempo.co/read/news/2014/07/01/095589444/keru-sakan-hutan-indonesia-terus-meningkat.
10 Anon. 2009. "Naskah Akademik RUU Perubahan UU No. 23 Tahun 1997 tentang Pengelolaan Lingkungan Hidup", 22 May.
11 Messwati, E.D. 2012. "70 Persen Kerusakan Lingkungan akibat Operasi Tambang". *Kompas.Com.* Online at http://regional.kompas.com/read/2012/09/28/17313375/70.Per-sen.Kerusakan.Lingkungan.akibat.Operasi.Tambang.
12 Manan, B. 2001. *Menyongsong Fajar Otonomi Daerah*, at 26. Yogyakarta: Faculty of Law, Islamic University of Indonesia.
13 *Ibid*., at 4.
14 Konstitusi lingkungan atau konstitusi hijau adalah konstitusi yang memuat kebijakan negara di bidang lingkungan hidup (see Asshiddiqie, *supra*, note 5).
15 Fauzi, N. *et al*. 2001. *Otonomi Daerah Sumber Daya Alam dan Lingkungan*, at 8–9. Yogyakarta: Lapera Pustaka Utama.
16 According to a study on Regional Regulations in three districts (cities in Lampung Province (Bandar Lampung, Tanggamus and East Lampung)) between 1999–2009, approximately 146 of the 445 Regional Regulations issued (30 percent) regulated PDRD. This is compared to other regional regulations in Akib, M., 2011, *supra*, note 3; and Akib, M. 2009. "Political Law of Environmental Management and Reflexes in Regional Autonomy Law Products". *Journal of Media Law* 16(3): 576.
17 According to data posted by the Ministry of Home Affairs, 1,105 regional regulations were cancelled from 2002–2009.
18 *Supra*, note 2, at 100–102.
19 See Nicolai, P. *et al.*, as cited by Ridwan, H.R. 2003. *Hukum Adminitrasi Negara*, at 136. Yogyakarta: Islamic University of Indonesia Press.
20 *Supra*, note 12; and Ridwan, *ibid.*
21 Hadjon, P.M. 1994. "Fungsi Normatif Hukum Administrasi Dalam Mewujudkan Pemerintahan Yang Bersih", at 7. *Pidato Peresmian Penerimaan Jabatan Guru Besar Ilmu Hukum.* Surabaya: Faculty of Law, Airlangga University. See also van Maarseven, H. (cited in Monteiro, J.M. 2008. "Sinkronisasi Pengaturan Kewenangan Pengelolaan Sumber Daya Alam Kelautan". *Jurnal Hukum Pro Justisia* 26(2): 131), who stated that the legal basis for the exercise of authority must always be apparent.
22 Lovei, M. and Weise, C. 2006. Cited in: Wijoyo, S. *Refleksi Mata Rantai Pengaturan Hukum Pengelolaan Lingkungan Secara Terpadu*, at 166. Surabaya: Airlangga University Press (noting that "the administrative and institutional framework" of environmental institutions "is an inherent part of the environmental management system").
23 *Ibid*.
24 *Supra*, note 5, at 120.
25 Hayward, T. 2005. *Constitutional Environmental Rights*, at 4. New York: Oxford University Press.

0378-777X/19/$27.50 © 2019 IOS Press