

## Law Enforcement against Environmental Pollution

### at PT Sugih Waras Jaya

Crystya Zuliana<sup>1\*</sup>, Hanin Alya Labibah<sup>2</sup>, Mohamad Yasir<sup>3</sup>

<sup>123</sup>Faculty of Law, Universitas Bojonegoro

<sup>1</sup>crystyazuliana@gmail.com

### Abstract

This study examines the legal regulation of corporate environmental pollution under Law No. 32 of 2009 on Environmental Protection and Management and evaluates administrative law enforcement by the Environmental Agency of Tuban Regency against PT Sugih Waras Jaya. The research method used is a normative-empirical legal study employing statutory and case approaches. Data were obtained through interviews with relevant government officials and a review of legislation, legal literature, and academic journals. The findings indicate that the national legal framework clearly regulates corporate responsibility through environmental permitting obligations, the application of the precautionary principle, and the polluter pays principle as preventive instruments. However, in practice, administrative enforcement at the regional level still faces various challenges, including limited institutional capacity, a tendency to rely on persuasive approaches, and resistance from corporate actors. The enforcement process, which begins with public complaints and ends with administrative sanctions, has not yet been fully effective in creating a deterrent effect. These research findings highlight a gap between legal norms and practical implementation and underscore the importance of institutional strengthening and consistent enforcement to enhance environmental protection at the local level.

**Keywords:** administrative sanctions, corporate, environmental law enforcement, environmental permits, pollution.

### Abstrak

*Penelitian ini bertujuan untuk mengkaji pengaturan hukum pencemaran lingkungan oleh korporasi berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup serta mengevaluasi penegakan hukum administratif oleh Dinas Lingkungan Hidup Kabupaten Tuban terhadap PT Sugih Waras Jaya. Metode penelitian yang digunakan adalah penelitian hukum normatif-empiris dengan pendekatan perundang-undangan dan pendekatan kasus. Data diperoleh melalui wawancara dengan pejabat instansi terkait serta penelaahan terhadap peraturan perundang-undangan, literatur hukum, dan jurnal ilmiah. Hasil penelitian menunjukkan bahwa kerangka hukum nasional telah mengatur tanggung jawab korporasi secara tegas melalui kewajiban izin lingkungan, penerapan prinsip kehati-hatian, dan prinsip pencemar membayar sebagai instrumen pencegahan. Namun, dalam praktiknya, penegakan hukum administratif di tingkat daerah masih menghadapi berbagai kendala, antara lain keterbatasan kapasitas kelembagaan, kecenderungan penggunaan pendekatan persuasif, serta resistensi dari pelaku usaha. Tahapan penegakan hukum*

\*Crystya Zuliana

Email: crystyazuliana@gmail.com

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*yang dimulai dari pengaduan masyarakat hingga pemberian sanksi administratif belum sepenuhnya efektif dalam menciptakan efek jera. Temuan penelitian ini menegaskan adanya kesenjangan antara norma hukum dan implementasi di lapangan serta menunjukkan pentingnya penguatan kelembagaan dan konsistensi penegakan hukum untuk meningkatkan perlindungan lingkungan hidup di tingkat lokal.*

**Kata kunci:** izin lingkungan, korporasi, penegakan hukum, pencemaran, sanksi administrative.

## 1. INTRODUCTION

Industrialization plays a crucial role in accelerating economic development and transforming regional economies in Indonesia. The presence of industrial sectors contributes to job creation, increased income, and the modernization of infrastructure. Despite these benefits, industrial growth often imposes significant environmental burdens, particularly when business practices neglect regulatory compliance or sustainability standards. Environmental pollution resulting from industrial activities remains a persistent issue, reflecting the broader challenge of harmonizing economic expansion with ecological preservation. The complexity of this tension demonstrates the importance of a responsive legal framework capable of regulating industrial behavior while safeguarding the environment.<sup>1</sup> Ensuring that industrial progress does not undermine ecological balance requires a regulatory approach grounded in responsibility, accountability, and institutional vigilance. Legal interventions therefore become indispensable in mitigating the environmental risks associated with unchecked industrial activity.

Environmental protection constitutes a vital aspect of public welfare and human rights. The Indonesian Constitution explicitly affirms the right to a good and healthy environment as part of the broader human rights framework. This recognition places a legal obligation on the state to ensure environmental integrity and to address any form of environmental degradation that may threaten public health or ecological stability. Environmental harm must therefore be viewed not merely as a technical violation but as a breach of constitutional rights. This constitutional mandate calls for state agencies to

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<sup>1</sup> Rineke Sara and Bastoni Purnama, "Environmental Issues And Environmental Law Enforcement In Indonesia In The Perspective Of Law Number 32 Of 2009," *Jurnal Indonesia Sosial Sains* 5, no. 1 (January 8, 2024), <https://doi.org/10.59141/jiss.v5i1.936>.

act decisively in both preventive and remedial capacities.<sup>2</sup> The fulfillment of these obligations demands a legal system that is capable not only of setting standards but also of enforcing them consistently and equitably. Environmental governance, in this sense, becomes a fundamental expression of the state's duty to protect both present and future generations.

The enactment of Law No. 32 of 2009 on Environmental Protection and Management represents a significant milestone in Indonesia's environmental legal framework. This statute establishes key definitions, such as environmental pollution, and clarifies the responsibilities of both individuals and corporations in maintaining environmental quality.<sup>3</sup> Pollution is understood as the introduction of living organisms, substances, energy, or other components into the environment by human activities that exceed established quality thresholds. Under this legal framework, corporations are expected to uphold environmental obligations as legal subjects, rather than being treated solely as economic actors. The law reflects globally recognized principles such as precaution, the polluter pays principle, and strict liability, which reinforce the expectation of corporate accountability. The adoption of such principles aims to promote a preventive and corrective approach to environmental harm. However, the effectiveness of the law hinges not only on its normative clarity but also on its institutional enforcement.<sup>4</sup>

The disconnect between normative regulations and practical enforcement remains a serious concern. Numerous environmental violations are insufficiently addressed due to limited institutional resources, weak regulatory oversight, and low levels of compliance from corporate actors. Institutional fragmentation and overlapping authorities often hinder timely and coordinated responses to environmental complaints. Moreover, community voices are frequently marginalized in environmental decision-making

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<sup>2</sup> Ummi A'zizah Zahroh, "Problems and Challenges on Environmental Law Enforcement in Indonesia: AMDAL in the Context of Administrative Law," *Indonesian State Law Review* 5, no. 2 (2025): 53-66., <https://doi.org/https://doi.org/10.15294/isrev.v5i2.23131>.

<sup>3</sup> Valencia Prasetyo Ningrum, "Environmental Law Enforcement In Law Number 32 of 2009 Concerning Environmental Protection and Management," *Asian Journal of Social and Humanities* 1, no. 08 (May 25, 2023): 351–56, <https://doi.org/10.59888/ajosh.v1i08.38>.

<sup>4</sup> Muhammad Syaiful Anwar and Rafiqa Sari, "Penegakan Hukum Lingkungan Berbasis Asas Tanggung Jawab Negara Di Indonesia," *PROGRESIF: Jurnal Hukum* 16, no. 1 (June 28, 2021): 112–29, <https://doi.org/10.33019/progresif.v16i1.2336>.

processes, reducing the legitimacy and responsiveness of law enforcement.<sup>5</sup> These structural and procedural limitations weaken the capacity of the legal system to protect the environment effectively. Public trust in environmental governance is further undermined when violations go unpunished or when enforcement appears selective. Bridging the gap between legal norms and real-world practices therefore requires institutional reform, legal consistency, and meaningful community engagement.

Tuban Regency in East Java presents a compelling case of the environmental challenges faced by rapidly industrializing regions. Economic contributions from the industrial sector have grown substantially in recent years, yet concerns over environmental degradation, particularly air and water pollution, have also intensified. Allegations against PT Sugih Waras Jaya, a company operating in this region, have prompted public concern regarding deteriorating environmental quality. Local residents have reported adverse environmental effects, which led the Tuban Environmental Agency to initiate inspections and regulatory assessments. This case exemplifies the complex interplay between regulatory bodies, corporate entities, and local communities in the context of environmental governance. The responsiveness of local institutions and the ability to implement administrative sanctions are critical in determining the outcomes of such cases. Examining the regulatory response in this context offers insight into the strengths and weaknesses of environmental enforcement at the regional level.

Administrative enforcement serves as a strategic instrument for addressing environmental violations under Indonesian environmental law. Compared to civil and criminal enforcement, administrative measures are often more efficient, preventive, and capable of delivering timely interventions. Sanctions such as warnings, activity suspension, or permit revocation allow environmental agencies to act without prolonged legal proceedings.<sup>6</sup> These mechanisms also align with core environmental principles that prioritize risk prevention and corporate responsibility. Nonetheless, the success of

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<sup>5</sup> Felix Aglen Ndaru, “Restorative Environmental Law Enforcement: Ensuring Environmental Restoration and Compliance Through Multiple Legal Instruments,” *Asia Pacific Fraud Journal* 10, no. 2 (December 11, 2025): 191–208, <https://doi.org/10.21532/afjournal.v10i2.379>.

<sup>6</sup> Yonani Hasyim and Serlika Aprita, “The Aspects Of Environmental Law Enforcement In Indonesia And The Implementation Of International Agreements In The Environmental Field In Indonesia,” *Nurani: Jurnal Kajian Syari’ah Dan Masyarakat* 21, no. 2 (January 1, 1970): 209–18, <https://doi.org/10.19109/nurani.v21i2.8958>.

administrative enforcement depends on the institutional capacity of environmental authorities, including their technical expertise and legal competence. In areas where such capacity is limited, enforcement may fall short of producing deterrent effects. The effectiveness of administrative action must therefore be assessed not only through legal texts but also through actual implementation and institutional performance.

Recent academic studies have underscored persistent challenges in environmental law enforcement across Indonesia. Research by Rahayu Subekti<sup>7</sup> et al. in 2023 identified in the enforcement of vehicle emission controls, particularly in supervision mechanisms, institutional coordination, and public compliance. Jefri Kurniawan<sup>8</sup> in 2024 argued that strong and consistent enforcement of environmental laws is essential to effectively control river pollution and protect aquatic ecosystems in Indonesia. Dila Nurul Maghfira Arrahman<sup>9</sup> in 2025 emphasized that effective and consistent enforcement of corporate legal liability is essential to deter environmental damage and ensure sustainable environmental protection in Indonesia. These studies collectively suggest that the problem is not merely one of regulatory gaps but of institutional weakness and enforcement inconsistency. Moreover, most existing research lacks in-depth, localized case studies that explore administrative enforcement within specific environmental disputes. Developing a more grounded understanding of enforcement practices therefore requires empirical inquiry into actual responses by local authorities in the face of corporate violations.

This study seeks to explore the legal foundations of corporate environmental responsibility within the framework of Law No. 32 of 2009 and to assess the administrative enforcement efforts undertaken by the Environmental Agency of Tuban Regency in the case involving PT Sugih Waras Jaya. The case offers an opportunity to examine how statutory principles and institutional procedures interact within a concrete

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<sup>7</sup> Rahayu Subekti et al., “Law Enforcement Against Environmental Pollution by Vehicle Exhaust Emissions,” *Kosmik Hukum* 23, no. 1 (January 14, 2023): 50, <https://doi.org/10.30595/kosmikhukum.v23i1.15306>.

<sup>8</sup> R. Kurniawan, J. Frinaldi, A., & Rembrandt, “Enforcement of Environmental Law in Efforts to Handle River Pollution Cases in Indonesia,” *Science and Environmental Journal for Postgraduate* 7, no. 1 (2024): 58–67, <https://doi.org/10.24036/senjop.v7i1.276>.

<sup>9</sup> Dila Nurul Maghfira Arrahman et al., “Pertanggungjawaban Hukum Korporasi: Penegakan Hukum Terhadap Pencemaran Dan Kerusakan Lingkungan Hidup Di Indonesia,” *Journal of Legal, Political, and Humanistic Inquiry* 1, no. 2 (December 28, 2025): 195–203, <https://doi.org/10.65310/v1j3cz65>.

enforcement context. Attention is given to how local authorities interpret their regulatory mandate and whether the measures applied are capable of producing legal and environmental outcomes. The significance of this research lies in its ability to contribute empirical insights into the broader discourse on environmental law enforcement in decentralized governance systems. Central to this inquiry is the question of whether administrative enforcement, as practiced in this case, effectively fulfills its role as a legal instrument for environmental protection. This question invites reflection on the capacity of legal institutions to translate environmental norms into meaningful action and ensure corporate accountability in practice.

## 2. RESEARCH METHODS

This study adopts a normative-empirical legal research methodology, combining doctrinal legal analysis with empirical investigation of law in practice.<sup>10</sup> The research applies a statutory approach to examine the legal framework governing environmental pollution, particularly the provisions contained in Law No. 32 of 2009 on Environmental Protection and Management.<sup>11</sup> In addition, a case approach is employed to examine the administrative enforcement measures undertaken by the Environmental Agency of Tuban Regency in relation to the alleged environmental violations committed by PT Sugih Waras Jaya. These approaches are used to assess both the normative structure of environmental law and its implementation within the regional administrative context.

The research is based on both primary data and secondary data.<sup>12</sup> Primary data were obtained through in-depth interviews with officials of the Environmental Agency of Tuban Regency who are directly involved in environmental supervision and administrative enforcement. Secondary data consist of statutory regulations, legal doctrine, academic literature, and peer-reviewed journal articles relevant to environmental law and administrative enforcement.<sup>13</sup> Data collection was conducted through library research and field interviews at the Environmental Agency of Tuban

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<sup>10</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: PT Raja Grafindo Persada, 2006).

<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Group, 2007).

<sup>12</sup> Jhonny Ibrahim, *Johnny Ibrahim, Teori & Metodologi Penelitian Hukum Normatif*, Bayumedia Publishing (Malang: Bayumedia Publishing, 2007).

<sup>13</sup> Jonaedi Efendi and Prasetyo Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua* (Depok: Prenadamedia Group, 2022), <https://books.google.co.id/books?id=j1W6EAAAQBAJ>.

Regency. All data were analysed using a qualitative descriptive legal analysis, by systematically linking normative legal provisions with empirical findings in order to evaluate the effectiveness of administrative law enforcement in preventing environmental pollution and ensuring corporate compliance with environmental obligations.

### 3. RESULTS AND DISCUSSION

#### 3.1. Legal Regulation of Environmental Pollution by Corporations

Legal regulation of environmental pollution by corporations in Indonesia is principally governed by Law No. 32 of 2009 concerning Environmental Protection and Management. This statute recognises corporations as legal subjects bearing the obligation to prevent, control, and mitigate environmental impacts arising from business activities. Evaluation of industrial operations therefore involves not only economic considerations but also compliance with environmental norms. Environmental performance forms an integral part of legal accountability under the Indonesian regulatory framework.<sup>14</sup> Corporate conduct must align with statutory environmental standards to ensure lawful operation. Violation of these standards may result in legal consequences regardless of the corporation's economic significance. Environmental law operates as a normative tool to balance industrial growth with ecological protection.<sup>15</sup>

Environmental pollution is defined as the entry of living organisms, substances, energy, and other components into the environment as a result of human activity, exceeding the prescribed quality standards. The definition employs an objective legal threshold based on measurable environmental indicators. Legal liability may arise once emissions or discharges surpass regulatory limits, without requiring proof of intent or negligence. This approach facilitates regulatory enforcement by relying on scientifically determined standards. Legal certainty increases when liability is linked to quantifiable criteria. Application of objective standards enhances clarity for both regulators and

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<sup>14</sup> Anwar and Sari, "Penegakan Hukum Lingkungan Berbasis Asas Tanggung Jawab Negara Di Indonesia."

<sup>15</sup> Muhammad Karimullah and Yana Sukma Permana, "Enforcement of Environmental Criminal Law against Corporations in the Perspective of the PPLH Law and the Principle of Strict Liability," *Decisio: Law Journal* 2, no. 2 (July 24, 2024): 25–29, <https://doi.org/10.52249/decisio.v2i2.24>.

regulated entities.<sup>16</sup> Environmental damage triggers corporate accountability based on actual outcomes rather than subjective fault.

Corporations are required to obtain environmental permits prior to commencing operations. Preparation of environmental documents, including Environmental Impact Assessments (AMDAL) or Environmental Management and Monitoring Efforts (UKL-UPL), is a mandatory prerequisite.<sup>17</sup> These instruments serve as early safeguards to detect and manage potential environmental risks at the planning stage. Integration of environmental due diligence into project design strengthens compliance and risk management. Non-fulfilment of permitting requirements constitutes a breach of administrative obligations. Regulatory authorities may impose sanctions including permit suspension or revocation. The permitting regime functions as a gatekeeping mechanism to prevent future harm.

Corporate environmental liability is structured around core principles of modern environmental law. The precautionary principle obliges businesses to consider potential environmental harm despite the absence of full scientific certainty. Decision-making must incorporate risk anticipation and proactive safeguards. The polluter pays principle mandates that environmental restoration costs are borne by the party responsible for the pollution. Economic responsibility for environmental damage reinforces deterrence and internalises external costs.<sup>18</sup> Legal doctrines encourage responsible conduct and disincentivise risk transfer to the public. Corporations are expected to allocate resources for compliance, prevention, and remediation. Financial liability underpins the enforcement of legal and ethical obligations.

Law No. 32 of 2009 provides for three main enforcement pathways: administrative, civil, and criminal. Administrative enforcement is positioned as the primary instrument due to its efficiency and corrective function. Regulatory agencies possess the authority to

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<sup>16</sup> T. Riza Zarzani, Ismaidar Ismaidar, and Mula Sihombing, "Corporate Criminal Liability In Environmental Pollution Crimes," *International Journal of Sociology and Law* 1, no. 3 (June 10, 2024): 31–40, <https://doi.org/10.62951/ijsl.v1i3.101>.

<sup>17</sup> Dwi Elvia Ningsih, Aldri Frinaldi, and Rembrandt Rembrandt, "Analysis of Environmental Approval in Government Regulation No. 22 of 2021 on the Implementation of Environmental Protection and Management," *CIVED* 11, no. 1 (March 18, 2024): 29–37, <https://doi.org/10.24036/cived.v11i1.483>.

<sup>18</sup> Deny Setiawan, Warasman Marbun, and Arief Patramijaya, "Corporate Criminal Liability In Environmental Pollution Crimes," *JILPR Journal Indonesia Law and Policy Review* 5, no. 3 (June 29, 2024): 511–20, <https://doi.org/10.56371/jirpl.v5i3.274>.

issue warnings, impose administrative penalties, suspend activities, or revoke licenses.<sup>19</sup> These measures can be taken without court proceedings, enabling swift intervention. Immediate response mechanisms help contain environmental harm before escalation. Administrative enforcement allows for proportional, scalable, and responsive legal actions. Regulators can address non-compliance directly and restore lawful conduct. Flexibility of administrative measures enhances environmental protection.

Enforcement under administrative law pursues both deterrent and restorative objectives. Corporations may be ordered to halt violations, undertake remediation, or comply with corrective measures. Legal enforcement aims not only to punish but to achieve environmental restoration. Restoration-oriented enforcement prioritises ecological recovery over retribution. Preventive and remedial elements of administrative law reflect the dynamic nature of environmental governance. Institutional effectiveness depends on consistent application of sanctions and follow-up monitoring. Legal authority to enforce compliance must be exercised with transparency and accountability. Strengthening regulatory enforcement supports long-term sustainability goals.

Corporate environmental liability under Indonesian law reflects a progressive regulatory model. Legal obligations extend beyond prohibition to include preventive duties, procedural compliance, and post-violation responsibility. Regulatory design ensures that corporations act as key agents in environmental stewardship. Institutional enforcement complements legal norms by ensuring implementation. Regulatory authorities serve as frontline actors in upholding environmental standards. Corporate practices are expected to align with both legal requirements and broader environmental objectives. The framework enables a balanced relationship between industrial development and ecological sustainability. The table below outlines the principal statutory provisions regulating corporate environmental pollution.

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<sup>19</sup> Loso Judijanto and Citra Dewi Saputra, "The Role of Environmental Law Enforcement in Improving Company Compliance with Hazardous Waste Management Regulations," *West Science Law and Human Rights* 3, no. 01 (January 31, 2025): 50–55, <https://doi.org/10.58812/wslhr.v3i01.1600>.

**Table 1.** Legal Provisions on Corporate Environmental Pollution under the Environmental Protection and Management Law (Law No. 32 of 2009)

Regulatory Aspect	Legal Provision	Implications for Corporations
<b>Legal subject</b>	Article 1 point 32 of the Law	Corporations are recognised as legal subjects and may be held legally liable.
<b>Definition of pollution</b>	Article 1 point 14 of the Law	Pollution is assessed based on the exceedance of environmental quality standards.
<b>Environmental permit</b>	Article 36 of the Law	Business activities are required to obtain an environmental permit.
<b>Preventive instruments</b>	Articles 22–34 of the Law	Mandatory preparation of an EIA (AMDAL) or Environmental Management and Monitoring Plan (UKL-UPL).
<b>Legal principles</b>	Article 2 of the Law	Application of the precautionary principle and the polluter pays principle.
<b>Administrative sanctions</b>	Articles 76–82 of the Law	Sanctions include warnings, government coercion, suspension, and permit revocation.

Source: Author's data processing

The table outlines the core legal provisions regulating corporate environmental pollution under Law No. 32 of 2009 on Environmental Protection and Management, highlighting the normative basis for corporate liability in environmental governance. Corporations are explicitly recognized as legal subjects, making them accountable for compliance with environmental standards. The definition of pollution is grounded in objective criteria, specifically the exceedance of environmental quality thresholds, which facilitates regulatory enforcement. The legal framework imposes preventive obligations through the requirement of environmental permits and the preparation of environmental documents such as AMDAL or UKL-UPL, ensuring that potential environmental risks are addressed at the planning stage. Foundational legal principles, namely the precautionary principle and the polluter pays principle, reinforce corporate responsibility by shifting both preventive duties and financial liability onto the polluter. The administrative enforcement mechanism provides regulators with a range of sanctions, from warnings to permit revocation, enabling timely and proportionate responses to non-compliance. Collectively, these provisions reflect a comprehensive and preventive regulatory approach aimed at integrating environmental accountability into corporate conduct.

### **3.2. Administrative Law Enforcement by the Environmental Agency of Tuban Regency against PT Sugih Waras Jaya**

Administrative enforcement in response to alleged environmental pollution by PT Sugih Waras Jaya was undertaken by the Environmental Agency (Dinas Lingkungan Hidup or DLH) of Tuban Regency, which serves as the competent regulatory authority at the regional level. The agency derives its enforcement mandate from Law No. 32 of 2009 on Environmental Protection and Management, which delegates supervisory and sanctioning powers to local governments in order to ensure compliance with environmental permits and quality standards.<sup>20</sup> Local environmental authorities play a central role in applying environmental law within their jurisdictions, particularly in cases involving corporate actors operating within their territory.

The enforcement process began with reports and complaints submitted by members of the surrounding community, who expressed concern over a perceived decline in environmental quality near the operational site of PT Sugih Waras Jaya. Public participation in environmental monitoring is expressly recognised under Law No. 32 of 2009 as part of democratic environmental governance. Community input functions as an early warning mechanism that triggers formal responses from competent authorities. The Environmental Agency responded by conducting a site inspection and collecting environmental samples to verify the claims and assess any breach of environmental quality thresholds. These procedures form the initial evidentiary stage of administrative law enforcement.

Field inspections and laboratory analysis provide the basis for determining whether PT Sugih Waras Jaya has violated applicable environmental norms, particularly the conditions stipulated in its environmental permit. Administrative enforcement under Indonesian environmental law serves both preventive and corrective purposes. Sanctions are structured to halt ongoing violations and to prevent further harm to the environment. Legal instruments available to the agency include written warnings, government-imposed coercive measures, temporary suspension of business activities, and permit revocation.

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<sup>20</sup> Muhammad Aditya Wijaya and Alif Imam Dzaki, “Corporate Criminal Liability on Environmental Law: Indonesia and Australia,” *Mulawarman Law Review*, December 30, 2023, 16–28, <https://doi.org/10.30872/mulrev.v8i2.1306>.

These measures are designed to ensure proportionality in enforcement, offering regulators discretion based on the degree of non-compliance.

Enforcement actions in this case followed a progressive approach that prioritised guidance and remediation before escalating to more formal sanctions. The Environmental Agency issued corrective recommendations and sought to promote voluntary compliance by PT Sugih Waras Jaya through a cooperative framework. This pattern reflects a prevailing policy orientation at the local level that favours compliance assistance and environmental recovery rather than immediate punishment. Authorities aimed to achieve environmental improvement by encouraging corporate actors to adjust their operations and fulfil legal obligations without resorting to adversarial procedures.

A compliance-based strategy, although constructive in principle, carries certain limitations. Emphasising persuasive and advisory measures without applying firm sanctions in cases of repeated or serious violations may undermine the deterrent function of environmental law.<sup>21</sup> Corporate actors may interpret leniency as regulatory weakness, reducing the incentive to implement substantive changes in environmental management. Long-term regulatory effectiveness depends on a balanced combination of preventive guidance and credible sanctioning capacity. Enforcement mechanisms must be responsive to non-compliance while retaining the ability to escalate when necessary.

Several structural and operational challenges were encountered during the enforcement process. Limitations in human resources, particularly qualified environmental inspectors, constrained the frequency and depth of field supervision. The need for laboratory-based environmental testing posed additional challenges in terms of time, cost, and technical expertise.<sup>22</sup> Resistance from corporate representatives to comply with recommended environmental improvements further delayed corrective action. These

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<sup>21</sup> Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, “The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia,” *Helijon* 9, no. 11 (November 2023): e21602, <https://doi.org/10.1016/j.helijon.2023.e21602>.

<sup>22</sup> Grandini Dyah Sagita and Ervira Rahmasari Budi, “Regional Rights, Environmental Wrongs: Unpacking the Paradox of Autonomy in Indonesia’s Environmental Governance,” *Indonesian Journal of Environmental Law and Sustainable Development* 3, no. 1 (January 31, 2024), <https://doi.org/10.15294/ijel.v3i1.78890>.

challenges highlight gaps in institutional capacity and point to the need for strengthening local environmental governance systems.<sup>23</sup>

The enforcement process in the case of PT Sugih Waras Jaya illustrates the complexity of applying administrative environmental law at the local level. Legal mandates, procedural tools, and enforcement discretion must be supported by adequate institutional capacity and a clear commitment to regulatory integrity. Strengthening monitoring systems, increasing transparency, and ensuring consistency in sanctioning are essential for building an effective enforcement regime. Administrative law enforcement must not only address violations reactively but also function as a proactive mechanism to secure long-term environmental compliance and sustainability. To provide a systematic overview of the administrative enforcement process undertaken by the Environmental Agency of Tuban Regency against PT Sugih Waras Jaya, the following table outlines the key stages of legal enforcement:

**Table. 2** Stages of Administrative Law Enforcement by the Environmental Agency of Tuban Regency

Stage	Enforcement Action	Legal Basis
Public complaint	Receipt of reports on alleged environmental pollution	Article 65(2) of the Environmental Law
Supervision	Field inspection and sampling	Article 71 of the Environmental Law
Evaluation	Analysis of inspection results and laboratory testing	Article 72 of the Environmental Law
Follow-up action	Issuance of warnings or recommendations for remediation	Article 76 of the Environmental Law
Administrative sanction	Government coercion, suspension, or revocation of permits	Articles 76–82 of the Environmental Law

Source: Author's data processing

The table presents a structured sequence of administrative enforcement stages implemented by the Environmental Agency of Tuban Regency in addressing alleged environmental violations by PT Sugih Waras Jaya. Beginning with public complaints under Article 65(2) of the Environmental Law, the process moves through field inspections (Article 71), data evaluation (Article 72), and follow-up measures such as warnings or remediation directives (Article 76). In cases of continued non-compliance,

<sup>23</sup> Francisca Rachel Alicia, "Implementation of Environmental Pollution and Damage Prevention Instruments in Indonesia: Issues and Challenges," *Indonesian Journal of Environmental Law and Sustainable Development* 3, no. 1 (January 31, 2024), <https://doi.org/10.15294/ijel.v3i1.78892>.

formal sanctions including government coercion, suspension, or revocation of permits may be imposed (Articles 76–82). This tiered approach integrates public participation, scientific assessment, and escalating legal measures, reflecting a regulatory model that balances preventive enforcement with legal coercion to ensure environmental compliance at the regional level.

## CONCLUSION AND SUGGESTION

The regulation of environmental pollution by corporations under Indonesian environmental law, particularly Law No. 32 of 2009, establishes a normative foundation that positions corporations as legal subjects with enforceable obligations. The provisions mandate preventive instruments such as environmental permits and uphold principles like precaution and polluter liability. In the case of PT Sugih Waras Jaya, administrative enforcement conducted by the Environmental Agency of Tuban Regency followed a structured legal sequence beginning with public complaints and culminating in the application of corrective measures. However, the implementation tends to prioritise persuasive and remedial approaches, often at the expense of deterrence, particularly in the absence of firm and consistent sanctioning. The novelty of this study lies in its empirical examination of subnational enforcement practices, revealing a regulatory gap between normative mandates and institutional capacity. This underscores the critical need to reform administrative enforcement at the local level to ensure it functions not only as a compliance tool but also as a deterrent mechanism against environmental harm.

Regional environmental agencies must enhance enforcement consistency by strengthening their technical and legal capacity to impose sanctions in proportion to the severity of violations. It is necessary to shift from a predominantly persuasive enforcement model toward a more assertive regulatory posture when dealing with serious environmental breaches by corporations. Furthermore, the integration of scientific evidence, transparent procedures, and community participation must be institutionalised to improve the credibility and effectiveness of administrative environmental enforcement in decentralized governance contexts.

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