

## **ANALYSIS OF THE INDONESIAN GOVERNMENT'S ACTIONS IN ADDRESSING CLIMATE CHANGE FROM A LEGAL PERSPECTIVE**

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### ***Abstract***

*Introduction: Climate change has recently become a hot topic of discussion in international forums. As a manifestation of its contribution to addressing climate change and ensuring the fulfillment of its citizens' rights, the Indonesian government, despite ratifying various international agreements related to climate change and devising several strategies, faces a gap between policy commitments and the on-ground reality that indicates a lack of significant impact on climate change. Deforestation, coal usage, and forestry issues have emerged as primary focal points, highlighting the inadequacy of effectiveness in addressing climate change. This research aims to elucidate the extent of the government's commitment to tackling global climate change. The study employs a normative legal method, analyzing related regulations and legal norms through literature review. Secondary data used in this article were obtained through literature review and presented descriptively. Consequently, enhancing inter-agency coordination, strengthening regulations and oversight, and engaging in community education are crucial recommendations to improve the government's effectiveness in responding to the challenges of climate change in Indonesia.*

*Keywords: Climate Change, Environment, Government, Law*

## **INTRODUCTION**

Sustainable development has become the center of global attention in an effort to answer the complex challenges faced by world society today. This concept is based on the idea that economic growth must be in harmony with environmental sustainability and social justice. It is in this context that the importance of implementing sustainable development as a basis for natural resource management and environmental protection is increasingly emphasized. Empowerment of natural resources is a key element in ensuring the survival of humans and their ecosystems. (TOMPODUNG, 2018)

For many Indonesians unfamiliar with the significance of the environment, they might perceive it merely as limited to flora and fauna. However, the environment is much more complex, encompassing all forms of life. In the context of development and community empowerment, paying attention to the environment is a necessity; neglecting it will only result in adverse impacts such as increased poverty, human rights violations, and even severe suffering. Climate change has emerged as one of the most pressing issues in the 21st century. Its tangible impacts like global warming, extreme weather, rising sea levels, and environmental degradation have transformed many aspects of social, economic, and ecological life worldwide. Addressing climate change requires global cooperation among governments, non-governmental organizations, scientists, and civil society. (Sanipar, 2023)

According to Mattias Finger (2009), the current environmental crisis stems from misguided policies, damaging technologies, a lack of political commitment, and a culture of consumerism and individualism. Proposed solutions include crafting better policies, developing new technologies, strengthening political commitments, fostering pro-environmental ideologies, addressing environmentally harmful actions, and altering cultural patterns and individual awareness.

Law plays a crucial role in addressing climate change, providing a regulatory framework to reduce greenhouse gas emissions, preserve natural resources, and protect human rights. However, to comprehend the legal role in the context of climate change, a profound analysis of international and national legal developments related to it is necessary. Evaluating Indonesia's government actions concerning climate change is vital to assess their alignment with initial commitments. This research aims to gauge the effectiveness of Indonesia's government actions in upholding its commitment to climate change mitigation from the standpoint of administrative law..

## **RESEARCH METHODOLOGY**

This study employs a normative legal method focused on analyzing legal resources (a statutory approach) and legal norms. Its aim is to examine laws, regulations, and conduct a scientific analysis of legal materials related to legal issues concerning the effectiveness of Indonesia's government actions in responding to climate change. This will be linked to their implementation in society (Efendi & Ibrahim, 2018). To address this research topic, the researchers conducted a literature review as a foundation to address the existing issues. The results of the literature review provide secondary data that forms the basis of this research (Benuf & Azhar, 2020). The obtained data was then analyzed using a descriptive approach for presentation purposes..

## **RESULTS AND DISCUSSION**

In evaluating the effectiveness of government policies, several aspects take center stage, including policy accuracy, implementation, targets, and the environment. Policy accuracy involves considering whether policies offer suitable solutions to the issues at hand and account for the characteristics of the problems being addressed. Assessing effectiveness in terms of implementation encompasses engaging all elements of society, not just the government, in policy implementation. Furthermore, target accuracy relates to the alignment

of intended goals with the formulated plans without conflicting with other policies. Finally, evaluating effectiveness also involves environmental accuracy, both within the internal scope of policy-making institutions and the general public's perception of policy implementation. (Utami & Lianti, 2023)

Efforts to control climate change have become a focal point for various nations, considering their respective national conditions and capacities, in line with the principle of common but differentiated responsibilities and respective capabilities (Wang & Gao, 2018). In facing climate change, countries, including Indonesia, are expected to commit and contribute according to their capacities. Sedarmayanti's perspective (2003:4) on the effectiveness and efficiency of government performance includes administrative governance or policy implementation systems. This analysis becomes a crucial criterion in assessing the extent of policy implementation regarding climate change by the Indonesian Government, including other supporting factors such as leadership, the presence of specialized institutions focused on climate change, and the possibility of funding for collaboration in responding to climate change (Wardhana, 2019).

Indonesia's actions on the international stage regarding climate change are reflected in its role as a country that ratified the UNFCCC convention (Law No. 6 of 1994) and the Kyoto Protocol (Law No. 17 of 2004). Subsequently, Indonesia issued a strategy in the form of the National Action Plan for Greenhouse Gas Emission Reduction with emission reduction and climate change adaptation targets (RAN-API). Furthermore, Indonesia also ratified the Paris Agreement (Law No. 16 of 2016), resulting in the Nationally Determined Contribution (NDC) as a national commitment to climate resilience and low-carbon development based on Nawa Cita (Wardhana, 2019). However, there is a discrepancy between the government's expressed commitments in policies and the on-ground reality that indicates a lack of significant impact on climate change. Deforestation damaging forests and the use of coal as a primary energy source are examples of actions conflicting with efforts to reduce greenhouse gas emissions (Zuhir et al., 2017). Forestry-related issues, such as illegal logging and overlapping regulations, also raise concerns, indicating a lack of legal supremacy and oversight (Agus & Subiksa, 2008).

70% of forest logging in Indonesia is conducted illegally according to the Indonesian Forum for the Environment (WALHI). Overlapping regulations and sectoral policies in forest and peatland management add complexity to the forestry issue in combating climate change. For instance, the food estate policy in Central Kalimantan has led to deforestation expansion

and unsustainable peatland clearing, damaging the environment (WRI Indonesia, n.d.; Widjaja-Adhi, 1988). These steps indicate that the government's actions can be seen as a step backward from Indonesia's initial commitments in addressing climate change.

There are various ways to assess how the government responds to climate change. Indonesia has been active on the international front concerning this issue, playing a role as a ratifying country to the United Nations Framework Convention on Climate Change (UNFCCC) in Law No. 6 of 1994. Additionally, Indonesia also approved Law No. 17 of 2004, a result of ratifying the Kyoto Protocol, aimed at reducing the rate of global warming.

As a follow-up from COP-15 in 2011, Indonesia established the National Action Plan for Greenhouse Gas Emission Reduction to reduce emissions by 26% unilaterally and 41% with international assistance. The National Action Plan for Climate Change Adaptation (RAN-API) in 2014 emphasized the importance of integrated efforts and collective commitments from various stakeholders. In 2015, Indonesia also ratified the Paris Agreement through Law No. 16 of 2016, used as the basis for more effective collaboration among nations in addressing climate change. The Paris Agreement produced the Nationally Determined Contribution (NDC), which became Indonesia's national commitment to climate resilience and low-carbon development based on Nawa Cita (Wardhana, 2019).

However, there is a discrepancy between the government's policy commitments and the field reality that has not significantly impacted climate change. Actions like deforestation damaging forests and the use of coal as the primary energy source (Zuhir et al., 2017) indicate this discrepancy. Forestry issues have been a focus in Indonesia's climate change mitigation, yet the effectiveness of its implementation is questionable, especially regarding legal supremacy and oversight.

The Indonesian Forum for the Environment (WALHI) notes that 70% of forest logging in Indonesia is illegal. Overlapping regulations and sectoral policies regarding forest and peatland management pose constraints. Government policies that exacerbate forest deforestation, like the food estate in Central Kalimantan, contradict greenhouse gas reduction commitments because such lands should not be utilized for agriculture due to their unsupportive characteristics (Agus & Subiksa, 2008).

Although the NDC 2016 sets a renewable energy target of 23% by 2025, data from the Ministry of Energy and Mineral Resources shows renewable energy usage only reaching 10.9%, far from the target (Ministry of Energy and Mineral Resources, 2020). This indicates

that government policies in the energy sector, especially coal-fired power plants, do not reflect strong ambitions to reduce emissions from the energy sector (Zuhir et al., 2017).

The government's actions in climate change mitigation have not yielded the expected results, indicating a lack of effectiveness. Prerequisites for effectiveness and efficiency in governance should be realized, including in climate change mitigation efforts (Ridwan, 2014). The government is expected to consider the principles of good governance, especially thoroughness, to make meticulous decisions, weigh legal implications, and accept inputs from various relevant parties (Ridwan, 2014).

Integrating environmentally friendly development into climate change mitigation efforts is crucial. Successful climate change mitigation involves integrating environmental concerns into various development plans, policies, investments, and initiatives at different levels (Dalal-Clayton & Bass, 2009). Therefore, sustainable and coherent policies among government sectors are necessary to create mutually beneficial synergies (Rahman, 2019).

## **CONCLUSION**

From the discussion, it can be concluded that the Indonesian government has issued several important policies and commitments at national and international levels related to climate change mitigation. However, there is a discrepancy between the commitments expressed in policies and the on-ground reality, such as ongoing deforestation and the use of coal as the primary energy source, which contradicts efforts to reduce greenhouse gas emissions. Forestry-related issues, including illegal logging and overlapping policies, indicate constraints in the effectiveness of climate change-related policy implementation. Furthermore, there is a gap between the set targets and the achieved outcomes, such as the renewable energy target being far from reached.

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