

# Legal protection on the sustainable natural resource conservation management

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## ABSTRACT

This research discusses the regulations in Indonesia regarding the legal protection of sustainable natural resources conservation and the implementation of sustainable principles. This research was carried out using a statutory approach (statute approach). Legal materials used in this legal research. Namely primary legal materials which include laws and regulations and all official documents containing legal provisions and secondary legal materials that provide explanations as the supporting of primary legal materials, such as books, articles, journals, research results, papers and so on related to environmental law, especially the protection of sustainable natural resources conservation law. The law has regulated the protection and management of sustainable natural resource conservation, the community still needs to implement the management of natural resources properly and orderly. Then, in order to protect the conservation of natural resources, it must be managed strictly and balanced to become internalized into laws and regulations. Based on the description above, the results of the discussion can be concluded that Law Number 5 of 2009.

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## 1. Introduction

Indonesia has a lot of abundant natural resources. They are well managed, regarding the increasing steps or decreasing quality of natural resources, such as petroleum/petrochemicals, water, and the environment globally. These resources have yet to be optimally exploited in Indonesia (Djayaputra, 2021; Ellyzabeth Sukmawati et al., 2022; Rahma et al., 2021). In the future, this sector will be an important sector in eradicating poverty, creating job opportunities, increasing national income and export revenues as well as play a role as a producer of raw materials to create added value in the industrial and service sectors (Firdaus, 2017; Ridena et al., 2021).

Natural resources require conservation to obtain natural protection. Conservation is an effort to care for and protect natural resources on Earth, including air, minerals, plants, soil, water, and wildlife (Muhamad et al., 2021). These protection efforts are carried out so that the natural resources on Earth, including humans and wild animals, can survive for future generations (James et al., 2021). This condition is regulated in legal protection (Guntoro et al., 2022; Sokolova & Cherkashyna, 2021).

Legal protection as a shelter, protection (things and so on) action. The linguistic meaning of the word protection has similar elements, namely elements of protective actions and ways of protecting. Some of the opinions by experts regarding legal protection are as follows. Legal Protection is something that protects legal subjects through applicable laws and regulations and can be divided into two, namely the government provides Preventive Legal Protection to prevent violations. This is contained in the laws and regulations to avoid a violation and provide signs or limitations in performing an obligation. Repressive Legal Protection is

the final protection in sanctions, such as fines, imprisonment, and additional penalties if a dispute or a violation has been committed (Jamin et al., 2022).

Legal Protection is an act or effort to protect society from arbitrary actions by rulers not following the rule of law. Besides, it aims to realize order and tranquillity to allow humans to have their dignity as human beings. Legal protection is an effort to protect one's interests by allocating human rights power to act in the framework of an individual's interests. Legal protection is an activity to protect individuals by harmonizing the relationship of values or rules that exist in attitudes and actions in creating an order of the life association between fellow humans (Jamin et al., 2022).

Legal Protection is all efforts to fulfil rights and provide assistance with a sense of security to witnesses and/or victims. Legal protection of crime victims as part of community protection can be realized in various forms, such as through the provision of restitution, compensation, medical services, and legal assistance (Smolov et al., 2015).

Conservation is an effort made by humans to preserve or protect nature. Conservation is preservation or protection (Chandramohan, 2014). Literally, conservation comes from the English words of *conservation*, which means preservation or protection. As a result of the natural resources use that do not pay attention to the carrying capacity of the environment as is happening today, it has harmed humans themselves (Surya et al., 2020). This is because the balance of nature is disturbed, so it often causes disaster for humans, such as the emergence of erosion, floods, pollution, plant pests, and diseases that are difficult to overcome, as well as the extinction of biodiversity. On the other hand, the sustainability of the natural resources availability should also be addressed. Besides, the rules created as a basis for managing a business and/or activities supporting the development of the economic sector are often violated (Guntoro et al., 2022).

Based on this background, this paper aims to examine the Regulations in Indonesia that regulate legal protection for the conservation of sustainable natural resources owned by Indonesia and the implementation of sustainable development principles, which requires the agreement of all parties to integrate the pillars of development proportionally. Indonesia has a lot of abundant natural resources. They are well managed, regarding the increasing steps or decreasing quality of natural resources, such as petroleum/petrochemicals, water, and the environment globally. These resources have yet to be optimally exploited in Indonesia (Djayaputra, 2021; Rahma et al., 2021). In the future, this sector will be an important sector in eradicating poverty, creating job opportunities, increasing national income and export revenues as well as play a role as a producer of raw materials to create added value in the industrial and service sectors (Firdaus, 2017; Ridena et al., 2021). Natural resources require conservation to obtain natural protection. Conservation is an effort to care for and protect natural resources on Earth, including air, minerals, plants, soil, water, and wildlife (Muhamad et al., 2021). These protection efforts are carried out so that the natural resources on Earth, including humans and wild animals, can survive for future generations (James et al., 2021). This condition is regulated in legal protection (Guntoro et al., 2022; Sokolova & Cherkashyna, 2021).

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use that do not pay attention to the carrying capacity of the environment as is happening today, it has harmed humans themselves (Surya et al., 2020). This is because the balance of nature is disturbed, so it often causes disaster for humans, such as the emergence of erosion, floods, pollution, plant pests, and diseases that are difficult to overcome, as well as the extinction of biodiversity. On the other hand, the sustainability of the natural resources availability should also be addressed. Besides, the rules created as a basis for managing a business and/or activities supporting the development of the economic sector are often violated (Guntoro et al., 2022). The protection of conservation areas is critical to preserving natural habitats and ensuring the continued provision of ecosystem services. The lack of transboundary governance structures results in existing as a treaty on paper, as there are no clear processes for transboundary cooperation and collaboration (Chitakira et al., 2022).

Based on this background, this paper aims to examine the Regulations in Indonesia that regulate legal protection for the conservation of sustainable natural resources owned by Indonesia and the implementation of sustainable development principles, which requires the agreement of all parties to integrate the pillars of development proportionally.

## 2. Research Method

This research was carried out using a statutory approach (statute approach). A statute approach is an approach taken by examining regulations and laws related to the legal issue being handled (Peter Mahmud Marzuki, 2017). Legal materials used in this legal research, namely: primary legal materials which include laws and regulations and all official documents containing legal provisions; and secondary legal materials that provide explanations as the supporting of primary legal materials, such as books, articles, journals, research results, papers and so on related to environmental law, especially the protection of sustainable natural resources conservation law (Talumepa, 2020).

## 3. Results And Discussions

### Regulations governing legal protection of natural resource conservation in Indonesia

Excessive human actions in the territory of Indonesia (after regional autonomy), where they compete to control natural resources for personal and group interests by getting the maximum profits, can cause negative impacts. These impacts can affect the present and future generations (Hanny Kurnia, 2022; Lisdiyono & Asyhar Assalmani, 2017). Thus, the control function of the penal system is very needed. This regulation is an effort to educate the public, business people, and the government regarding the consequences of moral mistakes related to the attitude of actions towards the environment that is prohibited. It also aims to prevent potential actors from taking irresponsible and damaging actions to the environment (Hernanda & Giyono, 2022; Mubarak, 2019).

As an archipelagic country, Indonesia has the third highest level of abundance and diversity of biodiversity. It is a very important component for the continuity of life, including humans and their existence (Aripin *et al.*, 2021; Mustika *et al.*, 2021). Unfortunately, the condition of conserving biodiversity in the world faces serious challenges. The extinction rate was known to be one species per day in the 1980s, but in the 2000s, this increased rapidly to 100 species per day (Nurhidayah & Alam, 2020). Various government efforts have been made to protect, preserve, maintain, and restore Indonesia's biodiversity. One of the efforts is to designate several conservation areas spread throughout Indonesia. This shows Indonesia's commitment to preserving natural resources for the needs of the human being. Maintaining the existence of important types of natural resources is one of the mandates of existing conservation area management. Therefore, monitoring the conservation area management's condition needs to be continuously carried out. This is not only to ensure that the area is managed in accordance with the stated objectives, it is also a tool to correct existing weaknesses (Indrajaya *et al.*, 2022; Nurliah & Azwar, 2019).

Law No. 32 of 2009 as a substitute for Law no. 23 of 1997 made a new breakthrough in enforcing environmental law which aims to make it easier to prove an environmental law case. The breakthrough is transforming criminal law liability previously in the category of material offenses into formal offenses for acts of pollution and environmental destruction. So, it means that it is no longer necessary to prove the element of the consequences of an act, but it is sufficient to prove the existence of an act declared as a prohibited act. If it is carried out, it will be subject to sanctions following the laws and regulations.

According to Law No. 32 of 2009 concerning Environmental Protection and Management, natural resource conservation is the management of natural resources to ensure their wise use and sustainable availability while maintaining and improving the quality of value and diversity by controlling direct and/or indirect changes in the physical, chemical, and/or biological properties of the environment that exceed the standard criteria for the damage environment.

Article 1 paragraph (2) Law Number 32 of 2009 divides environmental protection and management efforts into six parts: planning, utilization, control, maintenance, supervision, and law enforcement. The objectives of environmental protection and management efforts are listed in Article 3 of Law Number 32 of 2009, namely protect the territory of the Republic of Indonesia from pollution and/or environmental damage, ensure human safety, health, and life. Ensure the survival of living things and the preservation of ecosystems, maintain the preservation of environmental functions and achieve harmony, harmony and balance of the environment.

Conservation Tasks according to Law Number 32 of 2009, are directly listed in Chapter Six, with the following details, environmental maintenance is carried out through efforts to conservation of natural resources, reserve of natural resources and/or preservation of atmospheric functions. Conservation of natural resources as referred to in paragraph letter *a* includes the activities of protection of natural resources, preservation of natural resources, and sustainable use of natural resources. As referred to in paragraph point *b*, natural resource reserves are natural resources that cannot be managed within a certain period.

Law enforcement is mentioned as an action that will be taken if there are parties who violate the provisions mentioned in Law Number 32 of 2009. For example, by giving a maximum prison sentence of one year and a maximum fine of IDR 1 billion, if someone gives hoax or misleading information or provides incorrect information related to environmental protection and management.

#### **Policy implementation on sustainable natural resource conservation management**

Over-exploitation of natural resources will cause more damage than the economic benefits taken. The impact of environmental damage is very influential on the survival of human life in the future. In addition, unwise exploitation of natural resources will cause the loss of ecosystem services, such as clean and fresh air, clean water, and ecosystem balance that contribute to the sustainability of human life.

Damage to natural resources is generally caused by community activities that are not environmentally friendly in managing these natural resources and cause impacts, such as forest destruction and conversion, mining, air, water, and soil pollution. On this basis, natural resources must always be managed in balance to ensure life in the future. The principles of sustainable natural resources (sustainable development) in all sectors and regions are the main prerequisites to be internalized into policies, laws, and regulations, especially in encouraging the sustainability of people's lives in the short, medium, and long term. These principles synergize and complement each other with the development of good governance based on participation, transparency, and accountability principles that encourage efforts to improve natural resource management and preserve environmental functions.

Therefore, for natural resources to be useful in a long time, efforts are needed to maintain natural resource sustainability, namely natural resources must be managed to get maximum benefits, but natural resource management must be pursued to keep productivity sustainable, its exploitation must be under the limit of the power of regeneration or assimilation of natural resources and wisdom is needed in using existing natural resources to be sustainable by instilling an understanding of harmony with the environment. In addition, several considerations are also needed in natural resource management, as follows the technology used does not damage the ability of resources to update, a portion of the harvest must be used to ensure the growth of biological natural resources, the negative impact of its management must be managed, for example, by recycling and the management must be simultaneously accompanied by the update process.

Sustainable natural resource management is a conscious effort and plans to use and manage natural resources wisely to meet the needs of human life in this current situation and in the future. Sustainable natural resource management is based on two principles: First, natural resources, especially non-renewable natural resources that have a limited supply, must be maintained in availability and used responsibly. Second, population growth increases every year, and then the needs of life will also increase. Therefore, the potential of natural resources must be able to support present needs and future needs.

The following examples of the implementation of sustainable natural resource management are reducing overexploitation of nature, using natural resources efficiently, utilization of natural resources in

accordance with the carrying capacity of the environment, processing of mining goods before export in order to have a high selling value and reduce the use of mining goods, looking for alternatives to the use of fuel oil and using environmentally friendly fuel. By concerning to the condition of natural resources and the environment, the policy strategies adopted are integrating the principles of economic, ecological, and social sustainability in the utilization of natural resources, growing social responsibility and eco-efficiency practices at the corporate level by integrating environmental costs and social costs on the production costs, applying the best available technology, including traditional technology for conservation activities and rehabilitation of natural resources, optimization of natural resource utilization that ensures a balance between the utilization and conservation of natural resources, supported by legal certainty over ownership and management, organizing the institutions, including the gradual delegation of authority in natural resources and environmental management to local governments.

In implementing the policy strategy, the steps taken must refer to the main programs that have been determined, such as programs for developing and increasing access to information on natural resources and life; programs to increase the effectiveness of natural resource management, conservation and rehabilitation; environmental damage and pollution prevention as well as control programs; institutional structuring and law enforcement programs for natural resource management and environmental conservation; and programs to increase the role of communities in natural resource management and environmental conservation. These programs are interrelated, aiming to improve the community's welfare from generation to generation with a better environmental quality.

Harmonizing laws with all related parties, implementation of policies on the conservation of living natural resources and ecosystems can be carried out more optimally, in harmony and comprehensively, as well as for the benefit of the community around conservation areas, business/private actors, and the government (Riyadi et al., 2023).

#### 4. Conclusion

As a developmental framework, eco-agriculture is significantly influenced by existing legal and governance structures at all levels. Law Number 5 of 2009 has regulated the protection and management of sustainable natural resource conservation. However, the community still needs to implement natural resource management properly and regularly. Therefore, it is necessary to conserve natural resources that must be managed in a balanced manner to be the main prerequisite for being internalized into policies of laws and regulations, by reducing the overexploitation of non-renewable nature and having a limited supply, as well as using it responsibly to meet the needs of human life for the current situation and in the future. Future research should be able to review government regulations and the implementation of policies governing natural resources.

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