

The Authority of The Prosecutor's Office in Supervising Corporate Legal Compliance With Environmental Regulations in Indonesia

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Abstract. This study examines the authority of the Attorney General's Office in supervising corporate compliance with environmental regulations under Law No. 32 of 2009 and within the concept of *Ius Constituendum*. Employing a normative legal research methodology, the study integrates the Statute Approach and a legal concept analysis approach. The Statute Approach analyzes laws and regulations, while the legal concept analysis combines analytical and conceptual dimensions to address gaps in legal interpretation. The research highlights the critical role of the Attorney General's Office in enforcing environmental law, particularly in addressing corporate violations that contribute to environmental degradation in Indonesia. Findings reveal that despite its strategic role, limited human resources and technical capacity hinder effective supervision. To strengthen this role, the study recommends expanding the Attorney General's authority to include preventive, civil, administrative, and criminal enforcement. Additionally, enhancing human

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1. INTRODUCTION

The environment is crucial for the sustainability of human life and other living things. In addition to supporting life, the environment also plays an important role in supporting sustainable economic and social development (Arizona, 2016). However, uncontrolled industrial activities and exploitation of natural resources have triggered various environmental problems, such as air, water, and soil pollution. The decline in environmental quality caused by human activities, especially from the industrial sector, continues to increase along with economic development and industrialization (Listiyani, 2017).

Environmental pollution and damage due to non-compliance of companies with environmental regulations are serious challenges for governments and communities. Countries, including Indonesia, are increasingly focusing on environmental protection to address the negative impacts of rapid economic and industrialization activities (Maladi, 2013). In Indonesia, environmental pollution and damage problems caused by companies often occur due to negligence or law violations (Nusi et al., 2025). The impacts include ecosystem damage, air, water, soil pollution, and biodiversity loss. To address this, the government enacted Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), which requires companies to comply with various provisions, including environmental permit management, AMDAL preparation, and sustainable

environmental risk management. However, despite the clear regulations, environmental violations still often occur (Mulasari et al., 2016). One of the main causes is weak supervision and law enforcement. This condition encourages the need for stricter supervision of companies to comply with regulations, including through the Prosecutor's Office's role as part of Indonesia's justice system.

Based on Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Office has the authority to supervise and enforce the law, including in the environmental sector. The Attorney General's Office is important in handling environmental pollution and destruction violations and prosecuting perpetrators by applicable provisions. As a supervisor and law enforcer, the Attorney General's Office ensures that companies comply with the legal obligations stipulated in the UUPPLH, including applying sanctions for violations. However, the main challenges still faced are the weak level of company compliance and the lack of effective supervision (Putra, 2020).

The role of the Attorney General's Office in supervising compliance with environmental law makes an important contribution to the environmental law enforcement system in Indonesia. The Attorney General's Office not only plays a role in the prosecution process for violations but is also responsible for ensuring that companies comply with regulations before violations occur. In carrying out its duties, the Attorney General's Office can collaborate with the Ministry of Environment and Forestry (KLHK) and other institutions to carry out preventive and repressive supervision.

By Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), companies must comply with various regulations to ensure that their operational activities do not damage the environment (Risqi, 2022). This law provides a clear legal mechanism regarding corporate responsibility in preventing and addressing environmental negative impacts (Said & Nurhayati, 2020). In addition, this regulation also provides a legal basis for the Prosecutor's Office to be active in supervising corporate compliance with environmental regulations, including through legal action for violations that occur.

Based on Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Office has the authority to enforce the law in civil and criminal cases. In the environmental context, the Attorney General's Office ensures that companies comply with the regulations set out in the UUPPLH. This role is very important considering the many cases of environmental law violations

involving large companies that ignore the impact of their operations on the environment. Supervision carried out by the Attorney General's Office is becoming increasingly relevant with the increasing cases of environmental damage, such as water and soil pollution due to industrial waste that is not managed properly. In addition to being a public prosecutor in environmental criminal cases, the Attorney General's Office also has a proactive role in monitoring company compliance with the provisions stipulated in the UUPPLH.

However, implementing the Attorney General's Office's duties in environmental supervision is not free from various obstacles. The challenges faced include limited human resources who are experts in environmental law, a lack of synergy between institutions, and economic and political pressures that can affect the independence of the legal process. As a result, environmental law enforcement in the field is often weak, with many companies escaping legal sanctions even though they are proven to have violated regulations. The gap between regulations and implementation in the field is also a major problem. Companies often take advantage of legal loopholes or even collude with authorities to avoid responsibility for the environmental damage they cause. Therefore, supervision by the Attorney General's Office needs to be strengthened to enforce the law effectively, ensuring that companies fulfill their obligations to the environment.

Compliance with environmental regulations in Indonesia still faces major challenges, especially in implementing the rules at the practical level. Although Law Number 32 of 2009 concerning Environmental Protection and Management regulates in detail the obligations of companies to protect the environment, many violations still cause environmental damage. Factors such as weak supervision, minimal law enforcement, and collusion between companies and law enforcement are the main causes of this problem. Therefore, the role of the Prosecutor's Office as a legal supervisor is very important to ensure that companies comply with applicable regulations. In this case, supervision carried out by the Prosecutor's Office includes preventive and repressive efforts. Preventive efforts involve steps such as ensuring that companies meet environmental permit requirements and comply with the provisions contained in the AMDAL (Environmental Impact Analysis) document. Meanwhile, repressive actions are taken when violations occur that impact the environment, where the Prosecutor's Office has the authority to prosecute companies that violate the law.

In addition, the Prosecutor's Office also coordinates with other institutions, such as the Ministry of Environment and Forestry and the Regional Environmental

Management Agency, to ensure effective environmental law enforcement. However, the effectiveness of this supervision is often hampered by various obstacles, such as limited human resources in the Prosecutor's Office, who have special expertise in the environmental field. Other challenges include the complexity of environmental cases, which often involve large economic interests, thus affecting the independence and integrity of the Prosecutor's Office in carrying out its duties. This article examines and analyzes the authority of the Attorney General's Office in supervising the legal compliance of companies with environmental regulations based on Law Number 32 of 2009 and in supervising the legal compliance of companies with environmental regulations in the concept of *Ius Constituendum*.

2. LITERATURE REVIEW

The authority of the prosecutor's office to monitor corporate legal compliance with environmental regulations is an important aspect of environmental law enforcement in Indonesia. According to Nugraha (2019), the role of the prosecutor's office is not only limited to criminal prosecution but also includes supervision of legal compliance as part of the state attorney's function. This is stated in Law No. 32/2009 on Environmental Protection and Management (UUPPLH), which provides a legal basis for the attorney general's office to act in the supervision and enforcement of environmental laws, either through criminal, civil, or administrative mechanisms. However, research conducted by Marzuki (2017) shows weaknesses in the implementation of this authority, including limited human resources, lack of technical expertise, and lack of budget, which hamper the effectiveness of supervision of corporate violations.

In addition, the concept of *Ius Constituendum* offers a progressive approach to strengthening the role of the AGO in the future. Within this framework, the AGO could be given broader authority to integrate preventive measures in the supervision of environmental legal compliance. The study by Suhartono and Wibowo (2021) highlights the importance of synergy between the AGO, relevant government agencies, and the community in improving supervisory effectiveness. Technology is also a key element in supporting more accurate data-based supervision, such as online environmental monitoring systems. Therefore, this literature confirms that strengthening the prosecutor's authority, both through regulatory reform and institutional capacity building, is necessary to face the challenges of increasingly complex environmental violations in Indonesia.

3. METHODS

This study adopts a normative legal research methodology to examine legal norms, principles, and doctrines addressing issues in environmental law enforcement. It employs the Statute Approach, analyzing legislation, regulations, and statutory provisions to understand the legal framework governing environmental supervision and accountability. Additionally, the research utilizes a legal concept analysis approach, which combines analytical and conceptual dimensions. The analytical approach examines the application of legal norms in real-world contexts, while the conceptual approach refines theoretical constructs within the legal domain. This combined approach provides a comprehensive understanding of legal principles supporting the prosecutor's role in environmental governance. Marzuki (2017) emphasized that such methodologies address gaps in legal interpretation, offering a strong foundation for improving environmental law enforcement in Indonesia.

4. RESULTS AND DISCUSSION

The Authority of the Prosecutor's Office in Supervising Corporate Legal Compliance with Environmental Regulations Based on Law Number 32 of 2009

The term “authority”, which means the right and power possessed to carry out an action. Authority can be considered as formal power, which is obtained through legislative power (through laws) or executive administrative power (Satmaidi, 2017). Usually, authority includes several authorities related to control over a particular group or a field of government. Authority is included in the scope of public legal action and covers various aspects, from decision-making to the implementation of tasks and distribution of authority regulated by laws and regulations (Siombo, 2014).

According to S.F. Marbun, there is a difference between authority (authority/gezag) and competence (competence/bevoegdheid). Authority is the power formalized for a certain group or field, while authority is only related to a certain field. Thus, authority is a collection of various authorities (rechtsbevoegdheden). In public law, authority is closely related to formal power, such as that held by the executive, legislative, and judiciary. State power also includes other important elements: law, authority (authority), justice, honesty, wisdom, and Virtue (Sukananda & Nugraha, 2020). In the theory of authority, public officials must act by the limits of authority regulated by law. For example, a notary's actions outside his authority can cause the resulting legal product, such as a deed, to be invalid and have no legal force.

Next is implementing the Principle of State Responsibility in Environmental Protection and Management. According to constitutional principles, the state has broad powers over natural resources such as earth, water, and air (Wijoyo, 2017). This power also reflects great responsibility, especially in protecting and managing the environment. These responsibilities include protecting the people's interests, preserving nature, preventing pollution, and managing environmental threats. The state must also be responsible for the detrimental impacts on society due to environmental damage, including natural disasters (Wibisana, 2016). According to Mac Iver, the government has three main functions: cultural function, managing and preserving culture; general welfare function, ensuring general welfare; and economic control function, controlling economic aspects. As a welfare state, Indonesia has four main characteristics: social protection regulated in the basic law, the government's obligation to meet the needs of the people, and encouraging social security through legislation and consultation with parliament regarding the rights regulated by the basic law.

Friedmann outlines four key functions of the state in ensuring the welfare and order of society. First, as a Provider, the state is responsible for guaranteeing a minimum standard of living and offering social security to its citizens. Second, as a Regulator, the state formulates rules and policies that govern national life, ensuring stability and order. Third, as an Entrepreneur, the state actively manages the economic sector through state-owned or regionally-owned enterprises to drive economic growth and development. Finally, as an Umpire, the state establishes and enforces standards of justice across various economic sectors, promoting fairness and equality. These functions, as discussed by Wibisana (2017), reflect the state's role in balancing welfare, governance, and justice. As a welfare state, Indonesia aims to protect the people, advance welfare, educate the nation's life, and maintain world order. This state function is supported by legal instruments, such as the 1945 Constitution and Law Number 32 of 2009 concerning Environmental Protection and Management. Based on the principle of state responsibility, the government has a legal obligation to ensure sustainable environmental protection and management.

The Authority of the Prosecutor's Office in Supervising Company Legal Compliance with Environmental Regulations in “Ius Constituendum”

Environmental protection has become an important issue requiring attention in various aspects of life, including legal. In the Indonesian legal system, the prosecutor's

office plays a key role as a law enforcer, protector of public interests, and guardian of law enforcement (Wijaya et al., 2025). Regarding the environment, the prosecutor's office has the authority to ensure compliance with environmental regulations by all elements of society, especially companies that are often the main actors in cases of environmental pollution and damage. Increasingly complex environmental problems require legal updates that are relevant to current developments. Within the framework of *ius constituent* or ideal law expected in the future, the role of the prosecutor's office needs to be designed more progressively to face new challenges in environmental law enforcement.

Environmental regulations serve as the legal basis for the prosecutor's office in implementing law enforcement measures, both preventively and repressively. The prosecutor's authority in supervising environmental regulations largely focuses on criminal law enforcement, as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH). The prosecutor's office addresses environmental issues in this context through various functions. First, it is responsible for prosecuting environmental criminal cases, targeting parties proven to have committed environmental crimes, such as pollution or ecosystem destruction. Second, the prosecutor's office has a significant role in civil lawsuits, as outlined in Article 90 of the UUPPLH, granting it the authority to represent the state or the community in legal actions to restore damaged environmental conditions. Lastly, the prosecutor's office contributes to non-litigation dispute resolution by mediating environmental disputes outside the courtroom, promoting alternative solutions to achieve environmental justice and restoration efficiently.

As a law enforcement agency, the prosecutor's office is tasked with the prosecution process and serves to protect the public interest. In supervising the company's legal compliance with environmental regulations, the prosecutor's office ensures that companies comply with regulations designed to preserve the environment and protect the public from the negative impacts of industrial activities. Within the framework of the *ius constituent*, there is an opportunity to expand the prosecutor's authority to be more adaptive and responsive in handling complex environmental violations involving various sectors. Currently, the role of the prosecutor's office is still limited and tends to be reactive, only moving after a violation occurs. Therefore, efforts are needed to strengthen the role of the prosecutor's office to include more comprehensive preventive supervision.

In the expected future legal system, strengthening the authority of the prosecutor's office in supervising environmental regulations can be directed at several key aspects. First, regarding preventive authority, the prosecutor's office can be mandated to directly oversee company activities by conducting periodic inspections or legal audits, especially for companies with significant potential to pollute the environment. This includes providing early warnings to companies suspected of non-compliance with environmental regulations and guiding them to understand better and fulfill their legal obligations regarding environmental protection. Second, the prosecutor's office can be empowered with broader authority in civil law enforcement, enabling it to represent the state and society in filing civil lawsuits against companies that violate environmental laws. This would include demanding compensation to restore environmental damage and ensuring the implementation of court decisions related to environmental restoration.

Third, in administrative law enforcement, the prosecutor's office could also play a role by supervising companies' compliance with environmental permits and imposing administrative sanctions, such as revoking permits or halting operations of companies violating regulations. To effectively exercise these authorities, the prosecutor's office must be supported by well-trained human resources specializing in environmental law, advanced technology to enable real-time monitoring of company activities, and robust collaboration with other institutions, such as the Ministry of Environment and Forestry, local governments, and civil society organizations. By implementing these measures, the prosecutor's office can play a more significant and effective role in safeguarding environmental sustainability in Indonesia.

CONCLUSION

The Prosecutor's Office is important in supervising and enforcing the law against companies that violate Law Number 32 of 2009 concerning Environmental Protection and Management. However, there are various challenges in implementing this supervision, including limited human resources and a lack of technical expertise. Therefore, it is necessary to strengthen the Prosecutor's Office's capacity to supervise and enforce environmental law. The Prosecutor's Office has a strategic role in supervising corporate compliance with environmental regulations. Within the framework of the *ius constituent*, this role needs to be enhanced by granting broader authority, covering preventive, civil, administrative, and criminal law enforcement aspects. This step strengthens the effectiveness of environmental law enforcement and ensures sustainable environmental protection for future generations.

To improve the effectiveness of the prosecutor's supervision of corporate compliance with environmental regulations, the steps needed include training and capacity building of the prosecutor's human resources in the field of environmental law and environmental supervision, increasing collaboration with other institutions, such as the Ministry of Environment and Forestry and providing adequate infrastructure and sufficient budget allocation to support supervision and investigation of environmental cases. More comprehensive regulatory updates must be made to provide additional authority to the prosecutor's office to supervise environmental regulations. In addition, strengthening human resources and utilizing the latest technology in the prosecutor's office environment is crucial so that this institution can carry out its duties effectively in facing the challenges of increasingly complex environmental violations.

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