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The Effectiveness of Administrative Sanctions as an Alternative to Criminal Law Enforcement in the Environmental Sector

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Original Article

Abstract

The escalating intensity of environmental violations in Indonesia necessitates the strengthening of effective law enforcement mechanisms, particularly following the enactment of the Job Creation Law and Government Regulation No. 22 of 2021, which redefined administrative sanctions as the primum remedium. This study examines the evolution of administrative legal instruments within the environmental law enforcement system and assesses the effectiveness of administrative sanctions—including government coercion and administrative fines—in preventing and addressing environmental violations. The research employs a normative–empirical juridical approach through regulatory analysis, case studies, and interviews with regional environmental inspectors. The findings reveal that administrative sanctions are implemented more swiftly, align more closely with the principles of ecological restoration, and exert a stronger influence on the economic motivations of violators compared to criminal sanctions. Nevertheless, their effectiveness remains constrained by limited human resources, inadequate supervisory budgets, and weak regional political commitment. The study concludes that administrative instruments hold a strategic role as the primary mechanism for environmental law enforcement, yet require institutional strengthening and integrated policy support to operate optimally.

Keywords: *Criminal Law, Environment, Administrative Sanctions*

Abstrak

Peningkatan intensitas pelanggaran lingkungan di Indonesia menuntut penguatan instrumen penegakan hukum yang efektif, terutama setelah diberlakukannya Undang-Undang Cipta Kerja dan PP 22 Tahun 2021 yang mereposisi sanksi administratif sebagai primum remedium. Penelitian ini bertujuan menganalisis perkembangan instrumen hukum administratif dalam sistem penegakan hukum lingkungan serta mengevaluasi efektivitas sanksi administratif—termasuk paksaan pemerintah dan denda administratif—dalam mencegah dan menangani pelanggaran lingkungan. Metode yang digunakan adalah pendekatan yuridis normatif-empiris melalui analisis regulasi, studi kasus, dan wawancara dengan pengawas lingkungan di daerah. Hasil penelitian menunjukkan bahwa sanksi administratif lebih cepat diterapkan, lebih selaras dengan prinsip pemulihan ekologis, dan lebih efektif memengaruhi motif ekonomi pelaku dibandingkan sanksi pidana. Namun efektifitasnya masih terkendala oleh keterbatasan SDM, anggaran pengawasan, dan lemahnya komitmen politik daerah. Penelitian ini menyimpulkan bahwa instrumen administratif memiliki posisi strategis sebagai instrumen utama penegakan hukum lingkungan, tetapi memerlukan penguatan kelembagaan dan kebijakan yang terpadu agar dapat bekerja secara optimal.

Kata kunci: *Hukum Pidana, Lingkungan, Sanksi Administratif*

1. INTRODUCTION

Environmental degradation has become a central issue in both global and national discourse, driven by increasing awareness that environmental harm not only threatens ecosystem sustainability but also violates human rights, particularly the right to a clean and healthy environment. Within a state governed by the rule of law, the protection of these rights requires functional, effective, and equitable law enforcement. Environmental law enforcement thus plays a strategic role in ensuring compliance with regulations designed to safeguard natural resources and prevent pollution and ecological damage.

Historically, Indonesia's environmental law enforcement paradigm has been dominated by a criminal law approach. Criminal sanctions have been positioned as the *primum remedium* with a retributive orientation, and their effectiveness has often been measured by the number of convicted offenders and the length of imposed sentences. However, numerous studies indicate that imprisonment does not significantly reduce the incidence of environmental crime. Cases in West Java, for instance, show a rise in pollution reports despite criminal convictions. This reveals the shortcomings of an offender-oriented approach, as penalizing corporate executives does not necessarily halt polluting industrial operations or restore damaged ecosystems.

These shortcomings are both philosophical and structural. An offender-focused approach fails to achieve ecological justice, which prioritizes environmental restoration as its primary objective. This has driven a global and national paradigm shift from the dominance of criminal sanctions toward the strengthening of administrative and civil instruments. This shift is reflected in the enactment of Law No. 11 of 2020 on Job Creation and its implementing regulation, Government Regulation No. 22 of 2021, which repositions criminal law as the *ultimum remedium* and elevates administrative sanctions as the primary mechanism (primum remedium).

The strengthening of the administrative regime is manifested in the revitalization of instruments such as government coercion and the introduction of stand-alone administrative fines. This approach is expected to promote faster and more efficient enforcement that prioritizes environmental recovery rather than mere punishment. However, implementation challenges have emerged, creating a gap between *das sollen* and *das sein*. Despite optimism regarding the effectiveness of administrative sanctions, concerns persist regarding institutional capacity, weak oversight, budget limitations, and the potential for moral hazard, particularly when administrative fines are perceived merely as a cost of doing business rather than an incentive to invest in pollution-control technology.

Research on environmental law enforcement in Indonesia and globally demonstrates that environmental degradation is not only an ecological problem but also a matter of human rights, governance, and the effectiveness of legal instruments.

Theoretically, the literature affirms that environmental damage constitutes a violation of the right to a clean and healthy environment. Consequently, contemporary environmental legal regimes emphasize the need for responsive and effective law enforcement that ensures ecological justice. In the Indonesian context, developments in environmental legal politics highlight a shift from the dominance of criminal instruments to the strengthening of administrative and civil mechanisms, following the enactment of the Job Creation Law and the issuance of Government Regulation No. 22 of 2021.

Several prior studies illustrate this shift. Wijaya et al., for example, analyze environmental degradation through the lens of international cooperation, particularly within the framework of UNEP–ASEAN collaboration, emphasizing the necessity of collective action to address transboundary environmental challenges. Their study highlights that resolving environmental issues requires a holistic, ecological, and multi-level governance approach. However, it does not examine the effectiveness of national environmental law enforcement, particularly with respect to administrative sanctions and the *ultimum remedium* principle.[1]

Ramadani et al. examined the application of the primum remedium principle in the Environmental Protection and Management Law (UU PPLH). Their study found that although the Law positions criminal sanctions as the primary enforcement tool, implementation in practice is inconsistent, as authorities often apply administrative measures first. This research highlights a lack of synchronization between legal norms and practice but does not further analyze how regulatory changes under the Job Creation Law (UUCK) and Government Regulation No. 22 of 2021 reshape the structure of environmental law enforcement or affect deterrence.[2]

Ulayya identified substantial challenges in implementing Government Regulation No. 22 of 2021 with respect to the management of Covid-19 infectious waste. The study reported ineffective enforcement due to inadequate infrastructure, limited human resource capacity, and budget constraints, leading to various levels of violations. While relevant to administrative law enforcement, the study focuses on the health sector and does not comprehensively assess the effectiveness of administrative sanctions as *primum remedium*.[3]

Brahmana et al. also examined the application of the *ultimum remedium* principle in addressing forest degradation. Their findings indicate that although the principle is

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1 Bagaskara Sagita Wijaya et al., "Degradasi Lingkungan Dan Pembangunan Berkelanjutan: Efektivitas Kerja Sama Unep Dan Asean Dalam Mengatasi Permasalahan Lingkungan Hidup Di Asia Tenggara," *Indonesian Journal of International Relations* 8, no. 2 (2024): 376–92, https://doi.org/10.32787/ijir.v8i2.530.

2 Jaka Ramadani, Alvi Syahrin, and Fajar Khaify Rizky, "Kebijakan Hukum Pidana Melalui Penerapan Asas Primum Remedium Dalam Tindak Pidana Lingkungan Hidup Ditinjau Dari Hukum Positif," *Journal of Science and Social Research* 8, no. 1 (2025): 899–905, https://doi.org/10.54314/jssr.v8i1.2796.

3 Annisa Ulayya, "Pelaksanaan Peraturan Pemerintah Nomor 22 Tahun 2021 Tentang Penyelenggaraan Perlindungan Dan Pengelolaan Lingkungan Hidup Terkait Pengelolaan Limbah Infeksius Covid-19 Di Kota Pekanbaru" (Universitas Lancang Kuning, 2022), https://repository.unilak.ac.id/3320/.

normatively institutionalized in the UU PPLH, implementation remains hindered by weak interagency coordination and insufficient oversight. They emphasize the need for clearer limits on the use of criminal sanctions to prevent gaps in accountability. However, the study does not systematically investigate the effectiveness of administrative sanctions and administrative fines as emphasized in Government Regulation No. 22 of 2021.[4]

Siregar explored the dynamics of administrative criminal law in Indonesia, noting substantive differences in the procedures for imposing administrative and criminal sanctions across sectoral legislation, which contributes to normative disharmony. He underscores the importance of harmonizing legal norms and enforcement mechanisms—including within the UU PPLH—so that the *ultimum remedium* principle can be applied consistently. Nonetheless, the study focuses primarily on normative issues rather than the practical effectiveness of administrative instruments.[5]

Nafi' BS highlighted the centrality of administrative law enforcement in environmental protection and management, emphasizing the preventive and reactive strengths of administrative sanctions. The study also notes that changes in licensing regulations affect monitoring and sanctioning mechanisms. However, it does not assess whether administrative instruments—when positioned as primum remedium—are effective in preventing violations and restoring ecosystems.[6]

Similarly, research by Nurlaily and Supriyo analyzed corporate liability in the PT SIER pollution case following the enactment of the UUCK. Their findings indicate a weakening of strict liability, potentially reducing corporate accountability. Yet this study focuses on civil liability and revisions to the strict liability regime rather than on the effectiveness of administrative instruments.[7]

Although numerous studies have discussed the *ultimum remedium* principle, administrative enforcement, and the evolution of environmental regulation, no research has comprehensively examined the effectiveness of administrative instruments as *primum remedium* in environmental law enforcement following the UUCK and Government Regulation No. 22 of 2021—particularly with respect to deterrence, moral hazard, and environmental restoration. This study provides novelty by analyzing the effectiveness, normative coherence, and empirical implementation of administrative mechanisms, as well as assessing the gap between *das sollen* and *das sein* in Indonesia's

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4 Herman Brahmana et al., "Implementasi Ultimum Remedium Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup Di Sumatera Utara," *Jurnal Hukum Lex Generalis* 6, no. 11 (2025): 1–18, https://doi.org/10.56370/jhlg.v6i11.1768.

5 Angelos Gogo Siregar, "Implementasi Asas Ultimum Remedium Terhadap Penerapan Sanksi Pidana Dalam Undang-Undang Administratif," *Innovative: Journal of Social Science Research* 3, no. 4 (2023): 10271–10285, https://j-innovative.org/index.php/Innovative/article/view/3979.

6 Samhan Nafi' BS, "Penegakan Hukum Administrasi Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia," *Unes Law Review* 6, no. 4 (2024): 10099–115, https://doi.org/10.31933/unesrev.v6i4.1983.

7 Novy Yandari Nurlaily and Agus Supriyo, "Pertanggungjawaban Korporasi Dalam Kasus Pencemaran Lingkungan Hidup," *Media of Law and Sharia* 3, no. 3 (2022): 255–69, https://doi.org/10.18196/mls.v3i3.14384.

environmental law enforcement framework. Against this background, this research aims to:

1) Analyze the development and position of administrative legal instruments in Indonesia's environmental law enforcement system following the UUCK and Government Regulation No. 22 of 2021; and
2) Evaluate the effectiveness of administrative sanctions—including government coercion and administrative fines—as primum remedium in preventing and addressing environmental violations.

2. RESEARCH METHODOLOGY

This study employs a juridical-normative approach combined with an empirical socio-legal approach to assess the effectiveness of legal mechanisms for resolving environmental disputes following the enactment of the Environmental Protection and Management Law (UUPPLH) and Government Regulation No. 22 of 2021. The normative component examines key regulatory frameworks—including the Job Creation Law (UUCK), the UUPPLH, and Government Regulation No. 22/2021—while the empirical component analyzes implementation practices, institutional constraints, and gaps between legal norms and actual enforcement.

The research adopts a descriptive–analytical design, examining administrative, civil, criminal, and non-litigation mechanisms through regulatory analysis, policy evaluation, and empirical data drawn from real-world cases. The data consist of primary sources obtained through semi-structured interviews with law enforcement authorities, environmental inspectors, academics, and environmental organizations, as well as secondary sources including statutes, court decisions, scientific literature, and supervisory documents from the Ministry of Environment and Forestry (KLHK).

Data were collected through literature review, interviews, and case document analysis. The analysis was conducted using a normative–qualitative method, involving data reduction, application of theories of legal effectiveness and compliance, and comparison between legal norms and their implementation. Data validity was ensured through source and methodological triangulation, cross-verification, and expert consultation. The study's limitations stem from its qualitative design and restricted access to undocumented environmental cases.

3. RESEARCH RESULT AND DISCUSSION

3.1. Development and Position of Administrative Legal Instruments in Indonesia's Environmental Law Enforcement System

This study analyzes the development and position of administrative legal instruments within Indonesia's environmental law enforcement system following the enactment of

the Job Creation Law (UUCK) and Government Regulation No. 22 of 2021. The analysis focuses on major structural changes in law enforcement, the reorientation of the function of administrative sanctions, and how the repositioning of administrative instruments has reshaped the dynamics of environmental enforcement compared to the previous regime under Law No. 32 of 2009 (UUPPLH).

The findings indicate that the UUCK and Government Regulation No. 22/2021 have introduced significant changes to the architecture of administrative sanctions. Under the UUPPLH, administrative instruments occupied a subsidiary role and functioned largely as mechanisms for ensuring compliance with environmental permits. In contrast, the new regulatory framework explicitly designates administrative instruments as *primum remedium* in environmental law enforcement. An examination of legal documents shows that Government Regulation No. 22/2021 shifts the enforcement paradigm from a repressive model to a preventive–corrective model.

Before the enactment of the UUCK, government coercion measures (as regulated in PP 76 of the UUPPLH) were accompanied by the threat of criminal penalties for non-compliance (Article 114 of the UUPPLH), creating a contradiction between administrative guidance and criminalization. This contradiction reduced the preventive character of administrative enforcement and effectively integrated it into a repressive approach. Field findings reveal that environmental officials often preferred criminal prosecution because it was considered a stronger deterrent, despite being time-consuming and ineffective in achieving rapid ecological recovery.

Following the UUCK and Government Regulation No. 22/2021, this contradiction was resolved. Administrative sanctions were formally positioned as the primary enforcement instrument, while criminal sanctions apply only when administrative measures are disregarded or when violations cause severe impacts. The findings confirm strong consistency between the normative design of the UUCK and national policy objectives to accelerate the resolution of environmental violations without waiting for criminal proceedings.

The study identifies an expansion of administrative sanctions into three core functions: preventive, reparatory, and punitive. This reconstructed functional framework represents the most significant difference between the UUPPLH regime and the post-UUCK regulatory framework.

1) Preventive Function

   Preventive instruments—such as environmental permits (reformulated as Environmental Approvals), Environmental Impact Assessments (EIA), and environmental quality standards—remain central components. Interviews show that post-UUCK Environmental Approvals are more comprehensive and integrated with the OSS-RBA system, which enhances risk-based monitoring of

business activities. Regional environmental officials emphasized that preventive functions are now more effectively aligned with risk-based oversight mechanisms.

2) Reparatory Function

The study finds that government coercion under Government Regulation No. 22/2021 has become the most effective tool for restoring environmental conditions. Unlike the previous regime, government coercion may now be imposed without prior warning if a violation threatens public safety or causes significant harm. Case analyses involving liquid waste disposal violations across three provinces demonstrate that government coercion halts pollution more rapidly than criminal proceedings.

3) Punitive Function

A notable finding is the establishment of administrative fines as independent punitive sanctions. Administrative fines are no longer subsidiary to dwangsom but serve as standalone mechanisms to generate financial deterrence. An analysis of 12 enforcement cases after 2021 shows that administrative fines substantially improve corporate compliance, especially in sectors vulnerable to financial and reputational risks. However, in some industries—particularly mining and heavy manufacturing—business actors tend to treat administrative fines as a routine cost of operation. This suggests that the effectiveness of punitive instruments depends heavily on the magnitude of fines and the capacity of supervisory institutions to ensure consistent enforcement.

The number of environmental supervisors remains disproportionate to the volume of business activities subject to monitoring, thereby limiting the optimal functioning of *primum remedium* instruments. In addition, some officials continue to hesitate in imposing administrative fines due to the absence of uniform technical guidelines for calculating fine amounts. This situation creates the potential for regulatory uncertainty and regional disparities. Several business actors also contest administrative sanctions as a form of "excessive discretion," particularly in cases where government coercion is imposed without prior warning. These findings underscore the need for harmonized interpretations across agencies.

This study reinforces and updates several previous findings. Hiariej concluded that criminal instruments have historically dominated environmental law enforcement, with administrative sanctions functioning merely as supplementary mechanisms.[8] The findings of this study indicate that following the enactment of the UUCK, this dominance has shifted normatively. Surya and Wahab emphasized that government coercion possesses strong restorative potential but has been underutilized[9]; this research

[8] Eddy Oemar Syarief Hiariej, *Prinsip-Prinsip Hukum Pidana*, 2nd ed. (Yogyakarta: Cahaya Atma Pustaka, 2017).

[9] Ida Surya and Abdul Wahab, "Harmonisasi Peraturan Perundang Undangan Dalam Mewujudkan Pemerintahan Yang Baik," *Jurnal Kompilasi Hukum* 8, no. 2 (2023): 108–17, https://doi.org/10.29303/jkh.v8i2.142.

confirms that post–Government Regulation No. 22/2021, government coercion has become a considerably more frequent enforcement tool. Sihotang et al. observed that corporations often perceive environmental sanctions as operational costs. The present study confirms that this perception persists, particularly regarding administrative fines, indicating the need for further analysis of fine adequacy and deterrent effect. Thus, this study not only reinforces earlier findings but also extends them by demonstrating that regulatory changes under the UUCK have produced structural, functional, and methodological transformations in administrative environmental enforcement.[10]

The results also reveal a hybridization of administrative sanctions, increasingly blurring the boundaries between administrative and criminal law. With the introduction of punitive administrative fines, administrative instruments now partially assume functions traditionally associated with criminal sanctions. Indonesia's environmental law paradigm is shifting toward a "responsive enforcement" model, in which remediation is prioritized and criminal prosecution is reserved for severe violations. The effectiveness of *primum remedium* instruments is heavily influenced by institutional capacity, rather than regulatory reform alone. The repositioning of administrative sanctions has altered power relations among the government, business actors, and the public: government authorities now wield broader enforcement powers, businesses face stricter compliance obligations, and the public receives more timely environmental protection.

Based on the overall findings, three key conclusions emerge. First, the UUCK and Government Regulation No. 22/2021 have fundamentally repositioned administrative instruments from a subsidiary role to *primum remedium*, thereby shifting the enforcement structure from a repressive model to a preventive–corrective one. Second, administrative sanctions have expanded in function, serving not only as compliance mechanisms but also as tools for remediation and punishment. Third, the effectiveness of administrative instruments continues to face implementation challenges—particularly regarding supervisory capacity and consistency of enforcement—indicating that their success depends substantially on institutional strengthening.

3.2. Effectiveness of Administrative Sanctions, Specifically Government Coercion and Administrative Fines as *Primum Remedium*

This study evaluates the effectiveness of administrative sanctions—specifically government coercion and administrative fines—as a *primum remedium* for preventing and addressing environmental violations in Indonesia. The analysis examines the extent to which these sanctions promote compliance, generate deterrence, accelerate environmental recovery, and replace the previously dominant and largely ineffective

[10] Yudiarto Sihotang, Marnan A.T. Mokorimban, and Rudy M.K Mamangkey, "Penegakan Hukum Lingkungan Dalam Pengendalian Pencemaran Udara Pada Pabrik Industri Berdasarkan Undang-Undang Nomor 32 Tahun 2009," *Lex Privatum* 14, no. 1 (2024): 1–10, https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/58156.

criminal law paradigm. The findings demonstrate that administrative sanctions possess structural, instrumental, and philosophical advantages that allow them to respond more effectively to the dynamics of environmental violations, although their implementation remains constrained by institutional limitations and regional political factors.

Administrative sanctions have proven faster, more flexible, and more responsive than criminal penalties. Instruments such as government coercion may be applied immediately upon detection of violations, without awaiting court proceedings. In cases involving water pollution or exceedances of emission standards, forced cessation of operations, sealing of facilities, and mandatory remedial actions have been shown to halt environmental harm in real time—an outcome unachievable through criminal mechanisms that require lengthy and formal processes.

Furthermore, administrative fines provide strong economic incentives for compliance. Firms typically respond more quickly to economic measures that directly affect profit margins, particularly when fines are imposed progressively or accompanied by the threat of permit suspension.

By contrast, criminal sanctions fail to produce significant deterrent effects. Imprisoning individual executives rarely alters corporate behavior, and criminal fines paid to the state do not directly fund environmental restoration, thereby undermining ecological objectives. Criminal proceedings often take two to four years to reach a final judgment, during which environmental damage continues to accumulate and may become irreversible. Structurally, criminal sanctions are therefore incapable of delivering timely responses to cumulative environmental harm.

Government coercion emerges as the most effective administrative instrument. It enables authorities to halt non-compliant operations, mandate remediation, and impose fines (dwangsom) until obligations are fulfilled. This combination of economic and legal pressure compels businesses to take immediate corrective action. Administrative fines are also effective when supported by clear technical guidelines and consistent enforcement. Interviews with supervisory officials indicate that companies typically undertake rapid corrective measures when fines are strictly enforced and paired with potential permit suspension.

Despite their theoretical strengths, three major challenges limit the effectiveness of administrative sanctions:

1) Limited capacity and technical competence of regional officials.
   Many environmental supervisors lack adequate training in inspection techniques, quality-standard assessment, and the preparation of violation reports, resulting in ineffective implementation or failure to meet administrative evidentiary requirements.
2) Insufficient environmental supervision budgets.

Monitoring and verification require substantial resources for laboratory testing and routine inspections. Budget constraints often prevent timely detection or verification of violations, reducing the effectiveness of administrative measures.

3) Political and bureaucratic constraints at the regional level.
Regional authorities frequently hesitate to suspend or revoke permits due to concerns over investment disruptions or political pressure from business actors, resulting in inconsistent enforcement.

This study demonstrates that administrative sanctions are more effective than criminal sanctions in promoting legal compliance, generating economic deterrence, and accelerating environmental recovery. Administrative instruments align more closely with the economic motivations of business actors and are more compatible with the principles of polluter pays and restorative justice. However, their effectiveness remains highly dependent on institutional capacity, adequate budgeting, bureaucratic integrity, and political commitment. Without strengthening these factors, administrative sanctions cannot function optimally as a *primum remedium*.

The findings of this study are consistent with previous research indicating that criminal law enforcement fails to produce a meaningful deterrent effect on environmental crimes.[11] Mahmud also found no correlation between imprisonment and reductions in environmental offenses, further reinforcing the present study's conclusions. Prior studies conducted by the Ministry of Environment and Forestry, the SDR Institute, and scholars at the University of Indonesia similarly show that administrative sanctions are more responsive and effective in reducing repeat violations than criminal approaches.[12] These findings also align with international literature indicating that administrative mechanisms are better suited to addressing economically driven corporate environmental violations.

This study contributes novel insights by analyzing institutional obstacles at the regional level and by specifically evaluating the effectiveness of government coercion and administrative fines following the enactment of Government Regulation No. 22/2021, thereby enriching the discourse on administrative sanction effectiveness within modern Indonesian environmental law.

The results indicate that the effectiveness of administrative sanctions stems not only from their speed and flexibility but also from their direct connection to the economic motives underlying corporate environmental crimes. Criminal sanctions are

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[11] Salsabila Fildza Yasin, Syamsul Alam, and Sutiawati Sutiawati, "Peran Hukum Pidana Dalam Menanggulangi Kejahatan Lingkungan Oleh Korporasi," *Legal Dialogica* 1, no. 1 (2025): 20–29, https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1441; Erva Yunita et al., "Analisis Penegakan Hukum Pidana Bagi Pelaku Pencemaran Lingkungan Hidup: Undang-Undang Nomor 32 Tahun 2009 Tentang Pengelolaan Dan Perlindungan Lingkungan Hidup," *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik* 1, no. 3 (2024): 102–120, https://doi.org/10.62383/demokrasi.v1i3.257.

[12] Ade Mahmud, "Menyoal Efektivitas Sanksi Pidana Dalam Tindak Pidana Lingkungan Hidup Di Provinsi Jawa Barat," *Jurnal Dialektika Hukum* 5, no. 1 (2023): 62–77, https://doi.org/10.36859/jdh.v5i1.1441.

ineffective because they target individual managers rather than corporations as economic entities. By contrast, administrative sanctions directly influence corporate financial interests through fines, permit suspensions, and costly remedial obligations, making them theoretically and empirically more aligned with deterrence logic in the context of corporate violations.

Administrative sanctions also offer broader opportunities for restorative justice because they prioritize environmental restoration and damage prevention.[13] Thus, administrative instruments are not only effective from a law enforcement perspective but are also more ecologically relevant. The institutional barriers identified in this study show that administrative sanctions do not operate effectively by default; their success depends heavily on the supervisory structure and institutional capacity of local governments. Accordingly, efforts to enhance administrative sanctions must be accompanied by institutional reform.

This research confirms that administrative sanctions are more effective and more appropriate as a *primum remedium* in environmental law enforcement than criminal sanctions. Government coercion is identified as the most effective administrative tool for immediately halting violations and mandating environmental restoration. Administrative effectiveness is determined largely by human resource capacity, financial support, and political commitment at the local level, rather than by regulatory design alone. Criminal sanctions, while essential as an *ultimum remedium*, are inadequate for preventing or stopping environmental harm because they are misaligned with corporate motives and lack a restorative orientation. Ultimately, institutional strengthening and harmonization of central and regional policies are prerequisites for ensuring that administrative sanctions function as the primary mechanism for environmental law enforcement in Indonesia.

4. CONCLUSION

This study aims to analyze the development and position of administrative legal instruments within Indonesia's environmental law enforcement system following the enactment of the Job Creation Law (UUCK) and Government Regulation No. 22 of 2021, and to evaluate the effectiveness of administrative sanctions—particularly government coercion and administrative fines—as the *primum remedium* for preventing and addressing environmental violations. The findings indicate that these regulatory reforms reposition administrative instruments as the primary foundation of environmental law enforcement, emphasizing preventive, corrective, and restorative

[13] Rizki Faisal, Pristika Handayani, and Indra Sakti, "Analisis Implementasi Restorative Justice Dalam Penyelesaian Kasus Pencurian Ringan Di Kota Bandung," *Jurnal Petita* 6, no. 2 (2024): 70–74, https://doi.org/10.33373/pta.v6i2.7527; Edi Saputra Hasibuan, "Keadilan Restorative Justice Melalui Kebijakan Diversi Dalam Sistem Peradilan Anak," *Jurnal Hukum Sasana* 7, no. 2 (2021): 193–202, https://doi.org/10.31599/sasana.v7i2.712.

approaches. Instruments such as remedial orders, government coercion, and monetary penalties have proven more responsive, more rapidly implementable, and more aligned with the polluter pays principle than criminal sanctions, which remain slow, formalistic, and misaligned with the economic motives of violators.

This study confirms that administrative sanctions are more effective in immediately halting pollution and compelling offenders to restore ecological damage, although their implementation is constrained by limited technical capacity among officials, insufficient oversight budgets, and weak political commitment at the regional level. The research contributes empirical and theoretical insights into the repositioning of administrative law as the primary tool for environmental protection in Indonesia. Nevertheless, this study is limited by its data scope, which covers only selected regions and does not represent all industrial sectors. Consequently, further comparative research across provinces and quantitative assessments of compliance levels following the application of administrative sanctions are needed. From a policy perspective, institutional strengthening, capacity building, harmonization of central and regional regulations, and sustainable environmental financing schemes are essential to ensure that administrative sanctions function effectively as a *primum remedium* in Indonesia's environmental law enforcement system.

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