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Special Environmental Court In Indonesia To Provide Ecological Justice And Uphold Environmental Ethics

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Abstract: *This research examines the urgency of establishing specialised environmental courts in Indonesia to improve environmental law enforcement and realise ecological justice. This research is based on theories of environmental justice, ecocentrism, and progressive legal approaches. These concepts form the basis for understanding the relationship between law enforcement and environmental protection, and emphasise the importance of a legal system oriented towards sustainability and ecological justice. This study uses normative legal research methods with statutory, conceptual, and comparative approaches. Data was collected through an in-depth review of relevant legal frameworks, judicial precedents, as well as case studies from various countries that have implemented specialised environmental courts. The results show that there are significant weaknesses in the public justice system in handling environmental cases. Several cases, such as the Lapindo mudflow disaster and forest fires, show judges' decisions that are less favourable to environmental sustainability. Comparative studies of specialised environmental courts in Australia, the Philippines and Kenya prove the effectiveness of these institutions in improving law enforcement and environmental protection. This research confirms that the establishment of an environmental court in Indonesia, accompanied by a training programme for judges and law enforcement officers, will improve judicial competence in resolving environmental disputes. Theoretically, this research contributes to the discussion of environmental justice and specialised justice. Practically, it provides insights for policy makers in designing a more effective environmental justice system. This research uncovers gaps in environmental law enforcement in Indonesia and compares it with environmental court practices in other countries. The study emphasises the importance of judicial specialisation to ensure the sustainability of environmental law for future generations.*
Keywords: *Special Court, Environment, Ecological Justice.*

INTRODUCTION

The environment is the habitat for all living things, so every individual has the right to a good and healthy environment. In Indonesia, this right is guaranteed in the 1945 Constitution Article 28H paragraph (1), which states that everyone has the right to live in prosperity, have a place to live, and obtain a good and healthy environment. This provision confirms that every individual has the right to physical and mental well-being, a decent place to live, and a healthy environment with access to health services (Wahyudi et al., 2023).

Environmental problems often arise due to the negative impacts of commercial activities that ignore preventive aspects in order to reduce costs and maximise profits. As a result, environmental damage is widespread and difficult to control. In fact, restoration efforts are often unable to restore the environment to its original condition (Butar, 2010). The government and the community have a shared responsibility in protecting the environment, as mandated by Law No. 32 of 2009 on Environmental Protection and Management.

Siti Sundari Rangkuti emphasised that the right to a clean and healthy environment is related to the right to life, decent living standards, and the right to health. However, environmental problems in Indonesia are increasing, as seen from the decline in the Environmental Quality Index (IKLH) and the increasing number of parties harmed by pollution. The effectiveness of environmental solutions also remains low (Junef & Husain, 2021). Therefore, better law enforcement is needed, involving competent

law enforcement officers and the establishment of specialised environmental justice institutions (Rochmani, 2020).

Environmental issues are not just the responsibility of individuals or certain countries, but a global concern. Every human activity, such as industry, mining, transport, and agriculture, has an impact on environmental pollution (Absori et al., 2006). Indonesia as the lungs of the world is expected to play a role in preserving the environment. However, the weak enforcement of environmental law can be seen from the increasing number of environmental cases in court, which has an impact on the decline in public confidence in environmental law (Spaltani, 2018).

Ecological justice is the responsibility of the state because it has a huge impact on society and future generations. When the government fails to prevent recurrent pollution (*patentia*), the responsibility of environmental protection is not fulfilled. Advocacy practices by NGOs found that there are still many weaknesses in environmental law enforcement, including a lack of alignment with the environment and human rights. In addition, the resolution of environmental problems in the realm of criminal, civil and administrative law still does not reflect ecological justice (Junef & Husain, 2021).

Indonesia's economic growth relies heavily on the mining sector, especially coal, which has an impact on the welfare of certain groups of people. However, this activity also causes land degradation and ecological damage, especially in the territories of indigenous communities. Therefore, a concrete solution is needed by establishing an environmental court that is strengthened by law enforcement officers who have legal expertise and environmental understanding.

This research aims to propose the establishment of a Special Environmental Court to handle environmental issues in Indonesia as a form of implementation of ecological justice. This research also seeks to answer two main questions: whether the establishment of a Special Environmental Court in Indonesia is necessary, and whether such a court can be effective in enforcing environmental law. Using statutory, conceptual, and comparative approaches, this research is expected to provide concrete recommendations in improving the effectiveness of environmental law enforcement in Indonesia.

LITERATURE REVIEW

This study is based on three main theoretical frameworks: environmental justice, ecocentrism, and progressive legal approaches. Environmental justice theory highlights that every individual should have equal rights to a clean and healthy environment, as stated in Article 28H paragraph (1) of Indonesia's 1945 Constitution, while acknowledging that environmental damage often impacts marginalized communities the most. Ecocentrism changes the legal perspective from a human-centered view to one that values ecosystems and natural elements as deserving of protection on their own merit, regardless of human needs. This philosophical standpoint is especially relevant in Indonesia, where economic development goals have often taken precedence over environmental sustainability issues.

Progressive legal methods support these theories by promoting legal systems that adapt to tackle modern challenges instead of staying the same. In the environmental arena, this involves creating specialized legal structures and frameworks that can address intricate ecological issues through effective enforcement. These theories combined argue that Indonesia's existing judicial system needs extensive restructuring through the establishment of specialized environmental courts to adequately uphold ecological justice, safeguard environmental rights, and promote sustainable development for present and future generations (Hutabarat et al., 2022).

METHOD

This research uses normative legal research methods with a statute approach, conceptual approach, and comparative approach. The statutory approach is conducted by analysing various regulations related to the establishment of environmental courts in Indonesia, including Law No. 32/2009 on Environmental Protection and Management, Law No. 48/2009 on Judicial Power, as well as Law No. 23/1997 on Environmental Management that was previously in force. In addition, a conceptual approach is used to explore the notion of ecological justice and environmental ethics in the justice system. This approach refers to the concepts of progressive law as proposed by Satjipto Rahardjo, as well as the theory of

ecocentrism that emphasises the importance of environmental protection as part of human rights. Meanwhile, a comparative approach is taken by examining the practice of establishing environmental courts in other countries, such as the Land and Environment Court in New South Wales, Australia, the Green Bench in the Philippines, and the Environmental Court in Kenya.

The analysis technique used is qualitative analysis with a descriptive-analytical approach. Data from the literature study was analysed through legal interpretation of Law No. 32/2009, Law No. 48/2009, and other relevant regulations. The analysis also includes the concepts of ecological justice and environmental ethics as well as comparisons with environmental courts in other countries. An evaluation of the weaknesses of the environmental legal system in Indonesia was conducted using progressive legal theory, with the aim of formulating recommendations for the establishment of a special environmental court as a more effective law enforcement instrument.

FINDINGS AND DISCUSSIONS

Special Court for the Environment in Indonesia

An environmental court in Indonesia has become urgent in the midst of the development of various specialised courts that handle specific cases, such as the Corruption Court, Human Rights Court, and Commercial Court (Ashiddiqie, 2013)

According to the Supreme Court's glossary, a "special court" is described as a court with the jurisdiction to handle, judge, and resolve specific cases, and these courts are typically established within the judicial entities under the Supreme Court as specified by law. The term "special courts" encompasses various categories such as juvenile courts, commercial courts, human rights courts, corruption courts, industrial relations courts, and fisheries courts, all of which function within the broader framework of general courts. Additionally, the tax court is an example of a special court situated within the jurisdiction of the state administrative court. Up to now, there are 11 types of specialised courts in Indonesia, namely Juvenile Court (Law No. 3 of 1997 on Juvenile Court), Commercial Court (Law No. 4 of 1998 on Stipulation of Government Regulation in Lieu of Law No. 1 of 1998 on Amendment to Bankruptcy Law into Law), Human Rights Court (Law No. 26 of 2000 on Human Rights Court), Corruption Court (Law No. 30 of 2002 on Corruption Eradication Commission), Industrial Relations Court (Law No. 2 of 2004 on Industrial Relations Dispute Resolution), Fisheries Court (Law No. 31 of 2004 on Fisheries), Tax Court (Law No. 14 of 2002 on Tax Court), Shipping Court, Sharia Court in Aceh (Presidential Decree No. 11 of 2002), Customary Court in Papua (Law No. 21 of 2001 on Special Autonomy for Papua Province), and Traffic Ticket Court (Police Law).

Frequently, the notion of establishing dedicated courts emerges as a means to enhance the efficiency of legal enforcement in specific domains, including forestry and the environment. Consequently, as new legislation is required in these sectors, the proposal for establishing a specialized forestry court is introduced in the legislative draft being deliberated in the People's Representative Council.

The idea of establishing a special forestry court actually stems from disappointment and a sense of injustice from the community and for the environment itself, over the many cases of environmental pollution and damage that are processed in court and produce decisions that are considered not oriented towards environmental sustainability (Rochmani, 2020). As in the phenomenal case of the Lapindo mudflow in Sidoarjo in 2006, WALHI as an environmental organization that Is entitled to initiate legal action, in accordance with the provisions of Article 92 in Law Number 32 of 2009 concerning Environmental Protection and Management, referred to as the PPLH Law filed a lawsuit to the South Jakarta District Court regarding the Lapindo mudflow case but was rejected because The judicial panel held the viewpoint that mudflow was a natural phenomenon. The Panel of Judges did not consider the decision to be pro-environmental and did not consider the fact that there was massive damage to the community and the surrounding environment.

Not only that, the lawsuit from the Ministry of Environment and Forestry (KLHK) regarding the case of forest and plantation land fires in Tulung Selapan District, South Sumatra covering an area of

20,000 hectares which was allegedly carried out by PT Bumi Mekar Hijau was also rejected by the Panel of Judges at the Palembang District Court. The decision stated that all civil lawsuits could not be proven, whether related to loss or damage to biodiversity. The Panel of Judges determined that the forest and plantation land fires were not the actions of the Defendant, but a third party, so that the Defendant could not be subject to legal sanctions (Junef & Husain, 2021). The thing that created a big hole of disappointment for many people was when the Chief Justice, Parlas Nababan, in his decision stated that burning forests did not damage the environment because they could be replanted.

A similar thing was experienced by a lawyer from Sri Lanka named Lalanath de Silva in 1997, he once filed a case of environmental damage and pollution in a public court, where when submitting his lawsuit, the lawyer was asked by the judge, "what is AMDAL?" even though AMDAL is something that has emerged since the 1980s (Pring et al., 2009).

In fact, the opinion of Judge Parlas Nababan and the questions of the judges at the Sri Lanka Regular Court prove that not all judges have the capability and competence to resolve cases of environmental pollution and damage. In the execution of their responsibilities, judges are anticipated to deliver justice to the involved parties in disputes. This is achieved by adhering to established legal regulations, principles, and societal norms, making it inappropriate for a judge to dismiss matters regarded as insignificant, especially when they pertain to crucial aspects of societal well-being, such as the environment.

As a commonly recognized saying, judges are often seen as the earthly representatives of divine justice, entrusted with the task of establishing a judicial system that upholds justice in alignment with the sole and supreme authority of God, as prescribed in Article 2 of Law Number 48 of 2009 regarding Judicial Power (referred to as the Judicial Power Law).

According to Jimly Asshiddiqie, the 1945 Constitution inherently mandates the establishment of an environmentally sustainable constitution. This mandate is rooted in Article 28H, paragraph (1) of the 1945 Constitution, which asserts that every individual has the right to live in both physical and spiritual well-being, with access to suitable living conditions and a healthy environment, as well as the right to receive healthcare. Additionally, Article 33, paragraph (4) of the 1945 Constitution outlines the principles for the national economy, emphasizing economic democracy, cooperation, efficiency with fairness, sustainability, environmental consciousness, self-sufficiency, and the pursuit of balanced development and national economic unity. Consequently, the presence of a dedicated environmental court is implicitly envisioned as an integral part of the Indonesian judicial system.

Weaknesses that exist from the existing judiciary, both from elements of procedural law, parties to the dispute, judges, objects of dispute and material law (Junef & Husain, 2021), produce decisions that are considered not oriented towards environmental sustainability so that the settlement of environmental cases is deemed not to be effective and optimal.

Therefore, a special environmental court is needed which will focus on resolving environmental cases effectively so that the objectives of the law itself are achieved which are also supported by every law enforcement apparatus starting from the police, prosecutors, and judges who are proficient in environmental law and other laws. relating to the settlement of environmental cases which can be carried out in the form of a training for law enforcement officials.

It should be realized that the fulfillment of environmental rights was mutually agreed upon long before the issue of climate and global warming arose. The Rio Declaration on Environment and Development effectively conveys this concept within its tenth principle, which underscores the idea that expertise and active participation are crucial in addressing environmental matters (May & Daly, 2017).

> *"Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided"*

The tenth principle emphasises the importance of involving individuals with environmental expertise in addressing environmental issues. The participation of all parties in accordance with their roles and expertise is needed so that environmental problems can be addressed effectively (May & Daly, 2017).

In environmental law theory, the concept of resistance to environmental exploitation is often rooted in an anthropocentric viewpoint, which places humans as the primary entity on Earth. This perspective allows unlimited utilisation of natural resources without considering environmental justice. For example, religious and philosophical views, such as in Genesis 1:27-28 and the thought of Thomas Aquinas, assert that humans have dominance over nature. This concept is reinforced by White, who states that the separation of humans from nature in the Judeo-Christian tradition is the basis for unlimited exploitation of the environment (Butchvarov, 2015).

As a critique of anthropocentrism, ecocentrism emerges as a perspective that emphasises the interconnectedness of humans with nature and rejects the notion that humans are superior to the environment. This approach demands an environmental legal system that is able to provide justice, legal certainty, and social benefits to society and the environment, both for current and future generations (Rahardjo, 2014).

Satjipto Rahardjo emphasises that the law must be dynamic and able to adapt to the development of life and the needs of society. This progressive legal concept sees law as a process that continues to develop to achieve a better level and in harmony with social change (Rahardjo, 2006).

In the context of environmental law enforcement, a specialised environmental court is needed that is filled by law enforcement officers with expertise in law and the environment. This is important so that every decision taken considers aspects of environmental sustainability. Currently, the settlement of environmental cases in general courts takes a long time due to the high caseload. Therefore, the establishment of a specialised environmental court will accelerate the settlement of environmental pollution and damage cases. The transfer of environmental case jurisdiction from general courts to specialised courts will also reduce the caseload in general courts, thereby increasing efficiency and accelerating the judicial process in accordance with the principles of fast, simple, and low-cost justice as stipulated in Article 2 paragraph (4) of the Judicial Power Act.

The Special Environmental Court Resolves Environmental Law Enforcement Problems in Indonesia

There is a legal adage which then provides an indication of how important it is for the lives of living beings other than humans to be protected. Jus istud non humani generis proprium est, sed omnium animalium, quae in caelo, quae in terra, quae in mari nascuntur which means that the law is not a peculiarity of the human speciesThis law applies to all living creatures, whether they originate in the skies, on land, or in the oceans. This proverb comes from the natural law of Rome which views humans and living things in the universe as one unit (Friedrich, 2004). This proverb is in line with the concept of ecocentrism which places all subjects in the universe, both biotic and abiotic, as having the same value because both are interrelated in an ecosystem (Nurkamilah, 2018).

Given the close relationship between nature and the living things in it, it is imperative for all parties to take care of the environment, protect and manage the universe properly and sustainably. The state as the party that has the highest authority to regulate and govern has the responsibility to participate in protecting and managing the environment from the threat of pollution, damage or exploitation. This is regulated in Principle 21 of the 1972 Stockholm Declaration written (Husin, 2016):

> *"State have in accordance with the Charter of the United Nations and the principle of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities whitin their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction"*

The principle of state sovereignty over natural resources affirms that every state has the right to

manage its resources according to its national policy, with the responsibility to prevent adverse environmental impacts, both within and outside its jurisdiction. In the context of Indonesian law, the PPLH Law confirms that environmental protection and management must be carried out with the principle of state responsibility as stipulated in Article 2 Paragraph A. This aims to support sustainable economic development as mandated by the 1945 Constitution. The third generation human rights concept recognises the right to a healthy environment as part of ecological justice, a principle that emphasises environmentally sound development, justice without discrimination, and equitable access to natural resources (Purwendah, 2019).

Environmental law enforcement requires both preventive and repressive approaches. Preventive efforts involve monitoring compliance with regulations, while repressive efforts include legal actions such as criminal and civil sanctions for violators (Hartiwiningsih, 2006).

Normative studies show that law enforcement is often considered a linear process, but in practice, social complexity requires a more flexible approach (Raharjo & Hukum, 2002). However, in practice, law enforcement involves a multitude of choices and contingencies due to its encounter with a complex and multifaceted reality. Normative legal science tends to overlook this complexity, whereas legal sociology, as an empirical discipline, must fully acknowledge and grapple with it (Hartiwiningsih, 2006).

The PPLH (Protection and Management) Law serves as the primary legal framework for conducting environmental protection and management, complemented by additional implementing regulations. The creation of this law represents the government's commitment and dedication to safeguarding and managing the environment, mitigating the risks of pollution, degradation, and exploitation by unscrupulous actors.

On this day, enforcement of environmental law in Indonesia in resolving cases of environmental pollution and damage is considered to be less than optimal because it is still being handled through general courts, not special environmental courts. The presence of a special environmental court can be a means of realizing the rules in the PPLH (Protection and Management) Law, so that all the visions and missions contained in the statutory provisions can be achieved.

The establishment of a special environmental court actually has many positive impacts on legal mechanisms in a country, such as the states of Australia, New South Wales, the Philippines and KenyaIn the Australian state of New South Wales (NSW), a dedicated environmental court was founded in 1979 under the Land and Environment Court Act 1979 (Junef & Husain, 2021).

This stems from the recognition of the New South Wales (NSW) Government regarding the significance of preserving and safeguarding the environment, a matter closely intertwined with the well-being and survival of the community. This court has the authority to resolve issues relating to environmental disputes, environmental development and planning, land, and mining. In addition, this court also has the authority to carry out due diligence, judicial reviews, civil enforcement, and has the power to impose criminal and civil sanctions, especially for violations of conservation laws and environmental management (Junef & Husain, 2021).

Additionally, in 1993, Administrative Order Number 15-13-93 was issued by the Supreme Court of the Philippines which appoints several special courts to handle cases of forestry law violations, where the special courts are placed in areas that are considered to have many cases of forestry violations. The courts are run by prosecutors and judges who have basic knowledge of only a few rules of law, so decisions issued do not reach the desired point of enforcement (Rochmani, 2020).

With the awareness that environmental law enforcement is not running optimally, The Philippine Judicial Academy was established which intends to be a training platform for judges, clerks, and prospective judges who will later serve, where one of the trainings provided is environmental training (Rochmani, 2020). Even so, it is known that Incidents of pollution and environmental harm have not diminished, As a result, in 2008, the Supreme Court of the Philippines created a specialized court dedicated to environmental cases, commonly referred to as the "Green Bench."

The presence of the Green Bench is considered to bring success in handling environmental cases so that law enforcement can take place effectively. Three key factors contributing to this achievement comprise the Supreme Court of the Philippines' fervent commitment to fostering a clean and sustainable

environment, thus necessitating the serious consideration of environmental cases. organizing training and education for judges so they are able to understand the complexities of environmental cases; Additionally, effective collaboration among judicial entities is essential to achieve the fundamental objectives of the law, including fairness and efficiency (Rochmani, 2020).

The State of Kenya also considers that the existence of a special environmental court can provide many benefits for solving cases Concerns about pollution and environmental harm have emerged as a result of numerous instances of pollution and environmental damage occurring in the area, such as deforestation, desertification, water shortages, poaching, and even pollution due to the use of chemicals to industrial waste. Kenyan environmental activist Phyllis Omido sued the state and battery recycling company over lead poisoning suffered by residents of Owino Uhuru village to the Kenyan Environmental Court, where the lawsuit resulted in a ruling that the Defendants had to compensate nearly 3,500 (three thousand five hundred) villagers of over €10 million ($12 million).

The Kenya Environmental Court's firm stance in giving decisions on environmental pollution cases is considered a precedent because it is able to help people who have been affected by environmental damage for years (Rochmani, 2020). Cindy Salim, a lawyer from the Konrad Adenauer Foundation in Nairobi stated that environmental courts are an important tool for the effective and efficient work of a legal system. Furthermore, Cindy Salim said that the specialization and expertise possessed by environmental courts is very helpful in resolving environmental litigation cases, where the handling leads to a better quality of punishment (Rochmani, 2020). This goal is unattainable if the resolution of environmental cases occurs within the public court system.

Based on all the above descriptions, supported by all the Detailed explanations regarding the establishment of dedicated environmental courts in multiple nations that have previously established environmental courts which turned out to have many positive impacts, it can be concluded that the existence of special environmental courts can solve all problems that hinder the implementation of environmental regulations in Indonesia is organized optimally. The creation of effective law enforcement in protecting and managing the environment also indirectly realizes sustainable and environmentally sound development.

Without support in terms of quality, adequate numbers, commitment, human resources, funds, and readiness of law enforcement officials, it is very unlikely to realize what has been stipulated in Law Number. 23 of 1997 and Law No. 32 of 2009 concerning Environmental Protection and Management. Even though the government rhetorically always states that it has a high commitment to law enforcement, in reality law enforcement is still far from expectations.

There are various cases in Indonesia that illustrate the low level of enforcement of environmental law, one of which is caused by the slow performance of law enforcement officials in carrying out their duties. Slow performance of course has destroyed the spirit to protect, prevent environmental damage and destruction that is growing in society. How could it not be in a rule-of-law country like in Indonesia law enforcement is determined by the Court. So, even though the Attorney General's Office has tried their best to make a complete and accurate indictment, after the perpetrators of environmental damage were brought to court they were not sentenced, this would certainly backfire on the Attorney General's Office. Therefore, it requires judges who have empathy, dedication and determination to create justice (Rahardjo, 2000).

Because attitudes, thoughts, values and expectations in order to present social forces that are firmly guided by justice in people's lives can be identified with the attitudes, thoughts, values and expectations of officers who enforce or law enforcement officials who apply laws and regulations is one of the main supporting factors law enforcement successes. No matter how good a regulation is, if reasonable and reliable law enforcement officers do not support it, then do not expect that an enforcement will be successful, or in other words, however bad a regulation is, if it is supported by law enforcement officials who are good, have morals, then enforcement law will work.

The two do support each other, influence each other, but the real problem really depends on human resources, as Hermann Mannheim has stated in his book Criminal Justice and social reconstruction saying: "It is not the formula that decides the issue but the men who have to apply the

formula" (Mannheim, 2013).

Law enforcement officials, especially courts, must overcome the traditional mindset of imposing prison sentences on Individuals engaged in environmental wrongdoing. This mindset arises from the belief that environmental infractions are solely related to technical regulations, and those responsible for such violations are often viewed as well-intentioned entrepreneurs. If this mindset is then continued, then this is a wrong perception, because perpetrators of environmental violations can destroy human life, property, and people's welfare, which other criminals do not do.

Applying a deterrent sentence is a crucial element within the framework of environmental law enforcement strategies in Indonesia. It entails discouraging polluters or potential sources of pollution from violating environmental regulations by employing legal consequences or imposing penalties. Deterrence can take on both specific forms, which target those involved in the same violation, and more general forms, which aim to dissuade the broader public from engaging in violations.

The command and control approach, often referred to as the deterrence approach, can be successful when it meets a minimum of three preconditions as outlined below (Hartiwiningsih, 2006):

a. Capacity for detection violations;
b. Prompt and unequivocal reactions following the identification of violations, as previously stated in the initial prerequisites;
c. Adequate sanctions

An adequate sanction in this case is a fine, as a prioritised fine is expected to encourage environmental restoration (Van Bemmelen, 1987) stated that fines are more effective than prison sanctions. In environmental law, there is the principle of 'Polluters Pay,' which aims to restore the environment from fines paid by polluters.

In addition, action sanctions are also relevant so that the perpetrators of pollution understand the negative impacts they cause. These sanctions serve as a deterrent effect, as well as providing awareness that pollution is detrimental to oneself and the environment. In the corporate context, the sanctions system faces challenges of overlapping regulations and the need for clarity regarding penalties, regulatory substance, and law enforcement (Torodji et al., 2023). Evaluation through court decisions is an important step in assessing corporate involvement.

Increased public awareness and the quality of law enforcement officials should encourage the application of stricter sanctions. As courts understand environmental offences, the imposition of prison sentences for corporate executives and individuals found guilty of serious environmental crimes will become common practice.

CONSLUSION

The establishment of a Special Environmental Court is a necessary step to improve the effectiveness of environmental law enforcement. The existence of this court not only provides benefits for the community but also contributes to the protection of the environment in a more just and sustainable manner. This special court is expected to be able to accelerate and improve accuracy in the settlement of environmental cases which have been considered not optimal in general courts.

In addition, the effectiveness of specialised environmental courts is highly dependent on the competence and integrity of law enforcement officers, including judges, prosecutors, and investigators who are certified and have a deep understanding of environmental law. Specialised training for law enforcers is a crucial aspect in ensuring that every decision taken is orientated towards ecological justice and environmental ethics.

Experience in various countries, such as Australia, the Philippines, and Kenya, shows that the establishment of environmental courts can increase the effectiveness of law enforcement and provide legal certainty for environmental protection. The resulting decisions are more in favour of environmental sustainability and are able to provide a deterrent effect for perpetrators of environmental destruction.

In the Indonesian context, the existence of special environmental courts is expected to overcome various obstacles in the general justice system, reduce the backlog of cases, and realise the principle of fast, simple and low-cost justice. Thus, the establishment of a special environmental court is not only a

legal necessity, but also a strategic step in supporting sustainable development that is oriented towards environmental justice and community welfare.

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