

# LEGAL POLICY OF THE INDONESIAN GOVERNMENT TO ACHIEVE NET ZERO EMISSIONS

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**Abstract.** In 2016, Indonesia is a country that has agreed to the contents of the Paris Agreement. The contents of the Paris Agreement have been ratified into Indonesian law number 16 of 2016. The Indonesian government is targeting to achieve Net Zero Emissions by 2060. This study aims to achieve Net Zero Emissions by 2060, the Indonesian government is committed to reducing emissions by 29% (without conditions) or 41% (conditional) in 2030, which can be achieved by encouraging the use of new and renewable energy (EBT) by 23% by 2025. This study uses normative juridical methods to review policies and improve regulations for the Net Zero Emissions program by obtaining existing literature, theories, concepts, principles, and rules related to the legal perspective. Appropriate and consistent energy policies, including a long-term strategy to increase the use of new and renewable energy, are needed to achieve emission reduction targets. Policies made by the Indonesian government should reduce fossil fuels, develop environmentally friendly technologies and start increasing the use of new and renewable energy. It is very important to strengthen carbon emission reduction policies by considering all aspects to achieve the goal of 2060 without carbon emissions.

**Keywords:** net zero emission; legal policy; government

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## INTRODUCTION

Climate change has become a phenomenon that has been highlighted in recent years. Countries in the world, including Indonesia, are also preparing policy steps to deal with phenomena related to climate change ([Schwanitz, 2013](#)). Conference on Parties (COP) 21 Paris has agreed to limit the increase in global temperature to below the threshold of 2 degrees Celsius, and some have even urged to limit the increase to 1.5 degrees Celsius. It is therefore important to reaffirm the obligations that bind developed countries under the United Nations Framework on Climate Change Conference (UNFCCC) to support the efforts of developing countries ([Linnerooth-Bayer & Mechler, 2015](#)); ([Gao et al., 2017](#)).

Carbon emissions are a contributor to climate change along with greenhouse gas emissions. Excessive gas emissions can cause global warming or the greenhouse effect. This results in a significant increase in Earth's temperature. The effect of excessive carbon emissions is that environmental damage greatly affects human life because humans live side by side with the environment. Environmental pollution occurs when the material cycle in the environment changes so that the balance in terms of structure and function is disturbed ([Balter et al., 2021](#)).

The environment has a crucial role for human existence and survival. Even from birth while still in the stomach, environmental factors as an inseparable component of the life of living things. Therefore, no matter how we look at the various entities that exist in the

environment for the survival of human life, the presence of these environmental objects is crucial for their presence. Currently, the transportation sector is the main sector in terms of contributing to air pollution in urban areas. Actually not only transportation as a contributor to air pollution, many other things such as industry. However, the biggest contributor to air pollution is transportation, especially in big cities in Indonesia. This is a challenge for the Indonesian government in order to achieve net zero carbon in 2060. Based on the background of the problem described above, in this study the identification of the problem can be formulated as follows: 1. What are the problem Indonesian government in implementing net zero emission?. 2. How is the implementation of net zero carbon policy in Indonesia?. This study aims to reduce environmental pollution that causes global warming. Energy is one of the focuses in achieving the NZE program. Various countries, including Indonesia, have issued new regulations on electricity supply to meet the NZE program.

## METHODS

This study uses a normative juridical method to review policies and improve the regulation of the Net Zero Emissions program by obtaining existing literature, theories, concepts, principles, and rules related to a legal perspective. Normative juridical method or library research is research that examines document studies, using various secondary data such as legislation, court decisions, legal theory, and can be in the form of scholarly

opinions. Where the nature of this study reveals the laws and regulations relating to legal theories as the object of study. Likewise the law in its implementation in society with regard to the object of study.

Sources of Legal Materials Sources of legal materials used in this study consist of:

- a. Primary legal materials are legal materials that are binding and include laws and regulations related to the issues to be investigated, such as: Law Number 16 of 2016 tentang ratification of the Paris Agreement To The United Nations Framework Convention On Climate Change ([Leggett, 2020](#)) ; Law Number 32 of 2009 concerning Environmental Protection and Management ([Edwards & Heiduk, 2015](#)); Regulation of the Minister of Environment and Forestry Number P.20/MENLHK/SETJEN/KUM.1/3/2017 concerning Quality Standards for Exhaust Gas Emissions for New Type Motor Vehicles Category M, Category N, and Category O ([Nagpure et al., 2016](#)).
- b. Secondary legal materials are legal materials related to primary legal materials such as Court Decisions, the results of scholarly scientific works, study results related to policy and carbon emission.
- c. Tertiary legal materials are materials that provide instructions or explanations for primary and secondary legal materials such as legal dictionaries, encyclopedias, etc.

The technique of collecting legal materials used in this research is library research, namely through a search for laws

and regulations, documents and books and other scientific works in accordance with the object to be studied.

A process or effort to process data into new information so that the characteristics of the data become easier to understand and useful for solving problems, especially those related to study. All paragraphs must be indented. All paragraphs must be justified.

## RESULTS AND DISCUSSION

### 1. Problem Indonesian government in implementing Net Zero Emission

Efforts made to achieve NZE require a gradual process with a long duration. The transition to NZE should also be considered factors such as the electrical energy required and the potential of renewable energy owned, trade balance, and infrastructure readiness. Invest with large sums of funds must also be considered to prepare for the transition to the NZE. The funds are used for fossil energy transition into renewable energy, procurement of supporting infrastructure, and preparation of human resources who have high skills ([Reyseliani & Purwanto, 2021](#)). Regarding the obstacles faced by the Indonesian Government in implementing the Net Zero Emission Policy as follows:

- a. Primary energy supply is still based on fossil energy.
- b. Growth in the number of vehicles in the transportation sector is very high, however this is not balanced by fuel consumption towards a

higher RON and even the potential for fuel subsidies to increase.

- c. Governance that has not been running properly, and not yet optimal financing of climate change from domestic sources. Renewable energy has not developed as expected ([Cerqueira et al.](#), 2021).

Various obstacles in implementing the net zero emission policy have made this policy still not optimal. The large number of power plants that use coal is also a factor constraining the implementation of this policy. In addition, it is still difficult to develop new renewable energy in Indonesia. The use of new renewable energy is still very small compared to the use of fossil energy. This will be a serious challenge for the Indonesian government to achieve the target of net zero emissions by 2060. The government must immediately make regulations that support this policy and must immediately implement it. The energy and transportation sectors are still not optimal in making the transition. In addition, there is still a lot of illegal logging. Indonesia is one of the countries that has a very large forest area, but if a lot of forests are damaged, then this will be an inhibiting factor in achieving the goal of net zero carbon by 2060.

## 2. The Implementation of Net Zero Carbon Policy in Indonesia

In addition to the challenges that must be faced, the Government of Indonesia is also preparing a policy strategy to support the net zero

emission target by 2060. These policies include ([Kanugrahan et al.](#), 2022):

- a. Decrease in Intensity Energy (Energy Efficiency).
- b. New Renewable Energy.
- c. Transition to Vehicles Electricity.
- d. Forest Reforestation.
- e. Peat Restoration and Mangrove Rehabilitation.
- f. Deforestation Prevention.
- g. Fire Prevention Land and Peat.
- h. Production Decrease Liquid waste.
- i. Removal of Fuel Subsidy.
- j. Carbon Tax Implementation.

From that scenario, net zero emission 2045 & 2050 in Indonesia requires additional area 300-350 thousand ha and increase reforestation of 250 ha of existing policies. Net Zero Emission Scenario need level upgrade energy efficiency up to 6 - 6.5% in 2050. Policy to Increase EBT significantly in Final Energy Mix must be accompanied by a Decrease in Energy Intensity (Energy Efficiency Policy) if Indonesia wants to achieve the Net Zero Emission target in every scenario. NRE power plants and nuclear power plants must achieve 100% of the primary energy mix in each year the Net Zero Emission target. Commitment and Multistakeholder Collaboration requires for planning development Net Zero Emissions Indonesia, To Save Indonesia Gold 2045 from the Climate Crisis and Middle Income Trap. Need incentives and disincentives based on carbon emissions as well as optimizing green diplomacy. While in the financing aspect, transfer funds are needed based

on environmental commitments, the development of a national carbon market, as well as the mainstreaming of low-carbon financing in various instruments.

The implementation of law number 16 of 2016 must be carried out immediately, because if it is not carried out immediately, the resulting impact will be very dangerous for the health of the earth and also the citizens of the country. The environmental law has contained criminal and civil sanctions to support the implementation of this net zero carbon policy. While the Regulation of the Minister of Environment and Forestry Number P.20/MENLHK/SETJEN/KUM.1/3/2017 concerning Quality Standards for Exhaust Gas Emissions for New Type Motor Vehicles Category M, Category N, and Category O is one of the derivatives to reduce carbon emissions from the transportation sector.

## CONCLUSIONS

The legal politics for net zero emissions from a legal perspective is the protection of environmental sustainability and also to get healthy air that can be enjoyed by all Indonesian citizens. In the effort to protect and manage the environment, the factors

supervision plays an important role for the realization of the preservation of the function environment. Therefore, the authorized official carry out mandatory supervision to supervise the obedience of business actors and/or activities against the relevant laws and regulations with environmental protection and

management and permits environment. The application of criminal sanctions must be enforced as a way of tackling environmental problems. However, the application of criminal sanctions as a *ultimumremidium*. Felt less than optimal in following up the problem of criminal acts of environmental pollution. In general the civil case process takes quite a long time, on the other hand the application of administrative sanctions results in the closure of the industry, and have an impact on workers who then become unemployed and can lead to high rates of crime and crime.

There are still many obstacles that must be resolved by the current government to immediately implement this policy. Basically, all stakeholders must work together to implement this net zero emission policy, because the longer it is postponed, the more severe the environmental damage will be. Therefore, the Government must immediately find a solution to overcome the obstacles in the implementation of this policy. The solution that has been made must be implemented immediately because Indonesia has also approved the results of the Paris agreement related to reducing carbon emissions.

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