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## **Natural Resource Management Principles and the Role of Law in Realizing Good Development Governance**

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### **Abstract**

The impact is that development will result in environmental destruction or pollution of the environment; it can be understood that, in fact, development is a disturbance or problematic natural and environmental balance. The research aims to discover the principles of natural resource management and the role of law in realizing good development governance. This paper used research with normative-empirical legal methods by looking at what happens in cases or facts that exist in the principles of natural resource management and the role of law in realizing good development governance. In essence, development in its implementation must be balanced with using natural resources that can impact the environment. Natural resources can have an impact on the environment itself in the prevention of damage to reduce the level of environmental damage. Prevention of damage To reduce environmental damage, it is necessary to implement development that pays attention to protection and environmental management. There must be support and publicity for the environmental law system. The first is the need for ease of natural resource management (stakeholders) to be fair to the community, and the second is the need for ease of natural resource management (stakeholders). To be fair to the community, secondly, there is a need for legal relaxation through a structure to weaken criminalization by criminalization actions using an early filtering system and increase the independence of the law guardians' profession through the prioritization of the ultimum remedium principle, and then the third is to continue to see a law-aware society, especially stakeholders in the sustainable use of natural resources remain sovereign for food and energy independence and continue to grow.

**Keywords:** Natural Resources, Environment, Role of Law.

### **Introduction**

Indonesia has a variety of wealth and natural resources, and the state must carry out a task in fulfilling the lives of many people (Yahman & Setyagama, 2023). Therefore, the state must master management to achieve more value in the actual economic field to fulfill maximum efforts to prosper and ensure the welfare of society fairly and equitably. The

principles in the management of natural resources must be in favor of the benefit of the state and balanced or, in other words, pivot on economic unity, the principle of benefits, fair efficiency, transparency, participation, accountability, sustainability, and environmentally sound (Wahyuni, 2023).

Indeed, development is inseparable from using natural resources and the environment. Its embodiment is aimed at increasing the prosperity, welfare, and standard of living of the people (Hidayat & Suwanto, 2022). Increase. So, the increase in the implementation of development will result in more eroded environmental space. The impact is that development will result in environmental destruction or pollution of the environment. It can be understood that, in reality, development is a disturbance or problem to nature and the environmental balance (Zahoor et al., 2022).

Issues will always intersect with the exploitation of natural resources and the environment for every development implementation. Inappropriate exploitation of natural resources often destroys natural resources (Mondal & Palit, 2022). Destruction of natural resources that could be more wise in their utilization results in the quality and quantity of natural resources decreasing and eroding over time (Liu et al., 2022).

In globalization and rapid economic growth, exploiting natural resources is a significant concern in sustainable development (Jahanger et al., 2022). Although economic development plays a vital role in improving people's welfare, it is not uncommon for its implementation to cause negative impacts on the environment and natural resources (Zhang et al., 2022). Therefore, it is important to detail some aspects that clarify the complexities and impacts of inappropriate exploitation of natural resources. One of the impacts is environmental degradation (Ulucak & Baloch, 2023). Over-exploitation can cause ecosystem damage and loss of biodiversity, threatening the survival of existing flora and fauna (Kolawole & Iyiola, 2023). In addition, unsustainable exploitation activities often produce waste and pollution that harm the environment. Pollutants released into the air, water, and soil can endanger the health of humans and other living things and damage soil fertility (Dahiya et al., 2022).

Apart from environmental degradation, social aspects also deserve attention (Aftab et al., 2022). Development that needs to consider sustainability can create inequalities in economic and social benefits distribution. Local communities, especially those near exploitation sites, may risk losing traditional livelihoods, accompanied by the potential for social conflict (Black et al., 2022). It is also essential to recognize that natural resources are a shared heritage for current and future generations. Therefore, understanding and implementing sustainable exploitation practices should be a priority. This approach includes using environmentally friendly technologies, strict regulatory policies, and active participation of communities in decision-making regarding natural resource management (Akerboom & Craig, 2022).

In the context of natural resource exploitation and its impact on the environment, the involvement and role of law becomes very important to maintain the balance between economic development and environmental conservation. Law is central in establishing a regulatory framework that can control and direct natural resource exploitation activities following sustainability principles (Saputra & Dhianty, 2022). One of the crucial roles of law is to establish strict regulations related to exploiting natural resources. Environmental laws and natural resource management policies can effectively provide a legal basis for governments,

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companies, and communities to conduct economic activities without compromising environmental sustainability (Mahardhani, 2023). These regulations can include restrictions on over-exploitation, good governance, and environmental restoration obligations for businesses.

In addition, the law also has a role in ensuring transparency and accountability in natural resource management. Legal mechanisms, such as environmental audits and reporting obligations, can ensure that exploitation activities are conducted openly and that information regarding environmental impacts is accessible to the public (Morgera & Lily, 2022). Appropriate regulations can also accommodate community involvement in decision-making through public participation mechanisms. Laws can also provide effective enforcement mechanisms. Legal sanctions for violations of environmental regulations can include significant fines, revocation of business licenses, or other legal actions (Ni'mah et al., 2022). With the threat of penalties, businesses tend to be more cautious and comply with established environmental requirements (Li et al., 2023). The critical role of law in this context reflects efforts to strike a balance between economic interests and environmental sustainability. Effective implementation, monitoring, and enforcement of the law are therefore vital in ensuring that the exploitation of natural resources takes place responsibly and by the principles of sustainable development.

The involvement of law in managing the exploitation of natural resources and their impact on the environment is essential to realizing the principles of good governance (Safdar et al., 2022). These principles, emphasizing transparency, accountability, public participation, and fairness in government decision-making, can be implemented through appropriate legal regulations. In natural resource exploitation, such regulations create transparency by outlining relevant policies, procedures, and decisions. Transparent information enables effective monitoring and evaluation by interested parties. In addition, a well-functioning legal system can enforce accountability for law violations, creating a foundation for strict accountability for environmental sustainability. Good governance principles also emphasize public participation, and involving communities in decision-making related to natural resource exploitation can ensure that policies reflect their needs and aspirations (Hao et al., 2022).

Finally, laws that promote justice protect the rights of local communities directly affected by natural resource exploitation and provide access to justice to resolve conflicts or protect their rights (Knox & Morgera, 2022). Thus, strong legal engagement in natural resource exploitation can create a solid foundation for sustainable development, integrating natural resource exploitation with policies that consider all parties' interests and balance economic, social, and environmental aspects.

### **Literature Review**

The definition of natural resources can be interpreted as everything in nature that can be used and utilized to fulfill needs and needs. Nature can be used and utilized to fulfill the needs, prosperity, and welfare of many people and improve their standard of living (Najicha et al., 2022). Natural resources include land, water, forests, mines, and minerals (Klein et al., 2022).

As described by Iswandi and Dewata, natural resources and the environment have an essential role in the continuation of life and the development of the country and nation. Natural

resources play an important role in providing energy, water, food, and supporting the elements of life. For success in growing a competitive economy and protecting the quality and quantity of natural resources, which are important for successful development, it is necessary to implement a policy on using natural resources and the environment. Natural resources must be utilized in harmony and balance, in harmony with the environment and other roles, because natural resources have the nature of natural resources and the environment. Other roles are because natural resources have a plural nature and dimensions of space, time, and the amount, quality, and quantity (Iswandi & Dewata, 2020).

Natural resources in the Big Indonesian Dictionary (KBBI) means natural potential that can be developed as a production process. However, it can also be interpreted that natural resources are everything in nature that can be used for human benefit in the form of added value to materials to meet human life's needs. All the elements that make up natural resources and the environment that can fulfill human needs are abiotically or biotically referred to as natural resources (Syamsiati, 2019).

## **Research Method**

The research method used in this paper is research with normative-empirical legal methods by looking at what happens in cases or facts that exist (Marune, 2023) in the principles of natural resource management and the role of law in realizing good development governance in Indonesia, then examining it with what is stated in the applicable regulations that have a relationship and relationship with existing law, namely the regulation of the principles of natural resource management and the role of law in realizing good development governance in Indonesia. The method in this paper also refers to literature materials, such as journals and online media that are relevant, of course, to the facts that occur.

## **Result and Discussion**

### **Analysis of Principles of Natural Resource Management**

#### **1. Natural Resources for People**

The land, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people. Norms constitutional norms that are classed in Article 33, paragraph 3 of the 1945 Constitution guide the development of national natural resources, which is that the power in management is the state and to be used for the welfare of the people (Hasim, 2023). The principle that has been mentioned is a unity that cannot be separated. Suppose there is a separation between these principles. In that case, it is very contradictory. It can lead to the monopolization of natural resources by those with capital, resulting in people needing help reaching natural resources. Because the ideals of the state to prosper its people are only a dream. The meaning of being controlled by the state is that in its interpretation, the Constitutional Court explains that this is a reflection of the sovereignty of the people, which is a mandate, and the duties that have been given by the state so that policies and actions of regulation, management, management, and supervision are genuinely in the context of the welfare and or prosperity of the people. The interpretation that the Constitutional Court has explained explains that natural resources are public property, namely the people, and the state regulates management through various regulations, such as the Forestry Law, the Oil and Gas Law, and the Mineral and Coal Law.

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The government should make management regulations and open access as quickly and as much as possible and regulations that tighten foreign and private parties who want to monopolize. Private and foreign parties must remain within the rules that the people have the right to natural resources and contribute to economic development that affects the prosperity of the people (Olaoye & Sornarajah, 2023). In order to maximize the management of natural resources, it is necessary not to depend on private or foreign parties (Asiaei et al., 2022); there must be a demand that human resources must be capable in terms of all fields, especially natural resource management so that the management can be carried out by the people themselves independently (Hakkarainen et al., 2022).

### **2. Sustainable Development**

In the management of natural resources, the second principle is sustainable development so that it can be planned and that social, economic, and environmental aspects are included in development plans to ensure the safety of the environment as a whole (Uralovich et al., 2023), the welfare, ability, quality of life of current generations and future generations. The results of the principle of development still need to be met with expectations. Even though it has been almost 4 (four) decades, the results are still counter-productive, which can be seen from the amount of environmental damage. Evaluation and reconstruction of development plans must be carried out on all development regulation policies in Indonesia (Yahman & Setyagama, 2023).

### **3. Environmentally Minded**

It is doubtful that sustainable development can be implemented by ignoring the environment, the green constitution offered by Jimmly Asshiddiqie, environmental sovereignty, and the concept of a new form of democracy, namely ecocracy (Diamantina & Yulida, 2023). In its manifestation, the government must intervene in the technical mechanisms of government regulations, ministerial decisions, and decisions at the regional level, such as regulations of governors, regents, and others. It must have an orientation for environmental protection and preservation (Ho & Rekso, 2023). It is imperative to note that it is not easy to be tempted by a sweet promise of investment that can damage the environment; the amount of deforestation, the development of infiltration areas, and illegal logging, which reduces green areas, are examples of still being tempted in the name of investment which results in destruction. A beautiful environment is a long-term investment (Huang, 2022). The current development budget focuses only on physical development, which still neglects the environment. Extraordinary budgeting arrangements are needed, of course in large amounts, to achieve environmental conservation ideals.

### **4. Green Culture**

This principle includes attitudes, behaviors, norms, values, and awareness in order to continue to protect environmental sustainability (Uralovich et al., 2023). Orienting the attitude and point of view towards the environment is necessary. So far, behavior should be applied to protect the environment rather than pollute it. It should be known that humans need part of the environment from birth to the end of life (Skakkebaek et al., 2022). This principle is not only specific to humans but must be owned by institutions in charge of the environment; whatever the form of the institution is significant, it must have a green culture principle (Suki et al., 2023).

### **Contrasting the Principle of Natural Resources with the Principle Contained in TAP MPR XI/2001**

The contrast between the principles of natural resources and the principles contained in TAP MPR XI/2001 can be explained through the first point, which confirms that natural resources covering the earth, water, and space and the natural wealth contained therein are the mercy of God Almighty to the Indonesian nation, it is a national treasure that must be grateful. The statement of principles follows the principles of The management of natural resources developed as natural resources for the people. Then, it can also be seen in the third point of TAP MPR XI / 2001, which states that natural resources that have lasted so long have caused a decline in environmental quality, inequality of tenure structures ownership, use, and its use and causes various conflicts. Statement of principles can be contrasted with the principle of natural resource management that if Sustainable development ignores the fate of the environment in the future, which is impossible and can cause the bad things mentioned in TAP MPR XI/2001 on the third point. Therefore, insight is needed to conceptualize the environment to implement sustainable development with visionary thinking for the survival of future society.

Environmentally friendly natural resource management must be carried out through a systemized, integrated mechanism that contains changes, thoughts, and roles of community duties and resolves contradictions, a statement principle mentioned in TAP MPR XI/2001 point five. Thus, the principle contrasts with the principle of natural resources that prioritize or it attaches importance to the existence of green culture in realizing environmental development, which is better. The existence of a green culture can guarantee the quality of resources (Aggarwal & Agarwala, 2023). Nature will be preserved until the next generation because green culture will cause the environment to be better maintained and survive well for a long time (Dixson-Declève et al., 2022).

### **The Role of Law in Realizing Good Development Governance**

Planning, utilization, control, and enforcement are efforts that are systematic and integrated into the preservation of environmental functions in prevention. The emergence of pollution and environmental destruction is contained in Law Number 32 of 2009 concerning environmental management efforts (Nugraha, 2016). It was reviewed with legal efforts to preserve the environment's function and overcome the emergence of pollution and destruction. The role of law is to carry out environmentally sound development, which can be seen in legal practice in development activities (Karjoko et al., 2022). Then, it will be able to know the direction and destination to be addressed. The law has a function to measure and define criteria for carrying out actions, good and bad, fair and discriminatory, right and wrong (Toule, 2022).

### **Conclusion**

In essence, development in its implementation must be balanced with using natural resources that can impact the environment. In preventing damage to reduce environmental damage, it is necessary to carry out development that pays attention to environmental protection and management efforts. Environmental law and its enforcement are umbrella

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provisions considered less dynamic in managing Indonesia's natural resources and less potent in supporting food and energy sovereignty in Indonesia. Of course, this occurs because of the strong provocation of foreign parties with capital that puts ecology in a Higher Place of People's Justice (equality) and economic development (economy). It was emphasized that the protection and management of environmental natural resources in Law Number 32 of 2009 concerning Environmental Protection and Management have principles, some of which are the principles of good government governance. This principle must be applied to achieve a well-run government that prioritizes preserving environmental functions and life. Whatever policies the government implements are related to interests. Environmental problems should be handled using the principles of good development governance. If the application of this principle is ignored, it could result in an uncontrolled living environment. Then, it can be seen that if it is related to the spirit and spirit between the central and regional governments, the environment often becomes a victim of policies, including the mining natural resources sector, for reasons of development progress.

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