

Legal Policy on Natural Resource Management from the Perspective of Regional Autonomy

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Article Info	Abstract
Keywords: legal policy; natural resource management; regional autonomy; environmental law; sustainable development	Natural resource management in the context of regional autonomy remains a critical issue in Indonesia because the decentralization of governmental authority has created both opportunities and challenges for sustainable resource governance. Although Indonesia has established a comprehensive legal framework for natural resource management and environmental protection, its implementation continues to face overlapping authorities, weak supervision, inadequate law enforcement, and the dominance of short-term economic interests. This study aims to analyze the legal policy governing natural resource management from the perspective of regional autonomy and to assess the effectiveness of its implementation in supporting sustainable development. This research employs a normative juridical method using statutory and conceptual approaches. The analysis is based on primary, secondary, and tertiary legal materials to examine the regulatory framework, institutional authority, and principles underlying natural resource governance. The findings indicate that natural resource management has a strong constitutional and statutory foundation, particularly through Article 33 paragraph (3) of the 1945 Constitution, Law Number 23 of 2014 on Regional Government, and Law Number 32 of 2009 on Environmental Protection and Management. However, the effectiveness of these policies remains constrained by conflicts of authority between central and regional governments, limited institutional capacity, weak monitoring mechanisms, and insufficient enforcement against environmental violations. The study concludes that regulatory harmonization, stronger institutional coordination, consistent law enforcement, and greater public participation are essential to establish transparent, accountable, equitable, and sustainable natural resource management under regional autonomy.

1. Introduction

Indonesia is endowed with abundant natural resources (NRs) that play a strategic role in supporting national economic development and public welfare. Within the framework of regional autonomy, the management of NRs represents an important governmental responsibility because local authorities are expected to utilize regional resources in accordance with local characteristics and development priorities. The legal foundation for regional autonomy is primarily established through Law Number 23 of 2014 on Regional Government, which provides regional governments with authority to administer governmental affairs based on the principle of decentralization. From this perspective, regional autonomy is expected to improve governmental effectiveness,

strengthen public services, and enhance community welfare.

Nevertheless, the decentralization of natural resource management has generated significant legal and institutional challenges. In practice, natural resource governance continues to be associated with excessive exploitation, overlapping authority between central and regional governments, environmental degradation, and weak regulatory implementation. These conditions indicate that the existence of a comprehensive legal framework does not necessarily guarantee effective resource governance. From the perspective of environmental law, natural resource utilization must be controlled to ensure that human activities remain within the ecological carrying capacity of the environment. Moreover, the effectiveness of legal regulation is influenced not only by the

quality of legal norms but also by law enforcement institutions, supporting infrastructure, community participation, and the prevailing legal culture. Weaknesses in these dimensions may reduce the effectiveness of policies governing natural resource management at the regional level.

Constitutionally, natural resource management is grounded in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which establishes that land, water, and the natural resources contained therein are controlled by the state and utilized to achieve the greatest prosperity of the people. This provision establishes a fundamental obligation for the state to ensure that natural resources are managed in a manner that is equitable, accountable, and oriented toward public welfare. The state's authority should therefore not be understood merely as a form of control, but also as a responsibility to regulate, administer, supervise, and ensure that natural resource utilization provides broad benefits to society. Within the regional autonomy framework, this responsibility requires effective coordination between central and regional governments to prevent regulatory fragmentation and conflicting institutional interests.

The issue becomes increasingly significant when viewed through the framework of sustainable development. Sustainable natural resource management requires an appropriate balance between economic development, social welfare, and environmental protection. Consequently, regional policies should not be directed solely toward increasing local revenue or accelerating economic growth but must also consider environmental sustainability and intergenerational equity. The tension between short-term economic interests and long-term environmental sustainability demonstrates the need to strengthen the legal governance of natural resources under regional autonomy.

Against this background, this study examines legal policies governing natural resource management from the perspective of regional autonomy. The study focuses on the

adequacy of the existing legal framework, the challenges associated with its implementation, and the institutional responsibilities of central and regional governments. It further seeks to identify policy directions that can strengthen regulatory harmonization, law enforcement, institutional coordination, and sustainable resource governance. By examining these dimensions, the study contributes to a broader understanding of how legal policy can reconcile regional development objectives with environmental protection and the constitutional mandate to utilize natural resources for the greatest prosperity of the people.

2. Literature Review

1. Environmental Law and Natural Resource Governance

Environmental law provides the normative framework for regulating the relationship between human activities and the environment, particularly in the utilization and conservation of natural resources. In the context of natural resource management, environmental law does not merely function as an instrument for preventing environmental damage but also establishes standards for sustainable utilization, environmental protection, and accountability. Contemporary environmental governance increasingly emphasizes the integration of ecological considerations into public policy and economic decision-making.

The application of environmental law in natural resource management requires preventive, corrective, and repressive instruments. Preventive instruments include environmental planning, licensing, environmental impact assessment, environmental quality standards, and spatial planning. Corrective and repressive instruments include administrative sanctions, civil liability, and criminal enforcement. The effectiveness of these instruments depends not only on the quality of regulations but also on institutional capacity, monitoring mechanisms, law enforcement, and public participation.

Within Indonesia's decentralized governance system, environmental law is particularly important because natural resources are distributed across regions with different ecological characteristics and economic potentials. Consequently, local governments need sufficient authority to manage regional resources while remaining subject to national environmental standards. This creates a legal governance challenge in balancing regional autonomy with the constitutional obligation to protect the environment and ensure that natural resources are utilized for public welfare.

2. Regional Autonomy and Decentralization of Natural Resource Management

Regional autonomy is based on the principle that certain governmental affairs should be administered closer to local communities to improve governmental effectiveness, public services, and regional welfare. In Indonesia, the decentralization framework establishes a distribution of governmental functions between the central and regional governments. From the perspective of natural resource management, decentralization is expected to enable local governments to formulate policies that reflect regional ecological, social, and economic conditions.

However, decentralization does not necessarily mean unrestricted authority for local governments. Natural resources possess strategic characteristics because their exploitation may generate impacts that extend beyond administrative boundaries. Environmental degradation, deforestation, mining activities, water exploitation, and coastal resource utilization may produce regional or national consequences. Therefore, the allocation of authority must be accompanied by mechanisms for coordination, supervision, accountability, and harmonization between levels of government.

The implementation of regional autonomy consequently requires a balance between local discretion and national regulatory control. Excessive centralization

may reduce the ability of local governments to respond to local environmental conditions, whereas excessive decentralization may encourage regulatory fragmentation, competition for investment, and resource exploitation driven primarily by short-term fiscal interests. An effective decentralization framework should therefore establish clear institutional boundaries while maintaining common national standards for environmental protection and sustainable resource utilization.

3. State Authority over Natural Resources

The legal foundation for natural resource governance in Indonesia is closely connected to the constitutional principle that natural resources are controlled by the state and utilized for the greatest prosperity of the people. The concept of state control should not be understood merely as ownership but as a broader public-law responsibility to regulate, administer, supervise, and ensure the utilization of natural resources for collective welfare.

From this perspective, state authority encompasses several interconnected functions. First, the state establishes legal norms governing access to and utilization of natural resources. Second, governmental institutions administer permits and determine conditions for resource exploitation. Third, the state supervises activities conducted by businesses and other actors. Fourth, the state must enforce legal consequences when resource utilization violates environmental or social obligations.

The concept is particularly relevant to regional autonomy because the delegation or distribution of governmental authority does not eliminate the state's responsibility for natural resource governance. Local governments exercise authority within the framework of national constitutional and statutory principles. Accordingly, regional natural resource policies should remain consistent with broader public interests, environmental protection requirements, and principles of intergenerational justice.

4. Sustainable Development in Natural Resource Management

Sustainable development provides an important conceptual foundation for reconciling economic development, social welfare, and environmental protection. The central principle is that the utilization of natural resources should satisfy present needs without undermining the capacity of future generations to meet their own needs. This principle has significant implications for regional governments because economic development policies often depend heavily on the utilization of locally available natural resources.

Sustainable natural resource governance therefore requires a shift from an exploitation-oriented approach toward a long-term governance model. Economic benefits derived from mining, forestry, agriculture, fisheries, and other resource-based sectors must be assessed alongside ecological risks, social consequences, and the capacity of ecosystems to regenerate. Regional development planning should consequently incorporate environmental carrying capacity, resource limitations, and long-term community interests.

In the context of regional autonomy, sustainable development also requires local governments to integrate environmental objectives into regional planning, budgeting, licensing, and investment policies. Sustainable development should not be treated as a separate environmental agenda but as a cross-sectoral legal and policy principle that guides economic and governmental decision-making.

5. Legal Effectiveness and Law Enforcement in Natural Resource Management

The existence of comprehensive legislation does not automatically guarantee effective natural resource governance. Legal effectiveness depends on the interaction between legal substance, institutional capacity, law enforcement officials, infrastructure, public awareness, and legal culture. This perspective is particularly important in environmental and natural resource governance because

violations frequently involve complex economic interests, substantial financial incentives, and multiple governmental institutions.

Weak supervision and inconsistent enforcement may create a gap between normative regulation and actual practice. Where environmental violations are not followed by effective sanctions, regulatory frameworks may lose their deterrent function. Similarly, unclear institutional responsibilities may make enforcement fragmented and reduce accountability among governmental actors.

Therefore, strengthening natural resource governance requires more than regulatory reform. It requires institutional strengthening, transparent licensing systems, effective monitoring, consistent sanctions, and coordination between central and regional authorities. Law enforcement should also address both direct environmental violations and administrative practices that facilitate unsustainable exploitation.

6. Harmonization of Central and Regional Legal Policies

One of the major issues in natural resource governance under regional autonomy is the potential for regulatory overlap and institutional conflict. Different governmental levels may possess related responsibilities concerning licensing, environmental protection, spatial planning, and resource utilization. Without clear coordination mechanisms, differences in interpretation and implementation can produce legal uncertainty.

Legal harmonization is therefore essential to establish a coherent governance framework. Harmonization should clarify the distribution of authority, establish consistent environmental standards, define supervisory responsibilities, and provide mechanisms for resolving conflicts between governmental institutions. At the same time, harmonization should preserve appropriate regional discretion so that local governments can respond to specific ecological and socioeconomic characteristics.

A coherent legal framework can also reduce opportunities for regulatory arbitrage, whereby economic actors seek jurisdictions with weaker regulatory requirements. Strong national standards combined with context-sensitive regional implementation can provide a more effective balance between decentralization and environmental protection.

7. Community Participation and Environmental Justice

Community participation represents another important dimension of contemporary natural resource governance. Natural resource projects frequently affect communities that depend directly on land, forests, water, fisheries, and other environmental resources. Consequently, decisions concerning resource utilization should not be limited to governmental institutions and private economic actors.

Meaningful participation can strengthen transparency, accountability, and legitimacy in natural resource decision-making. Communities should have access to relevant information, opportunities to express concerns, and mechanisms for monitoring environmental impacts. Participation is particularly important where resource exploitation creates unequal distributions of benefits and environmental burdens.

From an environmental justice perspective, sustainable natural resource governance should ensure that economic benefits are not concentrated among government institutions or corporations while environmental costs are disproportionately borne by local communities. Regional autonomy should therefore be directed not only toward increasing regional revenues but also toward strengthening community welfare, equitable resource distribution, and protection of vulnerable groups.

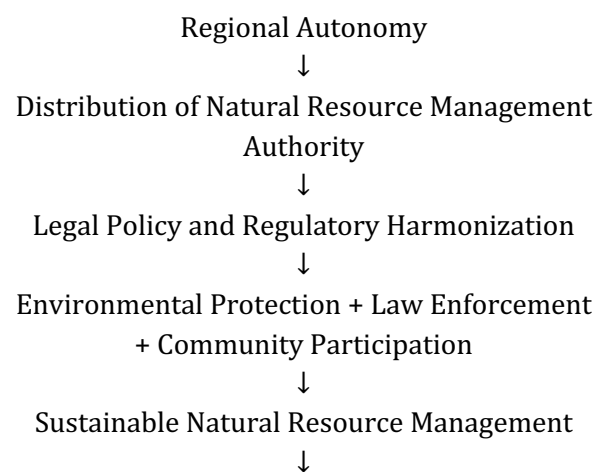
8. Conceptual Synthesis

The literature indicates that legal policy on natural resource management under regional autonomy is shaped by the interaction of five major dimensions: environmental

protection, decentralization, state authority, sustainable development, and law enforcement. Regional autonomy provides local governments with institutional space to manage regional resources, while state authority establishes the broader constitutional responsibility to ensure that resource utilization serves public welfare. Environmental law establishes regulatory limits, whereas sustainable development provides the normative objective for balancing economic, social, and ecological interests.

The effectiveness of this framework ultimately depends on regulatory harmonization, institutional capacity, supervision, law enforcement, and community participation. Accordingly, natural resource governance should be understood as an integrated legal-policy system rather than merely a matter of distributing authority between central and regional governments.

Based on this synthesis, the analytical framework of the study can be formulated as follows:



Public Welfare and Intergenerational Justice
This framework emphasizes that regional autonomy can contribute to sustainable natural resource management only when local authority operates within a harmonized legal framework, is supported by effective supervision and enforcement, and incorporates environmental sustainability and community interests into regional decision-making.

3. Research Methodology

1. Research Design

This study employs a normative juridical research design to examine the legal policy governing natural resource management within the framework of regional autonomy in Indonesia. Normative juridical research is appropriate because the study focuses on legal norms, statutory provisions, legal principles, and doctrinal concepts that regulate the distribution of authority and responsibilities between central and regional governments in natural resource management. Rather than examining individual behavior through empirical fieldwork, this approach evaluates the consistency, coherence, and adequacy of the existing legal framework in achieving sustainable natural resource governance.

The analysis is directed toward identifying the normative relationship between regional autonomy, state authority over natural resources, environmental protection, sustainable development, and law enforcement. The study also examines potential regulatory and institutional gaps that may contribute to overlapping authority, weak supervision, and unsustainable resource utilization.

2. Research Approaches

Two principal approaches are employed in this study: the statutory approach and the conceptual approach.

The statutory approach is used to examine relevant legislation governing natural resource management, regional autonomy, environmental protection, and the distribution of governmental authority. Particular attention is given to the 1945 Constitution of the Republic of Indonesia, Law No. 23 of 2014 concerning Regional Government, Law No. 32 of 2009 concerning Environmental Protection and Management, and other relevant legal instruments governing specific natural resource sectors. The analysis focuses on the substance of these regulations, the allocation of authority between governmental levels, and the consistency of regulatory provisions.

The conceptual approach is used to analyze the legal concepts underlying natural resource governance and regional autonomy.

The concepts examined include environmental law, decentralization, state control over natural resources, sustainable development, legal effectiveness, regulatory harmonization, and environmental justice. This approach enables the study to connect statutory provisions with broader principles of legal governance and sustainable resource management.

3. Sources of Legal Materials

The study utilizes primary, secondary, and tertiary legal materials. Primary legal materials consist of authoritative legal instruments, including the 1945 Constitution of the Republic of Indonesia, Law No. 23 of 2014 concerning Regional Government, Law No. 32 of 2009 concerning Environmental Protection and Management, and other relevant legislation and regulations governing natural resource utilization, environmental management, spatial planning, and governmental authority.

Secondary legal materials comprise scholarly literature that explains, interprets, and critiques primary legal materials. These include books on constitutional law, regional government law, environmental law, natural resource governance, legal policy, sustainable development, and law enforcement, as well as relevant peer-reviewed journal articles and previous academic studies.

Tertiary legal materials are used to clarify legal terminology and support the interpretation of primary and secondary materials. These materials include legal dictionaries, encyclopedias, legal indexes, and other authoritative reference sources.

4. Legal Material Collection

Legal materials were collected through documentary and library research. Relevant legislation, legal doctrines, scholarly publications, and academic literature were identified based on their relevance to natural resource management and regional autonomy. The selection process emphasized authoritative and academically relevant sources that could support the analysis of legal

authority, environmental protection, sustainable development, and intergovernmental relations.

The collected materials were subsequently classified according to the research themes, namely: (1) constitutional foundations of natural resource management; (2) regional autonomy and decentralization; (3) distribution of governmental authority; (4) environmental protection; (5) sustainable development; and (6) law enforcement and regulatory harmonization.

5. Legal Material Analysis

The legal materials were analyzed using qualitative juridical analysis. The analysis was conducted through several stages. First, the relevant statutory provisions were identified and interpreted according to their legal context. Second, the provisions were compared with relevant legal principles and doctrinal concepts. Third, inconsistencies, overlapping authority, and regulatory gaps were identified. Fourth, the implications of these legal conditions for sustainable natural resource management under regional autonomy were evaluated.

The analysis applies a descriptive-analytical and prescriptive approach. The descriptive-analytical dimension is used to describe and critically assess the existing legal framework, while the prescriptive dimension is used to formulate recommendations for improving legal policy and institutional arrangements. The analysis therefore does not merely describe existing regulations but evaluates their coherence and capacity to support sustainable and equitable natural resource governance.

6. Analytical Framework

The analytical framework is structured around the relationship between regional autonomy, legal authority, environmental protection, and sustainable natural resource management. Regional autonomy is examined as the institutional context within which authority is distributed between central and regional governments. This distribution is then

assessed against the constitutional principle of state control over natural resources and the requirements of environmental protection and sustainable development.

The analytical process can be summarized as:



This framework enables the study to assess whether the existing legal policy provides sufficient clarity regarding governmental authority and whether the regulatory system adequately incorporates environmental sustainability, public participation, accountability, and intergenerational justice.

7. Validity and Consistency of Legal Analysis

To strengthen the reliability of the normative analysis, the study applies legal interpretation and cross-regulatory comparison. Relevant statutory provisions are examined in relation to other legislation to identify potential conflicts, inconsistencies, or overlapping areas of authority. The interpretation is also compared with established legal doctrines and academic perspectives concerning decentralization, environmental governance, state authority, and sustainable development. Through this process, the study seeks to ensure that its conclusions are not based solely on isolated statutory provisions but on a comprehensive understanding of the Indonesian legal system governing natural resource management. The resulting analysis is expected to provide a theoretically grounded and legally coherent basis for evaluating the

effectiveness of natural resource management policies from the perspective of regional autonomy.

4. Results and Discussion

1. Legal Framework for Natural Resource Management under Regional Autonomy

The normative analysis indicates that natural resource management in Indonesia is supported by a relatively comprehensive legal framework. The constitutional foundation is Article 33 paragraph (3) of the 1945 Constitution, which establishes that land, water, and natural resources contained therein are controlled by the state and utilized to achieve the greatest prosperity of the people. This constitutional principle places natural resource management within a public-interest framework rather than treating natural resources solely as economic commodities.

The constitutional mandate is further operationalized through sectoral and governmental regulations, particularly legislation concerning regional government and environmental protection. Law No. 23 of 2014 concerning Regional Government establishes the distribution of governmental affairs between the central and regional governments, while Law No. 32 of 2009 concerning Environmental Protection and Management provides the environmental governance framework for controlling activities that may affect ecological sustainability.

The findings demonstrate that regional autonomy provides local governments with institutional authority to participate in natural resource governance, but such authority is not absolute. The management of strategic natural resources remains connected to national interests and must comply with national legal and environmental standards. Consequently, regional autonomy should be interpreted as a mechanism for improving the effectiveness of governance rather than as an unrestricted right to exploit regional natural resources.

2. Distribution of Authority between Central and Regional Governments

One of the principal findings concerns the complexity of authority distribution in natural resource management. Decentralization creates opportunities for local governments to formulate policies that reflect regional characteristics, but the division of responsibilities between governmental levels can generate institutional and regulatory tensions. The normative analysis indicates that central government authority remains important for establishing national standards, strategic policies, interregional resource management, and overall supervision. Regional governments, meanwhile, have important responsibilities in implementing policies, supervising activities within their jurisdictions, and ensuring that resource utilization contributes to local welfare.

The challenge emerges when the boundaries between these functions are insufficiently clear or when sectoral regulations establish different institutional arrangements. Such conditions may create uncertainty concerning licensing, supervision, environmental management, and enforcement. Therefore, effective natural resource governance requires a clear allocation of authority accompanied by coordination mechanisms between central and regional institutions.

The findings further suggest that decentralization without effective coordination may produce fragmented governance. Conversely, excessive centralization may reduce the ability of regional governments to respond to local ecological and socioeconomic conditions. The appropriate policy direction is therefore a coordinated decentralization model, in which regional discretion operates within nationally established legal and environmental standards.

3. Regulatory Overlap and Legal Uncertainty

The study identifies regulatory overlap as one of the major obstacles to effective natural resource management. Natural resource governance is regulated through multiple legal instruments dealing with regional government, environmental

protection, spatial planning, mining, forestry, fisheries, plantations, and other resource sectors. The interaction among these regulations can create complexity when the allocation of authority is not consistently formulated.

Legal uncertainty may affect both governmental institutions and resource users. For government institutions, unclear authority may weaken supervision and accountability. For businesses and communities, inconsistent regulatory requirements may create uncertainty concerning permits, obligations, environmental standards, and sanctions. From a legal-policy perspective, regulatory harmonization is therefore a central requirement. Harmonization should not be limited to eliminating contradictory provisions but should also establish a coherent relationship between licensing, environmental protection, spatial planning, monitoring, and law enforcement. The findings indicate that a fragmented regulatory system can undermine the effectiveness of otherwise comprehensive environmental policies.

4. Economic Interests versus Environmental Sustainability

The analysis reveals a persistent tension between economic utilization and environmental sustainability. Natural resources contribute substantially to regional economic development, employment, investment, and government revenues. Consequently, regional governments may have incentives to prioritize resource-based economic activities. However, an economic orientation that does not incorporate ecological limitations can encourage excessive exploitation. The problem becomes particularly significant when short-term economic benefits are prioritized over long-term environmental costs. Such an approach is inconsistent with the principle of sustainable development, which requires economic, social, and environmental considerations to be integrated into decision-making.

The findings indicate that natural resource management policies should

therefore move beyond a revenue-oriented model toward a sustainability-oriented governance model. Regional development policies should consider environmental carrying capacity, resource regeneration, community welfare, and intergenerational equity before permitting or expanding resource-intensive activities.

This finding reinforces the proposition that regional autonomy should not be measured solely by the ability of local governments to generate regional income. Its success should also be assessed through the ability of regional institutions to protect ecological resources and ensure that natural resource utilization produces equitable and sustainable public benefits.

5. Weaknesses in Supervision and Law Enforcement

The normative analysis further identifies supervision and law enforcement as critical determinants of policy effectiveness. The existence of environmental and natural resource regulations is insufficient when monitoring mechanisms and enforcement institutions are unable to ensure compliance. Several institutional weaknesses may reduce enforcement effectiveness, including limited supervisory capacity, inadequate institutional coordination, insufficient technical resources, and inconsistent application of sanctions. These challenges can create a gap between legal norms and actual resource management practices.

From the perspective of legal effectiveness, enforcement should involve a combination of administrative, civil, and criminal mechanisms. Administrative enforcement is particularly important as a preventive and corrective instrument because authorities can impose sanctions or require corrective measures before environmental damage becomes irreversible. Civil and criminal mechanisms remain necessary for serious violations that cause substantial environmental or social harm.

The findings consequently indicate that strengthening enforcement should focus not

only on increasing sanctions but also on improving the probability of detection, institutional accountability, transparency, and consistency in enforcement. A strong legal framework will have limited practical impact if violations can occur without effective monitoring and predictable legal consequences.

6. Role of Regional Governments in Sustainable Resource Governance

Regional governments occupy a strategic position because they are institutionally closer to local communities and directly encounter the socioeconomic and environmental consequences of resource utilization. Their role extends beyond issuing administrative decisions and includes planning, monitoring, coordination, environmental protection, and community engagement.

The findings indicate that regional governments should integrate natural resource governance into regional development planning. Resource management policies should be aligned with spatial planning, environmental objectives, infrastructure development, and local economic strategies. Such integration can reduce policy contradictions and prevent development projects from being approved without adequate consideration of ecological consequences.

Regional governments should also strengthen institutional capacity through qualified human resources, reliable environmental information systems, transparent licensing procedures, and continuous monitoring. These institutional improvements are essential for transforming regional autonomy from a formal distribution of authority into an effective mechanism for sustainable governance.

7. Community Participation and Environmental Justice

Another important finding is the need to strengthen community participation in natural resource management. Communities located in resource-rich areas are often directly

affected by resource exploitation, either through economic opportunities or through environmental and social risks.

Participation should therefore be incorporated into policy formulation, licensing processes, environmental monitoring, and dispute resolution. Access to information is an essential component of meaningful participation because communities cannot effectively contribute to decision-making without adequate knowledge concerning proposed activities and their potential impacts. The analysis also demonstrates the relevance of environmental justice. Sustainable natural resource governance requires an equitable distribution of benefits and burdens. Economic benefits should not be concentrated among government institutions and private actors while local communities bear disproportionate environmental costs.

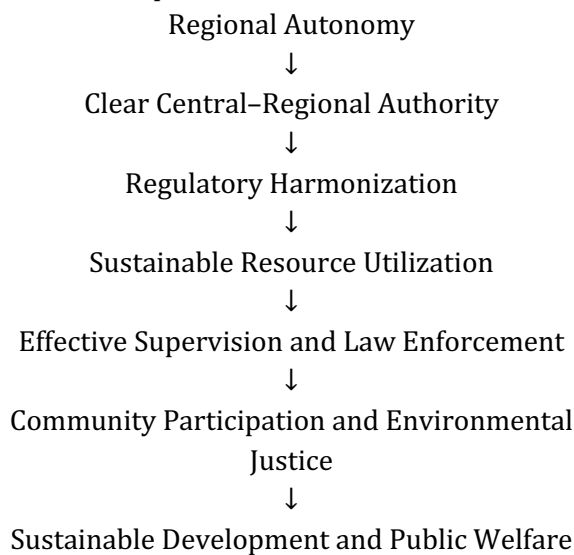
Accordingly, regional autonomy should be directed toward strengthening local welfare and participation rather than merely transferring administrative authority. A legitimate decentralization framework must ensure that communities have meaningful opportunities to influence decisions concerning resources that directly affect their livelihoods and environmental conditions.

8. Toward an Integrated Legal Policy Model

Based on the normative findings, an integrated legal policy model for natural resource management under regional autonomy can be formulated through five mutually reinforcing elements: clear authority, regulatory harmonization, environmental sustainability, effective enforcement, and community participation. First, the distribution of authority between central and regional governments must be clearly defined to reduce institutional conflict. Second, overlapping regulations should be harmonized to establish legal certainty and consistent policy implementation. Third, sustainability principles should become mandatory considerations in resource utilization and regional development planning. Fourth, supervision and law enforcement must be

strengthened through transparent and accountable institutional mechanisms. Fifth, communities should be provided with meaningful participation and access to environmental information.

The relationship among these elements can be conceptualized as follows:



The findings therefore demonstrate that the effectiveness of natural resource legal policy cannot be evaluated solely from the completeness of legislation. Effectiveness depends on the interaction between legal substance, institutional capacity, enforcement mechanisms, economic incentives, and community participation.

9. Policy Implications

The findings have several important policy implications. First, the central government needs to strengthen regulatory harmonization so that the distribution of natural resource authority is clear and predictable. Second, regional governments require stronger institutional and technical capacity to conduct supervision and environmental management. Third, sustainability criteria should be systematically incorporated into licensing and regional development decisions.

Fourth, law enforcement agencies should strengthen coordination and ensure that environmental and natural resource violations receive consistent legal treatment. Fifth, community participation should be

institutionalized rather than treated merely as a procedural requirement. Finally, regional natural resource governance should adopt measurable sustainability indicators so that regional development performance can be assessed not only through economic growth but also through environmental protection and social welfare.

Overall, the study finds that regional autonomy can support sustainable natural resource management only when local authority is balanced by national standards, regulatory harmonization, effective supervision, strong law enforcement, and meaningful community participation. This approach provides a stronger legal-policy foundation for reconciling regional development with environmental sustainability and intergenerational justice.

5. Conclusion

1. Conclusion

This study concludes that the legal policy governing natural resource management within the framework of regional autonomy in Indonesia has a relatively strong normative foundation. The 1945 Constitution, particularly Article 33 paragraph (3), establishes the fundamental principle that natural resources must be controlled by the state and utilized for the greatest prosperity of the people. This principle is further operationalized through legislation governing regional government and environmental protection. Nevertheless, the existence of comprehensive regulations does not automatically guarantee effective and sustainable natural resource governance.

2. Legal and Institutional Challenges

The findings demonstrate that the implementation of natural resource management continues to face significant legal and institutional challenges. These include overlapping regulatory provisions, unclear distribution of authority between central and regional governments, weak intergovernmental coordination, limited supervisory capacity, and inconsistent law enforcement. Such conditions can create legal

uncertainty and provide opportunities for resource exploitation that prioritizes short-term economic interests over environmental sustainability.

3. Implications for Regional Autonomy

Regional autonomy should not be interpreted as unrestricted authority for local governments to exploit natural resources. Instead, regional autonomy should function as a governance mechanism that enables local governments to manage resources according to regional characteristics while remaining within national legal and environmental standards. Effective decentralization therefore requires a balance between regional discretion and central government supervision. Clear authority, institutional coordination, and regulatory consistency are essential to ensure that decentralization contributes to public welfare rather than regulatory fragmentation.

4. Policy Recommendations

The study recommends strengthening legal harmonization between central and regional regulations concerning natural resource management. The government should clarify the distribution of authority, improve institutional capacity, strengthen environmental monitoring, and implement law enforcement consistently. Sustainability principles should also be integrated into regional development planning, licensing, and resource utilization decisions. Furthermore, community participation should be strengthened through access to information, involvement in decision-making, and mechanisms for environmental monitoring and dispute resolution. These measures are necessary to ensure that natural resource governance reflects the principles of transparency, accountability, environmental justice, and intergenerational equity.

5. Limitations and Future Research

This study is limited by its normative juridical design, which primarily examines legislation, legal doctrines, and conceptual frameworks rather than empirical evidence

from specific regions or natural resource sectors. Consequently, the study does not quantitatively measure the effectiveness of law enforcement or the socioeconomic and environmental outcomes of regional natural resource policies. Future research should complement normative analysis with empirical and comparative approaches, including case studies of mining, forestry, fisheries, agriculture, and coastal resource management across different regions. Future studies may also examine how digital monitoring, participatory governance, and environmental performance indicators can strengthen accountability and improve the implementation of natural resource policies under regional autonomy.

References

A. Books and Classical References

1. Asshiddiqie, J. (2006). *Pengantar ilmu hukum tata negara*. Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia.
2. Bagir Manan. (2001). *Menyongsong fajar otonomi daerah*. Pusat Studi Hukum Fakultas Hukum UII.
3. Danusaputro, M. (1980). *Hukum lingkungan*. Binacipta.
4. Hardjasoemantri, K. (2005). *Hukum tata lingkungan* (Edisi ke-8). Gadjah Mada University Press.
5. Huda, N. (2014). *Hukum pemerintahan daerah*. Nusa Media.
6. Rahardjo, S. (2000). *Ilmu hukum*. Citra Aditya Bakti.
7. Salim, E. (1986). *Pembangunan berwawasan lingkungan*. LP3ES.
8. Soekanto, S. (1983). *Faktor-faktor yang mempengaruhi penegakan hukum*. Rajawali.

B. International Reference

9. World Commission on Environment and Development. (1987). *Our common future*. Oxford University Press.

C. Indonesian Legal and Regulatory Sources

10. The 1945 Constitution of the Republic of Indonesia, particularly Article 33 paragraph (3).
11. Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government.
12. Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management.