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Mining and environmental protection in Indonesia: regulatory pitfalls

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Propositions relating to the dissertation

Mining and environmental protection
in Indonesia: *Regulatory pitfalls*

by Feby Kartikasari

1. Studies about policies, laws and regulations in developing countries mostly focus on enforcement and generally ignore the problems with their legal quality.
2. It is hard to determine quality standards for laws and regulations because scholarly perspectives on what constitutes quality vary widely.
3. The Indonesian scholarly literature on environment and natural resources often mentions that the quality of laws and regulations is inadequate, however, they seldom show in detail what the problems are.
4. Most environmental-related policies, laws and regulations in Indonesia serve the interests of business elites, not the interests of the environment.
5. Policies, laws and regulations regarding mining aim at exploitation and mining development and therefore inevitably fall short of protecting the environment.
6. The more complex the law-making process, the more likely the legislator notices which issues and problems need to be addressed.
7. If there is a public problem that is not being addressed by legislation, government officials will replace the lawmaker with their policies. This is undesirable, for both legal and practical reasons.
8. The silo-like structure of the Indonesian government hinders the implementation of policies, in particular when these policies have been made by governments agencies themselves.
9. Unlawful behaviour in Indonesia is so common that it even emerges in so-called "legality policies" (such as the Clean and Clear policy discussed in this book).

10. In conditions of fragmented government, a program involving several units or institutions may still manage effectively as long as 1) the program has a proper legal basis; 2) institutional responsibility for the program is clear; 3) the institution responsible holds an interest in its implementation; 4) there is co-ordination among the relevant government units; 5) their human resources have a sense of mission and adequate expertise; and 6) there is political support for the program.
11. Obtaining data from government officials is easier when these officials are not involved in unlawful actions.
12. One of the difficulties of writing a dissertation for an environmental activist is choosing which topic is the most significant from both a scholarly *and* an activist perspective.