



Indonesia's Compliance with International Obligations in the Issue of Climate Change (Climate Change Obligations)

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Abstract

Climate change has become a global concern that demands the active involvement of all countries, including Indonesia, in complying with international obligations. As a developing country and a significant emitter, Indonesia holds a strategic role in the global climate change mitigation and adaptation agenda. This study is motivated by the importance of evaluating the extent to which Indonesia complies with international obligations established under legal frameworks such as the UNFCCC, the Kyoto Protocol, and the Paris Agreement.

Keywords: Climate change, International Law, policy implementation

Introduction

The climate change has become a global concern for the international community in recent decades. Changes in extreme weather patterns, rising sea levels, and ecosystem damage are increasingly visible and threaten the sustainability of human life. According to a 2023 report from the Intergovernmental Panel on Climate Change (IPCC), global greenhouse gas emissions are steadily increasing, and the world is expected to exceed the 1.5°C warming threshold within the next decade without significant intervention. Countries worldwide, including Indonesia, are required to demonstrate commitment and compliance with international obligations to collectively respond to this climate crisis.

Indonesia, an archipelagic nation with over 17,000 islands and the second-longest coastline in the world, is highly vulnerable to the impacts of climate change. These impacts include rising temperatures, intensified hydrometeorological disasters, and economic losses due to damage to the agricultural and fisheries sectors. Internationally, Indonesia has ratified several important agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement. By ratifying these instruments, Indonesia is legally bound to a number of international obligations, particularly regarding climate change mitigation and adaptation efforts, as well as regular reporting on emissions and national climate policies. However, Indonesia's implementation and level of compliance with these obligations remain controversial among academics and environmental law practitioners.

Various previous studies have highlighted Indonesia's position within the framework of the global climate change regime. Research by Susanti (2018) emphasized Indonesia's diplomatic role in climate negotiations, while work by Wijaya and Nurhidayat (2021) examined Indonesia's energy transition in the context of Nationally Determined Contributions (NDCs). Meanwhile, a study by Kusumawardani *et al.* (2020) highlighted structural and political constraints in the implementation of national climate policy. While these studies make important contributions, most are normative-descriptive in nature and do not delve deeply into the legal aspects of Indonesia's compliance with international obligations. Few studies have

used a comprehensive approach to systematically evaluate Indonesia's compliance based on compliance principles in international environmental law.

This study aims to fill this gap by offering an evaluative approach to Indonesia's compliance, both in terms of legal substance, institutional aspects, and policy implementation. Its novelty lies in the intertextual analysis of international agreements ratified by Indonesia and the national legal norms that implement those commitments. It also utilizes theoretical approaches regarding state compliance and transnational legal process to assess a country's level of compliance with international obligations, a practice rarely employed in studies of climate change law in Indonesia.

The primary objective of this study is to critically examine Indonesia's level of legal compliance with its international obligations on climate change, focusing on the implementation of key principles of the UNFCCC and the Paris Agreement into the national legal system. Furthermore, this study aims to identify normative and practical barriers that hinder compliance, as well as to develop policy and legal recommendations to enhance Indonesia's capacity to fulfill its international commitments effectively and sustainably. Therefore, this study is expected to contribute scientifically to the development of international environmental law studies, while also serving as a reference for policymakers in formulating concrete steps to responsibly address the climate crisis.

Research Method

This research uses a normative legal research method that focuses on the analysis of written legal norms, both national and international. This approach is used to examine Indonesia's commitment to international legal obligations regarding climate change and how these norms are implemented within the national legal system.

The types of approach used are

1. Statute Approach: This research examines international agreements that Indonesia has ratified, such as the UNFCCC, Kyoto Protocol, and Paris Agreement, as well as national regulations, such as Law No. 32 of 2009 concerning Environmental Protection and Management, Presidential Regulation No. 98 of

2021 concerning the Economic Value of Carbon, and Indonesia's NDC document.

2. **Conceptual Approach:** It is used to understand key concepts such as “compliance”, “good faith”, and “due diligence” in international environmental law, and how these concepts are used as standards in assessing state behavior.
3. **Case Approach:** This research also examines several case studies of the implementation of Indonesian climate change policies (e.g. REDD+ policies, energy transition, and deforestation control) in relation to international obligations.

The data sources in this study consist of

- a. **Primary legal materials:** international legal instruments (conventions, protocols, treaties), national legislation, state policy documents, and international court decisions (if relevant).
- b. **Secondary legal materials:** academic literature in the form of books, journal articles, research reports, and publications from international institutions (UNEP, IPCC, World Bank, etc.) relevant to the research topic.
- c. **Tertiary legal materials:** legal dictionaries, legal encyclopedias, and bibliographic indexes as a complement to literature searches.

The data analysis technique used was qualitative analysis, namely by interpreting legal norms and comparing the conformity between international provisions and national legal practices. This study aims to evaluate the conformity and effectiveness of Indonesia's implementation of international obligations and identify factors influencing the level of compliance.

Result and Discussion

1. Indonesia's Obligations in the International Legal Framework on Climate Change

Climate change has become an international legal issue that requires the active involvement of all countries, including Indonesia. Within the international legal framework, the obligations of developing countries like Indonesia are affirmed in several multilateral legal instruments, particularly the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement. These three documents serve as legally binding frameworks, despite their varying characteristics and normative force. Indonesia's ratification of these instruments demonstrates formal compliance with global commitments.

As a party to the Paris Agreement since 2016, Indonesia is required to submit Nationally Determined Contributions (NDCs) periodically and demonstrate increasing ambition in climate mitigation and adaptation. The Paris Agreement emphasizes the principle of progression and the highest possible ambition that participating countries must achieve in each reporting cycle. This obligation is not only political but also legal, as it has been ratified through Law No. 16 of 2016. Thus, Indonesia is legally bound to adjust its domestic policies to align with these international commitments.

Indonesia's compliance with these international obligations is measured not only by ratification alone but also by substantive implementation. This implementation includes reducing greenhouse gas emissions, forest protection, energy transition, and regular reporting through National Communications (NC) and Biennial Update Reports (BUR). However, several reports indicate that Indonesia still faces serious challenges in realizing its NDC targets. The Climate Action Tracker (2023), for example, assessed Indonesia's climate commitments and policies as "highly insufficient" due to their continued reliance on fossil fuels and weak deforestation controls. This evaluation reflects that normative compliance has not yet been fully reflected in actual implementation on the ground.

2. Implementation of International Obligations in National Law

Normatively, Indonesia has strived to adopt the main principles of international climate change law into its legal system. Several legal instruments have been developed in response to this obligation, including **Law No. 32 of 2009** concerning Environmental Protection and Management, Presidential Regulation No. 98 of 2021 concerning the Economic Value of Carbon (NEK), and other sectoral policies contained in the National Energy General Plan (RUEN) and the National Development Planning (NDC) document.

These legal instruments demonstrate the government's political and normative will to implement international obligations, particularly in mitigation efforts. For example, Presidential Decree 98/2021 technically regulates the implementation of the NEK and the carbon trading mechanism, which are market-based instruments as recommended in Article 6 of the Paris Agreement. In this context, Indonesia has even become a pioneer in Southeast Asia in developing a voluntary carbon market.

However, sectoral policy inconsistencies and weak law enforcement remain serious problems. While Indonesia demonstrates ambition through climate commitments and ratification of international agreements, contradictory policies, such as the granting of permits for coal mining expansion and Food Estate projects that have led to deforestation, remain in place. This demonstrates a disparity between written law and government practice, hindering the substantive implementation of commitments.

In this context, it is important to highlight the concept of due diligence as a key principle in international environmental law. This principle requires states to take reasonable steps to prevent transnational environmental damage, including climate change. A state's failure to implement this principle may indicate a breach of international obligations, although it does not necessarily constitute an explicit treaty violation.

3. Evaluation of Indonesia's Compliance Level: An International Legal Perspective

Evaluation of Indonesia's compliance requires a theoretical approach that looks beyond legal aspects to institutional structures, domestic politics, and implementation capacity. The compliance theory developed by Abram and Antonia Chayes states that state non-compliance is often not caused by bad faith, but rather by limited capacity and ambiguity in international norms.

From this perspective, Indonesia can be said to be in a position of partial compliance. Formal compliance has been demonstrated through the ratification and approval of regulations, but substantive compliance remains suboptimal. For example, the Third National Communication of Indonesia (2022) report revealed that the energy and forestry sectors remain major contributors to national emissions and have not undergone significant structural transformation. Furthermore, the reporting and verification (MRV) mechanism remains administrative in nature and fails to provide strong incentives for behavioral change at the sectoral or regional levels. As a country receiving international assistance through climate finance schemes, Indonesia also has a moral obligation and accountability to report transparently on the use of these funds. A report from the World Resources Institute (2021) assessed that for most internationally funded climate projects, Indonesia does not yet have a publicly accessible output-based evaluation system, raising questions about the accountability and effectiveness of project implementation.

4. Obstacles and Challenges in Achieving Compliance

Compliance with international obligations is inseparable from domestic complexities that influence the policy-making process. One major obstacle is inter-sectoral policy conflicts. The energy sector, for example, still relies on coal as the backbone of the national electricity supply, which contradicts emissions mitigation targets. Meanwhile, the agriculture and forestry sectors are often sacrificed in large-scale infrastructure projects without adequate environmental impact assessments.

Another challenge is limited institutional capacity, particularly at the regional level. Many regions lack integrated regional climate change action plans (RAD-GRK) and remain reliant on central government directives. This demonstrates the low level of decentralization of climate policy, even though substantive implementation relies heavily on local government performance. Weak public oversight and minimal civil society participation also hinder transparency and oversight of the policy process.

Furthermore, there are challenges in information disclosure and data transparency. Although Indonesia has developed the National Climate Change Management System (SRN PPI), it is not yet fully integrated across sectors and does not provide broad public access, particularly for financial reports and policy effectiveness.

Opportunities for Improvement and Strategic Recommendations

In this context, strengthening the national climate legal architecture is necessary. One strategic step worth considering is the development of a specific climate change law that is binding across sectors and creates a coordinating framework between institutions. Furthermore, increasing transparency in MRV mechanisms and involving civil society in policymaking will be strong indicators of increased compliance.

Indonesia must also be more progressive in updating its Nationally Determined Contributions (NDC) to align with the principles of progression and long-term strategy (LTS) as stipulated in Article 4 of the Paris Agreement. The revision process must be data-driven, involve multi-sector stakeholders, and include measurable evaluation indicators.

Strengthening regional capacity and developing fiscal incentives for local governments that demonstrate good performance in reducing emissions can also be effective instruments in encouraging the implementation of commitments. Finally, Indonesia needs to promote climate diplomacy that not only emphasizes bargaining power but also demonstrates a substantive commitment to becoming a regional leader in addressing climate change.

Conclusions

Based on the research findings, it can be concluded that Indonesia's compliance with international obligations on climate change is formal and normative, but not yet fully substantive. Indonesia has ratified various international agreements, such as the UNFCCC, the Kyoto Protocol, and the Paris Agreement, and adopted national policies, such as Presidential Regulation No. 98 of 2021 and the National Development Planning (NDC) document. However, in practice, obstacles remain, such as overlapping sectoral policies, weak implementation at the regional level, and limitations in reporting and verification mechanisms. This research addresses the research question: although Indonesia is legally bound by international obligations, consistent and measurable implementation remains a real challenge.

This finding is important because it demonstrates a gap between normative compliance and the substantive implementation of international obligations, which could impact Indonesia's reputation and effectiveness in global climate change diplomacy. Therefore, it is recommended that Indonesia immediately draft a comprehensive climate change law, strengthen institutional capacity at the national and regional levels, and increase transparency and public participation in climate policy. Further research is recommended to explore the effectiveness of climate adaptation policies in strategic sectors and conduct comparative studies with other developing countries to formulate more responsive and contextual compliance strategies.

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