

**THE CRIMINAL POLICY IN THE PREVENTION AND HANDLING OF
GREENWASHING AS A FORM OF ENVIRONMENTAL FRAUD
IN INDONESIA**

Author:

Gabriel Omar Gibrani Wibowo¹, Diantika Rindam Floranti, S.H., LL.M.²

ABSTRACT

The imminent threats of greenwashing have become a challenge to overcome in the realms of environmental protection law in many countries, including Indonesia. This legal research aims to analyze the establishment of criminal policy in the prevention and handling of greenwashing in Indonesia's environmental criminal law regime. It aims to understand and find the most effective way to implement both preventive and punitive measures in the prevention and handling of greenwashing.

This legal research was conducted through a normative legal research aimed at analyzing data related to legal principles suited to the topic being discussed. The research was carried out by examining legal principles, comparative legal study, case study, and statutory regulations related to this research. In doing so, this legal research chose to analyze the case of greenwashing committed by Volkswagen during the period of 2002 to 2014 and the United Kingdom's Consumer Protection Regulations (CPRs) 2008 alongside the Green Claim Code.

Through the research conducted, it is found that both preventive and punitive measures could be implemented by building a criminal policy that understands and acknowledges the distinct nature of greenwashing. These findings are also deemed to be applicable to be implemented in the development and strengthening of the environmental protection law in Indonesia, especially in preventing and handling greenwashing.

Keywords: Greenwashing, Environmental Protection, Environmental Fraud, Criminal Policy

¹Student at the Department of Criminal Law, Faculty of Law, Universitas Gadjah Mada (International Undergraduate Program 2021).

²Lecturer at the Department of Criminal Law, Faculty of Law, Universitas Gadjah Mada

KEBIJAKAN KRIMINAL DALAM PENCEGAHAN DAN PENANGANAN *GREENWASHING* SEBAGAI BENTUK PENIPUAN DI BIDANG LINGKUNGAN DI INDONESIA

Oleh:

Gabriel Omar Gibrani Wibowo³, Diantika Rindam Floranti, S.H., LL.M.⁴

INTISARI

Ancaman greenwashing telah menjadi tantangan yang harus diatasi dalam ranah hukum perlindungan lingkungan hidup di banyak negara, termasuk Indonesia. Penelitian hukum ini bertujuan untuk menganalisis pembentukan kebijakan pidana dalam pencegahan dan penanganan greenwashing dalam hukum pidana lingkungan hidup Indonesia. Tujuannya adalah untuk memahami dan menemukan cara yang paling efektif untuk menerapkan tindakan preventif dan punitif dalam pencegahan dan penanganan greenwashing.

Penelitian hukum ini dilakukan melalui penelitian hukum normatif yang bertujuan untuk menganalisis data yang terkait dengan asas hukum yang sesuai dengan topik yang dibahas. Penelitian dilakukan dengan mengkaji asas hukum, studi komparatif, studi kasus, dan peraturan perundang-undangan yang terkait dengan penelitian ini. Penelitian hukum ini dilakukan dengan menganalisis kasus greenwashing yang dilakukan oleh Volkswagen selama kurun waktu 2002 hingga 2014 dan Peraturan Perlindungan Konsumen (Consumer Protection Regulations/CPRs) di Inggris 2008 beserta Green Claim Code.

Melalui penelitian yang dilakukan, ditemukan bahwa tindakan preventif dan punitif dapat diterapkan dengan membangun kebijakan pidana yang memahami dan mengakui unsur dari greenwashing. Temuan ini juga dinilai dapat diimplementasikan dalam pengembangan dan penguatan hukum perlindungan lingkungan hidup di Indonesia, khususnya dalam pencegahan dan penanganan greenwashing.

Kata Kunci: Greenwashing, Perlindungan Lingkungan, Penipuan di Bidang Lingkungan, Kebijakan Kriminal

³Student at the Department of Criminal Law, Faculty of Law, Universitas Gadjah Mada (International Undergraduate Program 2021).

⁴Lecturer at the Department of Criminal Law, Faculty of Law, Universitas Gadjah Mada