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Environmental Governance under Decentralization: A Comparative Legal Analysis

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Abstract

Keywords: Decentralization; Environmental Governance; Right to a Healthy Environment; Comparative Legal Study	Environmental governance in Southeast Asia continues to face serious challenges due to climate change, pollution, and the persistent tension between centralized authority and local autonomy. This study addresses the legal problem of whether decentralization frameworks in Indonesia, Thailand, and the Philippines adequately support environmental governance and the protection of the right to a healthy environment. The study aims to comparatively assess the normative structure of decentralization and environmental regulation in those three jurisdictions and to identify the legal implications of centralized tendencies within their governance systems. This research employs a doctrinal legal research method with a comparative
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approach, relying on primary legal sources and relevant secondary materials. The findings show that all three countries formally recognize local governmental roles in environmental management, yet substantial centralized control remains dominant. Indonesia and Thailand exhibit stronger top-down regulatory structures that constrain local autonomy, while the Philippines offers a relatively more participatory and comprehensive framework, though it remains highly fragmented. The study concludes that decentralization in ASEAN environmental governance has not yet fully ensured effective legal protection of the right to a healthy environment.

Abstrak

Kata Kunci:
Desentralisasi;
Tata Kelola
Lingkungan; Hak
atas Lingkungan
yang Sehat; Studi
Perbandingan
Hukum

Tata kelola lingkungan di kawasan Asia Tenggara masih menghadapi tantangan serius akibat perubahan iklim, pencemaran, serta ketegangan antara kewenangan pemerintah pusat dan otonomi daerah. Penelitian ini mengkaji permasalahan hukum terkait apakah kerangka desentralisasi di Indonesia, Thailand, dan Filipina telah memadai dalam mendukung tata kelola lingkungan serta perlindungan hak atas lingkungan yang sehat. Penelitian ini bertujuan untuk menganalisis secara komparatif struktur normatif desentralisasi dan regulasi lingkungan di ketiga negara tersebut, serta mengidentifikasi implikasi hukum dari kecenderungan sentralisasi dalam sistem pemerintahan. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan komparatif, yang bertumpu pada sumber hukum primer dan bahan hukum sekunder. Hasil penelitian menunjukkan bahwa ketiga negara secara formal mengakui peran pemerintah daerah dalam pengelolaan lingkungan, namun kontrol terpusat masih dominan. Indonesia dan Thailand menunjukkan kecenderungan struktur regulasi yang lebih top-down sehingga membatasi otonomi daerah, sementara Filipina memiliki kerangka yang lebih partisipatif dan komprehensif meskipun bersifat terfragmentasi. Penelitian ini menyimpulkan bahwa desentralisasi dalam tata kelola lingkungan di ASEAN belum sepenuhnya menjamin perlindungan hukum yang efektif terhadap hak atas lingkungan yang sehat.

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Introduction

Environmental governance remains one of the most contentious issues facing economies around the world today, particularly in the face of climate change impacts (Situmeang & Silviani, 2024). The core problem within environmental governance typically revolves around balancing the competing interests of many stakeholders, such as businesses and local communities, or the general public. However, problems with environmental governance can also be caused by the lack of coordination between the relevant government agencies, which in turn results in the lack of cooperation with the private sector and the relevant communities. While the central government is often equipped with wider capacity for reach and bigger powers to handle emergency situations (Rusdiana et al., 2025), the local government undoubtedly has closer proximity and connection with local communities, often resonating with their concerns and problems better. Therefore, the urgency to streamline

coordination between government powers can be framed as a fundamental need to ensure a consistent and fair environmental law enforcement and adjudication.

While decentralization has expanded the scope of cooperation between local and central government, the reality of environmental law enforcement often does not reflect an efficient and effective management of environmental issues. Even worse, local and central government authorities often have competing interests where one side typically focuses on economic growth and short-term gains while the other side is concerned about environmental sustainability while also facing significant pressure from local communities. Subsequently, the role of local communities remains underexplored, despite their superior understanding of local life through lived experiences and internalized nuances, which undermines their capacity to govern themselves despite the existence of decentralization in government

structure (Rusdiana, 2023). Local governments can utilize these potentials better due to their direct ties with smaller administrative subdivisions like villages, which can enable the utilization of the said potentials in addressing environmental concerns (Haryanti et al., 2025).

The right to a healthy environment is a fundamental human right that must be guaranteed to all citizens of any country (Bratspies, 2015). This right is internationally recognized, specifically by the UN through Resolution 48/13, acknowledging the human right to a clean, healthy, and sustainable environment (Thiet, 2024). Threats against the right to a healthy environment can also affect people living in developed areas, particularly with rising pollutants and continuous damage to the natural environment, creating wider, indiscriminate impacts on more people (Knox, 2020). Healthy environment is not only important in preserving the lives of many people, but it is also important in preserving

many natural ecosystems that exist within a certain area, particularly from all kinds of damage that human activities can cause (Willetts et al., 2025). These interplays represent significant threats to the agenda of sustainability, particularly in the face of mounting urgency from climate change and its impacts (Cima, 2022).

The task to uphold and protect the right to a healthy environment is considered challenging as it requires the government to navigate the complex landscape of environmental management and protection, while also weighing socio-economic considerations (Kotzé & Adelman, 2023). Local intricacies are often not given enough consideration by governments around the world, leading to inefficiencies and even conflicts with local communities who experience first-hand the threats to their right to a healthy environment (Djosetro & Behagel, 2024). Decentralization was conceptualized to alleviate some of the problems regarding this, along with other problem that local

communities typically face (Wright et al., 2016). However, the reality has not always been in line with what was originally desired, as it has often been utilized in a manner that is motivated by resource allocation and control, rather than true empowerment of local governments based on their insights and understanding of local issues. From the legal standpoint, this warrants a comprehensive exploration into the relevant norms to ensure that decentralization can effectively help alleviate some of the environmental issues that constantly threaten the right to a healthy environment.

Problems around the realization of healthy environments for all are particularly nuanced in the case of developing nations like Indonesia, Thailand, and the Philippines. Data shows that in Southeast Asia, virtually the entire population (99%) lives in areas where air pollution exceeds the World Health Organization's (WHO) safe air standards (Firdaus et al., 2023). In 2024, Indonesia was ranked as the worst country in Southeast

Asia and 15th worst globally for air quality, with PM2.5 levels in Jakarta's metropolitan areas ranging from 30 to 55 $\mu\text{g}/\text{m}^3$, which is about six to eleven times the WHO guideline threshold of 5 $\mu\text{g}/\text{m}^3$ (Hasan & Swastika, 2025). Likewise, the air quality crisis in Bangkok has remained severe; in January 2025, citywide PM2.5 levels spiked to 108 $\mu\text{g}/\text{m}^3$, which forced the closure of over 350 schools due to the figure being more than 21 times the WHO's annual guideline (The Nation, 2024). The Philippines also faces serious challenges, as the country's Department of Environment and Natural Resources identified 6.8 million hectares of watershed areas as susceptible to deforestation, biodiversity loss, erosion, floods, landslides, and water pollution (Candano, 2024). These data ultimately show just how urgent it is for policymakers to directly tackle these problems, particularly in regard to the adequacy of existing legal frameworks around environmental protection. More importantly, the compounding

effects of environmental damages and their impacts on living organisms, including humans, further accentuate the need for prompt policymaking responses.

Therefore, it is crucial to assess these issues as a distinct legal intersection between environmental protection and decentralization, anchored by the right to a healthy environment as the fundamental conceptual framework to secure the interests of local communities. Considering how Indonesia, Thailand, and the Philippines are actively developing their economic to meet with industry needs, the alignment of environmental protection with the right to a healthy environment becomes an urgent task that must be promptly responded to, due to the tendency to prioritize short-term growth over environmental sustainability often identified in the region (Zafarullah & Mehnaz, 2025).

A growing body of literature has developed around the topics that this study is focusing on. For example, Dumitriu (2021) in a study

highlighted the key principles of environmental protection, underscoring the protection of human rights as one of the core elements for the principle of the general interest of humanity (Dumitriu, 2021). The study also crucially highlighted the right to a healthy environment as an inseparable aspect of it, particularly in the face of climate change and the focus on meeting sustainable development goals (SDGs) around the world. Furthermore, a study carried out by Preston (2024) focused on analyzing what is needed to ensure that the right to a clean, healthy and sustainable environment can be applied and protected (Preston, 2024). It highlighted the connection between correlative duties to uphold the right, which was noted to be reliant on systematic changes to key laws and regulations that may no longer be adequate in addressing the challenges in guaranteeing the right to a clean, healthy, and sustainable environment.

From the legal standpoint, a study done by Banzhaf, Ma, and Timmins (2019) explored the elements around the conceptualization of environmental justice (Banzhaf, Ma, and Timmins, 2019). The paper posited that inequitable outcomes could stem from political economy, where government agencies' monitoring and enforcement patterns were influenced by a community's ability to organize and exert political pressure. Also from the legal standpoint, a study conducted by Costanzo (2015) focused on mapping the legal frameworks surrounding the right to a healthy environment, particularly the procedural rights, such as access to information, public participation, and access to justice (Costanzo, 2015). However, the research concluded that in practice, this procedural approach is often limited and fails to deliver substantive justice, as it is frequently confined within Environmental Impact Assessment processes that cannot influence core decision-making on the use and access to

resources. Interestingly, a study carried out by Evendia and Firmansyah (2024) highlighted similar problems, while also noting the role of decentralization (Evendia & Firmansyah, 2024). However, no further connections were highlighted in the study, particularly regarding how certain problems or elements of decentralization might have contributed to the lack of improvement in regional environmental protection.

The literature review highlights a critical research gap around the connection between decentralization issues and problems within environmental law enforcement. The comparative insight of this specific angle also has not yet been addressed in the body of literature, particularly in the context of Southeast Asia, where countries like Indonesia, Thailand, and the Philippines are still grappling with inconsistent environmental law enforcement, while facing rising threats of climate change impacts. This study aims to address these gaps by using the connection

between the two as a novel angle to explore theoretical and practical insights around the right to a healthy environment, relative to the dynamics of environmental protection and the relationship between central and local government. However, a limitation of this study must also be acknowledged, particularly regarding how it is not utilizing primary data in the form of quantitative evidence and instead focuses on exploring the legal implications and potential gaps. Nonetheless, this study can contribute to the development of literature around this particular concern that is shared around the world, especially in the face of climate change, expansive commercialization practices, and the urgency to meet sustainability goals for the deadline of Sustainable Development Goals in 2030 (Nnamuchi, 2020).

Method

This study relies on the employment of the doctrinal legal research method, which is also often

referred to as the normative legal research method. This method focuses on assessing the key legal norms found within the relevant legal frameworks (Disemadi, 2022). The analysis of studies supported by this method typically involves the utilization of secondary data in the form of primary law sources, which will then be utilized to provide a legal lens towards a particular legal problem (Tan, 2021). Furthermore, the study also employs the comparative approach to analyze differences and similarities between the relevant legal systems and highlight the common denominator of the relevant legal issues at hand (Negara, 2023).

The primary law sources used for Indonesia include Law No. 32 of 2009 on Environmental Protection and Management, Law No. 23 of 2014 on Regional Government, Government Regulation No. 22 of 2021 on Implementation of Environmental Protection and Management, Law No. 6 of 2023 on Enactment of Government Regulation in Lieu of Law No. 2 of

2022 on Job Creation into Law, Law No. 5 of 1990 on Conservation of Living Resources and Their Ecosystems, and Law No. 32 of 2024 on Amendment to Law No. 5 of 1990 on the Conservation of Living Natural Resources and Their Ecosystems. From the Thai legal system, the study utilizes the Determining Plans and Procedures for Decentralization to Local Government Organizations Act B.E. 2542 (1999) as amended by the Determining Plans and Procedures for Decentralization to Local Government Organizations Act (No. 2) B.E. 2549 (2006), the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) as amended by the Enhancement and Conservation of National Environmental Quality Act (No. 2) B.E. 2561 (2018), and the National Park Act B.E. 2562 (2019). In the case of the Philippines, this study utilizes a number of primary law sources, which include Republic Act No. 7160 (1991) Local Government Code, Presidential Decree No. 1586 establishing the Environmental

Impact Statement System, Presidential Decree No. 1152 known as the Philippine Environment Code, Republic Act No. 8749 (1999) Clean Air Act, Republic Act No. 9275 (2004) Clean Water Act, Republic Act No. 10121 Disaster Risk Reduction and Management Act, and Republic Act No. 11038 (2018) Expanded National Integrated Protected Areas System Act.

Result and Discussion

Assessment of Decentralization and Environmental Frameworks in Indonesia, Thailand, and the Philippines

Decentralization reflects the understanding that the central government is fundamentally limited in its ability to deal with all the issues that are happening all over the country (Sehgal & Soni, 2025). This understanding is rooted in the acknowledgement of the complexities that significantly affect every single issue that concerns a nation, such as employment, resource allocation, resource extraction, monetary regulations,

environment protection, and overall development (Rodríguez-Pose & Muštra, 2022). Among all of these themes of problems, human rights are a common denominator, as these issues present threats to many kinds of human rights that are typically guaranteed constitutionally (Kosec & Mogues, 2020). The right to a healthy environment is a fundamental problem that can be affected by the conflicts of authority between central and local governments, along with the lack of government oversight on many human activities that would otherwise be under control if decentralization was adequate.

The original purpose of decentralization is to ensure that local governments have enough control over essential aspects that significantly affect the lives of local communities. However, this purpose is not always reflected in the actual structure of power within a government, as it is often limited by other factors such as national security interests (Kruglashov & Sabadash, 2022), intergovernmental

competition for resource control (Fatimah et al., 2024), and geographical constraints (Efriandi, 2021). The ideal model of decentralization in this case would be one where local governments have enough control and oversight over local issues that the central government may not fully grasp, acting as the crucial bridge between local communities and the broader, national enforcement of environmental protection laws. From the normative standpoint, local governments must be positioned in a way that would enable them to have adequate authority to regulate and manage certain aspects that are deemed important for the lives of local communities, while also following the broader national strategies for environmental protection that are set by the central government.

The Indonesian legal architecture for environmental protection and decentralization is built upon two primary pillars: Law No. 32 of 2009 on Environmental Protection and Management (EMP

Law) and Law No. 23 of 2014 on Regional Government (Regional Government Law). The EMP Law establishes a generalized aspect of environmental management and protection, focusing on how to balance the need to utilize resources while also ensuring the preservation of the natural environment (Darmawan, 2025). Article 9 of the law specifies that these affairs are "divided between the central government and provincial and regency/city Regions" and subsequently "become the basis for the implementation of Regional Autonomy". The law's extensive appendix provides a detailed matrix of this division, assigning authority based on geographic scale. For instance, the central government is responsible for managing pollution that is "cross-provincial and/or cross-border," provincial governments manage pollution that is "cross-Regency/City," and Regency/City Governments are responsible for pollution occurring "within the Regency/City". On the surface, this seems to be a logical

allocation of responsibility, but the scope of power attached to this division of authorities becomes rather ambiguous, particularly when there are environmental problems causing significant disruptions to the right to a healthy environment.

The main problem of this framework is its reliance on an outdated, hierarchical paradigm of supervision that undermines the principle of genuine decentralization. The framework is explicit in its command-and-control structure; Article 7 stipulates that the "central government conducts guidance and supervision" over the implementation of affairs by regional governments, while Article 16 mandates that regional policies must "be guided by the norms, standards, procedures, and criteria... set by the central government". This essentially codifies a system of managed decentralization where local action is contingent upon central approval. This centralizing tendency within the administrative law can also create significant operational friction with the EMP Law. This framework

specifically functions as an "umbrella act" that delegates broad and substantive powers to local governments. It explicitly grants provincial and regency/city governments the authority to issue environmental permits, conduct oversight of industrial activities, and impose administrative sanctions for non-compliance. For example, Article 63 of EMP Law empowers Regency/City governments to "establish and implement policies regarding Environmental Impact Analysis (AMDAL) and Environmental Management Efforts - Environmental Monitoring Efforts (UKL-UPL)", which refer to the analysis of a planned activity's significant impact on the environment and the management and monitoring efforts for activities that do not have a significant environmental impact, respectively (Prihatanto et al., 2023).

Despite the seemingly equal positioning between central and local government, the cooperation between central and local governments is still rather unclear.

This is evident, because despite Article 57(1) of (GR 22/2021) delineating the authority to grant approval on UKL-UPL, there is still a notion that this true empowerment of the local government is not always consistent. This is the case with Article 59(2), where the ministry can delegate the examination of UKL-UPL documents, which frames the transfer of authority not as a right of the regions, but as a discretionary privilege granted from the top down. A similar pattern is noticeable in Article 79(4), which allows the ministry to delegate the Environmental Feasibility Assessment Team to conduct an assessment on activities that are under the authority of the central government.

This centralized tendency is fully manifested with the enactment of Law No. 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law (Job Creation Law). The Job Creation Law revised Article 24 of Environmental Management and Protection Law,

stipulating that the Environmental Feasibility Test Team is now formed by the central government (Mahardika, 2024), which significantly erodes the autonomy of the local government and could potentially undermine the local knowledge and intricacies that would otherwise be understood by an Environmental Feasibility Test Team made by the local government.

This problem is also found within Law No. 5 of 1990 on Conservation of Living Resources and Their Ecosystems (Conservation Law), which was partly amended with Law No. 32 of 2024 on Amendment to Law No. 5 of 1990 on the Conservation of Living Natural Resources and Their Ecosystems (Revised Conservation Law) (Hasanah et al., 2025). The revised framework has moved away from explicit centralization by establishing shared responsibility, as the amended Article 4 now states that the conservation of living natural resources and their ecosystems is the “responsibility and obligation of the Government and

local governments as well as the community.” Despite this change, the amendment brought to Article 8(1) does not follow the same narrative of decentralization. The article still refers to the “government”, which is what the central government is referred to according to Article 1 number 26, as the one with authority to designate life support system protection areas.

Thailand's decentralization framework is fundamentally governed by the Determination of Plans and Procedures for Decentralization to Local Government Organizations Act, B.E. 2542 (1999) (Uansri et al., 2024), which was enacted pursuant to the mandate for the creation of dedicated laws that govern development and decentralization in Section 284 paragraph (3) of the 1997 Constitution. The Act is also consistent with the current 2017 Constitution, particularly Section 250 paragraph (1), which emphasizes the decentralization of power to local governments by stipulating that a local administrative organization has

the responsibilities and powers to regulate and provide public services and public activities for the benefits of the people in the locality, in accordance with the principle of sustainable development. The Act establishes a key procedural mechanism for transferring responsibilities from central government to local government organizations through a Commission-driven process, with the Commission chaired by the Prime Minister. The Act grants municipalities, Pattaya City, and subdistrict administrative organizations authority under Section 16(24) for "the management, maintenance, and utilization of forests, land, natural resources, and the environment," with further support from Section 17(5) providing the basis for provincial administrative organizations' responsibility for "the protection, care, and maintenance of forests, land, natural resources, and the environment" and Section 17(12) authority over "the management of

the environment and various types of pollution".

However, this decentralization is limited as it has to manifest within the constraints of pre-existing and highly centralized environmental legal structures, as is the case with the country's main framework for environmental protection, the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), as amended most recently in 2018 (Phothiruk, 2021). Section 6 provides that persons may "be informed and obtain information and data from the government service in matters concerning the enhancement and conservation of environmental quality" and "be remedied or compensated by the State in case damage or injury is sustained," provided "such incident is caused by any activity or project initiated, supported, or undertaken by a government agency or state enterprise," which adds a key layer of enforceability to a right that is typically only indirectly expressed and protected. However, this provision is not met with

enforcement clarity, as it relies solely on the government and its goodwill to compensate for any damages to the right to a healthy environment, with no court proceedings involved.

The environmental impact assessment regime mandates assessments for high-impact projects with public participation. Section 48 provides that with the approval of the National Environmental Board, the Minister has the power to issue a notification specifying that certain projects, undertakings, or operations of the State, or those that the state permits others to operate, are activities that impact the environment, and therefore the operator or person asking for permission must provide an environmental impact assessment report. If such projects, undertakings, or operations require an environmental impact assessment report under Section 48 and also require legal permission before construction or operation, the operator must submit an environmental impact assessment report to both the official with

authority to grant permission and the Office of Natural Resources and Environmental Policy and Planning (ONEP).

Under Section 51, National Environmental Board is mandated to appoint expert committees responsible for reviewing and considering environmental impact assessment reports. Although the approval by expert committees ensures uniform standards, the law requires the expert committee to consider an environmental impact assessment report within 45 days from the date of receipt of such report. While submissions under Section 50 go to "the official with the legal power to grant permission," enforcement and monitoring under Section 51/5 require operators to submit annual implementation reports to permitting officials, which are then forwarded to the Provincial Office of Natural Resources and Environment in that locality or the Office of Natural Resources and Environmental Policy and Planning in Bangkok within sixty days from the date of receipt of such report.

Then, the Office of Natural Resources and Environmental Policy and Planning (ONEP) will gather the reports and provide an implementation report of such measures with recommendations and opinions submitted to the National Environmental Board. ONEP's role remains reactive, as it can only "make a recommendation to the state agency or the official with the legal power to grant permission to proceed with a legal procedure" when operators fail to implement required measures, with no direct enforcement authority and no provisions for community or local enforcement that would support subsidiarity.

Lastly, Thailand's designation of protected areas was governed by the National Park Act B.E. 2504 (1961) from 1961 to 2019. The National Park Act B.E. 2504 (1961) and its amendments were officially repealed and replaced by the National Park Act B.E. 2562 (2019) (Kanchanaroek & Engstrom, 2025). The National Parks Act B.E. 2562 (2019) shows some forms of

decentralization which involve public participation by allowing interested persons, communities and members of the public to participate in decision-making processes before the establishment, extension and revocation of the boundary of the National Park and in the management plan of the National Park. This can be seen from Section 8 which stipulates that in designating any area as a national park, expanding a national park or revoking a national park, there must be a hearing of opinions and participation of interested persons, communities and members of the public for consideration. Similarly, Section 18 ensures that the plan on the management of the area of a national park must consist of operational methods, directions for the management and the supervision of the use of the areas and also there must be the hearing of opinions that mirror the standard set by Section 8. However, it may not be enough to face the current reality and challenges that would typically emerge in a developing country,

which requires extensive decentralization to enable collaboration between the central and local government agencies.

In the case of the Philippines, the legal landscape also presents significant challenges. The Local Government Code of 1991 (Republic Act No. 7160) establishes the Philippines' decentralization framework alongside Presidential Decree No. 1586, which governs the Environmental Impact Statement system. Presidential Decree No. 1152, known as the Philippine Environment Code, provides foundational environmental quality standards and management policies (Dimaculangan, 2023). The country also has separate frameworks for certain elements of the environment, such as the Republic Act No. 8749 (1999) Clean Air Act and Republic Act No. 9275 (2004) Clean Water Act (Nishimura, 2022). The first apparent problem with these frameworks is that they were all enacted before sustainability became a global focus, which may, despite this study's narrower focus on the right to a

healthy environment, contribute to normative inadequacies

Section 16 of the Local Government Code mandates that local government units "shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology". However, Presidential Decree No. 1586's Environmental Impact Statement (EIS) system remains entirely centralized, as Section 4 requires that "No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate issued by the President or his duly authorized representative." This can perhaps be attributed to the fact that this same EIS system was among the earliest to be developed in the developing world (Gera, 2016).

Furthermore, Section 3 vests approval authority in centrally appointed Lead Agencies whose Environmental Impact Statements

are submitted "to the National Environmental Protection Council for review and evaluation". This centralization contradicts the Local Government Code's devolution mandate, as the provision in Section 17(b)(3)(iii) assigns provinces authority for "enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment". Section 3(i) acknowledges that "local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies," but the qualifying phrase "subject to national policies" essentially subordinates local environmental authority to centralized decision-making, which is also proven by the lack of any further concrete grant of authority to local governments.

Furthermore, Section 16 recognizes the mandate to "enhance

the right of the people to a balanced ecology," but this formulation provides procedural recognition without establishing justiciable rights or accountability mechanisms that can truly enable communities to challenge environmentally harmful decisions. Presidential Decree No. 1586's penalty structure under Section 9 imposes sanctions "at the discretion of the National Environmental Protection Council" for violations, which centralizes punitive authority at the national level without provisions for local enforcement or community-initiated actions. Furthermore, Section 17(b)(2)(iii) of the Local Government Code grants municipalities authority over "community-based forestry projects" and "management and control of communal forests," yet qualifies this with "Pursuant to national policies and subject to supervision, control and review of the DENR," creating a quasi-decentralization model to implement centrally-determined policies without further stipulations on the dynamics of decision making

between the central and local government. This centralized tendency is further proven by Presidential Decree No. 1152's Section 8, which vests the "National Pollution Control Commission in coordination with appropriate government agencies" with responsibility for "enforcement of ambient air quality emission and noise standards."

The Philippines also has a framework that focuses on disaster risk mitigation, governed by the Disaster Risk Reduction and Management Act (Republic Act No. 10121). Through Section 2(k), this provision emphasizes the importance of recognizing the local risk patterns through decentralized powers. However, despite the authority given to Local Disaster Risk Reduction and Management Councils in other provisions, the act makes no further connection with other relevant legal aspects such as environmental impact assessment systems. The framework also does not grant the authority to bypass or overturn certain central-

government-made decisions that affect the environment, such as environmentally dangerous large-scale mining operations and inefficient designations of protected areas. Crucially, this gap is partly covered by the country's Republic Act No. 11038 (Expanded National Integrated Protected Areas System Act of 2018), which ensures collaboration between the central and local governments by mandating the Department of Environment and Natural Resources (DENR) to invite all local government units for public consultation, as governed in Section 4(d)(3). Although it is imperative to note that this does not necessarily denote decentralization or actual support of autonomy. Regardless, this displays a concerted effort from the Philippine government to ensure that environmental protection is not detached from local realities.

Furthermore, the Philippines is also equipped with adequate and highly specific regulations to ensure clean air and clean water, through Republic Act No. 8749 (1999) Clean

Air Act and Republic Act No. 9275 (2004) Clean Water Act. Both of these frameworks not only explicitly recognize the right to a healthy environment but also provide nuanced support for the local government. In Section 2, the Clean Water Act explicitly recognizes the local government's role as the primary authority responsible for sustainable development, which is further supported by the provision that gives the authority to local government units to develop and submit to the Department a procedure for carrying out the action plan for their jurisdiction, as governed by Section 8. Similarly, through Section 5, the Clean Water Act provides that a water quality management area "shall be governed by a governing board composed of representatives of mayors and governors of member local government units (LGUs), and representatives of relevant national government agencies, duly registered non-governmental organizations, water utility sector, and business sector." These

provisions highlight the country's more advanced regulatory frameworks in comparison to the previous two countries, although this comes at a cost of a highly fragmented legal system.

Table 1. Comparison of Decentralization and Environmental Governance Frameworks in Indonesia, Thailand, and the Philippines

Country	Decentralization Framework	Environmental Law and Governance	Key Issues	Centralized Tendencies
Indonesia	Law No. 32 of 2009 (EMP Law), Law No. 23 of 2014 (Regional Government Law)	Division of environmental responsibilities: central government, provincial	Outdated hierarchical framework, operation friction due to central	Central government guides and supervises local governments. Environmental

		ncial gove rnme nts, and Rege ncy/ City Gove rnme nts.	al gove rnme nt overs ight.	ron ment al Feasi bility Asse sme nt Tea m centr alize d unde r Job Crea tion Law.
Tha ilan d	Deter minat ion of Plans and Proce dures for Dece ntrali zatio n to local gover nmen t Orga nizati ons Act (1999)	Enha ncem ent and Cons ervat ion of Nati onal Envi ronm ental Qual ity Act (1992 , ame nded in	Limit ed dece ntrali zatio n due to pre-exi sting centr alize d envir onme ntal legal struc tures.	Lack of local enfo rcem ent for envir onm ental prot ectio n, react ive role of the Offic e of Natu

		2018) .		ral Reso urce s and Envi ron ment al Polic y and Plan ning (ON EP).
Phi lip pin es	Local Gove rnme nt Code (1991) , Presi denti al Decre e No. 1586 (EIS Syste m), Clean Air Act (1999) , Clean Wate	Frag ment ed envir onm ental legal fram ewor ks, inclu ding local fram ewor ks for air and wate r quali ty man	Frag ment ation of envir onme ntal laws and diffic ulty in balan cing local auth ority with natio nal polici es.	Cent raliz ed appr oval for envir onm ental com plian ce, lack of local emp ower ment in envir onm ental decis ion-

	r Act (2004)	agem ent.		maki ng.
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The table above summarizes the decentralization frameworks and environmental governance in Indonesia, Thailand, and the Philippines, highlighting the respective legal structures, issues, and centralized tendencies in managing environmental protection. Despite the empowerment granted to local governments in issuing environmental permits and overseeing industrial activities, the centralization of environmental oversight remains an issue that can potentially create operational friction, particularly in environmental impact assessments and policies. The comparative outlook in the table also highlights four primary indicators of problems: the allocation of decision-making authority, the locus of enforcement, the scope of participatory mechanisms, and the availability of accountability mechanisms. These indicators are present in all three countries with gaps of varying

severity, which negatively impact implementation capacity, particularly in ensuring a fair, consistent, and coherent enforcement of the relevant legal norms of environmental protection.

The implications of these gaps are potentially widespread and structural, as they represent vertical issues within the government that ultimately affect horizontal elements. Horizontal elements here refer to the lived environmental conditions experienced across local communities and sectors, which can be seen in how environmental problems are not confined to a single administrative issue, but instead intersect with public health, livelihoods, land use, and resource management. Furthermore, the overall process of enforcement is also significantly slowed due to the centralized tendencies found across the three countries, albeit the varying degrees. This is then further exacerbated by the lack of room for local community participation, which in turn can create further risks of legal complications (Conde et al.,

2023), particularly when there are locals who are victimized by the relevant environmental problems.

Conclusion

Decentralization is essential in ensuring that a government in its entirety is capable of delegating powers in an efficient manner, particularly in the face of key challenges like climate change and rampant environmentally dangerous human activities. From the normative standpoint, the Philippines stands out as the country with the most comprehensive set of frameworks compared to Indonesia and Thailand, although this also contributes to a highly fragmented environmental framework. This study does not advocate for a completely decentralized system of environmental management and protection in the case of protecting the right to a healthy environment. As such, the normative deficiencies highlighted are not always framed as inherent weaknesses, particularly in the case of the Philippines, where the government has evidently made

significant efforts in balancing centralized powers by at least ensuring the involvement of local authorities, whereas such efforts are not consistently found within the Indonesian and Thai frameworks. Ultimately, further studies are needed to quantify the possible bureaucratic bottlenecks and inefficiency that cause many recorded environmental problems that negatively impact the right to a healthy environment in these countries, particularly as their economies continue to grow in the face of growing climate challenges.

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