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ADAPTING THE EUROPEAN UNION'S GREEN CLAIMS LAW TO COMBAT INDONESIAN GREENWASHING

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Abstract: This study aims to compare environmental regulations in Indonesia with the European Union's Proposed Green Claims Directive in addressing greenwashing practices and to examine the directive's relevance as an effort to strengthen environmental protection in Indonesia. Using a normative juridical method with a legislative approach, namely, environmental regulations in Indonesia, as well as a comparative approach to EU policies. The data used consists of primary and secondary legal materials. The results of the study show that environmental regulations in Indonesia have not specifically addressed greenwashing and have not provided a comprehensive mechanism for the proof and verification of environmental claims, so supervision of the validity of environmental claims remains limited. In contrast, the European Union's Green Claims Directive Proposal establishes a regulatory framework that emphasizes scientific evidence, information transparency, verification, and oversight of environmental claims. The novelty of this research lies in the formulation of a regulatory adaptation model consisting of five aspects, namely the establishment of the definition and classification of greenwashing, the application of scientific proof standards for environmental claims, risk-based verification mechanisms by independent parties, the harmonization of the authority of supervisory institutions, and the strengthening of sanctions mechanisms. The adaptation framework across these five aspects can serve as a basis for strengthening environmental claims regulation to increase corporate accountability, prevent greenwashing, and support sustainable development in Indonesia.

Studi ini bertujuan membandingkan regulasi lingkungan hidup di Indonesia dengan proposal Green Claim Directive *(arahan klaim hijau) oleh Uni Eropa dalam menangani praktik* greenwashing *di Indonesia, serta mengkaji relevansinya sebagai upaya memperkuat perlindungan lingkungan hidup di Indonesia. Studi ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, yaitu regulasi lingkungan hidup di Indonesia, serta pendekatan komparatif terhadap kebijakan Uni Eropa. Data yang digunakan berupa bahan hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa regulasi lingkungan hidup di Indonesia belum*

mengatur secara khusus praktik greenwashing serta belum menyediakan mekanisme yang komprehensif mengenai pembuktian dan verifikasi klaim lingkungan, sehingga pengawasan terhadap keabsahan klaim lingkungan masih terbatas. Sebaliknya, proposal Green Claims Directive *Uni Eropa membangun kerangka pengaturan yang menekankan pembuktian ilmiah, transparansi informasi, verifikasi, dan pengawasan terhadap klaim lingkungan. Kebaruan penelitian ini terletak pada perumusan model adaptasi regulatif yang terdiri atas lima aspek, yaitu pembentukan definisi dan klasifikasi* greenwashing, *penerapan standar pembuktian ilmiah terhadap klaim lingkungan, mekanisme verifikasi berbasis risiko oleh pihak independen, harmonisasi kewenangan lembaga pengawasan, serta penguatan mekanisme sanksi. Kerangka adaptasi melalui lima aspek tersebut dapat menjadi dasar penguatan pengaturan klaim lingkungan untuk meningkatkan akuntabilitas korporasi, mencegah greenwashing, dan mendukung pembangunan berkelanjutan di Indonesia.*

Keywords: Corporation; Green Claim Directive; Greenwashing.

INTRODUCTION

The development of the increasingly modern industrial revolution has brought sustainability issues to a major concern in various sectors, one of which is the environmental sector. The issue of environmental sustainability is crucial in line with increasing public awareness of the impact of climate change and the decline in environmental quality (Zentoni *et al.* 2025). This awareness can be seen in changes in people's consumption patterns, which were originally oriented towards function and price, now also consider sustainability aspects and environmental impacts on the products purchased (Yuanitasari *et al.* 2025). This change in public consumption patterns also provides demands on companies to implement environmentally friendly business practices through green marketing strategies by prioritizing sustainable product characteristics (Irawati *et al.* 2023).

Demands on companies in implementing environmentally friendly business practices actually also open a gap for the emergence of false green claims or known as greenwashing (Fauzia Hanifah *et al.* 2025). In contrast to environmental pollution practices that are oriented towards the actions or negative impacts carried out by companies on the environment, greenwashing practices are known as a phenomenon in which companies deliberately market their products or services as environmentally friendly products, when in reality this is not the case. These claims often mislead consumers with false, exaggerated, or manipulative information about products that are expected to be environmentally friendly products (Mappiasse and Saleh 2025). This shows that the use of labels and environmentally friendly claims by companies is only limited to a tool to build a positive perception in the public without adequate evidence on the company's sustainability principles (Yonandi and Lie 2025).

The real activity of greenwashing practices is carried out by the Nestlé Indonesia company. In the marketing of its products, Nestlé Indonesia uses the claim of "Pure Life Natural Spring" for its bottled water products that are claimed to be environmentally friendly. Instead of proving its commitment to environmental preservation through echoed claims, Nestlé became one of the three largest plastic polluters in the world according to break free from plastic data in 2020. This clearly shows the company's failure to maintain its commitment to environmental sustainability through echoed marketing claims, as well as misleading consumers in buying environmentally friendly products (Dascha and Kamal 2025). The news platform break free from plastic Asia Pacific (2024) released the results of a Regional Brand Audit which placed PT Unilever as one of the producers with the most sachet packaging findings in 4 (four) Asian countries, including Indonesia. These findings show a discrepancy between the company's commitment to campaigning for sustainability programs and reducing plastic waste and the condition of packaging waste found in the field. The discrepancy between the company's claims or image through its commitment to environmental sustainability and actions that still contribute to the plastic waste problem can be indicated as a greenwashing practice, especially when the sustainability claims submitted are not supported by commensurate environmental actions and results.

Law No. 32 of 2009 concerning Environmental Protection and Management and Law No. 8 of 1999 concerning Consumer Protection are present as an effort to prevent the submission of misleading information by business actors and as a form of environmental protection, but both have not specifically regulated the concept of greenwashing and legal standards that must be met in the submission of environmental claims by corporations (Adikavi 2025). This condition shows that there is a regulatory gap, because existing regulations have not specifically accommodated the characteristics and complexity of greenwashing practices. Thus, it has the potential to open up space for corporations to submit environmental claims that cannot be scientifically accounted for, which results in the non-achievement of environmental law objectives in ensuring sustainability and accountability in environmental management that are difficult to achieve (OECD 2025).

The Green Claim Directive policy as an extension of the direction of environmental policy proposed by the European Union Commission is one of the relevant legal instruments to be adapted by Indonesia in response to the rampant practice of greenwashing and the use of environmental claims that are not supported by scientific evidence. The Green Claim Directive aims to create a high level of protection for consumers while supporting environmental protection through regulations regarding the proof and communication of environmental claims in a transparent, accurate, and verifiable manner (European Commission 2023). The presence of the Green Claim Directive requires that every environmental claim is based on scientific evidence that can be accounted for, considers the perspective of life cycle assessment, and is verified by an independent institution before the claim is published (Maire 2023).

Previous research by Gultom and Sakti (2023) regarding the practice of greenwashing in legal protection and corporate responsibility reviewed from Indonesian law shows that several national regulations, such as Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 8 of 1999 concerning Consumer Protection can be the basis for law enforcement against greenwashing practices, although they have not yet directly regulated, so they have not created a much more comprehensive regulatory model. In addition, research by Pangloly *et al.* (2025) also shows that although there is an Environmental Protection and Management Law and the Consumer Protection Law as a legal basis, Indonesia does not yet have a specific definition or mechanism for verifying environmental claims.

The results of previous research by Gultom and Sakti (2023) and Pangloly *et al.* (2025) show that there are limitations in the Indonesian environmental law framework in answering the problem of the mechanism for preventing misleading environmental claims. The legal approach that relies on the expost mechanism places enforcement after misleading claims circulate and cause losses to consumers. The issue of greenwashing does not stop at liability after a violation occurs, but also concerns the assessment, proof, and verification of environmental claims before they are marketed.

In contrast to previous research, this study focuses on answering the construction of environmental law regulatory mechanisms in dealing with greenwashing practices preventively to ensure accountability of environmental claims. Through a comparison between Indonesian environmental law and the Green Claim Directive which focuses on analyzing the relevant regulatory elements to be implemented, as well as the limits of their application by considering the characteristics of the Indonesian legal system and economic structure, including the capacity of business actors and the existence of Micro, Small, and Medium Enterprises (UMKM). This comparison will act as a form of policy evaluation in Indonesia in handling greenwashing practices. So that to answer the phenomenon of greenwashing practices, a problem identification was formulated in the form of a comparison of legal regulations in handling greenwashing practices by corporations in Indonesia and the European Union, as well as a form of adaptation of the European Union Green Claim Directive as a form of policy evaluation in Indonesia in handling greenwashing practices.

RESEARCH METHOD

This research was prepared using normative juridical research methods. The normative juridical research method is a research process to research and study law as norms, rules, legal principles, legal principles, legal doctrines, legal theories, and other literature to answer the legal problems being researched (Muhaimin 2020). The research stage begins by identifying legal problems or legal issues by examining the legal principles contained in environmental regulations in Indonesia, as Satjipto Rahardjo revealed that with the existence of legal principles, law is not just a collection of regulations, but contains ethical values and demands,

so that it acts as a bridge between legal regulations and social ideals and ethical views of society (Bachtiar 2019).

Chart 01. Research Stages



This research was carried out using a statute approach which was carried out by examining and analyzing all laws and regulations related to legal issues that are being handled (Marzuki 2014), namely environmental regulations in Indonesia, in the form of Law Number 32 of 2009 concerning Environmental Protection and Management and its derivative regulations. As well as presenting a comparative approach carried out by conducting a comparative study of the laws of one country with the laws of other countries, namely comparing Indonesian environmental law regulations with the European Union's Green Claim Directive Proposal in law enforcement on the practice of greenwashing by corporations.

The comparative approach in this study is carried out by analyzing 5 (five) main elements in the concept of the European Union's Green Claim Directive, consisting of the definition of greenwashing and green claims, scientific proof by presenting verification by third parties, life cycle assessment, environmental labels, and sanctions for companies that are proven to have committed greenwashing practices. The five elements in the concept of Green Claim Directive will be the basis for the comparison between the European Union and Indonesia in dealing with greenwashing practices with adjustments to the legal system and economic conditions between Indonesia and the European Union.

To answer the formulation of the problem in this study, refer to secondary legal data, by presenting primary legal material in the form of environmental regulations in Indonesia, in the form of: Law Number 32 of 2009 concerning Environmental Protection and Management; Law Number 8 of 1999 concerning Consumer Protection; Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management; and proposal for a Green Claim Directive by the European Union. In addition to focusing on primary legal materials, this study also presents secondary legal materials, namely legal materials that can provide explanations for primary legal materials, in the form of research results, textbooks, scientific journals, and news (Nugroho *et al.* 2020).

RESULT AND DISCUSSION

Comparison of Legal Regulations in Handling Greenwashing Practices

The phenomenon of greenwashing is becoming increasingly relevant in developing countries, including Indonesia, which still faces limitations in its prevention regulations (Aulia 2025). In essence, Indonesia's environmental law framework has presented rules for

business implementation that are in accordance with the concept of sustainable development in order to have an impact on environmental protection. One of them is through Law Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management. However, the two regulations do not specifically regulate greenwashing practices that have the potential to damage the environment on a large scale, exacerbate the climate crisis, and hinder the achievement of sustainability aspects (Nemes *et al.* 2022).

The absence of special rules regarding greenwashing practices also has the potential to cause uncertainty in law enforcement for business actors who practice greenwashing (Salsabila 2026). In contrast to the European Union, which has presented a policy proposed by the European Commission as an effort to prevent greenwashing practices by corporations. This policy is outlined in the European Union's Green Claim Directive Proposal, as a form of extension of the European Green Deal policy, as a series of regulations and cross-sector investment programs with the aim of directing the European economy towards climate neutrality by 2050 (European Commission 2019).

Throughout 2014 – 2020 through a study conducted by the European Commission, 150 environmental claims were found, of which 53.3% of environmental claims were vague, misleading, and lacked adequate basis, and 40% of claims were not supported by verifiable evidence. This shows that there is a failure of mechanisms in ensuring the accuracy of environmental information received, so there is a need for legal instruments that specifically regulate the proof and communication of environmental claims (European Commission 2023).

Through the Green Claim Directive Proposal, the European Commission introduced special regulations regarding the environmental claim requirements allowed by companies (Meyer 2025). The environmental claim requirements in the Green Claim Directive Proposal will present a scientific verification mechanism accompanied by scientific data supported by third-party inspections. In addition to aiming to be a preventive form of countering greenwashing practices, this policy also aims to protect consumers in participating directly in environmental protection (European Commission 2023).

Table 01.
Comparison of Aspects between Indonesian Environmental Regulation and the Green Claim Directive Concept in Overcoming Greenwashing Practices

Aspects	Environmental Regulation in Indonesia	Green Claim Directive	Adaptation Recommendations for Indonesia
Definition of Greenwashing and	The definitions of greenwashing and environmental claims are not regulated in	The Green Claim Directive does not use the term greenwashing as a	The definition of greenwashing and environmental claims specifically,

Environmental Claims	Indonesian environmental law regulations. Through Article 2 of the UUPPLH, it only regulates the principles that are the basis for environmental protection and management, namely the principles of prudence, good governance, state responsibility, and sustainability as the basis for business implementation. The absence of this definition will cause confusion in determining environmental claims issued by companies.	separate definition, but specifically regulates explicit environmental claims that are misleading through substantial requirements and verification through Article 2 which is defined as any message or representation that states that a product or business actor has a positive or better environmental impact than other products.	includes the scope, and environmental criteria that can be used by business actors, including the prohibition of claims that cannot be objectively proven.
Scientific proof by presenting third-party verification	Article 14 of the UUPPLH only regulates pollution prevention instruments that are based on real instruments, such as AMDAL, environmental audits, risk analysis, and licensing. This shows that there is no concrete scientific proof regulation.	1. Article 3 provides that any environmental claim must be based on recognized scientific methods, verifiable data, and take into account all relevant environmental impacts. 2. Article 10 regulates the obligation of claims that are verified by the conformity assessment body before publication.	The preparation of a scientific proof mechanism before the publication of environmental claims, by requiring business actors to provide verifiable scientific evidence.
Life Cycle Assessment (LCA)	Life Cycle Assessments in Indonesia are regulated separately in several regulations, including: 1. Indonesian National Standard (SNI) which	Article 3 of the Green Claim Directive policy stipulates that the assessment of environmental claims must take into	Integrating LCA as one of the methods of proving environmental claims, especially on claims related to

	adopts ISO 14040 and ISO 14044 regarding LCA. 2. Articles 15 – 18 of the *UUPPLH* affirm that all policies must be based on the principles of sustainable development in accordance with the strategic environmental assessment.	account relevant aspects throughout the product life cycle where necessary.	environmental impacts throughout the product life cycle.
Environmental Label	The UUPPLH does not regulate environmental label rules concretely, but in Article 8 Paragraph (1) of the UUPK contains rules for the use of product labels according to its claims must be enforced, namely "prohibiting business actors from producing goods that are not in accordance with standards, not in accordance with quality, and not in accordance with the information on the label."	Article 11 restricts the use of new environmental labels and gives priority to labels based on official certification schemes and public authorities.	Preparation of special standards for the use of environmental labels that regulate substantial requirements, information that must be included, the basis of proof, and the prohibition of the use of labels/claims that cannot be accounted for.
Sanctions	The UUPPLH regulates various sanctions for violations of environmental obligations, including: 1. Article 76 of the UUPPLH which regulates administrative sanctions. 2. Article 87 of the UUPPLH related to civil sanctions. 3. Articles 97 – 120 of the UUPPLH, regulate the imposition of criminal sanctions	As a repressive measure, Article 17 of the Green Claim Directive requires member states to establish sanctions that are effective, proportionate, and provide a deterrent effect against greenwashing violations.	Integrating sanctions for environmental violations with violations of greenwashing practices, such as the obligation to withdraw claims, stop the use of labels, administrative sanctions, and the application of sanctions based on the UUPPLH and UUPK if they meet

	for environmental polluters. Meanwhile, the Consumer Protection Law regulates sanctions for business actors who spread false information, through Article 62 paragraph (1) of the UUPK.		the elements of violation.

Source: Indonesian Environmental Regulation and European Union Green Claim Directive

The presence of Law Number 32 of 2009 concerning Environmental Protection and Management aims to ensure the protection of environmental functions through pollution prevention instruments, environmental damage control, environmental licensing, supervision, and administrative, civil, and criminal law enforcement. However, the scope in it is oriented towards controlling activities that have an impact on the environment (Environmental Performance Regulation), not focusing on supervision of environmental communications or claims submitted to the public. The UUPPLH is the main basis for arranging a civil liability mechanism for corporations that commit pollution or environmental damage, but it does not directly target legal liability for corporations that carry out greenwashing practices.

In addition to the Environmental Protection and Management Law, the substance of the rules contained in Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management is oriented towards environmental protection governance from the aspect of business activities, which has not yet reached regulations regarding environmental claims. Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management also focuses on the management of environmental impacts by business actors, not focusing on proving by business actors the correctness of environmental information published to consumers in sustainability claims on the products or services presented. This results in no legal obligation for business actors to conduct scientific proof by presenting third-party verification, life cycle assessments, and sanctions for companies that practice greenwashing (Adikavi 2025).

Law Number 8 of 1999 concerning Consumer Protection also serves as a basis for legal protection for consumers who feel aggrieved by false claims made by companies against their products or services. Consumers who are often the main victims of greenwashing practices also suffer financial and moral losses, because the purpose of contributing to environmental preservation through the purchase of environmentally friendly products is not created due to false claims (Mardikaningsih *et al.* 2026). The Consumer Protection Law acts as a basis for companies to provide true, clear, and non-misleading information about their products (Wastsaljideri and Rahmayani 2026). However, the Consumer Protection Law has not been

able to overcome the rampant practice of greenwashing, because it does not present a form of preventive effort in the form of a scientific verification mechanism, so that environmental claims can be accounted for by every company.

The concept of the European Union's Green Claim Directive systematically regulates environmental protection for greenwashing practices through scientific proof that must be carried out for every business actor before the claim is published, so that the claim can be accounted for. In addition to the purpose of establishing the Green Claim Directive by the European Commission as a complement to the European Union's consumer protection framework, this policy also functions as an instrument that provides technical standards regarding proving a sustainability claim, verified, and communicated. With scientific evidence, published claims are not just misleading claims (European Commission 2023).

Implementing EU Green Claims Directive to Address Indonesian Greenwashing

The realization of the welfare of the people of a country is supported by the presence of state administrative instruments in environmental protection and management (Helmi 2011). In line with the welfare state theory put forward by Jeremy Bentham which states that, "The government has the responsibility to guarantee its people the greatest happiness." (Elviandri *et al.* 2019). In its development, the concept of a welfare state is closely related to the principle of sustainable development, which according to the World Commission on Environment and Development through Our Common Future, sustainable development is a development that meets the needs of the current generation without sacrificing the ability of future generations to meet their own needs (Barral 2012).

As stated in the preamble to the 1945 Constitution of the Republic of Indonesia, the state's goal is to protect the entire Indonesian nation and promote public welfare, as well as Article 28H paragraph (1) of the 1945 Constitution which stipulates that, "Everyone has the right to live a prosperous life in birth and mind, to live, and to have a good and healthy living environment and the right to receive health services". Through Article 28H paragraph (1) of the 1945 Constitution, it is emphasized that every citizen has the same right to a good and healthy environment, including being free from noise pollution, air pollution, and soil pollution. Also, there is protection of ecosystems as a common asset (Sulistyowati *et al.* 2026).

In essence, the environment is a life that encompasses the order and values of life in it, so it is necessary to maintain and maintain a harmonious and balanced environmental preservation (Herlina and Duana 2022). The general provisions listed in Article 1 paragraph (2) of Law Number 32 of 2009 concerning Environmental Protection and Management also stipulate that, "Environmental protection and management is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision, and law enforcement". Through Article 1 paragraph (2) of the Law on Environmental Protection and Management, it is emphasized that environmental management fully aims to create people's welfare.

The rise of the practice of greenwashing shows that the welfare of the people aspired to in the goals of the Republic of Indonesia will not be achieved, if the handling is not implemented concretely. The practice of greenwashing presents the goal of welfare only obtained by corporations, not the community. This means that with these false claims, it provides more benefits for corporations, in addition to providing financial losses to consumers. Therefore, the state must be present to accommodate the provision of appropriate information related to sustainable development through preventive efforts in handling the increasingly rampant greenwashing practice (European Commission 2023).

The green claim directive policy, known as the Green Claim Directive, proposed by the European Union Commission in 2023 is a novelty in order to create preventive efforts to address greenwashing practices by corporations. The Green Claim Directive is a regulatory proposal that introduces a mechanism for scientific proof and independent verification of environmental claims. With the presence of the Green Claim Directive, it changes the paradigm of environmental marketing from a voluntary practice to a legally binding obligation, so it must be complied with together. The establishment of the Green Claim Directive proposed by the European Commission is motivated by the fact that more than 40% of companies in the European Union use false claims in their marketing. Environmental claims alone have been considered insufficient to prove that the products created are included in environmentally friendly products. The Green Claim Directive is a form of extension of the European Green Deal agenda which aims to abolish the practice of Greenwashing, as well as provide a standard framework for the circular economy (Peterson Indonesia 2026).

The practice of greenwashing is increasingly prevalent because companies easily claim that their products are only limited to "better for the planet" or "this product is an environmentally friendly product". Thus, the Green Claim Directive is here to narrow the company's focus to turn simple claims into more detailed ones accompanied by scientific data, for example "a 50% reduction in water consumption during the dyeing process compared to the 2022 database". In the case of proving the correctness of the environmental claims made by companies, this policy proposal stipulates that it is necessary to carry out initial approval and verification by a third party. The Green Claim Directive introduces the introduction of mandatory ex-ante verification. This verification is carried out by an accredited independent verifier to audit the scientific data behind each claim. If the verified product is eligible, a Certificate of Conformity will be issued that is recognized in all EU member states.

The principle of transparency is the foundation for the implementation of the Green Claim Directive through the obligation to provide supporting information to consumers. Product information on the scientific basis, measurement methodology, scope of claims, and certifications used must be available and easily accessible to consumers. This principle of transparency aims to increase the accountability of business actors, as well as allow consumers to independently verify before making a purchase decision. So that the protection does not only depend on government supervision, but is also strengthened through increased access to correct and complete information (Council of the European Union 2024).

The Green Claim Directive also presents repressive efforts as a representation of the deterrent effect for corporations that do not comply with the rules through the provision of effective, proportionate, and dissuasive administrative sanctions. EU member states are encouraged to impose various forms of sanctions, such as administrative fines, confiscation of profits obtained from violations, prohibitions on public procurement, and the obligation to take corrective action against misleading information. The combination of scientific proof, independent verification, information transparency, and administrative sanctions forms a supervisory system that is both preventive and repressive against greenwashing practices (Council of the European Union 2024).

Figure 02.
Scientific Proof Mechanism of the European Union Green Claim Directive



Source: *Green Claim Directive European Commission 2023*

The scientific proof stage in the Green Claim Directive can be a model for the formation of regulations on environmental claims in Indonesia in line with the rampant practice of greenwashing by corporations. This is based on the fact that until now Indonesia has not had a legal instrument that specifically regulates the definition, standard of proof, verification mechanism, and supervision of environmental claims used in trade activities. Currently, Indonesia still relies on several rules, such as Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 8 of 1999 concerning Consumer Protection, as well as various provisions regarding advertising and business competition. However, all of these rules basically only regulate the prohibition of providing false or misleading information in general and have not specifically regulated the standard of proof for sustainability claims. This condition makes the practice of greenwashing difficult to distinguish from legitimate marketing strategies, because there are no objective legal parameters to assess claims that are really based on scientific facts or limited to product marketing narratives (Adikavi 2025).

The absence of scientific proof standards will have an impact on the effectiveness of law enforcement. The concept of consumer protection in Indonesia is based on proof that is generally carried out after a loss has occurred (ex post enforcement). Consumers who feel

aggrieved must prove that the information provided by business actors is misleading and causes losses, so the proof is much more complex because it involves technical aspects, to sustainability measurement methods that require scientific expertise. As a result, the burden of proof practically lies with consumers, even though it is the business actors who control all the data regarding the production process and the environmental impact of their products.

The evidentiary mechanism in the Green Claim Directive proposal not only functions as an instrument of consumer protection, but also acts as an instrument of market governance. The policy shifts the supervisory paradigm from the concept of ex post enforcement to ex ante regulatory control. This paradigm change also has implications for the effectiveness of law enforcement, because the burden of proof shifts, which was originally in the hands of consumers, to business actors as parties who control information about the production process, supply chain, carbon footprint, and environmental impact of their products. Thus, the Precautionary Approach principle was created in environmental governance, namely preventing losses before they occur (Carreño 2023).

Referring to Indonesia's ius constituendum, the substance of the Green Claim Directive can be adapted through the drafting of special regulations on environmental claims. The regulation should ideally not only prohibit the use of misleading information, but also set scientific proof standards for every sustainability claim. For example, if a company claims that its product is a carbon-neutral product, it is required to show the methodology for calculating emissions, the limits of the scope of calculation, and the proportion of use of carbon offset schemes. Thus, the legitimacy of an eco-friendly claim is no longer determined by the company's marketing power, but by the validity of the underlying scientific evidence.

As a first step in adapting the Green Claim Directive in the regulation of laws and regulations in Indonesia, it is necessary to have a legal definition of green claims and greenwashing so as not to cause confusion in the implementation of the rules. Current Indonesian regulations do not provide a definite definition related to the practice of greenwashing, so the interpretation in terms environmentally friendly, sustainable, net zero, carbon neutral, or eco-friendly is highly dependent on the interpretation of each business actor. The determination of this definitive definition aims to create uniformity of interpretation between business actors, consumers, and law enforcement officials.

The scientific proof mechanism as the main stage in the concept of the Green Claim Directive can be applied with various adjustments in the Indonesian legal system. Proof can be adjusted to the national standardization system through the harmonization of institutions in Indonesia, including through the National Standardization Agency, the Ministry of Environment, the Ministry of Trade, and the National Consumer Protection Agency. Through harmonization between institutions, it is possible to prepare national guidelines regarding scientific parameters that must be met before a product uses environmentally friendly claims. For example, the claim of "100% recyclable" must be proven through national recycling standards. Thus, the proof no longer depends on the company's narrative, but also refers to the scientific parameters that have been set.

Table 02.
Recommendations for Institutional Authority in Environmental Claims Supervision

Name of the Institution	Authority
Ministry of Environment/Environmental Control Agency (KLH/BPLH)	Establish criteria and technical parameters for environmental claims, including proving methods, LCAs, and categories of claims that must be verified.
National Standards Agency (BSN)	Develop national standards that serve as a technical reference in proving and verifying environmental claims.
National Accreditation Committee (KAN)	Accrediting conformity assessment or verification bodies to meet competency and independence requirements.
Ecolabel Verification Board (LVE)	Checking scientific evidence and suitability of environmental claims submitted by business actors before claims are published.
The Ministry of Trade through the Directorate General of Consumer Protection and Trade Order	Authorized as a supervisor of environmental claims in the scope of marketing.
National Consumer Protection Agency	Monitoring the issue of greenwashing through a consumer perspective, providing protection to consumers, and making policy recommendations on greenwashing issues.
Authorized Agencies according to the Type of Violations in the Realm of Administrative Law, Civil Law, and Criminal Law	Imposing administrative sanctions or forwarding cases for law enforcement based on consumer and/or environmental protection provisions.
Synchronization and Harmonization of Authority Across Related Institutions	Integrate verification, supervision, complaints, and law enforcement results between environmental authorities, standardization, accreditation, and consumer protection.

Source: Processed by the author based on Law No. 8 of 1999 concerning Consumer Protection, Law No. 20 of 2014 concerning Standardization and Conformity Assessment, Law No. 32 of 2009 concerning Environmental Protection and Management, and the institutional mechanism of the Green Claims Directive.

The application of the scientific proof mechanism in Indonesia cannot be carried out through the Legal Transplant approach in its entirety. Most business units in Indonesia are controlled by UMKM that have more limited financial and technical capacity compared to large companies. If all business actors are required to undergo scientific verification as designed in the Green Claim Directive, then compliance costs have the potential to become a new obstacle in the business activity sector (Jones Day 2023). This issue is also a major criticism of the proposed Green Claim Directive in the European Union, namely the concern that the obligation to verify before publication will burden the business world and reduce economic competitiveness for EU countries.

An adjustment of the approach that is much more suitable to be applied in Indonesia is through a risk-based regulatory approach where the obligation of independent verification is only carried out on claims that have a high risk of misleading consumers or have the potential to significantly affect people's economic decisions, such as claims of net zero emission, carbon neutral, zero waste, or climate positive. Environmental claims that are simple in nature by UMKM business actors can be proven through self-declaration accompanied by the obligation to keep proof documents and comply with the rules that have been set as national standards. This adjustment will be sustainable with the proportional costs that must be incurred by companies on a large scale, as well as UMKMs on a small to medium scale. With a risk-based approach, it also creates the principle of proportionality in maintaining a balance between consumer protection and the sustainability of business activities.

The final stage as an effort to strengthen is through institutional supervision and law enforcement. Currently, supervision of advertising, product labels, consumer protection, and environmental compliance is in various institutions that work in a sectoral manner. As a result, the handling of greenwashing practices often experiences overlapping authorities. Supervision of environmental claims can be massively increased by collecting data on claims registered by companies through the KLH/BPLH database with open access to information by the public. Therefore, Indonesia needs an inter-agency coordination system that allows supervision to be carried out in an integrated manner. One alternative that can be considered is the establishment of a national registration system for environmental claims, where every environmental claim used in marketing must be registered along with its proof documents. This will make it easier for government supervision, as well as increase transparency to consumers.

Supervision of environmental claims in digital marketing is also needed to strengthen government supervision in handling greenwashing practices. Environmental claims are no longer limited to product labels or packaging, but are also conveyed through social media, company websites, digital advertising, and through influencers. Advertisements regarding environmental sustainability on social media show that most of the claims submitted are misleading (Kwon *et al.* 2024). Therefore, the ex ante verification mechanism needs to be

strengthened with digital supervision and periodic verification in handling greenwashing practices in the digital scope.

The implementation of the Green Claims Directive mechanism in Indonesia is not solely aimed at tightening supervision of business actors, but also to build a more credible market ecosystem. Regulations that require scientific proof of environmental claims will increase consumer confidence, encourage healthy business competition, and provide incentives to companies that truly implement sustainability practices. Thus, regulations regarding green claims are not only an instrument for consumer protection, but also part of the green economy development strategy based on the principles of legal certainty, transparency, and accountability.

CONCLUSION

A comparison between Indonesian environmental law and the Green Claim Directive shows that Indonesian regulations through the UUPPLH and the Consumer Protection Law have provided a basis for environmental and consumer protection, but have not regulated environmental claims and greenwashing specifically, especially related to the obligation of scientific proof, independent verification, and preventive monitoring of claims before being communicated to consumers. Meanwhile, the Green Claim Directive introduces preventive mechanisms through the obligation to prove claims based on scientific evidence, the use of assessment methodologies including Life Cycle Assessment (LCA), verification by third parties, and transparency of information to consumers. Based on these gaps, there is a need to strengthen Indonesia's environmental laws through regulating the definition and scope of greenwashing and environmental claims, the obligation to prove scientific, the use of LCA as one of the bases for assessment, independent verification by accredited institutions, standardization of environmental labels, and strengthening of supervision and sanction mechanisms. The adaptation model of the Green Claim Directive proposal further needs to be supported by a clear division of institutional functions between environmental regulators, standardization and accreditation bodies, verification bodies, and consumer protection authorities. The ex-ante verification mechanism implemented is also strengthened by providing supervision of environmental sustainability claims submitted in a digital scope. The shift in the handling of greenwashing in Indonesia from a repressive approach to a preventive approach aims to ensure that every environmental claim has a scientific basis and can be verified before being used by business actors, so as to strengthen legal certainty for business actors, consumer protection, information transparency, and the effectiveness of environmental protection. [*W*]

BLIBIOGRAPHY

Adikavi, Agustinus Tobias. 2025. "Judicial Analysys on the Urgency of Regulating Environmental Claims in the Reform of Consumer Protection Law in Indonesia." *Jurnal Dusturiyah* 15 (2). https://doi.org/10.22373/zj4hd539

Aulia, Darlin. 2025. "Greenwashing Perusahaan di Indonesia: Studi Literatur Periode 2015 – 2025." *Indo-Fintech Intellectuals: Journal of Economics and Business* 5 (4).

Bachtiar. 2019. *Metode Penelitian Hukum*. Tangerang Selatan: Unpam Press.

Barral, Virginie. 2012. "Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm." *European Journal of International Law* 23 (2): 377–400. https://doi.org/10.1093/ejil/chs016

Break Free from Plastic Asia Pacific. 2024. Break Free from Plastic Regional Brand Audit Report Identifies Top Plastic Sachet Polluters in Asia. https://www.breakfreefromplastic.org/2024/04/16/break-free-from-plastic-regional-brand-audit-report-identifies-top-plastic-sachet-polluters-in-asia/

Carreño, Ignacio. 2023. "To Address "Greenwashing" and Misleading Environmental Claims, the European Commission Publishes a Proposal on "Green Claims" and Their Substantiation." *European Journal of Risk Regulation* 14: 607–611. https://doi.org/10.1017/err.2023.36

Council of the European Union. 2024. Green Claim Directive: Council Ready to Start Talks with the European Parliament. https://www.consilium.europa.eu/en/press/press-releases/2024/06/17/green-claims-directive-council-ready-to-start-talks-with-the-european-parliament/

Dascha, Raka Nur Baswara, and Ubaidillah Kamal. 2025. "Perlindungan Konsumen Terhadap Praktik Greenwashing di Indonesia." *Keadilan: Jurnal Fakultas Hukum Universitas Tulang Bawang* 23 (2).

Elviandri, Khuzdaifah Dimyati, and Absori. 2019. "Quo Vadis Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia." *Mimbar Hukum* 31 (2): 252–266. https://doi.org/10.22146/jmh.32986

European Commission. 2019. *The European Green Deal*. COM(2019) 640 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0640

European Commission. 2023. *Proposal for a Directive on substantiation and communication of explicit environmental claims (Green Claims Directive)*. COM(2023) 166 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0166

Fauzia Hanifah, Nisrina, Dwi Fitri Rahmadani Panggabean, Rheivaluna Habsarie Putry, and M. Albarqy. 2025. "Greenwashing sebagai Tantangan terhadap Pemenuhan Hak atas Lingkungan Hidup yang Layak dalam Perspektif Hak Asasi Manusia di Indonesia." *Journal of Studia Legalia* 6 (1). https://studialegalia.ub.ac.id/index.php/studialegalia/article/view/183

Greenpeace International. 2019. Perusahaan Merek Ternama Membeli Minyak Sawit yang Terkait Masalah Karhutla. https://www.greenpeace.org/indonesia/siaran-pers/4136/perusahaan-merek-ternama-membeli-minyak-sawit-yang-terkait-masalah-karhutla/

Gultom, Raynold Sebastian Hasiholan, and Muthia Sakti. 2023. "Praktik Greenwashing: Perlindungan Hukum dan Tanggung Jawab Korporasi Ditinjau dari Hukum Indonesia." *Jurnal Interpretasi Hukum* 4 (3): 626–641. https://doi.org/10.55637/juinhum.4.3.8331.626-641

Helmi. 2011. *Hukum Perizinan Lingkungan Hidup*. Jakarta: Sinar Grafika.

Herlina, Nina, and Rima Duana. 2022. "Penegakan Hukum Lingkungan Melalui Upaya Hukum Non Penal Menurut Undang-Undang Nomor 32 tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Jurnal Ilmiah Galuh Justisi* 10 (2). https://doi.org/10.25157/justisi.v10i2.8722

Irawati, Paramita Prananingtyas, and Retno Catur Wulan. 2023. "Regulation Urgency of the Misleading "Greenwashing" Marketing Concept in Indonesia." *IOP Conference Series: Earth and Environmental Science* 1270 (1): 012007. https://doi.org/10.1088/1755-1315/1270/1/012007

Jones Day. 2023. EU Green Claims Directive Proposal. https://www.jonesday.com/en/insights/2023/05/eu-green-claims-directive-proposal

Kwon, Kyeongwon, Jaejin Lee, Cen Wang, and Vaibhav Shwetangbhai Diwanji. 2024. "From green advertising to greenwashing: content analysis of global corporations' green advertising on social media." *International Journal of Advertising* 43 (1): 97–124. https://doi.org/10.1080/02650487.2023.2208489

Maire, E.. 2023. Discussing the Green Claims Directive.

Mappiasse, Asdar, and Mohammad Saleh. 2025. "Tinjauan Yuridis Terhadap Klaim Greenwashing Dalam Produk Konsumen di Indonesia Berdasarkan Uu Perlindungan Konsumen." *Jurnal Ilmu Hukum, Humaniora, dan Politik* 5 (4): 3699–3705. https://doi.org/10.38035/jihhp.v5i4.4914

Mardikaningsih, Rahayu, Pingki Aurel Laisyah, Aulia Ayunita Wardatul Arifin, Fayola Issalillah, and Siti Nur Halizah. 2026. "Perlindungan Hukum Konsumen Terhadap Praktik Greenwashing dalam Pemasaran Produk Berklaim Ramah Lingkungan." *Jurnal Ilmiah Wahana Pendidikan* 12 (6.A): 62–74. https://jurnal.peneliti.net/index.php/JIWP/article/view/14270

Marzuki, Peter Mahmud. 2014. *Penelitian Hukum: Edisi Revisi*. Jakarta: Kencana.

Meyer, Manuela. 2025. What the Green Claims Directive means for Companies, an Overview. https://kpmg-law.de/en/what-the-green-claims-directive-means-for-companies-an-overview/

Muhaimin. 2020. *Metode Penelitian Hukum*. Mataram: Mataram University Press.

Nemes, Noémi, Stephen J. Scanlan, Pete Smith, Tone Smith, Melissa Aronczyk, Stephanie Hill, Simon L. Lewis, A. Wren Montgomery, Francesco N. Tubiello, and Doreen

Stabinsky. 2022. "An Integrated Framework to Assess Greenwashing." *Sustainability* 14 (8): 4431. https://doi.org/10.3390/su14084431

Nugroho, Sigit Sapto, Anik Tri Haryani, and Farkhani. 2020. *Metodologi Riset Hukum*. Sukoharjo: Oase Pustaka.

OECD. 2025. *Protecting and Empowering Consumers in the Green Transition: Misleading Green Claims*. https://doi.org/10.1787/12f28e4f-en

Pangloly, Deslyana Rante, Flora Pricilla Kalalo, and Anastasia Emmy Gerungan. 2025. "Pengaturan Hukum Lingkungan Terhadap Praktik Greenwashing di Indonesia." *Lex Administratum* 13 (3). https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/62981

Peterson Indonesia. 2026. Panduan Komprehensif Arahan Klaim Hijau (Green Claims Directive) Uni Eropa. https://www.petersonindonesia.com/id/post/panduan-komprehensif-arahan-klaim-hijau-green-claims-directive-uni-eropa

Republic of Indonesia. 1999. Law Number 8 of 1999 concerning Consumer Protection.

Republic of Indonesia. 2009. Law Number 32 of 2009 concerning Environmental Protection and Management.

Republic of Indonesia. 2021. Government Regulation Number 22 of 2021 on the Implementation of Environmental Protection and Management.

Salsabila, C. W.. 2026. "Urgensi Kepastian Hukum Terhadap Praktik Greenwashing FMCG di Indonesia." *Jurnal Yuridis* 13 (1).

Sulistyowati, Ardi Christesar Sihombing, and Gusti Bintang Maharaja. 2026. "Hak atas Lingkungan Hidup yang Baik dalam Perspektif Pasal 28H UUD 1945: Analisis Konstitusionalisme Lingkungan di Indonesia." *Jurnal Siber Multi Disiplin* 4 (1). https://doi.org/10.38035/jsmd.v4i1

Wastsaljideri, Chesa, and Nuzul Rahmayani. 2026. "Analisis Hukum Perlindungan Konsumen Terhadap Praktik Greenwashing dalam Perspektif Perdata Indonesia." *Jurnal Ilmiah Global Education* 7 (2): 1459–1472. https://doi.org/10.55681/jige.v7i2.5785

Yonandi, Caecilia Patrice, and Gunardi Lie. 2025. "Greenwashing in Indonesia: Deceptive Claims and Corporate Social Responsibility (CSR)." *Jurnal Ilmiah Wahana Pendidikan* 11 (2.A): 107–116. https://jurnal.peneliti.net/index.php/JIWP/article/view/9786

Yuanitasari, Deviana, Hazar Kusmayanti, and Agus Suwandono. 2025. "Menelaah Greenwashing: Perlindungan Hukum Konsumen di Tengah Tren Produk Ramah Lingkungan." *LITRA: Jurnal Hukum Lingkungan Tata Ruang dan Agraria* 4 (2). https://doi.org/10.23920/litra.v4i2.2276

Zentoni, Budi Santoso, and David M. L. Tobing. 2025. "Mengkriminalisasi Greenwashing: Menjawab Tantangan Perlindungan Konsumen di Era Keberlanjutan." *LITIGASI* 26 (1): 102–137. https://doi.org/10.23969/litigasi.v26i1.19243