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Greenwashing in Indonesia: Deceptive Claims and Corporate Social Responsibility (CSR)

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Abstract

The paper investigates the phenomenon greenwashing in Indonesia, examining its prevalence among corporations and assessing the effectiveness of legal frameworks designed to curb it. Greenwashing is characterized as deceptive claims about a company's environmental practices, and common practices include misleading eco-labels on products, exaggerated sustainability claims, or irrelevant and misfocused green initiatives. Through a comprehensive methodology of legal analysis, corporate social responsibility (CSR) evaluations, and media investigations, the research identifies systemic flaws in Indonesia's legal system that allow greenwashing to thrive. These include ambiguous legal definitions, insufficient regulations against false environmental claims, and weak enforcement. Together, they not only mislead the public into mindless consumption, but also undermine genuine environmental advocacy and governmental regulatory efforts. To address these challenges, the paper recommends strengthening legal regulations and enforcement within all sectors to prevent deceptive claims, boosting corporate transparency and accountability, and enhancing consumer education to promote a more critical approach to environmental claims. Additionally, the paper suggests further research on industry-specific greenwashing and cross-border comparisons to find more robust countermeasure practices by other governments. Addressing greenwashing is crucial for Indonesia's environmental sustainability, with the need for a concerted effort from all stakeholders, including legal, corporate, and public sectors to establish a truly sustainable business environment.

Keywords: *Greenwashing, Environmental Regulations, Corporate Social Responsibility (CSR), Misleading Advertising, Sustainable Business Practices*

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INTRODUCTION

Indonesia as a major emerging market has exhibited a rapid industrial growth in the past decade. In particular, the mining, palm oil, and timber industries have been key drivers of the economic growth in Indonesia and continue to be regarded as lucrative fields. However, the country's heavy reliance on natural resource exploitation in these industries has led to significant environmental degradation, including deforestation, biodiversity loss, air and water pollution, and increased greenhouse gas emissions (Tyson, A., et al., 2018). For instance, Indonesia's palm oil industry, while contributing to national economic benefits such as poverty reduction, employment, and tax revenue, has also been associated with inequality, resource dependencies, and significant environmental losses. The expansion of palm oil plantations have led to forest loss and fragmentation, CO2 emissions, and freshwater pollution, highlighting the need for sustainable regulatory initiatives (Rulli, M., et al., 2019).

With the rising awareness of climate activity and morally-driven individual consumption among consumers, the concerns raised regarding this degradation is not unreasonable. Interest in social sustainability across all sectors of business – most of all in the food, tourism, commerce, and clothing industries – is becoming more and more important to the public (Sesini, G., 2020). In the age of environmental justice, economists have noted consumer behavior beginning to lean towards goods and services produced by corporations with sustainable practices (Choi, S., et al., 2011). For some sectors, sustainable marketing practices can even influence brand loyalty, but only when consumers are well-informed and not overwhelmed by marketing campaigns (Mancuso, I., et al., 2021). This, in turn, has given businesses the incentive to take into account their impact on the environment in all facets of their operation. Adopting sustainable practices in a company's image can significantly impact its reputation, success, and long-term viability due to increasing consumer environmental consciousness (Sujanska, L., et al., 2023).

On the downside, the market and institutional pressure for environmentally friendly products has driven companies to resort to tactics like greenwashing. Greenwashing is a deceptive practice in which companies falsely portray their products, services, or overall business practices as environmentally friendly to capitalize on the growing consumer preference. In this context, greenwashing not only misleads consumers but also undermines the real pressing need for environmentally-conscious stewardship, allowing practices detrimental to the ongoing climate crisis to persist under the guise of implemented sustainability. This phenomenon has been increasingly scrutinized as consumers become more conscious of deceptive claims and begin to demand genuine sustainable practices from businesses (Aji, H., et al., 2015).

Greenwashing has not only created challenges in mindful consumption and morally selective purchases, but also in the integrity of Corporate Social Responsibility (CSR) efforts. As an initiative to promote sustainability in the economic sector, the Indonesian government has adopted the concept of Corporate Social Responsibility (CSR) in its laws for certain sectors. CSR has been adopted in Indonesian regulatory frameworks – such as in Article 1 paragraph 3 of Indonesia's Company Law (Law No. 40 of 2007 regarding Limited Liability Companies) – and ideally serves to integrate ethical, social, and environmental concerns into business operations and hold non-compliant businesses accountable. However, experts have noted that it would need more precise interpretation, effective implementation, and verification of impact to fully realize CSR objectives in business practices. The implementation and enforcement mechanisms in the Law No. 40/2007 are not clearly defined, which leads to ineffective CSR practices, especially regarding environmental aspects (Priyanta, M., 2016).

While CSR should, in theory, be able to circumvent false claims in sustainability and hold corporations accountable for them, practice has proven otherwise. Despite high overall CSR scores, companies across various sectors still engage in greenwashing, which can be identified through analysis of advertisements, websites, and sustainability reports (Aggarwal, P., et al., 2011). Firms can still manipulate CSR perceptions by selectively disclosing information about environmentally responsible suppliers while hiding less sustainable ones, a practice influenced by competition, brand awareness, profit motives, and investor profiles (Shi, Y., et al., 2020). In Indonesia especially, the risk of corporations neglecting CSR in favor of dishonest claims to gain public favor is increased by the lack of regulatory synchronization and robust enforcement frameworks. This misuse undermines the essence of CSR and leads to skepticism regarding its effectivity among stakeholders.

The legal implications of greenwashing are profound and widespread, particularly in its neglect of consumer rights and environmental harm. Misleading claims about a company's environmental practices can undermine consumer trust and breach various national and international regulations that aim to protect consumers and ensure fair marketing practices. By diverting attention from harmful practices, greenwashing can instead exacerbate and normalize environmental damage, contrary to the very principles of sustainability companies may claim to uphold. Legal gaps which contribute to the rise of greenwashing and legislative proposals are needed to address unfair competition, consumer rights violations, and the credibility of corporate social responsibility. This research aims to identify and analyze the legislative loopholes in Indonesia's legal framework that allow greenwashing to prevail and what it means for sustainability in Indonesian businesses.

Based on the background outlined above, the issues that arise are:

1. What are the common types of greenwashing practiced by Indonesian corporations, and how do they impact consumers and corporate accountability?
2. How effective are Indonesian legal frameworks in addressing greenwashing, and what are the broader implications of these practices for environmental sustainability?

METHODS

This research employs a qualitative methodology, drawing upon the examination of relevant journals to substantiate theoretical constructs. In qualitative research, theories are often conceptualized as paradigms, guiding the researcher's approach either explicitly or implicitly to focus the study. Qualitative research methods as those that explore natural settings where the researcher acts as the primary instrument. Data collection techniques are multifaceted and combined, analysis is predominantly inductive, and the findings are qualitative, prioritizing meaning over generalization.

The purpose of qualitative research is to preserve the form and content of human behavior, analyzing qualities rather than reducing phenomena to quantitative measures. The objective of this descriptive research is to provide a systematic, factual, and accurate portrayal of the facts, characteristics, and the relationships between the phenomena under investigation.

The foundation of this study rests on the critical review of previously published journals deemed relevant to the current research topic. These journals have been selected based on their adherence to rigorous research methodologies and their relevance to the subject matter, ensuring that the theoretical framework of this study is well-supported and grounded in established research.

RESULTS & DISCUSSION

Types and Examples of Greenwashing in Indonesian Corporations

Corporations indulge in greenwashing practices mainly in three different categories, which can be broadly identified to a greater line of difficulty and implication. One of the most common tactics is that of deceptive labelling in which products are labeled "eco-friendly", "sustainable", or "green" without substantiation for such claims (Lim, D., et al., 2021). Exaggerated sustainability claims are a common tactic, where companies make broad, unsubstantiated assertions about their environmental impact without clear evidence or based on negligible improvements. These vague claims, void of proof, may make the consumer believe that their purchase is more eco-friendly than it actually is. The lack of proof becomes evident when these claims are not corroborated by credible third-party verifications or any reliable data.

Aside from exaggerated claims, a third category of greenwashing is irrelevant advertising. In its essence, this type of advertisement suggests that claims that are somewhat irrelevant can technically still be correct. This is a loophole often utilized by corporations. These information may be true, but they are not necessarily important to the general environmental impact of the business' operations (Schmuck, D., et al., 2018). For example, a business may advertise its products to be free from CFCs while, in reality, CFCs are banned in the entire world. The statement is not entirely false but misses the mark in a way that is deliberate.

A real example of greenwashing in Indonesia is the allegations faced by PT Adaro Minerals Indonesia Tbk (ADMR). In 2023, the coal mining company was lambasted by environmentalists over its plan to build an aluminum smelter fueled by a coal-fire plant in North Kalimantan (Mongabay Environmental, 2023). Although the project depended heavily on the use of coal, an energy source with very high emissions, the company fronted it as an "environmentally friendly" project. The claim was faced by immediate backlash, even more so after ADMR sought international funding for the $2 billion project. In its defence, Christian Ariano Rachmat, the Director of ADMR, maintained that the company was fully transparent in its coal use and how it aims to transition to green energy in the future. He explained that a transition to hydropower has always been in the plans but may not be practical until 2030 due to infrastructure limitations. Rachmat also placed practices at Adaro within a global context in which he noted 75% of all smelters in the world are run on coal-powered energy. Despite this so-called industry norm, Rachmat's statement seemed to assert the company's intentions of producing green aluminum eventually once the hydro facilities are operational (CNBC, 2023).

The reasons for such greenwashing are highly complex. Consumer pressure and the opportunity to seize the market potential offered by the growing demand for green products and services, leaves corporations with no choice but to compete and build a purportedly greener corporate image (Delmas, M., et al., 2011). While businesses can change their media portrayal significantly with a single costly marketing initiative, this may come with only slight incremental changes to their usual modes of operation (Aggarwal et al., 2011). This is particularly the case with industries that are known to have the worst adverse environmental effects.

Analyzing cases like this critically is crucial to notice where huge discrepancies start to emerge. Putting the ADMR case in simpler terms, this is how it could be interpreted: a product is advertised as being "made with recycled materials," but in actuality, only part of the product is "a little" recycled, while the majority of it is new and not recyclable. This type of selective disclosure does not mention the holistic environmental costs of production and could in turn mislead consumers who wish to base their decisions on such claims into making environmentally unsound choices (Bowen, F., et al., 2014).

However, amid a gradual green transition among business sectors, greenwashing is often a complex scenario that highlights nuanced challenges in which companies like ADMR seem to acknowledge their current (negative) environmental impacts yet support future reorientation of the current energetic model to another based on cleaner and more sustainable sources. While it could be true that some businesses may have future goals of transitioning to cleaner practice, advertisements which paint an overblown picture of their current practices can be deceiving, whether intentionally or not. This may mislead the consumer and stakeholder to understand when the company's environmental efforts have become effective or have the required effect. In that sense, it accentuates the importance of clear, honest communication of what is effective, not only the current but also setting expectations possibly for the future.

The Consequences of Greenwashing on Consumers and Corporate Accountability

There are many different facets in which greenwashing affects consumers and corporations, respectively, thus influencing their interactions and the broader marketplace. Greenwashing provides consumers with a misleading perception of products; hence, consumers are duped into making an uninformed purchase decision. If companies market their product or service to be green, contradictory to the truth, the sustainability-minded consumer could possibly end up supporting practices that are contrary to their values. Such deception would not only erode trust in individual brands, but also the market's overall confidence in such environmental claims (Nguyen, T., et al., 2019). A landscape of over-skepticism and dampened consumer confidence for genuine sustainable products would not be a beneficial one for any party involved.

The implications for corporations are equally significant. Initially, greenwashing can be enticing as a way to gain a competitive edge, as it easily attracts eco-conscious customers. Once exposed, however, this can deal a blow to a company's reputation and even result in legal penalties along with loss of customer trust, which can be costly to reinstate (Junior, S., et al., 2019). Moreover, greenwashing fails to put all players on an even playing field where companies and firms that are genuinely investing in the resources to develop and sustain good practices are undercut by those who make such claims without the associated costs. This stifles not only the development of a real market for environment-friendly products, but also discourages innovation and investment in actual sustainability initiatives.

Greenwashing also has broader legal and ethical implications. It may violate consumer rights, especially the right to have accurate information, which is crucial for making informed purchasing decisions. By obscuring the truth, greenwashing violates fair competition laws which can be subject to regulatory penalties (Voronina, N., 2023). Secondly, greenwashing brings into question the sincerity of

CSR work. When an organization is greenwashed, casts doubt on the sincerity and effectiveness of all CSR initiatives, potentially leading to cynicism and diminished impact of these programs across sectors.

Another critical aspect is the role of honest advertising in the marketplace. Transparent and truthful advertising is crucial for maintaining market integrity and consumer trust. It ensures that consumers can make choices that align with their values and encourages corporations to engage in real sustainable work rather than superficial marketing tactics. Honest advertising supports the development of a fair competitive market for genuinely sustainable goods and services, promoting innovation and a higher degree of environmental responsibility among businesses.

Institutional greenwashing can further propagate individual greenwashing, where individuals believe they are making environmentally conscious choices when, in fact, they are not. This fallacy may further get into habits like food consumption and waste, where the consumers may feel like they are opting for sustainable options but are actually causing detrimental effects to the environment. This cycle of misinformation can perpetuate environmental harm and delay necessary actions toward genuine sustainability. In other words, the social effect of greenwashing reaches far beyond the influence on individual consumer choices or on corporations' profit lines. It affects the very dynamics of market trust, corporate responsibility, and the wider movement for the environment. Dealing with greenwashing means creating robust regulations, stimulating a cultural shift towards transparency, and advocating for vigilant enforcement against even the slightest wiggle room in a company's environmental claims.

Evaluating Indonesia’s Legal Framework on Greenwashing and CSR

Indonesia's legal framework aimed at combating greenwashing and promoting Corporate Social Responsibility (CSR) consists of certain regulations that deal with environmental concerns and the consumer protection. Notably among others, the Consumer Protection Act No. 8 of 1999. Artice 4(3) of this Act stipulates that consumers have the right to accurate, clear, and honest information about the conditions and guarantees of goods and services. This provision is highly critical in the combat against greenwashing, since it provides the underpinning of the legal obligation for truthful advertising and directly questions claims that are misleading.

Furthermore, Article 8 of the Consumer Protection Act prohibits businesses from misleading consumers by claiming their products or services meet certain quality standards when they do not. This article can be interpreted as somewhat aligning with the goals of CSR by ensuring that companies cannot falsely market their products as environmentally friendly. These legal stipulations are made to protect consumers and ensure fair competition by holding companies accountable for dishonest practices.

However, the effectiveness of these laws to combat greenwashing is undoubtedly challenging due to the lack of strict enforcement and minimal legal sanctions for non-compliance. While CSR is mandated within Article 1(3) of Indonesia’s Company Law, and, particularly in industries like palm oil through the Indonesian Sustainable Palm Oil (ISPO) standard, the overall enforcement framework lacks the robustness seen in jurisdictions like the European Union or North America. These regions enforce heavy penalties and have stringent disclosure requirements for greenwashing, creating a deterrent that is currently weaker in Indonesia.

The gap in Indonesia's legal framework also includes the absence of criminal liabilities for corporations that fail to fulfil their CSR obligations, which are currently limited to administrative measures. This approach could benefit from a reevaluation towards incorporating criminal liabilities, as seen in more stringent international frameworks where such measures have proven effective in ensuring corporate compliance (Kurniawan, S., et al., 2020). Moreover, Indonesia's CSR and environmental regulations could benefit from greater coherence and synchronization (Karmilia, R., 2019). Addressing the conflicts and overlaps between social, environmental, and economic laws would provide clearer guidelines for corporations and enhance the overall efficacy of the legal system in promoting sustainable practices (Segger, M., et al., 2004).

In order to further take steps towards more effective CSR and greenwashing regulation, the government should initiate steps that help further strengthen its legal measures in the form of disclosure policies. These reforms will have to ensure that the claims of CSR are substantiated and are genuine instead of giving a corporate environment that purports sustainability but actually encourages greenwashing. Collaboration with the government should be taken further to assess firm characteristics, which may provide a way for environmental responsibilities to be addressed (Abbas, A., et al., 2021).

Foundationally, Indonesia does have basic legal frameworks like the Consumer Protection Act, which supports the fight against greenwashing and promotes CSR. It is, however, clear that the mechanism for enforcement needs to be significantly scaled up, criminal liabilities instituted, and a unified regulatory approach set in place to increase the effectiveness of these frameworks to international standards (Alexander, G., et al., 2023).

Implications of Effective Greenwashing Sanctions for Environmental Sustainability

Enforcing a strict policy against greenwashing might result in a significant positive contribution to environmental sustainability from Indonesia. By implementing and upholding stringent anti-greenwashing laws, the government can ensure that companies are held accountable for the environmental claims they make. This accountability can deter companies from engaging in deceptive practices and encourage them to adopt more sustainable and environmentally friendly operations (Nasikhin, R., et al., 2022). Such a shift would benefit not only for reducing the natural environmental burden but also for cleaning the overall integrity of the claim of the environment in the market, which is indispensable for consumer trust and promotion to increase sustainable consumption.

Effective sanctions and robust enforcement of CSR policies are immensely required for pushing companies toward real corporate responsibility. When CSR becomes not just a box-ticking perfunctory exercise but turns into something regulated and enforceable, then companies are more likely to deeply incorporate sustainable practice into their core operations. This integration can lead to substantial improvements in areas such as waste management, energy use, and resource efficiency. More importantly, it can drive innovation in sustainable technologies and practices, as companies would need to adhere to stricter environmental standards.

Moreover, genuine corporate responsibility facilitated by stringent CSR enforcement can lead to broader environmental sustainability. Companies that are held accountable for their environmental impact tend to be more conscientious of their practices and their broader implications. Such awareness would lead to better strategies for conservation and more considerable investments for sustainable resources, along with corporate culture that should value environmental health on par with profitability. The benefit of this culture is not only to the companies but also that it aligns them with the global trends in sustainability and adds value to the national and global environmental goals.

Furthermore, effective sanctions for greenwashing would inspire the public and stakeholders to have confidence in the business environmental claims. When companies know that false claims can lead to severe penalties, they are more likely to report honestly on their environmental impact. This transparency is vital for building trust among consumers, investors, and regulators, facilitating a more collaborative approach to tackling environmental challenges. The implications of effectively enforcing greenwashing sanctions extend beyond mere regulatory compliance to becoming the catalyst of a fundamental shift towards genuine sustainability in Indonesian corporate practices, making it a leader in sustainable practices in the region and setting a benchmark for environmental responsibility globally.

CONCLUSION

Throughout this research, we have explored the various dimensions of greenwashing in Indonesia, examining its implications on both consumers and companies. Key findings highlight that greenwashing not only misleads consumers but also undermines genuine corporate social responsibility (CSR) efforts and environmental sustainability. Existing legal frameworks, including the Consumer Protection Act and the environmental regulations establish a basis to fight against greenwashing, to an extent; but they suffer from inadequate enforcement and lack of stringent penalties.

Based on the analysis outlined above, the research recommends policymakers to strengthen the enforcement mechanisms of existing laws and introduce stricter penalties for greenwashing. This could include both significant fines and criminal charges to provide a strong deterrent against deceptive practices. A more unified and synchronized regulation is also preferrable to develop a framework that addresses greenwashing in clear terms and aligns the national CSR standards the international norm. This framework should address the existing gaps and overlaps between environmental, social, and economic regulations. Within these anti-greenwashing regulations, corporations should be required to adhere to stricter transparency and disclosure norms. This could involve detailed reporting on environmental impacts and third-party verification of sustainability claims to ensure accuracy and authenticity.

Furthermore, increasing public awareness about greenwashing and its implications is crucial as the practices of greenwashing can impact individual behavior directly. Community-level educational campaigns can empower consumers to make more informed choices and can encourage them to demand higher standards from corporations. Moreover, the government can start encouraging businesses that genuinely adopt sustainable practices through economic incentives like tax breaks, subsidies, or other programs.

In conclusion, by addressing the different areas affected by greenwashing, Indonesia can strengthen its regulatory arsenal to create a more sustainable and environmentally responsible business landscape, so as to continue to adapt with the global perception of sustainability as a newly emerging market.

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