
Guest editorial: Law and regulation to tackle land degradation in Asia

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In 2021, over 40% of the global land area have experienced land degradation. Biophysical causes and unsustainable land management methods are the immediate reasons for land degradation. Meanwhile, protecting soil from deterioration has become a moral obligation and a crucial element in enhancing human welfare. Some countries have enacted dedicated legislation to save and preserve land, while others tackle the problem of land degradation by means of laws that pertain to certain sectors, such as the environment, land and natural resources.

In relation to land and soil, the Food and Agriculture Organization's Legal Office compiled a database of legal frameworks and instruments. Asia has had land management and protection laws and regulations in place since approximately 1838. Land degradation regulations in Asia are diverse; some were overly specific regarding the extent of land coverage or the issue addressed, while others were overly broad and general to be of practical assistance in preventing and restoring land degradation. An array of international legal instruments, such as the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification (UNCCD), establish international rules that can facilitate the prevention and management of land degradation at the national level when implemented. Despite the existence of numerous legal instruments designed to promote neutrality in land degradation management in Asia, the legislative framework and its execution continue to be fragmented and incapable of effectively aiding in the resolution of land degradation issues. Limited research has examined the adequacy of national laws, regulations and policies in their efforts to mitigate land degradation. Meanwhile, preventing and restoring land degradation requires proactive measures such as appropriate regulations and planning. Therefore, this special issue gathers high-quality research on the potential role of laws and regulations in creating a sustainable and effective framework for preventing and restoring land degradation in Asia. Several papers in this special issue focus on legislation aimed at preventing and restoring land degradation in some Asian countries. This special issue is the result of a discussion that took place in August 2023 during the *4th Hybrid International Conference on Law, Governance and Globalisation (ICLGG 2023)* at the Faculty of Law, Universitas Airlangga Surabaya Indonesia. The major focus of the conference was "Sustainable Development Goals and the Road to Crisis Recovery in Asia". One of the prominent topics in the discussion revolves around the implementation of laws and regulations aimed at addressing the issue of land degradation in Asia.

There are four articles addressing the issue of land degradation from various perspectives. Kurniawan, Nugraha, Hartono and Wibisono, in their article, analyse the legal framework of sustainable construction procurement to prevent land degradation in Indonesia, Singapore and Thailand. Land degradation is a significant issue in Indonesia, Singapore and Thailand due to the negative impact of construction procurement on land. In Indonesia, 1,900 km of toll roads were built, while Singapore had a construction demand of S \$32bn in 2023 alone; thus, 24 billion tonnes of soil are degraded annually in these countries. Special regulations have been created to ensure construction procurement, but there are no specific rules to regulate sustainable construction to prevent and rehabilitate land degradation due to construction. Thus, implementing sustainable procurement can provide



economic and social benefits, prevent land degradation and protect human rights. Indonesia, Singapore and Thailand have general regulations but lack specific regulations for sustainable procurement. Future legal norms should include principles, indicators, pillars, procurement phases, law enforcement and a sustainable procurement committee to contribute to a more sustainable and environmentally friendly future.

Trihastuti, Hananto, Prabandari, Basir, Pratama and Puteri analyse the impact of environmental terrorism on land degradation through legal comparative studies between Indonesia and Malaysia. Land degradation is a significant issue in Indonesia and Malaysia, with laws aimed at preventing it. Indonesia's Constitution mandates the use of natural resources for prosperity, while Malaysia has enacted laws to combat it. However, the categorisation of environmental destruction as environmental terrorism is not used to address it. Therefore, the principle of *primum remedium*, which prioritizes law enforcement through criminal means, should guide the enforcement of environmental criminal law. Land degradation due to environmental terrorism violates the legal rights of natural objects but is rarely used in solving cases. Law enforcement in both countries has been criticised for ineffectiveness, and the case of Anson Wong highlights the need for sustainable development practices to reduce land degradation and combat environmental terrorism.

Anand, Putri and Adam analyse market-shared liability as an alternative to proportionally imposing guilt in civil lawsuits against corporations, which is causing land degradation. According to the authors, land degradation is a significant environmental issue, affecting not only the land itself but also the buildings on it. However, many corporations had implemented actions that caused land damage and degradation, making it difficult to determine which corporation should be held legally responsible. Market shared liability (MSL) offers an alternative to proportionally imposing liability in civil lawsuits against corporations that cause land degradation. By addressing the impact of land degradation, countries can promote resilience, reduce disaster risk and preserve their natural resources while reducing the impact on human health and biodiversity. The legal framework for addressing land degradation is based on the principle of nature in *minima maxima*, emphasising the importance of soil fertility. Regulations related to land degradation have been implemented at both international and national levels, with the UNCCD focusing on achieving land degradation neutrality by 2030. In Indonesia, laws and regulations aim to prevent environmental destruction associated with land degradation, recognising the importance of forests in regulating water, preventing floods and erosion and maintaining soil fertility. Key policies include national forestry, urbanisation and agriculture, which aim to increase the efficient use of land resources and encourage mixed farming. However, there is still significant room for improvement in regulations on land degradation. MSL is an effective approach to addressing land degradation because it holds defendants jointly and severally liable in proportion to their respective market shares. This doctrine allows for multiple defendants to be involved in a lawsuit, providing justice for the defendants by adjusting compensation based on their market share. However, MSL still raises debates in Asian countries due to its perceived unfairness and burden for corporations polluting the environment. Regulations related to MSL should be regulated to ensure national and multi-interpretive provisions. Zulkarnaen and Cut Sabina focus on urban green open space problems, regulations and solutions in Indonesia as a developing country. They highlighted Jakarta, Indonesia, as an exemplar of a metropolis that encounters challenges with green open spaces. Meanwhile, the Indonesian spatial planning law mandates a minimum area of public green open space of 20% of urban areas. Implementing these regulations, however, presents challenges such as high land prices and limited land availability. The government faces difficulties in providing housing for people

with economic limitations. To address this, a multi-substantial policy is needed to provide green open space on community residential land. The implementation of the law is set to be completed within 20 years, allowing the district or city government to develop alternative solutions. Collaboration and alternative approaches are crucial for fulfilling the minimum green space area. An alternative ecoregion approach involving blue open space regulation and green open space objects is also being considered. This adaptive law is essential for fulfilling human rights in Indonesia, including the right to live in prosperity and enjoy a healthy environment.

In conclusion, this special issue makes a valuable contribution to the examination of legal frameworks and regulations in some Asian Countries to address the problem of land degradation. Given that land degradation is a critical environmental issue that requires immediate and effective measures to prevent further deterioration, it is necessary to implement national legislation, regulations and policies with a comprehensive strategy spanning several sectors to address the issue of land degradation. Furthermore, effective land use planning and land cover management, such as the restoration of degraded lands requires appropriate law and regulations to ensure the long-term sustainability of soil and land quality.

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