



The Concept of Sustainable Development in Enforcement of Environmental Law: Comparison of Indonesia with Finland and Japan

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Abstract

This study discusses the concept of sustainable development in relation to environmental law enforcement. The object of this research is to compare sustainable development in environmental enforcement between Indonesia and Finland and Japan. This research is doctrinal research or normative research using comparative law approach. the data used is secondary data. Based on the results of the research conducted. Several differences were found between the application of the concept of sustainable development between Indonesia and Japan and Finland, namely Indonesia in implementing the concept of sustainable development was not optimal, as evidenced by the birth of government policies that were not pro-environmental. different from Japan and Finland. The two countries have focused on reducing carbon emissions from industry, greenhouse gases and traffic. This explains that Japan and Finland are really serious about protecting the environment.

Keywords: *Environment; Development; Law; Finland; Japan*

Introduction

Population growth is a threat to the environment if it is not accompanied by good legal awareness. The importance of the environment makes a group of people place the issue of environmental protection as an important issue from a legal perspective. Population growth encourages development in the industrial sector and increases the economy of a country. The inviolability of an economic growth is a goal that is to create a framework for environmental protection based on sustainable development (Wibisana, 2017a).

The discussion of sustainable development is not a new thing both at the national and international levels (Suardi, 2015). The idea of the concept was discussed at the Stockholm Conference (UN Conference on The Human Environment) in 1972. The aim of the conference was to improve the

environment along with development in accordance with the mandate of the United Nations. Sustainable development is a principle that has matured when viewed from its journey both at the national and global levels and in 2016 the establishment of sustainable development goals (SDGs) is increasingly focused on the roadmap. The purpose of the establishment of the SDGs is to optimize the efforts of several countries in implementing the principles of sustainable development (Agenda 2030) (Doman & Doman, 2020).

Indonesia itself has adopted the concept of sustainable development into Law Number 4 of 1982 concerning the Basic Provisions for Environmental Management (UULH) in Articles 1 to 3 which reads "while Article 4 of Law no. 4 of 1982. explained that the implementation of environmentally sound development is of interest to cross generations and this is one of the objectives of environmental management "(Wibisana, 2017b). Furthermore, in the Substitute Law, namely Law Number 23 of 1997 concerning Environmental Management also clearly includes the concept of sustainable development, which is contained in Article 3 which is stated in the principles of the Act, then in Law No. 32 of 2009 concerning Environmental Management and Protection.

Damage to nature and the environment that causes natural disasters continues to overshadow Indonesia. Natural disasters even become an annual agenda every time there is a change in seasons. The worst was the flood that hit the island of Borneo which submerged 14 districts for 10 days. indication of the big flood due to land changes. Kalimantan, which is famous for its tropical rain forests, has now been greatly reduced.

The challenge of applying the concept of sustainable development to environmental law enforcement is getting more and more challenging. As seen in Indonesia's natural conditions, which are decreasing in function and the climate change experienced by the Indonesian state. If there is a concept of sustainable development, there will automatically be ongoing challenges. Comparing the application of the concept of sustainable development in environmental law enforcement with Finland and Japan, because based on data both countries have a good level of environmental protection, and the sustainable development index of Finland and Japan is far above Indonesia. Finland occupies the first position with an index of 85.90 and Japan occupies the 18th position (UNDP, 2022). Even Japan is an Asian country with the highest index value. and Indonesia occupies the 97th position,

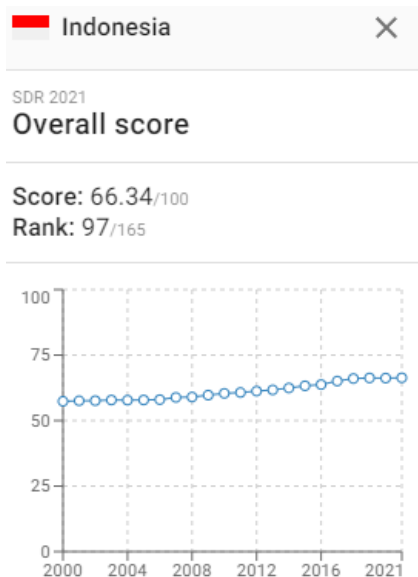


Image 1

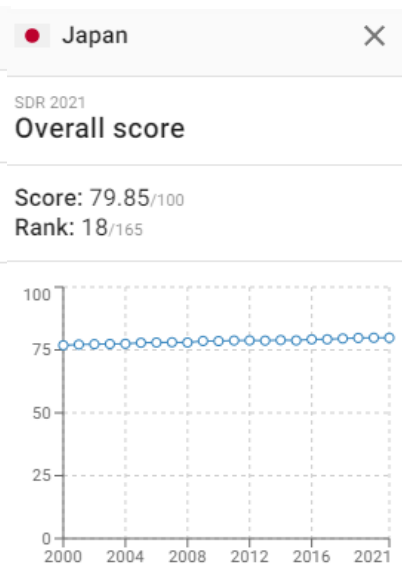


Figure 2

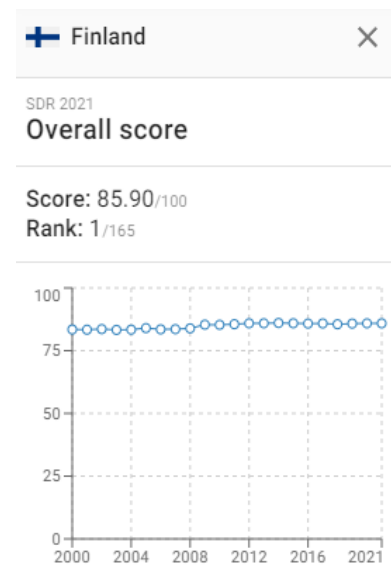


Figure 3

Environmental protection in Finland and Japan almost has similarities with Indonesia. They have a legal instrument in the form of the Environmental Law in enforcing regulations regarding the environment. Japan in its history made the Environmental Law in 1972, the law was the first law. Furthermore, Shiro Kawashima “In mid-November 1993, Japan passed the previous environmental law concerning the prevention of environmental pollution by addressing the drawbacks of the 1972 environmental conservation law (Kawashima, 1995). Further explained Shiro Kawasima the initial foundation for the formation of environmental protection in Japan came from an incident that sacrificed humans and harmed future generations. This is the main goal of Japan. Although the progress of industry in Japan is very rapid and can lift the economy, Japan still has good attention and commitment to the environment.” Shiro Kawasima's explanation gives the view that the importance of the environment in the midst of industrialization developments will continue to be maintained and legal instruments to protect the environment will soon be in the form of post-war world. Japan's success in being the first Asian country on the SDG index is an example for other Asian countries to follow Japan's lead in balancing development and enforcing environmental laws to protect the environment. "The explanation from Shiro Kawasima provides the view that the importance of the environment in the midst of industrialization developments will continue to be maintained and legal instruments to protect the environment will immediately take shape after the world war. Japan's success in being the first Asian country on the SDG index is an example for other Asian countries to follow Japan's lead in balancing development and enforcing environmental laws to protect the environment. "The explanation from Shiro Kawasima provides the view that the importance of the environment in the midst of industrialization developments will continue to be maintained and legal instruments to protect the environment will immediately take shape after the world war. Japan's success in being the first Asian country on the SDG index is an example for other Asian countries to follow Japan's lead in balancing development and enforcing environmental laws to protect the environment.

Meanwhile, Finland, which is ranked first in the SDG index, has good policies in protecting the environment. Mauro Sairinen explained, “One of the countries active in environmental protection policies in Finland, represented by Finland. Protection in Finland is very good, there is a quick solution in responding to environmental damage faced by several European countries and the response to environmental protection policies has been started in the early 1980s (Sairinen, 2010). In 1995 Finland became active as a member of the EU, this was driven by several environmental policies that had been created previously (Lindholm, 2002).

This article will discuss the problem, how the concept of sustainable development supports environmental protection. in the first part of this paper examines the urgency of implementing the concept of sustainable development oriented to environmental protection. In the third part of this paper, we will examine the prospects for the concept of sustainable development in Indonesia in the future.

Research methods

The method used in this research article is normative legal research. This research uses a comparative legal approach with best practices and experiences from Indonesia, Japan and Finland on the concept of sustainable development in environmental law enforcement. Then, it provides a different view of the concept of sustainable development from some of these countries and their similarities in terms of application. The analysis used in this study is qualitative, using sources from laws and regulations, books, journals, and doctrines on the concept of sustainable development in supporting environmental protection.

The Urgency of Applying the Concept of Sustainable Development in Environmental Protection

The concept of sustainable development (Sustainable Development) is a concept that has been initiated for a long time and the result of a mutual agreement from a debate. Its purpose is to meet the

need for a balance of development development and environmental protection. The United Nations General Assembly in 1993 agreed to create a special institution to analyze and study the problems of sustainable development and the destruction of the living environment due to development. And as a result, the United Nations formed an institution called the World Commission on Environment and Development (WCED) or another name for the Brundtland Commission.

The report was released in mid-1987 by WCED, the title of the report is Our Common Future. Wced is not a commission that produces mention of sustainable development (Sustainable Development), although it is recognized that this institution is the one who brought and propagated the term Sustainable Development and encouraged this concept to be applied in an international policy (Wibisana, 2017a). The definition of sustainable development was conveyed by this commission then the commission also defines "development that meets the needs". Then . Adjo Amedkudzi said that the concept of sustainable development is a development that is following existing needs and based on cross generations, based on that the purpose of protecting future generations from a development concept will be well maintained following aspirations, the objectives of well sustainable development can be applied in several countries, areas, and an office." (Amedkudzi, Jotin Khisty, & Khayesi, 2009).

UNCED stands for United Nations Conference on Environment and Development. UNCED is an environment and climate conference in Rio De Janeiro Brazil which was held on June 13-14, 1990. In the UNCED conference or the Rio Conference produced important documentation, namely (Syahrul Machmud, 2012):

1. *Rio Declaration on Environment and Development* which outlines 27 fundamental principles on environment and development.
2. Agenda 21 (an agenda on implementing the Rio principles)
3. *The Convention on Biological Diversity*
4. *The Framework Convention on Climate Change*
5. *The Statement of Principles for A Global Consensus on the Management, Conservation, and Sustainable Development of all Types of Forest*

UNCED then develops and concludes from the results of the above documentation that there are 5 main results regarding sustainable development based on environmental protection, namely:

1. Intergenerational equity
2. One generation justice (intragenerational equity)
3. The principle for early prevention (precautionary principle)
4. Protection biology of diversity
5. Internalization of environmental costs and incentive mechanisms (internalization of environmental costs and incentive mechanisms.)

The concept of sustainable development has an intra-generational goal that can be enjoyed by all generations from time to time. This concept is very supportive in helping to protect the environment. In real circumstances, environmental protection is often hampered by the enforcement and socialization of legal regulations that protect the environment. A good environmental point of view from the human side is theoretically derived from the awareness that grows from itself in terms of protecting the environment (syahrul hl, 44) and according to Munadjat Danusaputro.

"In the principle of survival, humans must have a sense of awareness to protect themselves, then carry out regularly so that they become examples, so that they can be used as examples from other humans. Protection and protection requires a written document that is in the form of a written law. The law has a purpose to regulate humans and nature.

The law of environmental protection that creates is human itself, awareness and sense of obedience to the law is the key in continuing a life that protects nature in the future. Development is indeed important in human development, but it would be even better if humans and nature could take care of each other. The concept of sustainable development is a middle way in continuing the development of the times and the development of nature. Humans and nature are two sides that have a symbiotic relationship with each other.

Another opinion was conveyed by Otto Sumarwoto who explained that sustainable development also requires several good environmental factors, firstly, good ecology or being maintained according to its function. Both natural resources are good or adequate to support the concept of sustainable development. The three supports are from other factors, namely factors that can have a good impact. Thus the concept of sustainable development is a positive concept in supporting economic development and good ecological development and social conditions that can depend on the concept.

The policy of a development that only focuses on the economy and profits derived from natural resources (land and sea). This is a real threat to environmental sustainability. a development paradigm that is not pro-environment is a serious threat and must be changed to a more balanced direction.

Comparison of the Application of the Concept of Sustainable Development in Environmental Protection Efforts in Indonesia, Japan and Finland

A. Indonesia

Indonesia has ratified the concept of sustainable development for a long time, until now the concept of sustainable development has even become the basis of the UUPPLH which is stated in the considering section (the basis of the Act), which reads: "The 1945 Constitution explains that national economic development is based and carried out based on the concept and environmentally friendly principles and sustainable development. Furthermore, the concept of sustainable development is also contained in Article 2 which is the principle of UUPPLH which reads "the principle of sustainability and sustainability is the underlying principle of environmental protection and enforcement". Furthermore, it can be seen that Article 3 letter "f" and letter "I" reads to ensure the fulfillment of today's justice and environmental balance "and to build sustainable development". The moment of the Covid 19 pandemic can be used for all elements of society to see the state of the environment, social environment and the course of the economy, both in terms of governance and in terms of its achievements. The concept of sustainable development should not be hindered by the COVID-19 pandemic" (Miftahudin, 2021).

Data released by Bappenas on sustainable development, which relates to the environment, are indicator 6 on clean water and sanitation, indicator 11 on sustainable cities and settlements, 12 on responsible consumption and production, 13 on climate change, 14 on life below water or underwater ecosystem. And the last indicator no 15 Life On Land or land protection. Of the 6 indicators, only 2 data on water sanitation and sustainable cities and settlements are displayed. In indicator number 6 on sanitation and clean water, Indonesia's indicators and achievements have increased. Meanwhile, in indicator number 11 on cities and sustainable development, the data displayed by Indonesia tends to remain unchanged, either increasing or decreasing.

The achievements or indicators that have been set by the United Nations regarding sustainable development, especially UNDP, are a manifestation of saving the earth from destruction or damage. On the environmental aspect, unfortunately, the data displayed by Indonesia is only two indicators. This presents a problem regarding environmental protection efforts facing Indonesia. The challenges regarding forest deforestation and pollution of both water and air that are felt by the Indonesian people are not conveyed by the data.

The seriousness of the Indonesian government in implementing the concept of sustainable development is an effort to build public trust in environmental protection. Exploitation of natural resources on a large scale is seen only from an economic perspective. The conversion of land from rain forests to oil palm plantations is a real example of the Indonesian government's lack of seriousness in implementing one of the indicators in the concept of sustainable development.

The climate change experienced by Indonesia is the result of the unmaintained environment in Indonesia. Legal instruments alone are not enough to protect nature and ecosystems in Indonesia. Strong awareness and commitment is a good key to synergize development and environmental protection.

B. Finland

Finland is located on the European continent. With an area that is not large, Finland's position on the northern side of the European continent has a cold snow climate then the geographical conditions of Finland hinder its territory is a dense forest (Susan Ruth Larson, 2022). Finland is a European country that has varied natural resources, very similar to Indonesia. Even Finland is dubbed the forest in northern Europe. Having good natural resources is not impossible that Finland has problems with the environment. surge in reindeer herding and tourist arrivals in the tourism sector, excessive consumption of natural resources and climate change in the Arctic region. (Jari Lyytimäki, 2014). Besides that, Finland is a country that uses gas pumps, according to Pirjo Majuri, this is one of the threats. for the Finnish environment (Majuri, 2017).

Finland's commitment to sustainable development is a role model for other countries. For example, in June 2005 Finland created a program called SCP (Sustainable Consumption) (Honkasalo, 2011). The program is an effort to control sustainable consumption. Then Finland also in 2017 together with other countries committed to the 2030 global agenda on sustainable development in which the Finnish government has implemented a plan to implement the program. (Action, 2017) further *"The foundation of Finland's 2030 agenda is based on the theme: firstly zero carbon and secondly good natural resources and reducing discriminatory actions, good equality. A review of these two themes is a very urgent element for improvement. On the other hand, these two themes provide good achievements to continue implementing sustainable development and conveying it."*(Action, 2017).

The two themes raised by Finland have a good purpose and are useful for generations. The theme of being carbon neutral and natural resources and reducing discrimination is a policy that benefits the environment in Finland. A strong, sustainable and universally beneficial economy is linked to the achievement of all sustainable development goals. However, economic sustainability is not possible without social and environmental sustainability. The goal is to build a sustainable economy that creates prosperity and quality of life, while reducing environmental damage.

Environmental protection in Finland like Indonesia, there are many regulations that regulate all aspects related to the environment, for example as follows:

1. (Ympäristönsuojelulaki). Regulate the prevention and control of pollution and the prevention of waste generation by certain activities. It also regulates the conservation and remediation of soil and groundwater.
2. (Jätelaki). Regulates the general prevention of the formation of waste and the prevention of hazards and hazards to human health and the environment.
3. (Vesilaki). Regulate the management and control of water resources.
4. (Luonnonsuojelulaki). Regulate nature and landscape conservation.
5. (Male ympäristövahinkojen korvaamisesta). Regulate responsibility for environmental damage.
6. (Male eräiden ympäristölle aiheutuneiden vahinkojen korjaamisesta). Regulate the remediation of damage to biodiversity and certain water systems.

7. (Male ympäristövaikutusten arviointimenettelystä). EIA (EIA).
8. (Male viranomaisten suunnitelmien ja ohjelmien ympäristövaikutusten arvioinnista). Arrange AMDAL on certain plans and programs.
9. (Maankäyttö- ja rakennuslaki). Governs land use and planning.
10. (Päästökauppalaki). Government emissions trading.
11. (Kioton man mechanism käytöstä). Regulating emission
12. (Maa-aineslaki). Regulate the use and control of certain natural resources.
13. (Kaivoslaki). Regulate the use and control of mining resources.
14. (Metsälaki). Regulate the use and control of forest resources.
15. *Chemical Act*(Kemikaalilaki). Regulate the control of hazardous substances.
16. *Gene Technology Act*(Geenitekniikkalaki). Regulate genetic engineering.
17. *Nuclear Energy Act*(Ydinenergialaki). Regulate nuclear power.
18. (Men uusiutuvilla energialähteillä tuotetun sähkön tuotantotuesta). Regulating renewable energy/entry rates.ac
19. Radiation Act (Steilylaki). Governs radiation control.

The difference in the rules on environmental protection between Indonesia and Finland lies in the business tax which has an impact on the threat of environmental protection. The tax set by the Finnish government is specifically for carbon reduction activities in businesses that have environmental and carbon impacts. This is as stated by Saara Tamminen "An instrument in Finland that is effective in protecting the global climate, as well as an economic instrument, is the carbon tax. The result of the research on the carbon tax that has been implemented for 30 years is to socialize the carbon tax to the community employing changing environmental taxes (ETR). As a result, with ETR, the workforce will be exposed to distortions from a significantly increased carbon tax."(Tamminen, Honkatukia, & Leinonen, 2010). Carbon reduction efforts are part of support for implementing sustainable development in the 2030 agenda.

C. Japan

The Japanese government submitted a medium-term target to the secretariat office of the Framework Convention on Climate Change that Japan will reduce 25% of greenhouse gases compared to 1990 emissions. This commitment is highly evaluated (Matsubishi, Takase, Yoshioka, & Yoshida, 2010). Japan is one of the countries in the Asian Region that has a good ranking in the sustainable development rankings and indexes. Japan itself has also hosted the climate change convention, the Kyoto Protocol.

The development of the application of the concept of sustainable development in Japan is indeed going well. Industrial development and environmental protection go hand in hand. This can be seen in Japan's unspoiled geographical conditions. around the world. The concept of sustainable development in Japan goes well. Japan's response to ecosystem protection was very good, this happened when a nuclear reactor explosion occurred in 2011 in Fukushima (Shortall & Kharrazi, 2017), then after the incident the Japanese government decided to deactivate all nuclear reactors.

Japan is a country in the East Asia region with very rapid growth, in 2016 the total population of Japan is 127 million, in 2020 it will increase to 130 million (The World Bank, 2021). Large population growth makes Japan strong in the economic field, on the other hand Japan must import 84% of its primary energy needs, especially in the form of oil and gas from the Middle East (World Nuclear Association, 2022). The protection of nature in Japan as a commitment to sustainable development is very good, for example is their relationship with nature which is rooted in Buddhism and Shintoism. Many hot springs that come from geothermal sources are only used as baths and are well cared for but are also not used as a source of state energy.

Sustainable development policies in Japan are packaged very well, in fact they have distributed the concept with the younger generation by cooperating with Anime characters Oda-Man and Hello Kitty (OECD Library, 2020). It is proven that there is an increase in support of 10%-30% from all groups in Japan. The real movement towards sustainable development in Japan has been integrated in the education curriculum for elementary to high school levels, with the theme of climate change, zero carbon and poverty alleviation.

Seeing the seriousness of Japan when compared to Indonesia, there is indeed a high gulf. seriousness and integrated programs are things that can be seen easily without having to be difficult to compare the data of the two countries. elements from various points of view overall in Japan support the sustainable development program. Considering their country is a country that is prone to earthquakes, because Japan is included in the Pacific circum ring of fire with nearly 200 volcanoes (JOGMEC, 2022).

In 1960, Japan was a country known for its poor environmental pollution due to industrialization, then in 1980 Japan received criticism from all circles. Due to environmental damage, environmental degradation and some Japanese companies that do not carry out their responsibility for environmental damage. (Schreurs, 2002).

Environmental protection in Japan has a good place in the eyes of the community, this is Japan's goal in its commitment to protect its citizens (Human Security). According to Harnisch, Japan has developed an understanding of the protection of citizens or humans from year to year, this is part of Japan's national security (Sebastian Harnisch, 2018). The Japanese government is aware of the protection of citizens from harm, environmental pollution and natural disasters. The goal is to make Japanese citizens live comfortably, safely and peacefully.

Conclusion

The role of sustainable development is very vital in the present and the future. The agendas that have been set by Japan and Finland are clear examples that the concept of sustainable development provides real benefits. The two countries paid special attention to several issues, including the issue of environmental damage that was included in their agenda, starting with the zero carbon movement and environmental protection from tourism commercialization. The steps taken by Japan and Finland to synchronize sustainable development with environmental protection. Indonesia itself has begun to make improvements in several sectors, including in environmental protection which is part of the concept of sustainable development. However, this unfortunately faces obstacles from policies issued by the government such as the Employment Goals Act. This is a striking difference when Indonesia is compared to Japan and Finland in terms of sustainable development and environmental protection.

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