

The effectiveness of environmental law in the context of granting permits, supervision and application of administrative sanctions as a prevention of pollution and environmental damage in Indonesia

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Abstract

This research aims to examine the effectiveness of environmental law in the context of granting permits, supervision and application of sanctions as the prevention of pollution and environmental damage in Indonesia. This legal research is a normative or doctrinal research conducted by literature review. The research approach was carried out using statute approach. This legal research uses both primary and secondary legal materials regarding the effectiveness of environmental law. In order to achieve justice and legal certainty, authority on granting permits, supervision and implementation of administrative sanctions is found on the head of the region, causing a wide political domain. Therefore, it is necessary to do a corridor indicator of legal guidance for legal subjects and community participation in policy drafting.

Keywords: pollution and/or environmental damage, environmental permits, supervision, administrative sanctions, environmental law

1. Introduction

All parts of Indonesia are the unity of homeland of all Indonesian people. The environment must be kept in its sustainability to be a source and support life for the people and the nation of Indonesia and other living creatures for the continuity and improvement of the quality of life itself. In order to fulfill the interests of the nation and country, the environment becomes a part of the natural resources of a bangsa set implied constitutionally in the Constitution 1945 article 33 paragraph (3) stating that, "the Earth and water and natural riches contained therein are ruled by the state and used for maximum for the prosperity of the people". The environment is a space occupied by humans with other living beings. People and living beings cannot stand alone in the process of life, interacting with each other and needing one another ^[1].

The importance of the environmental role of survival for living beings in it becomes a fundamental value that environmental sustainability is a very important thing to do ^[2]. However, as the era and current developments of globalization have caused environmental problems that arise increasingly diverse and increasingly have a negative impact that cannot be stoppable anymore. Pollution and environmental damage are becoming a danger that cannot be considered as an eye and becomes a serious threat due to the growing rise of harmful practices concerning environmental sustainability in daily activities. In the book with the title as *Handbook of Deviance: Environmental Harm as Deviance and Crime* explains that: "*Embedding*

harmfull practices into everyday activities such as animal food production, clearfelling-based forestry, pervasive propaganda efforts about the value of certain types of environmental and human exploitation ^[3]. Practices that undermine the environment are largely due to human exploitation of the environment under the pretext of exploitation to increase revenue to expand employment opportunities for society.

Environmental issues become serious problems due to the potential for decline in health and economy, as well as changes in social resources due to the decline in environmental support ^[4]. Environmental problems are grouped into three forms namely environmental pollution, land use missuse and the depletion of natural resources (natural resource development) ^[5]. The deterioration of environmental quality not only impacts people and other living creatures, but also impacts global conditions that gradually show an indicator that the conditions of environmental is not good. Excessive and uncontrolled environmental exploitation is carried out by various groups, both community in general and stakeholders. The environmental exploitation of the further tighces into an environmental criminal offence that is detrimental to people and the nation.

The continuous environmental exploitation regardless to the almost limitless natural resources will result in serious consequences both materially and immaterial. Environmental issues are irreversible or unrecoverable, causing permanent loss ^[6]. When exploiting the

¹ So Woong Kim. 2009. Kebijakan Hukum Pidana dalam Upaya Penegakan Hukum Lingkungan Hidup. Tesis Magister Hukum. Semarang: Universitas Diponegoro, pp. 01

² Estik Dilla Rahmawati. 2019. Penafsiran Kerusakan Lingkungan sebagai bentuk Kekayaan dalam Kerugian Keuangan Negara. Seminar Nasional dan Prosiding Pembangunan Hukum Berkarakter Pancasila dalam Menyongsong Industri 4.0. Surakarta: Magister Hukum Universitas Sebelas Maret.

³ Avi Brisman. 2015. *The Handbook of Deviance: Environmental Harm as Deviance and Crime*. John Wiley and Sons inc. hlm. 475

⁴ I Gusti Ayu Ketut Rachmi Handayani. 2018. *Pengantar Hukum Lingkungan*. Surakarta: Cakra Books

⁵ Takdir Rahmadi. 2015. *Hukum Lingkungan di Indonesia*. Jakarta: Raja Grafindo Persada. pp. 1

⁶ Albertus Sentot, dan Sudarwanto. 2018. *AMDAL dan Proses Penyusunan* (berdasarkan Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun

environment, the abusers forget that the impact caused by the misuse of the environment is sometimes irreversible, such as environmental damage that further impacts the ecosystem imbalance and the extinction of certain animal species^[7]. Environmental problems are increasingly more and more complex, talking about the environment, talking about the effect of the domino, if the problem of the environment can not be maximally anticipated, it will be related to the problem to various other related aspects^[8]. In accordance with the mandate of article 28 H paragraph (1) which reads, "every person has the right to live in physical and spiritual, to live and to have a good and healthy living and to have the right to obtain health care." Indonesia adheres to the concept of sustainable development which is rooted in the environmentally sound development because basically every development carried out needs to pay attention to environmental impact, so it needs to be developed and implemented about the pattern of environmentally sound development^[9].

Environmental issues have always been a popular topic for discussion both national and international scale. An alarming environmental situation is one of the factors to always protect and manage the environment existence. Environmental issues in Indonesia are not separated from the growing population rate, thus providing environmental damage and pollution that impacts the availability of natural resources that are depleting^[10]. Environmental damage and pollution become the largest point of interest in the discussion on environmental cases, environmental damage and pollution is very close to the availability of natural resources. Various forms of environmental damage and pollution that can be identified include flood, avalanche, forest fires, coral reef damage, air and soil pollution and various other environmental damage and pollution.

Environmental issues both in the form of environmental damage and/or environmental pollution not only impact the present, but also in the future generations, with the form of damage to both physical damage and non-physical damage. Environmental problems require a very long process for recovery process, there is a "price" that must be paid expensive, there is a period so long to restore environmental conditions due to environmental damage and/or environmental pollution. Various environmental problems such as damage and environmental pollution are one of the real forms of environmental exploitation done by humans. The environment becomes a commodity that continues to be exploited^[11]. The form of exploitation carried out such as development and development that occurs in all aspects of life that requires the environment as a medium, so it affects the sustainability of the support and the capacity of the environment^[12]. The worse part is that the development that

is carried out often collides with environmental preservation efforts, no matter how small the development carried out will continue to cause changes in the environment. Unresolved issues regarding environmental exploitation, continue to become a medium for "waste and garbage" (disposal media) as the spearhead of environmental exploitation.

A concrete form of environmental damage and/or environmental pollution is the establishment of a factory or a company in an ecosystem, which of course will give a huge impact either directly or indirectly to the communities and the environment around. Beginning of the establishment of factories or companies will have an impact on the land structure because it is required clearing the land of the factories or companies to be built. The process of clearing land that begins with the alignment of land by cutting or destroying trees around it, which is often ignored and not in line with the practice of protection and environmental management is with the unenactment of Environmental Impact Analysis or in Bahasa Indonesia it called as Analisis Mengenai Dampak Lingkungan (AMDAL) of the factory or the company in accordance with legislation. In fact, Environmental Impact Analysis is an important study of the business and activities planned on the environment.

Various cases of pollution and environmental damage certainly threaten human welfare, pollution and environmental damage undertaken by companies in various sectors. If this continues to occur and is not accompanied by government efforts in minimize the impact on the environment, it will endanger the human survival, therefore research with the title of The Effectiveness of Environmental Law in The Context of Granting Permits, Supervision and Application of Administrative Sanctions as A Prevention of Pollution And Environmental Damage in Indonesia, is an interested study in the context of preserving the environment.

Research Method

This research is doctrinal legal research by using literature review. Research on dokrinal legal research is a process of finding legal rules, legal principles and legal doctrine to overcome the legal problems faced by examining the literature materials that focus on conducting analysis and studying primary and secondary legal materials so that legal research can limit the research of a theoretical argument or new concepts as an attempt at resolving legal issues^[13]. Doctrinal legal research is conducted in order to examine the application of rules or norms in positive law^[14]. This legal research uses a statue approach. This legal research examines the effectiveness of the implementation of the environment in order to prevent the pollution and environmental damage in Indonesia.

Research Result

The practice of Good Environment Governance in many years in Indonesia has become a public spotlight. Environmental damage and declining environmental quality become a main study of the government^[15]. The application

2012 tentang Pendoman Penyusunan Dokumen Lingkungan Hidup. Surakarta: UNS Press.

⁷ Passas. 2005. Lawful but awful: Legal corporate crimes. *Journal of Socio-Economics*. hlm. 776

⁸ N.H.T Siahaan. 2004. *Hukum Lingkungan dan Ekologi Pembangunan*. Jakarta: Erlangga, pp. 4-5

⁹ I Gusti Ayu Ketut Rachmi Handayani. 2013. *Local Policy Construction in Implementating Green Governance Principle*. *Public Policy and Administration Research*. ISSN 2224-5731 (paper) 2225-0972 (online) Vol.1 No.3,pp. 5

¹⁰ Ashabul Kahfi. 2014. *Kejahatan Lingkungan*. *Al-daulah Jurnal*. Vol. 3/No.2/Desember,pp. 206

¹¹ Ibid.

¹² Pasal 12 Undang-Undang Nomor 32 Tahun 2009 tentang *Perlindungan dan Pengelolaan Lingkungan Hidup*.

¹³ Peter Mahmud Marzuki. 2007. *Penelitian Hukum Cetakan Ketiga*. Jakarta: Kencana Prenada Media Group, pp. 93-95

¹⁴ Jhonny Ibrahim. 2007. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Banyumedia Publishing, pp. 242

¹⁵ Sutrisno. 2011. *Politik Hukum Perlindungan dan Pengelolaan Lingkungan Hidup*. *Jurnal Hukum* No. 3 Vol. 18 Juli, pp. 445

of concepts of wise governance on the principle of "good governance" is a prerequisite for an effective balance of environment and development ^[16]. Governance has the definition of implementing the political, economic and administrative authorities in the management of a country including complex mechanisms and related processes, institutions that can voice the interests of either individuals or communities in obtaining their rights and responsibilities. Governance has the authority to establish a good and strong synergy between the government, the private sector and civil society in the management of natural, social, environmental and economic resources ^[17].

Indicators of the implementation of the government to achieve good governance through the existence of transparency, accountability, participation, empowerment of law, effectiveness and efficiency and justice. In addition, it takes a management effort to public assets by the government through transparent, effective and efficient way and being able to answer the basic provisions of justice ^[18]. Community participation can be involved in the policy-making process especially related to the allocation of natural resources. Through community involvement, natural resource management activities will be an activity that is the aspirations of the people and the responsive actions of the government. The embodiment of good governance is the embodiment of the open governance concept that recognizes public right to observe, public right to access to information, public right participate in the process of establishing public policy ^[19].

The country and all stakeholders are obliged to sustainable development that has roots in environmentally sound development, because basically every development carried out needs to pay attention to the impact on the environment, so it is also necessary to develop and implement an environmentally sound development pattern ^[20]. It is intended for the environment of Indonesia to remain a source and support life for the people of Indonesia and other living creatures. In order to manage and protect the environment, considering Indonesia has a wealth of biodiversity and abundant natural resources, loyal environmental management must be integrated and integrated that can provide economic, social, and cultural benefits. These benefits are carried out based on the principles of prudence, environmental democracy, decentralization and recognition and appreciation of local wisdom and environmental wisdom ^[21].

Access to the needs of the environment requires a flexible environmental legal order for the purpose of the development of problems that arise in the field,

systematically with the intent that the legal order that is poured in the form of rules and policies arranged in a structured and clear. A good and healthy environment is the rights of every citizen as mandated in article 28H of the Constitution of the Republic of Indonesia of 1945. Therefore, the fundamental concept of environmental law should be directed to basic wisdom that is environmentally sound to improve quality, provide environmental management and protection efforts of environmental damage and/or pollution, so that the access of people and living creatures in meeting their needs can be met equally and equitably with legal certainty.

The country has an obligation to protect all resources in the environment of Indonesia in order to achieve justice, benefit and legal certainty of all Indonesian people. Normatively, it is governed by article 33 paragraph (3) of the Constitution of the Republic of Indonesia of 1945 which stated, "the earth and water and natural resources contained therein are controlled by the state and used to the maximum benefit for the prosperity of the people." Furthermore, it is also regulated in article 28H subsection (1) of the Constitution of the Republic of Indonesia of 1945 which reads, "Every person has the right to live prosperous born and inward, residing and obtain a good and healthy environment and the right to obtain health care." It is then a basic foothold that a good and healthy living environment is the right of every Indonesian society.

Indonesia has a range of legislation related to sustainability protection and environmental management. Law Number 32 of 2009 on Environmental Protection and Management becomes the main law in efforts to preserve the environment. The Environmental Protection and Management phase is then followed by the issuance of various Ministerial Regulations as implementing rules. The Ministerial Regulation which operates as implementing rule of Law Number 32 of 2009 concerning Environmental Protection and Management. There is Ministerial Regulation Number 13 of 2011 on indemnity due to pollution and/or environmental damage which was subsequently replaced by regulation of the Minister of Environment Number 7 of 2014 on environmental losses due to pollution and/or environmental damage. Ministerial Regulation Number 13 of 2011 on indemnification due to pollution and/or environmental damage considering that Pollution and/or Environmental Damage resulted in a loss for the environment and society. Through regulations issued by the government, it is known that the objectives of the Indonesian Government are to protect the environmental conservation. The goal is a process to concretize static ideas which were originally abstract, state goals show ideally what the state wants to achieve, then are realized through the state's task as executing the goals or ideals into reality. ^[22]

In the context of environmental protection and management, Indonesia has Ministerial Regulation Number 13 of 2011 on indemnity due to Pollution and/or Environmental Damage, there are normative definitions set out in article 1 on environmental recovery, losses due to pollution and/or environmental damage, indemnity, environmental destruction, environmental damage, environmental loss is permanent and environmental losses are not fixed.

¹⁶ Nopyandari. 2014. Penerapan Prinsip Good Environmental Governance dalam Rangka Perlindungan dan Pengelolaan Lingkungan Hidup. Jurnal Ilmu Hukum, pp. 82

¹⁷ Bambang Rudito. 2005. Sustainable Future Menggagas Warisan Peradaban bagi Anak Cuci Seputar Wacana Pemikiran Surna Tjahja Djajaningrat. Jakarta: Indonesia Center for Sustainable Development (ICSD), pp. 44

¹⁸ Nopyandari. Loc.cit, pp. 83

¹⁹ ... if in the implementation of good governance does not meet the concepts that are indicators, the community has the right to raise objections if the rights of participation are ignored, or it called as right to appeal. Nopyandari. Loc.cit, pp. 84-85

²⁰ Albertus Sentot. Loc.cit

²¹ ... environmental management and protection demanded the developing of an integrated system in the form of a national policy that should be implemented obediently and consequently from the center to the region. Ibid, pp. 446

²² Soelistyani Ismail Gani. 1987. Pengantar Ilmu Politik. Jakarta: Ghalia Indonesia, pp. 59

Regulation of the Minister of Environment Number 13 of 2011 on indemnification due to pollution and/or environmental damage aims to be a guideline in environmental dispute resolution to reach an agreement in carrying out the calculation and payment of indemnity as well as to carry out certain actions due to the intramping and/or environmental damage. In accordance with Law Number 32 of 2009 on Environmental Protection and Management There is a normative definition listed in Article 1 paragraph (17) concerning environmental damage that is specified by direct and/or indirect changes to the physical, chemical and/or biological nature of the environment that exceed the standard criteria of environmental damage^[23].

In the corridor of implementation in Law Number 32 of 2009 on Environmental Protection and Management related to the licensing process, supervision and implementation of administrative sanctions set out in the legislation. Speaking of the three points regarding licensing, supervision and application of administrative sanctions, it will speak about the authority of the regional head as the application of regional autonomy, actually the authority of the regional head is intended to achieve the welfare of society. Hopefully through the submission of a part of central authority to the region can create effective and efficient means in realizing the function of the government in achieving the welfare of the community as the concept of welfare state. Welfare state has four meanings namely as a condition of prosperous (well being), as a social service, as social allowances and as a planned process carried out by individuals, social institutions, communities and government agencies to improve the quality of life through the provision of social services and social benefits^[24].

Various authorities of the regional head can be seen from Article 36 paragraph (4) related to environmental permits, Article 71 paragraph (1) related to its authority to supervise the adherence to business responsibility and/or activities in the field of environmental protection and management, Article 76 paragraph (1) related to the authority to apply administrative sanctions to the responsibility of the business and/or activities if the supervision is found in violation of an environmental permit. In addition to the regional head, in the articles above, there is the authority of the Minister, in the context of the authority presented in the aforementioned chapters, it can be seen that the regional head has a wide domain because it holds the authority to the issuance, supervision and revocation/application of sanctions against environmental permits. The domain authority of the head regional is prone to political, social and economic interventions so sometimes it is not objective. Speaking of the authority of the regional head is also found in Government Regulation Number 27 of 2012 about environmental permits as the implementation of the administration of Law Number 32 of 2009 on Environmental Protection and Management, the implications that need to be highlighted are related to the

authority of the regional head as a permit issuer, permit supervisor and sanction related to environmental permits. According to Law No. 32 of 2009 on Environmental Protection and Management in the context of issuance, supervision and revocation of permits and sanctions are the executive body, while the regional head has only limited authority on the authority to grant the inherent permission of the environment. As such, administrative sanctions are absolute to the authority of the regional head, but in its implementation becomes very risky because there is no counterparty. This is in line with the reality that the authority of the regional head is prone to politization, it is coupled with the condition that regional autonomy as a container of fulfillment authority of the head regional as the subject of self-care of the district government so as to provide a new color to the policies and actions taken by the government.

Lawrence Friedman stated that, “... *the body of rules (statutes, regulations, ordinances) that come out of the halls of government, these are obviously part of what people mean when they talk about law.*”^[25]. The laws both legislations, regulations, and policies is oart of the government’s efforts to enact regulations. In the context of the effectiveness of law enforcement in accordance with Lawrence Friedman’s thought, the effectiveness of the legal system depends on three elements namely structure of law, substance of law, and culture of law. Friedman was unable to provide a real definition of the legal system, the definition of the legal system according to Friedman is, “the legal system is nothing other than a collection of the various subsystems that are contained in it contains a set of rules, implementing rules and the community.”^[26]. In the legal system there are inputs and outputs that drive them, the intended inputs are the sheets or the piece of behaviour that drives the legal process. Whereas, the result of a legal process becomes output, so the process is called a feedback process^[27]. The input process comes from a community that then affects the legal process that imputates legal reform, the establishment of legal, the establishment of legislation or judicial proceedings. In the corridor of the legal system, the legal structure is one of the basic and tangible elements of the legal system that becomes the framework or agency to keep the process within its limits. Meanwhile, the substance is composed of rules and provisions on how institutions should behave. The legal substance is a rule that becomes a message for general public or certain elements of the public, while the juridical and implementing agencies, substance becomes a message of certain elements of the officers^[28]. Legal culture becomes a defining, it can be called a life that moves the legal system. The legal system cannot be alienated alone, isolated or filtered because it relies absolutely on external inputs. Thus, there is no problem and the will to accomplish a thing, then there will be no person litigants and substance/rules and structures/executor and the means of rule is only a lifeless object^[29]. Which is the core of the system is how to change the input into output. Friedman added that the fundamental function of the legal

²³ In accordance with Article 1 paragraph (15) of Law Number 32 of 2009 concerning Environmental Protection and Management, the standard criteria for environmental damage are related to the size of changes in the physical, chemical and/or biological nature of the environment which can be tolerated by the environment to be able to continue to preserve its function.

²⁴ Ainur Rofiq. 2011. Pelayanan Publik dan Welfare State. Governance, Vol. 2

²⁵ Lawrence M. Friedman and Grant M. Hayden. 2017. American Law: An Introduction. New York: Oxford University Press, pp: preface.

²⁶ Lawrence Friedman. 2013. Sistem Hukum Perspektif Ilmu Sosial. Bandung: Nusa Media, pp. 11

²⁷ Ibid, pp. 14-15

²⁸ Ibid, pp. 37

²⁹ Ibid, pp. 16-17

system is as a social control, which is essentially a regulatory implementation of the correct behaviour^[30]. The legal system also acts as a measure of whether or not a law can be applied so as to provide a picture so as to provide an estimate regarding the application of legal means can or cannot be accepted by the public. Another theory about the legal system was conveyed by Lon Fuller, in the corridor studying the notion of law as a system there are eight values that should be realized by law. The eight values are called "the eight principles of legality", including:

1. There must be rules in advance, this means there is no place for adhoc decisions or arbitrators actions.
2. Regulations must be declared appropriately.
3. Regulation shall not be retroactively.
4. The formulation of regulations should be clear, detailed, so understandable by the people.
5. The law should not require the implementation of things that are not possible.
6. Among fellow rules should not contradict each other.
7. Regulations must remain, should not often be personalised.
8. There must be conformity between the actions of the legal officers are the rules that have been made^[31].

Lon Fuller gives consistency to a regulation through its elements, so it is expected that consistency can be fulfilled criteria of the eight principles of legality. Adding from the opinion of the Roscoe Pound, the law can not only as a concept but should be implemented in a real world full of needs and interests, the law of which is laden with interest should be laid out to get proportional balance^[32].

In order to the effectiveness of Law Number 32 of 2009 on Environmental Protection and Management in the corridor of licensing, supervision and application of administrative sanctions as the theory conveyed by Lawrence Friedman that in the application of the legal system there are inputs and outputs that drive it, the intended inputs are the sheets or pieces of behaviour that drive the legal process. Whereas, the result of a legal process becomes output, so the process is called a feedback process. In this case, associated with the domain regional head authority that is so widespread related licensing, supervision and application of administrative sanctions required a placement of moral validity as "input", in other words that the moral becomes a corridor of legal guidance implemented by the subject of law (in this case is the head of the area), morals become human guidance in giving the truth according to the ratio. It is in line with the description of Aristotle on the human core is a rational moral, which view the truth (*theoria contemplation*) as the primacy of life (*summum bonum*)^[33].

Other efforts that can be carried out under Law Number 32 of 2009 on Environmental Protection and Management, there are explanations on the participation of the community also called as participatory principle, that "every community is encouraged to play an active role in the decision making process of the implementation of protection and

environmental management either directly or indirectly." Community participation in governance has a strong legal basis, including the Law Number 32 of 2009 on Environmental Protection and Management which regulates the rights of everyone in the environmental protection and management. Community participation is needed from various aspects, one of them for policymakers in terms of formulating its policy needed concrete facts in the field related to biological and technical issues so that the policies made can run effectively because it is based on various environmental problems that exist in the society^[34]. This further strengthens the community's role in policy drafting.^[35] The highest level of participation in the policy is control by the people (citizen control)^[36]. Community control is an important factor in government decision making/policy, it is then the foothold of recognition of public control form of Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters^[37]. The mindmap that can be made from the effectiveness of environmental legislation is to put moral as a guide to the legal corridor for the regional head in the context of licensing, oversight and granting administrative sanctions, then required an active role of society in the preparation of policies. Thus, the estuary of the various steps displayed is the formulation of a legal policy to further strengthen the legislation in environmental protection and management. Through efforts to be expected to meet eight legality values in order to achieve the consistency of legislation according to Lon Fuller.

Environmental protection and management are carried out based on the principle of state responsibility, sustainability, harmony and balance, alignment, benefits, prudence, fairness, biodiversity, participatory, local wisdom, as well as good governance and regional autonomy. Policy and law enforcement in environmental management and protection in Indonesia needs to be controlled intensely. This is due to the many cases that cause pollution and environmental damage. If it is not studied and regulated in particular, it will further exacerbate the condition. The cooperation of various parties is required in relation to environmental protection and management, not only by the government but also from the public. Community participation is important in the protection and management of the environment, in order to achieve the fulfillment of good and healthy living environment^[38].

Conclusion

In this legal research, the authors argued that there is a weakness in the effectiveness of Law Number 32 of 2009 on Environmental Protection and Management in the corridor of granting permits, supervision and implementation of

³⁰ Ibid, pp. 116

³¹ Esmi Warasih. 2005. *Pranata Hukum Sebuah Telaah Sosiologis*. Semarang: Suryanadaru Utama, pp. 31

³² Y. Simanjutak, M.Y. Hage Bernard dan L. Tanya. 2010. *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*. Yogyakarta: Genta Publishing.

³³ Bernard. L. Tanya. 2011. *Penegakan Hukum dalam Terang Etika*. Yogyakarta: Genta Publishing.

³⁴ Bruce Mitchell. 2010. *Pengelolaan Sumber Daya Lingkungan*. Yogyakarta: Gadjah Mada University Press, pp. 254

³⁵ Reynaldo Sembiring. 2017. *Menyoal Pengaturan Anti Eco-SLAPP dalam Undang-Undang Nomor 32 Tahun 2009*. *Jurnal Hukum Lingkungan Indonesia*. Volume 3 Issue 2, Maret. ISSN: 2355-1305, pp. 2

³⁶ Sherry Arnstein. 2007. *Ladder of Citizen Participation*. *Journal of the American Institute of Planners*, pp. 217.

³⁷ The United Nations Economic Commissions for Europe (UNECE). *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, was ratified on June 25 1998 at Aarhus, Denmark.

³⁸ ...it is based on article 28 H paragraph (1) of the Constitution of the Republic of Indonesia of 1945 which is stipulated more fully in article 65 paragraph (1), (3) and (4) Law Number 32 of 2009 concerning Environmental Protection and Management.

administrative sanctions. In the framework of efforts to maximize the purpose of environmental legislation, it can be done through three efforts, among others, from the presence of a legal guidance indicator as an input to the subject of legal approvers, supervision and administrative sanction, further strengthened by the community's participation in policy drafting on environmental protection and management and the consistency of cooperation from various authorities in order to implement the law both from legal structure, legal substance and legal culture can be achieved in order to achieve justice and legal certainty for the community.

References

1. Albertus Sentot, dan Sudarwanto. AMDAL dan Proses Penyusunan (berdasarkan Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun 2012 tentang Pendoman Penyusunan Dokumen Lingkungan Hidup. Surakarta: UNS Press, 2018.
2. Ainur Rofiq. Pelayanan Publik dan Welfare State. Governance, 2011, 2
3. Ashabul Kahfi. 2014. Kejahatan Lingkungan. Al-daulah Jurnal, 2014; 3(2).
4. Avi Brisman. The Handbook of Deviance: Enviromental Harm as Deviance and Crime. John Wiley and Sons inc, 2015.
5. Bambang Rudito. Sustainable Futrue Menggagas Warisan Peradaban bagi Anak Cuci Seputar Wacana Pemikiran Surna Tjahja Djajaningrat. Jakarta: Indonesia Center for Sustainable Development (ICSD), 2005.
6. Bernard L Tanya. Penegakan Hukum dalam TerangEtika. Yogyakarta: Genta Publishing, 2011.
7. Bruce Mitchell. Pengelolaan Sumber Daya Lingkungan. Yogyakarta: Gadjah Mada University Press, 2010.
8. Esmi Warasih. Pranata Hukum Sebuah Telaah Sosiologis. Semarang: Suryanadaru Utama, 2005.
9. Estik Dilla Rahmawati. Penafsiran Kerusakan Lingkungan sebagai bentuk Kekayaan dalam Kerugian Keuangan Negara. Seminar Nasional dan Prosiding Pembangunan Hukum Berkarakter Pancasila dalam Menyongsong Industri 4.0. Surakarta: Magister Hukum Universitas Sebelas Maret, 2019.
10. I Gusti Ayu Ketut Rachmi Handayani. Local Policy Construction in Implementating Green Governance Principle. Public Policy and Administration Research. ISSN 2224-5731. 2013; 1(3):2225-0972.
11. I Gusti Ayu Ketut Rachmi Handayani. Pengantar Hukum Lingkungan. Surakarta: Cakra Books, 2018.
12. Jhonny Ibrahim. Teori dan Metodologi Penelitian Hukum Normatif. Malang: Banyumedia Publishing, 2018.
13. Lawrence M Friedman, Grant M Hayden. American Law: An Introduction. New York: Oxford University Press, 2017.
14. Lawrence Friedman. Sistem Hukum Perspektif Ilmu Sosial. Bandung: Nusa Media, 2013.
15. Siahaan NHT. Hukum Lingkungan dan Ekologi Pembangunan. Jakarta: Erlangga, 2004, 4-5
16. Nopyandari. Penerapan Prinsip Good Environmental Governance dalam Rangka Perlindungan dan Pengelolaan Lingkungan Hidup. Jurnal Ilmu Hukum, 2014.
17. Passas. Lawful but awful: Legal corporate crimes. Journal of Socio-Economics, 2005.
18. Peter Mahmud Marzuki. Penelitian Hukum Cetakan Ketiga. Jakarta: Kencana Prenada Media Group, 2007.
19. Reynaldo Sembiring. Menyoal Pengaturan Anti Eco-SLAPP dalam Undang-Undang Nomor 32 Tahun Jurnal Hukum Lingkungan Indonesia, 2017, (3)2. Maret. ISSN: 2355-1305
20. Sherry Arnstein. Ladder of Citizen Participation. Journal of the American Institue of Planners, 2007.
21. Sutrisno. Politik Hukum Perlindungan dan Pengelolaan Lingkungan Hidup. Jurnal Hukum, 2011, (3):18.
22. Soelistyani Ismail Gani. Pengantar Ilmu Politik. Jakarta: Ghalia Indonesia, 1987.
23. So Woong Kim. Kebijakan Hukum Pidana dalam Upaya Penegakan Hukum Lingkungan Hidup. Tesis Magister Hukum. Semarang: Universitas Diponegoro, 2009.
24. Takdir Rahmadi. Hukum Lingkungan di Indonesia. Jakarta: Raja Grafindo Persada, 2015.
25. The United Nations Economic Comissions for Europe (UNECE). Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, was ratified on Juny 25 1998 at Aarhus, Denmark
26. Undang-Undang Nomor 32 Tahun tentang Perlindungan dan Pengelolaan Lingkungan Hidup, 2009.
27. Simanjutak Y, Hage Bernard dan MY. Tanya L. Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi. Yogyakarta: Genta Publishing, 2010.