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THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



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 Thammasat University



Prof. Yuzuru Shimada
 Nagoya University



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Assoc. Prof. Dr. Hj. Sri Kusriyah
 Sultan Agung Islamic University

*Democracy In Digital Era : Law,
 Governance, Sosial And Economic
 Perspective In Asia, Australia And
 Dutch*



September 23-24, 2020
 Imam Assafel Buiding, Faculty of Law, Unissula
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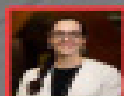
THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER

THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH

Keywords: *Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue*



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Melissa Crouch
UNSW Australia



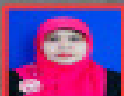
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1. To exchange and discuss views on the most important issues on Democracy in Digital Era: Law, Governance, Social and Economic Perspective in Asia, Australia and Dutch and its consequences to Law in countries.
2. To discuss the challenges and practical aspect of Democracy and Governance in a Digital Era.

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*"Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor
: Comparative Review"*

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KATA PENGANTAR

Bismillahirrohmanirrohim

Assalamu'alaikum Wr. Wb.

Puji syukur kehadiran Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadiran Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor : Comparative Review" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era searang ini kita dihadapkan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

Pada seminar ini telah dipresentasikan hasil penelitian dosen dan mahasiswa yang diikuti oleh peneliti-peneliti dari berbagai universitas yang telah membahas berbagai keilmuan Hukum dan Humaniora.

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Environmental Protection And Management In Legal Political Perspective

Fredy Rikaltra¹, H. Novri Ompusunggu², Willy Sebastian³

Abstract

This paper discusses the implementation of environmental protection and management in a legal political perspective, describing the implementation of policies related to legislation as steps to implement environmental protection and management. The approach method used is normative juridical. The research result that the implementation of environmental protection and management from a political and legal perspective could not be maximized because in accordance with the political objectives of the law, the existing natural resources could not be used for the greatest prosperity and welfare of the people. In addition, there are still a lot of water pollution, air pollution, forest logging and other actions of those who damage the environment. Implementation of environmental protection and management from a political and legal perspective needs to be aligned with law enforcement. Law enforcement must be carried out firmly so that it can have a deterrent effect on perpetrators of environmental destruction by applying maximum sanctions.

Keywords: *environmental management; environmental protection; legal political;*

A. Introduction

Indonesia is a nation that was born “by the grace of *Allah* the Almighty”, and this recognition is officially stated in the highest document of the Preamble of the 1945 Constitution, and God Almighty is included in Chapter XI on Religion Article 29 paragraph (1) of the 1945 Indonesian Constitution. This statement carries the understanding and recognition that the existence and origin of the Indonesian nation is due to the intervention and will of *Allah* Almighty and not produced by a society agreement from free individuals such as the concept of a liberal state. For the Indonesian people, there is a close relationship between the state and religion that is rooted in *Allah* Almighty which is the first principle of Pancasila, and thus the Indonesian nation has a noble legal instrument as the foundation of national life, namely Pancasila and the 1945 Constitution.⁴

Environmental problems are not merely domestic problems, but have become global problems. This occurs because the environmental context, between the source or cause and effect caused cannot be localized with certain embarktions. Along with the development of modern life in the face of globalization as well as the process of industrialization and modernization, especially forestry industrialization, it has had a major

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4. Sri Endah Wahyuningsih, *Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Berdasarkan Nilai–Nilai Ketuhanan Yang Maha Esa*, Jurnal Pembaharuan Hukum, Volume I No.1 January-April 2014, p. 17-23

impact on the sustainability of forests as life support and the lives of living things in the world. Forest is a very important resource not only as a source of wood, but also as a component of the environment. So that Indonesia's forests are one of the centers of biodiversity in the world, where Indonesia is the third of the seven countries called *Megadiversity Country*.⁵

Having observed for more than a decade, problems related to pollution of the human environment have received very serious attention from the international community. On various occasions at international meetings this much grounded concern has been poured into various political declarations which can be seen as criticism of development that does not care about demands for ecological balance. Even in its development to this day, the paradigm of sustainable development declared by politicians, intellectuals and environmentalists in the world has not been implemented according to what has been mutually agreed upon, which is arguably a failure. It can be seen from the environmental damage that has occurred throughout the world, including in Indonesia.

Environmental management is very important to do. This is because humans always try to maximize all the manifestations of their desires and often in the fastest possible way, so they tend to sacrifice the interests of their environment.⁶ In reality, environmental management in Indonesia still faces the same problem. For example, there is a clash between various laws and regulations, especially between sectoral laws related to natural resources (which are more oriented towards the use of economic resources and environmental laws that are considered too emphasizing the aspects of protecting life protection). As a result, environmental management and control under government control through the provisions of laws and regulations as the umbrella provision has not been able to achieve the objectives of environmental management and the realization of environmental function preservation and the achievement of people's welfare.

Since the development concept was implemented, matters relating to the management and protection of natural resources (NR) and the environment have become fundamental problems. Although the constitution stipulates that the control of natural resources is used maximally for the prosperity of the people, in fact, until now the people have not been able to prosper with abundant natural resources. In fact, one of the goals of development is to improve the standard of living of the people.⁷

To ensure legal certainty so that people have the awareness to participate in preserving their environment, the government has prepared legal instruments, especially environmental law, to ensnare environmental polluters and destroyers. The Law is Law Number 4 of 1982 concerning the Environment (UULH), Law Number 23 of 1997 concerning Environmental Management (UUPH) and has been enhanced by the latest Law, namely Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH). The existence of these laws is expected to be a reference material for law enforcement officials to take action against parties who have deliberately or unintentionally polluted the environment. Law enforcers can resolve cases of environmental crimes that occur, especially the problem of water pollution by industrial waste, which often occurs especially in big cities.⁸

The practice of *Good Environmental Governance* in Indonesia has been in the public spotlight in recent years. Environmental damage and degradation of environmental quality are often linked. It is often

5. Bambang Tri Bawono, Anis Mashdurohatur, Penegakan Hukum Pidana di Bidang Illegal Logging Bagi Kelestarian Lingkungan Hidup Dan Upaya Penangulangannya, *Jurnal Hukum*, Vol XXVI, No. 2, August 2011, pp. 590-611. Anis Mashdurohatur, Danialsyah, Reconstruction of Mediation in Environmental Disputes Settlement Based on Pancasila Justice, *Journal Of Law And Political Sciences*, Vol 4, Issue 3, Juni, 2020. P.123-124.

6. Hartuti Purnaweni, Environmental Management Policy in North Kendeng Area, Central Java Province, *Journal of Environmental Science*, Vol 12 (1) April 2014, pp. 53-65

7. Sutikno, Maryunani, *Natural Resource Economics*, Publishing Agency, Faculty of Economics, University of Brawijaya, Malang, 2006, p. 4.

8. Dani Amran Hakim, The Politics of Environmental Law in Indonesia Based on Law Number 32 of 2009 concerning Environmental Protection and Management, *Fiat Justitia Journal of Legal Studies*, Volume 9 No. 2, April-June 2015, pp. 114-132

stated that the cause is the existence of an Environmental Governance that is not in accordance with the proper laws and regulations. This condition is a result of the implementation of corporate governance that does not meet the management standards of an institution or company.⁹

In realizing the use of natural resources for the prosperity of the people as mandated by Article 33 paragraph (3) of the 1945 Constitution, it is necessary to protect natural resources and the environment. One of the ways of this protection can be realized by the existence of good legal rules. A good law is if it contains the values of justice for all people. In that context, the law also functions as a tool of justice (*law as a tool to reach justice*) in the use of natural resources and the environment. Such justice is called *environmental justice*.¹⁰ In realizing the right to justice for natural resources and the environment, it is necessary to carry out an integrated and integrated environment between the sea, land and air. This is in line with the mandate of Article 2 letter d of Law Number 32 Year 2009 concerning Environmental Protection and Management which states that environmental protection and management must be implemented based on the principle of state responsibility; sustainability and sustainability; harmony and balance; cohesiveness; benefits; caution; justice; ecoregion; biodiversity; polluter pays; participative; local culture; good governance; and regional autonomy. Apart from that, it must also be held based on the principles of sustainable and environmentally sound development as contained in the weighing section of Law Number 32 of 2009.¹¹

Based on the explanation above, the purpose of this article is to discuss the application of environmental protection and management from a legal political perspective and to describe the implementation of policies related to laws and regulations as a step to implement environmental protection and management.

B. Research Methodology

The research method used in this paper is a normative juridical approach. The normative juridical approach is a legal research approach that is carried out by examining library materials or secondary data as the basis of research by searching for rules and literature related to the problem under study.¹² The data analysis used in this research is descriptive qualitative by analyzing the data / information obtained through descriptive research with literature study which is then arranged systematically and described qualitatively. Secondary data is data obtained from library materials through literature studies, and the data is also obtained from agencies related to the purpose of this research.¹³

C. Result and Discussion

1. Environmental law politics based on environmental law

Political law is an activity that determines patterns or ways of forming laws, supervises the operation of laws, and reforms laws to achieve state goals.¹⁴ Political law also needs to be seen from the legal policy that will be enforced, either by forming new laws or by replacing old laws in order to achieve the goals of the state.¹⁵ On that basis, in the context of eradicating terrorism, legal politics is defined as legal policies that will or have been implemented nationally by the government, including the configuration of political forces

9. *Ibid.*

10. Siahon NHT, Environmental Law, Second printing, Pancuran Alam, Jakarta, 2009, p. 49-50

11. Effendi, Application of Environmental Management Principles in Laws and Regulations in the Field of Natural Resources (Study from a Political Perspective of Legal Development), Kanun Journal of Law No. 58, Th. XIV (December, 2012), pp. 345-359.

12. Haris Budiman Anis Mashdurohaturun, Eman Suparman, A Comparative Study Of Spatial Policy In Indonesia And The Netherlands, Jurnal Dinamika Hukum Vol. 18.No. 3, September 2018, pp.296

13. Anis Mashdurohaturun, Belahim, Reconstruction of Notaries Liability on Their Authentic Deed Based on Justice Value: Moderating Role of Supply Chain Management, Int. J Sup. Chain. Mgt, Vol.9. Issue.3. 2020, pp.605.

14. Hendra Karianga, 2013, *Legal Politics in Regional Financial Management*, Kencana Prenadamedia Group, Jakarta, p. 23.

15. Mahfud M.D, *Law Politics in Indonesia*, Rajawali Press, Jakarta, 2010, p. 1.

that affect the law and law enforcement to eradicate terrorism in terms of the *ius contitutum* and positive law currently in effect (*ius contitutum*).

E. Utrecht explained that legal politics is a normative science which is a science that determines things that should exist.¹⁶ Something that should exist in a normative form is statutory regulations, both material and formal. Political law plays a role in determining the methods and objectives to be achieved in the manufacture or implementation of a legal product. In line with this, Satijpto Rahardjo argues that in legal politics, legal development must have a double meaning. First, as an effort to renew the positive law itself, so that it is in line with the need to serve the community at the latest level of development. Second, as an effort to make the law functional during the development period is by participating in making social changes as needed by the developing community.¹⁷

The orientation of legal development that deals with environmental, NR, and community aspects must change towards the basic idea of progressive law which is based on the basic assumption of law for humans and not the other way around. Law is not an institution that is absolute and final, but as a moral and conscientious institution.¹⁸

Before the second and fourth amendments to the 1945 Constitution, the only constitutional provision that became the legal basis for environmental and natural resource management was Article 33 paragraph (3), which was more interpreted as the use and exploitation of natural resources with justification for achieving people's welfare; so that the aspects of protection and sustainability of the environment and natural resources are neglected.

The second and fourth amendments to the 1945 Constitution have included new provisions related to environmental management and utilization of natural resources such as Article 28H paragraph (1) and Article 33 paragraph (4) and (5) of the 1945 Constitution. Article 28H paragraph (1) states that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and the right to obtain health services." Article 33 paragraph 4 of the 1945 Constitution states that "The national economy shall be organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, and by maintaining a balance between progress and national economic unity." Meanwhile Article 33 paragraph (5) confirms that further provisions are regulated by law.

From the provisions of Article 28 H paragraph (1), Article 33 paragraph (3), (4) and (5) of the 1945 Constitution, there are 5 important things that become state legal policies in environmental management and utilization of natural resources.

- a. Environmental management and utilization of natural resources must be placed within the framework of recognition, protection and fulfillment of the human rights of every citizen to a good and healthy environment. In other words, human rights to a good and healthy environment cannot be sacrificed as a result of the implementation of development and utilization of natural resources;
- b. Environmental management and utilization of natural resources are the responsibility of the state in which through the state's right to control, the state makes rules and policies for the use of the environment and natural resources;

16. Otong Rosadi dan Andi Desmon, *Legal Political Studies: An Optical Political Law*, Edition II, PT. Thafa Media, Yogyakarta, 2013, p. 6.

17. Satijpto Rahardjo, *Law and Social Change*, Genta Publishing, Yogyakarta, 2009, p. 203.

18. Setyo Utomo, The Influence of Development in the Era of Globalization on the Fulfillment of Human Rights for a Good and Healthy Environment, *Journal of Legal Reform*, Volume I No. September 3-December 2014, pp. 258-266

- c. people's welfare becomes a philosophical and sociological basis for all environmental management activities and the use of natural resources for the welfare of the people;
- d. environmental management and utilization of natural resources are means to achieve environmentally sustainable development in the sense that the objectives of environmental management and utilization of natural resources include not only people's welfare, but also aspects of environmental sustainability and national economic progress; and
- e. there is delegation of further regulations regarding environmental management by law.

The 1945 Constitution states that a good and healthy environment is a human right and constitutional right for every Indonesian citizen. Therefore, the state, government, and all stakeholders are obliged to protect and manage the environment in the implementation of sustainable development so that the Indonesian environment can continue to be a source and life support for the Indonesian people and other living creatures.

Based on this, the issuance of Law Number 32 of 2009 concerning Environmental Protection and Management is a source of formal law level law in the context of the environment in Indonesia. Philosophically, Law Number 32 Year 2009 Concerning Protection and Management and Protection of Life, sees and appreciates the importance of human rights in the form of a right to a good and healthy environment for citizens.

Law No. 32 of 2009 concerning Environmental Protection and Management (UUPLH) is a substitute for Law no. 23 of 1997 which brought fundamental changes in environmental management arrangements in Indonesia. Because seen from the title of the 2009 Of Environmental Protection And Management Law, there is an emphasis on efforts to protect life, followed by the word environmental management. Whereas in terms of language rules, the word management includes activities or protection activities. With an emphasis on protection efforts, in addition to the word environmental management, Law 32/2009 pays serious attention to regulatory principles that aim to guarantee the realization of sustainable development and ensure that the environment is protected from businesses or activities that cause environmental damage or pollution.

According to Article 3 of Law 32 of 2009, environmental protection and management aims to:

- a. protect the territory of the Republic of Indonesia from environmental pollution and / or damage;
- b. guarantee the safety, health and life of humans;
- c. ensure the survival of living things and the preservation of ecosystems;
- d. preserving environmental functions;
- e. achieve harmony, harmony and balance of the environment;
- f. ensuring the fulfillment of justice for present and future generations;
- g. guarantee the fulfillment and protection of the right to the environment as part of human rights;
- h. controlling the use of natural resources wisely;
- i. realizing sustainable development; and
- j. anticipating global environmental issues.

To achieve the above objectives, the Environmental Protection And Management Law establishes a number of legal instruments to prevent pollution and / or environmental damage. For example, Strategic Environmental Assessment (KLHS), Spatial Planning, Environmental Quality Standards, Environmental Damage Standard Criteria, Environmental Impact Management Analysis (AMDAL), Environmental

Management Efforts and Environmental Monitoring Efforts (UKL-UPL), Licensing, Instruments Environmental Economist, Environmental Based Laws and Regulations, Environmental Based Budget, Environmental Risk Analysis, Environmental Audit, and other instruments according to the needs and developments of science where Strategic Environmental Assessment occupies the top position in the prevention and environmental pollution. Emphasis on environmental protection aspects can also be seen from the existence of two stages of permits that must be fulfilled by every person or business actor / activity related to environmental management, such as the obligation to obtain an environmental permit first as a condition for obtaining a business and / or activity license. In addition to prevention instruments, law enforcement instruments (administrative, civil and criminal) are also regulated along with the application of administrative sanctions, compensation and criminal sanctions.

The stipulation of the Environmental Protection And Management Law seeks to ensure the protection and management of the environment in a sustainable and environmentally sound manner as early as possible through the level of development policies, plans and programs (KLHS), as well as environmental studies for activities or businesses as has been known so far, through the AMDAL mechanism.

In addition, to realize the objectives stated above, UPLH, which contains planning, utilization, control, maintenance, supervision, and law enforcement to preserve environmental functions and prevent environmental pollution and / or damage. Efforts to create this balance are often co-opted by narrow interests that endanger mankind in the long run.¹⁹ The basis of environmental protection and management is planning. With proper planning, environmental protection and management will also run well. Likewise, the use, control, supervision and law enforcement can be good if the planning is good.

2. Law Enforcement in Controlling Environmental Pollution

UU no. 39/2009 is the gateway to the “ecocratic” state of Indonesia because it is a clear, firm and comprehensive legal system for environmental protection and management to ensure legal certainty as a basis for the protection and management of natural resources and other development activities.²⁰

The Indonesian environment must be protected and well managed based on the principles of state responsibility, the principles of sustainability and the principles of justice. In addition, environmental management must be able to provide economic, social and cultural benefits based on the principles of prudence, environmental democracy, decentralization, as well as recognition and respect for local and environmental wisdom. The existence of this recognition is a form of responsive law as stated by Philippe Nonet and Philip Selznick.²¹

Environmental law has adopted many legal principles to provide broad access to society to be responsive, participatory, and applicable to various environmental rights. For example, the right to obtain a healthy environment with an active participatory concept mechanism for community members and environmental organizations (NGOs) which then raises legal standing, citizen suits, class actions, and so on.²²

Law enforcement in taking action against violations of the provisions of the law on environmental

19. Lailiy Muthmainnah, Rizal Mustansyir, Sindung Tjahyadi, Revisiting Sustainable Development: A Philosophical Study of the Dilemma of Environmental Management in the Post Modern Era, *Journal of Philosophy*, Vol. 30, No. 1 (2020), p. 23-45,

20. I Putu Sastra Wibawa, Legal Politics of Environmental Protection and Management Towards Indonesian Democracy, *Kanun Journal of Legal Studies*, Vol. 18, No. 1, (April, 2016), p. 51-68.

21. Philippe Nonet dan Philip Selznick, *Responsive Law*, translation by Raisul Muttaqien, 2nd Printing, Nusamedia, Bandung, 2008, p. 84.

22. Nommy HT Siahaan, Development of Legal Standing in Environmental Law (A Juridical Analysis in Public Participatory for Environmental Protection), *Journal of Law UNISBA*, Vol. XIII. No. November 3, 2011, pp. 232-244.

protection and management is not the only means of enforcing environmental law.²³ The use of administrative legal instruments and sanctions is carried out by government agencies as well as by citizens or civil legal entities. State Administration Lawsuit is a state administrative legal instrument that citizens or civil legal entities can use against government agencies or officials who issue state administrative decisions that are formally or materially contrary to environmental legislation. The use of criminal law sanctions can only be carried out by government agencies. The use of civil law instruments, namely civil suits can be filed by citizens, civil legal entities and also government agencies. However, when compared among the legal fields, most of the environmental law norms fall under the administrative jurisdiction.

Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) regulates environmental problems as a basic guideline for law enforcement officials to prosecute perpetrators of environmental crimes subject to criminal penalties in accordance with applicable regulations. Article 1 point 16 states that the definition of environmental destruction is “The act of a person causing direct or indirect changes to the physical, chemical and / or biological characteristics of the environment so that it exceeds the standard criteria for environmental damage”. The formulation of this Article includes the sentence “ act of a person “ that was not included in the previous Environmental Protection And Management Law, thus giving the authorities the flexibility to immediately take action against perpetrators of environmental destruction, both individuals and groups (companies).

Article 1 point 17 also states that environmental damage is a direct and / or indirect change to the physical, chemical, and / or biological characteristics of the environment that exceed the standard criteria for environmental damage. Thus in this law, acts that cause environmental pollution and / or damage to the environment which are committed intentionally or unintentionally or negligently are directed to become criminal acts which in this law constitute crimes.

Article 76 of Environmental Protection And Management Law regulates administrative sanctions. The minister, governor or regent / mayor shall apply administrative sanctions to the person in charge of a business and / or activity if a violation of the environmental permit is found under supervision. Administrative sanctions consist of written warnings, government coercion, suspension of environmental permits or revocation of environmental permits.

Article 80 paragraph (1) regulates government coercion on those in charge of businesses and / or activities that violate environmental permits in the form of; a) temporary suspension of production activities; b) transfer of production facilities; c) closure of sewerage or emissions; d) dismantling; e) confiscation of goods or equipment that could potentially cause a violation; f) temporary suspension of all activities; g) other actions aimed at stopping violations and actions to restore environmental functions.

Government coercion may be imposed without a warning if the violation caused; a) a very serious threat to humans and the environment; b) a bigger and wider impact if the pollution and / or destruction is not immediately stopped; c) greater loss to the environment if the pollution or damage to paragraph (2) is not immediately stopped.

Article 87 regulates the obligations of the person in charge of the business to provide compensation to the person or environment who has been injured. In addition to victims, environmental organizations can also ask business actors for civil accountability. However, if the lawsuit is filed by an environmental organization, the request that can be submitted is limited to taking certain actions, except for actual costs or expenses. So that people who suffer losses due to pollution and / or environmental damage can file a lawsuit

23. Kukuluh Subyaktio, *Ultimum Remedium Principle or Primum Remedium Principle Adhered to in Enforcement of Criminal Law on Environmental Crimes at Law Number 32 Year 2009 concerning Environmental Protection and Management*, *Journal of Legal Reform*, Volume II No. May 2 - August 2015, pp. 209-213

together by means of a class action suit. The provisions of Article 87 paragraph 1 are a realization of the principles that exist in environmental law and are also regulated in Article 2 letter J of the Environmental Protection And Management Law is the “principle of polluter pays” where every person in charge whose business and / or activity causes environmental pollution and / or damage must bear the cost of environmental restoration.²⁴

Chapter XIV deals with Investigation and Evidence. Apart from investigating police officers, certain civil servant officials within government agencies whose scope of duties and responsibilities are in the field of environmental protection and management are authorized as investigators as defined in the criminal procedure law to investigate environmental crimes. Civil servant investigators have the authority to: 1) conduct an examination of the accuracy of reports or information relating to criminal acts in the field of environmental protection and management; 2) to examine any person suspected of committing a criminal act in the field of environmental protection and management; 3) request information and evidence from everyone regarding a criminal event in the environmental sector; 4) conduct examination of books, records, and other documents relating to criminal offenses in the environmental sector; 5) confiscate materials and goods resulting from the violation which can be used as evidence in an environmental crime case; 6) requesting expert assistance in the context of investigative tasks; 7) stop the investigation; and 8) conduct searches of bodies, clothes, rooms or other places suspected of being the places where a criminal act was committed or to arrest and detain the perpetrator of the criminal act.²⁵

As for evidence stipulated in Article 96, valid evidence in an environmental criminal action charge consists of: witness statements, expert statements, letters, instructions, statements of defendants, other evidence, and evidence provided in statutory regulations. The proof system that has to be carried out by the plaintiff or law enforcement officials has been a difficult and complicated problem of proof so far. This is because law enforcement officers will experience difficulties, especially in the problem of proof related to matters of a very technical nature to determine the classification or elements that must be met so that they are said to be perpetrators of environmental crimes. Then there is also a lack of knowledge about the problem, facilities, infrastructure, funds and understanding of the substance of the law because the average victim is people with low education and weak economic conditions. After seeing the description of the renewal and substantial differences to Law Number 32 of 2009, whether or not this law is effective in overcoming environmental problems is not clear. For example, with the frequent occurrence of water pollution by industrial waste or a handful of people who consciously still throw garbage into the river, the river becomes dirty.

The effectiveness of the law can be explained as a situation where there is a match between the ideals contained in the substance of the law and the reality of the law in effect in society. The law is considered inadequate or ineffective if there is a disparity between the legal reality and the legal ideal. So that the law must be overhauled and rearranged. Ideally, the law refers to the goals or ideals contained in the content / substance of the law. Legal reality refers to the notion of the application of law whose indicators are legal awareness and / or compliance which is reflected in the behavior of the community members. So it can be said that the effectiveness of the law that applies in a society is inseparable from the concept of legal awareness and / or legal compliance from the community itself.

In order to be effective, the law in its activities is enforced with the support of administrative, civil and criminal sanctions. So that to ensure the support of these sanctions, harmonization and synchronization

24. Cut Era Fitriyeni, *Environmental Dispute Resolution through Courts*, Kanun No.52 December 2010 Edition, pp. 544-575

25. Sri Endah Wahyuningsih, *The Implementation of Punishment Theories in the Verdict of Narcotics Case by Judge in Indonesia*, TEST Engineering and Management, ISSN 0193-4120, Mach-April 2020, P 2796

relationships must be established in all areas of life together by making one guide as a guideline regarding how to act and are expected to act. One way of effectiveness in environmental law enforcement is to use a *multi-door system* approach, which is the use of various kinds of laws and regulations to handle cases related to the environment because consistent law enforcement will also activate preventive instruments.

The frequent occurrence of pollution by companies or industries and low compliance and awareness of community members to maintain a clean and healthy environment is an indicator that law enforcement on clean and healthy environmental management has not yet been implemented. Thus, in terms of implementation, the effectiveness of the Law on Protection and Management of the Environment is still low. This is because law enforcement, especially in matters of evidence, is difficult to carry out and supervision in the context of controlling and managing the environment can be said to be still running in place. Although substantially from the political and legal aspect, the environmental law has changed a lot according to the social conditions of the community

D. Conclusion

The implementation of environmental protection and management politically and legally has not been maximized because in accordance with the political objectives of the law, existing natural resources cannot be used for the greatest prosperity and welfare of the people. In addition, there are still a lot of water pollution, air pollution, deforestation and other actions that damage the environment. The implementation of environmental protection and management from a political and legal perspective needs to be aligned with law enforcement. Law enforcement must be carried out firmly in order to provide a deterrent effect for perpetrators of environmental destruction by applying maximum sanctions. There is a need for clear law enforcement for the perpetrators / destroyers of the environment in order to have a deterrent effect and there is no overlap between the 3 sanctions (criminal, civil and administrative). It is difficult to enforce the law because it is difficult to prove and determine standard criteria for environmental damage.

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