

## **Environmental Law Policy in Industrial Waste Management**

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### **Abstract**

The environment is everything that is around humans and has a reciprocal relationship with one another. The opposite of the living environment is man-made which includes areas and also components that are heavily influenced by humans. What is studied is various laws and regulations, especially Law Number 32 of 2009 concerning Environmental Protection and Management, as well as other references. Law Number 32 of 2009 concerning Environmental Protection and Management stipulates that the quality of the environment which is decreasing day by day threatens human survival and can also cause global warming which increases climate change. Therefore, to avoid and also before the environment becomes increasingly damaged, it is important for humans to protect and preserve the environment so that it does not become extinct and destroyed because of the actions of the humans themselves.

**Keywords:** Legal Policy, Environment, Industrial Waste



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### **INTRODUCTION**

The environment is a gift from God to all the people and also the Indonesian nation. All layers of society have an obligation to preserve and also develop the environment so that it can always support human survival. The environment in Indonesia must always be managed with the principle of preserving harmonious, harmonious and balanced environmental functions to support development in an effort to improve the welfare and also the quality of the nation's generation. A sustainable development system that has environmental insight and is based on an integrated national policy needs to be continuously implemented. This aims to utilize natural resources to advance public welfare, as mandated in the 1945 Constitution of the Republic of Indonesia.

Humans and the environment also have a natural relationship with one unit or it is called a biotic community. Humans and their communities have the right to utilize the natural resources of the environment. But on the other hand humans also have an obligation to be responsible in preserving the environment. The main objective of environmental management is to realize development implementation that has an environmental insight and also controls the wise use of natural resources. The existence of development activities in the environment will certainly always have an impact. The resulting impact can be positive as well as negative. A positive value if the resulting impact provides benefits in the sustainability of human life. And it is negative if the resulting impact creates a risk that can be detrimental to society (Fadli: 2016).

The process of managing the environment is synonymous with efforts to optimize natural resources which are useful as the main supply in meeting material needs. The development carried out in the future has a direction that also pays attention to the environment, continues to preserve the function of the ecosystem, utilizes various activities to always develop and continue to connect with each other, gets support from the community who has an active role, and uses procedures that pay attention to functions and abilities. environmental ecosystems both now and in the future (Fadli: 2016).

The use of natural resources is always accompanied by pollution. This is a natural law that is universal. The state always carries out development, of course this development always brings change. Changes made by the state are good for humans, but in reality they are not necessarily good for the environment. Because if the development is carried out continuously, especially if it has an impact on the environment, of course this development will not be good for human survival as well.

From year to year, the accumulation of pollution and environmental damage resulting from industrial waste in Indonesia continues to grow and tends to be uncontrollable. This includes damage and forest fires, floods, droughts, water pollution, and so on. Various matters related to mistakes in managing the environment then reflect how devastated the environment is in Indonesia. Therefore, the formulation of the problem in this article is how the role and application of environmental law policies in the process of industrial waste management in Indonesia.

#### RESEARCH METHODS

The research method that I used to complete this article is a normative research method because the material I took was taken from laws.

#### RESEARCH RESULTS AND DISCUSSION

Law enforcement has a meaning, how the law must be implemented, so that in law enforcement the elements of legal certainty must be considered. Legal certainty requires how the law is implemented, regardless of how bitter it is. (Hidayat: 2021) This is intended to create order in society, otherwise the community wants benefits from implementing regulations or enforcing environmental laws. Environmental laws are made with the aim of protecting the environment and providing benefits to society.

This means that the regulation was made for the benefit of the community, so that it should not happen that, because of the implementation of the regulation, the community becomes restless. The third element is justice. In enforcing environmental law, attention must be paid, however, the law is not synonymous with justice, because the law is general in nature, binding on all people, and generalizing. In structuring and enforcing environmental law, the elements of certainty, the elements of benefit and the elements of justice must be compromised, all three must receive proportional attention. So that the polluted environment can be restored (Primary: 2020).

Environmental restoration efforts can be fulfilled within the framework of handling environmental disputes through environmental law enforcement. Environmental law enforcement is part of the regulatory chain of policy planning on the environment. Enforcement of environmental law in Indonesia includes structuring and enforcement (compliance and enforcement) covering the fields of state administrative law, civil law and criminal law. (Hakim: 2015) Before discussing further about environmental law enforcement, we must first know the definition of the environment itself according to Law no. 32 of 2009 is a spatial unit with all objects, power, circumstances, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of all living things (Hakim: 2015).

Law enforcement functions as the protection of human interests. In order for human interests to be protected, the law must be implemented. The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law. In this case the law that has been violated must be upheld. It is through this enforcement that the law becomes a reality. In law enforcement there are three elements that must be considered, namely:

1. Legal certainty (Rechtssicherheit). The law must be implemented and enforced. Everyone hopes that the law can be enacted in the event of a concrete incident. What is the law that must apply, basically it cannot deviate from fiat justitia et paret mundus, that is, even though the world will collapse, the law must be upheld. That is what legal certainty wants. Legal certainty is a justifiable protection against arbitrary actions, which means that someone will get something that is expected in certain circumstances.
2. Legal benefits (Zweckmassigkeit). Communities expect benefits in implementing or enforcing the law. Law is for humans, so the implementation of law or law enforcement must provide benefits or uses for society. Don't let it be precisely because the law is implemented or enforced that there is unrest in society.
3. Legal justice (Doelmatigheid). The community is very concerned that in implementing or enforcing the law justice is considered. In the implementation and enforcement of the law must be fair. Law is not synonymous with justice. The law is general, binding on everyone, generalizing. Whoever steals must be punished, regardless of who stole. On the other hand, justice is subjective, individualistic and not generalized.

The enactment of Law Number 32 of 2009 concerning Environmental Protection and Management provides guarantees for the environment to be maintained. But in human life that does not guarantee that the rule is implemented. Actions such as dumping wastewater into riverbanks carried out by factories have violated regulations that have been stipulated under Law Number 32 of 2009 concerning Environmental Protection and Management (Hidayat, dkk: 2021).

## CONCLUSION

Based on the explanation of the material above, it can be concluded that the environment in Indonesia must always be managed with the principle of preserving harmonious, harmonious and balanced environmental functions to support development in an effort to improve welfare and also the quality of the nation's generation. A sustainable development system that has environmental insight and is based on an integrated national policy needs to be continuously implemented.

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