

Law Enforcement as a Systematic Effort to Preserve the Environment

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Abstract

The purpose of this research is to know and analyze Law Enforcement as a Systematic Effort to Preserve the Environment. The research method that I used to complete this article is a normative research method. The data collection method prioritizes legal research with various legal materials through the results of a review of written sources such as documents, books, journals, which are related to legal materials because they are different from the ambiguity of law enforcement in environmental issues. The results of the study say that the legal action given to the perpetrators of environmental pollution and destruction consists of administrative aspects, civil aspects, and criminal aspects. Article 76 (2) Environmental Protection and Management Law No. 32 of 2009 stated that administrative sanctions consist of written warnings, enforcement by the government, freezing of environmental permits and revocation of environmental permits. Regarding the settlement of environmental disputes according to Article 84 of Law no. 32 of 2009, there are two ways to claim compensation and/or environmental cleaning costs, namely environmental dispute resolution outside the court and environmental dispute settlement outside the court

Keywords: Law Enforcement, Environmental Preservation



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INTRODUCTION

The environment is all the physical, biological and social factors that affect the existence and life of living things, both humans and animals and plants. The living environment consists of elements such as water, soil, air, flora and fauna, as well as the people and culture in it. The environment has an important role in protecting human life and ecosystems, because it is a resource that is needed by humans and other living things. Some of the functions of the environment include: Providing natural resources such as water, soil and air which are the basic needs of humans and other living things, Providing shelter and habitat for various types of flora and fauna, Providing a place for processing waste and discarded materials human, Providing support for economic activities, such as agriculture, fisheries, and tourism, Affecting human health conditions, either directly or indirectly. Therefore, it is important for humans to protect and maintain the environment in order to maintain its sustainability.

Indonesia's environment has a variety of ecosystems and natural resources that are very rich and diverse, ranging from forests, seas, mountains, and so on. However, Indonesia's environment also faces various challenges and problems, both in terms of air quality, water, soil, biodiversity, and waste. Some of Indonesia's environmental challenges and problems include: Deforestation and forest destruction: Indonesia has vast and diverse forests, but deforestation and forest destruction still occur on a large scale. This causes the loss of habitat for various species of animals and plants and damages existing ecosystems. Water pollution: River, lake and sea water in Indonesia is often polluted by industrial, agricultural and household waste. This water pollution has an impact on poor water quality, reduced availability of clean water, and a threat to public health. Air Pollution: Motor vehicle emissions, waste burning, and industrial pollution are causing air pollution in Indonesia to get worse. This air pollution has an impact on human health, such as respiratory diseases and cancer. Biodiversity: Indonesia has a

very rich biodiversity, but is still under threat from various factors such as poaching, wildlife trade and deforestation. Waste: Indonesia is still experiencing problems in waste management, both solid waste and liquid waste. This causes environmental pollution and threats to public health.

Therefore, it is necessary to have strong efforts and policies from the government and society to protect and maintain the environment in Indonesia so that it is maintained and contributes to the welfare and sustainability of human life and ecosystems. The State of Indonesia currently has quite serious problems with pollution and ecological damage which are increasing day by day. Environmental problems are still a big responsibility because they affect the quality of life in the future. Exploitation of natural resources and the environment has led to a decrease in the quality of the environment, especially natural resources. Widespread natural damage such as marine ecosystems, the destruction of most of the forests which are the lungs of the world, floods that continue to occur everywhere, landslides and of course many others (Central Bureau of Statistics: 2018).

Humans with their various dimensions, especially the growth factor of their mobility, their concern for the development of all aspects of their culture, and the factor of time or the aging process that changes one's character and perspective are factors that are more appropriately related to environmental problems (Herlina: 2015). And environmental management problems can be said to be one of the main causes of natural disasters in Indonesia. The essence of all environmental problems is that development is carried out without regard to environmental balance factors which ultimately cause environmental damage and pollution. In the development of residential, industrial or plantation areas, environmental sustainability is often neglected and only the aspects of economic benefits are considered. Poor environmental management can at least be caused by various factors such as education level, economic problems, lifestyle, weak regulatory system and weak supervision of environmental management which causes environmental pollution and damage. However, actual legal action against the perpetrators of pollution has not yet been implemented (Herlina: 2015).

Law enforcement is one of the systematic efforts that can be made for environmental preservation. This is because the law is an important tool in maintaining the sustainability of a good environment. Through law, actions that are prohibited or permitted in an effort to preserve the environment can be determined. Law enforcement can be carried out by imposing sanctions or penalties on violators who commit acts of damage to the environment. For example, giving fines or criminal penalties against perpetrators of illegal waste disposal or environmental pollution. In addition, law enforcement can also be carried out by tightening supervision of activities that can damage the environment, such as poaching, illegal fishing, and so on. In an effort to preserve the environment, law enforcement can also be carried out by increasing public awareness of the importance of protecting the environment. This can be done by providing information and education to the public about actions that damage the environment and their impact on the survival of humans and other living things.

With systematic and sustainable law enforcement, it is hoped that it can help maintain sustainable environmental sustainability and ensure that humans and other living things can live in balance and harmony on this earth. In Law Number 32 of 2009 concerning Environmental Protection and Management, it is explained that environmental management and protection are systematic and integrated actions to maintain environmental functions and prevent environmental pollution and/or damage, including planning, operating, controlling, maintenance, supervision and control. In accordance with the Law on Environmental Protection and Management No. 32 of 2009, it is also regulated that the use of natural resources

must be in harmony, harmonious and balanced with environmental functions. As a consequence, development policies, plans and/or programs must include a commitment to protect the environment and implement sustainable development goals (UU No. 32 of 2009).

RESEARCH METHODS

The research method that I used to complete this article is a normative research method. The data collection method prioritizes legal research with various legal materials through the results of a review of written sources such as documents, books, journals, which are related to legal materials because they are different from the ambiguity of law enforcement in environmental issues. What legal action has been taken against the perpetrators of environmental pollution and destruction, and what factors have hindered the enforcement of environmental law in Indonesia.

RESEARCH RESULTS AND DISCUSSION

Science and technology have improved the quality of life and changed human lifestyles. This change has an important impact on the environment whose carrying capacity should be maintained so that it can be used as a resource for sustainable development. Industrialization, besides producing products that are beneficial to people's lives, also has an impact. For example, industry produces hazardous and toxic waste materials, which if disposed of into environmental media can threaten the environment, health, and the survival of humans and other living things. (Laode, et al: 2015) By realizing the potential negative impacts of development, it is necessary to develop efforts to protect and manage the environment through various environmental policy instruments.

Environmental management begins with establishing policies in legislative products in the form of laws. Then it is described in a regulation as a legal product of the implementation of the law. Legal products for implementing the statutory system in Indonesia can take the form of Government Regulations, Presidential Regulations, Ministerial Regulations, and/or Regional Regulations. Efforts to implement policies that have been stipulated in legislation and regulations to prevent environmental pollution or damage due to human activities, need to regulate policies regarding licensing. This licensing policy functions as a preventive measure. The implementation of permits in the environmental sector must be controlled or supervised as a preventive measure in law enforcement. (Laode, et al: 2015) An important thing that must be done to increase the compliance of the public and business actors in implementing laws and regulations and permits in the field of environmental protection and management is law enforcement. Enforcement of environmental law is an effort to achieve compliance with regulations and requirements in environmental law provisions that apply in general and individually, through supervision and application of administrative, criminal and civil sanctions (Laode, dk: 2015).

The scope of environmental law enforcement which includes administrative, criminal and civil law enforcement has been normalized in 3 types of environmental laws that have been in force in Indonesia. The three laws, namely Law No. 4 of 1982 concerning Principles of Environmental Management, which was repealed by Law no. 23 of 1997 concerning Environmental Management and finally revoked by Law no. 32 of 2009 concerning Environmental Protection and Management (Laode, et al: 2015).

Environmental law enforcement according to Hamza said that environmental law enforcement according to Nottie Handhaving Milieurecht is supervision and application or threats, the use of administrative, criminal or civil instruments, achieving the arrangement of legal provisions and regulations that apply generally and individually (Herlina: 2015). To

guarantee the preservation of environmental functions, every company engaged in various fields of activity is required to do the following things.

1. Companies must have an Analysis of Environmental Impacts (Article 22 paragraphs (1) and (2), Article 23 paragraphs (1) and (2), Article 24, Article 25, Article 26 paragraphs (1), (2), (3) and (4), Article 27, Article 28 (1), (2), (3) and (4), Article 29 paragraph (1), (2) and (3), Article 30 paragraph (1), (2) and (3), Article 31, Article 32 (1), (2) and (3) and Article 33 of Law Number 32 of 2009 concerning Environmental Protection and Management). An analysis of environmental impacts is a study of the major and significant impacts of a planned business and/or activity on the environment which is necessary for the decision making process regarding the implementation of a business and/or activity.
2. Every business and/or activity that is not included in the mandatory Amdal criteria, must have Environmental Management Efforts and Environmental Monitoring Efforts called UKL-UPL (Article 34 paragraph (1) and (2), Article 35 paragraph (1), (2) and (3) Law Number 32 of 2009 concerning Environmental Protection and Management).
3. Companies are required to manage hazardous and toxic materials. Management of hazardous and toxic materials includes: Produce, Transport, Distribute, Store, Use and or Dispose of. Management of Hazardous and Toxic Materials and Hazardous and Toxic Waste (Article 58 paragraph (1) and (2), Article 59 paragraph (1), (2), (3), (4), (5), (6) and (7) Law Number 32 of 2009 concerning Environmental Protection and Management).

In addition to this obligation, companies are also prohibited from violating the Quality Standards and Standard Criteria for Environmental Damage (Article 20 paragraphs (1), (2), (3), (4) and (5), Article 21 paragraphs (1), (2), (3) and (4) Law No. 32 of 2009 concerning Environmental Protection and Management) (Herlina: 2015). Therefore, legal actions that can be taken against companies that pollute and damage the environment are as follows:

Administrative Environmental Law Enforcement

Environmental law provisions are dominated by administrative law provisions in the form of norms of authority, orders, prohibitions, permits and dispensations. These norms bind the government in exercising its authority to protect and manage the environment. These norms also bind community members and/or business actors in carrying out activities and/or businesses that may have an impact on the environment. One of the norms of authority possessed by the government in an effort to protect and manage the environment is the norm of government authority to regulate the compliance and enforcement of administrative law, namely law enforcement directly without judicial procedures and if necessary with physical coercion to adjust the factual situation to existing norms. (Devotion: 1994). Enforcement of administrative environmental law as part of administrative law enforcement must fulfill 4 elements as stated by Philipus M Hadjon, which include: Legitimacy, Juridical Instruments, Administrative Law Norms, and Cumulation of Sanctions (Hadjon: 1997).

Legitimacy is the legitimacy of the government's actions in enforcing administrative environmental laws. Elements that must be fulfilled by the government in enforcing administrative environmental law include: authority, substance and procedure. The authority to enforce administrative environmental laws lies in the hands of the government and local governments. The basis for this authority is Law no. 32 of 2009 concerning Environmental Protection and Management which was followed up by Regulation of the Minister of Environment of the Republic of Indonesia No. 02 of 2013 concerning Guidelines for the Implementation of Administrative Sanctions in the Sector of Environmental Protection and Management, hereinafter referred to as the Minister of Environment (Laode, et al: 2015). Based

on the two laws and regulations mentioned above, the authority to enforce administrative law in the protection and management of the environment is attribution owned by the Minister of Environment, the governor or regent/mayor, whose implementation is delegated to the Environmental Monitoring Officer (PPLH) and the Environmental Monitoring Officer. Region (PPLHD) (Laode, et al: 2015).

Enforcement of administrative law in the protection and management of the environment in substance includes environmental monitoring and the application of administrative sanctions. Environmental supervision, hereinafter referred to as supervision, is a series of activities of the Environmental Supervisory Officer and/or Regional Environmental Monitoring Officer to find out, ensure, and determine the level of compliance of those in charge of a business and/or activity with the provisions stipulated in the environmental permit and laws and regulations. invitations in the field of environmental protection and management. The imposition of administrative sanctions is the application of administrative legal means in the nature of imposing obligations/orders and/or withdrawing state administrative decisions imposed on persons in charge of a business and/or activity on the basis of disobedience to laws and regulations in the field of environmental protection and management and/or conditions in the environmental permit. Supervision is part of the scope of administrative law enforcement which is preventive in nature because supervision is a preventive measure to enforce compliance. While the application of administrative sanctions is a repressive law enforcement measure.

The application of administrative sanctions in the protection and management of the environment has been regulated in Article 76 – Article 83 UUPPLH, namely,

1. The authority of the Minister, Governor or Regent/Mayor in imposing administrative sanctions on those in charge of a business and/or activity if during supervision a violation of an environmental permit is found,
2. Types of administrative sanctions consist of: written warning, government coercion, suspension of environmental permits, or revocation of environmental permits.
3. The Minister may apply administrative sanctions to those in charge of a business and/or activity if the government considers that the regional government deliberately does not apply administrative sanctions to serious violations in the field of environmental protection and management,
4. There is a cumulative external sanction, i.e. administrative sanction does not release those in charge of a business and/or activity from recovery and criminal responsibility,
5. Freezing or revocation of environmental permits is carried out if the person in charge of the business and/or activity does not carry out government coercion,
6. Types of administrative sanctions in the form of government coercion (bestuurs dwangs) include: temporary suspension of production activities, transfer of production facilities, closing of sewerage or emission sewers, demolition, confiscation of goods or tools that have the potential to cause violations, temporary suspension of all activities, or actions others aimed at stopping violations and the act of restoring environmental functions.
7. Application of fines to each person in charge of a business and/or activity for delays in implementing government coercive sanctions,
8. The Minister, Governor or Regent/Mayor has the authority to compel those in charge of a business and/or activity to restore the environment due to environmental pollution and/or damage they have committed, or
9. The Minister, Governor or Regent/Mayor has the authority or may appoint a third party to restore the environment as a result of environmental pollution and/or damage that has been committed at the expense of the person in charge of the business and/or activity.

The application of administrative sanctions must be based on proper procedures. This means that the application of administrative sanctions to those in charge of a business and/or activity must be based on the results of supervision carried out by PPLH and/or PPLHD found violations of: environmental permits, environmental protection and management permits, and/or laws and regulations in the field of protection and management of the environment. PPLH and/or PPLHD carry out supervision as an effort to protect and manage the environment based on: reports on the implementation of environmental permits and/or environmental protection and management permits, and/or public complaints.

Complaints from the public due to environmental pollution and/or damage are submitted to the agency responsible for complaints and handling of environmental cases. Complaints can be in person or by telephone which are then recorded according to a predetermined form. With the existence of the Minister of Environment Regulation concerning Complaints of Environmental Cases, every environmental agency or office, both at the central and regional levels, has a complaint post. The complaint post is a means to receive public complaints regarding cases of environmental pollution and/or damage.

Agencies receiving complaints from the public are required to handle existing complaints by: receiving, reviewing, verifying, recommending follow-up and submitting the progress of the verification results to the complainant. Furthermore, PPLH and/or PPLHD supervise as a follow-up to the complaint. Supervision carried out by PPLH and/or PPLHD as based on the UUPPLH through: monitoring, asking for information, making copies of documents and/or making necessary notes, entering certain places, taking pictures, making audio-visual recordings, taking samples, checking equipment, inspect installations and means of transportation, and/or stop certain violations. Community involvement in monitoring and law enforcement is not only through the Complaint Mechanism as in the Decree of the Minister of Environment of the Republic of Indonesia No. 09 of 2010 concerning Procedures for Complaints and Complaints of Alleged Pollution and/or Destruction of the Environment. However, this can be achieved by involving stakeholders in monitoring, as was done by the East Java BLH through the Water Patrol Team.

Sample Case

Water Patrol Team

The East Java Provincial Government has formed a Water Patrol Team as one of the agencies that has the authority to supervise business activities and/or activities that can pollute water. The Water Patrol Team consists of various agencies and the community which includes: Provincial Government Environment Agency, Surabaya City Environment Agency, Sidoarjo, Gresik and Mojokerto, East Java Regional Police, Jasa Tirta, Mass Media, and Environmental Non-Governmental Organizations. In accordance with the current authority, BLH East Java Province will warn business actors and/or activities if based on the monitoring results of the Water Patrol Team it is detected that there is a violation of laws and regulations, for example Law No. 32 of 2009 concerning the PPLH Law and Governor of East Java Decree Number 45 of 2002 concerning Liquid Waste Quality Standards or East Java Governor Decree Number 10 of 2009 concerning Quality Standards of Ambient and Emission from Immovable Sources and licensing obligations in the environmental sector.

Civil Environmental Law Enforcement

Civil penalties are the second legal action taken against companies that pollute and damage the environment. Based on article 84 of Law Number 32 of 2009 it is stated that in order to resolve environmental disputes, compensation and/or environmental cleaning costs

must be requested, namely: Settlement of environmental disputes out of court. Settlement of environmental disputes through courts. Settlement of environmental disputes outside the court according to Article 85 and Article 86 of Law Number 32 of 2009 concerning the Protection and Management of the Environment states that the settlement of environmental disputes outside the court is held to reach an agreement regarding the form and amount of compensation and/regarding certain actions to ensure no or repeated negative impacts on the environment. These settlements are handled by means of environmental mediation, the legal consequences of environmental mediation are usually agreed between the parties in the form of a written mediation contract, which is considered a legally binding agreement under the provisions of the Civil Code. However, it must be remembered that environmental mediation does not bring a solution to the criminal law aspect. It was only resolved from a civil perspective, so even if the agreement were enforced, it would not prevent criminal prosecution. Settlement of environmental disputes in court according to Articles 87-93 of Law no. 32 concerning the Protection and Management of the Environment, which states that the settlement of environmental disputes by the court requires compensation, environmental restoration, absolute responsibility, grace period for filing a lawsuit, government and regional government lawsuits, community lawsuits, environmental organizations' rights to sue, administrative lawsuit.

1. Indemnification. Any unlawful act in the form of environmental pollution and damage that causes harm to other people or the environment, obliges the person in charge of the business and/or business to pay compensation and/or take certain actions. In addition to the obligation to pay compensation, the judge can also ask the party causing the damage or the party causing the environmental damage to take certain legal steps, such as repairing and damaging the environment.
2. Absolute Responsibility. The person in charge of the business and/or activity whose business creates a large and significant impact on the environment by using hazardous and toxic materials, is fully responsible for the resulting losses without having to prove his guilt.
3. Expired Grace for Filing a Lawsuit. The expiration date for the right to file a lawsuit in court follows the time limit as stipulated in the applicable provisions of the Civil Procedure Code and is calculated from the time the victim becomes aware of environmental pollution and/or damage. Expiration provisions do not apply to pollution and/or activities that use hazardous and toxic materials and/or produce hazardous and toxic waste.
4. Government and Regional Government Claim Rights. Government agencies responsible for the environment and local governments have the right to file claims for compensation and certain lawsuits against companies and/or activities that cause environmental pollution and/or damage resulting in environmental losses.
5. Community Claim Rights. The community has the right to file a class action lawsuit for their own interests and/or the interests of the community if they experience losses due to environmental pollution and/or damage.
6. Rights of Environmental Organizations. In connection with the implementation of environmental protection and management responsibilities, environmental organizations have the right to file a claim for the preservation of environmental activities. The right to file a lawsuit is limited to demands to take certain Actions without compensation other than real costs or expenses.
7. Administrative Lawsuit. Everyone can file a lawsuit against a government decision when a government agency or official issues an environmental permit. Licensing that does not have an Amdal obligation and is not accompanied by an Amdal document and is not equipped with a UKL-UPL document for business actors or business activities.

Law Enforcement of the Criminal Environment

Criminal punishment is the last aspect of legal action. Criminal penalties are imposed on companies that pollute and damage the environment, with the task of informing the company about the actions taken, especially with the aim of protecting the public interest, which are protected by the provisions of the law that were violated. In addition, its function is also to prevent or hinder potential actors from carrying out irresponsible behavior towards the environment. To ensure that companies can be prosecuted for environmental problems, the same provisions apply as for other criminal matters, namely the principle of legality, meaning that it must be based on the existing law at the time the act was committed and guilt must be proven. Criminal provisions are contained in Article 97 to Article 120 of Law Number 32 of 2009 concerning Environmental Protection and Management. Article 98 of Law Number 32 of 2009 concerning Environmental Protection and Management states:

1. Every person who deliberately commits an act which results in exceeding the air quality standard, ambient quality standard, water quality standard, sea water quality standard, or environmental damage standard criteria, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp. 3,000,000,000.00 (three billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah).
2. If the act as referred to in paragraph (1) results in injury to a person and/or endangers human health, the criminal shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 4,000,000,000.00 (four billion rupiah) and a maximum of Rp. 12,000,000,000.00 (twelve billion rupiah).
3. If the act referred to in paragraph (1) causes a person to be seriously injured or dies, the criminal shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 5,000,000,000.00 (five billion rupiah) and a maximum of Rp. 15,000,000,000.00 (fifteen billion rupiah).

If an environmental crime is committed on behalf of an entrepreneur or company, then the entrepreneur or the giver of the order or the mastermind behind the crime will be prosecuted and subject to criminal sanctions. Article 116 (1) and (2) of the Environmental Protection and Protection Act No. 32 of 2009). The criminal threats mentioned in the article on Environmental Protection and Management Number 32 of 2009 are imprisonment and fines. In addition, there are additional criminal or disciplinary measures against business entities in Article 119 in the form of: Deprivation of profits derived from criminal acts. Closure of all or part of the place of business and/or activities. Correction due to crime. The obligation to do what is neglected without rights. Placement of the Company under guardianship for a maximum of 3 (three) years.

Factors That Hinder Environmental Law Enforcement in Indonesia

In enforcing environmental law there are various obstacles that lead to the ineffectiveness of the supporting factors in enforcing environmental law. Many regulations have been issued by the government, but implementation in the field still encounters obstacles, namely as follows:

1. Legal Facilities. Legal facilities are a factor of constraints and obstacles in enforcing environmental law. The various operational policies issued are often inconsistent with the principles of environmental protection and management in Law Number 32 of 2009 and other laws relating to environmental management. Conversely, when implementing environmental laws, the human factor determines the success of law enforcement more than the legal factor itself.

2. Law Enforcement Officials. Many environmental cases are limited because the number of professional law enforcement agencies dealing with environmental issues is still very limited. Furthermore, it is impossible to expect law enforcement officials to be able to control various environmental aspects. Because the environment includes very broad and complex aspects related to various disciplines. Limited knowledge and understanding of law enforcement officials regarding environmental issues is a very important obstacle in efforts to create a common understanding about handling environmental cases.
3. Facilities and Facilities. Facilities and resources are tools to achieve the objectives of implementing environmental laws and regulations. The absence or limitations of supporting facilities and infrastructure (including money) have a significant impact on the success of environmental law enforcement. The fact on the other hand shows that various technologically advanced devices (laboratory devices) are used to address environmental problems that require specialists to operate and are quite expensive.
4. Licensing. Permits are indeed one of the problems that provide more opportunities for the development of environmental problems than limiting them. Because Article 36 of Law Number 32 of 2009 can still be bypassed by entrepreneurs, especially if the permit in question is a permit granted by the Ministry of Industry, after a company is ready to produce.
5. Environmental Impact Analysis System (AMDAL). In practice, AMDAL focuses more on meeting administrative requirements than substantive requirements. This means that rapid requests for AMDAL are a link in the chain of the Company's licensing commitments or are seen as activities to obtain loan agreements or investment permits. The transparency and mechanism for opening the AMDAL document to the public did not work as expected, even the (affected) community did not know for sure that the activity was taking place.
6. Community Legal Awareness of the Environment. Compliance with legal (environmental) regulations is an indication of a company's legal awareness. In the Law on Environmental Management, along with the existence of law enforcement agencies, community participation is an important part in achieving legal objectives through supervision of environmental laws and regulations through law enforcement officials. Limited public awareness of environmental rights is due to environmental aspects not being known by the wider community and due to unknown environmental pollution and destruction. Therefore efforts are needed such as counseling, guidance, exemplary and community participation to overcome environmental problems. Therefore, law enforcement activities that are more educative, persuasive and preventive must be strengthened and encouraged.

CONCLUSION

Environmental Law is law under the protection, maintenance and improvement of environmental sustainability. In addition, it is said that environmental laws and regulations are all laws that regulate people's behavior about what to do with the environment and the implementation of which can be controlled with a sanction from the authorities. The legal action given to the perpetrators of environmental pollution and destruction consists of administrative aspects, civil aspects, and criminal aspects. Article 76 (2) Environmental Protection and Management Law No. 32 of 2009 stated that administrative sanctions consist of written warnings, enforcement by the government, freezing of environmental permits and revocation of environmental permits. Regarding the settlement of environmental disputes according to Article 84 of Law no. 32 of 2009, there are two ways to claim compensation and/or environmental cleaning costs, namely environmental dispute resolution outside the court and environmental dispute settlement outside the court.

If an environmental crime is committed on behalf of a business entity or company in accordance with Article 116 paragraphs (1) and (2) of Law Number 32 of 2009, then criminal

charges and criminal sanctions are imposed on the business entity or person giving the order to commit the crime. or the person acting as the leader of the activity in the crime. The criminal threats referred to in these articles are imprisonment and fines. In addition, there are other criminal or disciplinary actions against business entities based on Article 119 of the Law on Environmental Protection and Management No. 32 of 2009. Regarding several factors that hinder law enforcement, namely legal facilities, law enforcement officers, facilities and infrastructure, permits, EIA systems, community legal awareness of the environment. If all these factors work well, then the environment will bring true prosperity to the Indonesian people.

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