



Law Enforcement against Environmental Pollution in the Community

KEYWORDS

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ABSTRACT

To get a good and healthy environment is a fundamental human right regulated in the 1945 Constitution and the laws and regulations under it. On the other hand, the country needs development as an effort to advance the country. Unfortunately, these two things are difficult to run together optimally. This is because the fulfillment of the right to a good and healthy environment is often hampered by irresponsible industrial activities. An example of this can be seen in the disposal of PT Kahatex's textile waste in Bandung district which has polluted the Cikjing river in Rancaekek, West Java. Despite the permit, its waste disposal has been removed, PT Kahatex is still seen carrying out its activities with the impact of environmental pollution that is still sustainable. Furthermore, the Sumedang Regent did not dare to stop the company's operations considering that the number of PT Kahatex employees was at risk of losing their jobs. Therefore, this paper aims to analyze existing environmental problems and provide advice on what law enforcement should do.

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INTRODUCTION

Development activities are increasing, containing risks, increasing pollution and environmental destruction, including by toxic hazardous waste, so that the structure and function of ecosystems that support life can be damaged. Environmental pollution and destruction will become a social burden, which in the end the community and government will have to bear the cost of recovery. The maintenance of the quality of environmental functions in a sustainable manner requires responsibility, openness, and community participation on which sustainable development depends to ensure the welfare and quality of life of future generations. Realizing the above, hazardous and toxic materials and their waste must be managed properly. The increasing activity on

the environment, this situation increasingly encourages the treatment of impact control efforts, so that risks to the environment can be reduced as little as possible.

Environmental pollution is one of the factors that affect the quality of life of surrounding creatures so that the problem of environmental pollution is one of the most crucial things. Many pollutants are rife in everyday life that we encounter such as pollution of water, air, soil. From such pollution occurs due to several factors. The causative factors of pollution itself are numerous, one of which is a natural, human, and other factors. Currently, the rampant pollution that is now difficult to control, especially after the industrial revolution. As a result, a lot of factories are built and cause various kinds of pollution or pollution.

This is inseparable from industrial activities that involve the use of hazardous chemicals, especially industrial waste if released into the environment without going through further processing so that these materials can be decomposed by microorganisms in the disposal environment.

METHODS

The approach method used in this study is juridical-normative, with a type of dogmatic research, a form of prescriptive research on legal relations. The specification of this study is descriptive-analytical. The data collection method used through the library research method by testing the document materials and library materials used in this study. Data are analyzed qualitatively-normatively, examining by interpreting and constructing statements contained in statutory documents. Qualitative analysis method, built based on secondary data in the form of theory, meaning and substance from various literature, laws and regulations then analyzed with normative laws, and related theories, so that conclusions are obtained.

RESULTS AND DISCUSSION

Types of environmental pollution

Environmental pollution is divided into three types, namely water pollution, soil pollution, and air pollution.

1. Air pollution

Air pollution is caused by pollutants that pollute the air. These pollutants can be produced through the use of certain appliances such as air conditioners, cars, and hair dryers. In addition, pollutants can also come from human activities, such as burning garbage, the use of pesticides to kill pests on agricultural land, and the operation of factories that produce smoke.

2. Water Pollution

Water pollution is caused by pollutants that enter water bodies such as B. pesticides, sewage, sewage, fertilizer and garbage. Polluted water smells, turbid and colored, making it unfit for consumption. When water is drunk, it is harmful to health.

3. Soil pollution

Soil pollution is caused by pollutants that seep into the soil layer, thereby reducing soil quality. Such pollutants can come from oil, effluent, excessive use of pesticides, landfill liquid, and other substances such as arsenic, iron, cadmium, chloride, chromium, fluoride, mercury, lead, nitrate, silver, selenium, and sulfate.

Pollution level

According to the World Health Organization, pollution that occurs in the environment is divided into four levels, including:

1. First level

At this level, contamination is not dangerous.

2. Second level

At this rate, pollution begins to disrupt parts of the ecosystem and disturb humans.

3. Third level

At this level, pollution begins to cause fatal reactions in the body and chronic diseases.

4. Fourth level

At this level, pollution is already too severe and can cause the death of living things because the pollution level is very high.

Impact of environmental pollution on life:

- Disruption of environmental balance

Unconscious pollution leads to an imbalance of the environment or existing ecosystem. Because pollution destroys conditions that were originally good to bad. When it comes to environmental pollution, there are many disturbances, not only for humans but also for animals and plants.

- Extinction of various plant and animal species

Pollution has a great impact on flora and fauna. When pollutants enter the environment, they kill many species of living flora and fauna. Reduced soil fertility

Pollution leads to a decrease in soil fertility. This decrease is due to excessive pesticide use. If this pesticide is used excessively, it will pollute the soil

- Reduced soil fertility

Environmental pollution will cause a reduction in soil fertility. This decrease is due to excessive use of insecticides. When the use of this insecticide is excessive, it will pollute the soil

- Explosive pest growth

Excessive use of pesticides can also cause environmental pollution. This insecticide also kills predators. When predators die from pesticide exposure, the growth of these pests develops rapidly. Also the growth of this pest grows excessively and uncontrollably. Of course, this is detrimental to many parties. If this new pest cannot be controlled, it becomes a natural disaster. It is possible that people do not get their food rations because pests have eaten their food rations before they are ready to harvest them.

- Causes ozone depletion

Pollution causes environmental damage. One of them is ozone depletion. Eventually, as the ozone hole thins, it becomes a hole. We all know that the ozone layer helps protect the earth from direct UV radiation. When the ozone layer is perforated, it automatically carries ultraviolet light directly to the earth.

- Causes poisoning and disease

It is still a continuation of the effects of polluted environments in the form of biological concentrations. When people eat food in the form of contaminated animals or plants, all bad possibilities can arise. Some bad ways of consuming contaminated foodstuffs are poisoning or death. Or if this does not happen, then it is unlikely that the disease will attack.

Things that pollute the environment:

- Unorganized disposal of industrial waste.
- Factory fumes that pollute the air
- Excessive use of pesticides
- Eco-friendly discharge of laundry water directly into the ground
- Use of electrical equipment that can emit greenhouse gases
- Use of cleaning products containing harmful chemicals

Environment is a combination of physical conditions that include the state of natural resources such as land, water, solar energy, minerals, and flora and fauna that grow on land and in the ocean, with institutions that include human creation such as decisions on how to use the physical environment

Environmental functions

This environment has many environmental functions. Some of the features we get from the environment include:

As a meeting place for living things

The undoubted benefit of the environment is the social place for living beings in everyday life. After all, living things can never live alone. In living life, living things need the presence of other living things (both similar and unkind). For humans it is no exception because humans cannot live without animals and plants.

However, plants and animals are a source of food for humans. Therefore, if these two living things do not exist, humans cannot live. In addition, humans are also referred to as social creatures which means humans are living things that cannot live without other humans. People definitely need the help of others because that's what social beings are called. This is one of the tasks of the environment, namely as a place of hospitality in everyday life.

As a dwelling place for living beings

A survival location is a feature or advantage of a nearby environment that has several elements related to each other. These elements interact with each other to achieve a specific function. Because of this interaction, the living also acts as a form of survival. There are several elements that are interconnected and needed by living things to survive, namely:

- The presence of air. As we all know that this air is very important for its existence. This is because almost all living things breathe using air. In addition to breathing, the presence of air is also very important to help the process of photosynthesis in plants.
- The presence of sunlight. Sunlight is the only natural source of heat that exists and belongs to the Earth. This sunlight has many functions for humans, such as helping the drying process naturally, warming the body, and providing a sunny weather effect. In addition to humans, sunlight is also very beneficial for plants, which helps the process of photosynthesis.
- The presence of water. The environment also provides water that we all know that this water has many uses and is very important. For humans themselves, water can be used for various kinds such as drinking, cleaning the body and supporting agriculture
- While for plants, water is also very useful because it is a condition for photosynthesis.
- The presence of plants and animals. The environment is also home to plants as well as animals. It has been said before that humans really need animals as well as animals to be able to survive (because animals and plants are a source of food for humans). Therefore, without plants and animals, humans would not be able to survive.
- The existence of land. Land is also one thing that is needed by humans. With land, humans can make various facilities, such as residences, schools, places of entertainment, and so on.

Places to seek wealth

The next function of the environment is as a place to seek wealth. There is a lot of wealth that we will get on this Earth. Natural wealth such as mining materials, gold, silver, belian and so on. All these items are stored a lot on Earth. In addition to metals and rocks, there are still other earth wealth such as natural gas, petroleum, even endangered Indonesian flora and fauna. This is proof that the environment has a function to find natural wealth.

As a means of education

The environment also has a very important function, namely as a means of education or education. Humans can develop various sciences owned by adding research or research carried out in nature. This of course will greatly help humans to develop and find alternative solutions to problems that have not been separated from it.

A place to get entertained

The environment is also very important because it provides a means of entertainment. The environment occupied by other people will be able to have a positive impact because someone can cause entertainment.

Efforts made by the government to overcome environmental pollution;

- Supervise the use of several types of pesticides, insecticides and other chemicals that have the potential to cause environmental pollution.
- Carry out greening.
- Placing industries or factories apart from residential areas.
- Provide strict sanctions or punishments against perpetrators of activities that pollute the environment.
- Conducting environmental counseling and education to raise public awareness about the true meaning and benefits of the environment.
- Regulate the industrial waste disposal system so that it does not pollute the environment.

In addition, based on Law No. 4 of 1982 Article 20 states, "Goods ready to damage or pollute the environment bear responsibility with the obligation to pay compensation for losses to sufferers who have violated their rights to a good and healthy environment."

To find out the extent to which environmental pollution occurs, it takes measures to assess, as a form of standard administrative environmental pollution mitigation

Based on article 1 Paragraph (14) of Law Number 32 of 2009 concerning Environmental Protection and Management, environmental pollution is "The entry or inclusion of living things by human activities so as to exceed the established environmental quality standards."

Meanwhile, to measure the presence of pollution, it is determined by environmental quality standards as mentioned in Article 1 Paragraph (13) of Law Number 32 of 2009 concerning Environmental Protection and Management, that environmental quality standards, are measures of the limits or levels of living things, substances, energy or components that exist or must exist and / or polluting elements that are tolerated for their existence in a particular resource as an element of the environment.

Environmental law enforcement can be enforced in three ways, namely: through administrative law, civil law and criminal law, each of which is sanctioned in the form of administrative sanctions, civil sanctions and criminal sanctions

CONCLUSION

Measures to control pollution and/or environmental damage based on Article 14 of Law No. 32 of 2009 concerning Environmental Protection and Management including prevention, mitigation and recovery have not been carried out properly due to the lack of government supervision. From now on, the government should provide strict sanctions for those who have violated the articles stipulated to protect the environment

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