

RESEARCH ARTICLE

# Law Enforcement in the Aspects of Natural Resources and Environmental

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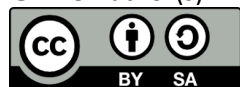
**Citation:** Prasetyo, H., & Diniyanto, A. (2021). Law Enforcement in the Aspects of Natural Resources and Environmental Damage. *Law Research Review Quarterly*, 7(1), 43-52.  
<https://doi.org/10.15294/lrrq.v7i1.44244>

**Submitted :** December 19, 2020

**Revised :** January 20, 2021

**Accepted :** February 11, 2021

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ISSN 2716-3415

*Law Research Review Quarterly* published by Faculty of Law, Universitas Negeri Semarang, Indonesia. Published quarterly on February, May, August, and November.

## Abstract

Development in humans and a country is a must. However, in development must apply a balance with nature and the environment. This is important because so far, development often has the potential to contribute to damage to natural resources and the environment. In Indonesia, there are several developments that provide evidence of damage to natural resources and the environment, even though Indonesia already has legal instruments to prevent and enforce violations of environmental damage. This phenomenon actually illustrates that the policies for protecting natural resources and the environment are still not optimal for the flow of development. This research examines the relevance between development and damage to natural resources and the environment. This research also analyzes law enforcement in the aspects of damage to natural resources and the environment.

**Keywords:** *Law Enforcement; Development; Environment*

## 1. INTRODUCTION

Development is a necessity for mankind in this world. Development can be said to know no time. From the past until now onwards, the world will be filled with development. Every individual or human group will tend to do physical or non-physical development. Even the state is not timid in its development agenda, especially those related to physical development. Almost all countries in the world are doing development. Developed countries carry

out massive development. Industry, mining, technology cannot be separated from the object of development. The world that is currently in the heart is a construction of development.

In Indonesia, the development phenomenon is almost the same as in other countries. Almost, every time doing physical and non-physical development. Since Indonesia's independence, it has continued into the old order era, the new order, and currently in the reform era. Development is often the country's main agenda in order to advance Indonesian people or society. Development can also be used as a pretext for realizing a large and developed country. It is not surprising if we see Indonesia's current condition which is decorated with developments, especially physical or infrastructure development. Roads, bridges, reservoirs, airports, public facilities, large buildings are increasingly mushrooming. That is part of development (Fauzie, 2019).

In fact, such a development has various obstacles. Not all development in Indonesia goes hand in hand with sustainable environmental protection. In some places, even development runs linearly with the damage to natural resources and the environment. This condition is certainly sad and also dangerous. On the other hand, development is a necessity that must be done. But on the other hand, development also has the potential to destroy natural resources and the environment, a dilemma. According to him, this is still being done even though development can destroy natural resources and the environment.

Many countries have exploited natural resources for economic or development reasons. As a result, there is damage to the ecosystem, lost forests, environmental pollution (water and air) and many more. This condition actually explains that development participates in damaging natural resources and the environment. Development which also destroys natural resources and the environment is development carried out without prioritizing environmental aspects. This is certainly very dangerous for the future of the nation's generation. Natural resources and the environment that should be preserved so that our children and grandchildren can enjoy it, the fact is that currently it has started to be reduced due to development that is not friendly to natural resources and the environment. There is a need for prevention and action to

overcome damage to natural resources and the environment ([Firmansyah & Gunawan, 2007: 105-107](#)).

Indonesia as a constitutional state in accordance with Article a paragraph (3) of the 1945 Constitution of the Republic of Indonesia must be present to resolve problems related to development due to damage to natural resources and the environment. The state through its instruments, namely law, must be present to solve this problem. The goal is for development to continue but not to damage natural resources and the environment, so that future generations can enjoy the natural resources and environment in Indonesia.

In addition, protecting and protecting natural resources and the environment from being damaged is part of realizing a sustainable life. This paper examines the extent of the relevance between development and damage to natural resources and the environment. This paper also examines the connection with law enforcement in the aspect of damage to natural resources and the environment.

## **2. METHOD**

### ***A. Research Types and Approaches***

This research uses non-doctrinal legal research. This type of non-doctrinal legal research consists of juridical empirical legal research and sociological juridical legal research. Non-doctrinal legal research does not only examine legal aspects normatively. Studies in non-doctrinal research are examining those related to legal aspects and other things that occur in the field or in community conditions (sociology). This research uses empirical juridical research. This means that apart from examining legal aspects in this case Law Number 32 of 2009 concerning Environmental Protection and Management, researchers will also study empirical facts in the field related to damage to natural resources and the environment supported by evidence ([Sonata, 2014: 27-30](#)).

The approach in research consists of qualitative, quantitative, and mixed approaches (qualitative and quantitative). Research conducted by researchers used a qualitative approach. A qualitative approach is a research approach carried out by capturing phenomena in society. This phenomenon in society is then studied and described

in narrative form supported by arguments and analysis (Hardani, et, al, 2020: 277-278).

### ***B. Data Sources***

Sources of data in this study use primary data sources and secondary data sources. Primary data sources are the main data sources in research. Secondary data sources are sources of supporting data for primary data. The primary data sources of this research are:

- 1) The 1945 Constitution of the Republic of Indonesia.
- 2) Law Number 32 of 2009 concerning Environmental Protection and Management.

Secondary data sources in this study consisted of journals related to research themes and internet sources.

### ***C. Data Collection Method***

Data collection methods in this study were carried out by observation and document study. Observations were made by observing the symptoms related to the research theme based on data sources. Document studies were conducted to obtain data from data sources in the form of statutory regulations, journals, and data sources on the internet.

## **3. RESULT AND DISCUSSION**

### ***A. Relevance between Development and Damage to Natural Resources and the Environment***

As mentioned earlier, development with damage to natural resources and the environment has a direct relevance. The impact of unfriendly development and not synergizing with nature can cause damage to nature and the environment. Empirical facts have proven the amount of damage to natural resources and the environment due to development (Firmansyah & Gunawan, 2007: 105-107). These empirical facts need to be proven and re-analyzed so that they can conclude that development that is not friendly to nature will cause damage to natural resources and the environment. This proof becomes a point or conclusion that development has relevance to natural and environmental damage. This evidence can be seen as follows.

*First*, the change in land use makes development potentially damaging to natural resources and the environment. Development, which requires land as a

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medium for development, is likely to result in a land conversion. Land that was previously used as forest or green land has to be converted into dry land due to development. The conversion of land functions like this clearly damages natural ecosystems, especially green lands. It is therefore clear that land development that requires land conversion will cause damage to natural resources and the environment. The conversion of land functions should be harmonized with reforestation. Ecosystems that have been damaged due to land use change must be replaced with new ecosystems. But these solutions are very difficult to implement and only minimize the damage to natural resources and the environment (Lisdiyono, 2015: 81-82; Lisdiyono, 2007: 149-150).

*Second* namely the exploitation of natural resources which destroy natural resources and the environment. Exploitation of natural resources is part of development, because the impact of natural resource exploitation is for development. However, no matter how good controlling the environmental impact on the exploitation of natural resources, it will still damage the natural resources itself and the surrounding environment. The continuous exploitation of natural resources, the longer it will damage and even destroy the natural resources themselves. Even the ecosystems that exist above natural resources will be damaged due to exploitation. There has been no effective way of saying that exploitation of natural resources will be friendly to natural resources and the environment itself, but there is the opposite. The longer and more continuously exploited natural resources, the damage to natural resources and the environment will inevitably occur. The real impact is that natural ecosystems that are on the surface or in natural resources will definitely be damaged when exploitation is carried out (Lisdiyono, 2011: 14).

*Third* is industrial waste pollution. Industry is part of the country's development. Not surprisingly, if a country that increasingly makes industry as a main commodity, the country will be said to be more advanced. Developed countries can be seen as examples. Making industry the main sector of the economy and development. But the impact of the industry is waste. Industrial waste in the form of liquids, smoke, etc. is a problem for the sustainability of natural resources and the environment. The failure of

industrial waste management has clearly had an impact on the destruction of natural resources and the environment. No wonder the global condition is getting hotter due to pollution from motor vehicles and industrial waste. Earth's climate has become damaged due to industrial waste. Waters can also be polluted due to industrial waste, let alone deadly waste clearly damaging the water ecosystem (Lisdiyono, 2011: 14-15).

The three examples have become evidence that development has relevance to damage to natural resources and the environment. Land conversion, exploitation of natural resources and industrial waste are development activities that can destroy natural resources and the environment.

### ***B. Law Enforcement in the Aspects of Natural Resources and Environmental Damage***

Damage to natural resources and the environment must have a cause. One of the causes is the low environmental impact control. It is true that environmental impact control has not been able to fully overcome the damage to natural resources and the environment. The existence of environmental impact control can at least minimize damage to natural resources and the environment. In addition, environmental control is also a win-win solution for the stagnation of handling damage to natural resources and the environment. Without development in a world life is also a difficult thing. Therefore, it is necessary to control the environmental impact so that development can proceed with minimal damage to natural resources and the environment. This can be said as sustainable development.

The question is, why does environmental damage continue to occur on a large scale? Are environmental impact controls not implemented? Indonesia actually already has Law Number 32 of 2009 regarding Environmental Protection and Management. Article 4 states that the scope of environmental protection and management consists of (a) planning; (b) utilization; (c) control; (d) maintenance; (e) supervision; and (f) law enforcement. This means that the provisions in Law Number 32 of 2009 concerning Environmental Protection and Management can be said to be comprehensive. Moreover, there are materials related to law enforcement. Law enforcement is part of



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guarding and enforcing aspects of planning, utilization, control, and maintenance.

The question is why the damage to natural resources and the environment is still happening under construction? Even though there are already regulations governing the protection and management of the environment. If there are regulations that regulate, the damage to natural resources and the environment should not occur on a large scale due to development. The statement concludes that the law enforcement of Law Number 32 of 2009 concerning Environmental Protection and Management has not been optimal. The law has not yet become a guide in carrying out sustainable development or development that is friendly to natural resources and the environment (Lisdiyono, 2014: 73-75).

Supposedly, law enforcement against development that damages natural resources and the environment can be optimal. Law Number 32 of 2009 concerning Environmental Protection and Management as a legal instrument to protect natural resources and the environment must be strictly enforced so that damage to natural resources and the environment does not occur on a large scale due to development. In fact, it can be said that the law enforcement of Law Number 32 of 2009 concerning Environmental Protection and Management has not been maximized, so that there is still visible damage to the environment and natural resources due to development.

#### **4. CONCLUSION**

This paper concluded that the relevance of development to damage to natural resources and the environment lies in the evidence. The evidence referred to is that development can potentially damage the environment. There are at least three evidence that can conclude that development can destroy natural resources and the environment if development is not carried out in an environmentally friendly manner. The three evidence are land use change, exploitation of natural resources, and industrial waste pollution. The existence of development that damages natural resources and the environment also proves that law enforcement has not been maximized. The legal instruments of Law Number 32 of 2009 concerning Environmental Protection and Management which should be able to prevent and minimize

damage to natural resources and the environment have not been optimally enforced. Therefore, Indonesia, which already has legal instruments, should protect and manage the environment including natural resources and the environment so that it is not damaged by development.

## 5. DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

## 6. FUNDING

None

## 7. ACKNOWLEDGEMENT

None

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The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased; and not impaired in value.

Theodore Roosevelt

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