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ABSTRACT. Environment in Indonesia concerning land, water, and air in the territory of the Republic of Indonesia. All these environmental media are the containers where we live, live and breathe. Healthy environmental media will give birth to the current generation of human beings and generations will come a healthy and dynamic. Industrial development, forest exploitation as well as busy and crowded traffic flows due to development that continues to evolve, providing side effects. These side effects result in the land we live in, the water we use for the life and the air we breathe. If the soil, water and air eventually can no longer provide a climate or condition that is feasible for us to use, the pollution or environmental damage has occurred. This study aims to analyze environmental law and mining law provision in the context of state administration law. This study found that some laws and regulations concerning environmental and mining law have been provided, however in fact, there are some overlapping regulations.

KEYWORDS. Environmental Law, Mining Law, State Administration Law

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Introduction

Environment in Indonesia concerning land, water, and air in the territory of the Republic of Indonesia. All of these environmental media are the containers where we live, live and breathe. Healthy environmental media will give birth to the current generation of human beings and generations will come a healthy and dynamic. Industrial development, forest exploitation as well as busy and crowded traffic flows due to development that continues to evolve, providing side effects. These side effects result in the land we live in, the water we use for the life and the air we breathe. If the soil, water and air eventually can no longer provide a climate or condition that is feasible for us to use, the pollution or environmental damage has occurred.[1]

Rapid population increase has implications on various fronts. This rapid increase in population resulted in pressures on the sector of providing labor facilities that could not be accommodated from the agriculture sector. So, for the expansion of employment opportunities, the industrial sector needs to be

[1] Takdir Rahmadi, Hukum Lingkungan di Indonesia (Jakarta: Publisher Rajawali Pers, 2013), p. 13.

improved both in quality and quantity. Gradually increasing in various areas of the industry will lead to gradually no longer dependent on the outcome of foreign production in meeting the needs of life. The paradigm of economic growth adopted by the Indonesian Government sees all-natural wealth contained in Indonesia as a capital to increase the revenue of the country.[2]

Unfortunately, this is done exploitative and on a massive scale until now, no less than 30% of Indonesia's inland territory has been allocated to mining operations, which include both mineral mining, coal and oil and gas mining. It is not uncommon for the areas of mining concessions to overlap with forest areas rich in biodiversity as well as areas of indigenous peoples ' lives. Mineral resources such as white, gold, nickel, copper, manganese, mercury, iron and Iain is an unrenewed natural resource or non-renewable resource, meaning once this material is scraped, it will not be able to recover or return to its original state.[3]

Therefore, this study aims to analyze two main important questions, *first* how environmental laws and mining laws are in the perspective of State Administration? And *second* how Environmental law administration and mining laws are enforcement?

Environmental Law and Mining Law in the Perspective of State Administration

Law No. 32 of 2009 on environmental protection and management, for example defining the 'environment' as follows: "The environment is the unity of space with all things, power, circumstances, and living beings, including man and his behavior, which affects the nature itself, the survival of life, and the welfare of mankind and other living beings" (article 1).[4] While environmental law is a translation of the term Enviromental Law (in English), *Millieu Recht* (Dutch), the same has the meaning of the law governing the environmental order that exists around human beings. The law of environment according to Soedjono is a law governing environmental order, where the environment includes all objects and conditions, including

[2] Abrar Saleng, Hukum Pertambangan (Yogyakarta: Publisher UII Press, 2004), p. 17-18.
[3] *Ibid*.
[4] Syarif, L. M. & Wibisana, A., Hukum Lingkungan: Teori, Legislasi dan Studi Kasus (Depok: Publisher FH UI Press, 2010), p. 38.

human beings and affects the survival and welfare of human beings and other living bodies.[5]

In the view of Siti Sundari Rangkuti, it says that the environmental law concerns the determination of values (*Waarden-Beoordelen*); That is the current values, and the expected values are enforced in the future and can be called "*laws governing environmental order*". Environmental law is the law governing the reciprocal relationship between humans and other living beings that when infringed can be sanctioned.[6]

A. Environmental Law Policy and Principles

The basic environmental law of Indonesia is based on the Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management.[7]

1. Environmental Law Resources

The Decade of the 1970 was the beginning of a global environmental problem characterized by the development of the Stockholm conference in 1972 that spoke about environmental issues (UN Coference on the Human Environment, UNCHE). The conference, organized by the United Nations, was dated from 5-12 June 1972, finally on 5 July, as the world's living Environment Day. In 1987 was formed a World commission called the World Commission on Environment and Development, the concept of sustainable Development, then the General Assembly of PPB decided to hold a conference in Rio de Janeiro, Brazil 1992.[8]

Since the 1980-era, widespread demands have been extended so that the official policies of the state's pro-environment can be reflected in the form of legislation that remembers to be obeyed by all stakeholders. No exception, Indonesia also faces the same demands, the need to be drafted a policy that can be enforced in the form of a separate law governing the environment. That is also why, then Indonesia drafted and finally set the validity of Law No. 4 of 1982 concerning the basic provisions of environmental Management

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5 Soejono Dirdjosisworo, Pengaman Hukum Terhadap Pencemaran Lingkungan Akibat Industri (Bandung: Publisher Alumni, 1983), p. 29.

6 Rangkuti, S. S., Hukum Lingkungan & Kebijaksanaan Lingkungan Nasional Edisi 4 (Surabaya: Publisher Airlangga University Press, 2020), p. 33.

7 Law of the Republic of Indonesia No. 32 year 2009 on Environmental Protection and Management.

8 *Ibid*.

(UULH 1982). This is the first legal product made in Indonesia. The birth of UULH 1982 dated 11 March 1982 is also viewed as the base of decline or beginning of birth and growth of national environmental law.

2. Principles of Environmental Law

The principles of environmental law can be distinguished into the principles of the substantive (substantive principle) and procedural (procedural principle) legal principles. The principles of substantive law are the Guiding principles that determine, describe and govern the rights, obligations (prohibitions) and responsibilities (liabilities). While procedural legal principles pertain to ordinances to enforce rights or restore infringed rights.[9]

The principles of protection and environmental management in Indonesia are mentioned in article 2 of the Law No. 32 year 2009 on Environmental Protection and Management (UUPPLH 2009).[10] There are 14 principles mentioned in article 2 that are outlined in the explanations section of Chapter 2. The 14 principles are: a. National responsibility; b. preservation and sustainability; c. harmony and balance; d. Alignment; e. Benefits; f. The attention; g. Justice; h. ecoregion; i. Biodiversity; j. Polluters pay; k. Participatory; l. Local wisdom; m. good governance; and n. Regional autonomy.

3. Mining Law

The term of the mining law comes from the English translation, which is the mining law, called *Mijnrecht*, while the German language is called *Bergrecht*. Joan Kuyek expressed the notion of mining law, "*Mining laws is: Have been set up to protect the interests of the Mining industry and to minimize the conflicts between Mining companies by giving clarity to who own what rights to mine. They were never intended to control mining or its impact on land or people. We have to look to other laws to protect these interests*."

While Joseph F. Castrilli expressed the notion that mining law was: "*Also may provide a basis for implementing some environmentally protective*

[9] Andri Gunawan Wibisana, "Tentang Ekor yang Tak Lagi Beracun: Kritik Konseptual atas Sanksi Administratif dalam Hukum Lingkungan di Indonesia." Journal Hukum Lingkungan Indonesia 6.1 (2019):3.

[10] Law No. 32 year 2009 on Environmental Protection and Management.

measures in relation to mining operations at the exploration, development, reclamation, and rehabilitation stages." According to Salim HS, "*Mining law is the whole rule of law governing State authority in the management of minerals (mines) and governs the legal relationship between countries and persons and/or entities in the management and utilization of minerals (mines)*."[11]

The above definition is considered to be the most described mining law because it consists of three important elements concerning the law of mining, namely the rule of law, the State authority in regulating the management of minerals and the legal relationship between countries and persons and/or entities in the establishment of minerals.

B. Mining Law Policy in Indonesia

Based on the Constitution 1945 Article 33, the mining in Indonesia is ruled by the state. So, the mining law was made to regulate everything related to mining that is by the issuance of the Law of the Republic of Indonesia number 4 year 2009 about Mineral and coal mining. Mining Law is a rule governing the relationship between human beings and the subject of other law related to mining. It is important to be known by companies engaged in mining.[12]

1. Principles of Mining Law

In article 2 of Law No. 4 of 2009 on mineral mining and coal has been determined the legal principles of mineral and coal mining. There are seven principles of mineral and coal mining law. The seven principles include:[13]

1) Benefits

   The principle of benefits is the principle in which the management of mineral and coal resources can provide usability for the welfare of many communities. This principle is in accordance with the concept developed by Jeremy Bentham. The law should provide benefits or usability for the crowd (to serve utility). The utility concept developed by Jeremy Bentham is intended to explain the concept of happiness or well-being.

[11] Salim HS, Hukum Pertambangan Di Indonesia (Jakarta: Publisher Rajawali Pers, 2005), p. 8.
[12] The Law of the Republic of Indonesia Number 4 Year 2009 about Mineral and Coal Mining.
[13] Article 2 of Law No. 4 of 2009 on Mineral and Coal Mining.

Something that can pose extra happiness is something good. Conversely, something that raises pain is bad. Government actions should always be directed to increase the happiness of as many people as possible (the greatest happiness principle).

2) Justice
   The principle of justice is the principle in the management and benefits of minerals and coal where in the utilization it must give equal and average rights to the community. Communities can be given the right to manage and utilize minerals and coal, and are also burdened to preserve the environment. So far, people have been less concerned because the government has always granted privileges to large corporations in managing mineral and coal resources.
3) Balance
   The principle of balance is a principle that requires that in the implementation of mineral and coal mining must have a position of equal and balanced rights and obligations between approvers and permits holders. Licensor may claim its rights to the permit holder, whether it be IPR, IUP, or IUPK. It is also the permit holder to claim its rights to the licensor so that the approver can carry out its obligations, such as giving coaching and supervision to the permit holders. This means balance in rights and obligations.
4) Alignments to the interests of the nation
   The principle of alignments to the interests of the nation is the principle that in the implementation of mineral and coal mining, that the government, both the central government and local governments must favoring or pro to the interests of the greater nation. This means that the interest of the nation should take precedence compared to the interests of the investors. However, the Government should also observe the interests of investors.
5) Participatory
   The participatory principle is the principle that in the implementation of mineral and coal mining, not only the participation of the giver and the license holder solely, but the community, especially the community in the circle of mines must participate in the implementation of the mining activities. Community participation, namely people can work in the mining company, can be entrepreneurs and distributors.

6) Transparency
   The principle of transparency, namely, that in the implementation of mineral and coal mining should be implemented openly. This means that any information conveyed to the public by the giver and permit holders must be clearly and openly socialized to the community. For example, about the stages of mining activities, labor needs, and others.
7) Accountability
   The principle of accountability, i.e. every mineral and coal mining must be accountable to the people in regard to the sense of fairness and decency. The principle of accountability is closely related to the rights that will be accepted by the Government, both central and local governments sourced from mineral and coal mining activities. For example, IUPK holders give a profit to the local government by 1%, then the use of money should be accountable to the people, in this case it is the DPRD, both the patent/city or province.
8) Sustainable and environmentally sound
   A sustainable and environmentally sound principle is a foundation that is well-planned to integrate economic, environmental, and social dimension in the overall mineral and coal mining business to realize the welfare of the present and future.

2. People's Mining Law Aspects

In Law 4/2009, people's mining area is called the people's mining area. The People's Mining area ("WPR") is a part of the mining area where the people's mining business activities.[14] The meaning of the mining area is the region that has the potential of minerals and/or coal and is not tied to the boundaries of government administration that is part of the national spatial.

Enforcement of Environmental Law and Mining Law in the Perspective of Law Enforcement Administration

Environmental law provisions are widely dominated by the provisions of administrative law which is the norm of authority, orders, prohibitions,

[14] Article 1 Paragraph 32 of the Law of the Republic of Indonesia number 4 year 2009 about Mineral and Coal Mining.

permits and dispensations. These norms bind governments in carrying out the authority to protect and manage the environment. The norms also bind the citizens and/or business actors in conducting activities and/or business that could cause environmental impact. One of the norms of authority owned by the government in the effort to protect and manage the environment is the norm of government authority to govern the linking and enforcement of administrative law, i.e. law enforcement directly without judicial procedures and if necessary with physical compulsion to adjust the factual situation with existing norms.

Environmental law Enforcement Administration as part of administrative law enforcement must fulfill 4 elements as stated by Philipus M Hadjon, which includes:

1) Legitimacy,
2) Juridical instruments,
3) Legal norms of administration,
4) Cumulation of sanctions.

Legitimacy is the validity of a governmental act in enforcing administrative environment law. The elements that must be fulfilled by the Government in enforcing the administrative Environment Law include authority, substance and procedure. The authority of Administrative Environmental law enforcement is in the hands of governments and local governments. The basis of that authority is law No. 32 year 2009 on environmental protection and management followed up by regulation of the Minister of Environment of Republic of Indonesia No. 02 Year 2013 concerning guidelines for implementation of administrative sanctions on protection and Environmental Management, hereinafter referred to as Candy LH. Based on the two regulations above, the Administrative Law enforcement authority in the protection and management of environmental attribution is owned by the Minister of Environment, governor or Regent/mayor, whose implementation is delegated to the Environmental Supervisory Officers (PPLH) and the Regional Environmental Supervisory officers (PPLHD).

The law Enforcement Administration in substance protection and environmental management encompasses the environmental supervision and implementation of administrative sanctions. Environmental supervision, hereinafter referred to as supervision, is a series of activities of environmental supervisory Office and/or regional environmental supervisory officers to

know, ensure, and establish the level of adherence to the responsibility of the business and/or activities on the provisions stipulated in environmental permits and legislation in the field of protection and environmental management. The imposition of administrative sanctions is the application of administrative law facilities that are the liability of the obligation/order and/or the recall of the State administrative decision imposed on the responsibility of the business and/or activities on the basis of disobedience to the rules of abuse in the field of protection and environmental management and/or provisions in environmental permits.

The application of administrative sanctions in the protection and environmental management has been governed by article 76 – Article 83 UUPPLH, that is,

a. Authority of the minister, governor or Regent/mayor in applying administrative sanctions to the responsible business and/or activities if the supervision is found violations of environmental permits,[15]
b. Types of administrative sanctions consist of:[16]
    1) Written strikes,
    2) Government Compulsion,
    3) Freezing of environmental permits, or
    4) Revocation of environmental permissions.

Aspects of Law Enforcement Environmental Administration in Indonesia

The study of legal aspects concerning enforcement of administrative law in Environmental management is distinguished from:

1. Theoretical aspects of administrative law

Environmental law as a genus is a branch of knowledge, but the largest part of the substance is the administrative branches of the administration. This is considering that environmental management is conducted primarily by the Government, so the environmental law consists largely of government law (*Bestuurrecht*). *Bestuurrecht* is also known as *administratief*, or administrative law. The administrative Law contains regulations which

[15] Article 76 Paragraph 1 UUPPLH.
[16] Article 76 Paragraph 2 UUPPLH.

include dealing with legal protection for the people. Then the environmental legislation that is born government is usually a means of wisdom (*Beleids Instrumentarium*) which is legal administrative.

Attributed to the theory of the organist State if the view of the law enforcement aspects of environmental administration in Indonesia has been regulating the enforcement of environmental sanctions in Indonesia to safeguard the rights of everyone to obtain a good and healthy living environment as per the mandate of article 28 H paragraph 1 Constitution 1945. It is associated with a legal state as in the state of law that the human rights of every citizen are protected. It is necessary so that the country can arrange for any activity and/or business in the field of environment. That by the administration of sanction more effective administration law enforcement has a strong potential as a preventive device before the occurrence of serious violations and inflict negative impact on the quality of the environment. The application of administrative sanctions is more effective and efficient to prevent the violation of the law, stop violations, and restore the condition to its original state until its implementation is effective. As according to Mas Achmad Santosa, that if the pollution and destruction of the environment has occurred it will be difficult and costly to overcome and addressed.

2. Positive legal aspects

Constitution of the Republic of Indonesia which is the Basic Law in the positive legal system of the Republic of Indonesia, the State recognizes and guarantees, that a good and healthy environment is a human right as contained in article 28 H paragraph (1) of the Constitution of the Republic of Indonesia year 1945, namely: "Every person has the right to live prosperous born and inward, reside, and obtain a good and healthy environment and deserve health care."

The "right to good and healthy living environment" "subjective rights" is the most "extensive" form of legal protection. Given that a good and healthy environment is a human right, then in the framework of the implementation of the State, Government and development for the welfare of the nation of Indonesia must be safeguarded its existence. To maintain the human rights existence of a good and healthy environment, one of Indonesia's national economic implementation principles is based on the principles of environmentally sound as mandated in article 33 paragraph (4) of the Constitution of the Republic of Indonesia Year 1945 hereinafter referred to

as Constitution 1945, namely: "The national economy is held based on economic democracy with the principle of togetherness, efficiency, fairness, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity." (UUD 1945) In addition to being one of the principles of national economy, good and healthy environment is also a cornerstone of national development policy of development of environmentally sustainable, directional, and well-planned living.

As the Protection and Environment Management Act mentions, that "the environment is the unity of space with all things, power, circumstances, and living beings, including man and his behavior, affecting the nature itself, the survival of the human being, and the welfare of mankind and other living beings. While "Environmental protection and management is a systematic and integrated effort is undertaken to preserve environmental functions and prevent the occurrence of pollution and/or environmental damage that includes planning, utilization, control, maintenance, supervision, and law enforcement (Act No. 32 year 2009).

Environmental Law Enforcement in Mining

As a consequence of the issuance of Mining business license (IUP), the next step is to conduct supervision. Supervision is one of the elements in management activities. Supervision in principle is done as a preventive effort whether the activity is done according to the existing provisions.[17] Supervision on the management of mining business in principle aims to make the IUP holder more directional in conducting activities in the ranking with mining business, so as not to deviate from the orders and restrictions that have been set in the permit. In theory George R. Terry argues that supervision is intended to determine what has been accomplished, evaluate and implement corrective actions, if necessary, to be able to ensure results according to the plan.[18]

[17] Fenty Puluhulawa. "Substansi Hukum Tentang Pengawasan Izin Pada Usaha Pertambangan." Journal Pelangi Ilmu 3.4 (2010):148.

[18] George R.Terry (dalam Jazim Hamidi dan Mustafa Lutfi). "Eksistensi Komisi Ombudsman Nasional dalam Mewujudkan Good Governance." Majalah Hukum Varia Peradilan 3.3 (2009):47.

Relevant to the opinion, the supervision is absolutely necessary in the series with the management of the mining business in accordance with the principle of supervision, namely, so as not to deviate from the orders and prohibitions set forth in the permit. Therefore, as part of the management function, planning becomes increasingly important for the effectiveness of surveillance tasks, and as the realization of the law enforcement task as mandated by the legislation. The success of the supervisory task set is determined by the initial planning of the surveillance activities themselves.

Supervision

Supervision is an activity to assess whether it is expected, planned, and established, in order to prevent the occurrence of irregularities (preventative) and can immediately crack down on such irregularities (repressive).[19] The meaning and function of supervision in the governance of the perspective of the law of the State Administration (HAN) is to prevent the onset of any form of government-duty deviations from what has been outlined and crack down or correct irregularities. The supervision of the HAN optics is located on the HAN itself, as the foundation of work or guidelines for the administration of the State in carrying out its duties to conduct governance. An effective surveillance system is the best tool for making things work well in the State administration, especially preventive monitoring. Repressive supervision is only useful when; a) done comprehensively and sufficiently intensive; b) Where the report is reasonably objectively and analyses; and c) When the report is delivered fairly quickly.[20]

There is a common principle in the law of administrative environment, that authorized officials grant permission responsible for the enforcement of administrative environmental law. Thus, authorized officials grant permission to supervise. Any officer or agency responsible for supervision is highly dependent on the type and authority of the permissions. The more types and differences in licensing authority, the more officials or instantion responsible for supervision.

[19] Aditia Syaprillah. "Penegakan Hukum Administrasi Lingkungan Melalui Instrumen Pengawasan." Journal Bina Hukum Lingkungan 1.1 (2017):5.

[20] Prajudi Atmosudirdjo, Hukum Administrasi Negara, Edisi Revisi (Jakarta: Publisher Ghalia Indonesia, 1983), p. 80.

Currently supervisory authority is governed in article 71-75 UUPPLH 2009. According to article 71 UUPPLH, supervisory authority is on the minister, Governor, or Regent/mayor according to his authority. Such authority may be delegated to officials or technical agencies responsible for the protection and management of the environment. In general, supervised in article 72 UUPPLH 2009 is the compliance of business and/or activities on environmental permits. Therefore, the environmental supervisory officer under article 74 is given the following authority:

1) Monitoring;
2) Request a description;
3) Make a copy of the document and/or make the necessary notes;
4) Entering a specific place;
5) Photographing;
6) Create Audio visual recordings;
7) Take a sample;
8) Inspect the equipment;
9) Checking installation and/or transportation equipment; and/or
10) Stop certain violations.

Administrative Sanction

For law enforcement, it is necessary to set sanctions as a guarantor so that the provisions are effective. Administrative law sanction, according to J.B.J.M. Ten Berge, "Sanctions are at the core of administrative law enforcement. Sanctions are required to ensure enforcement of administrative law ". According to P de Haan et al, "in HAN, the use of administrative sanctions is an application of governmental authority, where this authority originates from the rules of written and unwritten administrative law". Jj. Oosternbrink argues "inistrative administrative sanction is the sanction that arises from the relationship between the Government of citizens and that is implemented without intermediaries of third parties (judicial power) but can be directly implemented by its own administration".

Administrative sanction is a legal sanction that may be imposed by government officials without going through a court proceeding or litigation against a person or legal entity that violates the legal provisions of administrative environment. Administration sanctions mainly have instrumental functions, namely control of illegal deeds. Administrative

sanctions are aimed at the prevention and termination of violations. Application of administrative sanctions shall be guided to the provisions of appendix I number IV of the Minister of Environment Regulation number 02 year 2013 about the guidelines for implementing administrative sanctions in the field of protection and environmental management. Types of administrative sanctions are:

a. Written reprimand
   Applied in the case of business and/or activities have committed violations of the legislation and the terms set forth in the permits. These violations are environmentally well-managed and technically can be remedial and yet cause pollution and/or damage to the environment.
b. Coercion of government
   The real action of the Government to stop the breach and/or restore the original state. Government compulsion sanctions are given in the event of violations of statutory regulations and/or terms and obligations in the permits. The application can be done by first being given a written strike and can also be without preceded by a written strike if the breach caused:
   1) Serious threats to human beings and the environment;
   2) Greater and broader impact if not terminated pollution and/or destruction;
   3) Greater loss for the environment if not immediately terminated pollution and/or destruction.
c. Freezing permission
   The act of law does not impose temporary permits that result in the cessation of business and/or temporary activities, as it does not enforce governmental compulsions, perform other activities other than those stated in the permits, and has not technically resolved what is the obligation.
d. Revocation of license
   Revocation of license for not enforcing the government's coercion administration sanction, transferring its business license to the other party without the express written consent of the licensor, the breach that caused pollution and/or environmental damage that caused the community's unrest.

e. Administrative fines
   The burden of obligation to pay some money to the responsibility of the business and/or activities due to negligent enforcement of government compulsion.

Procedures for implementing administrative sanctions are:

a. The procedure of application must be in accordance with the basic rules and general principles of good governance;
b. The officer applying it must have a valid authority;
c. The accuracy of the implementation of administrative sanctions includes:
   1) Form of State Administration decision;
   2) The substance is related to:
      a) types and regulations violated;
      b) The type of sanction applied;
      c) The order to be executed;
      d) timeframe;
      e) Consequences in respect of administrative sanctions are not implemented; and
      f) Other relevant matters.
   3) No juridical defect in its application is: avoid a security clause that reads, if at a later date there is a mistake in this decree, it will be corrected accordingly.
   4) The principle of sustainability and sustainability is: that every person carries out obligations and responsibilities to future generations and to his neighbor in one generation by making efforts to preserve ecosystem support and improve environmental quality.
d. Mechanism for implementation of administrative sanctions
   1) gradually preceded by mild administrative sanctions to the toughest sanctions. If the written reprimand is not observed to be subjected to a heavier sanction of government compulsion. If the government's sanction sanctions are not observed to be subjected to severe sanctions i.e. freezing permits. If the sanction of freezing permits is not observed to be subjected to heavier sanctions, the revocation of permits.
   2) No gradual existence for competent officials to determine the choice of sanctions type based on the level of violations

committed. If the violation has caused pollution and/or environmental damage can be imposed directly sanctioned by government force. If the government's sanction sanctions are not observed can be sanctioned the revocation of permission without being preceded by a written strike.

3) Cumulative
   a. Internal cumulative is the application of administrative sanctions by combining several types of administrative sanctions e.g. government compulsion coupled with the revocation of permits.
   b. External cumulative is the application of administrative sanctions by combining it with other sanctions such as revocation of clearance combined with criminal penalties or fines.

e. Application of administrative sanction is stipulated by the Use of State Administration decree which contains:
   1) name of the department and the address of the authorized Administrative Officer;
   2) The name and address of the responsible business and/or activity in violation;
   3) name and address of the business and/or activities;
   4) Types of violations;
   5) conditions violated;
   6) Scope of offence;
   7) Description of obligations or orders to be carried out in charge of business and/or activities;
   8) term of arrangement of liability of business and/or activities;
   9) Threat of more severe sanctions when not executing orders in sanctions.

f. Sanctioned liability
   1) Convey appropriate sanctions decisions (time, way, and place) and promptly to the responsibility of the business and/or activities;
   2) provide an explanation to the violator if necessary;
   3) supervise the implementation of sanctions;
   4) Make a report on the results of sanctions.

g. Administrating of administrative sanctioned decisions
    1) Drafting the decision by the substance and format in accordance with the regulations
    2) signing by an authorized officer;
    3) awarding of numbers and invitations;
    4) submission to interested parties;
    5) Receipt creation.

Environmental State Administration Lawsuit

The legal basis of environmental dispute lawsuit in the state Administrative Court is governed in the provisions of Article 93 namely the following:

1. Everyone can file a lawsuit against the decision of the State administration if:
    a. The State administrative agency or officer publishes environmental permits to the business and/or activities that are mandatory but not equipped with the EIA documents;
    b. The State administration agency or official publishes environmental permits to activities that are mandatory for UKL-UPL, but not equipped with UKL-UPL documents; and/or
    c. TUN Agency or office that publishes business licenses and/or activities that are not equipped with environmental permits.
2. The procedure for filing a State administrative decision refers to the law of the State Administration Justice event.

Environmental dispute lawsuit in the state administrative judiciary refers to the law of the State Administrative judicial event, which is the law of the State Administrative judicial event as set forth in the law No. 5 years 1986 about the judicial administration of the State as amended twice by law No. 9 of 2004 on amendments to the law No. 5 year 1986 concerning the judicial administration of the state and the Law No. 51 of 2009 on the Second Amendment to law No. 5 year 1986 on the State Administrative judiciary (Law PERATUN).[21]

[21] Deni Daniel, "Reorientasi Penegakan Hukum Pidana Lingkungan Hidup melalui Perjanjian Penangguhan Penuntutan." Journal Hukum Lingkungan Indonesia 6.1 (2019):6.

The PTUN function in environmental dispute resolution not only provides legal protection to people or civil litigation that are harmed as a justice seeker, the PTUN also provides legal protection to the environment that suffers damage due to the issuance of the KTUN for a business and/or activity that has a negative impact on the environment. In the case of the environment suffered from pollution and/or environmental damage, the environment is represented by non-governmental organizations (NGOS) engaged in the Environment (environmental organization) can sue the officials and/or the State administration agency to the Court of TUN because the officials and/or the body in question has given permission to the company whose activities are potential or have caused pollution and/or damage to the environment.[22]

The fundamental right to the environmental organization's liability is Article 92 Act No. 32 year 2009 on environmental Protection and Management which mentions that:

1) in order to implement the responsibility of protection and environmental management, environmental organizations are entitled to file a lawsuit for the sake of preservation of environmental functions.
2) The right to file a lawsuit is limited to a claim to take a certain action without claim for damages, except for real costs or expenses.
3) Environmental organizations can file a lawsuit if it meets the requirements:
    a. form of legal entity;
    b. Confirms in the fundamental budget that the Organization was established for the sake of preservation of environmental functions; Dan
    c. Have carried out real activities in accordance with the most basic budget of 2 (two) years.

Given the right to sue against environmental organizations, it is hoped that environmental organizations can play a role in fighting for environmental conservation through the courts, including through the State Administrative Court.[23] The settlement of environmental disputes through

[22] Francisca Romana Harjiyatni Dan Sunarya Raharja. "Fungsi Peradilan Tata Usaha Negara Dalam Menyelesaikan Sengketa Lingkungan (Studi Gugatan Organisasi Lingkungan Hidup)." Journal Mimbar Hukum 26.2 (2017):260-274.

[23] Muhammad Busyrol Fuad, "Tanggung Jawab Negara dan Korporasi Terhadap Kasus Impor Limbah Plastik di Indonesia (Perspektif Konvensi Basel dan Prinsip-Prinsip Panduan Bisnis dan HAM)." Journal Hukum Lingkungan Indonesia 6.1 (2019):5.

the State administrative judicial body has advantages when compared with the settlement of environmental disputes in the general judiciary, whether by civil lawsuit or criminal prosecution.

The civil lawsuit in general judicial purposes is to obtain compensation for victims of pollution or the destruction of the environment which certainly does not touch the problem of his deeds (the prevention). Criminal prosecution is aimed at the culprit (his) and does not touch his deeds. The civil lawsuit or demands on the public judicial body are not to resolve its own prevention issues. The lawsuit with environmental disputes in the State administrative judiciary is aimed to revoke the environmental permits that are owned by a business and/or activity. By insurance the environmental license means that a business or activity is unable to resume its business or activities so that its source of prevention can be terminated. The intended goal here is the aspect of the Act. The lawsuit against environmental permits in the judicial administration aims to stop the pollution occurring.[24]

Environmental organizations that often file a lawsuit to the PTUN for the sake of environmental sustainability is the Indonesian Environment Vehicle (hereinafter abbreviated to WALHI). There are several claims filed by WALHI to the PTUN who have been disconnected by the court and have acquired the legal force, nonetheless. Based on the analysis of the PTUN ruling that severing the environmental disputes sued by environmental organisations, the PTUN has not yet provided maximum protection against environmental sustainability.

Conclusion

The principle of absolute accountability (strict Liability) is the principle of legal responsibility (Liability) that has been developed since the beginning of a case in the UK that is Rylands v. Fletcher in 1868. In this case the rate court in the UK gives birth to a decisive criterion, that an activity or use of resources may be subject to strict liability if such use is non-natural or out of order, or not as usual. A conventional legal liability has been adhering to the principle of liability based on fault, meaning that no one can be subject to responsibility if there is no fault elements. In the case of the Dokrin

[24] Aan Effendi. "Penyelesaian Sengketa Lingkungan Melalui Peradilan Tata Usaha Negara." Journal Perspektif 28(1), 2018, p.15.

environment will give birth to the problem of the law of the Court paper Judiciary because the Dokrin is unable to effectively anticipate the impact of modern industrial activities that contain potential risks.

Mining has a bad impact on the environment, because the natural resources taken can damage the natural environment, from the activities of the mine to produce waste that damage the environment and the resulting diseases, the impact of the disease is very influential to the accident that occurred in the mining. But the impact can be reduced by means of proper mining, and after proper management can continue to the level of environmental dissemination that has been damaged. Both seen in terms of planning, as well as coordinating the intensity of supervision implementation has not been carried out optimally, so as not to support the realization of sustainable mining and environmental insight through law enforcement efforts. This fact can be found in the planning strategy related to the Environmental management supervisor that has been conducted, although in reality has not been implemented in a unified and coordinated. A weak cross-sectoral coordination mechanism, which has an impact on the oversight. Therefore, it takes institutional through an integrated environment licensing system. The establishment of a unified permission system is expected to facilitate the implementation of planning so that it performs effective and efficient coordination, thereby supporting the implementation of law enforcement through a preventive effort through supervision.

Recommendation

Basically, this life is balanced between everything that is in it, namely the living creatures of humans, animals and plants, and all the dead objects that can be utilized and have a role in this life. What makes the environment corrupt and unorganized other than the creator is the problem of who occupy and become a leader over the life of this environment no other than human. If the environment would be stable means that human beings should be able to reorganize the order by educating individuals to manage their environment. Environment and population can be aligned when each other can be balanced. The environment will backfire when, we can not manage it properly. Especially if there is a natural disaster then the environment will threaten our safety. Preserving the environment is a necessity that can not be postponed anymore and not only the responsibility of government or state

leaders only, but the responsibility of every human being on earth, from toddlers to seniors. Everyone should make an effort to save the environment around us according to their respective capacities. The slightest effort we do is a huge benefit to the realization of a liveable Earth for the generation of our posterity someday. The government's effort to realize a fair and prosperous life for its people without causing environmental damage was followed up by developing a sustainable development program often referred to as environmentally sound development. Maintain the wealth of the state by giving feedback on the financial condition of the state-managed local officials. Exercising the rights and obligations in the field of finance for many people such as the rights to Village development funds, or for the benefit of the school.

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