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Effectiveness of Environmental Law Implementation: Compliance and Enforcement

Article	Abstract
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INTRODUCTION

Activity development being carried out in various sectors business and/ or activities basically will impact on the environment. Environmental laws and regulations that have been being designated

is a solution to environmental problems¹. Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) regulates systematically and comprehensively from previous laws, especially regarding environmental protection-management from the planning stage, control instruments to legal sanctions. Until now, government regulation as derivatives of the Law on Environmental Protection and Management is Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management (PP PPLH).

With regard to environmental protection and management, the main factor that must be the focus of attention is business licenses, especially environmental permits². Referring to Law Number 32 of 2009 concerning Environmental Protection and Management, an Environmental Permit is a permit granted to anyone who carries out a business and/or activity that requires an Environmental Impact Assessment (EIA/AMDAL) or UKL-UPL Environmental Management dan Monitoring Efforts (UKL-UPL) in the framework of environmental protection and management as a prerequisite for obtaining business and/or activity licenses³.

EIA and UKL-UPL are also referred to as environmental documents with the aim of guaranteeing that every business or development activity can be carried out without damaging or harming the environment and society⁴. The position of EIA/Amdal and UKL-UPL is very important and strategic as an instrument for preventing environmental pollution that determines environmental quality through a testing mechanism or document inspection⁵. Especially in countries with the highest ease of business licensing indexes such as Denmark, South Korea and the United States where the preparation of EIA documents is mandatory and carried out strictly⁶.

Kebumen Regency as one of the regions that supports investment (pro-investment) certainly has challenges for any development that will have an impact on the environment. The number of business actors and/or activities that already have environmental permits or approvals from 2003 to July 2021 in Kebumen Regency has reached 785 businesses and/or activities. This data shows that the investment and development climate in Kebumen Regency is quite conducive and provides space for investment in businesses and activities. However, an evaluation regarding the implementation of permits or approvals as well as environmental documents (Amdal/UKL-UPL) needs to be carried out to monitor the effectiveness of the implementation of obligations in permits or environmental approval of pollution and environmental damage.

From the results of an inventory of routine reporting every semester related to environmental management and monitoring of EIA/UKL-UPL documents in Kebumen Regency, it was found that only 15 businesses (1.8%) out of 785 businesses/activities had routinely provided reporting on the

¹ Rispalman, "Sejarah Perkembangan Hukum Lingkungan Di Indonesia," *Jurnal Dusturiah* 8, no. 2 (n.d.): 185–96.

² Satria Sukananda and Danang Adi Nugraha, "Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) sebagai Kontrol Dampak terhadap Lingkungan di Indonesia," *Jurnal Penegakan Hukum dan Keadilan* 1, no. 2 (2020), <https://doi.org/10.18196/jphk.1207>.

³ "Undang-Undang No. 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup," Pub. L. No. 32 (2009).

⁴ Sumadi Kamarol Yakin, "ANALISIS MENGENAI DAMPAK LINGKUNGAN (AMDAL) SEBAGAI INSTRUMEN PENCEGAHAN PENCEMARAN DAN PERUSAKAN LINGKUNGAN," *Badamai Law Journal* 2, no. 1 (April 2017): 113–113, <https://doi.org/10.32801/damai.v2i1.3393>.

⁵ Sukananda and Nugraha, "Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) sebagai Kontrol Dampak terhadap Lingkungan di Indonesia."

⁶ Ahmad Gelora Mahardika, "Implikasi Omnibus Law Terhadap Hak Konstitusional Atas Lingkungan Hidup Yang Sehat," *Jurnal Konstitusi* 18, no. 1 (2021), <https://doi.org/10.31078/jk1819>.

implementation of environmental documents⁷. The low level of routine reporting every semester will certainly have an impact on the difficulty of the supervision and environmental monitoring process for each business activity. In PP Number 22 of 2021 concerning Implementation of PPLH article 49 paragraph 6 point f (6) it is stated that the direct obligations of business actors and/or activities consist of submitting reports on the implementation of the requirements and obligations of Business Permits related to Environmental Permits or Approvals periodically every 6 (months).

The low level of routine reporting adds administrative problems to the application of environmental law. If it is not handled seriously by the government, it will have an impact on the weak process of monitoring and enforcing environmental law. The comprehensiveness of environmental permits and regular reporting as instruments for preventing environmental pollution can determine the effectiveness of monitoring and enforcing environmental laws⁸.

The certainty and enforcement of environmental law can support economic growth, investment certainty and the realization of environmental justice⁹. To determine the effectiveness of law enforcement, especially environmental law, it is necessary to measure the extent to which legal rules are adhered to or not adhered to. In other words, the effectiveness of the law is also referred to as compliance with the law¹⁰.

Based on these problems, it is necessary to conduct research to determine the level of obedience of business actors/activities in environmental management and monitoring based on environmental permit/approval commitments. The results of subsequent research can be used as an alternative guide by the relevant agencies in conducting more effective and efficient supervision and law enforcement for business actors and/or activities that already have permits and environmental documents.

RESEARCH METHODS

This type of research is empirical juridical research that aims to determine the effectiveness of the application of law and administration of environmental law¹¹. The focus of the legal studies discussed is environmental law as contained in Law Number 32 of 2009 on Environmental Protection and Management and Government Regulation Number 22 of 2021 concerning Implementation of Environmental Protection and Management. The research method used is descriptive quantitative research to examine certain populations or samples, data collection uses research instruments, data

⁷ Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen, "Dokumen Informasi Kinerja Lingkungan Hidup Daerah Kab. Kebumen Tahun 2020" (Kebumen, 2021).

⁸ Mukhlis Mukhlis, "Konsep Hukum Administrasi Lingkungan Dalam Mewujudkan Pembangunan Berkelanjutan," *Jurnal Konstitusi* 7, no. 2 (May 20, 2016): 067, <https://doi.org/10.31078/jk724>.

⁹ Handoyo, Budi, "Legalitas Lingkungan Hidup Dalam Perspektif Keadilan Dan Hukum Administrasi Negara," *Al-Ijtima'i-International Journal of Government and Social Science* 2 (2017); Suwari Akhmaddhian, "PENEGAKAN HUKUM LINGKUNGAN DAN PENGARUHNYA TERHADAP PERTUMBUHAN EKONOMI DI INDONESIA (Studi Kebakaran Hutan Tahun 2015)," *Unifikasi : Jurnal Ilmu Hukum* 3, no. 1 (February 2, 2016), <https://doi.org/10.25134/unifikasi.v3i1.404>.

¹⁰ Ali, Achmad, *Menguak Teori Hukum Dan Teori Peradilan*, vol. 1 (Jakarta: Kencana, 2010).

¹¹ Ali, Zainuddin, *Metode Penelitian Hukum*, 8th ed. (Jakarta: Sinar Grafika, 2016); Kamal Hidjaz, "EFFECTIVENESS OF ENVIRONMENTAL POLICY ENFORCEMENT AND THE IMPACT BY INDUSTRIAL MINING, ENERGY, MINERAL, AND GAS ACTIVITIES IN INDONESIA," *International Journal of Energy Economics and Policy* 9, no. 6 (October 1, 2019): 79–85, <https://doi.org/10.32479/ijeep.8146>.

analysis is quantitative/statistical in nature so that the conclusions of the research results can be generalized to the population where the sample was taken¹².

The population in this study are all business actors and/or activities in Kebumen Regency who already have environmental permits and/or approvals in the form of UKL-UPL documents from 2009 to 2021, totaling 554 businesses and/or activities¹³. From these data it can be concluded that the population in this study amounted to 554 business actors and/or activities. Determination of the sample using the Herry King Nomogram for a sample size of the population up to 2000¹⁴. In the Herry King Nomogram, the maximum population size is 2000, with varying error rates, from 0.3% to 15%, and a multiplier factor adjusted to the specified error level. From a population of 554 with a sample confidence level in the population of 85% or an error rate of 15%, the number of samples taken is $0.07 \times 554 \times 0.875 = 34$ businesses. From the results of these calculations, the number of respondents obtained by 34 businesses.

The criteria used to evaluate the implementation of permits or approvals are carried out by assessing the obedience level of business actors and/or activities. The obedience level assessment was adopted and modified from the Company Performance Rating Program in Environmental Management in Appendix I to Regulation of the Minister of Environment and Forestry Number 1 of 2021¹⁵ and the results of research by Goesty et al. (2012)¹⁶. Obedience criteria for the implementation of environmental management and monitoring documents include:

1. EIA/UKL-UPL documents: ownership, implementation, and reporting.
2. Wastewater pollution control: quality standards, monitoring, reporting, licensing/technical approval, and obedience with technical regulations.
3. Air pollution control: quality standards, monitoring, reporting
4. B3 waste management; data collection on type and volume, waste management (transportation and other management)
5. Land damage control (specifically for mining): erosion control facilities, revegetation success, waste management
6. Waste management: availability of trash cans and waste management/transportation

Table 1
Indicator Score Value

Variable	Indikator	Sub Criteria	Score
Document Amdal / UKL-UPL	Ownership And Implementation	Have-Doing-Report	3
		Have-Not Doing-Not Report	2
		Don't Have	1

¹² Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan Tindakan*, 5th ed. (Alfabeta, 2013); Ramadhan, B.S et al., "Analisis Kuantitatif Sistem Manajemen Lingkungan Berdasarkan Klausul ISO 14001:2015," *Jurnal Presipitasi : Media Komunikasi Dan Pengembangan Teknik Lingkungan*, 1, 16 (2019): 1–7.

¹³ Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen, "Dokumen Informasi Kinerja Lingkungan Hidup Daerah Kab. Kebumen Tahun 2020."

¹⁴ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan Tindakan*.

¹⁵ "Peraturan Menteri Lingkungan Hidup Dan Kehutanan Nomor 1 Tahun 2021 Tentang Program Penilaian Peringkat Kinerja Perusahaan Dalam Pengelolaan Lingkungan Hidup" (2021).

¹⁶ Prathika Andini Goesty, Adji Samekto, and Dwi P Sasongko, "Analisis Peta Pemrakarsa Kegiatan Bidang Kesehatan di Kota Magelang terhadap Pengelolaan dan Pemantauan Lingkungan Hidup," *Jurnal Ilmu Lingkungan* 10, no. 2 (2012), <https://doi.org/10.14710/jil.10.2.89-94>.

Variable	Indikator	Sub Criteria	Score
Control Water Pollution (wastewater)	Quality Standard	All Parameters Are Met Raw Quality	3
		There Are Parameters That Have Not Fulfill Raw Quality	2
		All Parameters Are Not Fulfill Raw Quality	1
	Monitoring	Routine to Do Monitoring	3
		To Do Monitoring But No Routine	2
		Not Once To Do Monitoring	1
	Reporting	Routine To Do Reporting	3
		To Do Reporting But No Routine	2
		Not Once To Do Reporting	1
	Licensing / Approval Technical	Have Permission / Approval - An Technical Disposal Waste Liquid And Still Valid	3
		Have Permission / Approval Technical Disposal Waste Liquid But It Has Expired	2
		Not Have Permission / Approval Technical Disposal Waste Liquid	1
	Obedience To Provision Technical	Obey All Rule Technical	3
		Not Complying Yet All Rule Technical	2
		Not Obey All Rule Technical	1

Source: Appendix I of Regulation of the Minister of Environment and Forestry Number 1 of 2021 and Gosti et al. (2012)

After the overall indicator score is obtained, all indicator scores are added up and the total score is obtained. The total score is then used as a guide in determining the scale or level of obedience (rating scale). The level of obedience based on the total score is presented in the following table.

Table 2
Obedience Level

Score	Obedience Level
18 – 29	Disobedients (Low)
30–41	Not Obedient (Moderate)
42–54	Obey (High)

Source: Gosti et al. (2012)

ANALYSIS AND DISCUSSION

The results of the assessment of the obedience level of business actors and/or activities are presented in the following table and graph.

Table 3**Obedience Level Assessment Results**

No	Activities and/ or Business	Field of Business/ Activity	Score	Category
1	Dewi Queen Hospita;	Health Service Facilities	46	Obey
2	dr. Sudirman Kebumen Hospital	Health Service Facilities	53	Obey
3	Permata Medika Hospital	Health Service Facilities	53	Obey
4	Medika Clinic	Health Service Facilities	48	Obey
5	Mexolie Hotel	Tourist	30	Not Obedient
6	Jembatan	Tourist	26	Disobedient
7	Sudarmanto Mining	Mining	50	Obey
8	Karya Adi Kencana Mining	Mining	40	Not Obedient
9	Naga Semut Plastic Factory	Industry	50	Obey
10	PT. Indonesia Power UBP Mlira	Energy, Oil and Gas	53	Obey
11	Cahaya Abadi	Industry	41	Not Obedient
12	Emma Printing	Industry	30	Not Obedient
13	Jadi Baru Supermarket	Trading	46	Obey
14	Samijaya Warehouse	Trading	26	Disobedient
15	PT Mitra Prasmitha Selaras	Industry	54	Obey
16	Faniza Sruweng Residence	Housing area	23	Disobedient
17	Gas Station Putra Ramadhan	Energy, Oil and Gas	35	Not Obedient
18	Rita Pasaraya Supermarket	Trading	33	Not Obedient
19	Stone Crusher CV.Mavin Raya	Industry	48	Obey
20	Gas Station 44.544.02	Trading	41	Not Obedient
21	Plastic Machine Factory Varia	Industry	53	Obey
22	Tumenggungan Kebumen Market	Trading	32	Not Obedient
23	Mini Market Alfamart	Trading	24	Disobedient
24	Kopi Nostalgia Cafe	Tourist	23	Disobedient
25	Brayan Maju Shop	Trading	24	Disobedient
26	Shrimp Mardi Jladri Buayan	Farm	24	Disobedient
27	Cigarette company Sintren Mirasa	Industry	38	Not Yet Obedient
28	Close House Chicken Farm FAIZ	Farm	37	Not Obedient
29	Gading Paradise	Tourist	28	Disobedient
30	Gas Station PT Anugrah Raharjo	Trading	38	Not Obedient
31	Rest Area Efisiensi	Transport	45	. Obey
32	Restaurant Bu As	Tourist	24	Disobedient
33	Wood Products Industry PT Rama Gombong Sejahtera	Industry	46	Obey
34	Mini Market PT. Indomarco Prismatama	Trading	24	Disobedient

Source: Analysed from the primary source

Business actors in the obedient category are 38% or 13 business actors/activities. The thirteen business actors include: Rumah Sakit (RS) dr. Sudirman, RS Permata Medika, PLTA PT. Indonesia

Power, PT. Mitra Prasmitha Selaras, Pabrik Mesin Plastik Varia, and others. From the results of observations and interviews, it shows that the obedience of business actors/activities is influenced by the existence of operational permit requirements, both extension and new permits must make routine reporting. In addition, the availability of resources both personnel, infrastructure, policies, budgets and operating standards is also a major factor in implementing environmental management and monitoring¹⁷.

Furthermore, the results of the evaluation of business actors and/or activities in the category of non-compliance and disobedience actually show a high number, namely 62% or 21 business actors/activities. This shows that the majority of business actors in Kebumen Regency are not obedient and obedient to the obligations contained in the permits and environmental documents.

Several similar research results in Indonesia also provide similar results. The implementation of environmental management and monitoring carried out by industry in Aceh Tamiang and Kudus districts has not led to aspects of obedience or has no awareness of preserving the environment, and is considered a burden that must be borne¹⁸. Zam Zam and Putrawan (2020) also stated that the implementation of the mandatory Amdal and UKL-UPL documents for mining activities in North Maluku was not running optimally, causing a decrease in environmental quality¹⁹.

Implementation of industrial UKL-UPL documents in Kab. Malang is also running less effectively so that the expected results in reducing water pollution have not been effective²⁰. In the City of Magelang, the level of obedience of health sector actors in managing and monitoring the environment was declared disobedient because the initiator had not realized that the environment was a public interest that should not be damaged and that human resources and facilities were inadequate²¹.

Disobedience of business actors/activities in Kebumen Regency also has compatibility with environmental problems when seen from the Kebumen Regency Environmental Quality Index (IKLH) in 2020. IKLH Kebumen Regency shows that as many as 14 river points are in the lightly polluted category, 1 river point is moderately polluted and 11 river points meet quality standards²². Using the IKLH calculation formulation, the Kebumen Regency River Water Quality Index (IKA) for 2020 is 57.69²³.

¹⁷ Victorina Tutiana Kambuaya, Anton S. Sinery, and Max J. Tokede, "Realisasi Program Pengelolaan Dan Pemantauan Lingkungan (UKL-UPL) Di Kota Sorong," *Cassowary* 3, no. 2 (November 2020): 101–26, <https://doi.org/10.30862/cassowary.cs.v3.i2.40>.

¹⁸ Nunung Prihatining Tias, "Efektivitas Pelaksanaan AMDAL Dan UKL-UPL Dalam Pengelolaan Lingkungan Hidup Di Kabupaten Kudus," *Universitas Diponegoro*, 2009.

¹⁹ Zulkifli Zam Zam and I Made Putrawan, "Evaluasi Kebijakan Pengelolaan Lingkungan Pertambangan Di Pulau Obi Provinsi Maluku Utara," *Jurnal Ilmiah Pendidikan Lingkungan Dan Pembangunan* 21, no. 02 (September 2020): 58–68, <https://doi.org/10.21009/plpb.212.05>.

²⁰ Puspita Fitri Sari, M Makmur, and M Rozikin, "Efektifitas Implementasi UKL-UPL Dalam Mengurangi Kerusakan Lingkungan (Studi Pada Badan Lingkungan Hidup Kabupaten Malang Dan Masyarakat Sekitar PT Tri Surya Plastik Kecamatan Lawang)," *Administrasi Publik (JAP)* 2, no. 1 (2014): 161–68.

²¹ Zam Zam and Putrawan, "Evaluasi Kebijakan Pengelolaan Lingkungan Pertambangan Di Pulau Obi Provinsi Maluku Utara."

²² Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen, "Dokumen Informasi Kinerja Lingkungan Hidup Daerah Kab. Kebumen Tahun 2020."

²³ Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen.

Compared to the 2019 IKA figures, the water quality index in 2020 has decreased by 5.64, from 63.33 in 2019 to 57.69 in 2020²⁴. From this data it shows that 54% of the rivers in Kebumen Regency have been polluted in the mild and moderate category. This can be an important concern for the Regional Government of Kebumen Regency in evaluating the implementation of policies and supervision of environmental management and monitoring aspects.

From the comparison between the level of obedience of business actors and IKLH, it is necessary to carry out further research, especially regarding the impact of business activities and/or activities on environmental pollution in Kebumen Regency. Research based on spatial modeling using a Geographic Information System (GIS) is important to use in order to produce an analysis related to the correlation of the level of business compliance, the influence of activities/businesses and environmental pollution.

The large percentage of non-compliant and disobedient categories indicates that there are problems in the implementation and monitoring of environmental documents in Kebumen Regency. The results of interviews with the Department of Settlement and Housing and the Environment of Kebumen Regency states that the level of obedience of business actors/or activities is still at the level of administrative awareness as a condition for issuing business licenses and has not yet led to awareness of environmental management and monitoring as an inherent responsibility.

From the results of observations and interviews, it shows that compliance with business actors/activities is influenced by the existence of operational permit requirements, both for extensions and for new permits, which must carry out routine reporting. In addition, the availability of human resources, infrastructure, budget and operational standards is also a major factor in the implementation of effective environmental management and monitoring.

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The results of the study show that the compliance of business actors/activities is influenced by the existence of operational permit requirements, both extensions and new permits must carry out routine reporting. In addition, the availability of human resources, infrastructure, budget and operational standards is also a major factor in the implementation of effective environmental management and monitoring. The factors that cause disobedience are relevant to Soerjono Soekanto's theory of legal effectiveness that benchmarks for effectiveness in law enforcement depend on law enforcement factors, facilities or facilities, community and cultural factors²⁵. These factors are also often referred to as obstacles or obstacles in enforcing environmental law²⁶.

²⁴ Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen.

²⁵ Soekanto, Soerjono, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: PT. Raja Grafindo Persada, n.d.).

²⁶ Muh Isra Bil Ali and Aminah Aminah Aminah, "PENEGAKAN HUKUM LINGKUNGAN HIDUP DALAM PERSPEKTIF KEADILAN SUBSTANTIF DI INDONESIA," *SPEKTRUM HUKUM* 18, no. 2 (October 20, 2021), <https://doi.org/10.35973/sh.v18i2.1914>; Taufik Yahya, Idris, Isran, and Arsyad, "EFEKTIFITAS PENEGAKAN HUKUM LINGKUNGAN DALAM KERANGKA PENGELOLAAN SUMBER DAYA ALAM HAYATI DI KAWASAN HUTAN TAMAN NASIONAL BUKIT TIGAPULUH," *Jurnal Inovatif*, I, XII (2019): 12.

The effectiveness of enforcing environmental laws can run smoothly with preventive efforts through compliance with regulations and repressively through imposing sanctions when violating regulations²⁷. Preventive efforts require the seriousness of various parties, especially in the form of increasing awareness of business actors/activities, increasing socialization and guidance from authorized agencies and public awareness through law enforcement²⁸. Preventive efforts can also be carried out with supervision as mentioned in article 74 (1) of the PPLH Law stipulates several supervisory powers, namely: monitoring, requesting information, making copies of documents and/or making necessary notes, entering certain places, taking pictures, make audio-visual recordings, take samples, inspect equipment, inspect installations and/or means of transportation, and stop certain violations.

Repressive efforts through the imposition of sanctions have been stipulated in the PPLH Law covering administrative, criminal and civil law enforcement.²⁹ The government gives confidence to each business actor to carry out business activities according to the risk standards set by the government.³⁰ The application of administrative sanctions in the field of environmental pollution control is contained in articles 76-83 of the PPLH Law which regulate four types of administrative sanctions: written warning, government coercion, suspension of environmental permits, or revocation of environmental permits for business entities that violate emission quality standards or other environmental requirements.

The application of criminal sanctions under the PPLH Law is based on the determination of environmental offenses (environmental pollution). The PPLH Law regulates criminal provisions in articles 97-120 and regarding environmental offenses in article 1 number 14 with a brief explanation that environmental offenses are “an act committed intentionally or due to negligence which causes environmental pollution”. Meanwhile, the aspect of environmental (civil) dispute resolution is regulated in Chapter XIII of the PPLH Law, which is divided into environmental dispute resolution outside the court and environmental dispute resolution through the courts. Settlement of environmental disputes outside the court is carried out to reach an agreement regarding: the form and amount of compensation, recovery and preventive actions. If the effort outside the chosen court is not successful then one or the parties can take the court route.

CONCLUSION

The level of obedience of business actors and/or activities in the District. Kebumen is dominated by the non-compliant and disobedient category with a percentage of 62% or 21 business actors/activities. The business/activity sectors in the disobedient and disobedient categories include trade, industry, mining, energy, health service facilities and tourism facilities. Business actors in

²⁷ Sari, Indah, “Penegakkan Hukum Lingkungan Menuju Tercapainya Keadilan Lingkungan,” *Jurnal Mitra Manajemen* 8, no. 2 (2016): 19–34; Hidjaz, “EFFECTIVENESS OF ENVIRONMENTAL POLICY ENFORCEMENT AND THE IMPACT BY INDUSTRIAL MINING, ENERGY, MINERAL, AND GAS ACTIVITIES IN INDONESIA.”

²⁸ Timbul Domba and Riyanda, Riyanda, “Analisis Efektivitas Kebijakan Dan Program Badan Pengendalian Dampak Lingkungan Daerah (Bapedalda) Kota Batam Terhadap Peningkatan Persentase Pelaksanaan AMDAL,” *Jurnal Niara* 11, no. 1 (June 1, 2018): 62–70.

²⁹ Muhammad Fahrudin, “PENEGAKAN HUKUM LINGKUNGAN DI INDONESIA DALAM PERSPEKTIF UNDANG-UNDANG NOMOR 32 TAHUN 2009 TENTANG PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP,” *Veritas* 5, no. 2 (September 30, 2019): 81–98, <https://doi.org/10.34005/veritas.v5i2.489>.

³⁰ Hariyanto Hariyanto, “Risk-Based Business License and Problems Arising After The Job Creation ACT,” *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (August 23, 2022): 356, <https://doi.org/10.29303/ius.v10i2.1082>.

the obedient category own 38% or 13 business actors/activities. The business/activity sectors in the compliant category include health service facilities, industry and energy. The level of obedience of business actors/or activities is still at the level of administrative awareness as a condition for issuing business licenses and has not yet led to awareness of environmental management and monitoring as an inherent responsibility. The government can set priority steps in environmental monitoring based on the compliance level of business actors. Oversight efforts can then be followed up in a firm and sustainable manner regarding environmental law enforcement, including the application of administrative, criminal and civil sanctions as a form of concrete steps in protecting and managing the environment.

REFERENCES

- Akhmaddhian, Suwari. "PENEGAKAN HUKUM LINGKUNGAN DAN PENGARUHNYA TERHADAP PERTUMBUHAN EKONOMI DI INDONESIA (Studi Kebakaran Hutan Tahun 2015)." *Unifikasi : Jurnal Ilmu Hukum* 3, no. 1 (February 2, 2016). <https://doi.org/10.25134/unifikasi.v3i1.404>.
- Ali, Achmad. *Menguak Teori Hukum Dan Teori Peradilan*. Vol. 1. Jakarta: Kencana, 2010.
- Ali, Muh Isra Bil, and Aminah Aminah Aminah. "PENEGAKAN HUKUM LINGKUNGAN HIDUP DALAM PERSPEKTIF KEADILAN SUBSTANTIF DI INDONESIA." *SPEKTRUM HUKUM* 18, no. 2 (October 20, 2021). <https://doi.org/10.35973/sh.v18i2.1914>.
- Ali, Zainuddin. *Metode Penelitian Hukum*. 8th ed. Jakarta: Sinar Grafika, 2016.
- Dinas Perumahan dan Kawasan Permukiman dan Lingkungan Hidup Kab. Kebumen. "Dokumen Informasi Kinerja Lingkungan Hidup Daerah Kab. Kebumen Tahun 2020." Kebumen, 2021.
- Dompa, Timbul and Riyanda, Riyanda. "Analisis Efektivitas Kebijakan Dan Program Badan Pengendalian Dampak Lingkungan Daerah (Bapedalda) Kota Batam Terhadap Peningkatan Persentase Pelaksanaan AMDAL." *Jurnal Niara* 11, no. 1 (June 1, 2018): 62–70.
- Fahrudin, Muhammad. "PENEGAKAN HUKUM LINGKUNGAN DI INDONESIA DALAM PERSPEKTIF UNDANG-UNDANG NOMOR 32 TAHUN 2009 TENTANG PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP." *Veritas* 5, no. 2 (September 30, 2019): 81–98. <https://doi.org/10.34005/veritas.v5i2.489>.
- Goesty, Prathika Andini, Adji Samekto, and Dwi P Sasongko. "ANALISIS PENAATAN PEMRAKARSA KEGIATAN BIDANG KESEHATAN DI KOTA MAGELANG TERHADAP PENGELOLAAN DAN PEMANTAUAN LINGKUNGAN HIDUP." *Jurnal Ilmu Lingkungan* 10, no. 2 (2012). <https://doi.org/10.14710/jil.10.2.89-94>.
- Handoyo, Budi. "Legalitas Lingkungan Hidup Dalam Perspektif Keadilan Dan Hukum Administrasi Negara." *Al-Ijtima'i-International Journal of Government and Social Science* 2 (2017).
- Hariyanto, Hariyanto. "Risk-Based Business License and Problems Arising After The Job Creation ACT." *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (August 23, 2022). <https://doi.org/10.29303/ius.v10i2.1082>.
- Hidjaz, Kamal. "EFFECTIVENESS OF ENVIRONMENTAL POLICY ENFORCEMENT AND THE IMPACT BY INDUSTRIAL MINING, ENERGY, MINERAL, AND GAS ACTIVITIES IN INDONESIA." *International Journal of Energy Economics and Policy* 9, no. 6 (October 1, 2019): 79–85. <https://doi.org/10.32479/ijeep.8146>.

- Kambuaya, Victorina Tutiana, Anton S. Sinery, and Max J. Tokede. "Realisasi Program Pengelolaan Dan Pemantauan Lingkungan (UKL-UPL) Di Kota Sorong." *Cassowary* 3, no. 2 (November 2020): 101–26. <https://doi.org/10.30862/cassowary.cs.v3.i2.40>.
- Mahardika, Ahmad Gelora. "Implikasi Omnibus Law Terhadap Hak Konstitusional Atas Lingkungan Hidup Yang Sehat." *Jurnal Konstitusi* 18, no. 1 (2021). <https://doi.org/10.31078/jk1819>.
- Mukhlis, Mukhlis. "Konsep Hukum Administrasi Lingkungan Dalam Mewujudkan Pembangunan Berkelanjutan." *Jurnal Konstitusi* 7, no. 2 (May 20, 2016): 067. <https://doi.org/10.31078/jk724>.
- Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor 1 Tahun 2021 tentang Program Penilaian Peringkat Kinerja Perusahaan dalam Pengelolaan Lingkungan Hidup (2021).
- Ramadhan, B.S, Hapsari, S.B, Pramesti, A.L, and Ikhlis, N. "Analisis Kuantitatif Sistem Manajemen Lingkungan Berdasarkan Klausul ISO 14001:2015." *Jurnal Presipitasi : Media Komunikasi Dan Pengembangan Teknik Lingkungan*, 1, 16 (2019): 1–7.
- Rispalman. "Sejarah Perkembangan Hukum Lingkungan Di Indonesia." *Jurnal Dusturiah* 8, no. 2 (n.d.): 185–96.
- Sari, Indah. "Penegakkan Hukum Lingkungan Menuju Tercapainya Keadilan Lingkungan." *Jurnal Mitra Manajemen* 8, no. 2 (2016): 19–34.
- Sari, Puspita Fitri, M Makmur, and M Rozikin. "Efektifitas Implementasi UKL-UPL Dalam Mengurangi Kerusakan Lingkungan (Studi Pada Badan Lingkungan Hidup Kabupaten Malang Dan Masyarakat Sekitar PT Tri Surya Plastik Kecamatan Lawang)." *Administrasi Publik (JAP)* 2, no. 1 (2014): 161–68.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Raja Grafindo Persada, n.d.
- Sugiyono. *Metode Penelitian Kuantitatif, Kualitatif, Dan Tindakan*. 5th ed. Alfabeta, 2013.
- Sukananda, Satria, and Danang Adi Nugraha. "Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) sebagai Kontrol Dampak terhadap Lingkungan di Indonesia." *Jurnal Penegakan Hukum dan Keadilan* 1, no. 2 (2020). <https://doi.org/10.18196/jphk.1207>.
- Tias, Nunung Prihatining. "Efektivitas Pelaksanaan AMDAL Dan UKL-UPL Dalam Pengelolaan Lingkungan Hidup Di Kabupaten Kudus." *Universitas Diponegoro*, 2009.
- Undang-Undang No. 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, Pub. L. No. 32 (2009).
- Yahya, Taufik, Idris, Isran, and Arsyad. "EFEKTIFITAS PENEGAKAN HUKUM LINGKUNGAN DALAM KERANGKA PENGELOLAAN SUMBER DAYA ALAM HAYATI DI KAWASAN HUTAN TAMAN NASIONAL BUKIT TIGAPULUH." *Jurnal Inovatif*, I, XII (2019): 12.
- Yakin, Sumadi Kamarol. "ANALISIS MENGENAI DAMPAK LINGKUNGAN (AMDAL) SEBAGAI INSTRUMEN PENCEGAHAN PENCEMARAN DAN PERUSAKAN LINGKUNGAN." *Badamai Law Journal* 2, no. 1 (April 2017): 113–113. <https://doi.org/10.32801/damai.v2i1.3393>.
- Zam Zam, Zulkifli, and I Made Putrawan. "EVALUASI KEBIJAKAN PENGELOLAAN LINGKUNGAN PERTAMBANGAN DI PULAU OBI PROVINSI MALUKU UTARA." *Jurnal Ilmiah Pendidikan Lingkungan Dan Pembangunan* 21, no. 02 (September 2020): 58–68. <https://doi.org/10.21009/plpb.212.05>.