



Juridical Review of the Impact of Law Enforcement on Environmental Damage and Sustainable Development in Jurisdiction in Medan City

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Abstract: Juridical review of the impact of law enforcement on environmental damage and sustainable development in the jurisdiction of Medan city. The focus of the research raised is: 1) What is the impact of law enforcement of environmental damage on sustainable development in the city of Medan; How effective is the implementation of policies related to law enforcement against environmental damage in the city of Medan. Empirical normative methods were used in this study. In other words, this study uses empirical normative legal cases that are products of legal behavior, such as evaluating the implementation of credit agreements. The results of this study are: Knowing the impact of law enforcement of environmental damage on sustainable development in the city of Medan, knowing the effectiveness of policy implementation related to law enforcement against environmental damage in the city of Medan.

Keywords: Law enforcement; Milieu; Sustainable development

1. Introduction

The environment is everything that surrounds humans and is related to each other, including physical conditions that include the state of natural resources such as land, water, solar energy, and minerals, as well as the flora and fauna that grow both on land and in the oceans, as well as decisions about how to use those living environments (Effendi et al., 2018).

In the process of life, humans and other living things interact and need each other (Risqi, 2022). Basically, the environment is figuring out how to make the Earth and the surrounding nature a decent place for a safe, peaceful, and prosperous life. Therefore, polluting the environment is tantamount to killing our own lives.

All people who physically live in a changing living environment must know that the community must also help manage the environment, and the participation of the community becomes something absolute in the framework of managing the environment there is a mistake about the participation of the community in environmental problems, by viewing community participation solely as the delivery of information (*public information*), counseling, even just a tool *Public relations* so that these activities can run without obstacles. The tendency of environmental quality that continues to decline begins to threaten the lives of living things, which exist in the world. Data from *Making Oceans Plastic Free (2017)* states that 182.7 billion plastic bags are used in Indonesia every year, which translates to 1,278,900 tons per year, with an average body weight of 21,315,000 people, which means plastic waste accounts for at least 40% of total plastic waste in Indonesia (Mas'udi & Alamsyah, 2022).

More than 2.000 tons of waste is generated every day in Medan City, with around 800 tons of it ending up in landfills (Kristanto, 2011). Between 1,000 and 1,200 tonnes of the remaining proneness go unaddressed. It is hoped that the existence of waste banks in the midst of the community will encourage the habit of sorting and managing waste since at home. Of 2.000 tons of waste generated every day, only about 13% is transported and managed so that it remains in landfills (Arief, 2013). However, to reduce the amount of waste disposed of in landfills, by 2025 it is targeted that 30% of waste must be man-

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Received: Mar 25, 2024;

Revised: Mar 26, 2024;

Accepted: Apr 02, 2024;

Published: Apr 30, 2024;



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aged, said New Normal waste bank director Yasra Al-Fariza at the appreciation event and annual meeting of the waste bank, in Medan, North Sumatra, Tuesday (01/21/2023). Law Number 32 of 2009 concerning Environmental Protection and Management in Indonesia regulates environmental management (Efendi, 2011). This law regulates efforts to preserve the environment in a sustainable manner as well as prevent damage.

According to Law No. 32 of 2009 concerning environmental protection and management, harmonious, harmonious, and balanced environmental management is needed to realize sustainable development with an environmental perspective. The concept of sustainable development has actually long been a concern for experts. But the term sustainability itself has only emerged since a few decades ago, although attention to sustainability has begun since Malthus in 1798 (Wagiraharjo, 2022). Development that makes full use of natural resources without harming the health and safety of future generations is also referred to as sustainable development (Wahanisa & Adiyatma, 2021). In order for development not to have a negative impact on society in the future, the government must also consider the balance of the environment with development (Rivai & Anugrah, 2011).

Development that meets the living needs of current generations while considering the needs of future generations is known as sustainable development (Salim, 2010). Kesejahteraan masyarakat di segala bidang kehidupan manusia adalah tujuan utama pembangunan (Teja, 2015). Efficient, effective, and sustainable spatial planning is one of the characteristics of good spatial planning. This research was conducted in the city of Medan, around the Medan Mayor's Office (MEDAN, n.d.).

The results of the analysis and research show that the government, especially the local government of Medan City, is responsible for spatial planning (Harpis & Bahri, 2020). Medan Municipality Regulation Number 4 of 1995, which regulates the spatial planning of Medan City, did not work correctly (Fathia, 2020). Many violations occur, such as building without a building permit, which undermines spatial planning and the environment (Junef, 2021).

Therefore, based on this background, the purpose of this study is to determine the impact of law enforcement of environmental damage on sustainable development in the city of Medan, to determine the effectiveness of policy implementation related to law enforcement against environmental damage in the city of Medan (Sri Wartini, 2022). The benefits of this research are increasing knowledge of studies and insights, increasing knowledge about the application of sustainable development, and increasing information for the community about the challenges / obstacles of law enforcement against environmental damage.

2. Materials and Methods

The type of research used is Normative Research, this type of research will analyze and evaluate environmental law policies applicable in plastic waste management in Medan City based on regulations and principles of environmental law that apply nationally and internationally (Darajat, 2020). This research will examine whether existing policies are in accordance with applicable legal norms and provide recommendations for improvement or improvement of existing policies (Naja et al., 2018). Where this study is analytical in nature which aims to analyze environmental law policies in plastic waste management in Medan City (Shinta, 2019). This research will conduct an in-depth analysis of existing policies, including a review of relevant legal regulations, the effectiveness of policy implementation, and their impact on plastic waste management (Saraswati et al., 2023).

This research was conducted in the city of Medan and used a qualitative approach with a descriptive approach (Octova, 2023). The source of this research data comes from undergraduate opinions, journals, textbooks, and research results (Prawitasari et al., 2022). These data sources provide important clues or explanations about the legal material discussed (Sulistiani, 2018). This method is collected through literature, some books, magazines, and documents (Zed, 2008).

This research specifically focuses on plastic waste management. Plastic waste is a significant environmental problem and has long-term implications for ecosystems and human health. In the context of Medan City, with its rapid population growth and urbanization, it is important to analyze the environmental law policies applicable in plastic waste management (Qadri et al., 2020).

This research will produce specific policy recommendations to improve plastic waste management in Medan City (Fitri & Ferza, 2020). These recommendations will be based on an analysis of the environmental law policies undertaken, as well as an understanding of the constraints and challenges that exist (Santoso et al., 2023). Thus, this research contributes to providing practical solutions and policy guidance.

3. Results and Discussion

This study examines aspects of environmental law, the approach taken by law enforcement in addressing environmental issues especially in the context of forest fires, as well as the significance of law enforcement in the context of sustainable development. The results show that environmental law is still lacking in addressing various environmental problems, especially forest fires in Indonesia. The current environmental punishment system is less effective due to a lack of firm and real law enforcement. Therefore, it is necessary to continue to implement law enforcement consistently to ensure the achievement of sustainable development.

The current legal basis is the 1945 Constitution of the Republic of Indonesia. As stated in Article 3 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the earth, water, and wealth contained therein are controlled by the State and can be used as much as possible for the prosperity and welfare of the Indonesian people, the Law also stipulates the obligation for citizens to use natural resources wisely and in accordance with needs.

The main goal of the development process should be to improve the quality of human life. However, over time, development carried out without regard to various regulations can produce negative impacts on the environment. As human needs increase, they forget that a biodiverse environment will no longer withstand the impacts caused by human development.

3.1 Environmental Law Enforcement in Medan city

Monitoring of environmental laws related to environmental pollution due to garbage disposal in the city of Medan. A state of law prioritizes law enforcement to achieve legal objectives, namely justice in public and state life. The protection of human interests is the goal of all these actions. The purpose of this study was to determine the causes, law enforcement, and efforts made to stop violent theft in the city of Medan. The results showed that violent theft is a community problem in the city of Medan. Factors that caught the author's attention included economic, environmental, and drug factors. As a result of landfilled, landfills and piles of garbage can cause waterlogging, which allows the growth of bacteria and germs and causes symptoms such as dengue fever (DHF). This condition creates obstacles for the government and cleaners in managing waste produced by residents. The problems studied in this study involve legal arrangements related to waste management and the implementation of legal sanctions for violations of environmental pollution due to littering, in accordance with Law of the Republic of Indonesia Number 18 of 2008 concerning Waste Management. Article 18 paragraph (2) and paragraph (5) of the Constitution of the Republic of Indonesia Year 1945 authorizes Regional Governments to regulate and manage Government Affairs in accordance with the principles of Autonomy and Assistance Duties, by granting the maximum autonomy. Common sanctions applied against violations of environmental pollution involve imprisonment, confinement, and fines.

In Indonesia, there are two ways to deal with environmental law enforcement issues: criminal and nonpenal. Criminal acts are repressive, while nonpenal are preventive. Repressive measures can actually also be regarded as preventive measures. Among the

factors influencing environmental criminal law enforcement in Indonesia are the judicial mafia in the process of environmental criminal law enforcement, intervention and political power in making environmental laws and regulations, and low human resources. Environmental law enforcement in Indonesia is hampered by inconsistencies between law enforcement itself and the rules and the criminal justice system. To achieve the success of environmental law enforcement, it is necessary to increase human resources intellectually and morally. In addition, each relevant department must have the same vision, mission, orientation, and mastery of environmental regulations as a whole.

3.2 Impact of Environmental Damage

The loss of nature to human life depends largely on its environment. The living environment consists of various living things and their components, such as plants and animals. The role of humans is very significant in efforts to protect and manage the environment, because the impact of environmental damage can have serious consequences on human survival. Environmental damage can occur in various elements such as land, air, or water, and can be caused by natural factors as well as human actions.

A number of regions in Indonesia have experienced disasters since the beginning of the year, with the cause can be sourced from natural factors as well as from individual behavior. The impact of losses due to natural disasters greatly affects humans economically and socially, and can even cause loss of life. Here are some of the consequences associated with such natural damage. Global warming, also known as global warming, is a catastrophic depletion of the ozone layer caused by an increase in the amount of carbon dioxide and a decrease in the amount of oxygen. Deforestation, forest burning, and excessive use of coal lead to increased carbon dioxide levels. Factory waste that is disposed of carelessly causes pollution. Factory waste emits smoke into the air and water. People around the plant will experience pollution effects, such as respiratory problems. Forest fires can damage oxygen supplies and put the flora and fauna in the forest in increasing danger. Hot weather and burning land to set up factories caused forest fires. Landslides are disasters in which rainwater erodes the soil. This situation is caused by the lack of ability of trees to absorb water, which leads to erosion. Logging without adequate reforestation is the main cause of landslides. Flooding is the impact of inhibition of water absorption by soil and rivers, causing overflow of water to the land.

3.3 The Impact of Environmental Scattering on Life

It is probably commonly known that humans and all other living things on Earth share the same environment. This environment consists of various elements that are very close to our lives. The state of the environment in which we live has a direct impact on daily conditions and activities. Today, there is no denying that our environment has been subjected to pollution, where different types of pollution are slowly destroying our habitat. Excessive human activity, sometimes without realizing it, has a significant negative impact on the environment. The use of materials in factory products and waste is often a source of environmental pollution. Here are some sources of environmental pollution.

3.4 Sustainable Development

In accordance with the provisions contained in Law No. 32 of 2009 concerning Environmental Protection and Management, sustainable development is defined as conscious and planned actions that combine environmental, social, and economic dimensions in development strategies. With this understanding, people believe that history cannot make a significant contribution to the overall development process. The purpose of this article is to provide a conceptual overview of the role of historical science in the context of overall development and sustainable development, particularly in relation to the sustainable development goals themselves. This article is written with a qualitative descriptive approach and uses literature studies as a data collection method. The results of the discussion show that the concept of sustainable development can be traced from social works in the past.

A brief history of sustainable development is as follows: Early 20th Century: In the early 20th century, industrialization and economic growth were the main focuses of development. However, adverse environmental effects, such as air and water pollution, are beginning to receive attention. 60s: During these ten years, awareness of the impact of rapid economic growth on the environment increased. The destruction of nature and the destruction of the environment have attracted the attention of many scientists and activists.

In 1972, the United Nations held the first Human Environment Conference in Stockholm. Norwegian Prime Minister Gro Harlem Brundtland chaired the "World Commission for Environment and Development" (also known as the Brundtland Commission) in 1983. In their report referred to as "Our Common Future" (1987), the Commission defined sustainable development as a type of development that meets the needs of current generations while preserving the ability of future generations to meet their own needs.

In 1992, the United Nations Conference on Environment and Development, known as the "Earth Conference" or "Rio Conference," was held in Rio de Janeiro, Brazil. The conference produced Agenda Document 21 and the Rio Declaration on Environment and Development. In addition, the conference is also the stage for the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD).

Furthermore, in 2000, the United Nations adopted the *Millennium Development Goals* as a global initiative to address poverty, education, and other social issues. The setting of these goals strengthens the integration of social aspects in the concept of sustainable development.

3.5 Challenges and Obstacles

Indonesia faces major challenges with sustainable development. However, it is also a great opportunity to achieve smart future development while protecting the environment for future generations. All parties, from governments, communities, the private sector, to individuals, must work together and contribute to achieving sustainable development. With the right measures and good cooperation, Indonesia can achieve sustainable development that benefits all parties and protects the environment for future generations.

Sustainable development depends on basic principles such as sustainable resource management, integration between sectors and dimensions of development, community participation, and social justice. The principle of community participation is the most important for sustainable development because it is essential for the process of planning and implementing sustainable development.

To achieve sustainable development, developing Indonesia faces many problems. Some of these problems are dependence on the export sector, high levels of poverty, uneven development between regions, and increasingly severe environmental damage. Therefore, the Indonesian government has created a number of programs and policies to help achieve sustainable development. The National Green Economy Program (NEH) is one of the Indonesian government's initiatives that aims to support sustainable development and combine sustainable economic growth with reducing the negative impact of development on the environment and improving people's quality of life.

In addition, to support sustainable development, the Indonesian government has established policies such as the Government of Indonesia has committed to address the challenges of sustainable development with various measures, such as the development of renewable energy, waste management, and environmental quality improvement. Indonesia has also adopted sustainable development targets within the framework of the *Sustainable Development Goals (SDGs)* set by the United Nations (UN).

Therefore, to achieve sustainable development, the Indonesian government and people must take greater and more comprehensive steps. Some of the steps that can be taken include raising public awareness about the importance of sustainable develop-

ment, increasing the efficiency of resource use, and developing environmentally friendly technologies. To support sustainable development efforts in Indonesia, it is also important to build inter-sectoral partnerships and international cooperation. In addition, governments must ensure that policies and programs that have been launched are implemented effectively and efficiently, and they must also regularly measure the impact of such actions.

In this context, it is imperative for Indonesians to adopt a more sustainable lifestyle. These include measures such as reducing the use of fossil fuels, using environmentally friendly products, and opting for public transportation over private vehicles. In addition, the community can play an active role in environmental conservation efforts, such as planting trees, reducing plastic use, and managing waste well. These simple steps can make a significant contribution to safeguarding the environment and supporting sustainable development. Many factors, including political, economic, social, and cultural, contribute to the delay in development in Indonesia. These factors, in particular, relate to poverty and unemployment, which negatively impact and will slow down the country's economic progress. Inhibiting development factors include planning that is not in accordance with *tupoksi*, limited resources, high dependence on the government, project sustainability that is hampered if there is a change of leadership, lack of socialization to the community, and the COVID-19 pandemic.

Demanded financing for environment-based greening and sustainable development projects continues to increase. The concept of sustainable and environmentally friendly development is in accordance with the principles of Islamic financial investment. In Indonesia, Islamic financing instruments such as Green Sukuk, which is based on sustainable development, are potential and important to support economic development in line with environmental conservation efforts. Despite the positive market response, there are many opportunities for Green Sukuk growth in Indonesia that can be maximized and challenges when the practice can be minimized.

4. Conclusion

Based on the results of data analysis and discussion in the previous chapter, the conclusion is, Environment is a combination of physical conditions that include the state of natural resources such as land, water, solar energy, and minerals, as well as flora and fauna that grow both on land and in the ocean, as well as decisions about how the environment is used. Development that meets the living needs of current generations while considering the needs of future generations is known as sustainable development. The welfare of society in all areas of human life is the main goal of development. Sustainable development, as stipulated in Law No. 32 of 2009 concerning Environmental Protection and Management, is a conscious and planned effort that integrates environmental, social, and economic aspects into development strategies. The aim is to ensure the integrity of the environment as well as the safety, capability, well-being, and quality of life for current and future generations. Challenges such as dependence on the export sector, high poverty rates, uneven development between regions, and increasingly severe environmental damage are obstacles to sustainable development.

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