Legal Brief, Volume 11, No 4, (2022), pp. 2426-2435
ISSN 1979-522X (Print)| 2722-4643 (Online)
Published by IHSA Institute (Institut Hukum Sumberdaya Alam)
DOI: 10.35335/legal

Environmental Legal Aspects In Protection Of Natural Resource Management

Rusdin Alauddin
Fakultas Hukum, Universitas Khairun Ternate, Indonesia

ARTICLE INFO

Article history:

Received Sep 12, 2022
Revised Sep 19, 2022
Accepted Oct 10, 2022

Keywords:

environment;
protection;
sand digging;
responsibility

ABSTRACT

This study aims to identify the application of Administrative, Civil and Criminal sanctions against Environmental Criminals and formulate factors that affect law enforcement against environmental criminals, in the context of utilizing/protecting natural resources. The type of research used in this research is normative legal research, there are 3 kinds of library materials used, namely primary legal materials, secondary legal materials, and tertiary legal materials. Data collection techniques used through documentation studies or through literature searches. The data obtained from the literature study will be analyzed with descriptive analysis techniques. The results of the study obtained that the application of sanctions from the aspect of environmental law to the use of Natural Resources was carried out through three fields, namely the field of State Administration, the field of Civil and the field of Criminal Affairs. The application of sanctions in these three fields is still very minimal contribution in efforts to protect and manage the environment in Indonesia. Many factors are obstacles to the application of legal sanctions in the environmental sector, including: Legislation in the field of environment still has many shortcomings. Among other things, the incompleteness of formal legal and material law issues contained in the PPLH Law. These deficiencies are often used to avoid sanctions by environmental crimes, law enforcement factors that have shortcomings in terms of quality and quantity. This is illustrated in many cases, especially in major cases such as the Lapindo Mud Case, factors of very inadequate supporting facilities, Factors it seems that the level of awareness, compliance and behavior of citizens towards laws and regulations is still very low.

ABSTRAK

Penelitian ini bertujuan untuk mengidentifikasi penerapan sanksi Administratif, Perdata, dan Pidana terhadap Pelaku Tindak Pidana Lingkungan dan merumuskan faktor-faktor yang mempengaruhi penegakan hukum terhadap pelaku kejahatan lingkungan, dalam rangka pemanfaatan/pelindungan sumber daya alam. Jenis penelitian yang digunakan dalam penelitian ini adalah penelitian hukum normatif, ada 3 macam bahan pustaka yang digunakan, yaitu bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Teknik pengumpulan data yang digunakan melalui studi dokumentasi atau melalui penelusuran kepustakaan. Data yang diperoleh dari studi kepustakaan akan dianalisis dengan teknik analisis deskriptif. Hasil penelitian diperoleh bahwa penerapan sanksi dari aspek hukum lingkungan terhadap penggunaan Sumber Daya Alam dilakukan melalui tiga bidang, yaitu bidang Tata Usaha Negara, bidang Perdata dan bidang Pidana. Penerapan sanksi di ketiga bidang tersebut masih sangat minim kontribusinya dalam upaya perlindungan dan pengelolaan lingkungan hidup di Indonesia. Banyak faktor yang menjadi kendala penerapan sanksi hukum di bidang lingkungan hidup, antara lain: Peraturan perundang-undangan di bidang lingkungan hidup masih memiliki banyak kekurangan. Antara lain, ketidaklengkapan persoalan hukum formil dan materil yang tertuang dalam UU PPLH. Kekurangan tersebut sering digunakan untuk menghindari sanksi kejahatan lingkungan, faktor penegakan hukum yang memiliki kekurangan dari segi kualitas dan kuantitas. Hal ini tergambar dalam banyak kasus terutama pada kasus-kasus besar seperti Kasus Lumpur Lapindo, Faktor sarana penunjang yang sangat kurang memadai, Faktor tampaknya tingkat kesadaran, kepatuhan dan perilaku warga terhadap peraturan perundang-undangan masih sangat rendah.

This is an open access article under the CC BY-NC license.

Corresponding Author:

Rusdin Alauddin,
Fakultas Hukum,
Universitas Khairun Ternate.
Jl. Bandara Babullah, Fax. 23368, Ternate, Indinesia
Email: alauddinrusdin@gmail.com

I. INTRODUCTION

The Government of the Republic of Indonesia as the main implementer of development in Indonesia, has attempted to carry out its obligations according to the directions in the Preamble to the 1945 Constitution in the fourth paragraph, namely promoting public welfare. The current developments generally refer to the National Long-Term Development Plan for 2005-2025, as regulated in Law No. 17 of 2007. on the other hand, there are still various problems which are side effects of the development itself.

Among the various problems that occur, one of the most felt the impact is the physical development in various fields that intersect with the surrounding environment. Changes in the physical environment are almost impossible to avoid because implementation in the name of development is always carried out by changing the shape of the existing environment. Although it is always stated that it is very important to always place development in a sustainable vision, various environments within the territory of the Republic of Indonesia have changed because the vision of implementing sustainable development is often neglected.

Utilization of Natural Resources (SDA) by humans should be carried out based on a principle known in biology as symbiotic mutualism, which allows all parties, both nature, humans, animals and plants, to get benefits that are suitable for their needs or all benefit. Various activities carried out by humans appear to have damaged natural resources, such as threats to biodiversity caused by pollution problems and habitat changes. Overexploitation of biological resources has changed the life structure of the biota community, and can even reduce the amount of biodiversity. To protect animals and plants that are deemed necessary to be protected from damage or even extinction, various efforts must be made, including by making laws and regulations to maintain the existence of various ecologies such as national parks, wildlife reserves, protected forests, marine parks, nature reserves and the whole other environment.

Efforts to make various conservations of natural resources are aimed at the realization of the preservation of natural resources and the balance of the ecosystem, so that by itself it is expected to provide more support for efforts to improve community welfare and quality of life. However, it cannot be denied that the conventional perspective of some Indonesian people in seeing nature as something created only for them also plays a role in the destruction of natural resources itself, as stated by (Otto Soemarwoto, 2005) that Indonesian people have a belief in strongly that the environment is opposed to development. Given that the community is still impoverished, development must take precedence over the environment. In the government's view, the environment only occupies a marginal place.

Various environments that have changed due to development, such as the construction of various reservoirs that have drowned a lot of surrounding land, can be presented as an example, how environmental changes that occur even though they are legal but have various impacts on the life of the surrounding ecosystem. The development of expansion of the area around urban areas that has eliminated water catchment areas has resulted in flooding in areas that have never experienced this before, such as what happened in Manado City in early 2014 which not only caused damage to nature and the environment where thousands of people had to evacuate, but also cause death tolls and the destruction of the death toll (Achmad Ali, 2022) What is even worse is development in the mining sector. The number of permits that have been issued in the mining sector, has made the

environmental damage that occurs, is increasing. In addition, it is also a result of the lack of supervision as regulated in the applicable regulations. The number of mining permits that have been issued, in the end, has changed if not said to eliminate the original forests that are used as rainwater buffers to meet water needs in the dry season. Of course this can threaten the sustainability of the ecosystem that is around it.

In the mining sector, changes to the prevailing laws and regulations, which require the creation of a processing plant to process mining materials before the company exports, on the one hand are economically expected to increase state revenues, but on the other hand have a negative impact on most existing mining companies. The high cost of building a mining material processing plant, on average, is estimated at $ 1.5 billion (exchange rate of $ 1 = Rp 12,500) or around Rp. 1.870.000.000.000,- (one trillion eight hundred seventy billion rupiah), making most of the existing mining companies no longer able to operate (Ahmadi, 2004) Mining companies that have obtained permits, mostly owned by Indonesian citizens , cannot continue its operation. Land that has been explored or exploited becomes abandoned. The natural resource ecosystem has also changed without knowing when action will be taken to correct the changes that lead to the destruction of natural resources.

The law which is expected to be one of the efforts to prevent, maintain and improve the environment, seeks to propose a solution through environmental law. It is known that in the environmental law perspective, the complete settlement of cases in the environmental field is carried out using 3 (three) fields, through the administrative environmental law perspective, the civil environmental law perspective and the criminal environmental law perspective (Andi Hamzah, 2005). to solve environmental cases by using the ultimum remedium principle. Although on the other hand, based on the principle of subsidiarity, the effectiveness of environmental law in resolving environmental cases is again being questioned.

The environmental field is the field that is experiencing the most rapid progress due to the development and changes in human life. However, in reality, laws and regulations, especially in the environmental field, which are made and applied in Indonesia are often too late in anticipating existing cases. The last change in environmental regulations, from Law No. 23 of 1997 to Law No. 32 of 2009 proves that many things in the environmental field have changed so that the old regulations that apply are no longer able to anticipate environmental cases. that happened. However, even though it has been in effect for approximately five years, it appears that environmental problems remain prominent. This can be seen from the many environmental cases that have not yet been resolved.

Law enforcement is one way or strategy in encouraging compliance with environmental standards, quality standards and legislation. It is even alleged that the law enforcement of the three aspects of environmental law is not running according to the expectations of various environmental law regulations.

II. RESEARCH METHOD

The type of research used in this research is normative legal research or library research methods. The method or method used in this legal research is carried out by examining existing library materials.

This study uses primary data and secondary data, the data collection techniques used are through documentation studies or through literature searches related to research, namely by collecting laws and regulations relating to research, books, papers, results. research and legal materials available on the internet.

The data obtained from the literature study will be analyzed with descriptive analysis techniques, intending to provide an overview or exposure to the object of research. The analysis is carried out by describing the applicable laws and regulations, associated legal theories and the practice of implementing positive law regarding environmental law issues that will be discussed as well as cases that occurred in Indonesia. Based on this, the researchers used data analysis through an approach

that was viewed from the perspective of Law Number 32 of 2009 along with various regulations in the field of Environmental Law and case approach.

III. RESULT AND DISCUSSION

Application of Administrative, Civil and Criminal Sanctions against Environmental Crime Actors

Environmental Law in Indonesia was created to anticipate various forms of activities in the environmental field, ranging from legal activities to illegal activities. In this regard, Drupsteen examines environmental law, as quoted in Rahmadi (A'an Efendi, 2011), as a functional law field (functioneel rechtsgeibeid) in which there are elements of administrative law, civil law and criminal law. Environmental law enforcement is the use or application of instruments and sanctions in the field of administrative, criminal and civil law, with the aim of forcing legal subjects who are the target to comply with environmental laws and regulations. Hussein (Widia Edorita) stated the same thing, namely that environmental law in the implementation of environmentally sound development functions to prevent pollution and or environmental destruction so that the environment and natural resources are not disturbed by their sustainability and carrying capacity. In addition, environmental law functions as a means of legal action for actions that damage or pollute the environment and natural resources (Takdir Rahmadi, 2011).

The importance of environmental management for natural resource management activities is intended to ensure the sustainability of the life of future generations in a healthy and safe quality of life and environment. Management and conservation of the environment does not only require large quantities but also sustainable consistency where in the concept of sustainable development, development or development is expected to meet the needs of the present without compromising the ability of future generations to meet their needs in utilizing the potential of natural resources for life (Sutrisno, 2014) An increase in environmentally conscious culture is absolutely necessary so that all actions and policies taken will always pay attention to all aspects related to the environment (Widia Edorita, 2007).

If you look at the various regulations that apply in environmental law, generally in every article that functions to regulate something, sanctions are also included to threaten the perpetrators if they violate the regulated matters. The regulated sanctions are generally tentative, meaning that the severity or severity of the sanctions imposed depends on the nature of the case at hand. The following is an overview of the application of sanctions in terms of administrative law aspects, civil law aspects and criminal law aspects.

Implementation of Sanctions From an Administrative Aspect

The administration of administrative sanctions has an instrumental function, namely the prevention and control of prohibited acts and is primarily aimed at the protection of interests protected by the violated legal provisions. Administrative sanctions can be preventive in nature and aim to enforce environmental laws and regulations, with administrative threats. Law enforcement efforts through administrative sanctions can be carried out on activities related to licensing requirements, environmental quality standards, environmental management plans and so on.

Compared to criminal and civil law enforcement, administrative law enforcement even though there is an element of coercion, this type of law enforcement also has a preventive function. Through consistent and regular supervision, various forms of violation of permits and laws and regulations that have the potential to pollute and damage the environment can be prevented as early as possible. Environmental management tools Environmental Impact Analysis (AMDAL) and permits (especially environmental permits or permits related to environmental management) can be used as benchmarks for the implementation of monitoring or supervision of compliance in administrative law enforcement packages. The results of this supervision can be followed up with guidance and or the imposition of

administrative sanctions. Administrative sanctions can take the form of warnings, government coercion, suspension of activities, and even closure of activities.

Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) provides a large portion of administrative law enforcement. In the General Elucidation of the PPLH Law, it is stated that preventive efforts in the context of controlling environmental impacts need to be implemented by making maximum use of monitoring and licensing instruments. As explained above, supervision (performed by the bureaucracy/government/local government) is the heart of administrative law enforcement. Meanwhile, licensing, waste/emissions quality standards or environmental quality standards and obligations as outlined in laws and regulations are administrative instruments used as benchmarks for the implementation of government supervision. Based on the PPLH Law, one of the tasks and authorities of the Government and Local Government (provincial, city/district) is: to provide guidance and supervision to the compliance of the person in charge of the business and/or activity to the provisions of environmental permits and laws and regulations in the field of environmental protection and management, issue environmental permits; and enforcing environmental law

The Minister of Environment as an official at the national level is authorized by UUPPLH to supervise (direct) the obedience of the person in charge of businesses and/or activities whose environmental permits are issued by the regional government. The authority of the Minister of the Environment is possible if there is a serious violation. In addition, the Minister can also apply administrative sanctions to the person in charge of the business/activity if the Regional Government intentionally does not apply administrative sanctions to serious violations in the field of environmental protection and management. However, based on the PPLH Law, Law Number 32 of 2004 concerning Regional Government (UU Pemda) and PP Number 38 of 2007 concerning the Division of Government Affairs between the government, provincial governments and Regency/City Regional Governments, and City/Regency Regional Governments (PP for the Division of Government Affairs) Regions), local government remains the backbone of administrative law enforcement. Thus, its role in implementing administrative law enforcement is primary and therefore very strategic. The PPLH Law also regulates the Types of Administrative Sanctions and the Authority of Supervisory Officials (both supervisors at the central and regional levels). The PPLH Law stipulates 4 (four) types of administrative sanctions, namely:

a. written warning;
b. government coercion;
c. freezing of environmental permits; or
d. revocation of environmental permit

The PPLH Law also explains the forms of government coercion, including the temporary cessation of production activities and the closure of sewerage or emissions. The imposition of government coercion can be carried out without being preceded by an administrative sanction of reprimand if the violation has resulted in:

a. A very serious threat to humans and the environment;
b. The impact is bigger and wider if the pollution and/or destruction is not immediately stopped;
c. Greater loss to the environment if the pollution and/or destruction is not immediately stopped.

This type of government coercion sanction is a potentially frightening sanction and is therefore highly avoided by the activity initiator/business person in charge because the imposition of this sanction means a step towards a more severe administrative sanction, namely the sanction of freezing or revocation of environmental permits. Article 79 of the UUPPLH only allows the imposition of administrative sanctions in the form of freezing and revocation of permits if the person in charge of the business does not carry out government coercion. Government coercion is also a very heavy administrative sanction due to imprisonment for those in charge of businesses/and or activities that do not carry out government coercion. Considering the enormous potential for enforcing administrative law as a means of preventing environmental pollution and destruction, and

encouraging compliance, it is necessary to regulate environmental law enforcement through administrative sanctions due to:

a. Administrative law enforcement has a function as an instrument for controlling, preventing, and overcoming acts prohibited by environmental provisions;
b. Through administrative sanctions, it is intended that the violation act be stopped, so that administrative sanctions are a preventive and non-judicial repressive juridical instrument to end or stop violations of the provisions contained in the requirements for environmental protection and management;
c. In addition to being repressive, administrative sanctions also have a reparatory nature, meaning that they restore their original state, therefore the utilization of administrative sanctions in environmental law enforcement is important for efforts to restore damaged or polluted environmental media;
d. In contrast to civil sanctions and criminal sanctions, the application of administrative sanctions by administrative officials is carried out without having to go through a court process (non-judicial), so that the application of administrative sanctions is relatively faster than other sanctions in an effort to enforce environmental law. No less important than the implementation of this administrative sanction is the open space and opportunity for public participation.

The enforcement of administrative law in the field of environmental protection and management is based on two important instruments, namely supervision and the application of administrative sanctions. Referring to the Regulation of the Minister of the Environment Number 02 of 2012 concerning Guidelines for Administrative Sanctions in the Field of Environmental Protection and Management, supervision is carried out to determine the level of obedience of the person in charge of the business and/or activity to:

a. Environmental Permit: Violation of environmental permit is a violation committed by everyone because:
   a) Does not have an environmental permit;
   b) Do not have environmental documents;
   c) Not complying with the provisions required in the environmental permit, including not applying for a permit for environmental protection and management at the operational stage;
   d) Not complying with obligations and/or orders as stated in the environmental permit;
   e) Not to make changes to the environmental permit when there is a change in accordance with Article 50 of Government Regulation Number 27 of 2012 concerning Environmental Permits;
   f) Does not make and submit implementation reports on the implementation of environmental requirements and obligations; and/or
   g) Does not provide a guarantee fund.
b. Environmental Protection and Management Permits include:
   a) hazardous and toxic waste management permit, which includes:
   b) B3 waste storage permit;
   c) B3 waste collection permit;
   d) B3 waste utilization permit;
   e) B3 waste processing permit;
   f) permit for landfilling B3 waste;
   g) dumping permit to sea;
   h) waste water disposal permit;
   i) permit to discharge waste water into the sea;
   j) waste water disposal permit through injection;
   k) emission discharge permit into the air.

Violation of the environmental protection and management permit is a violation committed by everyone because:

a. Does not have a permit for environmental protection and management;
b. Does not have an environmental permit;
c. Do not have environmental documents;
d. Not complying with the requirements for environmental protection and management permits;
e. Not complying with obligations and/or orders as stated in the environmental protection and management permit; and/or
f. Does not make and submit implementation reports on the implementation of environmental requirements and obligations.
g. Legislation in the field of life protection and management

Laws and regulations in the environmental field, namely the PPLH Law and its implementing regulations as well as derivative rules consisting of government regulations, presidential regulations, regional regulations, ministerial regulations, regional head regulations and regional regulations basically contain sanctions. Several types of administrative sanctions are applied:

a. Written warning
   Administrative sanction written warning is a sanction that is applied to the person in charge of the business and/or activity in the event that the person in charge of the business and/or activity has violated the laws and regulations and the requirements specified in the environmental permit. However, these violations, both in terms of good environmental management and technically, can still be corrected and also have not caused a negative impact on the environment.
b. Government coercion
   Government coercion is an administrative sanction in the form of concrete actions to stop the violation and/or restore it to its original state. The application of government coercive sanctions can be carried out against the person in charge of the business and/or activity by first being given a written warning.
c. Freezing of Environmental Permits and/or Environmental Protection and Management Permits
   The administrative sanction of freezing environmental permit and/or protection and management permit is a sanction in the form of legal action not to temporarily enforce environmental permit and/or protection and management permit which results in the cessation of a business and/or activity. This permission freeze can be done with or without a time limit.
d. Revocation of Environmental Permits and/or Environmental Protection and Management Permits Administrative sanctions in the form of revocation of environmental permits are applied to violations.
e. Administrative Fines
   What is meant by administrative sanctions of fines is the imposition of an obligation to make payments of a certain amount of money to the person in charge of the business and/or activity for being late to enforce government coercion. The imposition of fines for delays in carrying out government coercion starts from the period when the implementation of government coercion is not implemented. In designing the sanctions to be imposed, they must also pay attention to the procedures or procedures for implementing the sanctions that are carried out, so that they must be ensured in accordance with the regulations on which they are based and the general principles of good governance. Officials who apply administrative sanctions must be ensured to have legal authority based on laws and regulations. Such authority can come from attribution, delegation, or mandate. This source of authority will determine the way in which administrative officials exercise their authority.

Regarding administration, once signed, the decision letter for the application of administrative sanctions is numbered and administered accordingly. After being signed earlier, the administrative sanction decision letter is submitted to the person in charge of the business and/or activity. What needs to be remembered is that the delivery period for the decision letter (fourteen working days at most), the delivery of the administrative sanction decision (including courier and registered mail), proof of receipt of the administrative sanction decision letter (receipt, signature of the recipient stating the name and date received), delivery of a copy of the administrative sanction decision letter to the regional head where the violation occurred (locus delicti) and related agencies. Assigning officials, delegated officials, and/or mandated officials who have the authority to give administrative sanctions report the implementation of administrative sanctions to the authorized officials as input for further decision-making and/or environmental law enforcement policies.

The lawsuit at the State Administrative Court (PTUN) is in the process of the administrative court, is an effort to enforce legal provisions for government agencies and local governments in the formation and enforcement of administrative law. The use of state power against individual citizens is not without conditions, in essence, individuals and citizens cannot be treated arbitrarily as objects. State actions and interventions against individuals must be in accordance with the procedures established by the legislature. Supervision of government decisions in the perspective of legal procedures is important in the application of the principles of legal protection, specifically the enforcement of administrative law in Law No. 32 of 2009 concerning Environmental Protection and Management.

One of the environmental instruments, which is related to administrative sanctions, is an environmental permit, which is a permit that is given to everyone who carries out a business and/or activity for which an Amdal is required or UKL-UPL in the context of environmental protection and management as a prerequisite for obtaining a business license and/or activities, issued by the minister, governor, or regent/mayor in accordance with their authority. Article 40 of Law No. 32 of 2009 regulates environmental permits, requirements for obtaining business and/or activity permits.

The beginning of a business or activity preceded by an environmental permit, before other permits. In practice, many environmental permits are violated by power holders or officials with authority. Even in the era of autonomy, environmental permits were neglected to carry out business/activities, local governments only thought when, "while in power" many permits were issued, in order to get PAD, so that the environmental impact aspect was marginalized. A concrete example is the Lapindo mudflow case in Porong, East Java, where it was revealed that the last Amdal was only made before another permit. Another case as an example of the application of administrative sanctions is the case of IUP (Mining Business Permit) in Samarinda City which has grown rapidly like mushrooms since the Autonomy Law was enacted. It is alleged that the issued IUPs often ignore environmental permits, in making Amdal/UKL-UPL. These things destroy the surrounding environment and disturb the balance of the carrying capacity and the carrying capacity of the environment.

In the concept of environmental protection and management as a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision, and law enforcement of environmental protection. Enforcement of administrative law, basically in a state of law and a democratic state to government agencies in carrying out state duties and binding them in legal norms. This element of binding legal norms will be effective and can be guaranteed to be implemented, if an independent PTUN court can supervise decisions made by city government agencies. The expected PTUN actually does not have the power of execution, this institution is only a declaration, it can only cancel it by returning it to the government decision maker if it is proven guilty and cancel it by law, if it is proven that forgery has occurred.

IV. CONCLUSION

From the discussion of the research results obtained the following conclusions: The application of sanctions from the environmental law aspect to the utilization of Natural Resources is carried out through three fields, namely the field of State Administration, the field of Civil Affairs and the field of Criminal. The application of sanctions in these three fields is still very minimal in its contribution to environmental protection and management efforts in Indonesia. There are many factors that hinder the application of legal sanctions in the environmental sector, including. Laws in the field of the Environment still have many shortcomings. Among other things, the unresolved issues of formal law and material law contained in the PPLH Law. This deficiency is often used to avoid sanctions by environmental crimes. Law enforcement factors that have shortcomings in terms of quality and quantity. This is reflected in many cases, especially in large cases such as the Lapindo Mud Case. Factors supporting facilities that are very inadequate. It seems that the level of awareness, compliance and behavior of citizens towards laws and regulations is still very low.

Referensi

Achmad Ali. 2002. Keterpurukan Hukum di Indonesia. Ghalia Indonesia. Jakarta.

Ahmadi Miru dan Sutarman Yudo,2004. Hukum Perlindungan konsumen, PT. Raja Grafindo Persada, Jakarta..

Andi Hamzah. 2005. Hukum Acara Pidana Indonesia, Sinar Grafika, Jakarta

A'an Efendi. 2011. Penyelesaian Kasus Pencemaran Lingkungan dari Aspek Hukum Lingkungan. Risalah Hukum, Fakultas Hukum Universitas Jember, Jawa Barat.

Emil Salim. 1991. Lingkungan Hidup dan Pembangunan. Mutiara. Jakarta.

Hamdan, 2000, Tindak Pidana Pencemaran Lingkungan Hidup, CV.Mandar Maju, Bandung.

Jimly Asshiddiqie, 2009. Green Constitution, Jakarta, Rajawali Pers..

M. Daud Silalahi. 2001. Hukum Lingkungan dalam Sistem Penegakan Hukum Lingkungan Indonesia, Alumni, Bandung.

Otto Soemarwoto. 2005. Analisis mengenai dampak lingkungan. Gajah Mada Universiy Press.Yogyakarta.

Siswanto Sunarso 2005. Hukum Pidana Lingkungan Hidup dan Strategi Penyelesaian Sengketa. Rineka Cipta. Jakarta.

Sutrisno, 2014. Implementasi Pasal 158 UU No 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara Terhadap Pelaku Pertambangan Tanpa Izin Di Blok Gosowang Kabupaten Halmahera Utara. Skripsi. Fakultas Hukum Universitas Khairun Ternate. Maluku utara

Takdir Rahmadi. 2011. Hukum Lingkungan di Indonesia, PT.Rajawali Perss, Jakarta

Widia Edorita. 2007. Peranan Amdal dalam Penegakan Hukum Lingkungandi Indonesia dan Perbandingannya Dengan Beberapa Negara Asia Tenggara. Sinar Grafika. Jakarta.

http://www.mongabay.co.id/2014/01/17/banjir-bandang-manado-18-warga-tewas-1-000-an-rumah-rusak di akses 10 Januari 2015.

http://www.voaindonesia.com/ content/freeport-diminta-bangun-2-smelter-di-indonesia-pada-2020/2571717.html. diakses 18 Januari 2015).

http://safarila.blogspot.com/2011/02/baku-mutu-lingkungan-bml.html. diakses tgl 19 Januari 2015

http://www.mongabay.co.id/2013/05/22/43-kasus-kejahatan-lingkungan-hidup-ditangani-dengan-penegakan-hukum-terpadu/.diakses tgl 24 Januari 2015.

http://www.mongabay.co.id/2013/05/22/43-kasus-kejahatan-lingkungan-hidup-ditangani-dengan -penegakan-hukum-terpadu/.diakses tgl 4 Februari 2015).

Siti Kotija http://hukum.kompasiana.com /2012/ 03/09/ izin-lingkungan-dan-sanksi-administrasi-445485.html diakses 15 Februari 2015.

http://www.mongabay.co.id/2014/01/16/menteri-lh-beharap-putusan-hukum-kalista-alam-buat-jera-korporasi. diakses 17 Februari 2015.

Kurniawan Tri Wibowo, http://pengacara onlinecom.blogspot.com/2013/12/ penegakan-hukum-lingkungan-terhadap.html diakses 20 Februari 2015.

http://www.hukum online. com/ berita/ baca/ lt53a1660867883/mispersepsi-aph-ganggu-penegakan-hukum-kehutanan. diakses 20 Februari 2015.

http://finance.detik.com/read/2014/10/23/182706 /2728073/1034/esdm-tambang-emas-ilegal-di-indonesia-banyak-jumlahnya. diakses 22 Februari 2015

http://alviprofdr.blogspot.com/2014/09/penegakan-hukum-lingkungan.html. diakses 25 Februari 2015

http://hukumkepolisian. blogspot.com/2011/01/faktor-faktor-yang-mempengaruhi .html. diakses 26 Februari 2015

http://oasis-pecintailmu.blogspot.com/2009/12/faktor-faktor-yang mempengaruhi .html. diakses 28 Februari 2015

UU No 17 Tahun 2007.

Peraturan Menteri Lingkungan Hidup Nomor 17 Tahun 2012 tentang Pedoman Pelibatan Masyarakat dalam AMDAL dan Izin Lingkungan.

Peraturan Pemerintah (PP) Nomor 27 Tahun 2012 tentang Izin Lingkungan,

Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun 2012 tentang Pedoman Penyusunan Dokumen Lingkungan Hidup.