



ENVIRONMENTAL LAW ENFORCEMENT IN INDONESIA FACING THE ERA OF GLOBALIZATION

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ABSTRACT

The process of globalization is marked by the rapid development of capitalism, which is increasingly open and globalizing the role of markets, investment and production processes of transnational companies which are then strengthened by ideology and a new world order of trade under a rule set by a global free trade organization, as an example of globalization is the increasing development of companies. The type of legal research that the author uses in the preparation of this legal writing is normative juridical research type. The obligation for everyone to maintain the ability of the environment so that it can continue to be utilized for the protection and needs of humans or other living things. Geographically, Indonesia is a very strategic part of efforts to realize a good environment for the world as a whole. This provides awareness that Indonesia must also comply with international law. Not only those issued by international institutions. This includes the collective agreement of the world community on efforts that are concretely dedicated to the preservation of the world's environment and even the universe. In fact, while natural resources do bring a major contribution to development, on the other hand, the sustainability of the availability of natural resources is ignored.

Keywords: Law enforcement, globalization, environment

1. INTRODUCTION

Globalization has opened up new opportunities for economic exchange and growth, but it also poses new challenges in terms of environmental protection. Effective environmental policies are crucial to manage the negative impacts of human activities on the environment, such as air pollution, climate change and habitat degradation.

In the legal context, contemporary challenges arise from various aspects, including: Changes in international law: With technological advances and globalization,

international laws related to the environment are becoming increasingly important. For example, agreements such as the Paris Agreement and the convention on climate change include clearer obligations and rights for countries to reduce greenhouse gas emissions and adapt to climate change. **Influence of national laws:** Countries must adapt their laws to international principles to fulfill their obligations in a global context. This includes creating stronger and more effective environmental regulations, as well as stricter enforcement against violations.

The role of non-governmental actors: Non-governmental organizations (NGOs), civil society groups and multinational companies also play an important role in environmental protection. They are often instrumental in monitoring compliance with environmental policies and promoting positive change.

An analysis of environmental policy implementation in the era of globalization includes an understanding of how these policies are applied in various contexts, including how they adapt to new legal and technological challenges, as well as how they influence individual and organizational behaviour (Saraan & Rambe, 2024). It also includes an assessment of the effectiveness of policies in achieving environmental protection objectives and how they can be improved to meet increasingly complex legal and environmental challenges.

Human life in society is a manifestation of the human need to interact with other humans in fulfilling their needs and interests. It is human nature to always live in society. Interactions formed in society will require various devices and means that will regulate the relationships that occur. The ability of humans to adapt and interact with society, the environment and nature around them, will require boundaries both in terms of morals and firmer rules. Even in a very simple society, there are boundaries or rules that will maintain balance and order. Those rules are called laws.

The enactment of Law Number 32 of 2009 concerning Environmental Protection and Management is a positive environmental law that applies in the context of environmental management in Indonesia (Ismelina & Rahayu, 2003). It is a fact that must also be remembered that unlike the early days of the growth of states and national laws in Europe, life at the national level today is not the only alternative to traditional local life. Today, life has become increasingly global in its formats, as if offering a new alternative that seeks to address not only the local but also the national.

In a world that is increasingly “one world, full of differences but which can no longer be separated and divided”, there is a paradox that the local is not threatened with death (as can happen in a national and modern atmosphere that tends to be centralized and anti-traditional). Globalism seems to allow localism to revive and coexist as an alternative. When modernism and thus the supposedly modern national law prove insufficient to solve many humanitarian problems, what is global (with its post-modern spirit) and what is local (with its pre-modern moral themes) seem to be more able to offer alternatives in economic, political, social, cultural and legal life to the people.

In order to realize the welfare of the people, environmental law is an instrument of state administration in environmental protection and management. Environmental law

becomes a guideline in the framework of environmental protection and management. The norms of environmental protection and management serve as guidelines in the implementation of environmental licensing (Triadi & Sigh, 2024).

The 1945 Constitution mandates the government and all elements of society to protect and manage the environment in the implementation of sustainable development, so that the Indonesian environment remains a resource and life support for the Indonesian people and other living things (Rusdiyanto,2005). Article 33 of the 1945 Constitution is the basic norm for environmental management in Indonesia, namely:

1. The economy is structured as a joint venture based on the principle of kinship.
2. Branches of production that are important to the state and that control the lives of many people are controlled by the state.
3. The land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.
4. The national economy is organized on the basis of economic democracy with the principles of togetherness, fair efficiency, sustainable, environmentally sound, independence, and by maintaining a balance of progress and national economic unity.
5. Further provisions regarding the implementation of this article shall be regulated by law.

General provisions of article 1 point 2 of Law Number 32 of 2009 concerning Environmental Protection and Management, environmental protection and management are systematic and integrated efforts undertaken to preserve the function of the environment and prevent pollution and/or damage to the environment which include planning, utilization, control, maintenance, supervision, and law enforcement (Soekanto,2005).

So far, environmental management tends only to utilize the environment as an object of development. Environmental management means management of the environment or the environment can be managed by taking a management approach (Saraan at al, 2024). The environmental management approach prioritizes the ability of humans to manage the environment, so that the view is commonly referred to as “environmentally friendly”. Pro-environmental attitudes and behaviors must not be anti-development.

The above opinion implies that environmental protection and management must balance the interests of economic improvement with the interests of preserving the environment and social. Environmental protection and management efforts based on environmental legal norms mean a balance between economic interests, preservation of environmental functions and social conditions. This is the importance of the principles of sustainable development in the implementation of government tasks, related to environmental management. So far, these two things seem to be separated from each other. The government and the private sector are seen as prioritizing economic interests over environmental conservation interests.

In environmental protection and management, the state administration is the dominant party. The dominance of the government is a consequence of a welfare state as described earlier. Nevertheless, environmental law is still seen as a complement in the implementation of government tasks. In fact, there is still an assumption that environmental law is an obstacle in the midst of efforts to spur economic growth (. The same condition also applies to the principles of sustainable development, which is seen as an anti-economic and social development concept. It is not an exaggeration to say that the study of the environment on the one hand and economic issues on the other is inseparable from the development of the fulfillment of human life which continues to develop dynamically from time to time. Such developments can be understood as part of the human necessity in fulfilling their lives, which means that it is a necessity for management based on economic principles. There is profit and loss, there is supply and demand, there is balance, saturation point and so on.

The development of science and ecology has fulfilled human needs and even desires. Humans began to dominate and exploit nature. This situation has resulted in progress as well as socio-economic inequality and degradation of natural resources and the environment, which ultimately leads to issues of justice, welfare, and the sustainability of the human future itself.

The direction that humans want to achieve is modernization. Modernization, which is identical to the orientation of economic growth, is not free from various weaknesses, especially causing problems of ecosystem degradation, marginalization or impoverishment, social problems and so on. Capital owners and rulers treat nature as an unlimited resource to be fully utilized for human interests. Other than being exploited, nature is also used as a garbage dump that is forced to exceed the carrying capacity and capacity of the environment.

The tendency of modernization to accumulate capital and exploit nature has the effect of encouraging human greed for nature. Certainly, these activities lead to systematic environmental destruction. Technically, it takes the form of large-scale projects, the result of which is the destruction of the environment. Development that no longer cares about the rules of conservation is development that uses a philosophical foundation that places human interests as the main and only consideration in development.

On the one hand, the environment will hinder development, and on the other hand, development will damage the environment. In reality, it appears that the prioritization of economic growth in development does not guarantee the sustainability of development because the environment is damaged. The environment is also an important element of economic growth, because if environmental functions decline due to utilization that exceeds the capacity of the environment, the economy will lose its ability to grow. Based on this, good economic growth must also be supported by the environment as a container for the network of life. Any economic development carried out needs to take into account the impact on the environment so as not to kill life itself, so in this case the economy is a subsystem of the environment.

It is realized that natural resources are very important for human survival because natural resources are needed in every human activity. The environment should be organized and managed properly to support present and future life. It is an obligation for everyone to maintain the ability of the environment to continue to be utilized for the protection and needs of humans or other living things.

In relation to the problems that occur (*das sein*) for example, the rampant acts of pollution, or certainly environmental crimes lately have not or are not matched by the number of investigators of the case itself. Technically, the role of the environment ministry in carrying out law enforcement duties can be said to be still weak, weakness is a variety of reasons, even though this law should have been effective two years after its enactment (precisely on October 3, 2011).

In law, one of the important elements of law enforcement is the dedication, or intelligence and professionalism of its personnel. It is identified that the personnel, concretely the Environmental Civil Servant Investigator (PPNS), have not been equipped with the necessary tools. Of course, the assumption is simple, that no matter how good the rules are without being enforced by dedicated and qualified personnel, they will not be able to be implemented optimally.

Whereas the idealism of environmental law enforcement is basically a systematic and integrated effort made to preserve environmental functions (Suwari,2016). Not only that, it also includes activities to prevent pollution and/or damage to the environment which includes planning, utilization, control, maintenance, supervision. The essence of law enforcement is not merely repressive. Preventive efforts must even be implemented first (Rambe & Sihombing,2024)

2. RESEARCH METHODE

The type of legal research that the author uses in the preparation of this legal writing is normative juridical research type. Normative Juridical Research is research whose main focus in its study is based on positive legal rules or norms, normative juridical research, with a literature study approach, this research is based on analyzing legal norms, both law in the sense of legislation, thus the object being analyzed is positive legal norms or principles. That is, research on legal principles by using research to identify a problem (problem Identification) alone and research by providing solutions to problems. So, the decisive element is the purpose of legal research, and the additional or supporting elements as outlined above (Soekanto, 2010).

3. RESULT AND ANALYSIS

1. The Process of Globalization

Judging from the history of economic development, globalization is basically one phase of the long journey of Liberal Capitalism where the symptoms of globalization itself have started since the beginning of the development of colonialism and developmentalism and are now considered a new wrapper of imperialism and environmental colonialism The

stages leading to globalization are first, the period of colonialism, which is the phase of the development of capitalism in Europe which requires physical expansion to ensure the acquisition of raw materials. Second, the era of developmentalism, which is characterized by the independence of Third World countries with the continued dominance of former colonies over free colonies, but the dominance is not physically through hegemony, namely through dominant perspectives and ideologies and discourses through knowledge production. Third, this phase is marked by the liberalization of all fields and the formation of global financial institutions, GATT and WTO. It is beyond this third phase that the world enters the stage of globalization.

According to Wallerstein, the definition of globalization is the process of forming a world capitalist system. Meanwhile, another definition of globalization is the process of integrating national economies into the world economic system based on the belief in free trade which has actually been proposed since the colonial era.

In globalization, the characteristics of the relationship between the world's inhabitants have gone beyond conventional boundaries such as nations and countries. In this process, the world has been compressed and there has been an intensification of awareness of the world as a whole entity. Thus, in this globalization process, the world has experienced global restructuring in the economic field which has resulted in the laws of nations in the world experiencing internationalization as part of this process.

While the globalization process is marked by the rapid development of capitalism, namely the increasingly open and global role of markets, investment and production processes of transnational companies which are then strengthened by the ideology and new world trade order under a rule set by a global free trade organization, for example, the existence of globalization is the increasing development of franchise companies, the entry of foreign films and soap operas, the large number of foreign workers entering a country and others. In addition, globalization is marked by rapid progress in science and technology, such as many discoveries in the fields of telecommunications, electronics, transportation, and biotechnology. This progress in science and technology has changed social, political, economic and cultural life and also made relations between countries increasingly distant.

Thus, globalization can be said as a synonym for the absence of a national economy because there are no national boundaries in the working of the economic system, which is still left behind within national boundaries is the population that forms a nation. Here globalization seems to be an era of the future that promises global economic growth and will bring prosperity and hope for global goodness for all mankind and become a necessity of human history in the future. Whereas on the other hand, globalization actually also gives rise to anxiety about the emergence of environmental problems, impoverishment of the people, marginalization of the people and issues of social justice.

2. Environmental Law Enforcement in the Globalization Era

Law enforcement is one of the efforts aimed at maintaining and improving order and ensuring legal certainty in society (Rambe et al,2024) . This law enforcement is carried

out by using the functions, duties and authorities of the Institution in charge. Broadly speaking, what is meant by law enforcement is a form of implementing values from the results of the analysis of rules and attitudes to bring order in the community environment, so that in its implementation law enforcement is not limited to the implementation of laws and regulations or judges' decisions, besides that it is also related to various factors that. Law enforcement factors according to Soerjono Soekanto, namely:

- a. **Legal Factors** The better the applicable legal regulations, the better the law enforcement will be, and vice versa, if the applicable regulations are not good, the more difficult the law enforcement will be. So it can be concluded that the quality of law enforcement is very dependent on the quality of the law itself. In law enforcement in the environmental sector itself, law enforcement officers are guided by Law No. 32 of 2009 concerning PPLH.
- b. **Law Enforcement Factors** Law enforcers recognized by law are the Police, prosecutors, judiciary, advocates (lawyers), and correctional institutions. In discretionary law enforcement, law enforcement officers are very much needed, this is because: 1) There are no complete regulations that can regulate all human actions. 2) The delay of a statutory regulation to adjust to the rapid and dynamic development of society. To realize quality law enforcement, not only quality laws are needed, but also law enforcement officers who have integrity and understand the law.
- c. **Facilities and Infrastructure Factors** In law enforcement, law enforcement officers need facilities and infrastructure to assist their duties, such as adding law enforcement officers in the regions, increasing financial allocations in the field of law enforcement, etc. In addition, law enforcement officers must also be equipped with legal knowledge, especially Law No. 32 of 2009 concerning PPLH, which is a guideline for law enforcement in the environmental sector.
- d. **Community Factors** The more the community is aware of the law, the better the law enforcement will be. Legal awareness includes: community knowledge of the law, community understanding of the function of the law, and growing community obedience to the law. In environmental law enforcement, community participation is also needed, because if a violation occurs, it will have a great impact on them, so the community must always monitor the business activities of business actors in their area.
- e. **Cultural Factors** According to Soerjono Soekanto, culture has a function to regulate so that the community has guidelines for behaving well in society. Therefore, culture is a guideline for implementing rules that contain what can be done and what cannot be done. Culture comes from the habits of society that are carried out continuously, so that cultural education must be instilled in the younger generation, in order to create a good legal awareness.

In addition to the five factors above, law enforcement is also related to the existing legal system, such as legal structure, legal substance, and legal culture:

1. **Legal Substance** Legal substance consists of rules, norms, and patterns of human behavior. Substance is also a product/result of people in this legal system, decisions made and new rules drawn up.
2. **Legal Structure** The legal system will continue to change, but there will be some parts that will not change. One that does not change even though the law changes is the law enforcement apparatus. One of the officers authorized to carry out law enforcement duties is the police, this is because one of the functions of the police is law enforcement, maintaining security and order, protection, care and service to the community.
3. **Legal culture** is a code of behavior of society towards the law and the legal system, which gives rise to beliefs, values, thoughts, and hopes for the law. These thoughts and opinions will be the course of the legal process. In Indonesian society, the legal culture is still very low, so that strict law enforcement efforts are needed in its implementation. With the existence of various factors and existing legal systems, law enforcement does not simply run by relying on structural and substantive components, because there is an assumption that laws and regulations do not comprehensively regulate human behavior. So that a good and firm law enforcement effort is needed to realize a society that obeys the law.

4. CONCLUSION

The environment is a system that is a unity of space with all objects, power, conditions and living things. Including the core in it are humans with their behavior. All of that affects the continuity of life and human welfare as subjects and other living things. Global dimension, Indonesia is part of the global community itself. Geographically, the earth of Indonesia is a very strategic part of the effort to realize a good environment for the world as a whole.

This provides awareness that Indonesia must also comply with international law. Not only those issued by international institutions. Including the joint agreement of the world community on efforts that are concretely dedicated to the preservation of the world's environment and even the universe. In fact, apart from natural resources indeed bringing great contributions to development, on the other hand the sustainability of the availability of natural resources is ignored.

Likewise, the rules that should be obeyed as a basis for implementing management that supports development from the economic sector are ignored. The result is a tendency in the form of a decrease in environmental carrying capacity and the depletion of the availability of existing natural resources and a rapid decline in the quality of the environment. Management of natural resources and the environment that is not carried out in accordance with its carrying capacity can cause a food crisis.

Not only in the sense of physical consumption. In the next stage, the quality of the land as a source of food also continues to decline. The land becomes dry and barren. This is due to the occurrence of a water crisis, an energy crisis, and the environment as a whole.

This triggers the emergence of other crises downstream. It is not impossible, based on many examples, to cause a social crisis and a humanitarian crisis. In the management dimension, it is realized that the implementation of development that relies on technology and industry in maintaining economic growth rates often has a negative impact on the human environment.

Environmental pollution will cause a decline in the quality of the environment, so that it will threaten the survival of living things, especially the peace and tranquility of human life. This is what is stated as an environmental disaster that occurs due to human actions. As for Article 1 number 2 of Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), environmental protection and management are systematic and integrated efforts made to preserve the function of the environment and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision, and law enforcement.

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