A Legal Aspect on the Development of Environmental Concept Management in Aceh Barat District

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Abstract

The development of environmental concept is a sustainable development, which optimally takes advantage on natural and human resources by synchronizing human activities with the sources of natural resources for monitoring and environmental sources. As the implementation of the Environmental Act, it is expected to be similar with its real condition. In terms of keeping environment sustainability, the implementation of the Environmental Act is very effective in improving environment quality in a state. The eco development in Aceh Barat District is expected to be able to respect on environment by more focusing on ethics and the knowledge on environment in a view that is held by people and government. The research shows that in the sustainable development, the Government of Aceh Barat has made an effort in accordance with the Act of Environment but due to the limit of human resources and tools that are not able to support the program has caused the environment development that is having orientation on environment becomes a hurdle and it is prone to be stopped. Based on the fact above, this research poses two problems are: 1. How is the effort of Aceh Barat in realizing the management of environmental development with the concept of environment? 2. How is the implementation of the Act of Environment in Aceh Barat District? This research applies descriptive analysis, it is expected might be able to describe and analyze a phenomenon that exists in the reality. The method applied is by juridical empirical research approach. The effective management system of environment needs to be developed seriously and effective based on environmental law.

Keywords: law, management, development, concept, and environment.

Introduction

The development of science and technology and the rise of industry that is growing fast that has been felt its influence either positive or negative. The positive impact on the increase of life quality that is more complex and easier to be implemented in daily life. However, the negative impact on the development must be considered in preventing the damage both environment and social life.

The environmental concept of development is a sustainable development that optimizes the benefits of natural resources and human resources by identifying human activities with the ability of natural resources to support them. In order to preserve the environment, the enactment of the Environmental Law is very effective in improving the quality of the environment of a country. At the same time, it is
going to encourage environmental protection, supervision and conservation. As the implementation of the enforcement of the emerging Environmental Law, various environmental issues have been successfully brought to justice. Of the many environmental cases that have been brought to court, some have taken sides with the community, but in most cases environmental cases brought to justice have succeeded in demanding the owner of the company or factory to carry out the management and monitoring of the environment, so that the activity of the environmental interest must be considered globally and over a long period of time for the welfare of mankind, although in practice it is in the form of a local scale.

The implementation of the eco development concept is by reforestation, planting a thousand trees and clean movement of the environment seems to be experiencing significant constraints. That is, the unbalanced between the planted and the exploited became one of the causes. Regulation of craftsmanship was not able to prevent damage to this environment. This is due to the enormous political influence in environmental law enforcement.

**Research Method**

This is descriptive analytical research. The reason for the descriptive use of this analysis is expected to describe and analyze an existing phenomenon with the actual situation. The method used is to use an empirical juridical approach. Appropriate environmental management systems need to be developed in a real and effective way based on the Environmental Law.

This research applies 2 (two) kinds of data, primary and secondary data. Primary data are obtained from the data obtained from the interview with both the relevant officials in it including employees of Bapedal (Environmental Agency Body) and or community residing in the area that became the object of research. Secondary data are collected from literature study and documentation that is related to the problems examined, both from the results of previous research, regulations, literature books, documents, magazines, newspapers and others.

**Literature Review**

**Definition of Environmental Law**

Environmental law is the whole regulation that regulates the behavior of people about what should be done to the environment where the implementation of the regulation can be imposed with a sanction by the authorities (Gatot & Soemartono, 1996, p. 45). Meanwhile, in other opinion environmental law is the law underlying the implementation of protection and management and improvement of environmental stability (Danusaputro, 1984, pp.35-36).

Pursuant to Article 1 point 1 of the Law Number 32, 2009 on Environmental Protection and Management provides that "Environment is the unity of space with all objects, power, conditions and living things including human beings and their behavior that affect the viability of human life and welfare and living creatures other". Thus, human beings are only one element in the environment but their behavior will affect the viability of the living and human welfare and other living beings. Other living things including animals do not destroy, pollute or deplete the environment.

This new environmental paradigm inspires the emergence of a new paradigm of environmental law. the use of environmental law is intended to indicate the legal part concerned with the physical environment and can be applied to address environmental pollution, dewatering and destruction (verontreiniging, uitputting en aantasting) (Drupsteen, 1991, p. 3)
Viewing from its function, environmental law regulates about positive community behavior towards its environment, directly or indirectly. Directly to the community of environmental law causes what is forbidden, what is allowed. Indirectly to the citizens is to provide a basis for the authorities to provide rules to the public. Thus, environmental law has two dimensions. The first is the provision of the behavior of the community, all of which aims to encourage community members to even be forced to comply with environmental laws whose purpose is to solve environmental problems. Secondly, it is the dimension that gives the government agencies the right, obligation and authority to manage their environmental objectives in solving environmental problems (Drupsteen, 1991, p. 3)

The environmental concept development is basically a sustainable development effort that is a development process utilizing natural resources and human resources as much as possible, by harmonizing natural resources with humans as subjects and objects in development (Hartono, 2009, p. 114).

The World Commission on Environmental and Development stated that environmental concept development is a development process that can meet the needs of the present generation without neglecting or compromising the ability of future generations to meet their needs (Polungturan, 2015, pp. 23-24)

**Monitoring Concept and Environment**

The issue of environmental sustainability is increasingly important and global. The issue of environmental supervision and management becomes one of the decisive factors in the success of environmental sustainability. Understanding the ecosystem is very important in the effort of environmental management because social considerations are closely related to the political process and decision making in the development of environmental awareness. Environmental changes can also affect the socio-cultural life of the village community, whether changes to the pattern of life, trust, emotion and knowledge of the community.

Based on the facts obtained from the life of society was the dominance of materialism that is the view of a better life was able to change the human civilization that ultimately leads to the creation of environmental crisis. The composition of various ethnic and uniqueness of political, economic and socio-cultural history in Indonesia has caused the pattern of supervision and management of the environment to have special meaning. This historical background may make it difficult to advance the national development of the industrial sector. Thus, the use of environmental monitoring and management strategies is expected to continue economic progress that is balanced with the development of the environment.

The supervision and environmental management is certainly not free from interference from several dimensions, namely:

**Monitoring and Managing Environment in Political Dimension**

Politics is a dimension that gets major attention in the field of law, philosophy, theology, and social, especially the concept of justice. The concept of justice wants every individual to accept what is natural for him. Keep in mind that the involvement of individuals in various positions in the political dimension is a necessary condition for achieving a goal. The difficulty that arises in achieving the political objectives of environmental control and management is the use of technology for development. For example, technology that uses chemicals will reduce the quality of natural elements and simultaneously remove waste that pollutes the environment. Indeed, politically the state or government can impose unfair conditions on industrial development by using the excuse to protect the
environment and public peace. Therefore, for the supervision and management of the environment periodically requires a formal power.

In the scope of supervision and management of the environment in Indonesia do not think about the issue of environmental pollution. This is due to the development materials covering all regions, especially the economic sector. Technically, it cannot be said that political ability in the economic system should not simplify the political system as an economic factor. Therefore, the political system also executes other functions such as providing protection to parties that are not dependent on the economy, especially if linked to international relations (Djamin, 1995, p. 74). Indonesia is still being criticized by the practice of, and other measures that are contrary to environmental monitoring and management. Therefore, the role of politics in history and the establishment of a rule are always recorded as a necessity and a measure to determine the implementation of the welfare legislation system.

**Monitoring and Managing Environment in Economic Dimension**

The fast rate growth of economic development has implications for the environmental capability of accommodating the environment to accommodate various types of industrial waste and waste. Therefore, the issue of the environment is the main concern of society and government. This is driven by the negative impacts of economic development, the urbanization of the urbanization, and the inevitable process of modernization.

Viewed from the economic dimension, then the effort to open the area new natural resources of the common property excessively occur due to the absence of market-oriented mechanisms environment. Damage, which arises from this economic activity, will bring exit impact, such as flash floods, smoke, landslides and so forth. Therefore the main effort in the supervision and management of the environment is to run a balanced concept among economic development with power support natural resources for sustainable development.

**Monitoring and Managing Environment in Social and Culture Dimensions**

A social culture is a concept of the life of a group of people including some groups who make decisions of living together through efforts to utilize the environment in order to live together. Dialectically, it is from the community in order to be able to deal with each stage of development and provide a vast space to study the original stage of development (Poespawardjojo, 1993: 34).

It should be noted that that the entire population support tool functions as an instrument. It means if used for the benefit of man while the human understanding will manifest, if he succeeds in transforming the instrument into him through correct understanding. Thus, a change applies in human life to realize the horizontal interaction phenomena among the environment with human beings.

**Research Findings and Discussion**

The implementation of Environmental Law in Indonesia is through the promulgation of the Law Number 32, 2009 on Environmental Protection and Management, which covers the provisions of environmental management as well as its explanation hence, since then the entire Indonesian nation has the right and obligation to implement and comply with the law the. This is done so that the purpose of the law can be realized. Thus the completeness of a positive law has given an acknowledgment of the rights and obligations of every community member in order to advance the role in the supervision and management of the environment.

Everybody is obliged to preserve the function, improve the polluted and damaged environment and is obliged to provide true and correct information on the
supervision and management of the environment. To support the implementation of the environmental management law, a method or means to measure the effectiveness of the implementation of the right invite-in which not only cases or problems that are merely legal but also related to socio-culture. The development undertaken by the Government of West Aceh District aims to improve the welfare and quality of the people of West Aceh. Therefore, the efforts of West Aceh Regency Government in issuing a policy in the management and supervision of the environment is by making various efforts in order to realize the sustainable and environmental concept development. For that in conducting environmental management and supervision of this, the city government of Semarang also pays attention to various factors such as:

1. Number, quality and location of the population;
2. Technology used;
3. Patterns of life that consume natural resources.

It is essential to note that a sustainable development is to realize the effectiveness of the implementation of the law through the treatment of rights that is heavily dependent on the political, economic and socio-cultural hegemony of its embodied in the material embodied law. To make strong systems and norms of law in developing societies, there are 3 (three) important dimensions by the West Aceh Regency Government:

1. The law normatively has an autonomous power in a system within society. This law is used as an arbitrary delimiter of power even though laws depend on the political hegemony of the ruler.
2. The law is used as a mirror and an institution that has a different concept with the various norms that determine the interests of society in the economic dimension.
3. In the social-cultural dimension, the law can be used as a tool to support and understand every social change.

The enactment of this law is closely related to the ability of lawmakers and the adherence of the people to the rules in the context of administration, civil or criminal law. Therefore, the enactment of environmental laws seeks to comply with the prescribed rules and conditions, principally by using force through the threat of administrative punishment, the threat of civil law and criminal penalties.

Furthermore, the Government of West Aceh Regency in the framework of enforcement of this environmental law is also done repressively and preventively. The purpose of Aceh Barat District Government's acts through preventive and repressive actions by doing supervision carried out since the beginning before the enactment of a strong law in accordance with the nature and activities. Preventive is an environmental monitoring and management technique that is actively carried out on compliance regardless of the prevailing events related to real events in which it is suspected that the rules are being violated. This preventive instrument is the enlightenment to all communities whose nature controls and manages the environment. However, empirically, law has not resolved the effectiveness of the use of cases on environmental oversight and management. So now in reality, this law is difficult to implement. This difficulty is certainly due to the limited authority of law enforcement agencies. In addition, it should be remembered that the process of economic development through industrialization will compete with environmental changes. Therefore, the declines of the environment caused by the dominance of activities are not balanced with the will of political, economic and socio-cultural.

Basically, environmental issues are the right of every citizen to create a healthy and good environment, and have equal opportunity to play a role in the framework of environmental management. Therefore, the future of the environment with
conditions of sustainability, balance, in addition to the State has the duty and authority and great responsibility to safeguard the environment, is also a shared responsibility of the community that must be borne. This is what must remain a reference in every development that to be encouraged in various places in the country of Indonesia.

**Conclusions**

1) The efforts done by Aceh Barat’s local government in realizing sustainable and environmental development concept is to enact a regulation in relation to regulation of sustainable development based on a good environment concept. The Government conducts the efforts of environmental management and supervision contains a concept of development that maintains the integrity of the function of the environmental order. This is certainly done by the West Aceh district government in order to sustain natural resources capable of sustaining the continuous development of generations to improve the quality of Indonesian people in general and the people of Aceh Barat district in particular.

2) In addition, the Government has also embodied the Law Number 32, 2009 on the Protection of Environmental Management. In regard with the issue, Aceh Barat's District Government refers the concept of environmental management by involving the community maximally to assist the government in making better, wise, transparent, logical and appropriate decisions. The function of the community in conducting supervision is as a medium to implement environmental laws. This means that the public should be concerned with the cases that occur in the environment and report it if there is damage, pollution and so forth, of course related to the environment.

3) In the implementation of the Law Number 23, 1997 and Analysis of Environmental Impact this certainly contains a thought that in carrying out its duties and functions as regulator in carrying out sustainable development and environmental concept. In the implementation, the Government aims to implement UULH and AMDAL in supporting environmental sustainable development.

**Recommendations**

1) The district government of Aceh Barat in its efforts to realize sustainable development should still pay attention to the quality of natural resources and quality of human resources that support the utilization of natural resources used in conducting the development process.

2) In terms of conducting its effort to carry out environmental management and environmental monitoring in realizing the sustainable development, Aceh Barat District Government should provide a regulation on the boundaries of monitoring and environmental management for the actors of development which safe for environment. It is done by including the empowerment and processing of waste so as not to cause environmental pollution.

3) The Aceh Barat local’s government in implementing the environmental law and this Environmental Impact Analysis should not against the Environmental Law and AMDAL. These are preventive measures against environmental damage.

**References**


Undang-Undang Republik Indonesia No 32 Tahun 2009 tentang Pengelolaan Lingkungan Hidup (Law of the Republic of Indonesia No 32 Year 2009 on Environmental Management).