

ENVIRONMENTAL LAW ENFORCEMENT AGAINST POLLUTION OF SUGAR PROCESSING INDUSTRY WASTE

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ABSTRACT

The elements of a criminal act of environmental pollution according to Law no. 32 of 2009 concerning the Protection and Management of the Environment, namely: Entry or inclusion of living things, energy substances, and/or other components into the environment; Performed human activities; Exceeding the environmental quality standards that have been set. And Sanctions for criminal acts of environmental pollution according to Law no. 32 of 2009 concerning the Protection and Management of the Environment, namely: Article 119 states that in addition to the crime as referred to in this Law, business entities may be subject to additional criminal or disciplinary actions in the form of: Deprivation of profits obtained from criminal acts; Closure of all or part of the place of business and/or activity; Repairs due to criminal acts;

KEYWORDS: Sugarcane Waste, Environmental Law, Law Enforcement

1. INTRODUCTION

Backgrounds:

Based on Law Number 32 of 2009 Article 1 number 20 Waste is the remainder of a business and/or activity. With the rapid development of industry in Indonesia, it cannot be denied that the problem of environmental pollution due to industrial waste is very urgent to watch out for. Industrial development in Indonesia is expected to improve people's welfare, if the formulation of industrial development policies does not include elements of consideration that are oriented to the environmental components of water, air and soil, it will experience a substantial decrease in quality as a pollutant by industrial waste. Sugar factory is one of the industries that produces waste, either solid waste, gas, or liquid waste. The waste generated by the sugar factory is one of the problems because can have a negative impact on the environment. From this industry a lot of waste is discharged into the river without any prior treatment or

it has been carried out but it still does not meet the quality standards of liquid waste that have been set by the government, thus the waste can disturb the surrounding environment (Sudarmadji, 2011).

In the process of producing sugar from sugar cane, which is processed into crude sugar or pure sugar so that it has a high selling value, it has a by-product in the form of waste. There are two types of liquid waste produced by sugar factories, namely factory liquid waste and condenser waste or cooling water. This cooling water or condenser effluent is produced by condensation of steam in a barometric condenser. Human activities in making use of nature as leftovers that are considered no longer useful, so it is needed as a sugarcane factory industry that has processed sugarcane waste. However, pollution from sugarcane factories needs to be considered, because the nature and amount greatly affect the condition of river water (Sudarmadji, 2011). Based on preliminary observations made by researchers, the Madikusmo sugar factory industry in its production has increased from year to year. This will trigger the impact of industrialization including an increase in pollution produced by desired products and produced by production activities or processes in the form of solid, liquid or gas, both of which still have economic value and can cause lower environmental quality and can threaten human survival and other living things. The results from this factory are dumped into the Bledog river, Bantul. The result of this production is in the form of liquid waste which will affect the life of the community.

The environmental pollution that occurs in the disposal of processing waste from sugar cane into sugar products, which is the rest of the production, really demands more attention from many parties, both from the government, business players and the community. The waste generated is in the form of solid waste, namely bagasse from the milling process and filtering dirt after the sugarcane squeeze process, as well as liquid waste from barometric condenser cooling water, cooling water, process water from washing on decolorization, washing press filter deposits, and water. wash factory equipment. Sugar factory liquid waste generally does not contain hazardous or toxic waste. Garbage or waste contains chemical substances that are harmful to living things. Many cases of sugarcane waste disposal have the potential to cause environmental pollution. Environmental pollution due to the disposal of sugarcane waste occurs almost every time in various places.

This can be a trigger for disputes between corporations and the community, and the average community in environmental cases is always in the position of being the victim/weak party, because environmental pollution by corporations is only economic oriented/motivated, and it turns out that this condition is very damaging. environment, even ignoring the rights of other living things, such as the right to life of humans, animals and plants. In this research, we will discuss about environmental law enforcement against sugarcane waste pollution. Environmental crimes are currently regulated in Law Number 32 of 2009 concerning Environmental Protection and Management in Chapter XV, starting from Article 97 to Article 120 of the UUPPLH. Article 97 UUPPLH states that criminal acts regulated in the Criminal Law provisions of UUPPLH are crimes (rechtdelicten), so it means that the level of disgraceful acts is above violations.

Proof of environmental damage must refer to the Pro Justitia mechanism, if the scientific proof process cannot or is too late, the Judge must prioritize the interests of environmental protection, even though economically there is a big advantage, but purely economic-oriented reasons cannot be justified, because economic reasons cannot be used as the basis that environmental protection is not necessary, because social activities such as the existence of hospitals and industries that are very close to community housing are very risky to the environment, such as the presence of B-3 pollution.

2. MATERIALS AND METHODS

According to Peter Mahmud, "legal research is a process to find legal rules, legal principles, and legal doctrines in order to answer legal issues at hand" (Peter Mahmud Marzuki, 2011). The legal research method is a way of working of scientists, one of which is characterized by the use of methods. Literally at first the method was defined as a path that had to be taken to become an investigation or research to take place according to a certain plan (Ibid.p.171.). The legal research method is a systematic way of conducting research. Through normative juridical research with the consideration that the starting point of research is analysis of statutory regulations within the framework of Indonesia's own national law. So the type of research used is normative juridical research, namely research that is focused on examining the application of the rules or norms in positive law, A statutory approach is used to research and analyze laws and regulations related to the protection of personal data. The conceptual approach is used to study the views and doctrines that develop in legal science, and the case approach, the case approach is an approach that is carried out by analyzing cases related to issues at hand that have become court rulings has permanent legal force (Ibid., p. 24). Legal research is carried out with the intention of finding the truth of coherence, namely there are legal rules that are in accordance with legal norms, then are there norms in the form of orders or prohibitions in accordance with legal principles, and whether the actions are taken by someone are in accordance with existing legal norms or legal principles, namely in relation to the legal protection policy of individual privacy in Indonesia.

Results:

In general, actions that are prohibited by the threat of criminal sanctions for those who violate them in UUPPLH are acts of environmental pollution and environmental destruction, but in the formulation of criminal acts in UUPPLH it is regulated not in general but more specifically in particular: Environmental Pollution Environmental pollution is entering or the inclusion of living things, substances, energy, and/or other components into the living environment by human activities so that they exceed the established environmental quality standards. (Article 1 point 14 UUPPLH) How to find out if Environmental Pollution has occurred? based on the provisions of Article 20 paragraph (1) UUPPLH states that: Determination of the occurrence of environmental pollution is measured through environmental quality standards. What is meant by environmental quality standards? based on the provisions of Article 1 number 13 UUPPLH states that: The environmental quality standard is a measure of the limit or level of living things, substances, energy, or components that exist or must exist and/or

pollutant elements whose existence is tolerated in a certain resource as an environmental element. Environment Environmental destruction is: "the action of a person that causes direct or indirect changes to the physical, chemical, and/or biological properties of the environment so that it exceeds the standard criteria for environmental damage." (Article 1 point 16 UUPPLH) How to find out if environmental damage has occurred? Article 21 paragraph (1) UUPPLH states that: "To determine the occurrence of environmental damage,

If the 1982 UUKPPLH only recognizes material offenses, then the 1997 UUPPLH and 2009 UUPPLH formulations are material offenses and formal offenses even in UUPPLH 2009 there are more formal offenses than UULH 1997. The difference between material offenses and formal offenses are: Material offenses (Material Delict) is: "Delict whose formulation provides a criminal threat to an act that has resulted in the act (There is a causal relationship between the act and the consequences of the act)".

Formal offenses are: "Delicts whose formulation provides a criminal threat to prohibited acts, regardless of the consequences of the actions". Material offenses in the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management are contained in Articles 98 and 99. Material offenses are also contained in Article 112 of the 2009 UUPPLH, namely any authorized official who intentionally does not supervise the obedience of the person in charge of the business and/or or activities against statutory regulations and environmental permits as referred to in Article 71 and Article 72,

1. Violating the waste water quality standard, emission quality standard, or disturbance quality standard;
2. Release and/or distribute genetically engineered products to environmental media that are in conflict with statutory regulations or environmental permits;
3. Carry out B3 waste management without a permit;
4. Generating B3 waste and not managing it;
5. Dumping waste and/or materials into environmental media without a permit;
6. Importing waste into the territory of the Unitary State of the Republic of Indonesia;
7. Carry out land burning;
8. Conducting business and/or activities without having an environmental permit;
9. Prepare an Amdal without having a certificate of competence in preparing an Amdal;
10. Environmental permit issuer who issues environmental permit without being equipped with Amdal or UKL-UPL;
11. The official issuing the business and/or activity permit issuing the business and/or activity permit without being accompanied by an environmental permit;
12. Providing false information, misleading, omitting information, destroying information, or providing incorrect information needed in relation to supervision and law enforcement related to environmental protection and management;
13. Responsible for businesses and/or activities that do not carry out government coercion;

14. Deliberately preventing, obstructing, or thwarting the performance of the duties of environmental supervisory officers and/or civil servant investigators.

Criminal acts and sanctions in the Special Criminal Law in the environmental sector as regulated in the provisions of the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management. imprisonment and fines, not one of them, the weighting of sanctions can be imposed for the giver of the order or the leader of the criminal act, which is increased by one third.

1. deprivation of profits derived from criminal acts;
2. closure of all or part of the place of business and/or activity;
3. repairs due to criminal acts;
4. obligation to do what is neglected without rights; and/or
5. placement of the company under supervision for a maximum of 3 (three) years.
(Article 119 of Law No. 32/2009)

Maybe a friend is wondering where the criminal provisions related to acts that result in environmental pollution and/or environmental destruction as previously regulated in Articles 41 and 42 of the 1997 UUPPLH. In UUPPLH 2009 it is not stated implicitly criminal threats for acts that cause environmental pollution, the provisions are not discarded, but are clarified into actions that result in exceeding the ambient air quality standard, water quality standard, sea water quality standard, or environmental damage standard criteria. quality or standard criteria for environmental damage.

3. CONCLUSION

Regarding the enforcement of sugarcane waste pollution, the elements of criminal acts of environmental pollution according to Law no. 32 of 2009 concerning the Protection and Management of the Environment, namely: Entry or inclusion of living things, energy substances, and/or other components into the environment; Performed human activities; Exceeding the environmental quality standards that have been set. And Sanctions for criminal acts of environmental pollution according to Law no. 32 of 2009 concerning the Protection and Management of the Environment, namely: Article 119 states that in addition to the crimes as referred to in this Law, business entities may be subject to additional criminal or disciplinary actions in the form of: Deprivation of profits obtained from criminal acts; Closure of all or part of the place of business and/or activity; Repairs due to criminal acts; Obligation to do what is neglected without rights; and/or Placement of the company under forgiveness for a maximum of 3 (three) years.

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