

The Role of Government Policies in Environmental Management

Andriansyah^{1*}, Endang Sulastr², Evi Satspi³

¹ Universitas Prof Dr Moestopo
(Beragama), Indonesia

² Universitas Muhammadiyah
Jakarta, Indonesia

³ Universitas Muhammadiyah
Jakarta, Indonesia

* Corresponding author:

Email:

andriansyahmoestopo@gmail.com

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Abstract

Humans in meeting the needs of their lives need natural resources, in the form of land, water and air, and other natural resources that are included in renewable and non-renewable natural resources. However, it must be realized that the natural resources that humans need have limitations in many ways, namely limitations regarding their availability in quantity and quality. Certain natural resources also have limitations according to space and time. The government needs to take alternative steps to determine the potential and problems in the use of natural resources. The purpose of this study is to find out how the role of the government through its policies in managing the environment. This research uses the descriptive analysis method. The results of the study indicate that the creation of a fair and firm environmental law enforcement to manage natural resources and the environment in a sustainable manner with the support of quality human resources, the expansion of the application of environmental ethics, and socio-cultural assimilation are increasingly stable.

Keywords

public policy, environmental management, environmental law, sustainable development.

1. Introduction

The environment is a gift from God Almighty that must be preserved and its capabilities developed so that it can still be a source of life support for humans and other living creatures for the sake of survival and improvement of the quality of life itself (Osman et al., 2019).

Therefore, it is necessary to manage natural resources properly and wisely. There is a close relationship between the environment and humans. There are times when humans are very much determined by the state of the environment around them so that their activities are largely determined by the state of the surrounding environment. For example, the area of Papua with its PT Freeport, East Kalimantan with its mining, Jakarta with its industry, and the Regency of Rembang have many stone quarrying industrial developments that damage the environment due to business activities and industrial waste (China et al., 2020).

The existence of natural resources, water, land, and other resources determine daily human activities. Human cannot live without air and water. On the other hand, there are also human activities that greatly affect the existence of resources and the surrounding environment. Damage to natural resources is largely determined by human activities (Xu et al., 2018). There are many examples of cases of pollution and environmental damage caused by human activities such as air pollution, water pollution, soil pollution, and forest damage, all of which cannot be separated from human activities which ultimately harm humans themselves (Azam et al., 2018).

The hope or goal of the Indonesian government's policy on Environmental Law in the era of regional autonomy is to equalize development in urban and rural areas, lest otherwise, it creates new problems, namely, damage to the environment. The purpose of this study is to find out how the role of the government through its policies in managing the environment.

2. Literature Review

2.1 Public Policy and National Development

Nugroho (2018) interprets the best public policy as a policy that encourages every member of the community to build their respective competitiveness and does not plunge into a pattern of dependence. According to Akbal (2017), the Indonesian government's policy on environmental law in the era of regional autonomy is included in the category of public policy, because it involves people's lives for or for the public interest. The Indonesian government's policy on environmental law in the era of regional autonomy is a public administration policy taken by the Indonesian government since entering the era of independence (Nasirin & Lionardo, 2021). This is the strategic meaning of the concept of public administration, as a public policy (Mayrowani, 2012). Furthermore, Donald F. Kettl (in Nugroho 2003) suggests that public administration faces four critical issues, namely: First, structure, which deals with the challenges of strengthening the private sector and shrinking government (best government is least government). Second, with regard to the public administration process, which confronts the fact that the largest source of deficit in every country in the process of administering public administration. The third is about values, which are related to the emergence of the entrepreneurial government icon. Fourth, capacity, which is related to the issue of the skills of public administrators in managing public affairs

Public policy regarding the implementation of environmental law in the era of regional autonomy is actually a contract between the people and the Indonesian government on what important things must be done to achieve a common goal, a term Jean Rousseau, (200: 201), a French social philosopher who contemporaneously said. with Montesquieu as the social contract or principles of political rights, named Rousseau, (in Nugroho 2003:59) states that

public policy is a social contract itself. Thomas R. Dye (in Nugroho 2003:3) defines public policy as "everything the government does, why they do it, and the results that make a life together look different". Harold Laswell (in Nugroho 2003:3) defines it "as a projected program with certain goals, certain values, and certain practices". Carl I. Friedrich (in Nugroho 2003:3), defines it as "a series of actions proposed by a person, group or government in a certain environment, with existing threats and opportunities, where the proposed policy is aimed at exploiting potential, while at the same time overcoming obstacles that exist in order to achieve certain goals.

National development is a series of sustainable development efforts that cover the entire life of the community, nation, and state to carry out the task of realizing the national goals set out in the Preamble to the 1945 Constitution (Yorisca, 2020). In carrying out national development, it is necessary to pay attention to the three pillars of sustainable development in a balanced manner, this is in accordance with the results of the United Nations Conference on the Environment held in Stockholm in 1972 and an Environmental Declaration at the Earth Summit in Rio de Janeiro in 1992 which agreed on the principle that development decisions must take into account the environmental and human dimensions as well as the High-Level Conference on Sustainable Development in Johannesburg in 2002 which discussed and addressed the deterioration of the quality of the environment.

2.2 Sustainable Development and Management of Natural Resources

For Indonesia, given that a reliable contribution in contributing to economic growth and sources of foreign exchange as well as development capital is from natural resources, it can be said that natural resources have an important role in the Indonesian economy both in the past, present, and in the future so that, in its application, it must pay attention to what has been agreed internationally. However, in addition to natural resources making a major contribution to development, on the other hand, the sustainability of their availability is often ignored and the rules that should be adhered to as the basis for carrying out the management of a business and/or activity supporting the development of the economic sector are not given much attention so that there is a tendency for a decrease in power consumption support the environment and the depletion of the availability of existing natural resources as well as a decrease in the quality of the environment (Nurlinda, 2017).

Management of natural resources and the environment that is not carried out in accordance with their carrying capacity can lead to food crises, water crises, energy crises, and the environment. In general, it can be said that almost all types of natural resources and environmental components in Indonesia tend to experience a decrease in quality and quantity from time to time (Ramadhani & Ekaviana, 2020). In the implementation of development in the era of Regional Autonomy, environmental management still refers to Law No. 23 of 1997 concerning Environmental Management as well as Law No. 32 of 2004 concerning Regional Government and Law No. 33 of 2004 concerning the Balance of Central Finance and Area. In exercising its authority, it is regulated by Government Regulation No. 25 of 2000, concerning Government Authorities and Provincial Authorities as Autonomous Regions. In environmental management, the Provincial Government has 6 powers, especially dealing with districts/cities, so that the emphasis on environmental management is in the districts/cities. In the circular letter

of the Minister of Home Affairs No. 045/560 dated May 24, 2002, concerning the recognition of Authorities/Positive Lists, there are 79 Authorities in the environmental field.

In the implementation of sustainable national development, the Natural Resources and Environment sector needs to pay attention to further elaboration of the mandate contained in the National Development Program, which is basically an effort to utilize natural resources that are used as much as possible for the prosperity of the people by taking into account the preservation of environmental functions and balance. , sustainable development, economic and cultural interests of local communities, and spatial planning (Paramita et al., 2018).

The results of the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002, Indonesia was active in discussing and trying to overcome the decline in environmental quality, it was decided to carry out sustainable development for the welfare of present and future generations based on developing a balanced economy, social culture, environment as pillars that depend on and strengthen one another.

Sustainable development is defined as development that meets the needs of the present without compromising the right to meet the needs of future generations. Sustainable development implies guaranteeing the quality of human life and does not exceed the ability of the ecosystem to support it (Thacker et al., 2019). Thus, the notion of sustainable development is developed to meet the needs of the present without compromising the ability of future generations to meet their needs. This concept contains two elements: (a) The first is the need, especially the basic needs for the disadvantaged groups of people, which really need to get high priority from all countries; (b) the second is the limitation. Technological mastery and social organization must take into account the limited ability of the environment to meet current and future human needs.

This is because the vision of sustainable development departs from the Preamble to the 1945 Constitution, namely the protection of the entire Indonesian nation and the entire homeland of Indonesia; the achievement of general welfare and an intelligent nation's life; and the role of the Indonesian people in implementing world order based on independence, eternal peace, and social justice. Thus, our vision of development is the development that can meet the aspirations and needs of the current generation without compromising the potential for fulfilling the aspirations and needs of future generations. Therefore, the function of the environment needs to be preserved.`

3. Results

Environmental law which is a new field of science in the world of legal science in its development, environmental law includes legal science that is not gendered (meaning it does not include public law or private law). Therefore, environmental law can occupy the cross-point of other previously existing legal fields, both public law and private law (Nasirin & Lionardo, 2021). The meaning is that environmental law is related to the fields of criminal law, administrative law, constitutional law, international law, tax law, agrarian law, Islamic law, civil law, and others, so that law enforcement also occupies the cross-point of other legal fields. In the field of criminal law, there are several criminal provisions listed in several environmental laws. This shows the existence of criminal provisions for environmental violators.

In criminal law, it is mainly shown in an act that is punishable by a crime, while an act that is threatened with a criminal according to environmental legislation is an act of pollution and environmental destruction. These two acts are indeed punishable by punishment if they meet the criminal elements specified in the environmental legislation.

In the field of administrative law shows that the largest part of environmental law is administrative law. This aspect of administrative law can be seen from the government's role in providing permits to manage natural resources and taking steps to save the environment if the required licensing provisions are violated. In the field of international law, for example, the problem of environmental pollution and destruction is not only a problem for the Indonesian people, but has become a problem between countries, regionally and globally. Pollution and environmental destruction are also increasingly widespread, sometimes crossing national borders in the form of river water pollution, air emissions, forest fires, oil pollution in the sea and so on. For example, forest fires in Sumatra or Kalimantan can easily spread their smoke to Malaysia, Singapore, the Philippines, Brunei and vice versa. All of this requires special arrangements that are supranational in nature, so that each country has to participate in overcoming them with international conferences or conventions.

Environmental law also occupies tax law, because the problem of environmental pollution and destruction can be taxed, as a substitute for the burden of pollution and environmental destruction. So, there are tax provisions that regulate the environment to reduce and prevent environmental pollution and destruction. Likewise with constitutional issues, that environmental law is no less important in constitutional matters, because it relates to state management following Indonesia's natural environment. Concerning constitutional law, as well as aspects of agrarian law, concerning the 1945 Constitution and state administration, it can refer to Article 33 paragraph (3) of the 1945 Constitution which states that "earth and water and the natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people. This provision is further elaborated in the Basic Agrarian Law of 1960, including space. Thus, the granting of property rights, building use rights, cultivation rights, use rights and others must also take into account the interests of the environment. For example, if land is damaged or used which results in contamination or damage to the environment, the rights to the land can be revoked.

Environmental law which occupies Islamic law and Islamic law sourced from the Qur'an, al-Hadith and Ijtihad provides a more detailed explanation of environmental problems. There are many verses and hadiths in addition to the results of the ijihad of the scholars that explain issues around the environment. Islam which is a religion of mercy *lil 'alamin* guarantees the preservation of environmental functions for human life on earth. Islam with the practice of *rahmatan lil 'alamin* responds to global challenges to the environment by improving the quality of the environment.

Environmental law which occupies civil law is related to problems of loss due to destruction and pollution, giving rise to claims for compensation, unlawful acts and dispute resolution both through court and out of court.

4. Discussion: Regional Strategic Measures for Environmental Damage

Natural resources are assets owned by an area to advance the area. Abundant resources become an economic source to achieve community welfare (Miao et al., 2017). In this effort, the regional government utilizes the availability of resources to be managed as a source of funding for the implementation of regional autonomy. The environmental damage that occurs in the regions violates the Law on environmental protection and management. Related to this, the government needs to take alternative steps, both regarding the commitment of local decision-makers and technical capabilities to determine the potential and problems in the use of natural resources. One of the strategic steps is a serious study of regional policies in environmental management. The ideal policy, of course, is a policy that properly considers various aspects such as economic growth, social resilience, ecological vulnerability, and the interests of future generations (Akbal, 2017).

The quality of such policies, of course, requires adequate quality of human resources. But in fact, it is generally known that almost all regions face the same problem, namely the low competence of human resources to manage a sustainable environment-based economy. The utilization of natural resources must be balanced with human resources that can manage natural resources in a planned and wise manner. The availability of abundant natural resources may have the potential to increase local revenue (PAD). However, without the support of quality human resources, there is no guarantee that the people will prosper

Regional autonomy has the potential to trigger environmental conflicts between regions. Natural resource commodities generally come from an ecosystem area that includes several provinces, districts, and cities. Therefore, in the implementation of regional autonomy, there needs to be coordination between regions

To overcome arbitrary regional exploitation of the environment, it is necessary to strengthen the empowerment of bureaucrats in the regions: (a) Reaffirming the commitment to empower environmental institutions in districts and cities both in terms of urgent environmental problems, setting priority programs, human resources, and environmental partners; (b) Implications of strengthening environmental institutions at all levels of SKPD; (c) Renegotiation of business actors whose business activities are proven to violate and damage the environment; (d) Imposing severe sanctions on officials or private individuals who are proven to have damaged the environment; (e) Strict supervision and licensing of business actors engaged in the exploitation of Natural Resources. These steps are expected to reduce the implementation of regional autonomy so as not to violate environmental rules.

5. Conclusion

In line with the pace of national development being carried out, environmental problems that are currently often faced are environmental damage around mining areas that have the potential to damage the landscape and the overlapping use of land for mining in protected forests. Environmental pollution cases also tend to increase. Advances in transportation and industrialization that are not accompanied by the application of clean technology have a negative impact, especially on the urban environment. Rivers in urban areas are polluted by industrial and household waste. Soil conditions are increasingly polluted by chemicals from

solid waste, fertilizers, and pesticides. This pollution problem is caused by the low awareness of business actors or public awareness to live clean and healthy with good environmental quality. In other words, environmental problems are not getting lighter but will be getting heavier, especially considering that natural resources are used to carry out development aimed at fulfilling and improving people's welfare.

Under these conditions, the quality of sustainable management of natural resources and the environment is improved with the support of fair and firm environmental law enforcement, quality human resources, and the expansion of the application of environmental ethics as well as more stable socio-cultural assimilation. For this reason, it is necessary to immediately encourage a change in the perspective of the environment with an environmental ethic perspective through internalization into production and consumption activities or processes, and instilling environmental values and ethics in daily life, including social learning processes and formal education at all levels.

National development policies apply the principles of sustainable development that combine the three pillars of development, namely the economic, social, and environmental fields. Applying the principles of Sustainable Development to National Development requires the agreement of all parties to combine the three pillars of development proportionally. In line with that, efforts have been made to prepare a National Agreement and Action Plan for Sustainable Development through a series of meetings attended by various parties. The concept of sustainable development arises and develops because of the awareness that economic and social development cannot be separated from environmental conditions.

References

- Akbal, M. (2017). Harmonisasi Kewenangan Antara Pemerintah Pusat Dan Daerah Dalam Penyelenggaraan Otonomi Daerah. *SUPREMASI: Jurnal Pemikiran, Penelitian Ilmu-Ilmu Sosial, Hukum Dan Pengajarannya*, 11(2).
- Azam, M., Alam, M. M., & Hafeez, M. H. (2018). Effect of tourism on environmental pollution: Further evidence from Malaysia, Singapore and Thailand. *Journal of cleaner production*, 190, 330-338.
- China, C. R., Maguta, M. M., Nyandoro, S. S., Hilonga, A., Kanth, S. V., & Njau, K. N. (2020). Alternative tanning technologies and their suitability in curbing environmental pollution from the leather industry: A comprehensive review. *Chemosphere*, 254, 126804.
- Mayrowani, H. (2012). Pembangunan pertanian pada era otonomi daerah: Kebijakan dan implementasi.
- Miao, C., Fang, D., Sun, L., & Luo, Q. (2017). Natural resources utilization efficiency under the influence of green technological innovation. *Resources, Conservation and Recycling*, 126, 153-161.
- Nasirin, C., & Lionardo, A. (2021). Decentralization, Public Services and Neglected Children in Mataram City, West Nusa Tenggara. *Research Horizon*, 1(2), 55-61.
- Nugroho, R. (2003). *Kebijakan publik formulasi, implementasi, evaluasi*. Jakarta: PT Elex Media Komputindo.
- Nugroho, R. (2018). Membangun Kebijakan Publik Unggul di Era Demokrasi. *Jurnal Academia Praja*, 1(02), 21-36.

- Nurlinda, I. (2017). Kebijakan Pengelolaan Sumber Daya Alam dan Dampaknya Terhadap Penegakan Hukum Lingkungan Indonesia. *Bina Hukum Lingkungan*, 1(1), 1-9.
- Osman, A. A., Othman, A. A., & Rahim, M. K. I. A. (2019). A Review of Lean Application in Manufacturing Environment: Definitions and Terminologies. *Journal of Technology and Operations Management*, 14(2), 28-45.
- Paramita, M., Muhlisin, S., & Palawa, I. (2018). Peningkatan Ekonomi Masyarakat Melalui Pemanfaatan Sumber Daya Lokal. *Qardhul Hasan: Media Pengabdian Kepada Masyarakat*, 4(1), 19-30.
- Ramadhani, F. N., & Ekaviana, D. (2020). Circle bottom line: mengkonstruksi akuntansi sosial-lingkungan dalam bingkai spiritualitas. *Imanensi: Jurnal Ekonomi, Manajemen, dan Akuntansi Islam*, 5(1), 17-24.
- Thacker, S., Adshead, D., Fay, M., Hallegatte, S., Harvey, M., Meller, H., & Hall, J. W. (2019). Infrastructure for sustainable development. *Nature Sustainability*, 2(4), 324-331.
- Xu, X., Nie, S., Ding, H., & Hou, F. F. (2018). Environmental pollution and kidney diseases. *Nature Reviews Nephrology*, 14(5), 313-324.
- Yorisca, Y. (2020). Pembangunan Hukum Yang Berkelanjutan: Usaha Mencapai Pembangunan Nasional Yang Berkelanjutan. *Jurnal Legislasi Indonesia*, 17(1), 98-111.