
Implementation of Law Enforcement Against Environmental Pollutants in Gemaharjo Village, Pacitan

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ABSTRACT

This study aims to discuss environmental law enforcement that occurred in the village of Gemaharjo Pacitan. Law enforcement is carried out related to environmental pollution, namely the disposal of cow dung into rivers which causes river water to become polluted. This pollution makes river water unusable by villagers for their daily needs. This study uses an empirical legal research method where data from the field obtained by observation and interviews are then systematized for analysis and conclusions are made. The scope of the research only discusses law enforcement against environmental pollution perpetrators in the village of Gemaharjo Pacitan.

From the results of interviews and observations obtained in the field, law enforcement in the village of Gemaharjo Pacitan has been carried out well, namely the village head reprimanded with a cultural approach to the parties concerned. This approach is accompanied by education to utilize cow dung waste into something useful, not something harmful. Law enforcement can be carried out preventively and repressively, but law enforcement in the village of Gemaharjo Pacitan prioritizes prevention because the culture is so thick in the area that this approach is considered more humane to use.

Keywords: Law Enforcement, Environment, Pollution.

INTRODUCTION

The environment is part of human life. With the environment, humans can live together with other humans as social beings, humans certainly need an environment to live side by side. With a beautiful and cool environment that is safe from environmental pollution, the environment will be comfortable to live in. Talking about the environment, many problems in society are related to environmental pollution. Environmental pollution is often carried out by a group of people or individuals who are not responsible for the environment itself. With the existence of environmental pollution, it can be ascertained that human life is increasingly disturbed, starting from health, cleanliness and so on.

This will be a problem in the future for human life if we look at the social life in society, especially in big cities adjacent to big companies where there are many wastes that are disposed of without caring about the environment. This is an irresponsible thing in the law itself, which is already regulated on environmental law. There have been regulated various criminal sanctions ranging from those made to provide a deterrent effect for perpetrators of environmental pollution. This problem arose in big cities because the public's ignorance of the environment was reduced.

This is what causes environmental pollution to increase and is no longer controlled by stakeholders related to environmental pollution. Of course, law enforcement is needed to minimize the problem of environmental pollution. With the enactment of the existing AMDAL environmental law, law enforcement can be carried out so that perpetrators of environmental pollution have a deterrent effect and do not do it again.

Enforcement of environmental law often encounters significant obstacles because the problems of environmental pollution in the community have not been fully realized by the community itself. This causes delays in law enforcement against environmental pollution in people's lives. Environmental pollution itself can be interpreted as a change in the environmental order caused by humans and natural processes so that the quality of

the environment drops to a low level and cannot function properly. There are several types of pollution that include hazardous materials into the environment, these hazardous materials can damage the quality of the environment around humans which includes ground water and air. There are several types of environmental pollution ranging from air pollution, water pollution, soil pollution, light pollution and pollution. voice.

The following briefly describes the types of pollution, the first is water pollution which is the pollution of industrial wastewater or other hazardous substances that can contaminate water that functions for human life. The second is air pollution. Air pollution is pollution that occurs in the air itself usually in the form of carbon dioxide gas which interferes with the oxygen inhaled by humans so that it will cause certain diseases for humans. Third is soil pollution. Soil pollution is pollution that occurs in the soil environment, often because of waste from the community, industrial waste, plastic waste that cannot be recycled. Fourth is noise pollution. Sound pollution is pollution in sound that interferes with noise for human hearing. Some examples that can be given to sound are the sound of a vehicle engine, the sound of a factory, the sound of a tree feller and so on. Fifth is light pollution. This pollution is often carried out by humans, usually in the form of light with such great intensity that this often occurs in urban or industrial areas. Examples that can be taken are city lights that are so bright as well as billboards and so on(1).

Environmental pollution does not only occur in cities, but also in villages, many people have polluted the environment. There are several examples in Gemaharjo Village, Tegalombo District, Pacitan Regency. Some villagers pollute water which serves as drinking consumption for the village community. The water is polluted with livestock manure, so the villagers cannot use the water for daily needs such as washing or cooking. This is because the river is polluted by livestock dung dumped by some residents into the river. Of course this is a serious problem for environmental pollution(2).

This issue requires legal awareness for the surrounding community about environmental pollution. We need to know that our country is a state of law so that all acts that violate are regulated by law. There has been the formation of legislation related to environmental law. The legislation has been enacted and must be obeyed or obeyed by the community. For rural communities, of course, laws and regulations are something foreign to them because of their ignorance of the applicable laws. They pollute the environment with their ignorance so that these actions are considered normal things and they often do in Gemaharjo Village, Tegalombo District, Pacitan Regency.

Many people throw their livestock manure into the river. This is a violation of the law, namely environmental pollution. Legal actions must be legally accounted for in accordance with applicable laws. Based on the problems that arise above, related to environmental pollution in Gemaharjo Village, Tegalombo District, Pacitan Regency, researchers have a strong factor to conduct this research, namely the law enforcement factor needs to be enforced more because environmental pollution is throwing livestock manure in the river making rivers become polluted so that people cannot use river water properly.

The difference between research and previous research is that we often see that previous studies discuss environmental pollution carried out by large companies, while research conducted by researchers has its own uniqueness, namely river water pollution caused by people throwing livestock manure in rivers.

METHODS

The type of research used in this study is a type of empirical juridical research in which the legal phenomena that exist in society are analyzed in accordance with applicable law and then conclusions are drawn. This study only discusses environmental law enforcement related to community activities that throw cow dung in rivers so that environmental pollution occurs. Environmental pollution occurs in Gemaharjo Village, Tegalombo District, Pacitan Regency. Methods of collecting data through interviews, observation and documentation studies. While the data analysis process used in this study includes data reduction, data presentation and conclusion drawing

RESULTS

Law Enforcement

Law enforcement is part of the behavior carried out by law enforcement officers. Law enforcement is aimed at improving order and legal certainty in society. Law enforcement is carried out before and after the occurrence of acts committed by people who violate the law. Law enforcement is a system in which there are several members of the government who act as an organized apparatus to carry out enforcement by restoring, deterring or punishing people who violate laws and regulations. The sequence of legal norms occurs in society although it is often referred to as part of the judicial police but this term is usually used for people who are not members of the official police who are directly involved in prosecution and observation for prevention and tackling how to find criminal activity and for people investigating crimes. Arresting criminals often carries out safeguards and punishments for a crime(3).

Law enforcement is the process of carrying out efforts to enforce or function norms as the basis for legal behavior that exists in society and the state. The law enforcement system is related to the harmony between values and legal rules with real human behavior. Law enforcement can be carried out by law widely and can also be interpreted as a form of law enforcement that involves all legal subjects which is an attempt to realize the idea of justice, certainty and benefits to become a reality. The term law enforcement itself is often misinterpreted by some experts as if it only operates in criminal law. Law enforcement includes both repressive and preventive enforcement. Law enforcement is an effort made to realize legal ideas and concepts into reality. While the essence of law enforcement itself lies in the activities imposed in the rules to create, maintain and maintain peace in social life.

Not only law enforcement officers can enforce the law, the community also has the right to participate in law enforcement so that the law is obeyed by the community. This requires an attitude of cooperation between law enforcement and the community in law enforcement in the community so that the law can be obeyed and obeyed and the rule of law is maintained. The community contributes their thoughts in law enforcement, in addition to law enforcement officers, the community is encouraged to participate in maintaining the law so that it remains orderly and obeyed by other communities. It is hoped that in law enforcement between law enforcers and the

community, they help each other and work hand in hand in enforcing existing laws so that the law can be enforced for the sake of justice, certainty and benefits which will certainly provide welfare for the community itself(4).

Law enforcement is an effort made to realize justice, certainty and benefits into a reality in social life. It can be interpreted that law enforcement is essentially a process embodiment of ideas to realize a law that is just legal carried out by the government as a power holder who has the right to make laws and has the right to enforce law in order to create justice, certainty and benefits for society The function of law enforcement is so that the community's rights as citizens are fulfilled and their independence is guaranteed as a community protected by their state(5).

In law enforcement, especially environmental law, we are familiar with law enforcement instruments. The law enforcement instrument itself in the law has stated that in law enforcement, especially environmental law, it uses administrative law, civil law and criminal law. We often hear the word law enforcement because the success of a statutory regulation depends on the law enforcer.

Enforcement of environmental law starting from administrative sanctions, civil sanctions and criminal sanctions is an effort in law enforcement carried out by the government in enforcing environmental law. The basic problem in handling environmental crimes is law enforcement administratively. In addition to law enforcement administratively, civilly and criminally, not all environmental problems must be resolved by criminal law, but the initial effort is administrative sanctions and administrative sanctions are used by the government to enforce laws against violations of environmental pollution. Law enforcement by reducing administrative sanctions is an initial effort to use the instruments regulated in laws and regulations to carry out law enforcement.

Talking about the law, we know that law enforcement can be carried out using preventive and repressive measures. Preventive means taking action before an incident occurs while repressive action after an incident occurs by law enforcers in enforcing environmental law. Preventive law enforcement is carried out using supervision of environmental crime violations. Socialization can be carried out on the importance of protecting the environment. This preventive activity is often carried out by law enforcement officers in providing or counseling the community so that people know the importance of the environment for their lives. This is done in an effort to prevent environmental pollution carried out by irresponsible people. Preventive law enforcement is an initial prevention carried out by law enforcers in order to suppress or minimize violations of environmental law.

Law Enforcement Against Environmental Pollution Crime

At this time talking about environmental pollution is a very serious problem that must be faced by the community. People without realizing that their daily activities are polluting the environment so that it becomes unhealthy which can lead to the emergence of various kinds of diseases. If environmental pollution occurs and is not effectively prevented, it will make the environment unfit for habitation. Based on the existing laws and regulations, the definition of pollution from the environment is the entry or inclusion of living things, harmful substances or other components that are destructive or harmful into an environment(6). In addition, it can also be interpreted as a change in an environmental order that occurs due to human behavior in the process of daily life

which causes the quality of nature to decrease, causing the environment to be polluted and unable to function properly(2).

From the results of research conducted in Gemaharjo village, Gemaharjo village is one of several villages located in Tegalombo District, Pacitan Regency, East Java Province and is located in the northern hemisphere of Pacitan Regency and is a village bordering Ponorogo Regency. Gemaharjo village is divided into 7 hamlets, including Gayam hamlet, Gemah hamlet, Dondong hamlet, Dagen hamlet, Bulusari hamlet, Clumpring hamlet and Kaligondang hamlet. Geographically, Gemaharjo Village is a village located in a mountainous area and the majority of the population in Gemaharjo Village work as farmers and animal breeders.

Gemaharjo Village has one time which is commonly called Kaligede by the residents of Gemaharjo Village. The river flows from Gemah Hamlet to Bulusari Hamlet which will later reach the Grindulu Pacitan River. However, there is a problem in Kaligede related to Environmental Pollution. There are several residents of Gemaharjo Village, precisely in Gemah Hamlet who raise cows and most of them dispose of the cow dung directly to Kaligede. This makes Kaligede smell bad and the water is contaminated with cow dung(7). This environmental pollution incident has been going on for quite a long time and environmental law enforcement is needed by law enforcement.

Law enforcement against environmental pollution is carried out effectively, consistently, consistently, starting from civil law sanctions, administrative sanctions and criminal sanctions for perpetrators of pollution or environmental destroyers. Law enforcement on environmental pollution is carried out for perpetrators of environmental pollution crimes because what they have done has damaged the environment and clearly violates the applicable laws and regulations. Functions that can be applied in law enforcement against environmental pollution or destruction ranging from administrative, civil and criminal sanctions which include, among others, administrative sanctions in the form of coercion, orders, warnings, and revocation of business licenses. Sanctions in civil matters may also be subject to compensation sanctions, environmental restoration actions that have been polluted and criminal sanctions can be in the form of imprisonment or fines that are imposed cumulatively with a minimum penalty to a maximum penalty.

In order to achieve the objectives of law enforcement in Indonesia, laws and regulations related to environmental law are a means to resolve legal issues. Related laws as a social system as a means to resolve environmental disputes. Law serves as a regulatory tool. Efforts made by law to create environmental harmony are as an interactional basis for the environment as a means of environmental control. In addition, as a human relationship with other humans within the scope of the environment and as a means of renewal towards a harmonious environment. Enforcement of criminal law in the environmental field in Indonesia itself has not achieved the expected goals. The reason is that there are often failures in coordination between communities, community cohesiveness, cultural harmony in society, structure and substance in the criminal justice system in Indonesia(8).

The existing criminal justice system in Indonesia still has many problems related to environmental law. If we look at the legal system, it certainly covers a very broad field which includes the substance, structure and culture that exists in society. Talking about law enforcement cannot be separated from the existing legal system starting

from the structure, substance, culture must be integrated in environmental law enforcement which has a goal starting from the criminal justice legal system, among others as follows:

1. Enforcement of environmental criminal law can prevent people from becoming victims of crime
2. Can solve environmental crime cases that exist in the community about justice can be enforced
3. Education for those who have committed environmental crimes so as not to commit or repeat their crimes.

If we look at the problems that exist in Indonesia related to environmental law, we need to know that the criminal law in the environmental field itself is currently not in accordance with what is expected by the community. One of them is the absence of synchronization and coordination between the existing cultural harmony in society, the structure and substance of the criminal justice system in Indonesia. If we look at the existing problems, of course we see that the enforcement of environmental criminal law has not yet achieved the desired goal. This is indeed because many components of problems in society and legal issues related to environmental law enforcement have not been implemented optimally. Many other legal issues need to be resolved so that environmental law enforcement can achieve its objectives(9).

Seeing observations and interviews from the results of the study, the problem of disposing of cow dung waste in Gemaharjo village is a problem of environmental pollution. This is obtained from interviews conducted by researchers that law enforcement has been carried out repressively and preventively. Coordination with livestock owners is also carried out not to pollute the environment because environmental pollution can interfere with the freedom of other people's rights to enjoy the environment(10). This has been done by law enforcement, but the problem of cultural culture in our country does require a special approach in carrying out law enforcement. It is not enough with a warning, but the need for education to the public related to environmental pollution so that people will not commit criminal acts of environmental pollution which can later be subject to administrative, civil and criminal sanctions.

Interviews that have been conducted with the Village Head have found that the cow dung pollution has been found a solution or a way out starting from reprimand and education to the community but back to culture. This is what causes the enforcement of criminal law on the environment to be difficult to implement, so it is necessary to have a cultural approach that has a special formula to determine that the prevention of environmental pollution can be carried out effectively before taking legal action both administratively, criminally and civilly.

From this analysis, it can be concluded that the enforcement of criminal law on the environment has imprisonment or fines, but the enforcement of this criminal law is still constrained by the problems that exist in society ranging from cultural culture to the criminal justice system in Indonesia. Criminal law enforcement is law enforcement related to environmental pollution carried out by the criminal justice system in Indonesia.

Law enforcement related to environmental pollution is carried out by law enforcement officers. After the occurrence of a criminal act that has been committed but in the enforcement of environmental law, of course, restoration of environmental pollution is prioritized. Repressive and preventive law enforcement is prioritized as a way of law enforcement against environmental pollution. Law enforcement itself is part of the process of enforcing the law as the basis for people's behavior or behavior so that they obey the law.

Violation of criminal law against environmental pollution is a problem in society starting from the culture that exists in the community for their economic interests so that there is a legal gap between cultural culture and the

law in society. Therefore, criminal law enforcement is prioritized on prevention so that law enforcement that embodies the norms in laws and regulations does not conflict with the culture that exists in society(11).

There are several factors that influence law enforcement on the environment, the first is the criminal law system itself, the second is factors outside the criminal law system, namely social factors and the cultural culture that exists in society. These two factors affect law enforcement related to environmental law in Indonesia. The legal system is not able to solve the problems that exist in society so that environmental pollution still occurs and is considered an ordinary act. Outside the legal system, there are social factors related to the culture that exists in society. This assumes that society has become a habit of environmental pollution because it has been going on for years so that existing laws cannot be enforced effectively because legal norms often conflict with the existing culture in society. Habits of environmental pollution have been carried out since their ancestors until now have become difficult habits for law enforcement to carry out related to environmental pollution crimes.

If you look at the results of the study, namely the data obtained from observations in the village of Gemaharjo, Tegalombo district, Pacitan Regency, that environmental pollution law enforcement has been carried out by the Gemaharjo Village Head. From the results of the interview, it was found that the village head of Gemaharjo had approached the villagers who had polluted the environment, namely the disposal of cow dung in the river. The legal approach uses a cultural approach, namely calling villagers who have polluted the environment by dumping cow dung in the river. In addition, the data obtained empirically from the field has been socialized by the relevant agencies with the aim that the village community does not pollute the environment, namely the disposal of cow dung into the river because the river is a necessity of life for the residents of Gemaharjo village.

Law enforcement prioritizes prevention over prosecution. By using the cultural approach taken by the Village Head so that the villagers are aware that polluting the environment, namely the contamination of cow dung into the river, is an environmental crime that can later be charged with criminal law with imprisonment or fines. The approach taken by the Village Head through prevention is a positive approach in tackling the problem of environmental pollution, namely the disposal of cow dung in the river. It should be noted that acts of environmental pollution are included in the crime of environmental pollution and this requires law enforcement so that environmental pollution is not carried out by villagers, especially residents of Gemaharjo village. Law enforcement carried out by the village head certainly prioritizes cultural factors in approaching to provide socialization and warnings to villagers who have polluted river water. This is so that the river in Gemaharjo village is not polluted by cow dung so that the water in the river can be used as much as possible for the benefit of the community.

DISCUSSION

Implementation of Law Enforcement Against Environmental Pollution Crime

Implementation of law enforcement against criminal acts of environmental pollution is an activity in law enforcement so that it can be obeyed and obeyed. Empirical facts in the field from the results of observations and interviews with the village head of Gemaharjo, Tegalombo District, Pacitan Regency that found a lot of cow dung dumped in the river. This causes river water pollution so that river water cannot be used as much as possible for

the needs of residents. Law enforcement against environmental pollution in the village of Gemaharjo, Tegalombo District, Pacitan Regency has been carried out by the Village Head by using a humanist approach, namely calling the perpetrators of disposing of cow dung in the river and warning them not to carry out the activities of disposing of cow dung into the river because River water in Gemaharjo village is a source of needs for the community.

Law enforcement that is carried out often experiences problems due to community habits and lack of public education about environmental hygiene so that they pollute the environment by throwing cow dung in the river. There are several solutions that can be proposed to solve this problem, ranging from proper waste disposal so as not to pollute the river to education from related parties to deal with environmental pollution problems. The public needs to know that environmental pollution is regulated by laws and regulations so that criminal sanctions can ensnare them if they violate the laws and regulations that have been set related to environmental pollution.

Environmental pollution is a factor in the lack of public legal awareness so that these actions occur repeatedly. Law enforcement problems can actually be solved easily by law enforcers if law enforcers carry out law enforcement firmly and clearly. However, there are many environmental factors that affect law enforcement so that existing law enforcement does not run effectively because socio-cultural factors are one of the causes of less effective law enforcement carried out by office holders so that these factors cause legal awareness in the community to be lacking. Prevention has actually been done so as not to dispose of cow dung in the river by outreach to the community. However, action has not yet been taken to sanction the perpetrators of environmental pollution. This indeed needs to be applied because legal sanctions are a form of method as a tool to provide a deterrent effect for perpetrators of criminal acts, especially not criminal acts of environmental pollution. By implementing proper law enforcement, criminal, civil and administrative sanctions can be applied so that they have a deterrent effect and do not repeat their actions again.

If we look at the results of exposure to observations and interviews conducted by researchers, that the enforcement of criminal law against environmental pollution in Gemaharjo Village, Tegalombo District, Pacitan Regency has not been effective because of the factors mentioned earlier, ranging from economic and socio-cultural factors. However, this is a new problem and must immediately find a solution or a way out to solve the problem because the environmental pollution of the disposal of cow dung into the river water which is the source of life for the people of Gemaharjo village has become polluted so that legal awareness is needed in the community to comply with the applicable rules. related to environmental pollution(12).

Gemaharjo Village, Tegalombo District, Pacitan Regency has a river which was named Kali Gede by the residents of Gemaharjo village. From empirical data in the field, it was found that there was a lot of environmental pollution, namely the disposal of cow dung in the river. From the exposure to observational data that has been done that there are some villagers who throw cow dung waste directly into the river. Disposal of cow dung into the river causes the water to become smelly and polluted by cow dung. This incident has been happening for quite a long time. There is no right solution to solve this problem because law enforcement has not been running effectively.

The results of interviews conducted with the village head of Gemaharjo that law enforcement has indeed been carried out, namely warnings and education to cattle farmers not to throw cow dung into the river. The law enforcement carried out by the village head starting from prevention was not heeded by the farmers so that the

disposal of cow dung was still carried out. In principle, law enforcement against environmental pollution in an area is the domain of the environmental service. Village policies can only provide direction and foster so that farmers do not throw waste into rivers.

The issue of environmental pollution related to the disposal of cow dung in Gemaharjo village has indeed been protested by many people who complained to the village head. They were disturbed because Kali Gede, a river used as a source of livelihood for the community, was polluted with cow dung. Actually cow dung if managed properly will produce an organic fertilizer that can be used for the community. However, this was not done. They just throw cow dung in the river. The need for proper law enforcement in overcoming these problems so that they get a deterrent effect for their actions and will not repeat their actions in the future.

CONCLUSION

Law enforcement against criminal acts of environmental pollution is an activity carried out by law enforcers in actualizing laws and regulations into the community to protect the environment so that pollution is not carried out. Law enforcement on environmental pollution is carried out for perpetrators of environmental pollution crimes because what they have done has damaged the environment and clearly violates the applicable laws and regulations. Functions that can be applied in law enforcement against environmental pollution or destruction ranging from administrative, civil and criminal sanctions which include, among others, administrative sanctions in the form of coercion, orders, warnings, and revocation of business licenses. Sanctions in civil matters may also be subject to sanctions for compensation, measures to restore the environment that have been polluted and criminal sanctions can be in the form of imprisonment or fines.

The implementation of law enforcement against criminal acts of environmental pollution is an action taken by law enforcement officials in carrying out their duties to carry out law enforcement related to environmental pollution. Law enforcement actions in enforcing environmental law in a repressive and preventive manner, starting from prevention to prosecution. The implementation of law enforcement against perpetrators of environmental pollution in the village of Gemaharjo, Tegalombo district, Pacitan Regency is carried out by the village head as the office holder in the region. Implementation of enforcement is carried out starting from warnings to education by involving related parties in dealing with environmental pollution, namely the disposal of cow dung in rivers which are the source of livelihood for rural communities.

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