

Book Review

Environment and Law, What Is the Indonesian Context? A Review Book 'Hukum Lingkungan Sebuah Pengantar untuk Konteks Indonesia', Prof. Dr. H. M. Hadin Muhjad, SH., M.Hum., PT Genta Publishing, Yogyakarta, 2015, 232 pages, ISBN: 978-602-1500-25-5

Berlian Putri Haryu Lestari

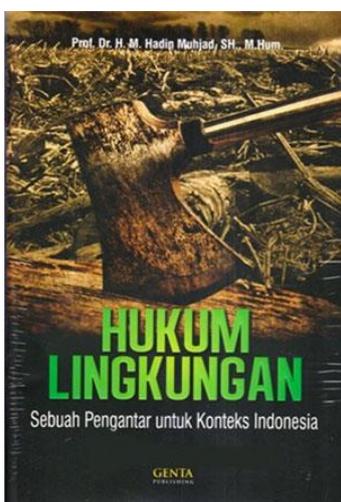
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DATA OF BOOK

Title	: Hukum Lingkungan: Sebuah Pengantar untuk Konteks Indonesia
Author(s)	: Prof. Dr. H.M. Hadin Muhjad, S.H., M.Hum.
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The environment consists of places or places, where there are various places of life such as the environment, natural environment, and others, in this book, explains that the environment is a place to live for the community, so do not be surprised if there are special requests or requests for the stability of nature. Direct Environment with nature, we can discuss the purpose of Environmental Law in this book because it has a language that is easily understood by every circumstance. In Chapter 1, this book explains about the Definition and Regulation of Environmental Law, What Is Environmental Law?

According to this book, this proves that environmental law in a simple sense is the law that regulates the environmental order (Munadjat, 1980: 105). This book contains opinions about the term Environment that forms a new concept in Legal Science.

Chapter 1 of the Environmental Law book explains information on environmental management. The environment is managed by the government. Therefore, Environmental Law is managed by the government, causing environmental law to consist mostly of Government Law, not only that. This book explains that there are also Civil Laws, Civil Society Laws, Criminal Laws. This book tells us why the law is needed in environmental management. The author explains that humans only make Circle/nature as objects only. Humans have not been so aware even though they imagine that humans and the environment have the same position. This may be the background for the birth of the rules regarding environmental management. Environmental law determined by a State is called the National Environmental Law

Chapter I also discusses which laws apply in Environmental Law, among others, Law number 4 of 1982 concerning Basic Provisions for Environmental Management. Then the Act was replaced with Law number 23 of 1997. And then it was replaced again with Law Number 32 of the Year 2009 concerning Environmental Protection and Management. This book explains the purpose of these changes due to the renewal and strengthening of environmental management principles that are based on good governance. The law becomes paying for the drafting of other laws and regulations.

In Chapter II, this book discusses the policy on environmental management. It turns out that compared to Law no. 23 of 1997 with Law no. 32 of 2009 has experienced much progress, due to Law no. 23 is very simple. Therefore, the late environmental management policy is stipulated through Law number 32 of 2009, because Indonesia as a developing country that is currently implementing development in all fields must also be oriented towards environmental development.

Chapter II discusses sustainable development according to article 1 paragraph 3 of Law number 32 years 2009 which reads "Sustainable development is a conscious and planned effort integrating environmental, social and economic aspects into a development strategy to guarantee the integrity of the environment and the safety, ability, well-being and quality of life of present and future generations. The author believes that the Law. 32 of 2009 outlines that the pattern of Indonesian development in the context of environmental management is sustainable development, that is a conscious

and planned effort that combines environmental aspects as well as the safety, capability, welfare, and quality of the present generation.

The author explains in Chapter II that sustainable development has characteristics copy as follows: a. Providing possibilities for survival using preserving the functions and capabilities of the ecosystem that supports it. 2. Utilizing a lot of natural resources or management technology that can produce sustainably. 3. Providing opportunities for other sectors and activities to develop together both in the regions and in different periods. 4. Enhance and preserve the ability and function of ecosystems to supply natural resources and protect and sustain life continuously. 5. Using procedures and procedures that demonstrate the sustainability of the functions and abilities of ecosystems to support livelihoods both now and in the future. The author also explained the concept of sustainable development according to Ahmad Santosa: a. Principles of justice between generations, Principles of one generation of justice, Principles of early prevention, Principles of protection of biodiversity and Internalization of environmental costs and intensive mechanisms.

In chapter III of the book *Environmental Law*, the author reiterates that sustainable development is a conscious and planned effort that promotes aspects of life, social and economy into development strategies to ensure the integrity of the environment and the safety, ability, welfare, and quality of life of today's and future generations. The author believes that the need for environmental development is because the environment can no longer be left as it was in the past which naturally has good and healthy conditions due to human activities or development activities. Thus the concept of environmental protection and management is an integrated systematic effort to preserve the function of the living environment which includes policies such as a. Planning, b. Utilization, c. Control. d Maintenance, e. Supervision and law enforcement.

In Chapter III it also explains that environmental protection and management requires the development of an integrated system of national protection and policies environmental management that must be carried out in compliance with the principles and the consequences from the national to the regions. We need to know that the authors apply a fundamental difference between law number 23 of 1997 concerning environmental management with Law number 32 of 2009 is the existence of reinforcement of the principles environmental protection and management based on good governance because in every process of formulation and application of pollution prevention instruments and environmental damage as well as prevention and law enforcement requires the integration of transparency, participation,

accountability and justice. This book explains that law number 32 of 2009 gives the Minister broad authority to carry out all authority of the government in the field of environmental protection and management and to coordinate with other agencies. Through this law, the central government also gives very broad authority to regional governments in protecting and managing the environment in their respective regions which are not regulated in Law number 23 of 1997 concerning environmental management. The author believes that an institution which has a workload based on Law number 32 of 2009 is not enough for an organization to determine and coordinate the implementation of policies, but an organization with portfolio establish, implement and monitor environmental protection and management policies. Besides, this institution is also expected to have the scope of authority to oversee natural resources for conservation purposes.

In chapters IV, V and VI the author discusses environmental media such as Land, Water, and Air. To Environmental Management the authors argue that Land is a part of the environment that is vital for human life because the soil supports plant life by providing nutrients and water as well as root support. Therefore, the role of land in environmental management as explained in this book is very important. Land as it is known to play an important role as a store of water and suppress erosion, although the soil itself can also be eroded. Soil composition varies from one location to another. Water and air are part of the land. However, it turns out that land pollution in Indonesia is still a lot. Therefore, with PP no. 150 of 2000 is intended to control soil damage for biomass production. The control of land damage involves three things, as stated in Article 1 paragraph 6 that the control of land damage is an effort to prevent and mitigate soil damage and restore land damage. Prevention and prevention are two actions that can not be separated in the sense that usually two actions can not be separated in the sense that these two actions are usually carried out to support each other if the preventive action can not be done then the action steps are taken. In chapter V the author discusses the second Media Environment that is water.

The author says water is an important natural resource for both humans and animals let alone plants. According to article 6 paragraph (1) of the Law. 7 of 2004 states that water resources are controlled by the State and are used for the greatest prosperity of the people. So the authors argue in chapter V that managing water resources as State wealth aimed at the welfare of the people. The author cites an opinion according to Koesnadi Hadrjosoemantri that the legal arrangements relating to the protection and control of the use of earth water (groundwater) should be improved in quality, especially the clarity of regulations concerning government authority so that

water sources big is not damaged but can be managed sustainably. Real water resource management can involve a variety of institutions ranging from the central government to local governments which also involve the private sector and individuals.

Chapter V of the Environmental Law book explains that the management of natural resources has its problems related to legal provisions which underlie the authority of the Central Government and regional governments about the administration of government affairs in the field of water resources in the regions. Nanak Suparmini explained that government authority is needed in the management of water resources related to the increasing need for clean water due to the growth of various types of industries, agricultural business, namely irrigation, clean water needs in urban areas. In the Environmental Lawbook

Chapter VI, the author gives an overview of the air, we can say air is pseudo, we cannot see but can be felt. Air is the source of the life of living things in every aspect. Therefore, environmental management needs to get serious attention. Air does have limits, but it is not as detailed as land and water. The Air Environment as one of the elements in environmental media which function as development capital also has a very vital function in sustaining human life. Humans are tasked with maintaining this air ecosystem because if there is an imbalance of the ecosystem it can result in not running the system properly or can cause pollution.

The author began to allude to the air environment media through Law no. 32 of 2009, environmental pollution is the entry or inclusion of living things, substances, energy, and other components into the environment by human activities so that they exceed the established environmental standards. The author explains that related to Air Pollution through Salim's opinion which is a quote by Utami (2005) air pollution is defined as the state of the atmosphere, where one or more pollution materials whose amount and concentration can endanger the health of living things, damage property, reduce air comfort. Based on this quote the author found that all solid, gas and liquid materials present in the air that can cause discomfort are called air pollutants. The author believes that air pollution can be divided into two types, namely air pollution, and secondary air pollution.

Primary air pollution is a pollutant substance that is generated directly from air pollution sources such as carbon monoxide because carbon monoxide is the result of combustion. Whereas secondary air pollution is the substance of pollution that is formed from the primary pollution reactions in the atmosphere such as the formation of ozone. The author believes that the cause of air pollution is two kinds, namely by natural factors and human factors.

The author touches on natural factors such as dust caused by wind blowing, volcanic eruption dust and the process of organic waste decay. While artificial factors such as the combustion of fossil fuels, dust from industrial activities and the use of chemicals that are sprayed into the air.

We need to know that air pollution can harm living things, humans, animals, and plants. Natural factors mentioned by the author, such as volcanoes, cause many animals to lose their habitats, while those who die experience extinction. This mechanism occurs because volcanic ash contains toxic gases that endanger the respiratory mechanism in animals and plants. For this reason, air or oxygen is necessary to maintain the ecosystem of the air environment media. With the laws and regulations, it is expected that humans can maintain and be responsible for what happens to nature both in air, water and land. These three elements, the authors categorize as important roles that are good for the sustainability of environmental management. The author mentions the existence of dangerous air pollution such as Rainfall, Ozone Layer Depletion, Global Warming and the Process of the Greenhouse Effect. These four things are certainly very dangerous and can make the earth's ecosystem threaten biodiversity. Environmental pollution needs to be addressed properly and carried out.

In chapter VIII of the Environmental Law Book, the author will discuss Environmental Law Enforcement. How important is environmental law enforcement? The author discusses according to the opinion of experts including quoting from Koesnadi Hardjasoemantri that there are some wrong opinions on environmental law. It is said that law enforcement is only through a court process. It should be noted that law enforcement can be carried out in various ways with various sanctions, such as administrative sanctions, civil sanctions and civil witnesses. Law Enforcement is an obligation of the whole community and for this understanding of Enforcement of Environmental Law becomes an absolute thing. Enforcement of environmental law is closely related to the ability of the apparatus and the community's compliance with applicable regulations, which cover three areas of law namely administration, criminal and civil law. There are many opinions that Enforcement of Environmental Law is important but there are those who argue that it is not too important because it has become a State apparatus to maintain environmental stability. The author believes that environmental law enforcement to achieve compliance with regulations and requirements in general and individual provisions, through supervision and implementation of administrative, criminal and civil sanctions. In this book, we can know that the Law Enforcement Administrative Sector can be carried out by Preventive

Efforts, Repressive Efforts. As for through the Enforcement of Civil Environmental Law, Criminal Enforcement of Environmental Law.

Environmental Law Book written by Prof. Dr. H. M. Hadin Muhjad, SH., M.Hum. Is a book that emphasizes for the layperson who wants to learn more about Environmental Law, this book can be said as an introductory book although in this book also explained the applicable laws regarding Enforcement of the Environmental Law. This book has a different argument than other books. The opinion of the author who is a book worked on in 2015 is still a very new book so that the submission in each sentence of this book is considered easy. Therefore this book uses language that is easy, polite so that everyone who reads the book Environmental Law by Prof. Dr. H. M. Hadin Muhjad, SH., M.Hum. It can be ascertained that the Faculty of Law students can be a cadre of the nation's cadres to maintain environmental security because the Environmental Lawbook is a mandatory guideline that must be studied by students and someone who likes the Environmental Law itself.

The author would like to convey information regarding the laws and regulations regarding environmental law at the end of the pages of this book. From there we get information that in the book can be said to be complete because there is a lot of information about the enforcement of Environmental Law from time to time. Dr. H. M. Hadin Muhjad, SH., M.Hum. explain the views on aspirations for Environmental Law in a concise and concise, even though it is said to be complete. Book by Prof. Dr. H. M. Hadin Muhjad, SH., M.Hum. more closely said as a book that just out the introductions. Although the title of the book is only Environmental Law.

As a society that lives in the modern era, it is possible to express its aspirations about the revolution of Environmental Law in Indonesia to make new regulations regarding the Environment to create environmental order in Indonesia. This book is also complemented by various sources that aim to reproduce new ideas and include old ideas that we can compare to the development of the Environmental Law from time to time. However, we must also realize in the book written by Prof. Dr. H. M. Hadin Muhjad, SH., M.Hum. has disadvantages such as there are still many inconsistent notions, the author in discussing the meanings discuss many quotes from expert experts while the authors themselves only explain or conclude the discussion of the notions of Environmental Law from experts who are judged to have the same goals and objectives.



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