

Local Policy Construction In Implementing Green Governance Principle

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Abstract

Local policy construction become important if we talk about local green governance. Some of the factors believed to be the principle of the rule that has been administer good environment, namely: (1) Transparency, (2) participation of all stakeholders, (3) responsibility / accountability, and (4) Efficient and effective. The principles mentioned above must be met in order to cause the trust of the people on the one hand, and to realize a conducive environment for the government to hold an authoritative government. The strengthening of this system include mechanisms to ensure that all interested parties can submit a democratic voice, ensuring a transparent and fair procedures in the planning and implementation of the plan, as well as the standards and criteria to assess the implementation of the fair and transparent. The system shows the balance of authority between agencies at the national, provincial and local final results in the form of high-performance and the effectiveness of government, which supported high capacity at the local.

Keywords: Construction, local policy, green governance principle

1. Introduction

Good Environmental Governance Principle have some aspects are: Intergenerational equity, Intragenerational equity, The precautionary principle, The internalization of externality, Pollution Prevention, Polluter Pays Principle, Strict Liability and Absolute Liability, Shifting of burden of proof, Transboundary Principle, Extraterritoriality Principle. On the other side principles of environmental policy) are: abatement at the source, best practicable means/best technical means, stand still principle, principle of regional differentiation. Sustainable development principle must integration to coherency environmental policy.

Like statement by Dieter Helm, “*taking the environment seriously ia a necessary but not sufficient step towards an environment policy*”, and than “... to provide coherence, the policy requires clear objectives and targets that derive from it. It also requires an appropriate set of instruments and a set of institutions capable of implementing it.”¹ Local policy formulation become important if we talk about local green governance. Now, many illegal lodging and illegal mining that can caused bad environmental. The national policy environment are fundamental values in preserving the environment consisting of environmental conservation be based on the concept of Sustainable Development is development that meets the aspirations today, without reducing the potential fulfillment of human needs and aspirations of future generations. Sustainable development is based on the welfare and justice in the short, medium and long term to balance economic growth, social dynamics and environmental preservation². The function of the human need to be preserved for the benefit both in the short, medium and long term. Decision making needs to take into considerations in the development of the carrying capacity of the environment according to its function. Environmental carrying a constraint (constraint) in decision-making and this principle needs to be done continuously and consistently. Utilization of natural resources need to be attentive to the needs of irreversible between generations³. Utilization of natural resources needs to maintain its recoverable recovery. Every citizen has the right to get a good and healthy environment and a duty to preserve the environment. Therefore, every citizen has the right to obtain environmental information is correct, complete and up to date⁴. In the preservation of the environment, prevention efforts take precedence

¹ Dieter Helm. 2000. Environmental Policy, Objectives, *Instruments, and Implementation*, Oxford University Press.

² I Gusti Ayu. KRH., 2005. Judicial Review Act No. 7 of 2004 About Water Resouces . *Research Report MKRI*. Faculty of Law UNS : Surakarta.

³ I Gusti Ayu. KRH., 2007 .Sincronization Regional Regulation Surakarta No. 2 of 2006 About Envionmental Protection. *Research Report DIPA FH UNS*. Faculty of Law UNS : Surakarta.

⁴ I Gusti Ayu. KRH., 2011. *Environmental Law Introduction* . CakraBooks Print and Publishing. Karanganyar.

over mitigation and recovery efforts. Environmental quality is based on its function. Pollution and environmental damage should be avoided when it comes to contamination and environmental destruction, then held with the response and recovery responsibilities in the party environment. Conservation done by preserving the appropriate management approach to accountability systems. Following up International agreements on sustainable development, particularly in the fields of water and energy, has prepared two draft policy that principles of environmental management policy and the field of water policy principles of environmental management energy sector⁵. In addition, to support the optimization of task implementation of environmental management at the central and local governments have also prepared the design principles of the policy implementation assistance tasks and guide the implementation of environmental assistance tasks environmental field. Daniel H. Hennings menggambarkan bahwa “*Given the general environmental value placed harmony between man and nature, it is appropriate to recognize the complexities, intensities, and varieties of individual interpretations given as they relate to environmental policy.*”⁶

2. Methodology

This study used empirical methods or non-doctrinal juridical intended as an attempt to approach the problem studied by the nature of the law in accordance with the realities of life in the community. The approach is sociological / empirical non-positivistic approach and uses qualitative analysis⁷. The descriptive nature of developmental research that provides a systematic overview of the object to be studied, to identify , to evaluate regulation, to solve problems in the field. The research approach using qualitative research approach. Citing the opinion of Denzin and Lincoln⁸ explains that qualitative research is research that uses natural setting, with the intent of interpreting phenomena and done by involving various methods. In this study the data needed include primary data and secondary data. Data collection instrument is divided into two for the primary data using interviews and questionnaires. This interview was conducted by indeept interview, the method of collecting data through in-depth interviews to the source data.⁹ In addition to providing refinement and further elaboration of the data carried Focus Group Discussion (FGD) with the parties involved stakeholders.

3. Results and Discussion

Lawrence E. Susskind (et.al)¹⁰ there is 6 characteristic indicator good environmental policy:

- a. defined a policy problem in a way that was particularly helpful to policy makers;
- b. described the full range of possible policy response;
- c. overcome resistance to change on the part of the relevant regulatory agency;
- d. provided important opportunities for all stakeholders to participate;
- e. worked to enhance the legitimacy of the particular actions or changes suggested; and
- f. helped ensure that adequate resources would be available for policy implementation.

In order to increase the capacity of environmental management in the region, the Ministry of Environment to attempt to formulate and implement a number of programs aimed at improving performance in environmental management (Good Environmental Governance - GEG), hereinafter termed the Tata Praja Environmental Governance. Praja Program is one of the programs planned by the Ministry of Environment to assist local government, in this case the City and County as well as the province, increased capacity in environmental

⁵ I Gusti Ayu. KRH., 2006. Urgency Water Resource Management After Constitutional Court 2005. *Research Report MKRI*. Faculty of Law UNS : Surakarta.

⁶ Daniel H. Hennings. 1977. *Environment Policy and Administration*, Elsevier Nort Holland, Second Printing.

⁷ Peter Mahmud Marzuki. , 2006. *Legal Research*. Jakarta: Kencana Prenada Media Group.

⁸ Lexy J. Moleong. , 2005. *Qualitative Research Methodology*. Bandung: P.T. Teens Rosdakarya.

⁹ W. Gulo. 2002. *Research Methodology*. Jakarta: P.T. Scholastic Widiasarana Indonesia.

¹⁰ Lawrence E. Susskind, Ravi K. Jain, Andrew O. Martyniuk, 2001. *Better Environmental Policy Studies*, Island Press.

management in the region in order to achieve GEG. The objective of Praja Program is governance (good governance) and the environment (good environment). Tata Praja is part of the efforts to achieve good governance. The core of the application environment is Tata Praja strengthening coordination system, so the government can get a response (response) time to completion of the environmental problems pressing. The strengthening of this system include mechanisms to ensure that all interested parties can submit a democratic voice, ensuring a transparent and fair procedures in the planning and implementation of the plan, as well as the standards and criteria to assess the implementation of the fair and transparent. The system shows the balance of authority between agencies at the national, provincial and local final results in the form of high-performance and the effectiveness of government, which supported high capacity at the local level. Some of the factors believed to be the principle of the rule that has been administer Diocesan good environment, namely: (1) Transparency, (2) participation of all stakeholders, (3) responsibility / accountability, and (4) Efficient and effective. The principles mentioned above must be met in order to cause the trust of the people on the one hand, and to realize a conducive environment for the government to hold an authoritative government.

The strategy adopted in the implementation of this Tata Praja Program.

1. Creating motivation for local governments through incentives, which include the award as well as other assistance;
2. Create competition between regions / cities, and
3. Applying a "local specific", because each region has a specific individual.

In the context of Praja Program, Local Government also requires information relating to the quality of the environment in an urban area or ecosystem to jurisdiction. Especially at the beginning of the Praja program, environmental information or initial conditions is a very important thing for the city to be able to determine the condition of the map area. With this information, then the city have a baseline in order to achieve environmentally sound government (Tata Praja). To obtain preliminary data or information is required, there should be capacity building activities by the respective governments. In the implementation of capacity building activities are necessary instructions / implementation of a standard format in the form of the Urban Environment Information System (Urban Environment Information System). Through this information system will be composed of data or information that is accurate, general and uniform details and describing the environmental conditions in each local government. Increasing the capacity of local governments will be done through a series of programs. These programs will be developed based on local needs known through the process of capacity building. The programs implemented for example in the form of training to improve human resource, institutional, regulatory, and other supporting facilities, in collaboration with the unit in the Ministry of Environment and other agencies in the area as well as in the center. In addition, the program will also be implemented for regional assistance in developing and implementing local regulations in the environmental field, and facilitation program for the region for funding. Kind of relationship it wants to develop is not limited to the relationship between central and local governments, but also between the region to other regions. This is done in order to optimize the potential of an area and to promote inter-regional cooperation. Through this mechanism, an area that has particular experience in environmental management can share experiences with other regions. An important point in the implementation of regional autonomy is the transfer of information on various aspects of environmental management. The purpose and objectives of the work program is to develop incentives and management in order to support the work program run by Praja Regional Government. To achieve a clean, green and free of trash from the trash, along with the Ministry of Environment regional autonomy seeks to encourage the Regent to apply the principles of good governance in the management of the environment is through the launching Praja Program on World Environment Day date June 5, 2002. Tata Praja emphasis on improving the capacity of local governments to achieve Good Environmental Governance (Tata Praja).

Program activities is the Tata Praja core monitoring and evaluation and capacity building. Monitoring and evaluation outline are:

- a. Tata Praja drafting Program, General Guidelines, Guidelines for Monitoring and Evaluation
- b. Formulation and Evaluation Monitoring system, which includes the criteria and indicators used in the evaluation of Tata Praja Environmental Governance.
- c. Regional Determination program participants.
- d. Socialization Program to Build Tata Praja cities that have been set.
- e. Conducting Baseline Study and submit the results to the cities.

- f. Perform advanced monitoring every 4 months to determine the performance level of the city.
- g. Perform analysis of environmental management based on the results of monitoring.
- h. Making a city and make recommendations to the Minister of the Environment.
- i. Giving awards to cities that have a good performance in managing environment every day environment.
- j. Compiling Environment User Profile Tata Praja City that contains the performance, and also contains recommendations for improving environmental management performance City.

4. Conclusion

Result of this research that some of the factors believed to be the principle of the rule that has been administer good environment, are: (1) Transparency, (2) participation of all stakeholders, (3) responsibility / accountability, and (4) Efficient and effective. The strengthening of empowering local governance through strengthening local policy construction system include mechanisms to ensure that all interested parties can submit a democratic voice, ensuring a transparent and fair procedures in the planning and implementation of the plan, as well as the standards and criteria to assess the implementation of the fair and transparent. The system shows the balance of authority between agencies at the national, provincial and local governance. Local policy construction made by governance that make green regulation must based green governance principle.

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