



Environmental Legal Protection Against Mangrove Forest Destruction In Lantebung Area, Makassar City

Hasriani Hamid⁽¹⁾, Muhammad Said Karim⁽²⁾, Maskun⁽³⁾

Master of Law, Faculty of Law, Universitas Hasanuddin, Indonesia

E-mail: ⁽¹⁾hasrianihamid77@gmail.com

Received: 18 May 2022; Revised: 11 November 2022; Accepted: 25 November 2022

Abstract

This study aims to examine the position of environmental permits in the perspective of environmental crimes against cases of mangrove forest destruction in Makassar City. This study uses a normative-empirical research method, namely the type of normative legal research that is supported and equipped with empirical data. The research approach method used is the statutory approach and the case approach. The types and sources of data used are primary data and secondary data. Furthermore, both secondary and primary data were analyzed using qualitative analysis techniques and presented descriptively. The results of this research are: The position of environmental permits in the perspective of environmental crimes is an absolute thing to be fulfilled. The environmental permit which was originally regulated in UUPPLH has now been amended in a new regulatory provision, namely Article Number 11 of 2020 concerning Job Creation is an environmental agreement. The nomenclature is different, but the meaning remains the same, namely both environmental permits and environmental approvals are needed to limit the space for business actors to move so as not to deviate from the permits given.

Keywords: Environmental Approval, Environmental Permit, Mangrove

Introduction

Fulfillment of the constitutional rights of Indonesian citizens to the availability of a good and healthy living environment in accordance with the mandate Constitution Article 28 Clause: 1 is something that must be guaranteed by the state and implemented as a form of manifestation of the rule of law in Indonesia. A good and healthy living environment is a condition sine quanon for a good and healthy human life.

The environment is very important and inseparable from the life of all living things, including humans, who depend on nature and other living things to meet their needs on a reciprocal basis. This is because the environment has provided nature's service or ecosystem service which is very vital for human life, not only intergenerational but also intergenerational benefits. The content of natural resources including biological and non-biological contained in the living environment

provides a substantial role for the growth and development of all living things without exception. This is in line with the concept developed by Soerjani by revealing that human environment is a system in which there is a human embodiment, or in which there is a human interest in it.

Indonesia as the largest archipelagic country in the world has 17,499 large and small islands, 13,466 of which are named islands and have been deposited in United Nation. Overall, Indonesia has a coastline of about 80,791 km², the second longest coastline after Canada, with a water area of 6,315,222 km².

Protection of forests is something that the government must strive for in order to maintain the sustainability and use of forests. One of them is the protection of mangrove forests. Mangrove forest is forest vegetation that grows between tidal lines and is located in coastal areas that are influenced by tides so that the floor is always flooded and the soil composition consists of mud

and sand. This ecosystem, can grow along the shores of the Indonesian coastline. With an area consisting of 2/3 of its territory is water with a coastline that spans 95,181 km and is the second longest coastline in the world, after Canada. With an area of marine waters reaching 5.8 million km², which is 71% of the total territory of Indonesia, Indonesia is not only known as a tropical country but also as a maritime country.

Indonesia as a maritime country, which is rich in marine and fishery resources, one of which is in terms of the development of mangrove forest vegetation which significantly grows along 95,000 km of coastline with an area of mangrove forest in Indonesia nationally, namely 3.36 million ha which is mangrove forest. the largest in the world. With a figure that reaches 25% of the entire world's mangrove ecosystem.

One of the areas that contributes the largest mangrove forest is in South Sulawesi Province with an area of 46,717 km² and a coastline that extends for about 2,500 km so that it has high potential for coastal resources and small islands. Starting from coral reefs, mangroves, beaches, and estuaries. Mangrove resources in South Sulawesi Province are around 12,278 ha, or about 2% of the total area of mangrove areas in Indonesia. One of the areas currently being developed by the city government in mangrove ecotourism is the Lantebung Mangrove Forest Area.

The Lantebung Mangrove Forest Area is also known as Mangrove Center Makassar is the remainder of the green belt which is now designated as a conservation and protection area for coastal ecosystems located on the north coast of Makassar City, precisely in Lantebung Village, Bira Village, Tamalanrea District, Makassar City, South Sulawesi. The condition of the mangrove forest that stretches three kilometers to the open sea, with a thickness of 150 meters, faces directly towards the Makassar Strait, which is flanked by the Tallo River and Maros River with an area of 25 ha.

This ecosystem has a very important role for ecological sustainability, conservation, education, socio-economic, and socio-cultural. Especially in terms of disaster mitigation, namely wave absorbers and beach protectors from abrasion, tidal waves. Given its very significant role, good coordination is needed between all parties, especially the role of local governments who play a major role in managing

mangrove areas, this is based on Act No. 23 of 2014 concerning Regional Government in which mangrove ecosystems are categorized as important areas that need to be managed The local government.

Based on data from the Indonesian government, in the period 2000-2014, Indonesia was recorded as the largest contributor to the loss of mangrove forests in the world, which was around 4,364 km² or about 311 km²/year. The number of mangrove forests that are currently in critical condition is 637,624.31 ha. As a result of the conversion and reclamation of land used for industrial purposes and the development of the agricultural and fishery sectors. As happened in the Lantebung area where there are mangrove forest encroachment activities carried out by PT. Tompo Dalle has carried out land preparation business/activities and made roads and company land boundaries without environmental permits and damaged around 200 decades-old mangrove trees in Lantebung using heavy equipment.

This started when there were reports from local residents related to the activities and actions taken by PT. Tompo Dalle on April 9, 2020 who carried out the dredging and destruction of mangrove forests in Lantebung using heavy equipment with the aim of building resorts, golf courses and Islamic boarding schools. In response to this, the South Sulawesi Environmental Management Service together with the Makassar City Environment Service and the Law Enforcement Center of the Ministry of Environment and Forestry for the Sulawesi Region immediately dispatched an investigation team to the location and sealed it and reported this to the authorities.

However, in this case, the judge's consideration of the criminal decision was the absence of an environmental permit. An environmental permit is a permit that is given to everyone who carries out a business and/or activity that is obligatory Environmental impact assessment in the context of environmental protection and management as a prerequisite for obtaining a business license. In other words, a business and/or activity if it does not have an environmental permit means it does not have an environmental document, while an environmental document contains a study of significant impacts that result in environmental changes, which can be in the form of a study of a business and/or activity against physical, chemical, biological, socio-cultural and socio-economic.

However, the arrangements related to environmental permits after their promulgation Act No. 11 of 2020 Omnibus Law, which is followed by its ratification Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management which is a derivative regulation of Omnibus law The company underwent a number of changes and even abolition related to the provisions regarding environmental permits. This is interesting to be discussed further considering that in omnibus law and Government Regulation has changed from several provisions previously regulated in Law no. 32 of 2009 which in this case specifically concerns environmental permits which are not explicitly regulated, including arrangements related to the preparation of Environmental impact assessment.

In the omnibus law, the environmental permit is removed and replaced with an environmental approval which is a decision on environmental feasibility or a statement of environmental management capability that has obtained approval from the central government or regional government, this is as regulated in Article 22 point 35.

In addition, in the preparation of Environmental impact assessment related to public participation is central to keep environmental sustainability into account. The role of the community is not only limited to those who experience direct impacts from the activities/businesses carried out by a legal entity/person. environmental law emphasizes community involvement in drafting Environmental impact assessment and environmental permits. The community involved consists of affected communities, environmentalists, and people who are affected by all decisions in the process Environmental impact assessment. environmental law mandates that the community be involved before drafting the terms of reference document Environmental impact assessment through announcements of activity/business plans and public consultations, but in Omnibus law obligations and responsibilities of business actors for the environment are relaxed, and public participation in the preparation of the Environmental impact assessment is limited to affected communities.

In addition, giving Environmental impact assessment only limited to sectors that have a large impact on the environment (high risk)

while the regulation regarding high risk, etc. is not explained in detail in the regulation. Of course this can be multi-interpreted, not only that, in omnibus law. only emphasizing the imposition of administrative sanctions in the form of freezing of business licenses for every legal subject who violates the licensing provisions in the law, it may not necessarily provide a deterrent effect for the perpetrators, so it is necessary for criminal law enforcement to be important to enforce in this case. This is what then arises the question in this study is how the position of environmental permits in the perspective of environmental crimes against cases of destruction of mangrove forests in Makassar City.

Therefore, this study intends to examine the position of environmental permits in the perspective of environmental crimes against cases of destruction of mangrove forests in Makassar City.

Material and Method

This research uses normative-empirical research methods, namely the type of normative legal research that is supported and equipped with empirical data. To answer the problems that have been formulated in the research questions, data collection was carried out using the interview method and the sources were the Makassar City District Court and the Mangrove Forest Area Community in the Lantebung area of Makassar City.

The types and sources of data used are primary data and secondary data. Furthermore, both secondary and primary data were analyzed using qualitative analysis techniques and presented descriptively.

Results and Discussion

The Position of Environmental Permits in the Perspective of Environmental Crimes

The Republic of Indonesia is always making changes in its efforts to realize national goals, especially in the field of environmental law. Regulations related to the environment are part of agrarian law that can be approached using the Venn Agrarian Theory which describes the scope of agrarian, namely :

1. Earth includes objects on the earth, objects planted on the earth, objects in the body of the earth;
2. Water includes ocean waters, inland waters, earth under waters;

3. Space includes the space above the waters and the space above the earth.

The Constitution of the Republic of Indonesia in Article 33 paragraph (3) states "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people" and added to the provisions in Article 2 paragraph (1) of the 1960 Basic Agrarian Law states that:

"Based on the provisions in Article 33 paragraph (3) of the Constitution and the matters referred to in Article 1, the earth, water and space, including the natural resources contained therein, are at the highest level controlled by the state, as an organization. power of all the people".

From such a philosophical background, there are two things that are interrelated. First, the earth, water and natural resources are controlled by the state. Second, control by the state is aimed at building the prosperity of the people. Furthermore, what is meant by "control to regulate" is explained in the provisions of Article 2 of the Basic Agrarian Law No. 5 of 1960 namely :

1. Based on the provisions in Article 33 paragraph (3) of the Constitution and the matters referred to in Article 1, the earth, water and space, including the natural resources contained therein, are at the highest level controlled by the state as the power organization of the whole people;
2. The State's Right to Control is included in paragraph (1) of this Article which authorizes:
 - a. Regulate and administer the allocation, use, supply, and maintenance of the said earth, water and space;
 - b. Determine and regulate the legal relationship between people and the earth, water, and space;
 - c. Determine and regulate legal relations between people and legal actions concerning earth, water, and space.

The Constitution of the Republic of Indonesia as the constitutional basis mandates that Indonesia's natural resources be devoted to realizing the people's prosperity that they aspire to. We must maintain the prosperity of the people so that the present generation and future generations can enjoy it in a sustainable manner. Development is a conscious effort to manage and utilize natural resources to bring about the prosperity of the targeted people, both to achieve physical and spiritual prosperity. So that

the use of natural resources must be in harmony, harmonious and balanced with environmental functions.

In order to regulate that the resources owned can be managed and allocated according to benefits by taking into account environmental conservation factors, a permit is needed as a form of government control in the management of a natural resource, because actually a permit is a preventive juridical government tool and is used as an administrative instrument. to control people's behavior. Therefore, the nature of a permit is preventive, because in the permit instrument, it cannot be released with orders and obligations that must be obeyed by the permit holder.

In the context of mangrove forest protection, permits are very necessary because the role of mangrove forests is very important for life, especially in coastal areas. When the permit holder does not use the permit properly, repressive measures can be given if the permit holder does not carry out his obligations. In its development, permits regarding mangrove forests can be seen in Law no. 32 of 2009 concerning Environmental Protection and Management Law no. 11 of 2020 omnibus law which amends several provisions that were previously regulated in the Environmental Law as described below:

1. Environmental Permits in Law no. 32 of 2009 concerning Environmental Protection and Management

Environmental permits as regulated in environmental law which is contained in Article 1 number 36 which means that: "Environmental permit is a permit granted to every person who carries out a business and/or activity that is obligatory Environmental impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts in the context of environmental protection and management as a prerequisite for obtaining business and/or activity permits". From this explanation, it can be seen that an environmental permit is a requirement for everyone to obtain a business license which is then reaffirmed in Article 40 paragraph (1)

namely "Environmental permit is a requirement to obtain a business and/or activity permit." Even when the environmental permit is revoked, the business license can also be canceled in accordance with Article 40 paragraph (2), namely "In the event that the environmental permit is revoked, the business and/or activity permit is canceled".

Based on these provisions, it appears that

the issue of environmental permits is something that cannot be separated from business permits due to several principles that apply in the management of environmental permits, as regulated in Article 2 environmental law namely sustainability and sustainability, prudence, ecoregions, and biodiversity. The view that is formed from this series of arrangements is that it is more oriented towards protection because it views natural resources as capital and not income. Paradigm which of course avoids the use of natural resources that should need each other to achieve a higher balance of environmental quality.

In order to build the quality of the living environment that is aspired to, then it is then arranged in such a way related to environmental permits which cannot be separated from the environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts. Regarding this, it can be seen in Article 36 paragraph (1) that: "Every business and/or activity that is required to have an environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts. must have an environmental permit". In addition, the issuance of the environmental permit must be based on an environmental feasibility decision that can be determined by the minister, governor or mayor based on the environment impact assessment commission based on their respective authorities.

The environmental law clearly shows the spirit of the government so that every business is encouraged to be equipped with an Environmental impact assessment first, even the local government is mandated to assist in the preparation of the Environmental impact assessment for businesses and/or weak economic activities that have an important impact on the environment. This is not without reason, considering that Environmental impact assessment is a form of study that provides recommendations on the types of development activities. In relation to feasibility which is closely related to environmental management and environmental monitoring, the implementation of the feasibility study development is in the form of technical feasibility, economic feasibility and environmental feasibility. Environmental feasibility embodied in the Environmental impact assessment study provides suggestions so that development activities can be realized not only for the current generation but also think about providing equal opportunities for future generations.

As an important matter, Environmental

impact assessment according to Article 1 number 11 environmental law is defined as "a study of the significant impact of a planned business and/or activity on the environment which is required for the decision-making process regarding the implementation of a business and/or activity." Environmental impact assessment is one of the prevention instruments in accordance with Article 14 letter e environmental law. Environmental impact assessment is mandatory for business activities that have an important impact whose classification is based on several provisions described in Article 22 paragraph (2) of the environmental law, namely:

Significant impacts are determined based on the following criteria:

1. The size of the population that will be affected by the planned business and/or activity;
2. The area of impact distribution;
3. The intensity and duration of the impact;
4. The number of other environmental components that will be affected;
5. The cumulative nature of the impact;
6. Reversal or non-reversal of impact; and/or
7. Other criteria in accordance with the development of science and technology.

In the case of destruction of mangrove forests in the Lantebung area of Makassar City, if seen in Attachment I to the Mayor's Regulation, the type of business is not included in the Environmental Management Efforts and Environmental Monitoring Efforts mandatory because there is no type of business that is required to be Environmental Management Efforts and Environmental Monitoring Efforts, other than that those that intersect with mangrove areas must have The environment impact assessment, of course, has a more in-depth study due to the types of business activities and/or activities that are considered prone to damaging the environment and ecosystems, especially in coastal areas. This is then not completed by the PT. Tompo Dalle is in business in the area.

In the previous discussion, both the ministerial regulations and the Mayor's Regulations, it was stated that there was an obligation for SPPL for types of businesses that are not required to be Environmental Management Efforts and Environmental Monitoring Efforts, where the meaning of SPPL can be seen in the Mayor's Regulation, namely in Article 1 number 10, that Statement

of Commitment to Environmental Management and Monitoring, hereinafter abbreviated as SPPL, is a statement of the ability of the person in charge of the business and/or activity to manage and monitor the environment for environmental impacts from the business and/or activity outside the business and/or activity for which environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts.

SPPL can be said to be the last classification in the environmental permit document requirements within the environmental law framework. Unlike Environmental Management Efforts and Environmental Monitoring Efforts, which involves SKPD in the process. However, in SPPL, the direct process from the initiator to the Head of the Environmental Agency starts from the preparation by the initiator in accordance with Article 9 paragraph (1) of the Mayor Regulation, then it will be verified by the Head of the Regional Environmental Agency in accordance with Article 9 paragraph (2) and the results are in accordance with paragraph (3) of the said Mayor Regulation, namely Based on the results of the verification as referred to in paragraph (2), the Head of the Regional Environmental Agency:

1. Provide proof of SPPL registration if the business and/or activity is a business and/or activity that is required to make SPPL; or
2. Reject SPPL if the business and/or activity is a business and/or activity that is required to have an environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts. Because as the last classification, the reason for the refusal is only for the purpose of obtaining a permit that is deemed more appropriate in accordance with the type of business and/or activity.

2. Environmental Approval after Law No. 11 of 2020 Omnibus Law

Amendments to environmental law, which on this occasion the author will highlight those relating to environmental permits and the post-change consequences, apart from the Constitutional Court Decision No. 91/PUU-XVIII/2020 which causes the need for repairs but there is nothing wrong if we look at the changes in it, especially on environmental permits.

Changes in Law no. 11 of 2020 Omnibus Law relating to environmental permits, we can start by looking at Article 21 that In order to make it easier for everyone to obtain environmental approval, this Law amends, deletes, or stipulates

new arrangements for several provisions related to Business Licensing as regulated in Law no. 32 of 2009 concerning Environmental Protection and Management.

Furthermore, to see what articles were made changes as stipulated in Article 22 of the Omnibus Law, including:

1. The provisions in Article 1 number 12, namely the provisions regarding Environmental Management Efforts and Environmental Monitoring Efforts are changed from the original ones for businesses and/or business activities that do not have an important impact into a series of processes as outlined in a standard form and contained in a business license. So if previously Environmental Management Efforts and Environmental Monitoring Efforts issued governor, regent/mayor decrees regarding recommendations as requirements for environmental permits, but now these standards are changed to be directly contained in business permits or approvals from central and regional governments;
2. In addition, in Article 1 number 35, which was originally revised in environmental law, it is stated that "Environmental permit is a permit granted to every person who carries out a business and/or activity for which environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts is required in the context of environmental protection and management. as a prerequisite for obtaining a business and/or activity license." Changed in the Omnibus Law to "Environmental Approval is an Environmental Feasibility Decision or a statement of Environmental Management Commitment that has obtained approval from the Central government or Local Government."

In the changes that have occurred, which changes the provisions regarding environmental permits into environmental approvals that are integrated with business permits, with the aim of simplifying and facilitating control. As for what is currently a problem, namely regarding the environment impact assessment on environmental approvals where Article 26 of the Omnibus Law states that:

1. The environment impact assessment document as referred to in Article 22 is

- prepared by the proponent with the involvement of the community;
2. The preparation of the Amdal document is carried out by involving the community who are directly affected by the planned business and/or activity;
 3. Further provisions regarding the process of community involvement as referred to in paragraph (2) shall be regulated in a government regulation.

Referring to these provisions, if you look closely, you can't find any environmental and community observers who will influence the entire process of making the environment impact assessment. Community involvement in the environment impact assessment process is still considered to be less aspirational, even though the goal to be achieved from the Omnibus Law is to simplify the aspects we need to facilitate the investment process so that it has an impact on the economic progress of the Indonesian nation. However, it is necessary to remember that the role of the community in the involvement of a policy is very important for the smooth running of the policy, considering that community legitimacy is important in implementing a rule of law.

We certainly want a legal order that the community obeys because they approve of it and sanctions are only a supporting function, because what is expected is that this order can be useful if all people and parties feel bound in it, and it should also be remembered that not just any imposed normative order can be enforced. enforced and referred to as law, but it requires the acceptance and legitimacy sociologically of the community. Law is an order of norms that is ensured by the state, only physical coercion is necessary and which is recognized as legitimate by the community. In Law no. 11 of 2020 Omnibus Law Also the provisions regarding the submission of objections to the environment impact assessment document by the community were removed which further reduced the role of the community in overseeing environmental issues.

The Omnibus Law has removed several provisions in Article 29 Article 31 regarding the environment impact assessment commission that is in the environmental law even though the role of the environment impact assessment commission certainly has a license that makes them competent in assessing environment impact assessment documents. In addition, with the abolition of some of these provisions, the technical team and secretariat that assist the environment impact assessment commission in carrying out their duties

are eliminated. In addition to environment impact assessment, other changes are contained in the Environmental Management Efforts and Environmental Monitoring Efforts, namely there are changes to the Environmental Management Efforts and Environmental Monitoring Efforts scheme where previously the types of businesses and/or activities that required Environmental Management Efforts and Environmental Monitoring Efforts were determined by the governor, regents/mayors became determined by the central government.

The Environmental Permit in environmental law can be canceled by the State Administrative Court, namely in accordance with the provisions stipulated in Article 38 of the environmental law by challenging the state administrative decision which in the rules of the Omnibus Law is simplified to a business license. However, this provision was later removed in the Omnibus Law. In fact, this provision is a step that can be taken by the community directly to control all government actions that issue a policy in the form of an environmental permit or environmental approval. In every legal state, there must be an opportunity for every citizen to challenge the decisions of state administration officials and the execution of the decisions of state administrative judges (administrative courts) by state administration officials. The role of the State Administrative Court is to ensure that citizens are not wronged by the decisions of state administration officials as the ruling party.

In the context of applying criminal sanctions for any action that is proven to violate the regulations relating to environmental approvals and has been stipulated in Law no. 11 of 2020 Omnibus Law, namely in Article 111 which reads that: "An official giving environmental approval without being equipped with an environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts as referred to in Article 37 shall be punished with imprisonment for a maximum of 3 (three) years and IDR 3,000,000,000.00 (three billion rupiah)".

Based on the series of descriptions above, it can be concluded that the position of an environmental permit or environmental approval for actions or activities in the environmental field is an absolute thing to be

fulfilled. In general, the function of an environmental permit or environmental approval is to limit the scope of movement of business actors so as not to deviate from the permit given. The point is that the business actor is actually correct and has fulfilled the requirements contained in the provisions for environmental management and maintenance, so that the business actor does not arbitrarily exploit natural resources.

As for the regulation of sanctions regulated in the Omnibus Law, which only imposes criminal sanctions on the giver of environmental approval. This is based on the absence of the use of the phrase "Business Licensing" but only "Environmental Approval" which is sanctioned, unlike the environmental law setting which distinguishes "Business Permit Giver Without Environmental Permit" and "Environmental Permit Giver Without environment impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts".

The regulation of sanctions for violations of environmental permits and environmental approvals can basically go hand in hand comprehensively, namely the enforcement of administrative, criminal and civil laws. To be able to apply the three sanctions, it is necessary to explain later in relation to the extent of the impact of the actions of legal subjects that cause forest damage, if the impact is not widespread then administrative sanctions can be considered, or if there are parties who experience direct losses, which can be applied. civil sanctions. However, if it has a widespread impact which of course can be proven by the presence of an environmental expert's statement, it is necessary to then apply criminal sanctions to the case.

Assistance and intervention from environmental experts is very decisive regarding the evidence before the court. This is what can prove the existence of errors in the form of damage, and the extent of the damage to the environment, what habitats are damaged, and the wider impact can only be done with expert testimony which is one of the evidences that has a very important role. important in convincing the panel of judges in the imposition of sanctions. However, in this case, the imposition of criminal sanctions is deemed necessary to better protect the environment.

The application of criminal sanctions based on the principle of *ultimum remedium* must be strengthened because punishment is believed to be able to provide a deterrent effect for the public interest as well as recovery, which from a criminal

perspective everything includes administrative and civil matters so that the impact of prevention is more widespread. According to the relative theory which views crime as a *relata ad effectum futurum* which is related to his work with the future.

The imposition of criminal sanctions can be applied with two objectives, namely general prevention and special prevention. That because the purpose of sentencing in mixed theory is the result of a disgraceful act, the public is made to be afraid (general prevention), and the influence of the judicial process and the imposition of sanctions will frighten the suspect from committing another crime (special prevention through elimination, scaring, correcting and etc).

Conclusion

Based on the description of the results of the previous discussion, the authors conclude that:

The position of environmental permits in the perspective of environmental crimes is an absolute thing to be fulfilled. The environmental permit which was originally regulated in environmental law has now been amended in a new provision, namely Law no. 11 of 2020 Omnibus Law is an environmental agreement. The nomenclature is different, but the meaning remains the same, namely both environmental permits and environmental approvals are needed to limit the space for business actors to move so as not to deviate from the permits given. As for the regulation of sanctions for violations of environmental permits and environmental approvals, basically, they can go hand in hand comprehensively, namely the enforcement of administrative, criminal and civil laws. To be able to apply the three sanctions, it is necessary to explain later in relation to the extent of the impact of the actions of legal subjects that cause forest damage. However, in this case, the imposition of criminal sanctions is deemed necessary to better protect the environment. The application of criminal sanctions based on the principle of *ultimum remedium* in order to provide a deterrent effect for the public interest as well as recovery, as well as provide a wider preventive impact.

Suggestion

It is hoped that there will be good collaboration between the parties, both city

and provincial governments and other stakeholders so that a sense of concern for the environment can be maintained. Even by encouraging the use of mangrove areas as green open space in order to guarantee the protection of 30% of the mangrove area against all land use changes, etc. So that people will feel safe, with an environment that is not sacrificed.

References

- A. Zainal Abidin Farid, *Hukum Pidana I*, Sinar Grafika, Jakarta, 2014
- A.M Yunus Wahid, *Pengantar Hukum Lingkungan*, Prenada Media Group, Jakarta, 2018
- A'an Efendi, *Hukum Pengelolaan Lingkungan*, Indeks Jakarata, Jakarta, 2018
- Abdul Latif dan H. Hasbi Ali, *Politik Hukum*, Sinar Grafika, Jakarta Timur, 2014
- Abrar Saleng, *Kapita Selekta Ilmu Hukum Edisi 1:Kumpulan Pidato Pengukuhan Guru Besar Fakultas Hukum Universitas Hasanuddin*, Membumi Publishing, Makassar, 2013
- Amran Saru dkk, *Analisis Kesesuaian Lahan Rehabilitasi Mangrove di Kecamatan Bontoa Kabupaten Maros Provinsi Sulawesi Selatan*, Torani Journal of Fisheris and Marine Science, Vol. 1, No 1, December 2018
- Bagus Dwi Rahmanto (Direktorat Konservasi Tanah dan Air), *Peta Mangrove Nasional Dan Status Ekosistem Mangrove Di Indonesia*, Disampaikan Dalam Webinar "Development for Mangrove Monitoring Tools in Indonesia" Jakarta, 6 Agustus 2020 (diakses pada 25 Juli 2021, Jam 22.32)
- Esmi Warassih Pudjirahayu dan Rahmat Bowo, *Dekonstruksi dan Gerakan Pemikiran Hukum Progresif*, Thafa Media, Yogyakarta, 2013
- Franz Magnis-Suseno, *Etika Politik (Prinsip Moral Dasar Kenegaraan Moderan)*, Gramedia Pustaka Utama, Jakarta, 2019
- Indonesian Center for Environmental Law (ICEL), *Seri Analisis: Berbagai Problematika Dalam UU Cipta Kerja Sektor Lingkungan dan Sumber Daya Alam*, dalam <https://icel.or.id/wp-content/uploads/ICEL-SERI-ANALISIS-UU-CIPTA-KERJA-SEKTOR-LH-DAN-SDA-compressed.pdf>, hal. 6, (diakses pada 18 Juli 2021, Jam 10.13)
- Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, Jakarta, 2014
- Kahar Lahae, *Mengenai Penataan Ruang Pesisir dan Laut Dalam Perspektif Hukum dan Keadilan*, Disertasi, Sekolah Pasca Sarjana Universitas Hasanuddin, Fakultas Hukum, Makassar, 2016
- Kementerian Kelautan dan Perikanan (KKP) RI, *Laut Masa Depan Bangsa, Mari Jaga Bersama*, SIARAN PERS, Nomor : SP204/SJ.04/VIII/2019
- Laode M Syarif dan Andri G. Wibisana., *Hukum Lingkungan: Teori, Legislasi dan Studi Kasus*, Rajagrafindo, Jakarta, 2010
- Lembaga Kajian & Advokasi Independensi Peradilan (LeIP), *Diskusi Publik Diskusi Publik "Izin Lingkungan Hidup UU Ciptaker"* pada 21 Januari 2021, dikutip dalam <https://leip.or.id/diskusi-publik-izin-lingkungan-hidup-uu-ciptaker/> (diakses pada 15 Agustus 2021, Jam 9.40)
- Mursid Rahardjo, *Memahami AMDAL*, Graha ilmu, Yogyakarta, 2014
- Peta Mangrove Nasional Direktorat Konservasi Tanah dan Air, Ditjen PDASRH, Tahun 2021
- Rini dkk, *Kajian Kesesuaian, Daya Dukung dan Aktivitas Ekowisata di Kawasan Mangrove Lantebung Kota Makassar*, Jurnal Pariwisata, Vol. 5, No.1, April 2018
- Satria Sukananda dan Danang Adi Nugraha, *Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) sebagai Kontrol Dampak terhadap Lingkungan di Indonesia*, Jurnal Penegakkan Hukum dan Keadilan, Vol.1, No.2, Yogyakarta, 2020
- Siahaan N.H.T., *Hukum Lingkungan*, Pancuran Alam, Jakarta, 2009

Perundang-Undangan

- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;*
- Undang-Undang No. 5 Tahun 1990 tentang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya*
- Undang-Undang No. 31 Tahun 2004 Jo. Undang-Undang No. 45 Tahun 2009 tentang Perikanan*
- Undang-Undang Republik Indonesia No. 19 Tahun 2004 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang No. 1 Tahun 2004 tentang Perubahan Atas Undang-Undang No. 41 Tahun 1999 tentang Kehutanan Menjadi Undang-Undang;*

- Undang-Undang No. 24 Tahun 2006 tentang Pedoman Penyelenggaraan Pelayanan Terpadu Satu Pintu*
- Undang-Undang No. 26 Tahun 2007 tentang Peta*
- Undang-Undang Republik Indonesia No. 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup;*
- Undang-Undang No. 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang*
- Undang-Undang No. 1 Tahun 2014 tentang Perubahan atas Undang-Undang No. 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil;*
- Undang-Undang No. 23 Tahun 2014 tentang Pemerintahan Daerah Daerah jo. UU No. 9 Tahun 2015*
- Undang-Undang No. 13 Tahun 2018 tentang Pencegahan dan Pemberantasan Perusakan Hutan*
- Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja*
- Peraturan Pemerintah No. 27 Tahun 2012 tentang Izin Lingkungan*
- Peraturan Pemerintah No. 13 Tahun 2017 tentang Perubahan Atas Peraturan Pemerintah No. 26 Tahun 2008 tentang Rencana Tata Ruang Wilayah Nasional*
- Peraturan Pemerintah No. 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup*
- Peraturan Pemerintah Republik Indonesia No. 27 Tahun 2021 tentang Penyelenggaraan Bidang Kelautan Dan Perikanan*
- Peraturan Presiden No. 73 Tahun 2012 tentang Strategi Nasional Pengelolaan Ekosistem Mangrove*
- Peraturan Presiden No. 23 Tahun 2021 tentang Kebijakan Satu Peta*
- Permen KKP No. 23/Permen-kp/2016 tentang Perencanaan Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*
- Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia No. 24/Permen-Kp/2016 tentang Tata Cara Rehabilitasi Wilayah Pesisir dan Pulau-Pulau Kecil*
- Peraturan Menteri Lingkungan Hidup dan Kehutanan Republik Indonesia No.38/MENLHK/SETJEN/KUM.1/7/2019 tentang Jenis Rencana Usaha dan Kegiatan Yang Wajib Memiliki Analisis Mengenai Dampak Lingkungan Hidup*
- Peraturan Daerah Kota Makassar No. 4 Tahun 2015 tentang Rencana Tata Ruang Wilayah (RTRW) Kota Makassar Tahun 2015-2034*
- Peraturan Walikota Makassar No. 68 Tahun 2016 tentang Tata Cara Penerbitan Izin Lingkungan*
- Peraturan Walikota Makassar No. 8 Tahun 2016 tentang Jenis Rencana Usaha dan Kegiatan Yang Wajib Memiliki Upaya Pengelolaan Lingkungan Hidup dan Upaya Pemantauan Lingkungan Hidup dan Surat Pernyataan Kesanggupan Pengelolaan dan Pemantauan Lingkungan Hidup di Kota Makassar*