

The Urgency of Pancasila Values in the Implementation of Humane Public Policy in the Environmental Sector

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Abstract

Developments in the industrial world have resulted in a paradigm shift in environmental management, resulting in environmental policies leaving far from ecological identity in every product produced. This article using the juridical empiricism method aims to discuss the urgency of Pancasila values in the implementation of humanist public policies in the environmental sector. Based on the studies conducted, it is known that changes in the world order due to technological and cultural advances have resulted in the degradation of the human paradigm in terms of environmental management. The degradation of this environmental management paradigm has left far the aspects of ecological needs for the environment. In short, this can be said to have released the human dimension in viewing the use of the environment which is obsessed with industrial profits alone. Pancasila through its balance teaching mandates that legal policies related to environmental management return to its soul, namely ecological awareness. The position of Pancasila is important because every value contained in the Five Pancasila Precepts is basically an accumulation of values of equality and values of balance. Operationally the values of Pancasila require recognition and protection for physical and spiritual needs related to the dimensions of social life as well as the human dimension as individuals, especially in terms of environmental policy issues.

I. Introduction

The environment is a variable that cannot be separated and is very important for the course of human life. The significance and benefits of the environment include the following:¹

1. As a Provider of Water, all living things, whether humans, animals or plants, need water to live. Therefore, water becomes one of the important things in

¹ Dinas Lingkungan Hidup Kota Semarang, "Apa Saja Manfaat Lingkungan Hidup Alami Bagi Kehidupan", accessed at <https://dlh.semarangkota.go.id/apa-saja-manfaat-lingkungan-hidup-alami-bagi-kehidupan/>, on 11 February 2021.

life. If there is a shortage of water, it is certain that living things will become limp, sick, and even die.

2. As a Provider of Microorganisms, Microorganisms are needed to decompose the remains of living things that have died. Through a process carried out by microorganisms, these remains will become fertile soil.
3. As a provider of oxygen, every living thing needs oxygen to breathe. Just like water, if there is a lack of oxygen, living things will limp, even die. As a Provider of Natural Resources, one example of natural resources in a natural environment is natural gas and oil. Both of these natural resources will be used by humans to meet their needs. For example, natural gas and petroleum will be processed into fuel.
4. As a Provider of Land, For plants, soil functions as a place to live. For humans, land serves as a place for gardening, farming, and even building a house.
5. As a Food Source, in the natural environment there are various biotic and abiotic elements that are mutually beneficial, such as plants need sunlight to photosynthesize, animals need plants as a food source, and humans need animals and plants as a food source.
6. As a place of life, the environment is a place for living things, both humans, animals and plants to stand on. In addition, the environment is also a place for activities and interactions.

The importance of the benefits of the natural environment for life made the Founders of this Nation include the spirit of ecological mandate in the political sources of Indonesian state law. In terms of individual rights, this can be observed in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that "every person has the right to live in physical and spiritual prosperity, to have a home, to have a good and healthy environment, and to obtain health services". Meanwhile, in the context of being a state and nation, the spirit of environmental protection and the ecological need for the environment is stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people".

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia were later referred to by Jimly as ecological constitutions or green constitutions.² The green constitution basically views that the benefits of the environment can be accessed by every citizen of Indonesia, but the green constitution also stipulates that the environment is an ecosystem environment which is an important human asset so that environmental preservation must be carried out. Related to this, it can be understood that the green constitution is a concept of thinking that requires a balance in the utilization of the environment.³

² Jimly Asshiddiqie, *Gagasan Kedaulatan Lingkungan: Demokrasi versus Ekokrasi*, accessed at http://jimly.com/makalah/namafile/160/Demokrasi_dan_Ekokrasi.pdf, on 12 January 2021.

³ Jimly Asshiddiqie, *Green Constituion: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Rajawali Pers, Jakarta, 2009, page 152.

Green constitution as an idea in realizing a balance in the real use of the environment can be said to be an explanation of Pancasila values. Ferry Irawan Febriansyah said that each of the values contained in the Five Precepts of Pancasila is basically an accumulation of values of equality and values of balance, operationally the values of Pancasila require recognition and protection for physical and spiritual needs related to these dimensions. dimensions of social life as well as the human dimension as individuals.⁴ This concept includes the guarantee of meeting the needs of a good environment.

Human life in the modern era until entering the current metaverse century, whether we realize it or not, gave birth to many modern human characters, one of which is characterized by an individualistic and consumptive attitude.⁵ This individualist and consumptive attitude then develops into a social attitude in society, this then spreads to the problem of the attitude of interpreting the position and function of the environment which is more towards capitalism and far away from the concept of ecological balance. Arnoldo Contreras and Hermosilla explained that "forest decline, resulting from the enormous human ability to alter large forest ecosystems is the source of intense conflicts between rural populations, governments, commercial interests and, increasingly, sections of the public at large".⁶ Based on this view, it is clear that the damage or decline in the function of the environment is caused by an increase in the ability of a large number of people to utilize the environment, so that in the end this environmental problem often becomes a source of conflict between the state and society as well as business owners related to environmental exploitation.⁷

This situation can be seen in the narrative of developments in the utilization of the environment in Indonesia. The Indonesian Forum for the Environment or WALHI stated that environmental conditions in Indonesia were in a very bad condition. Forests in Kalimantan to Papua are still being exploited and destroyed by corporations, namely in the form of deforestation to be converted into extractive industries. Extractive industry activities that exploit nature not only have an impact on shrinking forests which function as absorbers of carbon dioxide emissions, but at the same time have contributed to exacerbating global warming and threatening the livelihoods of tens of millions of indigenous peoples. From research conducted by WALHI, it was found that a land area of 159 million hectares has been plotted under extractive industry investment permits. The land area legally controlled by corporations is 82.91%, while the sea area is 29.75%. IPBES 2018 data also states that every year Indonesia loses 680 thousand hectares of forest, which is the largest in the Southeast Asia region.⁸

⁴ Ferry Irawan Febriansyah, "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa", *DiH Jurnal Ilmu Hukum*, Volume 13, Nomor 25, 2017, page 12-13.

⁵ Mohammad Arif, *Individualisme Global Di Indonesia, (Studi Tentang Gaya Hidup Individualis Masyarakat Indonesia di Era Global)*, STAIN Kediri, Kediri, 2016, page 56-58.

⁶ Arnoldo Contreras-Hermosilla, "The Underlying Causes of Forest Decline", Occasional Paper No. 30, Center For International Forestry Research, Bogor, 2000, page 1.

⁷ WALHI, *Kondisi Lingkungan Hidup di Indonesia di Tengah Isu Pemanasan Global*, accessed at <https://www.walhi.or.id/kondisi-lingkungan-hidup-di-indonesia-di-tengah-isu-pemanasan-global>, on 22 Februari 2021.

⁸ *Loc, cit.*

Meanwhile, data on river damage compiled by the Ministry of Environment and Forestry noted that, out of 105 existing rivers, 101 of them were in moderate to heavily polluted conditions. Not only that, WALHI's investigations from 2013 to 2019 yielded quite astonishing data, where the control of oil palm land in Indonesia has so far only been controlled by 25 tycoons. The total forest area controlled by this palm oil conglomerate is 12.3 million hectares. Of the total forest area that has received the green light and has obtained the permit, 5.8 million hectares of which are now oil palm plantations. Whereas in Indonesia there are 50-70 million indigenous people who live and depend on forests. When forests are destroyed and controlled by corporations, apart from exacerbating global warming, cases of conflict in the regions will also increase. The government should respect indigenous peoples' rights more, and protect them from criminalization of corporations, instead of giving capitalism a red carpet.⁹

The report from Auriga Nusantara is no less worrying. During Jokowi's administration, at least in the last 20 years there has been deforestation in Papua covering an area of 663,443 hectares. Where 71 percent of them occurred from 2011 to 2019. The biggest contributor to deforestation was the opening of oil palm plantations covering an area of 339,247 hectares. However, from the search results it turned out that only 194 thousand hectares had been planted with oil palm, the rest were in a damaged condition. The impact of converting forest functions into extractive industrial areas, be it plantations, property, agriculture, forestry, mining, infrastructure and maritime affairs, is also a condition for various problems. From the report of the Consortium for Agrarian Reform (KPA), throughout 2018 alone there were 410 agrarian conflicts with an area of 807,177 hectares of conflict, involving 87,568 households. With such extensive forest destruction, it is not surprising then that throughout 2020, BNPB recorded 2,925 natural disaster events in Indonesia, ranging from floods, tornadoes, landslides, forest and land fires, droughts, and heat waves. The ecocidal practice of destroying the environment that ignores spatial planning and the environment is a fact that the bad practices of a handful of corporations that control millions of hectares of land have proven to exacerbate the intensity of disasters in Indonesia. The number of fatalities has also almost tripled, namely in the period 2017 to 2018 there was an increase in the number of disaster victims, from the previous 3.49 million people to 9.88 million people.¹⁰

Various issues raised through WALHI's research indicate that environmental management in various regions in Indonesia has fallen far short of human values, this is evidenced by the neglect of the ecological needs of the affected communities due to environmental damage due to uncontrolled environmental exploitation. The loss of human values in environmental governance clearly violates the mandate of Pancasila as well as the mandate of the green constitution.

There have been many discussions related to the implementation of policies in the environmental sphere, this can be seen in the following articles:

⁹ *Loc. cit.*

¹⁰ *Loc. cit.*

1. Article owned by I Gede Yusa and Bagus Hermanto entitled "Implementation of the Green Constitution in Indonesia: Guarantee of Constitutional Rights for Sustainable Environmental Development". In 2018. This paper focuses on two legal issues, namely how is the concept of the Green Constitution in the context of the 1945 Constitution of the Republic of Indonesia and its arrangements in Indonesia and how is the implementation of the concept of the Green Constitution in the 1945 Constitution of the Republic of Indonesia in the context of guaranteeing human rights to a sustainable environment.¹¹
2. Article owned by Dinda Riskanita and Yeni Widowaty with the title "Local Government Efforts to Overcome Environmental Damage Due to Land Conversion Based on the Welfare State Concept". In 2019. This paper focuses on identifying and analyzing issues regarding the impact of land conversion which results in environmental damage, and local government efforts to overcome environmental damage based on the concept of a welfare state.¹²

The author's writing of the article focuses on "The Urgency of Pancasila Values in the Implementation of Humane Public Policy in the Environmental Sector".

2. Research Method

The method used in this article is the method of juridical empiricism, meaning that law is seen as an object of study from an empirical point of view which sees law as a social phenomenon, within the data collection with interviewers, and purposive sampling. on the other hand law is seen as the result of studying the norms of legal regulations.¹³

3. Results and Discussion

Loss of Human Values in Environmental Policy

Robert Eyston explains that public policy is the relationship between government units and their environment.¹⁴ Thomas R Dye then stated that public policy is whatever government chooses to do or not to do (whatever the government chooses to do or not to do).¹⁵ The definition of public policy explained by Thomas R. Dye emphasizes the meaning that public policy is about the embodiment of "actions" and is not merely a statement of the will of the government or public officials. In addition, the government's choice not to do

¹¹ I Gede Yusa dan Bagus Hermanto, "Implementasi *Green Constitution* di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan", *Jurnal Konstitusi*, Volume 15, Nomor 2, 2018, page 307.

¹² Dinda Riskanita dan Yeni Widowaty, "Upaya Pemerintah Daerah Mengatasi Kerusakan Lingkungan Akibat Alih Fungsi Lahan Berdasarkan Konsep Negara Kesejahteraan", *Supremasi Hukum : Jurnal Penelitian Hukum*, Vol. 28, No. 2, 2019, page 123.

¹³ Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas dari Metode Penelitian Hukum", *Fiat Justisia*, Vo. 8, No. 1, 2014, page 24-30.

¹⁴ Budi Winarno, *Kebijakan Publik: Teori dan Proses*, (Edisi Revisi), Media Pressindo, Yogyakarta, 2007, page 15.

¹⁵ M. Irfan Islamy, *Prinsip-prinsip Perumusan Kebijaksanaan Negara*, Bumi Aksara, Jakarta, 2009, page 19.

something is also a public policy because it has the same effect (impact) as the government's choice to do something.

Chandler and Plano who define policy as the strategic use of existing resources to solve public or government problems.¹⁶ The definition of the environment according to Gatot P. Soemartono is all things, conditions, circumstances and influences contained in the room we live in, and affect living things including human life. The boundaries of environmental space according to this understanding can be very broad, but in practice it is limited to environmental space by factors that can be reached by humans such as natural factors, political factors, economic factors, social factors and others.¹⁷

L.L. Bernard provides a division of the environment into 4 (four) major parts, namely:¹⁸

- a. Physical or inorganic environment, namely the environment consisting of cosmic and physiogeographical forces such as land, air, sea, radiation, attraction, waves, and so on.
- b. Biological or organic environment, everything that is biotic in the form of microorganisms, parasites, animals, plants, including the prenatal environment, and biological processes such as reproduction, growth, and so on.
- c. The social environment, divided into three parts, namely:
 - 1) The physiosocial environment, which includes material culture (tools), such as weapons, machines, buildings, etc.
 - 2) The biosocial environment, namely humans and their interactions with each other and domestic plants and animals and all materials used by humans that come from organic sources,
 - 3) The psychosocial environment, which is related to the inner nature of humans such as attitudes, views, desires, and beliefs. This can be seen through habits, religion, ideology, language, and others.
 - 4) Composite environment, namely an environment that is regulated institutionally, in the form of community institutions, whether in urban or rural areas.

Based on the various explanations that exist, it can be concluded that what is meant by the living environment is the space occupied by living things together with living and non-living things. This is called the living environment. The juridical definition of the environment is regulated in Article 1 paragraph (1) of the Law of the Republic of Indonesia Number 32 of 2009 concerning the Protection and Management of the Environment which states that:

The environment is a spatial unit with all objects, power, circumstances, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of humans and other living things.

¹⁶ Hesel Nogi S.Tangkilisan, *Implementasi Kebijakan Publik: Transformasi Pemikiran*, Y.A.P, Yogyakarta, 2003, page 1.

¹⁷ Gatot P. Soemartono, *Mengenal Hukum Lingkungan Indonesia*, Sinar Grafika, Jakarta, 1991, page 14.

¹⁸ St. Munadjat Danusaputra, *Hukum Lingkungan Buku 11, Nasional Binacit*, Bandung, 1985, page 201.

The definition of the environment is then legally also stated in Article 1 paragraph (1) of the Government Regulation of the Republic of Indonesia Number 22 of 2021 concerning the Implementation of Environmental Protection and Management which states that:

The environment is a spatial unit with all objects, power, conditions, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of humans and other living things.

Environmental policy in Indonesia in its development is based on the green constitution and the principles and objectives of environmental policy. The principles of implementing the legal system for management and protection of the environment are clearly stated in the Law of the Republic of Indonesia Number 32 of 2009 concerning Protection and Management Environment and Government Regulation of the Republic of Indonesia Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, consisting of:

- a. The principle of state responsibility;
- b. Principles of sustainability and sustainability;
- c. The principle of harmony and balance;
- d. The principle of integration;
- e. Benefit principle;
- f. precautionary principle;
- g. The principle of justice;
- h. Ecoregion principle;
- i. Biodiversity principle;
- j. The polluter pays principle;
- k. Participatory principle;
- l. The principle of local wisdom;
- m. The principle of good governance; And
- n. The principle of regional autonomy.

While the objectives of the environmental law policy according to the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation of the Republic of Indonesia Number 22 of 2021 concerning Implementation of Environmental Protection and Management are:

- a. Protecting the territory of the Unitary State of the Republic of Indonesia from environmental pollution and/or damage;
- b. Ensure safety, health and human life;
- c. Ensuring the survival of living things and the preservation of ecosystems;
- d. Maintaining the sustainability of environmental functions;
- e. Achieve harmony, harmony and balance of the environment;
- f. Ensuring the fulfillment of justice for present and future generations;
- g. Ensure the fulfillment and protection of the right to the environment as part of human rights;
- h. Controlling the wise use of natural resources;
- i. Realizing sustainable development; And
- j. Anticipating global environmental issues.

Based on the principles and objectives of the legal policies for environmental management and protection above, it is clear that both the Law of the Republic of Indonesia Number 32 of 2009 concerning Protection and Management of the Environment and Government Regulation of the Republic of Indonesia Number 22 of 2021 concerning Implementation of Environmental Protection and Management, actually mandates the implementation of wise environmental management and pays attention to environmental sustainability in order to support a decent life for humans that does not only take place at this time, but continues continuously for the next generation of descendants.

The urgency of environmental protection based on environmental management in a sustainable and ecologically conscious manner in Indonesia cannot be said to have been realized. This can be seen from several cases of environmental destruction below:

- a. The case of forest destruction committed by PT. GDS in 2017. PT. GDS was proven to have destroyed forest in the area of a 400 ha location permit in Hariara Pintu Village, Hariara District, Samosir Regency. Based on Decision Number: SP. 138/HUMAS/PP/HMS.3/07/2017, the Panel of Judges chaired by Suhadi with members Desnayeti and Maruap Dohmatiga Pasaribu rejected JS's appeal and upheld the decision of the Medan High Court on January 18 2016 and the Balige District Court on August 19 2015. In their verdict, the Panel of Judges imposed a prison sentence of 3 years and a fine of Rp. 5 billion subsidiary 6 months in prison and ordered the accused to be detained immediately. Apart from criminal penalties, PT. GDS is also required to repair environmental damage in a 400-hectare location permit area in Hariara Pintu Village, Hariara District, Samosir Regency. Environmental improvement was carried out by planting perennials at the location of the felled trees and building a cliff retaining wall that had previously been cut by PT. GDS.¹⁹
- b. The Citarum Watershed pollution case by PT Bina Usaha Cipta Prima (BUCP) which will occur in 2021. Based on decision Number: SP. 154/HUMAS/PP/HMS.3/5/2021, PT Bina Usaha Cipta Prima (BUCP) was proven to have polluted the Citarum Watershed. The Panel of Judges sentenced PT BUCP to pay material compensation of Rp. 838 million, from a lawsuit filed by the Ministry of Environment and Forestry of Rp. 8.9 billion.²⁰

Based on data from the Ministry of Environment and Forestry (KLHK) reported by dataindonesia.id, it is known that Indonesia produces 21.88 million tons of waste in 2021. This amount decreased by 33.33% compared to 32.82 million tons in the previous year. This condition is different from 2020 where the amount of waste actually increased by 12.63%. Meanwhile, the amount of waste generated in 2019 was 29.14 million tons. Based on its area, Central Java will be the province with the largest waste in Indonesia in 2021, namely 3.65 million tons. Its position was followed by East Java with 2.64 million tons of waste. DKI Jakarta

¹⁹ Mahkamah Agung, Putusan Nomor: 1203K/Pid.Sus.LH/2016 onl 17 Mei 2017, accseed <https://putusan3.mahkamahagung.go.id/>, on 12 February 2021.

²⁰ Mahkamah Agung, Putusan Nomor: SP. 154/HUMAS/PP/HMS.3/5/2021, accseed <https://putusan3.mahkamahagung.go.id/>, on 12 January 2021.

is in third position because it contributes 2.59 million tons of waste. Then, the waste generated in West Java was 2.11 million tons.²¹

The various data above show that both on a business scale and on a household scale, the behavior of environmental pollution cannot be avoided. In order to address this, it is necessary to have policies at the regional level, especially in overcoming this environmental pollution. In fact, most government policies do not seriously view this pollution behavior as a major problem for the environment. On another dimension, public policy in this country often violates ecological values and the green constitution in the practice of permitting the use of the environment, especially in the area of the mining industry.

- a. The case of the granting of Production Operation Mining Business Permits (IUP-OP) for the Riau Islands Province for 2018-2019. The case involved the Head of the Kepri Am Energy and Mineral Resources (ESDM) Service, former Head of the Kepri AT Investment and One-Stop Services Service, Director of CV Buana Sinar Khatulistiwa WBW, Director of CV Gemilang Mandiri Sukses ER. From this case it is known that the authorized official in making the IUP-OP for bauxite mining in the Riau Islands has received Rp. 31,856,348,226.90. As a result of this, it is clear that the suspects were charged under Article 2 paragraph (1) of the Corruption Law, namely, that anyone who unlawfully commits an act of enriching himself or another person or a corporation that harms state finances or the country's economy is subject to imprisonment with life imprisonment or a fine. imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of a minimum of Rp. 200,000,000.00 (two hundred million rupiahs) and a maximum of Rp. 1,000,000,000.00 (one billion rupiahs). Then, article 3 reads: Everyone who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunities or facilities available to him because of his position or position which can harm the state's finances or the country's economy, shall be punished with life imprisonment or imprisonment for life. imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and or a fine of at least Rp 50,000,000.00 (fifty million rupiah).²²
- b. Case in Decision No. 31/G/2010/PTUN-SMD, in this case the plaintiff wanted the decree made by the defendant revoked regarding mining permits in Samarinda Province, but the plaintiff's claim was rejected on the grounds that it did not have strong legal force. This is not true because the filing of a lawsuit has been equipped with various kinds of evidence, both witnesses and documents related to the environmental problems that have arisen.²³

²¹ M. Ivan Mahdi, *Indonesia Hasilkan 21,88 Juta Ton Sampah*, accessed <https://dataindonesia.id/varia/detail/indonesia-hasilkan-2188-juta-ton-sampah-on-2021>, on 20 February 2021.

²² Badan Pemeriksaan Keuangan Negara, *Tersangka Kasus Tambang Bauksit di Kepri Terancam Hukuman Seumur Hidup*, accessed at <https://kepri.bpk.go.id/tersangka-kasus-tambang-bauksit-di-kepri-terancam-hukuman-seumur-hidup/>, on 1 Februari 2021.

²³ Putusan No. 31/G/2010/PTUN-SMD, Panitera Pengadilan Tata Usaha Negara Samarinda gain on 20 Mei 2020.

- c. The case in decision number 99 PK/TUN/2016 related to the case of a mining permit dispute for a cement factory in the Kendeng mountain area, the lawsuit of the community was granted by the Supreme Court in terms of Judicial Review and from the results of the Judicial Review the Supreme Court decided that it granted the plaintiffs' claim in its entirety, declaring null and void. Decree of the Governor of Central Java Number 660.1/17 of 2012, dated 7 June 2012, concerning Environmental Permits for Mining Activities by PT Semen Gresik (Persero) Tbk, in Rembang Regency, Central Java Province, obliging the Defendants to revoke the Decree of the Governor of Central Java Number 660.1/17 of 2012, dated 7 June 2012, concerning Environmental Permits for Mining Activities by PT Semen Gresik (Persero) Tbk, in Rembang Regency, Central Java Province; Punish the Respondent for Judicial Review to pay the costs of the case at all levels of court, which in this Judicial Review is set at Rp. 2,500,000.00 (two million five hundred thousand Rupiah).²⁴
7. The Urgency of Pancasila Values in the Implementation of Humane Public Policy in the Environmental Sector

The various cases above show that ecologically conscious issues in the utilization and management of environmental utilization policies have not materialized.²⁵ Ecological awareness is basically human awareness that has reached a high level of awareness about the importance of the environment. The problem of loss of ecological awareness can be seen in the case of pollution by the public in the case of domestic waste, where it has been explained above that Indonesia produces 21.88 million tons of waste in 2021.²⁶ This clearly shows a crisis of awareness for environmental preservation, which in turn ultimately affect the basic human rights of getting a healthy environment.

This is clear as an individual human being, Indonesian society has not fulfilled the principle of being ecologically aware. According to Capra, by understanding nature as an autopoietic network that has a dissipative structure, we can formulate a series of ecological principles as the basis for building a sustainable human community. This means that with global environmental conditions that have reached a critical stage that endangers life today, we need to apply these ecological principles as a basic guide in rebuilding our society into a sustainable society. Only with that, we can overcome the environmental crisis and at the same time save life on our planet Earth, not only human life, but also life in general. The ecological principles intended by Capra are as follows. The first principle is the principle of independence. This principle wants to emphasize the essential reality in nature that all members of the ecological community including humans exist, live, and develop in a single chain that are related to one another in a broad and complex network of relations, which is called the web of

²⁴ Putusan No. 99 PK/TUN/2016, Accessed at <https://putusan3.mahkamahagung.go.id/direktori/putusan/df8fdd2e24a5061257ec52dfe1f7743a>, on 15 Februari 2021.

²⁵ Fritjof Capra, *The Web of Life: A New Understanding of Living Systems*, Flamengo, London, 1997, page 297-304.

²⁶ M. Ivan Mahdi, *Indonesia Hasilkan 21,88 Juta Ton Sampah*, accessed at <https://dataindonesia.id/varia/detail/indonesia-hasilkan-2188-juta-ton-sampah-on-2021>, on 13 Februari 2021.

life. Each member exists, lives, and derives all of his essential characteristics, as well as his entire existence and being, from his relationships and interactions with other members of the ecological community. Reciprocal interdependence of all life processes on one another is the essence of ecological relations in ecological communities, including humans. Therefore, the behavior of every life in a living ecosystem depends on the behavior of other members of the ecological community. The success of the entire ecological community depends on the success of every member of life; conversely the success of each member of the ecological community depends on the success of the ecological community as a whole.²⁷ The lack of ecological awareness is clearly a new problem in the form of loss of carrying capacity for optimizing environmental management and protection policies.

The problem of optimizing environmental management and protection policies also arises from the conflict of industrialization interests against the paradigm of environmental utilization. This is as explained in the case:

- a. The case of forest destruction committed by PT. GDS in 2017.²⁸
- b. The case of contamination of the Citarum River Basin by PT Bina Usaha Cipta Prima (BUCP) which occurred in 2021.²⁹

The transition from an agrarian society to an industrial society in Indonesia has gone a long way in bringing ecological awareness to disappear and turning into a business paradigm that only relies on the exploitation of natural resources in pursuit of business economic benefits. In other words, the industrial paradigm only places the environment as a medium for producing industrial profits for the entire population who are trapped in the capitalist economic paradigm. The reason is that the need to expand material support for a growing world population has resulted in industrial societies placing demands on the natural environment for their continued growth and stability. Worldwide developments are forcing significant demands on the fulfillment of natural resources thereby threatening the stability of ecosystems. To support the needs of the present population, many natural resources are being exploited which will hinder their benefits for future generations.

This pattern of thinking is also poisoning various national legal policies. This can be seen in:

- a. The case of the granting of Production Operation Mining Business Permits (IUP-OP) for the Riau Islands Province for 2018-2019.
- b. Mining permit case in Samarinda Province.
- c. The mining permit case for a cement factory in the Kendeng mountain area.

The various existing problems clearly show that the current legal paradigm that covers society in environmental issues is colored by the notion of homo economicus giving birth to human beings who are individualistic, greedy and opportunistic. This character is the cornerstone of the view of perfect

²⁷ Fritjof Capra, *The Web of Life: A New Understanding of Living Systems*, Flamengo, London, 1997, page 298.

²⁸ Mahkamah Agung, Putusan Nomor: 1203K/Pid.Sus.LH/2016 onl 17 Mei 2017, accessed at <https://putusan3.mahkamahagung.go.id/>, on 12 February 2021.

²⁹ Mahkamah Agung, Putusan Nomor: SP. 154/HUMAS/PP/HMS.3/5/2021, accessed at <https://putusan3.mahkamahagung.go.id/>, on 12 February 2021.

individual liberty (freedom without limits) which gives birth to free competition in life.³⁰

Free competition in life creates individual initiatives to pursue maximum gain and minimum sacrifice so that humans in their lives always prioritize personal interests or gains. This in its development has become a trigger for the birth of corruption, collusion, and nepotism.³¹ In addition, a society that prioritizes personal interests results in a gap between the haves and the have-nots (social inequality). This is shown by the fact that every legal person only uses his legal abilities as a means of benefiting himself or a group, besides that globalization has also succeeded in shaping the character of society in this modern era to become greedy and individual human beings.

This shows that Pancasila as an ideology as well as the nation's spirit is needed in overcoming the chaos in environmental law. According to Ferry Irawan, Pancasila is an ideology that is still relevant to use in matters of legal reform in the current era of globalization, because Pancasila has a flexible character or nature and is able to meet the demands of the times in keeping up with the changing times of globalization. In discussing legal issues that arise in society, Pancasila is able to provide answers to these problems. Pancasila is able to provide the values of justice as a legal reform in Indonesia. Legal reform in Indonesia is urgently needed because there are still many new issues that cannot be addressed by law. These problems should be resolved with a single vision, mission, goals and perceptions of Pancasila in carrying out legal reforms in Indonesia. In addition to new unresolved issues, old issues are also issues that are also considered urgent to be resolved immediately, bearing in mind that law is always present in people's lives to provide certainty, justice and benefits.³² So that legal politics related to environmental policies should be returned to its spirit to ecological values or environmental values which are based on the values of human needs.

4. Conclusion

Changes in the world order due to technological and cultural advances have resulted in the degradation of the human paradigm in terms of environmental management. This degradation of the environmental management paradigm has left far behind the ecological needs of the environment. In short, this can be said to have let go of the human dimension in viewing the use of the environment which is obsessed only with industrial profits. Pancasila through its balance teaching mandates that legal policies related to environmental management return to its soul, namely ecological awareness.

³⁰ Sri-Edi Swasono, *Ekspose Ekonomika: Mewasoni Globalisme dan Pasar-Bebas Ekonomi*, Pusat Studi Ekonomi Pancasila-UGM, Yogyakarta, 2009, page 3.

³¹ Budi Winarno, *Dinamika Isu-Isu Global Kontemporer*, Jakarta, PT. Buku Seru, 2014, page 168 dan 329, baca juga *Globalisasi Sebabkan Wabah Penyakit Sulit Terkendali* accessed at <https://tirto.id/globalisasi-sebabkan-wabah-penyakit-sulit-dibendung-vXT>, on 18 Februari 2021 at 21.00 WIB.

³² Ferry Irawan Febriansyah, "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa", *DiH Jurnal Ilmu Hukum*, Volume 13, Nomor 25, 2017, page 6.

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