**GOOD PRINCIPLES GOVERNANCE IN SETTLEMENT OF LAND POLLUTION DISPUTES: LEGAL AND SOCIOLOGICAL ANALYSIS**

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**Abstract**: This research aims to analyze the implementation of good principle governance in resolving land pollution disputes, both from juridical and sociological aspects. The research methods used are normative juridical and empirical juridical, with a qualitative approach. Primary data was obtained from in-depth interviews with parties involved in land pollution disputes in Bogor Regency, West Java, while secondary data was obtained from documents and literature studies. The research results show that the implementation of the principles is exemplary. Governance in resolving land pollution disputes is still not optimal because there are still several obstacles, such as inconsistencies between applicable laws and regulations, lack of participation and transparency from the parties, low capacity and accountability of law enforcement officials, and weak supervision and assessment from the community. Therefore, this research recommends several steps to improve the implementation of the excellent principle governance in resolving land pollution disputes, including harmonization and synchronization of related laws and regulations, strengthening mechanisms for participation and transparency of the parties, increasing the capacity and accountability of law enforcement officials, as well as empowering the role and function of the community in monitoring and assessment.

**Keywords** : Dispute resolution; Good Governance; Soil Pollution

1. **Introduction**

Soil pollution is a serious environmental problem and can cause various losses to the environment, society, and the economy. Settlement of land pollution disputes is essential to ensure justice and legal certainty for the parties in conflict. Soil pollution is caused, among other things, by spills of liquid waste and industrial chemicals, the use of pesticides, accidents involving vehicles transporting hazardous and toxic waste (B3 waste vehicles), and many other factors. [[1]](#footnote-1)The basis for the Law on Industrial Management is Law Number 5 of 1984 concerning Industry. However, there are still violations in enforcement, one of which occurs in small industries. This is caused by problems when processing units are unavailable for various reasons, including Land availability, high costs, and lack of awareness among small businesses. Sound principles Governance is principles that can be applied in multiple fields, including dispute resolution. Application of the sound tenets Governance in resolving land pollution disputes aims to resolve conflicts fairly, with legal certainty, and in the interests of the disputing parties.

Sound principles of governance in resolving land pollution disputes include, among other things, transparency, which is essential to ensure that the dispute resolution process runs pretty and accountable. The public must have access to information regarding land pollution and dispute resolution mechanisms. Accountability in resolving land pollution disputes is essential to ensure that the parties involved in the dispute resolution process are responsible for their actions. Community participation in resolving land pollution disputes is critical to ensure that dispute resolution is fair and equitable. The community must have the opportunity to be involved in the dispute resolution process, either as witnesses, victims, or experts. Effectiveness in resolving land pollution disputes is essential to ensure that dispute resolution proceeds quickly and accurately. Efficiency in resolving land pollution disputes is critical to ensure that dispute resolution does not burden the parties.

Soil pollution is a serious issue that affects the environment and public health. In this context, Good Governance principles, which include transparency, public participation, accountability, and effectiveness, are essential to ensure fair and sustainable dispute resolution. Legal and sociological analysis provides a comprehensive understanding of the legal framework and social implications of applying these principles when handling land pollution disputes. To achieve good governance, the government should not hesitate to punish citizens who do not act by environmental policies.[[2]](#footnote-2)

Considering these reasons, it is necessary to research the application of sound governance principles in resolving land pollution disputes. This research aims to provide a juridical and sociological analysis of applying sound governance principles in resolving land pollution disputes.

1. **Research methods**

This research uses a juridical-sociological approach. A juridical approach is carried out by reviewing the provisions of laws and regulations relating to resolving land pollution disputes. A sociological approach examines social aspects that influence the application of sound governance principles in resolving land pollution disputes.

1. **Sociological Juridical Analysis of the Implementation of the Good Principle Governance in Settlement of Land Pollution Disputes**

To improve good governance ( good governance ) and prevent corruption, collusion, and nepotism, Law Number 30 of 2014 concerning government administration becomes the legal basis for administering government. This law creates a better, more transparent, and efficient bureaucracy. Regulation of Government Administration is an effort to build basic principles, thought patterns, attitudes, behavior, culture, and administrative action patterns that are democratic, objective, and professional to create justice and legal certainty.

Regarding resolving land pollution disputes, the Environmental Protection Law Number 32 of 2009 regulates that every person who carries out business and activities that can pollute the environment must make efforts to prevent environmental pollution. Control of pollution and environmental pollution. If a dispute arises regarding land pollution, it can be resolved through a judicial institution. If the dispute concerns illegal settlements, it will be submitted to the General Court regarding the prohibition of using land without a legal entity or permission, as regulated in Law Number 51/ Prp /1960.

In the context of resolving land pollution disputes, the principle of good Governance can be implemented in several ways, including:

1. Parties involved in a dispute must ensure that they comply with the principles of transparency, fairness, accountability, and responsibility in every stage of dispute resolution.
2. The parties involved must ensure that they comply with all applicable regulations and laws in dispute resolution.
3. The parties involved must ensure that they comply with all decisions issued by the relevant courts or dispute resolution bodies.

The principles of governance in resolving land pollution disputes can be analyzed juridically through a legal approach that guarantees the involvement of all parties fairly and transparently. Accountability, participation, and openness principles ensure a sustainable dispute-resolution process that aligns with good values and governance. In addition, robust implementation of environmental laws and the role of law enforcement agencies are essential elements in ensuring the protection of community and environmental rights. Environmental policy in the context of good Governance is implemented through the actions of officials, industry players, and the general public as policyholders, based on ethics and morality, and not on compromises that lead to policy non-compliance.[[3]](#footnote-3)

**3. 1 Aspects of Pollution Dispute Resolution Using Good Principles Governance**

IIn the juridical analysis of the implementation of the Good principle of Governance in resolving land pollution disputes, the following aspects need to be evaluated:

1. **Transparency**

Transparency of information related to land pollution disputes can be assessed from the extent to which relevant parties and the public access relevant information, such as pollution data, dispute resolution processes, and decisions. This openness in conveying information creates the basis for public participation and ensures accountability in handling the dispute. Parties involved in a dispute must ensure that relevant and accurate information is available to all parties involved. This can help avoid misunderstandings and promote trust between the parties to the conflict.

Transparency is one of the principles of good governance that applies in resolving land issues by Regulation of the Minister of Agriculture and Land Planning Number 21 of 2020 and the Director General of the National Land Agency regarding Processing and Settlement of Land Issues. Furthermore, Law Number 32 of 2009 concerning Environmental Protection and Environmental Protection also emphasizes the importance of transparency in environmental management. The law stipulates that everyone has the right to obtain information regarding a healthy and suitable living environment, including details regarding land pollution disputes. In practice, transparency can be achieved through various means, including providing public information regarding land pollution disputes, public participation in the dispute resolution process, and public monitoring of policy implementation. [[4]](#footnote-4)By applying the principle of transparency, it is hoped that land pollution disputes can be resolved fairly and responsibly.

Transparency can be achieved in various ways when resolving land pollution disputes, including :

* Providing Information: The government can release information regarding land pollution disputes to the public. This information may include environmental reports, soil test results, and legal documents.
* Publicize the dispute resolution process: The government can ensure the land pollution dispute resolution process is public. This can be achieved by holding public meetings and allowing the public to attend court hearings.
* Allowing community participation: The government can ensure that communities have the opportunity to participate in the process of resolving land pollution disputes. This can be achieved by holding public meetings or providing opportunities for the public to provide input in the dispute resolution process.
* Use of Information Technology: The government can use information technology to facilitate public access to information regarding land pollution disputes. This can be achieved by creating a website or mobile application providing information on land pollution disputes. All parties must work together to ensure transparency in resolving land pollution disputes. In this way, the dispute resolution process will be fair and effective.

1. **Public Participation**

The involvement of communities and affected parties in the dispute-resolution process may vary depending on the context and methods used. Some approaches involve active participation from the parties involved, while others are more formal and take a mediating or mediating role. The involvement of the community and affected parties is generally considered positive in achieving a just and sustainable solution. Parties involved in the dispute must provide opportunities for the community to participate in the decision-making process. This can help ensure that community interests are considered in dispute resolution.

Community participation can occur in various ways, including public debate, consultation, and participation in decision-making processes. Inland pollution disputes and community participation can help ensure that decisions taken consider the interests of all parties involved. In addition, participation - jup [- ga helps ensure that decisions are made based on accurate and reliable information. As part of good governance, public participation also helps ensure accountability and transparency in decision-making. By involving the community in the decision-making process, the government can ensure that the decisions taken are based on the interests of society as a whole.

However, community participation also raises several challenges, including a lack of access to information, awareness of citizens' rights, and a lack of citizens' ability to participate in decision-making. Therefore, the government must ensure that public participation is effective and efficient and that citizens have adequate access to information and decision-making processes.

1. **Accountability**

The concept of good governance in the Russian Federation is primarily reflected in the Principles of Administrative and Management Law.[[5]](#footnote-5) Agencies handling land pollution disputes are generally responsible for their decisions and actions according to applicable regulations and laws. These responsibilities include monitoring, impact assessment, and solution implementation. Environmental authorities, regulators, or courts may play a role in overseeing the process. The decisions and actions of these institutions must reflect the principles of justice, environmental sustainability, and protecting society from the negative impacts of land pollution. Parties involved in a dispute must be responsible for their actions and comply with applicable laws and regulations. This can help ensure that disputes are resolved fairly and lawfully.

In resolving pollution disputes, the Good principle of Governance emphasizes the importance of accountability. Accountability refers to transparency, accountability, and obligations of the parties involved in handling the dispute.

1. Transparency: The dispute resolution process must be carried out openly and clearly, ensuring that all relevant information is accessible to the public. This creates trust and allows the parties involved to understand the steps being taken.
2. Accountability: Parties involved in dispute resolution must be held accountable for their actions. This includes accountability for decisions and their impact on the environment and society.
3. Stakeholder Involvement: Good Governance emphasizes involving all relevant parties, including government, society, and the private sector. This ensures that a diversity of views and interests are accommodated in the resolution process.
4. Fair Application of the Law: Accountability also includes the fair application of the law. This means following the principles of justice in determining responsibility and sanctions against parties involved in pollution.

By integrating the aspect of accountability in resolving pollution disputes, Good Governance is expected to create a legal environment that is fair, transparent, and accountable so that disputes can be resolved in a way that supports the interests of society and environmental preservation.

1. **Justice**

The dispute resolution process may reflect principles of fairness and sustainability, depending on many factors, such as the methods used, the involvement of affected parties, and environmental impacts. The principle of justice in resolving land disputes must consider the interests of all parties involved, including the community, entrepreneurs, and the government. [[6]](#footnote-6)Approaches that include active community participation, consideration of long-term impacts, and equitable solutions tend to support sustainability principles. The importance of justice and sustainability is also reflected in the transparency of processes, accountability of relevant institutions, and prosecution of environmental violations.

In the context of resolving pollution disputes, the aspect of justice is a critical element in the Good principle of Governance. The aspect of justice in dispute resolution includes several essential elements:

1. Access to Justice: The Good Principle of Governance emphasizes ensuring fair and equal access to the justice system. All parties involved in a dispute must have the same rights and opportunities to present arguments and defend themselves.
2. Objective Termination: The dispute resolution process must be based on objective and legally based termination. Decisions must reflect fairness and consider various factors, including environmental impacts and community welfare.
3. Equalization of Impact: The principle of justice also involves equalization of impact. This means that the decisions made should benefit one party and consider the interests of the entire community and environmental conservation.
4. Information Openness: Access to complete and accurate information is also part of justice. The dispute resolution process must be transparent, ensuring all parties can access the information necessary to understand and follow the process.
5. Community Participation: Justice also involves active community participation in the resolution process. The public should be able to voice their views and provide input regarding decisions.

By integrating aspects of justice in resolving pollution disputes, Good Governance aims to create a fair, transparent system that considers all stakeholders' interests. This will support environmental sustainability and overall community welfare. Therefore, applying these principles in the dispute resolution process is essential to achieve positive outcomes for all parties and the environment. Dispute resolution must be carried out fairly and impartially. This can help ensure that decisions taken consider the interests of all parties involved.

1. **Effectiveness**

Effectiveness in the principle of good Governance in resolving land pollution disputes involves transparency, public participation, and accountability. An open and transparent process ensures sufficient information is available to all relevant parties. Public participation allows the public to make decisions, while accountability ensures that the institutions are held accountable for their actions. Integrity, rules of law, and the involvement of various parties are also important to effectively resolve land pollution disputes by adhering to the principle of good governance. Measures to combat land pollution and restore the environment to a better condition depend on the type of pollution and its severity. The steps to be taken are:

1. Prevent pollution: These steps include reducing harmful chemicals, proper waste management, and using environmentally friendly technologies.
2. Remediation: This action involves removing or reducing contaminants from the soil through techniques such as bioremediation, phytoremediation, and physical remediation.
3. Recultivation: This activity aims to return contaminated land to its original state using techniques such as revegetation, plant stabilization, and phytoremediation.

However, it should be noted that these measures must be implemented sustainably and well-coordinated to provide practical solutions to soil pollution and restore the environment to a better condition. The extent to which the good principles are implemented can be evaluated by paying attention to these aspects. Governance can increase the effectiveness of judicially resolving land pollution disputes.

**3. 2 Sociological Approach in Resolving Land Pollution Disputes Studied from the Social Aspect**

A sociological approach to resolving land pollution disputes examines social aspects that influence the application of good governance principles. This approach views land pollution disputes as a social problem that requires resolution involving many parties and considers various social, economic, and political factors that influence dispute resolution.[[7]](#footnote-7)

According to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases, the resolution of land cases, including land pollution disputes, must be carried out by prioritizing good principles. Governance. These principles include public participation, transparency, accountability, responsiveness, effectiveness, and efficiency. Apart from that, Law Number 32 of 2009 concerning Environmental Protection and Management also regulates environmental protection, including land pollution disputes. This law emphasizes the importance of maintaining ecological balance and paying attention to community interests in environmental management.

The sociological approach to resolving land pollution disputes involves studying social aspects that influence the application of good governance principles. Good governance refers to how organizations and institutions are managed well, accurately, transparently, and accountable. In resolving land pollution disputes, a sociological approach can help understand the social factors that influence the application of sound governance principles, such as cultural, political, and economic factors. Understanding these factors will help take appropriate steps to resolve land pollution disputes fairly and effectively.

1. **Cultural Factors**

Local communities' culture can influence how conflicts are resolved, and decisions are made. For example, in some cultures, mediation or collaborative dispute resolution is preferable to litigation in court. [[8]](#footnote-8)However, social factors such as culture are not necessarily the main factor in resolving land pollution disputes. Other factors, such as laws and government regulations, are essential in resolving land pollution disputes. The government can issue rules to resolve land pollution disputes and provide sanctions for violations.

The sociological approach to resolving land pollution disputes focuses on understanding the social and cultural aspects. Several aspects that need to be studied from a sociological perspective involving society and culture are:

1. Local Socio-Culture: An in-depth understanding of local socio-cultural norms, values, and practices is essential. Identifying how land pollution affects local communities' daily lives and values can help find solutions that fit the cultural context.
2. Community Participation: The sociological approach emphasizes the importance of active community participation in dispute resolution. Understanding social dynamics and participation mechanisms can increase community acceptance and support for decisions taken.
3. Social Impact: Involves analysis of the social impact of soil pollution on the social structure, economy, and welfare of society. This involves identifying groups that may be more vulnerable to the effects of pollution and how they can be involved in solutions.
4. Intercultural Communication: Effective communication between parties involved, including legal authorities, scientists, and local communities, is critical in a sociological approach. Overcoming cultural and linguistic differences can foster better cooperation and understanding.
5. Local Legal Traditions: Understand local legal traditions and traditional justice systems that may already exist in local communities. Integrating local values in the legal framework can support more acceptable solutions for the community.

The sociological approach aims to create dispute resolution solutions considering socio-cultural dynamics by considering these aspects. This can create a stronger foundation for maintaining environmental sustainability and community welfare in the long term.

1. **Political Factors**

Factors that cause disputes and land disputes in Indonesia include natural changes, regional expansion, duplication of land certificates, and falsification of certificates related to the land mafia. However, social factors such as politics may play a role in resolving land pollution disputes but are not the main factor. Settlement of these disputes depends on several aspects, including cultural factors and customary law in each region, which may differ regarding land issues. Therefore, the role of community leaders and customary law in resolving land disputes through mediation is vital. To realize a regional government that is independent and simultaneously empowered, regional governments must be decentralized and able to issue independent regional regulations.[[9]](#footnote-9)

Land pollution dispute resolution involves more legal and environmental aspects. According to JDIH of the Ministry of Environment and Forestry, Law Number 32 of 2009 concerning Environmental Protection and Protection regulates criminal and administrative sanctions against perpetrators of land pollution. In addition, alternative methods such as mediation, conciliation, and arbitration can be used to resolve land pollution disputes.[[10]](#footnote-10)

Legal decision-making is often related to government policy, environmental regulations, and law enforcement efforts. Political dynamics, including the influence of interest groups and policy changes, can influence legal processes. It is essential to ensure that legal decision-making remains based on the principles of justice, environmental protection, and the rights of the individuals or companies concerned. Settlement of land pollution disputes should pay attention to these aspects without political intervention that is detrimental to the principles of law and justice.

A sociological approach to resolving land pollution disputes from a socio-political aspect focuses on power relations, public policy, and political participation. Some aspects to consider in this context involve:

1. Power and Power Structures: Sociological analysis needs to understand how power is distributed in society and how these power structures can influence dispute resolution. Identifying parties with political power can help understand decision dynamics.
2. Public Policy: Understanding public policy related to the environment and land pollution is crucial. How the policy is implemented, and its impact on society needs to be evaluated to assess its effectiveness in handling disputes.
3. Community Political Participation: Communities affected by land pollution must actively participate in political decision-making. This includes their right to voice opinions, influence policy, and participate in democratic mechanisms.
4. Political Advocacy: A sociological approach in a political context can include political advocacy that fights for the rights of affected communities. This involves working with advocacy groups, non-governmental organizations, and people's representatives to achieve shared goals.
5. Impact of Pollution on Political Welfare: Sociological analysis must also consider the impact of land pollution on political stability and societal welfare. Political engagement can help formulate policies focused on recovery and prevention.

Through a sociological Approach from a socio-political aspect, it is hoped that the resolution of land pollution disputes can be more holistic, integrating policies that support social justice and involving the community in the political process more effectively.

1. **Economic Factors**

Social and economic factors can influence the resolution of land pollution disputes. Several factors cause land disputes and conflicts in Indonesia, including natural changes, regional expansion, and economic policies that tend to be capitalist and liberal. Furthermore, the concept of sustainable development in Indonesia focuses on environmental aspects. Achieving these development goals requires a clear understanding of the situation and problems that occur in the environment, as well as implementing optimal ecological management.

However, social factors such as the interests of the surrounding community, community rights, and the public interest must also be considered when resolving land pollution disputes. Economic factors such as dispute resolution costs and compensation must also be considered. Land dispute resolution can be done legally, illegally, or through alternative methods. Legal means include court, arbitration, and mediation. Non-legal channels include advice, negotiation, and conveyancing. An alternative that can be done is to resolve disputes through land dispute resolution institutions such as the National Event Advisory Body (BPN) and the Indonesian Mediation and Arbitration Institute (LMAI).[[11]](#footnote-11)

In a sociological approach to resolving land pollution disputes from a socio-economic aspect, several factors that need to be considered involve the relationship between land pollution and the socio-economic conditions of society:

1. Economic Impact on Society: Sociological analysis must consider how land pollution affects the local economy. This includes impacts on agriculture, local industry and jobs, and how communities respond to the changes.
2. Economic Disparities: Understanding economic disparities in communities impacted by land pollution is essential. How these impacts are distributed among various layers of society needs to be considered to identify more vulnerable groups.
3. Economic Justice Considerations: A sociological approach requires an evaluation of economic justice in the context of dispute resolution. How compensation or economic recovery is implemented must consider the needs and fairness of all parties involved.
4. Community Economic Participation: Involving communities in local economic processes and empowering them to contribute to economic development can be integral to dispute resolution. This could include the formation of cooperatives or training programs to improve people's economic skills.
5. Sustainability: Assess the long-term impact on the economic sustainability of society and how dispute resolution can support sustainable economic development. This involves considering economic ethics and protecting the interests of future generations.

The sociological approach from the socio-economic aspect aims to understand the complexity of the relationship between land pollution and the economic welfare of society. By considering these aspects, dispute resolution can be designed to achieve better social and economic justice.

1. **Conclusion**

good principles Governance in resolving land pollution disputes aims to resolve conflicts fairly, with legal certainty, and in the interests of the disputing parties. In the juridical analysis of the implementation of the Good principle, Governance in resolving land pollution disputes must pay attention to aspects such as transparency, public participation, accountability, justice, and effectiveness. A sociological approach to resolving land pollution disputes examines social elements that influence the application of good governance principles. In resolving land pollution disputes, a sociological approach can help understand the social factors that influence the application of Good principles of Governance, such as cultural, political, and economic factors. However, social factors are not the main factor in resolving land pollution disputes. Good values Governance. Therefore, applying these principles in the dispute resolution process is essential to achieve positive outcomes for all parties and the environment

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