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Enforcement of Environmental Criminal Law from the Perspective of the UUPPLH in Indonesia

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Abstract: The aspect of environmental punishment is a key that must be considered in the enforcement of environmental laws in Indonesia. Based on the definition, environmental crime is polluting and damaging the environment, as regulated in the Law on Environmental Protection and Management (UUPPLH). In this life, there are many violations that occur in the environmental sector that will have an impact on the life to come. To minimize the violations that occur, the government has enacted Law no. 32 of 2009 concerning Protection and Management of the Environment. By enacting this law, it is hoped that it can run in accordance with the problems that occur today. For research in this writing, using normative research methods, which are based on written regulations, literature study that examines aspects of theory, and legal explanations. In Indonesia, the main factor that causes the stipulated regulations to not work well is the lack of awareness of related parties about the importance of preserving nature and the environment. Andthe results of this study indicate that environmental law enforcement in Indonesia is based on a criminal law perspectivestudy.

Keywords: Application of Environmental Criminal Law ;Environmental Criminal Aspect; UUPPLH

1. Introduction

The environment is a beautiful creation of God Almighty, worthy of preservation and development for the survival of humanity, now and in the future. The environment is the space or place inhabited by humans and other living creatures.[1] The continuity of life can be seen through the interactions and interconnections between humans and other living creatures. Through these interactions, a chain of life is formed, interdependent on one another. For example, in Indonesia, the majority of Indonesians tend to socialize to meet their daily needs.[2]

Besides being known for its sociable people, Indonesia is also a country with thousands of islands and beautiful natural resources. However, the problem here is the environmental problems that are increasingly large and serious, where the problems that occur are not only national, but some are also global. Therefore, the impacts are not only limited to one or two aspects, but the impacts will continue into future life.[3] Because human actions that damage the environment are tantamount to destroying life itself. In practice, we frequently encounter human activities that disregard good environmental principles, resulting in various disasters affecting Indonesia, such as landslides, declining biodiversity, flooding, air, water, and soil

[1] Sonjaya, et al). Kebijakan Hukum Pidana dalam Upaya Penegakan Hukum Lingkungan berdasarkan Prinsip Pembangunan. Lambung Mangkurat Law Journal, 5(2), 2020 203-214

[2] So, W. K. . Kebijakan Hukum Pidana dalam Upaya Penegakan Hukum Lingkungan Hidup. (Semarang:Universitas Diponegoro, 2009,) hlm. 1

[3] Subyakto, K. . Azas Ultimum Remedium Ataukah Azas Primum Remedium Yang Dianut Dalam Penegakan Hukum Pidana Pada Tindak Pidana Lingkungan Hidup Pada Uu Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup. Jurnal Pembaharuan Hukum, 2(2),2015 209-213

pollution, and so on.[4] We can see this in various regions in Indonesia, which even claimed lives, destroyed houses, public and social facilities, and killed many animals and plants.[5]

Awareness of the importance of preserving the environment in Indonesia remains very low, with Indonesians failing to fully comply with existing regulations. Therefore, what needs to be improved is public awareness of the need to preserve and develop Indonesia's natural resources.[6] This is evident in the numerous laws and regulations deemed weak, particularly in their enforcement in addressing issues such as forest destruction and environmental pollution. This is due to a lack of public education. Empowering communities by providing a clear and accessible understanding of the importance of environmental sustainability for our shared well-being is far more beneficial than involving them as laborers in reforestation or enacting numerous laws that prove ineffective. In environmental management, the government creates laws governing the environment.[7]

So that, for every human who violates will be subject to punishment according to what was done to the environment itself.[8] Thus, the grouping of laws will cause the division of fields in the form of administrative environmental law, civil environmental law, and criminal environmental law. In this study, will discuss more deeply about environmental law seen from its criminal aspect, which has been regulated in "Law No. 32 of 2009 concerning Environmental Protection and Management". Based on the explanation or description above, the problems raised in this study are to question what are the principles contained in environmental crimes, question what are the factors inhibiting the enforcement of environmental law in Indonesia, and question how environmental law enforcement in Indonesia is seen from a criminal aspect.

2. Research Methode

The method used in this scientific research is a normative legal research method, based on written regulations and other literature that examines the theoretical aspects, structure, and explanations of the law related to this research. The approach used in this research is a legislative approach. The data collection method used is a literature study. The data used are secondary data obtained indirectly..

3. Discussion

[4] Disemadi, H. S., & Lasmadi, S, Utilizing Production Sharing Contracts (PSCs) as a Means for the Protection of Indonesia's Natural Resources. Lentera Hukum, 6(3), 2019, 393-408.

[5] Chairil, N. S. Ketidakseimbangan Sistem Sosial Penyebab Bencana Alam. JurnalSosioteknologi, 10(6), 2007, 183-189

[6] Havinanda, F., Politik Hukum Dalam Pembaharuan Sistem Hukum Pidana Lingkungan Dan Dampaknya Terhadap Penegakan Hukum Tindak Pidana Lingkungan Hidup. *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat*, 1(1), 2020, 106-121

[7] Disemadi, H. S., & Prananingtyas, P., Kebijakan Corporate Social Responsibility (CSR) sebagai Strategi Hukum dalam Pemberdayaan Masyarakat di Indonesia. Jurnal Wawasan Yuridika, Volume 4(1), 2020, 1-16

[8] Anantama, A. T., Munawir, Z., & Rafiqi, R., Pertanggung Jawaban Pidana Karyawan Korporasi Dalam Tindak Pidana Lingkungan Hidup (Studi Putusan No. 133/Pid. B/2013/PN. MBO). JUNCTO: Jurnal Ilmiah Hukum, 2(2), 2020, 119-131

A criminal act is an act prohibited by law. This prohibition carries with it the threat of specific penalties for violators.[9] Criminal sanctions are synonymous with inflicting suffering and are considered the most severe legal sanctions compared to other legal sanctions, such as administrative and civil sanctions. For this reason, criminal law is a last resort, imposed when other legal sanctions are deemed ineffective.

Law No. 32 of 2009 concerning Environmental Protection and Management (UUPPLH) regulates criminal provisions in Chapter XV concerning Criminal Provisions. In general, the qualifications of environmental criminal offenses contained in UUPPLH based on Article 97 of UUPPLH are categorized as crimes. The categorization of these criminal offenses has several consequences in its enforcement, namely; first, the existence of the concept of attempted and included in each offense; second, the calculation of a longer statute of limitations than the violation; third, the threat of criminal deprivation of liberty in the form of imprisonment. Since the issuance of UUPPLH 2009 which replaced Law No. 23 of 1997 (hereinafter referred to as UUPPLH 1997), the function as a parent law is attached to UUPPLH 2009. UUPPLH is said to bring fundamental changes in the regulation of environmental management in Indonesia today. If examined further there are several significant differences in the regulations between UUPPLH 1997 and UUPPLH 2009.

First, the 1997 UUPPLH defines a criminal act as an action/deed that can result in pollution and/or damage to the environment (as regulated in Article 41), while the 2009 UUPPLH defines a criminal act as an action that can result in exceeding ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria (as regulated in Article 98). Second, the 1997 UUPPLH defines criminal penalties with maximum penalties, while the 2009 UUPPLH defines penalties with minimum and maximum penalties. Third, the 2009 UUPPLH regulates matters that are not regulated in the 1997 UUPPLH, namely, among others, criminal penalties for violations of quality standards (as regulated in Article 100), expansion of evidence, integration in criminal law enforcement, and regulations regarding corporate crimes.

The explanation of the 2009 UUPPLH also explains the fundamental difference with the 1997 UUPPLH, namely the strengthening contained in this Law, namely regarding the principles of environmental protection and management based on good governance because every process in the formulation and implementation of instruments for preventing pollution and/or environmental damage as well as carrying out mitigation and law enforcement must integrate aspects of transparency, participation, accountability, & justice.[10]

The application of criminal law is based on the failure to comply with the imposed administrative sanctions, or on repeated violations. The penalties imposed are not the same as or less severe than the maximum penalties stipulated in the Criminal Code, and specifically in Articles 97 to 115 of the 2009 Environmental Management Law (UUPPLH). A lighter penalty is actually possible/permitted. This can lead to confusion in the process of enforcing environmental criminal law, particularly in judges' decisions in an effort to deter perpetrators.

[9] Moeljatno, *Asas-Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2002), hlm. 1

[10] So Woong Kim, Kebijakan Hukum Pidana Dalam Upaya Penegakan Hukum Lingkungan Hidup, *Jurnal Dinamika Hukum*, 13 (3), September 2013.

Law enforcement regarding environmental management is currently still difficult due to the difficulty of proving and determining standard criteria for environmental damage.[11] Efforts to enforce environmental law through criminal law involve addressing three key issues within criminal law, which, to some extent, play a role in social engineering: the formulation of criminal acts, criminal liability, and both criminal and statutory sanctions. In keeping with the objective of criminal law, which is not merely a tool for maintaining order, environmental law also encompasses the goal of social engineering. Law as a tool for social engineering plays a crucial role in environmental law.[12]

In addition to the UUPPLH, crimes against the environment are also regulated in the Criminal Code (KUHP), for example in Article 187, Article 188, Article 202, Article 203, Article 502, and Article 503 of the KUHP. Crimes against the environment are also found in laws and regulations outside the KUHP and outside the UUPLH. For example in: Article 52 paragraph (1) of Law No. 5 of 1960 concerning Basic Agrarian Principles/UUPA. Article 31 of Law No. 11 of 1967 concerning Mining. Article 11 of Law No. 1 of 1973 concerning the Indonesian Continental Shelf. Article 15 of Law No. 11 of 1974 concerning Irrigation. Article 16 paragraph (1) of Law No. 5 of 1983 concerning the Indonesian Exclusive Economic Zone (EEZ). Article 27 of Law No. Article 24 of Law No. 9 of 1984 concerning Industry. Article 40 of Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems. Article 78 of Law No. 41 of 1999 concerning Forestry, and Article 94 paragraphs (1) and (2) in conjunction with Article 95 paragraphs (1) and (2) of Law No. 7 of 2004 concerning Water Resources.

Environmental crimes or criminal acts are found in various laws and regulations besides the Environmental Law and the Criminal Code. Therefore, careful attention from law enforcers, especially investigators, public prosecutors, and judges is essential in identifying laws and regulations related to environmental crimes within these various laws and regulations. In other words, which laws and regulations will be used depends on the resources from which the environmental crime was committed. Environmental protection and management are essentially efforts to apply ecological principles to human activities related to and/or affecting the environment.[13]

In the future, efforts that can be made in the context of enforcing criminal law in the environmental sector are as follows: First, the need to improve the pattern of criminal punishment and criminal sanctions in the Environmental Management Law which has the values of legal certainty and justice values that are upheld by all parties; and second, the need to improve the pattern of criminal punishment and criminal sanctions in the Environmental Management Law which should be in sync and consistent with the Criminal Code and the Draft Criminal Code in the future.

[11] Sutrisno, Politik Hukum Perlindungan dan Pengelolaan Lingkungan Hidup, *Jurnal Hukum*, 3 (18), 2011, FH UII, hlm 444

[12] Wahyu Lukito, Implementasi Pelestarian Lingkungan Hidup Dalam Bidang Penegakan Hukum Pidana Terhadap Kasus Illegal Logging (Studi Kasus Polres Rembang), *Jurnal Hukum Khaira Ummah*, 13 (1), Maret 2018.

[13] M. Yunus Wahid, "Prinsip Dan Karakter Hukum Lingkungan", *Jurnal Ilmiah Ishlah*, 13 (02), Mei-Agustus 2011, 163-179

Basically, enforcement that is directed at legal interests and individual interests without considering development conditions will actually cause negative impacts on the environment, and will also hinder a country in achieving sustainable development projects. Each individual has an obligation to maintain the sustainability of nature that has been provided by the Creator and prevent and reduce activities that can damage the environment. For this reason, the government, in terms of minimizing environmental pollution, has established a criminal provision in the Environmental Management Law (UUPLH). Based on the criminal provisions as regulated in the UUPLH, there is a purpose in it, namely to protect the environment, by including the threat of criminal sanctions for any human who violates it. This regulation emerged because crimes against the environment can be categorized as economic crimes that have a broad meaning, because the benchmark for crime and violations against the environment is broader in scope when compared to other crimes.

In addition, according to Marjono Reksodiputro, criminal justice provisions are made for the following purposes: 1) Helping the community not to become victims and avoid perpetrators of crimes; 2) Overcoming crime cases currently experienced by the community, so that the community gets satisfaction and justice against the law that is enforced; 3) Minimizing so that perpetrators of crimes who have committed crimes before do not repeat their crimes again; 4) So that every law enforcement officer can act fairly by giving firm punishment to every perpetrator of environmental crimes.[14]

Criminal provisions have the following meaning, each stage of the process of efforts to overcome crime in terms of providing welfare for the community. Efforts to regulate society by using criminal law means are closely related to the form of policy that leads to a broad goal. In criminal provisions also contain the following characteristics and elements: 1) Basically, punishment is something that is imposed on individuals, which will later cause suffering and other unpleasant things; 2) Usually punishment is given by the authorities or a legal entity that has power; 3) The imposition of punishment on an individual occurs because he has committed a criminal act according to applicable laws.

In the implementation of environmental criminal provisions, there is an Environmental Crime, where the definition of this crime is a command and prohibition of the Law to a legal subject. If the legal subject violates the established regulations, they will be subject to criminal sanctions, such as fines or imprisonment. The purpose of implementing these sanctions is to provide a deterrent effect for every legal subject who violates, and to protect all living creatures.

There are two types of offenses in environmental crimes, namely Material Offenses and Formal Offenses, where Material Offenses and Formal Offenses have differences, for Material Offenses are any offenses whose formulation provides criminal penalties for actions that have caused impacts from the actions carried out. Meanwhile, for Formal Offenses, is a formulation that provides criminal threats for every prohibited action, without looking at the consequences of the action. In this case, there is an article that regulates Material Offenses for environmental

[14] Januari, S., & Muaz, Z. Penegakan Hukum dalam Tindak PidanaLingkungan Hidup di Indonesia, Jurnal Mercatoria,8(2), 107-131, 2013, hlm. 13

crimes contained in Law No. 32 of 2009 concerning Environmental Protection and Management, as follows:

1. Article 98 paragraph (1): "Any person who intentionally commits an act that results in exceeding ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah)";

2. Article 98 Paragraph (2): "If the act as referred to in paragraph (1) results in injury and/or harm to human health, the punishment shall be imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 4,000,000,000.00 (four billion rupiah) and a maximum of IDR 12,000,000,000.00 (twelve billion rupiah)";

3. Article 98 Paragraph (3): "If the act as referred to in paragraph (1) results in serious injury or death, the punishment shall be imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah)";

4. Article 99 Paragraph (1): "Any person who, due to negligence, causes the ambient air quality standards, water quality standards, seawater quality standards, or environmental damage criteria to be exceeded, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah)";

5. Article 99 Paragraph (2): "If the act as referred to in paragraph (1) results in injury and/or harm to human health, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 6 (six) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiah) and a maximum of IDR 6,000,000,000.00 (six billion rupiah)";

6. Article 99 Paragraph (3): "If the act as referred to in paragraph (1) results in serious injury or death, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 9 (nine) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a maximum of IDR 9,000,000,000.00 (nine billion rupiah)";

7. Article 112: "Any authorized official who intentionally fails to supervise the compliance of the person in charge of a business and/or activity with environmental laws and permits as referred to in Article 71 and Article 72, which results in pollution and/or environmental damage resulting in loss of human life, shall be punished with imprisonment for a maximum of 1 (one) year or a fine of at most IDR 500,000,000.00 (five hundred million rupiah)";

Then, for Formal Crimes, there are also articles that regulate environmental crimes, namely:

1. Article 100 Paragraph (1) and Paragraph (2): (1) "Any person who violates wastewater quality standards, emission quality standards, or disturbance quality standards

shall be punished with imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah); (2) The crime as referred to in Article 100 paragraph (1) may only be imposed if the administrative sanctions that have been imposed are not complied with or the violation is committed more than once;

2. Article 102: "Any person who manages B3 waste without a permit as referred to in Article 59 paragraph (4) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a minimum fine of IDR 1,000,000,000.00 (one billion rupiah) and a maximum ...). Rp. 3,000,000,000.00 (three billion rupiah)";

3. Article 103: "Any person who produces B3 waste and fails to manage it as referred to in Article 59 shall be subject to imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of a minimum of IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah)";

4. Article 104: "Any person who dumps waste and/or materials into the environmental environment without a permit as referred to in Article 60 shall be subject to imprisonment for a maximum of 3 (three) years and a fine of a maximum of IDR 3,000,000,000.00 (three billion rupiah)";

5. Article 105: "Any person who brings waste into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter c shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 4,000,000,000.00 (four billion rupiah) and a maximum of IDR 12,000,000,000.00 (twelve billion rupiah)";

6. Article 106: "Any person who brings B3 waste into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter d, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah)";

7. Article 107: “Any person who imports B3 which is prohibited according to statutory regulations into the territory of the Unitary State of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter b, shall be punished with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 5,000,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah)”;

8. Article 108: “Any person who carries out land burning as referred to in Article 69 paragraph (1) letter h, shall be punished with imprisonment of at least 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 3,000,000,000.00 (three billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah)”;

9. Article 109: “Any person who carries out a business and/or activity without having an environmental permit as referred to in Article 36 paragraph (1) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine

of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah)";

10. Article 101: "Any person who releases and/or distributes genetically engineered products into the environmental media in violation of laws and regulations or environmental permits as referred to in Article 69 paragraph (1) letter g, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 3,000,000,000.00 (three billion rupiah)";

11. Article 110: "Any person who prepares an environmental impact analysis without having an environmental impact analysis competency certificate as referred to in Article 69 paragraph (1) letter i, shall be subject to a maximum prison sentence of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah)";

12. Article 111 Paragraph (1): "An environmental permit issuing official who issues an environmental permit without an environmental impact analysis (EIA) or Environmental Impact Analysis (UKL-UPL) as referred to in Article 37 paragraph (1) shall be subject to a maximum imprisonment of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah)";

13. Article 111 Paragraph (2): "An official issuing a business and/or activity permit who issues a business and/or activity permit without an environmental permit as referred to in Article 40 paragraph (1) shall be subject to a maximum imprisonment of 3 (three) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah)";

14. Article 113: "Any person who provides false or misleading information, removes information, damages information, or provides incorrect information required in connection with supervision and law enforcement related to environmental protection and management as referred to in Article 69 paragraph (1) letter j shall be punished with imprisonment of a maximum of 1 (one) year and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)";

15. Article 114: "Any person responsible for a business and/or activity who fails to comply with government coercion shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp1,000,000,000.00 (one billion rupiah)";

The criminal sanctions applied to the above offenses are cumulative and not alternative to each imprisonment and fine. Therefore, in their application, both sanctions, namely imprisonment and a fine, are imposed, not either of the established sanctions. The basis for imposing sanctions can arise from a public interest in crimes and violations arising from actions that violate regulations. Sanctions are necessary to create security, peace, and order in society. To date, sanctions are considered most appropriate for instilling fear in the public and making them reconsider committing acts that violate regulations. The provisions of sanctions contained in a criminal regulation are not merely technical, but are an inseparable part of the main material of the legislation, which means that in determining the imposition of sanctions

on an individual, one must pay attention to the elements of the legal objective, namely legal certainty, justice and benefit.

In practice, the sanctions that have been created cannot be properly applied. The ineffectiveness of environmental criminal law enforcement is evident in the increase in forest and land fires from 2015 to 2019, with numerous cases of illegal forest burning. In this case, the authorities have succeeded in securing parties suspected of being involved in the forest fires. In this case, the authorities have fulfilled their duties, namely making arrests and detentions, then coordinating with civil servant investigators. However, when it entered the court hearing stage, the case was not immediately processed properly and completely, because the court argued that there was insufficient evidence and the involvement of other legal individuals. Therefore, from this case, it can be seen that the implementation of the established offenses cannot run smoothly.[15] Furthermore, the Indonesian Center of Environmental Law (ICEL) reports that environmental law enforcement in Indonesia is becoming increasingly dismal. This is due to numerous failures in environmental law enforcement efforts involving both the government and the public. The rampant exploitation of natural resources is driven by investment policies that do not adhere to the principles of good sustainable development governance.

Indonesia needs a unified law enforcement approach, and preparation is needed to recruit law enforcement officers who are assessed based on integrity and work quality. The goal of this initiative is to create law enforcement officers who can work professionally, both with other law enforcement agencies and with the community, and who are committed to realizing better environmental development.

Furthermore, the public must also have legal awareness that encompasses all aspects of their future lives. This awareness must be instilled in every member of society to minimize the negative impacts of unlawful acts. Currently, many people are indifferent to the sanctions contained in applicable regulations. This is because they see that in reality, when people commit violations such as littering, illegal forest burning, coral reef destruction, and other environmental pollution that can damage the ecosystem, they do not receive firm action from law enforcement. This is because law enforcement officers do not utilize criminal law effectively in resolving violations committed by the public. They prefer to use other legal means that are easier or more effective.

4. Conclusion

The legal regulations issued by the government are in the form of the Environmental Management Law (UUPPLH), which in this law contains provisions on criminal elements that are expected to create a deterrent effect and minimize criminal behavior. In enforcing the UUPLH there are many challenges and obstacles, due to the lack of firmness of law enforcement, then the law is not implemented properly, and the lack of public awareness about the environment. In fact, if seen in the UUPPLH, there are environmental criminal offenses where if the community violates the regulations will be subject to sanctions in the form of fines or imprisonment. The enforcement of environmental criminal law in Indonesia is

[15] Raka, K. *Peran Hukum Pidana dalam Penegakan Hukum Lingkungan diIndonesia*. (Medan: UniversitasSumatera Utara, 2017), hlm. 98.

considered unable to achieve its goals, because there are many failures in its implementation, and law enforcement officers in resolving violations committed by the community do not use criminal law means as well as possible, law enforcement officers prefer to use other legal means that are easier to work or more effective.

The recommendation from the results of this study is that the government as a law enforcement officer should be able to enforce the sanctions contained in the UUPPLH properly, because if the government can be more assertive and pay more attention to environmental conditions in Indonesia, the environment in Indonesia will be more sustainable. In addition to the government, the community should also cooperate and participate in helping the government to maintain environmental cleanliness. Legal awareness from the community is also very necessary to realize a clean Indonesia, and a law-abiding society is expected to minimize environmental crime behavior that still exists from the past until now, environmental crime behavior is usually carried out by irresponsible individuals who aim to damage the environment.

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