

Progressive Legal Approach in the Settlement of the Case of Hazardous and Toxic Waste (B3) by a Judge in the District Court

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Abstract--- The direction of the long-term development in Indonesia is economic development based on industrial development. The development of the industry does not only produce beneficial products to the community, but also has a negative impact on the surrounding environment. One of these impacts is the production of waste. In Law Number 32 of 2009 concerning the Protection and Management of the Environment, it provides environmental management regulations including regulating environmental pollution issues. The important issues in this case are related to positive legal arrangements in Indonesia regarding Hazardous and Toxic Materials and a progressive legal approach in resolving waste disposal disputes. The method used in this study was qualitative socio-legal approach based on the literature data. The analysis was qualitative. The techniques of collecting legal entities in this study were interviewing the environmental certified judges and conducting the literature study as a secondary data. The research results showed that the Government has issued Government Regulation No. 101 of 2014 concerning Management of Hazardous and Toxic Waste (B3 Waste), in which there have been significant changes from Government Regulation No. 18 and 85 of 1999, in which B3 Waste management must be carried out in an integrated manner because it can cause harm to human health, other living organisms, and the environment. Judges in the judicial process must pay attention to environmental conditions by being able to place criminal law as premium remedium, and use the principle of strict liability in decisions related to Hazardous and Toxic Waste. Judges who handle environmental dispute issues must have more understanding, knowledge and skills in the field of the environment. This is where integrity and joint commitment by all law enforcement officials are needed in carrying out the mandate of the constitution and the laws and regulations in the field of the environment.

Keywords---- Environment, Hazardous and Toxic Waste, Government Regulation No. 101 of 2014, Progressive Law

I. INTRODUCTION

Environment is everything that exists around humans that influences the continuity of human life and other living organisms both directly and indirectly. As humanity develops, the need for space and the use of technology that are increasingly high in the era of globalization make the environment gradually change. Mutual relations that are in harmony between humans and nature experience interferences

or even conflicts between both of them. Natural destruction causes disasters that threaten human life. In this case, humans become victims as well as perpetrators of such destruction.¹

The direction of the long-term development in Indonesia is economic development based on industrial development. The development of the industry does not only produce beneficial products to the community, but also has a negative impact on the surrounding environment. One of these impacts is the production of waste. Various types of waste that do not fulfill waste quality standards are the main source of pollution and environmental damage. The environment that has been polluted and damaged will cause and increase the costs of externality that must be borne by the community. Such conditions are very prone to the risk of social conflict, which in turn will threaten the sustainability of the industry itself.²

According to Koesnadi Hardjosoemantri, there is a wrong opinion, which is quite widespread in various circles, namely that law enforcement is only through a process in the court. It should be noted that law enforcement is carried out through various channels with various sanctions, such as, administrative sanctions, civil sanctions, and criminal sanctions. There is also a wrong opinion that law enforcement is the obligation of the entire community and the understanding of rights and obligations is an absolute requirement.³

Through Law Number 32 of 2009 concerning the Protection and Management of the Environment (PPLH Law), Indonesia provides regulations concerning environmental management including regulating environmental pollution issues. In Article 1 point 14 of the PPLH Law, it is stated that what is meant by environmental pollution is the entry or

¹ AL Sentot Sudarwanto, 2018, *AMDAL dan Proses Penyusunan (Berdasarkan Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun 2012 Tentang Pedoman Penyusunan Dokumen Lingkungan Hidup)*, Surakarta: UNS Press, p. 6.

² Setiyono, Dasar Hukum Pengelolaan Limbah B3, *Jurnal Teknologi Lingkungan*, Vol.2, No. 1, Januari 2001, p. 77.

³ Koesnadi Hardjosoemantri, 2000, *Hukum Tata Lingkungan Edisi 17*, Yogyakarta: Gajah Mada Press, p. 390.

inclusion of living organisms, substances, energy, and/or other components into the environment by human activities so that they exceed the prescribed environmental quality standards. Environmental pollution in the form of the disposal of residual waste produced by this time really demands more attention from many parties, both the government, business people, and the community. Many cases of industrial waste disposal ultimately have the potential to cause environmental pollution. Environmental pollution due to production waste disposal occurs almost every time in various places.

In this case, *B3* waste is defined as “Every waste containing hazardous and/or toxic materials due to its nature and/or concentration and/or its amount that can either directly or indirectly damage and/or pollute the environment and/or harm it.” The impact caused by *B3* waste dumped directly into the environment is very large and can be accumulative so that the impact will be chain following the process of transporting (circulation) materials and nets of the food chain. Because of the magnitude of the risk posed, the government has tried to manage *B3* waste in a comprehensive, integrated, and sustainable manner.⁴

According to the definition of Resource Conservation and Recovery Act (RCRA), hazardous and toxic waste as solid waste, or combination of solid waste, due to its quantity, concentration, or physical, chemical properties, or infectious character can cause, or (a) significantly contribute to an increase in death or an increase in the unrecoverable, or make it unable to recover; or (b) cause the appearance of substances or potential toxic to human health or the environment when it is used, stored, transported, or improperly disposed of, or otherwise regulated.⁵

For example, PT. Sekar Bengawan which is engaged in the textile industry which has a large production capacity of approximately 1 (one) million yards per month, is indirectly responsible for waste treatment at PT. Sekar Bengawan because of its operational activities. PT. Sekar Bengawan produces liquid waste with a discharge of 400 m³ to 500 m³, and the liquid waste after being processed at the Waste Treatment Unit (*UPL*) is then discharged into Sroyo River. In fact, the resulting liquid waste exceeds the Limits of Liquid Waste Quality Standards for the activities of textile industry or does not fulfill the requirements as regulated in Decree of Governor of Central Java Number 660.1/02/1997. This was based on the results of the research conducted by the Industrial and Trade Research and Standardization Center (*BARISTAND INDAG*) in Semarang in accordance with the letter number 2166/BPPIP/BRS.2/IX/2004 on September 3rd, 2004 and Official Record of Criminalistic Laboratory Examination from the Forensic Laboratory Center of The National Police Criminal Investigation Agency of Semarang Branch lab number 668/KTF/IX/2004 on September 14th, 2004 against

liquid waste taken from outlet holes from PT. SekarBengawan by the Central Java Regional Police Team obtained results that there were levels of TSS: 84 Mg/l which should be 60 Mg/l, BOD: 262.2 Mg/l which should be 85, and COD: 407.6 Mg/l which should be 250 Mg/l. Thus, it can be concluded that the maximum levels for the parameters of TSS, BOD, and COD of liquid waste at PT. SekarBengawan has exceeded the specified quality standards for liquid waste so that the waste discharged into Sroyo River can cause environmental pollution and/or damage and human health.⁶ *B3* waste that is directly disposed of into the environment can be harmful to the environment, human health, and other living organisms. Because of the great risks posed, every industrial activity minimizes the waste resulting from the process. *B3* waste generation agencies need to clearly classify the characteristics and criteria of *B3* waste and must conduct tests to determine whether the waste produced from the activities includes *B3* or non-*B3* waste.⁷

So far, the judiciary as a state institution of justice enforcement in resolving environmental disputes is considered not to give a sense of community justice and environmental justice. Various cases in resolving environmental pollution disputes that have been submitted to the court have severely disappointed the community, and are far from a sense of justice. The court institution in resolving environmental disputes has been oriented on formal law. In the process in resolving environmental disputes, judges still have not been able to get out of the text books approach that understand the law only to the black and white extent, implemented like a telephone book.

The judge did not see any other legal considerations that contained legal principles that lived in the community or legal principles that have a higher position, such as, the principle of early prevention, the principle of prudence, the principle of defense through “due diligence” and the principle of accountability strictly “strict liability” even though those principles are needed to answer legal issues in cases that are not accommodated in legislation. Besides, the judge did not see the legal facts revealed at the trial so that the judge's decision to resolve environmental disputes did not reflect a sense of justice. The failure of the court in resolving environmental disputes is because law enforcement officials (judges) in understanding and implementing new laws are limited to using formal rules and procedures logic.⁸

The Ministry of Environment and Forestry (*KLHK*) noted that law enforcement carried out by *KLHK* during 2015-2018 reached 1,995 complaints related to Environment and Forestry handled; 2,089 permits supervised; 450 administrative sanctions imposed; 220 civil claims filed with a compensation

⁴ Setiyono, *Op.Cit.*, p. 74.

⁵ Chaban, Moustafa A., 2001, Hazardous Waste Source Reduction in Materials and Processing Technologies, *Journal of Materials Processing Technology*, p. 336.

⁶ Putusan Nomor 20/Pid.B/2005/PN.Kray

⁷ Michael D. La Greaga, et al., 2001, “*Hazardous Waste Management*”, Mc.Graw-Hill International Edition, p. 31.

⁸ Absori, 2014, *Hukum Penyelesaian Sengketa Lingkungan Hidup Sebuah Model Penyelesaian Sengketa Lingkungan Hidup dengan Pendekatan Partisipatif*, Surakarta: Muhammadiyah University Press, p. 172.

value of Rp16.9 trillion (16 lawsuits through the court) and Rp42.6 billion (110 agreements outside the court); 433 criminal cases stated P-21; and 610 forest security operations carried out (196 illegal logging operations, 221 forest encroachment operations, 187 operations against wildlife crime).⁹ KLHK through the Directorate General of Law Enforcement (*Gakkum*) of Environment and Forestry has handled 2,052 complaints, and supervision of 462 companies, covering 1,544 environmental permits. Meanwhile, in the case of toxic and hazardous waste (*B3*), administrative sanctions have been issued in 61 companies, 65 criminal law enforcement processes, and 9 of them are ready for the trial.¹⁰ In fact, law enforcement in Indonesia is still chaotic, and this is already known and acknowledged not only by the people who are in the legal world, but also by most Indonesian people and the international community. In addition, many opinions stated that law enforcement in Indonesia has reached its nadir. The law enforcement process is often seen as discriminatory, inconsistent, and only prioritizes the interests of certain groups, even though the law enforcement should be the spearhead of the creation of a good legal order in the society. One of the reasons why Indonesia has been difficult to get out of the economic crisis since 1998, compared to the other countries affected by the crisis is because law enforcement in Indonesia is very bad. The Indonesian nation has not succeeded in elevating the law to the point of approaching ideality, but it has even further created deep disappointment, especially regarding the law enforcement in environmental disputes.¹¹ The judge as the breaker is one of the elements of the judiciary that has the most important role among the other judicial elements. If the judge does not pay attention to the environment in resolving environmental cases, it will affect the realization of justice for the environment. The legal culture of judges who do not pay attention to the environment and implement it in resolving environmental cases is a weakness which will not produce an ecological justice at the end. This also has the potential of settlement of environmental cases in the courts which always loses and “there is no partiality to those who suffer the most” in cases of pollution and/or environmental damage.¹²

The legal failure to bring the perpetrators to punishment by the court is due to the submissiveness of the completeness of existing laws, such as, procedures, doctrines, and principles. As a result of the law, it can be a safe heaven for the

perpetrators. If it is viewed from the optics of progressive legal, then the methods and practices of such law are already classified as counter-progressive.¹³

A. Problem Statements

The problems studied can be formulated as follows:

1. How was the regulation of *B3* waste by positive law in Indonesia?
2. How was the progressive legal approach in resolving cases of *B3* waste by Judges in the District Court?

B. Research Method

The method used in this study was qualitative socio-legal approach based on the literature data. By using socio-legal approach, this study used two approaches, namely social approach and normative juridical approach. Social approach is used to analyze socio-economic and socio-political situation, to explain justice values, prosperity, and democratic values manifested in the society as a result of globalization. On the other hand, normative juridical approach is used to analyze the norms of laws and regulations and judge's decisions, referring to the values of prosperity and justice in the society. The analysis was qualitative; which did not emphasize on the data quantity, but the quality. This study was conducted by interviewing the environmental certified judges and using the literature data, investigating the relevant documents of laws and regulations, books, law journals, research results, and court judgment to explain the problems in this study.

C. Research Results and Discussions

1) Regulation of *B3* Waste based on Positive Law in Indonesia

The Government of the Republic of Indonesia on October 17th, 2014 issued Government Regulation No. 101 of 2014 concerning Management of Hazardous and Toxic Waste (*B3* Waste). This Government Regulation amends Government Regulation No. 18 and Government Regulation No. 85 of 1999 which are no longer valid. Government Regulation No. 101 of 2014 (*PP* 101/2014) is a mandate of Law No. 32 of 2009 concerning the Protection and Management of the Environment, Article 59, the Indonesian Agenda 21, and the National Strategy for Sustainable Development.

PP 101/2014 significantly changed from *PP* 18 and 85 of 1999, in which the management of *B3* Waste must be carried out in an integrated manner because it can cause harm to human health, other living organisms, and the environment. The company as a producer of *B3* Waste is responsible since *B3* Waste is produced until it is destroyed (from cradle to grave) by properly managing internally and ensuring that the third party of the management of *B3* Waste fulfill the regulations and is competent. In *PP* 101/2014, the sources of *B3* waste consist of 1. specific sources (general and special);

⁹<http://industri.bisnis.com/read/20180523/99/798817/klhk-dan-ky-pantau-bersama-kasus-lingkungan-dan-kehutanan>, di akses 8 November 2018, pukul 20.35

¹⁰<http://www.menlhk.go.id/berita-10515-klhk-tegas-tangani-kasus-pencemaran-lingkungan.html>, di akses 14 Februari 2019, Pukul 21.30 WIB

¹¹ Ahmad Rifa'i, 2012, *Penemuan Hukum oleh Hakim dalam Perspektif Hukum Progresif*, Jakarta: Sinar Grafika, p. 36.

¹² Rochmani, 2016, *Budaya Hukum Hakim dalam Penyelesaian Perkara Lingkungan Hidup di Pengadilan*, Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers Unisbank Ke-2 Tahun 2016 Kajian Multi Disiplin Ilmu dalam Pengembangan Iptek untuk Mewujudkan Pembangunan Nasional Semesta Berencana sebagai Upaya Meningkatkan Daya Saing Global, p. 511.

¹³ Satjipto Rahardjo, 2004, *Formal dan Non Formal dalam Ketatanegaraan*, Kompas, 25 Oktober 2004.

2. unspecific; and 3. expired, spilled, and off-specification *B3*, and the used *B3* packaging. Meanwhile, the hazard categories of *B3* Waste are divided into 2, namely the hazard category 1 and the hazard category 2. The consequence for the company is that the management of *B3* Waste starts from the management of *B3* Materials, identification, reduction, storage, the management by the third party, emergency response system, *B3* Waste dumping, and administrative sanctions.

In lawsuits, *B3* waste is classified as a formal claim. This means that a person or company can be charged with civil and criminal environmental demands because of how to manage *B3* waste that is not in accordance with the regulations, without the need to prove that the action has polluted the environment. Thus, the management of *B3* Waste that fulfills the requirements must be known by the parties related to *B3* Waste in the company and the third party that works with the company.

2) *Progressive Legal Approach in Resolving Case of B3 Waste by Judges in the District Court*

When it is compared to a practical legal approach, a progressive approach actually does not fail at all. A progressive approach places the human paradigm that carries this approach considering behavioral factors (behavior, experience). The progressive legal approach is legal for humans, whereas in practical legal studies, human is for law and legal logic. Law and legal studies tend to creativity and reject routines of rules logic. Herein lies the enlightenment of the progressive legal studies approach.¹⁴

Progressive law is very concerned with the hunt for truth and wants as far as possible to be able to display a complete picture. Law that is understood is not in the form of order, but also disorder. Besides, it needs to be open to the chaotic reality that exists in the law because such condition can be found in the law.¹⁵ Friedman divided the legal system into three parts, namely: legal structure, legal substance, and legal culture.¹⁶ Legal structure is a structural component or organ engaged in a mechanism, both in making and implementing regulations. Legal substance is a product of the legal structure, both regulations are made through a formal structure mechanism and born out of habit. In addition, legal culture is the value, thought, and hope of the method or norm in the social life of the community.

In general, to rise from the adversity in the field of law, namely the enforcement and image of a judicial institution that do not improve, it is necessary to do more reflection on what the meaning of social life in a state of law. To answer

it, it does not only use logic and feelings, but also spiritual intelligence because running the law is not the same as implementing the letters only, but it must find the true meaning of the implemented rule. Law is not only a telephone book that lists rules and articles, but also something that is full of meanings and values.¹⁷

Environmental dispute resolution carried out by formal institutions, such as, courts and the government, has not shifted from a formal and procedural positive approach. Law enforcement officials in responding to and resolving various environmental issues show a formalist, deterministic attitude, and provide opportunities for exploitative behavior among the business people. The legal instruments used are only procedure oriented and cannot be relied upon as the main pillar to overcome environmental issues, while environmental pollution is in the time process which is increasingly difficult to control.

Therefore, this approach would need to be ended immediately, replaced by a progressive approach in resolving environmental issues that have reached an alarming stage. There is a need for shock therapy which is immediately rolled out in various steps in giving a stronger boost. In enforcing environmental law, it must be carried out by all parties related to the environment. Discussing community participation in various forms will be related to the traditions of the local community (culture), understanding of norms/rules, and socio-political conditions. In managing the environment, community participation can be carried out in various forms at the level of decision making, implementation of programs and advocacy or environmental advocacy that can be carried out in the court or outside the court.¹⁸

In order to eliminate the impression of throwing work between the police and prosecutors, as well as to show the sincerity of the law enforcement officials in handling environmental issues, there must be a willingness of the law enforcement officials to make a formal procedure breakthrough which has been a problem for the law enforcement officials.

The breakthrough step can be seen from the case of filing four companies in Karanganyar which were filed by the Regional Police Chief in a criminal manner. It can be said that the Regional Police Chief made a breakthrough step because he filed the criminal cases first without following the usual environmental law enforcement procedures, namely before filing criminal law, it must first go through administrative law and civil law. Thus, law enforcement officials have deviated from the principle of subsidiary in environmental law known as the principle of *ultimum remedium*. Because environmental issues are so

¹⁴ Satjipto Rahardjo, 2004, "*Hukum Progresif sebagai Dasar Bangunan Ilmu Hukum Nasional*", Semarang: Makalah Seminar Nasional Menggagas Ilmu Hukum Progresif Indonesia, Kerjasama IAIN Walisongo dengan IKA Program Doktor Ilmu Hukum UNDIP, p.5.

¹⁵ *Ibid*, p. 6.

¹⁶ Lawrence M. Friedman, 2009, *Sistem Hukum: Perspektif Ilmu Sosial (The Legal System: A Social Science Perspective)*, Bandung: Nusa Media, p. 33.

¹⁷ Satjipto Rahardjo, 2002, "*Menjalankan Hukum dengan Kecerdasan Spiritual*", Kompas, 30 Desember 2002, p. 4-5.

¹⁸ Absori, 2004, Peran Serta Masyarakat dalam Penegakan AMDAL, *Jurnal Yurisprudence*, Vol.1, No.2, p. 197.

alarming, according to Hamzah, the provision of criminal sanctions on environmental pollution must be changed from the ultimum remedium provision, which considers that violations of environmental law are not yet a serious problem to become premium remedium which makes criminal sanctions a priority instrument in handling actions of pollution or environmental damage. Choice falls on criminal law if a damage cannot be repaired or restored, such as, felling trees, killing birds or protected animals. Repair or recovery of damage cannot be done physically.¹⁹ In Law No. 32 of 2009 concerning the Protection and Management of the Environment, the principle of premium remedium has not yet been adopted. This can be seen in Article 84 paragraph (3) which states that a lawsuit through the court can only be carried out if the dispute settlement outside the court is declared unsuccessful by one or the parties to the dispute.

Moreover, because the nature and character of environmental cases are different from other cases, in some focus groups, there has been a developing thinking about the need for a special court model as the expected court model. This court institution can stand alone independently or be attached to an existing court whose the tasks are specifically to handle, examine, and decide on disputes of environmental issues.

Special judges who handle disputes of environmental issues must have more understanding, knowledge, and skills in the field of the environment. There is a need to have intensive guidance for the special judges on their duties and responsibilities. The judges are expected to be able to run the law with the high complexity by prioritizing humanity and ecology. Thus, the desire to realize the community and environmental justice will be achieved.

To realize the seriousness of law enforcement on serious issues like the environmental issues, the Supreme Court issued Circular Letter No: MA/Kumdil/197.A/K/2000 containing "asking the court and the judge to give a serious punishment, worth with the actions, and not to offend the sense of the community justice towards economic criminal cases, drugs, rapes, serious human rights violations, and the environment. Besides, the judge is asked to be a catalyst for the gap between positive law and values developed in the community."

KLHK actually has an important role in the efforts of preventing and controlling environmental pollution and damage. *KLHK* can increase the cooperation between the police and judiciary to equate perceptions, understandings, and steps in carrying out environmental law enforcement. It can also be done by giving guidance to law enforcement officials, polices, prosecutors, and judges about the material of environmental law. In the judicial process of handling environmental disputes to court institutions, one of the

judges should be certified in the environmental field. Lawrence M. Friedman explained that culture is social power that can influence the work of the law and change into a better way. Thus, legal culture in the judge can change into a more meaningful way. If initially the legal culture of judges is positivistic-legalistic that lacks attention to environmental protection, it can change into a progressive legal culture of judges and be based on the idea that the environment has the right to be protected so that the decision is to pay attention to the environment as the victim of pollution and/or environmental damage.²⁰

Guidance on law enforcement officials who will handle environmental issues is not only based on increasing capacity using IQ or EQ, but also has begun to be honed with the SQ approach as creative, insightful, rule-making, rule-breaking, and thinking. In this case, the visionary and liberating progressive law is certainly sided with SQ in running the law.²¹ The progressive legal approach always starts from a deep understanding of the legal apparatus that the statutory rules (law) are dead texts that must be turned on as the purposes of making those legal texts, namely legal expediency, justice, and certainty. Thus, in the context of the settlement of *B3* waste case, the legal apparatus must really master and understand the legal texts related to the case, not slaving to the legal texts, but carrying out judicial activism or legal art so that the law is not rigid and actually inhibits in achieving legal objectives.²²

To overcome this, a progressive awareness movement must be carried out by involving the participation of the community, law enforcement officials, and government on their duties and responsibilities in resolving and solving environmental issues. Progressive law can be said as a solution that is very much related to deteriorating legal conditions in Indonesia. Satjipto Rahardjo as quoted by Mahmud Kusuma explained that the position of progressive law is an institution that continuously builds and transforms itself towards a better level of perfection. The quality of perfection can be verified into the factors of justice, prosperity, concern for the people, and others.²³

II. CONCLUSIONS

Environmental issues are interdisciplinary problems that cannot be seen dogmatically, but they can be seen comprehensively by looking at other disciplines. The Government of the Republic of Indonesia on October 17th, 2014 issued Government Regulation No. 101 of 2014 concerning Management of Hazardous and Toxic Waste (*B3* Waste). This Government Regulation amends Government

²⁰ Rochmani, *Op. Cit.*, p. 513.

²¹ Satjipto Rahardjo, *Op. Cit.*, p. 10.

²² Wawancara dengan Djuyanto Hakim Pengadilan Negeri Bekasi, 16 Februari 2018 di Surakarta.

²³ Mahmud Kusuma, 2009, *Menyelami Semangat Hukum Progresif: Terapi Paradigmatik bagi Lemahnya Hukum Indonesia*, Yogyakarta: Antonylib, p. 52-53.

¹⁹ Hamzah, 2005, *Penegakan Hukum Lingkungan*, Jakarta: Arikha Media Cipta, p. 82.

Regulation No. 18 and Government Regulation No. 85 of 1999 which are no longer valid. Government Regulation No. 101 of 2014 (PP 101/2014) is a mandate of Law No. 32 of 2009 concerning the Protection and Management of the Environment, Article 59, the Indonesian Agenda 21, and the National Strategy for Sustainable Development. Regulations that have long-term impacts cannot be predicted. To be able to implement good regulations, good behavior is needed by all state apparatus. There is no meaning that an ideal law is made and has a responsive and progressive character, but it is run by humans who do not have good behavior towards the environment.

Progressive law is very concerned with the hunt for truth and wants as far as possible to be able to display a complete picture. Law that is understood is not in the form of order, but also disorder. Judges in the judicial process must pay attention to environmental conditions by being able to place criminal law as premium remedium, and use the principle of strict liability in decisions related to Hazardous and Toxic Waste. Judges who handle environmental dispute issues must have more understanding, knowledge and skills in the field of the environment. This is where integrity and joint commitment by all law enforcement officials are needed in carrying out the mandate of the constitution and the laws and regulations in the field of the environment. Progressive law can be said as a solution that is very much related to deteriorating legal conditions in Indonesia.

REFERENCES

- [1]. Absori. (2014). *Hukum Penyelesaian Sengketa Lingkungan Hidup Sebuah Model Penyelesaian Sengketa Lingkungan Hidup dengan Pendekatan Partisipatif*. Surakarta: Muhammadiyah University Press.
- [2]. Absori. (2004). Peran Serta Masyarakat dalam Penegakan AMDAL. *Jurnal Yurisprudence*, Vol.1, No.2.
- [3]. Chaban, M.A. (2001). Hazardous Waste Source Reduction in Materials and Processing Technologies. *Journal of materials processing technology*.
- [4]. Circular Letter No: MA/Kumdil/197.A/K/2000.
- [5]. Decision Number 20/Pid.B/2005/PN.Kray.
- [6]. Friedman, L.M. (2009). *Sistem Hukum: Perspektif Ilmu Sosial (The Legal System: A Social Science Perspective)*. Bandung: Nusa Media.
- [7]. Greaga, M.D.La, et al. (2001). *"Hazardous Waste Management"*. Mc.Graw-Hill International Edition.
- [8]. Hamzah. (2005). *Penegakan Hukum Lingkungan*. Jakarta: Arikha Media Cipta.
- [9]. Hardjumantri, K. (2000). *Hukum Tata Lingkungan Edisi 17*. Yogyakarta: Gajah Mada Press.
- [10]. Kusuma, M. (2009). *Menyelami Semangat Hukum Progresif: Terapi Paradigmatik bagi Lemahnya Hukum Indonesia*. Yogyakarta: Antonylib.
- [11]. Law No. 32 of 2009 concerning the Protection and Management of the Environment.
- [12]. Rahardjo, S. (2004). *Formal dan Non Formal dalam Ketatanegaraan*. Kompas, 25 Oktober 2004.
- [13]. Rahardjo, S. (2004). *"Hukum Progresif sebagai Dasar Bangunan Ilmu Hukum Nasional"*. Semarang: Makalah Seminar Nasional Menggagas Ilmu Hukum Progresif Indonesia, Kerjasama IAIN Walisongodengan IKA Program Doktor Ilmu Hukum UNDIP.
- [14]. Rahardjo, S. (2002). *"Menjalankan Hukum dengan Kecerdasan Spiritual"*. Kompas, 30 Desember 2002.
- [15]. Rifa'i, A. (2012). *Penemuan Hukum oleh Hakim dalam Perspektif Hukum Progresif*. Jakarta: Sinar Grafika.
- [16]. Rochmani. (2016). *"Budaya Hukum Hakim dalam Penyelesaian Perkara Lingkungan Hidup di Pengadilan"*. Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers Unisbank Ke-2 Kajian Multi Disiplin Ilmu dalam Pengembangan Ipteks untuk Mewujudkan Pembangunan Nasional Semesta Berencana (Pnsb) sebagai Upaya Meningkatkan Daya Saing Global.
- [17]. Setiyono. (2001). Dasar Hukum Pengelolaan Limbah B3. *Jurnal Teknologi Lingkungan*. Vol.2, No. 1.
- [18]. Sudarwanto, A.Sentot. (2018). *AMDAL dan Proses Penyusunan (Berdasarkan Peraturan Menteri Lingkungan Hidup Nomor 16 Tahun 2012 tentang Pedoman Penyusunan Dokumen Lingkungan Hidup)*. Surakarta: UNS Press.
- [19]. <http://industri.bisnis.com/read/20180523/99/798817/klhk-dan-ky-pantau-bersama-kasus-lingkungan-dan-kehutanan>, di akses 8 November 2018, pukul 20.35
- [20]. <http://www.menlhk.go.id/berita-10515-klhk-tegas-tangani-kasus-pencemaran-lingkungan.html>, di akses 14 Februari 2019, Pukul 21.30 WIB