

Policy on Environmental Law Reform in the Context of Environmental Preservation in Bandar Lampung City

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Riwayat Artikel

Diterima pada 28 Juni 2024

Revisi 1 pada 3 Juli 2024

Revisi 2 pada 20 Juli 2024

Disetujui pada 30 Juli 2024

Abstract

Purpose: The problem is that the development of public green open spaces in Bandar Lampung City has not yet met the proportion requirements in accordance with the applicable Bandar Lampung City Regional Regulations, where there is a minimum standard of 20% of the urban area. Every year, the availability of green open spaces continues to degrade. In 2022, the total availability of green open spaces for the community reached only 4.6%, highlighting the need for policy reforms in environmental law to maintain the community's environment in green open spaces in Bandar Lampung City.

Research Methodology: This study uses normative and empirical juridical research methods, employing a qualitative approach with data collection techniques such as literature studies and interviews. Studies have been conducted on related regulations, books, and other literature pertinent to environmental law in society.

Results: Implementation of Community Environmental Law Renewal Policy in Green Open Space, an effort carried out by the Regional Government to respond to the minimal availability of Green Open Space for the Community by seeking new green open space alternatives that adapt to zoning to increase healthy air and avoid natural disasters such as droughts, floods, etc., through legal umbrella policies issued by the Regional Government.

Limitations: The social and economic factors affecting environmental conservation in Bandar Lampung may not be fully discussed. This aspect is important, because it often becomes an obstacle to policy implementation.

Contribution: The article can provide new insights into environmental law reform policies that can be used by policy makers to design or improve policies in Bandar Lampung or other similar areas.

Keywords: Policy, Legal Reform, Green Open Space, Environment, Bandar Lampung City

How to Cite: Alfian, A., Rinova, D. (2024). Policy on Environmental Law Reform in the Context of Environmental Preservation in Bandar Lampung City. *Jurnal Ilmiah Hukum dan Hak Asasi Manusia*, 4(1), 27-33.

1. Introduction

Environmental problems are getting bigger, more widespread, and more serious. These issues are not only local but also regional, national, transnational, and global. The impacts on the environment are interconnected, affecting multiple aspects and creating a chain reaction of consequences. If one aspect of the environment is affected, various other aspects will also experience consequences (Mahdiyah, Akbar, & Romiyanto, 2022). In the Preamble to the 1945 Constitution, the fourth paragraph states that the Indonesian state protects the entire nation and promotes general welfare, which includes ensuring a sustainable and healthy environment. Article 28 H paragraph (1) of the 1945 Constitution emphasizes that everyone has the right to a good and healthy living environment. The enactment of Law Number 26 of 2007 on Spatial Planning necessitates updates to the National and Regional Spatial Plans. Environmental law reform is crucial as it promotes sustainable development, improves public health,

and ensures the availability of green open spaces, enhancing the overall welfare of the community through better environmental management (Andriawan, Akib, & Triono, 2021).

The problem of green open space in Bandar Lampung begins with land conversion, which increasingly erodes green open spaces each year. According to Regional Regulations of Bandar Lampung Number 4 of 2021, the provision of public green open space must be at least 20% of the urban area. However, land originally designated as green open space has been converted into business and office buildings, tourist attractions, and even mining locations, leading to ecological disasters like flooding. This has led to Bandar Lampung being known as a city with minimal green open space, with the existing public green open space (RTH Publik) only reaching an area of 2,184.79 hectares, or 11.08% of the city's total area (Christiyandi, 2022). Despite the regulation, the decline in green open spaces raises significant issues for the community. This lack of green space impacts the city's ecological balance and residents' quality of life (Light, 2023).

Environmental issues are very complex issues. One means of resolving the complexity of environmental problems is environmental law. Environmental law as a functional part of law provides a legal framework for environmental management from the aspects of legislation, institutions, instrumentation and environmental law enforcement in the context of successful environmental management in Indonesia. From the instrumental aspect, environmental law provides environmental legal instruments as a means of preventing environmental pollution, namely: environmental quality standards, environmental impact analysis, environmental permits, economic instruments, and environmental audits. The application of environmental legal instruments is the key to successful environmental management (Supriyono, Sholichah, & Irawan, 2022). Environmental management and protection is a systematic and integrated effort carried out to preserve environmental functions and prevent environmental pollution and/or damage which includes planning, utilization, control, maintenance, supervision and law enforcement. (Chesya, 2022) The problems in this research are as follows: How is the Implementation of Community Environmental Law Reform Policies in Green Open Spaces in Bandar Lampung City?

2. Literature review

2.1 Environmental Law Policy

- 1) Basic Theories and Concepts:
 - a. Environmental Law: Provides basic definitions and concepts of environmental law, such as environmental theory and international regulations (e.g., Kyoto Protocol, Paris Agreement).
 - b. Environmental Law Reform: Reviews literature that discusses the need for reform in environmental law, such as policy changes to meet international environmental standards or respond to local environmental concerns.
- 2) Legal Approaches:
 - a. Prescriptive and Procedural Approaches: Explains the prescriptive (laws that set standards) and procedural (enforcement mechanisms) approaches to environmental policy.
 - b. International Case Studies: Compares environmental law reform policies in other countries as a reference for Bandar Lampung.

2.2 Bandar Lampung Environmental Context

- 1) Environmental Profile:
 - a. Local Environmental Issues: Covers major environmental issues in Bandar Lampung, such as pollution, waste management, deforestation, and local climate change impacts.
 - b. Ecosystem Conditions: Presents information about important ecosystems in Bandar Lampung that require special attention in legal reform.
- 2) Existing Policies and Regulations:
 - a. Environmental Policy in Indonesia: Examines national policies and regulations affecting

Bandar Lampung, such as Law No. 32 of 2009 on Environmental Protection and Management.

- b. Local Policy in Bandar Lampung: Analyzes environmental policies implemented at the city level and the challenges faced.

2.3 Theories and Models of Policy Reform

1) Theoretical Models:

- a. Policy Reform Models: Introduces various theoretical models for policy reform, such as the incremental model, the radical model, and the consensus-based model.
- b. Policy Analysis Approaches: Provides a framework for analyzing policies and their impacts, such as the Policy Impact Analysis approach.

2) Case Studies and Best Practices:

- a. International Case Studies: Includes relevant case studies from other regions that have succeeded in environmental law reform.
- b. Best Practices: Presents best practices that Bandar Lampung can adopt to improve the effectiveness of environmental policies.

2.4 Challenges and Opportunities in Environmental Law Reform

1) Implementation Challenges:

- a. Social and Economic Issues: Provides insight into the social and economic challenges that may impact the implementation of environmental policies, such as community resistance or resource shortages.
- b. Compliance and Enforcement: Examines issues related to legal compliance and enforcement.

2) Opportunities and Solutions:

- a. Innovation and Technology: Analyzes how technological innovation and data-driven approaches can help in environmental conservation.
- b. Public Participation: Discusses the importance of public and stakeholder participation in policy reform.

3. Research methods

This research employs a combination of normative and empirical juridical research methods, incorporating a qualitative approach. According to Sugiyono (2016), qualitative research involves studying natural objects where the researcher is the key instrument. Data collection is conducted through triangulation (a combination of methods), data analysis is inductive, and the results emphasize meaning rather than generalizations. Normative legal research involves finding legal rules, principles, and doctrines to address legal issues (Marzuki & Sh, 2021).

The data collection method used in this research is library research. This literature study was carried out in order to collect secondary data. Secondary data is data obtained by a researcher indirectly from the source (research object), but through other sources. Researchers obtain ready-made data collected by other parties using various means or methods, both commercial and non-commercial. These sources can be laws, previous research journals, book literature and so on. In this qualitative research, the data obtained will be processed using steps (1) Data reduction, the data that has been collected will be processed to make it easier to read and then presented to answer the research problem formulation, (2) Data presentation, the data will be presented and discussed further with detailed and systematic analysis and (3) Drawing conclusions, in the form of conclusions related to the results of answers to research problems (Sugiyono, 2016).

4. Results and Discussion

Environmental ethics debates since at least the 1970s have varied widely. Many thinkers have offered alternative perspectives on environmental ethics, aiming to change the relationship between nature, humans, and all biotic and abiotic entities. For example, Alfred Russel Wallace's anthropocentrism,

Karen Warren's ecofeminism, and Arne Naess's Deep Ecology, among others, complement, overthrow, and renew each other (Fandeli, Utami, & Nurmansyah, 2017). This idea of environmental ethics coincides with state law when the state, with its authority, has sovereignty to regulate many things, including natural resources. Thus, state sovereignty creates various dynamics, including a tug-of-war between interests (Rangkuti, 2020).

Environmental ethics significantly influences development policies, aiming to balance economic growth, environmental protection, and social equity. Sustainable development seeks this balance but often faces conflicts among stakeholders, such as governments, corporations, and local communities. Development projects, like infrastructure expansion and industrialization, can lead to environmental degradation and displacement of communities, driven by economic interests. Integrating environmental ethics into development policies ensures that economic activities do not compromise ecosystems and future generations (Haughton & Hunter, 1994). Environmental justice addresses the fair distribution of environmental benefits and burdens, protecting marginalized communities from disproportionate harm and involving them in decision-making processes. The concept of ecological modernization suggests that economic development and environmental protection can be mutually reinforcing through cleaner technologies and sustainable practices. Achieving this requires strong regulations, public awareness, and sector cooperation.

Lampung Province, located at the tip of Sumatra Island, consists of 16 districts and cities, including Bandar Lampung City, the capital and most densely populated area in the province. The development process in Bandar Lampung City is in full swing, primarily involving physical development such as urban facilities, housing, buildings, and transportation infrastructure. Physical area development is one use of land, and as the number of residents increases, either from local growth or incoming migration, this development leads to a decrease in empty land. The rapid development usually takes place in urban areas, making the need for green open spaces closely related to the natural surroundings. Understanding the importance of green open spaces is essential in balancing the urban development process with environmental sustainability. Green open space is an elongated area in the form of a path and/or clustered area, the use of which is open and a space that the public can access for a limited or unlimited period of time. The arrangement of green open spaces in Indonesia is regulated in Law Number 26 of 2007 concerning Spatial Planning which requires the provision of Green Open Space (RTH) of at least 30% of the area of an area, of which 20% is public space and 10% is private space (Sukabawa & Karyoto, 2022).

Furthermore, when looking at data in the field based on Walhi Lampung data, the ideal area for green open space in Bandar Lampung City is a total area of at least 5,513 hectares consisting of public green open space or government-owned land of at least 3,675.4 hectares or 20 percent of the city area, which has an area of 18,377 hectares. Currently, the total area of green open space in the local city based on Bandarlampung City RTRW Regional Regulation Number 4 of 2021 is only 440 hectares or the equivalent of 2.39 percent of the total area of Bandarlampung City of 18,377 hectares. The green open space includes a city park covering an area of 20.58 hectares, a sub-district park covering an area of 296.05 hectares, a cemetery covering an area of 55.60 hectares, and a green belt covering an area of 67.48 hectares (Christiyandi, 2022).

However, the provision of green open space in Bandar Lampung City currently has not reached 30% or at least 20% of the public areas managed by the city government. Based on data from the Bandar Lampung City Bappeda in 2009, public open space in Bandar Lampung City covered an area of +2,489.80 ha or 12.62% of the total area of Bandar Lampung City. Entering 2012, the area of public green open space in Bandar Lampung City decreased to +2,185.59 ha with the area of private green open space amounting to 289.7 ha. This condition shows a change in the use of public green open space land of +304.21 ha. The percentage of green open space in Bandar Lampung City up to 2012 only reached 11.08% (Christiyandi, 2022). When compared with the area of public open space in Bandar Lampung City in 2009, it decreased by 1.54% of the total area. This area does not meet the minimum green open space requirements in urban areas which must reach 20% for public spaces. This can happen due to the possibility of changes in land use with the increasing development in Bandar Lampung City.

Recognizing a healthy environment as a universal human right apart from providing technical implications also provides rational-philosophical implications, that currently environmental protection to create conditions worth living in is a universal moral code that crosses national and cultural boundaries (Husein, 1993). However, Indonesia has a lot of homework to do, starting from policy posture to the lack of political will, where the author will present a whole series of problems to provide an overview of the various points in Indonesia's problem space as a country that signed the Resolution. UN on Access to a Clean, Healthy and Sustainable Environment as a Universal Human Rights (Fate, 2003).

Indonesia's development activities, aimed at economic growth and improving the quality of life, have been largely guided by the concept of developmentalism. This growth-oriented approach has significantly contributed to infrastructure development, poverty reduction, and improved access to education and healthcare. However, it has also led to several negative consequences, particularly regarding the quantity and quality of natural resources. The pursuit of economic growth has often prioritized short-term gains over long-term sustainability, resulting in the exploration and exploitation of natural resources to finance development activities. This has led to significant environmental degradation, deforestation, loss of biodiversity, and pollution. These activities have compromised the health of ecosystems and the services they provide, ultimately affecting the well-being of current and future generations (Nurlinda, 2016). On the positive side, Indonesia's development has brought about substantial improvements in various sectors. For instance, infrastructure development has enhanced connectivity across the archipelago, fostering economic opportunities and reducing regional disparities. Investments in education and healthcare have improved literacy rates and life expectancy, contributing to human capital development and overall social progress (Bappenas, 2020).

However, these benefits have come at a considerable environmental cost. The over-extraction of natural resources without adequate attention to environmental protection and management principles has led to severe ecological imbalances. The need for a more sustainable approach to development is critical to ensure that economic growth does not undermine environmental sustainability (ADB, 2019). Indonesia's commitment to environmental protection is articulated in Law Number 32 of 2009 concerning Environmental Protection and Management, which outlines an integrated and systematic effort to preserve environmental functions and prevent pollution and environmental damage (Government of Indonesia, 2009). Implementing these regulations is crucial to achieving a balance between development and environmental conservation.

Normatively, the Environmental Protection and Management Law is more comprehensive in regulating the principles of environmental protection and management compared to previous regulations, because the Environmental Protection and Management Law is a refinement of previous environmental regulations, and also includes various principles/principles related to the environment that are developing at the international level. However, at the implementation level, there are still many obstacles, especially in terms of law enforcement. This is because there is so much legislation in Indonesia, both at the same level, namely law, and at a level lower than law, which intersects and/or overlaps, either directly or indirectly, with regulations in environmental law (Silalahi, 1995). The policy context for renewing environmental law in the context of maintaining the community's living environment in the green open spaces of Bandar Lampung City can be seen in the following aspects (Fahmi, 2011):

- 1) Environmental Law Reform for People's Welfare: Environmental law reform in Indonesia has been carried out through the 2nd amendment to the 1945 Constitution, Article 28H paragraph 1, which guarantees everyone's right to life. Sandra, Commissioner for Studies and Research at Komnas HAM, emphasized the importance of ensuring that laws improve the welfare of the people and protect the environment.
- 2) Environmental Management Legal Policy in Indonesia: Environmental management legal policy in Indonesia has experienced dynamics since 1982 with Law No. 4 of 1982. Climate change and global warming have not been implemented effectively, and more effective environmental funding alternatives are still needed (Nazaruddin, 2024).

- 3) Collaboration in the Field of Environmental Protection Law. : The Ministry of Environment and Forestry (KLHK) and the Supreme Court (MA) have signed a memorandum of understanding to increase cooperation in the field of environmental protection law. Minister Siti explained that the Job Creation Law has regulated the simplification of licensing bureaucratic procedures and strengthening the monitoring and law enforcement system to protect the environment and society.
- 4) Development of Modern Environmental Law in Indonesia: The development of modern environmental law in Indonesia has been ongoing since the promulgation of Law no. 4 of 1982. Environmental law reform must be seen as a unity between the environmental movement and human rights (HAM) to produce just and sustainable legal reform.
- 5) Things that must be strengthened in environmental law reform: The environmental movement and human rights must be seen as a unity to produce fair and sustainable legal reform. Environmental law reform must strengthen environmental technical aspects as well as environmental legal aspects, including climate change and climate justice (Susanto, 2019).

In the context of Bandar Lampung City's green open spaces, environmental law reform policies must consider several aspects to improve environmental quality and community welfare (Koesnadi, 2005). Various laws and regulations related to environmental management or those in the natural resources sector that impact ecosystems are still primarily oriented towards the authority of the central government and, to a lesser extent, the provinces. For example, Law Number 23 of 1997 concerning Environmental Management, Government Regulation Number 20 of 1990 concerning Water Pollution Control (in conjunction with Government Regulation Number 82 of 2001), Government Regulation Number 18 of 1999 concerning B3 Waste Management, Government Regulation Number 27 of 1999 concerning AMDAL, Government Regulation Number 41 of 1999 concerning Control of Air Pollution, Government Regulation Number 19 of 1999 concerning Control of Marine Pollution and/or Destruction, and Government Regulation Number 6 of 1999 concerning Forest Concessions and Collection of Production Forest Products. Consequently, the legal mandate for environmental management, particularly the mandate to control environmental impacts, is very limited. Additionally, Bandar Lampung City Regional Regulation Number 4 of 2021, Article 53, paragraph (2d) concerning Regional Spatial Planning for 2021-2041, also plays a role.

The implementation of environmental law reform is related to the realization of good governance, particularly the embodiment of the open government concept, which recognizes the public's right to observe and monitor the behavior of public officials in the decision-making process. This includes the public's right to access information, participate in the formation of public policy, and raise objections if their rights to participate are ignored (right to appeal). These elements need to be immediately realized by the regional government (Wiryawan, 2023). By creating an open government, society will be motivated to exercise control (supervision) over policy makers and implementers of controlled power, preventing deviations that are detrimental to the public interest (Gatot, 1996). Based on the description above, it can be analyzed that the role of local government in addressing environmental issues has not supported environmental justice policies and breakthroughs in accordance with the context of legal reform. This is especially critical for people affected by the lack of green open space in Bandar Lampung, which is only around 4.5%. As a result, air quality in the city is deteriorating, and water catchment and absorption areas are also decreasing. Therefore, there is an urgent need for the local government to adopt and implement more effective environmental policies to enhance the quality of life and ensure sustainable urban development.

5. Conclusion

Based on the results and discussion presented above, the author can conclude that prevention and management are important tasks for the government (including the Regional Government) to carry out environmental law enforcement based on legal compliance. Moreover, there is a lack of green open space facilities which are regulated in the Bandar Lampung City Regional Zoning Regulations. There is a need for a massive regulatory reform context to become a legal umbrella as a means to create and improve the quality of the environment that is good for the environmental community in Bandar Lampung City in particular so that air quality will also improve and avoid natural disasters such as floods, droughts, and air pollution or The air is polluted because there are no more filters. The

importance of the legal reform context will also anticipate rediscovering sources of green open space, including city parks, environmental parks, empty land with vegetation, squares, and community play/recreation areas. There is a need for legal reform to increase green open space in Bandar Lampung City as the capital of Lampung Province as an implementation for the Bandar Lampung City Government to be able to recover and improve the living environment in the community.

Acknowledgment

For this reason, on this occasion, the author would like to express his deepest gratitude and highest appreciation to all parties who have helped and supported the author in compiling and completing it and express his deepest gratitude to Bandar Lampung University and the Directorate General Higher Education for research funding for Fiscal Year 2024.

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