

Enforcement of Environmental Law on Waste Management in The Perspective of Law No. 18 of 2008

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Abstract. Law No. 18 of 2008 and Article 98B of the Criminal Code form the legal framework for enforcing waste management laws, crucial for safeguarding the environment and public health while promoting sustainable development and accountability for environmental harm. Effective enforcement supports environmental conservation efforts and enhances reforestation programs, reinforcing the importance of legal compliance in waste disposal practices. Data analysis was carried out descriptively and qualitatively. Concluding is carried out using a deductive method. This research produces findings on environmental law enforcement in waste management, as regulated in Law No. 18 of 2008 and the Criminal Code, that have urgency and implications for environmental sustainability and community welfare. Through effective law enforcement, the government can ensure the protection of natural resources, public health, and environmental preservation. Apart from that, law enforcement also provides a strong basis for the implementation of greening programs and other environmental initiatives. Enforcement of environmental law in waste management is not only about enforcing the rules but also about creating deeper changes in the way we interact with the environment. Only through strong cooperation between government, legal institutions, society, and the private sector, can we achieve the common goal of maintaining environmental sustainability and improving the quality of life for all of society.

Keywords: Law Enforcement, Environment, Waste Management, Law no. 18 of 2008

1. Introduction

Law enforcement on waste management in the perspective of Law No. 18 of 2008 often reflects the complex challenges facing the state and society. The law aims to regulate waste management comprehensively and sustainably, considering its serious impact on the environment and human health if improperly handled. In many countries, including Indonesia, the problem of waste management is a serious concern due to population growth, urbanization, and consumption patterns. The increase has caused a significant increase in waste volume. The lack of adequate waste management infrastructure, including safe landfills and proper waste processing, causes waste to pile up in places where it should not be. As a result, environmental pollution, ecosystem damage, and threats to public health occur. However, even though Law No. 18 of 2008 provides a strong legal basis for waste management, law enforcement often faces various obstacles.[1]

Law no. 18 of 2008 concerning Waste Management provides an important legal framework to protect the environment from the negative impacts of uncontrolled waste management. One of the keys in this law is Article 69, which regulates the prohibition of littering. This article emphasizes that everyone is prohibited from throwing rubbish carelessly and is obliged to dispose of it at designated final disposal sites. Violations of this provision may be subject to administrative sanctions following applicable laws and regulations. In addition,

Article 46 of the Law stipulates the responsibilities of the central government, regional governments, and the community in waste management. This article mandates the government to develop policies, programs, and technical standards in waste management, as well as provide technical support and funding for local governments in efforts to manage sustainable waste.[2] Apart from that, the public is also asked to actively participate in the waste management program established by the government.

Law no. 32 of 2009 provides a strong legal basis for law enforcement regarding environmental violations. It contains articles that stipulate prohibitions against various actions that damage the environment, such as air, water, and land pollution, deforestation, and the use of dangerous chemicals without permission.[3] However, when environmental violations occur, the Criminal Code also becomes an important instrument in dealing with these violations. For example, articles in the Criminal Code relating to environmental damage, such as articles concerning pollution (Article 98), destruction of goods (Article 406), and abuse of power (Article 221), can be used to prosecute perpetrators of environmental violations.

In addition, coordination between Law No. 32 of 2009 and the Criminal Code is very important in ensuring the effectiveness of law enforcement. Environmental law enforcement often involves various institutions, such as the police, prosecutors, and courts. Therefore, coordination and collaboration between these institutions, as well as consistent application of the law, is necessary to ensure that perpetrators of environmental violations can be tried fairly and firmly under applicable legal provisions. Apart from Law No. 18 of 2008, enforcement of environmental law in waste management is also supported by provisions contained in the Criminal Code. Articles in the Criminal Code related to environmental crimes, such as environmental pollution, destruction of natural resources, and violations of waste management provisions, are important instruments in enforcing compliance with environmental regulations.[4]

For example, Article 98B of the Criminal Code regulates environmental pollution which can be punished by imprisonment and/or fines. Actions such as throwing rubbish carelessly, results in environmental pollution, can fall into this category of violation. Apart from that, Article 173 of the Criminal Code also regulates the destruction or destruction of crops, forests, or other plants regulated by law, which is also relevant in the context of waste management. With these provisions, law enforcement officials have a stronger basis for taking firm action against perpetrators of environmental violations in the context of waste management. However, effective law enforcement requires good coordination between various government agencies, police, prosecutors, and other institutions, as well as full support from the community in efforts to preserve the environment for common prosperity. With the existence of these articles, environmental law enforcement in Indonesia has a strong foundation, both from an administrative and criminal perspective, to handle environmental violations firmly and fairly.[5]

Law enforcement in the environment is very important to maintain the sustainability and balance of the ecosystem and protect people's rights to live in a healthy and clean environment. In Indonesia, environmental law enforcement is based on Law No. 32 of 2009 concerning Environmental Protection and Management.[6] One of the articles that is the main basis for enforcing environmental law is Article 69 of the Law. This article authorizes relevant government agencies to impose administrative sanctions on perpetrators of environmental violations. These sanctions include warnings, license suspensions, or administrative fines as an effort to encourage perpetrators of violations to comply with environmental regulations.

Article 98B of the Criminal Code regulates environmental pollution which can be punished with a maximum imprisonment of 3 years or a maximum fine of category IV (Rp. 200 million). Environmental pollution is defined as the unlawful act of a person introducing

substances, energy, or other elements into the environment which can cause pollution, destruction, or damage to the environment. In the context of waste management, environmental pollution can occur if waste is disposed of carelessly and is not processed properly, thereby creating a negative impact on the surrounding environment.[7] For example, Article 98 which regulates environmental pollution, and Article 406 which regulates damage to other people's property, which can be applied in cases of environmental damage.[8] By implementing these articles, it is hoped that environmental law enforcement can be carried out firmly and fairly. Thus, the environment can be well maintained for society's welfare and ecosystem sustainability.

Article 173 of the Criminal Code regulates the destruction of crops, forests, or other plants regulated by law. This article states that anyone who damages, cuts, or uproots plants or plants that are prohibited or not permitted by law, whether on private or public land, can be punished with a maximum imprisonment of two years and eight months or a maximum fine of category IV. In the context of waste management, environmental damage can occur if illegal waste disposal practices cause damage to natural ecosystems, including forests or agricultural land. With the existence of these articles, law enforcement officials have a strong basis to take firm action against perpetrators of environmental violations in waste management. Consistent and effective law enforcement is an important step in preserving the environment for future generations while ensuring compliance with existing environmental regulations. However, the role of the community in reporting environmental violations is also very important to support successful law enforcement efforts.[9]

In the legal realm, environmental law enforcement relies on various articles that regulate environmental violations, both in Law No. 32 of 2009 and the Criminal Code. These articles provide a strong legal basis for law enforcement agencies to take firm action against environmental violations, either through administrative or criminal sanctions. However, environmental law enforcement is not only the responsibility of the government and law enforcement agencies. Civil society, NGOs, and the media also have an important role in monitoring, reporting, and encouraging effective law enforcement against environmental violations. Thus, environmental law enforcement in Indonesia is a joint effort between the government, law enforcement agencies, and the community to ensure environmental sustainability for current and future generations.[10] Relevant articles in the context of Law no. 18 of 2008 concerning Waste Management and the Articles of the Criminal Code related to waste pollution are as follows:

Article 69 Law no. 18 of 2008 concerning Waste Management:

" Everyone is prohibited from throwing rubbish carelessly and is obliged to dispose of rubbish at designated final disposal sites."

This article emphasizes the obligation of every individual not to throw rubbish carelessly. Violations of this provision may be subject to administrative sanctions in accordance with applicable laws and regulations.

Article 98B of the Criminal Code concerning Environmental Pollution:

"Any person who unlawfully introduces substances, energy or other elements into the environment which can cause pollution, destruction or damage to the environment, is threatened with a maximum imprisonment of 3 years or a maximum fine of category IV."

This article regulates criminal acts of environmental pollution. In the context of waste management, actions such as throwing rubbish carelessly which results in environmental pollution can fall into this category of violation. Violators can be subject to imprisonment or fines under applicable regulations. With these articles, there is a strong legal basis for enforcing discipline in waste management and maintaining environmental cleanliness. Consistent and

effective law enforcement efforts will help prevent environmental pollution due to waste management that does not comply with established standards[10].

The definition of environmental pollution is the entry or entry of living creatures, substances, energy, and/or other components into the environment by human activities so that their quality decreases to a certain level causing the environment to no longer function according to its intended purpose. Standard Criteria for Environmental Damage is a measure of the limit of changes in the physical and/or biological characteristics of the environment that can be tolerated.[5] Environmental destruction is an action that causes direct or indirect changes to its physical and/or biological characteristics which result in the environment no longer functioning in supporting sustainable development. Natural Resource Conservation is the management of non-renewable natural resources to ensure their wise use, and renewable natural resources to ensure their continued availability while maintaining and improving their quality.

Law no. 18 of 2008 concerning Waste Management and the provisions of Article 98B of the Criminal Code concerning Environmental Pollution are important legal instruments in overcoming the increasingly disturbing problem of waste pollution. Article 69 Law no. 18 of 2008 prohibits every individual from littering, which provides a strong legal foundation to encourage responsible behavior towards waste management. Thus, every citizen has a moral and legal obligation to dispose of waste at designated final disposal sites.[9] An Environmental Audit is an evaluation process carried out by the person responsible for the business and/or activity to assess the level of compliance with applicable legal requirements and/or the policies and standards set by the person responsible for the business and/or activity concerned. A person is an individual, and/or group of people, and/or a legal entity. The Minister is the Minister tasked with managing the environment.

Environmental pollution, as regulated in Article 98B of the Criminal Code, includes various actions that can cause damage or changes to the environment due to waste disposal that does not comply with procedures. This includes pollution of water, land, air, and other ecosystems that are disturbed by waste. Violation of this article can result in serious legal consequences, including imprisonment and significant fines. The body responsible for preparing Amdal documents must meet the requirements and be accredited by the government, in accordance with the provisions stipulated in Article 8. The Amdal process involves identifying the potential impacts of a project or activity (Article 9), in-depth analysis of these impacts, as well as determining appropriate mitigation measures.[2] However, law enforcement efforts in the context of waste management often face various challenges. One of the main challenges is the lack of public awareness and understanding of the importance of good waste management. Although the Law and Criminal Code provide a strong legal foundation, the success of law enforcement depends on the support and active participation of all relevant parties.

2. Method

This type of research is descriptive research. The approach used is a qualitative approach and a conceptual approach. The data source used is secondary data. Data analysis was carried out descriptively qualitatively.[11] Concluding is carried out using a deductive method, namely concluding from general to specific, especially those related to the research topic, namely Environmental Law Enforcement, Waste Management in the Perspective of Law no. 18 of 2008. Qualitative data analysis is carried out if the empirical data obtained is in the form of a collection

of words and not a series of numbers and cannot be arranged into categories. Data can be collected in various ways (interview observations, document instances, and recording tapes).[12] It is usually processed first before being used in qualitative research, including the results of interview transcripts, data reduction, analysis, data interpretation, and triangulation.

3. Findings and Discussion

3.1. Implications of Environmental Law Enforcement on Waste Management in the Perspective of Law no. 18 of 2008

Environmental law enforcement on waste management, as regulated in Law No. 18 of 2008, has very important implications for environmental sustainability and community welfare. This law provides a comprehensive framework to regulate important aspects of waste management, from reduction, and utilization, to final disposal. The implications of this law enforcement can be seen in several aspects including:

- a. **Environmental Protection:** Effective law enforcement of Law No. 18 of 2008 will help protect the environment from the negative impacts of uncontrolled waste disposal. Environmental pollution, ecosystem damage, and biodiversity threats can be prevented by ensuring that all parties comply with the established waste management provisions.
- b. **Public Health:** Adequate waste management is key to maintaining public health. By reducing the risk of water and air pollution resulting from inappropriate waste disposal, environmental law enforcement will contribute to improving air and water quality, as well as reducing the risk of disease associated with environmental pollution.
- c. **Sustainable Development:** Law enforcement of Law No. 18 of 2008 also has positive implications in the context of sustainable development. By adopting sustainable waste management practices, such as recycling and waste reduction, communities can contribute to efforts to mitigate climate change and preserve natural resources.
- d. **Economic Growth:** Efficient and sustainable waste management can create new economic opportunities, such as recycling and waste processing industries. By developing these sectors, environmental law enforcement can stimulate inclusive and sustainable economic growth, as well as create new jobs for the community.
- e. **Compliance with Law:** Consistent and firm law enforcement of Law No. 18 of 2008 will increase compliance with environmental regulations. This will create a legal environment that is conducive to responsible waste management practices, as well as encourage innovation and quality improvement to maintain a clean environment.

Taking these implications into account, enforcing environmental laws in waste management becomes very important in maintaining a balance between economic development and environmental protection. Only with a strong commitment from all parties and joint efforts to implement Law No. 18 of 2008, the goal of sustainable development and preserve the environment for future generations can be achieved.

Enforcement of environmental law in waste management can help form awareness of environmental law in society. Through a transparent and open legal process, the public will better understand the importance of the rules and regulations that regulate human relations with the environment, so that they can become more active agents of change in preserving the environment. By considering these implications holistically, environmental law

enforcement in management trash is not just about enforcing laws, but also about creating deeper changes in the way we interact with the environment.[7] Only with a strong commitment from all parties and a holistic approach, can we achieve sustainable development goals and pass on a clean and healthy planet to future generations.

Law no. 18 of 2008 concerning Waste Management is the main legal basis for efforts to maintain a clean environment in Indonesia. One of the relevant articles in this law is Article 69, which regulates the prohibition against littering. This article expressly states that every person is prohibited from throwing rubbish carelessly and is obliged to dispose of rubbish at designated final disposal sites. Apart from that, Article 98B of the Criminal Code (KUHP) also regulates environmental pollution. This article states that 'Anyone who unlawfully introduces substances, energy or other elements into the environment which can cause pollution, destruction or damage to the environment, is threatened with imprisonment for a maximum of 3 years or a fine of up to category IV.

Implementation of Law No. 18 of 2008 and Article 98B of the Criminal Code have important implications for environmental protection, public health, and sustainable development. By enforcing these provisions, the government is committed to reducing the negative impacts of uncontrolled waste management, maintaining environmental cleanliness, and ensuring the preservation of natural resources for future generations. In the context of environmental law enforcement, the role of law enforcement officers, government institutions, and the community is very important. Only with strong cooperation and shared commitment, we can achieve the common goal of maintaining environmental sustainability and improving the quality of life for the entire community. Thus, enforcing environmental law in waste management is not only the government's responsibility but also a collective responsibility. All parties to create a clean, healthy, and sustainable environment.[7]

Apart from Law No. 18 of 2008, Article 98B of the Criminal Code (KUHP) is also an important legal basis for tackling environmental pollution, including in the context of waste management. This article states that 'Anyone who unlawfully introduces substances, energy or other elements into the environment which can cause pollution, destruction or damage to the environment, is threatened with imprisonment for a maximum of 3 years or a fine of up to category IV. This explanation of Article 98B of the Criminal Code indicates that every individual who carries out actions that result in environmental pollution can be subject to criminal sanctions, either in the form of imprisonment or a fine. These acts of pollution include various activities that produce waste or dangerous substances that can damage the environment, including careless disposal of waste which can result in water, land, or air pollution. Thus, enforcement of Article 98B of the Criminal Code is important in maintaining environmental sustainability. and ensuring that environmental polluters are held accountable for their actions. This is in line with the government's efforts to create a clean, healthy, and sustainable environment for the entire community.[9]

With the support of various articles in the Criminal Code, law enforcers have a solid legal foundation for enforcing the law against criminal acts of corruption. Law enforcement as law enforcers is becoming increasingly important in maintaining justice and ensuring that environmental crimes do not escape appropriate punishment.

3.2. The Urgency of Environmental Law Enforcement on Waste Management in the Perspective of Law no. 18 of 2008

The urgency of enforcing environmental law in waste management, as regulated in Law No. 18 of 2008, is crucial in facing increasingly complex and worrying environmental

challenges. This law provides a strong legal basis for protecting the environment from the negative impacts of uncontrolled waste management. This law enforcement highlights several important exigencies from the perspective of Law No. 18 of 2008:

- a. **Protection of Natural Resources:** Uncontrolled waste management can threaten the sustainability of natural resources, including water and land. Strict enforcement of environmental laws can help protect these natural resources from pollution and degradation that can threaten the sustainability of the ecosystem.
- b. **Public Health:** Inadequate waste management can result in health risks for the community, such as the spread of disease and contamination of drinking water. Environmental law enforcement can ensure that waste management practices comply with established health standards, thereby protecting overall public health.
- c. **Environmental Conservation:** Environmental law enforcement also supports environmental conservation efforts and biodiversity preservation. By regulating waste management effectively, Law No. 18 of 2008 helps minimize damage to natural ecosystems and maintain biodiversity for future generations.
- d. **Sustainable Development:** In the context of sustainable development, environmental law enforcement on waste management becomes very important. By ensuring that sustainable waste management practices are adhered to, Law No. 18 of 2008 helps create conditions that support sustainable economic growth and maintain a balance between development and environmental conservation.
- e. **Responsibilities of Current and Future Generations:** Enforcement of environmental laws also reflects our moral and legal responsibilities towards current and future generations. By taking action to protect the environment now, we leave a clean, healthy, and sustainable planet to future generations, safeguarding their right to live in a sustainable environment.

By considering these exigencies, enforcing environmental law in waste management is essential to achieving sustainable development goals and preserving the environment for shared prosperity. Only through consistent, effective, and fair law enforcement can we ensure that our waste management efforts comply with environmental protection principles and provide long-term benefits for society and the planet.

Enforcement of environmental law in waste management, both through Law No. 18 of 2008 and the Criminal Code, also has a close connection with greening and environmental preservation programs. Reforestation programs run by the government often have the aim of overcoming the problem of waste and environmental pollution by increasing the amount of vegetation and improving the ecosystem.^[3] This helps ensure that the mitigation measures planned in the Amdal are implemented effectively. So, the negative impacts on the environment can be minimized. Thus, law enforcement in the environmental realm is not only the responsibility of the government or law enforcement agencies, but it is also a shared obligation of the entire community. Through cooperation and mutual awareness, it is hoped that the environment can be well maintained for the survival of us and future generations.

Apart from that, the Law on the Prevention and Control of Environmental Pollution in the Industrial Sector. It can be seen in Law No. 1 of 1970 concerning Work Safety. Then, the Decree of the Minister of Industry No. 12/M/SK/I/78 concerning Prevention and Management of Environmental Pollution as a Result of Industrial Business, dated 26 January 1978, this SK was later revoked by the Decree of the Minister of Industry No. 1 134/M/SK/3/1988 concerning Prevention and Management of Pollution as a Result of

Industrial Business Activities on the Environment, dated 28 April 1988. Another decision relating to environmental pollution law in the industrial sector is Government Regulation (PP) No. 13 of 1987 concerning Industrial Business Licenses. Presidential Decree (Kepres) no. 16 of 1987 concerning Simplification of Granting Industrial Business Licenses, then, Minister of Home Affairs Regulation no. 1 of 1985 concerning Procedures for Controlling Pollution for Companies Making Capital Investments according to Law no. 1 of 1967 and Law no. 6 of 1968, which was stipulated on 27 July 1985.[9]

Enforcement of environmental law in waste management, in accordance with Law no. 18 of 2008, is not only based on specific statutory provisions, but also on the norms contained in criminal law, including in the Criminal Code (KUHP). Article 98B of the Criminal Code, for example, confirms that environmental pollution can be subject to criminal sanctions in the form of imprisonment or fines. Enforcement of this law is important to emphasize that violations of the environment are not only administrative problems, but are also criminal acts that must be followed up seriously.[1] Environmental Protection and Management is specifically regulated regarding the resolution of environmental disputes, which in full is Article 84: (1) Settlement of environmental disputes can be achieved through court or outside court. (2) Environmental dispute resolution options are made voluntarily by the parties to the dispute. (3) A lawsuit through the court can only be pursued if the chosen effort to resolve the dispute outside the court is declared unsuccessful by one of the parties to the dispute.

Enforcement of environmental law in waste management, as reflected in the Criminal Code, is also in line with the protection of human rights, including the right to live in a clean and healthy environment. By enforcing environmental laws and regulations, the government carries out its obligation to protect people's rights to a decent living environment. This reflects the importance of maintaining a balance between economic development and environmental protection for the sake of shared prosperity. Thus, enforcement of environmental law in waste management, both through Law No. 18 of 2008 and the Criminal Code, not only guarantees compliance with regulations but also protects the environment, regulates accountability, and ensures the fulfillment of human rights for all citizens.[5]

4. Conclusion

1. Environmental law enforcement on waste management, as regulated in Law No. 18 of 2008 and the Criminal Code, has urgency and implications for environmental sustainability and community welfare. Through effective law enforcement, the government can ensure the protection of natural resources, public health, and environmental preservation. In addition, law enforcement also provides a strong basis for the implementation of greening programs and other environmental initiatives, which aim to improve environmental quality and reduce the negative impacts of climate change.
2. Enforcing environmental laws in waste management is not just about enforcing rules, but also about creating deeper changes in the way we interact with the environment. Only through strong cooperation between government, legal institutions, society, and the private sector, can we achieve the common goal of maintaining environmental sustainability and improving the quality of life for all of society.

3. In the realm of law, with consistent, transparent, and fair enforcement of environmental laws, we can build a brighter future, where our environment is well maintained, our natural resources are protected, and future generations can enjoy a good life better on this planet. Therefore, all parties need to continue to support and implement environmental law enforcement efforts for the sake of environmental sustainability and shared prosperity.

5. Suggestions

1. It is hoped that environmental law will be enforced in waste management, either through Law No. 18 of 2008 or the Criminal Code, and also have a close connection with greening and environmental preservation programs. Reforestation programs run by the government often aim to overcome the problem of waste and environmental pollution by increasing the amount of vegetation and improving the ecosystem. By enforcing laws regarding waste management, the government can ensure that greening efforts are not hampered by irresponsible waste management practices.
2. It is hoped that the government needs to strengthen law enforcement agencies that specifically handle environmental cases. Investment in the necessary training and equipment for law enforcement officials will strengthen their ability to deal effectively with cases of environmental violations. Apart from that, increasing cooperation between government institutions, non-governmental organizations, and the private sector is also needed to optimize law enforcement efforts and provide a deterrent effect for perpetrators of environmental violations.
3. It is hoped that Law No. 18 of 2008 concerning Waste Management and the provisions of Article 98B of the Criminal Code concerning Environmental Pollution are important legal instruments in overcoming the increasingly disturbing problem of waste pollution. Article 69 Law no. 18 of 2008 prohibits every individual from littering, which provides a strong legal foundation to encourage responsible behavior towards waste management. Thus, every citizen has a moral and legal obligation to dispose of waste at designated final disposal sites.

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