

AUTHORITY OF THE BALI PROVINCIAL GOVERNMENT IN ENVIRONMENTAL PROTECTION AND MANAGEMENT

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ABSTRAK

Tujuan penelitian ini adalah untuk menggambarkan permasalahan terkait perlindungan dan pengelolaan lingkungan yang terjadi di Provinsi Bali. Penelitian ini adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Hasil penelitian menemukan bahwa di Provinsi Bali terdapat banyak sekali tempat wisata di mana para wisatawan dapat menikmati destinasi wisata tersebut. Akan tetapi, terdapat berbagai macam permasalahan mengenai lingkungan dari tempat wisata tersebut. Terdapat berbagai tempat wisata yang masih belum memiliki izin yang jelas. Kemudian terdapat berbagai bangunan yang kosong padahal jika bangunan tersebut dibenahi dapat berpotensi sebagai bangunan yang dapat dijadikan objek wisata. Mengacu pada Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, pemerintah daerah Provinsi Bali dapat mengelola tempat tersebut menjadi tempat wisata yang bersih dengan tetap memperhatikan aspirasi dari masyarakat dan bersifat partisipatif dengan melibatkan semua pihak yang berkepentingan dalam pengelolaan lingkungan agar tempat tersebut dapat menarik perhatian para wisatawan. Ke depan kepada pemerintah dan pemerintah daerah Provinsi Bali, disarankan agar dalam mengeluarkan ketetapan berbentuk izin lingkungan hendaknya senantiasa memperhatikan kebutuhan manusia serta keterbatasan lingkungan dalam memenuhi kebutuhan masa kini dan masa mendatang dengan berlandaskan pada konsep pembangunan berkelanjutan yang berwawasan lingkungan melalui pengkajian dan analisis lingkungan yang akurat dan bertanggung jawab.

Kata Kunci: lingkungan; perizinan; tempat wisata

ABSTRACT

The purpose of this research is to describe problems related to environmental protection and management that occur in the province of Bali. This research is a normative or legal research with statutory and conceptual approaches. The results of the study found that in Bali Province there are many tourist attractions where tourists can enjoy these tourist destinations. However, there are various kinds of problems regarding the environment of these tourist attractions. There are various tourist attractions that still do not have clear permits. Then there are various empty buildings even though if the building is changed it has the potential to become a building that can be used as a tourist spot. Referring to Law Number 32 of 2009 concerning Environmental Protection and Management, the Regional Government of the Province of Bali can manage the place to become a clean tourist spot while still paying attention to community aspirations and being participatory by involving all interested parties in its management. environmental management so that the place can attract the attention of tourists. In the future, it is suggested to the government and regional government of Bali Province to issue a decision in the form of an environmental permit so that they always pay attention to human needs and environmental limitations in meeting current and future needs based on environmentally sound principles. Become a sustainable development target through accurate and responsible environmental studies and analysis.

Keywords: environment; licensing; tourist attraction

1. Introduction

1.1. Background of the Problem

Tourism and its supporting activities are one of the sectors that play a role in the development process and regional development which in turn contributes to the income of a region and society. Some of the superior characteristics of the tourism sector or the tourism industry, the first is the tourism sector where an industry has a very long value chain linkage (multiplier effect) and is able to establish growth synergies with various micro-enterprises including home industry activities. Lot of local resources and especially relatively non-exhaustible or renewable raw materials. Finally, the tourism industry does not experience oversupply because it has unique product characteristics, and is not affected by a recession or economic crisis in a country. These three characteristics of the tourism sector are very important for the economic growth of a country or region which is a tourist attraction.

As for tourist attractions, environmental conditions are very important, where a healthy environment is a necessity for all living things. A healthy environment shows the level of public concern in environmental management and protection of environmental sustainability in an effort to create a healthy, harmonious and prosperous life. As it is known that the constitution or the 1945 Constitution of the Republic of Indonesia (1945 Constitution) provides guarantees for environmental sustainability in Indonesia. This is stated in Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution which is the setting of norms regarding the environment in the constitution. The two articles read as follows: Article 28H paragraph (1): "Everyone has the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment and has the right to health. services". Article 33 paragraph (4): "The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and national economic unity".

The implementation of developments related to the environment and spatial planning which so far has tended to be unplanned and sustainable has had an impact on decreasing the quality and function of the environment including the natural resources in it.¹ Utilization of natural resources is an important aspect in improving the economy in the Province of Bali so that the preservation of nature and the environment is a shared responsibility. Various efforts can be made, one of which is by enforcing environmental law.

In the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Management (hereinafter referred to as Law No. 32 of 2009) as functional law regulates 3 (three) types of environmental law enforcement, namely administrative, civil and criminal law enforcement. Among the three forms of law enforcement, administrative law enforcement is considered the most important law enforcement effort. This is because administrative law enforcement is more aimed at preventing pollution and environmental damage.

In line with Regional Autonomy where according to Law Number 32 of 2004 concerning Regional Government and after being changed to Law Number 23 of 2014 concerning Regional Government in Article 1 number (6) it is stated that "regional autonomy is the rights, powers and obligations of an autonomous region to organize and manage their own government affairs and the interests of the local community in

¹ Maret P. "Pembaharuan dan Harmonisasi Peraturan Perundang-undangan Bidang Lingkungan dan Penataan Ruang Menuju Pembangunan Berkelanjutan", *Hasanuddin Law Riview* Vol. 1, Issue 3, (December 2015): 341.

accordance with statutory regulations". In terms of the delegation of authority to regional governments in the field of natural resource management and environmental preservation, it is intended to increase the role of local communities in protecting and managing the environment.

Normatively, the management and utilization of the environment and natural resources must pay attention to the balance of the environment and the preservation of its functions and capabilities.² Sustainable tourism development does not only prioritize economic growth, but most importantly environmental preservation, sustainable development, and increasing the welfare of the community around the destination.³ However, in reality, as long as environmental management authority is handed over to the regions, both provinces and districts/cities, environmental conditions are no better than before. In fact, with the handover, the central government and the community hope that environmental management will be better.⁴ Natural sustainability in the Province of Bali is often disrupted due to excessive and irresponsible use of natural resources.

This research has a different study from previous research,⁵ examining the management of the National Park conservation area, in this study in West Bali and Bukit Baka Bukit Raya, facing various complex and varied problems. Problems can be grouped into internal and external problems. In order to maximize the benefits of an area or region, careful attention is required to environmental protection, efficiency, synergy and harmonization of the economic potential of the environment. *Meanwhile*,⁶ the research findings reveal that it is very urgent to enact a Bali Provincial Regulation on the protection and management of mangrove forests by adapting to the local wisdom of the Balinese people. Furthermore,⁷ other studies have revealed that environmental law enforcement in the Province of Bali can be carried out by the Civil Service Police Unit. While the state of art of this research is a study of the phenomenon of environmental damage or environmental degradation that actually occurs due to human behavior that uses natural resources excessively and the ineffectiveness of environmental law to regulate human behavior towards the environment. In society, values are still developing that place humans not as part of the environment, but rather humans are placed in a higher position and separate from the environment, so that the environment is only an object oriented to the maximum benefit for humans. The findings of these problems in this study will be examined regarding the actualization of environmental ethics Deef Ecology Ethic in accordance with the applicable environmental law paradigm and the actualization of local wisdom values of the Province of Bali for effective enforcement of environmental law.

² Fahmi, S. "Asas Tanggung Jawab Negara Sebagai Dasar Pelaksanaan Perlindungan dan Pengelolaan Lingkungan Hidup." *Jurnal Hukum Ius Quia Iustum* 18.2 (2011): 212-228.

³ Damanik, P. J. *Pariwisata Indonesia: Antara Peluang dan Tantangan*. Yogyakarta: Pustaka Belajar, 2013, h.109.

⁴ Supriadi. *Hukum Lingkungan Di Indonesia Suatu Pengantar*. Jakarta: Sinar Grafika, 2010, h. 177.

⁵ Budhianti, Meta Indah. "Perlindungan dan pengelolaan lingkungan hidup terkait pemanfaatan ruang untuk taman nasional." *Supremasi Hukum* 15.01 (2019): 40-62.

⁶ Redi, Ahmad, et al. "Urgensi Pembentukan Peraturan Daerah Provinsi Bali Tentang Perlindungan Dan Pengelolaan Hutan Mangrove Berlandaskan Kearifan Lokal." *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni* 3.1 (2019): 32-42.

⁷ Suciati, Desak Ayu Putu, and Ni Luh Sri Mahendra Dewi. "Strategi Pengawasan dan Penegakan Hukum Lingkungan di Provinsi Bali oleh Satuan Polisi Pamong Praja." *Pariksa: Jurnal Hukum Agama Hindu* 5.2 (2021): 74-82.

1.2. Formulation of the Problem

Based on the search for norms related to this research, it was found that there were unclear norms regarding the legal basis for the authority of the Regional Government of the Province of Bali in protecting and managing the environment. So that researchers consider it necessary to examine more deeply. The issues to be discussed are as follows:

1. What is the authority of the Regional Government of Bali Province in protecting and managing the environment?
2. What is the urgency of granting environmental permits as the authority of the Provincial Government of Bali in environmental protection and management?

1.3. Writing Purpose

This study aims to examine the importance of regulating local government authority regarding environmental protection and management, which was later replaced by Law no. 32 of 2009 concerning Environmental Protection and Management, also Law no. 32 of 2004 concerning Regional Government which was later replaced by Law no. 23 of 2014 concerning Regional Government. In carrying out its authority, it is regulated by Government Regulation Number 38 of 2007 concerning the Distribution of Government Affairs between the Government, Provincial Regional Governments, and Regency/City Regional Governments. This is where government regulations provide mandatory authority in the environmental field to provide guarantees of legal certainty for the study of regional administration in the management and protection of the environment in the science of law.

2. Writing Method

The legal research used is the normative legal research method. The normative legal research method is legal research from an internal point of view with the research object being legal norms. Legal research that examines the applicable legal provisions.⁸ The research approach used is a statutory approach and a conceptual approach. The sources of legal materials used in this article are primary, secondary and tertiary legal materials. After the legal materials have been collected, an analysis is carried out to obtain the final argument in the form of answers to the problems studied in this article.⁹

3. Results and Discussion

3.1. The Essence of the Bali Provincial Government Regulation regarding Environmental Protection and Management

Efforts to improve people's quality of life through development cannot be separated from the role of the environment, which together with social and economic aspects is the main motive for sustainable development. Given the importance and strategic existence of environmental institutions in districts/cities, as is the case in the central and provincial governments, districts/cities also have institutions responsible for the environment. The existence of this institution will accommodate the environmental sector as one of the government's mandatory affairs. This is as stated in Article 11 of Law Number 23 of 2014 concerning Regional Government which reads:

⁸ Adnyani, N. K. S. "Perlindungan Hukum Kesatuan Masyarakat Hukum Adat Dalam Pengelolaan Pariwisata Berbasis Kearifan Lokal". *Media Komunikasi FPIPS*, 20(2), (2021), h.70-80.

⁹ Pitriyantini, P. E., & Adnyani, N.K.S. "Urgensi Pengaturan Psikologi Forensik dalam Sistem Peradilan di Indonesia". *Jurnal Kertha Semaya*, Vol. 11 No. 5 Tahun 2023, h. 1106-1117.

(1) Concurrent government affairs as referred to in Article 9 paragraph (3) which become the authority of the Regions consist of Mandatory Government Affairs and Optional Government Affairs. (2) Compulsory Government Affairs as referred to in paragraph (1) consists of Government Affairs related to Basic Services and Government Affairs which are not related to Basic Services.

Mandatory government affairs that become the authority of the region are those related to basic services and government affairs that are not related to basic services. As for governmental affairs related to basic services or cannot be seen in Article 12, namely: (1) Mandatory government affairs related to basic services as referred to in Article 11 paragraph (2) include: a. education; B. health; C. public works and spatial planning; D. public housing and residential areas; e. peace, public order, and community protection; and f. F. social.

(2) Mandatory government affairs that are not related to basic services as referred to in Article 11 paragraph (2) include: a. labor; B. women empowerment and child protection; C. food; D. soil; e. environment; F. population administration and civil registration; G. community and village empowerment; H. population control and family planning; I. connection; J. communication and informatics; k. cooperatives, small and medium enterprises; l. capital investment; M. youth and sports; N. statistics; Hi. coding; matter. culture; Q. library; and r. record management.

(3) Optional Government Affairs as referred to in Article 11 paragraph (1) include: a. marine and fishery; B. tourists; C. agriculture; D. forestry; e. energy and Mineral Resources; F. buying and selling; G. industry; and H. transmigration. Based on these provisions, regional authority in the environmental sector is a mandatory government affair but is not related to basic services.

Meanwhile, the division of authority in the environmental sector includes the Central Government, Provincial Governments, and Regency/City Governments as stated in the Appendix to Law Number 23 of 2014 concerning Regional Government. Furthermore, regarding regional authority in the environmental sector in terms of protection and management, it is regulated more specifically in Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH). Based on the provisions of Article 63 paragraph 3 of Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH), the Duties and Authorities of District/City Governments in environmental protection and management are: 1. Establish district/city level environmental protection and management; city management policy; 2. determine and implement the district/city level Strategic Environmental Assessment (KLHS); 3. stipulate and implement policies regarding district/city Environmental Protection and Management Plans; 4. establish and implement policies regarding Environmental Impact Analysis (Amdal) and UKL-UPL; 5. conduct an inventory of natural resources and greenhouse gas emissions at the district/city level; 6. develop and implement cooperation and partnerships; 7. developing and implementing environmental instruments; 8. facilitating dispute resolution; 9. carry out guidance and supervision of the compliance of those in charge of business and/or activities with environmental licensing provisions and laws and regulations; 10. apply minimum service standards; 11. implement policies regarding procedures for recognizing the existence of indigenous peoples, local wisdom, and rights of customary law communities related to environmental protection and management at the district/city level; 12. managing environmental information at the district/city level; 13. develop and implement environmental information system policies at the district/city level; 14.

provide education, training, coaching, and awards; 15. issue environmental permits at the district/city level; and 16. environmental law enforcement at the district/city level.

The goal of protecting and managing the environment will be achieved if the government, both the central government, regional governments and all citizens coordinate with the state in implementing the principle of state responsibility. Environmental protection and management require the development of an integrated system in the form of a national environmental protection and management policy that must be implemented consistently and consistently from the center to the regions.

Regional authority as granted by UUPPLH-2009 has the intention of strengthening regional environmental institutions to become operational and at the same time coordinating institutions. protection and management.¹⁰ Given the complexity of environmental protection and management as well as cross-sectoral and regional issues, it is necessary to plan and implement environmental protection and management in the implementation of development in line with the principle of sustainable development, namely balanced. economic, socio-cultural and environmental development as pillars that are interdependent and mutually reinforcing one another. Consequently, development policies, plans and/or programs must be imbued with the obligation to preserve the environment and realize the goals of sustainable development, decentralization, as well as recognition and respect for local wisdom and environmental wisdom.¹¹

The Province of Bali is a tourist destination area or also known as a tourism destination, which integrates tourist attractions, public facilities, tourism facilities, accessibility, which are presented in a structure of community life that is integrated with applicable procedures and traditions, namely the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism (hereinafter referred to as Law No. 10 of 2009). The tourist village itself can be interpreted as a village that is deliberately built naturally and has the ability to attract visitors or tourists because of the availability of natural and cultural potential. Management and tourism promotion facilities that are less than optimal have resulted in cultural tourism still not attracting tourists, where tourism development is very closely related to the environment and natural resources.

Viewed from the side of the theory of authority, administrative law enforcement is an activity that aims and overcomes environmental pollution and/or damage through the utilization of administrative authority in accordance with the attribution or delegation according to law. Therefore, the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management was formed, which is an amendment to the Law of the Republic of Indonesia Number 23 of 1997 concerning Environmental Management (hereinafter referred to as Law Number 32 of 2009 of 2009) juncto Law no. 23 of 1997), where the issuance of the law is intended to further strengthen the planning and enforcement aspects of environmental law, which of the structures of the law is more dominant in regulating aspects of planning and law enforcement.

Human rights and the environment are interrelated with each other, the state as guarantor provides environmental protection arrangements that also protect human rights, especially those related to issues of the right to life, the right to health, interference

¹⁰ Akib, M. "Wewenang Kelembagaan Pengelolaan Lingkungan Hidup di Era Otonomi Daerah". *Jurnal Media Hukum* Vol. 19, No. 2, (Desember 2012): 240.

¹¹ Widowaty, Y. "Konsep Sustainable Development Sebagai Bentuk Perlindungan Terhadap Korban Tindak Pidana Lingkungan Hidup". *Jurnal Media Hukum* Vol. 19, No. 2, (Desember 2012): 269.

with individual property rights and others. Protecting human rights also means protecting the environment and at the same time it can be used to achieve sustainable development as one of Indonesia's development goals, then in the provisions of Article 1 paragraph (3) of Law no. 32/2009 states that sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capability, welfare and quality of life of present and future generations.

In principle, in each region there is local wisdom that has used environmentally friendly technology for generations. However, it cannot be denied that there are still many environmental problems that occur in autonomous regions that are almost impossible to identify one by one, all of which arise as a result of development in the regions which basically wants to prosper the community, with all the impacts it causes.

In the context of environmental management, there are many customary systems. The implementation of Regional Autonomy in realizing good environmental governance requires the ability of local governments to protect and manage the environment. Therefore, the Ministry of Environment always strives to encourage local government capacity building in implementing the principles of good environmental governance. One example of the efforts implemented is through the Bangun Praja Program which is intended to encourage local governments to be able to manage the environment in their regions and improve the quality of life of the people and the quality of their environment.¹²

Improving the quality of life of the community requires good environmental quality. The existence of pollution and environmental damage will certainly affect the sustainability of the quality of human life. To realize the quality of human life and the environment, it is undeniable that clean and orderly urban and environmental conditions are conditions that must be met by every local government. With the existence of regional autonomy and increasing village authority in ecological preservation in Indonesia, this is an asset for Indonesia to implement decentralization of environmental management as an alternative effort to solve environmental problems.

3.2 The Urgency of Granting Environmental Permits as the Authority of the Regional Government of Bali Province in Environmental Protection and Management

The potential of the tourism sector in the Province of Bali is still being explored and developed further, for this reason there is a close relationship between environmentally sound development and sustainable development, so that the two conceptions are integrated in Law no. 23/1997 concerning environmentally sustainable development. According to Article 1 point 3 of Law no. 23 of 1997 what is meant by environmentally sustainable development is "a conscious and planned effort that integrates the environment including its resources into the development process to guarantee the capabilities, welfare and quality of life of present and future generations".

If it is related to the function of the government in the concept of a welfare state, the government's task is not only limited to maintaining security and order, but more than that, namely to seek general welfare (*bestuurszorg*). To carry out this task, the government is given regulatory authority. From this regulatory function, several

¹² Ruray, S. B. *Tanggung Jawab Hukum Pemerintah Daerah dalam Pengelolaan dan Pelestarian Fungsi Lingkungan Hidup*. Bandung: Alumi, 2012, h. 296.

juridical instruments emerge to deal with individual and concrete events in the form of decrees.¹³

The concept of licensing is defined as a unilateral state administrative legal act that implements regulations concretely based on information and procedures as stipulated in statutory provisions. Licensing means having a goal, namely removing obstacles, things that are prohibited become permissible. Permits are one of the most widely used instruments in administrative law used by the government to control citizens' behavior.¹⁴

Permits are applied by state administrators, so that when viewed from their placement, permits are an instrument of control and a tool of the government to achieve the intended goals. The existence of licensing activities carried out by the government is essentially to create conditions so that development activities are in accordance with their designation, besides being more efficient and effective in the framework of service to the community and development.

According to Article 14 letter g of Law no. 32/2009 states that, permits are one of several instruments to prevent environmental pollution and/or damage. Based on these provisions, every business and/or activity that is required to have an Environmental Impact Analysis (AMDAL) or Environmental Management Efforts and Environmental Monitoring Efforts (UKLUPL), must have an environmental permit.¹⁵ In this regard, the government as the organizer of government in its efforts to seek the welfare of the community has a very strategic role in preserving the environment in accordance with the concept of sustainable development. In carrying out this role, the government and regional governments based on the principles of autonomy and delegation of authority in the environmental sector are required to carry out a Strategic Environmental Assessment (KLHS) in the form of a series of systematic, comprehensive and participatory analyses ensuring that the principles of sustainable development have become the basis and integrated in the development of a region and/or policies, plans and/or programs.¹⁶

In this context, in issuing environmental permits, the central government and regional governments must act based on applicable legal provisions to create legal certainty, pay attention to the public interest, and respond to the aspirations of the people affected by the act of issuing the relevant environmental permits. possible to achieve justice. So that peace and justice can be felt by the people in the life of the state and society.

Based on the principle of autonomy, where the regions have the authority to regulate and manage their own household affairs, in carrying out the function of realizing social welfare and improving the standard of living of the people, local governments have duties and responsibilities in carrying out the mandate of the 1945

¹³ Kiptiah, M. dan Ruchliyadi, D. A. "Sosialisasi Kesadaran Hukum Lingkungan pada Masyarakat Pinggiran Sungai di Kabupaten Barito Kuala." *Bubungan Tinggi: Jurnal Pengabdian Masyarakat*, Vol 3, No.1, 2021: 42-47.

¹⁴ Situmeang, S. M. T. "Hukum Lingkungan Effektivitas Sanksi Pidana dalam Penegakan Hukum Lingkungan." *Res Nullius Law Journal* 1.2 (2019): 139-148.

¹⁵ Thahir, T. "Aspek Hukum Dalam Lingkungan Hidup." *JISH: Jurnal Ilmu Syariah Dan Hukum* 1.1 (2021): 17-27.

¹⁶ Miarmi, N. L. P. "Konsep Perijinan Berwawasan Lingkungan dalam Mewujudkan Pembangunan Berkelanjutan." *Jurnal Magister Hukum Udayana* 3.1 (2014): 44109.

Constitution of the Republic of Indonesia, regional governments play a very strategic role in preserving the environment and controlling the use of natural resources.¹⁷

The current implementation of regional autonomy gives greater authority to regions to manage their own territory independently.¹⁸ The goal is that from an environmental perspective, local governments can be closer to the relationship between the community and the environment. Its authority is that the Provincial, Regency and City Governments regulate and manage their own government affairs according to the principle of autonomy and co-administration (Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia), both autonomy and co-administration both contain freedom and independence, the difference is only at the level of freedom and independence.¹⁹

Applied to the concept of environmental law, regional autonomy has a very important role, especially in managing areas independently based on their respective environmental characteristics.²⁰ The environmental characteristics of an area with other regions certainly have differences, especially in terms of geography. Regional autonomy is very closely related to development characteristics which are parameters of sustainable development. The interdependence and holistic nature of the nature of the environment means that environmental management, including its support systems, cannot stand alone, but is integrated and becomes one unit with all sectoral and regional development implementations.²¹

In protecting and managing the environment, the Regional Government has the rights and obligations as stipulated in Law no. 32/2009 especially on the juridical side of administration.²² Environmental Documents, Environmental Permits, and other administration based on regional authority which is the object of authority in environmental protection and management.²³

As for efforts to protect and manage the environment, the application of administrative sanctions as stipulated in Article 76 of Law no. 32/2009 where the Minister, Governor or Regent or Mayor has the authority to apply administrative sanctions, which must be implemented in accordance with the Regulation of the Minister of Environment of the Republic of Indonesia Number 2 of 2013 concerning Guidelines for Applications for Administrative Sanctions in the Sector of Environmental Protection and Management (hereinafter referred to as the Environmental Regulations).). Life No. 2/2013). Regarding the types of administrative sanctions, they basically have the same

¹⁷ Johar, O. A. "Realitas Permasalahan Penegakan Hukum Lingkungan Di Indonesia." *Jurnal Ilmu Lingkungan* 15.1 (2021): 54-65.

¹⁸ Hariyanto, H. "Hubungan Kewenangan antara Pemerintah Pusat dan Pemerintah Daerah Berdasarkan Negara Kesatuan Republik Indonesia." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* (2020): 99-115.

¹⁹ Susanto, M. "Book Review: Perjalanan Historis Pasal 18 UUD 1945 (Perumusan dan Undang-Undang Pelaksanaannya)." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 2.3 (2015): 620-625.

²⁰ Suharjono, M. "Pembentukan Peraturan Daerah yang Responsif dalam Mendukung Otonomi Daerah." *DiH: Jurnal Ilmu Hukum* 10.19 (2014): 21-37.

²¹ Pohwain, N. L., Jemmy, J. F. dan Revency V. R. "Perlindungan Hukum Bagi Masyarakat Hukum Adat Yang Lingkungan Hidupnya Tercemar." *TATOHI: Jurnal Ilmu Hukum* 1.5 (2021): 508-516.

²² Sutrisno, B. "Kerancuan Yuridis Kewenangan Perlindungan dan Pengelolaan Lingkungan Hidup Dalam Perspektif Otonomi Daerah." *Dih: Jurnal Ilmu Hukum* 9.17 (2013): 240059.

²³ Fatanen, A. "Eksistensi kewenangan daerah dalam perlindungan dan pengelolaan lingkungan hidup pasca diterbitkannya undang-undang cipta kerja." *Khazanah Hukum* 3.1 (2021): 1-7.

meaning as Law no. 32 of 2009 and Government Regulation of the Republic of Indonesia Number 27 of 2012 concerning Environmental Permits (hereinafter referred to as PP No.27 of 2012) but due to Environmental Regulation No. Administrative sanctions are carried out in more detail.

Enforcement of environmental law can be done preventively and repressively. Preventive law enforcement means active monitoring is carried out on compliance with regulations without direct events involving concrete events that raise suspicions that legal regulations have been violated. These efforts can be carried out with supervision and using the supervisory authority listed in Article 71 paragraphs (1), (2), and (3), Article 72, Article 73, Article 74 paragraphs (1), (2), and (3) Article 75 of Law no. 32/2009. Meanwhile, repressive law enforcement is carried out in terms of actions that violate regulations and aims to directly end these prohibited actions. In this case the Governor has the authority to do so or through a Regional Regulation, this authority can be delegated by the Governor to the Regent or Mayor. And if there are certain violations, for example there are residents whose health is disturbed due to pollution and or environmental damage, then the Regional Head or an interested party can propose the revocation of his business license to the authorized official.

4. Conclusion

The regional autonomy policy in the field of environment has resulted in the growth of the concept of solving environmental problems which places more emphasis on the dimensions of local wisdom that are owned by every local community. Decentralization is more directed at being able to solve plural environmental problems in accordance with the environmental context in each region without having to be centralized in interest-laden arguments. It is further suggested to the Regional Government of the Province of Bali to issue a stipulation in the form of an environmental permit which must always pay attention to the needs of the community and environmental limitations in meeting current and future needs based on the concept of sustainable development with an environmental perspective through thoroughness. and responsible environmental assessment and analysis.

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