

The Effectiveness of Environmental Legislation in Bogor, Indonesia

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Abstract

The study was conducted in Bogor City and seeks to identify policies and legislation related to the environment town planning management, analyze the implementation of the policy and legislative environment management plan by the government, improved implementation of environmental policies and legislation Bogor City. This study used qualitative methods. Based on analysis of interviews and document analysis conducted found that the results obtained are taking care of the legal and policy planning Bogor City using *Peraturan Daerah Kota Bogor No. 4 Tahun 2007* about *Pengelolaan Lingkungan Hidup*, *Peraturan Daerah Bandar Bogor No. 8 Tahun 2011* about *Rencana Tata Ruang Wilayah Kota Bogor*, *Peraturan Walikota Bogor No. 28 Tahun 2011* about *Izin Pemanfaatan Ruang*, *Peraturan Daerah Kota Bogor No. 7 Tahun 2009* about *Rencana Pembangunan Jangka Panjang Daerah (RPJPD) 2005-2025*. This law describes the environmental management in the city of Bogor that is integrated by the county government, the public and stakeholders with regard to the integration of the planning, implementation and evaluation of environmental management policies. Based on the interviews, the implementation of an environmental approval in Bogor City using molds *Peraturan Pemerintah No. 27 Tahun 1999* about *Analisis Mengenai Dampak Lingkungan (Amdal) dan Peraturan Daerah Bandar Bogor No. 8 Tahun 2011* about *Rencana Tata Ruang Wilayah Bandar Bogor 2011-2031*, and *Peraturan Walikota Bogor No. 28 Tahun 2011* about *Izin Pemanfaatan Ruang*. Moreover, based on interviews with government officials, there are external factors that affect spatial Bogor City of urban sprawl, development of a low density and spread so not integrated in the city, especially around Bogor. However, there are positive effects that occur as a result of policies and legislation that recognized the government Bogor. Environmentalists are well controlled and minimize environmental damage.

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1. Introduction

In Indonesia, an environmental impact assessment is contained in Law No. 23 of 1997 on Environmental Management and implementation set out in Government Act No. 27 of 1999. The environmental impact assessment according to Glasson et al. (1994) defined as a tool that aims to ensure sustainable development through the assessment of the effects arising from the main activities likely to have significant environmental effects.

According Glasson et al. (2012), an environmental assessment involves a variety of methods to determine the objectives, namely: (a) evaluation and assessment (b) determine the effect of projects (c) control after the project. After the environmental impact assessment is carried out, the decision to plan an activity has been based on the consideration of ecological aspects, economic and social (Partidario 1999). Decisions of a project must be objectively whether a method or rule (Cashmore 2004). Environmental legislation in the implementation of sustainable development work to prevent environmental pollution and damage to the

environment and natural resources are not disturbed ecosystem.

Oriented development environment is conscious and planned effort to use and manage natural resources wisely in sustainable development to improve the quality of life (Hussein 1992). Sustainable development (sustainable development) is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Sujana & Riyanto 1999).

According to Hadi (2001), the birth of the concept of environmental friendly construction supported by public awareness of environmental problems and the emergence of environmental legislation as an independent concept, driven by the requirement to maintain, develop and improve the ability of the environment and natural resources in order to support the development. As a city that is growing in Indonesia, Bogor City is undertaking the construction in various fields. Construction here is the effort of the Indonesian people to improve the quality of life by taking advantage of its various natural resources (Gatot 1996). This

infrastructure development is to be assessed in order to control the development of environmentally responsible. According to Diduck and Mitchell (2003), the development of environmentally. *Undang - undang* can support the development of environmental legislation aims to create an environmentally sustainable development in the whole development effort. Bogor city have environmental laws that have been enacted on the basis of development, economic and social. For then the law enforcement. The problem is seen as a policy and legal environment that has been created to manage the design layout of the city resulting from the construction of an infrastructure project. Enforcement has also been implemented, but there are still problems of environmental pollution and traffic congestion especially the increasing number of public transport, particularly transport facilities.

In Bogor to be a change in land use. Although the implementation of land use there are guidelines in the utilization of the field but in practice it turns out that the guidelines still be amended or renegotiated. Many government policies to improve the planning area due to interest groups or companies that will invest in the region. Urban planning are often dominated by power politics and local interests that emphasizes high economic growth. Effects of Urban planning in municipalities that are not in accordance with regulations resulting in disruption to transport systems, environmental pollution and improving the crime. Police and law enforcement Urban planning, the decision to plan an activity has been made based on the consideration of ecological aspects. From the above description, the problems that occur are how the government issued a policy environment that can be known in caring for the environment and the development of non-destructive environment and natural resources, so that development can improve the ability of the environment to support the continuation of development aimed Bandar.Kajian view the development of policies and legislation in Bogor and so on to provide recommendations on sustainable development in Bogor through all the process of assessing the environmental impact of effective ways to analyze the design of policies and legislation.

2. Methods

In this study, the authors used a qualitative study of the normative legal approach, because the study was conducted a literature review, document, legislation, policies and learn the basic theory and policy relating to environmental and town planning laws. There are views of nature, this study is categorized as a descriptive study without the means to test hypotheses or theories, but the activity analyze and classify the substance of legislation. According to Holloway (1997), qualitative research is a form of social inquiry that focuses on how human interpretation and logic of their experience as well as the environment in which they live. For Creswell (1998), action research, case studies, and ethnographic studies included in the qualitative need.

Collecting legal material done by studying the document and literature review, which is a method of collecting data needed to answer the research problems that have been taken from documents or library materials. According to Fontana and Frey (1994), there are three types of interviews

structured interviews, semi-structured interviews and unstructured interviews. Unstructured interviews were used in this study with the aim to collect information. The necessary data has been written or treated others. In getting data, the writer will do research literature either through literature that the author had his own or even literature available in the library. Moreover, I also will conduct a study of the documents available in the office to be the author visited in connection with the problem statement. The author obtained legal matter, further examination and study more in order to ensure the accuracy and accountable according to the rules, theories and concepts.

Methods or data analysis used descriptive qualitative analysis of the data that can not be calculated. The data were then conducted discussions, screening and grouping into certain parts to be processed into information data. The results of the analysis of legislation will be interpreted in order to answer the question in the formulation of the problem and is expected to broaden their horizons, especially in the field of environmental law. Analysis of the interviews will approach proposed by Miles and Huberman (1998). According to Burn (1995), content analysis is a method of analysis that is often used in qualitative research.

Policy analysis is how to interpret the results to produce results format (determination of alternative options) and to determine future needs (Walter 1971). Policy analysis and legal research using a variety of methods and approaches for generating and transforming information so it can be used in solving problems. Policy and legal approach used in this study is an evaluative approach which assesses the merits of a policy and normative approach, which provides a backup in the formulation of policies in the future. Police methods used in this study was descriptive of generating information about the cause and effect of past policy and evaluative that gives information about the benefits of a policy of the past and future.

3. Result and Discussion

Agency or office responsible and authorized to make decisions on the environmental feasibility of the center is the head of the department responsible for controlling the environmental impact and at the regional level are in the Governor (Article 1 point 9 Regulation No. 27 of 1999). The Bogor city, the department responsible for environmental control is the Regional Development Planning Board, Environmental Management Agency and the Department of Urban Planning. According to article 1, paragraph 28 of Law No 32 of 2009 on Environmental Management, the department will conduct environmental audits to assess compliance with responsible business and/or activity of the legal requirements and policies set by the government.

Bogor government issued a sentence or a threat to the preservation of the environment. According to Bogor City Regional Regulation No. 8 of Article (100) and (102) In 2011, individuals and/or entities prohibited from engaging in activities that pose a negative impact on the carrying capacity of the environment and the carrying capacity of utility facilities will be penalized or threatened with criminal confinement most 3 (three) months or a fine of no more than 50,000,000.00 (fifty million rupiah)

Environmental impact assessment conducted Bogor government to review the appropriateness of the plan of activities with a pattern contained in Regulation RTRW area. According to Bogor City Regional Regulation No. 4 of 2007 on Environmental Management, the provision of business and / or activities that give rise to large and significant impact on the environment, as referred to in paragraph (1), as well as the procedures for preparation and evaluation of the environmental impact of regulated by the mayor.

Target of environmental management in the city of Bogor (a) the achievement of harmony, harmony, and balance between human behavior and the preservation of the environment; (B) the attitude of society to realize that caring environment, clean, healthy, and have stances act to protect and nurture the environment; (C) the achievement of the preservation of the environment and the safeguarding of the interests of the present generation and future generations; (D) the controlled use of natural resources wisely; (E) ensuring the balance between development and preservation of the environment; (F) the creation of local government policy environment; (G) increasing community participation in environmental management; (H) increasing environmental awareness and the rule of law and the business community in carrying out its activities; (I) protection of the city against the impact of its operations and activities in and outside the city of Bogor causing pollution and or destruction of the environment (Bogor City Regional Regulation No. 4 of article 4 of 2007 on Environmental Management).

Land Use Permit for the purpose of: (a). ensure the use of space in accordance with the master plan, (b). the establishment of rules, and minimum service standards field of spatial planning; (C). prevent negative impacts of land use; and (d). protect the public interest and the public at large. Each space must obtain permission from the local government. Licensing the use of space referred to in paragraph (1) shall be granted in order to: (a). avoid negative impacts that disrupt public interest; (B). ensure compliance with the development plan, technical standards, minimum performance quality and pricing rules established by the local government. Permit the use of space given to prospective users of the space will conduct a space utilization in a region / zone based spatial planning. To obtain a permit to use the space, the application shall be submitted in writing to the mayor or the mayor.

There is legislation in Bogor City used to study the positive and negative effects of the planned activities / projects, the government in determining whether an activity / project is feasible or not feasible. The study prepared by considering the physical, chemical, biological, socio-economic, socio-cultural, and public health. Plan activities may otherwise not eligible when the negative effects that occur can not be controlled by existing technologies and if the cost needed to overcome the negative effects outweigh the benefits of the positive impact that will result.

Legislation and policies that have been enforced in Bogor City is very effective, especially in avoiding the damage and pollution of the environment. Legislation in Bogor started in the Dutch colonial era to the present. It always changes according to what was happening and in accordance with the decision of the Mayor of Bogor. Various forms of natural disasters that have occurred in Bogor have destructive environmental impacts. Among these

are volcanic eruptions, floods, landslides and earthquakes. Bogor City can be caused by close to the mountains that are still active, and potentially issuing volcanic ash and public awareness in environmental awareness low.

Various human activities either directly or indirectly have an impact on environmental damage in Bogor City, namely: (a). illegal logging (illegal logging) that happened around Mount Gede Pangrango National Park; (b). hunting animals to extinction; (c). waste disposal in the river estuary; (d). illegal buildings in the watershed in the vicinity of the river stream and estuary; (e). Excessive exploitation of natural resources in the National Park opens; (f) damage to forests and water catchment areas due to the many lasting settlement, building villas, hotels prevailing in Bogor summit.

Inconsistency between development and environmental sustainability is an issue that is often found in Singapore. Environmental damage caused by increasing human activities such as pollution of the environment by pesticides, industrial waste, and transportation, destructive habitat of plants and animals become extinct, and the declining value of natural aesthetic is an example of perseverance inconsistency between development and the environment. To avoid the negative impacts of development on environmental sustainability, it is used as a guideline for government policies in the application and implementation of the development.

In any development in Bogor City pose positive and negative effects, the following are the positive effects that occur based Environmental Control Agency Bogor 2013: (a). increase income population thus increasing prosperity. (B). produces a wide range of industrial goods she needed by society. (C). industrial enterprises can expand job opportunities for the population. (D). reduce dependence on foreign countries. (E). can stimulate the weeks to increase knowledge about the industry. The negative effects that occur are caused by one of the companies in Bogor City is (a). industrial solid waste will cause pollution of water, soil and air (b). industrial fumes cause air pollution, (c). As a result of pollution, caused the death of many animals, humans can be exposed to the disease, the loss of natural beauty.

4. Conclusion

Based on interviews with respondents, in the implementation of an environmental permit in Bogor City continue to use reference Regulation No. 27 of 1999 on EIA and Bogor City By law No. 8 Year 2011 on Spatial Planning of the city from 2011 to 2031, and Bogor Mayor Regulation No. 28 of 2011 on Land Use Permit. Moreover, based on interviews with government officials, there are external factors that affect the layout of the city of Bogor, namely the phenomenon of urban sprawl, development of a low density and spread so not integrated in the city, especially around Bogor. There are positive effects that occur as a result of policies and legislation that recognized the government Bogor. Environmentalists are well controlled and environmental damage can be minimized. Overall Bogor City Regional Regulation No. 8 In 2011, the Mayor of Bogor Regulation No. 28 In 2011, the city of Bogor District Regulation No. 4 In 2007, the city of Bogor District Regulation No. 7 In 2009

the foundation in environmental management and planning Bogor City. Law should be obeyed and if the offender committed the offense should be punishable in accordance with applicable law.

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