

AUTHORITIES OF POLRI INVESTIGATORS IN CRIMINAL POLLUTION OF RIVER WATER (ANALYSIS OF MANADO REGIONAL REGULATIONS NUMBER 1 OF 2020)

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Abstract

Aquatic ecosystems that have been affected by community activities have an effect on ecosystem changes in rivers. This activity can change the physical, chemical and biological properties of waters. This change can have an impact on river water biota, especially river water quality. In principle, this type of dissertation research is normative legal research. The normative research framework of this dissertation has several conceptual variations. First, based on variations in the scope of legal science, this research is positive law research, namely research on the authority of Polri investigators in resolving river water pollution cases in Manado City. Environmental problems that occur in the region is the ongoing decline in the carrying capacity of the environment. This environmental problem occurs as a result of the low awareness of some people about environmental management and control. This can be triggered by several factors, including: changes in environmental function and order, decline in environmental function and quality, lack of integrated management of human resources, natural resources and man-made resources in environmental control between various parties, less than optimal use of space cities as well as environmental pollution produced by business and/or industrial activities, household activities and exhaust fumes from motorized vehicle engines in traffic.

Keywords: Pollution, POLRI investigators, analysis of regulations.

INTRODUCTION

Aquatic ecosystems that have been affected by community activities have an effect on ecosystem changes in rivers. This activity can change the physical, chemical and biological properties of waters. This change can have an impact on river water biota, especially river water quality. The quality of river waters is caused by land changes, rainfall, human activities which cause river water pollution both physically, chemically and biologically (Martopo, 1987). One of the properties of polluted water is a change in temperature, a change in color, an odor, the taste of water, the presence of sediment or dissolved materials, and the presence of microorganisms (Effendi, 3003). The level of pollution of a waters can be determined in various ways, namely through biotic and abiotic parameters. Abiotic parameters (physical and chemical) include color, odor, pH, temperature,

The river is a gathering place for water that comes from rain that falls in its catchment area and flows with its measure. The river is a natural drainage that has a river network with a cross section, has a rain

catchment area or is called a watershed (DAS) (Siregar, 2004). The city of Manado has five rivers, namely the Mapanget River, the Tondano River, the Tikala River, the Sario River, and the Malalayang River. These rivers are long rivers and pass through several districts. Specifically for the Sario River and the Malalayang River, based on their location in the middle of the city and on the banks of the river, with densely populated residential areas, and even worse, there are two markets on the banks of the river, namely the Karombasan market and the Bahu market. making this river get the impact of the activities of the residents and markets in the river flow. The impact of this activity will be an opportunity for landfills.

Growth is a word that means to grow or can be called developing or also develop broadly which means from small to large and is also closely related to economic development in which economic growth and development and people's welfare are the main keys in development. As Schumpeter (Suryana, 2000) points out, the course of monetary improvement is simply a pleasurable or stable interaction, but a change that is unrestricted and consistent. Financial progress is subject to change as it creates modern fields and exchanges. According to Todaro (2000) the interaction of progress takes place in a multi-denominational cyclical view that incorporates social design, local area mentality, and public foundations, pay imbalances and mitigation of needs.

Growth is a community effort that utilizes natural resources and the environment with the aim of prospering and improving their standard of living. (Purwono, 2000). Growth is something that is done gradually and continuously through a process to achieve a change that is much better with an increase in per capita income that takes place in the long term. So that the purpose of growth is in addition to increasing real national income and increasing productivity. Regional development is expected to have a positive impact on economic growth. Regional economic growth can be seen from changes in the GRDP of a region (Suryono, 2010).

Economic growth is the development of an economic activity resulting in more and more goods and services being produced by society and increasing prosperity (Sukirno, 2000). Prof. Simon Kuznets (Jhingan, 2000) said, the increase in the ability of the country in the long run to provide more and more types of economic goods to its population. The growth of this ability follows the necessary institutional, ideological adjustments and technological advances. So that the meaning of economic growth is as a physical production capacity of goods and services within a certain period of time (Prasetyo, 2009). Economic growth is influenced by four factors, namely natural resources (SDA), human resources (HR), technology and capital formation.

In Indonesia, rivers can be found everywhere with their respective classes. Rivers are used to meet daily needs, be it transportation, bathing, washing and so on, even in certain areas rivers can be used to support eating and drinking. Rivers as a source of water, have a very important function in fulfilling the needs of the community, as the main supporting facility in enhancing national development and as a relatively safe means of transportation to connect one region to another. The river as a source of water is one of the natural resources that has a multipurpose function for the life and livelihood of living things. Water is everything in this life whose function cannot be replaced by other substances or objects, but it can also be the other way around. if water is not maintained its value will be very dangerous in this life. So the river as intended must always be in its condition in a way (Subagyo, 1992)

- a. Protected and maintained.
- b. Improved function and usability.
- c. Controlled its destructive power to the environment.

In this case the city of Manado has a potential sector that is focused on three main potentials, namely agriculture, fisheries, and tourism. These three sectors can be developed to increase economic growth. For developing countries, namely Indonesia itself as an example. The high flow of capital is a good opportunity to obtain financing for economic development in which economic development is being carried out by the

Indonesian government for sustainable efforts and it is hoped that it will create a just and prosperous society in accordance with Pancasila and the 1945 Constitution, so as to achieve these goals, national development is focused on growth. economy. One indicator of the success of economic development that can be seen at the macro level is economic growth

The Manado City Government through the Manado City Environment Service is monitoring the water quality of the Sario, Malalayang and Tondano watersheds. According to the Manado City Government, monitoring the quality of river water is very important because there are many biota that live in the river. Biota that can be an indicator of water quality in rivers such as fish, algae, bacteria, plankton and macroinvertebrates. River water quality monitoring is very important for human life and the biota in the river. As we all know that water is the source of life for living things. The Manado City Government urges and continues to socialize to the whole community to keep the environment clean, don't throw garbage in the river. Polluted rivers will have a negative impact on river biota and human life. Let's raise awareness and awareness of how important water sources are for life and we protect together the preservation and protection of water sources.

Manado is the capital city of the province of North Sulawesi, located on Manado Bay with surrounding mountains and seas, with a land area of 166.9 km² (15,726 hectares). This is what makes Manado the second largest city on the island of Sulawesi after Makassar, South Sulawesi. Geographically, Manado City is located at the northern tip of Sulawesi Island with a geographical position of 124°40' – 124°50' East Longitude and 1°30' – 1°40' North Latitude. Topographically, the north, east and south sides are surrounded by hills and green mountain ranges, while the west side is decorated with three beautiful islands: Bunaken, Manado Tua and Siladen. Apart from being surrounded by hills and mountains, in the western region of Manado City it is also bordered by the ocean with a coastline of 18.7 kilometers. On the west side you can see Bunaken Island,

Bunaken and Siladen Islands have undulating topography with peaks as high as 200 meters, while Manado Tua Island has a peak height of approximately 750 meters. Meanwhile, the waters of Manado Bay itself have depths ranging from 2-5 meters on the coast to 2,000 meters at the boundary line where the coast meets the base of the continental slope. Manado City is also one of the tourist destinations frequented by local and foreign tourists. Ecotourism is the main attraction of Manado City, such as Bunaken National Park, Manado Tua, Siladen Island, Lake Tondano, Mount Lokon, Mount Klabat, and Mount Mahawu. For Bunaken National Park itself, it has become the prima donna of Manado City tourism which is frequently visited by foreign and local tourists.

Water pollution is a big challenge for villages in North Sulawesi Province (North Sulawesi). Head of Social Statistics Division Dendi Handiyatmo said the number of villages/kelurahan experiencing water pollution increased by more than 100.00 percent, from 140 villages/kelurahan in 2020 to 327 villages/kelurahan in 2021. In 190 villages/kelurahan, the main cause of water pollution is sewage household and market waste. Soil pollution has also increased from only 12 villages/kelurahan to 62 villages/kelurahan in 2021. The main cause of soil pollution in 23 villages/kelurahan is household waste, 24 villages/kelurahan is factory waste, and the rest are caused by other main causes. Villages/kelurahan experiencing air pollution also experienced an increase, though not as high as the increase in soil and water pollution.

1. Formulation of the problem

- a. What are the legal arrangements regarding river flow pollution in Manado City?
- b. What is the authority of Polri investigators in conducting investigations into river water pollution cases in Manado City?

2. Research purposes

The aim of this study is to obtain a detailed and clear description of.

- a. To analyze the legal arrangements regarding river flow pollution in Manado City.
- b. To analyze the investigative authority in river pollution cases in Manado City.

After the reformation, ideally law is no longer formed to answer the needs of mastery but the needs of the community (Raseukiy, 2021). "The instruments needed in law enforcement in relation to legal system theory are components of legal structure, components of legal substance, and components of legal culture (Friedman, 1977, pp.14-20) .

RESEARCH METHODS

In principle, this type of dissertation research is normative legal research. The normative research framework of this dissertation has several conceptual variations. First, based on variations in the scope of legal science, this research is positive law research, namely research on the authority of Polri investigators in resolving river water pollution cases in Manado City. The positive law in question is about what is contained in Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management, as well as Manado City Regional Regulation Number 1 of 2021 concerning Waste Management, both as a doctrine and as positive legal rules and their application in the system. criminal law.

Second, based on variations in the nature of legal science, this research is a combination of basic legal research insofar as it concerns the authority of Polri investigators in the Manado City Regional Regulation Number 1 of 2020 concerning Protection and Management of the Environment with applied legal science research insofar as it concerns its use in the criminal and legal system environment.

Third, based on the objectives of legal science research, this research is descriptive legal research, explicative legal research, and prescriptive legal research. Descriptive legal research, namely by describing a truth in Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management and the facts that occur in the field. Explicative legal research is explaining and evaluating Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management influencing and strengthening the authority of Polri investigators in the criminal law system.

Fourth, based on the nature of legal truth, this research is a qualitative research, namely the conformity of something with legal provisions that stipulate certain quality requirements that must be met. In this case, the implementation of Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management affects and strengthens the authority of Polri investigators in resolving river water pollution cases.

Location and Target of Research Informants.

The location of this research was carried out in Manado City, the Manado City Environment Service, as well as various libraries at several leading universities in Indonesia, especially those with Centers for Environmental Law Studies.

The intended target informants are regional officials, civil servant investigators, police investigators, as well as researchers from universities and study centers dealing with the environment.

How to Find Data.

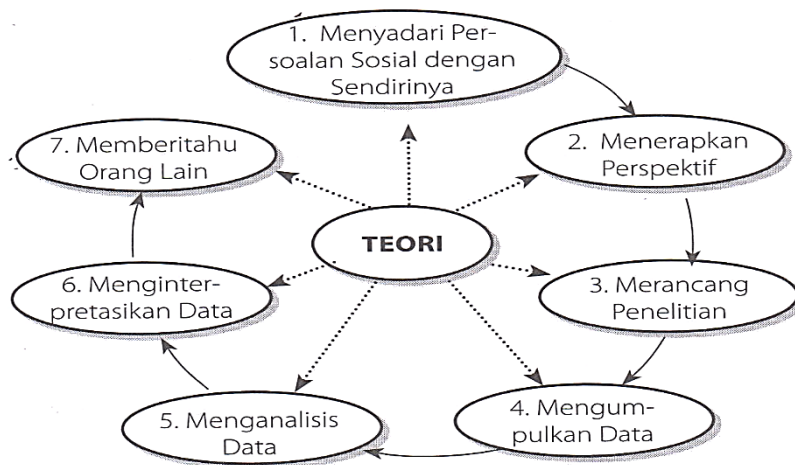
The way to find data in this research is by researching literature and documents. Thus the instrument or tool for finding data in this study is by collecting data and information in the form of legal materials, both primary legal materials, namely binding legal materials,¹consisting of Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management, as well as secondary legal materials, namely legal materials consisting of literature written by legal experts, such as AM Yunus Wahid with his book "Introduction to Environmental Law", RM. Gatot Soemartono with his book "Regarding

¹Soerjono Soekanto & Sri Mamudji, 2007, op. cit., p. 13.

Indonesian Environmental Law" and various journals and articles related to this research.

Data Analyzing Techniques.

The data analysis technique will follow the stages as shown in the following figure:



The entire data obtained was analyzed qualitatively. Qualitative analysis, namely conformity with a measure in the form of the necessity of fulfilling certain quality requirements. The analysis begins with data collection. After that, the existing data is systematized and then replicated and evaluated. The evaluation was carried out in order to find the implementation parameters of the Manado City Regional Regulation Number 1 of 2020 concerning the Protection and Management of the Environment which are related to the authority of Polri investigators in handling river water pollution cases.

RESULTS AND DISCUSSION

Pollution of the river flow can be categorized as a criminal act. This is because the essence of environmental crimes (prohibited actions) as stipulated in Law no. 32 of 2009 concerning Environmental Protection and Management (UUPLH) is "polluting or damaging the environment". This formulation is said to be a general formulation (genus) and is then used as a basis for explaining other criminal acts of a specific nature (species). The words "polluting" with "pollution" and "damaging" with "destruction" have the same substance meaning, namely contamination or damage to the environment, but both differ in emphasizing something, namely with active sentences and passive sentences (nouns). in the process of producing results.

Environmental law enforcement is called law enforcement in English. The term law enforcement in Indonesian means that law enforcement is always by force, so that some argue that law enforcement is only concerned with criminal law (Hamzah, 2005, p.48). Law enforcement has a very broad meaning which includes both preventive and repressive aspects, in line with the conditions in Indonesia where elements of the government are actively involved in increasing public legal awareness. Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values that are spelled out in solid principles and attitudes as a series of final stage value translations for

The characteristics of criminal law enforcement in this law introduce minimum criminal penalties in addition to the maximum, expansion of evidence, punishment for violating quality standards, integrated criminal law enforcement, and regulation of corporate crimes. Enforcement of environmental criminal law continues to pay attention to the principle of *ultimum remedium* which requires the application of criminal law enforcement as a last resort after the application of administrative law enforcement is deemed

unsuccessful. The application of the *ultimum remedium* principle only applies to certain formal crimes, namely punishment for violating wastewater quality standards, emissions and disturbances.

UUPPLH 2009 regulates the formulation of offenses, namely material offenses and formal offenses. The difference between material offenses and formal offenses is:

- a. Material offenses are offenses whose formulation provides criminal threats against actions that cause causality between actions and the consequences of actions.
- b. Formal offenses are offenses whose formulation provides criminal threats against prohibited acts, regardless of the consequences of the actions.

Material offenses are found in Article 98, Article 99 and Article 112, while formal offenses are found in Articles 100 to Article 111 and Articles 113 to Article 115 of the UUPPLH. In Law Number 23 of 1997 there are only six articles that outline the issue of criminal sanctions in relation to environmental crimes (Articles 41 to 46). Whereas in Law Number 32 of 2009 there are 19 Articles (Article 97 to Article 120). If observed and compared to the provisions of the Article regarding criminal sanctions against environmental crimes in the UUPPLH, the types of environmental crimes are more detailed, for example, there are provisions for environmental quality standards, regulated in a separate article concerning the entry of Hazardous and Toxic Waste Materials (hereinafter abbreviated as B3), the problem of burning land, and preparation of an EIA without a certificate will be subject to criminal sanctions.

Criminal acts in this law are crimes. The provisions of Article 97 UUPPLH, states that criminal acts regulated in the UUPPLH Criminal provisions, are crimes. Crimes are referred to as "rechtsdelicten" namely actions that contain an "onrecht" so that people generally see that the perpetrators really deserve to be punished, even though these actions by the legislators have not been declared as prohibited actions in the law. .

The application of environmental offenses is always associated with criminal sanctions, because theoretically criminal sanctions aim to uphold environmental law norms. This criminal sanction arose as a reaction to disobedience to legal (environmental) norms. Environmental law provisions in UUPPLH put forward several things:

- 1) The qualification of a criminal act regulated in the 2009 PPLH Law is a crime, so there is no longer a criminal sanction of imprisonment.
- 2) Because it is a crime, the criminal sanctions in the 2009 PPLH Law include imprisonment, fines and disciplinary measures.
- 3) Penalties of imprisonment and fines vary greatly depending on the nature of the act and the consequences it causes. Prison sentences vary between 1-15 years, while fines start from Rp. 500,000,000, - up to Rp. 15,000,000,000,-. It can be said that the formulation of prison sanctions in UUPPLH 2009 is inconsistent because several articles stipulate criminal sanctions for a maximum of one year. This means that the sentence imposed can be less than one year, as is characteristic of imprisonment, not imprisonment.
- 4) In UUPPLH 2009, criminal sanctions are regulated for officials who give permits without fulfilling the conditions, and also for officials who do not supervise the compliance of businesses or activities that result in pollution or damage.
- 5) The perpetrators were also subject to orderly criminal sanctions as formulated in Article 119 of the 2009 PPLH Law, namely:
 - a. Deprivation of profits derived from criminal acts;
 - b. Closure of all or part of the place of business/or activity;
 - c. Improvements due to criminal acts;
 - d. The obligation to do what is done without rights;
 - e. Placement of the company under guardianship for a maximum of 3 (three) years.

The application of imprisonment and fines in the PPLH Law is cumulative in nature, not an alternative,

in fact, fines are increased by one third.

b. Enforcement According to Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management

The regional regulation's criminal sanction policy refers to the types of crimes stipulated in Article 10 of the Criminal Code. The main types of punishment used are imprisonment and fines. Additional punishment in the form of confiscation of certain goods. In addition to using criminal sanctions regulated in the Criminal Code, Regional Regulations also use administrative sanctions. The use of criminal sanctions in administrative legislation is a warning (prevention) so that the substance regulated in the legislation is not violated (Hadjon, 2008, p.245).

Environmental management in the City of Manado has been regulated in the Regional Regulation of the City of Manado Number 1 of 2020 concerning the Protection and Management of the Environment which was established by the Manado City Government by seeing that a good and healthy environment is one of the human rights that every human being has, so quality needs to be maintained so that it can support sustainable development. This regional regulation is also seen as an effort to overcome environmental problems in the city of Manado by carrying out several steps for protecting and managing the environment in an integrated manner.

In the term "the rule of law and not of man", it is intended to emphasize that in essence the government of a modern rule of law is carried out by law, not by people. The opposite term is "the rule by law" which is intended as a government by people who use law only as a mere tool of power (Purwatiningsih, 2000, p.21). With the description above, it is clear that what is meant by law enforcement is more or less an effort made to make the law, both in the narrow formal sense and in the broad material sense, a guideline for behavior in every legal action. both by the legal subjects concerned and by law enforcement officials who are officially given the task and authority by law to ensure the functioning of the legal norms that apply in the life of society and the state. From this broad understanding, the discussion of law enforcement can be determined by its own boundaries, whether discussing all aspects and dimensions of law enforcement, both in terms of subject and object, or only discussing certain matters, for example, only examining subjective aspects.

Law enforcement apparatus includes the notion of law enforcement institutions and law enforcement officials (people). In a narrow sense, law enforcement officials who are involved in upholding the law, starting from witnesses, police (including PPNS as bearers of police functions), legal advisers, judges and prison wardens. Each apparatus and related apparatus also includes parties concerned with their duties or roles, namely those related to reporting or complaint activities, investigations, investigations, prosecutions, proofs, imposition of sentences and imposition of sanctions, as well as efforts to re-socialize convicts (Thohir, 1999). , p. 65)

Each region has the authority and responsibility for the wheels of government and its economy, meaning that there is the right to regulate and manage its own household, so the region has the right to make regional regulations. These regional regulations are of course only valid and enforced within the territory of each region which are specific regulations in each region, but are still within the boundaries and supervision of the central government. These regional regulations must comply with the limits of authority that have been determined by attachment in relation to the central government which is manifested in the form of preventive supervision, control oversight and general supervision (Misdayanti & Kartasapoetra, 1993, p.28).

The implementation of public order and public order is basically a government affair which is then decentralized to autonomous regions which makes it possible for regions to carry out technical matters independently. The magnitude of regional government affairs in the implementation of autonomy has spawned several regional regulations and 5 regional head regulations as legal means in administering

regional government, the existence of regional regulations that impose criminal sanctions has encouraged the emergence of the idea to form civil servant investigators within the regional government.

Formulation of criminal provisions in regional regulations as stipulated in the law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation that an act which is prohibited will not become a criminal act, unless there is a criminal provision or is subject to a criminal penalty. Likewise, the perpetrators of prohibited acts will not become perpetrators of criminal acts, unless there is a criminal provision that threatens the perpetrator with a crime. Thus, the criminal provisions in regional regulations are essentially provisions that criminalize an act that is prohibited or ordered by regional regulations.

The content of criminal provisions in regional regulations seen from the side of the apparatus means giving authority to regional government officials to force everyone in the area to comply with the prohibitions and orders specified in the regional regulations. From a policy point of view, the formulation of criminal provisions in regional regulations is a strategic and crucial policy in realizing community legal compliance

To include criminal provisions in regional laws or regulations requires caution from the legislators themselves. The criminal provisions contain a formula stating the imposition of a sentence for a violation of provisions containing prohibition norms or command norms. In addition, in formulating criminal provisions it is necessary to pay attention to the general principles contained in Book One of the Criminal Code. In Article 10 of the Criminal Code, states that punishment consists of in general, Regional Regulations can only provide a threat of imprisonment for a maximum of 6 (six) months or a fine of up to Rp. 50,000,000.00 (fifty million rupiahs),

In the Manado City Regional Regulation Number 1 of 2020 concerning the Protection and Management of the Environment, it can be seen that the criminal arrangement in Article 80 reads:

"Environmental crimes are processed according to the Criminal Procedure Code, starting from Investigation, Investigation, Prosecution,

Articles 85 and 86 are also in accordance with the provisions in Article 10 of the Indonesian Criminal Code which states that crimes generally consist of Regional Regulations that can only provide a threat of imprisonment for a maximum of 6 (six) months or a fine of up to Rp. 50,000. 000.00 (fifty million rupiah).

1. The Authority of Polri Investigators in Legal Handling of Pollution of River Streams in the City of Manado

a. Arrangement of Investigators According to General Criminal Provisions

Investigation is one of the important parts in a series of stages that a case must go through towards disclosing whether or not the allegation of a crime has been proven. Therefore, the existence of the investigation stage cannot be separated from the existence of statutory provisions governing criminal acts. Investigation according to the Criminal Procedure Code which is contained in Article 1 point 2 is defined as:

"A series of investigative actions in matters and according to the manner stipulated in the Criminal Procedure Code to search for and collect evidence with which evidence makes it clear that a crime has occurred and to find the suspect."

Law Number 2 of 2002 Article 1 paragraph (1) concerning the Indonesian National Police states that the Police are all matters relating to the functions and institutions of the police in accordance with statutory regulations. So the police concern all aspects related to the duties and authorities of the police and the institutions within it. According to Article 1 to 13 of Law no. 2 of 2002 concerning POLRI, what is meant by investigation is:

"Investigation is a series of investigative actions in terms of and according to the manner regulated by law to seek and collect evidence with that evidence to make it clear about the crime that

occurred and to find the suspect."

Investigation is a series of investigative actions to seek and collect evidence so that a suspect can be found. Meanwhile, according to K. Wantjik Saleh quoted in the legal journal Sahuri Lasmadi, the investigation itself is defined as:

"Efforts and actions to seek and find the truth about whether a crime actually occurred, who committed the act, what was the nature of the act and who was involved in the act."

b. Investigator Arrangements According to the Provisions of Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management.

Investigations into environmental crimes according to Manado City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management are carried out by PPNS and regulated in Article 82 paragraph (1) which reads:

"Certain PPNS investigators within the Regional Government are given special authority as investigators to conduct investigations into criminal acts of violations of laws and regulations in the environmental field"

The duties, responsibilities and authorities of PPNS in this Perda are contained in Article 82 paragraph (2) which reads:

Based on the authority of investigators listed in this regional regulation, it can be seen that the authority of Polri investigators in handling environmental crimes is very limited. In Article 82 paragraph (2) letter h it is stated that PPNS can terminate an investigation after conducting a case with Polri investigators, as well as with Polri investigators submitting it to the public prosecutor. This confirms that Polri investigators do not carry out direct investigations, but only receive investigation results from PPNS.

The confirmation regarding the submission of investigation results by PPNS to Polri Investigators is regulated in Article 83 which stipulates that in exercising the authority referred to in Article 82 PPNS investigators are required to submit the results of investigations to the Public Prosecutor through Polri Investigators. From this article it can be seen that Polri investigators do not have the authority as mandated by the Criminal Procedure Code.

The Constitution of the Republic of Indonesia mandates the right to a good and healthy environment. But in practice, with the large number of environmental cases that are happening today, of course this can be a criticism for the Government as the organ that is fully responsible for fulfilling these rights. Various environmental problems that occur, both damage and pollution are not directly proportional to the law enforcement mechanisms implemented by the Government.

The birth of the UUPPLH and several of its derivative regulations, such as the Manado City Regional Regulation Number 1 of 2020 concerning the Protection and Management of the Environment, apparently also have not been able to answer all the problems of enforcing environmental law in Indonesia. UUPPLH has included criminal provisions in Chapter XV, which consists of 23 articles. This sentencing provision is far more complete and detailed when compared to the old Law Number 23 of 1997 concerning the Environment, but there are still many things that need to be addressed in the UUPPLH.

On the other hand, the Environmental Regulations in the city of Manado have also included criminal arrangements through the classification of criminal acts, investigation techniques, types of crimes, and the criminal procedural law that will be applied. However, the non-direct involvement of Polri investigators in the authority to investigate environmental crimes raises the issue of the availability of capable PPNS staff. The various PPNS requirements that have been regulated in the Criminal Procedure Code have not been able to be fulfilled optimally by the Manado City Government.

PPNS has actually been equipped with various arrangements related to environmental pollution, especially river flows. Several guidelines for water quality standards in the investigation process have been available, such as the Water Quality Book according to Government Regulation Number 82 of 2001

concerning Management of Water Quality and Control of Water Pollution, Article 1 point 9 is a measure of the limits or levels of living things, substances, energy or components present or must be present and/or pollutant elements that are tolerated in the water.

Water is a source of life, considering the importance of water for both humans and their lives as well as for business and industrial entities as well as all existing components of life, the Government issued Government Regulation Number 82 of 2001 concerning Management of Water Quality and Control of Water Pollution. The existence of this regulation is aimed at ensuring the quality of water according to its designation or what is known as water quality management. Likewise, this regulation also regulates water control, which aims to guarantee water quality according to water quality standards.

In addition, instructions regarding waste as a pollutant for river streams have been regulated in UUPPLH which is defined as the residue of a business and/or activity. Waste is a substance, energy and/or solid components. Erwin (2009) is issued or made as a result of a process or industrial or non-industrial activity. In the elaboration, meaning and practice of the UUPPLH, the management and protection of the environment must be upheld.

As an umbrella for environmental law, the UUPPLH has regulated in detail to do this, including the preservation of environmental functions. Efforts are being made to achieve this by enforcing environmental law both preventively in the form of prevention, supervision and repressively in the form of settlement, imposition of sanctions, compensation. Enforcement of environmental law is the observation of environmental law through supervision, inspection, and through detection of law violations, restoration of environmental damage and action against the manufacturer (offender). As a functional law (functioneel rechtsgebeid) UUPPLH provides for three kinds of environmental law enforcement, namely administrative, civil and criminal law enforcement.

But in the end, enforcing environmental law through administrative law is considered the most important law enforcement effort. This is because it is more aimed at efforts to prevent pollution and environmental damage than it also aims to punish the perpetrators of environmental pollution and destruction. Enforcement of environmental law through civil law or better known as civil environmental dispute settlement is more to determine whether a person or legal entity is responsible for losses caused by pollution or environmental damage, with the plaintiff being required to prove the existence of pollution or environmental damage and the link between pollution and loss. suffered.

Criminal law enforcement is ultimately an ultimum remedium or last resort because the aim is to punish the perpetrator (Supriadi, 2006, Rahmadi, 2003, Husin, 2009 Santosa, 2001). Enforcement of environmental law using criminal law instruments is a last resort because it only provides a deterrent effect without any restoration and improvement of the environment to its previous state. There is no settlement of environmental problems when using criminal law instruments because even though the perpetrators or polluters/destroyers of the environment have been sentenced to prison/fines, the physical damage and pollution of the environment is still there.

However, the imposition of criminal sanctions for polluters or destroyers in terms of the relationship between the state and society is very necessary because the aim is to save the community (social defense) and the environment from prohibited actions (verboden) and required/mandatory actions (geboden) committed by development actors.

Conclusion

Environmental problems that occur in the region is the ongoing decline in the carrying capacity of the environment. This environmental problem occurs as a result of the low awareness of some people about environmental management and control. This can be triggered by several factors, including: changes in environmental function and order, decline in environmental function and quality, lack of integrated

management of human resources, natural resources and man-made resources in environmental control between various parties, less than optimal use of space cities as well as environmental pollution produced by business and/or industrial activities, household activities and exhaust fumes from motorized vehicle engines in traffic.

The high level of population density and its activities has had a side effect, namely pressure on the carrying capacity of the environment to accept the burden of solid, liquid and valuable waste disposal. The pressure on the carrying capacity of the environment as a result of the burden of waste disposal is also caused by the geographical location of the area in the bend and trajectory of the river's watershed where it has been polluted. The disproportionate existence of green open spaces with the built-up area of the city as a result of physical development activities and dense population has reduced the amount of water infiltration into the ground which has an impact on increasing the potential for flooding and landslides. The increasing density of motorized vehicle traffic also has an impact on increasing air pollution in the area.

1. Suggestion

Based on the discussion of the authors and the conclusions of this study, the authors provide suggestions:

- a. There needs to be a more massive outreach from the Manado City Government regarding the existence of Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management.
- b. The Manado City Government needs to add PPNS personnel as soon as possible as mandated by the Perda it has made itself.
- c. The PPNS that will be provided need to be included in various legal trainings to increase capacity and capability in enforcing environmental criminal law.
- d. There needs to be a plan to revise regional regulations to provide more space for direct involvement of Indonesian Police Investigators in handling environmental criminal law.

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