Law Enforcement Towards Environmental Damage and Pollution Caused by Open-Pit Coal

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Abstract

The mining industry is the primary source of the state's revenue. The legal instrument governing the mining industry in Indonesia is Law No. 4 of 2009 on Mineral and Coal. Unfortunately, the existence of the mining industry in various regions in Indonesia, especially open-pit coal mining industries, raises multiple problems, one of which related to the aspect of environmental law. The issues which arise in forms of pollution and ecological damage. These problems still occur in several open-pit coal mining areas such as in Bengkulu and South Kalimantan. Environmental law is expected to be a tool to protect the environment from various negative impacts of business activities and from citizens who lack awareness towards the environment, in order to guarantee the sustainability of environmental functions. One of the steps that need to be done is enforcing environmental law effectively. Enforcement can be done in forms of preventive and repressive, which means through administrative, criminal and civil procedures. Thus, the existence of the mining industry is expected to continue to support sustainable development in Indonesia. This research is normative legal research through the method of legislative approach, conceptual approach and analytical approach. The object of the normative legal analysis is in the form of qualitative legal materials, namely primary legal material (legislation) and secondary legal material (library materials). The specification of this study is inferential research, which doesn’t merely describe facts but draws general conclusions that can be the basis of deduction to determine steps to deal with legal problems and define the position of the issues in the national legal system as well. Regarding the research data, both secondary and primary data, a qualitative juridical analysis was carried out using the method of legal interpretation, especially grammatical interpretation, historical interpretation, and systematic interpretation and analogy and constructivism, the results of which were written descriptively.

Keywords

Law Enforcement; Environmental Law; Mining Law; Open-Pit Mining; Coal.

Full Text:

Open access peer-reviewed chapter. Oil Pollution and International Marine Environmental Law. By Ekaterina Anyanova. This chapter is devoted to the existing rules of international law and certain unilateral legislation on the issue of marine environment pollution with oil as well as their development in the XX-XXI centuries. The liability and compensation schemes in cases of occurred oil pollution are also analyzed. The present international regime of compensation for damage caused by oil pollution is based on two conventions: International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969)[1] - and International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 1971)[1] Factory pollution is often thought of as those mostly visible and smelly smokestack emissions. Industry pollutes the water and land around you as well. While you can't visibly see all pollutants, once they enter the atmosphere or the water system; they can spread far and wide beyond the factory. The most damaging greenhouse gas, carbon dioxide, is released into the atmosphere from the burning of fossil fuels. Factory emissions contribute greatly to the release of carbon dioxide into the atmosphere. Industry and electrical generating factories contribute slightly more than 50 percent of greenhouse gases. (2018, June 25). Environmental Pollution Caused by Factories. Sciencing . Retrieved from https://sciencing.com/environmental-pollution-caused-by-factories-12071269.html.

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