



LEGAL ETHICS OF SUSTAINABLE ENVIRONMENTAL MANAGEMENT

Yogi PRASETYO¹, Alfalachu INDIANTONESIAORO², Aries ISNANDAR³

^{1,2,3}Faculty of Law, University of Muhammadiyah Ponorogo, Indonesia

Corresponding author: Yogi Prasetyo

E-mail: yogiprasetyomadiun@gmail.com

Info Artikel:

Received: 2024-09-06

Revised: 2024-10-17

Accepted: 2024-11-15

Vol: 3

Number: 2

Page: 47 - 52

Keywords:

Legal Ethics,
Management,
Environmental

Abstrak:

Environmental management carried out by the community, corporations and/or companies, as well as the government, has not been able to provide good guarantees for environmental sustainability. The environmental potential, which is quite large economically, has been misused to obtain the maximum profit. It can be seen from the many cases of law violations in the environmental sector and physical evidence of environmental damage due to illegal exploitation. Particular interests that come into play in environmental management have damaged the environmental law management system itself. Law is only used as a tool to control natural resources legally. Many state officials cooperate with unscrupulous businessmen to exploit the environment freely without paying attention to the boundaries that are the size that should be the reference. In Indonesia, environmental problems are important and urgent to be addressed by finding solutions to solve them. The natural environment has been damaged by exploitation. Therefore, environmental management laws must always be accompanied by civilized Indonesian human attitudes, which show the quality of Indonesian humanity based on religion, culture, and science. So that on this basis, the environment can be adequately managed, not only for business benefits but also for the welfare of society and the benefit of the universe. The importance of Indonesian state is not only a legal state in the formal sense, but further than that, the law plays a role in creating a civilized society.

INTRODUCTION

As part of the natural resources available to humans from God Almighty, the environment is essential in human life. The quality of the environment shows the quality of the people in it. So do not be surprised if environmental problems are closely related to human behavior or actions. Because it has been described in science and included in religious teachings, that the most responsible for the environment on earth are humans

Human life is developing increasingly, so humans always try to fulfill it by utilizing natural resources, including the environment. Nature, or the existing environment, is essentially the source of the origin of human life. Humans cannot live without an environment that supports them for that. Human dependence on the environment is huge. Even the energy sources humans use to fulfill their life facilities come from nature.

God Almighty created nature, complete with everything in it, all intended for good. It has been narrated in the history of the origin of humans integrated with the environment. The environment is considered a means of satisfying worldly human desires in enjoying life in the world. However, humans destroy the environment based on reasons for the sake of life. Humans often do excessive exploitation without considering norms and laws. What is in nature must be maximized to meet



**PJLEL**● P-ISSN - 2830-4675 (PRINT)
● E-ISSN - 2964-724X (ONLINE)**PROTECTION: JOURNAL OF LAND AND
ENVIRONMENTAL LAW**

Indexed By :



human needs. If necessary, the law is regulated in such a way as to suit the interests of environmental exploitation.

Presumably, it is already a point of concern if we see what is happening in this environment. Humans arbitrarily use the environment to seek their benefit. Business motives have become absolute hegemony in environmental management in Indonesia. Political forces mixed with capital owners and foreigners entered the legal system in this country. In the end, what happened was that a wrong act became legally justifiable. The state constitution and laws and regulations related to the management of natural resources tend to benefit investors and foreign investors, such as laws and regulations regarding the management of water, minerals, mines, oil, natural gas, forests, and others, which are still capitalistic domains.

Poverty and low human resources lead people to take actions that can damage the environment, such as burning forests to open agricultural land, fishing bombing, sand mining, logging, et cetera. Many people are still forced to take illegal actions and damage the environment to fulfill their needs. On the other hand, people's demands for welfare from using the environment become an unavoidable reality. The inequality between owners of capital and small communities in obtaining benefits from environmental management is a problem in Indonesia that has just been resolved.

So that between business actors who have profit motives in managing the environment and people who still carry out actions that damage the environment for reasons of welfare, both are environmental problems that originate from humans themselves. Each of them tries to achieve the desired goal and ignores the positive human values that guide the life of a human being as a servant of God Almighty.

The decline in the attitude of human action in seeking as much profit as possible from exploiting the environment reaps results that worsen human life. The balance of nature that begins to waver makes nature no longer friendly to humans. Religion, as a guide to human life, can no longer fortify humans from worldly desires. The culture passed down by the ancestors, which contains the value of the teachings of nobility, is replaced by pragmatism. The science that should be neutral and independent has been contaminated and interfered with by interests.

The State of Indonesia is not only a state of law but also a country with civilization for its citizens. So that in carrying out the law, it should prioritize the main substance aspects which are primary and fundamental to human life, not just maneuvering or playing with the law for particular interests (Yogi, 2014: 2). Likewise, in environmental management, civilized law is needed as the basis for all human actions. It is time for formalistic, scientific and scientific laws to be accompanied by elements originating from religion and culture. Based on the explanation above, the author has decided to conduct a research with the title "Legal Ethics of Sustainable Environmental Management."

METHODS

This study adopts a literature study research method with a philosophical approach. The research stems from a conceptual framework that necessitates a thorough investigation. The legal materials utilized in this study are derived from relevant literature pertaining to the research topic. Data analysis is conducted through descriptive analysis to provide an elucidation of the findings in the research.

RESULT AND DISCUSSION



This open-access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 license

**PJLEL**P-ISSN - 2830-4675 (PRINT)
E-ISSN - 2964-724X (ONLINE)**PROTECTION: JOURNAL OF LAND AND
ENVIRONMENTAL LAW**

Indexed By :



Environmental management as a civilized law-based state business and welfare is a concept of organizing environmental law management that originates from human civilization's values. As for what human civilization means, here is everything that contains elements of human goodness originating from science, culture and religion. Human civilization results from the synergy of these three elements, ultimately giving birth to a unique perspective that reflects the quality of human life (Yogi, 2016, p. 9).

Science. The existence of science for humans is a must. With science, humans can develop now. Each country competes with each other to spur the development of science to increase control over its resources. Good environmental management must be based on the ability to master human knowledge. It has been predicted that in future world developments, countries that master science will become advanced countries and be able to become rulers over other countries. These predictions come true with the presence of advanced countries with the knowledge to control the world's natural resources.

Environmental management must be supported by adequate mastery of knowledge and can be accounted for realistically. The environment as part of the actual world, which is material in nature, can, of course, be studied with science. However, an important concern is to use this knowledge comprehensively and interdependently. Because science is essentially a unified system that is interrelated in human life, only because certain specifications appear that science is finally specialized into their respective fields, and this is what makes the science dichotomy so that it has a broad impact on other fields, including the environment. Comprehensive use of science can provide a comprehensive picture of the object. So that is a problem.

The environment is not only addressed by law alone but also involves knowledge in other fields, such as social, political, humanities, science and technology and other relevant knowledge. The importance of collaboration and synergy of various sciences will strengthen the basis for using the environment for human life. Different and different studies can provide another picture of the environment. So that with that, we can look for the most beneficial perspective for human life while still holding fast to humanity's moral values and noble morality.

As humans who live in an era that is advanced with the flow of globalization, the development of science has an important role and function. Advances in science will provide additional solutions to solving environmental problems. Humans who have civilization are humans who have the knowledge and use that knowledge well. Being open to science and its progress is a wise attitude. So that knowledge that humans continuously study can provide benefits. As written in the Al-Quran sura al-Mujadilah verse 11, "*God will surely exalt those who believe among you and those who are given some degree of knowledge*".

History has proven the urgency of science for human life. From the ages, science has become a fundamental factor in every human progress. Many countries are developing rapidly and are more advanced than others because of their scientific mastery. Even though lately there has been misuse of science for specific purposes. Some even say that the destruction of the environment is due to scientific advances. In comparison, science is a set of systems of results obtained by humans from the learning process.

The progress of science does not have to be realized in the form of objects or materials but can be in the form of concepts, thoughts, ideas and other human creations. So that when environmental problems occur, they are carried out through a simultaneous approach from various perspectives. As an example of the problem of forest fires which have become a national disaster for Indonesia, it must be handled through effective science. Apart from science and technology, other knowledge is



This open-access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 license



also needed, such as sociology, humanities, economics, law and others relevant to obtain a comprehensive solution to solving the problem of forest fires. So the use of this knowledge shows a quality level of human civilization.

Culture. A cultured individual can use their knowledge to produce useful products. Because of creativity, taste, initiative and human work, culture reflects human life in that community. In this paper, the author divides culture into three cultural groups: Local, National, and International.

Local Culture. Local is the original identity of human origin, so local culture is closest to daily human activities. Each region or locale has its characteristics and character—the need for local culture in environmental management to maintain positive original authenticity. There are many philosophical values and moral messages contained in local culture. Moreover, Indonesia is a country with a variety of localities. Local culture shows the local civilization that humans have. The local culture passed down from generation to generation will still be valid if it can maintain its existence by protecting and preserving the environment and balancing itself with the increasingly rapid developments of the era (Yogi, 2015, p. 3). local culture must become a reference in environmental management because the environment is the local environment itself. In preserving the natural environment, local roles are crucial. The size of business and welfare will be tested by local values, which have become natural measuring tools from their ancestors, as we can see in the clean culture of villages in East Java, earth alms, offering offerings and the culture of other locales that show appreciation and respect for the environment.

National Culture. The state, as a national institution that integrates local components, becomes a meeting point or joint agreement on how the concept of environmental management is national in all regions of Indonesia. Local values are pulled up to suit the more considerable common interest. The State of Indonesia is a constitutional state whose national law must provide equal justice for all people. The national culture of a country reflects the level of civilization of that country. The country's founding fathers have exemplified a noble and noble national culture, such as patriotism, nationalism, love for the motherland and other national cultures which, if appropriately used by the next generation, will become an eternal legacy that protects this country. It includes managing the environment, which should be for the welfare of all Indonesian people. With a solid national culture, it can reduce external interests that interfere with environmental sustainability. In other words, the children of their own country cannot destroy their country. Even though a national culture, foreign environmental management can be minimized.

Daud Silalahi (1996: 15) states that environmental damage is caused by pollution as a by-product of natural resources and production processes, industry, transportation, communication, and other economic activities that require energy use. If measured from the country's energy utilization, Indonesia has no immense potential for environmental damage, but human actions that exceed reasonable standards are more dangerous to the environment. National culture as a form of environmental management has been written in the Constitution of the Republic of Indonesia. Article 33 of the 1945 Constitution, paragraph (3) reads, "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." So in case In this case, the state as a national institution has regulated the designation of the environment for the benefit of the people. It means that the interests of all Indonesian people must be a guaranteed part of environmental management, not just the business interests of political elites and specific groups.

International Culture. International as a broader and global forum has become a particular dilemma in environmental management. Because to become a developed superpower country must



**PJLEL**● P-ISSN - 2830-4675 (PRINT)
● E-ISSN - 2964-724X (ONLINE)**PROTECTION: JOURNAL OF LAND AND
ENVIRONMENTAL LAW**

Indexed By :



have a substantial supply of human and natural resources. So it is not surprising that there are currently many conflicts in several Middle Eastern countries which are believed to be the largest oil fields in the world. The international culture that should be displayed in the context of environmental management is a foreign culture that is positive to be made into a mutual agreement. Not a culture that dominates each other and competes for the power of influence over other countries. Several world figures or world institutions have played a major role in maintaining the management of the human environment, such as green pischs, nature lovers' communities, forest greening associations and international organizations concerned with efforts to preserve the environment.

We can also see how other countries have well-organized natural resources and their environment so that they can have a positive impact on humans. Even in developed countries which are densely packed with modern buildings, they still leave room for greenery and the natural environment, which is an exciting sight resulting from the combination of the times' progress and nature. For example, in the Netherlands, around the road, some trees are protected by law and in several other countries, the natural environment looks unspoiled because it is used in good ways. We have to admit that living in an environment outside the country is much better and supports environmental preservation.

Preservation of the natural environment is a common concern of the whole community. So do not be surprised if outside the country rarely occur natural disasters that occur as a result of human activity. A foreign culture that is competent, professional, honest, responsible, disciplined, orderly, and other positive attitudes in utilizing the environment are exceptional standards that must be met. As an example of a culture of clean living, not littering is important. However, we in Indonesia often underestimate the culture of putting waste in its place; in the end, what happens is flooding, like the floods that have become a common sight in the capital city of Jakarta every rainy season. As stated by Amin Rais in writing in Suara Muhammadiyah (2015: 27) about Muhammadiyah in a global context: in an international context, Islam is part of the world community so it may be different, but we are united by the same religion (Islam). So that internationally, we are as one unit.

Religion. Religion is how everyone goes to a place where God Almighty will always direct and guide people on the right path. Every religion indeed teaches that humans use the environment well. As in Islam which has been written in the Koran and al-Hadith, that the environment is a gift created by Allah SWT for human life in the world, then it is the duty and responsibility of humans to maintain the preservation of the environment to receive blessings from Allah SWT as they created it. However, the ironic fact is that in Indonesia, many of the surrounding environments have been damaged by human exploitation, even though most of Indonesia's population is Muslim. It is a problem that is not only related to the environment alone but also concerns how to implement the values of religious teachings in human life. It is a religion that teaches goodness for human life only to be interpreted as limited to the beliefs above the sky and when it descends to earth into poems that are only good to hear but difficult to practice.

As quoted from Islamic religious leaders in Indonesia, Indonesia's nature has been damaged by human activities. Disasters caused by environmental damage are very detrimental to humans. Indonesia has experienced a civil disorder resulting from a powerful political system that makes elite rulers greedy, causing property and life loss. In fact, (Tobroni, 2016: 7). Islam teaches that humans always do good to protect the environment, so humans have a responsibility to protect the environment, which is a mandate from Allah SWT. Because Islam is a religion that builds the central



This open-access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 license

**PJLEL**P-ISSN - 2830-4675 (PRINT)
E-ISSN - 2964-724X (ONLINE)**PROTECTION: JOURNAL OF LAND AND
ENVIRONMENTAL LAW**

civilization of humanity as the best creation. It follows the mission of progressive Islamic da'wah, which is universal towards the central civilization on earth (Haedar Nashir, 2016, p. 13).

CONCLUSION

From the description above, it can be concluded that environmental management by humans who do not heed the laws and values of human life will cause damage. It is evident from the large number of nature or environment in Indonesia which has been damaged due to excessive exploitation by humans who are greedy and incited by worldly desires. Rulers and owners of capitalist capital have set up laws and policies that regulate the management of the natural environment in such a way as to benefit their group. For reasons of welfare, the people at the grassroots level also contribute to the destruction of the natural environment with actions that do not have a significant effect in quantity but in substance is a reflection of the decline of morality and statehood. Therefore, enforcing the law based on a civilized rules is necessary. It is essential to have a formal rule of law and a state of law that addresses the practical aspects of human life. So civilized law in environmental management becomes urgent to be used as a paradigm of environmental law in Indonesia. Environmental management is not just a matter of business and welfare; it can also benefit all mankind and get blessings from Allah SWT. Civilized environmental law is carried out using scientific, cultural and religious approaches. This approach can provide a comprehensive perspective.

REFERENCES

- Al-Quran and Translation. (2009). *Asy-Syifa'*. Bandung. New Light.
- Algensindo Al-Hadith. (2014). *Translation of Abdullah bin Abdurrahman Alu Bassam*. Jakarta. As-Sunnah Library.
- Absori. (2006). *Environmental Dispute Settlement Law*. Universitas Surakarta Muhammadiyah.
- Daud Silalahi. (1996). *Environmental Law in the Environmental Law Enforcement System Indonesia*. Bandung: Alumni.
- Prasetyo, Y. (2015). Legal Manners: Paradigm of Saving Law Science. In Proceedings National Seminar on Indonesian Legal Philosophy Association, April 11, 2015. Muhammadiyah University Surakarta.
- Prasetyo, Y. (2015). Positivistik-Post Positivistik (Dialectical Process Towards Civilization Indonesian Law). In Proceedings of the National Seminar on Indonesian Legal Philosophy Association, November 18, 2015. Muhammadiyah University Surakarta.
- Prasetyo, Y. (2015). Authenticity of Local Wisdom as Indonesian Values in the National Legal System Entering the ASEAN Economic Community 2015. In Proceedings of the National Seminar on the Association for Pancasila Education and Indonesian Citizenship (AP3Knl), May 30, 2015, Muhammadiyah University Ponorogo.
- Tobroni. (2015). Holding Back the Flowing Flow of Indigenous People. *Suara Muhammadiyah*, 1-15 November.
- Nashir, H. (2015). Islam Progresses to Enlighten the Nation's Civility. Milad Speech Muhammadiyah 103/106 in Makassar, November 18.
- Rais, A. (2015). Muhammadiyah in a Global Context. *Suara Muhammadiyah*, 1-15 November.



This open-access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 license