

RECONSTRUCTION OF SOCIETY ENDEAVORING THROUGH ESTABLISHING THE LIVE ENVIRONMENT CADRE AS AN EMBRIO OF SERVICE SUPPLYING INSTITUTION OF THE RESOLUTION OF THE LIVE ENVIRONMENT DISPUTE OUT OF THE COURT

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ABSTRACT

This study is intended to analyse the society potential in resolving the live environment cases through establishing the live environment cadre. This study uses the normative juridical research method with the secondary data instrument consisting of primary law material, secondary law material and tertiary law material. The data analysis is done qualitatively. The research result shows that the potential of live environment dispute in Indonesia tends to increase which is caused by the arising of many kinds of activities/efforts which do not obey the law regulation. The existence of several weaknesses in resolving the environment dispute through the court, therefore it needs an initiation from the society as a contribution to solve the live environment cases by themselves existing in the society surrounding. Based on Section 86 Verse (1) UU PPLH, it states that the society can establish a Service Supplying Institution of the Live Environment Dispute Resolution referring to the Government Regulation Number 54 Year 2000 on the Service Supplying Institution of the Resolution of the Live Environment Dispute out of the Court. The writer thinks that it needs to carry out a pioneering effort from the bottom to establish the live environment cadre beginning from the village level, district level, up to regency level in which the members chosen are from the lowest level up to regency/city as a personal embrio of the Service Supplying Institution of the Resolution of the Live Environment Dispute out of the Court.

Key words : society endeavoring, environment cadre, environment dispute, LPJP.

A. Introduction

One of the government missions nowadays is insisting the desire to “Realize the developed society, in balance and democratic based on the State law”. This mission, next, is manifested with a strategic agenda by doing the system reformation of law enforcement which is free from corruption, with prestige and believable, with HAM (Human Right) appreciation and solution with justice toward the HAM violation cases in the past (the fourth Nawacita Agenda). The mission of Jokowi – JK, especially the one related to the legal field and HAM, is, then, formulated into RPJMN 2015-2019. In general, the aims which will be reached from the national development agenda in law field, according to RPJMN, are; 1) Creating the qualified and justice law enforcement; 2) Increasing the law contribution to increase the competitive power of the nation economy; and, 3) Increasing the law awareness in every field.

The agenda of national development, according to RPJMN 2015-2019 in the law field, is to create the qualified and justice law enforcement; and to increase the law awareness in every field. To increase the law awareness it needs the existence of establishment or guidance in order that the society knows or understands well the usage or benefit of the law regulation, so that the society members are willing to obey the law regulation. Everybody has to support the law enforcement, to obey the law, and not to break the law. The law obeying attitude can create regulation, orderliness, and discipline in the society, so it can grow the society’s law awareness.

One of the policy directions and strategies to create the qualified and fair law enforcement and to increase the law awareness is by establishing a Law Culture, in the transparency time where the open information resource is open wide and the era when the society is given a wide space to express their opinions, so the society’s role in order to develop the law is very important. By having a law awareness grade as a part of the society culture, it is expected that the society will not do anything that breaks the law. Besides, the society can play a role in order to control the implementation of the law enforcement. The information from the society will be helpful for the apparatus who upholds the law in doing their task. Meanwhile, the report quality of the society will influence very much to the usage gradation of the report. Through out an effort of increasing of the society’s law understanding, it is expected to be able to grow a good law culture. The society does not only play in a role in decreasing the law colliding existence, but it also participates to control the process of the law enforcement.²

The live environment has an important meaning to the human lives and other live creatures. The man lives, exists, grows, and develops on the earth as an environment. The environment influences the type, characteristic, and attitude of the man who settles in. The environment gives challenges for the man civilization development. The man renovates, changes, even creates the environment for their needs and live happiness.

In the Law Number 32 Year 2009 on the Protection and Management of the Live Environment, then it is abbreviated as UU PPLH, it is mentioned that the continuity development with environment consideration is an aware and organized effort which combines the aspects of live environment, social, and economic into development strategy to guarantee the totality of live environment and safety, ability, prosperity, and the live quality of the present and the next generations. The continuity development concerns on the need for the present and the next generations. The continuity development is carried out to reach the people's prosperity by not destroying the live environment. The live environment factor which supports the continuity development is an ecology process, which is important to be maintained, the nature capacity resource is available enough, and the appropriate environments of social, culture, and economic.

The development makes use of the nature capacity resource continuously to increase the people's prosperity and live quality. Meanwhile, the availability of the nature capacity resource is limited and is not spread evenly, both in the quantity and quality, while the demand of the nature capacity resource increases as a result of the increasing of the development activity to fulfill the people's needs which increase and vary. On the other side, the supporting power of the live environment can be disturbed and the accommodation capacity of the live environment can decrease. The increasing of the development activity contains the pollution risk and damaging the live environment, so that the structure and the basic function of the ecosystem which becomes the live support can damage. The pollution and live environment damage will become a social burden, which, finally, the society and the government must be responsible to the cost of the restoration. In order that the environment can still support the continuity development, both for the present and the next generations, it is needed to be done some reservation efforts of environment functions.

The emergence of the dispute cases of live environment shows the more increasing the society's awareness of their rights to gain the live environment which is clean and healthy, and the importance of the reservation functions of the live environment. Section 14 Verse (4) the Regulation of the Ministry of Live Environment Number 04 Year 2013 on the Guidance (Manual) of the Resolution of the Live Environment Dispute, there are choices in resolving the live environment dispute through out the court and the resolving the dispute of the live environment taking place out side of the court. If all parties choose the resolution of the Live Environment dispute taking place out side of the court, the Minister, Governor or regent/mayor can offer the forum choice of the resolution of Live Environment dispute taking place out side of the court which consists of Negotiation, Mediation, or Arbitrase.

The resolution of the live environment dispute through out the litigation way tract does not result a lot. The dispute resolution done through out non-litigation way based on the consideration that the resolution of the live environment dispute through out litigation way disappoints very much to the environment pollution victims. The court as the institution of the resolution of the live environment dispute on the litigation way in handling the live environment dispute so far rests on the formal legal decision and does not have enough ability to do the law penetration. The biggest obstacle in the resolution of the live environment dispute on the litigation way is in the authentication process to convince the judge to the action of the environment pollution.³ Besides that, the dispute resolution through out the litigation way tends to need a long time and finance which is relatively not a little. This is caused by the slowness of the process of the dispute resolution, the expensive cost of the lawyer at the court, the court is considered less responsive in resolving the cases, the problem of the authentication in the court so the judge sentence is often not able to solve the problem and the case piles at the level of the Supreme Court which cannot be solved.⁴

Based on the reality above, then it needs initiation from the society to contribute to solve the cases of live environment existing in the society surrounding by themselves. The writer thinks that it is necessary to do pioneering work from the bottom on the existence of the establishment of the live environment cadre.

B. The Research Method

1. The Type and Specification of the Research

This research is a law research with the specification as the normative juridical research or library research by making use of the secondary data as the research material. This research is a descriptive one, it means that the researcher tries to give a complete illustration answer to the research problem through the phases of analysis and problem solving.

2. The Data Resource and the Collecting Data

The secondary data collecting includes various activities of searching literature material, by reading and giving critics the regulation rules. The data resource is the secondary resource consisting of primary law material, the secondary law material and tertiary law material. The primary law material is the regulation rule which is related to the resolution of the live environment dispute taking place out side of the court like the Law Number 32 Year 2009 on the Protection and Management of the Live Environment, the Government Regulation Number 54 Year 2000 on the Service Supplying Institution of the Solution of Live Environment Dispute taking place out of the Court, the Regulation of the Live Environment Ministry Number 04 Year 2013 on the Guidance of the Resolution of the Live Environment Dispute, while the tertiary law material is in the form of law dictionary and journal.

3. The Data Analysis

The secondary data that have been collected from the library research are collected qualitatively. The qualitative analysis implementation includes several research activities which is begun by taking the data, classifying the data by organizing them in a pattern or category based on the research problems. The classified secondary data, then, are related to the theory

or various expert's opinions and combined with the researcher's opinion which is wrapped up (summarized) in a narration and then it is made into a conclusion as the answer to the research formulation.

C. The Research Result and Discussion

1. The Abundant Cases of Live Environment in Indonesia

The man is the main factor of the environment damage and pollution. The environment crisis can only be overcome by doing some changes of the point of view and the human behaviour toward the universe fundamentally and radically. The global environment crisis is rooted on the philosophical-fundamental mistakes of man's point of view about themselves, the nature and the ecosystem. The live environment crisis faced by the modern people is the direct result of the "non-ethical" live environment management. It means that the man carrying out the nature resource management does not care of ethic role. So, it can be said that the ecology crisis faced by the human kind is rooted in the ethical and moral crises. The mental revolution in protecting and managing the live environment can make changes, have a clear vision, and mission, a collective mobilization, caring to continuity development and have character and bravery.

Indonesia has begun to care the live environment management since 1972. The Indonesian Government joined the World Live Environment Conference I held in Stockholm, Swedish, on June, 1972, but at that time, the Indonesian Government had not yet known a special institution holding the live environment problems. The Stockholm conference began to try to involve all government around the world in the evaluation process and live environment planning, to unite the opinion and the developed and developing country's care to save the earth, to incite the society's participation and to improve the development by concerning (caring) the live environment.

In connection with the problem above, the Stockholm Conference re-investigates the conventional development pattern which so far tends to damage the earth relating firmly to the poverty problem, economic growth level, demography enforcement in a developing country, consumption pattern which is over in a developed country, and the unbalance of the International economical arrangement.⁵

The Constitution of Republic Indonesia, Year 1945 in Section 28H verse (1) states that "every person has the right to live in prosperity both in inner self and outer world, to stay, and to gain the healthy and good live environment and has the right to gain the health service". Then, in the Section 65 verse (1) UU PPLH confirms by organizing that "Every person has the right to the health and good live environment as a part of the human basic right". This right gets the admission from the Constitution and the Law and it places every person's right on the healthy and good live environment as a part of the rights admitted and protected by the law.⁶ Besides this, every person is also obliged to maintain the reservation of live environment functions and to control the pollution and/or the damage of the live environment.

The live environment problem has existed for a long time in the country, but the handling, according to the ecosystem approach, is still new, while the success key of the program of the live environment is on the human's and society's hands. Therefore, it is very important to grow the understanding, comprehension and motivation within the society in order to participate in developing the live environment.⁷ The bigger the population in the society is, the greater the possibility of the problem happens. The various problems causing the dispute is not certain to be able to be solved in a short time with a good result that can be accepted by all parties conflicting, even it often appears a dispute at the end.

Kabashima Hiroshi defines *Pollution disputes* as to define as cases in which the life and health of the human being is injured seriously by man-made harmful chemicals diffused in the human environment. The comprehension on the live environment dispute in the wide meaning can include about the disputes which happen caused by the existence of the government policy programs in the field of the making use and allocating of the area, the making use of forest products, the tree cutting down activity, the program of power generating plant building, the program of a dam building, the program of the high suspense air channel, and so on.⁸

The live environment dispute, in a narrow meaning, can be found in the formulae of Section 1 verse (25) UU PPLH stating that the live environment dispute is the dispute between two parties or more which arises from the activity having potential and/or has influenced the live environment. So the focussed problem is still in the activity, it has not yet included the policy or program of the government related to the live environment problems.

The appearance of the live environment dispute cases shows that the society awareness increases more toward their right to gain the healthy and clean live environment, and the importance of the reservation of the live environment function. The live environment dispute which happens involves the society and the factory/industry.⁹ The live environment dispute within the civil domain can be seen from the parties involved, that is the society members in one side and the factory or industry in another side.

The total cases of pollution and live environment damage handled by the Ministry of Live Environment arranging in year 2004 – 2009 can be seen in the following table:¹⁰

Table 1. Live Environment Cases Year 2004 – 2009

Year	Cases handled by KLH				Total
	Pollution	B3 Waste	Forest Burn	Area damage	
2004	17	19	17	8	61
2005	37	15	26	9	87
2006	20	12	29	11	72
2007	22	10	22	11	65
2008	39	9	10	8	66
2009	24	7	41	8	80
Total	159	72	145	55	-
		Case Total			431

Resource: Ministry of Live Environment Year 2009.

The last report issued by the Ministry of the Live Environment in 2009 noted that there were 92 total number of the live environment disputes handled but only 33 of them could be solved. Three of the 33 cases were solved out side of the court through mediation process, and there is no one of the other 30 cases that was solved in the court and there was no information about them (Ministry of Live Environment 2009). Meanwhile, the data collected by the Live Environment Vehicle (WALHI) from various reports in the national media mentions that the total of the live environment disputes in 2009 is big enough, that is 387 cases, including the disputes of forestry field 127 cases, mine and energy 120 cases, coast and sea 48 cases, big plantation 38 cases, water and food 17 cases, and the environment disputes and other natural resources 37 cases (WALHI 2007). These cases are the ones that get a great attention in Indonesia, the case of the mud overflow in Sidoarjo (2006), the pollution of Buyat Gulf in North Sulawesi (2007), and the pollution caused by the gold mining in Minahasa (2009).¹¹ These show the badness of the dispute resolution process through the litigation way, so that it needs initiation to solve the cases of live environment by themselves through the *Alternative Dispute Resolution (ADR)*.

Based on the Statistic of the Ministry of Live Environment and Forestry 2015, the resolution of the live environment disputes 2015 has been realized as many as 29 accusation. The accusation solution approach which is done through the civil accusation registered in the court is 5 cases and the accusation of live environment dispute out side of the court is 24 cases. Besides the cases registered in the court above, there are 15 dispute cases which is now being verified and being calculated its financial loss of the live environment and the preparation phase of accusation arrangement. The resolution of live environment disputes through the court in 2015 are divided into 4 categories, they are: (1) the forest burn and area 17 cases; (2) the pollution of B3 waste 1 case; (3) the sea pollution 1 case; and (4) the waste water pollution and *sludge* IPAL 2 cases. The resolution of the live environment disputes out side the court in 2015 is 24 cases. Based on the dispute category, it is divided into industrial, manufacture and service disputes 60 cases and dispute of the nature power resource 33 cases.¹²

Section 85 verse (1) UU PPLH states that resolution of live environment disputes out side the court is done to reach an agreement concerning:

1. The type and quantity of the financial loss;
2. The agreement on the action of the recovery of the pollution and/or the damage result;
3. A certain action to guarantee that there is no pollution and/or damage repetition; and/or
4. An action to prevent the arising of the negative effect to the live environment.

Based on the Section 85 Verse (3) UU PPLH, in resolving the live environment dispute out side the court, the mediator and/or arbitrator merit can be used to help finishing the live environment dispute. And based on the Section 86 Verse (1) UU PPLH, states that the society can establish a Service Suplying Institution of the Resolution of Live Environment Dispute which is independent and does not take sides. The Government Regulation Number 54 Year 2000 on the Service Suplying Institution of the Resolution of Live Environment Dispute out side the court facilitates the establishment of service suplying institution both by the central or the regional government by making use of arbitrator or mediator or even the other third party. The stipulation about the mediator and arbitrator in UU PPLH is not clear. It is special for the environment arbitrator and arbitrase, because it is not regulated specifically in UU PPLH Live Environment, so in general it is prevailed the Law Number 30 Year 1999 on the Arbitrase and Alternative of Dispute Resolution.¹³ When it refers to it, then the arbitrase way choice must be promised in the written form before by all parties having dispute or after the dispute happens.

The human, of course, always tries with various good ways to reach the solution wanted, so it can be created the balance and the harmony in the human life. Therefore, it is not only expected the existence of the winner party and the looser one, but it is trying to be able to make an agreement among the parties who dispute by discussion that can fullfil and satisfy all the parties (*win-win solution*).

It is certain that there is an effort to overcome the dispute arising in the society through a coordinating organization determined by the society itself beginning from the smallest group in the society like a family up to the state institution which is completed with a set of law regulation as an implementation guidance in the daily lives. For example, the existence of the village reconciliation judge, which has been for along time established in the environment of the custom law society, usually solves the custom disputes through this traditional institution.¹⁴ In the village judicature, the people head, and even at the same time, becomes the custom and religion patron.¹⁵

The dispute resolution is a process which is done by all parties without any help from other party that has no importance related to the dispute. According to the theory of Cochrane that the social relation controller is the society itself, it means that basically the society itself should be active to find, to choose, and to determine the law itself.¹⁶

2. The Live Environment Cadre as an Embrio in the Establishment of Service Suplying Institution of the Dispute Resolution.

The role of the society is the important factor in maintaining the live environment in Indonesia. The arrangement on the role of the society has been clearly organized in the Section 70 UU PPLH. The society has the right and similar and wide opportunity to take a role actively in the protection and management of the live environment. The society's role can be in the forms of social control; giving suggestions, thought, proposal, objection, accusation; and/or conveying information and/or report. The society report is carried out in order to:

- a. Increase the care of the protection and management of the live environment;
- b. Increase the authonomy, the society endeavoring, and patnership;
- c. Develop and increase the ability and pioneering of the society;
- d. Develop and increase the society's quick respon to do the social control;
- e. Develop and to keep the culture and the local wisdom in order to reserve the live environment functions.

The principles of environment management actually require the changes of the human behaviour in relation with the making use of the nature capacity resourse. Then it is known theoretically-emphirically the steps to make this principles becoming the normative and procedural instrument, as establishing the moral movement, giving economic incentive, formulating wisdom and law inforcement, developing the technology up to strivinfg for Good Governance. In the context of striving this behaviour change, the society's role becomes very important.

The activity of the nature loving building is to arise and to increase the society's awareness to participate to strive the protection and management of the live environment. The society's right and opportunity to participate actively in the protection and management of the live environment can be done by establishing and being active in the activity of Live Environment Cadre. The Live Environment Cadre is a person / a group of people educated or stated by the government agency / a non-government institution which is delighted to participate as the agent continuing the effort of the protection and management of the live environment, and is able to convey the messages of protection and management of live environment to the society. A cadre should have a high motivation to learn, to ahve a believe, to be a person who likes to struggle, to share, to devote and never to surrender.

The existence and the role of the Live Environment cadre are very helpful to minimize the inforcement and disturbance on the live environment balance. The live environment cadre is established not only in the regions around the conservation area, but it is also established in around/out of it, because the existence of conservation area has a wide influence in the society. The Environment Cadre is an important element in building the nature loving because he/she becomes the pioneer element and activator in striving the conservation of the life nature capacity resource and its ecosystem and is expected to participate actively together with the government realizing the human who is aware to the environment.

The cadre education is aimed to increase the knowledge and the awareness of the candidate cadre coming from the society layer in the field of protection and management of live environment. The Live Environment has a close relationship to the education realm as an effort to give and to convey the understanding, message, and information. The effort on awaring the importance of the protection and management of live environment can be done by holding an environment education and guidance program to the society. The environment cadre can give the roles as:

1. An Initiator

As a person of environment community part, the environment cadre is expected to become the resource of idea/thought of the form of the protection and management of the live environment widely through the his/her sensitivity and knowledge about the condition and environment problems nowadays.

2. A Motivator

As a motivator, a cadre should generate the spirit/ motivation and support to the society to learn, to understand, and to be aware of the importance of the protection and management of live environment and implementation of the principles of the environment ethicin the lives.

3. A Facilitator

In implementing the principles of the protection and management of the live environment through the implementation of nature loving building, the environment cadre functions as a facilitator/assistant of the activity held by the Society Social Activity Group (LSM), self-supporting group, and the local Regional Government and the activity held independently by the business partner.

4. A Dynamist

In order to face the environment problem that increases recently, the environment cadre is expected to be able to play a role as the active business partner to have a certain attitude dynamically to the existing condition.

The criterion and requirement to become an environment cadre is a person who has a clear objective and enough knowledge about the protection and management of the live environment, so he/she can manage the activity in the field of protection and management of the live environment and has an activity program of the protection and management of the live environment and also becomes the society member who has knowledge, willingness and ability to motivate the society to participate in the protection and management of the live environment. The society, as an environment cadre, is necessary to join the environment training cadre in order to participate actively in keeping the environment followed by increasing the power resource capacity in order that the role taking can bring the positive effect in general, especially for the environment around the society itself.

In order to increase the knowledge and the village society's awareness about all society's activity forms which is wise to the live environment, and establishing the village live environment cadre, so it will appear the positive ideas from the village society in finding the way out and the middle way between fulfilling the daily live needs and the importance of keeping the arrangement of the micro nature environment balance in the surrounding area, it is necessary to establish an environment cadre for the village. The important meaning of the environment cadre for the village is as a motivator; a program connector among the village society; the patron who is trusted by the village; the person who does the environment transportation, a reformation pioneer and a problem solver in his/her village and a struggler of the society's right without any reward. The Establishment of Live Environment Cadre is begun from a village, then the boards of the environment cadre of the village unite together at the district level to become the board of the district level environment cadre. The boards of the district level environment cadre unite together to be the cadre of the live environment at the regency level. Then it is established the board of the live environment cadre at the regency level which is designed as the embryo of the Service Supplying Institution of the Resolution of the Live Environment Dispute.

The writer has begun pioneering the establishment of the live environment cadre in Surakarta city, Karanganyar Regency, Sragen Regency and Merauke Regency. For Merauke Regency, the pioneering of the live environment cadre was done in 2016 in two District areas, they are Ulilin District and Muting District. In each District, it has been established a board of the live environment cadre. In 2017, the Live Environment Agency of Merauke Regency planned an activity to establish the Live Environment Cadre in 4 (four) District areas.

The Establishment Scheme of the Service Supplying Institution of the Resolution of the Live Environment Dispute can be seen in the following:

Notes: (tolong diubah sendiri, saya tidak bisa ngisi diagram dibawah ini)

Village Live Environment Cadre = Kader Lingkungan Hidup Desa

District Live Environment Cadre = Kader Lingkungan Hidup Kecamatan

Regency/City Live Environment Cadre = Kader Lingkungan Hidup Kab/Kota

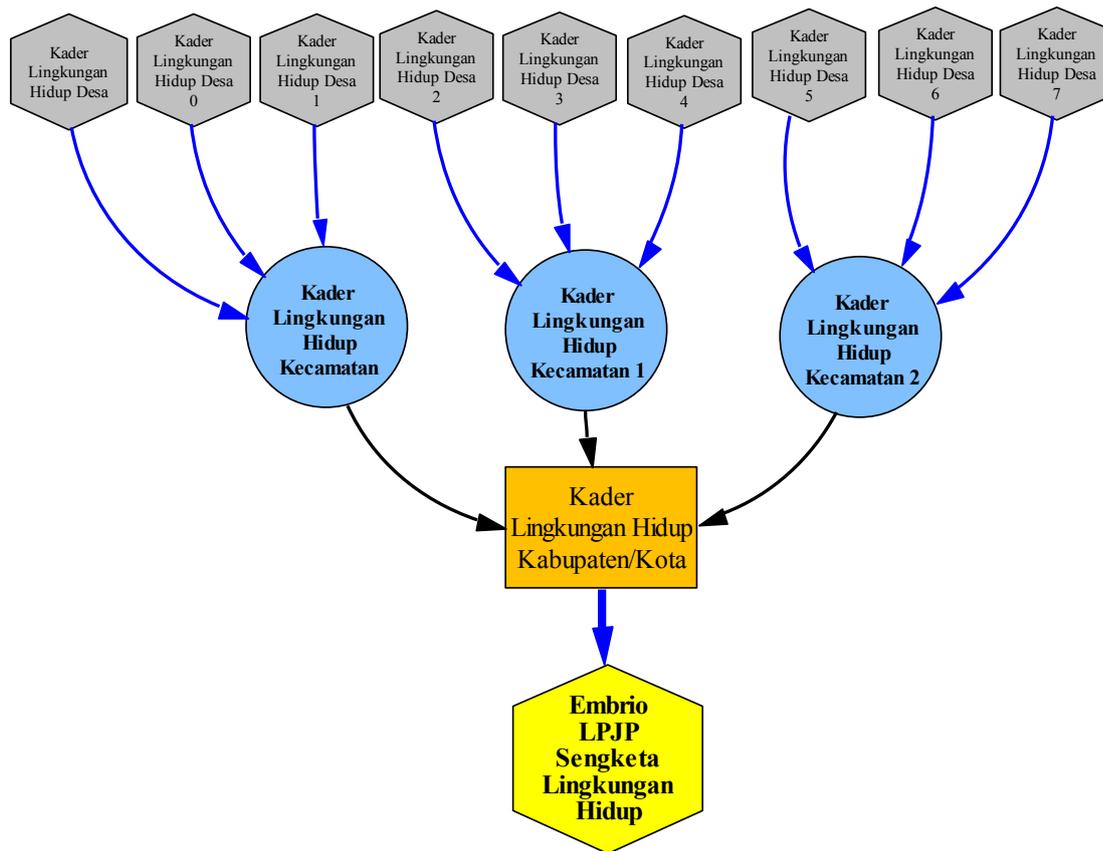


Figure 1. The Establishment Model Scheme of the Service Supplying Institution of the Resolution of the Live Environment Dispute out of the Court.

The live Environment cadre has the tasks as follows:

- 1) To motivate the society to participate in protecting and managing the live invironment in which the cadre lives in;
- 2) To help the society in identifying the surrounding live environment problems;
- 3) To develop the capacity in order to be able to handle the problems of the protection and the management of the existing live environment;
- 4) To give the support, spirit and convince to the decision makers to hear, to consider, to resolute the problems of the protection and management of the live environment;
- 5) To hold a meeting and a discussion in order to help the society to gain the information of the protection and live environment management problems.

Paying close attention to the important role of the live environment cadre in protecting and managing the live environment, then it is necessary to realize the implementation of live cadre establishment in every village by selecting the manager of the Live Environment cadre at the village level. From the boards of the environment cadre of the village unite together at the district level to become the board of the district level environment cadre. The boards of the district level environment cadre unite together to be the cadre of the live environment at the regency level. Then it is established the board of the live environment cadre at the regency level which is designed as the embrio of the Service Suplying Institution of the Resolution of the Live Environment Dispute.

Section 1 verse (1) the Government Regulation Number 54 Year 2000 on the Service Suplying Institution of the Resolution of Live Environment dispute out of the court emphasizes that the Service Suplying Institution is an independent institution and it does not take sides whose task is to give service to the parties disputing to make use of choices of the live environment dispute resolution by preparing a neutral third party in order to resolute the dispute, by making use of arbitrator or mediator or even the other third party. The Section 5 up to Section 7 explain that the service supplying board can be established by the government and/or the society. The service supplying board handles the resolution of the live environment dispute by making use of the assistance of the arbitrator or mediator or other third party and gives the service merit to the resolution of the live environment dispute all over Indonesia Republic territory. Then, Section 12 mentions the service supplying establishment established by the society is made/written in the notary's official document. The requirements to be a service supplying member a person has to fullfil the following requirements:

- 1) Able to do law actions;
- 2) Age at least 35 years for arbitrator and 30 years for mediator or another third party;
- 3) Have experience and master the live environment field actively at least 15 years for arbitrator and at least 5 years for mediator or another third party; and
- 4) Have the skills to make agreement or mediation.

The member of the service supplying board who can be appointed as an arbitrator by all parties should obey the arbitrase rules, that is the Law Number 30 Year 1999 on the Arbitrase & Dispute Resolution Alternatives. The members of the service supplying institution that can be appointed as a mediator or another third party by all parties should fullfil the following requirements:

- 1) Be agreed by all parties disputing;
- 2) Not to have any decendant family relationship or family related by marriage up to the second degree with one of the parties disputing;
- 3) Not to have a network relationship with one of the parties disputing;
- 4) Not to have a financial interest or other interests toward the agreement of all parties;
- 5) Not to have any interests toward the agreement process and its result.

The persons managing the function as an arbitrator or a mediator or another third party are bound to the professional ethic codes which the evaluation and development are carried out by related profession association. The profession ethic code intended in this case is the ethic code made by the profession association in the field of the live environment dispute resolution.

D. Closing

1. Conclusion

- a. The Endeavoring Live Environment Cadre is developed and grown in the society because the society's concern to the live environment is still lessened and the potential cadre caandidate gets less opportunity to learn the environment knowledge, the cadre existence get less admission from the Village and Regional Government, in this case that the Live Environment Agency develops its cadre potential less.
- b. The service supplying institution of the live environment dispute resolution out of the court is established from pioneering the board of live environment cadre beginning from the Village level, District level, and up to Regency / City level.

2. Suggestion

The Regency / City Government, c, q, the Regency/City Live Environment Agency needs to make a planning program of Live Environment Cadre pioneered from the lowest level of the government grade, in this case the Village/Kelurahan as the mandate of the Law Number 32 Year 2009 on the Protection and Live Environment Management about the Service Supplying Institution of the Live Environment Disdpute Resolution out of the Court.

Daftar Pustaka

- Absori, dkk. 2008. "Model Penyelesaian Sengketa Lingkungan melalui Lembaga Alternatif", artikel dalam Jurnal *Mimbar Hukum*, Volume 20, Nomor 2.
- Akib, Muhammad. 2014. *Hukum Lingkungan. Perspektif Global dan Nasional*, Jakarta, Rajawali Press.
- Bintoro, R.W dan Sawitri H.W 2010. "Sengketa Lingkungan dan Penyelesaiannya", Artikel pada Jurnal *Dinamika Hukum*, Volume 10 Nomor 2.
- Fitriani, Riska. "Penyelesaian Sengketa Lahan Hutan melalui Proses Mediasi di Kabupaten Siak", artikel pada Jurnal *Ilmu Hukum*, Volume 3 Nomor 1
- Hapsari, Dwi RI2015. Studi Implementasi Peraturan Pemerintah Nomor 54 Tahun 2000 Tentang Lembaga Penyedia Jasa Pelayanan Penyelesaian Sengketa Lingkungan Hidup Di Luar Pengadilan Di Wilayah Provinsi Jawa Tengah. Thesis. Hlm. 5-6
- Koesnadi Hardjosoemantri, 2002. *Hukum Tata Lingkungan*, Yogyakarta: Gajah Masa University Press
- Kabashima Hiroshi. 2012. Settlement In Pollution Cases: Contribution To The Dispute Resolution Of The Fukushima Nuclear Power Plant's Melt Down. Artikel dalam jurnal *GEMC Journal*. Nomor 6 Tahun 2012.
- Magono, Suyud. 2010. *Penyelesaian Sengketa Bisnis. Alternative Dispute Resolution (ADR) Teknik dan Strategi dalam Negosiasi, Mediasi dan Arbitrase*. Bogor : Ghalia Indonesia.
- Marzuki, P.M. 2008. *Pengantar Ilmu Hukum*. Jakarta. Kencana.

- Pusat Data dan Informasi Kementerian Lingkungan Hidup dan Kehutanan. 2016. Statistik Kementerian Lingkungan Hidup dan Kehutanan. Jakarta : Kementerian Lingkungan Hidup dan Kehutanan.
- Saptomo, Ade. 2001. *Penyelesaian Sengketa di Luar Pengadilan Sebuah Kajian Alternative Dispute Resolution*. Fakultas Hukum kultas Hukum Universitas Andalas, Padang, Sumbar.
- Soepomo, R. 1984. *Bab-Bab Tentang Hukum Adat*. Jakarta: Pradya Paramita
- Waluyo, 2006. “Identifikasi Penyebab dan Pola Penyelesaian Sengketa Lingkungan di Wilayah Kabupaten Karanganyar”, Artikel pada Jurnal *Yustisia*. Edisi Nomor 69 September – Desember 2006.
- Van Vollenhoven institute, University of Leiden dan Bappenas, 2011. *Efektifitas Penyelesaian Sengketa Lingkungan Hidup di Indonesia, Rekomendasi Kebijakan*, Jakarta, Universitas Leiden dan Bappenas.

Peraturan Perundang-Undangan

- Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup
- Peraturan Pemerintah Nomor 54 Tahun 2000 Tentang Lembaga Penyedia Jasa Pelayanan Penyelesaian Sengketa Lingkungan Hidup di Luar Pengadilan,
- Peraturan Presiden No 2 Tahun 2015 tentang Rencana Pembangunan Jangka Menengah Nasional 2015-2019
- Peraturan Menteri Lingkungan Hidup Nomor 04 Tahun 2013 Tentang Pedoman Penyelesaian Sengketa Lingkungan Hidup

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