

The Urgency Of River Conservation In The Policy And Environmental Law Perspective

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ABSTRACT

The environment's carrying capacity, which is increasingly being pressured by the population, has provided enormous space for economic needs, resulting in significant pressure on the environment. Meeting economic needs, housing has an impact on environmental problems. Furthermore, the existence of the river is essential to maintaining its sustainability. The management must be carried out in a comprehensive and integrated manner based on environmentally sound values for a sustainable river function. These logical reasons, which underlie the main thoughts on river conservation, are the keywords for achieving the objectives of river regulation as stipulated through Government Regulation Number 38 of 2011, the legal and political policy directions that have been outlined for river conservation efforts, river development, and controlling the destructive power of river water. The obligation to maintain the existence of clean and environmentally sound rivers is the duty of all components of society, including policymakers and stakeholders. This responsibility is a form of legal imposition so that the legal order can achieve the goals of justice for the environment because rivers have a significant role in the sustainability of a balanced life.

Keywords: River Conservation; Legal Justice; Environmental Sustainability.

INTRODUCTION

For decades later, this has been an environmental issue, making it the most crucial issue. More specifically, the rivers that are in urban areas. There must be a concern to pay attention to the role and function of the river for life. In the end, nature continues to walk in a balanced line. In this dimension, the urgency of the existence of the legal order plays an essential function. Achieving legal goals for justice for the natural environment is a big bet for building a civilized society, not just ethics in social life. Fellow man, but also ethical to the environment. Furthermore, the law must be able to play in the process of

working because the law is for humans, not humans for law. Humans who determine these norms can function in alignment with environmental terms. Stimulus in the form of fully-integrated policies is urgently needed at the level of technical policies carried out by the Central Government and Regional Governments regarding protecting the environment as an obligation and task that must be realized in the nation-building process. We have agreed through the State Constitution, namely the 1945 Republic of Indonesia Constitution, to create a Welfare State. This reason is based on the notion of a policy that contains policy content as a guideline for activities with the goal set by the decision holder to anticipate a problem so that this provides a logical consequence that there must be a legal basis for implementing policies regarding the authority of the community to comply with them in order to achieve goals. The existence of local autonomy cannot be used as an alternative solution to the development of prospering communities. Another approach is needed for the sake of community interest. Locals should be able to understand their communities better. In this case, state existence (local government) among communities of interest is the absolute prerequisite for the development to reach the target (Sutrisno, 2015).

Prosperity can be achieved, and the sustainability of the environment is maintained. Environmentally sound development is the best alternative the Government must implement through policy formulation. Furthermore, including policies regarding the role and function of rivers. This cannot be viewed only from the perspective of norms regarding rivers but must also pay attention to the principles of control and enforcement of spatial regulations, which in the process of enforcing the law, still have to be rearranged, the order governing environmental preservation and management, norms governing water resources, legal provisions governing urban planning. The entire legal system must be used as a legal basis for developing activities and planning. The described findings have provided information regarding spatial violations that can result in floods and landslides. For example, information on the results of an analysis of overlaid building maps with regional spatial planning maps found many spatial violations in watersheds that are at high risk, explained that the extent of changes in open land into built-up land and violations of spatial planning regulations are commonly found in the Citarum and Barito River Basin Areas. There has been a massive addition of built-up land or land that has been covered with various types of physical buildings (houses, industries, to trade centers) (Kompas, 24 February 2023). Data on the occurrence of floods and landslides in all parts of Indonesia for the last 10 years and combining them with watershed or watershed maps. As a result, floods and landslides in 893 watersheds show an increasing trend. The rivers in Indonesia are increasingly dangerous (Kompas, 23 February 2023).

Observing the information from the results of this study has opened our eyes and hearts to the importance of maintaining the role and function of the river so that it remains sustainable and environmentally sound in management in an integrated and sustainable manner. The environment's carrying capacity and

carrying capacity must be used as a basis for decision-making by stakeholders at the Central and Regional Governments. Legal provisions governing the use of spatial planning must be obeyed, and violations of the law must be subject to sanctions following the provisions of the law because ignoring these matters causes environmental pollution and destruction. Become uncontrollable under the pretext of increasing the economic needs of the people needed by a country to improve the standard of living and welfare of the people, as said by (Bancin, 2023). This anthropocentrism must be changed from a perspective to maintain the balance of the environmental ecosystem through the biocentrism paradigm. It is this rationale that is the subject of the formulation of the question of whether the legal order that has been built through river conservation can prevent environmental damage as an effort to create legal justice for the environment because it is fully realized that the existence of rivers has an essential role in life. Success in river management depends on community participation in the socio-cultural sphere.

METHOD

This study uses a doctrinal research approach from the perspective of legal concepts as a normative juridical rule (written law). All written legal rules regarding rivers reference the virtues used as a legal basis for analyzing problems that occur in river conservation issues in the concept of realizing legal justice for the environment. Legal norms regarding rivers and water resources are basic in regulating river issues and matters relating to the importance of conservation efforts. This research approach becomes essential at a time when the rule of law referred to in the process of working in society creates problems that lead to a gap between that should occur the existence and the law not being able to be used as a solution to solving problems, due to non-legal interests, for example, economic problems. Spatial management policies regarding zoning must pay attention to the order of the existence of rivers so that the area of building land for economic activities remains concerned and in favor of the urgency of maintaining river conservation. In essence, by enacting the rule of law regarding rivers, river pollution can be avoided, and law enforcement can be achieved. The doctrinal research approach, which is normative juridical, understands norms in the form of texts, the concept of law as a norm that has undergone a process of formalization or politicization.

RESULTS AND DISCUSSION

Humans and the environment cannot be separated and influence each other, and this reason is the basic guideline for maintaining the environment so that it is maintained sustainably. Nature must remain in balance, and humans who are actors in development must care for the surrounding environment, including the existence of rivers. Favorable law rules have provided precise arrangements on this matter through Government Regulation Number 38 of 2011 concerning Rivers and Government Regulation Number 37 of 2012 concerning Watersheds (DAS). The enactment of the national policy must be

balanced with political will. The government at the regional level must formulate a policy that is technical regarding the enforcement of the said legal provisions. It requires the Regional Government's role in building the law enforcement process. From another perspective, it is also needed for community participation so that these regulations can be implemented effectively (Penny et al., 2021). This problem must be handled seriously by the Regional Government so that clear regulations regarding the law are the solution to solving the problem. This is the main issue of legal politics established through national policies. In national regulatory products, the level of implementation of technical arrangements in the regions must be fully explained in law enforcement (Sutrisno, 2021). The government must be able to give affirmation to the community. The law that is made leads to the community's interests and is oriented toward social justice (Sutrisno, 2019). Law is essential in developing politics, making the relationship with government policy more straightforward. Through legislation, the government determines what it can do and what not to do. The law, defined as the legislation, is a system of norms where the rule of law is arranged in unity within a hierarchical manner. The lower legal norms should be consistent with the higher legal norms (Sutrisno, 2019).

Likewise, with the problem of river conservation, statutory product regulations that have been made regarding spatial planning, which are then passed down through the Regional Spatial Planning (RTRW) documents or detailed spatial planning plans, must be obeyed together considering that in terms of river conservation to be reorganized requires support from all components of policyholders both at the Central and Regional levels, for example, the Regional Government must always follow all the guidelines that the Central Government has formulated to obey and comply with existing spatial planning technical guidelines because often it appears that this clashes with economic interests. After all, if spatial planning guidelines are not used as a reference, this will significantly impact the river environment. For this reason, there must be strict and just law enforcement for violations that occur in environmental cases, especially for river conservation efforts. Understanding how conservation will work depends on many factors, not just ecologically but existing infrastructure, government, community, and funding. For this reason, these factors must synchronize to complement conservation activities. How far the restoration/conservation project will move a system towards the guiding image will depend on many factors, some of which are non-ecological (e.g., existing infrastructure limitations, stakeholder need, society, and available funding (Palmer et al., 2005). Conservation has the true meaning of natural resource management to guarantee wise and prudent benefits and sustainable availability to continue to be appropriately maintained to increase environmental quality. Conservation provides value in preserving biodiversity. The legal rules of Law Number 32 of 2009 have regulated this matter. Conservation can also be given the meaning of policies carried out by the Government at the organizational level that should embody efforts to protect

and manage the environment through integrated measures. This applies to the personal and supra-personal levels of decision-making, such as that of a municipal council. For some time now, nature conservation has noticed the increasing acceptance of problems and discussing possible solutions (Schemel, 2004). This statement means that conservation involves individual awareness as well as all levels of society, from state officials to the community. Sometimes conservation is taken as acceptance of environmental problems and discussion of solutions. So the authors can conclude that conservation activities require the involvement of individuals and all walks of life so that they realize that conservation is a viable solution to the problem environment. In the context of national development, the conservation of natural resources, which includes their ecosystems, is part of this. This is intended to build the concept of sustainable development (Marlang & Maryana, 2015). The state's alignment must be present in environmental issues because the 1945 Constitution of the Republic of Indonesia has provided two forms of recognition for fundamental rights in the field of environmental management and resource nature, namely the recognition of subjective rights (subjective rights) in the legal provisions of Article 28H paragraph (1) which must be balanced with state obligations (duty of state) in order to realize these rights (Safa'at et al., 2022).

The existing condition of the river is experiencing severe problems in the Watershed (DAS) due to changes in spatial planning, abrasion due to the close distance between the river banks and community settlements, damage to river banks due to broken rock retaining rocks resulting in river bank erosion, siltation river due to solid waste, damage to the river borderline, this description confirms commitment through the policy of as well participation community to understand the river as an integral part of the ecological system, conservation efforts in order to restore the function of the river through conservation is significant. There is a need for a paradigm shift to understand environmental issues because nature has rights, and rivers have rights. In this concept, our behavior towards nature must be changed, which will bring about ethics towards the environment. So, it is morally valid that humans are allowed to use the contents of this nature to survive - as well as certain species to defend their lives. What is meant to be achieved by acknowledging the existence of natural rights is that nature and its contents can only be sacrificed if there are rational and morally justifiable reasons to fulfill vital human needs (Keraf, 2005). This understanding is essential so that the paradigm used is no longer anthropocentrism which views the primacy of fulfilling human needs, that humans determine the order of ecosystems in such a way of seeing must be changed through an ecocentrism approach as a continuation of the environmental, ethical theory of biocentrism. (Keraf, 2005), through the paradigm of ecocentrism, which has focused on ethics for the entire ecological community, for the living, and for those who do not. This is different from the perspective of biocentrism, which only focuses on ethics, biocentrism, and life as a whole. This paradigm shift towards the environment must be carried out,

and understanding the river and its ecosystems must be preserved and maintained so that nature remains in balance.

Normative legal principles have provided precise arrangements in Government Regulation 38 of 2011 concerning Rivers as a form of norms governing river space, river management, licensing, information systems, and community empowerment. For this reason, the legal order must be able to be enforced to carry out its functions. In the context of the legal function of social engineering, this process must be successful, as well as when the development is carried out, which can affect the development of society (Sutrisno, 2007). This condition should not create a contradiction that violations occurred when the construction was carried out (Sutrisno, 2013). This should be avoided. The legal basis was formulated to carry out river conservation, following Law Number 4 of 2007 concerning Water Resources in Article 25 Paragraph 1. In essence, the conservation of water resources is carried out in rivers, for the management of which this authority is assigned to the Central Government, Provincial Governments, and City or Regency Regional Government. Interpreting legal objectives for legal justice in the environment is crucial because nature also needs justice. It becomes very relevant when an ecocentric perspective is the right choice to focus on legal and policy approaches to maintain the role of rivers for life.

The content of the legal order that has given authority to regional governments indicates that it must be political will to improve the function of the river so that the burden on the river is not too heavy, even though from a pressure point of view, economic interests must be considered, the river ecosystem remains a priority factor in decision making. At this point, it is urgent to change the point of view that requires an ecocentrism paradigm to decide which policies to formulate. The importance of an integral-comprehensive-holistic approach to environmental norms must also be used as a basis for consideration. River regulations will never be separated from spatial arrangements, detailed spatial planning norms, environmental management rules as a whole legal construction built within the framework of a vision of ethical values environmentally sustainable, integrated, wise, and wise use of nature.

The most fundamental problem is the responsiveness of locality policies in understanding the importance of pro-environmentalism, bearing in mind that rivers are a very urgent water source for meeting community needs. Another dimension looking at rivers can be used as a promising means of supporting transportation. Based on this understanding, the Government must look at rivers for their benefits which must be maintained for the sustainability of rivers. Policies in the form of formulation of legal norms relating to the protection, development, use, and control of rivers must be considered carefully, and forms of river pollution must continue to avoid legal provisions enforced through Government Regulation Number 38 of 2011.

CONCLUSION

The existence of rivers for life is significant. For this reason, rivers must continue to be protected and preserved, and their roles and functions must be increased to make their benefits more optimal. In other aspects, policies must control the destructive power of rivers as part of the ecosystem. Through the construction of its national policy, the Government has formulated Government Regulation 38 of 2011 relating to necessary arrangements, role and river functions. The alignment of the rule of law is intended to build legal justice for the environment because the environment, especially rivers, has the right to be protected, cared for, preserved, and maintained so that it continues to provide benefits for life. The approach in these normative provisions must be balanced with a change in the ecocentrism paradigm, which views nature's interests as a unified whole in thinking on ethics for all ecological communities. This is important considering the changes that occur due to the development process. Legal justice for the environment, especially rivers, is a priority term that must be continuously fought for. The continuum of regulations and policies that are green (pro-environmental) must be balanced with changes in the ecocentrism approach in the context of maintaining the balance of nature to avoid natural disasters such as floods or landslides. The construction of this thought is still framed in the working of the law, aspects of strict law enforcement, and the application of consequential legal sanctions does not recognize discrimination.

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