

ABSTRAK

PENERAPAN SANKSI ADMINISTRATIF PAKSAAN PEMERINTAH BERUPA PENGHENTIAN SEMENTARA SELURUH KEGIATAN TERHADAP PENANGGUNGJAWAB USAHA DAN/ATAU KEGIATAN YANG MELAKUKAN PELANGGARAN HUKUM LINGKUNGAN HIDUP

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Penelitian ini bertujuan untuk mencari realita proses penerapan sanksi administratif paksaan pemerintah terhadap penanggungjawab usaha dan/atau kegiatan, dan mencari realita perbedaan pemberian sanksi administratif paksaan pemerintah berupa penghentian sementara seluruh kegiatan dan bentuk sanksi administratif paksaan pemerintah lainnya.

Metode penelitian yang digunakan adalah penelitian hukum normatif empiris, *pertama* dalam penelitian hukum normatif bahan pustaka merupakan data dasar yang dalam ilmu penelitian digolongkan sebagai data sekunder, data sekunder tersebut mempunyai ruang lingkup yang sangat luas, meliputi surat-surat pribadi, buku-buku, sampai pada dokumen-dokumen resmi yang dikeluarkan oleh pemerintah. *Kedua* penelitian hukum empiris yaitu, penelitian secara langsung untuk memperoleh data primer yang dilakukan dengan cara melihat kenyataan secara langsung, berdasarkan informasi dan penelitian lapangan serta wawancara dengan Direktur, Kasubdit dan staf teknis pada Dirjen Penegakan Hukum LHK, serta ahli/akademisi yang berkompeten menjawab permasalahan-permasalahan sanksi administratif paksaan pemerintah.

Berdasarkan hasil penelitian, Kementerian Lingkungan Hidup dan Kehutanan (KLHK) menerapkan kebijakan satu pintu dalam pemberian sanksi administratif, yaitu melalui Direktorat Jenderal Penegakan Hukum Lingkungan Hidup dan kehutanan. Pemberian sanksi administratif harus dilakukan berdasarkan rekomendasi atas hasil verifikasi pengaduan dan hasil verifikasi pengawasan perizinan lingkungan hidup dan kehutanan atau izin PPLH yang dituangkan dalam Berita Acara. KLHK memberikan sanksi administratif paksaan pemerintah berupa penghentian sementara seluruh kegiatan berdasarkan Pasal 80 ayat 1, UUPPLH 2009, dan sanksi administratif paksaan pemerintah lainnya Pasal 76 ayat 2, UUPPLH 2009. Perbedaan pemberian sanksi administratif tersebut dipengaruhi oleh faktor-faktor yaitu *pertama* indikator-indikator dalam Pasal 80 ayat 2, UUPPLH 2009, serta kriteria-kriteria pelanggaran lingkungan hidup, dan *kedua* adanya diskresi.

Kata-kata kunci: Penegakan Hukum, Sanksi Administratif, Lingkungan Hidup, Kejahatan Lingkungan.

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ABSTRACT

THE IMPLEMENTATION OF GOVERNMENTAL COERCION SANCTIONS IN THE FORM OF TEMPORARY TERMINATION ON ALL ACTIVITIES OF THE PARTY RESPONSIBLE FOR THE BUSINESS AND/OR THE ACTIVITIES VIOLATING ENVIRONMENTAL ACT

By:

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This research aimed to find out the reality of the implementation process of governmental coercion sanctions on the party responsible for the business and/or activity, and to find out the reality difference of the imposition of governmental coercion sanctions in the form of temporary termination on all activities and other form of governmental coercion sanctions.

The research method that used was empirical normative legal research, *first* in normative legal research library material was basic data which in research science categorized as secondary data, the secondary data had wide scope, including personal letters, books, and official documents issued by government. *Second*, empirical legal research was direct research to gain primary data done by seeing the fact directly, based on the information and field research also the interview with the Director, Head of Sub Directorate and technical staff in Directorate General of Forestry and Environmental (LHK) Law Enforcement, also experts/academics who were competent for answering the issues of governmental coercion sanctions.

Based on research results, Ministry of Environment and Forestry (KLHK) implemented one-door policy in imposing administrative sanction, i.e. through Directorate General of Environmental and Forestry Law Enforcement. The imposition of administrative sanction should be carried out based on recommendation on the verification results of complaints and the verification results of supervision of environmental and forestry permit or Environmental Protection and Management (PPLH) permit that was outlined in the Minutes. KLHK imposed governmental coercion sanctions in the form of temporary termination on all activities based on Article 80 subsection 1, Environmental Protection and Management Act (UUPPLH) 2009, and other governmental coercion sanctions: Article 76 subsection 2, UUPPLH 2009. The difference of administrative sanctions imposition was influenced by some factors i.e. *first* they were the indicators in Article 80 subsection 2, UUPPLH 2009, also the criteria of environmental violation, and *second* it was discretion.

Keywords: Law Enforcement, Environmental Crime, Law Administrative Sanction.

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