



Environmental Protection in Pancasila Perspective

Lusia, Indrastuti^{1*} & Budi, Prasetyo²

^{1,2} Faculty of Law Universitas Slamet Riyadi, 57136 Surakarta, Indonesia

*Corresponding Author: budi_lawyer2013@yahoo.com

Received 04 December 2020; Accepted 16 December 2020; Available online 31 December 2020

Abstract: Utilization of natural resources through environmental empowerment is an intention to improve public welfare through the Pancasila philosophy. The occurrence of floods that have occurred at this time both the Jabodetabek area and other regions illustrate the preservation of the environment not running well. For this reason, efforts and strategies need to be made to anticipate disasters that will occur in the future. In accordance with the foundation of the Pancasila state that has been engraved in the life of the nation and state of Indonesia, the role of the Pancasila for environmental protection needs to be put forward. This article aims to prevent the dominance of law enforcement in the field of environment but the role of the Pancasila perspective as a way of life and state ideology must be put forward. Pancasila is a guideline for maintaining and developing community welfare through a harmonious, balanced environment in order to improve the ongoing development at this time. This research uses a normative approach to library research, by conducting a study of the nation's life view of Pancasila and analyzing the applicable legal provisions, specifically in the field of environmental law. The results of this study are to put forward the Pancasila perspective approach in managing the environment in order to develop patterns of harmony, harmony and balance both in meeting physical and spiritual needs. The conclusion of this article is that environmental management has not been carried out in the perspective of the Pancasila perspective, so that the practice of Pancasila values has not been carried out consistently in developing environmental aspects.

Keywords: Pancasila perspective, view of life

1. Introduction

The rapid increase in population, increasing human needs for natural resources, decreasing the carrying capacity of land, depleting natural resource supplies, and increasing environmental pollution and destruction are the problems faced by most countries in the world today. These problems are felt even more severe by most developing countries, given that the current world economic growth is also developing unevenly, so that the ratio of income per capita between developing countries is getting further away from the per capita income of developed countries.

Natural resources need to be used. In order to enhance the general welfare as stated in the 1945 Constitution and to achieve the happiness of life based on Pancasila, it is necessary to endeavor to preserve a harmonious and balanced living environment to support sustainable development carried out with an integrated and comprehensive policy and taking into account the needs, present and future generations (Iskandar, 2016).

To ensure legal certainty so that people have the awareness to participate in preserving their environment, the government has prepared legal instruments, especially environmental law, to ensnare environmental polluters and destroyers. The Act mentioned is Act Number 32 of 2009 concerning Protection and management of the environment (UUPPLH).

Authority for Control / Management of the Environment a good and healthy environment is the right of every Indonesian citizen as mandated in Article 28 H of the 1945 Constitution. Likewise, the obligation of the state and the duty of the government to protect all existing natural resources and to promote the general welfare as well as stated in paragraph 4 of the Preamble of the 1945 Constitution in the framework of the happiness of all Indonesian people. The basic thought is regulated in Article 33 paragraph (3) as follows "The land and water and natural resources contained therein shall be controlled by the country and used for the greatest prosperity of the people" (Song, 2008). This provision gives the state control rights over all of Indonesia's natural resources and gives the state the obligation to use them for the greatest welfare of the people (Bungin & Widjajati, 1992). And also to achieve the happiness of an

orderly, safe and prosperous life based on the ideal foundation of Pancasila, it is necessary to endeavor to preserve a harmonious and balanced living environment to support sustainable development (Amir, 2013).

The use of the term sustainable development (sustainable development) was first introduced in the 1970s and became the main term during and after the formation of the World Commission on Environment and Development (WCED) in 1987 or better known as the Brundtland Commission. The Commission defines sustainable development as development that can meet the needs of the present without sacrificing the needs of future generations.⁸ At first glance, a definition like this looks so simple, it will still be a fast-growing and deep issue in fact making its scope increasingly.

In the general explanation of the Law on Protection and Management of Life, it is stated that a good and healthy environment is a human right for every Indonesian citizen (Mutaqin, 2016). Therefore, the state, government, and all stakeholders are obliged to protect and manage the environment in the implementation of sustainable development so that the Indonesian environment can continue to be a source and support for the life of the Indonesian people and other living creatures. The need for a flexible environmental legal order is highly demanded to be in tune with the development of problems that arise in the field.

2. Problem

This article aims to prevent the domination of law enforcement in the environmental sector, the role of Pancasila as a way of life and state ideology must be put forward (Hamzah, Yusof & Enriquez, 2020). This research uses a normative literature approach research method, by conducting a study of the nation's view of life, namely Pancasila and analyzing the applicable legal provisions, especially in the field of environmental law.

3. Discussion

Law Number 32 of 2009 is expected to be able to solve environmental problems, the dominance of law enforcement in the environmental sector is increasingly real, so we review the role of the Pancasila perspective in environmental management (Intan, 2006). In accordance with the foundation of the Pancasila state which has been engraved in the life of the Indonesian nation and state, Pancasila is a guideline for maintaining and developing the welfare of society through a harmonious and balanced environment in order to increase the development that is currently taking place (Ludigdo & Kamayanti, 2012). The first precepts speak of Divinity, belief in the Creator. This is the main foundation that must not be forgotten. This universe is the creation of the Creator, all religions acknowledge it and humans must protect and care for it. If nature is not cared for, we don't believe in God's power over it. To destroy God's property, is tantamount to not acknowledging God's existence.

The second precept, emphasizes the human side with the pressure of justice and civility. Actions that create disturbed human aspects are actions that are not Pancasila (Rosidah, 2020). Limit land ownership and oblige landowners to protect, it includes granting permits on a large scale, respect and concern for the environment that must be maintained in accordance with its designation. The third precept, unity, which is very clearly connected with the first and second. we are all in one stretch of interconnected territory. Pain on one side will be a nuisance on all sides. Unite means to need each other, to feel for each other, to be bound in an inseparable series. If the actions we take turn out to cause ulcers and damage relationships with other parties, we will have disturbed that unity (Steenbrink, 1998). A river flow that starts in one province but turns to another area, then it must be viewed as one stretch, one landscape. It goes without saying that this is not my business, because it has disturbed the sense of unity.

The fourth precept, wisdom and deliberation for consensus, has an important meaning to say that the land, earth and natural resources in it are common property, treat wisely all the bloodshed of this country must be treated properly, wisely for prosperity, with a spirit of togetherness. That is consensus, not imposing one's will on one wish (Sumardjoko & Musyiam, 2018)..

The fifth precept, social justice and prosperity. It wants to say that all Indonesian people have the same right to prosperity. Health, comfort, happiness, peace belong to all creatures, especially humans.

Talking about environmental management, of course it cannot be separated from the problem of Pancasila values in terms of environmental management, because Pancasila is a unified and complete unity that gives confidence to the people and nation of Indonesia that life happiness will be achieved if it is based on harmony, harmony and balance, both in the relationship between man and God Almighty and man and man; humans with nature and humans as individuals, in order to achieve physical progress and inner happiness (Sitorus, 2016). Between humans, society and the environment there is a reciprocal relationship that must always be fostered and developed in order to remain in harmony, harmony and dynamic balance (Hardjasoemantri, 2000).

3.1 Environmentally Friendly Development

The purpose of development carried out by the Indonesian nation is to improve welfare and improve the quality of life of the people. The process of implementing development on the one hand faces the problem of a large population with a high rate of increase and on the other hand, its natural resources are very limited. The development activities that are being carried out and the increasing number of the population which is getting bigger will inevitably result in pressure

on natural resources. The use of natural resources to improve the welfare and quality of life of the people must be accompanied by efforts to preserve the capacity of the environment in a harmonious and balanced manner in order to support sustainable development and be carried out with an integrated and comprehensive policy that takes into account the needs of present and future generations (Gunawan & Ratmono, 2018). Therefore, development to improve the welfare and quality of life of the people, both present and future generations, is environmentally sound development. To release society from the essence of the universe or from its connection with a larger ecosystem is tantamount to releasing it from the foundation of a state.

Pancasila has summarized all the basics of life, aspects of divinity, humanity, unity, deliberation and social justice for all beings (Siswoyo, 2013). It has been confirmed all of that, which in essence states that this life is a large ecosystem. In other words, life consists of geopolitics and geospatial which must be understood as a unity. One point of view that departs from the mutual interest of all beings.

In the World Summit Report 2005, sustainable development must be founded on three main pillars, namely economic, social and environmental (Abas & Yuniasanti, 2019). The three of them are formed to support each other. Thus it can be formulated that sustainable development does not only focus on aspects of economic and social development alone, but must also be based on environmental protection. The development of the concept of sustainable development is also included in the fulfillment of basic needs and channeling the opportunity to provide aspirations for a better life (Supriadi, 2008).

3.2 Environmentally Friendly

According to Djajadiningrat (2001), the sustainable development process rests on three main factors, namely: (1) the condition of natural resources; (2) environmental quality, and (3) population factors. Thus, sustainable development will not have much meaning if it does not pay attention to environmental aspects.

According to Prof. Kusrini, the development must be able to maintain the integrity of the function and order of the environment, so that natural resources can always be available to support development activities both for the present and the future. In order to create a concept of environmentally sustainable development, it is necessary to have policy points, which are guided by the following:

- Natural resource management needs to be planned in accordance with the carrying capacity of the environment;
- Development projects that have a negative impact on the environment are controlled through the application of an Environmental Impact Assessment (AMDAL) as part of a feasibility study in the project planning process;
- There is priority in overcoming water, air and soil pollution;
- Development of biodiversity as a requirement for environmental stability.
- Control of environmental damage through watershed management, rehabilitation and reclamation of former development, and management of coastal and marine areas;
- Development of economic policies containing environmental considerations;
- Development of community, institutional and workforce participation in environmental management;
- Development of environmental law that encourages judicial bodies to resolve disputes through the application of environmental law; and
- Development of foreign cooperation.

From the explanation above, it is clear that there is a link between the norms of "sustainable development" and "environmentally friendly". All strategies and policies related to the environment require special interpretation when state actors want to carry out economic activities. This must be understood solely to prevent a bigger negative impact on the destruction of nature and the environment.

Thus, managing the environment requires Pancasila as a guideline for maintaining and developing the welfare of the community through a harmonious and balanced environment in order to increase the development that is currently underway. develop a pattern of harmony, harmony and balance both in meeting physical and spiritual needs.

The conclusion is that in the present environmental management, there has not been an approach from the perspective of Pancasila, so that the practice of Pancasila values has not been carried out consequently in developing environmental aspects.

References

- Abas, N. A. H., & Yuniasanti, R. (2019). Translation and adaptation culture: Experience workplace incivility scale in Indonesia. *Asian Journal of Assessment in Teaching and Learning*, 9(1), 1-15. <https://doi.org/10.37134/ajatel.vol9.no1.1.2019>.
- Amir, S. (2013). Pancasila as integration philosophy of education and national character. *International journal of scientific & technology research*, 2(1), 54-57.

- Bungin, B., & Widjajati, L. (1992). *Dialog Indonesia Dan Masa Depan*. Surabaya: Usaha Nasional.
- Djajadiningrat, S. T. (2001). *Untuk generasi masa depan: pemikiran, tantangan, dan permasalahan lingkungan*. Studio Tekno Ekonomi, Departemen Teknik Industri, Fakultas Teknologi Industri, Institut Teknologi Bandung.
- Intan, B. F. (2006). "Public Religion" and the Pancasila-based State of Indonesia: An Ethical and Sociological Analysis (Vol. 238). Peter Lang.
- Iskandar, P. (2016). The Pancasila Delusion. *Journal of Contemporary Asia*, 46(4), 723-735.
- Gunawan, B., & Ratmono, B. M. (2018). Threats to the Ideology of Pancasila In the Reform Era: Praxis Case of Regional Development Policy. *Jurnal Studi Pemerintahan*, 9(1), 56-82.
- Hamzah, S., Yussof, M. H. B., & Enriquez, A. A. (2020). Togetherness in the Diversity of the Pancasila Ideology Frame. *Journal of Social Work and Science Education*, 1(1), 8-12.
- Hardjasoemantri, K. (2000). *Hukum Tata Lingkungan*. Yogyakarta: Gadjah Mada University Press.
- Ludigdo, U., & Kamayanti, A. (2012). Pancasila as Accountant Ethics Imperialism Liberator. *World*, 2(6).
- Mutaqin, Z. Z. (2016). The strong state and pancasila: Reflecting human rights in the Indonesian democracy. *Const. Rev.*, 2, 159.
- Rosidah, Z. N. (2020). Coherence of the Rules of Sharia Against Pancasila. *Bestuur*, 8(1), 40-52.
- Siswoyo, D. (2013). Philosophy of education in Indonesia: Theory and thoughts of institutionalized state (PANCASILA). *Asian Social Science*, 9(12), 136.
- Sitorus, J. H. E. (2016). Pancasila-based social responsibility accounting. *Procedia-Social and Behavioral Sciences*, 219, 700-709.
- Song, S. W. (2008). *Back to basics in Indonesia? Reassessing the Pancasila and Pancasila State and society, 1945–2007*. Ohio University.
- Steenbrink, K. A. (1998). Muslim-Christian relations in the Pancasila state of Indonesia. *The Muslim World*, 88(3/4), 320.
- Sumardjoko, B., & Musyiam, M. (2018). Model of civic education learning based on the local wisdom for revitalizing values of Pancasila. *Jurnal Cakrawala Pendidikan*, 37(2).
- Supriadi. (2008). *Hukum Lingkungan di Indonesia: Sebuah Pengantar*, Jakarta: Rays of graphics.