

Law Enforcement against Environmental Destruction due to the Transfer of Mangrove Forest Land Functions on the Coast of Langkat Regency

Rusli¹, Neni Sri Imaniyati², Dini Dewi Heniarti²

¹Student of Doctoral Program of Law, Postgraduate Program at the Bandung Islamic University, West Java, Indonesia, 40116, and Lecturer at the Faculty of Law, Samudra University, Aceh, Indonesia, 24415

²Lecturer at Faculty of Law, Bandung Islamic University, West Java, Indonesia, 40116

²Lecturer at Faculty of Law, Bandung Islamic University, West Java, Indonesia, 40116

Corresponding Author: Rusli

ABSTRACT

The purpose of this study is how law enforcement against environmental destruction due to the transfer of mangrove forest land functions on the coast of Langkat Regency. The methods used in this study are descriptive analytical with a sociological juridical approach. The research location is the Regional Government of Langkat Regency which has mangrove forests in coastal areas. The target of agencies related to the Environment Agency and the Technical Implementation Unit of the Forest Management Unit of Area I Stabat Forest Service, with a sample of 6 respondents was determined purposively. Data collection tools are determined through document studies, interview guidelines, and field observations. Data analysis is done by qualitative approach using deductive and inductive thinking logic. The results showed that, law enforcement against environmental destruction due to the transfer of mangrove forest land functions is carried out through the application of administrative sanctions carried out by giving reprimands, stern warnings, delays in permits and the revocation of business licenses. Furthermore, the local government submitted a report on the crime of land transfer to the Police of the Republic of Indonesia against the perpetrators of the transfer of mangrove forest land functions in violation of applicable laws and regulations.

Keywords: Law Enforcement, Land Transfer, Mangrove Forest.

INTRODUCTION

Environmental management according to Article 1 number 2 of Law Number 32 Year 2009 concerning Environmental Protection and Management states that:

“Environmental protection and management is a systematic and integrated effort carried out to preserve the function of the environment and prevent the occurrence of environmental pollution and / or damage that includes planning, utilization, supervision and legal management.”

Environmentally sound development, as stated in Article 3 of the Environmental Protection and Management Act, is stated that:

- a. Environmental protection and management aims to
- b. Protect the territory of the Unitary State of the Republic of Indonesia from environmental pollution and/or damage;
- c. Ensuring the safety, health and life of people;
- d. Ensuring the survival of living things and the sustainability of ecosystems;
- e. Maintaining environmental functions;
- f. Achieve harmony, harmony and balance of the environment;
- g. Ensuring the fulfillment of the justice of current and future generations;
- h. Ensuring the fulfillment and protection of environmental rights as part of human rights;

- i. Control the benefits of natural resources wisely;
- j. Realizing sustainable development; and
- k. anticipate global environmental issues

Environmentally sound development or sustainable development is a combination of environmental, social and economic aspects into the development strategy to ensure the integrity of the environment so that it benefits both current and future generations.

To achieve sustainable development, the utilization of natural resources must be done wisely with the direction of development that is environmentally sound by prioritizing the sustainability of available natural resources. (M. Daud Silalahi, 1996) However, in the utilization of natural resources often ignore environmental sustainability by exploring natural resources excessively, resulting in environmental damage as mentioned in Article 1 number 17 of the Environmental Protection and Management Act No. 32 of 2009 namely: "Environmental damage is a direct and/or indirect change to the physical, chemical, and/or biological nature of the environment through the standard criteria of environmental damage".

Environmental damage caused by destruction by people in an effort to meet their needs by exceeding the ability of environmental support, as stated in Article 1 number 16 of the Environmental Protection and Management Act, namely: "Environmental destruction is the action of a person who causes direct or indirect changes to the physical, chemical, and/or biological properties of the environment so as to exceed the standard criteria of environmental damage".

Environmental destruction always has an impact on environmental damage that results in the emergence of losses experienced by the community, so that it becomes an environmental dispute between environmental destroyers and communities that have an impact so as to cause losses. Errors in the implementation of policies have an impact on people's lives as land

users and mangrove forest areas as land to make a living that has been lived for generations. The encroachment and diversion of regional land functions continues to this day without the application of sanctions against environmental vandals.

In the Environmental Management Law No. 23 of 1997, although it is no longer valid and has been replaced with the Environmental Protection and Management Act No. 32 of 2009 contains the responsibility for environmental pollution, regulated in Article 34 paragraph (1) and Article 35 paragraph (1). These two articles adhere to the nature of accountability, namely: the basis of ordinary accountability (Article 34 paragraph (1) of the Environmental Protection and Management Law) and the basis of special accountability (Article 35 paragraph (1) of the Protection and Management Act environment), while in the Environmental Protection and Management Law No. 32 of 2009 which regulates the usual accountability is stipulated in Article 87 paragraph (1) and special/absolute accountability is stipulated in Article 88, both in the Environmental Management Act of 1997 and in the Environmental Protection and Management Act of 2009 determines that environmental responsibility covers the issue of indemnity to individuals (private compensation) as well as the cost of environmental restoration (public compensation). Thus the environment responsibility can be private and can also be public, in the sense that if a polluter has fulfilled his responsibilities to an individual, but can't be declared finished because he could be faced with responsibilities related to public affairs in the form of recovery obligations on the environment as public assets.

Furthermore, to understand the understanding of accountability both ordinary and absolute / special can be seen in Article 87 paragraph (1) and Article 88 of the Environmental Protection and Management Act of 2009.

Article 87 paragraph (1) states:

“Any person responsible for a business and/or activity that commits unlawful acts in the form of environmental pollution and/or destruction that inflicts losses on others or the environment is obliged to pay compensation and/or perform certain actions”.

The pattern of environmental criminal law enforcement covers several processes and each process must refer to the provisions of the law, both regulated by material criminal law. As is known, environmental law enforcement can be divided into 3 main stages, namely: a) preventive actions; b) preventive measures; and c) repressive actions. (N.H.T. Siahaan, 2004)

Preventive action is an anticipation action that detects earlier various factors of criminogen correlation, namely factors that allow (not necessarily occur) damage or environmental pollution. By detecting this criminogen factor can be prevented and therefore there is no factual threat to the environment. Preventive measures are a series of concrete actions aimed at preventing destruction or environmental pollution, for example by conducting continuous supervision of factories, environmental law supervision is responsive to community complaints, forestry police supervise timber theft and illegal logging, or environmental sectoral agency officials reprimand and warn those who do symptoms are not good for the environmental system. While repressive actions are a series of actions carried out by law officers through criminal proceedings, because the actions committed by the perpetrators have damaged or polluted the environment.

According to the Map of Forest Use Conservation shows on the coast of Langkat Regency reached an area of 43,014.70 hectares which is divided into: Production forest covering an area of 33,494.7 hectares. From an area of 43,014.70 hectares of mangrove forest in the coastal area of Langkat district, then about 40,303.42 hectares of mangrove forest in damaged

conditions that grow along the flow of the Wampu, Lapan, Besitang, and several tributaries, grooves and paluh-paluh. (Anonimous, 2020)

Damage to mangrove forests in Langkat Regency has been damaged and switched to oil palm plantation land and plantations. This happened on the island of Sembilan Pangkalan Susu Sub-district which was converted into oil palm plantations. Similarly, the damage occurred in the Karang Gading River Watershed of Secanggang Sub-district which is the result of forest rehabilitation activities the central government has damaged and switched functions to oil palm plantations.

Mangrove forest damage in addition to switching functions to oil palm land largely switched functions into shrimp ponds which is a manifestation of non-oil and gas policy through shrimp farming business. However, the government program has a very concerning impact, because many areas of mangrove forest are turning into ponds. The damage to mangrove forests is caused by the lack of public opinion that mangrove forest conservation will only hinder the community's economic development program. This condition can still be seen from the widespread destruction of mangrove ecosystems that serve as protected areas and buffer areas of coastal areas that are converted and converted into pond functions. In fact, excessive conversion of mangrove forest land causes the productivity of ponds to be very low.

Mangrove sustainability in this area will be threatened by human activities, such as illegal logging for the purposes of firewood and charcoal; convert mangrove forest land into plantations, plantations, housing, and other functions that are considered to sacrifice ecosystems and environmental sustainability. Mangroves in coastal areas of Langkat Regency actually have important benefits to protect against more than 42 villages in coastal areas, from 9 sub-districts that have mangrove forest damage. (Anonimous, 2020)

Based on the results of inventory and identification of mangrove forests, it is known that Langkat Regency has a potential mangrove forest area of 43,014.70 hectares. Of these, 40,303.42 hectares were damaged (93.70%), while the remaining 2,711.28 hectares (6.30%) not damaged. (Bustami, 2020) Based on the above it appears that the government and local governments, especially the Langkat Regency Government with related agencies such as the Forest Service, the Environment Agency, land agencies and law enforcement officials such as the Police are not functioning in carrying out their duties so that the encroachment of mangrove forests and the continuous transfer of land functions that result in the suffering of fishing communities is increasing.

A very influential factor in controlling the environment in order to prevent environmental damage due to the transfer of mangrove forest land on the coast of Langkat Regency is the active role of local governments with their ranks in law enforcement, but the problems that occur to date have not been resolved. This encourages researchers to examine the aspects of law enforcement against environmental damage due to the transfer of mangrove forest land functions in the coastal area of Langkat Regency which is the core of the variables in writing this research. The process of law enforcement due to environmental damage caused by the transfer of mangrove forest land functions so that the recovery of damaged areas can be carried out.

LITERATURE REVIEW

The theory used as an analytical knife in this study is Law Enforcement Theory. Indonesia has not escaped the multidimensional crisis. One of them is in law enforcement. Various events carried out by law enforcement and justice officials witnessed by the community increasingly dising doubt the hope of justice in this country. (Neni Sri Imaniyati, 2003)

Therefore, it is examined on a philosophical basis that includes basic belief or world view of the national legal system. Speaking of basic belief or world view, it must talk about the paradigm that gives direction, purpose and implementation / enforcement of national law, so that there is no stagnation in legal studies in Indonesia. (Neni Sri Imaniyati, 2003)

Environmental law enforcement (law enforcement) is the last link in the regulatory chain of policy planning on the environment, in the following order: (Andi Hamzah, 2008)

1. Legislation (legislating, wet en regelgeving)
2. Standard setting (norm setting)
3. Licensing (vergunning verlening)
4. Implementation (implementation, uitvoering)
5. Law enforcement (rechtshandhaving)

According to Lawrence M. Friedman, the success or not of law enforcement depends on the legal substance, legal structure, and legal culture. Of these three components that will determine the running of a law in the life of the community. (Lawrence M. Friedman, 2001)

The substance of the law or also called the substantial system that determines whether or not the law is implemented. Substance also means products produced by people who are in the legal system that include the decisions they issue, the new rules they draw up. Substance also includes living law, not just the rules in the Law Books. As a State that still adheres to the civil law system or continental Europe (although some laws and regulations have also adhered to the common law system or Anglo Saxon). It is said that the law is the written rules, while the unwritten rules are not declared law. This system affects the laws of Indonesia.

The substance of the law (legal substance) is a part of influencing law enforcement, so there is a presumption that the belief that regular changes in a society can be enforced by legislation or court rulings or a combination of the two. This

shows that the law has a very important role in controlling the community to lead to order. (Mochtar Kusumaatmadja, 2002)

Soerjono Soekanto believes that interference with law enforcement derived from substance (law) is caused by:

- a. Not following the principles of the enactment of the law
- b. The lack of implementing regulations is urgently needed to implement the law.
- c. The vagueness of the meaning of words in the law that cause confusion in interpreting and applying them.

Legal structure/pranata law can be referred to as a structural system that determines whether or not the law is implemented properly. The authority of law enforcement agencies is guaranteed by law. So that it can carry out its duties and responsibilities regardless of the influence of government power and other influences. There is adagium "fiat justitia et pereat mundus" (although the world is collapsing the law must be upheld). The law cannot run or stand when there is no credible, competent and independent law enforcement officer. So it can be emphasized that law enforcement factors play an important role in enabling the law. If the regulations are good, but the quality of law enforcement officers is low then there will be problems. Likewise, if the regulations are poor while the quality of law enforcement officers is good, the possibility of open problems arises.

In environmental law enforcement, coordination is needed across related sectors and has a common perception among law enforcement officials that in having the same perception between law enforcement officers that in law enforcement becomes a joint responsibility for the establishment of justice and welfare of the community. (Eggi Sudjana and Riyanto, 1999)

The culture of law or cultur according to Lawrence M. Friedman, is the human attitude towards the law and the legal system and beliefs, the value of thought and hope. (Lawrence M. Friedman, 2001) Legal culture is an atmosphere of

social thought and social power that determines how the law is used, avoided, or abused. The legal culture is closely related to the legal consciousness of the community. The higher the legal awareness of the community, it will create a good legal culture and can change the mindset of the community about the law during this time. Simply put, the level of community compliance with the law is one indicator of the proper functioning of the law.

Responsible and transparent law enforcement can be interpreted as an effort to implement legal enforcement that can be accounted for to the public, nation and state related to the existence of legal certainty in the prevailing legal system, also related to the benefits of law and justice for the community. And no less important is the responsibility to The One True God.

The process of law enforcement is inseparable from the legal system itself. Everyone may have known or at least heard that "everyone is equal before the law (The all man is equal under the law) but how many people understand what it means and how it is implemented in the practice of the life of the law of the country in general and the world of justice in particular? How many people or how far does society know its rights and obligations under the law? Is the law actually discriminatory in its implementation? What about one's social status? So is the legal culture of society as well as the power and political power that is in power. Does it have an effect in upholding and functioning the law as "rules of conduct" in the life of the nation and state society? Even in reality when it comes to the law, do we really stand together before the law. (Ahkam Jayadi, 2015)

Law enforcement in English is called law enforcement, Dutch is called rechtshandhaving. Legal understandings in Indonesian terminology always lead to force, so there is an impression in the community that law enforcement is linked to criminal sanctions. This is also related to the frequent mention of law enforcement with police, prosecutors and judges. In fact,

administrative officials (bureaucracy) actually also act as law enforcement. Law enforcement conducted by bureaucracy (administrative officials) in the form of enforcement that is "preventive" (preventive) carried out by counseling or socializing a legislation, both legislation originating from the center and regulations made in the region. (Supriadi, 2008)

In the new and old Environment Act, there is no literal sense of law enforcement. However, to provide clarity on the understanding of law enforcement, the understanding will be taken as regulated in Dutch, namely handhaving. According to Notie Handhaving Milleurecht, it is stated that law enforcement is supervising and implementing (with threats) the use of administrative, criminal, or civil instruments to achieve the enforcement of generally and individual laws and regulations. (A. Hamzah, 1995)

In everyday terminology is also known as compliance, which means negotiation, persuasion, and supervision so that the rule of law is obeyed before law enforcement. Law Enforcement means repressive law enforcement, while compliance means preventive measures against violations of environmental law.

Environmental law enforcement is the observation of environmental law through supervision and examination (inspection) and through detection of violations of the law, restoration of environmental damage and actions to the maker (dader: offender). In line with this regulatory cycle, the purpose of environmental law enforcement according to Mas Ahmad Santosa is compliance with the values of protection of ecosystem carrying capacity and environmental functions that are generally formalized into legislation.

This aspect of environmental law enforcement is expected to be taken seriously as a last resort to fight environmental vandals/ polluters. Environmental law enforcement is closely related to the ability of the apparatus and

community compliance with applicable regulations covering three areas of law, namely administrative, criminal and civil. Thus, environmental law enforcement is an effort to achieve compliance with the rules and requirements in the generally and individually applicable laws, through the supervision and application (or threat) of administrative, criminal, and civil facilities. (Muhammad Erwin, 2019)

METHODOLOGY

The methods used in this study are descriptive analytical with a sociological juridical approach. The research location is the Regional Government of Langkat Regency which has mangrove forests in coastal areas. The target of agencies related to the Environment Agency and the Technical Implementation Unit of the Forest Management Unit of Region I Stabat Forest Service of North Sumatra Province, with a sample of 6 respondents was determined purposively. Data collection tools are determined through document studies, interview guidelines, and field observations. Data analysis is done by qualitative approach using deductive and inductive thinking logic.

RESULTS AND DISCUSSION

Law Enforcement against Environmental Destruction Due to The Transfer of Mangrove Forest Land Functions on The Coast of Langkat Regency

Law enforcement concerns administration, civil law and criminal law. Environmental law contains all three aspects of the law, so that the enforcement of environmental law will revolve around the three aspects of the law.

Enforcement of this environmental law can not only be relied on the assertiveness or hardness of enforcement of such law. The desired law enforcement is strict law enforcement, but wise and wise. In environmental law enforcement techniques a comprehensive-integral approach. In this pattern of approach, law enforcement is implemented to support the

continuation of environmentally sound development.

While some consider that solving law enforcement problems only through the courts, this assumption is based on the mistaken opinion of law enforcement solely the responsibility of law enforcement officers, in the case that law enforcement is the obligation of every member of the community, and law enforcement can go through various channels with various sanctions such as administrative, civil and criminal sanctions.

Law enforcement can take the first path, namely the administrative sanctions line that can be:

- 1) Giving a stern reprimand
- 2) Forced payment of money (dwangsom)
- 3) Suspension of license
- 4) Revocation of license

From the order of administration sanctions this indicates the administration's *sansi* is moving from the lightest to the toughest in the administrative aspect. This of course concerns the wisdom of authorized agencies, because the enforcement of severe sanctions against an industry for example will be related to the continuity of employment for workers in the company, thus causing other problems in the form of unemployment.

The complexity of the issue of enforcement of administrative sanctions causes not only juridical factors that are considered, but also other aspects that may arise due to the application of administrative sanctions. Therefore, the provision of administrative sanctions should be seen from the case of the case to avoid the negative impact of the sanctions. Law enforcement concerning aspects of administrative law, civil law and criminal law the three aspects of the law can give rise to different sanctions in accordance with the provisions of the law that violates.

Law enforcement concerning Aspects of Administrative Law is the existence of administrative sanctions is a means of administrative law that is a means of burdening obligations / orders and / or the

withdrawal of state administrative decisions imposed on the person in charge of business and / or activities on the basis of disobedience to the laws and regulations in the field of environmental protection and management and / or provisions in the environmental permit (Article 1 Number 1 Regulation of the Minister of Environment of the Republic of Indonesia Number 2 Year 2013 concerning Guidelines for the Application of Administrative Sanctions in the Field of Environmental Protection and Management).

The imposition of administrative sanctions aims to protect the environment from pollution and/or destruction resulting from a business and/or activity, tackling environmental pollution and/or destruction, restoring the quality of the environment due to environmental pollution and/or destruction, and providing deterrent effect for persons responsible for businesses and/or activities that violate laws and regulations in the field of environmental protection and management and provisions in environmental permits (Article 2 of the Regulation of the Minister of Environment of the Republic of Indonesia Number 2 Year 2013 concerning Guidelines for the Implementation of Administrative Sanctions in the Field of Environmental Protection and Management).

Administrative sanctions consist of; written warning, government coercion, freezing of environmental permits and/or environmental protection and management permits, as well as the revocation of environmental permits and/or environmental protection and management permits (Article 4 paragraph (1) regulation of the Minister of Environment of the Republic of Indonesia Number 2 Year 2013 concerning Guidelines for the Implementation of Administrative Sanctions in the Field of Environmental Protection and Management).

Thus, administrative sanctions are stipulated in the form of Decrees of the Bupati of Langkat Regency against environmental vandals in the coastal areas of Langkat Regency. Environmental law

enforcement is slightly different from other law enforcement agencies. Environmental law enforcement is carried out with firmness and wisdom, because it tucks into the interests of environmentally sound development.

The most potential mangrove forest destruction factor in Langkat Regency is the conversion of mangrove forests into ponds and the use of mangrove wood as charcoal raw materials. Mangrove forest conservation activities become ponds carried out by completely cutting mangrove forests and even stumps and roots, so that a clean expanse of weeds is obtained. In this way, one thing is certain that mangrove forest ecosystems are destroyed without traces.

Such pond efforts allow to increase the income of farm farmers in the early stages, on the other hand if this activity is not alerted, the seeds of destruction and environmental damage are clearly approaching, given the irreplaceable function of mangrove forests. The most concerning thing is that many ponds are abandoned without adequate cultivation (fish) efforts.

In order to handle mangrove forest problems, the Regional Government level II Langkat regency remains oriented to the main components determining management success, namely:

1. Potential dumber mangrove forest power
2. Communities around mangrove forests (especially farm farmers and charcoal kitchen entrepreneurs)
3. Government officials (device of wisdom)

In connection with this, some of the initial handling steps that have been taken are:

1. Prohibiting the opening of new ponds
2. Prohibit the construction of new charcoal kitchens
3. Completely prohibit mangrove logging activities along the conservation green line, i.e. the path is 230 meters from the coast to the mainland

4. Prohibit mangrove logging that is smaller than 10 cm in diameter.

Furthermore, in order to strengthen the management and development of mangrove forests, the following steps are taken:

1. In order to improve data, it is necessary to survey the field and/or based on the interpretation of aerial portraits
2. Strengthening spatial planning, especially mangrove forests / coastal areas
3. Implementation of the boundary system
4. Strengthening legislation in the field of mangrove forest management
5. Strengthening coordination, integration, synchronization of authority responsibilities, rights and obligations of all relevant agencies and all levels of society.
6. Increasing the role of all levels of society around mangrove forests as actors of mangrove forest development that are environmentally sound.
7. Controlling ponds and charcoal kitchens
8. Establishment of mangrove forest farming group under village unit cooperative
9. Transfer of farm and charcoal kitchen work according to land carrying capacity
10. Mangrove forest security to rely on the security of self-help communities concerned

In connection with the control aspects are:

1. Increasing the effectiveness of mangrove forest management through counselling, welfare and repressive operations
2. Strengthening professionalism and dedication of all relevant agencies
3. Strengthening duties and authorities in granting rights to mangrove forest areas

Furthermore, efforts to manage, counteract and prevent mangrove forest damage are:

- a. Mangrove Forest Management Principles
 - 1) Principles of National Interest

Mangrove forest is a renewable natural resource and is a national asset, so forest management is carried out taking into account the national interest.

2) Principle of Benefits for Surrounding Communities

The potential resources of mangrove forests must be managed to provide maximum benefits for improving the welfare of the surrounding community.

3) Principle of Community Participation

The surrounding community should be involved in every mangrove forest management activity and given the opportunity to play an active role in mangrove forest management and participate in enjoying the results fairly and evenly

4) The Principle of Forest Sustainability

In sustainable mangrove forest management, the potential of forest resources must be managed based on the principle of yield sustainability, and can provide encouragement and benefits for sustainable management of mangrove forests.

5) Principle of Function sustainability

The potential resources of mangrove forests must be managed according to their functions to improve the function of water management, prevention of sea water intrusion, pollution and protection against wind, coastal abrasion, flooding and maintaining aquatic and terrestrial biota habitats

b. Countermeasures in the Form of Rehabilitation

1) Area and Time Frame

Area and period of mangrove forest rehabilitation in Langkat Regency

2) Types of Plants and Recycling

Planting types of mangroves with high commercial value, which happens to dominate the growing in the mangrove forest area

3) Planting Plan

Overall mangrove forest rehabilitation plan/target

Forest security conditions are:

a. Forest Security Personnel

Forest Security Personnel is a certain official in the central and regional forestry agency environment that is in accordance with the nature of its work, organizing and or carrying out forest protection efforts by which the legal authority is given special police authority in the field of forestry and conservation of biological natural resources and their ecosystems

b. Forestry Police Authority

1) Conduct patrols / marches within forest areas or their jurisdictions

2) Inspecting letters or documents relating to the transportation of forest products within the forest area or its jurisdiction

3) Receive reports of criminal acts related to forests, forest areas and forest products.

4) Looking for information and evidence of criminal acts related to forests, forest areas and forest products

5) In the case of caught hands it is mandatory to arrest the suspect to be handed over to the authorities; Dan

6) Make a report and sign a report on the occurrence of criminal acts related to forests, forest areas, and forest products.

Circular letter addressed to the Head of Sub-district in Langkat Regency whose contents include to convey data and information on land problems related to forest areas that occur in the working area.

The Letter of the Langkat Regent was addressed by the Head of Gebang Sub-District and The Head of Babalan Sub-District concerning The Security of State Forest Area. The contents of the letter include: not issuing legality certificate in any form to individuals, community groups, business entities and other institutions on land, especially land that enters the state forest area. Prohibiting the conversion of coastal land without permission, Prohibiting fishing activities on lines that are not in accordance with the license path, Prohibiting mining activities of sea sand without a permit, Prohibiting beach reclamation activities without a permit and Prohibiting the activities of marine cultivation business without permission.

The letter was addressed to the Head of provincial forest service and head of North Sumatra Natural Resources Conservation Center regarding the implementation of Leopard operations in Langkat Regency, which contained, among others: Requested assistance to immediately operate a team of police units of the Leopard Rapid Reaction Forestry Brigade to crack down on perpetrators of violations of forestry law in the Langkat Regency Area. Then conduct the Instruction of the Langkat Regent to the District Heads in the coastal area of Langkat Regency: Stop any activities of land transfer / mangrove land clearing, both in other use areas and in state forest areas that do not have permits in accordance with the legislation.

Letter of Langkat Regent addressed to the Governor of North Sumatra regarding forest security in the coastal area of Langkat Regency PT. Mangrove Earth Juice. The contents of the regent's letter include: 1). Requested assistance from the Governor of North Sumatra to take repressive actions against the transfer of land functions/mangrove land clearing in coastal areas of Langkat Regency in the country's

forest areas that do not have a permit in accordance with applicable laws and regulations. 2). Take legal action against perpetrators of encroachment of state forests in the coastal area of Langkat Regency PT. Mangrove Earth Juice.

Circular letter of The Regent of Langkat, instructing the Head of Sub-District to:

- 1) Not issuing a certificate of legality in any form to individuals / community groups, Business Entities and other institutions on land / land that is a state forest area before obtaining written approval from the Minister of Forestry.
- 2) In the legalization process of land, especially those directly adjacent to the state forest area in order to coordinate with agencies that handle the forestry sector.

Furthermore, it can be explained that the data of several sub-districts in Langkat Regency that carried out the deviation of the transfer of functions are as follows: (Technical Implementation Unit of the Forest Management Unit of Region I Stabat/Forest Service of North Sumatra Province, 2020)

Table 1: Secanggang Subdistrict, Targeted Location of Pantai Ganding Village and Selotong Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
1	Joni / Rudy	Paluh Jawi 03°52'15,0" LU 98°35'19,6 BT	± 203 Ha Consists of 53 Ha Located In Karang Gading Village/ Pantai Gading Village 150 Ha Selotong Village	Land that has been opened + 150 Ha using heavy equipment According to the land information is planned to be planted oil palm head. The barracks are located at coordinates 03o52'49,4" LU 98o35'03.5 BT. Land in other use areas outside the forest area, with the closure of mangrove type vegetation Before the land is a natural pond managed by the community

Source: Results of the research in 2020

Table 2: Besitang Sub-district Targeted Location of Bukit Selamat Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
2	PT. Pelita Nusantara Sejahtera (PT. PNS)	Sei Sekundur Kecil Bukit Selamat village 04°03'43,0" LU 98°07'34,7" BT	± 272 Ha	Bukit Selamat Village, Around Sesirah River and Sikundur Kecil Land that has been opened + 20 Ha at around coordinates 4o03'43,0" LU and 98o07'34,7" BT Plants estimated to be 6 months old

Source: Results of the research in 2020

Table 3: Besitang Sub-district Targeted Location Pekan Besitang Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
1	PT. Pelita Nusantara Sejahtera (PT. PNS)	Paluh Kertang Link. I Pekan Besitang Village 04°03'30,5" LU 98°09'10,3" BT	± 160 Ha	Environment I, Pekan Besitang Village Already planted palm oil 12 Ha Land in the castle, there is a closure Paluh

				Kertang at coordinates 04o03'30,5" LU and 98o09'10,3" BT Heavy Equipment at the time of inducement is working at coordinates 04o03'41,1" LU 98o09'01,1" BT The location of the nursery in the environment I Pekan Besitang village. coordinates 04o03'18,7" LU 98o09'06.7" BT
2	PT. Pelita Nusantara Sejahtera (PT. PNS)	Sei Sekundur Kecil Bukit Selamat Village 04°03'43,0" LU 98°07'34,7" BT	± 272 Ha	Bukit Selamat Village. Around the River, Sesirah and Sikundur Kecil Land that has been opened + 20 Ha at around coordinates 04o03'43,0" LU 98o07'34,7" BT

Source: Results of the research in 2020

Table 4 Gebang Sub-district Target Location Pasar Rawa Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
1	Simanungkalit	Paluh Cingam 04°01'22,6" LU 98°23'16,2" BT	± 30 Ha	Land has been planted with oil palm Machine work is complete
2	Poksan	Paluh Aceh 04°00'21,6" LU 98°22'38,5" BT	± 60 Ha	Land has been planted with oil palm Machine work is complete
3	Ali	Paluh Cingam LU 04°01'10,9" 98°23'24,8" BT	± 60 Ha	Land has been planted with oil palm Machine work is complete
4	Akam / Rambe	GB 50 LU 04°02'14,4" 98°23'46,2" BT	± 100 Ha	Some have been planted with oil palm some have not been in the preparation of land There are 2 (two) heavy equipment units working to build a fortress and screeping
5	Aguan	GB 50 LU 04°02'45,4" 98°23'12,4" BT	± 8 Ha	+ 8 Ha there are 1 (one) heavy equipment unit that is screeping/clearing heavy equipment land has been stopped by the team

Source: Results of the research in 2020

Table 5: West Brandan Sub-district Target Location Lubuk Kasih Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
1	H. Saleh Bangun	Lubuk Kasih LU 04°01'20,1" 98°15'41,4" BT	± 232 Ha	Some have been planted with oil palm there are still heavy equipment for the manufacture of forts and repair of trenches

Source: Results of the research in 2020

Table 6: Besitang Sub-district Targeted Location of Bukit Selamat Village

No	Alleged Perpetrators	Location / Coordinate Point	Area controlled (Ha)	Description
1	PT. PNS	Lubuk Kertang 04°03'44,5" LU 98°16'04,0" BT	± 150 Ha	Part of the land is planted with oil palm and partly again is an incentive farm Currently still under investigation by the Forest Service of North Sumatra Province
2	Sutopo / Akam	Lubuk Kertang LU 04°03'27,5" 98°18'10,0" BT	± 100 Ha	Part of the land is planted with oil palm and partly again is an incentive farm Currently still under investigation by the Forest Service of North Sumatra Province

Source: Results of the research in 2020

Forest control and protection measures in coastal areas of Langkat Regency to control and protect the damage to mangrove ecosystems in coastal areas of Langkat Regency, the Government of Langkat Regency has made efforts including:

1. Monitoring the area together with the Center for Natural Resources Conservation and Forest Area Stabilization Center Region I, conduct

forest security together with the Forest Service of North Sumatra Province;

2. Langkat Government has published several Circular Letters and Decrees of the Regent on the Establishment of Land Transfer Control Team in the Coastal Area of Langkat Regency.

The duty of Land Transfer Control Team in the coastal area of Langkat Regency is as follows: (Muhammad Zain, 2020)

1. Reviewing the problem of land transfer in coastal areas of Langkat Regency;
2. Identify land transfer activities in coastal areas of Langkat Regency that violate applicable laws and regulations;
3. Coordinate the management of land transfer problems with the central government and the government of North Sumatra Province and other relevant institutions;
4. Take precautions against land transfer activities in coastal areas of Langkat Regency;
5. Submit recommendations and reports of criminal acts of land transfer in coastal areas of Langkat Regency to the police of the Republic of Indonesia or to the relevant Civil Servant Investigators to take legal action against the perpetrators of land transfer activities in coastal areas of Langkat Regency in violation of applicable laws and regulations.

Following the issuance of the Decree of the Langkat Regent, The Land Transfer Team of Langkat Regency conducted an operation to control land transfer activities including: (Iskandar Z. Tarigan, 2020)

1. The government land transfer team of Langkat Regency has jointly successfully stopped, confiscated and issued 1 (one) unit of heavy equipment in Sedapan Island, Besitang District because it has carried out illegal land transfer activities and violated applicable laws and regulations.
2. The land transfer team of the Langkat Regency Government together with the personnel of the Leopard Brigade of North Sumatra Province together have successfully stopped, confiscated and issued 1 (one) unit of heavy equipment in Dusun III Tanjung Pura for illegal land transfer activities and violating applicable laws and regulations.

CONCLUSION

Law enforcement against environmental destruction due to the transfer of mangrove forest land functions on the coast of Langkat Regency has been

carried out in aspects of administrative law, although not yet maximal. In other words, environmental law enforcement also regulates the issue of civil and criminal law sanctions. However, all three aspects of the law can result in different sanctions in accordance with the provisions of the law that are violated. Environmental law enforcement is carried out with firmness and wisdom, because it tucks into the interests of environmentally sound development. Law enforcement against mangrove forest damage on the coast of Langkat Regency has been done through the application of administrative sanctions carried out by giving reprimands, stern warnings, permit delays and the revocation of business licenses. The Regional Government of Langkat Regency also submitted recommendations and reports of criminal acts of land transfer on the coast of Langkat Regency to the Police of the Republic of Indonesia or to the relevant Civil Servant investigators to take legal action against the perpetrators of the transfer of mangrove forest land functions on the coast of Langkat Regency in violation of applicable laws and regulations.

REFERENCES

1. Anonimous, Kabupaten Langkat Dalam Angka, BPS Kabupaten Langkat, 2020.
2. Anonimous, Unit Pelaksana Teknis Kesatuan Pengelolaan Hutan Wilayah I Stabat/Dinas Kehutanan Provinsi Sumatera Utara, 2020.
3. Erwin, Muhammad, Hukum Lingkungan Sistem Kebijaksanaan Lingkungan Hidup, PT. Refika Aditama, Bandung, 2019.
4. Friedman, Lawrence. M, American Law and Introduction, Hukum Amerika Sebuah Pengantar, PT. Tata Nusa, 2001.
5. Hamzah, Andi, Penegakan Hukum Lingkungan, Arikha Media Cipta, Jakarta, 1995.
6. Hamzah, Andi, Penegakan Hukum Lingkungan, Sinar Grafika, Jakarta, 2008.
7. Imaniyati, Neni Sri, "Pengaruh Paradigma Positivisme Terhadap Teori Hukum dan Perkembangannya", Mimbar : Jurnal Sosial dan Pembangunan, Pusat Penerbitan

- Universitas (P2U) LPPM Unisba, Volume XIX No. 3: Juli-Desember 2003.
8. Jayadi, Ahkam, Memahami Tujuan Penegakan Hukum, Studi Hukum Dengan Pendekatan Hikmah, Genta Press, Yogyakarta, 2015.
 9. Kusumaatmadja, Mochtar, Konsep-Konsep Hukum Dalam Pembangunan, Alumni, Bandung, 2002.
 10. Siahaan, N.H.T., Hukum Lingkungan dan Ekologi Pembangunan, Erlangga, Jakarta, 2004.
 11. Silalahi, M. Daud, Hukum Lingkungan dan Sistem Penegakan Hukum Lingkungan Indonesia, Edisi Revisi, Alumni, Bandung, 1996.
 12. Sudjana, Eggi dan Rianto, Penegakan Hukum Lingkungan Dalam Perspektif Etika Bisnis Di Indonesia, PT. Gramedia Pustaka Utama, Jakarta, 1999.
 13. Supriadi, Hukum Lingkungan di Indonesia Sebuah Pengantar, Sinar Grafika, Jakarta, 2008.

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