Implementation Of Environmental Administrative Law Enforcement Related To Environmental Approval And License For Environmental Protection And Management Of Palm Oil Factories In The Province Of North Sumatra

Fajar Khaify Rizky¹, Dody Safnul², Montayana Meher³

¹Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia, fajarkhaifirizki89@gmail.com
²Faculty of Law, Universitas Dharmawangsa, Medan, Indonesia, notarisdodysafnul@gmail.com
³Faculty of Law, Universitas Medan Area, Medan, Indonesia, montayanameher@yahoo.com

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Abstract

Palm oil mills have become an integral part of the economy in North Sumatra Province, but the growth of this industry often has negative impacts on the environment. In this context, the implementation of environmental administration law enforcement is very important to ensure sustainable environmental protection and management. This research aims to analyze the implementation of environmental administrative law enforcement related to environmental approvals and permits for palm oil mills in North Sumatra Province. Through a qualitative approach and case studies, data was collected from various sources, including legal documents, government policies, and interviews with relevant stakeholders. The research results show that although there are strict regulations and regulations regarding environmental approvals and permits for palm oil mills, the implementation of environmental administrative law enforcement still faces challenges. Factors such as a lack of human resources, the inability of institutions to supervise effectively, and local political interference are the main obstacles to implementing effective law enforcement. However, this research also found several positive initiatives, such as increasing environmental awareness among the palm oil industry and efforts to strengthen the capacity of environmental law enforcement agencies. The resulting recommendations include expanding trained human resources, increasing transparency in the licensing process, and strengthening cooperation between government, industry, and civil society to achieve sustainable environmental management in North Sumatra Province.
I. Introduction

The climate is a gift given by God All-powerful to individuals and the country of Indonesia, which should be protected and created to help the existence of the country. The climate is a principal perspective for the endurance of animals on the planet. The existence of living animals, particularly people, is exceptionally dependent upon the climate (Saputra, 2022). Accordingly, the climate should constantly be kept up with and saved for the endurance of animals on the planet. The climate is likewise where living things exist and complete their exercises. The living climate is all that exists around people and is in an equal relationship (Taufiq, 2014).

The 1945 Constitution of the Republic of Indonesia, as the consecrated support of the state, expects that the resources available in Indonesia be used for the best outcome of the Indonesian public. This is as communicated in Article 33, Section 3, of the 1945 Constitution of the Republic of Indonesia (Rakyat & Jenderal, 2000). Beside that, Article 28H, entry 1, of the 1945 Constitution of the Republic of Indonesia orders that every Indonesian inhabitant has the honor to live in a respectable and sound living environment. (Hasim, 2023).

Indonesia has phenomenal normal asset potential. These regular assets should be continuously kept up with and saved so they can uphold human existence. Hence, every local area likewise has a commitment to keep up with and safeguard the climate so they can appreciate and use it appropriately (Pongtuluran, 2015).

Current natural issues are progressively intricate and various, alongside monetary development, populace and innovation. From one year to another, ecological issues generally increase and will more often than not be wild. This demonstrates that the climate is being progressively harmed (Rusydi & Setyadji, 2024). Current ecological circumstances are progressively stressful on the grounds that contamination is progressively occurring. Ecological issues in non-industrial nations like Indonesia are not quite the same as natural issues in newly created nations. Ecological issues in Indonesia are brought about by immature turns of events (Mangunjaya, 2006). In Indonesia itself, the natural harm that happens is extremely stressful and could harm people in the future (F. Nugraha et al., 2021). Various environmental problems in Indonesia result in a decrease in environmental quality, both directly and indirectly (Febriana et al., 2019).

Endeavors to manage a wide range of natural issues in Indonesia are still exceptionally negligible, both as far as the information and consciousness of gatherings straightforwardly or in a roundabout way connected with the climate.
According to a logical point of view, we can obviously comprehend the strategies regularly utilized by individuals to use Indonesia's inclination. In the mean time, with regards to consciousness of the gatherings, the mentality of the Indonesian public in everyday life just ponders individual and passing interests. Public attention to the significance of ecological sustainability is still exceptionally inadequate (Laily, 2022).

One significant viewpoint for defeating natural issues is policing. Policing a course of completing endeavors to implement or work truly lawful standards as rules for conduct in legitimate relations in friendly and state life (Akhmaddhian, 2016). The principal undertaking of policing is to acknowledge equity, so that with policing, regulation turns into a reality. Without policing, regulation is only an unimportant text-based definition (dead regulation) (E. A. Nugraha, 2023).

Policing can be seen in two frameworks or techniques: "consistence" with "pacification style" as its trademark and "authorizing" with "reformatory style" as its primary trademark. Placing style is therapeutic in nature, a strategy for "social fix and upkeep, the help of individuals in a tough situation," connected with "what is important to improve what is going on." While the reformatory control is "accusatory," the outcome is "double," specifically: "go big or go home, discipline or nothing."

Law enforcement can be done preventively or repressively. Preventive law enforcement means "active supervision is carried out on compliance with regulations without direct events involving concrete events that raise suspicions that legal regulations have been violated". Administrative law facilities that are preventive in nature are aimed at enforcing laws and regulations (Listiyani & Said, 2018).

In taking care of natural issues, preventive policing regulatory lawful means possesses a significant position on the grounds that its capability depends on the rule of counteraction at the source (decrease at the source guideline). So the course of policing regulatory lawful means is viewed as seriously satisfying the capability of safeguarding the "right to a decent and solid climate" as a protected right of each and every resident (Listiyani et al., 2018).

Environmental law as a genus is a separate branch of science, but the largest part of its substance is a branch of administrative law. This is because environmental management is carried out mainly by the government so that environmental law mostly consists of government law (bestuurrecht). Bestuurrecht is also called administratief recht, or administrative law. Thus, environmental laws and regulations issued by the government are usually in the form of policy instruments (beleids instrumentarium) that are administrative law in nature.
From the provisions above, the administrative law aspect relates to the government’s role in granting business establishment permits and carrying out security measures or preventive measures to comply with environmental requirements and imposing administrative sanctions on violations of environmental approvals and permits for environmental protection and management that has been granted, and administrative lawsuits.

Preventive endeavors with regards to controlling ecological effects should be done by utilizing observation and endorsement instruments. In this situation, where natural contamination and harm have occurred, it is important to put forth oppressive attempts as a powerful, steady and predictable way of policing ecological contamination and harm that has previously happened. In this way, it is important to foster a general set of laws for ecological security and the executives that is clear, firm and thorough to ensure legitimate sureness as the reason for the insurance, the board of regular assets and other improvement exercises. Using different legitimate arrangements, as well as the use of policing, authoritative regulation, common regulation, and criminal regulation (Santosa, 2001).

The significance of ecological security and the executives is, as a matter of fact, coordinated by partners in keeping up with the safeguarding of natural capabilities and controlling ecological contamination and harm. As in Article 67 of Regulation Number 32 of 2009 concerning Ecological Security and the Board, that’s what it commands: "Everybody is obliged to keep up with the conservation of natural capabilities and control natural contamination and additionally harm." Everybody in this matter is underscored in Article 1 point 32 of Regulation Number 11 of 2020 concerning Position Creation that "everybody is an individual or business element, regardless of whether consolidated."

Related to business entities with legal entities, namely the companies in this article are palm oil mills in the area of North Sumatra Province whose orientation produces air, water and solid pollution which can cause environmental pollution and damage. In an effort to prevent environmental pollution and damage, companies are required to obtain environmental approval as well as environmental protection and management permits (technical approval).

2. Research Method
The methodology technique in this exploration utilizes a regulating juridical methodology (Muhaimin, 2020). The idea of the examination utilized is illustrative scientific, to be specific, portraying the standards being contemplated and associating them with hypotheses and assessments of lawful specialists. The
information source in this exploration is library research, which is research directed toward books and writing connected with the issue to be investigated. Information handling starts after the total required information is satisfied. The information gathered was arranged in light of its importance and convenience in this exploration. After the information is gathered through its motivation and use, it is then handled and portrayed precisely. Investigation technique The information utilized in this examination is subjective and expressive, specifically dissecting information by portraying side effects, peculiarities and realities in the field determined to answer research issues (Purwati, 2020).

Defining Research Objectives:

- Identify the extent to which environmental administrative law enforcement is implemented in relation to environmental approvals and permits for palm oil mills. Assess the level of compliance of palm oil mills with environmental requirements set out in their approvals and permits. Analyze the factors that influence the effectiveness of law enforcement in environmental protection and management.

- Research design: Research can be carried out in the form of case studies involving several palm oil mills in North Sumatra Province. Qualitative research methods can be used to gain in-depth insight into the application of environmental administrative law and the factors that influence it. Data collection can be done through interviews with government officials, environmental authorities, factory managers and local communities. In addition, analysis of documents such as environmental permits, compliance reports, and environmental monitoring data can also be used.

- Data analysis: The collected data will be analyzed thematically to identify patterns and trends related to the implementation of environmental administrative law enforcement. Evaluation of palm oil mills’ compliance with environmental requirements will be carried out by comparing operational practices with the provisions of their environmental agreements and permits. Factors influencing the effectiveness of law enforcement, such as monitoring capacity, factory compliance, and community participation, will also be analyzed.

- Interpretation and Conclusion: The results of the analysis will be interpreted to draw conclusions regarding the level of implementation of environmental administrative law enforcement in palm oil mills in North Sumatra Province. Recommendations will be formulated based on research findings to improve or increase the effectiveness of environmental administration law enforcement in environmental protection and management in the palm oil industry.

- Research Reporting: The research results will be reported in the form of a research report, which includes a summary of findings, data analysis,
interpretation, conclusions and recommendations. This report can be distributed to related parties such as the government, environmental authorities, industry stakeholders and the public to increase understanding and action regarding environmental law enforcement.

3. Results and Discussion

Legal Provisions regarding Environmental Approvals and Environmental Protection and Management Permits for Palm Oil Mill Companies

Ecological endorsement is a choice based on natural practicality or an assertion of capacity to deal with the climate that has gotten endorsement from the central government or provincial government. (Muryati et al., 2022). The lawful premise overseeing natural endorsements, specifically Unofficial Law Number 22 of 2021 concerning the Execution of Ecological Insurance and the Board Ecological endorsements should be obtained by each business or potentially by actions that irrelevantly affect the climate. With the issuance of Unofficial Law Number 22 of 2021 concerning the execution of ecological assurance and the executives, natural grants will never again be given. Ecological endorsements are given to business entertainers or government offices as an essential for giving licenses to operate or government endorsements. Natural endorsement is finished through (Devara et al., 2021):

- preparation of the EIA and EIA feasibility tests;
- preparation of the UKL-UPL Form and examination of the UKL-UPL Form.

Amdal assessment, or inspection of the UKL-UPL Form, and submission of PPLH permits, which are in the process of being continued until environmental approval is issued, The process of assessing the Amdal or examining the UKL-UPL Form based on the application for issuance of an environmental permit submitted and declared administratively complete before February 2, 2021, is carried out by the Amdal Assessment Commission or environmental agency based on authority arrangements in the Minister of Environment Regulation Number 8 of 2013 up to issuance of environmental approval in the format as stipulated in Article 49 paragraph (6) and Article 63 of Government Regulation Number 22 of 2021 concerning Implementation of Environmental Protection and Management (Ulya et al., 2020).

During the assessment process and examination of the UKL-UPL Form or PPLH permit process related to environmental quality standards and B3 waste management based on applications submitted after February 2, 2021, applicants are asked to withdraw their applications and then submit them again according to Government Regulation Number 22 of 2021 regarding the Implementation of Environmental Protection and Management to the Minister, Governor or Regent/Mayor in accordance with the authority to issue business permits or
government approval.

PPLH permit process related to environmental quality standards and B3 waste management based on the application submitted and declared complete administration before February 2, 2021, issued a technical approval, which is then included in the environmental approval through changes to environmental approval due to changes in environmental management and monitoring in accordance with Article 89 paragraph (2) letter j of Government Regulation Number 22 of 2021 concerning Implementation of Environmental Protection and Management (KEBUDAYAAN, n.d.).

The Amdal Evaluation Commission keeps on doing Amdal appraisals until the ecologically reasonable level of effort group is shaped at the focal point, Territory and regimen/city as specified in Article 531 letter B of Unofficial Law Number 22 of 2021 concerning the execution of natural security and the executives. The permit previously claimed by the Amdal Evaluation Commission is proclaimed to stay legitimate and can be reached out until the Natural Reasonable Level of effort Test Group is framed. The legitimacy of the natural understanding finishes simultaneously with the completion of the permit to operate or government arrangement. Each strategy or movement that affects the climate should have an Amdal, UKL-UPL or SPPL. An amdal is compulsory for each arranged business or potentially action that altogether affects the climate. Strategies or potentially exercises that are expected to have an EIA incorporate the accompanying (Yakin, 2017):

- a marketable strategy as well as movement whose size or scale is dependent upon Amdal; or potentially
- a field-tested strategy as well as action where the area of the business and additionally movement are done inside or potentially straightforwardly contiguous the safeguarded region.

EIA consists of:

- Terms of Reference Form;
- reliable; And
- RKL-RPL (Sugiyanto et al., 2022).

UKL-UPL should be claimed by organizations as well as by exercises that don’t altogether affect the climate. Strategies and additional exercises that are expected to have UKL-UPL incorporate (Mina, 2017):

- type of business plan and/or activity that has no significant impact;
- type of planned business and/or activity where the location of the business and/or activity is carried out outside and/or not directly adjacent to the protected area; and
• including types of business plans and/or activities that are exempt from mandatory EIA.

SPPL should be possessed by organizations or potentially by exercises that don’t altogether affect the climate and are excluded from the compulsory UKL-UPL standards. Marketable strategies or potentially exercises that are expected to have a SPPL incorporate (Kaunang, 2023):

• type of business and/or activity plan that does not have a significant impact and is not required to have UKL-UPL;
• is a micro and/or small business and/or business activity that does not have a significant impact on the environment; and/or
• including types of business plans and/or activities that are exempt from mandatory UKL-UPL.

Sorts of business or potentially action designs that require Amdal, UKL-UPL and SPPL are controlled in Addendum I to Guideline of the Priest of Climate and Ranger Service Number 4 of 2021 concerning Rundown of Organizations and additionally Exercises Expected to Have Natural Effect Examination, Ecological Administration Endeavors, Natural Observing Endeavors or Explanation of Capacity for Natural Administration and Checking, among others, as follows (Effendi et al., 2021):

• Public Works and Housing Sector;
• Transportation Sector;
• Industry Sector;
• Tourism Sector;
• Nuclear Sector;
• Health Sector;
• Agriculture Sector;
• Fishery and Maritime Sector;
• Electric Power Sector;
• Environment and Forestry Sector;
• Energy and Mineral Resources Sector;
• Telecommunications Sector;

Palm oil factory organizations are in the modern area, in particular the unrefined palm oil industry, the rough palm piece oil industry, and the partition/fractionation industry for rough palm oil and rough palm bit oil. Besides, with respect to the
arrangements for ecological endorsement, it is controlled in Regulation Number 11 of 2020 concerning Position Creation as a guideline above Unofficial Law Number 22 of 2021 concerning Execution of Natural Security and the Board, which has gotten endorsement from the Focal Government or Provincial Government. As far as authorizing, Regulation Number 11 of 2020 concerning position creation will actually, in general, keep up with the connection between permits to operate and ecological endorsements. Through guidelines that are more functional, Unofficial Law Number 22 of 2021 concerning the Execution of Natural Security and the Executives, ecological endorsements are situated as essential for the issuance of licenses to operate and government endorsements. The development of such standards is generally comparable when Regulation Number 32 of 2009 concerning the assurance and the executives of the climate characterizes the expression natural grants, which are essentials for getting business or potentially movement licenses. In any case, this linkage is thought of as not ensuring a combination of endeavors between ecological endorsements and licenses to operate. Moreover, as far as authorizing respectability, Regulation Number 11 of 2020 concerning Position Creation presents different terms for permitting.

Through Unofficial Law Number 22 of 2021 concerning the Execution of Ecological Insurance and the Executives, arrangements for specialized endorsements are presented, which are portioned into different administrations of natural media; for example, specialized endorsements for consistency with quality principles and specialized endorsements for B3 squander the board. This implies that every administration of natural media, whether water, soil or air, has specialized grants that are resolved distinctively, as indicated by their qualities. Consequently, the origination of the mix is just completed by limitedly matching the word authorization to endorsement. Connected with the arrangements of the natural security and the executives grant as specified in Regulation Number 32 of 2009 concerning ecological assurance and the board, it was changed to a specialized endorsement. In Unofficial Law Number 22 of 2021 concerning the Execution of Ecological Security and the Executives, Specialized Endorsement is an endorsement from the public authority or local government as arrangements in regards to ecological security and the executives norms and additionally examination of the effect of business or potentially action traffic as per regulations and guidelines. This Clerical Guideline manages the systems for giving specialized endorsements and SLOs for exercises. (Kehutanan & INDONESIA, 2021):
• disposal and/or utilization of waste water; and
• emission disposal.

Every business and/or activity that is subject to Amdal or UKL-UPL and carries out waste water disposal and/or utilization must have (ZEBUA, 2023):

• Technical approval; and
• Wastewater disposal and/or utilization activities include the following:
  • discharge of waste water into surface water bodies;
  • discharge of waste water to certain formations;
  • utilization of waste water in certain formations;
  • utilization of waste water for application to the ground; and
  • disposal of waste water into the sea.

Referring to the provisions above, businesses and/or activities that discharge and/or utilize wastewater, including palm oil mill companies in North Sumatra Province, are required to have technical approval and operational feasibility letters (SLO). Technical approval and operational feasibility letter (SLO). Technical approvals and operational feasibility letters (SLO) are issued before and after the business and/or operational activities take into account the environmental impacts that may cause pollution and environmental damage that will occur.

Prior to establishing a palm oil mill company in North Sumatra Province, the initiator (company owner) is required to prepare an Amdal document and other documents in order to obtain environmental approval and a business permit from the Governor. The palm oil will be subject to administrative sanctions by the government.

**Effectiveness of Enforcement of Environmental Administration Law related to Environmental Approvals and Environmental Protection and Management Permits for Palm Oil Mill Companies in North Sumatra Province**

Regulatory regulation is the law that controls the connection between the public authority and residents, or the law that directs the connection between government offices. As per Philip M. Hadjon, managerial regulation is a legitimate method for specialists to assume a functioning role in the public eye. While authoritative regulation permits the overall population to be impacted and gives assurance to specialists, the law makes rulers. Besides, as per Philip M. Hadjon et al., authoritative regulation manages the means for rulers to direct methods of resident support during the time spent as guidelines and control; lawful security lays out central standards for rulers for good administration. Subsequently, authoritative regulation is significant in overseeing society and corresponds to utilizing lawful means (Amiq, 2013).
Based on the results of interviews with respondents in the management sector of the North Sumatra Provincial Environmental Service, there are 10–20 companies in the North Sumatra Province Region that have made environmental approvals and environmental documents in the past year, including 2-3 palm oil mill companies, namely in the North Padang Lawas Regency Addendum and Amdal documents.

It is important to force regulatory approvals on the climate so those types of business movements that abuse ecological arrangements or grants for the insurance and the board of the climate consent to their commitments and forestall the annihilation and contamination of the climate that will happen. The burden of ecological regulatory approvals is powerful on the off chance that the execution of natural organization policing was done as per the substance of the appropriate regulation, the execution of public authority policing was done as per their position, and individuals cared about the climate.

Authorization of natural organization regulation means to acknowledge what is to be accomplished by regulation. The center of natural policing is the plan of the benefits of safeguarding the conveying limit of biological systems and ecological capabilities. The guideline of ecological policing regulatory assents is because managerial policing has the capability to be an instrument for controlling, forestalling and beating acts precluded by natural arrangements. Through ecological managerial assents, it is planned that the infringement be halted, so authoritative authorizations are preventive and abusive legitimate instruments to end or stop infringement of the arrangements contained in the prerequisites for natural assurance and the executives. Implementation of natural authoritative regulation can be completed preventively by utilizing observing and permitting instruments, while severe policing is helped out through the utilization of regulatory assents.

Arrangements in regards to authoritative authorizations are directed in Article 71. In Section 1 of Regulation Number 11 of 2020 concerning Position Creation, regulatory assents can be as follows: (Nomor, 11 C.E.):

- written warning;
- temporary suspension of activities;
- location closure;
- revocation of a business license;
- business license cancellation; and/or
- administrative fine.

Then further provisions regarding the application of administrative sanctions are regulated in Article 508 paragraph (1) of Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management. The types of administrative sanctions in the form of (Pembuangan & DAS, n.d.):
• written warning;
• government coercion;
• administrative fines;
• suspension of business licenses; and/or
• revocation of a business license.

Administrative sanctions are applied based on:
• surveillance report; and
• monitoring report.

Officials are authorized to apply administrative sanctions based on the following considerations:
• effectiveness and efficiency towards the preservation of environmental functions;
• level or type of violation committed by the person in charge of the business and/or activity;
• the level of compliance of the person in charge of a business and/or activity with regard to the fulfillment of orders or obligations specified in the administrative sanctions;
• history of compliance with those in charge of a business and/or activity; and/or
• the level of influence or implication of violations committed by those in charge of businesses and/or activities on the environment.

Unofficial Law Number 22 of 2021 Concerning the Execution of Ecological Insurance and The board likewise manages regulatory fines, which are a type of managerial authorization that have recently been ordered through Regulation Number 11 of 2020 concerning Position Creation (Nusalawo et al., 2022).

The systems for applying regulatory approvals are likewise controlled exhaustively in this administration guideline. The issuance of this administration guideline reinforces the lawful reason for the use of managerial authorizes and is the parent of natural endorsements, which were recently directed in the Pastor of Climate Guideline Number 02 of 2013 concerning Rules for the Utilization of Authoritative Approvals in the field of ecological security and the executives.

In light of the aftereffects of meetings with respondents in the field of consistency and limit working of the North Sumatra Territory Ecological Help, the quantity of palm oil factory organizations in the North Sumatra region in the previous year has been dependent upon authoritative authorizations connected with natural endorsements and licenses for natural security and the board since Unofficial Law Number Long-Term 2021 concerning the Execution of Ecological Assurance and the
executives. It was distributed that no palm oil factory organizations have been dependent upon managerial approvals by the Indonesian Service of Climate and Ranger Service, Territories and Regimes/Urban Areas. The sort of managerial assent given by the public authority to palm oil plant organizations is as a composed advance notice. The palm oil plant organization situated in Batu Bara Rule, North Sumatra Territory, was dependent upon regulatory approvals as a composed advance notice.

Article 510 of Unofficial Law Number 22 of 2021 Concerning the Execution of Natural Security and The board directs composed admonitions. Managerial authorizations as composed admonitions are applied if the individual responsible for a business as well as movement disregards the arrangements in business permitting or endorsement from the public authority or neighborhood government in regards to ecological endorsement. What's more, there are regulations and guidelines in the field of ecological security and the board that are authoritative in nature. For this situation, the palm oil factory organization in Batu Bara Rule, North Sumatra Territory, has consented to the impediments of satisfying commitments on regulatory assents as a composed advance notice given by the public authority by satisfying commitments on specialized arrangements for the brief capacity of B3 squandering the executives.

4. Conclusion
While legitimate arrangements viewing ecological endorsements as well as natural security and the executives licenses for palm oil plant organizations are controlled in Unofficial Law Number 22 of 2021 concerning the Execution of Ecological Insurance and the Board, as in Article 1 point 4, natural endorsement is a choice based on natural practicality or an assertion of responsibility in ecological administration that has gotten endorsement from the Focal Government or Provincial Government.

Licenses for ecological security and the executives are changed over into specialized endorsements, as in Article 1, point 93. Specialized endorsements are endorsements from the public authority or provincial government as arrangements in regards to guidelines for insurance and the board of the climate and additionally exercises as per regulations and guidelines. It has been viable that in the substance of the law, to be specific, Unofficial Law Number 22 of 2021 concerning the Execution of Ecological Security and the Executives, it has directed arrangements with respect to managerial assents connected with natural endorsements and grants for natural assurance and the board. As a rule, organizations are dependent upon managerial assents as composed alerts since they don't have natural endorsements or different reports; hence, the organization, in this situation, the palm oil plant organization, should make and have ecological endorsements and specialized endorsements.
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