

Forest Damage on Sumbawa Island West Nusa Tenggara in an Ecological Justice Perspective

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ABSTRACT

This article is the result of legal research that analyzes forest destruction on Sumbawa Island, West Nusa Tenggara from the perspective of ecological justice, focusing on the concept of ecological justice in forest management on Sumbawa Island, and policies on forest utilization on Sumbawa Island with the corn industry program which actually resulted in a crisis. environment in the form of forest destruction. The purpose of this study was to analyze forest destruction on Sumbawa Island, West Nusa Tenggara Province from the perspective of Ecological Justice, by conducting an analysis of forest management policies on Sumbawa Island. The method used in this study is a normative research method with a conceptual approach, statutory approach, conceptual approach, comparative approach, and analytical approach. The results of this study indicate that there has been massive forest destruction, for this reason the application of the concept of ecological justice in forest management on Sumbawa Island still needs to be implemented massively. This departs from the fact that massive forest destruction (natural exploitation) and/or environmental damage continues to occur, but an effective settlement of environmental cases has not yet been found. Likewise with the forest utilization policy on Sumbawa Island which still really needs a concrete role from the

government and also the regional government of NTB . For the sake of realizing ecological justice, it cannot be separated from the role of the government as an institution authorized to implement laws and regulations. As the government as the guardian and/or executor of the law on the protection and management of the environment provides a sense of fairness in managing the environment.

Keywords: *Ecological Justice; Deforestation; West Nusa Tenggara; Sumbawa Island.*

INTRODUCTION

In the last few decades, environmental issues have continued to develop and become a major topic in various scientific discussions and public forums. Discourse on the environment then expands on various dimensions of the relationship between humans and their surroundings. Environmental damage is not just a technical error in optimizing nature, but is more due to an erroneous attitude and perspective of humans towards each other and towards nature. Misguided thinking that these philosophical beliefs can lead to excessive exploitation of nature (Purwanto and Mangku 2016).

Forest destruction (natural exploitation) increases when economic interests become the sole orientation in making decisions. Pollution and/or environmental damage continues to occur, and according to the Environmental Quality Index (IKLH) the environment in Indonesia is increasingly damaged and many parties are harmed both humans and the environment itself but an effective settlement of environmental cases has not been found. This requires fair thinking in policies on forest management and utilization for the community and the environment itself in order to be able to resolve environmental issues in an effective and wise manner (Purwendah 2019).

In recent years, the island of Sumbawa has been preoccupied with the issue of illegal logging, in several media reports that many hectares of forest on the island of Sumbawa have been damaged by illegal logging and have been converted into corn fields. The eastern parts of Sumbawa, Dompu and Bima regencies are prone to flooding every year. On the island of Sumbawa, the article is that 75 percent of the forest area was damaged due to over-utilization to expand community farming land, Madani Mukarom, who was confirmed by the NTB vote, on Thursday, April 4 2019 afternoon stated that the flash floods that occurred in the Dompu, Bima and eastern Sumbawa areas were due to deplorable condition of the forest. NTB LHK service records, the number of critical land reached 280,941 hectares and open areas covering 131,991 hectares. The head of the West Nusa Tenggara environmental service (LHK) did not deny that the cause of the flooding on the island of Sumbawa was due to the forest being

encroached on to grow corn. For this reason, the expansion of the corn planting area into forest areas must be controlled (Junaidi and Sumitro 2021). As strengthened by the findings of Astini, Santoso and Danar 2018 that the development of a corn planting program in NTB is a leading commodity which is a priority in agriculture. Then, the framing in one of the news reports stated that cases of forest encroachment were far more massive than cases in the forests of NTB. This relates to cases of forest fires due to forest encroachment to plant maize (Rahmat 2021).

Ironically, government policies that prioritize economic growth alone do not consider the condition of society or the environment. The Coordinating Ministry for Economic Affairs held a Focus Group Discussion (FGD) at the Marina Inn Hotel, Bima Regency, several policy recommendations resulted from the implementation of the FGD, including encouraging discussion of the Government's corn reserves provision policy to stabilize corn supply and prices, strengthening port capacity to increase logistics cost efficiency, provision of post-harvest facilities to maintain the price and quality of corn during the main harvest, evaluation of the regulation of Cost of Purchases of corn, development of intercropped corn to prevent damage to land in corn planting areas on mountain slopes, specifically in Bima Regency, encouraging the construction of factories animal feed in NTB Province to increase the absorption of corn, and optimize the utilization of warehouse receipts for the development of corn commodities (Kementerian Koordinator Bidang Perekonomian 2021).

In cases of forest destruction it is as if the sole perpetrator of the destruction is the community. Even though the two other parties, namely the government and the corporation, are actually partly responsible. Where the corn planting program is a policy package between the government and corporations that buy corn from the community. So that in the case of land conversion from the forest, the community only follows market needs, where corn is needed in large quantities, automatically the community as economic beings is interested in growing corn because the benefits are lucrative. In fact, corn farmers were promised huge profits, but the price of corn fell because the quantity of goods was too much. This condition is exacerbated by the emergence of brokers who buy corn directly from farmers at low prices, sometimes corn is purchased at prices below the standard price set by the government.

Sumbawa Regent HM Husni Djibril said he was grateful because farmers in North Moyo District were able to carry out the Great Corn Harvest with a harvest area of 3,000 hectares, a significant increase from only 600 hectares in 2016. Meanwhile, corn production from the main harvest is estimated to reach 27,000 tons. This is certainly a motivation as well as providing new hope and enthusiasm for all parties, especially the Regional Government, because the

various development, coaching and funding programs that have been pursued for farming communities can produce results (Junaidi and Sumitro 2021). That's what the government hoped for 2 years ago for the corn commodity in Sumbawa district. But it must be questioned again whether it is still as expected or not? "Like a ladder falling down on a ladder too" that's the expression that can describe the current condition of corn farmers. Corn yields that promise prosperity, actually bring many new problems. To achieve corn yields in large quantities, farmers expanded their land by encroaching on forests, resulting in decreased rainfall and drought in their areas. Due to low rainfall and prolonged drought, agricultural land that was originally planted with rice has now been forced to plant heat-resistant crops, and corn is again the people's choice. Corn plants which were originally intended as a side commodity for farmers have now become the main commodity, over time farmers depend on corn commodities for their lives (Junaidi and Sumitro 2021).

This condition of dependence by Antonio Gramsci is called hegemony. Hegemony is as a domination of the power of a social class over other social classes, through intellectual and moral leadership assisted by domination or oppression. Hegemony refers to agreement, the cultivation of power that is carried out with the agreement of the class that is controlled/dominated, and the sincere/voluntary acceptance of that class. Corn Farmers here as the controlled party while the corporation as the controlling party (Junaidi and Sumitro 2021). Thus, how is the damage to forests on the island of Sumbawa, West Nusa Tenggara in the perspective of ecological justice, it is interesting to analyze, with the formulation of the *first problem*, how is the Concept of Ecological Justice in Forest Management on Sumbawa Island. *Second*, how is the policy of forest utilization on Sumbawa Island.

RESEARCH METHOD

This study uses the Normative Legal Research method, namely Normative Legal Research, namely library law research which refers to legal norms contained in statutory regulations (Soekanto and Matmuji 2009). The approach used in this research includes using the Statute Approach. The statutory approach is basically carried out by examining all laws and regulations that are related to the problems (legal issues) being faced (Irwansyah 2021). The Conceptual approach is an approach that departs from the views and doctrines that have developed in the science of law (Marzuki 2017). A philosophical approach, a comparative approach is carried out by conducting a comparative study of law (Marzuki 2017). The analytical approach (Analytical Approach), this approach is aimed at examining the meaning

of a legal term and seen in legal practice and court decisions, this approach examines understanding, principles, rules, systems and concepts (Irwansyah 2021).

Types and sources of data used are types and sources of secondary data originating from and consisting of primary legal materials, secondary legal materials and tertiary legal materials. The data collection technique that will be processed in this study is to use a literature study technique with secondary data by collecting various statutory provisions and collecting literature related to the problem in research through the steps: Determining secondary data sources (primary and secondary legal materials), Identification of necessary secondary data (primary and secondary legal materials), Inventory of data in accordance with the formulation of the problem by quoting or recording, as well as Studying the data that has been collected to determine its relevance to the needs and formulation of the problem. The data analysis technique used in this study uses a quantitative analysis method, namely describing data in a quality manner in the form of regular, coherent, logical, non-overlapping, and effective sentences, facilitating data interpretation and analysis so as to get answers to the problems in this study.

RESULTS & DISCUSSION

1. The Concept of Ecological Justice in Forest Management on Sumbawa Island

The essence of justice is the evaluation of a treatment or action, reviewing it with a norm which according to a subjective view (subjective for the benefit of the group, class and so on) exceeds other norms. In this case there are two parties involved, namely the party who treats and the party who receives treatment. Law is not just a collection of rules that stand alone. The significance of a legal regulation is its systematic relationship with other legal regulations. Law as a system means that law is an order, a unified whole consisting of parts or elements that are closely related to one another. The legal system is a unit that has interactions with one another and works together to achieve the goals of this unit. This unity is applied to complex juridical elements such as legal regulations, legal principles and legal meanings. The legal principle of the tendencies required by our decency view of the law, is a general characteristic with all its limitations as a common carrier, but which must not exist. The legal principle is a legal principle, in this case it is not a concrete legal regulation but is a basic idea that is general in nature or constitutes a background which is positive law and can be found by looking for the general characteristics of the concrete regulation (Scholten 1935).

The linkage of justice in a state order is expected to lead to a welfare state guided by social justice which is closely related to the prosperity and welfare of society, of course it becomes inseparable from the meaning of ecological justice, it is very necessary to pay attention, the current generation is seen as a strong party, future generations as the weak. The right to a good environment, therefore, creates an obligation not to cause disturbance to the environment (Wibisana 2018). In this regard, John Rawls offers two principles related to ecological justice, namely:

1. Everyone now and in the future has an equal and indeterminate claim to a fully adequate set of essential and non-substitute ecosystem services, compatible with the same set of services for all.
2. Inequality in the distribution of all other ecosystem services should benefit the members of the present and future generations the least (Nugroho, Daru, and Nurlinda 2018).

When environmental conditions become increasingly critical due to declining environmental quality, when the carrying capacity of nature is increasingly degraded, this has an impact not only on present-day humans, but also on future generations (Muthmainnah, Mustansyir, and Tjahyadi 2020). Enforcement in the environmental law system requires one element of law enforcement, namely, justice. Environmental justice is not a concept that has multiple definitions. Collin sees environmental justice primarily in relation to the equitable distribution of environmental rights and benefits among races, classes and people's incomes. According to Collin, the procedural aspect in the form of public participation in decision making is considered to be a substantive right which is part of distributive justice (Purwendah 2019).

Environmental justice does not only contain distributional aspects, but also procedural aspects as is the view of Arcioni and Mitchell which states that, in addition to distributional aspects, environmental justice is also related to public opportunities in making decisions related to environmental management. The view that sees environmental justice is broader than distributional and procedural issues. Bullard identified five basic elements of environmental justice which include:

1. Individual rights to be protected from pollution;
2. Preference for pollution prevention;
3. Shifting the burden of proof on those or those who discarded it;

4. Waste/emissions (*dischargers*) or to those who do not provide different treatment, but based on differences in environmental impacts felt by society (*disparate impacts*) and statistical evidence showing these differences, and
5. Differences in risk sharing are overcome by targeted actions and *resources* (Purwendah 2019).

Environmental justice based on the taxonomy of justice is divided into four categories, namely, environmental justice as distributive justice, environmental justice as corrective justice, environmental justice as procedural justice and environmental justice as social justice, in the discussion of the formulation of this problem, environmental justice as social justice. Elly Kristiani interprets that social environmental justice is used together to strengthen the understanding of environmental justice as social justice. As a term, ecology was actually first used by a German biologist Ernst Haeckel who defined it as the science of the relationship between organisms and the external world around them. At the same time, the term environment is also used which must be understood as an integral equivalent of life and the environment or environment and life that are related to one another. Here the environment is understood as synonymous with ecology as it relates to the life of organisms (including humans) and their ecosystems and the interactions between them. The ecosystem itself is understood here as a community of organisms and their physical environment that interact as an ecologist (Purwendah 2019).

Ecological principles, meant by Capra, are the principles of networks , cycles , solar energy, partner ships, diversity and dynamic balance (Capra in Elly Kristiani Purwendah, 2019). First, the principle of networking is defined as a living system that develops within other living systems, as a network within a network. Every living system communicates with other living systems and shares resources that allow each living system to develop in its own identity. All living things are living things that have spatial boundaries (boundary creatures) , but those living things, including humans, are related and are part of a relational system that depend on one another. In Bachrie 2011 says that the 1945 Constitution of the Republic of Indonesia is the supremacy of the constitution and hierarchy of legislation in a legal system that contains consequences. Consequently, all existing and future statutory provisions, including changes to statutory provisions, must be sourced from the provisions of the 1945 Constitution. The aim is to conform norms as a unified legal system (Purwendah 2019).

In Sudikno 1999 The main objective of law is to create an orderly social order, creating order and balance. By achieving order in society, it is hoped that human interests will be protected. In achieving its goals, the law is tasked with dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems and maintaining legal certainty. Law is solely aimed at justice. The content of law is determined by our ethical beliefs about what is fair and what is not. In other words, the law aims to realize or realize justice. Justice concerns two things, namely concerning the nature of justice and concerning the content or norms to act concretely in certain circumstances (Purwendah, Djatmiko, and Pudyastiwi 2020). In relation to the context of ecological justice requires a method Forming behavior related to an attitude of caring for the environment, this matter cannot be done easily or at will. It takes a special action, facilities and involvement and sacrifice beyond individual capacity (Martinsson and Lundqvist 2010:523). In this case the government can work together with the community to form environmental care programs (Silfiana and Samsuri 2019).

According to Koesnadi Hardjasoemantri that the basic principles underlying development and protection of life in Indonesia are contained in the Preamble to the 1945 Constitution of the Republic of Indonesia in the 4th paragraph which reads:

"Then instead of that, to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare and educate the nation's life and participate in carrying out world order based on freedom, eternal peace and social justice, the Indonesian national independence was drafted. formed in an arrangement of the Republic of Indonesia".

This provision emphasizes the state's obligation and the government's duty to protect the whole nation and Indonesia's bloodshed, including environmental issues which are currently increasingly concerning for human life and other living things. The context of the entire Indonesian nation is interpreted as human resources for the environment, which defines humans as a unified socio-system. While all of Indonesia's bloodshed is interpreted as a physical component that forms a *biotic community* (community of living things) and *abiotic community* (community of inanimate objects). The description of the government's duties as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia can also be found in Article 33 of the 1945 Constitution of the Republic of Indonesia, which states that, " *earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people*" (Mukhlis 2011).

What is explained in Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia indicates the government's duty to protect the entire Indonesian nation, including the environment. In this context it clearly and explicitly states the contract that occurs between public rights (the state) and private rights (citizens) in utilizing the environment including the resources in it. In other words, the state is obliged to protect and maintain the environment so that the people will be prosperous and prosperous. In the Preamble of the 1945 Constitution of the Republic of Indonesia, the 4th paragraph and Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia can be found a concrete elaboration of the provisions of Article 33 Paragraph 4 of the 1945 Constitution of the Republic of Indonesia and Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Article 33 paragraph 4 of the Constitution of the Republic of Indonesia 1945 stated that the national economy was organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and social economic unity.

Article 33 paragraph 4 of the 1945 Constitution of the Republic of Indonesia seeks to integrate economic development with issues of democracy, solidarity, efficiency, justice, sustainability and other environmental principles. Article 33 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia is still informed in general language so that it requires further elaboration in the form of lower rules and/or requires interpretation from the court. Article 28 H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia further states that, "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to get a good and healthy environment and has the right to receive health services".

Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia explicitly states Indonesia's recognition of environmental rights as part of the basic rights (human rights) of the Indonesian people. The existence of Article 28 H Paragraph (1) of the 1945 Constitution is to show that the constitutionalization of the environment aims so that there are no more policies and laws and regulations under the 1945 Constitution of the Republic of Indonesia which contradict the 1945 Constitution of the Republic of Indonesia which are already pro-environment. The existence of Article 33 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia and Article 28 H Paragraph (1) which is pro-environment by Jimly Asshiddiqie and Elly Kristiani Purwenda 2019 is referred to as a

green constitution (green constitution) in cross-border constitutional development, especially for developing countries world countries is actually not something new.

In the Indonesian context, the discourse *on green constitution* as a term has not been introduced for too long. However, for those who are active in nature and associated with various developments related to the dynamics of legal thinking and state practices in the modern world, either through scientific journals or the many new books and through the internet, of course they will not feel foreign to the term *green constitution*. The concept of *the Green Constitution* which elevates ecocracy in the constitution of a country is reflected in environmental sovereignty by placing the Green Constitution in the Constitution of a country, making it an essential and fundamental basis for upholding the development of human rights in development that is currently developing. 39 Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia strengthens the existence of the Green Constitution concept in the state administration in Indonesia (Yusa and Hermanto 2018).

There are two reasons why the concepts of *green constitution* and *ecocracy* are very important to be understood and paid attention to by all components of the Indonesian nation. **First**, in terms of sustainability, it is necessary to lay down and strengthen the conceptual foundations regarding environmental issues and sustainable development *with* an environmental perspective. **Second**, the 1945 Constitution of the Republic of Indonesia as *the the supreme law of the land* basically contains the basic idea of environmental sovereignty and ecocracy which can be equated with the values of having its own sovereignty, so that besides the people as human beings who are considered sovereign, nature is also sovereign. This is the essence implied by the principle of environmental sovereignty contained in the 1945 Constitution of the Republic of Indonesia.

2. Analysis of Forest Management Policy on Sumbawa Island

Forest is a complex ecosystem with various benefits for human life. In order to realize ecological justice in the management and use of forests (environment) on the island of Sumbawa in a clear way, we must investigate the attitudes and policies of the regional government in negating the preventive steps of forest destruction and excessive exploitation of nature. The legal politics of article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is regarding state control over natural resources (SDA) in the context of the national economy, namely to realize people's welfare. Nevertheless, in accordance with the nature of the 1945 Constitution of the Republic of Indonesia as *general*

principles or *general norms*, the political conception of environmental management law can be drawn from the formulation of this article, because grammatically *the phrases* "controlled by the state" and "used for the greatest prosperity of the people" have meaning that the state is the management of natural resources. So the state is responsible for the sustainability of the natural world. One of the principles underlying the implementation of environmental protection and management according to the UUPH is the principle of sustainability and sustainability. In the elucidation of article by article of the Law on Environmental Protection and Management (UUPH) it is stated that what is meant by "principle of sustainability and sustainability" is that everyone bears obligations and responsibilities towards future generations and towards each other in one generation by making efforts to conserve natural resources. Support ecosystems and improve environmental quality (Astopan and Marlina 2021).

However, what is being analyzed in this discussion is how the policies for managing and utilizing forests on the island of Sumbawa, West Nusa Tenggara in carrying out efforts to conserve and maintain ecological resilience in a just and sustainable manner. Based on the provisions of the Regional Regulation of West Nusa Tenggara Province No. 14 of 2019 on preamble considering letter a. explained that, West Nusa Tenggara has potential forest areas that need to be maintained, managed and maintained in a professional and sustainable manner so that they can optimally benefit the welfare of the community. This means that legally the orientation of forest management and utilization on the island of Sumbawa, West Nusa Tenggara, should lead to community welfare by considering ecological resilience in a fair and sustainable manner, but the attitude of the local government on Sumbawa Island, West Nusa Tenggara, which continues to encourage increased production and productivity, has never stopped encouraging stakeholders. by increasing the income of farmers. An increase in farmers' income is a barometer of the success of economic development, but as a result there is a lot of clearing of forest areas into agricultural land, income is the reason that encourages farmers to destroy forests without considering the impact of justice or environmental sustainability.

In the case of forest destruction on the island of Sumbawa, it is generally as if the sole actor of forest destruction is the community. Even though two other parties, namely the government and the corporation, are actually responsible. Government policies that prioritize economic growth alone without considering the social conditions of society and environmental conditions are things that must be of particular concern to all parties, both

government circles and the community itself. The regional government as the organizer of public affairs and interests must take significant steps to protect these forests, because increased production and productivity cannot guarantee equitable welfare. However, government policies that encourage increased production and productivity will exacerbate the environmental crisis because forest destruction is no longer inevitable (Nugroho et al. 2019).

The Provincial Government of NTB must play its role in maintaining ecological resilience by harmonizing environmental sustainability and community productivity. Because environmental problems will cause anxiety for the general public. The corn planting program is a policy package between the government and corporations that buy corn from the community. So that in the case of land conversion from the forest, the community only follows market needs, where corn is needed in large quantities, automatically the community as economic beings is interested in growing corn because the benefits are lucrative. In fact, instead of corn farmers getting big profits, the price of corn actually dropped because the amount of goods was too much. The occurrence of various environmental cases, cannot be viewed solely from a technical or juridical aspect, but needs to be studied from the aspects underlying the occurrence of these cases. The writer saves the case that forest destruction on the island of Sumbawa, West Nusa Tenggara is due to government policies that prioritize economic growth alone without considering the conditions of the community and environmental conditions. Here it is as if the government is protecting and encouraging forest destruction in the name of people's welfare, whereas what must be seriously considered in the production and productivity policy of corn planting is ecological resilience in a just and sustainable manner (Sagama 2016).

CONCLUSION

The application of the concept of ecological justice in forest management on Sumbawa Island still needs to be implemented massively. This departs from the fact that massive forest destruction (natural exploitation) and/or environmental damage continues to occur, but an effective settlement of environmental cases has not yet been found. In recent years, many hectares of forest on the island of Sumbawa have been damaged by illegal logging and have been converted into corn fields. This requires fair thinking in policies on forest management and utilization for the community and the environment itself in order to be able to resolve environmental issues in an effective and wise manner. Likewise the pattern of enforcing environmental law on the island of Sumbawa, NTB, needs to emphasize the focus point on one of the elements of law enforcement, namely, justice. Justice is one of the legal objectives that must be considered in forest utilization and management. Only with consideration of justice can

there be a preventive solution to the deplorable condition of forest destruction. Proportionally good forest management, in a fair and sustainable manner can maintain the stability of rights and obligations when using forests as community income.

Forest utilization policies on Sumbawa Island really need a concrete role from the government and also the regional government of NTB. It cannot be denied that the role of the government is needed in upholding justice because it has an important role to play in realizing ecological justice. The government is the people's legitimacy to maintain the stability and integrity of the environment in a comprehensive manner. It will become a utopia if the norms of justice only become written law without any realization and strict supervision of the concrete reality of production and productivity activities that cause forest destruction and excessive natural exploitation. For the sake of realizing ecological justice, it cannot be separated from the role of the government as an institution authorized to implement laws and regulations. Just as the government as the guardian and/or executor of laws concerning the protection and management of the environment provides a sense of fairness in managing the environment.

RECOMMENDATION

In an effort to minimize the occurrence of forest damage that has an impact on disasters and is a real threat to life, inevitably requires an effective and significant government role in the aspect of law enforcement against people who expand farming land without considering the negative impact on human survival. As a preventive effort for the occurrence of this environmental crisis, the government in overseeing the use of forests by the community must consider aspects of justice that are equally distributed to the community itself and other creatures.

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