

Aspek - aspek penegakan ukum penataan ruang dan lingkungan hidup dalam implementasi otonomi daerah

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Abstrak

Since the enactment of law No. 22/1999 which is revised by law No. 32/2004 on Regional Government, regional government feels happy and contented because already got the transference of authority from central government to regulates and manages government tasks in an Unitary State System, and also because the decentralization is a fundamental base of regional autonomy implementation. That law orders that the obligatory tasks for the provinces and district/Cities are what indicated by article 13 and verse (1) letters b and j. and article 14 verse (1) letters b and j which are planning , use and controlling of Space Lay Out and Environment. Although it has been called as obligatory task, in fact that , practically, is violated, because, those government tasks are not fully transferred yet. It means that, it has to get license from central government. In order to make law enforcement, that situation causes difficulties for the realization of social since of justice. Actually, in this case, central government only conducts supervision, facilitation and controlling according to the spirit of regional autonomy in Unitary State system implementation Certainly, province and district/city have to obey limitation by law that has been made. Law No. 32/2009 on Protection and management of Environment, chapter I, General Stipulation article 1 no. 1 regulates as following: Environment is a totality of space with all things , energy condition, and creatures, including mankind and its behavior which influence the nature itself and furthermore it is spelled out , more in detail , at Law No. 26/2007 on Space Lay Out, Chapter I General stipulation article, No. 1 as following : Space is a container which embraces land sea and air space including space under the soil as a totality of territory, place of mankind and other creature live, make activity and maintain the perpetuity of their life.