

Environmental Impact Analysis of Sugar Mills in Kwala Madu under Law Number 32 of 2009 on Environmental Preservation and Management

 Rafiqi^{1,2*} and Marsella¹
¹Faculty of Law, Universitas Medan Area, Jl. Kolam Nomor 1, Medan, North Sumatra, Indonesia

²Faculty of Law, Universitas Sumatera Utara, Jl. Universitas Nomor 4 Kampus USU, Medan, North Sumatra, Indonesia

DOI: [10.21276/sijlclj.2019.2.8.2](https://doi.org/10.21276/sijlclj.2019.2.8.2)
Received: 15.08.2019 | **Accepted:** 22.08.2019 | **Published:** 29.08.2019

***Corresponding author:** Rafiqi

Abstract

Environmental Management (UKL) and Environmental Monitoring (UPL) efforts are specific to each type of business or activity associated with its impact. Therefore, the technical guidelines of UKL and UPL are set by agencies responsible for sectoral activities that are directly related to the technical activities of the business concerned. The sugar Mill in Kwala Madu is one of the factories of PT Perkebunan Nusantara II, where is located in the village of Kwala Begumit, Stabat Sub-District, Langkat Regency. Mill production produces white and hatched crystalline sugar. In July 2018, it was a period of repair and service of Mill machines which will be re-operated in the 2019 milling year. After the overhauled, Mill's operations are expected to produce much production than before. The research method used is the normative jurisprudence by analyzing legal materials through literature study. The present study is expected to obtain a detailed and systematic overview of the problem. The sugar Mill at Kwala Madu is a sugar Mill located in North Sumatra. Kwala Madu sugar Mill is operated once a year after the cane harvest. In drafting the Environmental Impact Analysis study, the initiator can ask the consultant to compile the Environmental Impact Analysis document.

Keywords: Law, Environment, Management, Monitoring, Environmental Impact Analysis, Sugar Mills.

Copyright © 2019: This is an open-access article distributed under the terms of the Creative Commons Attribution license which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use (NonCommercial, or CC-BY-NC) provided the original author and source are credited.

INTRODUCTION

Environmental Management (UKL) and Environmental Monitoring (UPL) efforts are specific to each type of business or activity associated with its impact. Therefore, the technical guidelines of UKL and UPL are set by agencies responsible for sectoral activities that are directly related to the technical activities of the business concerned [1] Environmental preservation and management is one of the crucial issues that will remain a hot topic of discussion for all of us. However, this has always been a mere discourse and rhetoric that should also be accompanied by consistent and sustained actions rather than mere acts of a certain moment. The necessary implementation in the management and preservation of the environment requires not only large quantities but a sustainable consistency.

In this regard, the environment is not only utilized today, but it is the place of community life

forever. Considering the importance of the issue then the role of government is absolutely enormous. As a public protector, the government must have a conceptual paradigm for thinking about the environment. Not only that, proper regulation serves to save the correlation between humans and the environment whose benefits will return to society as well.

Environmental management is a unified effort to preserve the function of the environment which includes the wisdom of organizing, utilizing, developing, preserving, recovering, supervising, and controlling the living environment. Natural resources such as water, air, land, forests and more are important resources for human survival. These natural resources are not only sufficient for human life but can also contribute significantly to the well-being of the people. However, it all depends on how natural resources are managed, as poor management impacts on the damage

that natural resources can bring, such as floods, water pollution, and so on [2].

Common guidelines for link management efforts and environmental assistance efforts serve as; 1) Reference in the formulation of technical guidelines for environmental management efforts for environmental assistance departments or non-departmental government agencies. 2) Reference to the preparation of environmental management and environmental monitoring efforts for initiators as technical guidelines for environmental management efforts and environmental monitoring efforts have not been published and 3) The instrument of binding for the initiator to implement environmental management and monitoring.

Environmental impact analysis is an important study of the impact of planned business and activity on the environment necessary for the decision-making process of undertaking and activity planning. Any business and/or activity that has an impact on the environment is required to have an environmental impact analysis. The above description shows that the environmental impact analysis at the sugar mills in Kwala Madu should be done before the cane milling process. This article discusses how to analyze the environmental impact of sugar mills in Kwala Madu.

METHODS

The method used in this study is the normative jurisprudence [3, 4] by analyzing the legal material through a literature study. This study is expected to provide a detailed and systematic overview of the problem.

Table-1: Solid Waste and Amounts generated in Semester II 2018

Type of Waste	Amount (Ton)	Utilization	Place Concentration
Sugar cane pulp	0	Boiler Fuel	Storehouse
Boiler Ash	0	Road Hardening & Concentration	Boiler ash storage area
Blotong	0	Cane fertilizer	Blotong collection project

DISCUSSION

The sugar mill in Kwala Madu or as it is commonly called PGKM is one of two sugar mills currently owned by PT Perkebunan Nusantara II. In North Sumatra, PT Perkebunan Negara II is the only State-Owned Enterprise in plantation sector which until now still produces sugar as one of its commodities. The sugar mill in Kwala Madu was originally one of the production units of PT Perkebunan IX. Apart from the Kwala Madu sugar Mill, PT Perkebunan Negara IX also has another sugar Mill which also produces sugar which is the sugar mill in Sei Semayang located in Deli Serdang Regency. The sugar mill in Sei Semayang is within a year's advance of the sugar mill in Kwala Madu. Therefore, when the sugar mill Kwala Madu was completed, the mill was called Sei Semayang II sugar mill. The sugar factory in Kwala Madu, PT Perkebunan IX is a government project in the effort to achieve sugar self-sufficiency after the enactment of the system; sugar cane intensification in 1975. Diverting sugar cane entrepreneurs who were originally in the hands of sugar factories with a lease system to farmers must cultivate sugar cane on their land.

The main objective of the intensification of the people's sugarcane system is to improve the income of sugarcane farmers by increasing productivity through more intensive farm management; guarantee the increase and stability of sugar production. In North Sumatra, the people's sugarcane program intensified its implementation starting around 1986, namely in Langkat Regency and expanding in Deli Serdang Regency around 1988.

In this program, the government shifted the system of leasing farmers 'land to farmers' exploitation under the guidance of sugar factories and Bank Rakyat Indonesia as a capital assistance institution (in the form of credit). These two districts are located next to each other and are well-known as plantation areas. Aside from being a sugar cane plantation area, this area is also a rubber and oil palm plantation area. Sugar cane intensification regulated in Presidential Instruction No. 9 of 1975 issued on 22 April 1975 [6]. This is inseparable from the role of Jacobus Nienhuys who opened a tobacco plantation for the first time in 1863 in the Sultanate of Deli [10]. These two regencies have the sugar factory at Kwala Madu located in the Kwala Begumit, Kwala Madu Village, Stabat Sub-district, Langkat Regency [5].

Environmental Impact Analysis is a large-scale study of the impact on the environment, made at the planning stage, and used for decision making. Studies in the Environmental Impact Analysis process include; physical-chemical, ecological, socio-economic, socio-cultural, and public health aspects as complementary studies of a business plan and/or activity [6]. Environmental Impact Analysis is a study of the significant and important impact of business decision making and/or activities planned on the life cycle required for decision making on business maintenance and/or activity (Government Regulation No. 27 of 1999 on Environmental Impact Analysis) [6]. Environmental Impact Analysis is used as a resource for regional development planning to assist in the decision-making process on environmental eligibility of business plans and/or activities, provide feedback for detailed technical

drafting of business plans and/or activities, provide feedback for management plan planning and monitoring. living environment informs the public of the impact of a business plan and/or activity [7].

For the implementation of the Environmental Impact Analysis to work effectively and to achieve the expected goals, monitoring is associated with the licensing mechanism. Government regulations on Environmental Impact Analysis explicitly emphasize that Environmental Impact Analysis is one of the licensing requirements, where decision-makers must consider the Environmental Impact Analysis study before granting a business/activity permit. Environmental Impact Analysis is used to make decisions about maintenance / granting of business permits and/or activities.

Procedures for Environmental Impact Analysis consist of AMDAL compulsory screening, public announcement and consultation process, preparation and assessment of the SCD, preparation, and evaluation of AMDAL, RKL, and RPL. The filtering process is also often called the process of compulsory activity selection AMDAL, which determines whether an activity plan is compulsory to conduct environmental impact analysis [8]. In the preparation of environmental impact analysis studies, the initiator may request consulting services to draft AMDAL documents.

The AMDAL document maker must already have the certificate of the AMDAL Organizer and an expert in its field. The minimum standard requirements for coverage of AMDAL preparation material are outlined in Decree of Bapedal Head No. 09/2000. The AMDAL Appraisal Commission is a commission responsible for evaluating AMDAL documents. At the central level of occupation at the Ministry of the Environment, at the Provincial level at Bapedalda or the Provincial Environment Authority, and the Regency or District at the Bapedalda / Regency or District Environment Agency. Other elements of the government concerned and affected members of the community are seeking to be represented in this Appraisal Commission. The working procedures and composition of the membership of the AMDAL Appraisal Commission are regulated in a Decree of the State Minister for the Environment, while members of the AMDAL Appraisal Commission in the provinces and regencies or districts are determined by the Governor and Regent or Mayor.

The sugar mill in Kwala Madu is one of the factories owned by PT. Perkebunan Nusantara II in the village of Kwala Begumit, Stabat Sub-district, Langkat Regency and their production produces white and hatched crystal sugar. In July 2018 is a period of repair and service of factory machines which will be re-operated in the milling year 2019. By running the overhauled period, it is expected that when the factory operates, production will be achieved more than before.

In this 2018 overhaul, the activities of the Waste Station are to improve the equipment in the waste station in the form of draining muds in the active mud pond. Correction of settling ponds and IPAI ponds (An Aerob, Facultative, Aereasi and Sedimentation) [9]. Repair and service tools such as Blower Pump, Aerator, Sprayer Pump, Irrigation pump and Active In Let Mud pump. Existing Quality Standards for Liquid Waste of the Sugar Industry Regulation of the Minister of Environment number 05 of 2010 and to meet technical requirements in the framework of Proper (Company Performance Rating Assessment Program) The sugar factory in Kwala Madu carries out environmental controls that include water pollution control, air pollution control, Management of Solid Waste and B3 Waste.

Based on the data above, it is necessary to control environmental management based on law number 32 of 2009 concerning the Environmental Management and Control Act.

CONCLUSIONS

The Kwala Madu sugar factory is located in North Sumatra. The Kwala Madu sugar factory operates once a year after the cane harvest. In preparing the AMDAL study, the proponent can request the services of a consultant to prepare an AMDAL document. The AMDAL document compiler must have an AMDAL compiler certificate and experts in their fields. Minimum standard coverage of material for the preparation of AMDAL is regulated in Decree of the Head of Bapedal Number 09/2000.

REFERENCES

1. Kim, S. (2013). Kebijakan Hukum Pidana dalam Upaya Penegakan Hukum Lingkungan Hidup. *Jurnal Dinamika Hukum*, 13(3), 415-427.
2. Daryanti, I. (1991). Gula: kajian sosial-ekonomi. Aditya Media.
3. Soemitro, R. H. (1990). Metodologi penelitian hukum dan jurimetri. Ghalia Indonesia, Jakarta, 167.
4. Soekanto, S., & Mamudji, S. (2014). Penelitian Hukum Normatif Suatu Tinjauan Singkat, cet. 16. Rajawali Pers, Jakarta.
5. Gea, B. (2016). perkembangan pabrik gula kwala madu ptp. n ii di desa kwala begumit kecamatan stabat kabupaten langkat tahun 2006-2010 (Doctoral dissertation, UNIMED).
6. Raharjo, M. (2014). Memahami AMDAL edisi 2. Graha Ilmu: Yogyakarta.
7. Purba, J. (2002). Pengelolaan Lingkungan Sosial. Yayasan Obor Indonesia. ISO 690.
8. Sulasmini, S. Penegakan Hukum Pidana terhadap Pelaksanaan Amdal.”(Studi Kasus di Kota Pontianak). *Jurnal Nestor Magister Hukum*, 2(2).
9. Laporan Kinerja Pengelolaan Lingkungan Hidup tahun 2018 Pabrik Gula Kwala Madu /6.

10. Pelzer, K. J. (2012). *Planter and peasant: Colonial policy and the agrarian struggle in East Sumatra 1863-1947*. Brill.