INTRODUCTION

According to the 1945 Constitution of the Republic of Indonesia, every Indonesian citizen has the right to a good and healthy environment. Therefore, the state, government, and all stakeholders are obliged to protect and manage the environment through sustainable development so that the Indonesian environment can remain a source and support of life for the people of Indonesia.\(^{(APUS 2, \text{n.d.})}\)

Today, environmental pollution and damage are getting worse and increasing, resulting in a decline in environmental quality, which threatens the survival of humans and other living things. This is all the result of human behaviour that exploits, wastes, and exploits nature without considering nature's limitations.

Among the countries that hold 90 per cent of the world's remaining forests, Indonesia has the fastest rate of forest destruction. Indonesia destroys 300 football pitches of forest per hour. Commercial logging, forest fires, and forest clearing for oil palm plantations endanger half of Indonesia's original forests, which have already been wiped out. Other phenomena can show us that floods, landslides, the continuing Lapindo Mudflow, and forest fires are sure to visit the country when the dry season arrives.

In response to various environmental damages, environmental disputes arise. Victimized and environmentally concerned individuals seek to prosecute the enforcement of environmental laws in their efforts to defend their rights.
The government finally amended Law No. 23/1997 on Environmental Management with Law No. 32/2009 on Environmental Protection and Management (hereinafter abbreviated as UUPPLH). Environmental protection and management are systematic and integrated efforts to preserve environmental functions and prevent pollution and/or damage to the environment. (APUS 1, n.d.)

A clear, firm, and comprehensive legal system is needed to protect and manage the environment. Repressive efforts against environmental pollution and damage have been made through effective, consequential and consistent law enforcement.

In UUPPLH, environmental law enforcement uses various laws, including administrative, criminal, and civil. Civil law provisions cover environmental dispute resolution both inside and outside the court. Here, the author only discusses civil environmental dispute resolution conducted in court.

PROBLEM FORMULATION
A. What is an environmental dispute?
B. What are the civil law instructions for resolving environmental conflicts through the green table?

DISCUSSION OF RESEARCHER'S IDEAS
A. What is an environmental dispute?

Environmental disputes can be defined in two senses: broad and narrow. In the broad sense, an environmental dispute is a dispute over interests between two or more parties involved in the use of natural resources. Often, natural resource utilisation is viewed on a macro level, but it can also benefit another group of people or at least put the risk of benefitting another group at risk.

Environmental disputes are not only related to environmental pollution or destruction, but also related to government policy plans such as land use and allocation, utilisation of forest products, logging activities, power plant construction plans, reservoir construction plans, and other plans.

However, UUPLH-1997 and UUPPLH-2009 use a narrower definition of environmental disputes. In UUPPLH-2009, for example, Article 1 point 25 describes environmental disputes as "disputes between two or more parties arising from activities that have the potential and/or have had an impact on the environment." Therefore, the focus remains on activities rather than government policies or programmes relating to environmental issues. In UUPLH-1997, an environmental dispute is defined as "a dispute between two or more parties arising from the existence or suspected existence of pollution or destruction of the environment."

B. Civil law instruction for environmental conflict resolution through the green table

According to Article 1 point 25 of UUPPLH, an environmental dispute is a dispute between two or more parties over activities that may impact the environment or have impacted it.

Meanwhile, environmental impact is the effect of changes in the environment caused by activities and/or business entities. Environmental risks and consequences include:

a. climate change;

b. damage, degradation, and/or extinction of biodiversity;
c. an increase in the intensity and extent of floods, landslides, droughts, and/or forest and land fires;
d. decline in the quality and abundance of natural resources;
e. increased forest and land conversion;
f. an increase in the number of people who are poor or threatened with the sustainability of their livelihoods; and/or
g. increased risk of floods, landslides, droughts

Article 84 of Law No. 32/2009 stipulates that, to resolve various environmental dispute issues:

1. Settlement of environmental disputes can be done either in court or out of court; this provision is made to protect the civil rights of the parties to the dispute;
2. Parties to the dispute opt for voluntary resolution of environmental disputes;
3. Only selected out-of-court dispute resolution measures may be pursued if one or both parties to the dispute declare that out-of-court resolution has been unsuccessful. The purpose of these measures is to avoid inconsistent judgements on environmental disputes to ensure legal certainty.

By filing a lawsuit, environmental disputes are resolved through the courts. Any aggrieved person has the right to sue (Article 90 of the Law), the government and local governments (Article 90 of the Law), communities with representative groups for the benefit of the community or society (Article 91), and environmental organisations.

Article 87 of UUPPLH states that:

1. The person in charge of a business and/or activity that commits an unlawful act in the form of pollution, destruction, or pollution of the environment that causes harm to other people or the environment is obliged to pay compensation and/or take certain actions;
2. Any person who carries out an unlawful alienation, change of form, or nature of business of a business entity shall not be obliged to pay compensation or take certain actions.

In accordance with the UUPPLH's "polluter pays principle", any party whose business or activity causes environmental pollution and damage must pay the cost of environmental restoration.

In addition to having to pay compensation, people who pollute and/or damage the environment can be required by the judge to take certain legal actions, such as:

a. install or improve effluent treatment units so that effluents meet environmental standards;
b. restoring the function of the environment;
c. or eliminate or destroy the source of pollution and/or environmental destruction.

CONCLUSION

Settlement of environmental disputes can be resolved based on Article 87 of Law No. 32/2009 in conjunction with Article 1365 of the Civil Code on unlawful acts, a person can file a lawsuit for environmental dispute resolution in court.
REFERENCES