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THE POLITICAL LAW OF FORESTRY SPATIAL PLANNING BASED ON CLIMATE CHANGE TO REALIZE SUSTAINABLE DEVELOPMENT IN INDONESIA.

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Abstract: This article examines Legally Law Number 32 of 2009 concerning the Protection and Management of the Environment as a positive law for environmental regulation has revoked the previous law, but scientifically, the teachings contained in the previous law should still be adhered to and become the basis for Law Number 32 of 2009 concerning Environmental Protection and Management. The impact of the absence of current environmental regulations occurs in regulations related to natural resources including forests that use a sectoral approach and overlapping regulations with other sectors that require land such as mining, agriculture, plantations and other development sectors. This opens up opportunities for misuse of granting forest and land concession permits and has an impact on legal uncertainty and then One form of the government's difficulties from a legal aspect was seen when the President of the Republic of Indonesia issued a Presidential Instruction regarding the Postponement of the Granting of New Permits and Improvement of Governance of Primary Natural Forests and Peatlands. Basically this instruction gives directions to the Central Government, Provincial Government and Regency/City Government to postpone permits according to the authority obtained through attribution law. However, from a legal perspective, the Presidential Instruction is not a form of statutory regulation regulated in law, so this shows that there is no legal instrument that can regulate environmental problems, especially with regard to the management of natural resources in one system.

Keywords: forest, globalization, sustainable deveploment

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Introduction

The universal development movement is a manifestation of the responsibility of the international community to restore the conditions, situations and conditions of society after the second world war which have actually damaged the order of social life. One form of this responsibility, the 1st International Development Program was drafted which was initiated by the United Nations (UN) since 1960. After nearly 2 (two) decades of this development movement, in the late 1970s, the negative impact of the movement which causes pollution and environmental damage begins to impact and be felt by humans and other living things in the form of a decrease in environmental quality..

Development activities that utilize environmental resources for the welfare of society, on the one hand, have improved the quality of human life, especially in the economic aspect, but along with this, negative impacts in the form of pollution and environmental destruction have become unavoidable. Utilization that does not consider sustainability becomes a problem, when existing resources are used optimally without regard to the interests of future generations. Indonesia is an independent and sovereign country. Sovereignty is an essential trait or characteristic of the state in the sense that the state has the highest authority, but is limited by the sovereignty of other countries and has goals and responsibilities towards the nation and the state. In order to realize one of these goals and responsibilities, Indonesia has been preparing a national development plan since 1956 with the promulgation of the Law on the 1956-1960 Five-Year Development Plan. However, in the early period of independence until 1967, development failed to implement due to the instability of domestic politics. During the early days of the New Order in 1968, when politics and security began to experience stability, the government began implementing national development on the basis of the following considerations:

We must carry out National Development. Delay means more severe consequences for all of us. Besides that, the success or failure of the implementation of development in the future is a bet for our dignity as an independent nation... it is our collective obligation now to work hard for the happiness of our children and grandchildren." Government policies in the early days of the New Order era were followed up by establishing a Five Year Development Plan (Repelita) with an emphasis on the first 2 (two) periods of Repelita I (1969-1974) and Repelita II (1974-1979), namely meeting basic needs and infrastructure in the agricultural sector and aimed at expanding employment opportunities, expanding business opportunities, and distributing the results of development in an equitable manner. Based on the Decree of the People's Consultative Assembly of the Republic of Indonesia

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Number: IV/MPR/1973 concerning the Outlines of State Policy, it is stated that: "In the implementation of development, Indonesia's natural resources must be used rationally.

Exploration of these natural resources must be endeavored so as not to damage the human environment, carried out with a comprehensive policy and taking into account the needs of future generations." The basic MPR policy was explained by the government in Book I Chapter 4 of Repelita II which became the basis for the consideration that development activities must always pay attention to the impact on the environment. In Repelita III (1979-1984), development implementation was continued based on the Development Trilogy which included: first, equitable distribution of development and its results which led to the creation of social justice for all the people; second, relatively high economic growth; and third, healthy and dynamic national stability. The three elements of the Development Trilogy are interrelated and these three elements must be developed in harmony and mutually reinforcing.

The formation of a law (law) in Indonesia must go through the National Legislation Program (Prolegnas) as a planning instrument for the formation of laws which are prepared in a planned, integrated and systematic manner by involving the Government, DPR and other related parties so that the material content of the law in the field of environment in Indonesia is influenced by various legal and non-legal factors, both internal (national) and external (international) factorInternal factors originating from within the country that influence the growth and development of law (laws and regulations) in the environmental sector include the ideology of the Indonesian nation, namely Pancasila as the nation's way of life, the 1945 Constitution of the Republic of Indonesia, customary law, court decisions, economics, socio-cultural and domestic legal politics in the formation of laws and regulations in Indonesia. External factors originating from the international community that influence the growth and development of environmental law include international agreements in the field of environment, international legal politics (international environmental conferences) and foreign law (positive law of other countries) adopted in Indonesian environmental legislation.

The local wisdom factor is currently one of the main considerations in the growth and development of Indonesian environmental law. The rights of indigenous peoples in environmental management including the forestry sector are through the Constitutional Court Decision Number 35/PUU-X/2012 concerning the existence of recognition of customary law and protection of the rights of indigenous peoples units. Local wisdom in environmental management is a characteristic of the Indonesian nation that must be protected, so that local governments can make regional regulations

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regarding their existence and protect their rights. The problem of attribution of authority is one of the problems in Indonesia. For the regions, the attribution of authority is given by law to regional heads (governors, mayors, regents) as state administration officials, but the attribution to the Government is delegated by law directly to ministers according to their affairs. This is one of the reasons the President cannot legally regulate the authority to manage natural resources in the ministers so that the coordination function becomes one of the ways to reduce sectoral ego.

With regard to laws and regulations in the environmental sector, in principle specific laws override general money laws (lex specialis derogate lex generali). This principle means that the material of the law that regulates specifically overrides the general material, but in its implementation, there is overlap in the material content, especially with regard to the division of functions between the Government and regional governments which are regulated in the law (sector) with the law. local government. One of the overlapping materials between laws (sectors) and regional government laws is seen in the regulation of the legal form of the RPJMD. Based on Article 19 of Law Number 25 of 2004 concerning the National Development Planning System, the Regional RPJM is stipulated by a Regional Head Regulation no later than 3 (three) months after the Regional Head is inaugurated, while based on Article 65 of Law Number 23 of 2014 concerning Regional Government, stated that the regional head has the task of drafting and submitting a draft regional regulation on the RPJPD and a draft regional regulation on the RPJMD to the DPRD for discussion with the DPRD, as well as preparing and establishing the RKPD.

Other material is related to forestry and spatial planning, in Law Number 23 of 2014 concerning Regional Government also regulates Forestry and spatial planning which in principle should be a matter of legislation in the forestry and spatial planning sector. This has the potential to lead to overlapping material and allows for disharmony between laws and regulations with the same material being regulated. In a doctrinal understanding, what should be specific is not the form of determination in the form of legislation, but the provisions or material content in statutory regulations. Ideally all arrangements in the field of natural resource management should be sourced from environmental law as a system (environment as an umbrella provision), however currently the sub-systems that should support the environmental legal system such as irrigation, mining and energy, forestry, protection and preservation of nature, industry , settlements, spatial planning, land use, and others tend not to originate from the objective of environmental protection and management. This can be seen from the many regulations that apply in the context of environmental protection and management that are sectoral in nature and do not pay

attention to the teachings and legal system that underlie the formation of a rule to achieve a certain goal. While spatial planning in its development has placed its position as a container in the context of protecting environmental functions.

In the analysis process, it is studied by paying attention to the current problems (ius constitutum) and expected circumstances (ius constituendum) to the gap between das science and das solen. Secondary legal materials are legal materials which are not obtained directly from the source, but explain or explain primary legal materials such as research results, minutes of sessions/meetings, results of seminars (national and international), works of legal circles who related to the research material, either directly or indirectly. Tertiary legal materials are materials that provide instructions as well as explanations of primary and secondary legal materials, such as legal dictionaries, encyclopedias, either directly or indirectly with the issues under study.

The analysis is carried out through First, research on legal principles on legal principles which are standards of behavior. Research on principles is a philosophical research and contains ideal elements of law, Second, research on legal systematics by referring to legal events and associated with statutory characteristics, Third, research on vertical and horizontal synchronization levels, where to reveal the extent to which certain laws are compatible, by carrying out an inventory of related regulations, Fourth, Comparison of Laws is carried out by looking at its elements, especially the legal structure, substance and culture of law, as for Comparison of laws with other countries conducted in Southeast Asian countries which have a tendency towards similar ecosystems with Indonesia, namely Thailand as well as, Brazil and European Union countries to see the development of the legal system, especially the environmental law system and regulations related to climate change, and Fifth, the history of law with the method of identifying the stages of legal development.

Based on the presentation, in efforts to mitigate and adapt to climate change, integration is needed between instruments, both compliance and law enforcement, especially laws and regulations that are directly related to climate change. The fields that have a major role include spatial planning, development planning, forestry and the environment. Each of these field laws already has compliance and law enforcement instruments, but they do not yet have an explicit link and support one another. In an effort to prevent plagiarism and show the originality of research, researchers have searched the titles and themes of dissertations and national journals. The results of the search include:

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1. Sulbadana, Forest Conservation Strategy Based on the Clean Development Mechanism Concept to Support Sustainable Development in the Perspective of International Environmental Law, Doctoral Dissertation at Padjadjaran University 2010. The emphasis in this dissertation is with regard to the MPB concept and the viewpoint of international law,

2. Iskandar, Forest Area Change Policy "in Sustainable Management", UNPAD Press, 2010. The emphasis in this research is the forest area change policy, the paradigm of sustainable development in the forestry sector, the right to control the State and the concept of change in forest areas, sustainable forest management; and

3. Caritas Woro Murdiati Runggandini, Reconstruction of Local Wisdom to Build Sustainable Forestry Law (Study of Kajang and Tenganan Pegringsingan Customary Law Communities) Dissertation at Gadjah Mada University, 2012. The emphasis in this dissertation is the customary law approach to the concept of sustainable forestry.

4. Muazzin, Development of the Implementation of the Reducing Emissions from Deforestation and Forest Degradation (REDD+) Program Based on the Wisdom of Indigenous Peoples According to International Law in Indonesia." Dissertation of Padjadjaran University, 2016. The emphasis in this dissertation is on the relationship between REDD+ and indigenous and tribal peoples.

From the description above, it can be drawn the formulation of the problem as follows:

1. What are the current environmental and spatial planning regulations in force in Indonesia in forest management?

2. What are the legal regulatory constraints in forest management in Indonesia related to climate change?

3. What is the model for the renewal of the environmental law system and climate change-based spatial planning in Indonesia in sustainable forest management?

Methods

This study uses a normative juridical approach. In this case, the nature of descriptive analytical research is used with a holistic (holistic) approach. The system means a unit that is arranged in an orderly manner over the following parts and details in such a way as to achieve a definite

goal. The pattern of research and study of applied law and the environment aims to know and understand the Wisdom in the regulation of environmental problems legally. The pattern of comprehensive research on environmental law with special attention to and taking into account the conditions and requirements that are typical of life in Indonesia, both in terms of the natural physical environment and in terms of aspects of the built environment (socio-political), in order to be able to find forms and corks of environmental law that are specifically suited to Indonesia's needs, so that it can stand as Indonesia's national system in the field of environmental law and spatial planning

The legal materials needed in this research are primary legal materials, secondary legal materials and tertiary materials. Primary legal materials are legal materials obtained directly from sources authorized to issue them, whether in the form of laws and regulations, jurisprudence, treaties, including those obtained in electronic form through internet media. The analysis was carried out by using the method of legal interpretation of the data, both primary data and secondary data obtained by referring to the principles and norms that apply in society. In the analysis process, it is studied by paying attention to the current problems (ius constitutum) and expected circumstances (ius constituendum) to the gap between das science and das solen. Secondary legal materials are legal materials which are not obtained directly from the source, but explain or explain primary legal materials such as research results, minutes of sessions/meetings, results of seminars (national and international), works of legal circles who related to the research material, either directly or indirectly. Tertiary legal materials are materials that provide instructions as well as explanations of primary and secondary legal materials, such as legal dictionaries, encyclopedias, either directly or indirectly with the issues under study.

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identifying the stages of legal development. With regard to the focus of the research studied, among others: First, sustainable forest management which is studied from the aspects of policies and regulations that discuss legal principles including philosophical, sociological and juridical foundations, legal systematics with reference to legal events as well as being based on statutory characteristics -invitation to vertical sync| and horizontal. The study and analysis are directed at management objectives in relation to climate change. Second, the Environmental Law System and Spatial Planning which examines aspects of policies and regulations that discuss legal principles including philosophical, sociological and juridical foundations, legal systematics with reference to legal events and related with the characteristics of legislation for vertical and horizontal synchronization as well as Comparison of laws with other countries. In this case the object under study is directed at the environmental, spatial planning, development planning and forestry sectors. Studies and analyzes are directed at management objectives in relation to climate change)

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Data collection was also carried out by interviewing selected informants according to their competence and carried out based on interview guidelines that had been prepared in accordance with the expected data and information needs:

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Result / Discussion

1. The current environmental and spatial planning regulations in force in Indonesia in forest management

Forests as one of the important resources in development activities must be managed in a sustainable manner. In its development, one of the concepts states that sustainable development is a real effort to incorporate environmental meanings into economic calculations, so that the considerations taken do not only focus on economic considerations alone. For the Indonesian people, forests are a gift and a mandate from God aha One who bestowed upon the Indonesian people, are controlled by the state, provide multipurpose benefits for mankind, therefore they must be grateful for, managed and utilized optimally, and their sustainability is maintained for the greatest prosperity of the people. , for present and future generations.

Environmental management as a conscious effort to maintain and improve environmental quality is carried out so that the needs of present and future generations can be met as well as possible in realizing justice between generations. In the context of environmental management, law must be able to carry out its function, where the function of law in society can be returned to the basic question of the purpose of the law itself. The main purpose of law is order (order), the need for order is a basic requirement (fundamental) for the existence of an orderly society. Humans, society and law are meanings that cannot be separated

Furthermore, the function of law in an effort to create order in society is to achieve legal certainty in society. Law as a social rule does not mean that interactions between humans in society are only regulated in law, but other rules in society such as religious norms and moral norms. Legal norms differ from other norms due to compliance and enforceable provisions. The coercion of obedience to the law leads to a major problem, namely with regard to law and power. Power comes from formal authority which gives authority or power to a person or a choice of a particular field. Power comes from the law, namely the legal provisions governing the granting of this authority. Law requires power for its implementation,

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otherwise the power itself is determined by the limits of law. Power is an absolute element in a legal society in the sense that society is governed by and based on law

The environment related to its elements means that there is interaction between the elements in it, including humans, towards other resources. In the view of the ecosystem, which is a unit of functional elements in it, organisms and the abiotic environment are included in one another, influencing each other. Interaction is one of the rules in ecosystems where elements in an environment influence each other and are reciprocal. These interactions can be between biotic elements themselves, biotic and abiotic elements, and or abiotic and other abiotic elements. This illustrates that the environment in question is not merely the living environment but there are other related elements. Conceptually, the environment consists of human resources (humans), natural resources, and artificial/cultural resources as their interactions. Humans and their activities affect the environment, but conversely humans are also influenced by their environment. Likewise with other living bodies, therefore, what is meant by the environment is not only the physical and biological environment but includes the social, economic, cultural, political and defense and security environment. Humans and their activities that affect the environment as an interaction give rise to cultural/artificial resources.

In relation to natural resources, Cicero said Natura Non Imperatur, namely that nature (environment) cannot be controlled even though human knowledge about nature increases. According to Cicero's view, nature cannot be controlled while humans only have the power to change the natural order (their environment). The environment is closely related to the ecosystem which is characterized by the ongoing exchange of matter and energy transformation that fully takes place between the various components within the system itself or with other systems outside it. While the environment in the sense of cultural or artificial resources is a living system in which there is human interference in the ecosystem order. Natural forest as an ecosystem is part of the environment. In an effort to improve the quality of life, efforts can be made to increase the added value of resources by way of technology or engineering. So that the use of technology by humans causes the position and function in the ecosystem to change. Thus the ecosystem or natural environment is transformed into an artificial living environment (man-made environment). The interaction between humans and forests (natural) and other living things forms artificial/cultural resources, namely forestry.

2. The legal regulatory constraints in forest management in Indonesia related to climate change

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Renewal of the national legal system should be based on an archipelago perspective and national insight, the Indonesian people already have values that live in society, namely Pancasila. At a philosophical level it can be said that the legal system regulates the harmony, harmony and balance of the relationship between: First, humans and their God; Second, humans and their natural environment, third, humans and their society, and fourth, humans and other humans. The Indonesian nation in this case is a supporter of Pancasila values. The Indonesian nation which has God, which is humane, which is united, which is dynamic and which is socially just. As supporters of values, it is the Indonesian nation that appreciates, recognizes, accepts Pancasila as something of value. Recognition, appreciation and acceptance of Pancasila as something of value to the attitudes, behavior and actions of the Indonesian nation.

The unity of the Pancasila precepts as a philosophical system essentially includes the ontological basis, epistemological basis as well as the axiological basis of the Pancasila precepts. The five precepts are the legal ideals of the Indonesian people in the life of the nation and state. The precepts in Pancasila contain the meaning that Belief in the One and Only God (first precept) and just and civilized humanity (second precept) as a principle which is reflected through the method and approach of Indonesian unity (third precept) and democracy led by wisdom. wisdom in representative deliberations (fourth precept) to realize a goal of justice for all Indonesian people (fifth In the renewal of the Indonesian environmental law system, the theory of justice originating from Pancasila as the identity of the Indonesian nation is placed as a grand theory, in which the theory of justice originates from the philosophy of natural law. Natural law is principally sourced from God (irrational) sourced from human ratios. In the view of the Indonesian nation, the Pancasila theory of justice according to Notonegoro, that the fifth precept of social justice for all Indonesian people must be interpreted that the justice in question is justice that believes in one God, that is just and civilized humanity, that is populist, led by wisdom in representative deliberations. .

Pancasila as the basis of the philosophy of the Indonesian state, places the precepts of social justice for all Indonesian people as the goal of the state. According to Soepomo... We are establishing an Indonesian state that is prosperous, united, sovereign, just. So the state can be just if the country implements justice for the people according to lofty ideals, according to the flow of the times. In the development of the times and the development of the new natural law school (neo naturalism), Pancasila justice at the beginning of its development only aimed at human welfare, but in the development of the natural law school it has changed the perspective and the way of approach that the anthropocentric view where

only humans as the core enters a new view in where the law is oriented and aims to preserve the function of the environment (ecocentric) and humans as one of God's creatures who are given an excess of reason besides being an environmental resource.

One of the developments in the discourse on the importance of protecting the environment is the laying down of conceptual foundations regarding the environment and sustainable development which are equivalent to the concepts of democracy, nomocracy and even theocracy. The four ideas of power, namely democracy, nomocracy, theocracy, and ecocracy and coupled with monarchy, can also be found in the content of values and norms in the 1945 constitution. The theory of moral justice put forward by Plato stated that justice is the highest virtue of a good state. . Justice arises because of arrangements or adjustments that give a harmonious place to the parts that make up a society. Plato further stated that justice and law are a general spiritual substance of a society that makes and carries out the work that is by its very nature best suited to it. The concept of justice is due to the principle of harmony.precept).

3. The model for the renewal of the environmental law system and climate change-based spatial planning in Indonesia in sustainable forest management

In relation to the concept of justice, the opinion of John Rawls and Amartya Sein is to understand how justice can be achieved, it is important to study human life in the journey of life and its realization. For this reason, there are 3 principles of justice, namely justice based on rights, justice based on abilities/services and justice based on needs. Environmental justice can be categorized as justice based on rights, namely the right to get a healthy and like environment as well as rights for present and future generations. In relation to the principle of distributive justice put forward by Aristotle, that justice is the feasibility of human action and the middle point between the two ends, but the point is that the distribution is realized in a balance (proportional). In relation to intergenerational justice, the principle of intergenerational equity is formulated in the third principle of the Rio Declaration which states that "the right to development must be fulfilled so as to equitably mit developmental and environmental." The principle of justice between generations implies that the use of natural resources by the present generation must not sacrifice the interests or needs of future generations. This principle also implies that the current generation has an obligation to use natural resources sparingly and wisely and to conserve natural resources, so that natural resources are available in sufficient quality and quantity to be utilized by future generations.

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Pancasila as the basis of the philosophy of the Indonesian state, places the fifth precept of social justice for all Indonesian people. This is an emphasis that the meaning contained in the five precepts of Pancasila, is a state goal, namely the state realizes a people's welfare through justice that has an ecocentric view. Thus, the precepts of social justice for all Indonesian people are the "core values" of the welfare state. The goal of the country to be achieved by Indonesia is to be just and prosperous. Welfare is the first step or effort to be realized before achieving a just and prosperous society. Welfare tends to be measured based on an economic approach, while social justice is measured based on goals, namely law. In the renewal of the Indonesian environmental law system, the theory of the welfare state is placed as a middle range theory, namely as stated by Bessanr, Watts, Dalton and Smith, the basic idea of the welfare state moved from the 18th century when Jeremy Bentham promoted the idea that the government has a responsibility. to guarantee the Greatest Happiness (or welfare) of the greatest number of the citizens. Bentham's Individual Utilitarianism uses the term utility to describe the concept of happiness. Based on the principle of utilitarianism that he developed, Bentham argues that something that can cause extra happiness is something good.

Conversely, something that causes pain is bad. According to him, government action should always be Geared to increase the happiness of as many people as possible. With the development of thinking about the environment, welfare to increase happiness must also be interpreted not only to be shown to humans (people), but also other living things with an environmental approach that interact with other environmental elements to achieve national goals. In its development, Rudolf Von Jhering's view emphasized the function of law as an instrument to meet community needs and the success of law was measured by achieving a balance between social interests and individual interests, this view is known as social utilitarianism. Von Jhering's theory is a combination of the theories of Bentham, Stuart Mill and John Austi's legal positivism. In an effort to achieve state goals, the concept of a welfare state is directed at realizing state administration activities that participate directly in matters relating to people's welfare. In this form of state, priority is given to constitutional protection of citizens' rights, freedom of expression and participation of the wider com In relation to the management of natural resources, their utilization is the right of all mankind, in Indonesia "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people", but in its implementation it must be limited by state responsibility. in protecting the entire nation and state as mandated in the preamble. In this regard, the concept of natural resource management is based on the Theory of the Welfare State looking

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at the basic considerations of natural resource management. In an effort to achieve the goals of the state, the concept of the welfare state embodies the activities of state administrators who participate directly in matters relating to people's welfare.

In this state form, priority is given to constitutional protection of the rights of citizens, freedom of expression and participation of the wider community in administering the state. In the view of utilitarianism, "the good or bad of an action is measured whether the action brings happiness or not, so that laws that give happiness to the largest part of society will be judged as good laws." In its application, the theory of the welfare state must look at prosperity not only for the happiness of the present generation but also pay attention to the right to happiness for future generations. This generation is the generation of the Indonesian nation so that in its application it must be based on the views of the Indonesian nation's philosophy, with the concept of Pancasila as the soul of the nation and the noble values of the Indonesian nation.munity in administering the state.

Conclusion

In an effort to achieve prosperity, the principle of harmony and balance is very important, this principle states that the use of the environment must pay attention to various aspects such as economic, social, cultural interests, and the protection and preservation of ecosystems. Harmony is a relative and subjective thing, time has a great influence on a sense of harmony, so harmony is not something that is eternal but changes according to the times and environmental developments. At the level of applied theory, reform of the environmental law system must be based on the views of Indonesian legal experts and experts, bearing in mind that this legal system is implemented in the interests of the Indonesian nation. With the development of the legal system that is developing in the world today, the Indonesian state tends to adhere to the Civil Law legal system (continental Europe) by prioritizing statutory regulations as a means of social change, furthermore in this legal system the concept of rules or rules becomes important. so that the position of statutory regulations from the formation process and their substance becomes very important in the framework of the development of national law.

In practice, Indonesia also adheres to the Common Law System by prioritizing concrete principles that lead to the resolution of a particular case. These rules are born through the decisions of judges. In practice in Indonesia, judges prioritize statutory regulations in resolving a case, but when statutory regulations do not explicitly stipulate, judges can still make legal discoveries and interpret laws. Legislation as the basis for

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administering the state is an important factor in development planning including the management of natural resources. Development Law Theory as a theory with Indonesian characteristics developed by Mochtar Kusumaatmadja, is an important aspect at the implementation level and is the responsibility of the State. The concept of law as a means of community renewal. become the basis for changing the pattern of people's thinking about an aspect. Good laws and regulations including rules in development planning including the management of natural resources are important aspects in preserving global environmental functions.

In Indonesia, various schools of law and schools of law live and grow together in society, so that according to Mochtar Kusumaatmadja, law is not only the overall principles and rules governing human life in society, but also includes institutions and the processes that embody the enactment of these rules in reality. Development is characterized by change, and change is certain. The ability to describe the expected values, and can change the attitude of society in order to achieve the happiness and prosperity of the Indonesian nation. Sunaryati Hartono said the need for a futuristic approach to ensure the changes that occur are in accordance with the desired expectations. Moving on from this view, the law must stand at the forefront, indicating the direction for the implementation of sustainable national development. This view places the planning process and its plans as things that must be obeyed, so that violations of a plan must be interpreted as violations of the law.

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Lili Rasjidi describes some of Mochtar's thoughts regarding the Theory of Development Law in the second phase, including: First, Pcasila's philosophy is used as a fundamental basis to replace the positions of theories from foreign thinkers which influenced Mochtar Kusumaatmadja's thoughts on the concept of development law in the first phase, then Mochtar Kusumaatmadja began to write and use the term legal ideals Pancasila, Pancasila legal philosophy and Pancasila law state. Second, Mochtar Kusumaatmadja still agrees that the main goal of law in general is order and justice. The goal of justice is linked to the goal of law in a country where law and justice in Indonesia refer to the fifth precept of Pancasila, namely social

justice; and Third, the development of Indonesian people must be carried out with the following principles: apart from believing in God Almighty, one must also believe in one's own abilities and in a better future for Indonesia and as a political person, must be committed to the country's political system which at its peak has accepted Pancasila as the single principle that cooks for the Indonesian nation. Be aware of the rights and obligations, both as individuals and as members of society, so that individual understanding cannot be separated from the understanding of society where the individual has the opportunity to fully develop.

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Development Law Theory is appropriate for use in the renewal of the environmental legal system, bearing in mind that law in the sense of statutory regulations must be able to provide direction, control over the behavior of the Indonesian people towards the environment and be directed to provide justice for present and future generations. Pancasila must be the core and main source of environmental law reform in Indonesia, bearing in mind that the development of the national legal system must be rooted in the values of the Indonesian people. The views of Indonesian legal experts/experts must be prioritized in establishing a legal system and supported by the views of foreign legal experts adapted to the needs and characteristics of the Indonesian nation.

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