

Abstract

The existence of shrimp farming business activities causes environmental damage. It is due to the non-fulfillment of permission that need to be completed. From the several permissions that must be fulfilled by companies or individuals before carrying out shrimp farming business activities, they must early obtain a principle permission. The Principle permission as the basis from others have been misused by incompleting other permissions. On the other hand, the shrimp farming business activities are operated based on the principle permission which has caused environmental damage. This thesis uses normative legal research and uses a statute approach. Analysis of legal materials use prescriptive research. The results of this thesis research are the position of the principle permission as the basis for obtaining a business license, and the environmental permit has caused legal uncertainty so that the principle permission does not meet the principle of benefit or utility. The responsibility of state as the basis for implementing environmental protection and management against environmental damage are carried out by two ways of regular supervision and incidental supervision. Supervision is carried out on compliance based on business permission or government approval.

Keywords: Supervision, Environmental Damage, Shrimp Farm Business Activities

Adanya kegiatan usaha tambak udang menyebabkan kerusakan lingkungan hal ini di sebabkan tidak terpenuhinya izin yang perlu diselesaikan, dari beberapa izin yang harus dipenuhi oleh perusahaan ataupun perorangan sebelum menjalankan kegiatan usaha tambak udang terlebih dahulu harus mendapatkan izin prinsip, izin prinsip sebagai dasar pengurusan izin yang lainnya telah disalah gunakan dengan tidak menyelesaikan izin lain sementara kegiatan usaha tambak udang dioperasikan berdasarkan izin prinsip telah menyebabkan kerusakan lingkungan. Dalam penelitian tesis ini menggunakan jenis penelitian hukum normatif dan menggunakan pendekatan perundang-undangan (*statute approach*). Analisis bahan hukum menggunakan penelitian preskriptif. Hasil penelitian tesis ini adalah kedudukan ijin prinsip sebagai dasar mendapatkan izin usaha, dan izin lingkungan telah menyebabkan ketidak pastian hukum sehingga menyebabkan izin prinsip tidak memenuhi asas kemanfaatan/ atau utilitas. Tanggungjawab Negara sebagai dasar pelaksanaan perlindungan dan pengelolaan lingkungan terhadap kerusakan lingkungan dilakukan dengan 2 (dua) cara pengawasan reguler atau pengawasan incidental, pengawasan dilakukan terhadap ketaatan berdasarkan perizinan berusaha atau persetujuan pemerintah.

Kata Kunci: Pengawasan, Kerusakan Lingkungan, Kegiatan Usaha Tambak Udang