Enforcement of Environmental Law Based on Spiritual Quotient

Margaretha Batoarung

PhD Student of Doctoral Program of Postgraduate Hasanuddin University and Lecturer at Legal Study College,
Umel Mandiri, Jayapura
Email: margaretabatoarung@yahoo.co.id

Abstract
Environmental pollution and destruction basically is caused by lack of self-awareness and behavior of people. To deal with this issue, enforcement of environmental law based on spiritual quotient is the answer key of it. One of the forms of the spiritual quotient is indigenous (Adat) court, which is more nuances, peace, legal-binding, and has spiritual quotient values.
Keywords: environmental law, spiritual quotient.

1. Introduction

Earth is created by God as a living-place of human being peacefully. In the context of state practices, the state gives rights to everybody to get better and healthy environment. In Indonesia practice, the concept as mentioned is found out in Article 28 H (1) second amandement of the Indonesian Constitution 1945, as stated that "Everyone has the right to live physical and spiritual prosperity, reside and earn a good living and healthy environment, as well as receive medical care". The article 28 H (1) then is emphazised in Article 65 paragraph (1) of the Law No. 32 of 2009 concerning Protection and Management of Environment (UUPPLH) which states that the state, both the government and local government, ensure compliance and protection of the right to have a good living and healthy environment as part of human rights.

For environmental condition right now, worsening environmental conditions is openly believed to affect the dynamics of political, social, and economic society, either in local community, regional, or national levels. In the end of the environmental crisis directly threatens human being living and increase the vulnerability of the life of every citizen.

The occurrence of a variety of environmental damage is accumulated from various structural, institutional, and cultural factors. At the structural level, the most notable is a development strategy and an exploitative industrialization that has not been harmonized; even they cause damage to the natural resources and social inequalities. At the institutional level furthermore, the environmental damage is taking place because various institutional devices are vulnerable weak, uncoordinated, and tend to corrupt. In terms of the cultural level, the environmental damage is happening because of low awareness and unfriendly behavior of people.

According to Sonny Keraf, it is undeniable that the various environmental cases that occurred today, both in global and national level scope, largely derived from human behavior. Some cases of environmental pollution and damage, either taking place in the sea, forest, atmosphere, water, or soil, are resulted from irresponsibility of human being behavior. In this context, it can be said that human being is the main cause of the environmental pollution and damage.[1]

Sonny Keraf's statement as mentioned above actually see that humankinds have made mistake to look a universe and also mistakenly to put themselves in the context of it in general. This situation basically can be said as a primary factor of all disasters in the natural environment. To deal with this problem therefore, human being behaviour and perspective must be repaired to ensure that they can interact to the universe (the entire ecosystem) safely.[2]

Various efforts have been undertaken by the government to keep the preservation of the environment. Those efforts was starting with the enactment of the Law No. 4 of 1982 concerning the Main Principles of Environmental Management (herein after UULH), which further refined and replaced by the Law No. 23 of 1997 on Environmental Management (abbreviated UUPLH), then refined again by the enactment of the Law No. 32 of 2009 concerning the Protection and Management of the Environment (UUPPLH). The Laws as mentioned before until now do not have good enough to protect the natural environment committed by human being. Although it has been also completed by the threat of severe criminal penalties, it does not still provide a deterrent effect on those who greedily destroying the environment for the sake of profit.

In term of it, the author argues that the behavior of the people as the main actors of the environmental destruction and pollution is occuring because they do not have the observance of the rule of law and concern to the environmental issues that have been created by the Government and Local Government. Therefore, the environmental destruction and pollution has more to do with human behavior, one of the relevant sciences to

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[1] Sony Keraf A., *Environmental Ethic: Ethical Theory, Ethical and Political Environment; from Science and Technology to Traditional Wisdom*, Kompas, Jakarta, 2002, p. xiii.
[2] Supriadi, *Environmental Law in Indonesia*; *an Introduction*, Sinar Grafika, Jakarta, 2010, p. 23.

deal with it is "psychology"[1]. In terms of this study, it is "psychological law".

According to Craig Hanney as quated by Mark Constanzo,[2] psychology is descriptive and law is prescriptive that means psychology explains about how people behave actually; laws explain how people ought to behave. Soerjono Soekanto then stated that "Psychology of law is legal study that will seek to highlight the law as a manifestation of certain psychiatric symptoms, and also the foundation psychiatric behavior or attitude of the offense.[3]

Related to psychology, Spiritual Intelligence is offered as part of psychology. Dana Zohar and Ian Marshall (wife-husband couple) coin Spiritual Intelligence (SQ = Spiritual Quotient) as the Ultimate Intelligence that "SQ, I mean the Intelligence with the which we address and solve problems of meaning and value, the intelligence with the which we can place our actions and our lives in a wider, Richer, meaning andgiving context, the intelligence with we can assess that one course of action or one life-path is more meaningful than other."[4]

Based on description of environmental issues as explained above and its connection to SQ, This paper will focus on enforcement of environmental law based on SQ, SQ values, and its implementation.

2. Enforcement of Environmental Law in Indonesia

Environmental law is basically a new field of study in the area of legal science.[5] This study is essentially required to protect the environment from the threat of deterioration or damage as a result of human actions or behaviors that do not pay attention to environmental sustainability in the long term.[6]
The enforcement of environmental law (rechtshandhaving) is regulatory chain to create policy planning on the environment, the sequence as follows:
a.   Legislation, (wet en regelgening);
b.   Standard setting, norm setting;
c.   Licensing, (vergunning verlening);
d.   Implementation, (uitvoering);
e.   Law enforcement, (rechtshandhaving).[7]
Andi Hamzah furthermore stipulates that there are three (3) main instruments of law enforcement, including;
a). Administrative law instruments; b). Civil law instruments; and c). Criminal Law instruments. Priority use of the instruments as ordered in Andi Hamzah point of view is not hirarchy order. It means that the criminal law instrument can be applied in advance, rather than the two others, or otherwise. For example, the private instruments can be meaningful if it is not enough evidence to apply the criminal law instrument. As we known, instrument of proof in criminal cases is tighter than the civil law.
In terms of policy process, the law enforcement essentially is policy enforcement through several stages:
a.   Formulation stage; it is law enforcement stage *in asbtraco* by law-making body. It can also be called stage of legislative policy;
b.   Applications stage; it is a stage of application of criminal law by law enforcement officers, from police to court. This second phase can also be referred to the judicial policy stage; and
c.   Execution stage; it is a stage of criminal law enforcement by the criminal executing officers. This stage can be called as the stage of executive or administrative policies.[8]

Muladi furthermore also states that the law enforcement process especially the enforcement of criminal law is not actually in the application stage only, but it can be in the formulation stage or the stage of the law enforcement *in abstraco* by the legislature.[9] In line with Muladi point of views, Joko P. Subagyo states that law enforcement is closely related to obedience of legislation officers both the public and state officials. The officers also are related to various aspects of the environment comprehensively with the aim to retain and create a healthy environment that can be enjoyed by every human being in the broad sense.[10] Rangkuti meanwhile emphasizes that the law enforcement can be done preventively and repressively based on its nature and effectiveness. The law enforcement preventively means that it is conducting active monitoring. Instruments for

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[1]The psychology study basically explains behavior and mental processes of human being.
[2]Mark Constanzo, *Psychology Applied to Law*, Wadsworth/Thomson Learning, Belmont USA, 2008, p. 12.
[3]Soerjono Soekanto, *Indonesia Adat Law*, RajaGrafindo Persada, Jakarta, 2007.
[4]Dana Zohar and Ian Marshall, *SQ: Spiritual Intelligence the Ultimate Intelligence*, Bloomsbury Publishing PLC, Bedfort Square London, 2001, p. 3.
[5]Koesnadi Hardjasoemantri, *Environmental Law*, Ed. VIII, Cet. 9, Gadjah Mada University Press, Yogyakarta, 2005, p. 12.
[6]Syamsuharya Bethan, *Implementation of Principles of Law on Preservation of Environmental Function in Industry Activities Nationally: an Effort to Save Environment and Inter-generation Life*, Alumni, Bandung, 2008, p. 106.
[7]Andi Hamzah, *Enforcement of Environmental Law*, Arikha Media Cipta, Jakarta, 2005, p. 52.
[8]Ibid. pp. 55-56.
[9]Muladi, *Anthology of Criminal Law System*, Badan Penerbit Universitas Diponegoro, Semarang, 1995, p. 13.
[10]Joko P. Subagyo, *Environmental Law: Problems and Countermeasures*, Rineke Cipta, Jakarta, 1992, pp.84-85.

it are education, monitoring, and the use of supervisory authority.[1]

In connection with the law enforcement, Danusaputro[2] argues that the enforcement of environmental law must be met in 3 (three) conditions, namely:

a. The form and content of the rule of law must be precise and clear and in accordance with the terms of the legal terms.
b. The officers must have skills that they need to ensure their implementation in real life;
c. Procedures should be clear and unequivocal.

Ratnawati furthermore reveals that prioritizing of enforcement of environmental law is done through administrative law. There are a few main reasons to explain it, as follows:[3]

a. To control, prevent, and countermeasure prohibited acts;
b. To enact juridical instruments of administrative law preventively and to terminate or suspend environmental violations;
c. To restore the environmental situation as the original (reparatoir);
d. Administrative sanctions do not need to go through the court process because it takes too long and rambling;
e. To prevent financial problems. It tends to be more effective, rather than law enforcementin the area of civil and criminal law;
f. The cost of enforcement of administrative law is cheaper than the cost of collecting evidence, investigations, and expert witness fees to demonstrate aspects of causality (cause and effect) in criminal and civil cases.

There are several factors that may influence the judicial process as disclosed by Lawrence M Friedman. Friedmann states that the law structures are related to law enforcement things that are an effort to both enforce and maintain the legal substance. The law culture which is in a form of legal awareness is a working machine and the element of social attitude and value.[4] Hartiwiningsih also states that the enforcement of environmental laws basically started with the development efforts of the observance of the provisions of the applicable legislation.[5] Its activities may include counseling, technical training, awards and various forms of incentives, supervision, monitoring, and legal sanctions pursuant to administrative law, criminal law, or civil law.

3. The Values of Spiritual Intelligence
3.1. Definition of Spiritual Intelligence (SQ)
In terms of language, SQ is composed of two words: "Intelligence" and "Spiritual". Intelligence is defined as the ability to solve problems, especially problems that require the capability mind.

Munandir furhermore states that "intelligence" can be interpreted as the ability of dealing with abstractions and new situations. He explains also the meaning of the word "Spiritual" as a doctrine which says all reality is intrinsically spiritual.[6] Mimi Doe and Marsha Walch[7] meanwhile reveal that the word spiritual is the foundation for the growth of self-esteem, moral values, and a sense of belonging. The spiritual gives direction and meaning to the lives of beliefs about the existence of non-physical strength that is greater than the power of people themselves. Spiritual is also interpreted as mental, spiritual, and moral.

Therefore, the words SQ Ethimologically can be interpreted as a spiritual intelligence of a person's ability to confront and solve problems related to values, inner, and psychiatric of people. In this context, intelligence is primarily concerned with abstraction in something beyond human strength. There are three varieties of intelligence that has been introduced, namely the intelligence quotient (IQ); emotional intelligence (EQ); and spiritual intelligence (SQ).

IQ is an intelligence that is used to solve strategy and logical problems. IQ measurement was started by Sir Francis Galton. According to him, IQ is the result of evolution. A person's intelligence is influenced by the social status of people who have high social status and they are considered to have higher intelligence than people from lower social status. Galton's opinion failed. In 1904, a French scientist Alfred Binet also examined the extent of human intelligence. Binet together with Teodoro Simon assume that intelligence is the ability to

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[1]Siti Sundari Rangkuti, *Environmental Law and National Environmental Policy*, Airlangga University Press, Surabaya, 2005, p. 215.
[2]St. Munadjat Danusaputro, *Environmental Law*, Bina Cipta, Bandung, 1985.
[3]Ratnawati Rosa Vivien, *Enforcement of Administrative Law in the Area of Environment*, Ministry of Environment, Jakarta, 2009, pp.2-3.
[4]Lawrence M. Friedmann, *the Legal System: a Social Science Perspective,* Russel sage Foundation, New York, 1975, p. 15.
[5]Hartiwiningsih, *Environmental law in Perspective of Criminal Law Policy*, UNS Press, Surakarta, 2008, p. 80.
[6]Munandir, *Educational Encyclopedia*, UM Press, Malang, 2001, p. 123.
[7]Mimi Doe and Marsha Walch, *10 Principles of Parenting Spiritual*, Mizan Pustaka, Jakarta.

solve problems that are influenced by a person's age and his/her mental age.[1]

In 1990, Daniel Goleman coined the term "emotional intelligence", which is an intelligence that is used to deal with grief and joy precisely that gives empathy, love and motivation. Daniel Goleman furthermore revealed the characteristics of people who have a nature or personal qualities, including:
1) to motivate and endure the frustration;
2) to control impulses and delay gratification;
3) to set and monitor moods as well as to keep distress does not weaken the ability to think; and
4) to have the skills of empathy and expect capability things better.[2]
According to Goleman, EQ is a basic prerequisite for the use of IQ effectively.

The end of the 20th century, a series of the latest scientific data, indicates the existence of a third type of intelligence, called spiritual intelligence (SQ). Dana Zohar and Ian Marshall led the third Q as SQ which is the foundation for the functioning of IQ and EQ effectively. In their opinion, SQ is more appropriately called "Spiritual Intelligence" because the quotient is the number of the division. Their book entitled SQ: Spiritual Intelligence - The Ultimate Intelligence stipulated that SQ can not be calculated because of questions provided solely a reflection exercise. According to Danah Zohar, we live in a stupid culture spiritually. Each person has lost the understanding of fundamental values. The characterization of stupid culture spiritually is materialism, selfishness, loss of meaning and commitment.

Some psychologists, neurologists, and philosophers such as Sigmund Freud, CG Jung, Persinger, Ramachandran, Daniel Dennett, Rene Descartes, and Danah Zohar-Ian Marshall discuss more about SQ. They emphasize SQ as combination three basic human intelligence (rational, emotional, and spiritual); three thought (series, associative, and unifying); and three-way knowledge base (primary, secondary, and tersier). SQ thus is related to the central elements of most parts of the human beings in becoming a unifying all parts of other human beings.

According to Marsha Sinetar, SQ is the intelligence that gets inspiration, encouragement and effectiveness that inspired by appreciation of deity which includes all individuals to be a part.[3]

Muhammad Zukri defines futher SQ as human intelligence that is used to connect with God. Potential SQ of everyone is very large and is not limited by heredity, environmental or other material factors.[4] Other definition related to SQ is also defined by Reni Akbar. She states that SQ is a necessary basis for the proper functioning of IQ and EQ effectively.[5] Gina Agustian Ari also states that SQ is the ability to give meaning to each worship behavior through the steps and thought is given by God.[6] To complete some experts definition on SQ, Zohar and Ian Marshall defines SQ as "our moral intelligence, giving us an innate ability to distinguish right from wrong. It is the intelligence with which we exercise goodness, truth, beauty, and compassion in our lives. It is, if you like, the soul's intelligence, if you think of the soul as that channeling capacity in human being that brings things up from the deeper and Richer dimensions of imagination and spirit to our daily lives, families, organisations, and institutions.[7]

3.2. Characteristics of Spiritual Intelligence
According to Dana Zohar and Ian Marshall[8], SQ has characteristic such as:
1) Self-awareness;
2) Spontaneity;
3) Guided by Vision and Values;
4) Holistic;
5) Concerning;
6) Celebrating diversity;
7) Independency of the Environment;
8) Asking "Why?";
9) Reframing;
10) Using positive for adversity;
11) Humility; and

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[1]Monty P. Satiadarma and Fidelia E. Wawuru, *To Educate Intellingence*, Pustaka Popule Obor, Jakarta, 2003, p. 3.
[2]A. Richard Bowell, *the 7 Steps of Spiritual Quotient*, PT. Buanan Ilmu Populer, Jakarta, 2006, p. 8.
[3]Marsha Sinetar, *Spiritual Intelligence: What We Can Learn from the Early Awakening Child*, 2001.
[4]Agus Nggermanto, *Quantum Quotient: the Best to Learn IQ, EQ, and SQ Harmonizely*, Nuansa, Bandung, 2011, pp.116-117.
[5]Reni Akbar, *Accelaration*, PT. Gramindo, Jakarta, 206, p. 204.
[6]Ari Ginanjar Agustian, *the Success Secret to Build ESQ*, Arga, Jakarta, 2003, p. 57.
[7]Danah Zohar and Ian Marshall, *Capital Spiritual*, Bloomsbury Publishing PLC, Soho Square London, 2004, p. 4.
[8] Danah Zohar and Ian Marshall, Supranote 6. p. 14.

12) Taste of calling.

According to Abdul Wahid Hasan[1], some characteristics of people who have SQ are:
1) To handle life principles based on the universal truth, either in the form of compassion, justice, honesty, tolerance, integrity or others;
2) To have the ability to deal with or take advantage of suffering and have the ability to confront and transcend pain;
3) To interpret the work and activities in the wider framework and meaning. In terms of it, its having high sense of self-awareness whatever is done, with full awareness.

Moreover, SQ is characterized by Tasmaran[2] in seven indicators, namely:
1) Feeling the presence of God;
2) Remembrance and pray;
3) Having the quality of patient;
4) Tend to goodness;
5) Having a strong empathy;
6) having a vision;
7) How to serve

Based on those opinions as explained above, it can be concluded that people who have SQ is a person who in his life to be honest, energetic, highly motivated, spontaneous, not suspicious, open to new things, love to learn, easy to forgive, not grudges, brave to try new things, and not easy to despair if experience or face failure in family life and organization.

3.3. Ways to Increase spiritual Intelligence
According to Dana Zohar and Ian Marshall[3], there are seven practical steps to get a better SQ:
1) Being aware of where I am now;
2) Feeling strongly that I want to change;
3) Contemplating whether the center of my own and do my deepest motivation;
4) Finding and overcoming obstacles;
5) Digging a lot of possibilities to move forward;
6) Establishing my heart in a way;
7) Keeping aware that there are many paths.

Dana Zohar and Ian Marshall point of views are in line with the opinion Khavari Khalilas quoted by Abdul Wahid Hasan[4], namely:
1) Starting with a lot of deeply contemplation to the problems of life either inside or outside you. The contemplation can be done in isolate places that allowing the brain to work more effectively and optimally;
2) Looking at the realities of life completely and thoroughly. Pain and suffering should be placed in a more meaningful frame. When the suffering comes, it will be skipped with calmness and patience;
3) Recognizing your motives. Strong motive or purpose will have strong implications for someone in real life, because the motive is a tremendous energy that drives you potential.

There are four steps to sharpen SQ pursuant to Sukidi[5], as following:
1) Knowing yourself.
   People who could not recognize him/herself will have crisis of the meaning of life and spiritual. Therefore knowing yourself is the main requirement to increase SQ.
2) Performing self introspection
   In terms of religion called conversion effort, ask yourself the question, "Are your life and career on the right track?" Perhaps when introspection, it is found that you have taken error, fraud, or hypocrisy of others.
3) Activated your heart regularly
   In a religious context, remembering God is the source of ultimate truth and everyone will return solely to God. By remembering God, then, everyone becomes peaceful. This proves why many people try to remember God

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[1] Abdul Wahid Hasan, *SQ of Prophet Muhammad: Strategy Aplication and SQ model of the Prophet Rasulullah SAW Nowadays*, 2006, p. 27.
[2] Toto Tasmaran, *Spiritual Intelligence Form Professional Personality*, Gema Insani, Jakarta, 2001, pp. 1-38.
[3] Danah Zohar and Ian Marshall, Supranote 6. p. 231.
[4] Abdul Wahid Hasan, op.cit. pp. 85-91.
[5] Sukidi, *Spiritual Intelligence: Why SQ is more Important than IQ and EQ*, 2004, p. 99.

through zikr, contemplation, prayer Tahajud, meditation and so forth.
4) Finding the harmony and peace of life.
   In this context, everybody will not being greedy for material such as money and proverty, but he/she can feel the highest satisfaction in the form of peace in his/her heart and soul to achieve balance in life and feel the spiritual happiness.

According to Tony Buzan[1], some ways to intensify spiritual intelligence are:
1) Someone is supposed to understand himself, related to his talent, his potency, his own special abilities, so that will have both high pasion and motivation.
2) After understanding himself, he is supposed to develop the understanding of others. The understanding of others talent, potency, and the uniqueness of others so that raises a sense of wonder to others.
3) Developing the awareness of conectedness to family, society, and organizational life.

4. Enforcement of Environmental Law Based on Spiritual Intelligence Ideally
4.1. Environmental Law Enforcement Mechanism Based on Spiritual Intelligence
In connection with environmental law enforcement mechanism based on SQ ideally, the author suggests that to dispute environmental cases, it would be better to solve the cases by applying negotiation, persuasion and supervision in order some regulation are adhered. This is commonly called compliance. The characteristics of SQ as described earlier actually had existed a long time ago particular in indigenous people which is known as the local wisdom. If there were criminal adat cases and civil adat cases that occur within the local community, the solution was always through adat court.

With regard to environmental law enforcement mechanism based on SQ, the author focuses on how the functioning of the adat court to resolve environmental problems, not only applies to the local community, but also the general public who come to live together with the people in a community. The point is the adat court only applies to local custom, while environmental law enforcement mechanism based on SQ is more universal. Therefore, the author suggests that in the event of the destruction and pollution of the environment, they should be resolved through the adat court as a manifestation of environmental law enforcement mechanism based on SQ. In practice, the adat court is led by traditional leaders, or otherwise determined by the traditional authorities. For example, in Jayapura district the traditional authorities are called Ondofolo. Besides he/she is acting as heads of government his/her community, he/she also as a judge.

4.2. Driving Factors of Environmental Law Enforcement Mechanism Based on SQ
In the implementation of environmental law enforcement mechanism based on SQ which is realized in the form of the adat court, there are several driving factors, as follows:
1) The principles of the implementation of the adat court;
2) The court's decision is final and shall be implemented;
3) Not known confinement;
4) Obedience of every indigenous people to their leaders;
5) Bargaining against the fine can be done.

4.3. Inhibiting Factors of Environmental Law Enforcement Mechanism Based on SQ
Various factors that may happen to environmental law enforcement mechanism based on SQ, as follows:
   1) The adat court is lack of positive response from the local government;
   2) The trial of the adat court always delayed because of the head of adat is really busy either acts as head of government of the Adat (indigenous people) or act as an adat judges;
   3) In the exercise of the adat court, the possibility of the judge do not understand the court procedures; and

4.4. Relevance Spiritual Intelligence to Enforcement of Environmental Law
4.4.1. Religious aspects
According to Thomas Aquinas as quoted by Ernst Cassirer, religious truth is suprarasional and supernatural. However, it can not be called irrational. Between ratio and "iman" always complement and enhance one to another.[2] The religious approach is "mandate" and the approach is referred to the National Legal System (NLS). NLS's roles stated inter alia:
1) Article 29 Paragraph (1) of the Constitution of Indonesia 1945: "State based on Belief in Almighty God";
2) Article 1 of the Law No. 4 of 2004, states that "Judicial power is the power of the state to conduct an independent judiciary to enforce law and justice based on Pancasila, for the implementation of the State Law

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[1]Tony Buzan, *the Power od Spiritual Intelligence*, Thorsons, 2007, p. 47.
[2] Ernst Cassirer, *Human and Culture: an Essay about Human*, PT. Gramedia, Jakarta, 1990, p. 109.

of the Republic of Indonesia;

3) Article 3 Paragraph (2) of the Law No. 4 of 2004, states that "State court implement and enforce the law and justice based on Pancasila";

4) Article 4 Paragraph (1) the Law No. 4 of 2004, states that "Justice conducts fairness based on belief in one God "

5) Article 8 Paragraph (3) of the Law No. 16 of 2004 concerning Attorney states that "For the sake of justice and truth based on God, the prosecutor to prosecute with confidence based on valid evidence."

NLS's roles as mentioned above clearly calls for "religious approach". Article 28 paragraph (1) the Law No. 4 of 2004 is a proof to show the approach. It can be said as a characteristic of NLS in Indonesia. This approach basically has connection with SQ. As we known, SQ is the most important intelligence compared with various other types of intelligence. SQ has the power to transform people's life and can even change the physical of life around humans.

Maslow defines self-actualization as a stage of someone's spirituality. In terms of it, he/she is abounded with creativity, intuition, joy, love, peace, tolerance, humility. He/she also has a clear purpose and mission to help others. SQ gives direction for each individual to train his soul. If the soul is based on the values of the Godness and lives within a centered framework on God, then the soul is able to reduce the pressure of an increasingly complex life issues. It also will give direction and purpose in life more meaningful in the form of spiritual experience as an important aspect of the behavior of each individual's life to find his identity.[1]

4.4.2. Social and Cultural Aspects

According to the holistic view, culture broadly conceives three layers and bases, namely:[2]

1) Material's layer and base that makes up the system of cultural material;

2) Social's layer and base that make up the socio-cultural system; and

3) Mental and cognitive layer systems that are intersubjective to cultural symbol.

According to the atomistic view (modern) furthermore, culture is conceptualized as a limited or narrow, which is limited to the symbol material. The material and social systems are not included in the concept of culture, even integral with the symbol system.[3] As a symbol system, culture concerns with the complexity of reflections, ideas, thoughts, views, and values that is the expression of the human mind essentially.[4] In other words, the culture as a symbol system related to the complexity of creativity, taste, and human initiative, so the culture is often perceived, understood and regarded as a system of meaning or knowledge and value systems. The system of meaning creates the ideas of cognitive, whereas the system of value creates normative ideas.[5]

If the concept of culture is associated with the law, the law then is essentially an expression of the culture. Law in order therefore is embodied as the cultural system. Law is the concretization of the cultural values. It is embodied in the area of ideas on justice, equality, laws, doctrines, customs, the judge's decision, and legal institutions (such as the courts, police, and prosecutors). Therefore each society always produces its own culture. Related to it, Wolfang Friedman as quoted by Esmi Wirasih states that the law does not have a valid power universally. Each nation develops their own laws.[6] If the socio-cultural aspect is associated with environmental law enforcement based on SQ, it is certainly in line with what has been described previously. The law in this context is a concretization of the cultural values of the society itself, where local wisdom as SQ tries to keep the preservation of environment as a source of life-organism including human beings..

4.4.3. Human Behavior Aspects

The background of human beings to destruct the environment is very broad. According to Weick,[7] an extensive background can encourage people to avoid giving attention to environmental issues. Due to it, it is difficult to sort out the cause of the people motivation to damage the environment.

According to Koentjaraningrat[8], every individual in its community usually try to avoid or evade customs rules against his personal needs. Koentjaraningrat furthermore states that there are a group of individuals who are basically distort the general behavior of the system in its society, called deviants. In their life, they are always going to against the customs and rules of their society. For the conditions, they will be called criminals.

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[1] Mimi Doe and Marsha Walch. Loc.cit.

[2] Harsya Bachtiar, *Indonesia Culture System: Culture and Human in Indonesia*, Penerbit Hanindita, Yogyakarta, 1985, pp.66-67.

[3] Ibid. p. 67.

[4] Ignas Kleden, *Theory and Critic to Culture*, LP3ES, Jakarta, 1987, p. 155.

[5] Ibid, op.cit, 168-169.

[6] Esmi Wirasih, *Legal Order: an Sociological Analysis*, PT. Suryandaru Utama, Semarang, 2005, p. 103.

[7] Friedmann Weick, a Sociological Doctrine: the Social Responsibility of Business is to Increase its Profits, *Sociology Today Magazine*, September 2004, p. 13.

[8] Koentjaraningrat, *Mains of Social Anthropolgy*, Penerbit Dian Rakyat, Jakarta, 1992, p. 216.

The aspect of human behavior on the environment is associated with law enforcement-based on SQ. it is bacause the settlement of pollution and environmental damage cases done by individuals and organizations is conducted persuasive with awakening to the conscience of each individual particular Sentani tribal for example. This is in line with what is offered byKoentjaraningrat. He says that in the way of social control, it can reduce tension in various ways including:

1) Strengthening individual's confidence through education;
2) Providing reward to every person who usually obey adat (customs);
3) Developing a sense of shame in the soul of people who deviate from adat (customs). It is a social control universally;
4) Developing a sense of fear in the souls of people who want to deviate from adat (customs) with threats and violence. It is an important element in many systems of social control.

Finally, a system of public control is a matter of law and adat (customs) that the outline can be equated with the law in the society.[1]

5. Conclusion

Referring to what has been described and discussed, it can be concluded several things:

1. The occurrence of a variety of environmental damage is accumulated by structural, institutional, and cultural factors. At the structural level, the most notable is the developmental strategy and exploitative industrialization. At the institutional level, the environmental damage due to various institutional devices is vulnerable weak, uncoordinated and tends to corrupt. The cultural level further says that the environmental damage takes place because of low awareness and environmentally friendly behavior.
2. The destruction and pollution of the environment are caused by a lack of self-awareness and behavior, so it is necessary to enforce it based on SQ, which in its practice is put forward persuasive nature and build awareness of conscience, rather than the imposition of sanctions.
3. One of the main forms of law enforcement based on SQ is Adat Court, which in its implementation is more nuanced, peace, consultative meeting/consensus, and binding.

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