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The analysis here aims to study and find out the obstacle in proceeding on environment case, which obstruct the case proceeding of the damaged party, both civil and criminal, resulting in the environmental case to be unable to be carried out with fairness and efficient.

From the analysis it is found that the right to take proceeding in the criminal and civil case of the damaged party will be obstructed, being the obstacle in criminal procedures which is the obstruction on the claim for damage or the right to complaint or sue a criminal case, the obstacle in the efficiency of the investigation officer and the obstacle in collecting evidence in the case the damaged party has sued, and also the obstacle in the part there is no law prescribing the creation of pollution as direct criminal offence. For the obstacle in civil proceeding is the obstacle in the case there are many damaged party suing in the same case, obstacle in proving the civil case and obstacle in exercising the right to request for protection against danger.

The analyst therefore has proposed the guideline for remedying the environmental case proceeding by revising the law concerned, being in the criminal case it is prescribed that the person effected by the pollution is the damaged party under the Penal Procedure Code, establish the state agency having expertised knowledge in environment to carry out the investigation, prescribing the public prosecutor to take charge and control the criminal case of the damaged party, for the case of exercising the right to take case proceeding, and prescribing the creation of pollution to be a criminal offence. For the civil case it is proposed to take the criteria of "Class Action" to be used in the case of environment where there are many damaged parties, for which the public prosecutor has sue the case on behalf of the damaged party. It is prescribed that the Defendant bears the burden of proving that he is not the owner or possessor of the cause of pollution which has caused the damage, and prescribing that the public can exercise the right in court demanding the owner or possessor of the source of pollution carry out the protection against damage before the damage occurs. Such proposal will be the direction in protecting the right of the damaged in the environmental case.