

The Emergence of the Problem of Changing the Environmental Law Umbrella from the Creation of the Job Creation Act

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Abstract

Indonesia is a country with abundant natural resources. But according to the data obtained, Indonesia is not included in the top 10 ranking countries that are rich in natural resources. Even in terms of astronomy, geology, and waters, Indonesia should be able to enter the top 5 countries with abundant natural resources. In addition, Indonesia is also included in the top 100 richest countries with a rank of 98 with a GDP/GDP (Bruno Domestic Income) - PPP (Purchase Power Parity) of 13,998 US dollars or equivalent to Rp. 195 million. According to data, the contribution of investment to the national economy reaches 30 percent of GDP. Which indirectly invests plays a major role in improving the economy and welfare of the Indonesian people. On the other hand, investment is one of the determining factors where the exploitation of the nation's natural resources, both renewable and non-renewable, is maintained or will it disappear without a trace. This is because investment, which is one of the pillars of the nation's economy, exploits natural resources on a large scale which damages the environment and ecosystem of the area. Laws on the environment and those that regulate natural resources are also allegedly affected by the emergence of the Job Creation Law in 2020, which will be discussed in this journal, and the solutions that are expected to regulate the Environmental Law and the Job Creation Act can synergize to build the Indonesian nation to be greater again.

Keywords

the emergence; environmental law umbrella; job creation act



I. Introduction

Natural sources are everything that comes from nature, both biotic components such as plants, animals, microorganisms and abiotic components such as petroleum, natural gas, various types of metals, water, and soil, that can be used to meet the needs of human life which are also divided into two types that the two of them are renewable and non-renewable. In addition to being the second highest country in the world in terms of biodiversity after Brazil, according to the Nagoya Protocol, Indonesia will also become a sustainable economic development (green economy). Large natural resources do not guarantee the economy of the nation will grow rapidly because of weakness in the field technology, even law of exploitation or it called DUTCH DISEASE.

Indonesia is very abundant in natural wealth. Therefore, a law is needed to regulate and maintain the exploitation of this nation's natural wealth following the necessary limits. Including the law on the environment that is needed to maintain the sustainability of this nation's natural resources. To achieve the goal of the state in the field of a strong economy and exploited natural resources to the fullest without destroying the nature of Indonesia. The various laws and regulations inherited from the colonial government are no longer following the level of legal development and the needs of the Indonesian nation.

According to the Law is the art of interpretation. Law is a product of politics. According to Hans Kelsen, GENERAL THEORY OF LAW AND STATE, 'If the new government can efficiently maintain the new constitution, then this government and this constitution are, according to international law, the legitimate government and the valid constitution of the state.', then a product of a political agreement can become a new and valid law when the government can enforce it according to the current political, economic and social conditions.

Where natural resources are under the legal umbrella of Law No. 50 of 1990 concerning the conservation of living natural resources and their ecosystems. While the national legal regulations exist in Law Number 5 of 1967 concerning Basic Provisions of Forestry, Law Number 4 of 1982 concerning Basic Provisions for Environmental Management which was enhanced by the emergence of Law No. 23 of 1997 concerning environmental management. environment.

To maintain the beautiful strand in organizing and maintaining the integrity of the Indonesian nation, various regulations have been issued. A total of 10,180 regulations were issued from 2014 to November 2019. Including the ratification of the Job Creation Law (Omnibus law) in 2020 which changed more than 70 regulations in this nation, including the environmental and forestry law.

The contribution of legal politics in juxtaposing the work copyright law and the environmental law, which are always contradictory in many ways, is expected to increase investment in Indonesia quickly to keep up with globalization without negating the power of the environmental law and natural resources law. Especially in terms of certainty and legal force made for the welfare of the Indonesian people. Because the copyright law on the one hand benefits investors both from within and outside the country but robs the Indonesian people of the right to receive healthy air and eliminates the function of the environment as well as massive exploitation of the nation's natural resources. Because there is always a conflict between economic growth and the integrity of the environment. Is this the dream and hope of our forefathers, the nation's heroes?

Regardless of the interests of the Indonesian people, the investors and the relevant local government-engineered to activate the permit in the process of establishing a factory. One of them is the AMDAL which is often just a pseudo AMDAL when investment and employment are the main targets of improving the quality of the national economy of this nation and taking second place to the original use of natural resources to improve the welfare of the people and the quality of life of the Indonesian people.

Formulation of the Problem

1. The job creation law, which the government is expecting to save the Indonesian economy during this pandemic, has backfired on the government in the field of environment and natural resources of this nation, is it true?
2. Is there a solution to improve the quality of life of the Indonesian people without destroying the environment and preserving Indonesia's natural resources?

II. Research Methods

The method of this journal is a literature study conducted by reading, studying various laws and regulations, scientific books, and various opinions on social media. The data obtained were processed and analyzed descriptively qualitatively where all the data obtained were arranged in such a way by the deductive method to obtain the best description, conclusion, and solution.

III. Discussion

1. The job creation law, which the government expects to save the Indonesian economy during the pandemic, has backfired on the government in the field of the environment and the nation's natural resources, is it true?

In the first quarter of 2020 to be precise in March, the coronavirus or covid 19 began to enter Indonesia and quickly hoarded various sectors of life in Indonesia. One of them that is threatened is that the economic sector, which is not only upside down, is still being destroyed by the COVID-19 pandemic. Sihombing (2020) state that Covid-19 pandemic caused everyone to behave beyond normal limits as usual. The outbreak of this virus has an impact especially on the economy of a nation and Globally (Ningrum, 2020). The problems posed by the Covid-19 pandemic which have become a global problem have the potential to trigger a new social order or reconstruction (Bara, 2021).

Various efforts have been made by the government to keep Indonesia afloat, such as the IDX holding stock prices or (trading bots) to prevent panic selling, prohibiting short selling, , etc. To improve the investment climate, increase the enthusiasm of the business world, create a conducive business climate, the ratification of the Job Creation Law on October 5, 2020, which caused a lot of controversies was promulgated into Law No. 11 of 2020 on November 2, 2020.

The controversy that arose was one of the many problems. , is in the field of environmental protection. Broadly speaking, the job creation law abolishes, changes, and stipulates new rules related to business licensing regarding Law Number 32 of 2009 concerning environmental protection and management. In-Law Number 32 of 2009 it is stated that the EIA document is assessed by the Amdal Assessment Commission which is formed by the minister, governor, or regent/mayor according to their authority. Meanwhile, Article 24 paragraph 1 of the Employment Creation Law states that an analysis of environmental impacts or AMDAL is the basis for an environmental feasibility test by a team from the central government's due diligence agency. Where the land use permit process will not involve the role or participation of the people. Where the public can no longer file an objection to the AMDAL document in the new regulation. The job creation law also abolishes Law No. 30 of 2009 article 40 which states that an environmental permit is a requirement for obtaining a business permit.

If natural resources are exploited without proper procedures and only dredged for the sake of establishing a factory without proper environmental impact analysis, in fact, it only creates new problems from one solution to the national political goal, namely the welfare of all people. Because the word welfare also means individual health, both physical health and mental health, which can decrease due to air pollution. When health declines due to state pollution, it affects maintenance costs, the death rate increases significantly, where this aspect results in the level of community productivity indirectly decreasing, when human resources decrease, the effectiveness of a factory that can operate optimally must decrease slowly. Because in a company, there are various aspects such as aspects of licensing, aspects of exploitation, aspects of the productivity level of the factory being built, aspects of waste products, aspects of air pollution, aspects of human resource management, and others, all of which synergize to produce sustainable welfare. In sustainable development. Inequality in one aspect will be a 'defect' in part of a large design or production plant. It is like a 'food chain' moving linearly from producer to top consumer. And this food chain will form a natural food cycle or food web in an ecological community.

The interpretation of the image obtained from Wikipedia is about the food cycle in terms of synergies between countries in legislation, companies with resources, and final consumers. Where all the elements in the air, soil, water, aerobic anaerobic bacteria,

producers, predators, autotrophs, herbivores, minerals, and others including food webs or often referred to as CONSUMER RESOURCE SYSTEMS. Human resources are not only materials for exploitation but also the final consumers of every product that is produced and sold. If the environment deteriorates, human health deteriorates, human finances deteriorate, effectiveness also deteriorates, productivity decreases drastically, it will only lead to the destruction of the human-environmental ecosystem if there are no laws that regulate and protect human rights in obtaining a guaranteed environment.

2. Is there a solution to improve the quality of life of the Indonesian people without destroying the environment and preserving Indonesia's natural resources?

This journal will discuss a little about "Kankyo Kihon Ho", which was written by Koesnadi Hardjasoemantri in his book entitled "A Study on Kankyo Kihon Ho 1993". About how Japan from a country full of pollution can acquire as a country ranked number 5 the cleanest country in the world but the level of the second-largest economy in the world after the US. This cherry country has also been recorded as the country with the fastest economic growth in the history of the world. Japan's Gross Domestic Product (GDP) reaches around 4.5 trillion US dollars. How can a country which is 1960 where high growth reached its peak which resulted in pollution with many tragic events at that time, in its journey of fewer than 10 decades, was able to rise from the most polluted country to become the cleanest country and the highest economy country?

Various kinds of efforts were made by the Japanese government to become a country with its current achievements. Many environmental policies restrict trade taken for conservation purposes, the main pillar of which is the implementation of amendments to the "Basic Law for Environmental Pollution Control" namely the basic law on environmental pollution control. Where the state cooperates with entrepreneurs to establish an integrated relationship in environmental care without leaving big economic goals.

Technology is a helper for environmental problems and entrepreneurs who invest. Entrepreneurs and the government must shake hands with each other in terms of protecting the environment. Technology that is growing rapidly and efficiently is expected to increase its effectiveness in solving problems regarding environmental conservation. And strict laws on the environment became a milestone that broadened the movement of technology and helped the government to limit the uncontrolled exploitation of natural resources.

IV. Conclusion

As stated above, natural resources are the pillars of the nation's economy, Indonesia as the largest nickel producer will benefit greatly from technology that has penetrated the automotive world. Electric cars or cars with electric fuel are now on the rise or booming because they are environmentally friendly. In terms of investment,¹ Indonesia can attract new investment for the development of car batteries, where the average battery weight reaches 25% of the weight of an electric car. From the ecosystem side, nickel is indeed being exploited, but various technologies such as STAL, by the nation's environmentally friendly children and investors, have Indonesian startup created a 20-year-old electric car battery. All of this is required by law to regulate mutual harmony between investment, natural resources, the environment, and human resources to maintain environmental ecosystems and is firm and does not cause problems such as the copyright law which removes the community's right to revise the AMDAL if it is found to be false or problematic and reduce people's rights to climate and air health.

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