

Change of "Environmental Permit" to "Environmental Approval" in Law Number 11 of 2020 Concerning Work Copyright

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Abstract

Law Number 11/2020 concerning Job Creation changes the nomenclature of "environmental permit" to "environmental approval". Environmental permits are important as government instruments in realizing environmental protection efforts. The purpose of writing this paper is to find out the importance of environmental permits in environmental management. In addition, to find out the problems that arise from changing the norms of "environmental permit" to "environmental approval". The form of this research is normative juridical using literature review with a legal approach (secondary data) and qualitative data analysis. Environmental approvals are integrated and form the basis for issuing business permits. Changes to these norms can have an impact on other permits that are integrated into environmental permits. Changes in norms and nomenclature from "permit" to "approval" have significant legal consequences. Authority becomes biased and can be decided arbitrarily by the competent authority, causing discrimination in granting Environmental Approval. The abolition of environmental permits can weaken the government's function in realizing environmental protection efforts, thereby increasing threats to environmental sustainability.

Keywords

permits; environmental approval; work copyright



I. Introduction

Humans have a very important role in maintaining the sustainability of life on Earth. However, *hegemony* of human needs is the root cause of damage to the quality of the environment. The concept of sustainable development that combines economic growth with environmental protection and social justice has been applied in a number of developing countries. Development is a change towards improvement (Shah et al, 2020). The concept of development is a hope in realizing economic growth based on environmental exploitation, which exacerbates social justice.

Permits are one of the important instruments in environmental management. The meaning of a permit which in a broad sense is called a permit is an approval given by the authorities based on laws or government regulations, for/under certain circumstances that deviate from the provisions of the prohibition of laws. This permit contains permission to do something that should be prohibited government tool of *preventive juridical* that functions as an administrative instrument to control people's behavior. This permit contains instructions and obligations that must be obeyed by the permit holder.

The abolition of environmental permits can weaken the government's function in realizing environmental protection efforts. The government which no longer has strong legality in evaluating business permits has implications for increasing threats to

environmental sustainability. This can result in changes in environmental functions that have a negative impact on health, welfare and biological safety.

II. Research Method

Departing from the issues above, this paper will discuss the importance of environmental permits in environmental management and the implications related to environmental permits in Law 11/2020 concerning Job Creation. The form of this research is normative juridical by examining library materials or secondary data. The approach used is a statutory approach, including laws and regulations relating to environmental permits, a conceptual approach, namely an approach based on the views and doctrines that develop in legal science. This study uses secondary data with qualitative data analysis.

III. Results and Discussion

3.1 The Position of Environmental Permits in Environmental Management

a. Understanding and Urgency of Permits and Licensing

Permits and permits are part of administrative law which aims to influence every citizen to comply with government regulations in order to achieve concrete goals. Permits are one of the most widely used instruments in administrative law, to guide the behavior of citizens. Permission as an instrument of government intervention is indispensable as a protector of property rights, however, the state also functions to prosper and protect its people. Based on this, there is a large role and authority for the state or government to intervene in activities related to natural resources or production branches that affect the livelihood of many people.

Licensing is the embodiment of granting legality to a person or business actor/certain activity, either in the form of a license or a business registration certificate. Licensing is one form of implementing the regulatory and controlling functions that are owned by the government on activities carried out by the community. Licensing is related to legal actions carried out by bodies and/or officials issuing certain decisions and/or legal actions. This is because permits and permits are in line with authority and authority. In various countries, the concept of licensing integration has become an agenda for the government to address a number of environmental externalities that are often assumed to be CAC instruments based on an economic approach, both as command and control instruments and as instruments. In fact, the integration effort is seen as very relevant in the context of actualizing the principles of sustainable development. With CAC, governments set standards and obligations that govern community action.

Based on Law 32/2009, there are 2 (two) types of permits, namely environmental permits, which are permits that are granted to any person undertaking a business and/or activity for which an Amdal is required or UKL-UPL in the context of environmental protection and management as a prerequisite for obtaining a business license. and/or activities. The second is a business and/or activity license, which is a permit issued by a technical agency to conduct a business and/or activity. An environmental permit is a requirement for obtaining a business and/or activity permit. An environmental permit can be obtained after the applicant fulfills administrative procedures and completes the requirements for applying for a permit. A business or activity permit cannot be issued if it is not equipped with an environmental permit.

In Article 1 paragraph 35 UUCK

"Environmental Approval is an Environmental Feasibility Decision or a statement of Environmental Management Ability that has obtained approval from the Central Government or Regional Government".

In accordance with the context of environmental approvals, the UUCK also includes a change in definition. One of them is related to the analysis of environmental impacts (Amdal) which is a study of the significant impacts on the environment from a business and/or activity that is planned to be used as a prerequisite for making decisions regarding the implementation of a business and/or activity as well as contained in a business permit or government approval. . Then environmental management efforts and environmental monitoring efforts (UKL-UPL) also underwent a change in definition into a series of environmental management and monitoring processes that were outlined in a standard form to be used as a prerequisite for decision making and included in business permits, or approval from the Central Government or the Government. Area. So the end of the environmental study (SKK-LH) is the appropriate environment. Environmental feasibility decision or statement of ability to manage the environment for approval.

b. Purpose of Permits and Licensing

The purposes of using the licensing system are:

1. Desire to direct (control) activities;
2. Prevent harm from the environment (environmental permit);
3. The desire to protect certain objects;
4. Willing to divide the objects that are few in number; and
5. Directing by selecting people and activities.

In connection with this purpose, the permit is a form of prevention instrument. Permit is a means of controlling people's lives, so as not to deviate from the provisions of the legislation.

c. Importance of Permits in Environmental Management

Permits are a form of government intervention to control externalities. Permits are intended to change *from a single-medium permit system* to an *integrated-permit system*.

The function of environmental permits can be explained as:

1. The desire to change *from a single-medium permit system, to an integrated-permit system*. In article 123 of Law no. 32/2009 concerning Environmental Protection and Management, all environmental permits are integrated into environmental permits (*internal integration*);
2. To realize *external integration*, the environmental permit is a requirement of the business license, and if the environmental permit is revoked, the business permit is canceled (Article 40 of Law No. 32/2009 concerning Environmental Protection and Management).

Environmental permits are an instrument in preventing the negative impacts of economic development on the environment. Environmental permits are a form of strategic formula in realizing sustainable development goals. With environmental permits, there are tools to ensure that the implementation of development complies with the principles of environmentally sustainable development. The removal of the environmental permit will not only affect *the external integration*, but also the internal integration. When the

Environmental Permit as a tool to unify various permits in the environmental field is removed, it causes a synchrony in the application and management.

3.2 Changes in Environmental Permits to Environmental Approval in the Job Creation

Law 32 of 2009 the Environmental Protection and Management Law (UU PPLH) underwent a nomenclature change and was replaced with Environmental Approval in Law Number 11 of 2020 concerning Job Creation. The Job Creation Law integrates Environmental Permits into business licensing based on the level of risk. The type of business permit is determined by mapping the basic risk criteria and the level of business risk. The stages of risk-based licensing are preparation, identification of hazards and probabilities, determination of risk levels, and business licensing. Article 21 of the UUCK states that this change aims to provide convenience for everyone in obtaining environmental approval.

“In order to make it easier for everyone to obtain environmental approval, this Law amends, deletes, or stipulates new arrangements for several provisions related to Business Licensing as regulated in UUPPLH (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059)”.

Minister of Forestry and Environment Siti Nurbaya claims that this change will not result in *overexploitation*. He also ensured that the government would continue to be careful in managing the environment according to the Environmental Law. The Director of Prevention of Environmental Impacts for Business and Activities at the Ministry of Environment and Forestry, Ary Sudijanto, also said that the changes in the Job Creation Law were more directed at improving policies in their implementing regulations.

In UUCK, licensing still tends to maintain the relationship between business licenses and environmental approvals. This can be seen in Government Regulation no. 22 of 2021, where environmental approval is a prerequisite for issuing business permits/government approvals. The construction of the norm is relatively similar to the phrase environmental permit described in the UUPPLH which is a prerequisite for obtaining a business and/or activity permit. However, in the UUCK the related provisions can be canceled if the environmental permit is revoked. So that this linkage is considered not to guarantee integration efforts between environmental approvals and business permits.

Environmental approval is integrated in business licensing. Environmental Approval is an Environmental Feasibility Decision or a statement of Environmental Management Ability that has obtained approval from the central government or regional government. A business license cannot be issued if there is no environmental approval. Environmental approvals are integrated and form the basis for issuing business permits. By integrating environmental permits into Business Licensing, if a violation occurs, it will have implications for Business Licensing. Licensing tries to signal the EIA and UKL-UPL. Every business and/or activity that is required to have an Amdal or UKL-UPL must have an environmental permit.

This change in definition and its structure underwent changes which had implications for the repeal of the Amdal commission. Changing the term to environmental approval changes the meaning of environmental licensing in state administrative law. Based on this, the construction of an environmental agreement consists of a decision on environmental feasibility and a statement of ability to manage the environment. The environmental feasibility decision comes from the government while the statement of environmental management ability comes from the initiator.

Changes and Elimination of a number of provisions related to changes in the norms of "permit" to environmental "approval" in UUCK

Articles that were deleted/changed in relation to changes in the nomenclature of Environmental Permits into Environmental Approval are as follows:

a. Elimination of Provisions related to Environmental Permits as a condition for issuing permits UUPPLH

In UUCK this article was deleted. Article 36 is as follows:

1. "Every business and/or activity that is required to have an Amdal or UKL-UPL must have an environmental permit.
2. The environmental permit as referred to in paragraph (1) is issued based on a decision on environmental feasibility as referred to in Article 31 or a UKL-UPL recommendation.
3. The environmental permit as referred to in paragraph (1) must include the requirements contained in the environmental feasibility decision or UKL-UPL recommendation.
4. Environmental permits are issued by the Minister, governors, or regents/mayors in accordance with their respective authorities."

Business Licensing is the legality granted to Business Actors to start and run their business and/or activities. There is a significant difference from this change where "permit" is a product of administrative law while "approval" is more of a discretionary authority. The change in the nomenclature of "permit" to "approval" has significant legal consequences. Authority here is biased and can be decided arbitrarily by the competent authority. This can lead to discrimination in granting Environmental Approval. It can be said that the preparation of UUCK ignores the precautionary *principle which* is used as the main guideline in the utilization of natural resources and environmental protection by changing the concept of an Environmental Permit that previously existed in UUPPLH into an environmental 'approval'. Although environmental approval remains a condition for business licensing, its position is not clearly formulated.

Then what needs to be clarified is, what if the environmental approval is not approved. Is his business license also canceled because no cases have been found related to this.

b. Change Provisions Regarding Cancellation of Business Licensing

Business licensing can be canceled if:

1. the requirements submitted in the application for business licensing contain legal defects, errors, abuses, and untruths and/or falsification of data, documents, and/or information;
2. the issuance does not meet the requirements as stated in the Environmental Eligibility Decree or the Statement of Ability to Manage the Environment; or
3. the obligations specified in the EIA or UKL-UPL document are not carried out by the person in charge of the business and/or activity.

It is still not clear who has the authority to cancel and what form the cancellation will take. This needs to be clearly regulated in the Implementing Regulations. Basically the cancellation is not in the context of an environmental feasibility agreement. This is because the Environmental Feasibility KTUN whose position as KTUN is "at first sight" is only valid once and cannot be canceled. However, business permits or activities can still be

canceled. In addition to the provisions as referred to in Article 37 paragraph (2), environmental permits can be canceled through a state administrative court decision.

The abolition of Article 38 of the UUPPLH which provides for the possibility of canceling environmental permits through the State Administrative Court (PTUN) causing the community to lose the opportunity to file a lawsuit against decisions (*beschikking*) related to Environmental Permits. Based on the concept of a permit in the approval under the Government Administration Act, environmental approval should be positioned as the object of a state administrative dispute. This is because the issuance of environmental approvals has legal consequences. The abolition of this article has the potential to eliminate public access to justice, including access to the judicial process. This is guaranteed in Principle 10 of the 1992 Rio Declaration on the Environment and People. Exceptions to the abolition of *access to justice* can be made through the cancellation of other environmental decisions, one of which is environmental approval. And the Government in this case has an obligation to ensure that these rights are still fulfilled.

The abolition of the “environmental permit” has implications for the abolition of the administrative lawsuit mechanism. Although here there is a strengthening of the concept that environmental compliance (*environmental compliance*) can be the reason for the cancellation of business licenses. Providing transparent access to information for the public, as well as strengthening environmental control institutions at the central and regional levels, are urgently needed.

Consent in construction decisions. Decisions are written decisions issued by Government Agencies and/or Officials in the administration of government. Meanwhile, a permit is a decision of an authorized government official as a form of approval of the request of the community members in accordance with the provisions of the legislation. If it is related to environmental approval, it can actually be seen that the agreement in this context is a kind of “passive” KTUN or only applies 1 (one) time and cannot be canceled. This is because the approval has changed to a business license. However, this is inconsistent because it turns out that the agreement can be revoked as stated in articles 177 and 178 of the UUCK. There are inconsistent formulations of UUCK.

Judging from the construction of government actions, namely the actions of Government Officials or other state administrators to carry out and/or not take concrete actions in the context of administering the government. Then this government action is divided into 2 (two) namely real action and legal action. Real action is still considered a physical act, which in the Administrative Court still refers to it. In the context of environmental licensing, it can be seen from 2 (two) *positionings*:

1. “In its position as a decision, namely a cursory decision (*einmalig*), once valid and complete and cannot be canceled because it has another form, namely a Business License;
2. In its position as a real government action, “*click*” a government action with the fulfillment of the specified requirements. Then this “*click*” is valid forever or the action has turned into another legal event, the action has existed (*ex tunc*). Furthermore, PTUN can be sued with the object of “government action”.

Based on the 2 (two) *positionings* above, the assumption of approval is in the form of a “click” action on the licensing system, business or Amdal activity, the UKL/UPL is reviewed or the SPPLH is in the context of a statement, which is then submitted to the government and a government approval (SKKLH) will appear. When approved, the application will be a business/activity permit. Based on the OSS institution, in relation to

the environment, the study is under the authority of the Ministry of Environment and Forestry and permits are granted by the competent authority.

c. Cancellation of Business/Activity Permits If Environmental Permits Are Revoked Can No Longer Be Done With UUCK

As stated in article 40 of UUPPLH, in UUCK this article is revoked, the article is as follows:

1. "Environmental permit is a requirement to obtain a business and/or activity permit;
2. In the event that the environmental permit is revoked, the business and/or activity permit is canceled.
3. In the event that the business and/or activity undergoes a change, the person in charge of the business and/or activity is obliged to renew the environmental permit."

Article 40 UUPPLH Environmental permit is a requirement to obtain a business license. The abolition of this article can eliminate the "direct control" of environmental management over a business and/or activity. Thus activities can be carried out when the environmental permit has not been issued and is still being processed. This is because the cancellation of the environmental approval does not necessarily cancel the business permit.

Amdal whose UUCK model is the SKK-LH model and the form is an approval which then changes its form. So if the business license is revoked, the environmental approval will not automatically be revoked, but the license holder will automatically stop trying. On the other hand, if the business license is revoked, it will not automatically cancel the amdal. At least this can reduce the damage caused. Based on this, it is very important to regulate the operationalization of central and regional LHK controls.

d. Abolition of the Authority to File Lawsuits against State Administrative Decisions

This provision is contained in Article 93 of the UUPPLH. In UUCK this article is revoked. Article 93 of the UUPPLH is as follows:

"Anyone can file a lawsuit against a state administrative decision if:

1. a state administrative agency or official issues an environmental permit to businesses and/or activities that are obligated to amdal but are not accompanied by an amdal document;
2. state administrative agency or official issues environmental permits for activities that are required to be UKL-UPL, but are not equipped with UKL-UPL documents; and/or
3. state administrative bodies or officials who issue business and/or activity permits that are not equipped with environmental permits.

The procedure for filing a lawsuit against a state administrative decision refers to the Procedural Law of the State Administrative Court. Article 93 regulates the Administrative Lawsuit related to the issuance of environmental permits and the issuance of business and/or activity permits that are not accompanied by environmental permits. The abolition of this article adjusts to the change in the nomenclature of environmental permits to environmental approvals. The implication of the abolition of this provision is that it can close and weaken the community's right to sue against the issuance of business licenses. Community access in demanding accountability for the role and authority of ASN in carrying out the main tasks of maintaining and preserving the environment. It also hinders the enforcement of civil law and administrative sanctions. Administrative sanctions should be a powerful weapon in environmental control.

e. Imposition of Sanctions against Environmental Permit Officials Issuing Environmental Permits Without Amdal Amdal

The provisions are contained in article 111 of the UUPPLH. In the previous stipulation, it punishes environmental permit-giving officials who issue environmental permits without Amdal. Likewise with business license holders who provide business permits without an environmental permit.

1. The official issuing the environmental permit who issues an environmental permit without being equipped with an Amdal or UKL-UPL as referred to in Article 37 paragraph (1) shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of Rp. 3,000,000,000.00 (three billion rupiah).
2. The official issuing the business and/or activity permit issuing the business and/or activity permit without being equipped with an environmental permit as referred to in Article 40 paragraph (1) shall be subject to a maximum imprisonment of 3 (three) years and a maximum fine of Rp.3,000,000,000. ,00 (three billion rupiah).

In UUCK, only officials who give environmental approvals without Amdal are punished, while officials who issue business permits without environmental requirements are not penalized.

“The official giving environmental approval who issues environmental approval without being equipped with an Amdal or UKL-UPL as referred to in Article 37 shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of Rp.3,000,000,000.00 (three billion rupiah)” .

This shows that legal sanctions are only imposed on the KLHK, because environmental approval is the authority of the KLHK. The provisions in Article 111 of the UUPPLH allow the imposition of criminal sanctions on officials who issue environmental permits who issue business permits without Amdal and/or grant business permits without environmental permits. However, with the amendment to the article, only the official giving the permit without Amdal can be punished. This means that if an official grants a business license without environmental requirements, it cannot be punished. Criminal sanctions in this provision only target environmental approval officials who issue environmental approvals without being accompanied by Amdal or UKL-UPL. In this case the authority is the Ministry of Environment and Forestry (KLHK) so this is a form of discrimination. The abolition of this article also allows the government to be free from responsibility for granting business licenses that have administrative defects/deficiencies. This opens up opportunities for abuse of power/bribery in the issuance of forestry permits.

Data from the Corruption Eradication Commission (KPK) shows that in 2016 there were 30 cases of abuse of power and/or bribery in the issuance of forestry permits in six cases in four of the 34 provinces in Indonesia.

There have been a number of cases of abuse of authority in granting environmental business permits handled by the KPK, including:

East Kotawaringin Regent Supian Hadi has been named a suspect in the corruption case in the issuance of Mining Business Permits (IUP) which cost the state Rp5.8 trillion plus US\$711,000 by the KPK. This is related to the mining permits of three companies. PT Fajar Mentaya Abadi, PT Billy Indonesia and PT Aries Iron Minang;

PDIP politician and former Regent of Tanah Laut, Adriansyah, was charged with accepting bribes four times from PT Mitra Maju Sukses (MMS) Director Andrew Hidayat related to the mining business permit in Tanah Laut;

The case of Mojokerto Regent Mustofa Kamal Pasa is suspected of accepting bribes related to licensing. Mustofa is suspected of having received bribes for obtaining a Principle Permit for Utilization of Space and a Building Permit for the construction of a telecommunication tower in Mojokerto Regency in 2015;

The Corruption Eradication Commission (KPK) has named the Governor of Southeast Sulawesi, Nur Alam, as a suspect in the bribery case of Rp. 60 billion related to the granting of mining business permits in Buton and Bombana regencies;

The KPK has named the former Regent of North Konawe, Southeast Sulawesi, Aswad Sulaiman as a suspect in a corruption case related to mining permits.

Amendment to Article 111 shows that UUCK does not address the problems of Environmental Protection and Sustainable Development that are factually occurring. It can be said that UUCK ignores the problems of law enforcement and corruption which are crucial factors hindering the investment climate. The government claims that the amendment and deletion of a number of articles in the UUCK is an effort to simplify the complicated licensing system and over-regulation as the cause of the difficulty of doing business in Indonesia. However, there are other indicators that are worth worse than the regulatory and licensing indicators.

Environmental Law Politics in Changing "Environmental Permit" Norms to "Environmental Approval"

The politics of environmental law (environmental or legal policy) has a lot of influence where there is a stake between economic development priorities and environmentally sustainable development. "Permit" as an administrative law product has a different context from "approval" which is more of a discretionary authority over an authority. Replacing the context of "permit" with "consent" has significant legal consequences. The government claims that the changes in the Job Creation Law are aimed at improving policies in its implementing regulations. This refers to the purpose of UUCK, which is to accelerate licensing in order to bring in a lot of investment and create jobs in Indonesia to encourage national economic growth.

However, economic control will not have a significant impact with development patterns that damage the environment and can actually exacerbate poverty by destroying nature. As initiated at the United Nation Conference on Human Environment (UNCHE) in Stockholm, Sweden, in June 1972. This also violates the concepts and principles of sustainable, environmental management instruments to support sustainable development which were first officially launched at the world level. at the 1992 Rio conference.

In addition, there are several variables that influence the formation of laws, including political, economic, social, legal, cultural and even religious. Politics has an influence on the environment because the regulations made by state officials, or lawmakers are an important factor in environmental conditions. The strong influence of political and economic variables as well as positive law tradition on environmental management policies has a negative impact on legal politics and the substance of state based environmental management regulations.

This concept can result in regulation and law enforcement that ignores ethics and morals as well as indigenous knowledge, as well as input from various elements. In reality, the Government's decisions are not always in line with the paradigms that have been agreed upon in the constitution, laws and global agreements (inconsistencies). The current phenomenon is where the quality of democracy, governance and the rule of law does not support the sustainable development paradigm. This is due to the sectoral ego, and the limited influence of civil society.

The provisions in the Job Creation Law adhere to a paradigm that is concerned with promoting economic growth and ignoring environmental aspects. It is undeniable that the economy has an important role in the life of the state, but placing it at zero sum shows the government is thinking simplistically. Using the economy as the only approach causes the State, which should have the obligation to ensure economic growth targets are met, neglects the needs and aspirations of other social groups. Business actors are defined as those who have only capital, not groups that support the running of the economy. Based on the theory of economic analysis of law (economic analysis of law), the quality of law in a country will be judged by the extent to which the law is able to achieve efficiency. The law ignores justice, social and environmental protection so it is directed to use a risk-based approach.

Legal politics is the basic policy that determines the direction, form and content of the law that is formulated, ratified as a policy and implemented by the branches of state power. Typology of Environmental Politics Environmental politics is the politics of natural resource management. The government is obliged to design appropriate policies in dealing with environmental problems.

Environmental politics offers several options and alternatives that can be taken in handling natural resource management. Kraft (2011) offers a policy process model consisting of six stages, namely agenda setting, policy formulation, policy legitimacy, policy implementation, policy and program evaluation and finally, policy change in order to design the right policy. According to Kraft (2011), there are three perspectives in environmental politics, namely the scientific perspective, the economic perspective and the environmental ethics perspective.

From a scientific perspective, environmental politics must adopt and adapt the truths agreed upon by the academic community. The government should make science the main reference in policy making. The President of the Republic of Indonesia has the political power to determine the direction and form of Indonesian environmental politics. Therefore, the analysis of environmental political models must adopt elements of political leadership.

In addition, legal politics is also influenced by the insight and commitment of the President, demands and aspirations of the public (public pressure and power of influence) as well as conditions and dynamics at the national level related to conditions of democracy, governance and the rule of law. However, currently the index of freedom and participation of civil society is still low, as is the community movement in the environmental sector because it has not become the main preference of community groups.

IV. Conclusion

An environmental permit is a requirement for obtaining a business and/or activity permit. An environmental permit can be obtained after the applicant fulfills administrative procedures and completes the requirements for applying for a permit. A business or activity permit cannot be issued if it is not equipped with an environmental permit. Environmental permits are an instrument in preventing the negative impacts of economic development on the environment.

Environmental permits are a form of strategic formula in realizing sustainable development goals. With environmental permits, there are tools to ensure that the implementation of development complies with the principles of environmentally sustainable development. There is a significant difference from this change where "permit" is a product of administrative law while "approval" is more of a discretionary authority.

Changes in nomenclature and norms from “permit” to “approval” will not only affect external integration, but also internal integration. When the Environmental Permit as a tool to unify various permits in the environmental field is removed, it causes a synchrony in the application and management. The abolition of environmental permits can weaken the government's function in realizing environmental protection efforts. The drafting of UUCK ignores the precautionary principle which is used as the main guideline in the utilization of natural resources and environmental protection. Authority becomes biased and can be decided arbitrarily by the authorized official. This can lead to discrimination in granting Environmental Approval which can lead to a number of environmental problems.

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