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The Relevance of the Implementation of the Omnibus Law and Efforts to Save the Indonesian Environment

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Abstract

Finding the relevance of the implementation of communication and efforts to save the Indonesian environment is the main objective of this study through a study the summation of documents and literature related to issues that have recently been approved by parliament by examining some scientific pieces of evidence that have been published, especially in the last three years. We examine the findings of the loading technique data, in-depth evaluation, and concluding to get valid answers to questions. Our data search was conducted electronically on the legal science literature database, especially omnibus and its relation to protecting a healthy environment in Indonesia. Based on the evidence we got and the discussion, we can conclude that the implementation of the omega slow realization, which should lead to the protection of Indonesia's environmental sustainability, has experienced a setback compared to the previous law products, so substantially, the material of the Law still ignores environmental protection, especially with the lack of participation of society as expected. Thus, this finding becomes a vital force for the development of similar studies in the future.

Keywords

relevance; implementation, slow omnibus; save information; scientific evidence



I. Introduction

The discussion about the Omnibus as Low's virtual device for administrative organizing emerged when the Omnibus Law technique, which was previously not well known in Indonesia-nations with a Continental European general set of laws, was utilized in the planning of the Draft Law (RUU), which turns into the 2020 Priority Prolegnas (Ergen et al., 2020). Two bills in the 2020 Priority Prolegnas use the Omnibus Low technique, specifically: The Job Creation Bill (Low Omnibus) proposed by the Government and the Bill on Tax Provisions and Economic Strengthening Facilities (Omnibus Law) offered by the Government. In particular, the two bills, the Job Creation Bill and the Tax Facility Bill, which were arranged to utilize the Omnibus Law technique, are imagined to concentrate on more profoundly. The two bills have received a Presidential Approval Letter and have been presented by the President to the House of Representatives (Tejomurti & Sukarmi, 2020).

Administrative change strategy through the execution of Omnibus Low in Indonesia is not something the public authority has done impulsively. Numerous contemplations were made by the public authority because they picked the Omnibus Low technique in

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completing pressing administrative changes (Sembiring et al., 2020). Different endeavors have been made to empower expanded speculation by the public authority, yet amidst the Fourth Industrial Revolution, different strategies taken by the public authority to develop the venture environment further have not drawn in financial backers to put resources into Indonesia. One of the reasons for financial backers' hesitance to put resources into Indonesia is the trouble of carrying on with work in Indonesia (Prakasa, 2021). The last exertion made by the public authority to work on the simplicity of carrying on with work in Indonesia was the President's transition to issuing Official Regulation Number 91 of 2017 concerning the Acceleration of Business Implementation Straightforwardness to the extent that business allowing is the essential substance in the issuance of Presidential Regulation Number 91 of 2017, which then achieved a technique forward jump as Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services (Widjaja, 2022). Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

From now on referred to as Online Single Submission (OSS). However, the reality shows that the issuance of PP Number 24 of 2018, with the simplification of OSS business processes, still encounters many obstacles, apart from not showing significant results and still far from expectations (Sarah et al., 2022). Natural regulation has proliferated, not just corresponding to the legitimate capability as insurance, control, and public conviction with the job of specialist of steadiness, but more unmistakably for improvement with a job as the specialist of improvement or problem solver. Natural issues are getting more significant and more serious. It resembles a moving snowball, getting greater and greater. The issue is not just neighborhood or trans-local, yet provincial, public, transnational, and worldwide (Christiawan, 2021).

The effects on the climate are connected with a couple of viewpoints, yet are connected as per the idea of the climate, which has multi-connect connections that impact each other in subsystems. Different perspectives will also encounter an effect or outcome if an issue impacts one part of the climate (Hendra & Firdaus, 2020). Use-situated ecological regulation is a legitimate item that mainly gives the worldwide local area the option to take advantage of the typical asset climate without troubling the commitment to safeguard, secure, and protect it; as such, lawful items existed before the introduction of the Stockholm Declaration. It just legitimizes fundamental liberties to utilize the climate, for example, taking advantage of regular assets, for instance, the Convention on the Law of the Sea 1958 where overall this show gives the express the option to take marine assets yet this show does not oblige the state to safeguard the ocean from contamination and annihilation (Redgwell & Tzanakopoulos, 2022).

Based on the explanation of the problems and the rationale for implementing the omnibus and efforts to save the Indonesian environment. So, it is necessary to study more deeply to see the relevance between implementation and the urgency of saving the environment in Indonesia (Hamid, 2020). To obtain evidence of the relationship and relevance of the two variables, one of the efforts that can be made is to open and review supporting documents and data in the form of books and other legal and environmental scientific papers, both in global and local contexts. Thus, through a review of the various

views and thoughts of the experts, this study tries to gain a deeper understanding through a review of literature sources that we believe will provide valid and relevant data (Fankhauser et al., 2015).

II. Research Method

Efforts to protect the environment so it continues to be healthy are various efforts, including the government must issue of various rules and policies to implement to achieve the goal of saving protected forests and a healthy environment in Indonesia (Percival et al., 2021). To discuss the relevance between the implementation of the omnibus Law and efforts to save the Indonesian environment, the author has reviewed several scientific pieces of evidence in the form of field studies that actively discuss environmental issues and the implementation of laws from various theoretical and application contexts (Prakasa, 2021). After getting several data, we studied it to get the answer to this question with the principle of high validity and accountability to answer the core problem of the study. The sources of literature information that we have studied are limited to duplication between 2010 and 2022, considering that there has been a very rapid change in the part of efforts to save Indonesia's environment (Mercier et al., 2015) if the problems of the village have long been adequately answered. Thus, among others, in the process of this review, we started with the formulation of problems and preliminary elaboration as well as the search for analytical data to arrive at the preparation of the report that we designed in qualitative descriptive Law and environmental sciences (Willmott et al., 2020).

III. Result and Discussion

3.1 Understanding the Omnibus Law in the Indonesian context

The embodiment of these "noble" ideals was the emergence of the omnibus law on the Job Creation Law. In Indonesia, the system for making laws with this mechanism is strange because it has never been done before. Even so, in the legal world, this mechanism is also not a new thing because it has been carried out several times in other countries, such as Canada and the US (Widjaja, 2022). However, the mechanism for forming legislation that seeks to combine several norms scattered in several laws is not yet known in Indonesia. Tracing from the origin of the language, 'Omnibus' is a word used in French for a bus-type vehicle that carries many passengers. Which of the omnibuses in the mechanism of law formation means transporting several regulations to be combined into one Law? This is also why this Law is referred to as the universal sweeping Law later in Indonesia. Although the mechanism is not yet known in Indonesia, the Government seems determined to ratify this Law immediately (Siagian, 2021). Even the Government once said that this Law would be a gift for 100 days of Jokowi's administration. Although, in the end, it did not materialize, this did not dampen the great desire of the legislators, in this case, the legislators and the Government, to immediately knock the hammer on the ratification of this Law.

3.2 Impacts of the Environmental Sector on the Omnibus Law vortex

The specific region, especially officer administration, as portrayed in advance, did not move away from the impact of the organized affirmation of the Job Creation Law; this is because the rules concerning the unraveling of business approval and land getting address various rules in the officer-administration and natural regions (Sihombing and Hamid, 2020). The pivotal change was the modification of a part of the substance of the

fundamental officer-administration region rules contained in Law no. 41/1999 on Forestry and Law no. 32 of 2009 concerning Environmental Protection and Management. Coming up next are a couple of pressing spots of changes that existed when the Job Creation Law was passed (Plater, 2006).

The utilization of protected backwood regions is progressively unprotected. The fundamental standard of restricting the utilization of existing safeguarded woods is to guarantee that the safeguarded backwoods keeps up with their essential capability, specifically as a woodland region that has the essential capability as a daily existence emotionally supportive network like managing water frameworks, forestalling flooding, controlling disintegration, forestalling seawater interruption, and keeping up with soil ripeness with Regulation No. 41/1999 (Sembiring et al., 2020). The arrangement to execute the Job Creation Law genuinely compromises existing use designs in safeguarded timberlands. The kind of purpose of safeguarded backwoods, which was at first just as natural administrations and use of non-lumber woods items (NTFPs), is keeping the command of Law no. 41/1999 can be utilized all the more different due to the expansion of a proviso on the utilization of woodland regions.

The utilization of geothermal energy without the requirement for a license, however, just in consistence with NSPK (Norma, Standards, Procedures, and Criteria), and the utilization of the region through a get-to-utilize understanding has moved power to the Central Government. As a consequence of this Job Creation Law's existence, protected forest areas are precarious to be used for purposes that tend to be exploitative, for example, conversion to mining, plantations, etc. This can lead to the loss and destruction of protected forests, which is valuable as permanent life support. Moreover, the role of the Central Government is increasingly centralized so this centralized mechanism can lead to inequality of benefits received between the center and the regions (Mahy, 2021).

3.3 Environmental Impact Assessment

Changes to the essential points of Law no. 32 of 2009, including the revocation of the term "environmental permit," has implications for changing the position of environment impact assessment in the business licensing process where environmental impact assessment) is no longer mandatory to decide the feasibility of a business license but is only a consideration. Ironically, the mandatory is only applied to business criteria whose processes and activities have an essential impact on the EnvironmentEnvironment, society, economy, and culture. Consequently, the prevalence of business establishment permits that do not require an environmental impact assessment requirement has resulted in increasingly uncontrollable environmental impacts. From this, the Government seems to have entirely ignored environmental considerations in development activities (Suprapti et al., 2020).

Changing the assignment and capability of wood regions and the utilization of woodland areas is more straightforward. The draft Law on Job Creation allows the Government to settle on changes to the distribution of wood regions. In Law no. 41/1999, lawmakers should support the system changing the designation and capability of woodland regions. In any case, in this Job Creation Law, just the Government settles on changes to the assignment and capability of the area and does not have to go to the entryway of the administrators aside from approaches that help National Strategic Projects (Sunarto et al., 2021). This affects the deficiency of the administrative capability of the local area in the execution of woodland improvement by passing their yearnings on through the parlements, particularly regarding plans for the backwoods portion and usage of timberland items. It may be expected that there will be more transformations of timberland regions that are not

following the area's capability again done by individuals in power without management and information on the local area.

3.4 The Omnibus Law Threatens the Environment

The presence of the Job Creation Law improves on more than 70 guidelines in this country to work with a venture to energize work creation. Different regulations were changed, including the Environmental Protection and Management Law and the Forestry Law (Santosa et al., 2022). In examining the items in this draft regulation from the start until the entire meeting, and there were numerous forms of the draft - there was great worry about the debilitating ecological security. Herry Purnomo, a Center for International Forestry Research (CIFOR) specialist, when reached by Mongabay, said last week said there is a high gamble to the EnvironmentEnvironment behind the speculation effectiveness and simplicity of carrying on with work extended by the employment opportunity creation regulation. "When a license is conceded rapidly, a high gamble is included (Wicaksono et al., 2021).

This is the most fundamental threat to protecting forest areas," said Wahyu A Perdana, Campaign Manager for National Walhi Food, Water and Essential Ecosystems. The potential for massive conversion of forest area functions can also be seen from the amendments to Article 19, paragraph 1 of Law 41/1999, which in the omnibus law reads that changes in the allocation and changes in the function of forest areas are determined by the central Government taking into account the results of integrated research. The word 'considers' here is a change from 'based.' Based on the Indonesian Center for Environmental Law (ICEL) analysis, the change is not just a diction but weakens the article (Indrastuti & Saputra, 2022).

The arrangement for a base constraint of 30% woodland region is likewise contained in Article 17, passage 5 of Law Number 26/2007 concerning Spatial Planning. This passage peruses, with regards to saving the climate as alluded to in section (4), in the local spatial arranging plan, a woods area of something like 30% of the watershed region is specified. In the omnibus regulation, the arrangement of at least 30% backwoods region in this passage is similar to Article 18 section 2 of Law 41/1999. ICEL notes that eliminating as far as possible might expand the change of timberland region capabilities in the spatial arranging process. This omnibus regulation debilitates ecological security (Kurniawan et al., 2021).

3.5 Weakening of Community Involvement

The social class is the party most affected by environmental damage by common changes. Neighborhood to a fair and robust living environment is fixed in the Job Creation Law. This ought to be noticeable from the invalidation of Article 36 of Law Number 32/2009 concerning Environmental Protection and Management, which requires biological awards as a business condition. Sunarto et al. (2021) said that this invalidation has ideas for the revocation of Article 38, which communicates that average awards can be dropped through a decision of the state administrative court. The social class is suitable to sue no more." In ICEL's assessment, the lack of the neighborhood's overall right to sue is suggested as work to kill local area to value, including the legitimate cycle guaranteed on a mid-level 10 of the 1992 Rio Declaration on the Environment and Humans (Sitompul, 2022).

ICEL noticed that the Government should keep on ensuring this right of admittance to equity through remedy or dropping of the 'natural endorsement,' which in the omnibus regulation is utilized as a substitute for the ecological grant word usage. To guarantee that

people, in general, can have fair access, it should begin with simple admittance to data. In the Job Creation Law, admittance to data is referenced in the substitution of Article 39 passage two, so the declaration as alluded to in section (1) through the electronic framework and, or still up in the air by the focal Government. Concerning the article. Napang et al. (2021, October) said there are two shortcomings: not all districts or networks can access electronic data frameworks because of regional offices and foundations and advanced education. This change standard, he said, does not manage the Government's commitment to guarantee that general society can get to the data. What is directed is just about the data reported (Kirchhoff & Tsuji, 2014).

This can cause conflicts and problems later. This data is a protected right in Article 28F of the 1945 Constitution. The General Comment of the UN Human Rights Committee section 19 likewise stressed that the state should be proactive in setting public data in an adequate open space to the general population (Krishnamurthy, 2020). The sign of the right to data being satisfied, he said, should be seen from how the data can be known or perceived by the general population, not how the data is conveyed. This assurance of data to general society is not expressed in that frame of mind to Article 26 concerning local area association in the ecological effect examination report of environment impact assessment was essential. Article 26, passage 2 of the Environmental Law states, "Local area inclusion should be founded on the standard of giving detailed and complete data, and it is done to be informed before exercises.

The inclusion of this local area is likewise overshadowed; if it used to be known as the impacted local area, it is determined as individuals straightforwardly impacted. This condition is hindering individuals who are not straightforwardly impacted. The explanation is that particular ventures or organizations produce backhanded natural effects, like enterprises around the Citarum River, with the effect of exercises influencing the nature of stream water that individuals of Jakarta can feel.

The castration of public participation can also be seen in the abolition of the environment impact assessment Commission, which in the Job Creation Law was replaced with a due diligence team formed by the Feasibility Testing Institute as amended in Article 24. According to ICEL's records, based on Environmental Law, the community is placed as a legally equal party to be able to participate in decision-making that affects their livelihood (Toruan, 2021). There is no community element in the Feasibility Testing Institute that previously existed in the Amdal Assessment Commission, eliminating the space to carry out true participation. This has the opportunity to open manipulative pseudoparticipation. Not only the community, he said, the change in the concept of the Amdal assessment also eliminated the involvement of parties concerned with environmental issues, including civil society organizations (CSOs). Previously, this rule was in the Environmental Law Article 30, paragraph 1 letter f (Sembiring et al., 2020).

People trust the CSO more than the environmental impact assessment document. Their control is a real force to press for good management rather than various policy documents. Greenpeace notes that if the Feasibility Test Institute is located in the central Government, it will be challenging to stop environmental damage. Projects that have an impact on the Environment are located in the regions. This condition will make the central Government's workload far exceed the ability and rate of environmental damage itself (Samawati & Sari, 2020).

3.6 Weak Law Enforcement

Another thing that is most obvious in environmental protection in this omnibus Law is the weakening of law enforcement. This can be seen from the amendment to Article

88 of the Environmental Law regarding absolute responsibility for destroying the Environment (Aswindo et al., 2020). The Environmental Law states that every person whose actions, business, or activities either use, produce or manage B3 waste to pose a severe threat to the Environment is responsible for the losses that occur without the need to prove the element of guilt. In the omnibus law, the word "without the need for proof of the element of error" is omitted. That has led to many lawsuits being won by the state or government against corporations. By omitting this word, said ICEL, it confuses the meaning of the norming of the strict liability concept in this article. So, the article's explanation needs to include the characteristics of this concept of absolute responsibility (Danendra et al., 2021).

There is a potential that it cannot be used if the judge or the defendants are very rigid in interpreting Article 88. Saputra & Dhianty (2022) said that the omission of this word is not just eliminating diction, but environmental crimes, cannot be approached with ordinary criminal and civil approaches. They also added that in the articles that were changed or omitted from the Environmental Law in the omnibus law, the law enforcement approach prioritized administrative sanctions first. In this work creation, he said, legal sanctions do not go hand in hand with the previous Environmental Law. This can be seen from the addition of Articles 82A, 82B, and 82C, which regulate administrative sanctions. Lane (2020) also said that strengthening administrative sanctions will not be comparable to weakening affirmative law enforcement articles such as Article 88. "Our problem is the implementation of law enforcement, not on paper. They referred to the Government's deposit of Rp18 trillion in winnings for forest fires and environmental damage cases from 2015-2018. Unfortunately, the execution of this legal verdict is minimal. With this omnibus Law, it is increasingly evident that corporations are allowed to stagnate while society continues to be restrained (Dewinagara et al., 2022).

3.7 Omnibus Law and the Impact of its Implementation on the Environment

The perusing of the Constitutional Court's Decision Number 91/PUU-XVIII/2020 dad 5/11), which expresses that the development of Law Number 11 of 2020, Contrary to the 1945 Constitution, has prompted a conversation concerning the omnibus regulation to be selected. The expectation of Law Number 11 of 2020 concerning Job Creation with the technique for saying that it is proclaimed unlawfully achieves back questions the significance of utilization and the effect of the execution of the omnibus regulation. Comprehension of omnibus regulation, Legal Practitioner Sean Matthew signals that "omnibus" signifies things are assembled. Then, when joined to "regulation" it implies a legal guideline that manages numerous things (Suprapti et al., 2022).

3.8 The implementation of the Omnibus Law Works

Constitutional Law expert from Padjadjaran University, Susi Dwi Harganti, explained that Omnibus Law is generally used to make laws that are more policy than Law. Then regarding the technical side, the omnibus law regulation technique is more functional, namely: Lucian oriented gave an example of the Government wanting to make a policy; they pour it into the Law to legitimize the policy. This legitimized policy could be contrary to various existing laws. However, with the existence of the omnibus law, the rules in various laws have been amended to comply with the designed policies. In more straightforward welding, it can be understood that without an omnibus law, the Government (Wahyuni et al., 2021).

As expressed in the diary "Creating Laws in the Investment Sector for the Establishment of Omnibus Law in Indonesia" by the Head of Legal Affairs of the National

Information Technology and Communication Association, Vincent Sunadinata, the Philippines is one of the nations that has executed Omnibus regulation in the field of speculation. They gave the Omnibus Investment Code of 1987, which specifies that various motivators and fundamental privileges will be given to ensure their business in the FILL. Notwithstanding the Philippines, there is likewise the United States; the nation has The Omnibus Public. The Management Act of 2009 assigned a large number of hectares of land in the United States as Safeguarded regions and laid out a public scene preservation framework (Suriadinata, 2019).

The development of the Law utilizing the omnibus regulation technique was because of worries about environmental change, which could influence admittance to assets. What is more, the two models, as per Vincent Suriadinata, the execution of the omnibus regulation is expanding the viability of time in talking about and passing regulations. Likewise, read Constitutional Court: Obesity guideline is not motivation to include rules for aggregating. Similarly, in Indonesia, as expressed by Member of the Legislative Body (Baleg) Christina Aryani, omnibus regulation is an exit plan to conquer different issues of regulation experienced by Indonesia.

3.9 The effect of omnibus Law

What about the practice of implementing omnibus Law in Indonesia? Are there any impacts and implementations? President Joko Widodo officially formed the latest omnibus Law in Indonesia. Widodo, in his inauguration speech as President of Indonesia for 2019-2024 on 20 October. The Government welcomed the legislators to give two critical regulations, in particular the Job Creation Law and the Macro, Small, and Medium Enterprises Empowerment Law (UMKM). The two of them will apply the omnibus regulation strategy with the goal that it becomes one Law and will overhaul a few different regulations. The proposition is then remembered for the need plan for its guard (Amin, 2020).

Nonetheless, as expressed at the beginning, the Constitutional Court concluded that the foundation of the Omnibus Law on Cipta Kerja was Contrary to the 1945 Constitution and did not have restrictively restricting legitimate power, for however long it was not deciphered as not being amended in something like two years of this choice being articulated. According to the Constitutional Court, the Omnibus Law on Job Creation does not yet have a straightforward method of doing the Act (Fitryantica, 2019).

3.10 New or revised to be relevance

First, in the long term, the formation of an omnibus law can cause uncertainty because the omnibus law forms a Law of a fundamental nature. Then often, these policies override the concepts and normative institutions of several laws. Uncertainty, said Susi, can also arise along with the change of government regime. If that happens, the new Government is not necessarily willing to implement the existing policies in the omnibus law. In addition, the impact of the omnibus Law is also there if it is applied too often, it can give birth to a habit in the authorities to justify all means for their purposes through the policies they make. For all the explanations above, it is appropriate to implement the omnibus law to consider many things, both the regulations that underlie it and the aftereffects (Arham & Saleh, 2019).

IV. Conclusion

In this final section, we try to summarize the critical points that we have obtained from various literature studies whose aim is to answer the question of whether there is relevance between the application of omnibus Law to save the environment in Indonesia. After a series of data studies under descriptive qualitative studies, we can conclude that the majority of experts provide an understanding that the implementation of the omnibus Law in Indonesia, mainly to protect the environment, is still a very intense debate, especially between the government and the community. In this case, the public, practitioners, academics, and environmental experts are concerned about environmental safety under the auspices of the new Omnibus Law. This implementation is severe in making policy after policy for the benefit of the government. The contribution felt by the environmental sector from implementing the omnibus has not yet reached the target; some regulations are enforced based on the interests of the government. So, the benefits of this new Law should be able to provide immediate benefits. However, because the design and stipulation are carried out with a somewhat inappropriate mechanism, the point is that it still does not touch the issues mandated by Law. This is based on the recognition of various experts, especially in impact assessment, where the purpose of the Law is to protect the impact of any industrial activity.

On the other hand, what is found from the implementation of this Law is that its existence threatens the survival of the new Indonesian people because, in its implementation, it weakens the involvement of the community to become controllers. Therefore, we conclude that the contribution of omnibus Law has not yet significantly impacted environmental protection in Indonesia. However, the existence of communication is in this experimental stage according to the views of various parties, academics, and environmental activists. Thus, the conclusion of this study is in the hope of getting input and improvement for the perfection of similar research in the future.

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