Relevance of EIA in Sustainable Development with Labour Law

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ABSTRACT
The process of drafting legislation that concerns the livelihood of many people needs to be a careful and participatory process, the Job Creation Bill has crucial problems when viewed from the methodological aspects, paradigm and substance of regulation in the policy field of over-regulated and over-lapping issues that occur in the regulation of fields related to development and investment will not be resolved because the Job Creation Bill requires around 500 derivative regulations so that it has the potential to create a complex hyper-regulated. Realising that there is a need to create a conducive investment climate to realise development, it should not ignore the principle of sustainable development. The purpose of this research was to find out the relevance of EIA in sustainable development in Indonesia where the problem with the current job creation law is suspected of changing the function of EIA which was previously one of the licensing requirements to something whose function is no longer important or only needs to increase the problem with the concept of regulation regarding the environment which was previously regulated by Law Number 32 of 2009 concerning Environmental Protection and Management (UPPLH) using a licensing-based approach. This research used normative or doctrinal research methods.

INTRODUCTION
It should be noted that the environment and development are two different or contrasting things. In the existence of development requires a change that aims to be better in the future and serves as a means of human welfare or can be called a growth, the most important thing in a development is the demand for the availability of natural resources. The environment we live in today consists of natural resource components and ecosystems that have properties that demand sustainability as a function for these natural resources, besides that natural resources also have a limitation on their availability. In addition to the limitations
and availability of natural resources to be renewed (renewable resources), namely in animals, then forests and there are also things that cannot be renewed (unrenewable resources), namely natural gas, iron, oil, coal and several other mining materials (Indah Sari, 2018).

The existence of natural resources is inseparable from the economic development of a nation, so this is a reason for the government to issue a regulation that can provide convenience for business operations and legal certainty, therefore the government has an important role in it. Based on the 1945 Constitution, the fourth paragraph states that "advancing public welfare", therefore the President and the DPR passed Law Number 11 of 2020 concerning Job Creation on 2 November 2020, this can be said to be an acrobation in regulation in Indonesia which aims to open up job opportunities and improve the climate for the people of Indonesia. In this case, there are various pros and cons based on society, law and economy that cannot be harmonious with one another, the existence of the economy and law is considered to be working together to exploit the environment in Indonesia for the benefit of a group. This can be seen from the government's decision to abolish the Environmental Impact Assessment (AMDAL), which according to the government is a solution that can answer the problems of investment delays and the difficulty of business licences so that the government tries to maintain environmental quality and spatial planning (Abdul Rahman, 2022).

Increasing activities in development in Indonesia, the risk associated with damage and pollution to the environment will also increase, which in turn will make a social burden so that the community and the government are required to bear the costs associated with its recovery. The application of the principles of development and environmental insight in the process of implementing development can be analysed from the most basic things, namely the beginning of planning, this will minimise the negative impacts and can develop positive impacts that can be prepared from the start. (Novianti Lestari, dkk: Sitabuana, 2022)

LITERATURE REVIEW

A. Sustainable Development

The issue of sustainable development is the subject of discussion in every discipline, but even so economics makes it a major concern in future development. Development itself is defined as an effort to improve the quality of life gradually by utilising the country's resources wisely. The concept of sustainable development is an amalgamation of four development theories, namely; Balanced development theory which emphasises the balance of society between agriculture, mining, industry, etc. Basic needs fulfilment development theory which emphasises the fulfilment of basic human needs, namely food, clothing, shelter, education and health. An equalisation theory that emphasises income equality and reduction of disparities. And quality development theory that emphasises improving the quality of the environment and the quality of people in an effort to gain quality of life (Hall, 2001).

B. Legal Theory and Development

It is a legal theory that was born from the pluralistic conditions of Indonesian society based on Pancasila. Basically this Theory of Law and
Development was born, grew and developed and created by Indonesians so that it is relatively appropriate when applied to Indonesian society. Mochtar Kusumaatmadja's Theory of Law and Development when actualised in the conditions of Indonesian society in general and the conditions of law enforcement in particular then has a reciprocal synergy in harmony. This aspect can be proven that in the context of legislative policy and application as well as in scientific studies, the Theory of Law and Development remains the main and crucial foundation which places that law can play an active and dynamic role as a catalyst and dynamicator as a means of renewing Indonesian society. Strictly speaking, that the Law and Development Theory of making law as a means of community renewal is not a tool of community renewal or as law as a tool of social engineering. According to him, the Theory of Law and Development was not initiated as a "theory" but a "concept" of legal development modified and adapted from Roscoe Pound's theory of "law as a tool of social engineering" which developed in the United States. When further elaborated, theoretically, Mochtar Kusumaatmadja's Development Law Theory is influenced by the way of thinking of Herold D. Laswell and Myres S. McMahon. Laswell and Myres S. Mc Dougal (Policy Approach) coupled with Roscoe Pound's legal theory (minus the mechanical conception). Mochtar processed all these inputs and adapted them to Indonesian conditions. There is an interesting side to the theories presented by Laswell and Mc Dougal where it is shown how important the cooperation between theoretical law bearers and scholars in general (scholars) and practical law bearers (specialists in decision) in the process of producing a public policy, which on the one hand is politically effective, but on the other hand is also enlightening. Law and Development Theory demonstrates a pattern of cooperation by involving all stakeholders in the social community. Mochtar Kusumaatmadja added a pragmatic goal (for the sake of development) as suggested by Roescoe Pound and Eugen Ehrlich where there is a correlation between Laswell and Mc Dougal's statements that the cooperation between legal researchers and practical law bearers should ideally be able to give birth to a theory of law, a theory that has a pragmatic dimension or practical use. Mochtar Kusumaatmadja changed the notion of law as a tool to law as a means (instrument) to build society. The main ideas underlying the concept are that order and order in development and renewal efforts are desirable, even absolutely necessary, and that the law in the sense of norms is expected to direct human activities towards the desired development and renewal. So a means is needed in the form of unwritten legal regulations that must be in accordance with the laws that live in society (Arya Setya Novanto and Ratna Herawati, 2022)

RESEARCH METHODOLOGY

The method used in this research is the normative research method or can be referred to as doctrinal legal research, where the law is conceptualised as it has been written in the legislation (law in book) or law is conceptualised as norms or rules as a
benchmark for society against what is considered appropriate (Jonaedi Efendi and Johnny Ibrahim, 2018). This research is taken to provide a description of the systematic violation of popular sovereignty in the parliamentary threshold in elections in Indonesia. The sources of legal materials in this research are primary legal sources and secondary legal sources. Primary legal sources consist of legal materials that are binding and consist of basic norms or basic rules, namely laws and regulations, the 1945 Constitution, as well as Tap MPR RI, uncodified legal materials and jurisprudence (Soerjono Soekanto and Sri Mamudji, 2015). The sources of secondary legal materials are materials that provide an explanation related to primary law, such as draft laws, research results, works from legal circles and opinions of legal scholars (Soerjono Soekanto and Sri Mamudji, 2015).

While in this research approach using a conceptual approach (conceptual aproach) by using comparative legal interpretation techniques, namely attempting to resolve legal issues by providing a comparison related to various legal standards (Philipis M. Hadjon, 2017). The analysis techniques in this normative legal research are: (1) Formulating legal principles from written and social positive legal data (2) Formulating legal notions (3) Establishing legal standards and (4) Formulating related legal rules.

RESULT AND DISCUSSION
1. Relevance of EIA in Sustainable Development

Based on a theoretical review of the concept of AMDAL which is an instrument that is considered important to strive for the realisation of a preservation of the environment that is threatened with pollution that has essential value, which has been accepted as a national instrument in Indonesia, it is therefore appropriate that AMDAL is required to be a commitment and guideline for companies in carrying out their economic activities (Nina Herlina, dkk, 2021). It should be noted that Environmental Impact Assessment or AMDAL is a reaction obtained from environmental damage caused by human activities that have increased so that this reaction can reach an extreme state to cause an attitude that is opposed to development and the use of high technology. Based on Government Regulation No. 27 of 1999 concerning environmental impact analysis states that AMDAL is a study of major and important impacts in decision making on planned businesses or activities on the environment where this is needed in the process of making a decision regarding the implementation of a business or an activity (Veronika Nugrahaeni dkk, 2020).

Meanwhile, when viewed substantively in the AMDAL, there are various contents, one of which is an effort that has been constructed with the aim of preventing a bad possibility so that it can result in a decrease in the quality of the environment. So with a plan regarding systematic environmental management and monitoring, therefore the prevention of negative impacts on the environment is expected to be realised in reality (Nina Herlina, dkk, 2021).

The method used in managing natural resources and the environment in development activities is AMDAL. AMDAL reporting documents can support the implementation of development work from an
environmental perspective so that the negative impacts that arise can be minimised or eliminated by finding solutions. Environmental changes caused by development activities can be assessed before the activities are carried out, so that the consequences or impacts can be estimated. Thus, solution techniques can be found to predict the effects and minimise them. However, if the effects are expected to be detrimental to the environment and the general public, and the effects take a long time to predict and are difficult to finance, then the planned activity may not be considered feasible.

The EIA report or document is an important and used document:

a. A source of detailed information on environmental conditions, including physical, chemical, biological, social, economic, cultural, and health.

b. As comparative information in the implementation of environmental management and monitoring work results or UKL-UPL.

c. The information in the EIA research paper is very useful for different purposes.

d. As valuable information for other operational projects under construction near their location.

It is an important document that can be used in court to answer the claims of other parties. An Environmental Impact Assessment (EIA) provides many benefits to all parties, including the government, businesses and communities around the location of development activities that are directly affected.

Below are the benefits of an EIA research paper.

1) Benefits of EIA for administrators

a) Through AMDAL, management can carry out sustainability activities in accordance with management policies.

b) Help prevent water pollution, air pollution, noise and also control environmental damage.

c) Let’s make sure the development is complete in accordance with the provisions and principles of development.

d) Sustainable development. As a form of government responsibility in its efforts to care for and control the environment in its own country.

e) Able to assist in determining the right working principles in planning and decision making and improving environmental management.

2) Benefits of EIA for commercial actors

a) Doing business is safer and more secure.

b) The current form of business can be used as a reference when wanting to open a new company or branch where investors, countries, or communities in the vicinity of the activity or project site progress.

c) It is easier to interact with the community in the vicinity of development activities or projects because the activities do not have a negative impact on the community.

d) Protect the development project from accusations is an offence.

e) Protect projects that violate applicable laws or government regulations.
f) To foresee and solve environmental problems that will arise in the future.

g) As a source of environmental information around the site development project.

3) Benefits of EIA for society

a) With an EIA research paper, the public will more quickly know the impact of a business plan or activity.

b) An EIA offers peace of mind as it involves maintaining a safe and clean environment.

c) Once the Amdal assessment document is available, the community can participate in the efforts to implement environmental management and monitoring and monitor the activities contained therein.

d) Describe the area development plan.

e) Describe environmental changes in the post-project period.

f) Knowing the rights and responsibilities of the community in relation to development projects or activities. (Gito Sugiyanto, 2022)

With the various benefits and uses of Amdal itself that are required by the environment, natural resources, and humans, Amdal is needed by development as a legal instrument and guideline in conducting businesses and various activities regarding development that are useful for minimising the risks associated with pollution and damage to the environment.

2. The concept of EIA after the issuance of the Job Creation Law

In general, the purpose of the state is a guideline for all state activities, from assembling and maintaining state equipment to social life. To educate the nation to participate in realizing a world order based on independence, lasting peace and social justice. The passing of the Job Creation Law does not solve the problem and does not do homework on environmental sustainability and protection. An important point that must be emphasized is that the Job Creation Law does not answer the real problems of sustainable development. The Job Creation Law does not recognize law enforcement and corruption as the main factors inhibiting the investment climate. The scientific paper on the Job Creation Law published on 12 February 2020 highlighted indicators showing that a complicated and over-regulated licensing system is at the root of the difficulty of doing business in Indonesia (Rolly Suriani, et al., 2022).

After the issuance of the Job Creation Law, it is still in the spotlight and has even raised objections and criticisms from various parties. One of the reasons is because it is assumed that the Job Creation Law has a negative impact on the environment, lacks environmental security and threatens environmental sustainability. The stance of the law is claimed to be only for the benefit of investors and only for companies and undermines the policing process within companies for the environment. Problems with the current job creation law are suspected of changing the function of Amdal which was previously one of the licence requirements to something whose function is no longer important or only needs to be increased. Problems with the concept of regulation regarding the
environment which was previously regulated by Law Number 32 of 2009 concerning Environmental Protection and Management (UPPLH) using a licence-based approach, moving towards the use of standards and a risk-based approach (RBA) in the Job Creation Law the state issues business licences based on the calculation of the value of the level of risk and the value of potential hazards to health, safety, the process of using the environment and resources. So the government is fully entrusted to entrepreneurs or business owners Actions based on risk standards that have been set by the government and it is still unclear what standard risk assessment parameters are determined and appropriate.

The implementation of the omnibus law by the government tends to tend towards environmental development. AMDAL, which serves as one of the basic tools for the environment and one of the things that are considered attractive. It is required to be a simplified approval procedure that is expected to facilitate investment without compromising the quality of spatial planning for the environment. On the other hand, environmental issues are still an ongoing problem and issues have not been resolved. pollution and environmental damage it will be a major environmental challenge and threat to our government turned on. As a step to solve various problems and issues, the Indonesian government made various efforts, including extortion, supervising and guiding contractors, developing and improving waste infrastructure and issuing various government regulations related to management for the environment. The use of AMDAL as a tool for impacts and consequences Important for business managers or the proposed environment is used as a decision-making process in carrying out the management of business licences on the environment (Dwi Febriyanti, dkk, 2021)

The Job Creation Law revokes, amends and provides new rules for the issuance of business licences as stipulated in the Environmental Protection and Management Law No. 32 of 2009 (UU PPLH). the topic that has become a polemic is the provisions on Ecological Impact Assessment (EIA).

There are about 4 (four) points in the Ciptaker Law that refer to the amended EIA provisions, namely:
1) The benefits of EIA, under the Ciptaker Law, the EIA prepared by the developer (the compiler of the EIA) is applied as a basis for testing the feasibility of the environment in terms of organizing businesses and/or activities. The environmental feasibility test is conducted by a team formed by the Environmental Protection Agency of the central government. The group consists of representatives of states, municipalities, and experienced experts. Based on these recommendations, the state or local government decides on environmental compatibility and the determination of environmental compatibility is used as a prerequisite for the granting of an operating licence. This is different from the provisions of the previous Environmental Law, namely: The EIA is the basis for determining the environmental performance of the company and/or operation. In the
PPLH Law, before the AMDAL Agreement is used as the basis for regulation, the AMDAL document is first reviewed by an AMDAL Review Committee consisting of the minister, governor, or governor/mayor in accordance with their authority. If there is no AMDAL recommendation, an environmental permit will not be granted.

2) The Ciptaker Law amends the provisions of Article 25(c) regarding the documents included in the AMDAL document. One of the amended document requirements concerns proposals and public comments. The PPLH Law requires one of the EIA documents to contain input, suggestions and responses from affected communities regarding business/maintenance plans, while the Ciptaker Law requires input and responses from the public (not necessarily directly from the public). (Warsifah, 2022)

3) In the AMDAL preparation process, both the Ciptaker Law and the Environmental Law regulate community participation. However, the provisions of the Ciptaker Law limit the definition of the public. According to Article 26(3) of Law No. 32 Year 2009, the relevant municipality is the municipality concerned; environmentalists; and/or those affected by all decisions of the EIA process, while according to the Ciptaker Law, only directly affected entities are meant.

4) Changes to the EIA Appeal Mechanism. The Environmental Law allows individuals who object to EIA Documents to file objections or appeals, while the Ciptaker Law does not regulate the appeal mechanism for EIA. The Ciptaker Law revokes the provisions of the appeal mechanism, namely the provisions of the EIA Review Board stipulated in Articles 29, 30, and 31 of the PPLH Law. The absence of an appeal mechanism has sparked debate in the community because this mechanism is considered very important to ensure environmental sustainability, especially to ensure that EIA documents are not made by chance or mere formality. (Warsifah, 2022)

POLICY IMPLICATION AND RECOMMENDATION
1. Establish an independent study team to evaluate the effectiveness of AMDAL implementation in the Job Creation Law, and open space for public participation as well as conduct a review of AMDAL-related provisions in the Job Creation Law to ensure a balance between environmental protection and ease of doing business.

2. Develop clear, measurable, and transparent risk assessment standards and parameters for reference in granting business licences.

3. Strengthening coordination and synergy between relevant ministries/agencies, local governments, and experts in handling EIA.

4. DPR RI takes part in encouraging the Government to increase education and socialisation to the public and businesses on the importance of AMDAL in preserving the environment and sustainable development.
CONCLUSION

The application of the omnibus law by the government tends to tend towards environmental development. EIA, which serves as one of the basic tools for the environment and one of the things that are considered attractive. It is required to be a simplified approval procedure that is expected to facilitate investment without compromising the quality of spatial planning for the environment. On the other hand, environmental issues are still a problem and an ongoing issue that has not been resolved, pollution and environmental damage it will be a big environmental challenge and a threat to our government turned on.

As a step to solve various problems and issues, the Indonesian government has made various efforts, including extortion, supervising and guiding contractors, developing and improving waste infrastructure and issuing various government regulations related to management for the environment. The use of AMDAL as a tool for impacts and consequences Important for business managers or the proposed environment is used as a decision-making process in carrying out the management of business licences on the environment.

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