



# ENVIRONMENTAL PROTECTION POST ESTABLISHMENT OF OMNIBUS LAW ON JOB CREATION IN THE PERSECTIVE OF LOCAL GOVERNMENT AUTHORITY

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**Abstract** *The dynamics of regulation of environmental protection, with the publication of the Omnibus Law on Job Creation, has had an impact on the content contained in Law Number 32 of 2009 concerning Environmental Protection and Management. The existence of the Omnibus Law on Job Creation has changed at least 27 articles, added 4 articles, and 10 articles were deleted in Law Number 32 of 2009. This paper aims to reflect on the legal implications of environmental protection after the Omnibus Law on Job Creation on regional authorities. The results of the study show that the Omnibus Law on Job Creation has reduced the authority of local governments in protecting the environment. There have been several withdrawals of local government affairs to the central government (recentralization), as well as the strengthening of evaluation instruments by the central government. This legal implication can be a challenge and a threat to solving problems and protecting the environment in the region. On the other hand, this can reduce the spirit of environmental decentralization and weaken the spirit of regional autonomy.*

**Keywords:** *Environment; Decentralization; Authority; Job Creation.*

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## I. INTRODUCTION

Indonesia, as one of the hearts and lungs of the world, is often expected to be a pioneer and driving force for environmental preservation and sustainability. As for the 1945 Constitution of the Republic of Indonesia, it stipulates that a good and healthy environment is a human right and a constitutional right for every Indonesian citizen. Article 28 H Paragraph (1) of the 1945 Constitution, contains guarantees regarding a person's right to a good and healthy environment.

After the end of the New Order, the spirit of implementing regional autonomy began to strengthen marked by various policies related to the region. In line with the spirit of regional autonomy, not only the central government but regional governments are also obliged to protect and manage the environment in the implementation of sustainable development so that the environment can remain a source and support for life for the community and other living things. Article 18

paragraph (2) and paragraph (5) of the 1945 Constitution of the Republic of Indonesia is the basis that the Regional Government has the authority to regulate and manage its own Government Affairs according to the Principles of Autonomy and Co-Administration and is given the widest possible autonomy.

Granting the widest possible autonomy to the regions through Law no. 23 of 2014 is directed at accelerating the realization of community welfare through service improvement, empowerment, and community participation. In addition, through broad autonomy, in the strategic environment of globalization, the regions are expected to be able to increase their competitiveness by taking into account the principles of democracy, equity, justice, privileges and specificities as well as regional potential and diversity within the system of the Unitary State of the Republic of Indonesia. According to Manor, the decentralization policy stems from the need to strengthen local government in order to bridge the gap between the state and local communities. Countries with large populations and large territories tend to be more decentralized because it is very difficult and expensive to govern effectively when populations and territories are large.

The regions in carrying out decentralization are closely related to government affairs, especially concurrent government affairs which are government affairs that are divided between the central government, provincial regions and district/city regions. The division of concurrent government affairs between the central, provincial and district/city regions, even though the Government Affairs are the same, the difference will be evident from the scale or scope of these government affairs. One of the divisions of concurrent government affairs, one of which is government affairs in the environmental sector.

Apart from being based on the regional government legal regime, regional authority in the administration of regional government also originates from sectoral legal regimes. Currently environmental arrangements are regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. Legal policies regarding the protection and management of life which are guided by laws and regulations at the central level also influence the administration of the environment in the regions.

Decentralization and regional autonomy are other challenges for natural resource governance. There are competing interests between central and local governments due to different interpretations of decentralization regulations. There are current legal developments, especially with the promulgation of Law Number 11 of 2020 concerning Job Creation as it has been repealed and replaced by Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation (Omnibus Law Cipta Kerja) to environment in Indonesia. This is because the issuance of the

Omnibus Law on Job Creation has also changed, deleted and added several provisions in Law Number 32 of 2009 concerning Environmental Protection and Management. Some of the contents of the material in the Omnibus Law on Job Creation directly or indirectly have an impact on the environment, including the portion of local government authority over the environment. This paper will map out the legal implications of environmental protection in the Omnibus Law on Job Creation for regional authorities.

## II. DISCUSSION

### **Constitutionalization of Environmental Law and the Birth of the Omnibus Law on Job Creation**

Constitutionalization of environmental law norms is very important, Achmad Sentosa in this case argues that there are several levels or categories of constitutionalization of environmental law norms, namely categories:<sup>1</sup>

- a. Highest commitment, recognition of legal rights to nature (right for nature) complemented by subjective rights and obligations of the state (the duty of the state) in the field of environmental management, as well as the direction of the pattern of development, namely sustainable development in special environmental packaging charter.
- b. High commitment, recognition of subjective rights complemented by the duty of the state in the field of environmental management and the direction of the pattern of development, namely sustainable development in a special environmental charter package.
- c. Adequate commitment, acknowledgment of subjective rights with the duty of the state in the field of environmental management in special articles, but do not yet contain the direction of the pattern of development.
- d. Moderate commitment, acknowledgment of subjective rights without specifically recognizing the duty of state in the field of environmental management, but there is a direction for sustainable development even though it is not placed in a special article.
- e. Low commitment, the constitution does not recognize environmental law norms at all (subjective rights or duties of the state), and there is also no material for the direction of the pattern of development.

According to Jimly Asshidiqie, the Indonesian constitution which contains Article 28H paragraph (1) of the 1945 Constitution is a norm that recognizes subjective rights in environmental management, and the existence of Article 33 paragraph (4) of the 1945 Constitution is a norm that recognizes elements with an environmental perspective in the national economy or development. economy based on the

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<sup>1</sup> Jimly Asshiddiqie, "Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945", (Jakarta: Rajawali Press, 2010)

concept of sustainable development. Indonesia in this case can be categorized in the medium commitment category.<sup>2</sup>

Along with the development of existing laws in environmental protection in Indonesia. The issuance of Law Number 11 of 2020 concerning Job Creation as repealed and replaced by Government Regulation in Lieu of Law (Perppu) Number 2 of 2022 concerning Job Creation has become a new dimension in the course of environmental protection policies. The environmental protection policy discourse contained in the Job Creation Omnibus Law is still an unfinished topic, because some of the content contained in the Job Creation Omnibus Law has directly or indirectly changed the legal politics of environmental protection.

The current politics of environmental law cannot be separated from the issue of material content in the provisions of Law Number 32 of 2009 concerning the Protection and Management of the Environment, from licensing instruments to supervision of the implementation of sectoral business activities that have an impact on the environment.

The birth of the Job Creation Law which has the main objective in the economic sector, poses a threat to environmental sustainability. Provisions in the Job Creation Law that change the basic legal politics regarding the environment include:<sup>3</sup>

- a. simplification of licensing, namely the concept of environmental permits becoming environmental approvals that eliminate administrative lawsuits through courts in the event of a violation, as well as the existence of a risk-based business licensing categorization which currently Indonesia is still weak in its implementation;
- b. strict liability disorientation, namely from the definition of absolute responsibility (strict liability) to liability based on fault and there must be proof of absolute liability as contained in PP No. 22 of 2021 as a derivative rule of the Job Creation Law;
- c. limitation of rights to the environment, namely those that are limited only to the people directly affected; voting rights in decision-making cannot be ensured; deletion of the clause for filing objections to the Amdal process; as well as the unclear position of the environmental approval as the object of the State Administrative dispute.

These things are feared to have a negative impact on ecological sustainability. The political change in environmental protection law in the Omnibus Law on Job

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<sup>2</sup> Ibid.

<sup>3</sup> Hario Danang Pambudhi & Ega Rammadayanti, "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam Undang-Undang Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis", *Jurnal Hukum Lingkungan Indonesia*, Vol.7, No.2, 2021, pp: 297-322

Creation is a reflection of the degree of government commitment to environmental protection. According to the author, the Omnibus Law on Job Creation has changed the basic legal politics regarding environmental protection which is more towards exploitation than conservation. The existence of a conflict of economic interests and ecological interests becomes a discourse in the political development of environmental justice law.

The presence of the Omnibus Law on Job Creation can be inconsistent with environmental guarantees since Law No. 4 of 1982 to Law No. 32 of 2009 which shows good progress in reflecting the concept of justice for the environment. The government needs to be committed to pursuing environmentally sustainable development, so that the next generation of people (future generations) can still experience a healthy environment.

According to Ramdan, the Anthropocene epic<sup>4</sup> requires a change in perspective on the relationship between human beings, and between humans and nature. The law in this case has an important role and at the same time requires many changes.<sup>5</sup> Purdy's opinion is that law reflects social relations, values and power so that law has an important role in the Anthropocene.<sup>6</sup> State Administrative Law and State Administration in this aspect will be affected not only by the Anthropocene being able to encourage respect for human rights related to the environment, but also to encourage recognition of environmental rights themselves.<sup>7</sup> The need for environmental regulation in the constitution in addition to providing strong legal guarantees for citizens to claim their rights, also provides an obligation to the state to realize these rights.

The constitutionalization of environmental law norms in Indonesia is still in the category of moderate commitment, namely providing recognition of subjective rights without specifically acknowledging the duty of the state in the field of environmental management, but contains patterns and directions for sustainable development even though there are no special articles, it is necessary into a commitment category with a higher level, namely adequate, high or even the highest commitment. The government needs to increase its commitment to the constitutionalization of environmental law norms or green constitutions so that the laws and regulations under it (green legislation) can be aligned and in accordance with the principles of environmentally sustainable development. Thus, it will increase the bargaining position of the people and nature vis-à-vis the state.

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<sup>4</sup> The Anthropocene Epic is a term that shows human power to influence nature, but hides who has that power and how that power is developed.

<sup>5</sup> Muhammad Ramdan A. G. Wibisana, "Antroposen dan Hukum: Hukum Lingkungan dalam Masa-masa Penuh Bahaya", Speech on the Inauguration of Permanent Professor at the Faculty of Law, University of Indonesia, 10 April 2021.

<sup>6</sup> J. Purdy, "Coming into the Anthropocene", *Harvard Law Review*, Vol. 129: 6 tahun 2016, hlm. 1639 in Muhammad Ramdan A.G. Wibisana, *Ibid*.

<sup>7</sup> Muhammad Ramdan A.G. Wibisana, *Op.Cit*.

### **Environmental Decentralization in the Omnibus Law on Job Creation**

The development of the era, especially during the transition period from the New Order to the Reformation, found the existence of regional autonomy policies and good governance arrangements. This is one of the reasons for environmental regulations which were originally regulated in Law Number 23 of 1997 concerning Environmental Management to be updated and replaced by Law Number 32 of 2009 concerning Environmental Protection and Management. This is further confirmed by the existence of the principle of "regional autonomy" in the protection and management of the environment as contained in Article 2. The explanation contained in the law defines that the principle of regional autonomy is that the Government and regional governments regulate and manage their own government affairs in the field of environmental protection and management by taking into account the specificity and diversity of regions within the framework of the Unitary State of the Republic of Indonesia.

Regional autonomy is the result of a compromise and meeting point between the demands of a federal state and a pure unitary state which is considered to bridge the power relationship between the center and the regions which often creates polemics. On the other hand, regional autonomy is part of the mandate for reform against the backdrop of large developmental disparities and social inequalities.<sup>8</sup> Soemarwoto explained that protecting and managing the environment in the context of regional autonomy will provide a way for the realization of a good and healthy environmental management for environmental renewal and improvement in the regions.<sup>9</sup> The importance of the regional autonomy approach in environmental law needs to be maintained in order to realize effective environmental protection and management by taking into account the diversity and specificities of each region.<sup>10</sup>

According to Sonny Keraf, conceptually there are several reasons for regional autonomy to have a positive impact on regional welfare. First, regional autonomy brings public policy and decision-making closer to the people in the regions, which will be more in line with regional conditions. Second, through regional autonomy, there is more direct and faster control, and even cheaper, from the community and various interest groups in the regions towards pro-people policies. Third, the interests of the local community will be given more attention and accommodation. Fourth, the fate of the region is determined by the region itself, so that the regional government and the local community will be very serious about developing their

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<sup>8</sup> Research Team, "Masa Depan Otonomi Daerah terhadap Keberlakuan Undang-Undang Cipta Kerja", Laporan Hasil Penelitian, 2021, Sulawesi Tenggara.

<sup>9</sup> Otto Soemarwoto, "Atur Diri Sendiri Paradigma Baru Pengelolaan Lingkungan Hidup", (Yogyakarta: Gadjah Mada University Press, 2004), p.159.

<sup>10</sup> Prahesti Sekar Kumandhani, "Penegakan Hukum Lingkungan Hidup oleh Pemerintah Daerah dalam Kerangka Otonomi Daerah", Jurnal Dharmasisya, Vol.1, 2021.

own area.<sup>11</sup> Jesse C Ribbot stated that decentralization is a way to increase efficiency and justice in the management of natural resources. It is through this efficiency and fairness that regional autonomy will have a welfare impact on the region.<sup>12</sup>

The same thing, according to M. Akib: *“The actualisation of environmental law and policy in the course of implementing regional autonomy must include, as a minimum, the following: (i) establishing regional legislation based on ecological sustainability, (ii) strengthening regional environmental authority, (iii) increasing regional environmental institutional capacity, and (iv) developing inter-regional environmental cooperation. And then, the principles of eco-cracy should be integrated with the principles and objectives of regional autonomy. In so doing, it may be possible to realise both ecological sustainability and sustainable prosperity.”*<sup>13</sup> Actualization of environmental laws and policies in the context of implementing regional autonomy must at a minimum include: (i) establishment of regional regulations based on ecological sustainability, (ii) strengthening of regional environmental authority, (iii) improvement of regional living environment. institutional capacity, and (iv) developing inter-regional environmental cooperation. Then, ecocracy principles must be integrated with the principles and objectives of regional autonomy. Thus, it is possible to realize ecological sustainability and sustainable prosperity.

Article 21 Government Regulation in Lieu of Law Number 2 of 2022 (Omnibus Law on Job Creation), stipulates that "In order to make it easy for everyone to obtain environmental approval, this Government Regulation in Lieu of Law changes, deletes, or stipulates several new arrangements provisions related to Business Permits regulated in Law Number 32 of 2009 concerning Environmental Protection and Management." The existence of the Omnibus Law on Job Creation has changed at least 27 articles in Law 32 of 2009 namely Articles 1, 20, 24, 25, 26, 27, 28, 32, 34, 35, 37, 39, 55, 59, 61, 63, 69 , 71, 72, 73, 76, 77, 82, 88, 109, 111, and 112; the addition of 4 Articles as regulated in Articles 61A, 82A, 82B, and 82C; as well as 10 (ten) articles that were deleted, namely Articles 29, 30, 31, 36, 38, 40, 79, 93, 102, and 110. Based on the norms of changes contained in the Job Creation Law on the environment, here are several articles that related to regional government, as contained in table 1.

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<sup>11</sup> Sonny Keraf, "Etika Lingkungan", (Universitas Michigan: Penerbit Buku Kompas, 2002) dalam Rudy, Hukum Pemerintahan Daerah, Op.Cit.

<sup>12</sup> Jesse C. Ribbot, "Waiting for Democracy: The Politics of Choice in Natural Resource Decentralization", (Washington D.C: World Resources Institute, 2004), in Rudy, Op.Cit.

<sup>13</sup> Muhammad Akib, et al., "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy", Jurnal Environmental Policy and Law 49/1 Tahun 2019, hlm. 83-87

**Table 1 Comparison of Changes in Environmental Law Norms related to Regional Authorities in Law Number 32 of 2009 & the Omnibus Law on Job Creation (Perppu Number 2 of 2022)**

No.	Regulatory	Law 32/2009	Perpu 2/2022
1	Changes in Amdal definition, UKL-UPL, and change of Environmental Permit to Environmental Approval (Article 1)	<p>An analysis of environmental impacts, hereinafter referred to as Amdal, is a study of the significant impact of a planned business and/or activity on the environment which is required for the decision-making process regarding the implementation of a business and/or activity.</p> <p>Environmental management efforts and environmental monitoring efforts, hereinafter referred to as UKL-UPL, are management and monitoring of businesses and/or activities that do not have a significant impact on the environment which is required for the process of making decisions regarding the implementation of businesses and/or activities.</p> <p>An environmental permit is a permit granted to anyone who carries out a business and/or activity that requires an Amdal or UKL-UPL in the framework of environmental</p>	<p>An analysis of environmental impacts, hereinafter referred to as Amdal, is a study of the significant impacts on the environment of a planned business and/or activity, to be used as a prerequisite for making a decision regarding the implementation of a business and/or activity and contained in a Business Permit, or approval by the Central Government or Local government.</p> <p>Efforts to manage the environment and monitor the environment, hereinafter referred to as UKL-UPL, are a series of environmental management and monitoring processes set forth in a standard form to be used as prerequisites for decision-making and contained in a Business Permit, or approval by the Central Government or Regional Government.</p> <p>Environmental Approval is a Decision on Environmental Feasibility or a Statement of Capability for Environmental Management that has</p>



		protection and management as a prerequisite for obtaining a business and/or activity permit.	received approval from the Central Government or Regional Government.
2	Changes to the provisions of the norm "Ministers, governors or regents/mayors in accordance with their authority" to "central government or local government" in the provisions: waste disposal to environmental media (Article 20 paragraph (3) letter b); B3 waste management (Article 59 paragraph 4); stipulation of environmental requirements for B3 waste managers (Article 59 paragraph 5); supervising the obedience of those in charge of a business and/or activity (article 71 paragraph 1); delegation supervises technical agency officials (Article 71 paragraph 2); determination of environmental supervisory officials (Article 71 paragraph 3); application of administrative sanctions to the insurer business and/or activity responsibility (Article 76 paragraph 1).	Article 20 paragraph (3): Everyone is allowed to dispose of waste into environmental media with the following conditions: a. meet environmental quality standards; and b. obtain permission from the Minister, governor, or regent/mayor according to their authority.  Article 59 paragraph 4: The management of B3 waste must obtain a permit from the Minister, governor or regent/mayor according to their authority.  Mutatis mutandis with other articles related to changes in norms.	Article 20 paragraph (3): Everyone is allowed to dispose of waste into environmental media with the following conditions: a. meet environmental quality standards; and b. obtain approval from the central government or regional government.  Article 59 paragraph 4: Hazardous waste management must obtain a business permit or approval from the central government or regional government.  Mutatis mutandis with other articles related to changes in norms.
3	Environmental feasibility testing (Amdal documents) carried out by a Team formed by the	Article 24: Amdal documents as referred to in Article 22 are the basis for determining	Article 24: (1) Amdal documents are the basis for environmental due diligence for planned

<p>Central Government</p>	<p>environmental feasibility decisions.</p> <p>Article 29: (1) Amdal documents are assessed by an Amdal Evaluation Commission formed by the Minister, governor or regent/mayor according to their authority. (2) The Amdal Assessment Commission must have a license from the Minister, governor or regent/mayor according to their authority.</p>	<p>businesses and/or activities. (2) The environmental due diligence as referred to in paragraph (1) is carried out by a team of environmental due diligence established by the central government's environmental due diligence agency. (3) The environmental due diligence team as referred to in paragraph (2) consists of elements from the central government, regional governments and certified experts. (4) The Central Government or Regional Government stipulates a Decision on Environmental Feasibility based on the results of the environmental feasibility test. (5) The decision on environmental feasibility as referred to in paragraph (4) is used as a requirement for issuance of business permits, or approval from the central government or regional government.</p> <p>Article 29: Deleted</p>
<p>4</p> <p>Determination of types of businesses and/or activities that must be completed with UKL-UPL, which was originally the authority of the governor or regent/mayor became</p>	<p>Article 34: (1) Every business and/or activity that is not included in the mandatory Amdal criteria as referred to in Article 23 paragraph (1) must have UKLUPL. (2)</p>	<p>Article 34: (1) Every business and/or activity that does not have a significant impact on the Environment must comply with UKL-UPL standards. (2)</p>

	only the authority of the central government.	Governors or regents/mayors stipulate type of business and/or activity that must be completed with UKL-UPL.	Fulfillment of the UKL-UPL standard as referred to in paragraph (1) is stated in the Statement of Commitment to Manage the Environment. (3) Based on the Statement of Ability to Manage the Environment as referred to in paragraph (2), the Central Government or Regional Government issues Business Permits, or approval from the Central Government or Regional Governments. (4) The central government determines the type of business and/or activity that must be completed with UKL-UPL.
5	Appointment of bank in depository of guarantee fund	Article 55 paragraph (2): The guarantee fund is kept in a government bank appointed by the Minister, governor or regent/mayor according to their authority.	Article 55 paragraph (2): The guarantee fund is kept in a government bank appointed by the Central Government.
6	Determination of third parties in the restoration of environmental functions	Article 55 paragraph (3): Ministers, governors or regents/mayors in accordance with their authority may appoint a third party to restore environmental functions using guarantee funds.	Article 55 paragraph (3): The Central Government may appoint a third party to carry out environmental function restoration using guarantee funds.
7	Dumping implementation is the authority of the Central Government	Article 61 paragraph (1): Dumping as referred to in Article 60 can only be carried out with a permit from the Minister, governor or	Article 61 paragraph (1): Dumping as referred to in Article 60 can only be carried out with the approval of the Central Government.

		regent/mayor in accordance with their authority.	
8	Elimination of Environmental Permit authority	Article 36: (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 the environmental feasibility decision as referred to in Article 31 or the UKL-UPL recommendation. (3) The environmental permit as referred to in paragraph (1) must state the requirements contained in the environmental feasibility decision or the UKL-UPL recommendation. (4) Environmental permits are issued by the Minister, governor or regent/mayor in accordance with their authority.	Deleted
9	Supervision of the compliance of those in charge of a business and or activity	Article 72: Ministers, governors or regents/mayors in accordance with their authority are required to supervise the compliance of those in charge of businesses and/or activities with environmental permits.	Article 72: "The Central Government or Regional Government in accordance with their authority based on the norms, standards, procedures and criteria stipulated by the central Government are required to supervise the compliance of those in charge of business and/or activities with Business Permits, or

			approval by the Central Government or Regional Governments.
<b>10</b>	Forcing those in charge of businesses and/or activities to carry out environmental restoration and the appointment of third parties to carry out environmental restoration is the authority of the central government only	Article 82: (1) The minister, governor or regent/mayor has the authority to force those in charge of a business and/or activity to carry out environmental restoration as a result of pollution and/or damage environment he does. (2) The minister, governor or regent/mayor has the authority or may appoint a third party to carry out environmental restoration as a result of environmental pollution and/or damage that he/she has committed at the expense of the insurer. business and/or activity responsibility.	Article 82: (1) The Central Government has the authority to compel those in charge of businesses and/or activities to carry out environmental restoration as a result of the environmental pollution and/or damage they have committed. (2) The Central Government has the authority or may appoint a third party to carry out environmental restoration as a result of environmental pollution and/or damage that has been carried out at the expense of the person in charge of the business and/or activity.

Source: Processed Data.

Based on the table above, there are at least 10 (ten) regulatory substances that impact regional government authority in environmental protection and management. The legal implications are basically related to the space for the regions to exercise their autonomy.

The regional autonomy policy should be carried out by decentralizing the powers that have so far been centralized in the hands of the central government. In the process of decentralization, the power of the central government was transferred from the central level to the regional administrations as appropriate, resulting in a shift in power from the center to the districts and cities throughout Indonesia. If in the original conditions the flow of government power moved from the regions to the central level, then ideally since the implementation of the regional autonomy

policy, the flow of power dynamics will move in the opposite direction, namely from the center to the regions.<sup>14</sup>

One part of the content material, namely the abolition of environmental permits, also has an impact on the authority of the local government as an instrument of supervision attached to the permit. On the other hand, the use of the nomenclature "or" in the change in regulation of Law Number 32 of 2009 through the Omnibus Law on Job Creation, which was originally "Ministers, governors or regents/mayors according to their authority" has become "central government or regional government". Apart from having the potential to create legal uncertainty, this will also have an impact on the portion of regional government authority. The authority of local governments through the Omnibus Law on Job Creation is becoming more limited, the principle of dividing concurrent affairs as stipulated in Law 23 of 2014 becomes summary, giving rise to a tendency for central government dominance.

As regulated in Article 13 paragraph (1) of Law no. 23 of 2014, the division of concurrent government affairs between the central government and provincial and district/city regions is based on the principles of accountability, efficiency and externality, as well as national strategic interests. As for what is meant by these principles namely:<sup>15</sup>

1. The principle of accountability is that the person in charge of administering a Government Affairs is determined based on their proximity to the extent, magnitude, and scope of the impact caused by the implementation of a Government Affairs.
2. The principle of efficiency is that the administration of a Government Affairs is determined based on the ratio of the highest efficiency level that can be obtained.
3. The principle of externality is that the organizer of a Government Affairs is determined based on the extent, magnitude, and scope of impact arising from the implementation of a Government Affairs.
4. The principle of national strategic interest is that the organizer of a Government Affairs is determined based on considerations in the context of maintaining the integrity and unity of the nation, maintaining State sovereignty, implementation of foreign relations, achievement of national strategic programs and other considerations stipulated in the provisions of laws and regulations.

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<sup>14</sup> Hario Danang Pambudhi & Ega Rammadayanti, "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam Undang-Undang Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis", *Jurnal Hukum Lingkungan Indonesia*, Vol.7, No.2, 2021, pp: 297-322

<sup>15</sup> Explanation of Article 13 paragraph (1) of Law Number 23 of 2014.

If we examine the changes in the norms stipulated in the Omnibus Law on Job Creation and then analyze it with the principles of the division of concurrent affairs between the central and regional governments, it is in the short areas that still require clarity in terms of which domains are included in the central area, and which domains are included in the central area. regional authority.

Further implications with the reduction of regional government authority in the Job Creation Omnibus Law regarding environmental protection, this can have an impact on the implementation of environmental protection and people's welfare. According to M. Akib, et al., that:

*“One such policy that is particularly important in this regard is that of regional autonomy. So long as the implementation of the legal policy on decentralisation and regional autonomy actualises the political spirit of environmental law, it should have a significant positive impact on the environment and people’s welfare.”*<sup>16</sup> One very important policy is regional autonomy. As long as the implementation of legal policies on decentralization and regional autonomy actualizes the political spirit of environmental law, it should have a significant positive impact on the environment and people's welfare.

The other side is in line with Regional Autonomy, in terms of the delegation of authority to regional governments in the field of natural resource management and environmental preservation with the aim of increasing the role of local communities in protecting and managing the environment. It is this community participation that can guarantee dynamism in the protection and management of the environment so that they are able to respond to challenges in environmental issues.<sup>17</sup>

The relevance of environmental policies to regional autonomy is closely related and intertwined. Regional autonomy in the context of environmental protection is an effort to increase environmental protection, in line with the decentralization era which is in harmony with the increasing role of local communities in environmental protection and management. This is because the regions understand better the potentials and challenges that exist in the regions, so that there is a reduction in regional authority or a tendency to recentralization that is not in line with the spirit of regional autonomy that has been rolled out since the reform era.

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<sup>16</sup> Muhammad Akib, et al., “Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy”, *Jurnal Environmental Policy and Law* 49/1 Tahun 2019, pp. 83-87

<sup>17</sup> Risno Mina, “Desentralisasi Perlindungan dan Pengelolaan Lingkungan Hidup sebagai Alternatif Menyelesaikan Permasalahan Lingkungan Hidup,” *Jurnal Arena Hukum* Volume 9, Nomor 2, Agustus 2016.

### **III. CONCLUSION**

Based on the analysis and discussion that has been described, it can be concluded that: the content material in the Omnibus Law on Job Creation is related to changes, deletions and additions to Articles in Law 32 of 2009, indicating a reduction in regional government authority. There have been several withdrawals of local government affairs to the central government, as well as the strengthening of evaluation instruments by the central government. To strengthen environmental protection, it is necessary to strengthen environmental arrangements in the constitution (constitutionalization of environmental law norms) in addition to providing strong legal guarantees for citizens to claim their rights, it also gives obligations to the state to realize these rights. This is so that the laws and regulations under it (green legislation) can be aligned and in accordance with the principles of sustainable development with an environmental perspective in accordance with the constitution.

### **REFERENCES**

- Hario Danang Pambudhi & Ega Rammadayanti, "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam Undang-Undang Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis," *Jurnal Hukum Lingkungan Indonesia*, Vol.7, No.2, 2021, pp: 297-322
- Hario Danang Pambudhi & Ega Rammadayanti, "Menilai Kembali Politik Hukum Perlindungan Lingkungan Dalam Undang-Undang Cipta Kerja Untuk Mendukung Keberlanjutan Ekologis," *Jurnal Hukum Lingkungan Indonesia*, Vol.7, No.2, 2021, pp: 297-322
- Jimly Asshiddiqie, "Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," (Jakarta: Rajawali Press, 2010)
- Muhammad Akib, et al., "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy," *Jurnal Environmental Policy and Law* 49/1 Tahun 2019, pp. 83-87
- Muhammad Ramdan A. G. Wibisana, "Antroposen dan Hukum: Hukum Lingkungan dalam Masa-masa Penuh Bahaya," Speech on the Inauguration of Permanent Professor at the Faculty of Law, University of Indonesia, 10 April 2021.
- Otto Soemarwoto, "Atur Diri Sendiri Paradigma Baru Pengelolaan Lingkungan Hidup," (Yogyakarta: Gadjah Mada University Press, 2004), p.159.
- Prahesti Sekar Kumandhani, "Penegakan Hukum Lingkungan Hidup oleh Pemerintah Daerah dalam Kerangka Otonomi Daerah," *Jurnal Dharmasiswa*, Vol.1, 2021.
- Research team, "Masa Depan Otonomi Daerah terhadap Keberlakuan Undang-Undang Cipta Kerja," Research Results Report, 2021, Sulawesi Tenggara.



- Risno Mina, "Desentralisasi Perlindungan dan Pengelolaan Lingkungan Hidup sebagai Alternatif Menyelesaikan Permasalahan Lingkungan Hidup," *Jurnal Arena Hukum* Volume 9, Nomor 2, Agustus 2016.
- Rudy, "Hukum Pemerintahan Daerah Perspektif Konstitusionalisme," (Lampung: Indepth Publishing, 2012).
- Samahuddin Muharram, et al., "Politik Ekologi Pengelolaan Lingkungan Hidup dalam Perspektif Otonomi Daerah di Kabupaten Banjar," *Proceedings of the National Seminar on Wetland Environment* Volume 7 Number 7, April 2022.
- Sonny Keraf, "Etika Lingkungan," (Universitas Michigan: Penerbit Buku Kompas, 2002). Rudy, dan M. Iwan Satriawan. 2020. *Pemilu dan Pemilukada*. Yogyakarta: Graha Ilmu.
- Surbakti, Ramlan, Didik Supriyanto, Hasyim Asy'ari, dan August Mellaz. 2011. *Menyetarakan Nilai Suara: Jumlah dan Alokasi Kursi DPR ke Provinsi*. Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan.
- Taagepera, Rein, dan Matthew S. Shugart. 2002. *Limiting Frames of Political Games: Logical Quantitative Models of Size, Growth and Distribution*. Irvine: Center for the Study of Democracy, University of California.
- The 1945 Constitution of The Republic of Indonesia.
- The 2017 Law No. 7 Concerning General Election.