

Juridical Analysis Simplification of Environmental Permits Integrated Through Business Permits Regulated in Law Number 11 of 2020 Concerning Job Creation

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Abstract: *In order to reach golden Indonesia, and make Indonesia be the fifth largest economic power in the world, the government develops economic growth by attracting investment into Indonesia. One of the government's efforts is to cut regulations that hinder investment by issuing the Job Creation Act. The birth of the Job Creation Act erases, changes and combines several applicable laws into one law through the concept of the Omnibus Law or commonly referred to as the Universal Sweeping Law. In response to these problems, we conducted research using a normative juridical approach based on primary legal materials. This research uses a statute approach and a conceptual approach with the technique of tracing legal materials using document study techniques and analysis of qualitative studies. The results of the study show that in principle the basic concept in the Employment Creation Act regarding Environmental Permits has not changed, which is still in accordance with the previous provisions. Changes are only related to providing convenience in obtaining environmental approvals with the intention that environmental permits are integrated into licensing trying to simplify the licensing system and strengthen law enforcement.*

Keywords: *Job Creation Law, Business Licensing, Environmental Permit*

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A. PRELIMINARY

Permit in the broadest sense (permit) is an approval from the authorities based on laws or government regulations, to in certain circumstances deviate from the provisions of the statutory prohibition. According to W.F. Prins and R. Kosim Adisapoetra, permission is defined as a government act that allows an act that is not prohibited by general regulations.¹ Permits are a preventive juridical government tool, and are used as administrative instruments to control people's behavior. Therefore, the nature of a permit is preventive, because in the permit instrument, it cannot be released with orders and obligations that must be obeyed by the permit holder.²

Meanwhile, the environment in a theoretical perspective is seen as an absolute part of human life, inseparable from human life itself.³ In the legal dictionary, environment is defined as "*the totally of phsyscal, economic, cultural, aesthetic and social cirscumstances and factors wich surround and affect the desirability and value at poperty and which also effect the quality of peoples lives*".⁴ Law enforcement can be used as a rule to overcome environmental problems by referring to Law Number 32 of 2009 concerning Environmental Management and Protection. However, with the establishment of the Job Creation Act, now environmental problems have shifted and are guided by the Job Creation Act. The first job creation law was formed by the government with the aim of attracting as much investment as possible, Given the low level of investment in Indonesia,

President Joko Widodo decided to cut down on investment inhibiting regulations through the omnibus law by issuing the Job Creation Law, the goal of which is to cut down the investment barrier procedures as quickly as possible. The Omnibus Law concept is a new concept used in the Indonesian legal system. This system is usually referred to as the universal sweep law because it is able to replace several legal norms in one regulation.⁵ According to Sofyan Djalil (Minister of Agrarian and Spatial Planning) the concept of Omnibus Law is a step to issue a law that can improve the many laws that have been considered overlapping and hampering the ease of doing business. With the issuance of one law to improve several laws, it is expected to be a solution to problems in the economic sector, because with so many laws it can't be accelerated because many laws still regulate and can conflict with each other.⁶

The birth of the Job Creation Law which changed a number of provisions in Law no. 32 of 2009 concerning Environmental Protection and Management (UU-PPLH) is one of the government's efforts to simplify the licensing process, which aims to shorten the licensing bureaucracy. Outline, The Job Creation Law abolishes, changes, and stipulates new rules related to business licensing as regulated in Law Number 32 of 2009 concerning environmental protection and

¹ W.F. Prins dan R. Kosim Adisapoetra, *Pengantar Ilmu Hukum Administrasi Negara*, Pradnya Paramita, Jakarta, 1978, hlm. 72.

² Siahaan N.H.T., *Hukum Lingkungan*, Pancuran Alam, Jakarta, 2009, hlm.239

³ *Ibid* hlm. 2

⁴ Champbell, Hendri, *Blach's Law Dictionary*, USA, St. Paul, Minn, West Publishing Co, 1991, hlm. 369

⁵ Adhi Setyo Prabowo, *Politik Hukum Omnibus Law*. Jurnal Pamator, Volume 13 No. 1, April 2020, hlm4. <https://journal.trunojoyo.ac.id/pamator/article/view/6991>

⁶ Achmad Teguh Wahyudin, *Konsep Implementasi Omnibus Law Pada Sistem Perundang-Undangan*, makalah ini dapat diakses di https://www.academia.edu/41537217/MAKALAH_OMNIBUS_LAW diakses pada tanggal 31 Mei 2021, pukul 10.09 WIB

management.⁷ In practice, The change has drawn a lot of controversy and criticism from a number of environmental plagiarists and the public. They argue that this change weakens the existence of the Amdal where the environmental impact analysis is only for high-risk projects, while the government in placing regulations on projects that are either high or low risk is not clear. Moreover, another problem with the Job Creation Law is that the licensing process does not involve the role or participation of the community with the understanding that this section is limited to those directly affected. As a result, the community assumes that in the future they will no longer be able to file objections to the Amdal document.

In fact, changes in the Job Creation Law are only related to providing facilities for obtaining environmental approvals with the aim that environmental permits are integrated into Business Licensing to simplify the licensing system and strengthen law enforcement. The Job Creation Law stipulates that the basic principles and concepts of environmental permits do not change, remain in accordance with the previous provisions with the government's hope that the Job Creation Law can be a tool for economic transformation to avoid the middle income trap in order to reach Indonesia Gold before 2045. and make Indonesia be the fifth largest economic power in the world.⁸

Based on the analysis, The lack of public participation in the process of forming the

Job Creation Law has become one of the sectors that has drawn criticism and problems. In terms of substance, Some experts argue that the Job Creation Law is considered environmentally unfriendly and threatens marginalized communities because various leniency in environmental requirements for business actors in the Job Creation Law have the potential to cause side effects. However, from the government's point of view, the basic principles and concepts of environmental regulation in the Job Creation Law have not changed from the previous provisions. Changes are more directed at improving policies and implementing rules in accordance with the objectives of the Job Creation Law which provide convenience for business actors in obtaining environmental approvals while still meeting the stipulated provisions.⁹

B. FORMULATION OF THE PROBLEM

Referring to the discussion behind the problems that arise, the results of the research conclusions can be formulated as follows:

1. How is the Environmental Permit process after being integrated with the Business Permit regulated in Law Number 11 of 2020 concerning Job Creation?
2. What are the obstacles in the Environmental Permit process after being integrated with the Business Permit regulated in Law Number 11 of 2020 concerning Job Creation?

⁷ Lihat, Verda Nano Setiawan, "Bahaya Pasal-Pasal Omnibus Law UU Ciptaker yang Ancam Lingkungan Hidup". Katadata.co.id, 6 Oktober 2020, <https://katadata.co.id/sortatobing/ekonomi-hijau/5f7c3f0e25cc1/bahaya-pasal-pasal-omnibus-law-uu-ciptaker-yang-ancam-lingkungan-hidup>, diakses pada 29 Mei 2021, pukul 10.51 WIB.

⁸ Airlangga Hartarto dalam Gora Kunjana, "RUU Ciptaker Seimbangkan Manfaat bagi Masyarakat dan Kepentingan Pelaku Usaha", <http://brt.st/6P8f>, diakses pada 31 Mei 2021, pukul 11.19 WIB.

⁹ Lihat, Anih Sri Suryani, "Perizinan lingkungan dalam Undang-Undang Cipta Kerja dan Dampaknya Terhadap Kelestarian Lingkungan", Jurnal bidang kesehatan sosial, Vol. XII, No. 20/II/Puslit/Oktober/2020, hlm. 15-16.

C. DISCUSSION

1. How is the Environmental Permit process after being integrated with the Business Permit regulated in Law Number 11 of 2020 concerning Job Creation

Law No. 11 of 2020 concerning Job Creation was officially ratified by President Joko Widodo on November 2, 2020. The law abolishes and/or changes and combines several applicable laws into one law by carrying out the concept of the Omnibus Law, which is a new concept used in the legal system in Indonesia. It is known that the enactment of the Job Creation Act changed a number of provisions in Law no. 32 of 2009 concerning Environmental Protection and Management (UU-PPLH), one of which is regarding changes to environmental provisions.

Environmental issues are one of the targets in the Sustainable Development Goals¹⁰ which is considered very urgent in both developed and developing countries in the core to achieve quality economic growth while still paying attention to environmental aspects. One of the government's efforts to overcome this is to provide regulatory policies related to business licenses, business investment requirements, labor and other policies that become the basis for encouraging the government to make breakthroughs in overcoming these conditions. Government policy is a policy created or made by government institutions and officials. According to Carl Joachim Friedrich, policy is "a series of actions proposed by a person,

group or government in a certain environment by showing the obstacles and opportunities for the implementation of the proposed policy in order to achieve certain goals."¹¹ Associated with the environment, the policy is oriented towards the goal of environmental management and protection as evidenced in the simplification process of environmental permits after being integrated with business permits based on Law Number 11 of 2020 concerning Job Creation.

In Law Number 32 Year of 2009, Environmental Permit serves as a requirement to obtain a Business Permit. As Article 1 point 35 UUPPLH reads that "Environmental Permit is a permit granted to every person who carries out a business and/or activity for which AMDAL or UKL-UPL is required in the context of environmental protection and management as a prerequisite for obtaining a business and/or activity permit".¹² Meanwhile, in the Job Creation Act, The Environmental Permit is changed to Environmental Approval as stated in Article 1 number (35) of the Job Creation Law that "Environmental Approval is an Environmental Feasibility Decision or a statement of Environmental Management Ability that has obtained approval from the Central government or Regional Government."

In context, "Permit" as a product of administrative law is certainly different

¹⁰ Mickael B. Hoelman et al, *Panduan SDGs Untuk Pemerintah Daerah (Kota dan Kabupaten)*, (Jakarta: International NGO Forum on Indonesian Development, 2015). hlm. 8.

¹¹ C.J. Friedrich, 1963, *Man and His Government*, Mc. Graw Hill, New York, hlm.39 sebagaimana dikutip oleh M. Irfan Islamy, 1992, *Prinsip-prinsip Perumusan Kebijakan Negara*, Bumi Aksara, Jakarta, hlm. 17.

¹² Republik Indonesia, 2009. *Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*. Jakarta: Menteri Hukum dan Hak Asasi Manusia Republik Indonesia

from "approval" which is more of a discretion over an authority. Thus, the replacement of the context of "permit" with "approval" certainly has significant legal consequences. The integration of environmental approvals into business licensing is a solution to simplify licensing regulations. This simplification is carried out so that the benefits are faster without reducing the firmness in carrying out balanced and sustainable economic, environmental and social development.¹³

In article 6 letter b of Law Number 11 of 2020 concerning Job Creation, that environmental approval is a simplification of the basic requirements for business licensing, which means that every person or legal entity conducting business activities will be granted a business license after the business actor obtains environmental approval in accordance with the provisions of the legislation in the field of environmental protection and management. As for the process of implementing business licensing, the government provides an Integrated Electronic Business Licensing Service system (Online Single Submission). With OSS, business actors register and manage the issuance of business licenses and commercial or operational permits in an integrated manner through the OSS online system. In this case, licensing in the environmental sector includes

permits that are processed through OSS.¹⁴

The Job Creation Law stipulates that the basic principles and concepts of environmental permits do not change, they remain with the actual functions and processes, namely technical and scientific documents of environmental feasibility studies which are then used as requirements for business permits containing provisions or obligations from environmental aspects.¹⁵ The environmental permit process is summarized into 3 stages, namely:

1. Environmental document process
Environmental Documents are documents that contain environmental management and monitoring. In this case, the business actor submits one of the environmental documents based on the type of business activity he is involved in. The types of environmental documents in question consist of:
 - Environmental Impact Analysis (Amdal),
 - Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL),

¹³ Lihat, "Integrasi Persetujuan Lingkungan dalam Perizinan Berusaha", Kementerian Lingkungan Hidup dan Kehutanan Republik Indonesia, 07 Desember 2020, https://www.menlhk.go.id/site/single_post/3431/integrasi-persetujuan-lingkungan-dalam-perizinan-berusaha, Diakses pada 11 Juni 2021, pukul 20.43 WIB

¹⁴ Izin perlindungan dan pengelolaan lingkungan hidup a.l. mencakup izin pembuangan air limbah, izin emisi, dan perizinan di bidang pengelolaan limbah bahan beracun dan berbahaya. Lih: Pasal 85 PP OSS dan Pasal 4 PermenLHK No. 22/MenLHK/Setjen/KUM.1/7/2018 tentang Norma, Standar, Prosedur dan Kriteria Pelayanan Perizinan Terintegrasi secara Elektronik Lingkup Kementerian Lingkungan Hidup dan Kehutanan ("PermenLHK No. 22 Tahun 2018)

¹⁵ Lihat, "Diintegrasikan dalam Syarat Perizinan Berusaha, Izin AMDAL Tidak Dihapus", Jendela Nasional, 9 Oktober 2020, <https://jendelanasional.id/headline/diintegrasikan-dalam-syarat-perizinan-berusaha-izin-amdal-tidak-dihapus/>, Diakses pada 16 Juni 2021, pukul 12.31 WIB

- Letter of Commitment to Environmental Management and Monitoring (SPPL),
- Environmental Management and Monitoring Documents (DPPL),
- Environmental Impact Evaluation Study (SEMDAL),
- Environmental Evaluation Studies (SEL),
- Presentation of Environmental Information (PIL),
- Environmental Evaluation Presentation (PEL),
- Environmental Management Documents (DPL),
- Environmental Management Plan and Environmental Monitoring Plan (RKL-RPL),
- Environmental Evaluation Documents (DELH),
- Environmental Management Documents (DPLH), and
- Environmental Audits.¹⁶

2. Environmental approval

Environmental Approval is an Environmental Feasibility Decision or Statement of Environmental Management Ability that has obtained approval from the Central Government or Regional Government. Because the environmental permit has been integrated with the business license, the business actor who has

prepared the environmental document referred to in point 1 then submits an environmental document assessment as a condition for fulfilling business commitments. That is, if the conditions are met, the business actor will get environmental approval recommended by the Minister, Governor or Mayor who is authorized in his area.

3. Business Licensing

Based on Article 1 of PP No. 6 of 2021 concerning the Implementation of Business Licensing in the Regions, that “Business Licensing is the legality granted to business actors to start and run their businesses and/or activities”.¹⁷ Issuance of documents related to business licensing must be carried out through OSS in the form of electronic documents in accordance with the ITE Law, accompanied by an electronic signature. Business Actor registers by filling in complete data and getting NIB (Business Identification Number). Then to get a business license, the business actor submits a business commitment, one of which is an environmental permit commitment. With the fulfillment of the environmental permit commitments and other commitments, business actors will get a business license that has been in effect.

Based on the old provisions, the environmental permit was separated from the Business Licensing, so if there

¹⁶ Lihat, “Pengertian DPLH (Dokumen Pengelolaan Lingkungan Hidup)”, MK Training, 10 November 2020, <https://mktraining.co.id/standar-iso-sni/pengertian-dplh/>, Diakses pada 16 Juni 2021, pukul 13.03 WIB

¹⁷ Republik Indonesia, 2021. *Peraturan Pemerintah No. 6 tahun 2021 tentang Penyelenggaraan Perizinan Berusaha di Daerah*, Jakarta: Menteri Hukum dan Hak Asasi Manusia Republik Indonesia

is a violation and sanctions are imposed on the revocation of the permit, only the environmental permit is revoked, and the business permit continues. However, in the Job Creation Law, environmental permits are integrated with business permits, if there is a violation and sanctions are imposed on the revocation of permits, which are revoked as well as Business Permit.¹⁸ Basically, the Job Creation Law stipulates that the basic principles and concepts of environmental licensing do not change, they remain in accordance with the previous provisions. Changes are only related to providing convenience in obtaining environmental approvals with the intention that environmental permits are integrated into licensing trying to streamline the licensing system and strengthen law enforcement. Therefore, the government ensures that there is no abolition of environmental permits in the Job Creation Act or the Omnibus Law in the environmental sector, only that the implementation process undergoes several innovative changes with the aim of making it easier for business actors to obtain business permits. In other words, environmental approval is the basis for issuing Business Licensing as a State Administrative Decision.¹⁹

2. What are the obstacles in the Environmental Permit process after being integrated with the Business Permit regulated in Law Number 11 of 2020 concerning Job Creation

¹⁸ KEMENKO BIDANG PEREKONOMIAN RI, 2020. *Siaran Pers No. No. HM.4.6/142/SET.M.EKON.2.3/10/2020*, 9 Oktober 2020, <https://ekon.go.id/publikasi/detail/558/izin-amdal-dalam-uu-cipta-kerja-tidak-dihapus-hanya-disederhanakan>. Diakses pada 16 Juni 2021, pukul 12.01 WIB

¹⁹ *Ibid*

With the abolition of environmental permits, of course this will have an impact on changes in the context of environmental feasibility studies, especially on AMDAL and UKL-UPL as described in Article 22 of the Job Creation Law, especially changes in Articles 24-35 of the PPLH Law. Basically, a permit is one of the concrete instruments of environmental management, because a permit is an approval from the authorities based on laws or government regulations, to deviate from certain statutory prohibitions in certain circumstances.²⁰ According to I Made Arya Utama, a permit is a one-sided government administrative legal act that applies regulations in concrete terms based on the requirements and procedures set out in the applicable laws and regulations.²¹ Licensing is a government legal action based on public authority that allows or allows according to law for a person or legal entity to carry out an activity, because licensing is a form of government decision in state administrative law. Therefore, a licensing instrument is needed by the government to concrete its authority in government. This action is carried out through the issuance of a State administrative decision.²²

Talking about the transition of the environmental permit process after being integrated with the Business Permit, since Law no. 11 of 2020

²⁰ Spelt. N.M. dan J.B.J.M. ten Berge, *Pengantar Hukum Perizinan*, disunting oleh Philipus M. Hadjon, Yuridika, Surabaya, 1993, hlm. 2.

²¹ I Made Arya Utama, *Sistem Hukum Perizinan Berwawasan Lingkungan Hidup Dalam Mewujudkan Pembangunan Daerah yang Berkelanjutan (Studi Terhadap Pemerintahan di Wilayah Pemerintah Daerah Provinsi Bali)*, Disertasi, Program Pascasarjana Unpad, Bandung, 2006, hlm.121

²² Philipus M. Hadjon dan Tatiek Sri Djatmiati, *Tata Perizinan Pada Era Otonomi Daerah*, Makalah, Surabaya, Nopember 2001, hlm. 1

concerning Job Creation was published, it was concluded that there were 4 (four) critical issues in the Job Creation Law related to the environment which became obstacles, namely ;

1. Precautionary principle.

This law ignores the precautionary principle which is used as the main guideline in the use of Natural Resources and environmental protection by changing the concept of Environmental Permit that previously existed in the PPLH Law into an environmental 'approval'. Despite being a prerequisite for business licensing, the position of environmental approval is not explicitly formulated. With the abolition of the "environmental permit", the administrative lawsuit mechanism was abolished. However, there is a strengthening of the concept that environmental compliance can be the reason for the cancellation of business licenses. The provision of transparent access to information for the public, as well as the strengthening of environmental control institutions at the central and regional levels, are urgently needed.²³

2. The concept of risk-based licensing.

The concept set forth in the Job Creation Act without any details or detailed explanation. Meanwhile, the absence of an adequate and integrated database on various economic sectors, apart from institutional issues and corruption issues, will be the biggest

challenge in its implementation. Regarding environmental issues, an inventory of natural resources along with plans for their utilization and reserve is very necessary. This is significant for a comprehensive and integrated risk mapping in the determination of policies, plans and programs of interrelated sectors.²⁴

3. Changes in the definition of absolute liability (strict liability).

That is a change for corporations that changes the orientation of this principle so that the difference between liability based on fault and the potential to weaken public access to justice is minimal.²⁵

4. Community participation.

Significant reduction of community access to participate in the decision-making process of planned activities that will have an impact on the environment. For example in the preparation of the AMDAL, where the scope of the community by the Job Creation Law is distorted to the extent of "people who are directly affected". Elements of the wider community that also have an interest in environmental sustainability such as universities and NGOs are eliminated.²⁶

Regarding the obstacles that arise in the transition process, the significant implication that has been highlighted is the loss of the community's right to object to the AMDAL document, because the government made the criteria provisions in the AMDAL document in the Job Creation Law

²³ Eddyono, S.H., LL.M (H.R), Ph.D., Sri Wiyanti.(Ed). 2020. *Kertas Kebijakan Catatan Kritis Terhadap UU No. 11 Tahun 2020 Tentang Cipta Kerja*. Jogjakarta : Fakultas Hukum Universitas Gadjah Mada, 2020. hlm.6

²⁴ Loc.cit

²⁵ Loc.cit

²⁶ Loc.cit

clarified to "communities directly affected by the relevant". This means that the people who have the right to file objections are only addressed to the people who are directly affected. In addition, the loss of environmental observers and community members who are affected by all forms of decisions in the AMDAL process, in addition to not supporting the principles of transparency and accountability in the process of community involvement in determining environmental feasibility, this is also contrary to the constitutional mandate in Article 28 letter I of the Constitution. 1945 that the right to a good and healthy environment is fully guaranteed by the Indonesian constitution. The right to a good and healthy environment is supported by three pillars: access to information, public participation, and access to justice.

Regarding the internal harmonization of fields, in the amendment of Law no. 32 of 2009 according to the Job Creation Law, there are 5 (five) major obstacles that need to be adjusted, namely: Environmental Approval and Environmental Feasibility Study (AMDAL, UKL-UPL, SPPL), Environmental Quality Standards, Hazardous Waste Management, Environmental Guarantee Fund, and Administrative Sanctions. It is concluded that in substance, each implementing regulation will contain fat provisions, especially if all of these issues are summarized in one Government Regulation. So the implication is that the Central Government's homework will be very much, not to mention cross-sector harmonization and harmonization with the Government Regulation on Risk-

Based Licensing as a direct mandate of the Job Creation.²⁷

Although in principle AMDAL and UKL-UPL are prerequisites for making decisions for the implementation of businesses or activities contained in business permits or government approval, of course they are quite appropriate and deserve appreciation. Because through the government's policy, the simplification of the licensing system is trying to be realized. However, of course, the intended simplification does not mean that it has implications for the simplification of environmental impacts because environmental feasibility studies will still be required to be fulfilled in order to manage and monitor environmental impacts arising from the implementation of businesses or activities. However, the consideration is that if the principles of the Job Creation Law are not prepared properly, thoroughly, and integratedly, then the regulation concerning the assessment of the hazard level, the assessment of the potential for hazards, the level of risk and the rating of the business scale to determine the business activity to be a business activity that is 1) low risk; 2) medium risk; and 3) high risk (Article 7 Paragraph 7 of the Job Creation Law) then the licensing system will falter in the application of risk-based business licensing.

D. CONCLUSION

The birth of the Job Creation Law changed a number of provisions in Law no. 32 of 2009 concerning Environmental Protection and Management (UU-PPLH), one of which is regarding changes to

²⁷ Eddyono, S.H., LL.M (H.R), Ph.D., Sri Wiyanti.(Ed).
Op.cit., hlm 40

environmental provisions. Significant changes occurred in the context of environmental permits which changed to environmental approvals which of course had significant legal consequences. The Job Creation Law creates environmental approvals as a simplification of the basic requirements for business licensing. As for the process of implementing business licensing, the government provides an Electronically Integrated Business Licensing Service system or commonly referred to as OSS (Online Single Submission) where environmental permits are one of the permits processed through the OSS. Basically, in the Job Creation Law, the basic concept of an environmental permit has not changed, which is to stick to the actual functions and processes, namely technical and scientific documents of environmental feasibility studies which are then used as requirements for business permits that contain provisions or obligations from environmental aspects. In the Job Creation Law, the stages of the process of integrating environmental permits with business permits are summarized in three stages, namely, the environmental document process, environmental approvals and business permits. Basically, the Job Creation Law stipulates that the basic principles and concepts of environmental licensing remain in accordance with the previous provisions. Changes are only related to providing convenience in obtaining environmental approvals with the intention that environmental permits are integrated into licensing trying to simplify the licensing system and strengthen law enforcement.

In terms of the abolition of environmental permits in the Job Creation Law, of course, it will have an impact on changing the context of environmental feasibility studies, especially on AMDAL and UKL-

UPL, because basically permits become one of the concrete instruments of environmental management because permits are legal acts of government administration based on procedures stipulated in the applicable laws and regulations. The Environmental Permit process after being integrated with the Business Permit is certainly not without problems. It is concluded that there are 4 (four) critical issues in the Job Creation Law related to the environment that become obstacles, namely, 1. the precautionary principle by changing the concept of Environmental Permit into environmental approval. 2. The concept of risk-based licensing which is felt to have no details or detailed explanations on the concepts contained in the Job Creation Law. 3. Changes in the definition of strict liability which changes the orientation of the principle and has the potential to weaken people's access to justice. 4. Community participation is limited to people who are directly affected. Apart from not supporting the principles of transparency and accountability in the process of community involvement, this is considered to be contrary to the constitutional mandate in Article 28 letter I of the 1945 Constitution that the right to a good and healthy environment is fully guaranteed by the Indonesian constitution. Although the government's efforts in implementing policies to simplify licensing have been realized, if the principles of the Job Creation Law are not well prepared, comprehensive, and integrated, the licensing system in its application will falter in risk-based business licensing.

BIBLIOGRAPHY

A. BOOK

- Berge, S. N. (1993). *Pengantar Hukum Perizinan*. Surabaya: Philipus M, Hadjon, Yuridika.
- Champbell, H. (1991). *Blach's Law Dictionary*. USA: West Publishing Co.
- Djatmiati, P. M. (2001). *Tata Perizinan Pada Era Otonomi Daerah*. Surabaya.
- Eddyono, S. L. (2020). *Kertas Kebijakan Catatan Kritis Terhadap UU No. 11 Tahun 2020 Tentang Cipta Kerja*. Jogjakarta: Fakultas Hukum Universitas Gadjah Mada.
- Friedrick, C. (1992). *Man and His Government*. Jakarta: Bumi Aksara.
- Indonesia, R. (2009). *Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*. Jakarta: Menteri Hukum dan Hak Asasi Manusia Republik Indonesia.
- Indonesia, R. (2018). *Prosedur dan Kriteria Pelayanan Perizinan Terintegrasi secara Elektronik Lingkup Kementerian Lingkungan Hidup dan Kehutanan*. Jakarta: Kementerian Lingkungan Hidup.
- Indonesia, R. (2021). *Peraturan Pemerintah No. 6 tahun 2021 tentang Penyelenggaraan Perizinan*

Berusaha di Daerah,. Jakarta: Menteri Hukum dan Hak Asasi Manusia Republik Indonesia.

Mickael B. Hoelman et all. (2015). *Panduan SDGs Untuk Pemerintah Daerah (Kota dan Kabupaten)*. Jakarta: Internatioan NGO Forum on Indonesia Development.

Siahaan N.H.T. (2009). *Hukum Lingkungan*. Jakarta: Pancuran Alam.

Utama, I. M. (2006). *Sistem Hukum Perizinan Berwawasan Lingkungan Hidup Dalam Mewujudkan Pembangunan Daerah yang Berkelanjutan (Studi Terhadap Pemerintahan di Wilayah Pemerintah Daerah Provinsi Bali)*. Bandung: Disertasi Program Pascasarjana Unpad.

B. JOURNAL

- Anih Sri Suryani. (2020). Perizinan Lingkungan dalam Undang-Undang Cipta Kerja dan Dampaknya Terhadap Kelestarian Lingkungan. *Jurnal Bidang Kesehatan Sosial*, 15-16.
- Prabowo, A. S. (2020). Poitik Hukum Omnibus Law. *Jurnal Pamator*, 4.

C. WEBSITE

Indonesia, K. L. (2020, Desember 07).

Integrasi Persetujuan Lingkungan dalam Perizinan Berusaha.
Retrieved Juni 11, 2021, from www.menlhk.go.id:
https://www.menlhk.go.id/site/single_post/3431/integrasi-persetujuan-lingkungan-dalam-perizinan-berusaha

IKunjana, A. H. (n.d.). *RUU Ciptaker Seimbangkan Manfaat bagi Masyarakat dan Kepentingan Pelaku Usaha.* Retrieved Mei 31, 2021, from brt.st: <http://brt.st/6P8f>

Nasional, J. (2020, Oktober 09). *Diintegrasikan dalam Syarat Perizinan Berusaha, Izin AMDAL Tidak Dihapus.* Retrieved Juni 16, 2021, from jendelanasional.id:
<https://jendelanasional.id/headline/diintegrasikan-dalam-syarat-perizinan-berusaha-izin-amdal-tidak-dihapus/>

RI, K. B. (2020, Oktober 09). *Siaran Pers No. No. HM.4.6/142/SET.M.EKON.2.3/10/2020.* Retrieved Juni 16, 2021, from ekon.go.id:
<https://ekon.go.id/publikasi/detail/558/izin-amdal-dalam-uu-cipta->

[kerja-tidak-dihapus-hanya-disederhanakan](#)

Setiawan, V. N. (2020, Oktober 6). *Bahaya Pasal-Pasal Omnibus Law UU Ciptaker Ancam Lingkungan Hidup.* Retrieved Mei 29, 2021, from Katadata.co.id:
<https://katadata.co.id/sortatobing/ekonomi-hijau/5f7c3f0e25cc1/bahaya-pasal-pasal-omnibus-law-uu-ciptaker-yang-ancam-lingkungan-hidup>,

Training, M. (2020, November 10). *Pengertian DPLH (Dokumen Pengelolaan Lingkungan Hidup).* Retrieved Juni 16, 2021, from mktraining.co.id:
<https://mktraining.co.id/standar-isosni/pengertian-dplh/>

Utama, I. M. (2006). *Sistem Hukum Perizinan Berwawasan Lingkungan Hidup Dalam Mewujudkan Pembangunan Daerah yang Berkelanjutan (Studi Terhadap Pemerintahan di Wilayah Pemerintah Daerah Provinsi Bali).* Bandung: Disertasi Program Pascasarjana Unpad.

Wahyudin, A. T. (n.d.). *Konsep Implementasi Omnibus Law Pada Sistem Perundang-Undangan.* Retrieved Mei 31, 2021, from

Academia:

<https://www.academia.edu/4153721>

7/MAKALAH_OMNIBUS_LAW