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The Impact of Law No. 6 of 2023 On Environmental Protection And Management

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Abstract: The environment is a fundamental right of every citizen, as enshrined in Article 28H of the 1945 Constitution of the Republic of Indonesia. However, the enactment of Law No. 6 of 2023, which ratifies Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 concerning Job Creation, has amended several crucial provisions in Law No. 32 of 2009 on Environmental Protection and Management. This study aims to analyze the impact of these amendments and deletions on environmental governance mechanisms. Using a normative juridical approach and literature-based research, the study qualitatively analyzes changes to key articles. The results show that amendments to Articles 24, 25(c), and 26 narrow public participation in the Environmental Impact Assessment (EIA/AMDAL) process. The deletion of Articles 36, 38, and 40 weakens legal oversight over environmentally impactful businesses/activities. Moreover, the revision of Article 88 undermines the principle of strict liability. These findings indicate policy shift toward accelerating investment at the expense of environmental governance, potentially weakening supervision and law enforcement mechanisms. It is concluded that changes brought by the Job Creation Law create imbalance between economic development and environmental sustainability, while also risking the neglect of the public's right to healthy and safe environment.

Keyword: Environmental Law, Job Creation Act, EIA, Public Participation, Strict Liability, Legal Reform, Sustainability.

INTRODUCTION

Environmental protection and management are crucial aspects of maintaining the balance of nature and the sustainability of human life on earth. These efforts involve collaboration between the government, communities, and various environmental organizations in caring for vital elements such as air, water, and soil. A clean and healthy environment is the primary foundation for human health and the sustainability of ecosystems. Furthermore, the environment serves a vital function as a provider of natural resources, a waste absorber, and a habitat for flora and fauna. Threats to the environment, such as pollution and overexploitation, can have long-term impacts that are detrimental to future generations. Therefore,

environmental conservation and management efforts are not only the responsibility of the government but also a moral obligation of all citizens. The implementation of environmental policies must take into account the principles of sustainability, intergenerational equity, and active public involvement (Erwin, 2015).

The Constitution of the Republic of Indonesia has recognized the importance of a good and healthy environment as a basic right of citizens. Article 28H paragraph (1) of the 1945 Constitution states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment. This provision shows that environmental protection has a strategic position in the national legal system and cannot be separated from the fulfillment of human rights. The right to a healthy environment is also a prerequisite for the fulfillment of other rights, such as the right to health and the right to food. When the environment is polluted, the quality of human life decreases and other basic rights are also disrupted. Therefore, every development policy should consider ecological aspects proportionally. Commitment to environmental sustainability must be integrated into public policy, both at the national and regional levels (Pujiastuti et al., 2017).

One of the key instruments in environmental protection in Indonesia is Law No. 32 of 2009 concerning Environmental Protection and Management (UU PPLH). This law regulates various aspects, from planning, utilization, control, maintenance, supervision, to environmental law enforcement. This law also emphasizes the importance of community involvement in the environmental impact analysis (AMDAL) process, reflecting the participatory principle in environmental decision- making. In addition, the PPLH Law establishes the precautionary principle, strict liability, and sustainable development as the foundations for environmental protection. The community is also obliged to protect and preserve the environment through the wise management of waste, sewage, and resource use. Thus, the PPLH Law is a key pillar in a national environmental protection system based on ecological justice.

However, between 2020 and 2023, a major shift occurred in Indonesia's legal landscape with the enactment of the Job Creation Law. Law No. 6 of 2023 was enacted as a form of ratification of Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 concerning Job Creation. The Perppu replaced Law No. 11 of 2020 concerning Job Creation, which was previously declared conditionally unconstitutional by the Constitutional Court. One of the distinctive features of the Job Creation Law is the use of the omnibus law method, namely combining and revising various laws simultaneously into a single regulation. This method aims to simplify regulations, accelerate bureaucratic reform, and attract investment. However, in practice, the omnibus approach often draws criticism because it is considered to ignore the principle of prudence and adequate public participation (Antoni, 2020).

One of the laws impacted by the Job Creation Law is Law No. 32 of 2009 concerning Environmental Protection and Management. Several articles in the Environmental Protection and Management Law were amended or even removed, such as those related to environmental permits, public participation in the preparation of environmental impact assessments (EIA), and the publication of public information. These changes raise concerns that the spirit of environmental protection espoused by Law 32/2009 is shifting toward a more pro-investment approach. The Job Creation Law generally emphasizes ease of doing business and accelerating economic growth, which potentially contradicts the principles of environmental protection. For example, simplifying environmental permits could weaken oversight and accountability for activities with ecological impacts. This raises critical questions about the extent to which environmental sustainability can be guaranteed within an increasingly market-oriented legal framework (Rachman & Wijaya, 2023).

In the legal framework of state administration, licensing has an important function as a control instrument for community or business activities. Licensing is not merely a bureaucratic tool, but rather a protective instrument to prevent environmental damage, control resource

distribution, and ensure safety standards. When the licensing system is simplified without strengthening the oversight system, the potential for environmental violations increases. This is especially true in the context of Indonesia, which still faces challenges in environmental law enforcement, ranging from weak institutional capacity to corruption in oversight. Therefore, any changes to environmental licensing regulations must be carefully reviewed to avoid harming long-term ecological interests (Hadjon, 1993).

The amendment and elimination of several articles in Law 32/2009 through the Job Creation Law also have legal consequences for legal protection for the public. For example, the elimination of provisions on environmental permits and the public objection process. The AMDAL (Environmental Impact Assessment) reduces the space for citizen participation and legal protection. Communities directly impacted by industrial activities now have more limited access to demand protection of their environmental rights. In a state based on the rule of law, public participation and access to justice are fundamental principles. Weakening these two aspects can undermine the quality of ecological democracy and foster public distrust in environmental policies. In the long term, this also has the potential to lead to social conflict and systemic environmental degradation (Amania, 2020).

These changes not only impact the regulatory framework but also the implementation and institutional systems. Overlapping authority between the central and regional governments in enforcing administrative sanctions can lead to bureaucratic confusion. Changes to the structure of the feasibility study agency and community involvement in the environmental impact analysis (EIA) process also demonstrate the potential for centralization of authority, which could hinder transparency. Furthermore, the change in the strict liability norm in Article 88, which no longer includes the element "without the need for proof of fault," represents a serious setback in environmental law. This principle is crucial in the context of addressing pollution or environmental damage caused by high-risk activities. Therefore, these changes deserve critical examination within the framework of developing just and environmentally conscious laws (Maria Farida, 2007).

Based on this description, it is crucial to systematically re-evaluate the impact of the Job Creation Law, particularly Law No. 6 of 2023, on the environmental protection and management system in Indonesia. This evaluation concerns not only the legal and formal aspects, but also its impact on implementation on the ground and guarantees for the community's ecological rights. In the era of sustainable development, environmental regulations should not be viewed as an obstacle to investment, but rather as a foundation for creating sustainable, equitable, and environmentally sound economic development. Therefore, a critical analysis of regulatory changes that have the potential to create an imbalance between economic interests and environmental sustainability is necessary. Thus, a fundamental question arises: What impact will the enactment of the Job Creation Law have on environmental protection and management in Indonesia?.

METHOD

This research uses a normative juridical approach, focusing on the study of applicable positive legal norms and their relevance to environmental protection and management issues. This approach was chosen because the research critically examines the legal product, Law No. 6 of 2023, as a confirmation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation, specifically regarding changes to the provisions of Law No. 32 of 2009 concerning Environmental Protection and Management. The research focuses on analyzing the legal structure, the role of community participation, and environmental protection principles such as the precautionary principle, sustainable development, and strict liability, which are considered to have decreased or changed due to the implementation of the new regulation.

The data types used consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009, Law No. 6 of 2023, and government regulations and other implementing regulations related to the environment. Secondary legal materials include scientific literature such as environmental law books, journal articles, previous research results, and the opinions of environmental law and state administrative law experts. Meanwhile, tertiary legal materials include legal dictionaries and encyclopedias laws, as well as other supporting documents used to clarify the relevant legal concepts in this study.

The legal materials were collected through library research, which involved searching and reviewing regulatory documents, scientific articles, and publications from official institutions such as the Ministry of Environment and Forestry's JDIH (National Library of Indonesia), the Ministry of Law and Human Rights' JDIH (National Library of Indonesia), and national scientific databases such as SINTA and Garuda. The analysis technique used was qualitative normative analysis, interpreting relevant legal provisions and examining their relationship to social realities and applicable environmental law principles. A conceptual approach was also used to assess the suitability of regulatory changes to the goals of environmental protection and the public's constitutional right to a healthy environment. With this method, the research is expected to provide a comprehensive, critical, and argumentative picture of the normative impact of the Job Creation Law on the legal system of environmental protection and management in Indonesia.

RESULTS AND DISCUSSION

Problematic articles in the Job Creation Law Amendment to Law no. 32 of 2009

Law No. 6 of 2023, as the ratification of the Perppu (Regulations in Lieu of Law) on Job Creation, has had a significant impact on environmental protection and management regulations, particularly through amendments to several provisions in Law No. 32 of 2009. Several amended or deleted articles have raised concerns because they undermine the basic principles of previously formulated environmental law. The Job Creation Law's initial goal of accelerating investment and facilitating business often clashes with the principle of prudence and public participation in environmental protection. One crucial article amended is Article 24, which concerns the Environmental Impact Assessment (EIA) document as the basis for environmental feasibility. Under Law No. 32 of 2009, the EIA document was the basis for determining environmental feasibility decisions. Meanwhile, the new version in Law No. 6 of 2023 emphasizes the dominance of central institutions in the environmental feasibility assessment and decision-making process. This has the potential to create a centralization of authority that hinders local oversight (Rachman & Wijaya, 2023).

Amendments to Article 24 introduce a Central Government Feasibility Testing Agency, replacing the Environmental Impact Assessment (EIA) Assessment Commission. Feasibility testing authority is now vested in a centrally established agency, with a team comprised of representatives from the central and regional governments, as well as certified experts. While this may sound accommodating, in practice, the central government's dominance can diminish the role of regions and limit public access and participation. This structure is also vulnerable to conflicts of interest, particularly when large national projects are involved. This change also does not explicitly guarantee transparency and accountability for the feasibility testing agency. Yet, the principles of participation and transparency are at the heart of good environmental governance. This demonstrates a paradigm shift from protection to investment facilitation (Antoni, 2020).

Article 25 letter c also narrows the meaning of community participation. Law 32/2009 stipulates that the Environmental Impact Assessment (EIA) document must include suggestions and responses from the wider community regarding business plans. However, in

the revised version, only directly impacted communities are recognized for providing input. This limitation is highly dangerous because not all environmental impacts are direct and visible. The exclusion of environmental observers and indirectly impacted communities ignores the principle of inclusiveness in environmental protection. This also contradicts the principles of sustainable development, which emphasize the importance of multi- stakeholder considerations in every development policy. Thus, this limitation normatively narrows the space for ecological democracy (Amania, 2020).

Furthermore, Article 26, which regulates community involvement in the preparation of the Environmental Impact Assessment (EIA), has been substantially narrowed. While previously public involvement was required to be transparent and inclusive, it is now limited to only those directly affected by the impact. This provision weakens social control mechanisms in development. In practice, affected communities do not always have the knowledge, courage, or access to raise objections. Therefore, the involvement of environmentalists and the general public is essential in the EIA process. This overly narrow regulation risks sidelining civil society aspirations and favoring corporate interests. Transparency of information and public participation are two fundamental principles of good environmental governance that should be upheld (Erwin, 2015).

Article 36 of Law 32/2009, which stipulated the obligation for every business to obtain an environmental permit, was removed in the Job Creation Law. Environmental permits are a crucial administrative instrument for controlling business activities to prevent environmental damage. With the removal of this article, administrative requirements were replaced with a more streamlined approval system through the Online Single Submission (OSS). This weakened oversight of business actors because there was no separate legal document to serve as a basis for law enforcement. This removal also opened up opportunities for misuse of business permits that lacked in-depth environmental studies. In state administrative law, permits serve protective, preventive, and selective functions, all of which were obscured by this new system (Hadjon, 1993).

The removal of Article 38, which authorized the revocation of environmental permits through the state administrative court, also raises serious concerns. The public loses access to challenge environmental decisions that directly harm them. This potentially violates the principle of access to justice in the context of environmental law. A state governed by the rule of law must provide space for public oversight through the judiciary as a form of accountability. If revocations are carried out solely through administrative mechanisms without judicial intervention, executive power becomes overly dominant. This contradicts the principle of checks and balances upheld in a democratic system. Therefore, this removal is considered a step backward in protecting the community's environmental rights (Maria, 2007).

The changes to Article 39 paragraph (2) also create problems in disseminating information to the public. While previously announcements had to be made in a manner that was easily accessible to the public, now they can be made electronically or by other means in accordance with central government regulations. In the context of Indonesia's unequal distribution of information technology, this policy is discriminatory. Communities in remote areas or vulnerable groups will find it increasingly difficult to access important information regarding a project's environmental impact. The principle of information transparency as part of the right to know is being eroded by non-inclusive procedural modernization. As a result, active community participation is weakened from the planning stage. This can lead to greater social conflict in the future (Republic of Indonesia, 2008).

Article 40, which stipulates that environmental permits are a mandatory requirement before obtaining a business license, was also removed. This was crucial because it made environmental approval an administrative process that could be skipped or ignored. This provision opened up loopholes for businesses to undertake projects without strict

environmental procedures. Consequently, the risk of environmental damage increased because the environmental feasibility evaluation process became legally weak. In practice, the removal of this article indicates that environmental sustainability is no longer a top priority in licensing policies. This can lead to ecological injustice, especially for local communities directly impacted by large projects (Pujiastuti et al., 2017).

The amendment to Article 76 also shifts the subject of administrative sanctions enforcement from the Minister, governor, or regent/mayor to the Central or Regional Government. This new formulation. This creates legal uncertainty because it's unclear who definitively has the authority to prosecute violations. This change could lead to a tug-of-war between institutions, slowing down environmental law enforcement. In environmental emergencies, a rapid response from authorities is crucial, and this lack of clarity creates a structural barrier. Intergovernmental coordination systems also don't necessarily operate optimally in all regions. Therefore, these regulations should be more specific and clear in dividing vertical and horizontal responsibilities. Without clear regulations, environmental violations could potentially escape legal action.

Article 88, which previously contained the phrase "without the need to prove fault," was removed in the Job Creation Law. This obscured the application of the strict liability principle, which should have automatically allowed for high-risk activities. The removal of this element placed a heavier burden of proof on pollution victims. In fact, in many cases, proving fault is extremely difficult due to the complex technical and scientific processes involved. This change could be misinterpreted as a relaxation of environmental legal standards to benefit business actors. The principles of prudence and strict liability, which are the foundations of environmental law, are being degraded. Therefore, this article marks a significant weakening of legal protection against environmental pollution (Rahardjo, 2006).

Article 102, which stipulates criminal sanctions for managing hazardous waste without a permit, was also removed in the Job Creation Law. This provision, however, provides a deterrent effect for businesses that fail to comply with hazardous waste management regulations. The removal of criminal penalties allows for more lenient enforcement mechanisms. Businesses that violate regulations no longer face severe legal risks; negotiable administrative sanctions suffice. This has the potential to encourage repeat violations and systemic environmental pollution. In the context of environmental protection, a criminal law approach is necessary as a last resort (ultimum remedium) to prevent permanent damage. The removal of this article clearly signals a decline in the environmental law enforcement system (Erwin, 2015).

Overall, the amendments and deletions to these articles indicate a shift in regulatory orientation from environmental protection to facilitating investment. While investment is crucial for economic development, environmental principles should not be compromised. A balance between development and environmental preservation must be maintained by ensuring regulations continue to incorporate strict legal controls. The government has a constitutional responsibility to guarantee the right to a good and healthy environment. When legal controls are weakened, the potential for environmental damage increases. Therefore, a critical evaluation of the implementation of the Job Creation Law is essential to avoid irreversible ecological degradation.

Omnibus law-based policy reforms need to be accompanied by strengthening preventive and corrective environmental instruments. An integrative approach that simultaneously considers social, ecological, and economic impacts must be the basis for the formation and amendment of environmental law. Furthermore, the involvement of communities and non-state actors in the policy process must be accommodated through meaningful participatory mechanisms. Regulatory changes must not close off the ecological democratic space championed in Law 32/2009. In this context, political and legal commitment from all

stakeholders is needed to ensure environmental sustainability amidst the tide of economic liberalization. Thus, environmental law remains a tool for protection, not merely an administrative instrument.

Table 1. Articles considered problematic in the Job Creation Law Amendments to Law no. 32 of 2009

Law no. 32 of 2009	Law No. 6 of 2023
Article 24 The environmental impact analysis document as referred to in Article 22 is the basis for determining the feasibility decision. environment.	Article 24 The Amdal document is the basis for environmental feasibility testing for business plans and/or activities. The environmental feasibility test as referred to in paragraph (1) is carried out by a feasibility test team formed by the Central Government Feasibility Testing Institute. The Feasibility Test Team as referred to in paragraph (2) consists of elements from the Central Government, Regional Government and certified experts. The Central Government or Regional Government shall determine the Environmental Feasibility Decision based on the results of the Environmental Feasibility. The environmental feasibility decision as referred to in paragraph (4) is a requirement for issuing a Business Permit or Government Approval. (6) Further provisions regarding the procedures for feasibility testing are regulated by Government Regulation.
Article 25 letter c The Amdal document contains suggestions, input and community responses to business plans and/or activities.	Article 25 letter c The Amdal document contains suggestions, input and responses from the community directly affected by the relevant business and/or activity plans.
Article 26 1) The Amdal document as referred to in Article 22 is prepared by the initiator with community involvement. Community involvement must be carried out based on the principle of providing transparent and complete information and must be notified before the activity. implemented. The community as referred to in paragraph (1) includes: those affected; environmental observers; and/or those affected by all forms of decisions in the environmental impact analysis process. (4) The community as referred to in paragraph (1) may submit objections to the Amdal document.	Article 26 The Environmental Impact Analysis document as referred to in Article 22 is prepared by the initiator with community involvement. Preparation of the Amdal document is carried out by involving the community directly affected by the business plan and/or activities. Further provisions regarding the community involvement process as referred to in paragraph (2) are regulated by Government Regulation.
Article 36	The provisions of Article 36 are deleted

The regulatory changes introduced by Law No. 6 of 2023 have created a dilemma between economic interests and ecological sustainability. While investment is prioritized, environmental protection tends to be positioned as a bureaucratic obstacle. However, from a sustainable development perspective, environmental regulations are the foundation for ensuring the long-term sustainability of natural resources. An imbalance between development and protection can lead to overexploitation, pollution, and agrarian conflicts that harm local

communities. Furthermore, uncontrolled environmental damage will increase the state's burden, both in terms of restoration costs and socio-economic impacts. Therefore, policy approaches should consider cross- sectoral impacts and not solely focus on accelerating investment. Legal reforms based on omnibus laws require close monitoring to prevent inconsistencies within the sectoral legal framework. Weak regulations will only open loopholes for violations that are difficult to effectively prosecute, particularly in a legal system that still faces enforcement challenges.

Beyond the regulatory aspect, environmental policy implementation also requires serious attention. Structural changes that place primary authority in the central government do not necessarily guarantee effective oversight and law enforcement. In fact, numerous cases demonstrate that centralized authority tends to slow the response to violations at the local level due to limited cross-agency coordination. In certain situations, local governments have a deeper understanding of local environmental characteristics, making them more effective in decision-making. However, the Job Creation Law limits regional initiative because they are dependent on central government regulations. This contradicts the spirit of decentralization in Indonesia's post-reform governance system. Therefore, strengthening regional institutions and establishing a firm and efficient coordination mechanism between levels of government is necessary. Implementation evaluations need to be conducted regularly and transparently to ensure that regulatory implementation does not deviate from the principles of prudence and ecological justice.

In a modern legal framework, environmental protection is not merely a technical issue, but also a reflection of constitutional values and human rights. Article 28H paragraph (1) of the 1945 Constitution explicitly guarantees the right to a good and healthy environment as part of the people's welfare. Therefore, regulatory changes that potentially ignore this principle can be considered a violation of the constitutional mandate. The state is obliged to protect its citizens from environmental damage that has an impact directly impact the right to life, the right to health, and the right to justice. Addressing these challenges requires harmonization of economic policy and environmental law, with the principle of sustainable development as its primary foundation. Future regulations must be able to address the needs of growth without compromising the environment's carrying capacity and carrying capacity. Ecological and intergenerational justice must be the primary foundation in all policy formulation. Thus, environmental law becomes not only a formal legal instrument but also a means of protecting the value of sustainable life.

Analysis of the Impact of Changes and Deletion of Articles

1) Amendment to Article 24

The amendment to Article 24 of Law No. 6 of 2023 marks an institutional transformation in the environmental feasibility assessment mechanism. Previously, the Environmental Impact Assessment (EIA) document served as the basis for determining environmental feasibility decisions by the EIA Assessment Commission, but this role has now been replaced by the Central Government Feasibility Assessment Agency. The new Article 24 states that the EIA document serves as the basis for environmental feasibility assessments of business plans and/or activities conducted by a feasibility assessment team established by the central government. This change reflects the centralization of authority and reduces the role of regional governments in the EIA assessment process. Furthermore, the presence of a team comprising representatives from the central government and regional governments, as well as certified experts, does not appear to guarantee full representation of civil society. Concerns have arisen that the dominance of central institutions could lead to weak oversight at the local level and reduce public accountability (Rachman & Wijaya, 2023).

Furthermore, this new provision also stipulates that feasibility tests conducted by certified institutions are considered by the central government when determining environmental feasibility decisions. This opens up the possibility of political or economic interests influencing environmental impact assessments, particularly in national strategic projects. Furthermore, this change in institutional structure should be accompanied by strengthening the capacity of feasibility testing institutions and clarifying procedures. However, in practice, gaps remain in ensuring information transparency and meaningful public participation. The existence of certification institutions also does not automatically guarantee neutrality or independence in the decision-making process. This situation raises concerns that environmental aspects could be reduced to mere administrative requirements without substantive oversight. Therefore, the amendment to Article 24 requires close monitoring to prevent environmental degradation (Antoni, 2020).

In the context of environmental governance, this change also marks a shift in the regulatory paradigm from precautionary and participatory principles to a more pragmatic and pro-investment approach. The centralized model implemented can hinder regional flexibility in responding to the ecological challenges unique to their respective regions. Environmental decentralization, however, has been a crucial foundation of Law No. 32 of 2009, which provides more adaptive decision-making space to meet local needs. With central dominance, the space for public deliberation, previously provided through the Environmental Impact Assessment (EIA) Assessment Commission, is limited. Transparency in the environmental feasibility test process is also a crucial issue, given that decisions taken directly impact the sustainability of ecosystems and the lives of local communities. Therefore, reform of Article 24 must be balanced with strengthening an accountable monitoring and social control system. Only then can the integrity of the EIA process be maintained in the omnibus law era (Erwin, 2015).

2) Changes to Article 25 letter c and Article 26

The changes to Article 25 letter c of the Job Creation Law have significant consequences for the meaning of public participation in the process of preparing Environmental Impact Analysis (Amdal) documents. In this version previously, Law Number 32 of 2009 recognized public participation broadly, including affected communities, environmentalists, and other parties potentially affected by the Environmental Impact Analysis (EIA) decision. However, in the revised version of the Job Creation Law, participation is limited to directly affected communities, thus narrowing the definition of actors entitled to involvement. This limitation ignores the reality that environmental impacts are not always immediate and can spread to wider areas, including social, economic, and ecological aspects. This limitation violates the principle of inclusivity in environmental law, which prioritizes intergenerational justice and prudence (Amania, 2020). This provision also contradicts the spirit of public information transparency and democratic participation in environmental governance. As a result, communities concerned with environmental issues but not directly affected lose the legitimacy to provide suggestions or objections.

Meanwhile, Article 26, which originally stipulated that the preparation of an Environmental Impact Analysis (EIA) must be carried out with broad community involvement, has now been adjusted. This revision only requires the involvement of directly affected communities, without mentioning environmental groups or other members of the wider community. This represents a departure from the participatory principle, previously recognized as a crucial pillar of the environmental licensing process. In practice, however, environmental groups often possess stronger technical capacity, information, and advocacy networks than directly affected communities, who may have limited access to and understanding of the EIA preparation process. This provision marginalizes civil society

groups that have played an active role in maintaining environmental sustainability. Furthermore, the potential for social conflict may increase as communities feel excluded from the decision-making process for projects with broad impacts on their environment. Reformulation of this norm needs to be reconsidered to align with the principle of meaningful participation as emphasized in environmental governance principles.

The reduction in public participation through the amendments to Article 25 letter c and Article 26 could also impact the legitimacy of the EIA results themselves. When the document preparation process no longer involves various stakeholders, the quality of the document's substance becomes vulnerable to bias and narrow interests. EIAs prepared without public involvement risk losing their crucial social control function in preventing environmental damage. Furthermore, reducing public involvement also contradicts international provisions such as Principle 10 of the 1992 Rio Declaration, which affirms that public participation is a key element in environmental protection. By closing the space for participation, the government is actually opening up the potential for social resistance to development projects. Therefore, there is a need to strengthen the norms of inclusive and equitable public involvement in every environmental permit process. The commitment to openness and accountability must be restored as key principles in environmental management.

3) Elimination of Article 36

The Job Creation Law's removal of Article 36 of Law No. 32 of 2009 marked a significant shift in environmental licensing mechanisms. Previously, environmental permits were the primary instrument required for any business activity or project with the potential to impact the environment. These permits not only reflected legal compliance but also served as a guarantee that business actors had considered sustainability aspects before commencing activities. With the removal of this article, the environmental permit system was replaced with an integrated environmental approval scheme within the Online Single Submission (OSS) system. While the OSS aimed to simplify bureaucracy and accelerate investment, the removal of environmental permits as an independent entity actually reduced the legal force of environmental oversight (Rahardjo, 2006).

Environmental approvals in the OSS are administrative in nature and provide little scope for public oversight and substantive law enforcement. The absence of specific documents that can be used for verification or litigation weakens environmental protection efforts and is potentially inadequate. This potentially increases the risk of violations by business actors due to weak control and oversight mechanisms. Furthermore, this new scheme creates confusion in the implementation of environmental management and monitoring. In the previous system, environmental permit documents clearly stipulated the obligation for periodic monitoring, reporting, and supervision, which could be audited by relevant agencies and the public. After this article was removed, these responsibilities became less clear because the regulations were merged into a more administrative mechanism and integrated with the business licensing process. This situation weakened the effectiveness of the law's function as a tool to control environmental damage (Hadjon, 1993). In the context of sustainable development, legal control over economic activity must be prioritized to ensure long-term ecological interests. The elimination of environmental permits indicates that environmental sustainability is now more vulnerable to compromise in the name of facilitating investment. Without a strong legal basis, the government will have difficulty prosecuting violations because the legal instruments used are no longer specific. Therefore, a substitute mechanism is needed that can truly provide environmental protection that is equal to, or even better than, the environmental permits previously regulated in Law No. 32 of 2009.

From a precautionary principle perspective, the elimination of Article 36 contradicts the spirit of preventative environmental protection. This principle requires that every activity with potential environmental risks undergo a rigorous evaluation and licensing process. Without a stand-alone environmental permit, the process risks becoming a mere formality within the OSS system. This could lead to projects with significant potential for environmental damage being passed without thorough review simply because they have received administrative approval. In the long term, the resulting ecological damage could result in significant social, economic, and public health burdens. The government should strike a balance between ease of doing business and environmental protection as part of its constitutional responsibility to uphold the right to a good and healthy environment (Maria Farida, 2007). Reformulation of licensing policies is necessary to ensure that businesses remain obligated to consider sustainability aspects without sacrificing bureaucratic efficiency. The ideal regulation is not the simplest, but rather the most equitable and sustainable for all stakeholders.

4) Elimination of Article 38

The removal of Article 38 in Law No. 32 of 2009, which originally authorized state administrative courts to revoke environmental permits, has raised serious concerns in the context of environmental legal protection. In the previous version, the public had formal access to challenge administrative decisions deemed detrimental to the environment through the judiciary. With the removal of this article in Law No. 6 of 2023, the public's opportunity to use legal channels is limited, contradicting the principle of a state based on the rule of law, which guarantees access to justice (Erwin, 2015). This also weakens the principle of checks and balances between the executive and judiciary in the environmental permitting process. The judiciary should be a tool for public oversight of government or business actors that violate environmental principles. When the judicial oversight function is removed, the potential for abuse of authority increases. As a result, not only does public trust in regulations decline, but environmental damage also becomes difficult to control legally.

Furthermore, this removal signals a shift in orientation from a participatory and accountable legal model to a more closed administrative model. In modern environmental law, access to justice is considered a crucial element of good environmental governance. Civil society organizations, environmental activists, and individual citizens should be able to pursue legal challenges to projects or policies that have the potential to harm the environment. Without Article 38, the public's power to reject environmentally harmful projects is limited to administrative processes controlled by the executive. This risks concentrating power in a single branch of government and closing the door to objective assessment by independent institutions such as the courts. In the context of environmental democracy, this removal sets a negative precedent because it eliminates the deliberative space that is crucial for upholding environmental justice (Rahardjo, 2006).

Thus, the elimination of Article 38 not only has procedural impacts, but also substantively, against the public's right to access legal protection mechanisms. In many cases, environmental conflicts cannot be resolved solely through internal government administration. Court mechanisms offer a more neutral approach and ensure accountability for all parties. Therefore, this elimination measure is considered contrary to universal principles in international environmental law that guarantee public participation and access to justice in environmental cases. Without a mechanism for permit revocation by the courts, the public loses one of the main instruments in fighting for the right to a good and healthy environment. Regulatory reform should not diminish citizens' fundamental rights, but rather strengthen them so that environmental protection can be carried out in a just and sustainable manner.

5) Changes to Article 39 paragraph (2)

The amendment to Article 39 paragraph (2) of the Job Creation Law has had a significant impact on the transparency of environmental information. The previous provision in Law No. 32 of 2009 stipulated that announcements regarding environmental documents must be made in a manner that is easily accessible to the public. However, the revised article now states that announcements can be made through electronic systems or other means determined by the central government. This formulation appears to ignore the social and geographical realities of Indonesia, which still experiences a significant digital divide, especially in remote areas. As a result, communities in remote areas and vulnerable groups potentially lose their right to information due to limited access to technology. Yet the right to know is a fundamental principle of environmental law guaranteed in various national and international legal instruments (Erwin, 2015). Information transparency is crucial to ensuring public control over projects that have the potential to damage the environment. If information cannot be accessed fairly, public oversight of the government and business actors will be weakened.

A further implication of this change is the weakening of transparency in the environmental licensing process. Information that is only available electronically without guaranteed accessibility actually limits public participation. In practice, many people lack the technical capacity or digital devices to access information through online systems. This situation creates structural barriers that contradict the principles of ecological democracy. The government should provide various alternative information channels so that all levels of society, without exception, can obtain relevant information. If the principle of inclusivity in information dissemination is not met, the sustainable development process will become non-participatory and exclusive. This change in article demonstrates that the digital transformation in environmental governance has not been designed fairly and comprehensively. Good regulations must consider the social readiness and technological infrastructure of the community.

This provision also raises concerns about the neglect of good governance principles, particularly in terms of accountability and transparency. If the public is unaware of the complete Amdal process due to limited information, the potential for document manipulation or procedural irregularities increases. Furthermore, the public's right to raise objections or respond to business plans is significantly compromised. In this context, the state should be the primary facilitator, ensuring that environmental information is accessible to all citizens without discrimination. The government needs to establish a hybrid information delivery mechanism, both online and offline, tailored to the geographic and social conditions of local communities. This will ensure effective and equitable public involvement in environmental protection. Non-inclusive policies in information dissemination will only exacerbate inequality and weaken environmental protection. Therefore, amendments to Article 39 paragraph (2) require re-evaluation to ensure that the principle of transparency remains the primary foundation of environmental governance (Antoni, 2020).

6) Elimination of Article 40

The removal of Article 40 of Law Number 32 of 2009, which stipulates that environmental permits are an absolute requirement before obtaining a business license, has had serious consequences for environmental management in Indonesia. This provision previously provided a strong control mechanism by requiring that business activities first obtain an environmental permit, thus ensuring that environmental impacts have been adequately assessed before activities are implemented. With the removal of this provision

through the Job Creation Law, this process is no longer a separate mandatory stage but is instead integrated into a more administrative and procedural environmental approval mechanism (Antoni, 2020). This has resulted in a potential decline in the quality of environmental assessments due to pressures to accelerate investment and streamline licensing procedures. Consequently, the risk of environmentally unsuitable business activities increases, and the environmental assessment-based rejection mechanism becomes legally weaker. Substantive control over the environmental feasibility of an activity has shifted to looser administrative controls. In the long term, this policy could increase the likelihood of unaddressed pollution and environmental damage.

The removal of Article 40 also weakens the legal standing of the public in holding businesses accountable for failing to meet environmental standards. Previously, if an environmental permit was revoked, the business permit would also be automatically revoked, placing legal pressure on businesses to meet their environmental commitments (Rachman & Wijaya, 2023). However, after this article was removed, there was no longer an explicit link between environmental approval and the continuation of the business permit. This allowed businesses to continue operating despite environmental issues, as long as other administrative aspects were met. This new provision increases the potential for imbalances between environmental protection goals and economic interests. In the context of a state based on the rule of law and the precautionary principle, this policy represents a substantial weakening. The state should ensure that environmental sustainability is an absolute prerequisite for all business activities, not merely an administrative formality. This aligns with the principle of sustainable development, which emphasizes a balance between economic growth and environmental protection (Erwin, 2015).

As a consequence of the removal of Article 40, it is crucial to review the licensing structure to ensure rigorous and accountable environmental due diligence. Without environmental permit prerequisites, the preventative approach to environmental management loses its power. The government needs to establish standards and strict oversight of environmental approvals issued through the OSS. Furthermore, transparency and public access to environmental approval documents must be guaranteed. A form of social control. When the public is unable to identify and assess a project's environmental feasibility, public participation and ecological democracy are diminished. The government must also ensure that the OSS system does not neglect the substantive technical aspects of environmental protection. If structural improvements are not made, this system could become a tool for formal legalization of environmentally damaging activities. Therefore, the elimination of Article 40 requires other policy compensation that can uphold the principle of prudence in development (Maria Farida, 2007).

7) Changes to Article 76

Amendments to Article 76 of Law Number 32 of 2009, part of the Job Creation Law, have raised issues regarding the clarity of the authority for enforcing environmental administrative law. While previously explicitly stating that the Minister, Governor, or Regent/Mayor has the authority to impose administrative sanctions, in the latest version, the subject has been changed to "Central Government or Regional Government." This formulation blurs the vertical lines of responsibility between government institutions because it does not specify who has the primary authority to impose sanctions. In practice, this lack of clarity can lead to shifting responsibilities or even conflict between agencies claiming authority. This situation is certainly detrimental to the context of swift and responsive law enforcement against environmental damage. Administrative law enforcement should be firm, clear, and measurable in its structure of responsibilities (Hadjon, 1993). Therefore, this editorial change requires further elaboration in derivative

regulations to avoid weakening the effectiveness of environmental monitoring and enforcement.

This change opens the door to excessive bureaucratization in handling environmental violation cases. Without a clear division of authority between central and regional governments, inter-agency coordination mechanisms can become complex and slow. In environmental emergencies such as hazardous waste leaks or river pollution, delays in action can cause significant ecological damage that is difficult to reverse. A clear authority structure is crucial to ensure a swift and appropriate response. According to Erwin (2015), the effectiveness of environmental law is largely determined by the certainty of authority in enforcing the regulations. If regulations allow for multiple interpretations regarding who should act, responsibilities become unclear and can lead to paralysis of the law enforcement system. Therefore, Article 76 should still specifically identify actors according to the relevant administrative level.

This amendment to Article 76 needs to be examined from the perspective of accountability and transparency in governance. When responsibility is generally assigned to "central or regional governments" without clear procedures and implementation indicators, it is difficult to assess the performance of the responsible institutions. Yet, in the context of environmental management, public oversight of law enforcement is crucial to prevent impunity. If violations occur but no action is taken due to overlapping authorities, it indicates the state's failure to fulfill the public's right to a healthy environment. In this regard, public participation and independent institutions are essential to promote bureaucratic accountability. Therefore, the revision of this provision needs to be complemented by derivative regulations that define the authority and coordination mechanisms between governments in detail and operationally (Antoni, 2020).

8) Changes to Article 88

Amendments to Article 88 of Law Number 32 of 2009 concerning Environmental Protection and Management, as amended by the Job Creation Law, have raised serious concerns in the context of environmental law enforcement. In the previous version, Article 88 contained the principle of strict liability, which stated that anyone engaging in high-risk activities such as the use of Hazardous and Toxic Materials (B3) was responsible for environmental damage without the need for a formal legal process. Proving fault. However, the phrase "without the need to prove fault" was removed in Law No. 6 of 2023, which normatively obscures the application of the strict liability principle. The removal of this phrase has the potential to open legal loopholes for environmental polluters to avoid legal responsibility. This principle is crucial, especially in pollution cases that are scientifically complex and difficult to prove through case studies (Rahardjo, 2006). The removal of this phrase can be interpreted as weakening environmental protection by reducing the burden of responsibility on business actors. In the context of ecological justice, this change is considered unfavorable to environmental victims.

In addition to weakening legal accountability, this amendment to Article 88 could also impact the compensation mechanism for environmental losses. Under a strict liability system, pollution victims are not burdened with proving that the damage was caused by the perpetrator's fault, but rather simply demonstrating that the environmental impact resulted from high-risk activities carried out by a particular party. When this principle is removed, environmental victims, including indigenous peoples and vulnerable communities, will have difficulty obtaining compensation. Yet, in the context of international environmental law and the principles of the 1992 Rio Declaration, strict liability is the global standard that guarantees legal certainty for environmental violations. This also has the potential to reduce the quality of law enforcement, as law enforcement authorities will have a harder time

prosecuting polluters without evidence of fault (Erwin, 2015). Consequently, the deterrent effect on businesses that neglect the environment is weakened. The state should be present to protect the environment, not create a legal gray area. Therefore, this amendment represents a setback in Indonesia's environmental protection agenda.

In environmental law practice, the application of the principle of strict liability is important because it addresses the challenges of proving causality in environmental cases. For example, in cases of river or air pollution by industrial waste, affected communities often lack the technical capacity or access to adequate scientific evidence. Therefore, the principle of strict liability serves as a tool to ensure substantive justice. The elimination of this principle also contradicts the spirit of Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to live in physical and spiritual prosperity and to a good and healthy environment. In a progressive legal system, regulations should strengthen public protection, not the opposite. Therefore, the amendment to Article 88 is not only legally problematic, but also ethically and philosophically. The revised provision raises the assumption that the state prioritizes investment interests over environmental sustainability. Therefore, the formation of regulations should still consider the principles of prudence and comprehensive social responsibility (Antoni, 2020).

CONCLUSION

The amendments and elimination of several articles in Law No. 6 of 2023, which revised Law No. 32 of 2009, demonstrate a shift in the orientation of environmental regulation from a paradigm of public protection and participation to a more centralized and pro-investment administrative approach. Revisions to crucial articles such as Articles 24, 25 letter c, 26, 36, 38, 39 paragraph (2), 40, 76, 88, and 102 have significantly weakened the principles of prudence, absolute responsibility, access to justice, and community participation in environmental governance. The Job Creation Law, although designed to encourage accelerated investment, has reduced the space for social control, weakened the legal bargaining power of the community, and significantly lowered standards of environmental protection. The absence of environmental permits as a prerequisite for business, the limitation of community participation to only those directly affected, and the elimination of the courts' authority to revoke environmental permits indicate a progressive reduction in environmental law principles. In addition, the removal of the phrase "without the need to prove the element of fault" in Article 88 has reduced the essence of strict liability, which has been the mainstay in handling cases. Environmental pollution is complex and has significant impacts. As a result, not only is oversight weakened, but law enforcement is also losing its effectiveness in firmly addressing environmental violations. This situation creates a legal gray area that benefits large businesses while harming local communities and ecosystems.

In the context of sustainable development and the Indonesian constitution, these changes contradict the mandate of Article 28H of the 1945 Constitution, which guarantees the right to a good and healthy environment. The government should maintain a balance between economic interests and environmental sustainability, not sacrifice one or the other for procedural efficiency. Therefore, the formation and implementation of omnibus law- based policies need to be closely monitored, participatoryly evaluated, and revised if proven detrimental to environmental protection and citizens' rights. Environmental law must be returned to its primary purpose: maintaining ecological sustainability for present and future generations.

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