

DOI: <https://doi.org/10.38035/jlph.v4i5>

Received: 3 June 2024, Revised: 1 July 2024, Publish: 3 July 2024

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The Threat To Democracy From The Environmental Law After The Election of The President And Vice President For The Period 2024-2029: A Review of Critical Theory

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Abstract: One of the most criticized arrangements in the Job Creation Law is its regulation in the environmental sector which changes several provisions in Law No. 32/2009 on Environmental Law. The regulation in the Job Creation Law in the environmental sector is the legal politics of the Jokowi administration and will be continued by the government that won the 2024-2029 presidential election. This arrangement can be explained using critical theory. This research was prepared with the aim of knowing the threat to democracy from the Job Creation Law in the environmental sector, which in its ratification caused pros and cons in the Prabowo-Gibran Government era. This research uses normative legal research with a statutory approach and conceptual approach. The results show that the Job Creation Law in the environmental sector is more likely to reduce community participation in environmental approval, which is one indicator of the realization of democracy in state administration. This regulation is a threat to democracy after the 2024-2029 presidential election because the winner of the 2024-2029 presidential election has a tendency to continue the previous government's program.

Keyword: Job Creation Law, Presidential Election, Democracy, Critical Theory.

INTRODUCTION

Law No. 11 of 2020 on Job Creation is the first law in Indonesia that uses the omnibus law method. Bivitri Savitri as an HTN expert stated that the omnibus law method was formed to amend or repeal several laws with one law product. (Nola, 2020). Meanwhile, according to Article 64 paragraph 1b of Law No. 13 of 2022, it is a method of drafting laws and regulations that can contain new content material, amend related content material in various laws and regulations of the same type and hierarchy, and/or revoke laws and regulations of the same type and hierarchy. The regulations made are combined in one regulation with the intention of achieving certain regulations. As explained in the omnibus law method, Law No. 11/2020 regulates various sectors related to investment. By using the concept of omnibus law, the Job Creation Law amends and/or revokes many laws.

The enactment of Law No. 11 of 2020 has caused pros and cons. The opposition to Law No. 11/2020 came from the people affected by the enactment of this law, namely laborers. In addition, there was also rejection from students from various universities as academics. This rejection can be seen in the demonstrations that took place in various cities against the ratification of the Job Creation Law, such as in Jakarta, Semarang, Bandung, and many others. (Shalihah & Hardiyanto, 2020). The opposition to Law No. 11 of 2020 was carried out because the community considered that its formation did not include the community / was closed and also had many articles that were problematic because they had the potential to harm them.

One of the arrangements criticized in Law No. 11 of 2020 is its regulation in the environmental sector which amends several provisions in Law No. 32 of 2009 concerning Environmental Protection and Management. The PPLH Law as a law that regulates the environment is very important, especially considering the current environmental development. The increase in the number of people in all countries in the world, which has led to an increase in development needs, has resulted in various environmental pollution and damage. (Widodo, 2023). With this, the PPLH Law is very important as a regulation that ensures the sustainability of development by maintaining the quality of the environment in the process. This role occurs because the PPLH Law regulates planning, utilization, control, maintenance, supervision, and law enforcement as a system that provides protection to the environment.

Law No. 11/2020 was then subjected to formal testing at the Constitutional Court. Furthermore, for the first time, the formal test was partially granted by the Constitutional Court. In its ruling, the Constitutional Court stated that the formation of Law 11 of 2020 was formally flawed and declared conditional unconstitutionality and as long as it was not interpreted as 'no improvement is made within 2 (two) years of the Constitutional Court's decision'. Which means that it will be considered unconstitutional, in the event that the legislator does not succeed in making improvements within 2 years of the decision being pronounced. (Yusuf, 2023).

On December 30, 2022, the President passed Perpu No. 2 of 2022 on Job Creation to follow up on the Constitutional Court Decision and replace Law No. 11 of 2020. The enactment of the Perpu has again raised pros and cons. Academics, including Gita Putri Damayana, saw that the Perpu did not meet the requirements for the issuance of a Perppu because it did not fulfill the condition of "compelling urgency". (Detik.com, 2023). Despite a number of criticisms, Perpu No. 2 of 2022 was enacted into law on March 31, 2023, making it a valid law based on Law No. 6 of 2023 (hereinafter referred to as the Job Creation Law).

The Job Creation Law is included in the government's legal politics. because the Job Creation Law fulfills what is meant as a manifestation of the will of the state authorities in the form of *ius constitutum* or enacted law and the direction of the law to be drafted (*ius constituendum*). Given that the Job Creation Law will be the basis for the formation of implementing regulations that will be formed later. In addition, it can be predicted that the next government regime will continue the programs that President Jokowi has established. This is because the 2024-2029 presidential election was won by the candidate pair Prabowo Subianto and Gibran Rakabuming Raka who explicitly stated that they would maintain President Jokowi's development direction by continuing his programs. They have committed to sustainability and made President Jokowi's programs the foundation of the policies that will be formed later. (Farisa, 2024).

According to Mahfud MD, a political configuration will affect the character of its legal products. Political configuration as the independent variable affects the character of legal products as the affected variable. Mahfud MD further explained that a democratic political configuration will create autonomous or responsive legal products, while an

authoritarian political configuration will create oppressive or conservative legal products. While looking at the conditions of Indonesia's political configuration after the presidential election, it is in the shadow of political dynasties, the erosion of democracy, and also the control of oligarchs, even the law is used as a tool for abuse of power. (FISIP UI, 2023).

The regulation in the Job Creation Law in the environmental sector is the legal politics of the Jokowi administration and will be continued by the government that won the 2024-2029 presidential election. This arrangement can be explained using critical theory. This theory was chosen because it has practical objectives, namely: first, it can explain what is legitimate in the current social reality. Second, it can see actors who can change these conditions. Third, it can be used to show clear norms to be criticized and practical goals that can be realized in social transformation efforts. (Wojciechowska, 2017)..

Departing from this problem, this paper aims to further explain the threat to democracy from the post-presidential election Job Creation Law in terms of critical theory. This research was prepared with the aim of knowing the threat to democracy from the Job Creation Law in the environmental sector, which in its ratification has caused pros and cons in the Prabowo-Gibran Government era, with the hope that it can be used as input in the reform and application of the Job Creation Law after the 2024-2029 presidential election.

METHOD

This research is included in the type of normative legal research, which according to Ahmad Mukti Fajar ND and Yulianto (Muhaimin, 2020) is research that sees law as a system of norms, norms here refer to principles, rules, and norms from various laws and regulations, court decisions, and doctrines recognized in legal science. This research uses a statutory approach, conceptual approach.

The sources of legal materials consist of primary legal materials in the form of laws and regulations, such as the Job Creation Law, the Environmental Law, and various implementing government regulations. In addition, secondary legal materials are also used in the form of various legal literature and legal doctrines, as well as non-legal materials in the form of data and documentation used in this research. the legal materials were collected using literature study techniques.

The analysis of legal materials is carried out in the following steps: first, identifying legal facts in the form of the Job Creation Law, then determining the rules in the environmental law sector as legal issues that are discussed based on theories and concepts that are suitable for study. In this case the author uses the concept of democracy and critical theory. Then obtain the source material used in the research. Next, conduct an assessment of legal issues and analyze their suitability with doctrine and legislation as legal materials obtained. Then, draw conclusions from legal issues and compile arguments in the form of prescriptions as suggestions.

RESULTS AND DISCUSSION

Looking at The Elected Government of the 2024-2029 Presidential Election that will implement the Job Creation Law

The 2024-2029 presidential election has experienced many challenges, this makes even after the presidential election, many people still do not accept the victory of the Prabowo-Gibran pair. This is not surprising because there are many controversies that accompany the 2024-2029 presidential election. The controversy began with the Constitutional Court Decision Number 90/PUU-XXI/2023 regarding the minimum age limit for presidential candidates, which made it possible for Gibran to be accepted as a vice-presidential candidate. The Constitutional Court's decision is considered to be full of political intervention, resulting in a violation of the constitution. (Hadji et al., 2024). The decision also

made people question the independence of the Constitutional Court and is a threat to Indonesian democracy in the future.

In addition, through the release of the Dirty Vote film, the resource person who is an HTN Expert explains the occurrence of systematic fraud in the 2024-2029 elections. (Fisipol UGM, 2024) ICW (ICW, 2024), including the most reviews of fraud in the candidacy of candidate 2, namely Prabowo-Gibran, starting from the process of Constitutional Court Decision Number 90/PUU-XXI/2023 which violates the constitution, the process of accepting candidate 02 by the KPU which is considered to violate Law No. 12 of 2011, the oligarchy behind them, the appointment of PJ regional heads who violate the law, violations of ministerial neutrality in violation of the Election Law, and the extension of the term of office of village heads in the Village Bill. (ICW, 2024). In this fraudulent process, there are allegations of involvement of the previous government, namely President Jokowi himself.

As for the rulers who are elected through means that violate the law and democratic principles, Indonesia is in the shadow of eroding democracy, dynasty, and in the power of oligarchy. (FISIP UI, 2023). According to Julian Aldrin Pasha, the erosion of democracy is closely related to political leadership factors. In line with Mahfud MD who explained that the configuration of a politics will affect the character of its legal products. The influence occurs with the political configuration of autonomous or responsive legal products, on the contrary, authoritarian ones will make oppressive or conservative legal products. From this explanation, the 2024-2029 post-presidential election government regime that will draft the implementing regulations of the Job Creation Law and will implement the Job Creation Law itself has the possibility to be a threat to Indonesian democracy. Even so, it should be remembered that it is still necessary to apply the presumption of innocence against them, given that there is no court decision proving their guilt.

Indonesia adheres to a presidential system so that the President has relatively strong power, despite having low political support from parliament. Looking at the conditions of the elected government of the 2024-2029 presidential election, apart from being strong because of the presidential system, the Prabowo-Gibran government is also strong because of the support of its coalition. According to Rudy Lukman, the strong coalition of the 2024-2029 post-presidential election government will weaken the supervisory function of the checks and balances system, although it will be beneficial for the smooth running of planned programs.

The Prabowo-Gibran coalition is strong because of the Indonesia Maju coalition consisting of (Attar, 2024): Gerindra, PAN, Golkar, and the Democrat Party makes them estimated to occupy around 280 seats out of 580 in the House of Representatives. This estimate is derived from the calculation that Golkar's 15.2% of the vote gives the party around 102 seats, Gerindra's 13.2% gives the party around 86 seats, Democrat's 7.4% of the vote gives the party around 48 seats, PAN's 7.2% of the vote gives the party around 44 seats. Outside the coalition of supporters, the Nasdem Party also joined the coalition after the election. Other parties such as PKB also signaled that they would join to support their program. Thus, the strength of the opposition to Prabowo Gibran's coalition will be weak.

The purpose of this system of *checks and balances* is to prevent the concentration of power in just one institution. Because the concentration of power will have negative consequences in the form of authoritarianism and abuse of authority. According to Ni'matul Huda, the existence of a system of checks and balances allows state power to be regulated, controlled, and also limited so that there is no abuse of power. (Huda, 2016). With the implementation of this system, the DPR has a supervisory function where the DPR carries out critical actions in the event that policies issued by the government are contrary to the interests of the people. With the strong support of the coalition in the government after the 2024-2029 presidential election, the existing system of checks and balances will be weakened, as the DPR's supervisory function cannot run well because they support the policies issued by the government.

The Threat of Democracy from the Environmental Sector Job Creation Law After the 2024-2029 Presidential Election Reviewed from Critical Theory

Democracy is a form of government by the people. The explanation of democracy is narrowly explained by Joseph Schumpeter that democracy is a political method, a mechanism used to have political representatives by providing opportunities for citizens to elect political leaders who try to gather votes, citizens can re-elect in the next period. According to Joseph Schumpeter, the opportunity to vote is what is meant by democracy. Meanwhile, according to Huntington, democracy is not limited to this, but also includes democratic governance. At least to fulfill what is meant as minimalist procedural democracy, namely honest and fair elections, peaceful rotation of power, and the inclusion of citizens in the exercise of power, as well as the provision of social and economic rights for all its people. (Simanjuntak et al., 2020).

According to Hasan Basri, the indicators of the implementation of democracy empirically include: first, accountability, which refers to the implementation of democracy, government officials who are representatives of the people must be accountable for their actions and policies, both those that have been carried out and those that are being implemented and will be implemented. Second, rotation of power, which means that there must be a regular rotation or change of power where the ruler changes in a peaceful manner. Third, open political recruitment, in this case the recruitment of political parties and the registration of people's rights is open to the public, and not just certain groups. Fourth, citizens receive basic rights, in this case the state guarantees that its citizens can enjoy their basic rights without being restricted by the authorities, such as the right to express opinions, the right to assemble and associate, and other basic rights. Lastly, elections, namely the conduct of regular elections without manipulation.

Democracy according to Suarlin is a government in which the sovereignty of the government is in the hands of the people. John Dewey explained that the implementation of democracy requires the participation of the people to organize life together. Therefore, democracy does not stop with the election of people's representatives in elections, but continues to include the people in the formation of laws and regulations that govern the people.

Based on the explanation of democracy above, it is clear that Indonesian citizens must be included in the drafting of the Job Creation Law. The implementation of this democracy is also what makes the Constitutional Court require the fulfillment of meaningful participation in the formation of the Job Creation Law. (Wali et al., 2022). Meaningful participation is contained in Article 96 of Law No. 13 of 2020. Article 96 paragraph 1 stipulates that the public has the right to provide input orally and/or in writing at every stage of PUU formation. For this reason, every academic paper and draft legislation must be easily accessible to the public (Article 96 paragraph 4). In the explanation of Law No. 13 of 2022, it can be seen that strengthening meaningful participation is carried out by fulfilling 3 prerequisites, namely: first, the right to be heard; second, the right to be considered; and third, the right to get an explanation or answer to the opinion given (right to be explained).

According to Rofiq Hidayat, the formation of Perppu No. 2 Year 2022 ignores the obligation to implement meaningful participation. This is because the Perpu was only drafted unilaterally by the President so that it did not involve the community. By making the Job Creation Law in the form of a Perpu, the DPR is only involved by choosing to give approval or choosing not to approve the Perpu. Which means that the drafting of the Job Creation Law ignores Decision No.91/PUU-XVII/2020 which requires the fulfillment of meaningful participation. (Hidayat, 2022). The Job Creation Law should be drafted in accordance with the procedures for the formation of laws by implementing meaningful participation. Therefore, it can be concluded that the drafting of the Job Creation Law alone

has threatened democracy because it does not fulfill the indicators of democratic implementation that include citizens in the exercise of power.

This paper focuses on the discussion of the threat to democracy from the Job Creation Law in the environmental sector. The rules in the Job Creation Law that threaten democracy in its implementation by the 2024-2029 Post-Presidential Election government include:

1. Rules regarding community involvement in the preparation of EIA

EIA has an important role in estimating the impact of business activities to be built, especially negative impacts on the environment. Because EIA documents can be used to estimate the impact of these activities in detail and carefully. (Delyarahmi & Murniwati, 2023). In the preparation of the EIA, it is also important because it must involve the community.

Article 26 of the Job Creation Law amends Article 26 of the Environmental Law. The previous regulation in Article 26 paragraph 3 of the Environmental Law states that the people involved in the preparation of the EIA are the public. the public in this case includes those affected, environmentalists and all those affected by the EIA decision. This rule is changed in the Job Creation Law where only "directly affected" communities are involved. Thus, there is a limitation on the number of communities that are visible in the preparation of AMDAL in the Job Creation Law. In fact, the involvement of environmental organizations, environmentalists, and also other communities is also very necessary, because they have knowledge about the impact of the planned business activities on the environment.

Community involvement is a must considering that Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia has guaranteed that everyone has the right to a good and healthy environment. Community involvement in the preparation of EIA is a form of implementing democracy, where the element of democracy in state administration is the fulfillment of people's rights, which in this case is the right to a good and healthy environment. In addition, it is also a form of democracy because there must be people's participation in every government policy. By including the community in the preparation of EIA, the community can obtain clear information on business activities that affect the environment. In addition, there will be room for the community to provide suggestions and responses that have an impact on the environment and an impact on the fulfillment of their rights. (Delyarahmi & Murniwati, 2023).

2. Appointment of Other Parties in the Preparation of EIA Documents

The Job Creation Law changes the provisions regarding the involvement of other parties in the preparation of EIA by the Proponent. Previously, Article 27 of the PPLH Law explained that in the preparation of EIA documents, the Proponent "may request assistance" from other parties. This rule is changed in the Job Creation Law to "may appoint other parties". Which means that previously it was only allowed to ask for help from other parties without releasing the responsibility of the initiator in preparing the EIA document. Consequently, there is a possibility that the proponent appoints other parties who are not competent due to lack of understanding of the type of business, which is one of the considerations in the preparation of the EIA document. (Asrizal, 2022).

3. Abolition of Administrative Claims

Article 26 paragraph 4 of the UUPPLH states that people who participate in the AMDAL preparation process can file objections to the AMDAL document. Then, Article 93 of UUPPLH stipulates that the issuance of environmental permits by state administrative officials that are not accompanied by AMDAL and UKL-PKL documents can be sued to the State Administrative Court. this article is a very important rule, so that government officials cannot issue environmental permits and business licenses that do not meet AMDAL and UKL-PKL procedures. In addition, if a decision letter that does not meet these procedures is issued, it can still be canceled. However, the Job Creation Law

deletes Article 93 regarding this administrative lawsuit that can be carried out by the community.

4. Changes in sanctions for preparing EIA without having a certificate of competence for EIA compilers

Previously, Article 110 of the Environmental Law stated that for every person who conducts EIA preparation without having a certificate of competence in EIA preparation as referred to in Article 69 paragraph 1 of the Environmental Law, the perpetrator is punishable with a maximum imprisonment of 3 years and a maximum fine of 3 billion. The criminal sanction is amended in Article 82B paragraph 2 letter B of the Job Creation Law so that the rule reads "Every person who violates the prohibition as referred to in Article 69, namely: b. preparing an EIA without having a certificate of competence for EIA compilers as referred to in Article 69 letter i is subject to administrative sanctions." From this explanation, it can be seen that the Job Creation Law changes the threat of sanctions for those who compile an EIA without having an EIA compiler competency certificate with criminal sanctions to only be subject to administrative sanctions.

The change in sanctions to weak is a form of setback. Given that the losses from environmental damage and pollution as a result of business activities that are required to conduct Amdal will be very large. The cost of environmental recovery due to environmental crimes will be very high, and there have even been many cases where environmental functions cannot be restored to their original state. This opinion is in line with the opinion of AvianyYanti and Winda Fitri who stated that the change in sanctions is not the right answer to solve environmental problems in Indonesia, because many Indonesians choose not to comply with the environment. (Yanti & Fitri, 2022). This happens because of the weak culture of legal awareness of environmental law.

From the changes that are considered detrimental, it is necessary to analyze based on critical theory. Before analyzing, it is necessary to know about critical theory itself.

The emergence of critical theory as cited by Ritzer (2008) is a form of correction due to dissatisfaction by a group of German neo-marxians with Marxian theory and flow. The main form of dissatisfaction of this group is related to economic determinism. Although in its thinking this critical theory is considered radical, in reality violence is not desired in the teachings of this theory. This is because according to this theory, violence is not a way out to solve problems and the existence of violence also does not guarantee better conditions for society. There are many ways to fight for justice. This is where the level of difference between Critical Theory and Marxian theory lies (Haryanto, 2013: 231-232). In addition, the intention of radical critical theory thinking is related to the desire to reverse the existing structure of society and is considered to have provided injustice and oppression to the community in a very structured, systematic and massive way.

According to the view of Critical Theory, everything related to the capitalist economic system either as a system of relations or categorization has a function to hide and preserve the practice of socio-economic inequality, oppression of certain parties, and domination of the weak. According to this theory, acts of domination are structural in nature (Sholahudin, 2020). This means that larger social institutions such as law, economy, politics, culture, gender, race, and discourse always affect people's lives every day. Critical theory seeks to show people that the existence of these larger social institutions is full of actions to oppress, inequality, which have an impact on the emergence of injustice in society. The desire of this theory is much greater than just informing the existence of these larger institutions. Therefore, this Critical theory rejects everything related to capitalist economics such as several categories of society based on their exchange value (useful, productive, valuable, worthy, etc.). (Sholahudin, 2020).

There is an assumption that communicative nature is the essence of society, so Habermas, who is the successor to Critical theory, changes the production paradigm from historical materialism to the communication paradigm. According to Habermas, to realize changes in society the role of communication structures is preferred over the role related to the mode of production. Habermas considers that rather than the mode of production, the communication structure is intrinsically better for society. This is because the mode of production involves communication structures in the process of learning technical dimensions.

The rationalization of power then raises the issue of democracy, which in another sense is the existence of institutional guarantees on the implementation of free general and public communication. According to Habermas, power that can be rationalized is power that is only determined by critical public discussion. In modern political development, the thing related to democracy is the pragmatic modern political model. This pragmatic political model uses critical interaction between the functions of experts and politicians. (Sudrajat, 1988). This replaces the former strict separation of experts and politicians. The existence of this critical interaction will provide a possibility for experts and politicians to communicate with each other in two directions. This two-way communication will then provide the possibility for politicians to make the right decisions based on scientific advice or opinions conveyed by experts. Therefore, politicians must communicate with experts because of practical needs. This type of communication is described as a scientific informative discussion that is not based on an ideological legitimacy of power. According to Habermas, there is an element of critical interaction in today's society which is used as a real possibility for the rationalization of power. (Sudrajat, 1988).

According to Habermas, a criticism will progress because of the foundation of communicative ratios which are understood as communicative actions. Habermas emphasizes that communicative nature exists in society and to determine a social change is not only determined by developments in the field of production / technology. But it is also determined by the learning process in an ethical practical dimension.

Judging from the assumptions of critical theory, it can be explained that the Job Creation Law in the environmental sector perpetuates structural domination practices, this domination is controlled politically and legally. It is said to perpetuate domination practices, because parties with large capital can more easily obtain environmental licenses and can control resource management in various sectors. (Muthmainnah et al., 2021). The practice of domination creates inequality and injustice because the utilization of data sources by the community and also for the public interest is much less. This is supported by data from the Walhi Report (in Muthmainnah et al., 2021) 82.91% of Indonesia's working area is controlled by oligarchs. according to this data, it can be said that oligarchs control the control of resources in Indonesia.

According to Haberman, society is communicative. Rationalized power is power that is held by opening wide public discussions that show critical interaction. The public, especially experts, provide scientific input to power holders. This critical theory is in line with democracy, which requires the active participation of the community and experts in the exercise of power, including in environmental management policies.

Contrary to the expectations of critical theory and democracy, from the perspective of its drafting, the Job Creation Law can be said to be closed and lacks public involvement. This can be seen in the Constitutional Court Decision Number 91/PUU-XVIII/2020 which states that the drafting of Law No. 11 of 2020 violates the principle of openness. In its consideration, the Panel of Judges of the Constitutional Court stated that the drafting of Law No. 11 of 2020 had not provided maximum open participation space to the community. the people who participated in the formation also did not know what materials were combined and the changes that occurred in the formation of Law 11 of 2020. Access to the academic

text of Law 11 of 2020 is also considered difficult by the Constitutional Court, although it is clear that Article 96 paragraph (4) of Law 12 of 2011 states that public access to laws must be easy, so that the public can easily provide input both in writing and orally. Therefore, in drafting the Job Creation Law, the Constitutional Court in its consideration explained that in addition to following the rules in the laws and regulations relating to public participation in the drafting of laws, the Job Creation Law must also be drafted with meaningful participation of the public.

Even after Law 11 of 2020 was declared formally flawed, one of the considerations was the lack of public participation, the drafting of the Job Creation Law through Perpu No. 2 of 2020 can still be said to be closed and has not fulfilled meaningful participation. As explained above, the drafting of the Job Creation Law through Perpu makes the drafting carried out based on the procedures for drafting Perpu as stipulated in Presidential Regulation Number 87 of 2014. Based on this regulation, it can be seen that the Perpu was only drafted unilaterally by the President so that it was very lacking in community involvement. as for the DPR in this case only gave approval by passing Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.

Apart from the formation process, the rules in the Job Creation Law also tend to limit public participation in the preparation of EIA. As explained earlier, the PPLH Law opens space for the community, including environmentalists and also people who are affected by all forms of decisions in the EIA process. In fact, environmentalists are parties who can be said to realize the critical interaction referred to by Haberman. Because many members of the organization are experts in the environmental field and can provide input on the impact of the planned business activities on the environment based on their knowledge.

The elimination of the administrative right of challenge can also be said to be a restriction on community participation. This is because the right of administrative challenge in environmental approvals is one of the means that the community can use to object to environmental approvals that have been issued by the government. Even Fasha and Retno (2020) concluded that the elimination of the right of administrative challenge shows the conservative or orthodox character of legal politics, because it tends to close legal steps or expectations from individuals and community groups, especially those affected by the planned business activities.

We have previously explained the indicators of the implementation of democracy. One indicator of the realization of democracy is that citizens receive their basic rights, in this case the state guarantees that its citizens can enjoy their basic rights without being restricted by the authorities. By limiting community involvement in the preparation of EIA, removing the right to administrative litigation, weakening sanctions against EIA compilers who do not have a certificate of competence and compiling EIAs that create risks of environmental pollution and environmental damage, the government threatens the non-fulfillment of the right to a good and healthy environment to be enjoyed by citizens as guaranteed in Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia.

It should be recalled that the elected government for the 2024-2029 presidential election that will implement the Job Creation Law, namely Prabowo Subianto and Gibran Rakabuming Raka, have explicitly stated that they will maintain President Jokowi's development direction by continuing his programs. Both are committed to sustainability and making President Jokowi's programs the foundation of the policies that will be formed later, including the Job Creation Law in the environmental sector.

Prabowo also admitted that not all programs have been good, some of them still need improvement and innovation. One of the programs that requires improvement according to researchers is the Job Creation Law in the environmental sector. the rules in it need to be improved because they threaten Indonesian democracy.

CONCLUSION

The regulation in the Job Creation Law that amends the Environmental Law threatens democracy. It shuts down public participation in the preparation of environmental approvals through restrictions on public involvement in the EIA preparation process and also the elimination of the right of administrative challenge by the public. However, the elected president and vice president pair in the 2024 election chose to continue the program, posing a threat to Indonesia's democracy in the future.

It is recommended that the legislators after the 2024-2028 elections make improvements to the Job Creation Law in the environmental sector by reopening broad participation for the community in the preparation of environmental approvals. This needs to be done so that Indonesian democracy is not eroded, and citizens' environmental rights are guaranteed.

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