



DOI: <https://doi.org/10.38035/jlph.v4i6>  
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## Amdal Regulations In Indonesia Concerning Environmental Management and Preservation Law No. 32 of 2009

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**Abstract:** Decree issued by the environment minister Number 17 of 2001 regarding the kinds of company operations and initiatives that must be carried out accompanied by an environmental impact analysis. The purpose of this study is to establish EIA as a guideline that should be made before the process from pre-construction to production. This research has made people realize how important environmental issues and natural resources are for the survival of all creatures on Earth, including humans. Like the environment, it has limitations to provide life to humans. Environmental conservation is characterized as the maintenance of the environment as it is, but paradoxically, development utilizes it. On the contrary, those developments have made human life much better. Today, it seems that humans are facing difficulties. The age must accelerate development so as not to be left behind, but it must also maintain the stability of the environment so as not to destroy it.

**Keyword:** Environment, Universe, Development, Humans.

### INTRODUCTION

When human growth and its needs exceed the availability of natural resources, humanity will face tremendous challenges to sustain its life. As a result, the growth of all people on earth must be monitored and humans must also consider the survival of the environment (Hidayati, 2023). This indicates that the living environment is changing. These changes must be maintained so that the environment can live a normal life. It seems obvious that there is considerable variation between the current natural and environmental conditions and a number of previous years, for example ten years earlier. The environmental conditions at that time were much better than they are now because they had been damaged by humans. Currently, towering buildings are being built to replace the rice fields where rice is grown. Many trees in the forest that serve as a source of oxygen absorption and increase have been disseminated for the construction of factories and other projects.

The development of individuals and Indonesia society as a whole is the key to Indonesia's development. This shows that development consists of three components. First, physical advancement, such as clothing, food, and home; second, internal advancements, such as education, security, and equity, and health; also third, physical improvements, such as buildings, food, and health that include everyone, as shown by the improvement of social welfare. Developments that lead to significant environmental advancements bring about

changes. In fact, environmental change has had a detrimental effect. For example, housing development. With builders on land that is still productive, agricultural areas become narrow as a result, farmers have to clear or cultivate land that is near rivers, hills and mountains as well as open spaces of new protected forests that can cause significant soil erosion, many other examples that adversely affect the environment. Environmental sustainability efforts do not support physical development, for example, the manufacture of factories, shopping centers, housing, and highways, and others, natural damage will occur faster (Kementrian Lingkungan Hidup dan Kehutanan, 2022). Most of the destruction of nature occurs due to human actions and actions that do not pay attention to the environment. While there is a spirit of development, there are also environmental violations, especially the concept of development itself. Developers make mistakes when building businesses such as industrial complexes, warehouses, and others Undoubtedly, such developments have an impact on the environment (Adha, 2020). Based on the author's observations, this company and warehouse complex has been built by committing a number of violations of the law which of course has a negative impact on environmental sustainability (Pranowo, 2019).

Lack of adequate green open space, neglect of the construction of necessary infiltration wells and incomplete community involvement are all examples of such violations therefore, it seems important to conduct further research and raise awareness of the importance of EIA to produce environmentally conscious manufacturing (Mashur & Rusli, 2018). Construction that considers the environment is an effort to use and use resources wisely with the aim of improving a person's quality of life in a sustainable manner. In the interaction between humans and nature, there must be taking and giving. This means that the environmental right is the same for everyone to live safely and healthily. In addition, he must be responsible for the maintenance of the environment which includes tackling and preventing environmental destruction (Kadarudin, Husni Thamrin, & Arpina, 2021). If the subjects of these rights and responsibilities can carry it out, it is very good if they play a role in the field of environmental management. In other words, these rights and duties can be carried out very well if the subject who has these rights and responsibilities has the ability to obtain information and data about environmental conditions (Indonesia, 2009).

Construction that considers the environment uses environmental laws to prevent damage and pollution of natural resources and the environment, their survival and supporting power. In addition, environmental law is used to crack down on people who result in damage or pollution of the environment and natural resources. The law must exist from two perspectives. On the one hand, the law should be considered as an area that needs to be improved, and on the other hand, According to the law, the object of improvement. However, the legal aspect as a means to encourage continued development must have the ability to protect the implementation of development and its results, especially environmentally sound development (Sriyanti, 2023).

The country must consider environmentally responsible development, such as Environmental Impact Analysis (EIA), as an important part of environmentally sound development. The Amdal invites humans to consider the harm posed by their actions to their environment driven by our understanding of how nature is organized, interacts and functions. In addition, the power of society, technology and economics interacts with natural wealth and the environment. The consequences of development can be predicted with this understanding.

## **METHOD**

This study uses a normative legal approach because the author emphasizes research by studying documentation and literature on development laws, policies, and theories of development and EIA that are environmentally friendly. As it does not intend to test theories, this study falls under the category of descriptive research, whatsoever; Rather, it is about analyzing, classifying, and systematizing legal material. The author needs legal materials to

answer the research problem. To do so, they must read the legal literature to find relevant ideas, theories, opinions, and research results.

## **RESULTS AND DISCUSSION**

### **Implementation of Environmental Regulations**

The use of environmental resources must maintain the balance of the ecosystem because environmental resources provide basic needs for life when carried out. The quality and quantity of important natural resources, as well as the consequences of resource extraction, including biodiversity and loss of natural resource resources are some of the factors that can be considered when making such a decision. Project management, whether traditional or modern, including project costs and their impact on the environment, such as stopping environmental damage and cost calculations along with other options.

In the use and development of renewable natural resources, the following should always be considered: (Latifah, Helmi, & Rahman, 2023)

1. For a nature that is still full of sources of prosperity to survive, the next generation must still inherit it.
2. In nature, there is always a balance that is always changing.
3. The excavation of natural resources must ensure the preservation of nature, which means that the results should not be used to the detriment of the natural regeneration process itself.
4. Human life must be designed to meet physical, economic, social, and other needs.

Furthermore, in the process of planning the project and its implementation related to the construction of environmental facilities and excavations useful for the long term, it is necessary to consider that: (BAPPENAS, 2014)

1. Strategies for development that consider environmental issues and mitigate negative impacts.
2. Environmental politics in Indonesia that are oriented to improve the living requirements of the people of Indonesia for many years or even centuries.
3. With the principle of harvesting the results, biological resources with the goal of environmental sustainability or sustainability will not stop their auto-regeneration ability.
4. To meet the necessities of life, development planning must aim to achieve an ever-changing balance with an environment that generates physical, financial, and social and religious benefits.
5. Ensure that the results of the development may be used to preserve the environment and repair environmental damage caused by previous development projects.

### **Implementation of Amdal Law in Indonesia**

In an effort to maintain the conservation of environmental capabilities, the EIA seeks to maintain the situation at a certain level to ensure the sustainability of development. It is clear how important the role of the institution responsible for the decision-making process on environmental impact analysis is. In this case, the decisions made by the initiators during the administrative process are essential for the quality of the environment, since the EIA serves to prevent pollution. (Sukananda & Nugraha, 2020)

The government wants to allocate enough time, more precisely one year to prepare everything related to the ratification of Government Regulation No. 29 of 1986, especially to prepare experts who prepare EIA (Government Regulation No. 22 of 2021, 2021). In addition, it takes enough time to form Regional and Central Commissions, which consist of an important part of the implementation of the PP. Government Regulation No. 51/1993, which was stipulated on October 23, 1993, environmental impact analysis, then deleted PP 29 of 1986. One of the main differences between PP 1986 and PP 1993 is that the information environment document (PIL) no longer exists (Presiden Republik Indonesia, 1999). In

addition, in the new PP, the grace period for AMDAL procedures (implementation) is shortened. PIL protects from identifying whether or not the activity plan has a significant environmental impact.

The administrative tool is preventive, the legislation must be carried out at the initial stage of construction planning. In other words, the steps for ratification and preparation of the EIA must be included in the project licensing process. Therefore, projects can be assessed to the extent to which they have an impact on the environment. Conversely, EIA studies can also help in increasing the positive impact of projects (Teras & Zebua, 2023). According to its purpose, the EIA was first created as a policy that includes a feasibility analysis of the plan for a business and/or activity. For regional development planning, the results of environmental impact evaluation are used so that the development considers the local environmental impact as stated in the 1999 EIA Government Regulation (Febriyanti, Aini, Resta, & P.K.P, 2021).

Often, the consultant (drafting team) of the EIA deviates from its principles during the process of preparing the EIA document, especially about the position of the people. The policy ensures the information disclosure process. According to Article 33 of Government Regulation No. 27/1999, that the initiator must inform the public and that suggestions, opinions, and public inputs must be investigated and considered by the EIA. In addition, Article 34 stipulates that community groups of interested parties must be involved during the creation of a frame of reference, assessing it, analyzing environmental impacts, making environmental management plans, and monitoring it. The objectives of the involvement as part of this environmental impact evaluation (EIA), the community participating in information disclosure are as follows: a) Maintaining the public interest; b) Allow the community to make decisions regarding business plans and development projects that may have a significant environmental impact; and c) Maintain transparency of business plans and activities in the Development AMDAL process (Susila Wibawa, 2019).

When environmental impact analysis is used as a reference for designing development, it is a very appropriate step to protect the environment. In other words, when construction has begun, the law is no longer important; The benefits are only limited to physical development that has not yet been implemented (Zamil, Adharani, & Afifah, 2020). However, ironically, the EIA was made while physical construction was underway. In the end, it is only used as a justification tool. Therefore, it is not surprising that environmental problems continue to arise despite the legislation that has been made.

After the organization responsible for environmental impacts was dissolved, the Environmental Commission then reduced its duties in controlling environmental impacts, including overseeing administration at various levels. In addition, The mechanism to coordinate the territory vanished once PP No. 25/2000 was enacted, and as a result, the environment finally lost significance. The fact that four groups of parameters are used in the field of EIA studies including hydrology, biology (flora and fauna), physiology, hydro-oceanography, space, soil, and soil; social (cultural, economic, defense, and security); and public health. Other areas of study include physico-chemistry (noise, air quality, and climate). The problems of the social, cultural, and political situation are then forgotten (Astriyani, Laela, Lestari, Anggraeni, & Astuti, 2023).

Chapter XIII of Legislation Number 32 of 2009 stipulates that the settlement of disputes over such arrangements may occur inside or outside the court building (paragraph 1 of article 84), complementing the previous law. Article 85 (1) of the second part, which deals with environmental disputes that are not adjudicated can be resolved whether in court or not, according to the implementation of the arrangement of environmental disputes without a court:(Aritonang, 2021)

1. Compensation shape and size;
2. Remediation due to polishing and pollution;

3. Certain measures to ensure that vandalism, contamination and destruction will not occur again; and/or;
4. Measures to avoid adverse effects on the environment.

The concept of alternative dispute arrangement (ADR), which has been carried out through mediation or arbitration, is used in the form of litigation without a court (Raffles, 2020). It is at this point that the police can participate as part of the mediation process. Indeed, this type of problem resolution allows a third person to act as a mediator rather than a policymaker. The legislative part of Legislation Number 32 of 2009 stipulates that the resolution of EIA problems can be done inside or outside the court. This section covers:(Yeni Widowaty, 2014)

1. Environmental restoration and compensation
2. Overall liability
3. Claims from the federal government and provincial governments
4. Social right to sue
5. Ideas by environmental protection organizations
6. Government lawsuit

Legislation No. 32 of 2009, however, establishes the principle of ultimate remedium, which establishes criminal law as the enforcement of the last step after the enforcement of the law outside the judiciary that is considered to have failed (Lidya Suryani Widayati, 2015). This concept only applies to violations of formal laws such as violations of nuisance, emissions, and wastewater standards. According to Law Number 32 of 2009, Chapter XV, Article 99, violations like this will be subject to penalties in the form of a fine of a minimum value of Rp 1,000,000,000 (one billion rupiah) and a maximum value of Rp 3,000,000,000 (three billion rupiah), with a prison term of between one year and three years. Environmental violations do not appear to have significant penalties. If the settlement is not possible beyond the crime, it is therefore necessary to go through the courts (Hariyono, 2021). However, the punishment was still very low. Many environmental violations are still left unnoticed. It seems that the responsible party does not care about this (Rhiti, 2015). Nonetheless, the violations that occur today will definitely have a significant negative impact on our environment, which will cause rapid damage to nature due to one's own actions of caring for nature.

## CONCLUSION

Many violations occurred both before construction, as well as during operations including planning, socialization, licensing, employee acceptance, production and warehouse operations, use and maintenance of environmental facilities, and waste management. The study's findings demonstrate beyond a shadow of a doubt how this infraction affects the neighborhood. Environmental pollution of the community is a consequence that will occur. Pollution results in communities living in unsafe environments, which affects their health, when viewed from the point of view of managing waste poorly. However, it is possible to resolve environmental problems both within and outside of courts, according to statute number 32 of 2009. In order to guarantee that the damage and/or destruction will not recur, alternative courts are intended to assist parties in reaching an agreement about the type and amount of damages, the recovery resulting from the offending act, and the prevention of such events.

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