



## The reconstruction of norm of environmental management statements submission to reach licensing based on community participation

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### Abstract

This study was intended to answer 2 (two) problems, namely (i) reconstructing norms in the submission of SPPL so that it reflects community participation in it, (ii) obtaining a licensing form (SPPL) that accommodates community participation in it. This study considered a kind of descriptive qualitative sociological research (non-doctrinal) which has purpose to find out the implementation of laws and regulations regarding the rules, as well as procedures for granting permits for activities that have an impact on the environment regulated in Law Number 32 Year 2009 concerning Environmental Protection and Management and Government Regulation Number 27 of 2012 concerning Environmental Permits. Mainly related to granting permits in the form of SPPL or promissory notes on management and environmental protection that focuses on the Regional Regulations of Klaten Regency. (i) reconstructing SPPL norms is a way of fulfilling community participation which in Law Number 32 of 2009 has been regulated which is then applied in the Klaten Regency Regional Regulation and PERBUB so that SPPL is not only a single right of the Regional Government. (ii) from the reconstruction of norms in PERDA and PERBUB in which accommodating active community participation in accordance with PP No. 45 of 2017 concerning Community Participation in Regional Government.

**Keywords:** SPPL, licensing, community participation

### Introduction

The current ecological conditions in Indonesia are experiencing a lot of quality degradation, the condition is getting more and more alarming, there is damage, pollution, and loss of quality. The damage includes an increasingly broad scope not only around the place of human life, however, spread to the sea, forests, lakes, and rivers. This is certainly inseparable from the impact of activities carried out by humans themselves, both in small scales in the form of household activities to large-scale activities such as factories. Lack of human awareness, especially the people of Indonesia, about the importance of protecting the environment so that environmental pollution is increasingly causing increasingly greater impacts such as landslides, floods, forest fires, lack of clean water, etc.

A good and healthy environment certainly has a balance of interactions in various components of life. The balance between components in the environment can be realized all depends on human interests, it is said that because basically the environment is anthropocentric which means that the environment is maintained, built or managed and used only for the benefit of the sustainability of human life. As long as human interest in the environment is still in the reasonable and balanced limits, the environment can be immediately restored and it can be said that the relationship exists between humans and the harmonious environment <sup>[1]</sup>.

The role of environmental legal instruments becomes very important, because of the lack of public awareness of environmental pollution that occurs around them. The

importance of the role of environmental law which is a juridical instrument which contains rules of environmental management aimed at preventing deterioration and depreciation of the quality of environmental functions <sup>[2]</sup>. Good environmental quality is a must, because basically the environment is a very important element for human life. Humans are looking for livelihoods such as for the needs of food, drinking, cleaning themselves, shelter, and so on everything depends on the environment/ nature <sup>[3]</sup>.

All forms of regulations which are then formulated by state agencies are expected to be able to realize a general welfare as mandated by the 1945 Constitution. However, as is well known, that the product of laws and regulations constitutes and reflects the political political direction of the government at that time in power. Legal politics is a legal policy that will or has been implemented nationally by the Indonesian government <sup>[4]</sup>. Article 28H paragraph (1) of the 1945 Constitution states that a good and healthy environment is a human right and constitutional right for every Indonesian citizen without exception. Therefore, the state as the executor of a legitimate government is obliged to carry out environmental protection and management in order to remain healthy and maintained so that it can still be a source of life for all Indonesian people and all living creatures in it <sup>[5]</sup>. This is not only for the present but also in

<sup>1</sup> N.H.T. Siahaan., *Environmental Law and Development Ecology*, Erlangga, Jakarta, 2004, page 25.

<sup>2</sup> St. Munadjat Danusaputro, *Environmental Law Book II: National*, Binacipta, Bandung, 1985, page 198-201.

<sup>3</sup> N.H.T. Siahaan, *Op.Cit.*, page 1-4.

<sup>4</sup> Mahfud MD, *Legal politics in Indonesia*, LP3ES, Jakarta, 1998, page 9.

<sup>5</sup> Dani Amran Hakim, "Politics of Environmental Law in Indonesia Based on Law Number 32 Year 2009 concerning Environmental Protection and Management", *Fiat Justisia Law Science* Volume 9 No. 2, 2015, p 121

the future so that future generations of the nation can still enjoy a good and healthy environment.

A healthy environment certainly cannot be realized without any exploitation, especially from the government, an implementing instrument other than legal instruments is needed so that this can be realized. Given the anthropocentrism that has been rooted in from generation to generation. One important instrument which can then control all behaviors that humans can then cause changes or up to environmental damage is supervision. Supervision carried out by the Government, of course, can not only be done nationally, but must involve the Regional Government both from the scope of the Village, Middle City, to the District level. Synergy that is built from the lower level to the center will establish a good supervision system, which is part of the principles of good governance. The principle of good governance is a new paradigm in the sector of state life that includes politics, economics, law, and social affairs. The classic paradigm that has been adopted by the Government, which has the basic concept that the government governs, runs, determines and decides what is then called "government is to govern", however, now has experienced a significant shift to the new paradigm of government serving the people " government is to serve the people ". This paradigm then makes the government that has the role of the ruler become a servant of the people, the people who become the highest authority <sup>[6]</sup>.

As the highest authority holder, the people certainly have a big role in the implementation of government through decision making, because all policies that are then issued by the government must contain the interests and needs of the people in it. Therefore, the supervision instruments carried out by the government will run well if through a good licensing system as well. Good licensing, of course, in it there is public participation which can then be realized in a legal instrument that is carried out by the government as the holder of policy implementers.

However, in fact and in its implementation of environmental regulations (PPLH) and Ministerial Regulations related to environmental permits do not at all reflect community participation in them. Licensing for all activities that have an impact on the environment which in the submission and in decision making does not involve the community. The public is only faced with pseudo participation in the form of information, complaints, counseling, and discussion, but the government is still the absolute decision maker. Especially in the application for permits in the form of SPPL (letter of ability to manage and protect the environment) for businesses or activities that have no significant impact on the environment.

Reconstructing legal norms is necessary, since by reconstructing the law it is expected that all human interests of the environment are in harmony and harmony. As a state of law, Indonesia will certainly use legal instruments in every state of life, especially in terms of the environment. PPLH Law has been formulated to regulate everything related to the environment including natural resources, both from environmental management, utilization, human activities that have an environmental impact, obligations, prohibited actions, to licensing. The instruments regarding

the environment have been arranged in such a way that the environmental damage that occurs can be minimized, however, in fact, it is not the same with those expectations.

From the above background, the writer is interested in being able to reflect on environmental licensing which includes community participation in it. From this study, all problems that occur in the implementation of environmental licensing instruments can be found and expected to be an alternative solution to the problem of environmental pollution that has occurred so far.

### Research Method

This study belongs to the type of sociological research (non-doctrinal), this study was a descriptive qualitative, in this case is a study that aims to determine the implementation of legislation regarding the rules, as well as the procedure for granting permits for an activity that has an impact on the environment. regulated in Act Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation Number 27 of 2012 concerning Environmental Permits. Mainly related to granting permits in the form of SPPL or promissory notes on management and environmental protection.

This study applied an empirical juridical approach. This was intended to see the decision making and implementation of the granting of environmental permits, both in a juridical perspective that is based on legislation regarding the rules, as well as the procedures for granting environmental permits regulated in Law Number 32 of 2009 concerning Environmental Protection and Management Life.

### Research results and discussion

#### Reconstructing Norms in Submitting SPPL to Reflect Community Participation

Law Number 32 of 2009 concerning Environmental Protection and Management mandates that the implementation of development in Indonesia must be development based on sustainable development. Sustainable development is development with a conscious and planned effort that integrates environmental, social and economic aspects into its development strategy. Thus, in order the development carried out can guarantee the preservation of the integrity of the environment as well as the safety, ability, welfare, and quality of life of present and future generations. Sustainable development which is the basis of implementing Law Number 32 Year 2009 must be oriented:

1. Providing and support for survival by preserving the functions and abilities of the ecosystems that support it, both directly and indirectly;
2. Utilizing natural resources as much as natural or management technology capable of producing them sustainably;
3. Providing opportunities for other sectors and activities to develop together both in the regions and in the center and at the same time or different periods of time continuously;
4. Enhancing and preserving the ability and function of ecosystems to supply natural resources and protect and support sustainable livelihoods;
5. Providing opportunities for other sectors and activities to develop together both in the regions and in the center and at the same time or different periods of time continuously;
6. Enhancing and preserving the ability and function of

<sup>6</sup> Sudi Fahmi, "The Principle of State Responsibility as the Basis for the Implementation of Environmental Protection and Management ", Journal of Law No. 2 Volume April 18, 2011, page 218.

ecosystems to supply natural resources and protect and sustain life continuously;

7. Using procedures and procedures that pay attention to the sustainability of the functions and abilities of ecosystems to support livelihoods both now and in the future <sup>[7]</sup>.

As an implementation of sustainable development the Environmental Law applies an environmental permit. An environmental permit defines that all activities and / or businesses that have an impact on environmental sustainability must have a permit. Not only for activities or businesses that have an important impact on the environment that are required to have an AMDAL and/ or UKL-UPL, activities or businesses that have no significant impact on the environment are required to have SPPL.

Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 concerning Guidelines for the Preparation of Environmental Documents in Article 1 provides the definition of SPPL (letter of ability to manage and protect life) as a statement of capability of the person responsible for a business and/ or activity to carry out environmental management and monitoring of environmental impacts of businesses and/ or activities outside of businesses and/ or activities that must be AMDAL or UKL-UPL. The businesses and/ or activities that are categorized into activities that are not required to be AMDAL or UKL-UPL are listed in Article 35 paragraph (1) U Number 32 of 2009 concerning PPLH, namely:

*“businesses and/ or activities that are not required to be equipped with UKL-UPL, which are required to make a statement of capability for environmental management and monitoring (SPPL)”*.

Further regulation regarding the categories of activities and/ or businesses that are mandatory for SPPL is not explained in detail in PERMENLH Number 16 of 2012, this matter is left to the Regions and becomes the responsibility of the rights of the Regional Government. As a form of regional autonomy as wide as possible. This is inseparable from the principle of Good Government (good governance) and the principle of democracy that is lived by Indonesia. Where the principle of government democracy cannot work alone but involves the private sector and especially the community. A.M. Fatwa states that one of the factors in the success of a democratic system is the existence of control and transparency which emphasizes all forms of distortion and deviation. Good and strong control in the form of rules and in the form of policies gives a deterrent effect on various irregularities that occur in government <sup>[8]</sup>.

The principle of Good Government is a major factor in effective environmental management because good and effective environmental management depends on the functioning of a political system that guarantees democracy and the Rule of Law. Not only the Good Government and the principle of democracy set the mechanism of regional autonomy which later became a major factor in the management and protection of the environment. Article 2 Letter N What is meant by "the principle of regional autonomy" is:

*“that the Government and regional governments regulate and manage their own government affairs in the field of environmental protection and management by taking into account the specificity and diversity of the regions within the framework of the Unitary State of the Republic of Indonesia”*.

Synergy between the central and regional governments in the management and protection of the environment will result in effectiveness, efficiency, and implementation of good governance oriented to Green Government or environmentally friendly government. So as to create good governance according to the mandate of Article 2 Letter M of Law Number 32 Year 2009 which states:

*“that the protection and management of the environment is imbued with the principles of participation, transparency, accountability, efficiency and fairness”*.

Law 32 of 2009 concerning PPLH requires the Government and regional governments to make a strategic environmental assessment (KLHS). It aims to ensure that the principle of sustainable development has become the basis and integrated in the development of an area and/ or policies, plans, and/ or programs. In other words, the results of the SEA must be the basis for making development policies, plans and/ or programs in an area. If the results of the KLHS state that the carrying capacity and carrying capacity have been exceeded, the development policies, plans and/ or programs must be improved in accordance with the recommendations of the SEA and all businesses and/ or activities that have exceeded the environmental carrying capacity and carrying capacity are no longer allowed <sup>[9]</sup>.

Through Law Number 32 of 2009, the Government gives very broad authority to regional governments in carrying out environmental protection and management in their respective regions that are not regulated in Law Number 23 of 1997 concerning Environmental Management <sup>[10]</sup>. Thus, the amendment to the Law makes the basis and rights for regional governments in the implementation of regional autonomy as widely as possible to realize the welfare of the people through the fulfillment of fundamental rights, namely the right to a good and healthy environment.

Through this basis, the Government can issue various policies related to the environment through Regional Regulations (PERDA) based on the above regulations in accordance with the legislation regulations. In the implementation of the environmental permit system, especially the implementation of SPPL for businesses and/ or activities that are not mandatory for AMDAL and UKL-UPL, the government of Klaten Regency has not issued or established a PERDA as an implementer of Law Number 32 of 2009 and PERMENLH Number 16 of 2012. So that the categorization of businesses or activities that are not required for AMDAL and UKL-UPL have not been explained in detail. The Regional Regulation (PERDA), which was later formed as an executor of Law Number 32 of 2009 and Government Regulation Number 27 of 2012 concerning Environmental Permits, namely Regional Regulation Number 19 of 2018 Environmental Protection and Management.

The principle of public participation that forms the background of Law Number 32 of 2009 in Article 2 Letter

<sup>7</sup> Sudi Fahmi, Op.Cit. Page 221.

<sup>8</sup> Nopyandri, “The Right to Environment and Its Relation to the Role of Participation in Environmental Management in the Perspective of Regional Autonomy”, Innovative Journal, Volume VII Number III September 2014, p 33.

<sup>9</sup> Explanation of Law of the Republic of Indonesia Number 32 Year 2009 Concerning Environmental Protection and Management.

<sup>10</sup> Ibid.

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*"participatory principle" is that every member of the community is encouraged to play an active role in the decision making process and the implementation of environmental protection and management, both directly and indirectly.*

In PP No. 27 of 2012 and PERDA No. 19 of 2018, in fact it has not been implemented well, especially in the application of SPPL. Even though the Klaten PERDA has been clearly stated in Article 1 Letter I relating to the "participatory principle".

The implementation of SPPL in Klaten Regency based on Minister of Environment Regulation No. 13 of 2010 concerning Environmental Management Efforts and Environmental Monitoring Efforts and Declaration of Environmental Management and Monitoring Capability, and Regional Regulation of Klaten District Number 19 of 2018 Environmental Protection and Management. In fact it did not implement community participation in it only in the form of a letter of commitment to the management and monitoring that was submitted to BLH. If you look at Sherly's theory explained by Wilcox about community participation. Sherly Arnstein in his theory is the "ladder of participation" which means the ladder of participation. According to Sherly Arnstein, people's participation consists of 8 (eight) levels which he mentioned in the Aladder of Citizen Participation, which in the SPPL implementation is at the level of pseudo participation, namely informing. At this level the people or the community are notified of the existence of legislative regulations, regardless of whether the people understand the notification let alone give the option to negotiate the policy<sup>[11]</sup>.

Wilcox also distinguishes the level of community participation into five types, namely: providing information; consultation; joint decision making; take joint action; and support activities that arise from community workshops. According to Wilcox, at what level community participation will be carried out highly depends on what interests are to be achieved. To take a strategic policy that affects the public interest, of course, the community must be fully involved. Meanwhile, to make technical decisions, it is possible to provide adequate information to the public<sup>[12]</sup>.

The policy for the application of SPPL is classified as a strategic policy, since the environment is a basic right for the people governed in Article 28 H of the 1945 Constitution, has an impact on social interests, and involves the interests of many people. SPPL is not enough just to provide information, but in it must accommodate community participation in the form of consultation, to joint decision making.

However, the implementation of policy making towards SPPL is at the level of non-participation or no participation in it. This is certainly inversely proportional and there is no continuity of what has been contained in Law Number 32 Year 2009. Therefore, it is necessary to "reconstruct" the SPPL norms so that they are in accordance with what has been regulated in the above regulations relating to community participation and objectives implementation of environmental licensing. Reconstruction is an attempt to reform or re-arrange to recover what is not true then become

true<sup>[13]</sup>. Those that has been regulated in Law No. 32 of 2009 hierarchy should be carried out up to the regulations below the regional level both PERDA and Regent Regulations.

As a legal system of legislation hierarchy in which legal norms are contained, has a purpose as well as environmental protection and management laws have the goal of creating a balance of environmental capabilities that harmonizes "environmental harmony". Therefore, in the implementation and application of legal norms it must be in accordance with the applicable legislation so that the basic norms of the Indonesian State can be carried out properly and in balance until the realization of the ideals of Indonesian law.

Law as a common order of life must be directed and based to achieve the goal of providing the widest possible use for humanity. In other words the law must be based on benefits for the basis of human happiness. Jeremy Bentham said that the law must be accommodating and functional in supporting that happiness and creating maximum freedom for the individual so that he can get what feels good for him. The most effective way to realize this is by maintaining individual security, only with the freedom and security guaranteed, then the individual can get happiness<sup>[14]</sup>.

Jeremy Bentham in his theory created a measure of happiness to anticipate moral chaos and injustice caused by the desire to fulfill the logic of the will. The general measure of happiness must be realized through law. The law must strive for maximum happiness for people. This has become the ethical and juridical standard in social life. Individual rights must be protected in the framework of meeting their needs<sup>[15]</sup>.

The relation of utilitarianism thought put forward by Betham with government policy is that the policy must have utility justice or with the policy has elements that can achieve the greatest happiness for humans. The method in the policy will be effective and efficient if the government accommodates community needs through community participation. This community participation is expected to produce policies that can provide benefits directly because participation is a concrete form of public hearing and filtering of the interests that exist in the community, so that the conclusions policies that are implemented or made with community participation have legitimacy, conductivity, and effectiveness in the eyes of the community.

The SPPL mechanism that is currently in effect does not only involve non-participation in it, but also does not pay attention to the interests of the community and its benefits. The HO (*Hinderordnantie*) or disturbance permit that was previously applied through the Klaten Regency Regional Regulation No. 16 of 2012 is in fact costly, time consuming, and makes businessmen reluctant to obtain HO. However, on the other hand it provides benefits such as:

1. Accommodating community participation related to environmental management and protection;
2. Oversight related to activities and / or businesses carried out by individuals or groups can be actively monitored by the community;
3. Providing the same legal certainty and justice for both

<sup>13</sup> Pius Partanto dan M. Dahlan Barry, Pius Partanto dan M. Dahlan Barry, Popular Scientific Dictionary. PT. Arkala, Surabaya, 2001, page 671.

<sup>14</sup> Bernard L. Tanya, Yoan N. Simanjuntak, Markus Y. Hage, Legal Theory of Orderly Human Strategy across Spaces and Generations, Yogyakarta: Genta Publishing, 2010, p 91.

<sup>15</sup> Ibid.

<sup>11</sup> Sirajudin, Didik Sukriono, Winardi, Law on Public Service Based on Participation and Disclosure of Information, Setara Press, Malang, 2012, p 172.

<sup>12</sup> Ibid, Page 173-174.



- business actors and activities, the community and the government;
4. Reducing the level of lawsuits filed by the community against local governments.

Environmental licensing at the level of small and medium businesses or categories of activities that do not have an important impact on the environment in fact have an important role and a large share of environmental sustainability. In the case of the Bengawan Solo river pollution that occurred in Kadokan Village, Grogol, Sukoharjo. The river water turned black after passing a meeting with Kali Samin. It is suspected that the tributary became a place for waste disposal. Both textile waste and alcohol which are all based on small businesses are categorized in activities and/ businesses that do not have an important impact on the environment. Up to an impact on drinking water treatment Perumda Toya Wening Drinking Water Surakarta. Several times the company had to stop production because the treated water was not suitable for consumption<sup>[16]</sup>.

Pollution that occurs in a number of rivers in the city of Solo is still dominated by Batik business waste. Batik industry waste discharges exceeding the quality standard threshold are found in the Premulung and Jenes Laweyan rivers. Pollution in both rivers is even categorized as heavy pollution. Head of Division (Head) of Environmental Control and Management of the Environment Agency (DLH) Luluk Nurhayati said environmental pollution due to batik industry waste is increasingly worrying. It has even caused the condition of the Bengawan Solo tributary to be polluted by heavy metals. Luluk revealed, DLH has routinely conducted laboratory tests on river water quality in Solo. According to Luluk, residents' behavior and the presence of a home industry that dumps waste directly into rivers makes the water conditions around the river bad<sup>[17]</sup>.

The same thing happens every dry season, the river water in Pekalongan City turns into colorful. This condition also occurs in drainage and sewers in settlements, sometimes the colors are red, yellow, green and brown. This is caused by the disposal of waste from the home industry of batik making<sup>[18]</sup>.

Not only that, the results of research conducted by Wizda Dharmawan showed that there had been pollution in the Panggang River, Somopuro Village, Jogonalan District, Klaten Regency due to the disposal of tofu liquid waste. Shown by sampling with a distance of 300 m after mixing with tofu liquid waste. At sample points 2, 3, and 4 the Panggang River shows a moderate level of pollution, while at point 5 it shows a mild level of pollution. Pollution index in groundwater of all samples shows heavily polluted. Overall the activities and behavior of the tofu craftsmen in the process of making tofu are still not well managed. This can be seen from the results of observations and interviews from the process of tofu production, habits and ways of disposal of tofu liquid waste that is directly discharged into

the aquatic environment. There is still a lack of awareness and caring behavior towards environmental damage or pollution<sup>[19]</sup>.

Based on the writer's point of view, the reconstruction of the SPPL norm is a must in view of the fact that pollution in some of the strongest regions in Klaten Regency is carried out by small and medium enterprises (MSMEs). In this case, only SPPL is required in which there is no community participation, only in the form of a letter of capability for environmental management and monitoring submitted to DPM and PTSP, and also BLH. The participatory principle that forms the basis of Law No. 32 of 2009 was not implemented and eliminated in the implementation of SPPL, in contrast to AMDAL and UKL-UPL, which regulates the implementation of community participation. Of course this also denies the principles of justice and transparency contained in Article 2 Letter M.

### **The form of licensing (SPPL) that accommodates community participation**

The results of the writer's study through interviews and data collection that the author did at the Klaten Regency Environmental Agency (BLH) and the One-Stop Integrated Investment and Services Office (PTSP), the implementation of SPPL refers to Law Number 32 of 2009 concerning Environmental Protection and Management Minister of Environment Regulation No. 17 of 2012 concerning Guidelines for Community Involvement in the Environmental Impact Analysis and Environmental Permit Process, and Klaten District Regulation No. 19 of 2018 concerning Management and Protection of the Environment. The implementation of SPPL is an effort to grow the people's economy through the growth of MSMEs. Since, the previous application of HO on the granting of licenses for businesses or activities is said to inhibit the growth of MSMEs. Apart from the old mechanism and is considered to be convoluted and costs a lot of money. Because, the procedure for implementing HO must go through several processes including socialization to the community attended by the kelurahan, Rt Chairperson, Chair of Rw and related agencies so that it discourages business people, especially MSMEs from conducting HO permits. So with the publication of SPPL as a substitute for HO, it is expected that economic growth will increase along with the growth of micro small and medium businesses and can absorb labor and empower the surrounding community.

However, in fact, the implementation of the SPPL policy eliminates the element of community participation in it that was previously clearly regulated in the HO and its implementation contained in the District Regulation of Klaten No. 16 of 2012 concerning the Implementation of Disturbance Licenses. If referring to Government Regulation Number 45 of 2017 concerning Community Participation in the Implementation of Regional Government in Article 2 paragraph (2) letter E regarding licensing, the public has the right to participate in the matter of licensing issued in the form of Regional Head Regulation. Not only that, in Article 15 paragraph (1-4)

<sup>16</sup> <https://news.detik.com/berita-jawa-tengah/d-4703988/lagi-pencemaran-bengawan-solo-ganggu-operasional-ipa-semanggi>, accessed on 28 October 2019, at 11.44 PM WIB.

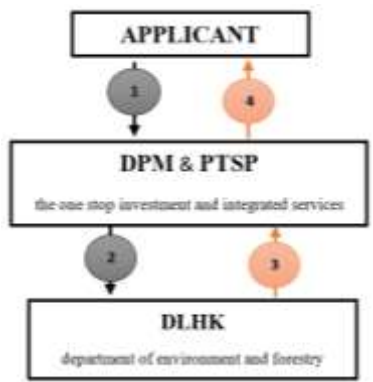
<sup>17</sup> <https://www.merdeka.com/peristiwa/limbah-batik-dominasi-pencemaran-sungai-di-solo.html>, accessed on 28 October 2019, at 11.58 PM West Indonesia Time.

<sup>18</sup> <https://news.detik.com/berita-jawa-tengah/d-4645449/air-sungai-di-pekalongan-berubah-warna-warni-ternyata-ini-sebabnya>, accessed on 29 October 2019, at 0:06 WIB.

<sup>19</sup> Wizda Dharmawan, "Study on the Environmental Pollution of the Baked River Due to Liquid Waste of Tofu Industry in Somopuro Village, Jogonalan District, Klaten Regency ", Thesis, Environmental Sciences Study Program Master of Environmental Management Program, Gadjah Mada University, Yogyakarta, 2018, p. xii.

regarding community participation in the management of regional natural resource assets. In this Article it is explained that there must be participation and the government encourages community participation in regional natural resources.

The flow of SPPL submissions that must be taken on the journey is as follows:



Source: data, research results at DPM & PTSP Kab. Klaten 1

Fig 1

**Explanation**

1. The applicant submits an application for SPPL to the One-Stop Integrated Investment and Services Office, and gets an IMB form;
2. Then the applicant is directed to the Department of Environment and Forestry to obtain the SPPL form and complete all the documents both IMB and SPPL then submit it back to DLHK;
3. After the file is received, DLHK is then returned to the DPM and PTSP to then check the completeness of the requirements;
4. The complete applicant's file can then be issued by the SPPL SK and given to the applicant.

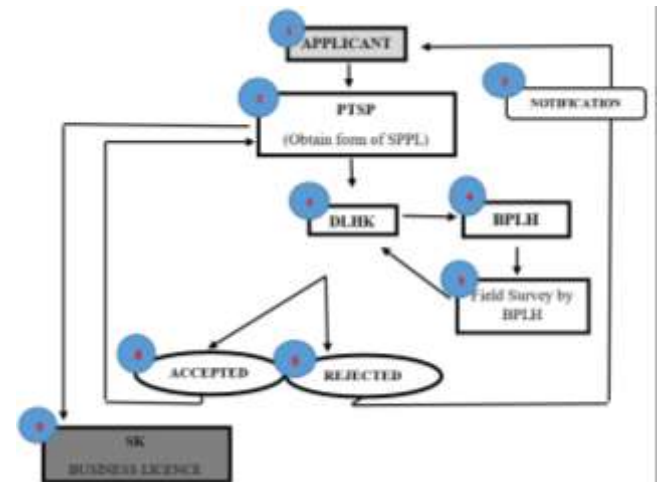
In the implementation of the submission of the Environmental Protection and Management capability which is based on Article 35 paragraph (1) of Law Number 32 Year 2009 concerning Environmental Protection and Management and the Minister of Environment Regulation Number 16 of 2012 is the lowest form of environmental licensing. Capability of Environmental Protection and Management mandatory for businesses or activities that have no significant impact on the environment as described in Article Article 3 Paragraph (1) Government Regulation Number 27 of 2012 concerning Environmental Permits, the criteria for significant impacts include

- a. the large number of population that will be affected by the planned Business and / or Activity;
- b. the extent of the area affected;
- c. the intensity and duration of the impact;
- d. the number of other environmental components that will be affected;
- e. the cumulative nature of the impact;
- f. reversal or irreversibility of the impact; and / or
- g. other criteria in accordance with the development of science and technology.

Community participation in the administration of regional government has important functions, among others, as a means for the community, both individuals, community

groups, and community organizations to express their needs and interests so that the process of forming regional policies is more responsive to the needs and interests of the community. Community participation is also important in realizing community care and support for the success of environmental management and protection.

Then, the writer in this case proposes the form of SPPL implementation in which accommodating community participation which can be described in the form of SPPL submission flow as follows:



Source: data, processed by the author, 1

Fig 2

1. Applicant:  
Are individuals or entities that carry out businesses and / or activities that have no significant impact on the environment and are not mandatory for AMDAL and UKL-UPL. Submit an application for a business license to PTSP
2. Investment Office and One Stop Integrated Services Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu  
The applicant gets the form letter of ability to manage and protect the environment (SPPL), the application form for registration of SIUP and Simultaneous TDP. If the applicant does not have an IMB (permit to build a building), PTSP will direct to DLH to obtain a permit to build a building.
3. Environmental Agency (BLH):  
In the environmental service, the applicant submits an IMB (obtains the IMB form) and submits an SPPL. BLH then submits to BPLH the applicant's IMB and SPPL.
4. Environmental Monitoring Agency  
Submission of IMB and SPPL submitted by the applicant is subject to direct inspection to the field (where the business plan is) by BPLH.
5. Field reviews include
  - a. Assessment of the environmental feasibility of the place where the business plan is;
  - b. A review of the consequences that will result from activities and / or businesses on the environment, social, and economy;
  - c. Reviewing the community around the place of the business plan;
  - d. File completeness review
6. Rejected  
If the petition of the applicant is rejected, then the request of the applicant is returned to the applicant.

7. Notification that the applicant's application is rejected.
  8. Accepted
- If accepted, the request of the applicant is returned to the Investment Office and PTSP.
9. The applicant's application has been received and complete, the Investment Office and PTSP issue the applicant's business license.

In the plot that the authors propose as an idle form of SPPL implementation that previously there was no community participation in it which is certainly contrary to Law Number 32 Year 2009. Then in this flow the placement of community participation lies in points 4 (four) and 5 (five). At that point, there is a field survey conducted by BPLH which not only reviews the location of the place that will become a business and/ or activity. However, it also carries out environmental feasibility checks, business impacts, and social impacts for the communities surrounding the businesses and/ or activities to be carried out. So that the management and monitoring are not only carried out by the SPPL and DLH applicants, but also the people who have the same rights in environmental sustainability.

### Conclusion

The conclusion of this study are as follow:

### Reconstructing Norms in Submitting SPPL to Reflect Community Participation

Environmental Management and Monitoring Capability (SPPL) is a form of environmental permit for businesses and / or activities that have no significant impact on the environment contained in Article 35 paragraph (1) U Number 32 of 2009 concerning Environmental Management and Protection. The implementation of SPPL is based on Law Number 32 Year 2009 and Government Regulation Number 27 Year 2012 concerning Environmental Permits which are then implemented by the Regional Government in the form of Regional Regulations and Regulations. The SPPL does not contain any public participation in it, its application is only in the form of a promissory note made by the applicant and submitted to the One-stop Integrated Investment and Services Office and the Environmental Service. The community is not involved at all in contrast to the application of the HO or disturbance permit that was previously enforced therein, which is regulated in detail regarding the mechanism of community participation but has been revoked. From the results of research conducted by the author, the reason for the revocation of HO is that the aim is for the growth of small and medium businesses to grow and improve the community's economy through employment.

However, ignoring the right of community participation in Law 32 of 2009 concerning PPLH governs the principle of participation. Of course this is contrary to the legislation of legislation that lower regulations must not conflict with the above or higher regulations. Evidence that the importance of community participation to the SPPL level is also evident in a number of cases. Such as tofu waste in Klaten Regency, batik waste in Solo, and batik waste in Pekalongan which are classified as small and medium enterprises (MSMEs) and only mandatory SPPL have an impact on the environment and social consequences. Then the policy making reconstructing the SPPL norms becomes a way for the realization of people's basic rights to a good and healthy

environment. Through the establishment of PERDA as the implementation of Regional Autonomy as wide as possible so that community welfare can be achieved.

### A form of licensing (SPPL) that accommodates community participation

The ideal form of SSTs is of course accommodating community participation as a form of implementation of the participatory principle in Law Number 32 of 2009. Reconstructing SSTs as a way to accommodate community participation so that it is in line with Indonesian legislation. The author submits the SPPL filing form in which the implementation of participation involves field review by BPLH. The field survey does not only check the building boundaries as stipulated in the IMB. However, the implementation includes

- a. Assessment of the environmental feasibility of the place where the business plan is;
- b. A review of the consequences that will result from activities and/ or businesses on the environment, social, and economy;
- c. Reviewing the community around the place of the business plan;
- d. File completeness review

Thus, people have the same role and position, and the fulfillment of a good and healthy environment can be realized. Therefore, to realize social welfare for all Indonesian people.

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