Striking a Balance Between Job Creation and Sustainability: The Need to Establish a True Environmental Protection Authority in Indonesia

Muhammad Irfan Dhiaulhaq AR* & Dodik Setiawan Nur Heriyanto**

Faculty of Law, Universitas Islam Indonesia, Yogyakarta, Indonesia
*muhammad.ar@students.uii.ac.id
**dodiksetiawan@uii.ac.id (corresponding author)

Abstract

The passing of Law No. 6 Year 2023 on Job Creation has seriously damaged relations between humans and the environment. This statute still provides a lot of convenience and freedom for industry to carry out economic activities and does not pay much attention to the environment. The imbalance between economic activities and environmental sustainability is indicated by the simplification of environmental permits carried out by the government. The government tends to simplify the permit by decreasing the degree of environmental protection obligation documents before establishing business in Indonesia. Using normative legal research methodology, this research examines the suitability of Job Creation Law to the basic principles of environmental sustainability. Apart from that, this research also examines the need to establish an Environmental Protection Authority in Indonesia to make sure that any activities within the territory of Indonesia comply with the environmental protection obligation. The results of this research show that the Job Creation Law prioritizes business interests to expand employment opportunities and ignores environmental conservation efforts. The simplification of permits in the Job Creation Law
will accelerate environmental damage without control by diminishing the obligation to fulfill Environmental Impact Assessment (AMDAL) for business actors. If this situation gradually spirals out of control, this research proposes the establishment of an Environmental Protection Authority as a forum to ensure that every business activity in Indonesia must pay attention to environmental sustainability. Indonesia can learn from the practice of the developing country by empowering the Environmental Protection Authority to develop, supervise, and enforce environmental sustainability obligations.

**Keywords:** Environmental Protection Authority, Sustainability, Job Creation

**A. Introduction**

Indonesia has established Law No. 6 Year 2023 on Job Creation Law as an omnibus law for job creation through efforts to facilitate, protect and empower micro, small and medium enterprises, improve the investment ecosystem and ease of doing business, as well as accelerate national strategic projects.¹ This regulation in the form of an omnibus law is the first regulation in Indonesia to minimize the number of regulations that hinder investment activities.² This regulation revokes many regulations that are no longer relevant and supports job creation.³ Those regulations were reformulated as well as simplifying the licensing process for doing business in Indonesia.⁴

The Job Creation Law has greatly supported the ease of investment activities, but on the other hand, there are still many conflicts with the commitment to preserving the environment. This is evidenced by the simplification of permits which actually has the poten-

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³ Riska Putri Wardani and Sunny Ummul Firdaus, “Analisis Undang-Undang Cipta Kerja Dalam Koherensi Teori Pembentukan Undang-Undang,” n.d.
tial to cause a decrease in environmental quality including several required environmental documents which are currently downgraded to just being considered (non mandatory) before obtaining a business permit. This simplification is very dangerous and is not an effective control in preventing environmental damage.

The obligation of all parties to strive for a balance between human activity and the environment is absolutely necessary. The principle of environmental sustainability is a principle that must be applied in all aspects of human activities, including investment activities that have a monetary value. This principle requires a balance between economic, social, and environmental aspects so that the use of the environment can not only be felt by the current generation but also by future generations.

The abundance of natural resources in Indonesia must be managed in a balanced manner in order to be carried out in the long term for the next generation. The existence of the Job Creation Law has the potential to open the door for investors to take advantage of the environment without paying attention to environmental balance. This research examines how the Job Creation Law and its provisions pay attention to the principles of environmental sustainability.

Apart from that, this research also tries to use a comparative approach from other countries as an effort to restore commitment to

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10 Mulyadi Sumarto, “Natural Resources Mismanagement in Indonesia,” Populasi 16, no. 2 (June 27, 2016).
the environment for business people.

B. Research Method

This research uses a normative methodology with three legal approaches, such as statutory, conceptual, and comparative legal approaches. The normative legal methodology focuses on positive legal inventory, legal principles, doctrine, legal finding in cases, legal systematics, synchronization level, legal comparison, and legal history. In this study, normative methodology is applied to examine the norms in the Job Creation Law including their weaknesses in terms of environmental protection.

The statutory approach is applied to examine the compatibility between the Job Creation Law and statutory regulations in the environmental sector, including the existence of environmental sustainability principles. A conceptual approach is used to examine the concept of environmental protection which should be integrated into the permit process as an effort to control the impact of damage to the environment. A comparative approach is used to comparatively examine the existence of institutions that are given the authority to carry out strict environmental supervision in several countries.

C. Job Creation Law as the First Omnibus Law in Indonesia

In 2016, Indonesia was affected by an over-regulated position, where at that time it had approximately 43,000 regulations in all aspects, which often gave rise to regulations that overlapped and contradicted each other, thus hampering the country's growth in adapting regulations to current developments and Indonesia's competitiveness which was still relatively low when compared with neighboring countries. According to the Ease of Doing Business ranking stand-

ings in 2020, Indonesia is still in 73rd place, lagging behind neighboring Malaysia which is in 12th place but is still above the Philippines which is in 95th place. The government has made many efforts to overcome the many regulations, starting from revoking thousands of regulations under the law even though they have never been officially announced. Nevertheless, the Government has suggested using a method that can overcome the overlapping of regulations by implementing the Omnibus Law method. The term Omnibus Law appeared for the first time in President Joko Widodo’s first speech after being inaugurated as President of the Republic of Indonesia for the second time at the Plenary Session of the People’s Representative Council of the Republic of Indonesia, in the Presidential Inauguration for the 2019-2024 period on 20 October 2019. The President said that the Omnibus Law method is a statutory legal concept that can be a solution to regulations in Indonesia which are quite long and complicated, one of which is economic problems.\(^{14}\) With the Omnibus Law, it is hoped that in the future it can become an umbrella for amending several regulations at once, so that related regulations can later refer to one or two main statutory laws.\(^{15}\)

Explained in Black's Law Dictionary Eleventh Edition, Omnibus Law can be interpreted as a resolution of various regulations regarding a particular policy that have been explained in various laws into one complete legal proof\(^ {16}\). Based on the terms, Omnibus Law means a regulation that consists of many contents. Omnibus Law literally means one bus with many loads, which means it has the context of omnibus law as a legal umbrella. Philosophically, the concept of Omnibus law can be linked to Article 22A of the Indonesian 1945 Constitution which states that «Further provisions regarding the proce-

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\(^{15}\) Anna Sanders et al., “The Omnibus Law on Job Creation and Its Potential Implications for Rural Youth and Future Farming in Indonesia,” *Asia Pacific Viewpoint*, March 5, 2024.

dures for forming legal regulations are regulated in law. Based on this article, Law No. 12 of 2011 on Legal Drafting was promulgated and has been amended by Law No. 15 of 2019. Where in attachment 2 letter C number 69 states «the grouping of content material in books, chapters, sections and paragraphs is carried out on the basis of similarity of material».

Because in the Omnibus Law on Job Creation there are groupings of chapters within chapters and articles within articles, which is not common in the statutory template in Indonesia. Juridically, the Omnibus Law concept has been applied to Law No. 23 of 2014 concerning Regional Government which has revoked Law No. 5 of 1962 Number 1, March 2020 155 concerning Regional Companies, repealing Article 157, Article 158 Paragraph (2) to with Paragraph (9) and Article 159 of Law No. 28 of 2009 concerning Regional Taxes and Levies and repealing Article 1 Number 4 Article 314 to Article 412, Article 418 to Article 421 of Law No. 17 of 2014 concerning People Consultative Assembly, House of Representative, Regional Representatives Council, and Regional House of Representative. However, this change cannot be legally confirmed because according to Maria Farida Indrati, in reality, the entire amended article remains in effect, so there are still concerns that the Omnibus Law will cause problems.¹⁷

Sociologically, the Omnibus Law on Job Creation Law is less concerned with specific regional conditions because some Regional Government authorities are taken by the Central Government. This does not conflict with the constitution because the region is part of the Unitary State of the Republic of Indonesia and the holder of the highest government power is the Government, which in this case is the President assisted by the Ministers. However, the Job Creation Law will not be effective if it does not take into account the aspirations and situations that exist in very diverse regions. Regional governments will also be affected by the implementation of the Job Cre-

The characteristics of the Omnibus Law lie in the substance of the regulatory content which is integrated into one. The omnibus law mechanism was first used in the Job Creation Law. Apart from the Job Creation Law, in the 2020 National Legislation Program (Prolegnas) there are at least three Draft Laws that adopt the omnibus law mechanism as a priority national legislation program. Job Creation Law is a regulation that is a proposal and initiative from the executive. Initially, this regulation was passed in the form of a Government Regulation in Lieu of Law (Perpu). One of the reasons for the creation of the Job Creation law was to deal with public unrest, especially business actors who often complained about the difficulty of processing environmental permits and complicated procedures. The formation of the Job Creation Law often generates controversy from various circles of society. Job Creation Law is the first legislation in the form of an Omnibus Law in Indonesia. This law is a law resulting from a number of revisions. The Omnibus Law method is very new as a form of legislative preparation in Indonesia and even when the Job Creation Law was created, this method was not yet known in the legal system in this country. The Job Creation Law annuls several articles in 82 related laws with a total of 1028 pages in the integration of 534 implementing regulations.

D. Simplification of Permit and Its Impact to the Environment

The integrated licensing system can be interpreted as the process of integrating several stages of licensing which were initially separate into one integrated permit through one digital unified pathway.
The concept of integrating environmental permits in Indonesia comes from the concept of environmental permits in the Netherlands, which means that if an environmental permit has been obtained, the company does not need to take care of other permits such as waste disposal, building construction, and other related activities.

On the Job Creation Law, the existence of the loss of the role of the Community can be proven by the transfer of supervisory authority based on the recentralization of licensing based on an electronically integrated system in One Single Submission (OSS). This system consists of 3 sub-systems, namely the information services sub-system, business licensing sub-system and supervision sub-system. Previously, this supervisory authority was embodied by environmental supervisory officials who carried out the mandate of regional heads, namely the Minister, Governor and Regent/Mayor which was clearly regulated in Article 71 of the Environmental Law.\(^{21}\) With the transfer of authority to the central government, the inefficiency of supervision has become a problem that is increasingly getting worse. This is proven by the ease of the licensing process, many deforestation projects, opening of business fields and unsupervised use of natural resources. This evidence is strengthened by Government Policy through the Ministry of Energy and Mineral Resources (ESDM) which allows Mining Business Permit (IUP) holders to expand their mining areas.\(^{22}\)

Moreover, before the enactment of the Job Creation Law, the concept of integrating environmental permits had not really been regulated and implemented. Job Creation Law, by bringing this integration concept, can resolve the main problems previously faced, namely the difficulty of licensing systems, convoluted procedures and complicated bureaucratic flows. The large number of types of

\(^{21}\) DPR, “Undang-Undang Nomor 6 Tahun 2023 tentang Cipta tentang Penerapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang.” (n.d.).

permits held is also a major obstacle to environmental licensing. In the environmental licensing process in Indonesia, business actors must go through at least 13 procedures within 46 days. Even with the complicated bureaucracy, licensing only becomes a formality which causes cost overruns. The existence of the Job Creation Law has a role in overcoming the complexity of licensing issues by eliminating environmental permits. This change is considered to shorten the licensing period. However, the harmonization that has occurred has actually sacrificed environmental sustainability and balance. The changes that have occurred include: first, changes to the position of AMDAL, which was previously the main requirement for ratifying an environmental permit, only became a consideration; second, changes to the nomenclature and provisions regarding environmental permits which further use the phrase «Environmental Approval».

This change in terminology has the potential to cause neglect of the precautionary principle which lies in environmental management and utilization. The precautionary principle can be said to be a principle that prioritizes prevention in order to avoid the imbalances and environmental damage. The main goal is to control any human activity that could potentially cause irreversible harm. However, the drafting of the Job Creation Law sparked a lot of controversy regarding how the environment was used as an object of purely economic interest. As for the provisions in the Job Creation Law, many of them have eroded to preserve the environmental sustainability contained in the previous regulations such as Law No. 32 of 2009 on Environmental Law.

Even though harmonization between business growth and the environment has been respected, in reality the environment is still made a victim of existing business growth. This is evidenced by the neglect of precautionary principle. The precautionary principle is meant to prevent any potential harm to the environment before it occurs. The drafting of the Job Creation Law has eroded the provisions that protect the environment.

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by several erosion of environmental elements such as the recentralization of supervisory authority, systematic changes to AMDAL approval and the role of the community in it. Community participation is being widely discussed again as a result of the issuance of the Job Creation Law, where in fact the peoples legitimacy for the existing space for participation is not implemented optimally.26

However, the *das sollen* and *das sein* aspects are still contradictory regarding the existing balance of environmental sustainability elements which contains both social sustainability and economic sustainability. There is also a lot of massive overlap between these aspects. This can be proven by the issuance of the Job Creation Law which prioritizes aspects of ease of doing business and quality investment for business actors themselves, including Small-Medium Business and foreign investors. This aspect contains elements of social sustainability and economic sustainability which prioritize only economic sustainability as an ingredient or object of sustainable development. There are many environmental aspects that are sacrificed in it. According to the Indonesian Forum for the Environment (WALHI), there are several dangerous impacts of the Job Creation Law on the environment itself. The Job Creation Law contextually condones forestry crimes through a continuation mechanism and reduces criminal sanctions to administrative sanctions which also places the environment as an object of economic necessity. This is stated in articles 110 A and 110 B of the Job Creation Law. One example of a conflict that is currently existing is PT Bumitama Gunajaya Agro (PT BGA) which is proposing a continuation through articles 110 A and 110 B which is currently still in conflict with the community in Kjiwa, South Kalimantan and has carried out criminalization against 3 people there. Apart from that, the Job Creation Law also affirms article 162 of the Coal Mineral Law which is often used by law enforcement officials and corporations to criminalize people who defend

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their managed areas from the threat of mining activities.  

E. The Urgency to Establish Environmental Protection Authority

The sustainable development process in environmental sustainability requires an approach or process management. This process is a series of actions to achieve sustainable development that is compatible with existing aspects. The approach that applied in this aspect is through the POAC concept (Planning, Organizing, Actuating and Controlling). The planning and organizing stage itself includes the formulation of regulations, namely the Job Creation Law as the main instrument to support sustainable development. Furthermore, to support the actuating stage, namely the realization of existing instruments, a controlling action is needed as a form of supervision over the instruments being implemented. With the decline in environmental quality, a widespread independent supervisory body is needed to optimize existing supervision through the Environment Protection Authority (EPA) concept to realize Environmental Sustainability. Apart from that, this supervisory body which has independent powers can prevent excessive use of natural resources and environmental acquisition by interested parties. This will be more independent and true environmental authority in Indonesia due to balance with the failure of the Ministry of Environment to strictly maintain the environmental sustainability.

After the implementation of the Job Creation Law, inequality often occurs between economic and environmental aspects. The formulation of the Job Creation Law has been bias in the economic aspect. One of them can be seen from changes in the elements of Environmental Impact Analysis (AMDAL) assessor members due to political interests. Before the enactment of the Job Creation Law, en-

environmental assessments were equipped with elements such as environmental agencies, field experts and environmental organizations. However, after the Job Creation Law came into force, AMDAL assessment was regulated by the Due Test Institute (LUK) by forming a Due Test Team. This difference specifically lies in the element of assessing environmental impact analysis in a very specific requirements, where the concept of the Job Creation Law prioritizes ordinary people who are directly affected compared to surrounding environmental organizations.

This inequality can be proven by field facts that simplifying licensing controls has had an impact on many mining companies and waste managers who cannot be controlled properly, causing environmental damage. In fact, mining activities especially the illegal practice is an action that damages the environment and it requires a permit to minimize the damage of the environment. In 2019, Mining Business Permits (IUP) for non-metallic minerals and rocks were recorded at 542 permits. However, in 2020 it jumped very sharply to 2,847 permits, and in 2021 it increased to 2,900 permits. This is what creates confusion in the changing paradigm where the process of obtaining a mining permit becomes easier, resulting in many new IUPs permit which cause relatively more damage. This causes weak central and regional government control because IUPs are not well organized. If it is not handled in a solution, it will cause an imbalance in economic and environmental elements.

Weak government supervision can be seen by the continued prevalence of corruption cases, especially in existing IUPs. Corruption carried out by public officials or regional heads violates the provisions regulated in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes Article 2 and Article 3 as well as Law


Number 4 of 2009 concerning Mineral and Coal Mining Article 165.\textsuperscript{31} One of the popular cases that occurred was the Robert Bonosusatya case regarding illegal mining which caused state economic losses of up to IDR 271 trillion. Therefore, systematic and independent supervision is needed so that Environmental Sustainability principles can be implemented optimally.

F. Environmental Protection Authority Concept

Examining further the poor systematic environmental supervision which is the impact of changes to the supervision system with the re-centralization of supervisory authority. This ineffective supervision is caused by decision making carried out by the central government alone, which is centralized through an integrated system. Meanwhile, the existing concept of decentralization has been considered appropriate with the assumption that government at the regional level is more aware of actual conditions and needs based on facts obtained from the local community, and it is also impossible for the government at the national level to be able to serve and manage the various interests and affairs of the community which are so diverse and complex. Decentralization is also often seen as a positive response to the enormous demands for democratization because local governments are considered more capable of meeting community needs and channeling existing aspirations.\textsuperscript{32} Therefore, the inefficiency of recentralization is one of the reasons why it is necessary to find a solution to this problem.

Moreover, poor decentralization can be offset through a good monitoring system, such as monitoring as a das sein and das sollen action to avoid existing irregularities.\textsuperscript{33} According to Suparman Marzuki, the scope of supervision that occurs in the government sector

\textsuperscript{31} Vicky Fernando Walelang, “Penyalahgunaan Kewenangan Kepala Daerah Dalam Penerbitan Izin Usaha Pertambangan (iup) Sebagai Tindak Pidana Korupsi,” no. 8 (n.d.).


\textsuperscript{33} J Winardi, \textit{Kepemimpinan Dalam Manajemen}, 2 (Jakarta: Rineka Cipta, 2000).
itself is divided into 2 which complement each other in upholding the integrity of existing supervision, namely internal and external supervision.\textsuperscript{34} Apart from internal supervision by the central government which has been deemed less effective, there needs to be support in the form of external supervision as another supervisory instrument to support the existing controlling spirit. To support external supervision, this can be implemented through the establishment of an independent supervisory institution, namely the Environmental Monitoring Agency or Environmental Protection Authority. This institution is an Environmental Protection Authority as an independent, accountable and modern regulator to maintain the stability of the environment and society.\textsuperscript{35} This supervisory institution is tasked with sectorally assessing several factor considerations related to the evaluation of external environmental supervision based on internal supervision that has been carried out by the central government as another supervisory instrument without any single government interventions. This external supervision can later act as an external legal force or as a consideration for the form of supporting organ for the central government or can be called a state auxiliary organ.

State auxiliary organs are state institutions whose full authority is granted not by the 1945 Constitution but by other statutory regulations. Even though its authority is established by statutory regulations, it is still an embodiment of the 1945 Constitution.\textsuperscript{36} Bagir Manan defines state auxiliary organs as state institutions which have the function of supporting the functions of state institutions which are included in the state apparatus. For example, the newest existence of the state auxiliary organ is the formation of the Indonesian Maritime Security Agency based on Law No. 32 of 2014 concerning Maritime Affairs which is technically regulated in Presidential Regu-

\begin{itemize}
\item \textsuperscript{35} “NSW Environment Protection Authority (EPA),” January 3, 2024, https://www.epa.nsw.gov.au/.
\item \textsuperscript{36} Tim Pengkajian Hukum Tentang Hubungan Antar Lembaga Negara, \textit{Laporan Akhir Pengkajian Hukum Tentang Hubungan Lembaga Negara Pasca Amandemen UUD 1945}, Badan Pembinaan Hukum Nasional, Jakarta, hlm. 19.
\end{itemize}
By establishing an Environmental Protection Authority, environmental monitoring can be guaranteed and environmental sustainability can be maintained and balanced with other aspects.

This independent state authority would attach more disclosure policies and permit for to the public to monitor progress of all regulatory initiatives from the government. The substance of regulatory review should be placed on the public record in order to make reviewing courts and the public can assess the rationality and legality of ultimate agency action. Decisions that appear to be the product of pressure from the business, rather than the agency’s best factual and policy judgments, should not be afforded judicial deference, because the rationale for such deference no longer applies. Public monitoring of the regulatory process would require disclosure of the status of any pending regulatory proposal, even though such disclosure is not required under the current interpretation of the Job Creation Law.

G. Environmental Protection Authority in Foreign Countries

The implementation of the Environmental Protection Authority concept is familiar in various countries around the world, one of which is Qatar. Qatar, as a developing country that has rapidly increased environmental monitoring, has a special organization under the government called the Public Works Authority (PWA). The supervision carried out by PWA has been assessed as very responsible and committed. This can be proven by how PWA oversees all business actors and contractors to open business fields based on the implementation of the Qatar Environmental Management System (EMS) and comply with various international development instruments in all the projects they oversee. This guard involves determining a public tender that will carry out the work as well as establishing an independent

environmental management team within it. Apart from that, PWA also carries out field inspections, internal-external audits and holds management review meetings based on field inspection data carried out both daily and monthly. This is also a requirement of the Qatar Construction Specifications (QCS) which requires all companies involved to comply with the systematics that have been determined by PWA independently. By establishing PWA which actively participates in improving Environmental Sustainability.\footnote{Ananda Shakespeare, “MEED | Public Works Authority, Qatar,” February 25, 2014, https://www.meed.com/public-works-authority-qatar/ .}

Apart from Qatar, a country that is also very good at managing the Environmental Protection Agency is in New South Wales (NSW), Australia. The NSW Government established an Environmental Protection Agency which has independent, accountable and modern powers in balancing environmental sustainability. The agency is called the Environmental Protection Authority (EPA). EPA has a guideline regarding how to manage the environment well which can be accessed by all parties without exception on the official EPA NSW website. Basically, the EPA always evaluates the existing monitoring system in the form of considerations regarding the systematic level of risk for permit applicants and adds several provisions to the permits that will be granted.

In terms of implementing supervision regarding Environmental Sustainability in Indonesia, there is still minimal implementation, especially regarding the existing elements of external supervision. One of the Non-Governmental Organizations (NGOs) that currently plays a role in increasing awareness of Environmental Sustainability in Indonesia is the Indonesian Forum for the Environment (WALHI) which is the largest environmental movement organization in Indonesia. Since 1980 until now, WALHI has played a major role in efforts to save and restore the environment in Indonesia itself.\footnote{Wahana Lingkungan Hidup Indonesia (WALHI), Op.cit, p.3.} However, the biggest challenge they always face is the dominant political power within the country towards the interests of industrial countries and monetizing the environment itself. An environment that does
not have the power of law cannot fight back so it is always used as the object of existing interests.

Existing environmental policies from an Environmental Law perspective have been harmonized into the Job Creation Law. However, what we all know is that the existing environmental sustainability is actually being damaged and neglected. From the perspective of Environmental Law itself, we can see that the environmental laws and regulations contained in the Job Creation Law are not yet considered functionally capable and ignore the principles of prevention which give priority to supervision as a preventative handling of environmental pollution through both internal and external monitoring instruments. Environmental licensing in Indonesia still focuses on Risk Based-Approach which classifies environmental permits as requirements for a business permit based on existing risks.

Independent supervisory institutions are a key element in strengthening environmental supervision in Indonesia. For this reason, the government feels it is necessary to establish this institution as a supporting organ to strengthen the role of the Ministry of Environment and Forestry of the Republic of Indonesia in carrying out comprehensive supervisory duties. This institution is expected to become the main pillar in managing environmental monitoring data. With the existence of an Independent Monitoring Institution, supervision data will be interesting and accessible to the entire community. Its main function is as a liaison for the Ministry of Environment and Forestry and will ensure that environmental management runs in accordance with established provisions. In addition, this agency will play an important role in regulating environmental permits based on mass risk classification.

The aim of determining this risk classification is to avoid potential risks. Through the implemented environmental monitoring system, these risks will be addressed systemically and can be accounted for. Environmental licensing procedures, including Environmental Impact Analysis (AMDAL), Environmental Management Efforts and

Environmental Monitoring Efforts (UKL-UPL), as well as Environmental Management Statement Letters (SPPL), will be the basis for carrying out this supervisory function. In this way, it is hoped that the independent supervisory institution can strengthen the environmental monitoring system in Indonesia, creating more effective and responsible environmental management.

H. Concluding Remarks

The creation of Job Creation Law leaves a hopeless spirit from the public to the Indonesian government to promote the environmental sustainability. This law is more prefer to support the industries than to balance with the environmental needs. The law provides simplicity permits that potential misused by the political interests rather than to uphold the environmental sustainability. The balance between the economic activities and the environment sustainability is important in order to maintain the benefit of the development for the next generations.

The Environmental Protection Authority is an independent, accountable and modern regulator to maintain the stability of the environment and society. The concept of the Environmental Protection Authority is very much based on environmental sustainability principle, which is the ability to utilize the environment and balance it with social and economic factors. In its implementation, the Environmental Protection Authority has been operationalized in several developed countries that adhere to the same risk-based environmental supervision classification system as Indonesia, such as Australia and Qatar.

The potential for misuse of supervision can also come from the incoherence of existing supervision. This situation will potentially risks to the environment and it is urgency to establishing an independent environmental supervisory agency. Law No. 6 of 2023 or the Job Creation Law which has damaged the meaning of environmental stabilization requires a solution to anticipate neglect of environmental interests. Starting from the spirit of integration, the formation of the
Environmental Protection Authority can be a solution in responding to existing environmental concerns as proven by the efficiency that has been implemented in several foreign countries.

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