

Eko Prasetyo  
Universitas Islam Indonesia  
E-mail: eko.prasetyo@uii.ac.id

**Abstract:** *Normative Review of the Effect of Environmental Policy on Community Welfare.*

Environmental policies play a crucial role in maintaining the balance between development and community welfare. However, their implementation often falls short of achieving the ideal goals, particularly in improving the quality of life for communities affected by development projects. This study aims to normatively examine the influence of environmental policies on community welfare, focusing on the formulation, implementation, and evaluation of these policies. The research method used is normative juridical, employing an analysis of environmental regulations and policy documents. The results indicate that although environmental policies incorporate principles of protection and welfare, there are still challenges in implementation, such as weak law enforcement and a lack of coordination between central and regional governments. These gaps have hindered the policies from fully enhancing community welfare. Therefore, strengthening regulations and law enforcement is necessary to ensure that environmental policies have a more significant impact on community welfare

**Keywords:** Environmental Policy, Community Welfare, Development

**Abstrak:** *Tinjauan Normatif Pengaruh Kebijakan Lingkungan Terhadap Kesejahteraan Masyarakat.*

Kebijakan lingkungan berperan penting dalam menjaga keseimbangan antara pembangunan dan kesejahteraan masyarakat. Namun, penerapannya seringkali tidak sejalan dengan tujuan ideal, terutama dalam meningkatkan kualitas hidup masyarakat di wilayah terdampak pembangunan. Penelitian ini bertujuan untuk meninjau secara normatif pengaruh kebijakan lingkungan terhadap kesejahteraan masyarakat, dengan fokus pada aspek perumusan, implementasi, dan evaluasi kebijakan. Metode penelitian yang digunakan adalah yuridis normatif, dengan pendekatan analisis peraturan perundang-undangan dan dokumen kebijakan lingkungan. Hasil penelitian menunjukkan bahwa meskipun kebijakan lingkungan telah memuat prinsip perlindungan dan kesejahteraan, masih terdapat kendala dalam implementasi, seperti lemahnya penegakan hukum dan kurangnya koordinasi antara pemerintah pusat dan daerah. Celah ini menyebabkan kebijakan belum sepenuhnya mampu meningkatkan kesejahteraan masyarakat. Untuk itu, diperlukan penguatan regulasi dan penegakan hukum agar kebijakan lingkungan dapat memberikan dampak yang lebih signifikan terhadap kesejahteraan masyarakat.

**Kata kunci:** Kebijakan Lingkungan, Kesejahteraan Masyarakat, Pembangunan

## Introduction

Sustainable development has become one of the most concerned global issues along with the increasing awareness of the negative impacts of uncontrolled development on the environment and people's welfare (Subhilhar, 2022). In recent

decades, the balance between economic growth, environmental sustainability, and social welfare has become a challenge faced by many countries, especially developing countries such as Indonesia. In the midst of rapid infrastructure development carried out to support economic growth, environmental

issues and their impact on people's welfare are often a neglected concern (Wibawa et al., 2021).

Indonesia itself has attempted to address these issues through various environmental policies, the basis of which is regulated in Law No. 32/2009 on Environmental Protection and Management (hereinafter referred to as Law No. 32/2009). This law aims to ensure that development carried out in Indonesia takes into account the principles of sustainability, emphasizing the importance of protecting the environment for the welfare of society. While the policy has normatively provided a strong framework for environmental management, its implementation on the ground has fallen short of expectations (Rompas & Hayati, 2022). In the context of large infrastructure projects such as the construction of toll roads, dams, or airports, communities living around the project are often the most affected by the environmental degradation that occurs. Air pollution, loss of productive land, and water pollution are some of the impacts often faced by communities around projects, which ultimately affect their quality of life.

Unfortunately, although the environmental policies regulated by the government have been well designed, the effectiveness of these policies in improving people's welfare is still in doubt. Many environmental policies are merely administrative formalities without adequate monitoring and evaluation in the field (Geng & He, 2021). Environmental Impact Assessment (hereinafter referred to as AMDAL), which is supposed to be an important instrument in preventing negative impacts of development on the environment, is often just a document completed to fulfill legal requirements, without actually being

strictly implemented. As a result, communities directly affected by development projects rarely get the benefits promised by the policy, such as a clean and healthy environment and adequate compensation for impacts.

Another problem is the lack of coordination between the central and local governments in implementing environmental policies. Although regulations have been established at the national level, there are often discrepancies in their implementation at the local level (Zhang, 2012). Local governments, which should play an active role in overseeing the implementation of environmental policies, often lack adequate resources and capacity to perform this task. This weakness is further exacerbated by the low awareness of communities regarding their rights in terms of environmental protection and welfare. Affected communities are often not actively involved in decision-making processes related to development in their areas, resulting in policies that are implemented that do not fully reflect their needs and aspirations (Bakar et al., 2022).

Another problem that worsens the situation is the weak law enforcement against environmental violations. Many cases of environmental pollution never reach the courts, or even if they do, the sanctions given are often not proportional to the damage that has been caused. In this case, environmental policy in Indonesia is still far from perfect, although on paper it contains good principles of environmental protection and welfare (Hendriana et al., 2020).

This research aims to normatively review how environmental policies in Indonesia affect people's welfare, especially in areas affected by infrastructure projects. Through a normative juridical approach, this

research will analyze existing environmental regulations and policies, as well as how these policies are implemented in the field. The main objective of this research is to identify the obstacles faced in implementing environmental policies and provide recommendations that can help improve these policies to be more effective in improving community welfare.

The hypothesis underlying this research is that environmental policies in Indonesia, although designed with the principles of environmental protection and community welfare, have not been able to be implemented effectively, especially in the context of infrastructure development. Some of the factors that are suspected to be the cause of this weak policy implementation include the lack of coordination between the central and local governments, weak law enforcement, and low public participation in the process of formulating and implementing environmental policies.

Various literature have supported this hypothesis. For example, environmental policy emphasizes the importance of the principle of environmental justice, where all levels of society should benefit from the policies implemented. Unfortunately, in many developing countries, including Indonesia, this principle is often ignored, especially in the context of infrastructure development that focuses more on short-term economic gains than long-term welfare (Pratama & M Taufiq, 2023). In addition, other studies have shown that successful environmental policies require not only strong regulations, but also adequate resource support and clear political commitment in their enforcement. Without these two factors, policies will only become “paper tigers” that have no real impact on the ground (Prabowo, 2014.).

Weaknesses in environmental policy enforcement are also reflected in a study conducted, where it was found that one of the biggest obstacles to environmental policy implementation in Indonesia is the lack of coordination between levels of government (Yudhistira, Hidayat, & Hidayarto, 2011). The central government may have good policies, but their implementation is often plagued by complex bureaucracy at the local level. This is compounded by limited resources at the local level, which results in weak oversight of development projects.

Against this background, this study seeks to provide a more in-depth review of the influence of environmental policies on public welfare in Indonesia, as well as offer solutions that can strengthen the implementation of environmental policies to be more effective in providing benefits to the wider community.

## **Method**

This research uses a normative juridical research method, which is primarily used to analyze legal norms and assess the effectiveness of laws and regulations in achieving their intended outcomes (Purwaka, 2021). This method is suitable for examining the impact of environmental policies on community welfare, as it allows a comprehensive review of the policy framework and its legal implications. Normative juridical approach is valuable for studying statutory provisions, legal doctrines, and legal principles, especially where the focus is on understanding legal obligations and rights related to public welfare.

The study does not limit itself to a specific geographic area but rather explores environmental policies at both national and international levels. This allows for an

assessment of regulatory structures and their enforcement, which is crucial for understanding policy effectiveness in diverse contexts (Hu et al., 2021). This approach is particularly relevant in environmental studies, where legal principles and regulatory frameworks have a substantial impact on public welfare.

The research materials used include:

1. Legislation related to environmental policy, such as Law No. 32 of 2009 on Environmental Protection and Management.
2. Policy and regulatory documents issued by the central and local governments.
3. Legal and scientific literature that discusses environmental policies and their impact on community welfare.

The method used is a combination of qualitative and descriptive methods. The qualitative approach is carried out through the study of legal documents, regulations, and environmental policies. Meanwhile, the descriptive method is used to provide an overview of the implementation and impact of environmental policies on community welfare.

The way this research works involves the following stages: (i) data collection through the study of applicable environmental legislation and policy documents; (ii) data analysis is carried out by normatively analyzing legal documents and environmental policies, in order to identify the strengths and weaknesses of policies in influencing community welfare; (iii) the use of content analysis techniques in examining the substance of policies and the implementation of regulations applied.

The results of the analysis are presented in descriptive form to show the relationship between environmental policies and community welfare, as well as the

identification of problems in the implementation of these policies. This method is expected to provide a comprehensive understanding of the effectiveness of environmental policies in improving community welfare from a normative perspective.

## Results and Discussion

### A. Environmental Policy in the National Legal Framework

The global awareness of environmental issues has increasingly become a shared responsibility, as safeguarding the environment directly correlates with safeguarding humanity's own interests (Tijow, n.d.). Considering the widespread and interconnected consequences of environmental changes, relying solely on the efforts of certain groups is insufficient. This recognition led to the United Nations Conference on the Human Environment (UNCHE), held in Stockholm from June 5-14, 1972, which stressed that the responsibility for environmental management and the preservation of its sustainability falls on every individual and government worldwide.

This concern was also shown by Indonesia for the first time one decade after the conference, precisely in 1982, where Indonesia issued a very important law regarding the environment, namely Law Number 4 of 1982 concerning Basic Provisions for Environmental Management. To date, the law governing the environment has been amended 4 times, with details: (i) revoked 2 times; (ii) amended 1 time; (iii) and tested at the Constitutional Court 1 time, with details as follows:

1. Law Number 4 of 1982 concerning Basic Provisions for Environmental Management as the first regulation that

Indonesia has that regulates environmental matters.

2. Law Number 23 of 1997 concerning Environmental Management which revoked Law Number 4 of 1982 concerning Basic Provisions for Environmental Management.
3. Law No. 32 of 2009 on Environmental Protection and Management (hereinafter referred to as Law No.32/2009) which revoked Law No. 4 of 1982 on Basic Provisions of Environmental Management.
4. Constitutional Court Decision Number 18/PUU-XII/2014 which basically decided:
  - a. Article 59 paragraph (4) of Law No. 32/2009 on Environmental Protection and Management is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force to the extent that it is not interpreted as “B3 waste management must obtain a permit from the Minister, governor, or regent/mayor in accordance with their authority and for B3 waste management whose permit renewal application is still in process must be considered to have obtained a permit.”
  - b. The word “dapat” in Article 95 paragraph (1) of Law Number 32 Year 2009 on Environmental Protection and Management is contrary to the 1945 Constitution and has no binding legal force.
  - c. The phrase “environmental criminal offenses” in Article 95 paragraph (1) of Law Number 32 of 2009 Concerning Environmental Protection and Management is contrary to the 1945 Constitution of the Republic of Indonesia and does

not have binding legal force to the extent that it is not interpreted to mean “termasuk tindak pidana lain yang bersumber dari pelanggaran undang-undang ini.”

5. Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law (hereinafter referred to as Law No. 6/2023) amending the provisions in Law No. 32 of 2009 on Environmental Protection and Management.

Apart from some of these regulatory instruments and decisions, there is one other fundamental instrument that Indonesia has as one of the foundations in state management, especially environmental management, namely the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as UUD NRI 1945). As the constitutional basis for environmental management legislation in Indonesia, the 4th paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia states that: “...Melindung segenap bangsa Indonesia dan seluruh tumpah darah Indonesia...”. This basic idea is then derived into many aspects in the form of Articles. The article that regulates Indonesia's attention to the environment is contained in Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia which stipulates that: “The earth, water, and natural resources contained therein shall be under the control of the state and shall be utilized for the greatest prosperity of the people”. Furthermore, Article 28H of the 1945 Constitution confirms that a good and healthy environment is the human right of every Indonesian citizen.

As the foundation of the state, the 1945 Constitution of the Republic of Indonesia serves as the constitutional basis for the administration of the state government in

requiring, among others, that the earth and water and the natural resources contained therein be used for the greatest prosperity of the people (Arifin, 2012). However, natural resource management is limited by the need for environmental conservation, so that the conditions enjoyed by the current generation can also be enjoyed by future generations. Thus, until now there are at least two main provisions that are used as the basis for environmental management in Indonesia, namely the 1945 Constitution as the fundamental basis and Law No. 32/2009 (along with its amendments in Law No. 6/2023) as derivative regulations. However, environmental issues are actually clustered based on their respective objects, such as forestry (regulated in Law No. 41/1999 on Forestry), marine (regulated in Law No. 32/2014 on Marine), and many more. However, the principle of environmental management, be it in terms of forestry, marine, or other clusters, still refers to Law No. 32/2009.

When referring to the considerations of Law No. 32/2009, it can be seen that the government wants to balance environmental and economic aspects organized through the principle of regional autonomy. Consideration a states that a good and healthy environment is a human right of Indonesian citizens as mandated in Article 28H of the 1945 Constitution. In consideration b, it is emphasized that Indonesia's national economic development, as mandated by the 1945 Constitution, must be conducted in line with the principles of sustainability and environmental soundness. Additionally, consideration c highlights that the implementation of regional autonomy within the Unitary State of the Republic of Indonesia has altered the dynamics of authority between the central government

and local governments, including in the realm of environmental protection and management. From the outset, Indonesia has acknowledged the concept of sustainable development, though it has yet to be explicitly defined in concrete terms.

Sustainable development known in Indonesia is applied in Article 4 of Law No. 32/2009 which consists of several parts: (i) planning; (ii) utilization; (iii) control; (iv) maintenance; (v) supervision; and (vi) law enforcement. The six parts are an integral part of the environmental protection and management system. First, planning is carried out through stages:

- a. environmental inventory, which is conducted at the national, island/archipelago, and ecoregion levels. The inventoried items include: (i) potential and availability; (ii) types utilized; (iii) forms of control; (iv) knowledge of management; (v) forms of damage; and (vi) conflicts and causes of conflict arising from management.
- b. the designation of ecoregions (geographical areas characterized by similar climate, soil, water, native flora and fauna, and human interaction patterns that reflect the integrity of natural systems and the environment) is conducted by the Minister in coordination with relevant agencies. This process takes into account several factors, including: (i) landscape characteristics; (ii) watershed areas; (iii) climate conditions; (iv) flora and fauna; (v) socio-cultural aspects; (vi) economic factors; (viii) community institutions; and (ix) the results of environmental inventories.

- c. preparation of an Environmental Management Plan (EMP) carried out in accordance with the geographical scale consisting of national, provincial, and district/city EMPs prepared by officials in accordance with the scale of authority. In preparing the EMP, it is necessary to pay attention to: (i) diversity of ecological character and function; (ii) population distribution; (iii) distribution of natural resource potential; (iv) local wisdom; (v) community aspirations; and (vi) climate change. CSPs are then regulated by Government Regulation for national CSPs, Provincial Regional Regulations for provincial CSPs, and Regency/City Regional Regulations for regency/city CSPs.

Third, control of environmental pollution and/or damage is aimed at preserving environmental functions and is carried out through three main frameworks: prevention, mitigation, and recovery. The prevention framework involves various instruments, including: (i) Strategic Environmental Assessment (KLHS); (ii) spatial planning; (iii) environmental quality standards; (iv) criteria for environmental damage; (v) Environmental Impact Assessments (AMDAL); (vi) UKL-UPL (Environmental Management and Monitoring Plans); (vii) licensing; (viii) environmental economic instruments; (ix) environmental legislation; (x) environment-based budgeting; (xi) environmental risk analysis; (xii) environmental audits; and (xiii) other instruments based on scientific developments and needs. As for mitigation, those responsible for environmental pollution and/or damage must take action by: (i) informing the public about the

pollution and/or damage; (ii) isolating the affected areas; (iii) stopping the pollution or damage at its source; and (iv) applying other methods as technology and science evolve. Meanwhile, recovery is also required for every person who pollutes and/or damages the environment in stages: (i) stopping the source of pollution and cleaning up polluting elements; (ii) remediation; (iii) rehabilitation; (iv) restoration; and/or (v) other methods in accordance with the development of science and technology. Third, the control of environmental pollution and/or damage is carried out in the context of preserving environmental functions organized in three frameworks, namely prevention, mitigation, and recovery. Prevention instruments consist of: (i) Strategic Environmental Assessment (KLHS); (ii) spatial planning; (iii) environmental quality standards; (iv) environmental damage standard criteria; (v) AMDAL; (vi) UKL-UPL; (vii) licensing; (viii) environmental economic instruments; (ix) environment-based legislation; (x) environment-based budgets; (xi) environmental risk analysis; (xii) environmental audits; and (xiii) other instruments in accordance with the needs and development of science. Then for countermeasures, every person who pollutes and/or damages the environment is obliged to countermeasure environmental pollution and/or damage by: (i) providing information warning of pollution and/or damage to the public; (ii) isolating pollution and/or damage; (iii) stopping the source of pollution and/or damage; and (iv) other methods in accordance with the development of science and technology. Meanwhile, recovery is also required for every person who pollutes and/or damages the environment in stages: (i) stopping the source of pollution and cleaning up polluting

elements; (ii) remediation; (iii) rehabilitation; (iv) restoration; and/or (v) other methods in accordance with the development of science and technology.

Fourth, the maintenance of the environment is carried out through efforts: (i) conservation of natural resources, which is carried out by protecting, preserving and sustainably utilizing natural resources; (ii) reserve of natural resources; and/or (iii) preservation of atmospheric functions.

Fifth, Supervision. The minister, governor, or regent/mayor, within the scope of their authority, must oversee the compliance of business operators and/or activities with environmental permits. Environmental supervisory officials are empowered to: conduct monitoring, request information, make copies of documents and/or records as needed, enter specific locations, take photographs, make audio-visual recordings, collect samples, inspect equipment, examine installations or transportation facilities, and/or halt specific violations.

Sixth, Law Enforcement. Law enforcement under Law No. 32/2009 encompasses civil, administrative, and criminal measures. Administrative law enforcement is prioritized as a preventive effort to manage environmental impacts, utilizing supervision and licensing instruments to their fullest extent. When environmental pollution or damage has already occurred, repressive actions must be taken through the effective, consequential, and consistent enforcement of criminal and civil laws. Criminal law enforcement under this law introduces minimum sentences alongside maximum penalties, expands the scope of evidence, addresses violations of quality standards, integrates criminal law enforcement efforts, and includes provisions for corporate criminal liability. Enforcement

of environmental criminal law adheres to the principle of *ultimum remedium*, meaning that criminal law enforcement is treated as a last resort, applied only after administrative enforcement has proven ineffective. This principle specifically applies to certain formal criminal offenses, including violations of wastewater quality standards, emissions, and disturbances.

#### B. Impact of Environmental Policy on Community Welfare

Welfare and the “welfare state” are now the main goals of every individual's life with different measures according to their views, religions, and doctrines. Internationally, these indicators often refer to per capita income, length of life and level of education achieved (E. Goodin, Headey, Muffles, & Driven, 2009). This is in line with the definition of welfare made by the World Bank, where welfare is defined as losing the sense of poverty. Using the PPP (Purchasing Power Parity) poverty threshold of US\$ per capita per day, which is an exchange rate that shows the purchasing power of currency in one country to buy the same goods and services in another country (Ni'am Imana, 2019).

The grand theory of welfare is rooted in the ideas of Jeremy Bentham, who argued that governments have a duty to ensure the greatest happiness for the greatest number of their citizens. Bentham used the term 'utility' to explain the concept of welfare. According to the principle of utilitarianism that he developed, Bentham believed that anything that increases happiness is considered good, while anything that causes pain is considered bad (Sukmana, 2016). The United Nations also contributed ideas regarding what is meant by welfare. According to the United Nations, welfare is the ability to expand choices in life, among



others by including an assessment of “participation in public decision-making” (UNDP, n.d.). In the context of environmental protection, Bentham's perspective can be used to see how much welfare is regulated in statutory provisions which are then derived to be more specific on how much the level of public participation, especially participation in decision making, especially decisions related to environmental management.

When referring back to the environmental management and protection system in Law No. 32/2009, public participation can be accommodated in at least several stages, namely:

- a. Planning, specifically on the formulation of the RPLH.
- b. Utilization, especially in considering the benefits for the welfare of the community before carrying out development.
- c. Control, because in this stage there is one document that must be included before carrying out development that can have a significant impact on the environment, namely AMDAL. AMDAL requires community participation, both actively and passively, in its preparation.
- d. Supervision, the community can conduct supervision because there is a special chapter in Law No. 32/2009 that discusses public participation, namely Chapter XI The Role of the Community. This chapter essentially discusses the rights and equal opportunities granted to the community to actively participate in environmental protection and management. The community's role can take various forms, such as

social supervision, offering suggestions, opinions, proposals, objections, complaints, or providing information and reports. The objective is to enhance public awareness of environmental protection and management, foster independence and community empowerment, build partnerships, strengthen community capabilities, encourage responsiveness in conducting social supervision, and promote and preserve local culture and wisdom in the effort to sustain environmental functions.

First, planning and utilization. Challenges in implementing environmental policies at this stage often stem from a lack of community participation as well as miscommunication or lack of coordination between the central and local governments. Planning that does not involve communities, especially in development-affected areas, creates fundamental problems that impact program sustainability and environmental and social well-being (Kurniawan, 2018).

When communities are excluded from planning, decisions often ignore local needs, traditional knowledge, and cultural wisdom that can be important elements in maintaining environmental sustainability. Local communities often have a deep understanding of local ecological conditions, best practices for protecting the environment, and the specific challenges they face in their daily lives. However, without their involvement, policies designed tend to be top-down and less responsive to local realities, reducing their effectiveness. As a result, communities may feel marginalized, leading to resistance or even conflict that can hinder successful policy implementation (Jayadiputera, Sumartono, Nuh, & Sujarwoto, 2023). In addition,

miscommunication or poor coordination between the central and local governments is also one of the major obstacles in the implementation of environmental policies. The central government often formulates policies with nationally applicable standards without considering specific conditions at the regional level. In fact, environmental characteristics and challenges faced by regions can be very diverse, ranging from differences in geographical conditions to local socio-economic problems. This results in a gap between the planning done at the central level and the reality faced in the field (Lestari, Fitriasari, Azhari, Ahmad, & Rais, 2021).

Furthermore, the lack of coordination between the central and local governments often slows down program implementation. Local governments, which have the authority to regulate and manage natural resources in their areas, are often not optimally involved in the planning stage conducted by the center. This creates a gap in implementation, where regions feel less “ownership” of the policies set. This lack of coordination also leads to inconsistencies in policy implementation across regions, where one region may implement a policy well, while another region fails to do so.

On the other hand, communication problems between levels of government can create confusion on the ground as to who is responsible for overseeing, regulating and implementing environmental policies. This often leads to overlapping authority or even conflicting policies between the center and regions, further complicating the implementation process.

To address this challenge, community participation should be a key component in every stage of environmental policy planning. An inclusive policy formulation process, which involves local communities

in decision-making, will not only increase policy relevance but also encourage support and active participation from communities. Meanwhile, better coordination mechanisms between central and local governments are needed, including improved communication systems, clear division of responsibilities, and policy harmonization. Thus, environmental policies can be planned and implemented more effectively, providing real benefits for people's welfare and environmental sustainability (Raini Dwi Putri, Budi Yuwono, & Qurniati, 2013).

Second, Control and Supervision. Upon closer examination, one significant change in Law 6/2023 is the integration of environmental permits into business licenses. This means that businesses utilizing natural resources, which previously required a separate environmental permit, now only need to obtain environmental approval. This approval will be incorporated as part of the overall business license. The shift from an environmental permit to environmental approval is not merely a change in terminology. It also results in the elimination of several stages that were previously part of the environmental permitting process.

Under the previous regulation, Law No. 32/2009, businesses with environmental impacts were required to apply for an environmental permit and prepare an Environmental Impact Assessment (EIA) or UKL/UPL. Once the EIA document was prepared, it would undergo a feasibility assessment. If deemed feasible, the business was then obligated to proceed by creating Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL) documents. However, with the changes introduced by Law No. 6/2023, these stages and processes will be altered or even eliminated. With the shift from

environmental permits to environmental approvals, the assessment of EIA documents will no longer take place, as the EIA assessment commission has been removed under the new law.

Although the MoEF has clarified by saying that there will be a Feasibility Test Team (TUK) as a replacement, this clarification is not contained in all versions of the text of Law 6/2023. The text shows that the articles on the EIA assessment commission were deleted without any replacement articles. So that the process of obtaining environmental approval only requires an EIA document that has been prepared and a statement of environmental management capability. In addition, the substance in the EIA will also change. The Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL) are likely to become dead documents, because there is no control space with the elimination of the EIA commission and space for objections by the community.

If you look at Law No. 32/2009, environmental permits with EIA in them are part of the controlling instrument in the business area unit. With the integration of environmental permits into business licensing, its position is no longer in the control instrument, but has moved to the utilization instrument. Then if it is like that, there is no longer a controlling instrument in a business unit utilizing the environment. This includes the supervisory instrument that is lost because the RKL RPL is not functioning.

### **Conclusion**

Although Indonesia's national legal framework has regulated the basic principles of environmental protection through Law No. 32/2009, the implementation of this

policy still faces many challenges Barriers in law enforcement, lack of coordination between central and local governments, as well as the dominance of economic interests in the policy formulation process, have hindered the ability of environmental policies to provide tangible benefits for people's welfare. In addition, community involvement in the formulation and implementation of environmental policies still needs to be improved. Communities, especially those in areas affected by development, often do not have adequate access to the decision-making process. In fact, local knowledge and traditional wisdom owned by the community can play an important role in preserving the environment while improving their quality of life.

Environmental policies in Indonesia must be designed with the principles of environmental justice in mind. The welfare of the community, especially vulnerable groups such as indigenous peoples and the poor, must be prioritized in every policy made. Thus, environmental policy will not only function as an instrument of nature protection, but also as a means to achieve sustainable social welfare.

Overall, in order to maximize the positive impact of environmental policies on people's welfare, a holistic approach is needed.

### **References**

- Arifin, S. (2012). *Hukum Perlindungan dan Pengelolaan Lingkungan di Indonesia*. Jakarta: PT. Sofmedia.
- E. Goodin, R., Headey, B., Muffles, R., & Driven, H.-J. (2009). *The Real Worlds of Welfare State Capitalism*. Cambridge: Cambridge Universty Press.

- <https://doi.org/https://doi.org/10.1017/CBO9780511490927>
- Jayadiputera, T. E. A., Sumartono, S., Nuh, M., & Sujarwoto, S. (2023). Good Enough Governance For Poverty Alleviation Program In Village (A Case Study of Nanga Pamolontian Village). *Journal of Public Administration Studies*, 8(1), 1–11. <https://doi.org/10.21776/ub.jpas.2023.08.01.1>
- Kurniawan, T. (2018). Combating climate change through community participation in preserving the environment: A case from Hutan Organik (Organic Forest) in Megamendung, Bogor Regency, Indonesia. *IOP Conference Series: Earth and Environmental Science*, 179(1). Institute of Physics Publishing. <https://doi.org/10.1088/1755-1315/179/1/012033>
- Lestari, D. A., Fitriasari, N. S., Azhari, D. R., Ahmad, T. E., & Rais, A. (2021). Social vulnerability of Pandeglang Regency, Banten. *IOP Conference Series: Earth and Environmental Science*, 846(1). <https://doi.org/10.1088/1755-1315/846/1/012011>
- Ni'am Imana, A. (2019). Implementasi Maqashid Syari'ah Sebagai Model Kebijakan Kesejahteraan Masyarakat Pemerintah Kota Malang Periode 2011-2016. *Al-Intaj*, 5(2).
- Prabowo, L. (2014). Green Constitution Indonesia (Diskursus Paradigmatik Pembangunan Berkelanjutan). *Jurnal Hukum Dan Peradilan*, 3(2), 127. <https://doi.org/10.25216/jhp.3.2.2014.127-136>
- Pratama, M. T. Y., & M Taufiq. (2023). Analysis of the Influence of Economic and Social Infrastructure on Economic Growth in East Java. *Jurnal Ekonomi Dan Bisnis Digital*, 2(3), 881–898. <https://doi.org/10.55927/ministal.v2i3.5039>
- Raini Dwi Putri, P., Budi Yuwono, S., & Qurniati, R. (2013). Nilai Ekonomi Air Daerah Aliran Sungai (DAS) Way Orok Sub Das Way Ratai Desa Pesawaran Indah Kecamatan Padang Cermin Kabupaten Pesawaran. *Jurnal Sylva Lestari*, 1(1), 37–46.
- Rompas, B., & Hayati, T. (2022). Implikasi Kebijakan Sektor Hilir Pertambangan: Ancaman dan Perlindungan terhadap Lingkungan Hidup. *Jurnal Ius Constituendum*, 7(1), 177. <https://doi.org/10.26623/jic.v7i1.4908>
- Subhilhar. (2022). Etika Pembangunan: Kajian Alternatif dalam Studi Pembangunan. *Langgas: Jurnal Studi Pembangunan*, 1(1), 1–8. <https://doi.org/10.32734/ljsp.v1i1.8622>
- Sukmana, O. (2016). Konsep dan Desain Negara Kesejahteraan (Welfare State). *Jurnal Sospol*, 2(1).
- Tijow, L. (n.d.). KEBIJAKAN HUKUM PENGELOLAAN LINGKUNGAN HIDUP DI INDONESIA.
- UNDP. (n.d.). Tujuan 3 Kesehatan dan Kesejahteraan yang Baik. Retrieved from <https://www.undp.org/sustainable-development-goals/good-health>
- Wibawa, B., Fauzi, I., Novianti, D. A., Shabrina, N., Saputra, A. D., & Latief, S. A. (2021). Development of Sustainable Infrastructure in Eastern Indonesia. *IOP Conference Series: Earth and Environmental Science*, 832(1). <https://doi.org/10.1088/1755-1315/832/1/012045>
- Yudhistira, Hidayat, W. K., & Hidayarto, A. (2011). Kajian Dampak Kerusakan Lingkungan Akibat Kegiatan Gunung

Merapi. Jurnal Ilmu Lingkungan, 9(2),  
76–84.