
JURIDICAL REVIEW OF GRANTING LICENSES FOR ANALYSIS OF ENVIRONMENTAL IMPACT IN THE ENVIRONMENTAL OFFICE OF BOYOLALI DISTRICT

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ABSTRACT

The environment plays a role in everyday life, so environmental protection and management is needed. This research contains a juridical review of granting AMDAL permits at the Boyolali Regency environmental service. This research aims to determine the granting of AMDAL permits in Boyolali Regency and to determine the implementation of granting AMDAL permits in Boyolali Regency. This research uses normative and empirical research. The data in this research uses literature study and direct interviews with the Environmental Service. The results of this research explain the preparation of AMDAL through several stages, including screening, scoping, preparation of KA-ANDAL, preparation of ANDAL, preparation of environmental management plans, preparation of environmental monitoring plans and reporting. The implementation of AMDAL permits in Boyolali Regency includes the construction of a mall, hotel and Grand Maharani business center, construction of the Asy Syifa Sambi general hospital, and development of the PKU 'Aisiyah Boyolali hospital.

Keywords: Granting permits, AMDAL, environment

INTRODUCTION

Sub-districts, villages, cities/sub-districts, cities/regencies and provinces constitute the territory of the Unitary State of the Republic of Indonesia. The territory of the Republic of Indonesia consists of these areas to form a unity. The form of realizing a prosperous and just society requires development that is spread evenly to every region in Indonesia. Development can be said to be an effort carried out in an organized manner to provide a solution/alternative to citizens so that their needs are met and achieved.¹The concept of sustainable development has been implemented by the Indonesian people in the last few decades through conscious and well-organized efforts aimed at modifying 3 aspects into the development strategy, which include social aspects, environmental aspects and economic aspects. The impact of this development focuses on economic aspects that give rise to social inequality and problems related to the surrounding environment, such as neglect of the sense of justice, river pollution, air pollution, land damage, and others that threaten human comfort, safety and survival. Economic development always moves together with environmental and social aspects.

Based on Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH), it is explained that the environment has a very important role in human life. The definition of the environment based on article 1 can be explained as a unity that includes space for all objects, conditions, power as well as humans and their behavior so that it influences the natural conditions they live in, the welfare of one creature and another and the continuity of life.²There is a principle that says "an ounce of prevention is worth a pound of cure" which means that an environment has management that can be carried out by humans to prevent environmental damage or prevent pollution from occurring, and not to

¹ Kartika Karina dkk, 2019, *Dampak Pembangunan Infrastruktur Desa Pisa Kecamatan Tombatu Kabupaten Minahasa Tenggara*, Jurnal Administrasi Publik, Vol. 5, No. 74

² Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup

overcome pollution that has already been carried out. or even already happened. Licensing procedures are a preventive action that is made a principle in State Administrative Law. Environmental permits can be issued by authorized officials through business activities in collaboration with the surrounding environment, this is known as a preventive function.³

The stipulation of Law Number 32 of 2009 concerning Environmental Protection and Management states the term "Environmental Permit" which means that an endorsement can be submitted to parties who have businesses/activities that are required to have AMDAL or UKL-UPL to realize environmental protection and management. is a condition for obtaining a business permit and/or business activity. One of the important requirements for obtaining an environmental permit is an AMDAL or UKL-UPL. Business plans and/or activities that have been integrated with environmental considerations are carried out by the Boyolali Regency Government. This integration is a form of licensing application that requires environmental decisions for business plans and/or activities that are required to have AMDAL, business plans and/or activities that are not required to be UKL-UPL, and SPPL for business plans and/or activities that are not required. UKL-UPL. So the agency that grants a permit/business cannot issue a business and/or activity permit without making environmental decisions, UKL-UPL/SPPL recommendations. The existence of this mechanism means that every business and/or activity initiator must go through it and understand the environmental problems that may arise and be willing to make efforts to control the impact of business and/or activities on the environment.

The role of the Boyolali Regency Environmental Service is increasingly important in overseeing the implementation of sustainable and environmentally sound development in the Boyolali Regency area. The challenge for the Boyolali Regency Environmental Service is the application of the precautionary principle as an environmental management effort. The Environmental Service has a main role, namely how to policy and integrate environmental aspects in business planning, which is the beginning of the investment process, the application of which is the AMDAL or UKL-UPL mechanism and environmental permits based on Law Number 32 of 2009 concerning Environmental Protection and Management. The background to the problem above has two problem formulations which include: (1) How to grant AMDAL permits at the Boyolali Regency environmental service, and (2) How to implement the AMDAL permit grant at the Boyolali Regency environmental service.

RESEARCH METHODS

This research uses research methods which include research types and data collection methods. This type of research uses normative and empirical research. This research uses primary data and secondary data. Data from this research uses literature studies and interviews. The literature used comes from journals, documents, statutory regulations, books and articles that are relevant to this research. Interviews were conducted with the Environmental Service in Boyolali Regency.

RESULTS AND DISCUSSION

A. Granting AMDAL Permit in Boyolali Regency

The community participates and plays an active role in efforts to protect and manage the environment as regulated in Law No. 32 of 2009 concerning Environmental Protection and Management, commonly referred to as UUPPLH. Every business and/or activity that is related to and has a major impact on the environment is required to have an AMDAL in accordance with the mandate of the UUPPLH. The definition of AMDAL is an analysis of the impact of a business and/or activity related to the surrounding environment which is used in making decisions in carrying out a business

³ Listiyani, N., Hayat, M. A., & Mandala, S. (2018). Penormaan pengawasan izin lingkungan dalam pencegahan pencemaran dan kerusakan lingkungan hidup dalam eksploitasi sumber daya alam. *Jurnal Media Hukum*, 25(2), 217-227.

and/or activity.⁴

Environmental protection and management has a main impact that has certain criteria based on Article 22 paragraph (2) of Law Number 32 of 2009. These criteria include:

1. The area where the impact spreads
2. Many other environmental components will be affected.
3. Cumulative nature of impact.
4. The large number of residents who will be affected by business plans and/or activities.
5. The intensity and duration of the impact.
6. Other criteria are in accordance with developments in science and technology.
7. Reversal or non-reversal of impact

Determining the impact of environmental protection and management is not easy to do, so to overcome this the Minister of the Environment issued regulations regarding the types of business plans and/or activities that are required to have an AMDAL. The preparation of UKL-UPL is required for business plans and/or activities that are not on the list. So that all parties will easily know the types of documents that must be prepared by the initiator of the business and/or activity. Minister of Environment Regulation Number 5 of 2012 concerning Types of Business and/or Activities that must be completed with AMDAL is the latest regulation after undergoing several changes.

Based on the Minister of Environment's regulation number 13 of 2010 concerning environmental management efforts and environmental monitoring efforts and a statement of capability for environmental management and monitoring, businesses and/or activities that are not required to be completed with UKL-UPL (the impact on the environment is very small), only required to make SPPL. The Boyolali government regulates the boundaries between UKL-UPL and SPPL in Boyolali Regent Regulation Number 24 of 2009 concerning the preparation and examination of environmental assessment documents. The following is an overview of the types of environmental documents that apply in Boyolali Regency:

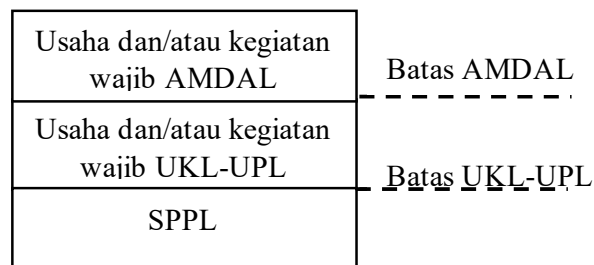


Figure 1. Types of Environmental Documents

The implementation of the above scheme is of course different for each region, so the responsibilities for the initiator of the business and/or activity for each region are different even though the business is owned the same. Before applying for an environmental permit, the initiator of the business and/or activity must prepare an AMDAL or UKL-UPL document. The initiator in preparing the AMDAL and UKL-UPL is submitted to the agency in charge of environmental impact control as chairman of the AMDAL assessment commission and head of the UKL-UPL inspection team for further assessment and inspection of the UKL-UPL.

⁴ Pasal 1 angka 11 UU No. 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

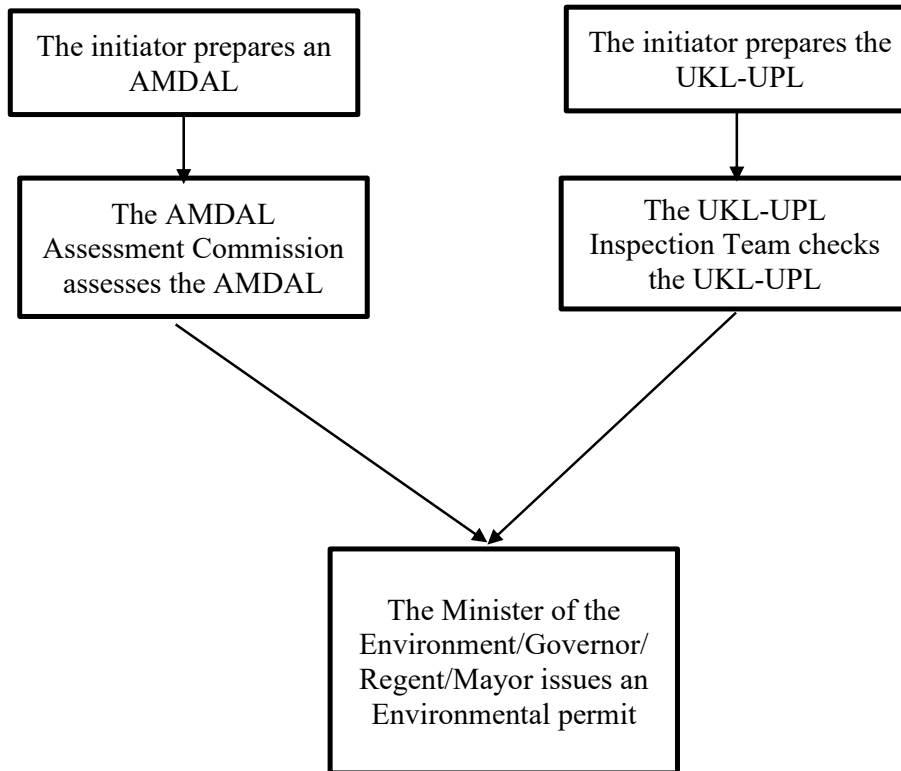


Figure 2. Stages of the Environmental Permit Process

AMDAL as a requirement needed to obtain an environmental permit is an activity that is designed scientifically and systematically using technical approaches and is interdisciplinary and even multidisciplinary in nature, so it must be prepared comprehensively, integrally and coherently.⁵The stages in compiling an AMDAL include the following things⁶:

⁵ Sumadi Kamarol Yakin (2017) Analisis Mengenai Dampak Lingkungan (AMDAL) Sebagai Instrumen Pencegahan Pencemaran dan Perusakan Lingkungan, Badamai Law Journal, 2 (1) hal. 123

⁶ Undang-undang nomor 32 tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup (PPLH)

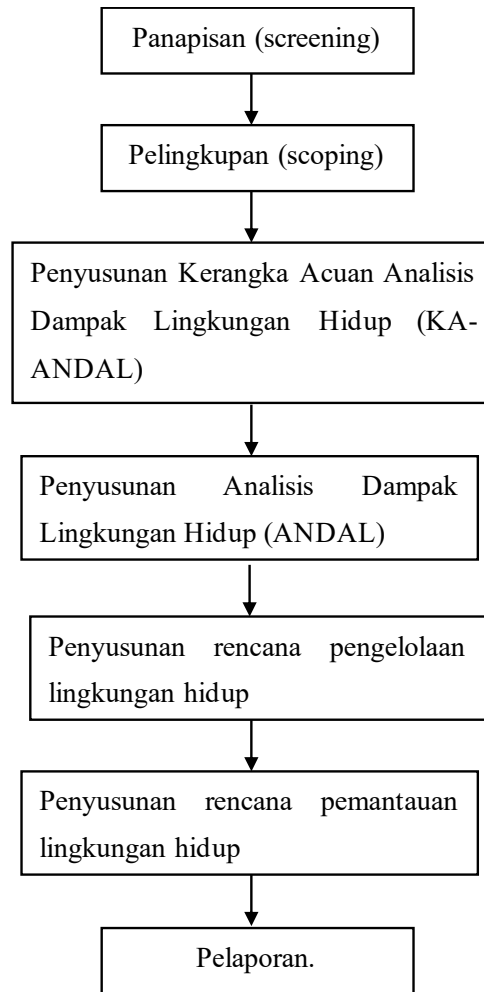


Figure 3. Stages of Preparing AMDAL

Screening is the first stage of preparing an AMDAL. Screening can be interpreted as a form of determining whether a business requires AMDAL or does not require AMDAL. Apart from that, determining benchmarks regarding whether businesses and/or activities can cause a large impact on the surrounding environment. Screening is determined from the area spread by the impact, the number of people who may be affected by the impact, the intensity of an impact, the number of environmental components that will be affected by the impact.

The next stage in preparing AMDAL is scoping. Scoping can be said to be the initial process in determining the scope of the problem and identifying important impacts in the business/activity plan. Community participation is part of this process, in addition to scoping through 3 stages, including identifying impacts, evaluating impacts and classifying and prioritizing.

The next stage is preparing KA-ANDAL. KA-ANDAL is an analysis in determining environmental impacts based on the results of scoping. The preparation of KA-ANDAL goes through 3 stages, namely 1) preparation of the framework by the commission and is responsible with the business initiator, 2) preparation of the framework by the commission and is responsible with the business initiator and AMDAL implementer, 3) preparation of the framework by the AMDAL implementer is given to the business initiator, then in communicate together with the authorities.

The preparation of ANDAL is the stage after the preparation of KA-ANDAL. The preparation of ANDAL is an in-depth and precise study of the main impacts of a business and/or activity. Preparing ANDAL has procedures that function as rules in compiling ANDAL.

The next stage is the preparation of the RKL. An Environmental Management Plan is a document that contains efforts to prevent, control and mitigate environmental impacts that may occur due to business plans and/or activities.

The next stage is the preparation of the RPL. An Environmental Monitoring Plan is a plan prepared to overcome the problem of measuring environmental components or parameters at a certain time which functions to determine changes in the environment due to the influence of certain activities. This monitoring has the essence of monitoring the effectiveness of the pollution control used.

The next stage is reporting. Reporting is an effort to formulate the results of the combination at the previous stage. Generally, reporting is used to achieve targets, in addition to making decisions for the initiator or government who have an interest in the business.⁷

If an AMDAL document is said to be not good for the environment, this document cannot receive direct approval and cannot obtain approval for an environmental permit. Businesses/activities that are not approved will not cause damage to the surrounding environment, however, if the business/activity is approved then the AMDAL which has a role as a preventive instrument in terms of environmental damage will have a positive impact on the surrounding environment.⁸

B. Implementation of AMDAL Permit Granting in Boyolali Regency

AMDAL has an important role as an instrument in managing existing resources in the environment, but in reality it experiences several obstacles. These obstacles include processing the surrounding environment which is not integrated, which can give rise to self-sectoral ego, relatively low relationships between decision makers and local government, a narrow level of understanding of the environment and existing resources, and a lack of optimal utilization for regional development and planner from the AMDAL results. Normatively there is a guarantee for the quality of the environment so that a comfortable environmental condition for living creatures is everyone's desire, because everyone has this right so we are required to pay attention to aspects of environmental insight and environmental friendliness.⁹

A business initiator in a business and/or activity that will be built as infrastructure, housing for residents which will have an impact on security and order, needs to prepare an AMDAL or UKL-UPL document.¹⁰ Business proponents require environmental permits for activities that include¹¹:

- a) Transporting, producing, disposing, processing and/or producing hazardous and toxic materials, storing, utilizing and preparing AMDAL documents including managing hazardous and toxic waste;
- b) Utilization of waste water for application to land;
- c) Discharge of waste water into the sea;
- d) Discharge of waste water into water sources.

⁷ Muhamad Erwin, 2014, *Hukum Lingkungan Dalam Sistem Perlindungan dan Pengelolaan Lingkungan Hidup di Indonesia*, Bandung, PT Refika Aditama, hlm.68-95

⁸ S. Satria, 2020, *Urgensi Penerapan Analisis Dampak Lingkungan (AMDAL) Sebagai Kontrol Dampak terhadap Lingkungan di Indonesia*, Yogyakarta, hlm 119-137

⁹ M. Daud Silalahi, 2010, *AMDAL Dalam Sistem Hukum Lingkungan Di Indonesia*, Jakarta, PT. Suara Harapan Bangsa, hlm 17

¹⁰ Pasal 62 Peraturan Pemerintah Nomor 24 Tahun 2018 tentang Pelayanan Perizinan Berusaha Terintegrasi Secara Elektronik

¹¹ Pasal 63 Peraturan Pemerintah Nomor 24 Tahun 2018 tentang Pelayanan Perizinan Berusaha Terintegrasi Secara Elektronik

Table 1. List of businesses/activities in Boyolali district that have AMDAL documents

No	Applicant	Activity	Location	Decree of the Regent of Boyolali	AMDAL
1.	S. Maharani, SH	Construction of Mall, Hotel and Grand Maharani Business Center	Kemiri Village, Mojosongo District, Kab. Boyolali	660.1/763 of 2020	V
2.	Dr. Muhammad Dhiyaul Mushaf	Construction of the Asy Syifa Sambi General Hospital	Jl. Bangak-Simo Km 7. Sambi Village. District Sambi. Regency. Boyolali	660.1/361 of 2021	V
3.	Dr. Umi Haniek	Development of PKU 'Asyiyah Boyolali Hospital	Jl. New Singkil Cattle Market, Dk. Tegalmulyo, RT 006, Karanggeneng Village, District. Boyolali, Kab. Boyolali	660.1/848 of 2021	V

Implementation of environmental management is intended to develop environmental resources optimally while maintaining balance and sustainability of the surrounding environment. The implementation of granting AMDAL permits in Boyolali Regency is in accordance with established regulations and is always monitored by the environmental service for businesses that already have AMDAL permits. Based on Law Number 32 of 2009, there are three things to enforce environmental law which include administrative law, civil law and criminal law. Administrative law enforcement is said to be one of the most important law enforcement efforts among the three other law enforcement efforts. This can happen because administrative law is prioritized for efforts to prevent efforts to pollute the environment and damage the environment. The main aim of administrative law is to provide punishment to perpetrators who pollute the environment and damage the environment.¹²

CONCLUSION AND SUGGESTION

Conclusion

Granting AMDAL permits for business activities in Boyolali Regency

The stages in preparing AMDAL based on Law Number 32 of 2009 include screening, scoping, preparing Terms of Reference for Environmental Impact Analysis (KA-ANDAL), preparing Environmental Impact Analysis (ANDAL), preparing environmental management plans, preparation of environmental monitoring plans and reporting. If an AMDAL document is said to be not good for the environment, this document cannot receive direct approval and cannot obtain approval for an environmental permit. Businesses/activities that are not approved will not cause damage to the surrounding environment, however, if the business/activity is approved then the AMDAL which has a role as a preventive instrument in terms of environmental damage will have a positive impact on the surrounding environment.

Implementation of granting AMDAL permits in Boyolali Regency

The implementation of granting AMDAL permits in Boyolai Regency is in accordance with established regulations and is always monitored by the environmental service for businesses that already have AMDAL permits. The implementation of AMDAL permits in Boyolali Regency includes the construction of a mall, hotel and Grand Maharani business center, construction of the Asy Syifa Sambi

¹² Undang-Undang No 32 Tahun 2009 tentang perlindungan dan pengelolaan lingkungan hidup.

general hospital, and development of the PKU 'Aisiyah Boyolali hospital. Based on Law Number 32 of 2009, there are three things to enforce environmental law which include administrative law, civil law and criminal law. Administrative law enforcement is said to be one of the most important law enforcement efforts among the three other law enforcement efforts.

Suggestion

Based on the results of the discussion above, the author provides suggestions so that the environmental permit mechanism can be implemented immediately and does not cause problems in the speed of environmental permit services. It is better for the Boyolali Regency government to prepare regulations that can speed up the environmental permit mechanism and prepare human resources so that they are able to carry out environmental permits well so that there are no hinder business permits.

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