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Article Title

## Reorganization of Environmental Law under Indonesia's Job Creation Regime: A Legal Political Ecology Analysis of Environmental Approval and Business Licensing

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## ABSTRACT

*The reorganization of environmental law under Indonesia's Job Creation regime has altered the relationship between environmental requirements, administrative decisions, and Business Licensing. This study aims to explain the characteristics of environmental protection before the Job Creation regime, analyze the reorganization of Environmental Approval within Risk-Based Business Licensing, and interpret its legal consequences through legal political ecology. This normative legal study employs statutory, historical, and conceptual approaches, using systematic interpretation and functional analysis based on eight parameters. The findings indicate that Environmental Impact Assessment (EIA), supervision, and remediation obligations remain in force, although the relationship between environmental decisions and the legality of activities, the timing of regulatory compliance, institutional authority, public participation, access to justice, and law enforcement has changed. Article 11 of Government Regulation Number 28 of 2025 allows land acquisition, including land clearing, to proceed concurrently with fulfilling Environmental Approval requirements for businesses and/or activities subject to EIA or environmental management and monitoring requirements. This provision affects when environmental assessment findings can be used to set implementation conditions. Analysis based on responsive law, political ecology, and environmental justice shows that environmental protection depends on assessment timing, the legal consequences of administrative decisions, supervisory authority, public rights, and liability for environmental impacts. Regulatory alignment is necessary to clarify the requirements governing preparatory activities, the allocation of authority, public participation, law enforcement, and environmental remediation.*


*Keywords:* *EIA; Environmental Approval; Environmental Justice; Job Creation; Legal Political Ecology; Risk-Based Business Licensing.*

## INTRODUCTION

Environmental protection and management constitute constitutional obligations that provide the legal basis for the exercise of state authority in economic development. Article 28H section (1) of the 1945 Constitution guarantees the right to a good and healthy environment. Article 33 section (4) of the Constitution establishes sustainability and environmental considerations as principles governing the national economy. These constitutional provisions provide the basis for regulating the use of natural resources while considering environmental carrying capacity, public safety, and sustainable development. Fulfilling environmental rights also includes recognizing affected communities, enabling participation in decision-making, and ensuring access to legal protection and remediation (Schlosberg, 2007). Under administrative law, these constitutional obligations are implemented through regulatory requirements, administrative decisions, supervision, and accountability. Environmental legal policy concerns the state's authority to determine business requirements, the timing of environmental controls, the allocation of responsibility, and the legal consequences of environmental pollution and/or damage.

Law Number 32 of 2009[1] regulates Environmental Impact Assessment (EIA), Environmental Management Efforts and Environmental Monitoring Efforts,

[1]Law Number 32 of 2009, as amended by Article 22 of Government Regulation in Lieu of Law Number 2 of 2022.

Environmental Permits, supervision, sanctions, and remediation. Government Regulation Number 27 of 2012[2] specifies procedures for preparing and assessing environmental documents and issuing Environmental Permits. Before the Job Creation reforms, Article 40 of Law Number 32 of 2009 established the legal relationship between Environmental Permits and Business and/or Activity Permits. Licensing services were later integrated under Government Regulation Number 24 of 2018[3], which introduced Online Single Submission (OSS), an electronically integrated business licensing system that includes a mechanism for fulfilling regulatory commitments. OSS implementation faced difficulties related to interagency coordination and uncertainty in licensing services (Rachmania et al., 2025). This electronic integration preceded the changes to the legal status of Environmental Permits under the Job Creation regime. Distinguishing licensing procedures from the legal consequences of administrative decisions is essential to understanding these regulatory changes.

Changes to environmental legislation under the Job Creation regime began with Law Number 11 of 2020. The legislative process underlying that Law was examined through the procedural constitutional review adjudicated in Constitutional Court Decision Number 91/PUU-XVIII/2020. Government Regulation in Lieu of Law Number 2 of 2022 was subsequently enacted as Law Number 6 of 2023. Environmental protection and management are further governed by Government Regulation Number 22 of 2021. Government Regulation Number 28 of 2025 subsequently repealed Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing. These legal instruments differ in their legal status and periods of applicability. The omnibus law method, which amends multiple statutory provisions through a single law, raises issues of regulatory harmonization and public participation (Helmi et al., 2021). In environmental regulation, policies intended to facilitate investment raise questions regarding the status of environmental rights and sustainability in establishing business requirements (Pambudhi & Ramadayanti, 2021; Saputra & Dhianty, 2022).

Environmental Approval is an administrative instrument directly linked to compliance with environmental requirements in Business Licensing following amendments to Law Number 32 of 2009. The repeal of Article 36 and Article 40 and the amendment of Article 37 of the Law affect the legal status of environmental decisions, the grounds for canceling Business Licensing, and the legal consequences of noncompliance with environmental management obligations. Environmental Approval retains an administrative function in determining environmental feasibility and compliance with business requirements. Its effectiveness as a regulatory control depends on the obligations imposed and the legal consequences of noncompliance

[2]Government Regulation Number 27 of 2012, as repealed by Government Regulation Number 22 of 2021.

[3]Government Regulation Number 24 of 2018, as repealed by Government Regulation Number 5 of 2021.

(Prasetyo & Jaelani, 2022; Wibisana, 2025). The revised regulatory framework also encompasses EIA, environmental management and monitoring requirements, Statements of Commitment to Environmental Management and Monitoring, Technical Approvals, and Operational Feasibility Certificates. Each instrument has distinct conditions of applicability, procedures, and legal consequences according to the characteristics of the relevant business and/or activity. These distinctions determine the authority to issue decisions, the obligations of persons responsible for businesses and/or activities, and the legal measures available in response to violations of environmental requirements.

The timing of compliance with environmental requirements involves the relationship between Article 21 of Government Regulation Number 22 of 2021 and Article 11 of Government Regulation Number 28 of 2025. Article 21 of the former Regulation governs EIA preparation during the planning stage of a business and/or activity. By contrast, Article 11 of Government Regulation Number 28 of 2025 allows land acquisition, including site preparation or land clearing, to proceed concurrently with fulfilling Environmental Approval requirements for activities subject to EIA or environmental management and monitoring requirements. The Elucidation of Article 11 section (1) of the latter Regulation identifies tree cutting, land compaction, and land filling as activities included in land clearing. This arrangement raises questions about whether environmental impact assessment findings are available before physical activities that can alter environmental conditions are undertaken. The preventive function of EIA and the principle of non-regression provide the basis for evaluating this change (Wibisana, 2025; Nuriyatman et al., 2026). Environmental controls also involve technical requirements and coordination of licensing services, which present different challenges depending on the activity's characteristics (Maskun et al., 2025; Bachtiar et al., 2026).

The reorganization of Environmental Approval also affects authority allocation, public participation, and access to justice. Following its amendment, Article 26 of Law Number 32 of 2009 governs the involvement of directly affected communities in preparing the EIA. Its implementing regulations establish mechanisms for involving environmental observers, researchers, and organizations assisting affected communities, subject to specified requirements (Azhara & Mardhatillah, 2023). The allocation of authority between the Central Government and Regional Governments concerns the issuance of administrative decisions, conformity with spatial planning requirements, information exchange, and supervision (Sulaiman et al., 2025; Wicaksono et al., 2026). The removal of specific statutory grounds for administrative lawsuits under Law Number 32 of 2009 also changes the legal basis for challenging environmental decisions (Fasha & Saraswati, 2022). Protection against retaliatory legal action has developed through Supreme Court Regulation Number 1 of 2023, Minister

of Environment and Forestry Regulation Number 10 of 2024, and Constitutional Court Decision Number 119/PUU-XXIII/2025. Protection against Strategic Lawsuits Against Public Participation (Anti-SLAPP) concerns measures intended to prevent legal proceedings from obstructing public participation and is directly related to the rights and legal status of individuals advocating environmental protection (Nelisa, 2021; Rachmawaty et al., 2024; Muhni et al., 2025; Valerie, 2025).

Previous studies have examined the administrative character of Environmental Approval, changes in participation and litigation rights, the policy orientation of Job Creation legislation, and the application of the principle of non-regression in environmental law (Pambudhi & Ramadayanti, 2021; Fasha & Saraswati, 2022; Prasetyo & Jaelani, 2022; Wibisana, 2025). Research on EIA has addressed changes in its preventive function, while studies of electronic licensing have examined institutional coordination and certainty in licensing services (Bachtiar et al., 2026; Nuriyatman et al., 2026). The relationship between the timing of environmental impact assessments, the legal consequences of administrative decisions, governmental authority, public rights, and the allocation of environmental responsibility requires analysis across an activity's stages. Responsive law explains the relationship between legal procedures and the substantive objectives of law (Nonet & Selznick, 1978). Political ecology examines power distribution and how environmental information is used in decision-making (Robbins, 2012). Environmental justice encompasses the distribution of environmental consequences, recognition, participation, and communities' ability to obtain legal protection (Schlosberg, 2007). Integrating these three theoretical perspectives enables an assessment of changes in legal obligations and consequences through eight interrelated parameters.

Accordingly, this study has three objectives. First, it explains the characteristics of environmental protection policy under Law Number 32 of 2009 before the Job Creation regime, considering developments in licensing services since 2018. Second, it analyzes the reorganization of Environmental Approval within Risk-Based Business Licensing, covering preventive instruments, the timing of regulatory compliance, the allocation of authority, public rights, supervision, law enforcement, and remediation. Third, it interprets the legal consequences of this reorganization through legal political ecology, particularly concerning the exercise of state authority, investment interests, and the allocation of environmental responsibility. These objectives address changes in legal norms and their consequences for the obligations of persons responsible for businesses and/or activities and the authority of government officials. The study explains the legal relationship between environmental requirements, the legality of activities, the protection of public rights, and liability for environmental pollution and/or damage.

## METHOD

This study uses normative legal research with an analytical and critical orientation, drawing on statutory, historical, and conceptual approaches (Qamar & Rezah, 2020). The statutory approach examines Environmental Approval, Business Licensing, governmental authority, legal protection of rights, and liability. The historical approach compares Law Number 32 of 2009 before its amendment, the implementation of OSS under the 2018 regulatory framework, the legislative changes introduced by the Job Creation regime between 2020 and 2023, and subsequent regulatory and judicial developments through November 2026. Repealed provisions are examined to explain the legal framework applicable during their respective periods of validity. The conceptual approach analyzes the legal character of administrative decisions, responsive law, the principle of non-regression, political ecology, and environmental justice. These approaches are integrated to explain changes in obligations, authority, and legal consequences in implementing business activities.

The research examines the reorganization of environmental protection through Environmental Approval within Risk-Based Business Licensing. The units of analysis comprise legal norms, relationships between provisions, the legal status of administrative instruments, and their consequences for rights, obligations, and authority. Primary legal materials include the 1945 Constitution, Law Number 32 of 2009 and its amendments, environmental and licensing regulations, administrative law, provisions governing enforcement and remediation, judicial guidelines for environmental cases, and Constitutional Court decisions. Secondary materials include theoretical books and scholarly articles on changes in environmental law, licensing, participation, access to justice, and liability. Sector-specific studies are used to explain implementation issues within the activities and geographical areas examined in those studies.

Legal materials were collected through an inventory of legislation, examination of judicial decisions, and literature review (Sampara & Husen, 2016). The examination addressed the type and hierarchy of legal instruments, their periods of applicability, amendments and repeals, and the authority of the issuing institutions. Grammatical interpretation was used to identify the elements of obligations, prohibitions, authority, requirements, and legal consequences based on statutory wording. Systematic interpretation examined relationships between provisions and legal instruments, including the relationship between substantive law and procedural law. Historical interpretation identified regulatory changes according to their chronological applicability. The examination covered statutory articles, elucidations, judicial reasoning and operative rulings, and relevant administrative procedures. The resulting interpretations were analyzed in relation to environmental requirements, administrative decisions, the implementation of activities, and liability for violations.

The functional analysis used eight parameters: the orientation of legal norms, regulatory control instruments, the legal status of EIA, public participation, the allocation of authority between central and regional governments, access to administrative objections and litigation, supervision and sanctions, and the distribution of environmental risks. Each parameter was examined in terms of the rights or obligations established, compliance timing, the competent officials, and the legal consequences of noncompliance. Comparisons identified the continued application of obligations, changes in the legal character of decisions, shifts in authority, and changes to enforcement mechanisms. The relationship between the timing of EIA preparation and preparatory activities was examined by activity stage and applicable requirements. Enforcement was analyzed by distinguishing administrative sanctions, elements of criminal offenses, civil liability, and obligations related to pollution response and environmental remediation. The eight parameters were used to explain the consequences of regulatory changes throughout business and/or activity implementation.

Conceptual interpretation drew on responsive law, political ecology, and environmental justice. Responsive law was used to assess the relationship between administrative procedures and environmental protection objectives. Political ecology provided a basis for analyzing the distribution of authority, control over resources, and the use of environmental information. Environmental justice was used to assess risk allocation, recognition of affected communities, participation, and access to remediation. The findings were established by examining the relationship between regulatory changes, legal consequences, and theoretical interpretation in accordance with the three research objectives (Irwansyah, 2020). Primary legal materials provided the basis for determining obligations and authority, while sector-specific studies explained implementation issues within their respective scope. The conclusions address changes in the timing of environmental controls, the legal effects of decisions, institutional authority, public rights, and environmental responsibility.

## RESULTS AND DISCUSSION

### A. Characteristics of Environmental Legal Policy under Law Number 32 of 2009 Before the Job Creation Regime

Before the Job Creation regime, environmental legal policy was characterized by the relationship between environmental protection principles, preventive instruments, and administrative restrictions on businesses and/or activities. Articles 2 and 3 of Law Number 32 of 2009 establish the principles of state responsibility, precaution, and participation, along with objectives to protect environmental functions and fulfill public rights. These principles and objectives provide the basis for setting requirements for planning and implementing activities.

Under responsive law theory, administrative procedures and decisions are assessed for consistency with the substantive objectives of law, including the protection of public interests (Nonet & Selznick, 1978). Accordingly, officials must exercise licensing authority in accordance with provisions governing the prevention of environmental pollution and/or damage. This regulatory framework establishes a legal relationship between the legality of business activities, compliance with environmental obligations, and the protection of public rights.

Environmental controls under Law Number 32 of 2009 operate through instruments applicable to both public policies and individual businesses and/or activities. Article 13 of the Law governs prevention, pollution response, and remediation, while Article 14 identifies preventive instruments, including Strategic Environmental Assessment (SEA), spatial planning, environmental quality standards, EIA, environmental management and monitoring requirements, and licensing. SEA is used in preparing policies, plans, and programs. EIA examines the significant impacts of proposed businesses and/or activities, while environmental management and monitoring requirements apply to activities meeting specified criteria. Article 22, Article 34, and Article 35 of the Law, before their amendment, distinguished the requirements for EIA, environmental management and monitoring, and Statements of Commitment to Environmental Management and Monitoring. The applicable instrument was therefore determined by an activity's characteristics and potential environmental impacts. The consistency between these instruments and environmental control obligations provides an important basis for evaluating changes in environmental protection (Helmi et al., 2021; Wibisana, 2025).

EIA serves as the legal basis for determining environmental feasibility by examining significant impacts, public input, and environmental management and monitoring plans. Article 22 through Article 25 of Law Number 32 of 2009 govern EIA obligations and required content. Before its repeal, Articles 29 through 31 of the Law regulated the Environmental Impact Assessment Review Commission, which included government representatives, experts, and community representatives. Government Regulation Number 27 of 2012 further specified procedures for preparing and assessing environmental documents and issuing environmental feasibility decisions. Article 13 of that Regulation exempted certain projects from the obligation to prepare an EIA under specified circumstances and conditions. Within this framework, environmental assessment findings were used to determine feasibility and establish conditions governing the implementation of activities. The preventive function of EIA depends on the use of assessment findings before activities capable of causing environmental impacts are undertaken (Nuriyatman et al., 2026). The timing of assessment and the legal consequences of decisions are therefore essential elements of EIA-based environmental control.

Under the legal framework preceding the Job Creation regime, Environmental Permits had direct legal consequences for Business and/or Activity Permits. Article 36 of Law Number 32 of 2009 required Environmental Permits for activities subject to EIA or environmental management and monitoring requirements. Article 37 of the Law governed permit refusal and cancellation, while Article 38 provided grounds for cancellation through the State Administrative Courts. Article 40 established Environmental Permits as a prerequisite for issuing Business and/or Activity Permits and regulated the consequences of revoking an Environmental Permit for the corresponding business or activity permit. This relationship allowed violations of environmental requirements to affect the validity of business and/or activity permits under the applicable provisions. Government Regulation Number 24 of 2018 subsequently integrated licensing services through OSS using a regulatory commitment mechanism. That integration covered electronic issuance procedures, while the legal consequences of Environmental Permits remained governed by the relevant legislation (Prasetyo & Jaelani, 2022; Rachmania et al., 2025).

Public participation before the Job Creation regime involved access to information, involvement in EIA preparation, and public oversight. Article 26 of Law Number 32 of 2009 provided for the participation of affected communities, environmental observers, and persons potentially affected by decisions arising from the EIA process. Article 30 of the Law regulated community representation on the Environmental Impact Assessment Review Commission. Article 39, Article 65, and Article 70 established requirements concerning information disclosure and public rights in environmental protection and management. Article 66 protected individuals advocating the right to a good and healthy environment. Community involvement enabled affected parties to submit information on environmental conditions and the consequences of activities. Under environmental justice theory, recognition of communities is related to their legal status and ability to exercise participation rights (Schlosberg, 2007). The legal status of EIA participants is therefore an important consideration in examining subsequent procedural changes under the Job Creation regime (Azhara & Mardhatillah, 2023).

Before the amendments, environmental protection and management authority was allocated according to the distribution of governmental functions between central and regional authorities. Article 63 of Law Number 32 of 2009 established the duties and powers of each level of government. Law Number 23 of 2014[4] allocated governmental functions based on location, the geographical reach of impacts, and the characteristics of the activities. The authority to assess environmental feasibility, issue Environmental Permits, and conduct supervision

[4]Law Number 23 of 2014, as amended several times, lastly by Article 176 of Government Regulation in Lieu of Law Number 2 of 2022.

could be exercised by different officials in accordance with the applicable provisions. Government Regulation Number 24 of 2018 integrated electronic licensing through OSS, including issuing permits on behalf of the competent officials. The use of an integrated electronic system did not, by itself, alter the substantive legal basis of those officials' authority. The validity of administrative decisions continued to depend on the issuing officials' authority, compliance with statutory requirements, and applicable procedures. This allocation of authority also determined responsibility for supervision after a permit was issued.

Supervision and law enforcement provided mechanisms for controlling activities that had obtained the required permits. Article 71 through Article 74 of Law Number 32 of 2009 established the supervisory authority of competent officials. Article 76, Article 79, and Article 80 governed administrative sanctions and specified measures for addressing violations. Article 53 through Article 55 imposed obligations concerning pollution response, remediation, and the provision of environmental guarantee funds, subject to the applicable requirements. Article 87 and Article 88 established grounds for civil liability, including strict liability for specified activities. Supervision was intended to determine compliance with environmental obligations. Administrative sanctions addressed violations, while remediation required action to remedy the consequences of environmental pollution and/or damage. The relationship between supervision, enforcement measures, and remediation determined the continued application of environmental protection throughout an activity. The principle of non-regression provides a relevant basis for comparing changes in obligations and the legal consequences available for violations (Wibisana, 2025).

Access to environmental dispute resolution complemented the legal framework preceding the Job Creation regime. Article 84 and Article 85 of Law Number 32 of 2009 regulated environmental dispute resolution through judicial and nonjudicial mechanisms. Article 90 through Article 92 distinguished the government's right to sue, class actions, and lawsuits brought by environmental organizations. Before its repeal, Article 93 provided specific grounds for administrative lawsuits challenging certain decisions concerning Environmental Permits and Business and/or Activity Permits. Administrative judicial review concerned the validity of decisions, while civil lawsuits could seek damages and remediation under applicable requirements (Fasha & Saraswati, 2022). The distinction between the subject matter of disputes and plaintiffs' legal standing determined the available protection mechanisms. Under this historical framework, Environmental Permits, public participation, supervision, and litigation were legally connected to the environmental management obligations imposed on business activities.

## B. Reorganization of Environmental Approval and Environmental Impact Assessment within Risk-Based Business Licensing

The reorganization of Environmental Approval under the Job Creation regime encompasses changes in the legal status of administrative decisions, their relationship with Business Licensing, the timing of regulatory compliance, and the allocation of authority. EIA and environmental management and monitoring requirements remain instruments for assessing and managing environmental impacts. However, the form and legal consequences of the relevant administrative decisions are governed by the revised Risk-Based Business Licensing framework. The administrative character of Environmental Approval concerns determining the requirements that persons responsible for businesses and/or activities must fulfill (Prasetyo & Jaelani, 2022). Policies facilitating business activities must also comply with environmental protection and management obligations (Pambudhi & Ramadayanti, 2021). Changes to environmental instruments must therefore be examined in terms of the obligations that remain in force and the legal consequences of noncompliance. The relationship between these elements determines how environmental decisions affect the implementation of business activities.

The repeal of Article 36 and Article 40 and the amendment of Article 37 of Law Number 32 of 2009 changed the provisions governing Environmental Permits and their consequences for Business Licensing. After the amendment, Article 37 still provides three grounds for canceling Business Licensing. These grounds include defects or inaccurate information in application requirements, issuance without compliance with the applicable environmental feasibility decision or statement of commitment to environmental management, and failure to fulfill obligations contained in EIA or environmental management and monitoring documents. Consequently, noncompliance with environmental management obligations may still constitute grounds for canceling Business Licensing. Separately, the administrative sanctions framework provides for suspension and revocation subject to distinct requirements. Cancellation, suspension, and revocation must be distinguished according to their legal grounds and the authority of the competent officials. These changes affect environmental protection assessments by altering the legal consequences applicable to comparable violations (Wibisana, 2025).

Environmental Approval is fulfilled through different instruments according to the type of business and/or activity. Article 1 point 4 and Article 3 of Government Regulation Number 22 of 2021 link Environmental Approval to an Environmental Feasibility Decision or a Statement of Commitment to Environmental Management that has received Government Approval. Article 78 section (2) and section (3) of Government Regulation Number 28 of 2025 govern the fulfillment of the

relevant requirements through EIA, environmental management and monitoring requirements, or a Statement of Commitment to Environmental Management and Monitoring. For activities requiring EIA, Environmental Approval takes the form of an Environmental Feasibility Decision Letter. Activities subject to environmental management and monitoring requirements use a Statement of Commitment to Environmental Management, while a Statement of Commitment to Environmental Management and Monitoring applies to activities that do not require EIA or environmental management and monitoring requirements. These distinctions determine the applicable documents and compliance procedures. A statement of commitment differs in legal character from an environmental feasibility decision issued following EIA. Differences between these instruments also affect how administrative actions are identified as subject to legal challenge.

Business risk classification and environmental document screening are governed by different criteria. Risk-Based Business Licensing considers an activity's characteristics and risk level to determine the applicable licensing instruments and supervision. By contrast, the requirement to prepare an EIA, environmental management and monitoring documents, or a statement of commitment depends on potential environmental impacts, the scale of the activity, and its location. Article 78 section (6) of Government Regulation Number 28 of 2025 governs integrated business activities involving more than one category under the Indonesian Standard Classification of Industrial Fields within a single integrated ecological area. Applications for and issuance of Environmental Approval for such activities are subject to the highest applicable environmental document requirements. This provision requires consistency across information on business classifications, activity integration, locations, and environmental documents. Interagency coordination and data exchange through electronic licensing services affect certainty in regulatory compliance (Rachmania et al., 2025; Bachtiar et al., 2026). Business classification must therefore align with screening for applicable environmental obligations.

EIA remains the basis for assessing environmental feasibility under Article 24 of Law Number 32 of 2009 and Government Regulation Number 22 of 2021. The repeal of Article 29 through Article 31 of the Law concerning the Environmental Impact Assessment Review Commission was followed by the establishment of the Environmental Feasibility Assessment Team. The Team examines and assesses environmental documents within its authority, while the competent official issues the relevant decision. The assessment covers significant environmental impacts, management alternatives, monitoring plans, and public input. Its findings provide the basis for determining environmental feasibility and establishing conditions governing the activity. Accordingly, the timing of the assessment directly

affects an environmental feasibility decision's ability to prevent impacts before activities begin. Institutional changes to the assessment body do not eliminate the obligation to examine the substantive content of EIA. The preventive function of EIA and the enforceability of environmental requirements remain essential considerations when evaluating changes to environmental regulation (Wibisana, 2025; Nuriyatman et al., 2026).

Differences in the timing of compliance with environmental requirements are evident in Article 21 of Government Regulation Number 22 of 2021 and Article 11 of Government Regulation Number 28 of 2025. Article 21 of the former Regulation requires EIA to be prepared during the planning stage. Article 11 section (1) and section (2) of the latter Regulation allow land acquisition, including site preparation or land clearing, to proceed concurrently with fulfillment of Environmental Approval requirements for businesses and/or activities subject to EIA or environmental management and monitoring requirements. The Elucidation of Article 11 section (1) includes tree cutting, land compaction, and land filling. Construction of buildings, however, remains subject to Environmental Approval and Building Construction Approval requirements under Article 11 section (3) of the same Regulation. Land clearing can alter environmental conditions before the assessment process is complete. Spatial planning requirements, environmental provisions, and other sector-specific requirements continue to apply, depending on the activity undertaken. From a political ecology perspective, whether people can access environmental impact information affects their authority to determine how resources are used (Robbins, 2012).

Technical Approvals and Operational Feasibility Certificates regulate compliance with environmental standards according to the type of activity. Government Regulation Number 22 of 2021 establishes Technical Approval requirements concerning wastewater control, emissions, and hazardous and toxic waste management, subject to their respective conditions. Article 79 through Article 83 of Government Regulation Number 28 of 2025 govern screening, applications, and the examination of technical requirements in the Environmental Approval process. Technical Approvals set requirements that must be met, whereas Operational Feasibility Certificates verify compliance before certain facilities begin operating. Both instruments serve functions distinct from environmental feasibility decisions based on EIA. Technical requirements must align with obligations set by environmental decisions and the actual implementation of activities. Research on wastewater management demonstrates the importance of consistency between environmental standards, technical implementation, and compliance supervision (Maskun et al., 2025).

Authority to issue Environmental Approval follows the allocation of governmental functions and the specific provisions of Minister of Environment/ Environmental Control Agency Regulation Number 22 of 2025. The competent official is determined according to the location, geographical reach, and characteristics of the business and/or activity. The assessment process may involve the Environmental Feasibility Assessment Team and relevant governmental institutions within their respective authority. OSS integrates applications, assessments, and the electronic communication of decisions. Decision validity still depends on the relevant provisions governing attribution, delegation, or mandate. An activity's location also affects compliance with spatial planning requirements and the information provided by competent institutions (Wicaksono et al., 2026). When activities involve multiple administrative areas or institutions, responsibilities must be allocated according to the applicable legal authority. Identifying the competent issuing official is necessary to establish accountability for environmental requirements and decisions.

Changes in the legal status of EIA participants affect document preparation and environmental feasibility assessment procedures. Following its amendment, Article 26 of Law Number 32 of 2009 prioritizes the involvement of directly affected communities. Government Regulation Number 22 of 2021 provides for the involvement of environmental observers, researchers, and organizations assisting affected communities, subject to specified requirements. These provisions determine which parties may submit information on environmental conditions and the consequences of activities. Participants' legal status also affects their ability to submit comments, opinions, and responses during EIA. Community representation and assistance are important issues arising from these procedural changes (Azhara & Mardhatillah, 2023). Public input must be considered in accordance with the applicable procedures and requirements. Participation rights, information disclosure, and the legal consequences of procedural violations are relevant to assessing the validity of administrative decisions. The examination of participation therefore also concerns the relationship between governmental authority and access to justice.

The reorganization of Environmental Approval changes the legal consequences of administrative decisions, assessment procedures, and compliance timing. After its amendment, Article 37 of Law Number 32 of 2009 still permits the cancellation of Business Licensing for violations of obligations in the EIA or environmental management and monitoring documents. Environmental feasibility assessments are conducted through the Environmental Feasibility Assessment Team, while the competent official issues the decision. In addition, certain land acquisition activities may proceed while fulfilling Environmental Approval

requirements under Article 11 of Government Regulation Number 28 of 2025. These changes determine the relationship between regulatory requirements, administrative decisions, physical activities, and supervision. The administrative character of Environmental Approval and the principle of non-regression provide a basis for assessing the revised regulatory framework's consequences for environmental protection (Prasetyo & Jaelani, 2022; Wibisana, 2025; Nuriyatman et al., 2026). The validity of administrative decisions also depends on compliance with participation rights and the authority of the issuing officials.

## C. Allocation of Governmental Authority, Public Participation, and Access to Justice under the Job Creation Regime

The allocation of authority to issue Environmental Approval determines which officials are responsible for the validity of administrative decisions and for implementing supervision. Article 63 of Law Number 32 of 2009 and Law Number 23 of 2014 govern the distribution of governmental functions between the Central Government and Regional Governments. Minister of Environment/Environmental Control Agency Regulation Number 22 of 2025 further specifies the authority to issue Environmental Approval based on an activity's location, geographical reach, and characteristics. Activities extending across administrative boundaries require the competent authority to be identified under the applicable special provisions. This allocation also affects how environmental information from regional institutions and affected communities is used. From a political ecology perspective, authority to issue decisions is related to control over resources and the use of information concerning the consequences of activities (Robbins, 2012). Accountability for administrative decisions depends on consistency among the legal basis for authority, the location of activities, the affected geographical area, and the imposed environmental requirements.

Issuing Environmental Approval may involve the Environmental Feasibility Assessment Team, ministries, regional administrative bodies, and officials competent to issue decisions. Law Number 30 of 2014[5] distinguishes attribution, delegation, and mandate, including their consequences for exercising authority and official accountability. Law Number 5 of 1986[6], also governs the validity of administrative decisions. Technical assessment findings inform the competent official's decision under the applicable issuance procedures. Interagency coordination is necessary to ensure consistent location information, complete environmental impact information, and compliance with regulatory requirements. Studies concerning the allocation of authority over natural resources and the

[5]Law Number 30 of 2014, as amended by Article 175 of Government Regulation in Lieu of Law Number 2 of 2022.

[6]Law Number 5 of 1986, as amended several times, lastly by Law Number 51 of 2009.

integration of spatial planning demonstrate the importance of clearly defined institutional responsibilities (Sulaiman et al., 2025; Wicaksono et al., 2026). Accountability for an administrative decision is determined by the authority, procedures, considerations, and substantive grounds underlying its issuance.

Participation rights in EIA preparation are governed by Article 26 of Law Number 32 of 2009 and its implementing provisions. Article 29 section (1) of Government Regulation Number 22 of 2021 identifies communities located within the EIA study area that are directly affected by a proposed business and/or activity. Article 29 section (2) of the Regulation permits the involvement of environmental observers, researchers, or nongovernmental organizations that have provided assistance or support to directly affected communities. Article 35 also governs the submission of comments, opinions, and responses by environmental observers and other interested members of the public. Directly affected participants and other parties submitting input through these mechanisms have different legal positions under the relevant provisions. Community assistance facilitates the exercise of participation rights and the presentation of affected interests during EIA (Azhara & Mardhatillah, 2023). Recognition of affected communities must be accompanied by opportunities to exercise the participation rights established by law (Schlosberg, 2007).

Public participation in EIA includes public announcements concerning proposed businesses and/or activities, public consultation, and the submission of comments, opinions, and responses. Article 28 of Government Regulation Number 22 of 2021 governs community involvement during EIA preparation. Information disclosed must enable communities to understand the type, location, scale, and potential impacts of activities affecting their interests. Public consultation gives participants opportunities to submit information on environmental conditions and anticipated consequences. This input forms part of the materials examined during environmental feasibility assessment in accordance with the applicable procedures. Involving Indigenous communities, women, and vulnerable groups requires consideration of their legal and social circumstances and the impacts of the proposed activities. Under environmental justice theory, participation is related to recognition of the interests and knowledge of affected parties (Schlosberg, 2007). The quality of procedural participation depends on information disclosure, opportunities to submit responses, and consideration of public input during EIA.

The right to environmental information applies during planning, assessment, and decision-making. Article 65 of Law Number 32 of 2009 guarantees rights to information, participation, and justice in environmental protection and management. Following its amendment, Article 39 of the Law governs public announcements of environmental feasibility decisions. Government Regulation

Number 22 of 2021 also regulates announcements and consultations during EIA. Information disclosed during planning enables communities to submit their views before decisions are issued. Publication of environmental feasibility decisions allows the public to identify assessment findings and the requirements imposed. Electronic licensing services must provide information in accordance with applicable disclosure obligations. Access to information concerning the grounds and conditions of administrative decisions supports public oversight and the exercise of legal remedies. Accordingly, the right to environmental information serves functions in participation, the examination of administrative validity, and supervision of activities.

Participation in lawmaking and community involvement in EIA preparation have different legal bases and objects of review. Constitutional Court Decision Number 91/PUU-XVIII/2020 concerned procedural constitutional review of the enactment of Law Number 11 of 2020, including issues of meaningful participation. At the administrative level, Article 26 of Law Number 32 of 2009 and Government Regulation Number 22 of 2021 establish procedures for community involvement in EIA. Supreme Court Regulation Number 1 of 2023 provides guidelines for adjudicating environmental cases, including issues concerning access to information and administrative procedures relevant to the disputes. Procedural violations are assessed according to the requirements for enacting legislation or issuing administrative decisions. These distinctions matter for studies of public participation in regulatory reform and EIA preparation (Helmi et al., 2021; Azhara & Mardhatillah, 2023). The validity of administrative decisions depends on their legal basis, applicable procedures, and substantive requirements.

The repeal of Article 38 and Article 93 of Law Number 32 of 2009 changed the specific grounds for administrative lawsuits previously associated with Environmental Permits. Administrative decisions and governmental actions remain subject to judicial review under Law Number 30 of 2014 and the legislation governing the State Administrative Courts, provided that the applicable requirements are satisfied. Supreme Court Regulation Number 1 of 2023 provides guidelines for adjudicating environmental administrative cases according to the subject matter of the dispute. An Environmental Feasibility Decision Letter differs in legal character from a Statement of Commitment to Environmental Management and Monitoring under Government Regulation Number 28 of 2025. This distinction affects how courts identify reviewable administrative actions, plaintiffs' legal standing, and the grounds for challenging government action. Removing the specific statutory grounds for administrative lawsuits changes preventive legal protection because plaintiffs must identify the appropriate procedure and subject matter of litigation under the applicable administrative law framework (Fasha &

Saraswati, 2022). The proper legal basis for proceedings is therefore essential to access to environmental justice.

Administrative remedies and applications to stay the implementation of administrative decisions have different legal consequences. Article 75 through Article 78 of Law Number 30 of 2014 govern administrative objections and administrative appeals subject to specified requirements. Article 65 of the Law also governs the suspension of administrative decisions. Supreme Court Regulation Number 1 of 2023 provides guidelines for examining applications for stays in environmental disputes. Filing a legal remedy does not automatically suspend an activity conducted under an administrative decision that remains legally effective. A stay must comply with statutory requirements and the competent decision-maker's authority. In civil proceedings, Article 90 through Article 92 of Law Number 32 of 2009 govern the government's right to sue, class actions, and lawsuits brought by environmental organizations. Judicial guidelines also address citizen lawsuits according to the nature of the relief sought. These procedural distinctions determine the parties' legal standing, the subject matter of claims, and the available forms of protection and remediation.

Protection against retaliatory legal action is part of exercising the right to a good and healthy environment. Article 66 of Law Number 32 of 2009 protects individuals advocating that right. Supreme Court Regulation Number 1 of 2023 provides guidelines for examining cases involving measures that obstruct public participation. Minister of Environment and Forestry Regulation Number 10 of 2024 establishes a mechanism for requesting administrative protection. Constitutional Court Decision Number 119/PUU-XXIII/2025 provides a constitutional interpretation of the Elucidation of Article 66 of Law Number 32 of 2009. This interpretation encompasses victims, complainants, witnesses, experts, and environmental activists, as well as retaliatory measures involving criminal prosecution, civil lawsuits, or other legal proceedings. Anti-SLAPP protection is necessary to prevent legal proceedings from obstructing participation rights (Nelisa, 2021; Rachmawaty et al., 2024; Muhni et al., 2025; Valerie, 2025). Law Number 3 of 2026 regulates witness and victim protection according to its applicable requirements, while Law Number 20 of 2025 governs criminal procedure more generally.

Governmental authority, public participation, and access to justice determine the validity of and accountability for environmental administrative decisions. Officials must comply with the legal basis for their authority and the procedures governing decision issuance. Members of the public are entitled to environmental information and to participate under the applicable provisions. Administrative decisions and governmental actions may be challenged through

relevant legal mechanisms, depending on the dispute's subject matter. These relationships establish the legal significance of environmental impact information and public rights in administrative decision-making. Institutional changes and public participation in Brazilian environmental governance provide a comparative perspective on the distribution of authority and the position of communities (Menezes & Barbosa, 2021). Political ecology and environmental justice link authority over resource use to recognition of affected parties and protection of their rights (Schlosberg, 2007; Robbins, 2012). Supervision and law enforcement subsequently determine the consequences of violations of environmental requirements for persons responsible for businesses and/or activities.

## D. Supervision, Sanctions, and the Allocation of Liability for Environmental Risks

Environmental controls are implemented through regulatory compliance, compliance inspections, law enforcement, and remediation. Article 13 of Law Number 32 of 2009 governs the prevention, response to, and remediation of environmental pollution and/or damage. EIA and environmental management and monitoring documents establish obligations according to the type of activity. Technical Approvals and Operational Feasibility Certificates govern compliance with specified environmental standards. Article 492 and Article 493 of Government Regulation Number 22 of 2021 regulate supervision implementation and allocate authority among competent officials. Inspections examine compliance with the requirements of Business Licensing or Government Approval related to Environmental Approval, together with applicable environmental protection regulations. Environmental feasibility assessments before activities commence and compliance inspections during implementation serve different functions. Research on wastewater management shows the importance of aligning technical standards, actual facility conditions, and on-site inspections (Maskun et al., 2025). Supervisory findings provide the basis for determining whether persons responsible for businesses and/or activities have complied with their obligations.

Environmental supervision is conducted according to the allocation of authority between the Central Government and Regional Governments. Article 71 through Article 74 of Law Number 32 of 2009 establish the supervisory powers of competent officials. Article 492 through Article 495 of Government Regulation Number 22 of 2021 further specify supervisory authority and its implementation. Article 502 of the Regulation governs Second-Tier Supervision by the Minister over persons responsible for businesses and/or activities whose Business Licensing or Government Approval related to Environmental Approval was issued by a Regional Government. This authority may be exercised when the Minister considers that a serious violation has occurred and the governor and/or regent/mayor has failed

to conduct supervision. Article 523 of the same Regulation governs the Second-Tier Imposition of Administrative Sanctions by the Minister when a Regional Government deliberately fails to impose administrative sanctions for a serious violation. Such sanctions are imposed based on supervisory findings under Article 502. Supervision determines compliance with legal obligations, whereas a sanction decision constitutes an administrative enforcement measure based on inspection findings. This allocation of authority concerns the accountability of central and regional governments in natural resource management (Sulaiman et al., 2025).

Environmental supervision is also associated with supervision under Risk-Based Business Licensing. Article 238 through Article 251 of Government Regulation Number 28 of 2025 govern routine and incidental supervision of basic requirements, Business Licensing, and the implementation of business activities. Inspections may involve reports, electronic information, and on-site examinations. Compliance with environmental management obligations continues to be assessed under Government Regulation Number 22 of 2021. Article 500 of the latter Regulation governs follow-up measures based on supervisory findings, including law enforcement in accordance with applicable provisions. Information concerning locations, activities, technical requirements, and inspection findings is necessary to determine the type of violation and the competent enforcement authority. Coordination between electronic licensing systems and spatial planning information affects the completeness of supervisory data (Bachtiar et al., 2026; Wicaksono et al., 2026). Enforcement decisions must be based on inspection findings and the requirements applicable to the responsible business and/or activity.

Administrative sanctions are imposed based on supervisory findings and the provisions governing violations. Article 508 of Government Regulation Number 22 of 2021 provides for written warnings, government coercive measures, administrative fines, suspension, and revocation of Business Licensing. Article 509 requires inspection records and supervisory reports to form the basis for sanctions, taking into account the nature of the violation and other relevant circumstances. Article 511 governs government coercive measures, including their implementation without a preceding written warning when the conditions for immediate action are satisfied. Such measures may include suspending activities, closing discharge outlets, or other measures authorized by law. These powers are exercised to stop violations and prevent further environmental pollution and/or damage. Sanctions must be imposed by the competent officials and correspond to the violations established through inspection. Compliance with enforcement orders is subsequently examined to determine whether further enforcement is necessary.

The Job Creation regime changed the relationship between administrative violations and criminal liability. Before its amendment, Article 109 of Law Number 32 of 2009 criminalized specified conduct involving activities undertaken without an Environmental Permit. Following the amendments enacted through Law Number 6 of 2023, the provision requires specified consequences for health, safety, or the environment as elements of the licensing offense it regulates. Article 82A through Article 82C of the Law establish administrative enforcement mechanisms for specified categories of violations. Article 111 and Article 112 govern officials' liability under each provision. Law Number 1 of 2026 subsequently introduced adjustments to criminal penalties, including provisions relating to environmental law. Changes to the elements of criminal offenses determine the conduct and consequences that must be proven, while adjustments to penalties concern the applicable sentencing provisions. These changes affect the preventive function of environmental criminal law and its enforcement (Wibisana, 2025).

Administrative sanctions have different grounds and legal consequences according to the type of violation. Article 513 of Government Regulation Number 22 of 2021 governs fines for delays in complying with government coercive measures, while Article 514 regulates administrative fines for specified violations. Article 521 and Article 522 establish grounds for suspending and revoking Business Licensing. These grounds include failure to comply with government coercive measures, failure to pay the required fines, and other specified conditions. Suspension or revocation as an administrative sanction must be distinguished from cancellation of Business Licensing under Article 37 of Law Number 32 of 2009. Article 524 of Government Regulation Number 22 of 2021 governs supervision of compliance with sanctions and the possible imposition of more severe sanctions when obligations remain unfulfilled. Examination of compliance with sanctions determines whether violations have ceased and corrective orders have been implemented.

Pollution response and environmental remediation are legal obligations arising from the nature of activities and the consequences of environmental pollution and/or damage. Article 53 through Article 55 of Law Number 32 of 2009 govern pollution response, remediation, and environmental guarantee funds subject to the applicable requirements. Government Regulation Number 22 of 2021 further regulates the implementation and use of these funds, including Article 478 on financing environmental obligations. Environmental guarantee funds are used according to their legal basis and the categories of activities subject to the relevant requirements. The provision of such funds does not release persons responsible for businesses and/or activities from their obligations to respond to and remediate environmental impacts. Article 512 of Government Regulation Number 22 of 2021 also provides for remediation by third parties,

with the associated costs charged to the persons responsible for the relevant businesses and/or activities. Distinguishing the provision of guarantee funds, the implementation of remediation, and responsibility for financing is necessary to identify the legally obligated parties.

Civil liability encompasses claims for damages and specific measures to remedy environmental pollution and/or damage. Article 87 of Law Number 32 of 2009 regulates damages and specified remedial measures. Following its amendment, Article 88 of the Law establishes strict liability for businesses and/or activities involving the types of hazards specified by law. Article 501 section (2) of Government Regulation Number 22 of 2021 requires plaintiffs to request strict liability in their complaints. By contrast, Article 38 section (2) of Supreme Court Regulation Number 1 of 2023 authorizes judges to apply strict liability even when it is not included in the relief sought (*petitum*). Article 39 and Article 40 of the Supreme Court Regulation also govern the application of legal arguments and defenses under specified circumstances. Proof of the nature of the activity, the damage sustained, and causation must be distinguished from proof of fault. These differences in regulatory provisions affect how civil claims are examined and how civil liability is applied (Wibisana, 2025).

Environmental responsibility involves officials issuing administrative decisions, persons responsible for businesses and/or activities, and affected communities. Government authorities can establish requirements, supervise compliance, and impose sanctions under applicable provisions. Persons responsible for businesses and/or activities must implement environmental management and monitoring, prevent pollution and/or damage, and fulfill remediation obligations. Research on mineral downstream processing identifies problems involving external costs arising from inconsistencies among sectoral regulations (Pohan et al., 2025). Studies of wastewater management and spatial planning integration also demonstrate the relationship between technical obligations and the characteristics and locations of activities (Maskun et al., 2025; Wicaksono et al., 2026). Political ecology examines how benefits and costs from resource use are allocated, while environmental justice addresses the position of communities bearing the consequences of activities (Schlosberg, 2007; Robbins, 2012). Legal liability depends on the relevant conduct, consequences, obligations, and causal relationships.

Changes to environmental enforcement under the Job Creation regime encompass the continued application of environmental obligations and adjustments to the legal consequences of violations. Supervision determines compliance with applicable requirements. Administrative sanctions address violations, while criminal liability requires proof of the elements of the relevant offense. Pollution

response and remediation obligations continue to apply according to their respective conditions and legal bases. The amendments to Article 37 and Article 109 of Law Number 32 of 2009 demonstrate the distinction between cancellation of Business Licensing and criminal liability. Government Regulation Number 22 of 2021 establishes administrative sanctions and procedures for examining compliance with enforcement orders. Under responsive law theory, enforcement procedures are assessed according to their capacity to achieve environmental protection and accountability objectives (Nonet & Selznick, 1978). The exercise of enforcement authority and compliance with remediation orders determine the legal consequences imposed on parties that violate environmental obligations.

## E. A Legal Political Ecology Interpretation of the Reorganization of Environmental Protection

The reorganization of environmental law changes the relationship between the timing of regulatory compliance, the legal consequences of administrative decisions, the allocation of authority, public rights, and liability for environmental pollution and/or damage. These changes affect environmental control during planning, preparation, decision-making, supervision, and remediation. The timing of environmental impact assessments determines when their findings can be used to establish the feasibility of activities. The legal consequences of administrative decisions determine the measures available for violations, while the allocation of authority identifies the officials responsible for those decisions. Public rights encompass participation, access to information, and the ability to challenge administrative decisions under the applicable provisions. Remediation obligations establish responsibility for the consequences of activities. These relationships show that environmental protection depends on consistent regulatory requirements and the exercise of authority at each stage. The eight research parameters address these relationships by examining rights, obligations, procedures, and legal consequences.

Policies that facilitate business activities under the Job Creation regime must comply with constitutional obligations on environmental protection. Article 28H section (1) and Article 33 section (4) of the 1945 Constitution provide the constitutional basis for environmental rights and sustainability principles in economic activities. OSS-based licensing services have operated since Government Regulation Number 24 of 2018. Law Number 6 of 2023 and Government Regulation Number 28 of 2025 subsequently regulated the legal status of Environmental Approval within Risk-Based Business Licensing. These changes encompass licensing procedures and the legal consequences of environmental requirements (Helmi et al., 2021; Rachmania et al., 2025). Under responsive law theory, administrative procedures are assessed for consistency

with substantive environmental protection objectives (Nonet & Selznick, 1978). Simplified licensing services must therefore be accompanied by compliance with environmental obligations, effective supervision, and enforcement of applicable environmental law.

The timing of environmental control determines whether information concerning environmental impacts is available before activities capable of altering environmental conditions are undertaken. Article 21 of Government Regulation Number 22 of 2021 governs EIA preparation during the planning stage. Article 11 of Government Regulation Number 28 of 2025 allows certain land acquisition activities to proceed concurrently with meeting Environmental Approval requirements. These activities may include tree cutting, land compaction, and land filling that physically alter the site. Under this arrangement, EIA findings may become available only after some preparatory activities have commenced. Spatial planning requirements, environmental regulations, and sector-specific licensing provisions continue to determine the legality of those activities. From a political ecology perspective, the authority to undertake activities and the use of environmental information are related to control over and utilization of resources (Robbins, 2012). Changes in the timing of regulatory compliance may affect EIA findings' capacity to establish restrictions before physical environmental changes occur. This relationship is relevant to EIA's preventive function and the principle of non-regression (Wibisana, 2025; Nuriyatman et al., 2026).

The legal consequences of Environmental Approval for Business Licensing are determined by the applicable grounds for cancellation and enforcement provisions. Following its amendment, Article 37 of Law Number 32 of 2009 still provides grounds for canceling Business Licensing, including failure to fulfill obligations in the EIA or environmental management and monitoring documents. The repeal of Article 40 changed the former legal relationship between Environmental Permits and Business and/or Activity Permits. The implementing regulations provide for suspension, revocation, and other administrative sanctions according to the nature of the violation. Changes in environmental protection must therefore be assessed by comparing the grounds for enforcement, the authority of competent officials, and the legal consequences applicable to comparable violations. The principle of non-regression is relevant to evaluating changes in the level of protection afforded by legal instruments (Wibisana, 2025). The administrative character of Environmental Approval defines the decision's legal status, while responsive law assesses its consistency with environmental protection objectives (Nonet & Selznick, 1978; Prasetyo & Jaelani, 2022).

The allocation of authority to issue Environmental Approval and conduct supervision determines official accountability for information use

and administrative decisions. Article 63 of Law Number 32 of 2009 and Law Number 23 of 2014 govern the powers of the Central Government and Regional Governments. Minister of Environment/Environmental Control Agency Regulation Number 22 of 2025 specifies the authority to issue Environmental Approval, while Law Number 30 of 2014 establishes the legal bases of administrative authority. The Environmental Feasibility Assessment Team's findings, information from Regional Governments, and electronic licensing data are used according to their respective functions. Interagency coordination is necessary to ensure consistency between activity requirements and their locations (Sulaiman et al., 2025; Bachtiar et al., 2026; Wicaksono et al., 2026). From a political ecology perspective, the distribution of authority affects which institutions determine how environmental impact information is used (Robbins, 2012). Official accountability is determined by the applicable authority, procedures, and decisions issued.

Public participation and access to justice concern the exercise of rights before and after environmental decisions are issued. Article 26 of Law Number 32 of 2009 and Government Regulation Number 22 of 2021 govern EIA participants, public announcements, consultations, and the submission of public input. Article 39 and Article 65 of the Law establish requirements for disclosing decisions and for rights to environmental information and justice. The repeal of Article 38 and Article 93 changed the specific grounds for administrative lawsuits, while administrative decisions remain subject to review under administrative law and the legislation governing the State Administrative Courts. Protection against retaliatory legal action is regulated by Article 66, its implementing provisions, and the constitutional interpretation of the Elucidation of Article 66 in Constitutional Court Decision Number 119/PUU-XXIII/2025. Environmental justice concerns communities' legal and social position, opportunities for participation, and the ability to exercise legal remedies (Schlosberg, 2007). Changes to EIA participation, the grounds for administrative lawsuits, and Anti-SLAPP protection affect these rights (Fasha & Saraswati, 2022; Azhara & Mardhatillah, 2023; Valerie, 2025).

Supervision and remediation determine liability for violations of environmental requirements and the consequences of activities. Article 71 through Article 74 of Law Number 32 of 2009 govern supervisory authority, while Article 82A through Article 82C and Article 109 regulate administrative and criminal enforcement according to the elements of the respective provisions. Article 492 through Article 495, Article 502, and Article 508 of Government Regulation Number 22 of 2021 govern compliance inspections, Second-Tier Supervision, and administrative sanctions. Article 53 through Article 55 and Article 87 and Article 88 of Law Number 32 of 2009 establish obligations concerning pollution response, remediation, and civil liability. These provisions determine which parties must

cease violations, remedy environmental damage, and bear remediation costs. Political ecology examines the relationship between economic benefits and the allocation of environmental costs, while environmental justice considers the position of affected parties (Schlosberg, 2007; Robbins, 2012). Research on mineral downstream processing illustrates external cost problems in sector-specific activities (Pohan et al., 2025).

Responsive law, political ecology, and environmental justice provide distinct grounds for evaluating the reorganization of environmental law. Under responsive law, administrative procedures and the consequences of decisions must be consistent with environmental protection objectives. Political ecology explains how authority over resource use and environmental impact information are distributed. Environmental justice assesses risk allocation, community recognition, participation, and access to remediation (Nonet & Selznick, 1978; Schlosberg, 2007; Robbins, 2012). Together, these perspectives demonstrate that changes to administrative requirements affect the timing of environmental controls, official authority, and public rights. Research on Brazilian environmental governance also illustrates the relationship between institutional change and participation within that country's legal and political context (Menezes & Barbosa, 2021). In Indonesia, changes in legal consequences must be determined according to the provisions applicable to the relevant activities. Consistency among environmental impact assessment, administrative requirements, supervision, and remediation provides a basis for evaluating environmental protection implementation.

The reorganization of environmental law changes the implementation of regulatory requirements and official authority throughout the stages of businesses and/or activities. During planning, EIA findings provide the basis for determining environmental feasibility and requirements. During preparation, the timing of Environmental Approval determines which physical activities may lawfully proceed under the applicable conditions. When administrative decisions are issued, the legal basis of authority and the consequences of decisions determine the validity and continued effectiveness of Business Licensing. During supervision, inspection findings determine compliance and the application of sanctions. Pollution response and remediation establish obligations arising from environmental pollution and/or damage. Members of the public have rights to information, participation, judicial review of decisions, and protection against retaliation under the relevant provisions. The relationship among the eight parameters demonstrates that environmental protection requires consistency in the timing of assessment, regulatory requirements, governmental authority, public rights, and environmental responsibility. Certainty in Business Licensing must be accompanied by compliance with all applicable environmental obligations.

## CONCLUSIONS AND SUGGESTIONS

Before the Job Creation regime, environmental protection policy was characterized by the relationship between Environmental Permits and Business and/or Activity Permits, environmental impact assessment obligations, public participation, litigation mechanisms, supervision, and remediation. Electronic licensing services had already been integrated through OSS under Government Regulation Number 24 of 2018. The Job Creation regime subsequently regulated Environmental Approval within Risk-Based Business Licensing and changed the legal relationship among administrative decisions, the timing of regulatory compliance, and official authority. After its amendment, Article 37 of Law Number 32 of 2009 still provides grounds to cancel Business Licensing, including failure to comply with obligations under EIA or environmental management and monitoring documents. Article 11 of Government Regulation Number 28 of 2025 allows certain land acquisition activities to proceed concurrently with fulfillment of Environmental Approval requirements. This arrangement affects when environmental impact assessment findings can be used to determine conditions governing activities. Changes in participation, judicial review mechanisms, and law enforcement also affect how environmental protection obligations are implemented.

From a legal political ecology perspective, reorganizing environmental protection involves the timing of environmental impact assessment, the legal consequences of administrative decisions, the allocation of authority, public rights, and environmental responsibility. Responsive law assesses whether procedures achieve environmental protection objectives, while political ecology explains power distribution and how environmental impact information is used. Environmental justice addresses the distribution of risks, recognition, participation, and access to remediation. These perspectives demonstrate that environmental requirements must be capable of determining feasibility before activities requiring environmental control are undertaken. Official authority must have a clear legal basis, while members of the public must be able to obtain information and exercise the legal protections available to them. Supervision, sanctions, and remediation determine the consequences of violations and the obligations of responsible parties. Consistency among these provisions determines the implementation of environmental protection and management under Risk-Based Business Licensing.

The Government should align the implementation of Article 11 of Government Regulation Number 28 of 2025 with the EIA preparation requirements under Government Regulation Number 22 of 2021. Implementing provisions should clarify the types of physical activities permitted during preparation, the requirements applicable before land clearing, and the competent supervisory authority. These provisions must account for spatial planning conformity, activity characteristics, and

applicable environmental and sector-specific requirements. Institutions responsible for environmental affairs, investment administration, and regional governance should clarify the responsibilities of the Environmental Feasibility Assessment Team, officials issuing decisions, OSS administrators, and supervisory officials. Public participation should be strengthened through document disclosure, systematic recording of community input, and explanations of the grounds underlying administrative decisions. Coordination concerning administrative judicial review and Anti-SLAPP protection should also follow the respective authority of the institutions involved. These measures are necessary to clarify business requirements and strengthen governmental accountability.

Environmental law enforcement should involve compliance inspections, immediate enforcement measures, administrative sanctions, supervision of compliance with enforcement orders, and remediation. Article 502 of Government Regulation Number 22 of 2021 governs Second-Tier Supervision by the Minister when a serious violation is suspected and a Regional Government fails to conduct supervision. Article 523 of the same Regulation governs the Second-Tier Imposition of Administrative Sanctions by the Minister when a Regional Government deliberately fails to impose administrative sanctions for a serious violation. Such sanctions are imposed based on supervisory findings under Article 502. Article 501 section (2) of Government Regulation Number 22 of 2021 and Article 38 section (2) of Supreme Court Regulation Number 1 of 2023 also require regulatory alignment concerning the plaintiff's request for strict liability and the judge's authority to apply that principle during proceedings. Such alignment must respect the authority to enact substantive regulations and procedural law. Environmental guarantee funds must be used in accordance with remediation financing requirements and the obligations of persons responsible for businesses and/or activities. Future empirical research may examine the timing of land clearing, the consideration of public input in EIA, Anti-SLAPP protection, and compliance with remediation orders using activity documents, supervisory findings, and judicial decisions.

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