

COMPLIANCE OF ENVIRONMENTAL DOCUMENTS SUBMISSION BY BADUNG'S COMMUNITY: A COMPARATIVE STUDY WITH CHON BURI THAILAND'S COMMUNITY

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ABSTRACT

There has been a close relationship between the level of compliance and the success of environmental programs. The current environment program may end up damaging the lives of the surrounding community if the relevant community does not comply. Therefore, this article aims to provide understanding to the law scholars regarding the changes that occurred in Law No. 32 of 2009 concerning Environmental Protection and Management after the enactment of Law No. 6 of 2023 concerning the Establishment of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation, as well as the compliance of the people of Badung Regency in submitting environmental documents when compared with the people of Chon Buri, Thailand. This study employs empirical methods, namely research with a statute, fact, and comparative approaches. The results of the research show that the degree of compliance among the residents of the two regions remains poor due to some factors, including a lack of awareness of the importance of environmental health, the complicated and lengthy process of applying for environmental permits, and unclear information from the government in regards to monitor the environmental permits.

Key Words: *Community Compliance, Environmental Documents, Environmental Law, Job Creation Law, The Enhancement and Conservation of National Environment Quality Act*

1. Introduction

1.1 Problem Background

Black's Law Dictionary defines the environment as "the total of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value at the property and which also affect the quality of people's lives."¹ One of the actual instruments for environmental management is a permit. In certain circumstances, the permit is an agreement from the authorities based on laws or government regulations to deviate from the provisions of statutory prohibitions.² According to the statement above, the legal meaning of a permit is

¹ "Black's Law Dictionary 11th Edn, Page 369," 2019.

² N.M., Spelt., and J.B.J.M. ten Berge. *Pengantar Hukum Perizinan*. Philipus M. Hadjon, 2013.

permission to do something that should be prohibited³ and may be found in various forms, including permits, dispensations, licenses, concessions, and recommendations.⁴

Permits are government tools that are preventive juridical in nature and are employed as administrative instruments to control people's behavior. Therefore, the nature of a permit is preventive because the permit instrument cannot be separated from the orders and obligations the permit holder must obey.⁵ In addition, its function is repressive. Permits can function as instruments to address environmental problems caused by human activities inherent in their basis.⁶

Law No. 32 of 2009 concerning Environmental Protection and Management (the 2009 Environmental Law) states that there are 2 (two) types of permits, namely: Environmental permit is a permission granted to any person who carries out a business and/or activity that requires an Environmental Impact Assessment (EIA) or *Analisis Mengenai Dampak Lingkungan* (AMDAL); and the Environmental Management and Monitoring Efforts (EMME) or UKL-UPL in the framework of environmental protection and management as a prerequisite for obtaining business and/or activity permission.⁷ Second, business and/or activity permits are permission issued by specialized agencies to carry out businesses and/or activities.⁸ In this law, environmental permits are a requirement for obtaining business and/or activity permission. To get a company and/or activity permission, a person or legal entity must first arrange for and receive an environmental permit. In contrast, the environmental permit is obtained after fulfilling the requirements and following administrative procedures.⁹

In accordance with the above, business or activity permission can only be issued if an environmental permit has been issued. In addition, to obtain an environmental permit, a procedure must be followed and certain conditions must be met. Article 123 of the 2009 Environmental Law governed, "All permits in the field of environmental management that have been issued by the Minister, governor or regent/mayor under their authority, must be integrated into an environmental permit no later than 1 (one) year from the enactment of this Law".¹⁰ This article's explanation states, "Permits in this provision, for example, permits for the management of B3 waste, permits for discharging wastewater into the sea, and permits for disposing of wastewater to water sources".¹¹

On 2 November 2020, the Job Creation Law was signed by President Joko Widodo. This law had undergone changes to become a government regulation in lieu

³ *Ibid.*

⁴ Utama, I Made Arya. *Sistem Hukum Perizinan Berwawasan Lingkungan Hidup Dalam Mewujudkan Pembangunan Daerah Yang Berkelanjutan (Studi Terhadap Pemerintahan Di Wilayah Pemerintah Daerah Provinsi Bali)*. Bandung, Indonesia: Universitas Padjajaran, 2013.

⁵ Siahaan, N.H.T. *Hukum Lingkungan*. 1st ed. Pancuran Alam, 2014.

⁶ M, Syaputri. "Peran Dinas Lingkungan Hidup Kota Surabaya Dalam Pengendalian Pencemaran Air Sungai Brantas." *Refleksi Hukum: Jurnal Ilmu Hukum* 1, no. 2 (2017).

⁷ Article 1 point 35 Law Number 32 of 2009 concerning Environmental Protection and Management.

⁸ Article 1 point 36 the 2009 Environmental Law.

⁹ S, Syofiarti. "Peran Serta Masyarakat Dalam Pengambilan Keputusan Pada Kegiatan Pertambangan Untuk Mewujudkan Pembangunan Berkelanjutan." *Refleksi Hukum: Jurnal Ilmu Hukum* 7, no. 1 (2022).

¹⁰ Article 123 the 2009 Environmental Law.

¹¹ Helmi. "Kedudukan Izin Lingkungan Dalam Sistem Perizinan di Indonesia." *Jurnal Ilmu Hukum* 2, no. 2 (2014).

of law in 2022 before finally returning to Law No. 6 of 2023 concerning the Establishment of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation as the Law (the Job Creation law). One of the changes in environmental regulation that needs to be studied further is the change regarding environmental permits, which should be the basis for issuing business permits, to be replaced with the Environmental Approval regime as stipulated in Article 13 of the Job Creation law which is used in the framework of simplifying business licensing. In addition, the EIA is a required to issue an environmental permit that has changed its function as the permit is no longer being used as a condition for issuing a business permit.¹²

Article 22 of the Job Creation Law, which changes several provisions in the 2009 Environmental Law, states that an EIA is a study of the significant effects on the environment of a planned business and/or activity to be used as a prerequisite for making decisions regarding the implementation of a company and/or activity and contained in the business permit, or approval from the Central Government or Regional Government.¹³ In practice so far, efforts to prevent environmental damage due to construction have only been based on EIA. However, avoiding environmental pollution and/or damage is not considered optimal as a form of prevention.¹⁴ There is a change in the nomenclature of the 2009 Environmental Law, which was replaced with Environmental Approval, as referred to in Article 13 and Article 21 of the Job Creation Law.¹⁵

Community participation in environmental management is closely related to the right to the environment. The right to a good and healthy environment has been protected in the 1945 Constitution of the Republic of Indonesia. After amendments, the provisions are formulated in Article 28H section (1), which affirms: "Every person has the right to live in physical and spiritual prosperity, to have a place to live and to get a good and healthy living environment and the right to obtain health services."¹⁶ Koesnadi Hardjasoemantri stated that the right to the environment is a subjective right that belongs to everyone. Siti Sundari Rangkuti also noted that the juridical meaning of the right to a good and healthy environment must be realized through the establishment of various legal channels as an effort to protect the law for the community in the environmental field.¹⁷ These forms of protection include the right to take part in administrative law procedures, such as the right to participate (*inspraak*, public hearing) or the right to appeal (*beroep*) against administrative decisions (state administration).¹⁸

¹² Medellu, Sabda Sarah Bunda, and Stephanie Elisandra Lorin Ledo. "Analisis Perubahan Pengaturan AMDAL Dalam Undang-Undang Cipta Kerja Ditinjau Dari Perspektif Asas Kelestarian Dan Keberlanjutan." *Jurnal Sapientia et Virtus* 6, no. 1 (2021).

¹³ Article 22 Law Number 6 of 2023 concerning the Establishment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation.

¹⁴ Syarief, Laode M., and Andri G. Wibisana. *Hukum Lingkungan: Teori, Legislasi, Dan Studi Kasus*. 1st ed. Kemitraan, 2014.

¹⁵ A, Dewi. "Dinamika Pengaturan Kriteria Pengalihfungsian LP2B Sampai Dengan Berlakunya Undang-Undang Cipta Kerja." *Refleksi Hukum: Jurnal Ilmu Hukum* 7, no. 1 (2022).

¹⁶ Article 28H section 1 The 1945 Constitution of the Republic of Indonesia.

¹⁷ Rangkuti, Siti Sundari. *Hukum Lingkungan Dan Kebijaksanaan Lingkungan Nasional*. 4th ed. Airlangga University Press, 2015.

¹⁸ Kusumantari, Made Nikita Novia, and I Made Udiana. "Penegakan Hukum Lingkungan Melalui Aspek Hukum Perdata." *Kertha Semaya: Journal Ilmu Hukum* 6, no. 7 (2017).

Community participation also helps the government so the surrounding community can properly obey and implement the rules or laws. With the involvement of many people, the rules that are made can achieve the original purpose of why an authorized institution formed these rules. One of the things related to community participation in the environmental field is the preparation of EIA, EMME, and other environmental permit documents. By including the EIA and EMME in the process of planning a business and/or activity, the Minister, Governor, or Regent/Mayor, under their authority, obtains broad and in-depth information related to the environmental impacts that may occur from a planned business and/or activity and control measures, both from the technological, social, and institutional aspects.¹⁹

Accordingly, decision-makers can determine whether a business and/or activity plan is feasible, not feasible, approved, or rejected, and the environmental permit can be issued. Therefore, it can be categorized that the community needs to comply with the issuance of the EIA, EMME, and environmental permits so that businesses that require these environmental documents are genuinely appropriate and do not have an adverse effect on the surrounding environment. With the problems in Indonesia, especially in Bali as a tourism center, many businesses require environmental permits. High community involvement is needed to maintain the environment and the community's economy continues to run well.

Compliance is also related to public participation. According to M. Sofyan Lubis, legal compliance is essentially the loyalty of a person or legal subject to that law which is manifested in the form of honest behavior.²⁰ Moreover, Suwondo stated that legal compliance is obedience to the written law and it is in accordance with awareness. Compliance is an active attitude based on motivation after the person has acquired knowledge from knowing something and will be moved to determine attitudes or actions.²¹ This is proven that people will comply with the law if they are aware that its functions are to protect human interests, individually and in groups. Therefore, compliance starts from one's awareness of the importance of law as a tool to create order in people's lives.²²

There are 3 (three) points indicators for legal compliance by Leopold Pospisil. First, compliance is an open acceptance of the rule of law and obeying it because of fear of sanctions or as an effort to avoid possible punishment. The second identification is the acceptance of a rule not because of its intrinsic value but because of the desire of people to maintain membership in a group or relationships with specific figures. Third, internalization is the acceptance of a person regarding a rule or behavior because people believe its content is intrinsically rewarding.²³

¹⁹ Sudarwanto, Al Sentot, and Dona Budi Kharisma. "Omnibus Law Dan Izin Lingkungan Dalam Konteks Pembangunan Berkelanjutan." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*. 9, no. 1 (2020).

²⁰ Lubis, M. Sofyan. "Kesadaran Hukum vs Kepatuhan Hukum." Kantor Hukum LHS, July 4, 2013. <https://msofyanlubis.wordpress.com/2013/07/24/kesadaran-hukum-vs-kepatuhan-hukum/>.

²¹ Apriandhini, Megafury, Yeni Santi, and Ernayanti Nur Widhi. "Kesadaran Dan Kepatuhan Hukum Terhadap Penerapan Protokol Kesehatan Masa Pandemi Covid-19 Di UPBJJ UT Samarinda." *Jurnal Hukum, Humaniora, Masyarakat Dan Budaya* 1, no. 1 (2021).

²² Rochmana, Syafira Indra, and Bambang Arwanto. "Kepastian Hukum Penerbitan Persetujuan Lingkungan Hidup Di Kota Surabaya." *Hukum Bisnis* 6, no. 1 (2022).

²³ Pospisil, Leopold. *Anthropology of Law, Comparative Theory*. Ronny Hadityo Soemitro, 2015.

Utrecht gives the understanding that people comply with the law for various reasons, the knowledge and experience of the nature and purpose of the law; people consider that the rules are perceived as law and have an interest in the enactment of these regulations; citizens have to accept it so there is a sense of serenity and consider it as legal regulations; society wants to comply with the law itself; and due to social coercion (sanctions), people feel ashamed or worried about being accused of being an asocial person if someone violates a social/legal rule.²⁴

Consequently, community awareness of the law is critical in creating a sense of compliance with the current regulations. The community must recognize that the law exists to safeguard the lives of its inhabitants from harm. As a result, this journal will address how participation and the nature of compliance, particularly parties who have the chance to contribute to developing human civilization and have control over the sustainability of the environment in which people live.

The novelty of this research article with other research articles can be seen from several articles, namely the first²⁵ Indra Syafira Rochmana and Bambang Arwanto, research article entitled "Legal Certainty in Issuing Environmental Approvals in the City of Surabaya." The research discusses that there are problems with the legal rules of Surabaya in regard to the environmental permit, as the rules were currently in accordance with the 2009 Environmental Law and have not been adjusted with the Job Creation Law. The difference in this research article is focused on the compliance of the community after the existence of the Job Creation Law, while the other article discussed the rules in Surabaya that are contrary to the latest legal policy which is the Job Creation Law. Furthermore, the second²⁶ Al Sentot Sudarwanto and Dona Budi Kharisma, research article entitled "Omnibus Law and Environmental Permits in the Context of Sustainable Development." The research discusses why is the Job Creation Law is contradicting with the SDGs concept. The difference in this study is that it lies in the discussion of how the effect of the Job Creation Law that minimize the environmental permit that is important for the environmental dimensions in the context of SDGs.

1.2. Formulation of the Problem

Starting from the background described above, the problem is formulated as follows:

1. How the arrangements are for issuing environmental documents in Badung Regency and the Chon Buri Region?
2. How is the compliance of the people of Badung Regency in proposing the issuance of environmental documents compared to the people of the Chon Buri area, Thailand?

1.3. Research Purposes

This research aims to convey to the general public that society still has a vital function to protect the environment and not only the government has this obligation. The problem that will be a more profound study in this research is knowing the compliance of the people of Badung Regency in proposing the issuance of environmental documents compared to the people of the Chon Buri area, Thailand.

²⁴ Soeroso, R. *Pengantar Ilmu Hukum*. 1st ed. Vol. 14. Sinar Grafika, 2014.

²⁵ *Opcit.*, Rochmana.

²⁶ *Opcit.*, Sudarwanto.

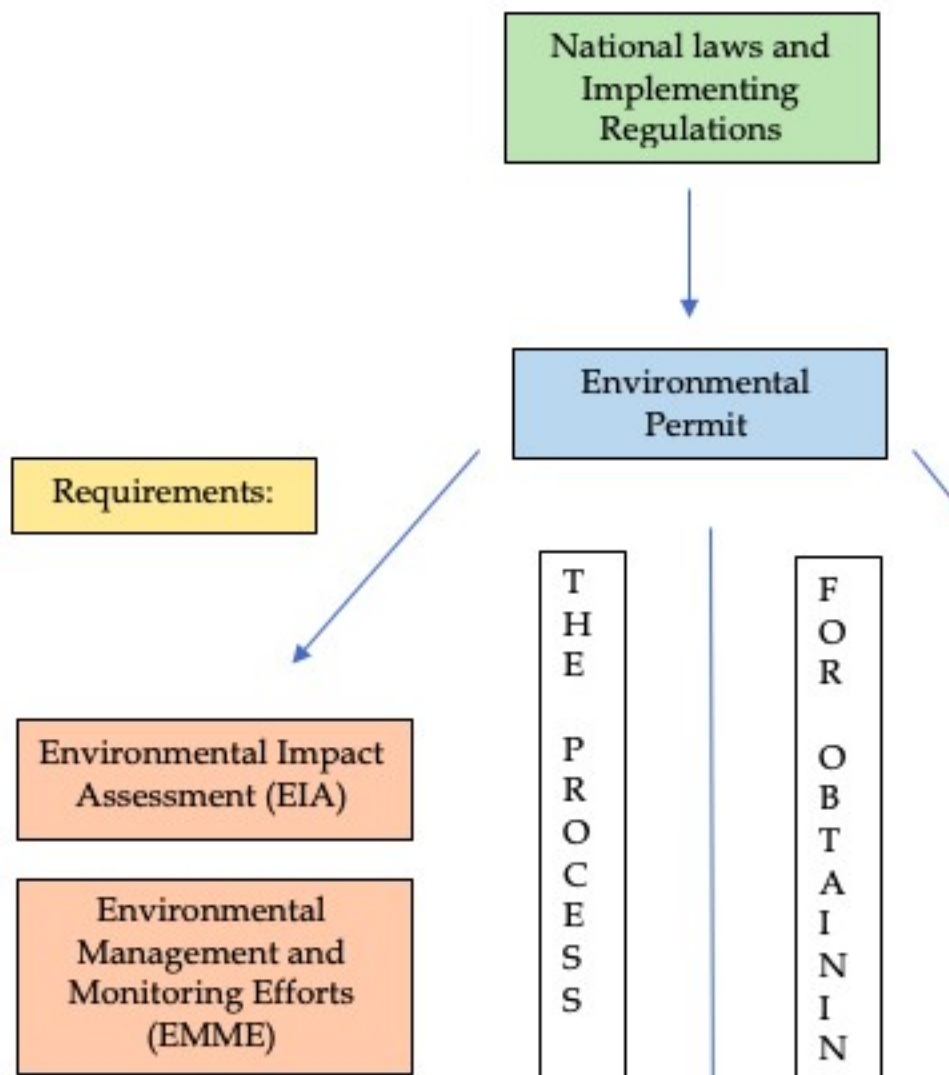
2. Method

The writer uses empirical legal research methods with a statute approach, fact approach, and comparative approach. The writer also uses primary and secondary data sources, legal materials and/or data collection techniques, document studies, interview techniques, and observation. This article is reflected as a “legal journal article” that has academic contribution as a reputable article.²⁷

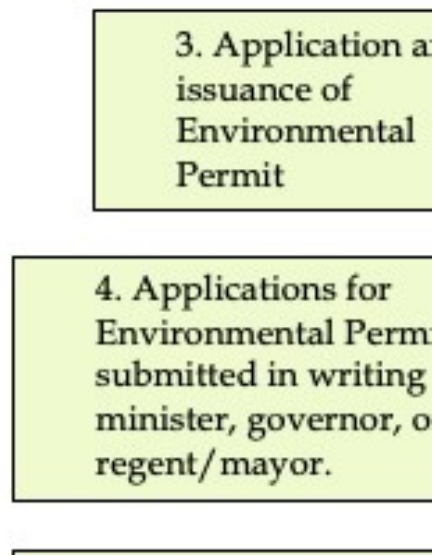
3. Findings and Discussion

3.1. Arrangements for Issuing Environmental Documents in Badung Regency and the Chon Buri Region, Thailand

3.1.1. National laws and implementing regulations



²⁷ Asmah Laili Yeon, “An Overview of High Impact Law Journals in Asian Countries,” *UUM Journal of Legal Studies* 12, no. 2 (2021).



When submitting an application for an environmental permit, an EIA document or EMME form, business and/or activity establishment document, and business and/or activity profile must be completed. Because they are related to EIA, EMME, business, and/or environmental management activities, environmental permits must also consider the provisions of Article 14 of the 2009 Environmental Law, namely several instruments to prevent environmental pollution or damage. The instruments in question are the Strategic Environmental Assessment, spatial planning, environmental quality standards, EIA, EMME, environmental economic instruments, and environmental-based laws and regulations. According to Article 19, environmental permits must also be based on the Environmental Protection and Management Plan.²⁸

3.1.2. Provincial Regulations

In the Bali area, rules regarding environmental permits have been regulated in the Bali Provincial Regulation Number 1 of 2017 concerning Environmental Protection and Management. Specifically, EIA is regulated in Article 20 to Article 25 and EMME is regulated in Article 26 to Article 27. Licensing is listed in Article 28 to Article 30.

3.1.3. District/City Regional Regulations

Badung Regency has several regulations and decisions related to the environment, namely Badung Regent Regulation Number 19 of 2019 concerning the Electronically Integrated Business Licensing System (Online Single Submission), Badung Regent Regulation Number 55 of 2010 concerning Procedures for Licensing and Supervision of B3 Waste Management and Recovery from B3 Waste Pollution, Badung Regent Decree Number 1015 of 2003 concerning Types of Mandatory Business Plans and Activities Equipped with an EIA, and the Decree of the Badung Regent Number 1018 of 2003 concerning the Mechanism for Implementing EIA, EMME in Licensing in Badung Regency.

²⁸ Astriani, Ni Pande Putu Desi, and Made Suksma Prijandhini Devi Salain. "Sistem Perizinan Lingkungan Hidup Dalam UU No. 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup." *Kertha Negara: Journal Ilmu Hukum* 3, no. 1 (2015).

3.1.4. Differences in Environmental Permits in the 2009 Environmental Law and the Job Creation Law

Table 1

No	Law No. 32 of 2009 concerning Environmental Protection and Management	Law No. 6 of 2023 concerning the Establishment of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation
1.	As referred to in Article 22, the initiator prepares the EIA document by involving the community.	EIA documents are prepared by involving the community directly affected by the planned business and/or activity.
2.	Community involvement must be based on the principle of providing transparent and complete information and being notified before the activity is carried out.	Community involvement must be based on the principle of providing transparent and complete information and being notified before the activity is carried out.
3.	As referred to in section (1), the community includes a. affected; b. environmental observers; and/or c. affected by all forms of decisions in the EIA process.	Further provisions regarding the process of involving the community, as referred to in paragraph (2), are regulated by government regulations. (Article 22 point 5 concerning Amendments to Article 26).
4.	As referred to in section (1), the public can submit objections to the EIA document. (Article 26)	This regulation does not include the objection system.

Brief explanation:

(1) The main difference is located in the preparation of EIA documents that must be prepared involving the community that will be affected directly.

(2) There is no difference.

(3) The main difference is in the definition of community involvement, which is given back to other government regulations.

(4) The main difference is that there is no objection system.

3.1.5. Comparative Study of the Job Creation Law and the Enhancement and Conservation of National Environment Quality Act B.E. 2325 (1992)

Regulations regarding the environment in Thailand have been regulated in The Enhancement and Conservation of National Environment Quality Act B.E. 2535 (1992). The following table compares The Job Creation Law with The Enhancement and Conservation of National Environment Quality Act.

Table 2

No	Law No. 6 of 2023 concerning the Establishment of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation	The Enhancement and Conservation of National Environment Quality Act B.E. 2325 (1992)
1.	Article 77: The Minister may apply	Section 93: The local authority or the

	<p>administrative sanctions against those in charge of a business and/or activity if the Minister considers that the Regional Government has deliberately not used administrative sanctions for severe environmental protection and management violations.</p>	<p>competent official of the government agency responsible for the operation of the public wastewater treatment plant or waste disposal facility shall have the power and duty to collect service fees, penalties, and claim for damages as provided in this Part, particularly in connection with the operation of the central wastewater treatment plant or the central waste disposal facility of the public service which is made available by such local authority or government agency.</p>
2.	<p>This regulation does not include the inspection time.</p>	<p>Section 49: The examination by the expert committee under section 48 shall be carried out within forty-five days from the date of receiving the environmental impact assessment report from the Office of Natural Resources and Environment Policy and Planning. The report shall be deemed approved if the expert committee fails to complete the examination within the duration. If the expert committee approves the report or the report is approved, the competent authority shall grant permission to the applicant. If the expert committee disapproves, the competent authority shall withhold the granting of approval to the applicant until the applicant resubmits the environmental impact assessment report as amended or entirely revised in accordance with the guidelines or details as determined by the expert committee.</p>
3.	<p>Article 24 (2): The environmental due diligence, as referred to in paragraph (1), is carried out by a team of environmental due diligence established by the central government's environmental due diligence agency. Article 24 (3): Environmental due diligence team, as referred to in paragraph (2), consists of elements from the Central government, Regional Government, and certified experts. Article 24 (4): The Central Government or Regional</p>	<p>Section 50: In the interest of the examination of the environmental impact assessment report pursuant to sections 48 and 49, a member of the expert committee or the competent official entrusted by the expert committee shall have the power to inspect the site of the project or activity for which the report is submitted for approval as appropriate. After the expert committee has approved the environmental impact assessment report under section 49, the competent</p>

<p>Government stipulates a Decision on Environmental Feasibility based on the results of the environmental feasibility test. Article 24 (5): The decision on environmental feasibility, as referred to in paragraph (4), is used as a requirement for issuing business permits or approval from the central government or regional government.</p>	<p>authority that has the power to grant permission or to renew a permit shall stipulate as the conditions of the authorization or renewal thereof all the measures proposed in the environmental impact assessment report and all such states shall also be deemed conditions as prescribed by the laws on the subject matter.</p>
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Brief explanation:

(1) The Job Creation Law is more general in applying sanctions. The Thailand Act is more detailed in lists of aspects that are included.

(2) The Job Creation Law does not have an inspection time. On the contrary, the Thailand Act included the inspection time.

(3) Both laws included who is the proper authority to inspect the documents for the EIA to be released.

3.2. Compliance of the Badung Regency Community in submitting the Issuance of Environmental Documents compared to the people of Chon Buri Region, Thailand

Tourism is frequently regarded as a foreign exchange and revenue-generating driver for any country's economic progress. At the same time, the tourism sector has an inherent connection to the destination's physical environment. Tourism depends on the quality of the environment, both natural and manufactured. However, the relationship between tourism and the environment is complicated. It entails numerous acts that can have a negative impact on the environment. Many of these effects are associated with developing general infrastructure, such as roads and airports, as well as tourism facilities, such as resorts, hotels, restaurants, shops, golf courses, and marinas. It has the ability to contribute positively to socioeconomic successes, but its rapid and sometimes unregulated growth can also be a significant cause of environmental deterioration. The assets that attract tourists are biological and physical elements. However, tourism activities' stress on fragile ecosystems accelerates and exacerbates their decline.²⁹

Besides Indonesia, when compared to most other countries in the region, Thailand's tourism industry is essential for its economy. In 2017, the tourist industry contributed 8.96% of Thailand's GDP, outperforming most other nations in the region and surpassing the global average of 9.8%. Tourism receipts have also grown rapidly since 2011, at a rate of 15.6% each year. In addition to its GDP contribution and earnings, the tourism industry employed over 4.2 million people in 2017, accounting for 11.34% of total national employment, demonstrating its significant contribution to the social economy.³⁰

The Chon Buri and Badung areas have similarities in the shape of the area, such as having a stretch of beach and sea. The problems experienced by Chon Buri and

²⁹ Agarwal, Rohit, Thanaporn Kariyapol, and Nattaporn Pienchob. "Positive and Negative Impacts of Tourism On Environment: A Case Study of Pattaya City, Thailand." *Sripatum Review of Humanities and Social Sciences* 19, no. 1 (2019).

³⁰ Ministry of Tourism and Sports. "Final Report: Tourism Satellite Account." *Regional Workshop on the Compilation of the Tourism Satellite Account*. Manila, Philippines, June 2017.

Badung are similar. Tourism sites and industrial factories from wastewater and factory wastewater cause marine pollution. This, of course, also harms the surrounding population. There was a scattering of debris on the beach due to economic activities around the shores of Angsila, Bangsaen, and Samaesarn in Thailand caused by tourism.³¹

Until now, Thailand's government has been focusing more on measures related to preserving ocean life. However, the government needs to see the main challenge of Thai beaches from sand erosion that quickly erodes each year because of several factors, such as land beach site construction, tourism activity, and the reduction of mangrove forest area that needs to be reduced for the establishment of a hotel and any other venture. According to estimates from the tourism industry, more than half of all international tourists that come to Thailand explore the country's beautiful beaches. This is also helped by the actions of entrepreneurs who make tourist attractions attractive to visit. Even if the detrimental impact of tourism is noticeable, it cannot be stopped or limited because it will harm the country's economy and thousands of people's jobs. Therefore, this is where the community's function, especially entrepreneurs, is to comply with the existing regulation, especially the EIA that has been approved by the Thai government to manage the environment and local people's lives.³²

After tracing related to EIA in Thailand, the implementation of EIA also did not run smoothly. The authorities experience various problems. In the EIA report, there is a lack of integration between impact assessment and various environmental aspects; the EIA report is not appropriate and only equates the EIA with other EIAs; the status of a project that requires an EIA does not match reality (for example in the EIA report, the project construction has not started but in fact, construction has already begun); incomplete and inconsistent data and information for EIA purposes; some of government projects/activities does not have agents to apply for permits; entrepreneurs delay on submitting reports for EIA requirement; and agencies that administer EIA do not carry out compliance monitoring.³³

In the case of projects/activities that may harm the living conditions of a local community and require Cabinet approval, certification takes more time. It involves a more significant number of stakeholders to ensure compliance with the law. Without each industry complying with the applicable pollutant limits or standards and with the increasing number of sectors in the Chon Buri area, there is a massive increase in the cumulative releases of contaminants to the environment, resulting in deteriorating environmental quality and a higher health risk for the citizens. Therefore, Thailand's business activities must adhere to the environmental management criteria and requirements established by the Thai government and its affiliated agencies.³⁴

³¹ Thushari, Gamage, Succhana Apple Chavanich, and Amaratne Yakupitiyage. "Coastal Debris Analysis in Beaches of Chonburi Province, Eastern of Thailand as Implications for Coastal Conservation." *Marine Pollution Bulletin* 116, no. 1-2 (2017).

³² Pongwattana, Prapasri. "SEEA: Tourism Satellite Account in the Tourism Development Cluster Andaman." *Thailand Ocean Pilot*, 2019.

³³ Wangwongwatana, Supat, Daisuke Sano, and Peter Noel King. "Assessing Environmental Impact Assessment (EIA) in Thailand: Implementation Challenges and Opportunities for Sustainable Development Planning." *Asian Environmental Compliance and Enforcement Network*. Tokorozawa, Japan, 2015.

³⁴ Ministry of Natural Resources and Environment. "Environmental Impact Assessment in Thailand." *Thailand Board of Investment Guide on Environmental Regulations*, 2014.

The actual harmful effects of the non-compliance act of the owner/management of the business conduct are proven by rising sea levels. According to the Thai government's Department of Marine and Coastal Resources (DMCR), erosion causes the country to lose 30 km² of coastal land annually. According to the Thai Office of Natural Resources and Environmental Policy and Planning, sea levels will increase one meter in the next 40 to 100 years, affecting at least 3,200 km² of coastal territory and potentially costing Thailand money. A research team from Thailand's Kasetsart University Faculty of Engineering has determined that the area's drinking water crisis is intensifying and approaching desperate proportions. The small island's water sources are insufficient for a large number of visitors, and tap water has become contaminated with litter from the overburdened tourist sector. Concerningly, the study discovered that groundwater has already been infected with hazardous microorganisms and heavy metals due to offshore water pollution.³⁵

In Badung Regency, several cases related to business permits impact the environment, such as a restaurant in a cave that has yet to apply for an operational permit. The Cave Restaurant was also suspected of being an object of cultural heritage. However, after it was proven that it was not an object of cultural heritage, the restaurant did not continue its efforts to obtain a permit from the local government.³⁶ In addition, many companies that violate the most, that is, do not report their business. The most common cases are buildings not complying with the recommended environmental permits. Companies are also supposed to report the whereabouts of their business every six months, but this is also being violated by using various means to avoid investigation by the government.³⁷

On Monday, 7 November 2022, the writer has the opportunity to conduct a direct survey of an area that will be built into a hotel in Jimbaran, Badung Regency. The Environmental and Sanitation Public Officer (ESPR) or Dinas Lingkungan Hidup dan Kebersihan (DLHK) Badung Regency conducted the survey, specifically the Environmental Management team or Bidang Tata Lingkungan. The purpose of the survey agenda is to complete a field survey of the application for the document evaluation of EIA and EMME for the proposal of hotel construction. At the potential area of the construction, the ESPR asked several questions regarding how is the measurement of the area that is going to be built, what changes can be experienced by the people that lived close to the site, and more technical questions to the constructor itself. After the survey had been done, the ESPR invited several experts and related parties to conduct hearings on environmental documents, which will automatically affect the permit to build the related area as a hotel. At the public hearing, several issues were encountered by the company.³⁸

For environmental documents to be published, in accordance with what has been stated above, there must be public involvement, especially in the surrounding community that will be affected by the business being built. Business development, in this occurrence, a hotel must obtain consent from the surrounding community by

³⁵ *Opcit.*, Prapasri, 23.

³⁶ Putri, Ni Made Lastri Karsiani. "Pengelola Resto Dalam Gua Di Badung Belum Ajukan Izin Usaha." *DetikBali*, July 27, 2022. <https://www.detik.com/bali/berita/d-6201770/pengelola-resto-dalam-gua-di-badung-belum-ajukan-izin-usaha>.

³⁷ Wicaksana, Made Krisnanda, and Putu Ade Harriestha. "Pencemaran Lingkungan Hidup Sebagai Perbuatan Melawan Hukum." *Kertha Wicara: Journal Ilmu Hukum* 10, no. 3 (2021).

³⁸ Dinas Lingkungan Hidup dan Kebersihan Badung. "Interview with Rai Warastuthi, Head of Division 1 Environmental Governance," November 7, 2022.

inviting representatives to be invited to discuss and deliberate about what things can possibly happen if the hotel has been built. Companies must pay attention to the positive and negative possibilities that will have to be accepted by the surrounding community. The matter that was lacking in the meeting was that the company itself had not given maximum effort to the surrounding community, especially to the leaders of indigenous peoples who had the authority to meet and discuss directly with company leaders. The company acts indifferently to the representatives of the indigenous peoples.³⁹

Representatives from the company stated that they had done things such as inviting the community to outreach, as evidenced by the existence of documentation that had been included in the documents for determining the issuance of environmental permits. However, several representatives of indigenous peoples who were present at the session clearly stated that genuine efforts were only made on a whim and in a short time. There were no more intense and in-depth meetings from the company. It was clear that at the meeting, the representatives of the indigenous peoples were disappointed and disagreed if the hotel was to be built, especially since the hotel is a large-scale project. The chairman of the environmental licensing session (the Head of Division I of DLHK) requested that the problems that occurred between the company and the community be resolved outside of the ongoing session due to the unfavorable situation at the meeting. If residents disagree with the hotel's environmental documents, the government cannot issue environmental documents. Thus, management must first resolve existing problems in collaboration with residents.⁴⁰

With the case that occurred in the DLHK of Badung, it is understandable that there are still parties who are unable to comply with applicable regulations, especially entrepreneurs who wish to obtain an environmental permit and are still unable to fulfill the conditions appropriately needed. In contrast, the authorized government must issue a business environmental permit to operate the hotel. Moreover, the regulations that have been passed have a function to maintain the sustainability of the environment and the survival of the community.⁴¹

4. Conclusion

There are changes in environmental permits and environmental documents in the 2009 Environmental Law and the Job Creation Law. In addition, the Job Creation Law has several differences from The Enhancement and Conservation of National Environment Quality Act B.E. 2535 (1992). The Badung and Chon Buri areas experienced environmental losses due to community activities that did not comply with regulations and to obtain business licenses. There are actual incidents in the Badung and Chon Buri areas; for example, in Thailand, a few studies concluded there is erosion on the coastal land and a water crisis. In Badung, a case for an EIA permit is being held as the management of the hotel has not coordinated correctly with the citizens in the area.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Lestari, Sulistyani Eka, and Hardianto Djanggih. "Urgensi Hukum Perizinan Dan Penegakannya Sebagai Sarana Pencegahan Pencemaran Lingkungan Hidup." *Masalah-Masalah Hukum* 48, no. 2 (2019).

The government can be more effective and thorough in granting environmental permits and enforcing environmental protection so that citizens can also comply with and not violate environmental regulations for the surrounding area, which, if not appropriately managed, will result in significant losses.

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