TOWARDS A FAIRER FUTURE: EXAMINING ENVIRONMENTAL PERMITS IN INDONESIA AND SWEDEN THROUGH THE LENS OF SUSTAINABLE DEVELOPMENT AND EQUITY

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ABSTRACT

Objective: Through the lens of a comparative investigation of Indonesia and Sweden, this paper examines the process through which appropriate environmental permits have been developed in this period of sustainable development.

Methods: In the current research, the approach of comparative law is utilised to evaluate and analyse the various environmental legal systems that are in place in Indonesia and Sweden. The comparative law approach is a research strategy used to examine the legal systems of two or more countries or jurisdictions to find similarities and differences in certain laws.

Results: According to the findings of this research, Indonesia and Sweden have quite different systems in place for issuing permits for activities that have the potential to cause damage to the environment, particularly in terms of the level of public participation. In contrast to Indonesia, which places restrictions on participation that are restricted to only those who are directly impacted, Sweden places a priority on the participation of those who are potentially disadvantaged. This study also stresses the importance of the cooperation of environmentalists in order to have a better understanding of the chain consequences that are caused by activities involving the use of the environment. Regulation to Replace Law Number 2 of 2022 in Indonesia eliminates the participation of environmentalists and limits the participation of the public. This has given rise to questions about whether or not the environment would be protected equitably.

Suggestions: According to the findings of this research, to achieve an appropriate environmental permit in Indonesia, there needs to be a convergence between the interests of business owners, the communities where they live, and environmental protection.

Keywords: environmental permitting, environmental justice, sustainable development, public participation, Indonesia, Sweden.

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RESUMO

Objetivo: Através da análise comparativa da Indonésia e da Suécia, este artigo examina o processo pelo qual as licenças ambientais adequadas foram desenvolvidas neste período de desenvolvimento sustentável.

Métodos: Na pesquisa atual, é utilizada a abordagem do direito comparado para avaliar e analisar os diversos sistemas legais ambientais que estão em vigor na Indonésia e na Suécia. A abordagem do direito comparado é uma estratégia de pesquisa usada para examinar os sistemas legais de dois ou mais países ou jurisdições para encontrar semelhanças e diferenças em certas leis.

Resultados: De acordo com os resultados desta pesquisa, a Indonésia e a Suécia têm sistemas bastante diferentes para emitir licenças para atividades que têm o potencial de causar danos ao meio ambiente, especialmente em termos de nível de participação pública. Em contraste com a Indonésia, que impõe restrições à participação que se restringem apenas aos diretamente impactados, a Suécia dá prioridade à participação daqueles que estão potencialmente em desvantagem. Este estudo também enfatiza a importância da cooperação dos ambientalistas para ter uma melhor compreensão das consequências em cadeia que são causadas por atividades que envolvem o uso do meio ambiente. A Regulação para Substituir a Lei nº 2 de 2022 na Indonésia elimina a participação de ambientalistas e limita a participação do público. Isso suscitou dúvidas sobre se o meio ambiente seria protegido de forma equitativa.

Sugestões: De acordo com os resultados desta pesquisa, para obter uma licença ambiental adequada na Indonésia, é necessário haver uma convergência entre os interesses dos proprietários de empresas, as comunidades onde vivem e a proteção ambiental.

Palavras-chave: licenciamento ambiental, justiça ambiental, desenvolvimento sustentável, participação pública, Indonésia, Suécia.

1 INTRODUCTION

The natural world must be taken into consideration in order to achieve sustainable development (Amuda, 2022). Because of this, it is essential to have environmental planning and management that is both effective and sustainable. This takes on a greater level of significance in the period of sustainable development, in which development must be carried out while considering the impact it would have on the environment and economic and social sustainability (Fallah Shayan et al., 2022).

The tug-of-war between economic and environmental interests has become a discourse that always gets attention, especially on how human interests must be satisfied. This is especially true when discussing how to protect the environment (van Niekerk, 2020). The imperative for progress increases the compulsion to carry on with the exploitation of environmental resources. On the other hand, there is apprehension...
regarding the effect that it will have in the long run on human survival and the relationship that humans have with their surroundings. Based on several paradigms, many viewpoints can be derived. However, there is a point of convergence between the two embodied in the concept of sustainable development. This concept promotes the efficient use of environmental resources and does not haphazardly use them so that nature has enough time to "breathe" and recover "self" (Zylstra et al., 2014). This point of convergence focuses on how to deal with the impact that using these resources has on the environment, such as waste and the pollution that is generated by using these resources (Usman & Radulescu, 2022; Zia et al., 2021).

It is possible that the idea of environmental licences, or whatever nomenclature is selected, might be regarded as a sort of environmental protection. This protection could contain many of the notions included in the environmental justice paradigm (Rhodes, 2005; Schlosberg, 2007). In this instance, in general, environmental permits are one of the administrative requirements in business, particularly regarding how each business is committed to dealing with its influence on the environment. In this situation, environmental permits are one of the administrative requirements in business (Gunningham et al., 2004; Rondinelli & Vastag, 2000). In this light, granting environmental licences can be understood as an integral component of environmental protection, which is, in turn, an element of achieving environmental justice and social welfare (Khodeir et al., 2016).

The dynamics of environmental protection regulation constantly follow closely behind the evolution of society in terms of both its sociocultural and its economic aspects. In this instance, the state is active in performing its functions by modifying its regulations after the promulgation of Law Number 4 of 1982 concerning Basic Provisions for Environmental Management, which was later replaced by Law Number 23 of 1997 concerning Environmental Management, which was finally replaced by the enactment of Law No. Law Number 32 of 2009 concerning Environmental Protection and Management, environmental protection measures in Indonesia have undergone several significant advancements. These advancements have been made possible by the adoption of Law No. Law Number 32 of 2009 concerning Environmental Protection and Management. The strengthening of the state's role in creating a pleasant and healthy environment for the Indonesian people to live their lives is one of the interesting aspects of the three laws. The mandate of the 1945 Constitution of the Republic of Indonesia,
which stipulates that a pleasant and healthy environment is a fundamental and constitutional right for every Indonesian person, has been given physical form by this spirit (Zualeha et al., 2022). This spirit is a manifestation of the mandate. Therefore, based on this, the state, the government, and all stakeholders are obligated to safeguard and manage the environment throughout the implementation of sustainable development so that Indonesia's environment can continue to serve as a source of life and support for the lives of the people of Indonesia and other living things (Nugroho, 2021).

It is reasonable to assume that Indonesia has a plethora of legal instruments for protecting the environment, despite the fact that the impact of business on the environment is still a real problem. This, in turn, raises the question of whether or not Indonesia is truly committed to the protection of the environment and the achievement of sustainable development (Hernanda & Giyono, 2022).

The issue of forest and land fires is one of the environmental problems that has received much attention in Indonesia in recent years. In Indonesia, land and forest fires are common throughout the year, especially during the dry season, and they tend to be fairly destructive, particularly on the islands of Sumatra and Kalimantan. These forest and land fires create enormous economic losses, inflict major damage to the ecosystem, and threaten the survival of both people and other species (Alisjahbana & Busch, 2017; Edwards et al., 2020).

The common practice of clearing land by setting fire to forests and other types of land is one of the primary causes of wildfires in forests and other types of land. The vast majority of farmers in Indonesia engage in this practice because it is an efficient and cost-effective method for clearing agricultural land and plantations. On the other hand, forests and land fires are frequently caused by the irresponsible actions of humans. One example of this is the practice of setting fire to land in order to carry out illegal logging and timber cutting.

The consequences of forest and land fires are extremely negative, particularly for the health of humans and the environment. The smoke from these fires can contribute to dangerous levels of air pollution and impair the air quality in the surrounding area. This can lead to various health issues, including issues relating to the respiratory system, irritation of the eyes and skin, and even death. In addition, forest and land fires can potentially disrupt ecosystems and lower the amount of biodiversity in the places they impact (Hein et al., 2022; Sastry, 2002).
The Indonesian government has attempted to deal with the problem of forest and land fires in various ways, such as enhancing the monitoring of human activities in forest and land regions, as well as carrying out fire suppression efforts in a timely and efficient manner. However, despite these efforts, forest and land fires continue to break out every year, leading many to believe these efforts need to be more effective. Therefore, it is necessary to take actions that are both concrete and sustainable in order to solve this one environmental problem. These actions should include teaching and developing public awareness about the significance of preserving the environment and minimising the adverse effects of engaging in harmful activities.

As was just brought up, the environmental concerns that Indonesia is facing are very significant problems. Over the past several years, the number of incidents involving environmental infractions has been a discernible rise. A lack of control combined with lax legislation was likely a contributing factor in many environmental crimes committed in Indonesia. As a result, Indonesia's environmental licencing system must undergo significant reform to be effective.

In the meantime, Sweden has earned a reputation as a nation that is seriously concerned about the environment. The nation has a fairly stringent environmental licencing system geared towards minimising the negative effects of economic and industrial activities on the surrounding environment. Additionally, Sweden is one of the countries that is dedicated to the concept of sustainable development (Bohdanowicz, 2006).

However, despite Sweden's stringent licencing system for environmental activities, there are still problems with environmental fairness. For instance, the wealthy groups of people in Sweden are exposed to significantly higher amounts of pollution than the poorer groups of people in Sweden. This is one example.

In light of this, this research aims to analyse and contrast the environmental licencing systems in Indonesia and Sweden, with the goal of producing appropriate environmental permits in an era focused on sustainable development. This study will assess the environmental licencing systems in both nations, providing recommendations to enhance the environmental licencing system in Indonesia. It will also identify the strengths and limitations of the environmental licencing systems in both countries.

This research is expected to contribute to the creation of better environmental licencing rules in Indonesia, which will help minimise the impact of economic and
industrial activities on the environment and achieve environmental justice for all people in Indonesia. This research can also provide helpful information and insights to other countries who seek to construct a better and more fair environmental licencing system in this age of sustainable development. In addition, this research has the potential to supply this information and these insights.

2 RESEARCH METHODS

In the current research, the approach of comparative law is utilised to evaluate and analyse the various environmental legal systems that are in place in Indonesia and Sweden. The comparative law approach is a research strategy used to examine the legal systems of two or more countries or jurisdictions to find similarities and differences in certain laws. This method was developed in the early 20th century. In the framework of this study, the method of legal comparison was utilised to compare and contrast the environmental laws and regulations that are in place in Sweden and Indonesia.

With the assistance of the legal comparison approach, researchers will be able to determine the degree to which the environmental law systems in the two nations are competent to achieve environmental justice in the context of sustainable development. By utilising this strategy, researchers will be able to systematically and structurally analyse the environmental laws and regulations adopted in the two nations. Additionally, they will be able to determine the ways in which the two countries tackle environmental concerns, including the contrasts and similarities between the two approaches.

In addition, using the legal comparison technique will make it possible for academics to obtain practical information that can be utilised to support improved policy suggestions in the process of constructing an equitable environmental permit system in Indonesia and Sweden. This strategy will also help to ensure that the research is based on actual and reliable data, which will further contribute to the research's overall quality.

The researchers will also consider a variety of factors that have the potential to influence the comparison of the two countries legal systems. Some of these factors include differences in the political and economic structures of the two countries, differences in the social and cultural conditions of the two countries, and differences in the human resources and technology available in the two countries. As a result, the comparative legislation approach will be a key instrument in constructing a fair and equitable system for issuing environmental permits in Indonesia and Sweden.
3 RESULTS

3.1 THE CONCEPT OF EQUITY IN ENVIRONMENTAL PERMITS IN THE ERA OF SUSTAINABLE DEVELOPMENT

The law has an effect on human life and can even have an effect on individuals (Naffine, 2009). On the other hand, humans, both as individuals and as a collective, affect the environment in which they live. This one-of-a-kind interaction pattern gives rise to the formation of values and perspectives on life. The interactions that occur between fellow human beings and the interactions that occur between those human beings and their environment give birth to values or even norms that form a description of how behaviour will subsequently be shown by individuals or by groups of people. The law can serve as a guide in understanding the norms that are upheld in a community as well as the relationships that are formed within it (Morris et al., 2015).

According to Collins et al (2016) analysis of environmental justice, the notion of environmental justice may be stated as the value of justice that prioritises the distribution of rights and benefits fairly without exception (regardless of colour, class, and income of the community). At least, this is what Collins et al identified as the value of justice that prioritises the distribution of rights and benefits fairly without exception. Collins et al view of environmental justice reflects distributive justice, which means that his understanding of environmental justice has implications for the existence of a procedural aspect that emphasises public participation in matters relating to issues concerning the substantive rights of the community. Arcioni and Mitchell (2005) both stated that public engagement in environmental justice is crucial in deciding the "quality" of justice striving to be realised. This was said to be the case in environmental justice.

There is no singularity when discussing environmental justice. Therefore, a vast and varied definition depends on the fundamental principles owned by whoever defines it. This is the case since environmental justice is not a distinct concept (Kuehn, 2014). Even so, it is generally accepted that the convergence of justice values is expressed in five fundamental elements. These elements are as follows: the individual right to be protected from pollution; a preference for pollution prevention; the shifting of the burden of proof to those or those who discarded it; waste/emissions (dischargers) or to those who do not provide different treatment, but based on differences in environmental impacts felt by society (disparate impacts) and statistical evidence that shows these disparities; and the provision of different treatment to (Purwendah et al., 2022).
The fact that economic and environmental interests compete with one another gives rise to the misconception that, for the sake of human welfare, even environmental concerns can be disregarded. Despite this, the fact that we are becoming more conscious of the length of the human life span is a refutation of this premise. In this particular instance, Kuehn emphasises the fact that social justice is, in fact, a component of environmental justice because there is a relationship that cannot be replicated between humans and the environment. As a result, it is difficult to achieve social justice if the environment in which humans live is disrupted or damaged. Kuehn (2014) went on to provide a more in-depth explanation of environmental justice based on a taxonomy of justice. This led to the development of four definitions of environmental justice, which are as follows: environmental justice as corrective justice; environmental justice as procedural justice; environmental justice as social justice; and environmental justice as distributive justice. As a result, according to this point of view, it is impossible to find a justification for ignoring environmental sustainability to achieve social justice or any of its features. Both, according to Kuehn (2014), can operate simultaneously since it is impossible to deny that there is a connection between the two in the first place.

In reality, the interaction brought up numerous times is an analogy that may be used to illustrate the ecology in which people exist. Within this ecosystem, people are no more than other species (biotic components), dependent on the environment (abiotic components) for their continued existence (Golubiewski, 2012). Because an ecosystem is essentially a network that also describes how each component is dependent on one another, human beings, as members of ecosystems, are dependent not only on the environment but also on other biotic components, as well as a cyclic understanding of an ecosystem (Butzer, 1982). This is due to the fact that the dependence of humans as members of ecosystems does not just lie with the environment. It is not justified for humans, who are incidentally also components in the ecosystem, to break the balance for their purposes, harming people. Since this view maintains that a balance of interactions must be formed, humans are not justified to do so (Martin et al., 2016).

Kuehn (2014) claimed that environmental justice when viewed as social justice, is a branch of justice that will motivate us to do our best to build a social order to meet people's needs. This is something that Kuehn (2014) said in reference to environmental justice being considered social justice. The anticipated meaning of social justice is inseparable from its relational nature, which can be understood as the approach provided
by Amartya Sen (2011). Sen (2011) describes the constellation of types of justice through a transcendental institutionalisation approach, which is carried out by seeking and establishing just social characteristics, followed by the establishment of social institutions capable of upholding principles - moral principles, and a comparison of reality approach, which is carried out by seeking and establishing just social characteristics, and finally, a comparison of reality approach, which

Understanding justice and social justice as a single entity that ought to be able to function concurrently is made easier by the idea of sustainable development, which serves as a bridge between the two ideas. (Flint, 2013) Because sustainable development is essentially an integration of awareness in environmental, social, and economic aspects in all efforts made in the economic and social development of society, the implication is that environmental integrity and safety, capability, welfare, and quality of generations will be born, not only today but also in the future. Sustainable development is a process in which environmental, social, and economic awareness are integrated (Roseland, 2000).

The foundation of sustainable development comprises five fundamental tenets: the economy, energy, ecology, participation, and equity (Gupta & Vegelin, 2016). In this scenario, the economic theory that explains the ability of development to be carried out in expanding the skills of workers so that automatically rising competitiveness, and in these conditions, people are expected to receive a decent living should explain how development can be carried out in raising the skills of employees. The development of economic principles is being carried out to provide assurances for the fulfilment of fundamental requirements, which will allow for the elimination of any forms of resistance. Because it is common knowledge that entropy is an unchangeable number, energy is one of the essential principles and factors in achieving renewable development. Because of this, the utilisation of renewable energy sources and the pursuit of energy efficiency are the primary focuses of this concept. The ecological principle places an emphasis on maintaining the integrity of the natural environment. As long as economic development continues, sustainability can be seen as an effort to keep a balanced relationship between the components of an ecosystem (ecology), which ensures the continuation of human life over time. This principle is provided to remove any impediments to the actualisation of fundamental human rights, despite the fact that equity is, at its core, the most important foundation for sustainable development. This is in
keeping with the concept of environmental justice as distributive justice (Mulyani & Lisdiyono, 2021).

When discussing environmental permits in sustainable development based on environmental justice, one might begin by acknowledging the significance of economic development, which is carried out in a larger sense, specifically to realise social justice. This is a good place to begin when thinking about achieving environmental justice. Therefore, in light of this concept, it is necessary to carry out actions that are "utilising" the resources that are found in the environment. The primary distinction is that environmental licences in this context serve as a criterion for deciding whether or not the parties who later use these resources possess an appropriate commitment and planning that places emphasis on the ideals embodied in the idea of environmental protection (Ali et al., 2022).

Environmental permits are a method of acquiring business and activity permissions that involve either an Environmental Impact Analysis or Environmental Management Efforts and Environmental Monitoring Efforts. These permits are obtained through environmental management and environmental monitoring efforts. Therefore, in this sense, the strategy taken is based on permits, which has consequences for including the stages of planning, utilisation, control, maintenance, and monitoring up to law enforcement in issuing permits. With this understanding, permits are not simply a formal requirement that must be fulfilled only when you want to do business or carry out activities that have an impact on the environment; rather, they also imply a commitment to environmental sustainability that includes the beginning stages of a business through its closing stages (Rangkuti, 2020).

Environmental permits, when viewed from the perspective of environmental law, are legal linkages to business owners who, while conducting their operations, make demands (obligations) in environmental protection (Dechant & Altman, 1994). And a socially conscious and cooperative economy. In their most basic form, environmental permits can be seen as a manifestation of environmental justice and social welfare that corporate actors can simply comprehend. Additionally, environmental permits can serve as a reference for the government or the state when it comes to the enforcement of environmental laws (Hartman & Stafford, 1997).

To state the legal link between businesses, the environment, and society in a comprehensive framework, the most important role that an environmental permit or
whatever a country plays choose nomenclature is environmental justice and social welfare. Even yet, this definition has a propensity to be naive. Nevertheless, it is an excellent beginning point in initiating the realisation of environmental justice (social welfare), particularly within the framework of sustainable development (Ebbesson & Okowa, 2009).

3.2 DYNAMICS OF "ENVIRONMENTAL PERMITS" IN INDONESIA: ANTI-THESIS OF ENVIRONMENTAL JUSTICE?

Because aiming to turn a profit is inherently tied to economic considerations, environmental licences issued within the confines of environmental law in Indonesia cannot be divorced from these considerations (Rahail et al., 2018). In addition, environmental permits impose restrictions and requirements on business owners to ensure that their operations are carried out in a manner that does not harm the environment while meeting their customers' needs. When you dig deeper, you will find that environmental permits, a component of environmental legislation, also have a broader significance. We believe that it is not an exaggeration to claim that environmental permits also encompass social and environmental aspects, particularly in the national development goals, which are also related to what is stated in Article 28H of the 1945 Constitution jo. It is not an exaggeration to say that environmental permits also cover social and environmental aspects. Environmental licences require corporations to pay attention to the environmental repercussions of their economic activities, as stated in Article 65, paragraph 1 of Law Number 32 of 2009 concerning Environmental Protection and Management (Ramadhan & Arief, 2023). This law was passed in 2009 and concerns the protection and management of the environment. The environmental permit continues the firm's efforts to fulfil Environmental Impact Analysis, Environmental Management Efforts, and Environmental Monitoring Efforts. It is required in order for the company to receive environmental permission.

According to Article 1 point 35 of Law Number 32 of 2009, the definition of an Environmental Permit is "a permit granted to any person who carries out a business and activity that is required to have an Environmental Impact Analysis or Environmental Management Efforts and Environmental Monitoring Efforts in the context of protecting and managing the environment as a prerequisite for obtaining a business permit and activities." The government regulates environmental permits (Triwibowo et al., 2021).
Environmental permits, in addition to being a prerequisite for issuing business licences, have juridical implications, particularly regarding the supervision of business activities. With an environmental permit, Ministers, Governors, Regents/Mayors are able to carry out supervisory activities on businesses in the context of their compliance in planning, utilising, controlling, and maintaining the environment, including the resources contained therein. Environmental permits have legal ramifications, especially in regard to the supervision of business activities (Nuraeni, 2021).

Law Number 32 of 2009 regulates specifically environmental protection, particularly those activities related to business activities that utilise natural resources (Setiyono & Natalis, 2021). The six aspects regulated in it generally include planning, utilisation, control, maintenance, supervision, and law enforcement. Environmental permits occupy a control stage at the regulatory level; however, environmental permits can only be obtained through a careful planning process, including an environmental impact assessment (Taufiqurokhman et al., 2020).

Control instruments in the prevention section include Strategic Environmental Assessment, spatial planning, environmental quality standards, standard criteria for environmental damage, Environmental Impact Analysis, Environmental Management Efforts and Environmental Monitoring Efforts, permits, and environmental, among others. The restoration section of the control environment in the instrument of Law Number 32 of 2009 contains explanations regarding the management and restoration of damaged environments (Salim & Palullungan, 2021).

In this situation, environmental impact assessments and permits cannot be interpreted as merely administrative requirements so that business actors can take care of them after these activities have been carried out. However, this does not apply to all activities; only those that involve the utilisation of construction activities, such as land clearing or planting, are prohibited from being carried out before obtaining these permits and assessments.

Law Number 32 of 2009 outlines in specific detail the management of Hazardous and Toxic Materials as well as the supervision of Hazardous and Toxic Waste through monitoring using instruments to control environmental damage. One of these instruments is carried out by monitoring the Environmental Impact Analysis owned by the business being supervised (Santoso, 2017).
Since the promulgation of Law Number 11 of 2020 concerning Job Creation, which has changed several arrangements that previously existed in Law Number 32 of 2009, in particular, there are two issues related to environmental permits that correlate with the paradigm contained in environmental justice: the abolition of permits environment, which was replaced with environmental approval, and space restrictions in submitting objections. In addition, the Constitutional Court Decree placed space restrictions on the submission of objections (Rahman et al., 2022).

Incorporating environmental permits into business permits is made possible by Regulation to Replace Law Number 2 of 2022. This incorporation has repercussions for businesses run by exploiting natural resources, which were required to have an environmental permit in the past but now only need environmental approval, which is incorporated into a business permit. The elimination of environmental permits leads to the introduction of environmental approvals.

Suppose the results of the feasibility assessment are declared to have met the specified requirements. In that case, the applicant is obligated to continue the process through the preparation of the Environmental Management Plan and the Environmental Monitoring Plan documents. The processes stated in the Regulation to Replace Law Number No. 2 of 2022 are no longer an obligation for business owners to apply for business licences. The change from environmental permits to environmental approvals alludes to the fact that environmental regulations have become more stringent.

In addition, the absence of control instruments in a business area unit that exploits the environment has the potential for business units’ uncontrolled utilisation of environmental resources. The environmental permit that was changed with the environmental approval automatically repositions the position of the environmental permit that was originally in the control instrument at the business area unit to be in the utilisation instrument (via environmental approval) (Winarsi et al., 2023).

Regulation to Replace Law Number No. 2 of 2022 can be said to be an effort to reform business licencing, which has three dimensions from the perspective of business time: the establishment of a business entity, starting a business, and business execution. The determination of business licences in this new paradigm is said to be carried out by adhering to the principles of Law No. 32 of 2009, specifically by considering the condition of natural res.
Risk-based permits involving the existence of environmental approvals are carried out through the following stages: Preparation of Environmental Impact Analysis and Environmental Management Efforts and Environmental Monitoring Efforts; Statement of environmental management capability. Preparation of Environmental Impact Analysis includes Environmental Information Presenters, terms of reference for environmental impact analysis, Environmental Impact Analysis, and Environmental Management Plans and Environmental Monitoring Plans, followed by preparation of Environmental Management Efforts and Environmental Monitoring Efforts (Kusuma-Atmadja & Purwaka, 1996). Meanwhile, the licensing-based approach through environmental permits includes the following stages: Application and Issuance of Environmental Permits; Preparation of Environmental Impact Analysis and Environmental Management Efforts and Environmental Monitoring Efforts; and Evaluation of Environmental Impact Analysis and Environmental Management Efforts and Environmental Monitoring Efforts which, if declared passed, are followed by the preparation of an Environmental Management Plan and an Environmental Monitoring Plan. Environmental Impact Analysis in the environmental permit approach comprises Environmental Information Presenters, terms of reference for environmental impact analysis, Environmental Impact Analysis, and Environmental Management Plans and Environmental Monitoring Plans. In the licensing approach, the preparation of Environmental Management Efforts and Environmental Monitoring Efforts is only carried out on activities that have environmental impacts but need to be listed in the mandatory list of Environmental Impact Analysis (Solechan et al., 2022).

The elimination of environmental permits, which were later replaced with environmental approvals, has implications for issues of legal uncertainty that stem from the following: not including the clauses in the business or activity that is changing to renewing environmental approvals, whereas in the past, through environmental permits, renewals were carried out to assess environmental risks that would then arise, and then a solution is formulated; Environmental approval, which is one type of environmental permit that no longer exists as a result of the abolition of environmental permits.

These efforts certainly provide benefits, but they are only for business permit applicants and entrepreneurs, not for the protection of environmental sustainability. This is demonstrated by the fact that the reform of business permits through the abolition of environmental permits, which are replaced with environmental approvals, is aimed at
making it easier to do business, even though the business in question has the potential to have an impact on the environment. This is most commonly observed with less environmentally responsible businesses.

Referring to Article 24 of Regulation to Replace Law Number No. 2 of 2022, Environmental Impact Analysis is the basis for environmental due diligence for business and activity plans. Later, Environmental Impact Analysis has a crucial role in environmental protection. Even so, referring to the contents of Article 25, letters A through f, especially letter c, relevant suggestions in the process of making an Environmental Impact Analysis are only limited to the responses of the people who are directly affected by the business, especially if there is a change in Article 26 paragraph 2 while in the Law -Invite No. 32 of 2009, in the drafting process (Article 26 paragraph 3) the community in question includes affected communities, environmentalists, and those affected by all forms of decisions in the Environmental Impact Analysis process. These significant changes certainly have implications for the limited participation of other parties because the impact of a business activity involving the utilisation of the environment is not limited to direct impacts. Furthermore, do the affected communities have the capacity to understand the substance contained in the Environmental Impact Assessment document? Do the affected communities still have time to be involved in preparing the Environmental Impact Analysis document?

In contrast, the community is preoccupied with the threat of loss of existing living space. Even to the extreme, in Article 26, paragraph 4, the clause stating the right to submit an objection to the Environmental Impact Analysis document is also abolished. This means that if the Environmental Impact Analysis document has been completed, there will be no opportunity for the public to raise objections.

In contrast to what is required by Law No. 32 of 2009, the preparation of an Environmental Impact Analysis must be carried out in full transparency with prior notification. Additionally, the involvement of environmental observers can become a bridge for the community if they are allowed to provide input (Kertaningrum & Widayati, 2021).

In addition, the purpose of the change is to prioritise convenience in utilising natural resources under the guise of streamlining the licencing process, which creates the perception that the government, which should be responsible for protecting the environment through the provision of legal instruments, is negligent. The changes in
business licencing and environmental permits were made through Regulation to Replace Law Number No. 2 of 2022.

4 DISCUSSION

4.1 LOOKING AT THE CONCEPT OF FAIRNESS IN SWEDISH ENVIRONMENTAL PERMITS

The Swedish Environmental Code provides the framework for the regulations that govern the arrangements governing the requirements and permits for activities that impact the environment (Söderasp & Pettersson, 2019). Sectoral government authorities, administrative organisations at the local level, or the courts may further interpret and implement the regulatory framework. Licences (or permits) are issued based on specific work requirements from the first Porter criterion. This provides the business actors with the most effective (and least expensive) alternative for limiting the environmental consequences that they generate.

The environmental legislation in Sweden places stringent restrictions on all activities that can be construed as harmful to the natural world (Sprinz & Vaahitoranta, 1994). Activities that are risky or have the potential to affect the environment are required to have received permission in advance in order to take advantage of environmental resources. This is because permits are the key to successfully using environmental resources. Article 5 of the ordinance titled "Activities Dangerous to the Environment and Health Protection" is where the determination of "impact" and "hazard" may be found. The "classification of activities that are categorically considered dangerous" refers to the labels given to activities. According to the Swedish Environmental Law, a new licence or permit is required for business activities that intend to increase their capacity. This is because it is assumed that the impacts that will be generated will also increase, which is why a new licence or permit is required. On the other hand, a new permit is not required for activities that do not cause other impacts on the environment (Swedish Environmental Protection Agency, 2017).

Environmental licences (permits) in Sweden are granted (issued) indefinitely, but licences (permits) granted under the European Union Environment Act can be granted for a specified period under the European Union Environment Act. However, the licencing body can carry out a reassessment of the permit at any time. Generally, the evaluation of environmental licences (permits) in Sweden is carried out by combining legal principles,
regulations, and processes as defined in the Environmental Act. These are founded on the principle of prevention and payment by "polluters." They are designed to protect the environment. Regarding the precautionary principle, the Document on Analysis of Environmental Impacts is a substantive norm for environmental concerns, natural resource management, and environmental quality standards (Pettersson & Söderholm, 2014). Additionally, it is tied to a system of permits, supervision, and sanctions.

The idea behind an integrated approach considers every facet of the activity and evaluates it concerning "a permitting process and monitoring of practises that should create incentives for operators to prioritise legal requirements." In a different sense, it is the authority's responsibility to evaluate all actions that are in some way connected to the environment. This evaluation must consider the direct and indirect consequences, as well as the cumulative impacts, up to a specific limit. This has repercussions for the calculation process by the party submitting the application in the Environmental Impact Analysis that they generated, which must be included in the procedure for applying for a business licence. Because of the existence of the integrated system, the Environmental Impact Analysis that is performed during this process has a greater degree of predictability.

Sections 2 and 3 of the Swedish Environment Act list the primary requirements that must be satisfied by parties carrying out activities that impact the environment. These requirements are specified in the Swedish Environment Act. This section includes particular regulations for various activities (chapters 9 through 15) and protections for the environment (chapters 7 and 8). Consideration of the arrangements for these activities is carried out with relation to the potential impact on human health and the ongoing viability of the environment, as indicated previously: "These precautions shall be taken as soon as there is reason to assume that an activity or action may result in damage or harm to human health or the environment," says the regulation. "These precautions shall be taken at the earliest opportunity."

Any use of land, structures, or facilities that has the potential to create emissions into the soil, water, or air or that has the potential to cause additional inconveniences to human health or the environment are considered hazardous activities to the environment. Construction of power production facilities, involvement in the chemical industry, use of firing lines, and the establishment of animal husbandry facilities are all activities that jeopardise the environment. In line with Chapter 9 of the Environment Act in Sweden, the execution of certain activities deemed dangerous for the environment requires prior
notification or the acquisition of a licence. The sort of activities that will be conducted and the influence that these activities have on the protected Area, as well as the plants and animals that are protected, will determine the licencing duties that will become necessary after forming a facility under the Swedish Environment Act. According to the standards prepared concerning the Environmental Law, it is anticipated that the locations picked do not damage any protected areas or any protected plant or animal species. As a result, permission review will not be required in this instance. There are four primary review levels, labelled A through U, for activities that are harmful to the environment. These categories are determined by the breadth of the activities in question and their environmental impact. The classification reveals whether the undertaking is subject to a regulatory framework that mandates the acquisition of a notice or licence and the organisation responsible for conducting licencing reviews.

Actions Denoted with an A: Those That Have a Major Influence on the Environment. According to the Swedish Environment Act, activities considered to have a "significant impact" on the environment are designated "activity A." When carrying out an activity with this label, you must get a permit from the land and environmental court or the local Mark- och miljödomstolen (MMD) in the area where the activity is carried out. Those who disagree with the conclusions made by the land and environmental courts can submit an appeal to the High Court of Svea.

An Action Classified as B, Which Has a Moderate Effect on the Environment. Compared to activity A, activities considered harmful to the environment but have a lesser impact fall under the category of activity B. In this scenario, permission is still essential; however, the Delegation for Environmental Assessment, also known as the miljoprovningsdelegationer (MPD), organised under the Regional Management Body, is the entity that is responsible for issuing permits. Currently, the Regional Executive Board oversees the operations of at least 12 different MPDs around the region. Each of these MPD organisations has the jurisdiction to carry out impact analyses and make licencing decisions independently, which is distinct from the authority that the Regional Management Board possesses. Through the local Land and Environmental Court, anyone who disagrees with a decision made by the MPD can file an appeal against that judgement.

Activities Marked with the Letter "C": These Are Things That Do Not Need a Licence (or Permit). The influence that activities labelled C have on the environment may
be identified since it is very light compared to the impact activities A and B have. The necessity to submit environmental permits to the Delegation of Environmental Assessment is not imposed on activities that have been given the letter C in the labelling system. Despite this, there is still a requirement for monitoring. The people responsible for the activity turn themselves into the monitoring body in the city's administrative district.

Activities Categorised as U: A Variety of Other Activities. The actions denoted with the letter U are not included in categories A, B, or C. Activities denoted with the letter U do not need environmental permission from the Delegate for Environmental Assessment, much like activities denoted with the letter C. Even though it is on a smaller scale, operating a repair shop for automobiles is nonetheless subject to the environmental protection regulatory framework outlined in the Swedish Environmental Act. This activity is one of the ones that is being referred to.

The Land and Environmental Court may grant permission for operations connected to water resource management, provided that certain conditions are met. Development in water areas, construction of water or underground water drilling facilities, and installation of irrigation facilities are all examples of activities under "water management." However, modest actions may be exempted from the requirement to report to the supervisory board, often carried out to the Regional Management Board (Chapter 11 of the Environmental Law).

Suppose it is necessary to participate in water-related activities during the development of the facility (or in connection with the operation of the facility). In that case, this will often be subject to approval from the Land and Environmental Courts. This may be the case in certain circumstances. Activities such as development in water areas, abstraction of surface or groundwater, and water diversion are all considered to be examples of water-related activities. The need for a licence is optional for carrying out some insignificant water-related activities. Notifying the supervisory authority, which is typically the district administrative board, is an alternative method that can be utilised to deal with this situation. (This information comes from Chapter 11 of the Environmental Code). The Land and Environmental Court (MMD) and the Municipal Planning Department (MPD) will conduct a joint assessment for any operations that require permits, including activities connected to water and activities that are hazardous to the environment. In addition, the MPD is the organisation that does the evaluation.
The procedure for obtaining a licence for ecologically risky activities follows the same format for obtaining a licence for water-related activities. The organiser carries out an initial study to determine the extent to which the activity is subject to the duty to carry out an assessment and the kind of assessment required to be carried out. In addition, consultations are held with regulatory agencies and other relevant interested parties, as well as with other authorities, other relevant organisations (environmentalists), and the general public.

The application is not sent to the examining authority (MPD) until after the consultation procedure has been completed, the application and all related supporting documents have been finalised, and the application has been submitted. The application will be looked at by the authority in charge of examining it, and if additional information is required for the application, the MPD may ask for it. Following the conclusion of the application review, the decision will be made public and shared with any interested parties for their feedback. The next step is for the MPD to provide its assessment of the permit application, after which the applicant will be given the chance to reply to any comments that have been made.

Once determining that there is a sufficient basis for making a decision and that all questions submitted to the applicant have been addressed properly, the examining authority will judge the proposed activity. This decision will be made once the authority has concluded that there is a sufficient basis for making a decision. A permit is issued for the activity that will take place, together with the conditions required to reduce the negative effects that the activity or activities will have on the surrounding environment. The party that was adversely impacted by the decision may file an appeal with the higher level against decisions made by the examining authority at the first level. It is possible to lodge an appeal with the Land and Environment Court on decisions made by the environmental assessment delegation (MPD). In addition, it is important to note that the applicant has the right to request permission to begin the preparation of the proposed facility before rendering the final judgement, which will have permanent legal force. Putting up a claim for factors relating to building and execution is one way to do this.

It is possible to conclude that the applicant for the permit has not lost a significant amount of time under the circumstances described above. This is due to the fact that as long as the appeal decision through the Land and Environmental Court does not yet have permanent legal force, preparations for carrying out the intended activity can be carried
out. As a result, the applicant will be granted permission to carry out activities as intended at the beginning of the process, either when the permit is later approved or when the appeal is rejected. Obtaining an environmental licence in Sweden entails several components that need proper consideration. These components can be categorised as activity impact identification, impact assessment, and public participation.

4.2 BUILDING AN EQUITABLE ENVIRONMENTAL PERMIT IN INDONESIA

In Indonesia and Sweden, licencing arrangements for activities that have the potential to harm the environment are at least differentiated from how the point of involvement or participation of the affected community is whether or not licences for these activities are obtained. In both countries, the potential for environmental harm can be mitigated by participating in the licencing process. At least in comparison to Indonesia, when Sweden grants permits for activities that are harmful to the environment, they prioritise the participation of parties who have the potential to be harmed by these activities. This is especially true in the event that objections later arise from one of the parties, and they do so through an appeal mechanism to the Land Court and an environment that, on the same occasion, if the entrepreneur (the party applying for the permit) has fulfilled all of the requirements but still has a history of violating environmental In this scenario, the entrepreneur can continue carry out environmental utilisation and management activities by the plan that they lawfully have (so that losses due to administrative processes can be minimised), even while waiting for the appeal process that the entrepreneur submitted. At this juncture, the interests of businesses, members of the general public, and those concerned with protecting the environment are converging.

Public participation, in the context of environmental licencing, which is then nomenclature with post-change environmental approval through Regulation to Replace Law Number No. 2 of 2022, has implications for limiting public participation, which is limited to directly affected communities. In contrast, obtaining an environmental licence does not include such restrictions in Sweden. Furthermore, the participation of environmentalists was deleted through the Regulation to Replace Law Number, which of course, may be considered a defect in assuring public participation and openness towards the utilisation and management of environmental resources. In the context of environmental maintenance, the role of parties who are not directly affected by the
environment is essential. This is due to the fact that the influence of a single environmental "area" on social, economic, and community aspects can never be quantified with absolute certainty due to the interactive and interconnected nature of the environment. Consequently, the role of parties not directly affected by the environment is essential. Because there are numerous different types of ecosystems from which life might emerge, it is necessary to take into account the effects that exploiting one ecosystem will have on the environment as a whole.

Because environmentalists can give a comprehensive perspective of the chain impacts arising from an action to utilise the environment, especially but not limited to activities that have a high risk to the environment, the participation of environmentalists becomes more crucial in this understanding. Environmentalists can provide a comprehensive view of the chain impacts from activity to utilise the environment. Even so, when viewed from a business (economic) perspective, such actions are inhibitors in the movement of the wheels of the economy and have the potential to harm entrepreneurs, and it is clear that partiality is shown to these parties, as illustrated by Regulation to Replace Law Number 2 of 2022. At this juncture, it is vital to develop a point of convergence in Indonesia between the interests of business owners, the interests of society, and the objectives of environmental conservation.

In point of fact, the existence of the concept of public participation in the process of granting environmental permits refers to Law No. 32 of 2009, which is a reflection of partiality towards environmental interests, at least relative to what is regulated through Regulation to Replace Law Number No. 2 of 2022; however, for business actors, the complexity presented by Law no. 32 of 2009 has become an obstacle for them in conducting business, so that "side" practises have often been found so as to circumvent Law no. 32 of 2009. Even though some aspects of environmental utilisation, public participation, and environmental sustainability were compromised later on, the existence of Regulation to Replace Law Number No. 2 of 2022 can also be interpreted as an effort to make doing business easier, particularly in environmental clusters related to activities related to environmental utilisation. This is especially true in environmental clusters (Iskatinah et al., 2022).

Building environmental permits that are just in Indonesia, at least for now, can be done by referring to the realisation of the convergence of environmental, community and business interests, as previously mentioned. Efforts to simplify the environmental
licensing process (environmental approval) in Regulation to Replace Law Number 2 of 2022 can be used as a basis for the realisation of conversion of interests, which must then be carried out, namely efforts to incorporate or unify the socio-cultural dimensions through strengthening public participation which, if referring to Collin's opinion, is Environmental justice is closely linked to distributive justice which suppresses public participation, which Arcioni and Mitchell (2005) agree that public participation is the order of the quality of justice in matters related to "the environment". Public participation can refer to communities that are direct and indirect, as raised in the environmental permitting process carried out in Sweden, especially by bringing back the participation of environmentalists. With the capital of simplification of the administrative process carried out in changing nomenclations to environmental approvals as referred to in Regulation to Replace Law Number 2 of 2022 and increasing the power of public participation can be a starting point for realising convergence which is intended primarily in realising environmental justice.

5 CONCLUSION

This study compares and contrasts the processes used in Indonesia and Sweden to decide whether or not to provide licences for activities damaging to the environment. In Indonesia, public engagement is restricted to those directly affected, and environmental observers have been banned from the procedure per Regulation to Replace Law Number 2 of 2022. On the other hand, Sweden prioritises the participation of potentially affected parties in the permit process. A step backwards has been taken to ensure public engagement and openness in environmental management due to the exclusion of environmental observers from the permission procedure. According to the study's findings, addressing the consequences of environmental exploitation over the long term requires extensive public participation, which should include the involvement of environmental observers.

According to the study's findings, for sustainable economic growth in Indonesia, there needs to be a convergence of interests among business owners, communities, and environmental protection. It also sheds light on the economic impediments produced in Indonesia due to the complicated permit process in that country, which frequently results in illicit activities such as illegal mining. As a result, it is of the utmost importance to strike a balance between preserving the environment and expanding the economy in
Indonesia. The participation of the general people in issuing permits is essential to striking this balance.

The research is limited in that it only looks at environmental permit laws in Indonesia and Sweden; a comparative study that included additional countries could have provided a more comprehensive picture of environmental permit rules. As a result, future research should investigate the permit systems of other nations in order to determine the most effective methods for ensuring public participation and protecting the environment. In addition, additional research might investigate the function that environmental observers play in terms of monitoring and analysing the effects that environmental exploitation has over the long term.

In order to further expand this study, researchers might conduct a comparative analysis of Indonesia's Regulation to Replace Law Number 2 of 2022 with the environmental regulations of other nations to determine the policy's benefits and drawbacks. This would allow the researchers to discover the strengths and weaknesses of the policy. In addition, the study can potentially evaluate the economic and environmental implications by excluding environmental observers from the permission procedure in Indonesia. As a final step, researchers might investigate how public participation in the permit process can protect the environment while preserving economic growth. This is because public participation in the permit process might be essential in attaining sustainable development.
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