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Review article*

Lost Role of Local Governments in Coal Mining Licensing and Management Environment in Indonesia

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Abstract

This study to describe implications of the enactment of Law Number 11 of 2020 concerning Job Creation (UU Omnibus Law) related to Regional Powers in environmental management as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management (UU 32/2009). This study also seeks to describe the impact of the enactment of Law Number 3 of 2020 concerning Mineral and Coal Mining on the authority of coal mining permits for local governments. From the results of the study it was found that there were several articles that had the potential to threaten and degrade the power of local governments in terms of environmental management and protection which previously according to Law 32/2009 was jointly accepted by the central government in the form of coordination, while in the Omnibus Law there are options where the permit from the management of environmental utilization will be carried out through the central government or local government. The degradation the authority of local governments in mineral and coal mining permits can be seen where the removal of the authority for mineral and coal mining permits by the regions in Law No. 3 of 2020 concerning Mineral and Coal Mining.

Keywords: Environment, Local Government Power.

Introduction

Environmental problems in developing countries such as Indonesia are different from environmental problems in developed countries. Environmental problems in Indonesia are often caused by the efforts of the government or society (both individuals and legal entities) with ideas and nomenclature for "development" (Adharani, 2017). Until in the end various environmental problems in Indonesia resulted in a decrease in environmental quality both directly and indirectly (Rocmhmani, 2019). However, we must also be honest that large-scale infrastructure development has become a necessity along with the development of society. The positive impacts of infrastructure development include increasing people's welfare and regional income, but the negative impacts are also not small, such as the preservation of environmental functions, reduced natural resources due to over-exploitation, air pollution due to industrial pollution, and the development of economic infrastructure which is identical to damage environment. Thus, large-scale infrastructure development must consider the concept of sustainable development to minimize its negative impacts. Some examples of cases in Indonesia related to environmental damage as a result of the production of a corporation or with development frills include: the case of Lapindo Brantas so as not to pollute the environment to routine cases every year namely the export of smoke to neighboring countries, namely Malaysia and Singapore caused by burning areas forests by Forest Management Rights (HPH) holders, and many more. Both cases have indirectly violated the constitutional rights of Indonesian citizens and

people to live in a healthy environment and also violated Human Rights (HAM) because a good and healthy environment is part of human rights. When viewed more globally, in the history of environmental pollution in Japan there are 4 (four) cases, namely: the Itai-itai case (cadmium pollution), the Minamata case (Nigata), the Kumamoto case, Kyusu (mercury poisoning) and the air pollution case in Yokkaichi. The Itai-itai case was revealed in 1910 in the Toyama City area. Only in 1968, experts and the Japanese Ministry of Health and Welfare concluded that itai-itai disease (it hurts, it hurts) is caused by cadmium contamination. In 1965 there had been Minamata in Nigata caused by Mercury poisoning and nine years earlier the Minamata case occurred in Kumamoto Bay (Rangkuti, 2000).

There is also a case of pollution by B-3 waste which is quite well known, namely the publication of Rachel Carson in 1962 entitled Silent Spring, in the book it is said that the presence of DDT residues that enter through the food chain in squid that live in the deep sea, penguins that live in the Antarctic sea, and in human fat tissue (Trihardiningrum, 2000). Rachel Carson's publication is an illustration of how greedy humans were in the past in their efforts to meet the needs of human life in the food sector. Where the excessive use of DDT causes the accumulation of DDT in the human and animal bodies. The problems regarding the environment above are a glimpse of the environmental damage caused by the negligence of the state or society, both in Indonesia and in the world. In the context of Indonesia, such problems tend not to be handled optimally. Efforts to deal with all kinds of environmental problems in Indonesia are still very minimal both in terms of knowledge and awareness of the parties who are directly or indirectly related to the environment (Lestari & Djanggih, 2019). Then in terms of the awareness of the parties, the mindset of the Indonesian people in general which only thinks about personal or temporary interests is still very dominating in the minds of each. This is supported by the understanding that this nature belongs to us, not to our children and grandchildren, where we can see and observe that the export of smoke that regularly occurs every year is evidence of the private sector's lack of concern for the environment, for example the HPH holders where they burn dozens of people. even hundreds of thousands of hectares of forest annually in order to clear land for agriculture and plantations (Lestari & Djanggih, 2019).

According to Matiias Fringer's view, the global environmental crisis as it is today is at least caused by several things, including: wrong and failed policies; inefficient technology even tends to be destructive; low political commitment, ideas, and ideologies that ultimately harm the environment; deviant actions and behavior of state actors; the spread of cultural patterns such as consumerism and individualism; and individuals who are not well guided (Fingger, 2006). Based on that view, what is needed to overcome environmental problems should be done through better policy making; new and different technologies; strengthening political and public commitment; creating new ideas and ideologies that are pro-environment (green thinking); handling of actors who are considered deviant; and changing the cultural patterns, behavior, and awareness of each individual in an effort to control environmental impacts (Fingger, 2006).

Environmental impact control is an effort to take action to control an activity carried out by everyone, especially companies that have a major impact on the environment. In this case, environmental impact is defined as the effect of changes in the environment caused by a business and/or activity. Therefore, the protection and management of the environment is an obligation for the state, government and all stakeholders in implementing sustainable development so that the Indonesian environment can remain a source and support for life for the Indonesian people and other living creatures. (Mina, 2016) In this case, the substance of the formation of legal products in Indonesia must prioritize prevention and control of damage to the environment.

However, these good views and suggestions do not seem to be responded well by the legislators in Indonesia, as it is known that in the latest legal product, Law Number 11 of 2020 concerning

Job Creation (hereinafter referred to as the Omnibus Law) which was formed through the omnibus method. Law, precisely in Article 21 Jo 22 of the Omnibus Law, several provisions in Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as Law 32/2009) underwent changes that substantially had the impression of opening wider space for opportunities from individual or corporate actions that have the potential to cause damage to the environment. In addition, changes to Law 32/2009 using the Omnibus concept also have the impression of reducing (degrading) the power of the Regional Government (hereinafter referred to as Pemda), especially in the field of environmental protection and management. As we know that in the era of regional autonomy according to Law Number 32 of 2004 concerning Regional Government and after being changed to Law Number 23 of 2014 concerning Regional Government in Article 1 point (6) states that:

Regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage its own government affairs and the interests of the local community in accordance with statutory regulations.

In terms of delegation of authority to local governments in the field of natural resource management and environmental conservation, it is intended to increase the role of local communities in environmental protection and management (Mina, 2016). This community participation can guarantee dynamism in environmental protection and management so that this activity is able to answer the challenges mentioned above. This community participation mechanism needs to be manifested in everyday life through democratic mechanisms, the concept is actually a concept that has been applied globally where in terms of environmental protection and management, the government and the community both individually and jointly play a role and are responsible. to achieve the goals of the state (Paiz, 2016)

Furthermore, the issue that always intersects with the environment is mining where in this case what is meant is mineral and coal mining, where as it is known that mining often produces output in the form of environmental damage at the mining location, it is only natural that mining permits must meet certain parameters. so that mining carried out can minimize or even not produce environmental damage. The author's argument is not without reason, for example coal mining activities in East Kalimantan Province, where coal mines are exploited on a large scale, will cause deforestation, bare land with holes like giant puddles, ecologically very worrying because it causes damage environment, which in 2019 alone resulted in 36 deaths in mining pits. The problem that the author is asking is whether there is a degradation of local government authority in coal mining licensing and environmental management?

Degradation of Local Government Authority in Regional Mining Licensing and Environmental Management

Talking about mining permits and environmental management is actually always interesting to discuss, in a legal setting, for example, it is always interesting because it relates to the points in Pancasila, especially social justice. Pancasila as the nation's view of life and as the source of all sources of law for the Indonesian people must be interpreted according to the needs of the Indonesian people, the characteristics of Pancasila justice are to humanize humans fairly and civilly according to their human rights. Human rights have been inherent since humans were in the womb. Human rights must always be protected because the law exists for the community. Human rights are the right to equal treatment before the law. In addition to humanizing humans, the characteristics of Pancasila justice also provide social justice for all Indonesian people. Humans as social beings, so they must respect each other in accordance with Augustine's teachings are a matter of values, name-

ly price and love, and loving others (Adillah, 2020). Respect for each other aims to respect human rights in obtaining justice and welfare because justice in the fifth principle of Pancasila provides social justice for all Indonesian people. The characteristics of Pancasila justice are moral principles and values about truth, namely justice which serves as the basis for establishing legal justice in the formation of legislation that adopts the values of justice based on Pancasila as the ideology of the Rechtsidee nation (Adillah, 2020). The ideal of law (Rechtsidee) certainly has a goal, namely justice. In law, justice is different from Pancasila social justice or from just and civilized humanity. Justice in law literally has a narrow meaning, namely what is in accordance with the law is considered fair, while those who violate the law are considered unfair. If there is a violation of the law, then the court must do it to restore justice (Adillah, 2020).

In contrast to the concept of Pancasila justice, justice based on Pancasila is a moral obligation that binds community members in their relationship with other community members. Social justice in Pancasila is a source of values that must be translated into legal justice. The goal of achieving justice gave birth to the concept of justice as a result or decision obtained from the proper application or implementation of legal principles and equipment. This notion of justice can be called procedural justice and this concept is symbolized by the goddess of justice, the sword, the scales, and the blindfold to ensure impartial and independent consideration of people (Negley, 1970). So starting from that, protection of the environment is something that must be fulfilled, because living in a healthy and unpolluted environment is the right of all Indonesian people which has been guaranteed in the 1945 Constitution, and in some literature it is also said that damage to the environment results in the loss of citizens' constitutional rights. the state is a violation of human rights (HAM0, besides that which is no less important is for the sustainability of human life in the future).

For example, the Constitutional Court Decision Number 058-059-060-063/PUU-II/2004 and Case Number 008/PUU-III/2005 regarding the testing of Water Resources (SDA) which is quite phenomenal, in the judge's consideration section it is stated that:

“that aspects of human rights that must be guaranteed by the state are respect, protection, and fulfillment, not only concerning current needs but also ensuring their continuity for the future because they are directly related to human existence. Therefore, the state also needs to be actively involved in water resource management planning whose aim is to ensure the availability of water for the community. The planning involves many things, including the conservation of water resources, which is basically human intervention in the hydrological cycle, so that water is available in sufficient quantity when water is needed by humans”.

Based on one of the judges' considerations, it can be said that the sustainability of the life of the Indonesian people in the future related to a healthy and well-maintained living environment is a state obligation that cannot be reduced. So in the aspect of environmental management, the state must pay attention to the direct and indirect impacts of a production or production activity on the environment of the Indonesian nation.

After almost fifteen years after the last amendment to the 1945 Constitution in 2002, many parties have begun to pay attention to constitutional studies that are in contact with environmental issues. The provisions of the amendments have brought important meaning to the availability of constitutional guarantees for environmental sustainability in Indonesia. Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution are key provisions regarding the regulation of environmental norms in the Indonesian Constitution. In succession, the two Articles read as follows:

Article 28H paragraph (1): "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and have the right to obtain health services".

Article 33 paragraph (4): "The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity".

Based on the two articles above, it is clear that the 1945 Constitution has also accommodated constitutional protection, both for its citizens to obtain an adequate environment and guarantees for the preservation of a sustainable environmental order for the negative impacts of national economic activities. However, according to Jimly Ashidiki, an expert on constitutional law who first popularized the term "Green Constitution" in Indonesia, he divided three constitutional models that contained the constitutionalization of norms in an effort to protect the environment, namely: (1) a formal constitutionalization model, for example in Protugal; (2) a substantial constitutionalization model, for example in France; and (3) structural constitutionalization model, for example in Ecuador (Ashidiqqie, 2009). According to him, the current 1945 Constitution can be categorized into a formal constitutionalization model that has a green nuance, but is still very young (Ashidiqqie, 2009). This means that the constitutionalization of norms for protecting the environment in the 1945 Constitution is still very limited, much different from what has been adopted by the countries of Ecuador or France in their constitutions.

To strengthen the protection of the environment, especially from a constitutional perspective, there are several steps that can be taken. First, although the 1945 Constitution has included several provisions related to the environment, when compared to the constitutions of other world countries, Indonesia can still be said to be a country that does not strictly regulate the constitutionalization of environmental principles in its constitution. If there is a fifth amendment to the 1945 Constitution, it is necessary to formulate stronger norms for the protection of the environment and human rights with reasons and negative impacts on environmental problems.

In fact, the constitutionalization of environmental norms in the constitution should be made separately and no longer combined with other parts which suggest that the environment is a subsidiary factor under economic factors or just to be exploited for profit and economic growth. Protection of the environment should be read from a human rights perspective. Because the issue of environmental problems is a common issue and becomes the common interest of all citizens, it is appropriate that the strengthening of environmental norms in the constitution has a central position, because it does not contain the pragmatic-political interests of certain groups or groups.

Second, the constitutionality review mechanism that exists in the Indonesian legal and constitutional system is only a product of the law. There is no mechanism for examining the constitutionality of the products of legislation under the law. Thus, it will be very unfortunate if the constitutionalization of norms is successfully strengthened, but in reality the mechanism for examining the constitutionality of laws and regulations is still "half-hearted". In the future, it is also necessary to consider placing the authority to examine the constitutionality of all products of legislation under one roof in order to create a vertical-tiered integration of the legislative system in line with the 1945 Constitution. The absence of a constitutional complaint mechanism in the Indonesian legal system can also be an obstacle when there are citizens or groups of citizens who want to go to court to defend their constitutional rights due to environmental damage caused by actions or decisions of government officials (Faiz, 2016).)

Third, socialization of the constitutionalization of environmental norms is very important to always be carried out. At the very least, increasing knowledge of the environmental constitution can be provided to state policy makers at every level of government, including judges. Moreover, state and government officials have vowed to carry out the contents of the constitution seriously. With the increase in ecological awareness among policy makers, it is hoped that they can contribute to enligh-

tening citizens gradually and thoroughly. Thus, when there is a conflict between the interests of environmental sustainability and the interests of economic growth, policy makers can consciously choose the interests of environmental sustainability as their priority. (Handayani, 2011)

Fourth, cooperate with all elements of society both at home and abroad in an effort to carry out environmentally friendly development. This is as stated by Williamson (1996) based on the theory of government it is said that nation-states must now collaborate and cooperate with actors outside the government to achieve their state goals. This tendency is increasingly needed when humanity is talking about problems at the global environmental level, where nation states must play a role and be responsible both individually and jointly with transnational corporations and non-governmental organizations. In the context of political science and international relations, world countries in the current era of globalization must also improve the way they work through a network system. Therefore, optimal cooperation among state actors must be carried out through a hierarchical system of government and hybrid networks, without having to hand over state sovereignty in various fields of life to certain parties. This is what is then referred to as the mechanism of governance (Williamson, 1996).

The author's view prioritizes the management and protection of the environment in a constitutional perspective, in the sense that environmental protection should be explicitly and straightforwardly accommodated in the 1945 Constitution. Considering that the Indonesian constitution has not explicitly regulated the protection of the environment which in fact also has a correlation with human rights. Therefore, the author is more inclined to suggest that in terms of protecting the environment, one way and way that must be taken is to include the values of protecting the environment explicitly and clearly in the articles of the constitution.

As is known, Indonesia has entered a new era of regional autonomy, which was marked by the birth of Law Number 22 of 1999 concerning Regional Government which was effective in May 2001. It is said to be a new era because in fact the issues and arrangements for regional autonomy have been started since the enactment of the 1945 Constitution. which was then followed by the enactment of Law Number 1 of 1945 concerning the Position of the Regional National Committee (KNID). Furthermore, the decentralization policy in Indonesia has been in effect since the Dutch colonial era, namely the enactment of Decentralisatie Wet 1903 through Koninklijke Besluit Number 39 of 1904 (Decentralisatie Besluit 1904) and Ordinance Number 181 of 1905 (Locale Raden Ordonantie 1905) (Wignjosoebroto, 2005) . The presence of the new era of regional autonomy has implications for changes in various related rules and policies, including in the field of environmental management. Various environmental affairs which initially tended to be centralized, have since been broadly delegated to the regions, although there is a kind of "recentralization of authority" through Law Number 32 of 2004 concerning Regional Government and Government Regulation Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Government, and District and City Governments (Akib, 2012).

In principle, the decentralization policy is aimed at strengthening the capacity of local governments in improving people's welfare through public services and strengthening democracy at the local level. Decentralization of environmental management is expected to improve the quality of the environment by providing excellent service to the community, facilitating access to information, increasing community participation and enforcing environmental laws (Keraf, 2002). So it can be said that one of the effective environmental management strategies in the regions within the framework of regional autonomy is to involve community participation in environmental protection and management. Through decentralization and regional autonomy, local government agencies play a major role in protecting the environment and natural resources in Indonesia. Unfortunately, these agencies

often have to face serious challenges in adapting to exercise this authority. So the steps that must be taken are not to reduce the power of local governments in terms of environmental protection and management, but to strengthen the position of the regions through strengthening these institutions so that they can be mature in carrying out these tough challenges.

In addition, the delegation of authority to local governments in the field of natural resource management and environmental conservation has the intention of increasing the role of local communities in environmental protection and management (Mina, 2019). The work that has just been approved, the argument that the author builds is not without reason. In this case, the author identifies between the Omnibus Law and Law 32/2009. In the identification that the author does, there are several articles that have the potential to threaten the degradation of the power of the Regional Government, here the author will compare the articles that were amended through the Omnibus Law with Law 32/2009, including:

Table 1. Comparison of Environmental Protection and Management Arrangements between Law No. 11 of 2020 concerning Job Creation and Law No. 32 of 2009 concerning the Environment

Law No. 11 of 2020	Law No. 32 of 2009
Article 1 Paragraph 11 Environmental impact analysis, hereinafter referred to as Amdal, is a study of significant impacts on the environment from a planned business and/or activity, to be used as a prerequisite for making decisions regarding the operation of a business and/or activity as well as contained in a Business Licensing, or approval from the Central Government. or Local Government.	Article 1 Paragraph 11 Environmental impact analysis, hereinafter referred to as Amdal, is a study of the significant impact of a planned business and/or activity on the environment which is required for the decision-making process regarding the operation of a business and/or activity.
Article 1 Paragraph 12 Environmental management efforts and environmental monitoring efforts, hereinafter referred to as UKL-UPL, are a series of environmental management and monitoring processes that are outlined in a standard form to be used as a prerequisite for decision making and are contained in a Business License, or approval from the Central Government or Regional Government.	Article 1 Paragraph 12 Environmental management efforts and environmental monitoring efforts, hereinafter referred to as UKL-UPL, are the management and monitoring of businesses and/or activities that do not have a significant impact on the environment that are required for the decision-making process regarding the implementation of businesses and/or activities.
Article 1 Paragraph 35 Environmental Approval is an Environmental Feasibility Decision or a statement of Environmental Management Ability that has obtained approval from the Central government or Regional Government.	Article 1 Paragraph 35 Environmental permit is a permit that is given to every person who carries out a business and/or activity for which an Amdal or UKL-UPL is required in the context of environmental protection and management as a prerequisite for obtaining a business and/or activity permit.
Article 1 Paragraph 36 Central Government is the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia assisted by	Article 1 Paragraph 36 A business and/or activity license is a permit

Law No. 11 of 2020	Law No. 32 of 2009
the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia. Article 20 Paragraph 3 Everyone is allowed to dispose of waste into environmental media with conditions: meet environmental quality standards; and obtain approval from the central government or local government. Article 24 The Amdal document is the basis for the environmental feasibility test for the business and/or activity plan. The environmental feasibility test as referred to in paragraph (1) is carried out by an environmental feasibility test team established by the central government environmental feasibility test agency. The environmental feasibility test team as referred to in paragraph (2) consists of elements from the Central Government, Regional Government, and certified experts. The Central Government or the Regional Government shall stipulate an Environmental Feasibility Decision based on the results of the environmental feasibility test. The Environmental Feasibility Decree as referred to in paragraph (4) is used as a requirement for the issuance of a Business license, or the approval of the central government or regional government. Further provisions regarding the management of environmental feasibility tests are regulated in a Government regulation. Article 55 The holder of the Environmental Approval is required to provide a guarantee fund for the restoration of environmental functions. The guarantee fund is deposited in a state bank appointed by the Central Government. The Central Government may assign a third party to restore environmental functions by using a	issued by a technical agency to conduct a business and/or activity. Article 20 Paragraph 3 Everyone is allowed to dispose of waste into environmental media with conditions: meet environmental quality standards; and obtain permission from the Minister, governor, or regent/mayor in accordance with their respective authorities. Article 24 The Amdal document as referred to in Article 22 is the basis for determining environmental feasibility decisions. Article 55. The holder of the environmental permit as referred to in Article 36 paragraph (1) is required to provide a guarantee fund for the restoration of environmental functions. The guarantee fund is deposited in a government bank appointed by the Minister, governor, or regent/mayor in accordance with their respective authorities. The minister, governor, or regent/mayor in accordance with their respective authorities may designate a third party to restore environmental functions by using the guarantee fund. Further provisions regarding the guarantee fund as referred to in paragraph (1) to paragraph (3) shall be regulated in a Government Regulation. Article 59 Everyone who produces B3 waste is obligated to manage the B3 waste it produces. In the event that the B3 as referred to in Article 58 paragraph (1) has expired, its management shall follow the provisions of B3 waste management. In the event that each person is unable to manage his/her own B3 waste, the management is left to another party.

Law No. 11 of 2020	Law No. 32 of 2009
guarantee fund. Further provisions regarding the guarantee fund as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be regulated in a Government Regulation. Article 59 Everyone who generates B3 Waste is obligated to manage the B3 Waste it generates. In the event that the B3 as referred to in Article 58 paragraph (1) has expired, its management shall follow the provisions of B3 Waste Management. In the event that each person as referred to in paragraph (1) is unable to carry out the B3 Waste Management himself, the management shall be left to another party. Hazardous Waste Management must obtain a Business Permit, or approval from the Central Government or Regional Government. The Central Government or Regional Governments are required to include environmental requirements that must be met and obligations that must be complied with by B3 waste managers in Business Licensing, or approval from the Central Government or Regional Governments. The decision to grant a Business Licensing must be announced. Further provisions regarding B3 Waste Management are regulated in a Government Regulation. Article 61 Dumping as referred to in Article 60 can only be carried out with the approval of the Central Government. Dumping as referred to in paragraph (1) can only be done at a predetermined location. Further provisions regarding procedures and requirements for dumping waste or materials are regulated in a Government Regulation.	Management of B3 waste must obtain a permit from the Minister, governor, or regent/mayor in accordance with their respective authorities. The minister, governor, or regent/mayor must state the environmental requirements that must be met and the obligations that must be complied with by the B3 waste manager in the permit. The decision to grant the permit must be announced. Further provisions regarding B3 waste management are regulated in a Government Regulation. Article 61 Dumping as referred to in Article 60 can only be carried out with a permit from the Minister, governor, or regent/mayor in accordance with their respective authorities. Dumping as referred to in paragraph (1) can only be done at a predetermined location. Further provisions regarding procedures and requirements for dumping waste or materials are regulated in a Government Regulation.

Based on the comparison of Article by Article in the Omnibus Law which makes changes to Law 32/2009, the authors conclude that the door to the degradation of local government power is wide open. This is because in terms of the norms governing the authority between the Central Government and Local Governments contained in the Omnibus Law, the optional redaction "or" has the

implication that any licensing or approval related to businesses that have the potential to damage the environment can be carried out through the Government. Central or Local Government.

The magnitude of the opportunity for the degradation of local government power is not without reason, considering that companies or individuals with large production sectors that have the opportunity to threaten the environment are usually companies with large production sectors that have direct or indirect relationships with the Central Government in the form of relation. This of course violates the principles of regional autonomy and it is feared that in the future related to licensing or approvals regarding the environment will pile up on the table of the central government (Farid, et.al, 2017). Therefore, it can be said that in addition to deviating from procedural principles, the Omnibus Law has also deviated from the principles of decentralization of power that have been championed since the reformation as we know it by the term "regional autonomy".

This can actually be seen implicitly in the purpose of the establishment of the Omnibus Law, one of these objectives is to improve the investment climate by adjusting various aspects of regulation related to improving the investment ecosystem, facilitating and accelerating national strategic projects that are oriented towards interests. national. Meanwhile, in Law 32/2009 for the same norms, it tends to prioritize coordination and joint decisions between the center and the regions in licensing and approval of the protection and management of the scope of life. Such things are actually ideals that illustrate the spirit of mutual cooperation and the principle of deliberation and consensus between the Central Government, Regional Governments and local communities in terms of environmental protection and management. Then further degradation of local government power in coal mining licensing can be seen through the Law of the Republic of Indonesia Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining. Where the amendment to the Mineral and Coal Mining Law removes the provisions of Article 7 of the previous Law regarding the authority of local governments in terms of granting mineral and coal mining permits..

As it is known that the enactment of "Law Number 23 of 2014 concerning Regional Government (UU Pemda)" has implications for the delegation of authority to issue mining permits. The authority to issue mining permits, which used to be carried out by local governments at the district/city level, has now shifted to the authority of the provincial government. This change is carried out as a measure to anticipate natural damage, because the delegation of authority is expected to minimize the misuse of the granting of ecological permits which are often issued arbitrarily and to facilitate supervision from the center on the utilization of natural resources in the Mineral and Coal subsector (Saputra, 2020)

After a decade of enactment, the Minerba Law is considered no longer relevant to the legal needs of the community and the need for business implementation in the Mineral and Coal mining sector. Revision of the Minerba Law needs to be carried out in order to create harmonization and synchronization of laws in order to make an effective, efficient and comprehensive juridical basis in the Mining and Coal sector. Until finally on May 12, 2020, the government approved the revision of the Minerba Law. The revision of the Minerba Law brought changes in the application of a centralized system to the management and licensing authority. Quoting the opinion of the Minister of Energy and Mineral Resources (ESDM) Arifin Tasrif who stated that the withdrawal of management authority to the central government was carried out to control the amount of production and sales, especially metals and coal as strategic commodities for energy security and metal downstream supply. (Saputra, 2020) This has an impact on coal mining permits taken as a whole by the center and has an impact on the centralization of mineral and coal mining permits and ultimately degrades the authority of local governments.

Conclusion

After making a comparison between the articles regarding the regulation of environmental protection and management as regulated in Article 21 jo 22 of Law Number 11 of 2020 concerning Job Creation with Law Number 32 of 2009 concerning Environmental Protection and Management, the author found several articles which has the potential to threaten and degrade the power of local governments in terms of environmental management and protection which previously according to Law 32/2009 this power was jointly accepted by the central government in the form of coordination, while in the Employment Creation Act/Omnibus Law there is a choice of whether to permit the management of utilization Environmental protection will be carried out through the central government or local government, which according to the author threatens the power of local governments in environmental protection and management. The degradation of the authority of local governments in mineral and coal mining permits can be seen where the removal of the authority for mineral and coal mining permits by the regions in Law No. 3 of 2020 concerning Mineral and Coal Mining.

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