

## **Regional Government Policy in Environmental Management in Autonomy Regional Era to Make Up the National Development**

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**Abstract :** Environmental issues in the region have become one of the world's problems that surfaced in the last quarter century, including in Indonesia so that environmental issues are very interesting to talk about. The division of authority between the central and regional governments which are then delegated to the regions widely, in relation to the Law on Regional Autonomy, namely Law No. 23 of 2014 on Regional Government, this opens the opportunity for the region to determine its policy broadly, especially considering the investment policy in wide open areas in the region to support the National Development. In this paper the authors use the type of normative legal research, then the type of data used in this writing is the type of secondary data. Secondary data is data obtained through literature study. Secondary data obtained from a number of information or facts obtained indirectly, namely through literature study consisting of documents, literature books, and others related to the problem under study. Techniques used in this writing the author uses the technique of Writing Libraries is a technique in the form of literature studies of books and literature and legislation related to the subject matter studied. The authority of the relevant area of the Environment shall be contained in Article 12 of Law Number 23 Year 2014 concerning Regional Government, paragraph (2), letter e. National and Regional Policy in Environmental Management. In accordance with Law 23 of 2014 on Regional Government and Government Regulation no. 25 of 2000 on the Authority of the Government and the Authority of Provinces as Autonomous Regions, in the field of the environment provides political recognition through transfer of authority from the central government to the regions. In this case also need to be re-examined various policies that exist in local government so that there is no policy in the form of local regulation that harm the environment and do not pay attention to condition of society which with national development.

**Keywords :** ( Regional Autonomy, Environment and National Development )

## A. INTRODUCTION

### 1. Background

Law Number 23 Year 2014 on Regional Government, Local Government is the implementation of government affairs by local government and DPRD according to the principle of autonomy and duty of assistance with the principle of autonomy as wide as possible in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the Constitution The Republic of Indonesia Year 1945.

The term "autonomy" in the Oxford dictionary is defined as "self-government" and "personal freedom". In the practice of governance, autonomy is defined at a lower level in regulating or dealing with oneself. This independence will be achieved if there is flexibility or authority, ability, and motivation to regulate or take care of yourself properly. A local government can be said to have *berotonomi*, if he has been given the required authority, has adequate ability, and a positive motivation to take care of himself. These three elements are the determinants of the success of regional autonomy organizers.<sup>1</sup>

The autonomous region within the Indonesian tradition is a legal entity that has certain territorial boundaries and has regional autonomy, while

regional autonomy is the authority to make policies and implement policies on its own initiative. Given the existence of variations in the condition and potential of the autonomous community, there is a diversity of policies and their implementation.<sup>2</sup>

Regional autonomy regulated in the legislation, is a spirit for local government to spur its performance to plan and take strategic policy in order to organize regional autonomy, then made the law.<sup>3</sup> With the local regulation, each region can make policies for the development of their respective regions.

Based on Law No. 25 of 2004 on the National Development Planning System, it is clear that to promote equitable development, decentralized development is needed, which would be realized if the implementation of regional autonomy. Decentralization of regional development can be realized in regional RPJM, regional RPJP, RKPD, and Renstra to increase economic growth and development in the region. Therefore, the region seeks to take advantage of regional autonomy to develop and *memanjukkan* region in

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<sup>1</sup>WrataGubernur, Journal of Autonomy & Regional Development, 2007, Vol. 1, Year 1, January, p. 11

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<sup>2</sup> WrataGubernur, Journal of Autonomy & Regional Development, 2007, Vol. 3, Year 1, January, p. 35

<sup>3</sup> WrataGubernur, Journal of Autonomy & Regional Development, 2007, Vol. 2, Year 1, January, p. 21

accordance with the potential of the region owned.<sup>4</sup>

A decade of more regional autonomy has been implemented but in fact there are still many problems in the region, there are even indications of violations of other regulations in the name of development of autonomy and regional development. The initial goal of regional autonomy is to increase regional economic growth and equitable development between central and regional levels. The goal seems to be the motivation of the region to take advantage of the potential of power suber owned. As an example of SDA (Natural Resources). Many in the regions have abundant natural resources in the case of mining mineral, metals and other resources exploited by the local government on the grounds of increasing revenues (PAD), economic growth, development, poverty alleviation and community welfare.<sup>5</sup>

Even from the results of the study said the environmental damage is increasingly worried and worse condition, but compressive handling has not been done yet, even the government as a regulatory body and regulate can not do much, but on the contrary gave birth to policies that contradict the principle of sustainable development, Immediately

prepared the concept of saving the environment by preventing the extraction and destruction of natural resources, waste of sources of steps, support the sustainability of the global environment tailored to the national capabilities by not sacrificing the interests of the people.<sup>6</sup>

Areas that have their respective autonomy should certainly pay more attention to Perda-perda made, related to the national development that will impact on the environment, for that from the background the author tries to examine how the authority or policies in the form of local regulations related to the environment for development national.

## **B. PROBLEM STATEMENT**

The problem statement the author tries to examine how the authority or policy-policy in the form of environmental regulations related to the national development.

## **C. RESEARCH METHODS**

In this paper the authors use the type of normative legal research, then the type of data used in this writing is the type of secondary data. Secondary data is data obtained through literature study. Secondary data obtained from a number of information or facts obtained indirectly, namely

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<sup>4</sup><http://aliroziqinkarya.blogspot.co.id/2015/01/oton-omi-daerah-dan-dampak-terhadap.html>, downloaded on Sunday, April 29, 2018, at 7.53 wib

<sup>5</sup> ibid

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<sup>6</sup> Read the research on the Legal Raised Legal Drafting Formulation Model of Local Regulation (Perda) Green Legislation in the Framework of Developing Good Governance Governance Practices in the Region, 2010, I Gusti Ayu Ketut Rachmi Handayani, year 1, p. 72

through literature study consisting of documents, literature books, and others related to the problem under study.

Techniques used in this writing the author uses the technique of Writing Libraries is a technique in the form of literature studies of books and literature and legislation relating to the subject matter under study.

## **D. PROBLEM DISCUSSION**

### **1. Local Regulations**

Perda is formed based on the principle of the establishment of legislation. The public is entitled to provide input orally or in writing in the context of preparation or deliberation of the draft law. Preparations for the formation, discussion and ratification of the draft local regulations are guided by legislation.

The regional regulation shall be submitted to the central government no later than 7 (seven) days after the stipulation. The law applies once it is enacted in the regional sheets. Local regulations shall not be contrary to public interest, other Regional Regulations and higher laws and regulations.<sup>7</sup>

In Article 7 of Law No. 12 of 2011 concerning the Establishment of Legislation there are two types of regional regulations: Provincial Regulations and Regency / City Regulations. Provincial Regulations shall be laws and

regulations established by the Provincial DPRD with the consent of the governor. Including the Provincial Provincial Regulation is the prevailing Qanun in Aceh Province (NAD) and Perdasus (Special Regulation) and Perdasu (Provincial Regulation) applicable in Papua Province and West Papua.<sup>8</sup> Whereas Regency / City Regulations are laws and regulations established by the Regency / Municipal People's Representatives with the approval of the Bupati / Walikota.<sup>9</sup>

### **2. National Development**

In the framework of the implementation of local government, regional development planning is formulated as a unity in the national development planning system. Regional development planning is prepared by the provincial government. Regions or municipal areas in accordance with their authority implemented by the Regional Development Planning Board, namely:

- a. Regional long-term development plans (RPJP Daerah) for a period of 20 (twenty) years as stipulated by local regulations;
- b. Regional Medium-Term Development Plan (RPJM Daerah) for a period of 5 (five) years as stipulated by local regulations
- c. Regional development work plan (RKPD) is a translation

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<sup>7</sup> Dedy Supriady Bratakusumah, Dadang Solihin, *Autonomous Local Government Implementation*, 2002, PT Gramedia Pustaka Utama, Jakarta, p. 19

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<sup>8</sup> Nomensen Sinamo, *Law Science, Gems of Script*, 2016, Jakarta, pp. 88-89

<sup>9</sup> Ibid

and RPJM of the region for a period of 1 (one) year with reference to the central government work plan.

Development is an economic growth to support the improvement of welfare. In the pursuit of this economic growth, there is often a growth race that often leads to the unexpected to the natural environment and social environment. Development undertaken by exploring and exploiting natural resources often without environmental care, leading to worsening environmental conditions and causing problems. The development management that is expected to have an environmental impact is required to pay attention to the environment.<sup>10</sup>

For example As well as infrastructure development which must complete the Environmental Impact Analysis (EIA) document, Coal Power Plant must also complete the document. The impact of the construction of the steam power plant would have consequences for its construction permit. According to the plan, the construction of PLTU II 1X1000 MW will be established in Kecamatan Astanajapura and Mundu Sub-district of Cirebon Regency. The plan for the construction of the plant has been approved by the issuance

of the Letter of Decision of the Head of Investment and Licensing Board of West Java Province Number: 660/10 / 19.1.02.0 / BPMPT / 2016 on Environmental Permit of Development and Operation Activity of PLTU Capacity 1x1000 MW in Kecamatan Astanajapura and Kecamatan Mundu Daerah Regency of Cirebon by PT Cirebon Energi Infrastructure dated May 11, 2016. The community feels that in the process of drafting the AMDAL on the permit there is no direct involvement of the community, and in the application process and the issuance process is not announced to the affected communities directly, so they do not know when the preparation of AMDAL documents and the application and issuance of environmental permits is done. In relation to this the Climate Justice Advocacy Team sued West Java Provincial Government to PTUN Bandung. PLTU development plan is also considered to be established in areas that are inconsistent with the Spatial and Regional Planning (RTRW) of Cirebon Regency. Based on the Regional Regulation of Cirebon Regency Number 17 Year 2011 on Cirebon Regency RTRW Year 2011-2031 (Perda RTRW Kabupaten Cirebon), Mundu Sub-district is not an area intended for PLTU. The regulation explicitly explains the location / location of power plant development that was developed to increase the electricity supply of the

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<https://lingkarhayati.wordpress.com/2010/03/28/pe-negakkan-hukum-lingkungan-di-era-otonomi-daerah/> on download on Sunday, April 29, 2018, 7:50 pm

Sumatra-Java-Bali transmission line located in Astanajapura Sub-district. This means that the location of PLTU is limited in the structure of the space in the District Astanajapura. Mundu Sub-district is only a crossing of transmission lines in the form of High Voltage Air Channel (SUTT).<sup>11</sup>

### **3. Government Authority Related to Environment In Regional Regulation for National Development.**

The government's authority on the environment is regulated in Government Regulation No. 25/2000 on the Authority of the Government and Provincial Authority as Autonomous, Article 2 (18) concerning the Environment Sector:

- a. Establishment of guidelines for controlling natural resources and preserving environmental functions.
- b. Environmental management arrangements in the utilization of marine resources beyond 12 (twelve) miles.
- c. Assessment of environmental impact assessments for potential activities that have negative impacts on the public and / or in relation to defense and security, whose location covers more than one

province, activities located in disputed territory with other States, in sea areas under 12 (twelve) miles and is located across national borders.

- d. Establishment of environmental quality standards and the establishment of guidelines on environmental pollution.
- e. Establish guidelines on the conservation of natural resources.

Thus, the government can make the regional regulation related to the environmental field with the provision that it can not be contradictory to the above regulation, namely the Government Regulation. However, at the beginning of 2016 Kemendagri canceled a lot of 3,114 perda perceived problematic, it is because of the existing law is considered to inhibit investment in the region, so it is also considered to hamper development in the region.

The direction of national legal development in the 2005-2025 National Long Term Development Plan (RPJP) is directed to support the realization of sustainable economic growth, regulate economic, business and industry-related issues, as well as to ensure investigation, especially enforcement and legal protection.<sup>12</sup>

According to Ryaas, in essence the policy of regional autonomy is the answer to the

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<sup>11</sup>[https://www.researchgate.net/publication/319646588\\_Penaatan\\_dan\\_Penegakan\\_Hukum\\_Lingkung\\_an\\_pada\\_Pembangunan\\_Infrastruktur\\_dalam\\_Me\\_wujudkan\\_Pembangunan\\_Berkelanjutan\\_Studi\\_Ka\\_sus\\_Pembangunan\\_PLTU\\_II\\_di\\_Kecamatan\\_Mun\\_du\\_Kabupaten\\_Cirebon](https://www.researchgate.net/publication/319646588_Penaatan_dan_Penegakan_Hukum_Lingkung_an_pada_Pembangunan_Infrastruktur_dalam_Me_wujudkan_Pembangunan_Berkelanjutan_Studi_Ka_sus_Pembangunan_PLTU_II_di_Kecamatan_Mun_du_Kabupaten_Cirebon), on download on Sunday, April 29, 2018, 22.50 pm

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<sup>12</sup> Abdul Manan, Role of Laws in Economic Development, 2014, Kencana Prenada Media Group, Jakarta, p. 37

political lameness, economic development and socio-culture that accompanied central and regional relations throughout the New Order era.<sup>13</sup> The existence of the policy regulation is a consequence of the state welfare state (welfare state), to the government. Government tasks can be held if the government is given the freedom to take appropriate policies and factual conditions. The policies of the administrative officials of the state are then set forth in the form of policy regulations.<sup>14</sup>

Explained in the National Law Magazine that the material content of local regulations in the context of the implementation of regional autonomy and assistance tasks may be directed to realize the objectives of regional autonomy above, the formation of local regulations should be able to frame and provide guidance to the implementation of government affairs that are mandatory or optional as regulated in Articles 13 and 14 of Law Number 32 of 2004 on Regional Governments. Therefore, the formation of local regulations should be prioritized for those matters. In short, regional regulations should be set up as a translation or framing

of government affairs consisting of:

- a. Development planning and control;
- b. Planning, utilization and spatial control;
- c. Implementation of public order and peace of society;
- d. Provision of public facilities and infrastructure;
- e. Handling the health field;
- f. Educational penyelenggaraan;
- g. Overcoming social problems;
- h. Employment services;
- i. Facilitate the development of cooperatives, small and medium enterprises;
- j. Environmental control;
- k. Defense services;
- l. Demography and civil registration;
- m. General administrative service of government;
- n. Other basic service delivery;
- o. Other obligatory affairs mandated by legislation.<sup>15</sup>

In addition to the above mandatory business, there is an optional matter that requires further regulation through the law. This optional affair does not have to be implemented by all autonomous regions, but depends on the particular characteristics, peculiarities or potentials of the region concerned. This potential is something that is real and can encourage the improvement of people's welfare. Examples of government affairs are options

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<sup>13</sup> Iswan Kaputra, Amri Banjarnahor, Armasyah Matondang, Nofirman Cape Ferry, Ali Muda Dalimunthe, *Impact of Regional Autonomy In Indonesia Constructing Political History and Government of Indonesia*, 2013, Yayasan Pustaka Obor Indonesia, First Printing, p. 64.

<sup>14</sup> Hotma P. Sibuea, *Principles of State Law, Policy Regulation, Good Governance Principles*, 2010, Erlangga, Jakarta, p. 101.

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<sup>15</sup> Read the Law Magazine about the position of Local Regulation in the Implementation of Regional Autonomy and Development of Substance Law in the Region, Zudan Arif ZudFakrulloh, Number 1 of 2012 p. 97

such as affairs parish tours, forestry, agriculture, mining, plantation, fisheries.<sup>16</sup>

## 1. Conclusion

### 1. Conclusion

The authority of the relevant area of the Environment shall be contained in Article 12 of Law Number 23 Year 2014 concerning Regional Government, paragraph (2), letter e. National and Regional Policy in Environmental Management. In accordance with Law 23 of 2014 on Regional Government and Government Regulation No. 25/2000 on the Authority of the Government and the Authority of Provinces as Autonomous Regions, the environment provides political recognition through the transfer of authority from the central government to the regions. In this case also need to re-examined various policies that exist in local government so that there is no policy in the form of local regulations that harm the environment and do not pay attention to the state of society associated with the national development.

### 2. Suggestions

- a. The content of local regulations should be tailored to their own local environment so that the resulting law is not only to regulate but also to prevent environmental destruction;
- b. The existence of harmonization associated

with the policies made by the government for national development.

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<sup>16</sup> Ibid, p. 98



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