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Application of strict liability principles in environmental dispute resolution

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Abstract
Purpose: The aim of this study is to analyze the factors causing the Strict Liability principle to not be implemented effectively and the efforts that can be made so that the Strict Liability principle can be implemented effectively.
Research Methodology: This study employed a normative empirical method with a descriptive analysis approach. Secondary data is acquired through meticulous literature review and subjected to qualitative analysis. Rigorous literature selection ensures data validity. The outcomes of the analysis serve as the cornerstone for accurate conclusions within the research.
Results: The results of the research show that the principle of Strict Liability cannot be implemented effectively because there are political deviations in the law of environmental dispute resolution after the enactment of the Job Creation Law and there are policy inconsistencies in resolving environmental disputes.
Limitations: Environmental dispute resolution still uses the principle of liability based on fault, which requires proving elements of fault on the part of the defendant. In the context of resolving environmental disputes, there is still a basis for liability based on the principle of Strict Liability, which does not need to prove the defendant's fault if he has fulfilled the elements contained in Article 88 of Law Number 32 of 2009.
Contribution: Efforts that can be made to implement the Strict Liability principle effectively are, first, reorienting policies and strategies for resolving environmental disputes. This can be realized by preventing, overcoming, and restoring pollution and damaging natural resources and the environment, as well as strengthening institutions and law enforcement in the field of natural resources and the environment. Second, there are legal political irregularities in resolving environmental disputes after the enactment of the Job Creation Law.
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1. Introduction

Law is human work in the form of norms that contain behavioral instructions. Essentially, law is a reflection of human will regarding how society should be developed and directed. In carrying out its function as a regulator of human life, law must lengthy processes and involve various activities (law-making and enforcement) with different qualities. Individual interests of human groups always conflict with each other. These conflicting interests always cause conflict and chaos if not regulated by law. The law maintains peace by establishing a balance between protected interests, where each person must obtain as much as possible what his or her right is (Khan & Sultana, 2021).

Legal protection is the protection of dignity and recognition of human rights possessed by legal subjects in a rule of law based on legal provisions against arbitrariness. The term legal protection narrows the meaning of protection itself, which is only about protection by law. The protection provided by law is also related to rights and obligations, which humans have as legal subjects in their interactions with fellow humans and their environment. As legal subjects, humans have the right and obligation to perform legal actions.

The concept of legal protection began with the emergence of Thomas Aquinas's theory of natural law. Thomas Aquinas thinking paradigm in his theory emphasizes that human reason and thought as a gift from God are oriented towards the realization of goodness which must be disseminated holistically to all levels of society. Referring to these benchmarks, the value of justice becomes a fundamental instrument in the lives of nations and states. The value of justice in question includes aspects of democracy, human rights, and limits to government authority.

Human Rights (hereinafter referred to as HAM) guarantee that human beings have inherent basic rights that must be protected as gifts from God. Human rights are an indicator of the extent to which a country guarantees equality and the principle of nondiscrimination. In this regard, human rights are fundamental, especially in countries that uphold law as a supreme commander. The urgency of protecting human rights in the Indonesian constitution, upholding freedom, and security (détournement de pouvoir).

Kant, according to him, focuses on fulfilling people's welfare. The concept of a legal state adopted in the 1945 constitution is an active/dynamic legal state. This rule of law model makes the state an active party oriented towards fulfilling and realizing people's welfare in accordance with the principle of "welvaarstaat," which is the opposite concept and principle of "nachtwachterstaat" or the night watchman state. The characteristics inherent in the Indonesian legal state are in line with the objectives of the founding of the Indonesian state, namely, the protection of the entire Indonesian nation and all of Indonesia's bloodshed, promotion of general welfare, intelligence of the nation's life, and participation in maintaining world order based on freedom, eternal peace, and social justice.

William James Fitzgerald conceptualized legal protection by limiting the authority of ecological sustainable. Pound constructed legal protection with the theory of law as a tool of social engineering, which essentially states that law is a tool for reform in society. The reform in question includes the aspects of economic justice and equity. If these two aspects are fulfilled, legal protection can address the challenges of protecting public, social, and personal interests.

In practice, Indonesia adheres to a democratic legal understanding (democratic rechtsstaat) and democratic principles that uphold the rule of law (constitutional democracy). This model emphasizes that rules or norms play an important role in line with the doctrine of "the rule of Law, and not of Man". The paradigm of "the rule of law" comprehensively regulates guarantees that the law has the highest position (supremacy of law), guarantees of equality in law and government (equality before the law), as well as the absence of discrimination by prioritizing human rights principles.

Conceptually, the ideal of the Indonesian nation's legal state remains the same from time to time; its elaboration is always developing dynamically and actively. In this regard, the ideal of legal supremacy at the level of implementation still contains four objectives: protection, prosperity, and intelligence, coupled with world order based on the principles of independence, eternal peace, and social justice (as the framework for Indonesia's foreign policy). The opinion of a "founding father," Soepomo, who said that the concept of a legal state is based on an Integralistic State Ideal. In other words, legal protection for environmental, the protection system depends on the "Staatsidee" that will be used for law enforcement (Medlimo, Septania, Hapsari, Zuleika, & Agustin, 2022).

Referring to Hamid S. Attamimi's opinion, which summarizes Soepomo's opinion on the concept of an integralistic state, the concept of the rule of law implemented in Indonesia must be in line with the ideal of protection for all levels of society; in other words, the law must always uphold the constitutional

rights of Indonesian citizens. If this can be realized, it will be quite easy to assess whether the implementation of the concept of the rule of law in Indonesia has gone well, namely, by looking at the alignment of the constitutional mandate with the achievement of the integration of the Indonesian nation (Medlimo, 2022).

Regulations related to the environment in Indonesia include spaces in which the Republic of Indonesia exercises its sovereignty rights and jurisdiction. In this case, the Indonesian environment is a natural condition with a strategic role of high value as a place where the Indonesian people and nation carry out national and state life in all aspects. Environmental management aims to develop a system with integration as its main characteristic (Handayani et al., 2019).

In practice, this orientation or goal has not been able to be applied holistically, considering that environmental pollution and environmental destruction are phenomena in society that can now be easily found, such as throwing rubbish into rivers, illegal logging of forests, and throwing away hazardous and toxic waste without processing. This phenomenon results in environmental disputes (Hu, 2020). Environmental disputes, namely disputes between two or more parties arising from activities that have potential and/or impact on the environment. In this situation, the perpetrator of the activity is obliged to take responsibility for or provide compensation to the victim for environmental impacts (Yusa & Hermanto, 2018).

Law No. 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the PPLH Law) regulates the provisions for responsibility for environmental pollution and destruction as regulated in Article 87, which emphasizes two types of responsibility (Wibisana, 2019):
1. Ordinary basis of liability
2. Specific basis of responsibility.

In practice, the basis for ordinary (general) liability is resolved using the principle of Tortious Liability or Liability Based on Fault, and there must be an element of fault (fault) committed by the perpetrator of the act, which results in loss. On the other hand, there is a special responsibility, the principle of Strict Liability (absolute responsibility), or Liability Without Fault, a responsibility without the need for proof (Nugraha & Putrawan, 2018).

In essence, Tortious Liability requires proof of fault, whereas it is very difficult to consider causality between the act and the victim's loss (Defril, Arzam, & Efritadewi, 2021). In line with the Showa Maru ship oil spill case which occurred in January 1975, then the case of burying tens of tons of toxic mud in the residential land of Darawolong Village, Purwasari District, Karawang which occurred on October 9 2019, then the oil pollution case in Karawang which occurred on 21 June 2019, as well as the pollution case resulting from the disposal of factory waste carried out by PT Ruber Jaya Lampung which occurred on 23 April 2021, the plaintiff must be able to prove that these activities caused environmental damage. This proof is very complicated to carry out considering the complex nature of chemical substances and their reactions with each other, so that in proving that the public needs the support of expert opinion over a long period of time, which in the end tends to make things difficult for the victim (Widowaty et al., 2022).

Meanwhile, in enforcing environmental law, accountability is still based on the principle of Strict Liability, which does not need to prove the perpetrator's guilt if they have fulfilled the elements contained in Article 88 of the PPLH Law. A strict Liability is a form of responsibility that does not emphasize the elements of a fault. It is the perpetrator’s instant responsibility, which emphasizes that the defendant's responsibility must be carried out immediately and directly without having to wait for a court decision to find the defendant guilty. By implementing these principles, business actors should become more responsible for environmental preservation in Indonesia.

In practice, the principle of strict liability has not consistently been applied in Indonesia. This is motivated by various factors, such as a lack of understanding by law enforcement officials regarding references or guidelines for applying these principles. When correlated with environmental dispute

cases, plaintiffs cannot prove the criteria violated by the defendant, which in this case is the plaintiff. Unable to convince the judge and the Indonesian legal system, which always emphasizes the element of fault, are some of the problems with implementing strict liability that cannot be implemented effectively in Indonesia.

Based on this background description, this research will examine the application of the principle of strict liability as an effort to resolve environmental disputes, considering that this principle is fundamental in ensuring the appropriate use of natural resources by paying attention to ecological justice so that environmental management and protection are not merely rhetoric but can be realized concretely.

1.1. Problem Formulation

1. Why apply the principle of strict liability as an effort to resolve disputes environment cannot be implemented effectively?
2. What efforts can be made to implement the principles of strict liability? can it be done effectively?

1.2. Purpose of Writing

The aim of this research is to analyze the factors causing the Strict Liability principle to not be implemented effectively and the efforts that can be made so that the Strict Liability principle can be implemented effectively. This study uses legal research methods with a statutory approach, a conceptual approach, and a comparative approach.

2. Research methodology

This study employs a normative empirical method using a descriptive analysis approach. Secondary data is acquired through meticulous literature review and subjected to qualitative analysis. Rigorous literature selection ensures data validity. The outcomes of the analysis serve as the cornerstone for accurate conclusions within the research.

3. Results and discussions

3.1. Ineffectiveness of Applying Strict Liability Principles in Settlement Environmental Disputes

The development of substances related to the environment in the 1945 Constitution has become a discourse on the development of constitutional content in various countries (Akib & Sumarja, 2019). This shows the development of legal political forms to add environmental material to the constitution. This is based on the conflict between economic and ecological interests. Economic interests discuss how humans can achieve prosperity by managing the availability of limited resources for the needs of human life (Haryadi, 2022).

When carrying out these methods, ecological interests will always be the most impacted. This is because ecological interests suggest that economic interests should not only make welfare the main goal, but should also pay attention to environmental sustainability and the availability of resources for the benefit of present and future life.

This context is closely related to the concept of environmental justice. Environmental justice is a response to the emergence of various symptoms of natural destruction, especially after the emergence of the industrial revolution. This concept focuses on the emergence of injustice in the form of damage to the quality of the environment as a result of excessive exploitation of nature.

This concept starts from the view that the current generation has a stronger position than future generations. In fact, future generations have the same right to obtain a good quality environment. As John Rawls put it, everyone in the present and future has an equal and indeterminate claim to a fully adequate set of essential ecosystem services, compatible with the same set of services for all.

Referring to the opinion above, an instrument is needed that can accommodate the concept of environmental justice, so that it is carried out consistently by all elements of the state. These instruments

can be held by law, which has several functions: embodiment of certain values, as abstract norms and a tool for regulating society, as well as an effort to achieve goals and fulfill concrete needs in society.

Cobb also believes that balancing economic and ecological interests should be mediated by the formation of government policy, as stated in a policy document. Based on this, the role of law and policy documents is important in accommodating the direction of development policies based on the concept of environmental justice. Furthermore, in Indonesia, attention to the environment can be traced to its existence in the 1945 Constitution as the highest peak in the legal hierarchy.

In a series of amendment processes, the drafters of the 1945 Constitution focused on the environment and its relationship with development as an effort to create general prosperity. This can be seen in Article 28H, Paragraph (1), which projects a balance of guaranteeing welfare while still paying attention to the environment, which cannot be sacrificed due to the implementation of development. This means that environmental management and the utilization of natural resources must be placed within the framework of recognition, protection, and fulfillment of the human rights of every citizen to a good and healthy environment.

In addition, Article 33 Paragraph (4) of the 1945 Constitution also emphasizes that the national economy must be based on environmental insight indicating state responsibility, that the state, through the right to control, can make rules and policies for the use of the environment and natural resources to ensure sustainability. environment in the context of national economic development. Thus, the 1945 Constitution has attempted to place environmental interests proportionally so that they are balanced with economic interests. This is confirmed by the state's obligation to recognize, protect, and fulfill environmental rights as part of the human rights of the Indonesian people.

In the development of legal protection for the environment globally, this concept was brought into conflict with the political perspective of development. A strong dilemma arises when environmental protection efforts are faced with a developmental context that requires attention to economic, social, and ecological system factors. This has been studied at various international conferences on the environment, namely the Stockholm Conference (1972) and Rio Conference (1992). The World Commission on Environment and Development (WCED), a commission formed after the Stockholm Conference, in its report entitled "Our Common Future" provides a definition of sustainable development as "...development that meets the needs of present without compromising the ability of future generations to meet own needs.” Bearing in mind that in normal development, there are often many risks of pollution and environmental destruction due to the exploitation of natural resources (SDA) for development purposes by causing damage to the structure and basic functions of the ecosystem that supports life now and in the future.

In this regard, the role of the state is urgently required to optimize development in harmony with environmental protection and management. Therefore, to develop the concept of sustainable development, efforts are needed to describe a global legal framework. Care for the Earth (CE), states that environmental law, in the broadest sense, is the main means of achieving sustainability, setting standards of social behavior, and providing a measure of policy certainty. In the Indonesian context, the legal framework, also known as legal politics regarding the environment and development, can be seen in the 1945 Constitution of the Republic of Indonesia. Based on the provisions in Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, the concept of sustainable development is known as "insightful sustainable development." environment." This means that Indonesia places a strong emphasis on environmental interests in its development policy. In other words, development is no longer seen as one-way for economic and human interests but rather takes into account environmental interests (Kartika & Medlimo, 2022).

The concept and political direction regarding sustainable development from an environmental perspective have been known since the birth of Law Number 23 of 1997 concerning Environmental Management (UU PLH), which was further confirmed in the constitution that actually strengthens the state's commitment, so that in the development of legal instruments under it, it is necessary to consider

aspects of environmental interests that are the core of the concept of environmentally sound sustainable development in Indonesia. The progress of legal instruments regarding the environment was observed when Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) was promulgated, which became a responsive legal instrument because it accommodated comprehensive environmental legal protection by combining approaches to state administrative, civil, and criminal legal instruments simultaneously.

Scientific evidence plays an important role in the handling of environmental cases. Scientific evidence is needed to prove the existence of a causal relationship (cause and effect) between acts that violate the law and their impacts. The level of success in handling environmental cases in court often depends on the existence of scientific and other technical evidence. Environmental law, both at the national and international levels, is a very complex legal field. Simultaneously, economic science and technology continue to change rapidly ahead of the development of environmental law. Therefore, simply following developments in environmental law without an understanding of science is insufficient for law enforcement.

Over the last 15 (fifteen) years, scientific evidence has been widely used in various environmental cases in Indonesia. On one hand, this development shows that there is hope for improving environmental case decisions, but it needs to be acknowledged that there are still several court decisions that are considered problematic. In general, it can be said that there are still many challenges in utilizing scientific evidence in handling environmental cases. Judges still face difficulties in interpreting scientific evidence as legal evidence because they have a limited understanding of science. Judges' understanding of science is necessary to determine and apply scientific facts to the legal framework so that appropriate and accountable decisions can be made.

Recognizing these obstacles, the Supreme Court has implemented various initiatives to improve the quality of decisions, including environmental law training for law enforcers. In this training, material on scientific evidence and legal evidence must be given to judges. Further efforts should be made in the environmental judgment–certification system scheme. This system stipulates that environmental cases are handled by judges who have passed certification. Judges who have received certification are expected to apply the knowledge of scientific and legal evidence that they have acquired during training.

In addition, the Supreme Court has prepared guidelines for handling environmental cases that contain provisions regarding scientific and expert evidence. However, in many cases, judges give heavier weight to evidence other than scientific evidence to prove environmental pollution/damage. Judges with a legal background still have difficulty understanding scientific data submitted by experts to be converted into legal facts.

The use of scientific evidence in court in the evidentiary process is closely related to science. The Big Indonesian Dictionary defines science as systematic knowledge obtained from observations, research, and trials, which leads to the determination of the basic nature of something being studied or investigated. In simple terms, science can be understood by examining its role in answering fundamental questions. For example, regarding the question of how can we be sure that a theory or technique is not just a belief or opinion, but science? The general answer from a scientific point of view is based on scientific methods. This shows that the opinions of scientists are recognized because their conclusions are (supposedly) obtained based on scientific methods that can be accounted for.

Thus, at least two things are important to pay attention to when discussing science. First, discussing science must take into account the fact that it is not easy to determine whether something is scientific; this is known as the demarcation problem. Second, the level of specificity in certain sciences is so broad that no one can understand everything about one area of science.

In the practice of court evidence, the relationship between science and law is very complex. Some experts argue that this complexity occurs because of the inherent goals of both parties. Law and science sometimes have conflicting goals as each has developed in reaction to different social and intellectual

needs. On the one hand, the aim of law is seen as a means of resolving human conflicts fairly, while on the other hand, the aim of science is understood as an effort to seek the truth. Therefore, the goal of achieving justice from a legal point of view is not the same as finding the truth of scientifically valid results from the perspective of science. This incompatibility between science and law often occurs in the court process of handling cases. Experts on the one hand have a need to explain the existence of uncertainty, while lawyers on the other hand see the examination process as an opportunity to undermine the value of scientific evidence, especially if it is considered to be in their favor.

The politics of sustainable development policy should be followed by legal development through the development of progressive juridical instruments to achieve development goals as well as protecting and managing the environment to ensure sustainability for the next generation. This is mandated by the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which emphasizes the political direction of state law in carrying out state development based on the principles of economic democracy, efficiency, equality, sustainability, environmental insight, independence, and the principle of proportionality, namely, maintaining progressive balance and national economic unity.

Legal politics is an important study of the development of environmental law in Indonesia, especially regarding specific regulations regarding environmental policy and governance. As explained by Mahfud MD, legal politics or what is called 'legal policy' is a formal legal line (policy) that will be enforced with new laws or by replacing old laws to achieve state goals. Therefore, this study of legal politics is important to ensure that legal development at the national level is in line with the wishes of the constitution, especially in terms of implementing development and protecting the environment based on the concepts and principles of global environmental law.

The existence of Law Number 6 of 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (hereinafter referred to as the Job Creation Law) has had a major influence on the regulatory structuring system in Indonesia. The Job Creation Law uses the Omnibus Law concept, which simplifies regulations by simultaneously revising and repealing several laws. This concept is considered a solution to problems such as overlapping regulations and over-regulation.

In various studies, the Job Creation Law is considered to have ignored the principles of environmental protection. This can be seen from the large decline in the regulation and implementation of ecologically sustainable development principles in various development policies implemented by the Joko Widodo government, especially after the enactment of the Job Creation Law and all its derivative regulations, including Government Regulations (PP) to Presidential Regulations (Perpres). One aspect that has been seriously studied is licensing simplification policy. The simplification of licensing in the Job Creation Law is carried out through the integration of environmental permits into business licensing. This policy choice is intended to make it easier for business actors to avoid getting trapped in complex and complicated licensing processes; thus, it is hoped that it can increase the rate of investment in Indonesia.

Essentially, the Job Creation Law is oriented towards creating and expanding job opportunities. This can be observed based on considerations of the Job Creation Law, which emphasizes that it is necessary to adjust various aspects of regulations related to the convenience, protection, and empowerment of MSMEs, expanding the investment climate, accelerating national projects, and increasing worker protection and welfare. These various dimensions are the urgency of the Job Creation Law.

Instead of achieving its noble goals, the Job Creation Law includes regulations that tend to threaten environmental sustainability. Some of them, such as the simplification of permits, related to the concept of environmental permits into environmental approvals that eliminate administrative lawsuits through the courts if violations occur, then disorientation (strict liability), which almost changes the definition of absolute responsibility to responsibility based on fault (liability based on fault). which has the potential to weaken community justice and is exacerbated by reducing community participation in decision-making regarding the environment, which is limited to communities directly affected.

These three problems show that there is a deviation from the politics of environmental justice law, which has been used as a reference for forming legal instruments that contain environmental protection. Environmental justice is a term that seeks to achieve people's welfare goals by upholding environmental sustainability. This is intended to ensure that the use of nature is not exploitative and that the quality of the environment is maintained, both for current and future generations.

In relation to environmental regulations, the legal politics of environmental justice has been accommodated by the PPLH Law. However, long before that, the existence of guarantees for environmental protection had been accommodated since the publication of Law Number 4 of 1982 concerning Basic Provisions for Environmental Management (UU KKPPLH), in which the legal politics of environmental management began to focus on the interests of ecological sustainability. This is proven by the concept of environmentally friendly development in the sense that development can take place without causing damage to the carrying capacity of the environment for future generations, as in Article 3 in conjunction with Article 4 of the KKPPLH Law.

The implementation of the KKPPLH Law still simply regulates environmental licensing provisions with unclear explanations of the licensing mechanism, and only focuses on business permits. However, the KKPPLH Law, as the guardian of environmental regulations in Indonesia, has introduced the concept of Environmental Impact Analysis (Amdal), which states that development plans must include estimates of impacts on the environment as a basis for making an Amdal. Therefore, the KKPPLH Law at that time was sufficient to accommodate instruments for preventing pollution and/or environmental damage with the existence of an impact-determination mechanism for implementing Amdal.

The direction of environmental protection legal policy was reaffirmed through Law Number 23 of 1997 concerning Environmental Management (UU PLH) by strengthening the principles and objectives of management and various instruments related to administrative, civil, and criminal environmental law. In the PLH Law, regulations regarding licensing cover Amdal and business permits in Article 18 with a mechanism that is clearly accommodated by Articles 19 and 20 of the PLH UU. In fact, the rules regarding strict liability have been mentioned in Article 35, which explains that a liability does not require proof of an element of fault by the plaintiff as a basis for compensation in cases of environmental pollution.

In addition, providing access to the public is increasingly being expanded by requiring activities to convey correct information, especially regarding environmental management; if it is not appropriate, the public can also raise objections. There is also a mechanism for filing lawsuits, such as class action, and NGOs have also been given the right to sue in missions to save the environment. Era developments, especially in the transition period from the new order to reform, found that regional autonomy policies and good governance arrangements were among the reasons why environmental regulations in the PLH Law needed to be updated. Until 2009, environmental regulations were increasingly equipped with the phrase environmental protection and management in the PPLH Law.

The PPLH Law firmly includes principles such as the principles of state responsibility, polluters' pay, participatory and local wisdom, benefits, prudence, as well as good governance and regional autonomy. The principles mentioned are important legal politics in fighting environmental protection and management when dealing with economic interests. The next most striking difference is that there is a good legal guarantee for people who fight environmental rights against civil and criminal charges.

Apart from that, there are essential things related to licensing that are also regulated in the PPLH Law, namely, introducing environmental permits, which are the basis for issuing business permits. To have an environmental permit, business actors need to have an Amdal or UKL/UPL. From this arrangement, it can be seen that there are efforts to make environmental permits have the same status as business permits. This aims to ensure that the position of environmental permits becomes strong and that environmental considerations in the business/activity implementation process become a central consideration. In other words, the PPLH Law has attempted to accommodate the legal politics of environmental management and protection reliably.

In the PPLH Law, the aspect highlighted in environmental protection can be seen from the existence of two stages of permits that must be fulfilled by every business actor/activity involved in environmental management. This means that every activity expected to have an impact on the environment is first required to obtain an environmental permit (Prabowo & Galih, 2019). This is a corrective and evaluative step towards the PLH Law of 1997, where at that time, after the EIA assessment, no environmental permit was recognized, but approval of the EIA or decision on environmental suitability was a prerequisite for issuing a business permit.

The paradigm in the legal politics of the PPLH Law is intended to protect and manage the environment. This is increasingly explained in the general explanation of the PPLH Law that a good and healthy living environment is a human right and a constitutional right for citizens. In this regard, the implementation of environmental development ensures that it is sustainable and that the function of the environment remains a source of life support for Indonesian people and other living creatures. The government and all stakeholders should protect and manage the environment in a manner that reflects the concept of environmental justice.

3.2. Efforts to Increase the Effectiveness of Implementing the Strict Liability Principle in Resolving Environmental Disputes

The political shift in environmental justice law in the Job Creation Law as part of efforts to increase investment levels has the potential for excessive exploitation of natural resources, which will have an impact on reducing the quality of the environment in Indonesia. The existence of several crucial issues in the Job Creation Law and its derivatives demonstrates the mortgaging of environmental interests against the economic interests of foreign investors. Therefore, several mitigation efforts are required to ensure that ecological sustainability is not sacrificed for investment purposes alone.

This orientation is in line with Jimly Ashiddiqie's doctrine, which essentially emphasizes that sustainable development from an environmental perspective can be formulated and planned to integrate the environment, including its resources, into a development process that guarantees the capabilities, welfare, and quality of life of the current and future generations. which will come (Hafrida, Helmi, & Permatasari, 2020).

In this regard, to ensure harmony in the goals and direction of development, the government is required to make integrated plans that will be implemented by all components of the nation to achieve the nation's goals. These plans can be classified into long-term (20 years), medium-term (5 years), and annual terms (1 year).

Indonesia's National Long Term Development Plan (RPJPN) 2005-2025 emphasizes that, in the context of the environment and natural resources, the final goal to be achieved is the realization of the nation's ability to utilize natural resources and protect environmental functions in a sustainable, just, and sustainable manner for the greatest welfare of the people (Prasetio & Nurdin, 2021).

This goal is actualized through policy directions in the form of (1) utilizing renewable natural resources, (2) managing non-renewable natural resources, (3) maintaining security of energy availability, (4) maintaining and conserving water resources, (5) developing marine resource potential, (6) increasing the added value of the use of unique and distinctive tropical natural resources, (7) paying attention to and managing the diversity of types of natural resources that exist in each region, (8) mitigating natural disasters in accordance with Indonesia's geological conditions, (9) controlling environmental pollution and damage, (10) increasing the capacity to manage natural resources and the environment, and (11) increasing public awareness to love the environment.

These policies are directions and ways to achieve long-term national goals by paying attention to the mandate of the 1945 Constitution. Therefore, to actualize these policy directions relevant to the programs of the current regime, national development planning also requires the existence of a National

Medium-Term Development Plan (RPJMN) and a Government Work Plan (RKP), which were prepared as a single unit to realize Indonesia's vision, as stated in the 2005-2025 RPJPN.

First, in the context of prevention, the legal politics of the Job Creation Law are to increase the level of investment to encourage the development process, especially economic development. This can be seen in the government's efforts to attract foreign investors with the promise of easy licensing. However, these efforts cannot ultimately become legitimate for immediately accepting all forms of investment that will enter Indonesia. Thus, to avoid negative impacts from development that have the potential to damage the environment, the 2020-2024 RPJMN has mandated development thresholds in the form of (1) conditions of natural resource carrying capacity and environmental capacity, and (2) fiscal capacity and development funding.

Second, the opportunity for the public to submit objections or lawsuits to correct decisions or ask for compensation should be guaranteed. In essence, the public should still be able to use the route of testing state administrative decisions through the state administrative court, whether for environmental approval or business permits. Before filing a lawsuit with the State Administrative Court, members of the public must submit administrative measures.

Third, narrowing the meaning of community participation in the Amdal process is a crucial issue. This issue was then addressed by the government through PP 22/2021, which expanded the meaning of participation in the Amdal formation process from the preparation stage to the feasibility test, which can provide suggestions, opinions, and responses within a certain time period. However, the decline in the level of participation of environmental observers is regrettable because it was not addressed in PP 22/2021.

Fourth, the community's right to use complaints and objection mechanisms should continue to be guaranteed. This is a form of implementation of Article 65, namely paragraphs (3) and (4), and Article 70 UUPPLH, which gives every person the right to submit proposals and/or objections to business plans that can have an impact on the environment and has the right to play a role in environmental protection and management in socially supervising policies and regulations from initial planning to implementation.

4. Conclusions

The application of the Strict Liability principle was ineffective due to difficulties in the evidentiary process and political deviations in the law of resolving environmental disputes after the enactment of the Job Creation Law. Additionally, there are policy inconsistencies in resolving environmental disputes and Strict Liability disorientation. The principle of Strict Liability has become meaningless, and its purpose has been degraded because its main characteristics have been removed in the Job Creation Law. This means that the Job Creation Law has implicitly returned the concept of Strict Liability to the concept of liability based on fault, which requires parties who feel disadvantaged (plaintiffs) to be obliged to prove the defendant's fault in cases of environmental pollution and destruction that pose a serious threat to the environment. Efforts to increase the effectiveness of implementing the Strict Liability principle in resolving environmental disputes can be accomplished by reorienting policies and strategies for resolving environmental disputes. In addition, mitigation is needed against legal and political deviations in resolving environmental disputes after the enactment of the Job Creation Law.

The Strict Liability principle can be applied effectively by preventing, restoring, and overcoming pollution and damaging natural resources and the environment. Mitigation efforts were made to ensure the implementation of environmentally sound sustainable development in Indonesia. There is a need for synergy between various parties, including the government, academics, practitioners, and the general public, through institutional strengthening and law enforcement. The synergy of various parties is oriented towards realizing the concept of environmental justice, which animates various instruments that regulate environmental matters in Indonesia, both regulatory and planning.

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