Scholars International Journal of Law, Crime and Justice

Abbreviated Key Title: Sch Int J Law Crime Justice ISSN 2616-7956 (Print) |ISSN 2617-3484 (Online) Scholars Middle East Publishers, Dubai, United Arab Emirates Journal homepage: https://saudijournals.com

Original Research Article

Reposition of Local Genius in Batang Environment Society on Behalf of Indonesian Government Regulation of Giant 1000 MW Steam Power Plant Building

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DOI: 10.36348/sijlcj.2021.v04i06.014 | **Received**: 14.05.2021 | **Accepted**: 18.06.2021 | **Published**: 24.06.2021

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Abstract

The construction of 2 X 1000 MW Steam Power Plants (PLTU) in Ujung Negoro Village, Karanggeneng (Kandeman District), and Ponowareng (Writing District) which is planned to have been implemented starting in 2011, since the tender was won by J. Power, Itochu and Adaro who later formed PT. Bhimasena Power Indonesia, which is expected to start operating in 2016, has encountered various obstacles, causing it to withdraw from the schedule that has been set. This delay is due to land acquisition by PT. Bhimasena Power Indonesia experienced obstacles in the form of refusal from the community to sell their land for the benefit of the Steam Power Plant (PLTU) Project in Batang Regency. The approach used in this research is socio legal research, because to know a comprehensive picture of the Reconstruction of Environmental Management in the Construction of PLTU in Batang Regency. "The study of law as law in action is a non-doctrinal and empirical social science study.

Keywords: Environment, government, regulation.

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INTRODUCTION

The Preamble to the 1945 Constitution of the Republic of Indonesia as the basic principle of the state's fundamental principles clearly states that the main ideas contained in the preamble are to realize the "ideal of law" (rechtsidee), which is actually Pancasila...The ideals of law are construction of the mind that has the will to lead to the ideals desired by society. We can understand that Pancasila as a legal ideal pays great attention to the will of the people. A good and healthy environment is no exception for the rights of Indonesian citizens, the provisions of which are regulated in Article 28 H of the 1945 Constitution of the Republic of Indonesia. The environment is very much needed by humans. in meeting all their needs. Natural resources are very important for humans to survive in meeting their needs. Physical and nonphysical development is a basic thing that must be fulfilled for humans. And in the implementation of physical and non-physical development, there is the potential for social and environmental problems. Various potential social problems as well

environmental problems have resulted in delays in supplying electricity to the islands of Java and Bali.

In the life of a developing community, the law is often associated with various activities that aim to improve the life of the community for the better. This makes the law has a strategic and urgent role in achieving it. Law does not only function as social control, but the function of law must also be able to move people in their behavior in achieving the goals and objectives that have been set. The function of law is not enough just as social control, but more than that.² Conventional development in progress. The Indonesian nation has a goal in improving the lives and welfare of the people...however, natural resources have limitations.³

¹Esmi Warassih, Legal Institution A Sociological Study, Semarang, Masters Library, 2014, p. 34

²Ibid. p. 71

³ Muhamad Erwin, Environmental Law in the Policy System of Environmental Development, cet. Third, Bandung: PT. Refika Aditama 2011, p. 51

Construction of 2 X 1000 MW Steam Power Plants (PLTU) in Ujung Negoro Village, Karanggeneng (Kandeman District), and Ponowareng (Writing District) which is planned to have been implemented starting in 2011, since the tender was won by J. Power, Itochu and Adaro who later formed PT. Bhimasena Power Indonesia, which is expected to start operating in 2016, has encountered various obstacles, causing it to withdraw from the schedule that has been set. This delay is due to land acquisition by PT. Bhimasena Power Indonesia experienced obstacles in the form of refusal from the community to sell their land for the benefit of the Steam Power Plant (PLTU) Project in Batang Regency.

The practice of planning the development of the PLTU project in reality has encountered many obstacles. After the permit was given to the investor, without any coordination and without the knowledge of government, the local government the local immediately went to the location by bringing various survey equipment such as location maps, heavy equipment, coming to the residents directly intending to buy people's land and other activities outside their knowledge. regional government. The direct approach taken by investors without the role of local government officials in the end only resulted in conflict and resulted in the delay of the PLTU mega project in Batang Regency. Residents need an approach that is close to the local culture with a rational explanation of the impact of the PLTU project. The local wisdom procedures that are still attached to the villagers around the PLTU project development plan make the residents unable to accept direct and to the point approaches. Even though this socialization has been started since 2011 but is considered ineffective to soften people's hearts. In the previous socialization, investors came to the community and immediately set the price of their land, making residents afraid and closing themselves off from unknown outsiders. A number of residents rejected the construction of the PLTU on the grounds that the project damaged the environment and others claimed to have lost their livelihood as smallholders. Even though this socialization has been started since 2011 but it is considered ineffective to soften people's hearts. In the previous socialization, investors came to the community and immediately set the price of their land, making residents afraid and closing themselves off from unknown outsiders. A number of residents rejected the construction of the PLTU on the grounds that the project damaged the environment and others claimed to have lost their livelihood as smallholders. Even though this socialization has been started since 2011 but it is considered ineffective to soften people's hearts. In the previous socialization, investors came to the community and immediately set the price of their land, making residents afraid and closing themselves off from unknown outsiders. A number of residents rejected the construction of the PLTU on the grounds

that the project damaged the environment and others claimed to have lost their livelihood as smallholders.⁴

Development with the argument to provide welfare to the community, including indigenous peoples, is often carried out at the expense of the values of local wisdom that are still preserved...Development which is only carried out by looking at it from a shortterm economic perspective has sacrificed aspects of sustainability...needs to re-implanted through a holistic scientific perspective, that nature is not in its place if it is only seen from the economic aspect. Nature is a treasure to be used wisely, not to be exploited. That living in harmony with nature will determine the quality of human life. Humans must maintain their environment, because that is the source of their life.⁵ "Daud Silalahi stated that solving legal problems in development cannot be done with a monodisciplinary approach that is free from the influence of other sciences. Therefore, mastering the laws governing the environment in development requires us to also master the relevant sciences. ... "6

Juridically the concept of environmental carrying capacity is formulated in Article 1 point 7 of the Law on Environmental Protection and Management (UUPPLH-2009) that environmental carrying capacity is the ability of the environment to support human life, other creatures and the balance between the two. Thus, it can be understood that the environment has the highest capacity to accept human intervention. If the highest capacity limit is exceeded, there will be a violation of the carrying capacity of the environment. Violation of the carrying capacity of the environment causes the ecosystem in the environment to be unbalanced. It is this imbalance of the ecosystem that ultimately causes environmental problems, namely environmental pollution and environmental damage with all its continuing impacts..."⁷Environmental issues are very complex issues. The complexity of

⁴ Isa Ismail.2014. Investment Constraints in the Era of Regional Autonomy (a case study of the PLTU Project Development in Batang Regency), http://www.google.com/development PLTU and Investment

⁵ Marhaeni Ria Siombo, Environmental Law and Implementation of Sustainable Development in Indonesia, Jakarta: PT. Gramedia Pustaka Utama, p. 15

⁶ Daud Silalahi, Analysis of Environmental Impacts in the Indonesian Environmental Law System, Bandung Mandar Maju, 1995, p. 3

Muhammad Akib, Global and National Perspective Environmental Law, Jakarta, PT. Raja Grafindo Persada, p. 4

environmental problems requires solutions from various disciplines..."8

Development that solely relies on economic growth has proven to only lead this nation to the brink of collapse. Destruction of the environment, through the exploitation of natural resources by certain parties, has significantly reduced the quality of natural resources, which affects the socio-cultural life of the surrounding community whose lives depend on natural resources. It is clear that the results of developmentalism that have been achieved are very irrelevant when compared to the costs for recovering environmental damage and socio-cultural damage, including social conflicts that arise because of it.⁹

".. However, any development must be in line with the Basic State Philosophy (Filosifishe Gronslag) of the Indonesian nation, namely Pancasila and the mandate of the 1945 Constitution of the Republic of Indonesia Article 28 H paragraph (1) "Everyone has the right to live in physical and spiritual prosperity, to live and have a good and healthy living environment and are entitled to health services and Article 33 paragraph (4) The national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity. For this reason, the 1945 Constitution is known as the popular term "green constitution" which must be considered in all activities related to development, including, "...this project can threaten food sovereignty in Batang district because it turns the community's productive rice fields into the location of the PLTU project. In addition, traditional fishermen along the coast and the Ujungnegoro-Roban waters will be affected by the operation of this PLTU, even though Batang waters are one of the most fish-rich waters in the North Coast of Central Java. 10

PROBLEM IDENTIFICATION

Based on the above background, the following problems can be formulated:

1. is Environmental management in the construction of steam power plants (PLTU) is currently not fair?

⁸ Siti Sundari Rangkuti, Environmental Law and National Environmental Policy, third edition, Surabaya: Airlangga University Press, 2005, p.1

⁹ Anwar Usman, Key Lecture of Deputy Chief Justice of the Constitutional Court, Seminar on Building Natural Resources Law Politics Based on National Law Ideals, Seminar, Congress, and Call For Papers, Semarang 15-16 April 2015, p. 7

¹⁰http://www.greenpeace.org/seasia/id/press/releases/Go vernor-Java-Central-Facilitating-Land-Exploitation-Pertanian-Produktif-Masyarakat-Untuk-Power-Power-Batubara-Batang/, accessed on September 10, 2015, at 11.00 WIB

- 2. What are the negative impacts that arise in the Construction of Steam Power Plants on environmental management today?
- 3. How is the reconstruction of environmental management in the future development of Steam Power Plants (PLTU) based on the value of justice?

RESEARCH METHODS

The approach used in this study is socio legal research, because it is to find out a comprehensive picture of the Reconstruction of Environmental Management in the Construction of PLTU in Batang Regency. "... Legal studies as law in action are non-doctrinal and empirical social science studies. In social studies, law is not conceptualized as an independent (autonomous) normative phenomenon, but as a social institution that is linked in real terms with other social variables. ¹¹

RESULT AND DISCUSS

Pancasila Justice Theory

Pancasila is the way of life of the Indonesian people, and is the source of all sources of law. The precepts in Pancasila are a unified and unified whole. Likewise, the justice of Pancasila from the first principle of Belief in the One and Only God, the second principle of Just and Civilized humanity, the third principle of Indonesian Unity, the fourth principle of Democracy Led by Wisdom and Wisdom in Representative Deliberations and the fifth principle of Social Justice for all Indonesian people is a philosophical system that is full of with the values of justice and morals.

Every country was founded on the basis of a certain philosophy. This philosophy is the embodiment of the wishes of the people. Therefore, each country has a different philosophy. Because a philosophy is identical with the wishes and character of the people and their nation, it is impossible to take the philosophy of another country, to be used as the philosophy of the nation just like that. Because philosophy is the embodiment of the character and desires of a nation, all aspects of the nation's life must be in accordance with its philosophy. ¹²

As the basis of philosophy or philosophy, Pancasila obtains a source of value in the context of the dynamic journey of the nation's cultural history. The formation of the source of value which is included in the national philosophical system, runs in a long history, which involves not only the intellectuals and

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¹¹ Ronny Hanitijo Soemitro, Legal and Jurimetric Research Methodology, Jakarta :Ghalia Indonesia, p. 34

¹² Ni'matul Huda, Indonesian Constitutional Law, Jakarta: PT.Raja. Grafindo, 2005, p.70

the primus interparish, but also the community. ¹³ The commitment to justice according to Pancasila has a broad dimension. The role of the state in the realization of social justice, at least in the framework of: 1. Realization of fair relations at all levels of the system (society), 2. Development of structures that provide equal opportunity, 3. Process of facilitating access to required information, services needed and resources needed, 4. Support for meaningful participation in decision-making for all. The goal of this idea of justice is also not limited to the fulfillment of economic welfare, but is also related to emancipation efforts in the context of human liberation from idolizing objects, glorifying human dignity, fostering national solidarity and strengthening people's sovereignty. ¹⁴

"...Every Indonesian person is obliged to maintain national unity and territorial integrity of the Republic of Indonesia. This family principle must always be associated with a positive connotation and encourage the realization of a just and prosperous Indonesian society in the meaning of enjoying justice and prosperity..." ¹⁵

Based on the unity of the Pancasila precepts, the precepts of social justice for all Indonesian people are based on and inspired by the precepts of a just and civilized humanity, or in other words, just, as contained in the second principle, which underlies and animates 'social justice', namely 'fair' as contained in the fifth principle of Pancasila. The basic philosophy is as follows: human beings are essentially 'just' and 'civilized' (sila II). This means that human nationality is fair, namely fair to God, to oneself, and must be fair to fellow humans, namely other people and society (in people's lives). As for justice in relation to other humans, it is justice in living together (social life) that is fair to other humans and society in living together (social life). 16 This is contained in the precepts "Social justice for all Indonesian people is "justice" which means it contains the understanding of conformity and nature with the nature of justice.

"...The ideal of law is essentially law as a rule of community behavior rooted in the ideas, feelings, intentions, creativity and thoughts of the community itself. From this formulation, Arief Sidharta defines legal ideals as ideas, intentions, creativity and thoughts related to law or perceptions of the meaning of law, which in essence consists of three elements, namely justice, usability (doelmatigheid) and legal certainty. 17 The values contained in Pancasila as a cultural identity do not have to be entirely particular, unique and distinctive, although such characteristics must exist ... so that "humanity" can be equated with humanism or "Indonesian unity" which can be juxtaposed with nationalism and "Social Justice". " which can be matched with the universally applicable values of equality and justice. 18

Talcott Parson's Cybernetic Theory

The world of culture with the input of values into the social system is one of the resources for the operation of the social system...that without the input of values the social system (in this case through social norms) cannot start working. The resources needed by the social system come not only from the cultural field but also from other fields in society. One of such fields is: economics. This economic field adapts to the biophysical environment of human life. Without the adaptation function carried out by the economy, society cannot maintain its life in the midst of its environment. This economic activity can change the various resources that exist around humans so that they are useful for maintaining their survival. For example, this activity: 19 By following Talcott Parson, the configuration of the sub-systems can be described as follows:20

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¹³ Slamet Sutrisno, Philosophy and Ideology of Pancasila, Ygyakarta: Andi, 2006, p. 97

¹⁴ Yudi latif, State Plenary History, rationality, and the actuality of Pancasila, Jakarta: Gramedia Pustaka, 2011, hlm. 585

¹⁵Muhammad Tahir Azhary, The State of Law A study of its principles from the perspective of Islamic law, its implementation in the Medina State Period and the Present, Jakarta: Prenada media. 2003, p.97 ¹⁶Ibid. p. 225

¹⁷ Teguh Prasetyo and Arie Purnomosidi, Building Law Based on Pancasila, Bandung: Nusa Media, 2013, p.34 ¹⁸ As'ad Said Ali, Pancasila State, the Way of the Common Good, Jakarta: LP3ES, 2009, p. 74

¹⁹Satjipto Rahardjo, Op. cit. p. 135

²⁰Ibid. pp. 136-137

Table-1 a. Sub-systems with their primary functions

Sub-System	Primary Functions	Flows of Information and Energy
		High Information Level
Culture	Maintaining Pattern	Hierarchy of Factors . Hierarchy of
Social	integration	factors
		Factors that factors that
Political	Pursuit of Goals	Conducive control
		Kan \
Economy	Adaptation	
		High energy level
		(condition)

Chart 1. Sub-Systems with their Primary Functions. Parson, the primary function of the social sub-system is to perform integration. When we discussed the issue of order, we actually recognized this function, even though it was not called by that name. Order is achieved, because the interests and activities of the various members of society can be summarized and channeled properly, especially by social norms, so that there is no confusion and chaos in relations. the integration effort.

Development Law Theory

The theory of development law was introduced by Mochtar Kusumaatmadja, an expert on international law, when he became a speaker at the National Seminar in 1973. Mochtar Kusumaatmadja's view on the function and role of law in national development, later known as the theory of Development Law, was placed on the premise which is the core of the teaching. or the following principles:

- All developing societies are always characterized by change and laws function to ensure that change occurs in an orderly manner. Regular changes, according to Mochtar, can be assisted by legislation or court decisions or a combination of both. He resisted irregular changes using sheer violence.
- 2. Both change and order (or order is the initial goal of a developing society, so the law becomes a means (not a tool) that cannot be ignored in the development process;
- 3. The function of law in society is to maintain order through legal compliance and also the law (as a social gift) must be able to regulate (help) the process of change in society;
- Good law is law that is in accordance with the living law in society, which of course is also appropriate or is a reflection of the values prevailing in that society;
- The implementation of the legal functions mentioned above can only be realized if the law is carried out by a power, but the power itself must

run within the limits of the signs specified in the law. 21

OBTAINED RESULT

- That the construction of the Steam Power Plant in Batang Regency has not been based on the value of justice
- The negative impacts of PLTU construction in the form of transportation density, dust and noise are still felt
- 3. Reconstruction of environmental management in the construction of PLTU based on the value of justice is reconstructing Article 2 by adding the letter P "Utilization of state land", Reconstructing Article 3 by adding the letter k "social rehabilitation due to environmental pollution." And reconstruct Article 4 by adding the letter h "Social rehabilitation of the impact of environmental pollution.

and Progressive Law), Yogyakarta, Genta Publising, 2012, p. 66

Mochtar Kusumaadmadja, Functions and Development of Law in National Development, Bina Cipta, Bandung in Romli Atmasasmita, Integrative Law (Reconstruction of Development Law Theory

Reconstruction of Articles 2, 3, and 4 of Law Number 32 of 2009 concerning Environmental Protection and Management BEFORE RECONSTRUCTION AFTER RECONSTRUCTION Section 2 Section 2 Environmental protection and management is carried Environmental protection and management is carried out based on the following principles: out based on the following principles: responsibility of the state; a. responsibility of the state; Sustainability and sustainability; Sustainability and sustainability; Harmony and balance; Harmony and balance; c. Cohesiveness: Cohesiveness: Benefits: Benefits: e. e. f. Caution: f. Caution: Justice: Justice: g. g. Ecoregions; Ecoregions; h. Biodiversity; Biodiversity; i. Polluters pay; Polluters pay; j. j. Participatory; k. Participatory; k. Local culture; Local culture; 1. 1. m. Good governance Good governance Regional autonomy Regional autonomy n. **Utilization of State Lan** o. Article 3 Article 3 **Environmental protection and management aims** The aim of protecting and managing the protect the territory of the Unitary State of the environment is to Republic of Indonesia from pollution and/or protect the territory of the Unitary State of the environmental damage Republic of Indonesia from pollution and/or to ensure safety, health and human life environmental damage to ensure the continuity of the life of living things to ensure safety, health and human life

- and the preservation of the ecosystem to preserve environmental functions
- achieve harmony, harmony, and environmental halance
- f. ensure the fulfillment of justice for present and future generations
- guarantee compliance and
- protection of rights to the environment as part of human rights to control the use of natural resources in a simple way
- i. Realizing sustainable development
- anticipating global issues

- to ensure the continuity of the life of living things and the preservation of the ecosystem
- to preserve environmental functions
- achieve harmony, harmony, and environmental **balance**
- f. ensure the fulfillment of justice for present and future generations
- guarantee compliance and
- protection of rights to the environment as part of human rights to control the use of natural resources in a simple way
- i. Realizing sustainable development
- anticipating global issues
- k. Social rehabilitation due to environmental pollution

CONCLUSION

- 1. The construction of a Steam Power Plant (PLTU) in Batang Regency does not reflect a sense of justice for the community, because many farmers actually do not want to sell their fields to PT. Bhimasena Power Indonesia. The farmer's life they do has been passed down from generation to generation, so their specialty is rice farming. When they don't have rice fields, they almost don't have jobs anymore. However, some of the farmers and fishermen are also workers (helpers) at the PLTU. The majority of the Steam Power Plant area is productive land (rice fields). And when the land acquisition process is obtained, the prices obtained are also different. From the beginning there were 30,000 per M, 50,000 per M, 100,000 per M,
- even up to 400,000 per M. Furthermore, when the rice fields have been sold to PT Bhimasena, the farmers can no longer grow crops. Then the proceeds from the sale of land are increasingly running out, to fulfill their lives, as well as to buy cars, build houses and other needs, so that their lives do not increase in prosperity, but their welfare decreases.
- 2. The negative impact of the construction of a steam power plant in Batang Regency is full of dynamics, since the socialization and the construction process. In everyday life, we observe the negative impacts associated with the PLTU construction process, such as dust, traffic density of trucks, cars and buses. PLTU employees go to the PLTU location. The noise of the development process as well as the social

- impact is quite extensive, although it is gradually getting better, the interaction between residents around the pros and cons of the development of the Batang Regency PLTU, at first was very tense, did not greet each other, even with relatives or neighbors. However, now the situation has started to improve, although there are still remnants of the dispute in the past. Even people who have a celebration (circumcision, marriage) will not be attended, if there is a dispute over the issue of PLTU construction.
- 3. Reconstruction of environmental management in the construction of PLTU based on the value of justice is reconstructing Article 2 into the addition (letter P. State land use) Article 3 to (letter k. Social rehabilitation due to environmental pollution) and Article 4 of Law no. 32 of 2009 became (letter b. Utilization of state land and letter h. Social rehabilitation of the impact of environmental pollution).

RECOMMENDATION

- 1. The government and the House of Representatives need to complete Article 2, Article 3, and Article 4 of Law no. 32 of 2009 concerning Environmental Protection and Management.
- 2. The government/decision makers in the Steam Power Plant Development Mega Project (PLTU) in Batang Regency, should pay attention to the aspirations of the affected communities, village discussions and with religious leaders, community leaders and youth leaders should be carried out before the construction of the PLTU, so that there are no pro and cons in the construction of PLTU has the full support of the community. Justice for the affected community members should be prioritized again, for example CSR both in the workforce and in other physical forms.
- 3. The impact of the PLTU construction in Batang Regency, in addition to the physical impacts, for example the amount of dust, noise, as well as buses and cars for transportation for employees of PT. Bhisemasena Power Indonesia. Also social impact, where it is hoped that social relations between residents will be more fluid, so that there is no tension or hostility between the affected residents. In other words, community relations can return to good as before the construction of the Steam Power Plant (PLTU) in Batang Regency. PLTU development must prioritize human health and environmental sustainability. So that the concept of sustainable development can benefit both the present and future generations.

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