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Establishment of a National Regulatory Body to Overcome Disharmonization of Natural Resources and Environmental Policies

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Abstract

Disharmonization of natural resources and environmental policies is a problem in structuring regulations in Indonesia, overlaps in the authority to determine forest area planning and sanctions for law enforcement that are not appropriate. Various government efforts through the authority of the National Legal Development Agency and the Directorate General of Legislation have not been able to overcome this because the position under the Ministry of Law and Human Rights which is on an equal footing with other ministries actually weakens coordination between ministries/agencies. Therefore, a National Regulatory Agency is needed with institutions under the president with the aim of harmonization of regulations at the planning, analysis, and evaluation stages at the central and regional levels through the concept of omnibus law. This research uses normative legal research methods through the approach of applicable laws and regulations and literature studies sourced from secondary materials in the form of books, journals, and other legal materials. The results of the study indicate that the formation of the National Regulatory Agency must be accompanied by structural changes by reconceptualization and reorganization in each ministry/institution and arranging regulations, especially in Natural Resources and Environment policies in facilitating the improvement of the investment climate.

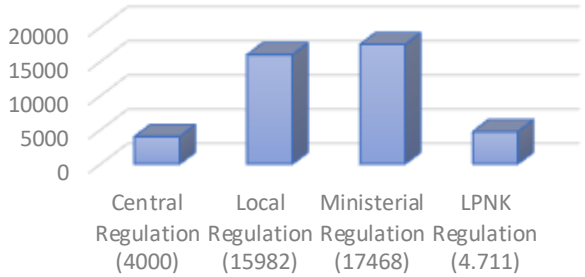
Keywords: *National Regulatory Body; Harmonization; Omnibus Law*

Introduction

Disharmonization of various laws and regulations in the Indonesian government system, especially in the Natural Resources and Environment (SDA-LH) policy, has an impact on the incompatibility of the natural resource management function on social control and the fulfillment of legal certainty, and hinders the achievement of welfare for every citizen (Pongtuluran, 2015). After the enactment of TAP MPR Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, of course, it is hoped that it can overcome hyperregulation and disharmony in the regulation of SDA-LH from the aspect of authority, rights and obligations, environmental conservation, and supervision accompanied by law enforcement. Not to mention the number of SDA-LH regulations that reach 23 laws in various sectors as a form of unresolved hyperregulation such as the determination of forest areas and business permits (Lobubun et al., 2022). Since 2015, the government has tried to realize a

quality National Regulatory System by synchronizing various regulations, but instead gave birth to new regulations that made the development of the quantity very large (Purnomo, 2019).

Table 1. Classification of Number of Regulations in Indonesia in 2022



Source: Ministry of Law and Human Rights as of 18 August 2022

Based on the table above, that there is a gap between the quantity and quality aspects of regulations in Indonesia today, too many regulations will affect the quality of regulations which will actually result in conflicts between contents, disharmony, and multiple interpretations by various institutions (Muzainah, 2016), moreover, the number of Ministerial Regulations as many as 17,468 regulations of course ignores the principle of the formation of the regulations themselves by not paying attention to the quality of each regulation, which of course is not only motivated by higher regulations, but also the authority of each ministry (Setiawati, 2018).

The issuance of Regulation of the Minister of Law and Human Rights Number 23 of the Year to evaluate joint regulations with the Directorate General of PP and BPHN in various sectors, such as overlaps between laws, Government Regulations, Presidential Regulations, Ministerial Regulations or Non-Ministerial Institutions, and Regional Regulations. However, the limited authority of the Ministry of Law and Human Rights certainly further strengthens the sectoral ego in each ministry that is oriented towards sectoral interests by competing to make a regulation (Hanum, 2021). The emergence of many problems resulted in the low quality of regulations, therefore a simplification of regulations was made through the omnibus law method. In the future, the process of forming regulations will combine several rules that differ in substance and importance to become a single unit. Consequently, the regulation will revoke part or all of the previously enforced regulations (Simarmata et al., 2021). In this case, the National Regulatory Agency is planned to combine each of these authorities by filling in the membership structure of the institution with representatives from each ministry, especially the ministries with special authority to form laws and regulations such as the Ministry of Law and Human Rights and its subordinate agencies, BPHN and the Directorate General of PP as well as the Ministry of State Secretariat, Bappenas, Cabinet Secretariat, and Ministry of Home Affairs. Each ministry will still provide proposals for the formation of regulations to the National Regulatory Agency (Arham & Saleh, 2019).

The establishment of the National Regulatory Body in structuring laws and regulations will harmonize every regulation at the central and regional levels from the planning, analysis, harmonization, and monitoring stages in preventing content material conflicts and current hyper regulation issues. Of course, this formation needs to be accompanied by regulations regarding the authority, function, and position of the National Regulatory Body. Thus, the National Regulatory Agency through an omnibus law approach will realize regulatory reforms, especially regarding the natural resources-environmental sector in order to ensure certainty, justice, and benefit for the community by realizing norms that are in line with sustainable development criteria and procedures (Slamet, 2004).

Methods

The research method used a normative legal research method through the approach to the applicable laws and regulations. other laws. In analyzing the research, the writer applies the deductive method by drawing a conclusion from general things to specific things.

Result and Discussion

1. Overlapping Analysis of Natural Resources and Environmental Management Policies

In essence, the law of natural resources reflects everything that has a legal relationship with the elements of the universe, whether on land, sea, air or other elements contained in the universe. The development of national law in the field of SDA-LH must synergize and integrate with development in other fields, this of course requires a continuous process. By doing utilization management, it is hoped that it can improve the welfare of every citizen, but until now the existing legal facts related to community welfare are still often encountered with many obstacles. It should be remembered that the meaning of disharmony of laws and regulations is contrary to the principle of the rule of law which is interpreted materially or formally (Riswanto, 2016).

After the enactment of TAP MPR Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, it is hoped that it will overcome the hyperregulation and disharmony of natural resource regulation, but in fact there are still a number of policy conflicts that result in environmental damage, efforts to drown out community rights, and nor does the distribution of utilization work for every member of the community (Winata & Musais, 2021). Because of the issuance of this stipulation, the government is requested to immediately resolve the overlapping and make adjustments and harmonization of laws and regulations accompanied by the realization of harmonization with accommodation when drafting a statutory regulation related to SDA-LH, which is further explained in Article 99 A Law Number 5 of 2019 that where this is carried out a reform is carried out in the context of synchronizing policies between sectors against various laws and regulations relating to the management of Natural Resources.

In reality, there has not been a ministry/institution that has the authority to oversee coordination related to natural resource management policies and their implementation, despite the fact that in terms of substance there are still many overlapping regulations. In his study, the fulfillment of the principles in accordance with Chapter II of TAP MPR Number IX/MPR/2001, became the basis for comparing the arrangements that had been analyzed with an approach to four aspects, including aspects of authority, rights and obligations, protection and preservation of the environment, as well as supervision. and law enforcement to determine the proportionality of mapping to potential overlapping authorities (Abdurrahim, 2015).

Regarding the Aspect of Authority, the Ministry of Energy and Mineral Resources (ESDM) has the authority to determine the division of its territory, one of which is Mining. The Ministry of Energy and Mineral Resources in coordination with the Ministry of Forestry controls the potential triggers for conflicts that often occur at the stage of determining conservation forests in forest area planning. However, until now, the lack of accuracy in standardization in determining priorities and problem solving mechanisms, although there are areas that have large mining potential have become a problem. Forest (Putri & Sukirno, 2017).

Based on the provisions in Law no. 41 of 1999 concerning Forestry, it is stated that mining activities cannot be carried out in conservation forest areas, either in mineral and coal mining, oil and gas or geothermal. In the Forestry Law and Law no. 26 of 2007 concerning Spatial Planning (UU PR) there is also no clarity in terms of resolving the problems that have been mentioned, so there is also no clarity

regarding the position of Forest Area Determination and Spatial Planning. It's just that it is stated in the Forestry Law that the determination of forest areas must take into account the Spatial Planning (Lubis, 2021).

The potential for overlapping arrangements in this aspect of authority leads to the planning of the allocation of space or territory between the regulations of the Forestry Law and the Public Relations Law. In the PR Law, the determination of forest areas in the Regional Spatial Plan (RTRW) is carried out based on the determination of forest areas determined by the Minister. Before the Spatial Planning Law was enacted, spatial overlap occurred when the determination of forest areas in the RTRW clashed with the determination of forest areas based on the Forestry Law and instead made the forest areas lack legal certainty and clarity regarding the PNBP status of the forest area. The most visible conflict is in the determination of the mangrove area, because it is regulated by 3 different laws, namely the KSDH Law of 1990, the Law on Prevention and Eradication of Forest Destruction in 2013, and the 2014 Marine Law (Manik, 2018). So that in the mangrove area there is overlapping authority between two institutions that have similarities, including the Ministry of Environment and Forestry (KLHK) and the Ministry of Maritime Affairs and Fisheries (KKP).

The potential for disharmony of inter-sectoral arrangements also occurs in regulations related to licensing. In the case of the example of the forestry sector with geothermal energy, that in the Forestry Law, the granting of a permit for environmental services is limited to protection forests and production forests. However, it is possible that in Law no. 21 of 2014 concerning Geothermal that geothermal activities through environmental service permits can be used on conservation forests. Further explanation between the marine sector and geothermal also stipulates that the prerequisite for indirect use of geothermal in marine conservation areas must be with the permission of the Minister of Marine Affairs and Fisheries, although the Minister of Marine Affairs and Fisheries does not regulate the authority of the Minister of Marine Affairs and Fisheries to issue such permits (Azhar, 2019).

Furthermore, related to rights and obligations, the need for public participation in spatial planning plans as a form of community obligations, known as "customary law community obligations". The use of the phrase "customary law communities" was first mentioned in the PA Law in 1960 with the term "customary law communities". Then, in its development, various terms were found in each application of related statutory regulations (Oil and Gas Law, Coastal Law, PPLH Law, Forestry Law, Water Resources Law, Plantation Law, PR Law, Pabum Law, Fisheries Law, KSDA Law, Marine Law), but does not change the meaning of the phrase, such as the use of the phrase indigenous peoples.

However, this is inseparable from the differences in how the community reaches access to information on planning and utilization of SDA-LH. As further regulated in Law no. 32 of 2009 concerning Environmental Protection and Management, that citizens have the right to obtain information that is easily accessible. However, it is also different from plantation and mining structuring planning, both of which do not openly have regulations regarding the right to information disclosure to the public which ultimately triggers the potential for disharmony to the procedure for providing access to information coverage, which has an impact on the imbalance of access between natural resource planning sectors (Luhukay, 2021).

In the Aspect of Environmental Protection and Sustainability, based on Article 19 of the Forestry Law, it is regulated that the change in forest area in the forestry sector does not provide for the obligation to make KLHS the basis for changing forest areas, but instead the law provides conditions for the formation of a Government Regulation (PP) as the basis for its implementation. It is strengthened through the systematic flow of laws and regulations as a derivative effort of the PP which is obliged to add a KLHS which is not optional but is still considered to have an important impact in the process of changing spatial planning which has an impact on the enactment of the provisions in the PPLH Law regarding the basis of reference in the form of the obligation to use KLHS. This opportunity is used as a potential for

changes in the status of forest areas that do not take into account aspects of integrated natural resource management and environmental conservation. The non-compliance with the recovery procedure results in optimization, because the recovery process has the potential to use only one law. The PPLH Law must be used as a reference for KLHS as the basis for changes in forest area management, which regulates the obligation to carry out environmental restoration for each actor of such changes and is also regulated in related laws and regulations, such as the Soil and Water Conservation Law, the Law on Sustainable Agricultural Land Protection and Forestry Law.

Then regarding the aspect of supervision and law enforcement, there is a disharmony of legislation which is the legal authority that regulates environmental products without a permit. Based on Law no. 18 of 2013 concerning Prevention and Eradication of Forest Destruction (UU P3H), that:

"illegal logging and/or illegal use of forest areas carried out in an organized manner".

After the enactment of the P3H Law, a number of statutory arrangements in the Forestry Law no longer apply. Problems arise when an offense is found to be unregulated, this triggers a loophole for criminal acts without sanctions, emphasized by the link with the clause "occupying" forest areas. On the other hand, there is an important role in this "occupy" clause, which includes controlling forest areas without obtaining permission from the competent authority, among others, to construct residential areas, buildings, and other structures. The granting of authority for Civil Servant Investigators (PPNS) in each sectoral law aims to be able to carry out law enforcement in each sector in order to overcome various problems that have the potential to cause authority disputes between PPNS in the law enforcement process. For example in the case of a fire that took place on plantation land. As regulated in the Plantation Law, plantation PPNS has the authority to enforce the law when a fire occurs on plantation land, and PPNS has authority in the Environmental sector to enforce law in all areas including plantations in order to prevent environmental damage or violations of quality standards caused fire (Jolo & Gautama, 2018).

The complexity of the merger between Ministries is found to be an expansion of the functions of the KLHK, as in the KLHK it was found the merger between the Ministry of Environment and the Ministry of Forestry, which has an impact on the extent of changes in authority in planning, utilization, supervision and law enforcement. It also happened to the National Land Agency (BPN) which was combined with the KATR function, making the authority of both of them wider. This condition triggers the sectoral ego of the Ministry. Comparison of the authorities from the planning, utilization and law enforcement stages mentioned by each law can be analyzed covering eight ministries, namely:

a. Ministry of Environment and Forestry;
b. Ministry of Agrarian Affairs and Spatial Planning;
c. Ministry of Energy and Mineral Resources;
d. Ministry of Fisheries and Marine Affairs;
e. Ministry of Agriculture;
f. Ministry of State-Owned Enterprises;
g. Ministry of Villages, Development of Disadvantaged Regions and Transmigration; and
h. Ministry of Home Affairs.

The dilemma is the impact of the overlapping roles of state ministry institutions, especially the coordinating ministry regarding state ministry institutions, in a narrow sense the position of all ministries and/or no exception is having an equal position. With this equal position, it is not uncommon for each ministry to assume that the presence of the Ministry of Economic Affairs is only as a complement to the nomenclature of State Ministry institutions, but specifically dealing with its functions is sometimes ignored by ministries under its coordinator and those outside its coordinator. Strengthened by the existence of normative legal provisions for synchronization between Ministries, it is certain that there

must be obedience to these legal provisions, which minimizes and seeks to eliminate sectoral egos between these Ministries.

In addition, there is obesity regulation/hyper regulation from a number of rules that overlap with other regulations, which also causes a number of impacts on horizontal authority between Ministries/Agencies as well as vertical authority between Central and Regional Governments that hinder the protection and management of Natural Resources and the Environment. the good one. The failure that occurred in the field of Natural Resources and the Environment was due to the emergence of sectoral egos which resulted in the issuance of various technical policies for each sector and the lack of coordination between the Central and Regional Governments as well as between Ministries and Institutions, so that in this case a fundamental change was needed in laws and regulations specifically in the field of SDA-LH and the establishment of special institutions that address the reform of regulations, procedures, and regulatory arrangements that must be a priority for legal reform at this time, especially in the field of Natural Resources which in the event of the formation of this particular ministry. will create a harmonious and integrated policy and create a sense of justice and sustainability within the state's responsibility for the sustainability of natural resources-environment (Suwandi, 2018).

Based on this, it is necessary to make arrangements in overcoming disharmony between regulations in order to realize equitable justice in the management of natural resources-environment policies based on the principles of distribution and equity, marginal community protection in the restoration of community rights, and harmonization between state institutions in the division of levels of authority. With the above problems, the authors think that it is necessary to initiate a special institution to realize regulatory reform, especially SDA-LH which still has overlap in terms of policies and authority between authorities, both vertical and horizontal authorities which often lead to arbitrary actions.

2.The Urgency of Establishing a National Regulatory Body through the Omnibus Law Approach

Various elements in the legal system involve the ministry/institution authorized in the formation of a regulation that is policy (beleidregels) or which is included in the hierarchy of laws and regulations based on Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislation.Reports of the Planning Agency The National Development Planning Agency (Bappenas) in 2019 showed that the overlapping of the SDA-LH laws and regulations was not the main problem in impeding investment and business licensing, but rather the lack of inter-ministerial/institutional coordination when forming these regulations. For example, BPHN together with Bappenas reviewed the potential for harmonization of regulations related to SDA-LH in the Action Plan for the National Movement to Save Natural Resources (GN-PSDA), in fact, there are still overlaps between existing SDA-LH regulations. Then in the institutional authority scheme it is also said to be too complicated between the Government Work Plan (RKP) with PP and Perpres, that the coordination for the preparation of PP and Perpres is directed to the Ministry of Law and Human Rights, but on the one hand the responsibility for the RKP formulation process is given by Bappenas. This issue often results in synchronization of authorities, such as in the preparation of the RKP which began in 2017, but its stipulation was only carried out in 2018 and was completed one year later. The ineffective drafting process can be seen from the time span that is too far away resulting in not achieving national development priorities and regulatory needs in the community (Arisaputra & SH, 2021).

Too many regulations that result in low quality regulations, the solution that can be done by the government is to simplify regulations through the omnibus law method. In the future, the process of forming regulations will combine several rules that differ in substance and importance to become a single unit. Consequently, the regulation will revoke part or all of the previously enforced regulations. Various regulations that are multi-sectoral and disharmony will be resolved more quickly than changing the laws one by one. According to Jimly Asshidqi, the formulation of laws and regulations through the omnibus law method is more based on the principle of formation that is integrated and systematic by aligning the

language of regulations so that they are more easily understood so as to realize harmonization of procedures for establishing regulations by managing the number and quality of regulations. In reality, the bill containing the omnibus law concept is currently in the drafting stage so that later when it is passed, it can overcome the problems of irrelevant regulations. However, the solution to overcome the problem is not only solved through policies, but also from an institutional perspective. This is because the Ministry of Law and Human Rights through BPHN and the Directorate General of PP is currently still unable to optimally harmonize every regulation and policy monitoring procedure initiated by each ministry/institution.

The presence of Law Number 15 of 2019 concerning the Establishment of Legislation through the amendment of Law Number 12 of 2011 has led to a new nomenclature regarding the agency authorized to administer laws and regulations in government affairs. Pratikno as the Minister of State Secretary said that the agency is called the National Regulatory Agency which is a new idea that regulates the process of forming laws and regulations, starting from planning, discussing, and evaluating as well as analyzing previous regulations in the realization of harmonization. Although the PPP Law has not specifically regulated the position, organizational structure, and form, there is already a description through Article 99A regarding the transfer of a task with a content that states that government affairs in the field of Formation of Legislation have not yet been established, the duties and functions of the establishment Laws and regulations are still implemented by the minister who carries out government affairs in the field of law. The existence of the National Regulatory Body is certainly an optimization in the implementation of the omnibus law because its function is to carry out regulatory reform which is the current government goal (Anggono, 2020).

In line with the statement of Ahamd Doli Kurnia as Chair of Commission II of the DPR, that the establishment of the National Regulatory Body solely encourages the harmonization of laws and regulations in the creation of good national law development. Then Inosentius Samsul as the Head of the Center for Drafting Laws for the DPR said that it was important for this body to be formed to facilitate the DPR in drafting bills with the government while at the same time solving complex problems in laws and regulations, such as overlapping regulations and current hyperregulation (Dipokusumo, 2011).

The success of the formation of the National Regulatory Body was also promised by Joko Widodo and Ma'ruf Amin when they were candidates for President and Vice President on January 17, 2019, namely forming a National Regulatory Agency through the merging of legislative functions in every ministry and government institution as a manifestation of regulatory simplification in the scope of the regulation. center and area. The plan was then supported by Mahfud MD as an institution that tidied up every regulation and forum to overcome legal problems that occurred. He believes that the simplification of an authority into one institution will be able to create harmonization and synchronization of every statutory regulation. It is hoped that the purpose of legal reform will not only be to regulate the downstream sector regarding public services, but at the same time reorganize the legal sector related to improving the procedures and substance of the regulation. Yasonna Laoly as the Minister of Law and Human Rights stated that as a mandate from the revision of Law No. 12 of 2011 concerning the Formation of Legislation, a new state institution will be formed which has the authority to reorganize the legislative process.

Functionally, the National Regulatory Body harmonizes the authority to form regulations that are spread across each ministry. Moreover, each ministry is currently not limited in forming and proposing regulations that result in hyper regulation and sectoral disharmony. PSHK is of the opinion that until now every institution that has a part and authority to form regulations is an institutional relay, that they cannot help each other, instead they think more about their own sector. The institutional design for the formation of a regulation has become a problem, when there is no institution that fully controls the function of managing regulations. The existing authority is spread across various ministries/agencies such as the Ministry of Home Affairs, the State Secretariat, and Echelon I or Echelon II Units at the Ministry of Law

and Human Rights. Moreover, it is related to Non-Ministerial Government Institution Regulations (LPNK) and Ministerial Regulations issued by each ministry/institution.

In this case, the National Regulatory Agency is planned to combine each of these authorities by filling in the membership structure of the institution with representatives from each ministry, especially the ministries with special authority to form laws and regulations such as the Ministry of Law and Human Rights and its subordinate agencies, BPHN and the Directorate General of PP as well as the Ministry of State Secretariat, Bappenas, Cabinet Secretariat, and Ministry of Home Affairs. Each ministry will still provide proposals for the formation of regulations to the National Regulatory Agency, later the agency will first analyze the needs of national development and then plan and determine academic texts to be submitted to the government and the DPR. This is in line with the ratification of Presidential Decree No. 68 of 2021 which stipulates that every minister needs to obtain approval from the president on the proposed draft regulation, so that the existence of a National Regulatory Body will facilitate the implementation of presidential duties.

The formulation of the authority of the National Regulatory Agency can adopt other countries that have successfully implemented it, such as The Ministry of Government Legislation in South Korea which has the authority to form regulations from the planning stage. Later, the agency will explain to each ministry related to regulatory planning guidelines. then from the guidelines, each chief minister will propose regulations to The Ministry of Government Legislation. Later, the agency will determine the planning, harmonization, and evaluation which will later be reported to the cabinet board (Salim et al., 2018).

The establishment of this regulatory body needs to pay attention to each of its functions in accordance with the conditions of regulatory problems in Indonesia. Although it has not been regulated in detail in Law no. 15 of 2019, several functions that need to be possessed include implementing regulations with plans that are in line with the development of national laws, harmonization of each substance of laws and regulations by analyzing each content material, then proceeding with synchronization with other laws and regulations, and with regulations that has been in effect, monitoring and evaluation will be carried out to determine the decisions taken, such as changing or revoking the provisions. The drafting of the harmonization of the bill will later come from the President, the Draft PP, Presidential Regulations, Ministerial Regulations, and other regulations. Meanwhile, within the scope of the Regional Regulation, it will be more to harmonize the Draft Provincial/Regency/City Perda. Furthermore, the task of the National Regulatory Body will be adopted from the Directorate General of PP and BPHN Kemenkumham as Presidential Regulation Number 44 of 2015 concerning Kemenkumham and BPHN by combining the duties of the two institutions. The Organization for Economic Co-Operation And Development (OECD) also provides recommendations on the functions that the National Regulatory Body should have, including:

a. Prepare all regulations of each ministry/government agency on the aspects of the objectives, benefits, and strategies of national development accompanied by coordination to obtain quality regulations;
b. Analyzing the potential of each regulation regarding its effectiveness by considering that the regulation is laid down through widespread needs;
c. Managing the quality of each arrangement by conducting an impact assessment and has the right to return the draft regulation if a content material conflict is found;
d. Communicating the review and improvement of the arrangement in line with various aspects;
e. Provide guidance and training in order to improve the performance of the arrangement; and
f. Regular monitoring and reporting on the performance of the regulatory management system.

The National Regulatory Body in planning the formation of regulations is actually still limited, considering Article 21 paragraph 4 of Law no. 15 of 2019 only mentions that the formation of laws and

regulations is still held by the minister or head of the institution in coordination of the draft PP and Presidential Regulations that have been planned, while related to Draft Ministerial Regulations, LPNK, and others are not regulated for coordination of each ministry/institution. Likewise, Article 95A paragraph 1 of Law Number 15 of 2019 has also arranged for an agency to evaluate, and monitor every law that has been in effect. However, what is confusing is that the accountability is given to the government, DPR, and DPD (Aditya & Fuadi, 2021), if we look more deeply, that authority can be exercised by every institution because there is the phrase "government". So that in the future the government will need to re-examine several articles so that revisions can be made, or form new regulations regarding the authority of the National Regulatory Agency to be able to evaluate every applicable statutory regulation in achieving regulatory reform.

Regarding the institutional design, the National Regulatory Body is more appropriate if it is located under the president which is equivalent to the Presidential Staff Office, Cabinet Secretariat, and State Secretariat. However, the difference between these institutions will also be given special authority to analyze the impact of policies based on the substance regulated by Presidential Instruction Number 7 of 2017 as well as carry out the corridors of establishing a regulatory framework to adhere to policy principles and laws and regulations, including the arrangements made by the President. ministries/institutions that are directed to be national, strategic, and have a broad impact on the needs of the state and society through the implementation of the omnibus law. This institutional design will make the National Regulatory Agency the only institution that has the authority to regulate regulations under the president. Thus the National Regulatory Body seeks to organize every arrangement from the executive aspect.

However, the presence of the National Regulatory Body will lead to overlapping authorities in various ministries/agencies, such as BPHN, Directorate General of PP, and legal bureaus in each ministry/institution. Therefore, the formation of this agency needs to be accompanied by structural changes with reconceptualization and reorganization in each ministry/institution. For example, by attracting every official from BPHN, Directorate General of PP, and every ministry/institution to become part of the National Regulatory Body, which later in formulating a policy will remain in their respective corridors. The position of the institution in line with the Cabinet Secretariat will essentially keep the institution away from intervention and sectoral egos of each ministry/institution. The closer the position of the institution to the center of government, the easier it will be in the decision-making process.

Conclusion

Based on the results of research, there has been a disharmony of policies on Natural Resources and the Environment (SDA-LH) from various aspects, and there are also hyperregulation issues in the form of 23 regulations related to SDA-LH. Regulatory obesity that is increasingly uncontrollable, as well as sectoral egos, content material conflicts, and multiple interpretations finally gave birth to a National Regulatory Agency consisting of units of each ministry as mandated by Law No. 15 of 2019 as a body that manages regulations from the planning stage. , harmonization, and monitoring of every statutory regulation. The implementation of the National Regulatory Body through an omnibus law approach should actually be under the President, who is equal to the cabinet secretariat and others who are more effective in simplifying regulations, especially the task of forming regulations by BPHN, the Directorate General of PP, and the legal bureau of each ministry will be combined into the National Regulatory Agency. The National Regulatory Body will be one of the determinants of SDA-Environmental regulation by evaluating and simplifying regulations relating to authorities and policies as an effort to realize an integrated development in a rescue-based SDA-Environmental management system for future generations.

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