

Regional Expansion as a Constitutional Notion in the Environmental Sector

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ABSTRACT

The expansion of a new autonomous region in its regulations does not include aspects of fulfilling the environment as a requirement for regional capacity so that it contradicts one of the environmental principles, namely the principle of sustainability. Therefore, the author wants to analyze the new concept of the environment in which this concept aims to make the environment an important part or main prerequisite in terms of regional expansion. The method used in finding the legal concept of regional expansion, especially on the fulfillment of environmental aspects, is by studying and analyzing environmental philosophy and determining its meaning so that it needs to be a consideration in order to fulfill the requirements for new autonomous regions to be expanded. Regarding the legal concept of regional expansion in the environmental field, it begins with determining the environment and nature, ways to respect the environment, clarity on the moral status of animals and plants, restoration of nature, and considering environmental sustainability for future generations. Referring to the philosophical aspect, the author includes environmental aspects as a basic requirement for regional capacity in the formation of an area, especially for the expansion of preparatory areas. Thus, the existence of the environment can still be felt along with the times.

Keywords: Legal Concept, Regional Government Law, Regional Expansion, Environment.

ABSTRAK

Pemekaran sebuah daerah otonom baru dalam regulasinya belum mencantumkan aspek pemenuhan lingkungan hidup sebagai syarat kapasitas daerah sehingga memiliki kontradiksi dengan salah satu prinsip lingkungan hidup yakni prinsip keberlanjutan. Oleh karenanya, penulis ingin menganalisis mengenai konsep baru tentang lingkungan hidup yang mana konsep ini bertujuan untuk menjadikan lingkungan hidup sebagai bagian penting atau prasyarat utama dalam hal pemekaran daerah. Adapun metode yang digunakan didalam menemukan konsep hukum pemekaran daerah khususnya terhadap pemenuhan aspek lingkungan hidup yaitu dengan cara mengkaji dan menganalisis filosofi lingkungan hidup dan menentukan pemaknaannya sehingga perlu menjadi suatu pertimbangan guna memenuhi syarat kepada daerah oronomi baru untuk dimekarkan. Perihal konsep hukum pemekaran daerah dalam bidang lingkungan hidup diawali dengan menentukan lingkungan dan alam, cara menghargai lingkungan, adanya kejelasan status moral hewan dan tumbuhan, pemulihan alam, serta mempertimbangkan keberlangsungan lingkungan bagi generasi mendatang. Merujuk kepada aspek filosofi tersebut, penulis memasukkan aspek lingkungan hidup sebagai persyaratan dasar kapasitas daerah dalam pembentukan sebuah daerah terkhusus kepada pemekaran daerah persiapan. Sehingga, keberadaan lingkungan hidup masih dapat dirasakan seiring perkembangan zaman.

Kata Kunci: Konsep Hukum, Hukum Pemerintahan Daerah, Pemekaran Daerah, Lingkungan Hidup.

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INTRODUCTION

The regional organization is critical to implementing decentralization. Regional structuring has six objectives, the first of which is to maximize the effectiveness of regional governing administration. Second, accelerate progress toward improving people's welfare. Third, accelerate the improvement of public service quality. Fourth, enhance the governance quality. Fifth, enhance national and regional competitiveness. Furthermore, sixth, preserving the distinctiveness of indigenous customs, traditions, and culture.

As defined in Law Number 23 of 2014 on Regional Government, the regional arrangement consists of regional formation and regional adjustments. The regional formation can be classified into two stages: regional expansion and regional fusion. *Regional expansion* is the division of a province, regency, or city area into two (two) or more new regions, or the fusion of parts of the region adjacent in a single province, regency, or city area into a new region.

Regional expansion is carried out in stages, with the first stage focusing on basic requirements and the second on administrative requirements. The fundamental requirements are divided into two categories: regional requirements and regional capacity requirements. According to Article 34 paragraph (2) of Law Number 23 of 2014, the basic territorial requirements for provincial, district/city, and sub-district areas include a minimum area, a minimum population, territorial boundaries, area coverage, and minimum age limits. Meanwhile, the requirements for regional capacity include the region's ability to achieve community welfare in light of geographical, demographic, security, socio-political, custom and tradition, economic potential, regional financial, and governance capacity parameters.

Additionally, when considering Law No. 32 of 2009 on Environmental Protection and Management, it is explained that the spirit of regional autonomy in government administration in the context of the Unitary State of the Republic of Indonesia has resulted in changes in the relationship and authority between the government and local governments in the field of environmental protection and management. This is clarified in one of the Environmental Protection and Management principles, namely the principle of regional autonomy. This principle is embodied in a plan for environmental protection and management that takes population distribution into account.

As is well known, population distribution is a critical tool for determining regional requirements in advance of regional expansion. However, this is not the case for the environment, which is excluded from the fundamental requirements for regional formation. This leads the author to consider aspects of environmental compliance as a fundamental requirement of regional formation.

The purpose of this study is to ascertain and analyze the philosophical implications of meeting environmental parameters as fundamental requirements for regional capacity expansion. Additionally, to ascertain and analyze the normative implications of meeting environmental parameters as fundamental requirements for regional capacity expansion.

Because this research has never been conducted previously by other researchers, the authors do not review previously conducted research. This paper's body contains two significant points of discussion. The first section will examine the legal definition of the environment, while the second section will examine the synchronization and harmonization of the environment during a region's expansion.

METHODOLOGY

The research method used is normative, with a conceptual and statutory approach. The author collected data for the research using the document study technique, which is a technique that involves the examination of various documents, most notably statutory documents about Regional Government Law and Environmental Law. All data is reviewed theoretically and then analyzed qualitatively. Qualitative analysis is a type of analysis in which the relationship between local government and the environment is deconstructed through regions' formation based on the fulfillment of environmental parameters.

DISCUSSION

The Concept of Environmental Law

At the moment, numerous environmental issues exist. Expanding and multiplying are realities that do not support the existence of the environment. The concept of sustainable development has been widely publicized in the media. Sustaining development requires a shared understanding of the environment. Environmental concerns cannot be divorced from the influence of population growth or the demographic mode that is always growing. Naturally, this resulted in a territorial struggle to ensure the continuation of community life. As a result of control transactions occurring within the environment, the environment is branded as a marketplace.

The number of people and the degradation of the environment's quality are inextricably linked. At least three factors contribute to the degradation of the environment's quality: the population, the amount of natural resources consumed by humans, and the environmental impact humans manage. Philosophical considerations regarding the environment are predicated on the fact that numerous environmental law dynamics have occurred; consequently, grassroots efforts are required to explain the environment's significance in regional formation.

Environmental policies that promote good governance are critical in determining how policies are applied, particularly the government's responsibility for environmental policies, including local governments. The government is a critical player in preventing

environmental degradation. This is because environmental degradation and natural resource exploitation are a constant occurrence in reality.

Nature and humans serve as the epicenters of the environment's philosophical dimension. These two epicenters are based on anthropology, which is the study of how humans relate to or behave concerning nature. In essence, humans are central to all aspects of life in this world, including nature (the environment), because they are constantly oriented toward a holistic marketplace that prioritizes environmental welfare. Environmental welfare refers to welfare achieved through environmental stewardship and respect, by endowing animals and plants with moral status, restoring nature, and considering environmental sustainability for future generations.

To understand the environment's nature, we must first establish the environment's and nature's function, which has a profound significance. Nature has a regulatory function. The term "regulatory function" refers to a function that supports natural ecosystems by regulating ecological processes critical to sustaining environmental health by preparing clean air and water. A properly maintained environment is free of pollution of the water, air, and coolness. To maintain and respect the environment, one must practice cleanliness, refrain from littering, refrain from illegal tree cutting, cultivate the use of environmentally friendly tools, and engage in reforestation.

Additionally, the philosophy of endowing animals and plants with moral status derives from the Greek term bioethics, composed of bios (life) and ethos (customs / morals). Bioethics is an etymological term for a science that promotes biological sciences to improve human health and well-being. This term was coined by Fritz Jahr in 1927 and has since grown to encompass a new global movement dedicated to defending animal and plant ethical values. Then, natural recovery occurs through risk reduction and disaster preparedness (disaster risk education and preparedness), emergency response or response, and early recovery and recovery. Finally, to promote environmental welfare, specifically by considering future generations' environmental sustainability. The environment must be preserved according to the sustainable development principle (sustainable principal). Its objective is to halt climate change while preserving the environment. We recognize that the environment is not a legacy but a deposit that must be preserved for future generations in order for them to outperform the current generation.

Environmental Sustainability and Regional Expansion

Environmental laws are always intended to protect the environment from harm while also outlining the legal ramifications of that harm to governments, businesses, and other private entities. The government can practice good governance by enforcing transparent environmental regulations on citizens. Because developing countries are already on the verge of climate change, economic growth and specific environmental policies are required.

Regional structuring is the process or method by which an area is regulated and structured to provide services and improve the quality of good governance. The central government develops a strategy for regional structuring that includes an estimate of the

number of regional expansions that will occur over a specified period. This is a reference to create a government regulation. *Planning* is a management process associated with the implementation of regional government. Planning is accomplished through the programming of the regional government administration's flow. Similarly, when it comes to regional expansion.

Regional expansion is accomplished through several criteria, one of which is the fundamental requirement for regional capacity. Geographical parameters, demographic parameters, security parameters, socio-political parameters, customary parameters, tradition parameters, economic potential parameters, regional financial parameters, and governance capacity parameters comprise the regional capacity requirements. Geographical parameters include the capital's location, hydrography, and vulnerability to disasters. Demographic parameters include human resource quality and population distribution. The parameters of security include general criminal activity and social conflict. Participation in general elections is one of the social parameters, politics, customs, and traditions. Economic potential is measured in terms of economic growth and regional superiority. Regional financial parameters include the parent region's original revenue capacity, the prospective preparatory regions' potential original revenue, and the management of regional finances and assets. And the parameters for government administration capability include access to basic education services, access to basic health services, infrastructure, the number of ASN in the parent region, and the spatial design of the preparatory area.

If we understand the philosophy underlying a region's existence, we should incorporate environmental parameters into the fundamental requirements for regional capacity, based on the first section's environmental philosophy. Thus, the following table summarizes the fundamental requirements for regional capacity:

Table 1. Fundamental Requirements for Regional Capacity

No.	Fundamental Requirements for Regional Capacity
1	Geographic Parameters
2	Demographic Parameters
3	Safety Parameters
4	Socio-Political Parameters, Customs, and Traditions
5	Parameters of Economic Potential
6	Regional Finance Parameters
7	Parameters of Government Administration Capability
8	Environmental Parameters

The table 1 illustrates the addition of basic requirements for regional capacity, which were previously limited to seven (seven) requirements under Regional Government Law Number 23 of 2014. After examining the environmental philosophy, it is necessary to incorporate regional capacity requirements through environmental parameters. The parameters in the basic requirements for regional capacity are explained in detail as follows:

Table 2. Parameter Specifications as Fundamental Requirements for Regional Capacity Expansion

Requirements for Regional Capacity	Specification
Geographic Parameters	The capital's location, hydrography, and susceptibility to disasters.
Demographic Parameters	Human resource quality and population distribution.
Safety Parameters	Criminal acts and social conflicts that are frequently committed
Socio-Political Parameters, Customs, and Traditions	Participation of the public in general elections
Parameters of Economic Potential	Economic expansion and regional superiority
Regional Finance Parameters	Parent Regional Capacity for Original Revenue, prospective preparatory regions' potential for original revenue, and regional financial and asset management
Parameters of Government Administration Capability	Access to essential infrastructure services, the number of ASN employees in the parent region, and the preparatory area's draft spatial plan
Environmental Parameters	Environmental and natural resource management, environmental stewardship, animal and plant moral status, natural resource restoration, and consideration for future generations

CONCLUSION

Environmental philosophy covers a range of topics, including defining the environment and nature, how to respect it, the moral status of animals and plants, nature restoration, and environmental sustainability for future generations. In terms of philosophy, the author identifies environmental considerations as a necessary condition for forming an area, particularly for the expansion of preparatory areas. Thus, the environment's existence can still be felt in tandem over time. The novelty or novelty of the numerous regions divided into new autonomous regions is the paper's advantage. However, this

research requires additional investigation into the specifics of environmental parameter compliance as a requirement for regional capacity expansion.

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