

Implementation of Investment Company Licensing in the KITS (Case Study: Waste Pollution by Domestic Investors)

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Abstract

The paradigm shift in licensing through Law No. 6 of 2023 on Job Creation introduced the Risk-Based Business Licensing System (PBBR), which shifted state control from *ex-ante* to *ex-post*. However, the efficiency of this investment faces serious challenges in terms of environmental sustainability, as occurred in the Terboyo Industrial Area in Semarang (KITS) where waste leakage caused mass fish deaths in May 2025. This study aims to analyze the implementation of risk-based licensing for Domestic Investment Companies (PMDN) and evaluate the mechanism for monitoring environmental compliance in the field. The method used is juridical-sociological with a descriptive qualitative approach. Primary data was obtained through interviews with the Semarang City Environmental Department and the Investment and One-Stop Integrated Services Agency of Central Java Province, while secondary data included legislation and related legal literature. The results of the study show that although the OSS-RBA system has improved bureaucratic efficiency and time certainty for business actors, there is a significant gap between *das sollen* and *das sein*. Weak coordination and unsynchronized



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monitoring frequency between technical agencies and area managers create compliance gaps that weaken early detection of pollution. Evidently, the TDS parameter of the waste reached 23,510 mg/L, far exceeding the threshold of 1,000 mg/L. Policy redesign is needed through strengthened periodic monitoring by technical agencies and the enforcement of strict sanctions based on the principle of strict liability to ensure bureaucratic reforms maintain the principles of sustainable development.

KEYWORDS

Domestic Investment Companies; Environmental Supervision; Risk-Based Approach; Terboyo Industrial Area

Introduction

Economic activity is seen as the lifeblood of modern life, affecting every aspect of human existence.¹ To strengthen this foundation, Indonesia undertook a major regulatory transformation through Law No. 6 of 2023 concerning the Implementation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation (hereinafter referred to as the Job Creation Law). This step was taken as a strategic solution to accelerate economic recovery and reduce bureaucratic complexity that has hampered investment flows.² One of its main pillars is the change in the licensing system to a Risk-Based Approach (hereinafter referred to as PBBR).³ By integrating various sectoral regulations, the PBBR system aims

¹ Wisnu Arto Subari, "Kegiatan Ekonomi: Aspek Penting Dalam Kehidupan," *Media Indonesia*, April 16, 2025, <https://mediaindonesia.com/ekonomi/760835/kegiatan-ekonomi-aspek-penting-dalam-kehidupan>.

² "Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja" (2023).

³ Pasal 6 Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja, 6.

to create a more conducive investment climate through efficient and transparent administrative procedures.⁴

Article 1 paragraph (1) of Government Regulation No. 28 of 2025 concerning the Implementation of Risk-Based Business Licensing states that "PBBR is a business licensing that uses a risk-based approach obtained from the results of an analysis of each business activity."⁵ However, this convenience changes the paradigm of state control from *ex-ante* (before the license is granted) to *ex-post* (supervision after the license is issued), making supervision the most vital legal instrument for controlling industrial activities.⁶ Although this system provides efficiency for investors, there are significant risks to environmental sustainability if supervision by local governments is not carried out optimally. In practice, licensing serves as an instrument to protect the public interest and the environment, as well as to provide legal certainty for business actors.⁷

Legally, supervisory responsibility lies with regional heads and relevant technical agencies. In this case, the Environmental Agency (hereinafter referred to as DLH) is the main technical agency that controls environmental supervision in industrial areas. This is specifically regulated in Article 2 paragraph (12) of Semarang City Regulation No. 8 of 2023 concerning the Formation and Composition of Semarang City Regional Apparatus that "The Regional Service that organizes government affairs in the environmental sector, public works and spatial planning, sub-sectors

⁴ Ahmad Badawi and Bayangsari Wedhatami, "Implementasi Online Single Submission Sebagai Penyederhanaan Birokrasi Perizinan Untuk Meningkatkan Peluang Perizinan Berusaha Dan Investasi," *Bookchapter Hukum Dan Lingkungan* 1 (2025): 34.

⁵ Pasal 1 ayat (1) "Peraturan Pemerintah Nomor 28 Tahun 2025 Tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko" (2025), 2.

⁶ Bonifacius Herlambang, "Perizinan Berusaha Berbasis Risiko Pada Sektor Perindustrian Pasca Terbitnya Undang-Undang Tentang Cipta Kerja : Hal-Hal Yang Perlu Diperhatikan" 6, no. 3 (2024): 9351–64.

⁷ Badawi and Wedhatami, "Implementasi Online Single Submission Sebagai Penyederhanaan Birokrasi Perizinan Untuk Meningkatkan Peluang Perizinan Berusaha Dan Investasi," 31.

of waste and wastewater and forestry."⁸ Operationally, supervision is carried out by the Environmental Supervisory Officer (hereinafter referred to as PPLH) as a functional official.⁹ Based on Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management, Article 494 paragraph (1) states that "The Minister, governor, or regent/mayor may delegate supervisory authority to technical officials/agencies responsible for the field of Environmental Protection and Management."¹⁰ and Government Regulation No. 18 of 2016 concerning Regional Apparatus, Article 37 paragraph (6) states "Each Government Affairs as referred to in paragraph (3), paragraph (4), and paragraph (5) is accommodated in the form of a service." About Regional Devices¹¹, the regional head delegates this authority to the DLH because every government matter in the field of environmental affairs must be accommodated in the form of a regional office. Thus, the DLH's existence is not merely an administrative choice, but rather a legal mandate as a mandatory institutional body for managing environmental affairs, both at the provincial and district/city levels.

The responsibility for supervision lies with the regional head and related technical agencies, which is also regulated in Article 238 paragraph (1) of PP No. 28 of 2025 concerning the Implementation of Risk-Based Business Licensing, which states that "PBBR supervision is carried out by: a. Central Government; b. Regional Government; c. KEK Administrator; and/or d. KPBPB Business Agency, in accordance with their respective authorities."¹² However, implementation in the Terboyo Industrial Area in

⁸ Pasal 2 ayat (12) "Peraturan Daerah Kota Semarang Nomor 8 Tahun 2023 tentang Perubahan Kedua Atas Peraturan Daerah Nomor 14 Tahun 2016 tentang Pembentukan Dan Susunan Perangkat Daerah Kota Semarang" (2023), 6.

⁹ Pasal 71 ayat (3) "Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup" (2009), 48.

¹⁰ Pasal 494 ayat (1) "Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan Dan Pengelolaan Lingkungan Hidup" (2021), 350.

¹¹ Pasal 37 ayat (6) "Peraturan Pemerintah Nomor 18 Tahun 2016 tentang Perangkat Daerah" (2016), 38.

¹² Pasal 238 ayat (1) Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, 133.

Semarang (hereinafter referred to as KITS) shows a gap between modern licensing policies and the actual conditions. This gap presents a challenge to uneven regional implementation, where national regulatory ambitions are often hampered by weak inter-agency coordination, limited outreach, and suboptimal harmonization of regulations at the regional level.¹³ A phenomenon occurred in May 2025, where thousands of fish in 9 residents' ponds died due to leaks from production waste that was not properly processed.¹⁴ The water conditions are cloudy and smell sharp.¹⁵ DLH verification results showed a massive accumulation of pollutants with a TDS parameter reaching 23,510 mg/L, far exceeding the threshold of 1,000 mg/L¹⁶, as well as heavy metal content, which is characteristic of waste from the basic metal, machinery, and textile industries.¹⁷

This finding demonstrates the industry's poor management discipline and the weak oversight function of relevant agencies, which only operate once a year. PT. Merdeka Wirastama, as the KITS manager, should act as an extension of the government in guiding and supervising domestic investment (PMDN) businesses.¹⁸ The selection of PMDN as a research focus is relevant given that field findings indicate that the sources of massive pollution in KITS are dominated by PMDN companies that

¹³ Amanda Amelia Rizki, "Kajian Hukum Terkait Kepastian Hukum Dalam Peraturan Pemerintah Republik Indonesia Nomor : 28 Tahun 2025 Tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko Untuk Menunjang Pertumbuhan Investasi Asing Di Indonesia," *Jurnal Multidisiplin Indonesia* 4, no. 10 (2025): 572–80.

¹⁴ Muchamad Dafi Yusuf and Ferril Dennys, "Limbah Pabrik Sebabkan Ikan Di 9 Tambak Semarang Mati Massal, DLH: Sudah Di Atas Ambang Batas," *Kompas.Com*, May 21, 2025, <https://regional.kompas.com/read/2025/05/21/154244678/limbah-pabrik-sebabkan-ikan-di-9-tambak-semarang-mati-massal-dlh-sudah-di>.

¹⁵ Figur Ronggo Wassalim, "Ribuan Ikan Di Tambak Sekitar Kawasan Industri Terboyo Semarang Mati, Diduga Tercemar Limbah Pabrik Dan Pengeboran Lumpur Proyek," *Jawa Pos Radar Semarang*, May 9, 2025, <https://radarsemarang.jawapos.com/semarang/725989607/ribuan-ikan-di-tambak-sekitar-kawasan-industri-terboyo-semarang-mati-diduga-tercemar-limbah-pabrik-dan-pengeboran-lumpur-proyek>.

¹⁶ Lampiran VI Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 1.

¹⁷ Dinas Lingkungan Hidup Kota Semarang (DLH), "Press Realease: Penanganan Aduan Pencemaran Tambak Ikan Di Kelurahan Terboyo Kulon" (Kota Semarang, 2025).

¹⁸ Dinas Lingkungan Hidup Kota Semarang (DLH), "Press Realease: Penanganan Aduan Pencemaran Tambak Ikan Di Kelurahan Terboyo Kulon" (Kota Semarang, 2025).

neglect environmental management obligations after permit issuance. This failure of oversight demonstrates that legal certainty is not only about ease of obtaining permits, but also about post-permit oversight to protect community rights and environmental sustainability from arbitrary actions.

In comparison, more focused and structured waste management can be seen in the Java Integrated Industrial and Port Estate (hereinafter referred to as JIPE) in Gresik. The area implements a dedicated drainage system categorized by waste type, where wastewater is neutralized for reuse by the community, and solid waste is converted into animal feed. The success of the JIPE model demonstrates that industrial efficiency and environmental sustainability can go hand in hand with adequate infrastructure and oversight.¹⁹

Based on the description above, there is a clear inconsistency between the investment facilitation policy through the PBBR system and the implementation of environmental oversight in the field. This research is significant in identifying the gap between the Job Creation Law's regulatory promise to facilitate business and the reality of legal and environmental protection at the local level, to ensure that bureaucratic reform does not compromise the principles of sustainable development. Therefore, this study aims to analyze the implementation of risk-based business licensing for domestically-invested companies in Semarang City and the environmental compliance monitoring mechanism in the Terboyo Industrial Estate. Based on these considerations, the author conducted legal research entitled "Implementation of Investment Company Licensing in the KITS (Case Study: Waste Pollution by Domestic Investors)".

Methods

This study uses a juridical-sociological method, which is an

¹⁹ "Penanganan Limbah Di Kawasan Industri Jiipe," JIPE, accessed March 11, 1BC, <https://www.jiipe.com/id/home/blogDetail/id/274>.

approach to primary data in the field or to the community.²⁰ This legal science-based approach does not merely examine the system of norms, but observes the reactions and interactions that occur when that system of norms operates within society.²¹ The study is conducted in the KITS, focusing on the implementation of risk-based business licensing and environmental compliance monitoring for PMDN.

The research employs a qualitative approach to examine the phenomena and the gap between regulatory stipulations and field reality.²² Data collection was carried out through several techniques:

1. Direct interviews with key informants from DLH and DPMPSTP of Central Java Province to obtain empirical data on licensing and supervision.
2. Literature review of primary legal materials, including laws and regulations governing investment and environmental protection, to establish the normative framework.
3. Secondary data collection through legal literature such as books, journals, and articles to provide theoretical depth.

The data were analyzed using qualitative analysis with a descriptive approach. The researcher described the empirical facts found in Terboyo and compared them with applicable normative standards to identify factors influencing corporate compliance. This method is expected to provide comprehensive input for policy makers regarding the periodic supervision system of domestic investment companies.

²⁰ Soejono Soekanto, *Pengantar Penelitian Hukum*, Cetakan 3 (Jakarta: Universitas Indonesia (UI-Press), 1986), 52.

²¹ Sigit Sapto Nugroho, Anik Tri Haryani, and Farkhani, *Metodologi Riset Hukum*, ed. Sarjiyati, 1st ed. (Madiun-Surakarta: Oase Pustaka, 2020), 51.

²² Nugroho, Haryani, and Farkhani, 51.

Result and Discussion

1. Implementation of Risk-Based Business Licensing for Domestic Investment Companies in the Terboyo Industrial Area (KITS)

The fundamental change in the investment system in Indonesia began with the transition from a license-based licensing system to a risk-based business licensing system through Law No. 11 of 2020 concerning Job Creation, which was later updated through the Job Creation Law, specifically in Article 76 of the Investment cluster that "To make it easier for the public, especially Business Actors, to make investments."²³ The permit-based approach is considered to result in overlapping regulations and hamper the pace of investment, so the shift to a risk-based approach is expected to create dynamic and efficient conditions.²⁴ Operationally, the determination of risk levels (low, medium, high) currently refers to Regulation of the Head of the Central Statistics Agency No. 7 of 2025 concerning the Indonesian Standard Classification of Business Fields, which regulates classification based on the KBLI (Indonesian Standard Business Classification) and business scale based on the investment value of each business actor. The determination of these risk categories is based on potential hazards and their impact on health, safety, the environment, and resources.²⁵ In placing investments in Central Java, the local government plays a role in promoting industrial locations, but does not provide binding location recommendations, so that domestic investment business actors independently seek and determine their industrial locations in the Terboyo Industrial Area according to their needs.²⁶ This is supported by Article 6 of Semarang City Regulation No. 5 of 2024 on the Implementation of Business Licensing, that "The Mayor delegates the authority to Implement Business Licensing to the head of DPMPSTP." Therefore, the delegation of licensing authority to DPMPSTP

²³ Pasal 76 Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja, 532.

²⁴ Merissa Bhermaded Lie, "Sistem Perizinan Berbasis Risiko: Sebuah Perbandingan Antara Negara Australia Dan Negara Indonesia," *Jurnal APHTN-HAN*, no. 11 (2022), <https://doi.org/10.55292/japhtnhan.V1i2.30>.

²⁵ Ersalmaika Aprilian Wijaya, Nuzulia Kumalasari, and Firman Floranta Adonara, "Penguatan Kepastian Hukum Dan Ekonomi Berkelanjutan Melalui Sistem Perizinan Investasi Berbasis Risiko Yang Terstruktur Di Indonesia," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4 (2026): 331–42.

²⁶ DPMPSTP Prov. Jateng, "Kuisisioner Perizinan Investasi" (Kota Semarang, 2026).

is intended to simplify bureaucracy and create a more conducive investment ecosystem for PMDN.²⁷

The technical implementation of licensing is carried out through the Online Single Submission Risk Based Approach (OSS-RBA) system, which assesses each type of business based on health, safety, environmental, and resource management aspects. Based on Article 7 paragraph (4) of Semarang City Regulation No. 5 of 2024 concerning Business Licensing, that "Basic requirements for Business Licensing include: a. suitability of space utilization activities; b. environmental approval; and c. building approval and certificate of functional feasibility."²⁸ There has been a change in terminology from the previous "Environmental Permit"²⁹ to "Environmental Approval"³⁰, which is a basic prerequisite for the issuance of a Business License. Under the old regulations, business operators were required to go through two separate licensing processes. First, they had to obtain an Environmental Permit (through an Environmental Impact Assessment or UKL-UPL) as a primary prerequisite.³¹ After this permit was issued by the authorized official, business operators could then apply for a Business Permit from the relevant technical agency according to their type of business.³²

However, following the enactment of the Job Creation Law, this system was simplified by integrating both permits into a single entity, the Business Licensing. Environmental Approval is an Environmental Feasibility Decree or a Statement of Commitment to Environmental Management that has received approval from the Central or Regional Government.³³ Environmental Approval continues to function as a basic requirement for obtaining a business license. The fundamental difference lies in the status of environmental documents. Previously, an Environmental Impact Assessment (Amdal), Environmental Management Plan and Environmental Monitoring Plan (UKL-UPL), or Environmental

²⁷ Pasal 6 ayat (1) "Peraturan Daerah Kota Semarang Nomor 5 Tahun 2024 tentang Penyelenggaraan Perizinan Berusaha" (2024), 5.

²⁸ Pasal 7 ayat (4) Peraturan Daerah Kota Semarang Nomor 5 Tahun 2024 tentang Penyelenggaraan Perizinan Berusaha, 6.

²⁹ Pasal 1 angka 35 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

³⁰ Pasal 22 ayat (1) Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja, 78.

³¹ Pasal 1 angka 35 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

³² Eko Prasetyo, "Kesesuaian Sistem Pengawasan Perizinan Berbasis Risiko Di Sektor Lingkungan Hidup Pasca UU Cipta Kerja Dengan Prinsip Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia," *Prosiding Seminar Hukum Aktual*, no. November (2024): 84–102.

³³ Pasal 1 ayat (4) Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 2.

Management Plan (SPPL) were requirements for *obtaining* a license. Now, these documents are considered as Environmental Approval itself, which directly forms the basis for the issuance of a Business License.³⁴

For domestic investment companies in industrial estates, permits can indeed be issued automatically as a form of acceleration in accordance with Government Regulation No. 28 of 2025 concerning the Implementation of Risk-Based Business Licensing, but if the permit states in its attachment that "requirements have not been completed," then business actors are prohibited from conducting commercial production or selling their products until all requirements have been met and the permit status has been verified in the OSS system.³⁵ Through OSS-RBA, every licensing process has a clear standard timeframe, thereby creating certainty for business actors.³⁶

The implementation of the PBBR system changes the paradigm of supervision from *ex-ante* (strict control at the beginning) to *ex-post* (supervision after the permit is issued).³⁷ At this stage, domestic investment business actors are required to report their investment activities regularly every quarter or semester, both at the construction and production stages. These reports are vital instruments for DPMPSTP to monitor company activities, and companies that do not comply with reporting requirements will be subject to further supervision and guidance.³⁸ The ease of licensing via OSS-RBA poses risks if not balanced by synchronized field verification and oversight. As seen in the Terboyo case, permit efficiency without early detection can lead to environmental disasters. Therefore, strengthening oversight is vital to ensure post-license compliance while preventing excessive burdens on businesses.³⁹

2. Supervision of Domestic Investment Companies Related to Environmental Compliance

³⁴ Pasal 3 ayat (4) Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 14.

³⁵ DPMPSTP Prov. Jateng, "Kuisi Perizinan Investasi" (Kota Semarang, 2026).

³⁶ Helen Alisya and Arif Hidayat, "OPTIMALISASI PENGAWASAN PELAYANAN PERIZINAN BERUSAHA TERINTEGRASI BERDASARKAN PRINSIP KEADILAN BERBASIS ENVIRONMENTAL ETHICS DI KOTA SEMARANG," *Jurnal Hukum Lex Generalis* 6, no. 8 (2025): 1–29.

³⁷ Lampiran III Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, 1.

³⁸ DPMPSTP Prov. Jateng, "Kuisi Perizinan Investasi" (Kota Semarang, 2026).

³⁹ Yuliana, "Reformasi Sistem OSS Dan Perizinan Berusaha Peraturan Pemerintah (PP) Nomor 28 Tahun 2025 Tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko Untuk Meningkatkan Investasi Asing Di Indonesia," *Media Hukum Indonesia (MHI)* 3, no. 4 (2025): 209–16.

Supervision is part of the enforcement of state administrative law, which in the context of environmental protection and management is packaged as the enforcement of administrative environmental law. The enforcement of environmental law administratively can be preventive and repressive. Administrative supervision is used for preventive environmental law enforcement, while administrative sanctions are used for repressive environmental law enforcement. The purpose of supervision and the imposition of administrative sanctions is to ensure public compliance with administrative environmental law regulations.⁴⁰

Supervision is a crucial step after the issuance of permits through the OSS system to ensure the sustainability of the ecosystem, especially in industrial areas with high pollution risks.⁴¹ Environmental compliance is defined as the obedience of business actors in fulfilling their legal obligations, as stipulated in environmental permits, quality standards, waste management, and the fulfillment of environmental documents to minimize harmful impacts on the environment.⁴² Compliance can be achieved by ensuring that environmental laws are enforced, which is considered the first step in the compliance process, because if environmental administrative instruments are managed and enforced correctly, there will be no need for actual environmental court proceedings.⁴³ In the context of domestic investment, this compliance is not merely administrative fulfillment, but rather an instrument for controlling impacts after the issuance of permits through the OSS-RBA system.

Technically, this obligation is emphasized in Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management, as stated in Article 127 paragraph (2), that "Water Pollution Control includes: a. prevention of water pollution; b. mitigation of water pollution; c. restoration of water quality."⁴⁴ Compliance must be comprehensive; a company is not truly compliant if it possesses RKL-RPL documents but violates quality

⁴⁰ Bachrul Amiq, *Hukum Lingkungan: Sanksi Administrasi Dalam Penegakan Hukum Lingkungan* (Yogyakarta: Lasbang Mediatama, 2013).

⁴¹ "Upaya Mengatasi Dampak Kawasan Industri Di Pedesaan," masterplandes, 2021, <https://www.masterplandes.com/artikel/upaya-mengatasi-dampak-kawasan-industri-di-pedesaan/#:~:text=Keberadaan industri apabila tidak dikelola,dalam jumlah yang besar pula.>

⁴² Merry Yohana, Purwanto, and Budi Warsito, "Tingkat Ketaatan Pengelolaan Dan Pemantauan Lingkungan Hidup Pada Industri Manufaktur Di Kota Salatiga," *Jurnal Ilmu Lingkungan* 21, no. 2 (2023): 329–40, <https://doi.org/10.14710/jil.21.2.329-340>.

⁴³ Prasetyo, "Kesesuaian Sistem Pengawasan Perizinan Berbasis Risiko Di Sektor Lingkungan Hidup Pasca UU Cipta Kerja Dengan Prinsip Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia."

⁴⁴ Pasal 127 ayat (2) Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 101.

standards in practice. The situation at KITS highlights a gap between *das sollen* and *das sein*, proving that regulatory compliance alone does not yet guarantee effective environmental impact control.

Risk-based business licensing supervision is carried out by the Central Government (implemented by ministries/institutions in accordance with their duties, functions, and authority to issue business licenses), the Regional Government (governor, regent/mayor), Special Economic Zone (KEK) Administrator, and/or Free Trade Zone and Free Port Authority (KPBPB) in accordance with their respective authorities.⁴⁵ The monitoring of domestic investment is conducted through two mechanisms, direct monitoring (scheduled visits and unannounced inspections) and indirect monitoring through periodic evaluations of environmental management and monitoring plan (RKL-RPL) implementation reports.⁴⁶ However, there are findings that indicate an unsynchronized division of roles. Based on Minister of Industry Regulation No. 1 of 2020 concerning the preparation of Detailed RKL and RPL for Industrial Companies in Industrial Estates, the estate manager, PT. Merdeka Wirastama, acts as an extension of the government in conducting operational supervision.⁴⁷ Article 21 of this regulation states that "Industrial Estate Companies shall monitor the implementation of the Detailed RKL-RPL periodically every 6 months."⁴⁸ On the other hand, field findings show that supervision by relevant agencies or technical agencies (DLH) is carried out once a year, based on Article 75 paragraph (1) of PP No. 28 of 2021 concerning the Implementation of the Industrial Sector that "Periodic supervision is carried out at least once a year with risk management."⁴⁹ The oversight gap results in a **compliance gap**, where the prolonged absence of technical agencies weakens **early detection**. This indicates low management discipline and suboptimal inspection frequency in the field.

Industries whose activities have an impact on the environment should pay more attention and strive to restore the environment to reduce

⁴⁵ Pasal 238 ayat (1) Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, 133.

⁴⁶ Yohana, Purwanto, and Warsito, "Tingkat Ketaatan Pengelolaan Dan Pemantauan Lingkungan Hidup Pada Industri Manufaktur Di Kota Salatiga."

⁴⁷ (DLH), "Press Realease: Penanganan Aduan Pencemaran Tambak Ikan Di Kelurahan Terboyo Kulon."

⁴⁸ Pasal 21 "Peraturan Menteri Perindustrian Nomor 1 Tahun 2020 Tentang Penyusunan Rencana Pengelolaan Lingkungan Hidup Dan Rencana Pemantauan Lingkungan Hidup Rinci Bagi Perusahaan Industri Yang Berada Atau Akan Berlokasi Di Kawasan Industri" (2020), 16.

⁴⁹ Pasal 75 ayat (1) "Peraturan Pemerintah Nomor 28 Tahun 2021 Tentang Penyelenggaraan Bidang Perindustrian" (2021), 43.

pollution.⁵⁰ However, field verification at KITS confirmed that the provision of Wastewater Treatment Installations (hereinafter referred to as IPAL) as mandated in Article 28 paragraph (1) of Central Java Regional Regulation No. 10 of 2022 concerning Regional Domestic Wastewater Management states that "Every business and/or activity that produces Domestic Wastewater is required to manage the Domestic Wastewater it produces."⁵¹ Not yet operating optimally.⁵² This is due to a mass fish death in the ponds around KITS. The accumulation of pollutants from industrial and domestic waste is the primary cause, with verification results showing TDS (dissolved solids) levels reaching 23,510 mg/L, far exceeding the 1,000 mg/L threshold stipulated in Appendix VI of Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management.⁵³ This high level reduces the solubility of oxygen in water, making it difficult for aquatic organisms to breathe and causing them to die.⁵⁴ This proves that there is a gap between *das sollen* and *das sein*.

If violations are found during monitoring, Article 508 of Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management regulates administrative sanctions ranging from written warnings to license revocation.⁵⁵ However, for serious impacts, Article 88 of Law No. 32 of 2009 concerning Environmental Protection and Management states that "Any person whose actions, business, and/or activities use B3, produce and/or manage B3 waste, and/or which pose a serious threat to the environment is absolutely responsible for the losses that occur without the need to prove the element of fault."regulates Absolute Liability (strict liability).⁵⁶ Companies are strictly liable for the losses incurred without the need to prove fault, it is

⁵⁰ Alfian Sayuti, Budi Santoso, and I Nyoman Nugraha Ardana Putra, "PENGUNGKAPAN LINGKUNGAN : STUDI PADA STURUKTUR KEPEMILIKAN DAN TIPE INDUSTRI ENVIRONMENTAL DISCLOSURE : A CASE FROM THE OWNERSHIP STRUCTURE AND INDUSTRY TYPE Oleh : Fakultas Ekonomi Dan Bisnis , Jurusan Akuntansi Fakultas Ekonomi Dan Bisnis , Jurusan Mana," *Jurnal EMBA* 8, no. 2 (2020): 9–20.

⁵¹ Pasal 28 ayat (1) "Peraturan Daerah Provinsi Jawa Tengah Nomor 10 Tahun 2022 Tentang Pengelolaan Air Limbah Domestik Regional" (2022).

⁵² (DLH), "Press Realease: Penanganan Aduan Pencemaran Tambak Ikan Di Kelurahan Terboyo Kulon."

⁵³ Lampiran VI Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 1.

⁵⁴ (DLH), "Press Realease: Penanganan Aduan Pencemaran Tambak Ikan Di Kelurahan Terboyo Kulon."

⁵⁵ Pasal 508 ayat (1) Peraturan Pemerintah Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup, 360.

⁵⁶ Pasal 88 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, 55.

sufficient to prove the act and the environmental damage.⁵⁷ In addition, the role of the community as a supervisor is very important. The community can report pollution to technical agencies, which are then followed up with incidental supervision in accordance with Article 251 paragraph (3) of PP No. 28 of 2025 concerning the Implementation of Risk-Based Business Licensing that "Incidental supervision is carried out through incidental field inspections."⁵⁸

To address this weak compliance, synergy between technical agencies as supervisors and area managers is crucial to ensure that every PMDN company meets environmental standards for the sake of ecosystem sustainability.⁵⁹ Therefore, there is a need for a redesign of the supervision policy by increasing the frequency of periodic supervision by technical agencies.

Conclusion

The implementation of OSS-RBA in KITS has improved bureaucratic efficiency for PMDN but failed to ensure environmental compliance, evidenced by a gap between *das sollen* and *das sein* with TDS levels reaching 23,510 mg/L. Weak coordination and infrequent oversight between technical agencies and area managers have paralyzed early pollution detection. Therefore, a policy redesign is required to prioritize periodic technical supervision and enforce strict liability through consistent administrative sanctions ranging from warnings to license revocation to ensure that bureaucratic reform does not sacrifice sustainable development.

⁵⁷ Yoni Apriyanto, "Panduan Wajib Legalitas UU PPLH (AMDAL & Limbah B3) Untuk Bisnis Meta," Yaplegal, 2025,

[https://www.bing.com/search?pglt=675&q=Panduan+Wajib+Legalitas+UU+PPLH+\(AMDAL+%26+Limbah+B3\)+untuk+Bisnis+Meta&cvid=39982b3a48c94d0da433b0918bf73564&gs_lcrp=EgRIZGdlKgYIABBFgDkyBggAEUYOTIGCAEQRRg8MgclAhDrBxhA0gEIMTExMWowajGoAgCwAgA&FORM=ANNTA1&PC=U531](https://www.bing.com/search?pglt=675&q=Panduan+Wajib+Legalitas+UU+PPLH+(AMDAL+%26+Limbah+B3)+untuk+Bisnis+Meta&cvid=39982b3a48c94d0da433b0918bf73564&gs_lcrp=EgRIZGdlKgYIABBFgDkyBggAEUYOTIGCAEQRRg8MgclAhDrBxhA0gEIMTExMWowajGoAgCwAgA&FORM=ANNTA1&PC=U531).

⁵⁸ Pasal 251 ayat (2) Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, 143.

⁵⁹ Lutfia Diva Rahmawati, Anggraeny Puspaningtyas, and Eddy Wahyudi, "Sinergitas Stakeholder Dalam Pengelolaan Limbah Industri Mewujudkan Lingkungan Berkelanjutan Di Kabupaten Sidoarjo Untuk" 4, no. 1 (2025): 27–49.

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