

## The Undermining of The Right to Public Participation in The Environmental Impact Analysis Regulation for a Business Permit in Indonesia: A Green Constitution Perspective

*(Reduksi Hak Partisipasi Publik pada Aturan Analisis Mengenai Dampak Lingkungan untuk Perizinan Berusaha di Indonesia: Perspektif Green Constitution)*

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**ABSTRACT:** The concept of green constitution in the Indonesian constitution is the legal basis for environmental protection in the implementation of the national economy through public participation. The rationale for “public participation” as part of the International Covenant on Civil and Political Rights needs to be examined in Government Regulation in Lieu of Law No. 2 of 2023 concerning Job Creation, which has now been passed into law. Pertama, pembatasan pelibatan masyarakat dalam Undang-Undang Cipta Kerja berpotensi inskonstitusional dengan esensi green constitution pada UUD 1945 yang menjamin hak partisipasi publik di bidang lingkungan hidup. Kedua, dalam konsep green constitution, urgensi aspirasi partisipasi publik dapat menjadi pertimbangan pengambilan keputusan yang lebih transparan dalam penyelenggaraan perekonomian berbasis sustainable development. Pembatasan pelibatan masyarakat justru mereduksi konsep green constitution dan berpotensi mengurangi transparansi dalam pemberian perizinan berusaha di Indonesia dalam memitigasi risiko kerugian lingkungan akibat eksploitasi ekonomi. First, the limitation on community involvement in the Job Creation Law has the potential to be unconstitutional with the essence of the green constitution in the 1945 Constitution which guarantees public participation rights in the environmental field. Second, in the concept of green constitution, the urgency of aspirations for public participation can become a consideration for making decisions that are more transparent in the implementation of an economy based on sustainable development. Restrictions on community involvement actually reduce the concept of green constitution and have the potential to reduce transparency in granting business licenses in Indonesia to mitigate the risk of environmental losses due to economic exploitation.

**ABSTRAK:** Konsep green constitution dalam konstitusi Indonesia menjadi landasan hukum dasar Perlindungan lingkungan hidup pada penyelenggaraan perekonomian nasional melalui partisipasi publik. Penalaran “partisipasi publik” sebagai bagian hak dari International Covenant on Civil and Political Rights perlu diteliti dalam Peraturan Pemerintah Pengganti Undang-Undang No. 2 Tahun 2023 tentang Cipta Kerja yang telah disahkan menjadi Undang-Undang. Tujuan penulisan ini untuk menganalisis komponen hak partisipasi publik yang berpotensi direduksi oleh Undang-Undang Cipta Kerja, terutama pada ketentuan Analisis Mengenai Dampak Lingkungan (AMDAL) dalam menegakkan green constitution. Penelitian artikel ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan konseptual. Hasil dari penelitian ini menunjukkan aturan pelibatan masyarakat dalam penyusunan AMDAL pada Undang-Undang Cipta Kerja tidak sesuai dengan prinsip green constitution dari 2 (dua) aspek. Pertama, pembatasan pelibatan masyarakat dalam Undang-Undang Cipta Kerja berpotensi inskonstitusional dengan esensi green constitution pada UUD 1945 yang menjamin hak partisipasi publik di bidang lingkungan hidup. Kedua, dalam konsep green constitution, urgensi aspirasi partisipasi publik dapat menjadi pertimbangan pengambilan keputusan yang lebih transparan dalam penyelenggaraan perekonomian berbasis sustainable development. Pembatasan pelibatan masyarakat justru mereduksi konsep green constitution dan berpotensi mengurangi transparansi dalam pemberian perizinan berusaha di Indonesia dalam memitigasi risiko kerugian lingkungan akibat eksploitasi ekonomi.

### Keywords:

business permits;  
EIA;  
environmental law;  
green constitution;  
public participation right

### Kata Kunci:

AMDAL;  
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hak partisipasi publik;  
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## 1. Introduction

Environmental orientation is one of the indicators in investment reform based on sustainable development for the future feasibility of people's lives.<sup>1</sup> The transformation to an environmental orientation in the investment sector began to be realized again during the global economic crisis resulting from the 2008/2009 world recession which greatly affected people's lives.<sup>2</sup> This is despite the fact that the realization of sustainable development was hampered by the Covid-19 pandemic which resulted in investment commitments of around 2.5 trillion by developing countries towards the 2030 global sustainable development agenda being disrupted.<sup>3</sup> However, this commitment needs to be upheld considering that we are currently entering the era of climate change with challenges to increase economic growth, while still prioritizing environmental protection.<sup>4</sup> These factors have caused various countries in the world to pay more attention to the future of the environment<sup>5</sup> by incorporating "environmental" provisions into the constitutions of various countries known as green constitution.<sup>6</sup> Historically, Greece has adopted the green constitution concept into its country's constitution<sup>7</sup> since 1975 after the 1972 Stockholm Declaration.<sup>8</sup> Other countries then began to follow in the footsteps of Greece in adopting a green constitution in their country's constitution.<sup>9</sup> Even nowadays, people have started to care about demanding mastery in initiating the fundamental rules regarding guarantees of protection in the constitution. As with recent events that occurred in Chile, Chilean environmental groups are already feeling outraged by local industries that are starting to damage the environment. They demand reforms to state administrators so that environmental protection is accommodated in the substance of the country's constitution.<sup>10</sup>

- 1 Julia M. Puaschunder, "Socio-Psychological Motives of Socially Responsible Investors," in *Global Corporate Governance*, vol. 19, Advances in Financial Economics (Emerald Publishing Limited, 2017), 209–47, <https://doi.org/10.1108/S1569-373220160000019008>.
- 2 The global economic crisis that occurred in 2008/2009 led to a massive evaluation of the economic sector. This fundamental problem has made various countries begin to improve themselves in re-designing sustainable economic policies. This is because after the tragedy it was identified that a lot of the environment was damaged due to capitalist economic policies which had a lot of bad effects on the quality of life of the surrounding community. Julia M. Puaschunder, "Socially Responsible Investment as Emergent Risk Prevention and Means to Imbue Trust in the Post-2008/2009 World Financial Crisis Economy," in *Routledge Handbook of Social and Sustainable Finance* (Routledge, 2016), 222–38.
- 3 James X. Zhan and Amelia U. Santos-Paulino, "Investing in the Sustainable Development Goals: Mobilization, Channeling, and Impact," *Journal of International Business Policy* 4, no. 1 (March 1, 2021): 166–83, <https://doi.org/10.1057/s42214-020-00093-3>.
- 4 Julia M. Puaschunder, "The History of Ethical, Environmental, Social, and Governance-Oriented Investments as a Key to Sustainable Prosperity in the Finance World," *Public Integrity* 21, no. 2 (2019): 151.
- 5 J. Engel and Brendan Mackey, "The Earth Charter, Covenants, and Earth Jurisprudence," *Exploring Wild Law: The Philosophy of Earth Jurisprudence*, 2011, 313–323.
- 6 Sina Imhof, Jerg Gutmann, and Stefan Voigt, "The Economics of Green Constitutions," *Asian Journal of Law and Economics* 7, no. 3 (2016): 305, <https://doi.org/10.1515/ajle-2016-0025>.
- 7 Hellenic Parliament, "The Constitution of Greece, as Revised by the Parliamentary Resolution of April 6th 2001 of the VIIth Revisionary Parliament," *Athens: Hellenic Parliament*, 2004.
- 8 The 1972 Stockholm Declaration was initiated by several countries in the world to care for the environmental sector which has a crucial function for long-term community survival. See "Shanthakumar Sanjeevy, *Ecological Globalization vs Environmental Needs of Future Generations: Need for Constitutionalization of the Doctrine of Inter Generational Equity and Other Fundamental Principles of International Environmental Law* (India).Pdf," n.d. Available from: <https://www.ialsnet.org/meetings/constit/papers/ShanthakumarSanjeevy%28India%29.pdf>
- 9 After the first adoption by Greece in 1975, several other countries began to follow Greece's steps, for example the Netherlands which adopted a green constitution in 1983, South Africa (1996), Angola (1992), Armenia (1995), Netherlands (1983), Bhutan (2008), Brazil (1988), Chile (1980), Ecuador (2008), Philippines (1987), Ghana (1992), India (1976), South Korea (1987), Nepal (2007), France (2006), Portugal (1976), Spain (1978), Bolivia (2009), See I. Suryawan, "Strengthening Environmental Law Policy and Its Influence on Environmental Sustainability Performance: Empirical Studies of Green Constitution in Adopting Countries," *International Journal of Energy Economics and Policy*, 2020, 133.
- 10 Maite Berasaluce et al., "Social-Environmental Conflicts in Chile: Is There Any Potential for an Ecological Constitution?," *Sustainability* 13, no. 22 (2021): 12701, <https://doi.org/10.3390/su132212701>.

Then the question is what about Indonesia? The 1945 Constitution as the Indonesian constitution actually has a green constitution concept which is not regulated explicitly.<sup>11</sup> The concept of green constitution in the 1945 Constitution came after the 4th amendment which provided a legal political format for the national economy with due regard to environmental insights. The essence of green constitution is a legal pillar of a democratic country that is “green” (environmentally conscious)<sup>12</sup> in providing instruments for enforcing ecological responsibility on behalf of the wider community in mitigating the risk of environmental damage.<sup>13</sup> As in Article 33 paragraph (4), environmental awareness is a principle in the direction of the national economy in addition to other principles such as economic democracy based on the principles of togetherness, fair efficiency, sustainability, and by maintaining a balance.

In order to realize the constitutional mandate to protect a sustainable environment, various laws and regulations were issued, one of which was Law Number 32 of 2009 concerning the Protection and Management of the Environment (UU PLH) as a legal instrument for implementing Indonesia’s green constitution.<sup>14</sup> The position of the concept of green constitution in the 1945 Constitution has a central role in responding to various kinds of public concerns about environmental degradation due to the realization of state administration (one of which is the investment sector) in the framework of realizing environmental rights contained in Article 28 I paragraph (1).<sup>15</sup> The realization of environmental rights in the constitution is a juridical basis which also opens up space for public participation to be involved in the implementation of environmentally sound policies. Considering that public participation has an urgency in the concept of sustainable development as an external control that is very influential for the success of the global environmental resilience agenda.<sup>16</sup>

After the passing of the Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to become the Job Creation Law (Ciptaker)<sup>17</sup> controversies have arisen with the potential to reduce the essence of the green constitution in the 1945 Constitution. This law is a breakthrough in the reform of economic law regulations which revises more than 70 laws, including the PPLH Law. The enactment of the Ciptaker Law, which has trimmed various regulations in the environmental sector, actually tends to reduce the environmental orientation of investment law policies in Indonesia. This assumption arose because the Ciptaker Law had abolished Article 36 paragraph (1) of the PPLH Law regarding the obligation for environmental permits as a determinant of a business entity’s eligibility to carry out its activities and integrated it into the Business Licensing with the Environmental approval format contained in Article 21 of the Ciptaker Law.

The implication of the application of this regulation raises a legal problem because it limits the provisions on the right to public participation in the provisions for the EIA regulation in the PPLH Law. The space for public participation in filing objections in the AMDAL document which was previously regulated by article 26 paragraph (4) of the PPLH Law has been removed by the Ciptaker Law. Additionally, Article 26 of the Ciptaker Law also limits the parties involved in making the EIA because it only involves the people directly affected by the business plan to be carried out. This certainly closes the door for other parties, especially environmentalists and environmental NGOs to participate in supervising the preparation of the AMDAL.

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- 11 Ashabul Kahpi, “Jaminan Konstitusional Terhadap Hak Atas Lingkungan Hidup Di Indonesia,” *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 2, no. 2 (2013): 143–159.
  - 12 Robyn Eckersley, *The Green State: Rethinking Democracy and Sovereignty* (mit Press, 2004).
  - 13 Muhammad Pasha Nur Fauzan, “Meninjau Ulang Gagasan Green Constitution: Mengungkap Miskonsepsi Dan Kritik,” *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 1, no. 1 (2021): 1–21, <https://doi.org/10.23920/litra.v1i1.573>.
  - 14 Taufiqurrohman Syahuri et al., “Environmental Settings in The Indonesian Constitution Perspective,” *Ilkogretim Online* 20, no. 3 (2021): 419, <https://doi.org/doi: 10.17051/ilkonline.2021.03.41>.
  - 15 Absori et.al stated that the position of the green constitution in the 1945 Constitution is a fundamental rule in enforcing Green Open Spaces so as to avoid environmental exploitation in various sectors in creating a healthy environment in Surakarta based on the 1945 Constitution, see Absori Absori et al., “Green and Health Constitution of Green Open Space and Its Implementation in Surakarta,” *Journal of Global Pharma Technology* 12, no. 9 (2020): 70–74.
  - 16 Chen Hao, Maurice Simiyu Nyaranga, and Duncan O. Hongo, “Enhancing Public Participation in Governance for Sustainable Development: Evidence from Bungoma County, Kenya,” *SAGE Open* 12, no. 1 (2022): 21582440221088856, <https://doi.org/10.1177/21582440221088856>.
  - 17 Setjen DPR RI, “DPR RI Setujui RUU Perppu Ciptaker Jadi Undang-Undang,” accessed March 29, 2023, <http://www.dpr.go.id/berita/detail/id/43720>. The Perppu Ciptaker has been ratified by the DPR, but the official website for Indonesian Legislation as of March 29, 2023 has not released the number and year of the law. See: <https://jdih.go.id/pencarian/detail/1563591>

Even though NGOs are one of the central parties that can express concern and become actors in response to real threats that befall the environment.<sup>18</sup> In addition, NGOs are a very important part of the party as part of external control to oversee environmental resilience towards sustainable development, especially in developing countries, rather than official authorities who have authority in this field.<sup>19</sup> Restrictions on public participation in the Ciptaker Law certainly undermine the essence of environmental permits. As Rona & Donna argue, historically the involvement of public participation in the preparation of environmental permits is a form of social control to monitor environmental degradation by human activities.<sup>20</sup>

The issue of the Ciptaker Law in the field of environmental-based business is actually a very varied and interesting theme to be studied by researchers. Muhammad Ilham et.al in their research results show that after the entry into force of the Ciptaker Law has implications for ease of licensing because business actors can carry out economic activities even though environmental approvals have not been issued.<sup>21</sup> Then, Edy Lisdiyono & Setiyowati see that the position of the Ciptaker Law has an important role in supporting the improvement of the investment climate which previously always clashed with conflicting laws and regulations both horizontally and vertically.<sup>22</sup> Even though there are results of a study regarding the positive impact of the Ciptaker Law on the investment climate, in fact other studies consider that the Ciptaker Law's commitment to supporting increased investment is not accompanied by a commitment to environmental preservation. As the research results of Asnita Tresia Sitompul explained that the offer of investment efficiency in the Ciptaker Law actually threatens environmental sustainability and risks weakening law enforcement.<sup>23</sup> Then Adimas Haryosetyo & Joko Setiyono explained the problems with the enactment of the Ciptaker Law which tries to provide simplification of environmental permit reforms which is a form of a country's setback in the field of environmental law.<sup>24</sup> Although many studies regarding the environment in the investment business sector in the Ciptaker Law have become the object of research, previous studies have not had an in-depth discussion regarding the study of legal problems in the Ciptaker Law which reduces public participation rights in EIA arrangements from a green constitution perspective.

In the perspective of the hierarchy of laws and regulations, the author finds conflicts of norms where the Ciptaker Law, which has trimmed various provisions in the PPLH Law, limits the rights of community participation and has the potential to reduce environmental orientation to licensing provisions based on the mandate of Article 28 H paragraph (1) & Article 33 paragraph (4) of the 1945 Constitution and violates one of

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18 Nathalie Berny and Christopher Rootes, "Environmental NGOs at a Crossroads?," *Environmental Politics* 27, no. 6 (November 2, 2018): 945, <https://doi.org/10.1080/09644016.2018.1536293>.

19 Based on research by Adeyemi et.al., NGOs in developing countries such as Nigeria have a good role in carrying out environmental monitoring of company activities. NGOs are considered to be more responsive and have the power to put pressure on certain parties which the stakeholders there cannot do. This is the basis for the need for support to environmental NGOs in Nigeria such as finance so that they can operate effectively in overseeing environmental protection as part of sustainable development in Nigeria. See A. A. Adeyemi et al., "Impact of the Oversight Role of NGOs on the Environmental Reporting and Social Responsibility of Listed Manufacturing Companies in Nigeria," in *Environmentalism and NGO Accountability*, ed. Kemi C. Yekini, Liafisu Sina Yekini, and Paschal Ohalehi, vol. 9, *Advances in Environmental Accounting & Management* (Emerald Publishing Limited, 2020), 107–21, <https://doi.org/10.1108/S1479-35982020000009006>. In Indonesia, before talking about finance, NGOs must first be supported through law to provide space for participation in direct environmental monitoring so that the involvement of NGOs in making an EIA becomes an important part of overseeing sustainable development in Indonesia through external control that can be played by NGOs.

20 Donna Rona, *Environmental Permits: A Time-Saving Guide* (Springer Science & Business Media, 2012).

21 Roni Sulistyanto Luhukay, "Penghapusan Izin Lingkungan Kegiatan Usaha Dalam Undang Undang Omnibus Law Cipta Kerja," *Jurnal Meta-Yuridis* 4, no. 1 (2021), <https://doi.org/10.26877/m-y.v4i1.7827>.

22 Edy Lisdiyono, "The Legal Concept Of Omnibus Law: Studying Environmental Permits From The Aspects Of Benefit And Justice," N.D. *International Journal of Business, Economics and Law*, Vol. 25, Issue 2 (December), 2021

23 Asnita Tresia Sitompul, "Job Creation Law's Risks towards Investment Efficiency and Business Convenience Regarding the Environment," *Administrative and Environmental Law Review* 3, no. 1 (2022): 1–8, <https://doi.org/10.25041/aclr.v3i1.2339>.

24 Adimas Haryosetyo and Joko Setiyono, "Act of Cipta Kerja: An Environmental Legal Reversion from A Globalization Perspective," n.d., *International Journal of Social Science And Human Research*, Volume 04 Issue 08 August 2021, <https://doi.org/10.47191/ijssshr/v4-i8-23>.



the basic rights in article 19 of the International Covenant on Civil and Political Rights.<sup>25</sup> In fact, according to A. Boyle, Civil and Political Rights are instruments that can be used as a basis in providing access to individuals, groups, NGOs to environmental information in the implementation of an environment-based economy.<sup>26</sup> As in Socially Responsible Investments (SRI), it is emphasized that investment policies in a country prioritize profit and environmental aspects<sup>27</sup> it is necessary to provide direction for investors to care about the surrounding environment by making efforts to integrate social, environmental and financial aspects in investments through a participatory approach with stakeholders (economic constituents, organizations and communities).<sup>28</sup> This is what needs to be accommodated as an annulment of the AMDAL legal provisions for business licensing in the Ciptaker Law in order to create investment policies from the state in ensuring the resilience of environmental functions through the involvement of public participation.<sup>29</sup>

Based on the problematic constructions that have been compiled in the narrative above, the author formulates various legal issues which become the boundaries of the study in answering legal problems in a structured and comprehensive manner, including: (1) what is the relevance of community participation rights to the concept of green constitution in the world of environmentally sound investment?; (2) how is the community participation rights compared with the provisions of the PPLH Law and the Ciptaker Law?; and (3) what is the green constitution perspective on reducing people's participation rights in the AMDAL rules for Business Licensing from the perspective of the Ciptaker Law? The purpose of this writing include: (1) analyze the relevance of participation rights which are part of the green constitution to be internalized in laws and regulations; (2) analyze the findings of comparison between community participation rights in the PPLH Law and the Ciptaker Law as the object of the issue of article writing; and (3) analyze the provisions of Ciptaker Law with the potential to reduce community participation rights in AMDAL provisions based on green constitution. To answer the problem, this paper is divided into three sub topics: First, the right of public participation in the concept of green constitution as an environmentally-oriented economy. In the second sub-topic, the right of public participation in the EIA regulations is elaborated by making a comparison between the PPLH Law and the Ciptaker Law. Finally, an analysis is carried out regarding the reduction of public participation rights in the AMDAL as requirement for business licensing from a green constitution perspective.

## 2. Research methodology

The author chooses the normative legal research method as the basis for research to answer legal problems in the issue of this article in order to get a comprehensive answer. Normative legal research is a method for formulating legal rules, legal principles and legal doctrine in constructing legal argumentation as a problem solving in a legal problem.<sup>30</sup> This type of research is considered appropriate in analyzing the problematic rules for reducing public participation rights in the Ciptaker Law through presenting environmentally oriented

25 The right of public participation in giving aspirations is contained in article 19 paragraph (1) 19 of the International Covenant on Civil and Political Rights: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". See "International Covenant on Civil and Political Rights," OHCHR, accessed February 6, 2023, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

26 Alan Boyle, "Human Rights or Environmental Rights? A Reassessment," *Fordham Environmental Law Review*, 2007, 471–511.

27 Socially Responsible Investments (SRI) is a guide for investors in exploiting economic potential by avoiding companies producing certain things in preserving the social justice environment, see Investopedia "Socially Responsible Investment (SRI)," Investopedia, accessed February 6, 2023, <https://www.investopedia.com/terms/s/sri.asp>.

28 Companies in America have entered a professional phase in the field of investment management that is starting to care about social conditions. In realizing these investments, the SRI indicator is the main guideline in creating environmentally oriented investments through the approach of stakeholders, organizations and the surrounding community. See Steve Schueth, "Socially Responsible Investing in the United States," *Journal of Business Ethics* 43 (2003): 189–94, <https://doi.org/10.1023/A:1022981828869>.

29 Luc DR Renneboog, J. R. Ter Horst, and Chendi Zhang, "Socially Responsible Investments: Methodology, Risk and Performance," *CentER Discussion Paper* 2007 (2007).

30 Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia-Social and Behavioral Sciences* 219 (2016): 203, <https://doi.org/10.1016/j.sbspro.2016.05.006>.

arguments. Kemudian penulis menggunakan pendekatan konseptual dalam menganalisis problematika yang lebih komprehensif dan mendalam.<sup>31</sup> The concept of Green Constituion will be the basis of literacy in formulating how to reduce environmental orientation in the AMDAL provisions for business licensing that are not in accordance with the 1945 Constitution. Data analysis in this article uses the content analysis method. Holsti conveyed that the content analysis method approach is used to open new horizons in finding, identifying, and processing material through conceptual integration of research object explanations.<sup>32</sup> Through this method, the author wants to analyze more dynamic research issues through various conceptual literacy presented in each of the author's analytical arguments.

### 3. Discussion

#### 3.1 The Right to Public Participation in the Green Constitution Concept as an Economic Foundation Based on Environmental Perspectives

Historically, one of the implications of legal modernization from the Aarhus agreement that was carried out by the European Community (EC) has given rise to the concept of green constitution as the basis for regulating sustainable environmental resilience which needs to be accommodated by various countries. After the Aarhus agreement, the state began to open open access for the community to participate in guarding justice in every environmental policy. This factor is the basis for the existence of European environmental activists who are involved in monitoring every state policy on the basis of environmental resilience.<sup>33</sup> As according to research by Benjamin J., et.al, Europe at that time became one of the important parties involved in maintaining environmental resilience.<sup>34</sup> That is, the authors see that since long ago, public participation has existed to oversee state policies, especially to oversee more transparent and accountable decision-making to avoid environmental damage. However, the state in the realization of public participation space must not be passive. Educational efforts, dissemination of information, advisory/review boards, public advocacy, hearings and litigation and non-litigation accommodation are needed so that the goal of public participation can be realized.<sup>35</sup> Optimizing the role of systematic public involvement also has a role in making economic industry licensing decisions that truly accommodate environmental resilience.<sup>36</sup> This concept is very much a part of the green constitution in the basic rules that can guarantee public participation in overseeing environmental resilience, such as supervision to limit the exploitation of natural resources that risk eroding the quality of the environment.<sup>37</sup>

The concept of green constitution in environmental protection has an element of open access for every component of society in providing aspirations for the fate of the environment in the future.<sup>38</sup> The large number of protests that were filed in various countries occurred as a result of civil society not having access to aspirations. Civil society often files lawsuits<sup>39</sup> as a result of minimal consideration of the Government towards damage to the

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31 Robert Elliott and Ladislav Timulak, "Descriptive and Interpretive Approaches to Qualitative Research," *A Handbook of Research Methods for Clinical and Health Psychology* 1, no. 7 (2005): 147–157.

32 Ole R. Holsti, "Content Analysis for the Social Sciences and Humanities," *Reading, MA: Addison-Wesley (Content Analysis)*, 1969, 14.

33 Clare Coffey, "The Draft Constitution for Europe: Maintaining Progress towards a Green Constitution," *Institute for European Environmental Policy, Policy Paper, Brussels: IEEP*, 2003, 3.

34 Benjamin J. Richardson and Jona Razzaque, "Public Participation in Environmental Decision-Making," *Environmental Law for Sustainability* 6 (2006): 165–194.

35 Jonas Ebbesson et al., *The Aarhus Convention: An Implementation Guide* (United Nations, 2014).

36 E. Petkova et al., "Closing the Gap: Information, Participation, and Justice In," *Decision-Making Far the Environment. World Resources Institute, Washington, DC*, 2002.

37 Adimas Ardhiyoko, Jamal Wiwoho, and Yudho Taruno Muryanto, "The Justice System in Indonesia with the Application of the Green Constitution in Mining Dispute Resolution" (International Conference on Environmental and Energy Policy (ICEEP 2021), Atlantis Press, 2021), 234–37, <https://doi.org/10.2991/assehr.k.211014.050>.

38 Maria Lee and Carolyn Abbot, "The Usual Suspects? Public Participation under the Aarhus Convention," *The Modern Law Review* 66, no. 1 (2003): 82–85.

39 Nancy Perkins Spyke, "Public Participation in Environmental Decisionmaking at the New Millenium: Structuring New Spheres of Public Influence," *BC Envntl. Aff. L. Rev.* 26 (1998): 263.

environmental.<sup>40</sup> This is the urgency of the green constitution as a guarantee of the legality of ecosystem space for public participation to contribute aspirations and ideas about environmental justice. Therefore, the Government's considerations when granting investment permits are still prioritizing ecological protection in avoiding losses to the surrounding community. It is this optimal opening of space for public participation that is very influential in the success of sustainable development which is being campaigned by various countries through the mandate of the basic law of the green constitution.<sup>41</sup> This success certainly cannot be separated from legal products that have integration of economic, social and environmental considerations as an integrated part as the basis for industrial capitalism activities. The integration of these considerations in the perspective of the realization of a smart city requires aspirations from the community to accommodate creative ideas to face global threats towards a modern city.<sup>42</sup>

The position of green constitution in each country is very relevant to the current global condition which is facing the threat of global uncertainty such as climate change and excessive exploitation of natural resource potential. According to J. Steele, the causes of scientific uncertainty and risk have always been a discourse that has given rise to different preferences for each sector of sustainable development.<sup>43</sup> That is, even though the aspiration room has been running optimally, sometimes it is difficult to unite perceptions. This resulted in public participation needing to be bridged to accommodate all integrated collective aspirations. The integration of all public aspirations is a source of varied references because it can function to avoid all future risks that will be considered by decision makers in anticipating global threats that can damage the environment. In order for the goal of green constitution to be realized through collective community participation, it is necessary to increase public awareness and concern about the relationship between ecological health and human welfare. In addition, Barton B. also added that the legalization of green constitution into the basic law will create legal guarantees in providing legal space to participate in upholding human rights.<sup>44</sup> Legal legality provided by the state will avoid reducing public participation to ensure that the space for participation is always in public policy. The guarantee of space for public participation is very functional in avoiding public demands because they cannot reach access to environmental justice because there are no clear scientific indicators for granting land permits for economic exploitation in various regions.<sup>45</sup>

The essence of the implementation of the green constitution as a basic law has a role in protecting the fate of the environment for health insurance for future generations.<sup>46</sup> The goal of protecting the environment from the mandate of the green constitution will not only be realized if it only relies on rigid texts without a strategy for realization. The initiation of the emergence of the need for public participation turned out to be an important part of the success of the goals of environmental protection from the green constitution. Bearing in mind that the failure of sustainable development in various countries in the past occurred due to various institutions that were leading sectors unable to accommodate decisions that truly had environmental insights in the world of investment.<sup>47</sup> This condition gave rise to a stream of public participation known as "rational elitism". This flow is an instrument to open up space for public participation but is limited to technical and administrative expertise.

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40 David A. Wirth, "Public Participation in International Processes: Environmental Case Studies at the National and International Levels," *Colo. J. Int'l Env'tl. L. & Pol'y* 7 (1996): 1.

41 Igor Vojnovic, "Intergenerational and Intragenerational Equity Requirements for Sustainability," *Environmental Conservation* 22, no. 3 (1995): 223–228.

42 Anthony Simonofski et al., "Investigating Context Factors in Citizen Participation Strategies: A Comparative Analysis of Swedish and Belgian Smart Cities," *International Journal of Information Management* 56 (February 1, 2021): 102011, <https://doi.org/10.1016/j.ijinfomgt.2019.09.007>.

43 Jenny Steele, "Participation and Deliberation in Environmental Law: Exploring a Problem-Solving Approach," *Oxford Journal of Legal Studies* 21, no. 3 (2001): 415–442, <https://doi.org/10.1093/ojls/21.3.415>.

44 Barry Barton, "Underlying Concepts and Theoretical Issues in Public Participation in Resources Development," *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources*, 2002, 77–120.

45 Andrew Dobson, *Justice and the Environment: Conceptions of Environmental Sustainability and Theories of Distributive Justice* (Clarendon Press, 1998).

46 Prisco Piscitelli et al., "Italian Constitution Amended to Include Environmental and Health Protection: A Model for Europe," *The Lancet Regional Health–Europe* 16 (2022).

47 Konrad Ginther, Erik Denters, and Paul JIM de Waart, "Sustainable Development and Good Governance," 1995.

This doctrine serves as a guideline for decision makers based on considerations by experts who are competent to execute all environmentally sound policies.<sup>48</sup> This model of public participation according to S. Jasanoff is a relevant model to be used by the Government when facing problems in analyzing environmental resilience to the sector of development realization in the economic sector which requires input from experts.<sup>49</sup> However, this stream only emphasizes functional engagement limited to large strategic groups such as trade unions, industry and business councils and big-name environmental NGOs.<sup>50</sup>

The rational elitism approach has received protests because it is considered that the parties involved do not accommodate universal interests. This resulted in the emergence of a second stream in the concept of public participation known as “liberal democratic”. Unlike the previous stream, this stream is more open in emphasizing procedural rights for individuals and NGOs to be consulted in making decisions.<sup>51</sup> The presence of this school is influenced by the inability of the state to manage the demands of group competition in the era of modern society which demands equal rights. As a result of this phenomenon, according to J. Habermas, liberal democratic countries open wide space for public consultation in accommodating people’s aspirations for administrative decision-making.<sup>52</sup> This model of public participation can foster a sense of responsibility to decision makers because it has represented public aspirations as legislators who often see efforts to involve third parties to uphold transparency have an accountable professional attitude as policy makers.<sup>53</sup> The product of decisions based on public participation is very important for efforts to reduce the risk of environmental degradation in industrial exploitation activities that affect the livelihoods of many people.<sup>54</sup> However, not all environmental observers agree with the realization of this trend. Procedurally, various public aspirations are only heard but not fully taken into consideration, unless there is an interest in a discretionary decision that is required due to unexpected events in environmental damage.<sup>55</sup>

As a result of the problems of the liberal democratic stream, “deliberative democracy” emerged as a third stream in the concept of public participation. This flow of public participation has a position to re-accommodate every community stakeholder as a source of consideration for decisions based on fundamental ethical and social environmental values.<sup>56</sup> B. Doherty considers this school to be an important entity to welcome more effective sustainable development through broad public participation in debates to explore more comprehensive environmental values as part of environmental considerations in decision-making as part of realizing the politics of green constitution thinking.<sup>57</sup> Various environmental damages occur as a result of the reflection of the results of hierarchical social interaction on the big economic agenda. So preventive efforts to avoid the threat of environmental damage is to involve the community itself.<sup>58</sup> Therefore, ecologists are of the opinion to confirm the opinion above that the involvement of full community participation is an egalitarian effort to guarantee the aspirational rights to maintain environmental resilience in every economic activity permit.<sup>59</sup> The successful realization of the flow of deliberative democracy on public participation depends on the social conditions that

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48 Barton, “Underlying Concepts and Theoretical Issues in Public Participation in Resources Development.”

49 Richard L. Revesz, Philippe Sands, and Richard B. Stewart, “Environmental Law, the Economy and Sustainable Development” (Cambridge University Press, 2000).

50 In the concept of the Welfare State, the state has abandoned passive ways that are considered old-fashioned to pay attention to the welfare of its citizens. The first model of implementing the concept of this state is starting to open up to the aspirations of the people. However, because it is still in its infancy, “rational elitism” is an option for the state to open as wide aspiration as possible but is limited to only those who are competent, especially regarding expertise in the environmental field because they already have experience, See Claus Offe, *Contradictions of the Welfare State*, vol. 16 (Routledge, 2018), 167.

51 Revesz, Sands, and Stewart, “Environmental Law, the Economy and Sustainable Development.”

52 Jürgen Habermas, *Legitimation Crisis*, vol. 519 (Beacon Press, 1975), 50.

53 Neil Gunningham, Peter Grabosky, and Darren Sinclair, *Smart Regulation: Designing Environmental Policy*, vol. 514, 1998.

54 Michael E. Levine and Jennifer L. Forrence, “Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis,” *JL Econ & Org.* 6 (1990): 167.

55 Andrew Fraser, “Legal Theory and Legal Practice,” *Arena* 44, no. 45 (1976): 147.

56 James Bohman and William Rehg, *Deliberative Democracy: Essays on Reason and Politics* (MIT press, 1997).

57 Graham Smith, *Deliberative Democracy and the Environment* (Routledge, 2003).

58 John Clark, “The Ecology of Freedom: The Emergence and Dissolution of Hierarchy,” *Telos* 1983, no. 57 (1983): 147.

59 Ben Boer, “Social Ecology and Environmental Law,” *Environmental Law In India: Issues And Responses*, 1996, 35–81.



represent every sector of society,<sup>60</sup> because these entities can become a source of creative new norms in enlivening public dialogue as a policy consideration with an environmental perspective.

The concept of public participation above is an interesting ideal to be realized as part of environmental sustainability policy control. But if you look at the results of research, S. Huttenen et.al., globally the approach to public participation is currently somewhat marginalized.<sup>61</sup> It is this problem that the implementation of the green constitution wants to anticipate. Green constitution as a basic rule becomes a legal umbrella as a source of formal law in binding the right of public participation in the environmental sector to apply imperatively in applicable law. The guarantee of the right to public participation will shape the community's contribution to; (1) think about a sustainable future (2) implement local transitions (3) explore public perceptions (4) develop participatory methods that are transformative following the development of world civilization.<sup>62</sup> This model of public participation has become an instrument to prevent environmental damage in the industrial world in the global era, which is increasingly expanding to all corners of the world.<sup>63</sup> This condition is the reason why public participation should no longer be sidelined. Because the community element is an important entity as part of environmental planning in the sustainability agenda which is always towards today's global civilization.<sup>64</sup>

Another important reason why the public participation sector should be the main option as a consideration for issuing economic licenses is also expressed by M. Bergmann et.al. Bergmann sees the failure of sustainable development in various countries to have a major impact on environmental functions which have had a serious impact on the local community.<sup>65</sup> The social aspect in development exploitation is very inaccessible, even though social considerations are the main key for governance that has an environmental orientation vision scale on sustainable development.<sup>66</sup> The social aspect as public participation should be an input that can detect a more accurate problem diagnosis, as well as an object in exploring more concrete solutions to avoid horizontal and vertical conflicts.<sup>67</sup> K. Holscher added that the more entities that are involved, the more various perceptions that can be taken into account, especially how they see the risk of economic exploitation in the future.<sup>68</sup> Then, H. Sauermann strongly warned that another factor in the success of involving public participation lies in the Government's initiative.<sup>69</sup> The enactment of the green constitution becomes a moral bond to instruct the Government to realize participation space so that there are no social aspects that are neglected as part of sustainable development through economic aspects.<sup>70</sup>

The state as an important entity in realizing the space for public participation through the green constitution mandate means that the realization of this environmental orientation is not only a matter of idealism, but requires proportional facilities to lead to sustainable development from an economic standpoint.<sup>71</sup> The Government's

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- 60 John S. Dryzek, *Deliberative Democracy and beyond: Liberals, Critics, Contestations* (Oxford University Press on Demand, 2002).
- 61 Suvi Huttunen et al., "What about Citizens? A Literature Review of Citizen Engagement in Sustainability Transitions Research," *Energy Research & Social Science* 91 (2022): 102714, <https://doi.org/10.1016/j.erss.2022.102714>.
- 62 Huttunen et al.
- 63 Claudia Pahl-Wostl et al., "Transition towards a New Global Change Science: Requirements for Methodologies, Methods, Data and Knowledge," *Environmental Science & Policy* 28 (2013): 36–47.
- 64 Clark A. Miller and Carina Wyborn, "Co-Production in Global Sustainability: Histories and Theories," *Environmental Science & Policy* 113 (2020): 88–95, <https://doi.org/10.1016/j.envsci.2018.01.016>.
- 65 Matthias Bergmann et al., "Transdisciplinary Sustainability Research in Real-World Labs: Success Factors and Methods for Change," *Sustainability Science* 16 (2021): 541–64.
- 66 Frans Sengers, Anna J. Wieczorek, and Rob Raven, "Experimenting for Sustainability Transitions: A Systematic Literature Review," *Technological Forecasting and Social Change* 145 (2019): 153–164, <https://doi.org/10.1016/j.techfore.2016.08.031>.
- 67 Julia M. Wittmayer and Niko Schöpke, "Action, Research and Participation: Roles of Researchers in Sustainability Transitions," *Sustainability Science* 9 (2014): 483–496, <https://doi.org/10.1007/s11625-014-0258-4>.
- 68 Katharina Hölscher et al., "Opening up the Transition Arena: An Analysis of (Dis) Empowerment of Civil Society Actors in Transition Management in Cities," *Technological Forecasting and Social Change* 145 (2019): 176–185, <https://doi.org/10.1016/j.techfore.2017.05.004>.
- 69 Henry Sauermann et al., "Citizen Science and Sustainability Transitions," *Research Policy* 49, no. 5 (2020): 103978, <https://doi.org/10.1016/j.respol.2020.103978>.
- 70 Niki Frantzeskaki et al., "Elucidating the Changing Roles of Civil Society in Urban Sustainability Transitions," *Current Opinion in Environmental Sustainability* 22 (2016): 41–50, <https://doi.org/10.1016/j.cosust.2017.04.008>.
- 71 Jahel Mielke et al., "Stakeholder Involvement in Sustainability Science—A Critical View," *Energy Research & Social Science* 17 (2016): 71–81, <https://doi.org/10.1016/j.erss.2016.04.001>.

task as a representative of the state needs to create innovation through planning and management to make every community actor actively issue ideas and thoughts as an important part of decision making.<sup>72</sup> The government's strategy must be able to design a container to accommodate all perspectives from every social actor that needs to be integrated into the process of developing solutions to avoid harming society.<sup>73</sup> The process of realizing this idea can be implemented with a policy consultation model by accommodating all aspirations that will be represented by a professional spokesperson from the Government.<sup>74</sup> However, this participatory approach sometimes has weaknesses due to the many aspirations that are not relevant and can become an inhibiting factor and complicate policies.<sup>75</sup> This situation ultimately compelled to make a selective design of aspirations as a balance in involving the social sector and really identifying aspirations that are truly relevant to environmental resilience in plans for economic activities that are beneficial to society.<sup>76</sup> Therefore, identification must be purely objective by collecting and analyzing each data and ending with dissemination as an effort to avoid intervention from each stakeholder.<sup>77</sup>

### 3.2 Right of Public Participation in AMDAL Rules: A Comparison Between the Environmental Management Law and the Ciptaker Law

Before it was passed into law, at the end of 2022, President Joko Widodo had issued a Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to replace Law Number 11 of 2020 concerning Job Creation which had been declared conditionally unconstitutional by the Constitutional Court.<sup>78</sup> In the Constitutional Court Decision No. 91/PUU- XVIII/2020, the Job Creation Law is considered to be formally flawed and must be corrected within 2 (two) years after the decision is passed. Various academics and practitioners believe that the Ciptaker Law should be canceled because the process of drafting the law involved very little public participation and seemed rushed by taking advantage of social restrictions during the Covid-19 pandemic.<sup>79</sup> However, the regulatory provisions in the Law did not significantly change the provisions in the previous Ciptaker Law. Provisions regarding environmental permits in the Law still change the provisions of the PPLH Law regarding environmental permits to become environmental approvals and integrated into Business Licensing.

Changes to environmental permit provisions in the Ciptaker Law using the omnibus law method. This concept is carried out by selecting every available regulation to be integrated into a single rule as a pretext for simplification of more efficient environmental permit standards.<sup>80</sup> The aim of simplifying the rules is indeed successful in making the rules more concise. However, due to the simplification of these regulations in the field of licensing in the environmental sector, it has become a new problem. Simplification of the law makes licensing looser as a basis for facilitating investment into Indonesian territory. However, in addition to the positive value, the purpose of the law is to reduce the space for community contributions which ultimately reduces the right to public participation as social control. Various legal provisions that reduce the right to public participation are

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72 Frank W. Geels and Johan Schot, "Typology of Sociotechnical Transition Pathways," *Research Policy* 36, no. 3 (2007): 399–417, <https://doi.org/10.1016/j.respol.2007.01.003>.

73 Sengers, Wieczorek, and Raven, "Experimenting for Sustainability Transitions."

74 Stevienna de Saille, "Dis-Inviting the Unruly Public," *Science as Culture* 24, no. 1 (2015): 99–107, <https://doi.org/10.1080/09505431.2014.986323>.

75 Esther Turnhout et al., "The Politics of Co-Production: Participation, Power, and Transformation," *Current Opinion in Environmental Sustainability* 42 (2020): 15–21, <https://doi.org/10.1016/j.cosust.2019.11.009>.

76 Barbara Van Mierlo, P. J. Beers, and Anne-Charlotte Hoes, "Inclusion in Responsible Innovation: Revisiting the Desirability of Opening Up," *Journal of Responsible Innovation* 7, no. 3 (2020): 361–383, <https://doi.org/10.1080/23299460.2020.1780409>.

77 Daniel J. Lang et al., "Transdisciplinary Research in Sustainability Science: Practice, Principles, and Challenges," *Sustainability Science* 7 (2012): 25–43, <https://doi.org/10.1016/j.cosust.2019.11.009>.

78 "MK: Inkonstitusional Bersyarat, UU Cipta Kerja Harus Diperbaiki Dalam Jangka Waktu Dua Tahun | Mahkamah Konstitusi Republik Indonesia," accessed February 6, 2023, <https://www.mkri.id/index.php?page=web.Berita&id=17816>.

79 "Reviewing Constitutional Court Decision Number 91/PUU-XVIII/2020 Regarding Formal Review of Job Creation Act: A Progressive Law Perspective | Putra | Jurnal Penelitian Hukum De Jure," accessed April 13, 2023, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2470>

80 Ujang Badru Jaman et al., "Juridical Analysis Simplification of Environmental Permits Integrated Through Business Permits Regulated in Law Number 11 of 2020 Concerning Job Creation," *Libertas Law Journal* 1, no. 1 (2022): 10–22.

found in changes to the AMDAL provisions which are a requirement for business licensing. The involvement of environmental observers who were involved in the preparation of the AMDAL based on Article 26 paragraph (3) of the PPLH Law has been removed by the Ciptaker Law and replaced with a community involvement clause which is further regulated in a Government Regulation (PP). In PP. No. 22 of 2021 concerning the Implementation of Environmental Protection and Management (PPLH) in article 29 paragraph (1) has narrowed community involvement in the preparation of the AMDAL to only involve the directly affected community. Paragraph (2) stipulates that people who are not directly affected can also be involved.<sup>81</sup>

Reducing the portion of party involvement in the new regulation is a representation of the reduction in public participation rights. Based on the new regulation, every component of society is no longer involved. Only affected communities are involved in the preparation of the AMDAL. Meanwhile, environmentalists in PP PPLH are no longer a part of the main options. The legal force in article 29 paragraph (2) PP PPLH no longer has an Imperative legal binding like the provisions on the involvement of environmental observers in the PPLH Law. In addition, other forms of reducing public participation in the environmental sector are also contained in other regulations in the Ciptaker Law. Article 26 of the Ciptaker Law also deletes paragraph (4) of article 26 of the PPLH Law regarding the community's right to provide statements of objection to the AMDAL document. This means that after the entry into force of the Ciptaker Law there are no imperative rules for the public to protest against the AMDAL. The objection protest space which was previously protected by law, was actually reduced by the Ciptaker Law by removing the provisions of Article 26 paragraph (4) of the PPLH Law as part of the right of public participation to submit objections to the AMDAL.

Another provision regarding changes to the PPLH Law that was amended by the Ciptaker Law is related to the abolition of the AMDAL Commission. Previously, in the PPLH Law there was an AMDAL Commission regulated in articles 29 & 30. However, after the enactment of the Ciptaker Law, the AMDAL Commission was replaced by the Environmental Due Diligence Test Team. In article 24 paragraph (3) of the Ciptaker Law the Environmental Due Diligence Team consisting of the Central Government, the Government and certified experts replaces the AMDAL commission component in the PPLH Law which consists of 6 (six) parties, one of which is the directly affected community and organizations environment. The abolition of the AMDAL Commission in the Ciptaker Law has also directly reduced the right to public participation. The Environmental Due Diligence Test Team that replaces the AMDAL Commission has no legal certainty of direct involvement with the community or the environment. This shows that a new institution that is leading the AMDAL sector has the potential to override the formal accomodation of community interests in carrying out its duties and functions to prepare documents as a condition for business licensing. Reductions in the rights of public participation in the Ciptaker Law regarding business licensing provisions in more detail can be found in the comparative table of the AMDAL regulations for the PPLH Law and the Ciptaker Law below:

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81 The Ciptaker Law has changed the provisions for community involvement in the preparation of the AMDAL. Provisions for community involvement in the Ciptaker Law are further regulated in Government Regulation No. 22 of 2021 concerning Implementation and Management of the Environment. This provision is different from the PPLH Law regarding community involvement in the preparation of the AMDAL which is not translated into a Government Regulation. In Article 29 of PPLH, the community involved in preparing the AMDAL is divided into 2 criteria. The first criterion is the people who are directly affected. The second criterion is the community that is considered as a party that is not directly affected, such as environmental observers consisting of researchers, NGOs, etc., community groups that fight for the environment.

**Table 1. Comparison of the EIA public participation rights rules between the PPLH Law and the Ciptaker Law**

No.	Point	UU PPLH	Ciptaker Law
1.	Community involvement in the preparation of the EIA	In Article 26 paragraph (3) of the PPLH Law, there are 3 (three) criteria for the community being involved in the preparation of the AMDAL, namely (a) the affected community, (b) environmental observers, (c) the community affected by all forms of decisions in the AMDAL process	Article 26 of the Ciptaker Law removes the clause in the article on the criteria for communities being involved in the preparation of the AMDAL. Community involvement in the preparation of the AMDAL is further regulated in PP no. 22 of 2021 concerning Implementation of protection and management of life. Article 29 of the PP regulates the criteria for the community involved, namely the affected community and environmental observers. However, the clause in the article involving environmental observers is not imperative like in the provisions of the PPLH Law
2.	The community's right to object to the AMDAL	In Article 26 paragraph (4) UUPPLH provides space for the community's right to object to the AMDAL	In Article 26 of the Ciptaker Law, the clause on the community's right to object to the AMDAL has been removed
3.	EIA Institution	In Articles 29 & 30 of the PPLH Law, the AMDAL Commission is a party that has the function of evaluating AMDAL documents. The AMDAL Commission consists of 6 components, namely: (a) Environmental Agencies, (b) Related Technical Agencies, (c) Economic experts, (d) Environmental experts, (e) representatives of potentially affected communities, (f) environmental organizations.	In the Ciptaker Law, the AMDAL Commission was abolished and replaced by the Environmental Due Diligence Test Team. The Environmental Due Diligence Team in article 24 paragraph (3) of the Ciptaker Law consists of: (a) Central Government, (b) Regional Government, (c) certified expert.

*Source: Author's Processed Data 2023*

The restrictions on public parties from the Ciptaker Law above will of course also have implications for the contribution of environmental NGOs to be actively involved in overseeing the preparation of the AMDAL. In fact, if you look at the research of Gavrilidis, et.al, NGOs are one of the important parties that must be involved in making the AMDAL because NGOs can become the vanguard as representatives of the community to oversee environmental resilience from exploitation by economic investors.<sup>82</sup> Research by Jing Wu et.al also shows that the position of NGOs also has an effective function in assessing AMDAL in ASIA countries to provide facilities for public participation which is difficult to voice due to a lack of ability to fight for environmental justice for the AMDAL licensing process as a condition for economic investors.<sup>83</sup> It is common for NGOs to be involved in AMDAL discussions as an integral part. Individual aspirations are usually difficult to realize independently due

82 Athanasios Alexandru Gavrilidis, Andreea Nita, and Laurentiu Rozyłowicz, "Past Local Industrial Disasters and Involvement of NGOs Stimulate Public Participation in Transboundary Environmental Impact Assessment," *Journal of Environmental Management* 324 (2022): 116271, <https://doi.org/10.1016/j.jenvman.2022.116271>.

83 Jing Wu et al., "Study on the Practice of Public Participation in Environmental Impact Assessment by Environmental Non-Governmental Organizations in China," *Renewable and Sustainable Energy Reviews* 74 (2017): 186–200, <https://doi.org/10.1016/j.rser.2017.01.178>.



to the limited ability to perceive objects.<sup>84</sup> Even in certain circumstances, the lack of assertiveness on the part of individuals results in their aspirations not being considered or perhaps ignored by certain Authorities.

This problem is one of the reasons why NGOs concerned with the environment are obligated to be involved in the preparation of the AMDAL.<sup>85</sup> Experienced NGO tools have the ability to perceive objects with a closer percentage of success than just individuals.<sup>86</sup>

### 3.3 Reduction of Public Participation Rights in EIA as a Requirement for Business Licensing: A green constitution perspective

The provisions of the EIA regulations in the Ciptaker Law which cut various public participation provisions are very contradictory and reduce public participation rights that are protected by the green constitution as part of the manifestation of the 1945 Constitution. From a green constitution perspective, there are 2 (two) points of view in analyzing the problem of reducing public participation rights. First, the perspective of the Green Constitution as the main law relating to the hierarchy of laws and regulations towards linear legal arrangements.<sup>87</sup> Conceptually, the green constitution accommodates the protection of human rights in the field of environmental protection in order to maintain social resilience in avoiding various threats to environmental damage.<sup>88</sup> This means that the green constitution as part of the main national law is the basis for the barometer of state administration against various applicable legal entities.<sup>89</sup> The global realization of green constitution into various main state regulations is aimed at guaranteeing the right of public participation in environmental protection regulations.<sup>90</sup> However, the provisions in the EIA regulations for business licensing in the Ciptaker Law do not represent a commitment to guaranteeing access to public participation protected by the 1945 Constitution. Reducing the portion of public involvement in these regulations is a form of reducing public participation rights that have access based on the enactment of basic law in Indonesia. Because rules cannot accommodate the mandate of the Constitution, these rules tend to be unconstitutional, or their formulation is inconsistent because there is no harmonization with the main law which is mandatory in nature to serve as a barometer indicator in drafting laws.<sup>91</sup> So that the assumption of reducing participation rights in the AMDAL rules is because the arrangements for community involvement in the AMDAL in the Ciptaker Law are not in accordance/contradictory with the guarantee of people's environmental rights in the 1945 Constitution as part of the green constitution. In addition, the reduction of the right to participate in the community contradicts the state's commitment to recognizing the right to expression of the community in the International Covenant Civil and Political Rights (ICCPR) which has been ratified by Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights.

Second, the problem of reducing public participation rights in the environmental sector is seen from the concept of green constitution. According to Asshidique, the green constitution is the basic law to echo the regulation of human rights towards the environment which must be internalized in an environmentally sustainable

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- 84 Terry HY Li, S. Thomas Ng, and Martin Skitmore, "Public Participation in Infrastructure and Construction Projects in China: From an EIA-Based to a Whole-Cycle Process," *Habitat International* 36, no. 1 (2012): 47–56, <https://doi.org/10.1016/j.habitatint.2011.05.006>.
- 85 Jiang Ru and Leonard Ortolano, "Development of Citizen-Organized Environmental NGOs in China," *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 20 (2009): 141–68, <https://doi.org/10.1007/s11266-009-9082-3>.
- 86 Wu et al., "Study on the Practice of Public Participation in Environmental Impact Assessment by Environmental Non-Governmental Organizations in China."
- 87 L. M. R. Zeldi et al., "Application of Theory and Regulation of Hierarchy Legal Regulations in the Problem of Forest Area Status," in *IOP Conference Series: Earth and Environmental Science*, vol. 343 (IOP Publishing, 2019), 012124, <https://doi.org/DOI 10.1088/1755-1315/343/1/012124>.
- 88 Dasim Budimansyah et al., "Green Constitution: Developing Environmental Law Awareness," in *2nd International Conference on Social Sciences Education (ICSSE 2020)* (Atlantis Press, 2021), 200–204.
- 89 Ines Weyland, "The Application of Kelsen's Theory of the Legal System to European Community Law: The Supremacy Puzzle Resolved," *Law and Philosophy*, 2002, 1–37.
- 90 Ellen Hey and D. Freestone, "Origins and Development of the Precautionary Principle," *The Precautionary Principle and International Law, the Challenge of Implementation*, 1996, 3–15.
- 91 Siti Masitah and Faisal Santiago, "Urgency of Harmonization of Ministerial Regulations/Institutions in the Establishment of Legislation," in *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia*, 2021.

development program.<sup>92</sup> The concept of green constitution has the essence of guaranteeing and protecting the ecological rights of every individual. The substance of the green constitution mandates to provide space for the right for people to participate in environmental preservation.<sup>93</sup> The community's right to the environment is related to the concept of ecocracy (ecological democracy), as H. Kopnina's opinion has an eco-centrism view of human relations as part of nature,<sup>94</sup> which has the meaning of an egalitarian context between humans and nature.<sup>95</sup> From a juridical perspective in Indonesia, this concept is imperative as a result of the juridical consequences of the 1945 Constitution which instructs the state to enforce protection and human rights to the environment in realizing sustainable development.<sup>96</sup> That is, the concept of green constitution as the basic law of integrated protection of human rights in the environmental field is in harmony with the concept of the third generation of sustainable development which upholds community solidarity to care about the fate of a decent and sustainable environment.<sup>97</sup> Thus, the relevance between sustainable development and green constitution has an integral line in accommodating the interests of society as wide as possible to be involved in thinking about the fate of the environment in the future.<sup>98</sup>

Based on the concept of green constitution above, elements of society have become part of the rights that cannot be released in upholding and sustaining the environment. This means that the concept of integrating society with nature is a critique of the anthropocentric view that separates humans and nature.<sup>99</sup> However, the rules on the right to public participation in the Ciptaker Law were trimmed and these rules tended to have an anthropocentric essence. Trimming the involvement of elements of the community in the AMDAL licensing regulations seeks to make the Ciptaker Law contradict the green constitution concept which has the principle of involving the widest possible community to be involved in thinking about the fate of the environment in the future. In addition, the restriction on public participation in this regulation reduces the rights of public participation which are part of the (natural) environment as part of human rights which are part of the green constitution. The implication for the enactment of these regulations is that every component of society, especially community organizations in the environmental sector, are not fully involved in environmental assessments.

Several studies have shown the categories of people involved in the preparation of the AMDAL. According to Hughes in his concept of public participation, the community components involved in the preparation of the AMDAL must involve individuals and organizations so that their aspirations become varied as a basis for making decisions that are correct according to the law and environmental functions.<sup>100</sup> The parties referred to by Hughes were emphasized by Burton, specifically those who are directly or indirectly affected are the main parties that cannot be left out.<sup>101</sup> Then, Dietz & Stern revealed that the parties involved in the preparation of the EIA are interested parties/parties affected by a decision, for example people, groups, or organizations who experience gains/losses/for decisions to be issued by the authorities.<sup>102</sup> Doelle and Sinclair widened the space for

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92 Jimly Asshiddiqie, *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Rajawali Pers, 2009)

93 Susan Fitriyani et al., "The Implications of the Green Constitution Movement Program in Creating Law Awareness for River Border Community," *Jurnal Civics: Media Kajian Kewarganegaraan* 19, no. 1 (2022): 1–8, <https://doi.org/10.21831/jc.v19i1.40146>.

94 Helen Kopnina et al., "Anthropocentrism: More than Just a Misunderstood Problem," *Journal of Agricultural and Environmental Ethics* 31, no. 1 (February 1, 2018): 109–27, <https://doi.org/10.1007/s10806-018-9711-1>.

95 Nadia Astriani, "Pengaruh Aliran Hukum Alam Dalam Pengelolaan Sumber Daya Air Di Indonesia," *Jurnal Poros Hukum Padjadjaran* 2, no. 1 (2020): 179–97, <https://doi.org/10.23920/jphp.v2i1.333>.

96 "The Draft Constitution for Europe: Maintaining Progress towards a Green Constitution – IEEP AISBL," accessed February 6, 2023, <https://ieep.eu/publications/the-draft-constitution-for-europe-maintaining-progress-towards-a-green-constitution/>.

97 D. Sundawa, S. Fitriyani, and D. Iswandi, "Sustainable Development Principles in the Green Constitution," in *IOP Conference Series: Earth and Environmental Science*, vol. 145 (IOP Publishing, 2018), 012122.

98 Anne N. Glucker et al., "Public Participation in Environmental Impact Assessment: Why, Who and How?," *Environmental Impact Assessment Review* 43 (2013): 104–111, <https://doi.org/10.1016/j.eiar.2013.06.003>.

99 Gary Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy* (University of Pittsburgh Press, 2010).

100 Ross Hughes, "Environmental Impact Assessment and Stakeholder Involvement," 1998.

101 Paul Burton, "Power to the People? How to Judge Public Participation," *Local Economy* 19, no. 3 (2004): 193–98.

102 Paul C. Stern and Thomas Dietz, *Public Participation in Environmental Assessment and Decision Making* (National Academies Press Washington, DC, 2008).

participation to the effect that anyone who has something to contribute should be allowed to participate.<sup>103</sup> The concept of participation above shows that all parties are allowed to be involved in participation, but it also carries the risk of difficulty fulfilling the expectations to be realized.<sup>104</sup> However, according to Glucker's research, if public participation is limited it will actually create problems. As with restrictions on public participation in Costa Rica and Nicaragua, they even open spaces for informal participation, such as marches, protests, boycotts, etc., in anarchy from parties who are not involved.<sup>105</sup>

Based on the category concept, community involvement in the AMDAL above can be a reference for annulling the provisions for public involvement in the preparation of the AMDAL in the Ciptaker Law. Restrictions on Public Involvement in the preparation of the AMDAL in the Ciptaker Law are in stark contrast to the ideal concept of public participation which opens up as much space as possible for any community to get involved. The community restrictions in the Ciptaker Law will certainly have the potential to disappoint environmental activists who don't have room for aspirations. If this problem is connected with Glucker's opinion, the Ciptaker Law has the potential to open spaces for informal participation in an anarchic manner from parties who do not get the right to aspiration as a result of not getting legal space from the Ciptaker Law. In fact, if you look at Collins D.A.'s research, various countries use public participation as part of a method to avoid negative impacts from investment activities that can harm the state and citizens through absorbing input from the local community.<sup>106</sup> As various studies have proven, the involvement of open public participation is the key to a more effective environmental assessment in the field without involving public participation which results in less predictability of development planning predictions due to a lack of understanding which incidentally is understood by the surrounding community.<sup>107</sup>

Based on the explanation above, the limitation on public participation rules on AMDAL is not a proportional rule to support the world of sustainable investment according to the mandate of the green constitution. The reduction of public participation rights in the Ciptaker Law contradicts the implementation of a sustainable development-based economy which has become a global trend. As in SRI (Socially Responsible Investment) has the principle of social, environmental and economic integration in the implementation of an economy responsible for sustainable development.<sup>108</sup> In more detail, an analysis of the reduction of public participation rights to SRI will be presented in the image flow below:

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103 Meinhard Doelle and A. John Sinclair, "Time for a New Approach to Public Participation in EA: Promoting Cooperation and Consensus for Sustainability," *Environmental Impact Assessment Review* 26, no. 2 (2006): 185–205, <https://doi.org/10.1016/j.eiar.2005.07.013>.

104 Glucker et al., "Public Participation in Environmental Impact Assessment."

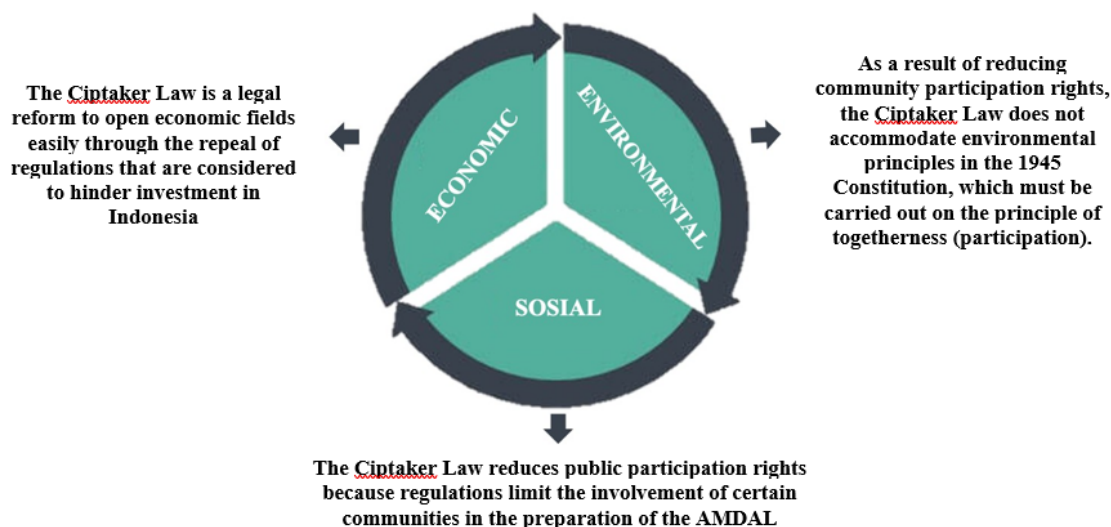
105 Anne Nina Glucker, "Public Participation in Environmental Impact Assessment (EIA)-An Investigation into Theory and Practice in Costa Rica and Nicaragua" (Master's Thesis, 2012).

106 David Collins, "Environmental Impact Statements and Public Participation in International Investment Law," *Manchester J. Int'l Econ. L.* 7 (2010): 4.

107 Various studies have shown the urgency of public participation which is the key to the effectiveness of better environmental assessments in decades of era. Development planning without opening up public aspirations as widely as possible will only raise problems in the form of development impacts that are less predictable because they do not explore the aspirations of the surrounding community. See Kakonge, John O. "Problems with public participation in EIA process: examples from sub-Saharan Africa." *Impact Assessment*, 14.3 (1996): 309-320., Shepherd, Anne, and Christi Bowler. "Beyond the requirements: improving public participation in EIA." *Journal of Environmental Planning and management*, 40.6 (1997): 725-738., Palerm, Juan R. "An empirical-theoretical analysis framework for public participation in environmental impact assessment." *Journal of environmental planning and management*, 43.5 (2000): 581-600., Wood, Christopher. "Environmental impact assessment in developing countries: an overview." *Conference on new directions in impact assessment for development: methods and practice*. Vol. 24. EIA Centre School of Planning and Landscape, University of Manchester Manchester, United Kingdom, 2003., Doelle, Meinhard, and A. John Sinclair. "Time for a new approach to public participation in EA: Promoting cooperation and consensus for sustainability." *Environmental Impact Assessment Review*, 26.2 (2006): 185-205., Sinclair, A. John, Alan Diduck, and Patricia Fitzpatrick. "Conceptualizing learning for sustainability through environmental assessment: critical reflections on 15 years of research." *Environmental impact assessment review* 28.7 (2008): 415-428.

108 Russell Sparkes and Christopher J. Cowton, "The Maturing of Socially Responsible Investment: A Review of the Developing Link with Corporate Social Responsibility," *Journal of Business Ethics* 52 (2004): 45–57, <https://doi.org/10.1023/B:BUSI.0000033106.43260.99>.

**Figure 1 Analysis of Business Licensing Rules of the Ciptaker Law Based on the Integration of 3 SRI Components as the Principles of Implementing Environmentally Friendly Investments**



*Source: Image Processed by author based on SRI component (2023)*

The flow of the picture above shows that the business licensing regulations for the Ciptaker Law are not in accordance with the guidelines for implementing integrated investments based on SRI. The AMDAL rules on business licensing are disproportionate as the legal basis for implementing an integrated business because the social participation component is not fully accommodated. Even though the social aspect which is one of the integrations to the SRI concept is a component of public participation rights in the environmental sector which is part of the green constitution, the green constitution contained in the 1945 Constitution is actually not fully accommodated in the AMDAL rules for business licensing in the Ciptaker Law. Limitations on participation rights in the Ciptaker Law are also not a solution to the problem of environmental degradation in Indonesia. As the results of the indexation conducted by the Institute for the Study and Advocacy of Judicial Independence show that out of 164 PTUN Decisions, 30 were related to environmental permit disputes with the community. One of the judge's considerations in decision no. 580 K/TUN/2018 emphasizes the need for an evaluation of community involvement in the AMDAL commission.<sup>109</sup> This means that in preparing the EIA in Indonesia there are still many problems due to the lack of community involvement. Supposedly, the Ciptaker Law should become a legal instrument that can address social problems in the AMDAL sector. Instead of reducing public space which has the role of social control as part of efforts to protect the environment, such as the order to enforce guarantees for individual environmental rights in the 1945 Constitution and the implementation of the green constitution principle in implementing an environmentally sound economy through the principle of togetherness (participation).

The importance of involving full public participation is one of the keys to upholding public transparency.<sup>110</sup> Whereas the right to full public participation in the Ciptaker Law does not accommodate it, it has the potential to reduce transparency of decisions taken by the authorities. According to Fungisland & Hanusch, the element of transparency is very influential in making administrative decisions to mitigate social conflicts.<sup>111</sup> The need for reconstruction of the rules for public involvement in the preparation of the AMDAL in the Ciptaker Law has a role to accommodate broad public interests. Communities are part of the reference source for identifying local conflicts in mitigating the risk of litigation from affected local stakeholders. Aspirations from the community in consideration of decision making will at the same time become representatives of the parties that will certainly

<sup>109</sup> "Diskusi Publik 'Izin Lingkungan Hidup UU Ciptaker' - LEIP," accessed February 6, 2023, <https://leip.or.id/diskusi-publik-izin-lingkungan-hidup-uu-ciptaker/>.

<sup>110</sup> Carlo Rega and Giorgio Baldizzone, "Public Participation in Strategic Environmental Assessment: A Practitioners' Perspective," *Environmental Impact Assessment Review* 50 (2015): 105–15, <https://doi.org/10.1016/j.eiar.2014.09.007>.

<sup>111</sup> Monica Fundingsland Tetlow and Marie Hanusch, "Strategic Environmental Assessment: The State of the Art," *Impact Assessment and Project Appraisal* 30, no. 1 (2012): 15–24, <https://doi.org/10.1080/14615517.2012.666400>.



be followed by the parties represented and avoid things that can hinder policy implementation.<sup>112</sup> However, restrictions on public involvement in the Ciptaker Law will actually have implications for a lack of consideration for identifying social aspects and risk causing local conflicts. Decisions to grant business permits without fully accommodating the aspirations of the people will raise objections to the people who are not involved and have the potential to cause litigation or non-litigation lawsuits.

Public restrictions on the preparation of the AMDAL actually represent a setback for democracy in fighting for environmental justice. In addition, the limitation on the involvement of public space in the Ciptaker Law is a degradation of rules which has closed some public participation from environmentalists to fight for justice for the community against the threat of irresponsible economic exploitation due to the disproportionate preparation of the AMDAL. This means that, constitutionally, the legal construction of the AMDAL rules as environmental approval in business licensing in the Ciptaker Law violates environmental rights, one of which is that economic activity in Indonesia must be carried out on the principle of togetherness through opening up space for public participation.<sup>113</sup> In fact, the presence of the 1945 Constitution which accommodates green constitution functions to guarantee people's rights, one of which is environmental rights. The guarantee of environmental rights through public participation in the 1945 Constitution needs to be upheld in protecting civil society for the sake of economic development growth that prioritizes an ecologically sustainable development approach in a just democratic country.<sup>114</sup> So once again, the rules for involving the public in preparing the AMDAL as a condition for business licensing in the Ciptaker Law need to be revised to ensure open participation for anyone who wants to contribute to a future of environmental sustainability amidst investment growth. Rules that guarantee the openness of public participation rights will always open up the portion of social control in overseeing investment growth in industries that are environmentally sound.<sup>115</sup>

#### 4. Conclusion

Public participation is one of the important components that are part of the green constitution. Countries that place green constitution into basic law (constitution) have consequences for realizing the principle of public participation in every legislation that regulates the environment.

Regulations that limit the public component in the EIA regulations on Business Licensing have implications for reducing public participation rights which are protected by the green constitution. In addition, restrictions on public involvement in the world of environmentally sound investment are not in line with the concept of sustainable development that is being echoed in the world today, even though the urgency of public participation in the AMDAL assessment is part of the consideration for making more transparent administrative decisions.

112 Mark Baker et al., *Strategic Environmental Assessment and Land Use Planning: An International Evaluation* (Routledge, 2005).

113 The right to public participation in the environmental sphere is part of a right that is legally imperative. Based on Article 28 H paragraph (1) of the 1945 Constitution, it is the Basic Law of Indonesia which guarantees environmental rights in Indonesia. The emergence of amendments to human rights articles in the Indonesian constitution as part of the protection provided by the state so that every community gets proper environmental rights. These basic legal provisions become the basis for the regulations below so that every legal product is made based on environmental insights so as not to harm the community. The right of public participation in the environmental sphere is also contained in the basic policies of the country's economic fundamentals. Based on Article 33 paragraph (4) of the 1945 Constitution, the economy in Indonesia is carried out with one principle, namely the principle of togetherness. This rule is the legality of law for the community to be involved in discussing the prevention of labor impacts due to massive economic exploitation towards industrial development. See Pinilih, lihat Sekar Anggun Gading Pinilih, "The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 30, no. 1 (2018): 200–211, <https://doi.org/10.22146/jmh.28684>.

114 Rachmad Safa'at et al., "Legal Implications Regulation of Citizens's Rights and Government Obligations in Managing Natural Resources and the Environment in the 1945 Constitution of the Republic of Indonesia," *International Journal of Multicultural and Multireligious Understanding* 9, no. 3 (2022): 611–25, <http://dx.doi.org/10.18415/ijmmu.v9i3.3580>.

115 Social control from the community in the environmental field according to O'Faircheallaigh's research shows that the community as an external party has 3 (three) roles as policy supervisors in the environmental sector. (1) As an aid for decision-making separate from public participation, (2) as a mechanism to achieve the role of the public as a joint decision-maker, and (3) as a mechanism for Reconstituting decision-making structures. See Ciaran O'Faircheallaigh, "Public Participation and Environmental Impact Assessment: Purposes, Implications, and Lessons for Public Policy Making," *Environmental Impact Assessment Review* 30, no. 1 (2010): 19–27, <https://doi.org/10.1016/j.eiar.2009.05.001>.

Thus, the rules for involving the public in the preparation of the AMDAL should be able to accommodate all public aspirations, not limit them. Accommodation of the aspirations of the wider community in the preparation of the AMDAL is very influential in mitigating the risk of environmental damage and avoiding conflicts in the community. This is important so that every component of the public can be involved as social control in increasing the transparency of decision-making for business licensing with an environmental perspective based on the green constitution concept in the 1945 Constitution.

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#### BIBLIOGRAPHY

- Absori, Absori, Nunik Nurhayati, Moh Bangsawan, Arief Budiono, Achmadi Achmadi, and Heru Santoso Wahito Nugroho. "Green and Health Constitution of Green Open Space and Its Implementation in Surakarta." *Journal of Global Pharma Technology* 12, no. 9 (2020): 70–74.
- Adeyemi, A. A., O. T. Bakare, A. J. Akindele, and O. Soyode. "Impact of the Oversight Role of NGOs on the Environmental Reporting and Social Responsibility of Listed Manufacturing Companies in Nigeria." In *Environmentalism and NGO Accountability*, edited by Kemi C. Yekini, Liafisu Sina Yekini, and Paschal Ohalehi, 9:107–21. Advances in Environmental Accounting & Management. Emerald Publishing Limited, 2020. <https://doi.org/10.1108/S1479-359820200000009006>.
- Ardhiyoko, Adimas, Jamal Wiwoho, and Yudho Taruno Muryanto. "The Justice System in Indonesia with the Application of the Green Constitution in Mining Dispute Resolution," 234–37. Atlantis Press, 2021. <https://doi.org/10.2991/assehr.k.211014.050>.
- Asshiddiqie, Jimly. *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Rajawali Pers, 2009.
- Astriani, Nadia. "Pengaruh Aliran Hukum Alam Dalam Pengelolaan Sumber Daya Air Di Indonesia." *Jurnal Poros Hukum Padjadjaran* 2, no. 1 (2020): 179–97. <https://doi.org/10.23920/jphp.v2i1.333>.
- Baker, Mark, Jeremy Carter, Michael Short, and Stephen Jay. *Strategic Environmental Assessment and Land Use Planning: An International Evaluation*. Routledge, 2005.
- Barton, Barry. "Underlying Concepts and Theoretical Issues in Public Participation in Resources Development." *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources*, 2002, 77–120.
- Berasaluce, Maite, Pablo Díaz-Siefer, Paulina Rodríguez-Díaz, Marcelo Mena-Carrasco, José Tomás Ibarra, Juan L. Celis-Diez, and Pedro Mondaca. "Social-Environmental Conflicts in Chile: Is There Any Potential for an Ecological Constitution?" *Sustainability* 13, no. 22 (2021): 12701. <https://doi.org/10.3390/su132212701>.
- Bergmann, Matthias, Niko Schöpke, Oskar Marg, Franziska Stelzer, Daniel J. Lang, Michael Bossert, Marius Gantert, Elke Häußler, Editha Marquardt, and Felix M. Piontek. "Transdisciplinary Sustainability Research in Real-World Labs: Success Factors and Methods for Change." *Sustainability Science* 16 (2021): 541–64.
- Berny, Nathalie, and Christopher Rootes. "Environmental NGOs at a Crossroads?" *Environmental Politics* 27, no. 6 (November 2, 2018): 947–72. <https://doi.org/10.1080/09644016.2018.1536293>.
- Boer, Ben. "Social Ecology and Environmental Law." *Environmental Law In India: Issues And Responses*, 1996, 35–81.
- Bohman, James, and William Rehg. *Deliberative Democracy: Essays on Reason and Politics*. MIT press, 1997.
- Boyle, Alan. "Human Rights or Environmental Rights? A Reassessment." *Fordham Environmental Law Review*, 2007, 471–511.
- Budimansyah, Dasim, Susan Fitriasari, Dede Iswandi, Dwi Iman Muthaqin, and Nisrina Nurul Insani. "Green Constitution: Developing Environmental Law Awareness." In *2nd International Conference on Social Sciences Education (ICSSE 2020)*, 200–204. Atlantis Press, 2021.
- Burton, Paul. "Power to the People? How to Judge Public Participation." *Local Economy* 19, no. 3 (2004): 193–98.

- Christiani, Theresia Anita. "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object." *Procedia-Social and Behavioral Sciences* 219 (2016): 201–7. <https://doi.org/10.1016/j.sbspro.2016.05.006>.
- Clark, John. "The Ecology of Freedom: The Emergence and Dissolution of Hierarchy." *Telos* 1983, no. 57 (1983): 226–33.
- Coffey, Clare. "The Draft Constitution for Europe: Maintaining Progress towards a Green Constitution." *Institute for European Environmental Policy, Policy Paper, Brussels: IEEP*, 2003.
- Collins, David. "Environmental Impact Statements and Public Participation in International Investment Law." *Manchester J. Int'l Econ. L.* 7 (2010): 4.
- "Diskusi Publik 'Izin Lingkungan Hidup UU Ciptaker' - LEIP." Accessed February 6, 2023. <https://leip.or.id/diskusi-publik-izin-lingkungan-hidup-uu-ciptaker/>.
- Dobson, Andrew. *Justice and the Environment: Conceptions of Environmental Sustainability and Theories of Distributive Justice*. Clarendon Press, 1998.
- Doelle, Meinhard, and A. John Sinclair. "Time for a New Approach to Public Participation in EA: Promoting Cooperation and Consensus for Sustainability." *Environmental Impact Assessment Review* 26, no. 2 (2006): 185–205. <https://doi.org/10.1016/j.eiar.2005.07.013>.
- Dryzek, John S. *Deliberative Democracy and beyond: Liberals, Critics, Contestations*. Oxford University Press on Demand, 2002.
- Ebbesson, Jonas, Helmut Gaugitsch, Jerzy Jendroska, Fiona Marshall, and Stephen Stec. *The Aarhus Convention: An Implementation Guide*. United Nations, 2014.
- Eckersley, Robyn. *The Green State: Rethinking Democracy and Sovereignty*. mit Press, 2004.
- Elliott, Robert, and Ladislav Timulak. "Descriptive and Interpretive Approaches to Qualitative Research." *A Handbook of Research Methods for Clinical and Health Psychology* 1, no. 7 (2005): 147–59.
- Engel, J., and Brendan Mackey. "The Earth Charter, Covenants, and Earth Jurisprudence." *Exploring Wild Law: The Philosophy of Earth Jurisprudence*, 2011, 313–23.
- Fauzan, Muhammad Pasha Nur. "Meninjau Ulang Gagasan Green Constitution: Mengungkap Miskonsepsi Dan Kritik." *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 1, no. 1 (2021): 1–21. <https://doi.org/10.23920/litra.v1i1.573>.
- Fitriasari, Susan, Dasim Budimansyah, Nisrina Nurul Insani, and Sandra Tresnayadi. "The Implications of the Green Constitution Movement Program in Creating Law Awareness for River Border Community." *Jurnal Civics: Media Kajian Kewarganegaraan* 19, no. 1 (2022): 1–8. <https://doi.org/10.21831/jc.v19i1.40146>.
- Frantzeskaki, Niki, Adina Dumitru, Isabelle Anguelovski, Flor Avelino, Matthew Bach, Benjamin Best, Constanze Binder, Jake Barnes, Giuseppe Carrus, and Markus Egermann. "Elucidating the Changing Roles of Civil Society in Urban Sustainability Transitions." *Current Opinion in Environmental Sustainability* 22 (2016): 41–50. <https://doi.org/10.1016/j.cosust.2017.04.008>.
- Fraser, Andrew. "Legal Theory and Legal Practice." *Arena* 44, no. 45 (1976): 123–56.
- Fundingsland Tetlow, Monica, and Marie Hanusch. "Strategic Environmental Assessment: The State of the Art." *Impact Assessment and Project Appraisal* 30, no. 1 (2012): 15–24. <https://doi.org/10.1080/14615517.2012.666400>.
- Gavrilidis, Athanasios Alexandru, Andreea Nita, and Laurentiu Rozylowicz. "Past Local Industrial Disasters and Involvement of NGOs Stimulate Public Participation in Transboundary Environmental Impact Assessment." *Journal of Environmental Management* 324 (2022): 116271. <https://doi.org/10.1016/j.jenvman.2022.116271>.
- Geels, Frank W., and Johan Schot. "Typology of Sociotechnical Transition Pathways." *Research Policy* 36, no. 3 (2007): 399–417. <https://doi.org/10.1016/j.respol.2007.01.003>.
- Ginther, Konrad, Erik Denters, and Paul JIM de Waart. "Sustainable Development and Good Governance," 1995.
- Glucker, Anne N., Peter PJ Driessen, Arend Kolhoff, and Hens AC Runhaar. "Public Participation in Environmental Impact Assessment: Why, Who and How?" *Environmental Impact Assessment Review* 43 (2013): 104–11. <https://doi.org/10.1016/j.eiar.2013.06.003>.
- Glucker, Anne Nina. "Public Participation in Environmental Impact Assessment (EIA)-An Investigation into Theory and Practice in Costa Rica and Nicaragua," 2012.

- Gunningham, Neil, Peter Grabosky, and Darren Sinclair. *Smart Regulation: Designing Environmental Policy*. Vol. 514, 1998.
- Habermas, Jürgen. *Legitimation Crisis*. Vol. 519. Beacon Press, 1975.
- Hao, Chen, Maurice Simiyu Nyaranga, and Duncan O. Hongo. "Enhancing Public Participation in Governance for Sustainable Development: Evidence from Bungoma County, Kenya." *SAGE Open* 12, no. 1 (2022): 21582440221088856. <https://doi.org/10.1177/21582440221088856>.
- Haryosetyo, Adimas, and Joko Setiyono. "Act of Cipta Kerja: An Environmental Legal Reversion from A Globalization Perspective," n.d. <https://doi.org/10.47191/ijsshr/v4-i8-23>.
- Hey, Ellen, and D. Freestone. "Origins and Development of the Precautionary Principle." *The Precautionary Principle and International Law, the Challenge of Implementation*, 1996, 3–15.
- Hölscher, Katharina, Julia M. Wittmayer, Flor Avelino, and Mendel Giezen. "Opening up the Transition Arena: An Analysis of (Dis) Empowerment of Civil Society Actors in Transition Management in Cities." *Technological Forecasting and Social Change* 145 (2019): 176–85. <https://doi.org/10.1016/j.techfore.2017.05.004>.
- Holsti, Ole R. "Content Analysis for the Social Sciences and Humanities." *Reading, MA: Addison-Wesley (Content Analysis)*, 1969.
- Hughes, Ross. "Environmental Impact Assessment and Stakeholder Involvement," 1998.
- Huttunen, Suvi, Maria Ojanen, Anna Ott, and Heli Saarikoski. "What about Citizens? A Literature Review of Citizen Engagement in Sustainability Transitions Research." *Energy Research & Social Science* 91 (2022): 102714. <https://doi.org/10.1016/j.erss.2022.102714>.
- Imhof, Sina, Jerg Gutmann, and Stefan Voigt. "The Economics of Green Constitutions." *Asian Journal of Law and Economics* 7, no. 3 (2016): 305–22. <https://doi.org/10.1515/ajle-2016-0025>.
- OHCHR. "International Covenant on Civil and Political Rights." Accessed February 6, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- Jaman, Ujang Badru, Ai Heni Nuraeni, Berliani Putri Pitaloka, and Kiki Zakiyah Gadri. "Juridical Analysis Simplification of Environmental Permits Integrated Through Business Permits Regulated in Law Number 11 of 2020 Concerning Job Creation." *Libertas Law Journal* 1, no. 1 (2022): 10–22.
- Kahpi, Ashabul. "Jaminan Konstitusional Terhadap Hak Atas Lingkungan Hidup Di Indonesia." *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 2, no. 2 (2013): 143–59.
- Kopnina, Helen, Haydn Washington, Bron Taylor, and John J Piccolo. "Anthropocentrism: More than Just a Misunderstood Problem." *Journal of Agricultural and Environmental Ethics* 31, no. 1 (February 1, 2018): 109–27. <https://doi.org/10.1007/s10806-018-9711-1>.
- Lang, Daniel J., Arnim Wiek, Matthias Bergmann, Michael Stauffacher, Pim Martens, Peter Moll, Mark Swilling, and Christopher J. Thomas. "Transdisciplinary Research in Sustainability Science: Practice, Principles, and Challenges." *Sustainability Science* 7 (2012): 25–43. <https://doi.org/10.1016/j.cosust.2019.11.009>.
- Lee, Maria, and Carolyn Abbot. "The Usual Suspects? Public Participation under the Aarhus Convention." *The Modern Law Review* 66, no. 1 (2003): 80–108.
- Levine, Michael E., and Jennifer L. Forrence. "Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis." *JL Econ & Org* 6 (1990): 167.
- Li, Terry HY, S. Thomas Ng, and Martin Skitmore. "Public Participation in Infrastructure and Construction Projects in China: From an EIA-Based to a Whole-Cycle Process." *Habitat International* 36, no. 1 (2012): 47–56. <https://doi.org/10.1016/j.habitatint.2011.05.006>.
- Lisdiyono, Edy. "THE LEGAL CONCEPT OF OMNIBUS LAW: STUDYING ENVIRONMENTAL PERMITS FROM THE ASPECTS OF BENEFIT AND JUSTICE," n.d.
- Luhukay, Roni Sulistyanto. "Penghapusan Izin Lingkungan Kegiatan Usaha Dalam Undang Undang Omnibus Law Cipta Kerja." *Jurnal Meta-Yuridis* 4, no. 1 (2021). <https://doi.org/10.26877/m-y.v4i1.7827>.
- Masitah, Siti, and Faisal Santiago. "Urgency of Harmonization of Ministerial Regulations/Institutions in the Establishment of Legislation." In *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia*, 2021.
- Mielke, Jahel, Hannah Vermaßen, Saskia Ellenbeck, Blanca Fernandez Milan, and Carlo Jaeger. "Stakeholder Involvement in Sustainability Science—A Critical View." *Energy Research & Social Science* 17 (2016): 71–81. <https://doi.org/10.1016/j.erss.2016.04.001>.
- Miller, Clark A., and Carina Wyborn. "Co-Production in Global Sustainability: Histories and Theories." *Environmental Science & Policy* 113 (2020): 88–95. <https://doi.org/10.1016/j.envsci.2018.01.016>.



- “MK: Inkonstitusional Bersyarat, UU Cipta Kerja Harus Diperbaiki Dalam Jangka Waktu Dua Tahun | Mahkamah Konstitusi Republik Indonesia.” Accessed February 6, 2023. <https://www.mkri.id/index.php?page=web.Berita&id=17816>.
- O’Faircheallaigh, Ciaran. “Public Participation and Environmental Impact Assessment: Purposes, Implications, and Lessons for Public Policy Making.” *Environmental Impact Assessment Review* 30, no. 1 (2010): 19–27. <https://doi.org/10.1016/j.eiar.2009.05.001>.
- Offe, Claus. *Contradictions of the Welfare State*. Vol. 16. Routledge, 2018.
- Pahl-Wostl, Claudia, Carlo Giupponi, Keith Richards, Claudia Binder, Alex De Sherbinin, Detlef Sprinz, Theo Toonen, and Caroline Van Bers. “Transition towards a New Global Change Science: Requirements for Methodologies, Methods, Data and Knowledge.” *Environmental Science & Policy* 28 (2013): 36–47.
- Parliament, Hellenic. “The Constitution of Greece, as Revised by the Parliamentary Resolution of April 6th 2001 of the VIIth Revisionary Parliament.” *Athens: Hellenic Parliament*, 2004.
- Petkova, E., C. Maurer, N. Henninger, F. Irwin, J. Coyle, and G. Hoff. “Closing the Gap: Information, Participation, and Justice In.” *Decision-Making For the Environment*. World Resources Institute, Washington, DC, 2002.
- Pinilih, Sekar Anggun Gading. “The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia.” *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 30, no. 1 (2018): 200–211. <https://doi.org/10.22146/jmh.28684>.
- Piscitelli, Prisco, Sergio Costa, Andrea Costa, Michele Emiliano, Nicola Caputo, Francesco Schittulli, Marco Bonabello, Fabio Pollice, Antonio Felice Uricchio, and Alfonso Pecoraro Scanio. “Italian Constitution Amended to Include Environmental and Health Protection: A Model for Europe.” *The Lancet Regional Health–Europe* 16 (2022).
- Puaschunder, Julia M. “Socially Responsible Investment as Emergent Risk Prevention and Means to Imbue Trust in the Post-2008/2009 World Financial Crisis Economy.” In *Routledge Handbook of Social and Sustainable Finance*, 222–38. Routledge, 2016.
- . “Socio-Psychological Motives of Socially Responsible Investors.” In *Global Corporate Governance*, 19:209–47. Advances in Financial Economics. Emerald Publishing Limited, 2017. <https://doi.org/10.1108/S1569-373220160000019008>.
- . “The History of Ethical, Environmental, Social, and Governance-Oriented Investments as a Key to Sustainable Prosperity in the Finance World.” *Public Integrity* 21, no. 2 (2019): 161–81.
- Rega, Carlo, and Giorgio Baldizzone. “Public Participation in Strategic Environmental Assessment: A Practitioners’ Perspective.” *Environmental Impact Assessment Review* 50 (2015): 105–15. <https://doi.org/10.1016/j.eiar.2014.09.007>.
- Renneboog, Luc DR, J. R. Ter Horst, and Chendi Zhang. “Socially Responsible Investments: Methodology, Risk and Performance.” *CentER Discussion Paper* 2007 (2007).
- Revesz, Richard L., Philippe Sands, and Richard B. Stewart. “Environmental Law, the Economy and Sustainable Development.” Cambridge University Press, 2000.
- “Reviewing Constitutional Court Decision Number 91/PUU-XVIII/2020 Regarding Formal Review of Job Creation Act: A Progressive Law Perspective | Putra | Jurnal Penelitian Hukum De Jure.” Accessed April 13, 2023. <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2470>.
- RI, Setjen DPR. “DPR RI Setujui RUU Perppu Ciptaker Jadi Undang-Undang.” Accessed March 29, 2023. <http://www.dpr.go.id/berita/detail/id/43720>.
- Richardson, Benjamin J., and Jona Razzaque. “Public Participation in Environmental Decision-Making.” *Environmental Law for Sustainability* 6 (2006): 165–94.
- Rona, Donna. *Environmental Permits: A Time-Saving Guide*. Springer Science & Business Media, 2012.
- Ru, Jiang, and Leonard Ortolano. “Development of Citizen-Organized Environmental NGOs in China.” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 20 (2009): 141–68. <https://doi.org/10.1007/s11266-009-9082-3>.
- Safa’at, Rachmad, Erwin Syahrudin, Indah Dwi Qurbani, Siti Habibah, and Emilda Yofita. “Legal Implications Regulation of Citizens’s Rights and Government Obligations in Managing Natural Resources and the Environment in the 1945 Constitution of the Republic of Indonesia.” *International Journal of Multicultural and Multireligious Understanding* 9, no. 3 (2022): 611–25. <http://dx.doi.org/10.18415/ijmmu.v9i3.3580>.

- Saille, Stevienna de. "Dis-Inviting the Unruly Public." *Science as Culture* 24, no. 1 (2015): 99–107. <https://doi.org/10.1080/09505431.2014.986323>.
- Sauermann, Henry, Katrin Vohland, Vyrion Antoniou, Bálint Balázs, Claudia Göbel, Kostas Karatzas, Peter Mooney, Josep Perelló, Marisa Ponti, and Roeland Samson. "Citizen Science and Sustainability Transitions." *Research Policy* 49, no. 5 (2020): 103978. <https://doi.org/10.1016/j.respol.2020.103978>.
- Schueth, Steve. "Socially Responsible Investing in the United States." *Journal of Business Ethics* 43 (2003): 189–94. <https://doi.org/10.1023/A:1022981828869>.
- Sengers, Frans, Anna J. Wiczorek, and Rob Raven. "Experimenting for Sustainability Transitions: A Systematic Literature Review." *Technological Forecasting and Social Change* 145 (2019): 153–64. <https://doi.org/10.1016/j.techfore.2016.08.031>.
- "ShanthakumarSanjeevy(India).Pdf," n.d.
- Simonofski, Anthony, Troy Vallé, Estefanía Serral, and Yves Wautelet. "Investigating Context Factors in Citizen Participation Strategies: A Comparative Analysis of Swedish and Belgian Smart Cities." *International Journal of Information Management* 56 (February 1, 2021): 102011. <https://doi.org/10.1016/j.ijinfomgt.2019.09.007>.
- Sitompul, Asnita Tresia. "Job Creation Law's Risks towards Investment Efficiency and Business Convenience Regarding the Environment." *Administrative and Environmental Law Review* 3, no. 1 (2022): 1–8. <https://doi.org/10.25041/aelr.v3i1.2339>.
- Smith, Graham. *Deliberative Democracy and the Environment*. Routledge, 2003.
- Investopedia. "Socially Responsible Investment (SRI)." Accessed February 6, 2023. <https://www.investopedia.com/terms/s/sri.asp>.
- Sparkes, Russell, and Christopher J. Cowton. "The Maturing of Socially Responsible Investment: A Review of the Developing Link with Corporate Social Responsibility." *Journal of Business Ethics* 52 (2004): 45–57. <https://doi.org/10.1023/B:BUSI.0000033106.43260.99>.
- Spyke, Nancy Perkins. "Public Participation in Environmental Decisionmaking at the New Millenium: Structuring New Spheres of Public Influence." *BC Env'tl. Aff. L. Rev.* 26 (1998): 263.
- Steele, Jenny. "Participation and Deliberation in Environmental Law: Exploring a Problem-Solving Approach." *Oxford Journal of Legal Studies* 21, no. 3 (2001): 415–42. <https://doi.org/10.1093/ojls/21.3.415>.
- Steiner, Gary. *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy*. University of Pittsburgh Pre, 2010.
- Stern, Paul C., and Thomas Dietz. *Public Participation in Environmental Assessment and Decision Making*. National Academies Press Washington, DC, 2008.
- Sundawa, D., S. Fitriyari, and D. Iswandi. "Sustainable Development Principles in the Green Constitution." In *IOP Conference Series: Earth and Environmental Science*, 145:012122. IOP Publishing, 2018.
- Syahuri, Taufiqurrohman, Wahyu Nugroho, Ibnu Sina Chandranegara, and Wendra Yunaldi. "Environmental Settings in The Indonesian Constitution Perspective." *Ilkogretim Online* 20, no. 3 (2021). <https://doi.org/doi:10.17051/ilkonline.2021.03.41>.
- "The Draft Constitution for Europe: Maintaining Progress towards a Green Constitution – IEEP AISBL." Accessed February 6, 2023. <https://ieep.eu/publications/the-draft-constitution-for-europe-maintaining-progress-towards-a-green-constitution/>.
- Turnhout, Esther, Tamara Metze, Carina Wyborn, Nicole Klenk, and Elena Louder. "The Politics of Co-Production: Participation, Power, and Transformation." *Current Opinion in Environmental Sustainability* 42 (2020): 15–21. <https://doi.org/10.1016/j.cosust.2019.11.009>.
- Van Mierlo, Barbara, P. J. Beers, and Anne-Charlotte Hoes. "Inclusion in Responsible Innovation: Revisiting the Desirability of Opening Up." *Journal of Responsible Innovation* 7, no. 3 (2020): 361–83. <https://doi.org/10.1080/23299460.2020.1780409>.
- Vojnovic, Igor. "Intergenerational and Intragenerational Equity Requirements for Sustainability." *Environmental Conservation* 22, no. 3 (1995): 223–28.
- Weyland, Ines. "The Application of Kelsen's Theory of the Legal System to European Community Law: The Supremacy Puzzle Resolved." *Law and Philosophy*, 2002, 1–37.
- Wirth, David A. "Public Participation in International Processes: Environmental Case Studies at the National and International Levels." *Colo. J. Int'l Env'tl. L. & Pol'y* 7 (1996): 1.

- Wittmayer, Julia M., and Niko Schöpke. “Action, Research and Participation: Roles of Researchers in Sustainability Transitions.” *Sustainability Science* 9 (2014): 483–96. <https://doi.org/10.1007/s11625-014-0258-4>.
- Wu, Jing, I.-Shin Chang, Qimanguli Yilihamu, and Yu Zhou. “Study on the Practice of Public Participation in Environmental Impact Assessment by Environmental Non-Governmental Organizations in China.” *Renewable and Sustainable Energy Reviews* 74 (2017): 186–200. <https://doi.org/10.1016/j.rser.2017.01.178>.
- Zeldi, L. M. R., I. K. Dewi, A. Kahar, D. Andara, and P. Sari. “Application of Theory and Regulation of Hierarchy Legal Regulations in the Problem of Forest Area Status.” In *IOP Conference Series: Earth and Environmental Science*, 343:012124. IOP Publishing, 2019. <https://doi.org/DOI 10.1088/1755-1315/343/1/012124>.
- Zhan, James X., and Amelia U. Santos-Paulino. “Investing in the Sustainable Development Goals: Mobilization, Channeling, and Impact.” *Journal of International Business Policy* 4, no. 1 (March 1, 2021): 166–83. <https://doi.org/10.1057/s42214-020-00093-3>.

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