

Integrating Deep Ecology into Corporate Environmental Responsibility: A Sustainable Model for the Mining Sector

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Abstract

This research aims to analyze the implementation of Environmental Corporate Responsibility (ECR) through the Corporate Social Responsiveness (CSRv) Model in the mining industry by incorporating the Deep Ecology Concept to achieve justice in sustainable development. The research adopts a normative juridical method, employing legal, conceptual, comparative, and case study approaches, along with an analysis of legal issues related to applicable environmental regulations and policies. The findings indicate that the application of ECR through the CSRv Model is crucial for companies to effectively address social and environmental demands. This approach involves the use of appropriate mechanisms and the active participation of communities in the planning, implementation, and evaluation of ECR initiatives, ensuring they align with the company's goals and strategies. The ECR model, as CSRv, illustrates the potential for companies to manage their social and environmental responsibilities sustainably. In the mining sector, CSRv provides a comprehensive solution for sustainable development by focusing on the responsible management and protection of natural resources. By incorporating Deep Ecology values into CSRv practices, mining companies can contribute to both human well-being and environmental sustainability, measured through the effectiveness, appropriateness, sustainability, empowerment, and participation rates of ECR programs. This holistic approach guarantees that mining activities are conducted responsibly and sustainably.

1. Introduction

The dynamic evolution of business and economics has significantly influenced the field of law, particularly corporate law. The relationship between law and economics is not a new concept, as evidenced by the views of proponents of Utilitarianism such as Cesare Beccaria (1764) and Jeremy Bentham (1789).¹ The relationship between business, economics, and law is symbiotic; a stronger connection between business and economics enhances the economic operations of each country, with law serving as a regulator in the strategic economic development of a nation.² Development, in essence, is by the people and for all the people. Therefore, development policies should be based on the will of the people, environmental needs, justice, prosperity, and strategic planning in development management.³ One concrete policy in the implementation of development is the enactment of Law No. 40 of 2007 concerning Limited Liability Companies (hereinafter referred to as Law 40/2007 LLC).

¹ Endang Pratiwi, Theo Negoro, and Hassanain Haykal, "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum?," *Jurnal Konstitusi* 19, no. 2 (2022): 268, <https://doi.org/10.31078/jk1922>.

² R. Faried, A. I., Purba, B., Hasliah, H., Manaf, S., Rozaini, N., Nugraha, N. A., & Agusta, *Bisnis Dan Perekonomian Indonesia* (Medan: Yayasan Kita Menulis, 2022).

³ Yoganandham Govindharaj, "A Theoretical Evaluation of Enabling Humans with Social Justice, Conceptualism, and Sustainable Development," *Journal of Human Resource and Sustainability Studies* 09, no. 04 (2021): 503–23, <https://doi.org/10.4236/jhrss.2021.94032>.

Through this new regulation, the government introduced innovative legal norms. 20 legal norms in Law 40/2007 LLC were not present in Law No 1 of 1995 Limited Liability Company Law, one of which addresses corporate social and environmental responsibility.

Indonesia, rich in biodiversity and natural resources, has suffered negative impacts from industrialization, urbanization, and excessive exploitation of natural resources, leading to significant environmental degradation.⁴ According to data from the World Population Review in January 2024, Indonesia ranks second among countries with the highest levels of forest damage, following Brazil. However, data from the World Resources Institute shows that Indonesia has achieved the lowest deforestation rate in the last decade. The country is also recognized as a global leader in reducing the deforestation rate by 65%.⁵ Deforestation or forest clearing occurs due to human activities that transform forest areas into mining sites, agricultural land, or for the expansion of plantations. Additionally, deforestation can also be caused by land or forest fires. Regarding the loss of forests due to mining activities, a study titled "Pantropical Assessment of Deforestation Caused by Industrial Mining" revealed that Indonesia is one of the largest contributors, accounting for 58.2% of tropical deforestation. The study further explains that between 2000 and 2019, approximately 3,264 square kilometers of tropical forests were cleared for mining activities. The research analyzed activities in 26 countries using satellite imagery, covering 76.7% of deforestation related to mining during that period. Mining sectors responsible for forest clearing include coal, gold, iron ore, and bauxite industries.⁶

Mining activities can result in significant environmental changes, such as alterations in landscape, changes in the habitats of flora and fauna, modifications to soil structure, changes in surface water and groundwater flow patterns, and various other impacts. The environmental effects of mining can be permanent or even irreversible.⁷ Mineral and coal mining are often linked to environmental degradation. Article 1, Number 17 of Law No. 32 of 2009 on Environmental Protection and Management (hereinafter referred to as Law 32/2009 PPLH) defines environmental damage as "direct and/or indirect changes to the physical, chemical, and/or biological characteristics of the environment that exceed the criteria for environmental damage." In addition, mining activities inherently pose a risk of environmental degradation, which can lead to damage to ecosystems and the surrounding environment in mining areas. These activities also have the potential to cause social impacts, often triggering conflicts. According to data from 2020 to 2021, JATAM (Mining Advocacy Network) reported

⁴ Hasibuan dan Tumuyu, *Perencanaan Pembangunan Berkelanjutan*. (Jakarta: Universitas Indonesia Publishing, 2023).

⁵ "Indonesia Jadi Negara Ke-2 Di Dunia Dengan Tingkat Deforestasi Terparah Pada 2024 - Lifestyle Liputan6.Com," accessed December 5, 2024, <https://www.liputan6.com/lifestyle/read/5510719/indonesia-jadi-negara-ke-2-di-dunia-dengan-tingkat-deforestasi-terparah-pada-2024>.

⁶ Stefan Giljum, Victor Maus, Nikolas Kuschnig, et al., "A Pantropical Assessment of Deforestation Caused by Industrial Mining," *Proceedings of the National Academy of Sciences* 119, no. 38 (September 20, 2022): 1-17, <https://doi.org/10.1073/pnas.2118273119>.

⁷ Yudya Ananda, "Kerusakan Lingkungan Akibat Kegiatan Penambangan Emas Ilegal Di Kabupaten Murung Raya, Kalimantan Tengah," *Pusat Publikasi S-1 Pendidikan IPS FKIP ULM*, September 13, 2022, <https://doi.org/10.31219/osf.io/a62dj>.

45 mining conflicts resulting in environmental damage covering 714,692 hectares.⁸ The number of mining conflicts increased significantly compared to 11 conflicts in 2019, marking a nearly fivefold rise. Furthermore, JATAM Nasional noted that between 2020 and 2021, there were 3,092 abandoned mining pits left without rehabilitation or reclamation processes. These pits are scattered across various regions in Indonesia.⁹ Abandoned mining pits certainly cause pollution and environmental damage, and can even result in fatalities. JATAM reports that approximately 24 people have died from falling into abandoned mining pits, with some victims also being burned by the leftover coal in the pit. The majority of the victims are children. Mineral and coal mining activities are known to have far greater social and environmental impacts compared to other types of mining.¹⁰

Companies can take various measures to reduce negative impacts, such as comprehensive planning from the initial stages to post-mining phases before starting mining operations, to preserve the environment.¹¹ Corporate Environmental Responsibility (hereinafter referred to as ECR) is a concept in which companies are responsible not only for economic profits but also for the social and environmental impacts caused by their operations. ECR includes a range of practices and policies aimed at reducing negative environmental impacts, supporting sustainability, and contributing to the well-being of communities.¹² ECR is a tangible representation of a company's presence in a specific area, reflected through policies and practices related to stakeholders, corporate values, legal compliance, community recognition, environmental concern, and the company's commitment to contributing to sustainable development. This phenomenon can be observed through environmental conditions such as air pollution and industrial waste contamination, as well as issues related to human rights, such as land conflicts and human rights violations occurring around mining operation areas.¹³

The widespread violations of human rights, pollution, and environmental damage are consequences of the rapidly evolving development process, which causes harm to

⁸ "Berita Terkini, Berita Hari Ini Indonesia Dan Dunia | Tempo.Co," accessed December 5, 2024, <https://www.tempo.co/>.

⁹ Rizki Muhammad Fauzi and Soni A Nulhaqim, "Masalah Konflik Pertambangan Di Indonesia [Mining Conflict Issues in Indonesia]," *Jurnal Kolaborasi Resolusi Konflik* 6, no. 1 (2024): 34-41, <https://doi.org/https://doi.org/10.24198/jkrk.v6i1.53283>.

¹⁰ "Grim Toll from Indonesia's Abandoned Mines May Get Even Worse, Report Warns," accessed December 5, 2024, <https://news.mongabay.com/2021/02/indonesia-abandoned-mining-pit-death-toll-report/>.

¹¹ Giljum, Maus, Kuschnig, et al., "A Pantropical Assessment of Deforestation Caused by Industrial Mining"; Meylan Masye Maramis Intan Stevani Warouw, Butje Tampi, "Kajian Yuridis Dampak Lingkungan Atas Kegiatan Pertambangan Mineral Emas Terhadap Masyarakat Lingkar Tambang," *Lex Administratum* 12, no. 1 (2023): 1-12.

¹² Sanggup Leonard Agustian Rudi Pisteo, Fajar Sugianto, "Pemaknaan Kembali Terhadap Tanggung Jawab Sosial Dan Lingkungan Perusahaan," *Jurnal Hukum Magnum Opus* 3, no. 1 (2020): 1-13, <https://doi.org/https://doi.org/10.30996/jhmo.v3i1.2630>.

¹³ Junati Gunawan, "Corporate Social Responsibility in Indonesia: Why Is Environmental Disclosure the Least Disclosed Information in Annual and Sustainability Reports for Natural Products Industries in Indonesia?. Current Global Practices of Corporate Social Responsibility," in *Current Global Practices of Corporate Social Responsibility* (Springer International Publishing, 2021), 711-43, https://doi.org/10.1007/978-3-030-68386-3_34.

communities, particularly those who may not fully understand their rights to a clean and healthy environment, which should be protected by law. The protection of these rights is guaranteed by Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as UUD 1945), which ensures equality of rights related to the environment and sustainable development, especially concerning rights over economic resources. The presence of ECR in sustainable development reflects a company's efforts to reduce the negative impacts of its business activities. However, observing the current phenomenon, the implementation of CSR activities does not always align with the principles of justice and sometimes fails to provide significant benefits to the community. In the context of distributive justice, justice and equality cannot be achieved merely by establishing existing values, but also by ensuring equality between different entities (*equalitas rei ad rem*).¹⁴ Thomas Aquinas (1225-1274) argued that respect for individuals is realized when something is distributed or given to them proportionally to what they deserve (*Prater proportionem dignitas ipsius*). Therefore, recognition of individuals should prioritize equality, followed by services and recognition distributed proportionally based on human dignity and value.¹⁵ ECR represents the commitment and accountability of companies towards the impacts arising from their business activities. According to the principle of responsibility, companies are expected to act ethically and contribute to sustainable economic development while balancing social and environmental interests. The ECR model seeks to integrate environmental responsibility into all aspects of a company's operations. This approach encourages companies to adopt environmentally friendly practices, such as sustainable natural resource management, reducing negative environmental impacts, and empowering local communities. Based on the issues discussed above, this research aims to analyze the design of the ECR model, particularly in the mining sector.¹⁶ The study also serves to reaffirm the existing policies in Indonesia, as outlined in the Limited Liability Company Law and the Government Regulations regarding Corporate Social and Environmental Responsibility. The implementation of the ECR model is expected to clarify and strengthen the substance of corporate social and environmental responsibility, especially within Indonesia's mining industry.

Based on the above explanation, the issues addressed in this study are, first, how the implementation of ECR is carried out through the Corporate Social Responsiveness (hereinafter referred to as CSRv) model, and second, how the CSRv model is applied in the mining sector using the Deep Ecology concept to achieve justice in sustainable development. This study aims to analyze the implementation of ECR through the CSRv model and to conduct an in-depth examination of the implementation of the CSRv model in the mining sector using the Deep Ecology concept to achieve justice in sustainable development.

¹⁴ Adji Suratman, "Analisis Lingkungan Bisnis Dan Hukum 'Konsep Dan Permasalahan,'" in *Jakarta Pusat: PT. Mandala Nasional*, 2021, 243.

¹⁵ Andang Binawan and Maria Grasia Sari Soetopo, "Implementasi Hak Atas Lingkungan Hidup Yang Bersih, Sehat, Dan Berkelanjutan Dalam Konteks Hukum Indonesia," *Jurnal Hukum Lingkungan Indonesia* 9, no. 1 (2023): 121–56, <https://doi.org/10.38011/jhli.v9i1.499>.

¹⁶ Armansyah Armansyah and Adfiyanti Fadjjar, "Regulation of Corporate Social Responsibility through Environmental Development Program: A Review from a CSR Perspective," *Jhbhc* 7, no. 3 (2024): 86–102, <https://doi.org/10.30996/jhbhc.v7i2.10724>.

Several previous studies are relevant to this research, one of which is a study conducted by Firdaus in 2013 titled "Corporate Social and Environmental Responsibility toward Human Rights" (a study on the corporate social and environmental responsibility of palm oil plantations towards the economic and social rights of local communities in Kampar Regency, Riau Province). This study examines legal issues related to corporate social and environmental responsibility in the palm oil industry, with a primary focus on the economic and social rights of local communities. In contrast, this research focuses on identifying the ideal ECR model as a manifestation of justice in sustainable development (hereinafter referred to as SDGs).¹⁷ The study conducted by Suparnyo, titled "CSR and Implementation," examines the implementation of CSR, the factors that drive companies to engage in CSR, and the values reflected in upcoming regulations (*Ius Constituendum*). The main difference between this research and Suparnyo's study lies in the focus of the investigation. Suparnyo's dissertation is more focused on the discussion of Corporate Social Responsibility and its implementation methods, while this research is centered on finding an ideal ECR model as a manifestation of justice in SDGs.¹⁸ In addition to the studies mentioned above, research conducted by Sunaryo also provides an analysis of the legal aspects related to the regulation of CSR within the framework of sustainable development, as well as the design of CSR programs aligned with sustainability goals. The findings of this study indicate that, in the context of sustainable development, CSR regulations are included in various legal instruments, such as the 1945 Constitution and several sectoral laws, which apply to both private companies and State-Owned Enterprises (hereinafter referred to as SOEs). Therefore, companies seeking to achieve corporate sustainability through CSR initiatives must consider not only economic and social factors but also environmental aspects, to ensure the long-term viability of the company and the protection of the environment. This implies that CSR programs should be aligned with the principles of sustainable development as outlined in the green provisions of the 1945 Constitution.¹⁹ This study differs significantly from the three previous studies in terms of title, substance, and findings. While the research by Firdaus, Suparnyo, and Sunaryo provides a general understanding of corporate social responsibility, this study offers a more focused perspective on ECR within the context of justice in sustainable development, which is highly relevant to the mineral and coal mining industry.

The urgency of this research lies in the development and application of the ECR model within the mineral and coal mining sector. In the global context marked by challenges such as climate change, biodiversity loss, and the need for sustainable resources, it is crucial to understand how companies in this sector can contribute to justice in sustainable development. The ECR model is designed to serve as a framework that encourages companies to be more

¹⁷ Firdaus, "Tanggung Jawab Sosial Dan Lingkungan Perseroan Terbatas Terhadap Hak Asasi Manusia (Studi Tentang Tanggung Jawab Sosial Dan Lingkungan Perusahaan Perkebunan Kelapa Sawit Terhadap Hak Ekonomi Dan Sosial Masyarakat Lokal Kabupaten Kampar Propinsi Riau)," *Disertasi* (FH. Universitas Islam Indonesia Yogyakarta, 2013).

¹⁸ Suparnyo, "Tanggung Jawab Sosial Perusahaan (Corporate Social Responsibility)," *Masalah-Masalah Hukum* 39, no. 3 (2010): 213, <https://doi.org/10.14710/mmh.39.3.2010.213-220>.

¹⁹ Sunaryo Sunaryo, "Corporate Social Responsibility (Csr) Dalam Perspektif Pembangunan Berkelanjutan," *Masalah Masalah Hukum* 44, no. 1 (2015): 26, <https://doi.org/10.14710/mmh.44.1.2015.26-33>.

sensitive to the environmental and social impacts of their activities. By integrating environmental responsibility principles into business strategies, companies can not only enhance their reputation and public trust but also help reduce conflicts with local communities that are often affected by mining activities. Moreover, this study will provide insights into best practices for implementing ECR, including policies and strategies that companies can adopt to ensure that the mining industry focuses not only on economic profit but also on environmental sustainability and social welfare. This is essential for creating a balance between economic growth and environmental protection, thus supporting broader sustainable development goals.

2. Methods

This research employs normative legal research, which involves a series of activities conducted through scientific methods to systematically, comprehensively, and consistently seek truth.²⁰ According to Peter Mahmud Marzuki, legal research is a series of activities aimed at discovering legal rules, legal principles, and the views of previous legal scholars to address the legal issues at hand. In this process, it is necessary to have the ability to identify legal problems, conduct legal reasoning, analyze the issues, and then provide solutions to those problems.²¹ Several types of legal materials are used in this research, including primary, secondary, and tertiary legal materials. Primary legal materials include relevant regulations related to the issues being discussed, such as the 1945 Constitution, Law No. 40/2007 LLC, Law No. 32/2009 PPLH, Law No. 25/2007 on Capital Investment, and other related regulations. Primary legal materials in this research also include the records of legislative sessions for the formation of laws, which provide insight into the dynamics of political interests in the legislative process. Secondary legal materials refer to materials that help explain primary legal materials, such as books, national and international journals, and opinions from legal experts presented in various academic forums. Tertiary legal materials include legal dictionaries and encyclopedias, which are used to explain legal terms used in this research. The techniques used for collecting legal materials in this study are library research and document analysis. Library research involves reviewing and analyzing legal materials relevant to the issues being investigated, including primary, secondary, and tertiary materials. The analytical method used in this research is qualitative analysis with a descriptive-analytical technique.

3. Results and Discussion

3.1. The Implementation of ECR through the CSRv Model Approach

Substantively, CSR and ECR have fundamental differences in terms of the scope and focus of the responsibilities assumed by the company.²² Both are part of corporate responsibility towards society and the environment, but each has a different focus. CSR focuses more on social aspects, which include human welfare, poverty alleviation, community

²⁰ Muhaimin, *Metode Penelitian Hukum*, Pertama (Mataram-NTB: Mataram University Press, 2020).

²¹ Irwansyah Irwansyah, "Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel," *Yogyakarta: Mirra Buana Media*, 2020, 65.

²² Gaia Balp and Giovanni Strampelli, *Institutional Investor ESG Engagement: The European Experience*, *European Business Organization Law Review*, vol. 23 (Springer International Publishing, 2022), <https://doi.org/10.1007/s40804-022-00266-y>.

empowerment, and improving quality of life. Meanwhile, ECR leads to environmental issues, where companies are responsible for minimizing the negative environmental impacts of their operations. In this case, the main difference lies in the object of responsibility, where CSR addresses social issues, while ECR addresses ecological issues and sustainability of the natural environment. On the other hand, ECR is more oriented towards environmental aspects and nature conservation. ECR requires companies to take responsibility for the ecological impacts of their operations, such as air and water pollution, energy use, waste management, and sustainability of natural resources. The idea of ECR is rooted in the Triple Bottom Line theory introduced by John Elkington, which emphasizes that companies should balance three main dimensions in their operations: profit, people and planet. Elkington argued that the sustainability of a company is not only seen in terms of financial returns, but also how much the company contributes to social welfare and environmental preservation.²³

In Indonesia, the regulation of CSR is often linked to the legal obligation in Article 74 of Law No. 40/2007 LLC, which specifically regulates the obligation of companies to implement Social and Environmental Responsibility as part of corporate governance. This article requires companies, especially those engaged in sectors that have a significant impact on the environment and society such as mining, plantations, energy, and other large industries, to implement CSR programs that include social and environmental activities. The PT Law emphasizes the importance of a balance between economic interests and social responsibility, with the aim that company activities can provide tangible benefits to the community and the surrounding environment. This requires companies not only to focus on financial returns, but also to ensure that their operations have a positive and sustainable impact. These provisions can be seen as a first step in directing Indonesian companies, including those in the mineral and coal mining sector, to be socially and environmentally responsible.

While in Article 15 of Law No. 25/2007 on Capital Investment, CSR is more often understood as a company's social responsibility towards society, there is a close relationship between CSR and ECR, especially in sectors that have a direct impact on the environment, such as mining, energy, and forestry. ECR focuses on a company's obligation to minimize negative impacts on the environment and implement programs that support ecosystem sustainability. In addition to the main regulations governing ESR and CSR, several important regulations direct companies to fulfill their social and environmental obligations.²⁴ Law No. 40/2007 LLC stipulates the obligation for companies operating in sectors that have a major impact on society and the environment to implement CSR programs. In addition, Law No. 25/2007 on Capital Investment requires foreign companies investing in Indonesia to contribute to CSR programs, emphasizing their responsibility to the Indonesian state and society. There is also a more specific regulation on environmental protection in Law No. 32 of 2009 PPLH, which emphasizes companies' obligation to preserve the environment, manage waste, and reduce pollution. Government Regulation No. 47/2012 complements this by

²³ Alberto J. Costa et al., "Literature Review and Theoretical Framework of the Evolution and Interconnectedness of Corporate Sustainability Constructs," *Sustainability (Switzerland)* 14, no. 8 (2022): 1-23, <https://doi.org/10.3390/su14084413>.

²⁴ Xin Jiang, Guanglong Li, and Xianxian Fan, "Environmental Protection Fee-to-Tax and Corporate Environmental Social Responsibility: A Test Based on Corporate Life Cycle Theory," *Sustainability (Switzerland)* 15, no. 3 (2023), <https://doi.org/10.3390/su15032128>.

providing more detailed technical guidance on the implementation of CSR, ensuring companies can carry out and report on social and environmental activities in a structured and transparent manner.

As global awareness of environmental sustainability grows, international legal norms governing corporate environmental responsibility are increasingly influencing CSR and ECR policies at the domestic level.²⁵ For example, the Paris Agreement on Climate Change, agreed by countries around the world, requires member states to reduce greenhouse gas emissions, and this includes obligations for companies operating in sectors that contribute to climate change. Within this legal framework, ECR is becoming an increasingly important aspect as companies are expected to align their policies and activities with the global goal of reducing climate change impacts. In addition, various international standards, such as ISO 14001 for environmental management systems, provide guidelines for companies to carry out more effective and sustainable environmental management.²⁶ This strengthens the link between CSR and ECR, with CSR covering broader social responsibilities, while ECR provides more specific and structured guidance on how companies should manage their environmental impacts. Therefore, ECR is not just a legal obligation but also an integral part of a larger CSR strategy, leading to the achievement of long-term sustainability goals. To link CSR and ECR within a legal framework, it is important to view both through the lens of broader sustainability principles, which are gaining increasing attention at the international level. For example, the 2030 Agenda for SDGs integrates social and environmental sustainability principles as part of corporate responsibility. Countries bound by the SDGs seek to encourage companies not only to fulfill legal obligations but also to play an active role in sustainable development. In this case, the relationship between CSR and ECR becomes clearer, where CSR serves as a tool for companies to fulfill their social responsibilities, while ECR focuses more on companies' legal obligations to maintain environmental sustainability.

ECR has emerged as a paradigm that transforms the way companies perceive and engage with both society and the environment. One approach related to ECR is CSRv, which emphasizes the responsibility and active involvement of companies in responding to the needs and expectations of society. In this context, the ECR model, through CSRv, seeks its relevance in the business role of a company. The development of sustainable coal mining management, particularly with an environmental focus, has become an absolute necessity.²⁷ Therefore, coal mining must proceed hand-in-hand with efforts for environmental protection and management, aiming to develop sustainable practices in both mineral and coal mining that prioritize environmental preservation.

CSRv is a concept that emerged in the early 1970s and began to compete with its predecessor, CSR. CSR emphasizes a company's obligation to engage in various activities

²⁵ Cheng Hua Tzeng, *Pollution Haven, Private Politics, and Competitive Dynamics: How Do Irresponsible MNEs Challenged by an International NGO Compete to Act Responsibly?*, *Management International Review*, vol. 64 (Springer Berlin Heidelberg, 2024), <https://doi.org/10.1007/s11575-024-00554-4>.

²⁶ Agnieszka Ociepa-Kubicka, Iwona Deska, and Ewa Ociepa, "Organizations towards the Evaluation of Environmental Management Tools Iso 14001 and Emas," *Energies* 14, no. 16 (2021): 1-19, <https://doi.org/10.3390/en14164870>.

²⁷ Varadhita Moliza, "Tanggung Jawab Sosial Perusahaan Batubara Terhadap Masyarakat Guna Mewujudkan Kepastian Hukum Dan Kemanfaatan Hukum." (Thesis, Universitas Jambi., 2024).

aimed at improving social and environmental conditions, particularly through donations, philanthropy, and service provision.²⁸ CSRv takes a different approach. CSRv focuses more on a company's ability to respond to social pressures. This perspective aligns with Frederick's definition, which views CSRv as a company's capacity to respond to social and environmental pressures. It highlights tangible actions taken in response or to elicit public reactions, which is the focal point of CSRv.²⁹ CSRv, as corporate behavior, is responsive in adapting to the interests of society and acting proactively and anticipatorily. It can also be defined as a company's capacity to respond to social and environmental pressures. In applying CSRv, organizations identify the dynamic interactions and concerns between stakeholders and the environment. In contrast, CSR refers to a company's moral obligation to society. Responsiveness and responsibility are inherently interconnected. CSR represents a commitment for businesses to foster mutually beneficial relationships between business and society, while CSR aims to address social and environmental needs. From this perspective, CSRv can indeed be integrated into its implementation.

The ECR model, through CSRv, holds significant relevance in the context of a company's business role. It has explored a framework based on three key steps. First, by analyzing responsively, companies can identify opportunities and risks related to social and environmental issues that may impact their operations. Second, strategic responsibility enables companies to integrate social and environmental accountability into their business strategies, creating long-term value and sustainability. Lastly, implementation and evaluation provide a framework to ensure that ECR initiatives achieve the desired impact and meet stakeholder expectations. CSRv is a broader concept than just CSR, as it includes not only voluntary actions but also responsiveness to evolving social and environmental changes. Within the framework of responsiveness, companies are expected not only to conduct social and environmental programs as a voluntary effort but also to respond to issues that arise in society and adjust to environmental demands and applicable regulations. However, one of the biggest challenges in implementing CSRv is how to turn corporate social and environmental responsibilities into binding legal obligations that can be accounted for clearly and firmly.

Traditionally, many companies see CSR as a moral obligation linked to the company's image and reputation. This has meant that CSR has often been implemented in a voluntary and non-legal manner. However, in recent years, many countries have begun to develop legal frameworks that require companies to take responsibility for the social and environmental impacts of their operations. For example, in Indonesia, Law No. 40/2007 LLC stipulates the obligation of companies to implement CSR. despite this regulation, many companies implement CSR and CSR more as an administrative formality, rather than as an obligation that is carried out with a deep sense of legal and social responsibility. to transform CSR from a voluntary initiative to a binding legal obligation, more systematic and structured steps are needed in the legislation.

²⁸ Faturachman Alputra Sudirman and Dian Trianita Lestari, "Tinjauan Tujuan Pembangunan Berkelanjutan (SDGs) Di Afrika: Literatur Review," *Share : Social Work Journal* 13, no. 2 (January 18, 2024): 205–18, <https://doi.org/10.24198/share.v13i2.39327>.

²⁹ Solihin, *Corporate Social Responsibility*. (Jakarta: Penerbit Salemba, 2023).

One approach is to formulate more specific and binding regulations for companies, which require them to implement social and environmental programs in every aspect of their operations. In addition, stricter supervision and clear enforcement mechanisms must be put in place to ensure that companies comply with these obligations. This also includes determining administrative or legal sanctions for companies that fail to fulfill the social and environmental obligations set by the government. Companies should also be held to greater accountability in their CSR implementation. One way to achieve this is by requiring companies to transparently report on their CSR programs through sustainability reporting. In Indonesia, for example, Financial Services Authority (hereafter referred to as OJK) regulation No. 51/POJK.03/2017 on Sustainable Finance requires financial sector companies to provide sustainability reports that integrate social and environmental aspects in their financial statements. This reporting provides an opportunity for the public, shareholders, and authorities to monitor and evaluate the real impact of a company's CSR.

Furthermore, turning CSRv into a binding legal obligation also requires companies to develop internal policies that cover social and environmental responsibility in all aspects of operations. This includes production, distribution, waste management, and relations with surrounding communities. A binding legal obligation will make companies responsible not only for the sustainability of their business but also for social and environmental sustainability. As such, CSRv will become a core element in long-term business strategies that align with sustainable development goals and reduce reliance on voluntary or reputational CSR.

The issue of environmental protection and the rights of communities affected by corporate activities is increasingly becoming a major concern. One approach that has evolved to meet these challenges is ECR, which aims to strengthen companies contribution to environmental management and ensure that their operations do not harm society.³⁰ CSRv, on the other hand, leads to companies' active response to social and environmental dynamics, by tailoring their actions to emerging needs and pressures from society and the environment. The application of ECR through CSRv has the potential to strengthen the protection of community environmental rights, particularly in the context of high-risk sectors, such as mining, plantations, and energy. In this analysis, we will discuss how ECR integrated with CSRv can serve to protect communities' environmental rights and remedy negative impacts caused by company activities, and how the legal framework can support such implementation. CSRv is a more dynamic approach, where companies not only take pre-determined steps but also respond to social changes and emerging pressures in society related to environmental issues. CSRv requires companies to adapt to existing demands, commit to adopting more environmentally friendly practices, and respond to issues that develop around them. ECR through CSRv combines the two more flexibly, ensuring that companies can be responsive to evolving social and environmental needs while remaining committed to the principle of sustainability. To ensure that ECR and CSRv can be effective in strengthening the protection of community environmental rights, various legal regulations at the domestic and international levels need to support strict and accountable implementation. In Indonesia, there

³⁰ Asan Vernyuy Wirba, "Corporate Social Responsibility (CSR): The Role of Government in Promoting CSR," *Journal of the Knowledge Economy* 15, no. 2 (2024): 7428-54, <https://doi.org/10.1007/s13132-023-01185-0>.

are some regulations governing social and environmental responsibility that are expected to encourage companies to contribute to environmental management and community welfare and make this obligation part of corporate governance that must be complied with.

The main legal foundation in Indonesia that regulates environmental protection and management. It is implied in Law No. 32/2009 PPLH. This law requires companies to take responsibility for the environmental impacts caused by their operational activities. In the context of ECR, this law provides a clear legal basis for companies' obligation to preserve the environment. Article 15 stipulates the obligation of every person or business entity to make efforts to prevent and control environmental damage, which may include environment-based CSR programs. Article 66 emphasizes the company's obligation to comply with applicable environmental regulations and to restore environmental damage caused by the company's activities. In this case, ECR can be seen as part of the company's obligation to fulfill the provisions of this Law, whether through waste management, emission reduction, conservation of natural resources, or restoration of the affected environment. Law No. 40/2007 LLC Article 74 of this law specifically regulates the obligations of companies engaged in sectors that have the potential to cause significant social and environmental impacts, such as mining, plantations, heavy industry, and other sectors. This article requires companies to perform social and environmental responsibilities as part of their corporate governance. This article requires companies to develop and implement CSR programs, including activities that benefit the surrounding community and environment. In the case of ECR through CSRv, this Article provides a legal basis for companies to take preventive and responsive actions towards social and environmental issues arising from company operations.

Government Regulation No. 47/2012 on Corporate Social and Environmental Responsibility, This regulation is a further derivative of Law No. 40/2007 LLC and regulates in more detail the implementation of CSR by companies. This regulation provides clear guidelines regarding the form of CSR implementation, as well as how companies should report and account for their CSR programs. Article 1 sets out the definition and scope of CSR, which covers social, environmental, and economic aspects. Article 5 requires companies to implement CSR under the social and environmental conditions in which they operate, focusing on sustainability and management of social and environmental impacts. In terms of ECR through CSRv, this regulation provides direction for companies to implement CSR that is not only voluntary but also has a clear structure and obligation to fulfill the needs of society and preserve the environment. In addition to domestic regulations, there are also a number of international treaties and international legal norms that can strengthen the application of ECR through CSRv in the context of protecting community environmental rights. The application of ECR through CSRv cannot be separated from the broader legal context, both at the national and international levels. Two important legal documents that provide a philosophical basis and principles related to environmental protection and community rights are the Stockholm Declaration (1972) and the National Environmental Rights Act in Indonesia. These two documents serve as the legal footing that directs corporate policies and responsibilities towards the environment and society, providing a strong foundation for the implementation of ECR and CSRv. The Stockholm Declaration on the Human Environment, produced at the United Nations Conference on the Human Environment in Stockholm, Sweden in 1972, is an

international document that marked the first step in recognizing the importance of the relationship between economic development and environmental protection. The Declaration contains 27 principles that emphasize sustainability, wise management of natural resources, and the need for corporate responsibility in reducing negative impacts on the environment. Some of the principles in the Stockholm Declaration that are relevant to the implementation of ECR through CSRv include:

1. Principle 1

The right of every individual to live in a healthy environment that supports human life. This provides the basis for companies to take responsibility for the environmental impacts of their activities.

2. Principle 6

Environmental protection cannot be done by government efforts alone, but must also involve the private sector, civil society, and other sectors. This requires companies to not only fulfill their legal obligations but also take proactive steps to protect the environment.

3. Principle 13

The state and companies should ensure that industrial and technological activities do not cause irreparable damage to the environment, which is directly related to the company's obligation to implement environment-based CSR as part of ECR.

The Stockholm Declaration emphasizes the importance of shared responsibility between the state, society, and the private sector in protecting the environment. Therefore, companies that implement ECR through CSRv not only refer to their business interests but also to this global principle that emphasizes sustainability and social and environmental responsibility. The implementation of environmentally-based CSR under the Stockholm Declaration will ensure that companies operate in a way that does not harm ecosystems and people's right to live in a healthy environment. In addition, several international arrangements regulate environmental protection and human rights, including The Rio Declaration on Environment and Development (1992), which underscores the importance of the precautionary principle in development activities and the need for community participation in environmental management. The UN Guidelines on Business and Human Rights (hereinafter referred to as UNGPs), emphasize that companies have a responsibility to respect human rights and the environment in all their operations. The 2030 Agenda for Sustainable Development, sets out the SDGs, including targets for the sustainable management of natural resources and the improvement of social conditions of communities.

In the author's view, the CSRv model seeks to identify how organizations and stakeholders dynamically interact with and care for the environment. In contrast, the CSR model refers to a company's moral obligation to society. Responsiveness and responsibility are inherently interconnected. CSR represents a company's commitment to creating mutually beneficial relationships between business and society, while CSRv is an effort to respond to social needs. Based on this perspective, CSRv can indeed be part of its implementation, and it is more focused on a company's strategy for addressing the economic, legal, and moral expectations of stakeholders. Therefore, the CSRv dimension, which some may regard as an alternative focus of social responsibility, is, in fact, a stage in management's response to social

and environmental issues. In many ways, the CSRv orientation allows companies to rationalize and implement their social responsibility without getting caught in definitional debates. This approach helps companies avoid confusion that may arise when trying to precisely define their social responsibilities before taking action.

Considering the level of social and environmental actions taken by companies and how they align with various social responsibilities, different business responses can be adapted to the pressures exerted by society on businesses. Unlike CSR, corporate social responsiveness relates to a managerial system that functions to respond or be responsive in the social and environmental fields, including planning, controlling activities, decision-making, and establishing policies related to company operations. Referring to Archie Carroll's conceptual model of corporate performance, which connects business responses to social pressures, the CSRv model categorizes the nature of corporate social responsibility and various types of social responses as follows:

1. Reaction

This business response type primarily reflects pragmatic economic priorities, while social responsibility is completely ignored. Companies following this strategy typically deny any social complaints related to their potentially illegal actions.

2. Defense

Organizations adopting this strategy only meet the minimum legal requirements to protect themselves and fulfill social expectations. When criticized for the damage caused to society, companies at this stage typically attempt to demonstrate their innocence and deflect any allegations made against them.

3. Accommodation

This response is observed in businesses that recognize their social responsibility and strive to comply with economic, legal, and ethical requirements. At this stage, the company's behavior aligns with relevant social norms, values, and perspectives, though external pressures often drive their responsible actions.

4. Proaction

This business response type is the most comprehensive in addressing social pressures. It meets all social performance criteria, including policy criteria. Proactive companies consistently lead social initiatives, prevent negative social impacts from their activities, and anticipate social issues and their solutions.

Based on this perspective, the author believes that CSR should evolve into CSRv. The author proposes a three-stage framework for classifying a company's behavior in responding to social and environmental needs, which are: social and environmental obligations; social and environmental responsibilities; and social and environmental responses. Social and environmental obligations refer to a company's behavior in responding to market forces or legal regulations. In this case, the company's legitimacy is very limited and based only on legal and economic criteria. Social and environmental responsibilities, on the other hand, involve aligning a company's behavior with prevailing social and environmental norms, values, and expectations.

The author argues that the concept of social and environmental obligations is limiting, while social and environmental responsibilities are more defining. The third stage of their framework, social and environmental responses, indicates that what matters is not how a company should respond to social pressures, but what its long-term role should be in the dynamic social and environmental system. Here, businesses are expected to be anticipatory and preventive. It should be noted that the categories of obligations and responsibilities reflect similar messages to those conveyed by the four-part conceptual model. In illustrating the performance of the CSRv framework, which integrates these three key dimensions:

- 1) CSR Categories: including economic, legal, ethical, and philanthropic responsibilities.
- 2) CSRv Categories: including social responses: reaction; defense; accommodation; and proactive.
- 3) Social and Environmental Issues Categories: including stakeholders, shareholders, environmental damage, environmental pollution, and environmental discrimination.

The sustainability of a company's social and environmental responsibility programs is a crucial measure for assessing the effectiveness and long-term impact of ECR programs. By focusing on economic, social, and environmental sustainability, companies can ensure that their ECR programs not only provide immediate benefits but also contribute to broader sustainable development. Effective implementation and transparent measurement through sustainability reports and external audits are key to achieving corporate sustainability.

Implementing ECR is a crucial step in ensuring that companies operate in a way that is responsible for the environment. Further research in this area promises valuable insights and exploration, covering areas such as implementation strategies, impact measurement, corporate ethics, regulations, and collaboration. Through their commitment to ECR, companies can play a key role in creating a more sustainable and environmentally harmonious future. Ongoing research in this field will provide practical insights and guidance for businesses, policymakers, and the general public in their joint efforts to protect shared environmental aspects. The author believes that every company must select its specific approach to corporate sustainability (often referred to interchangeably with CSR), which aligns with its goals and intentions and is consistent with its strategy. As a concrete response to the conditions in which the company operates, this is why the author introduces the ECR model through CSRv as a manifestation of the company's potential response in managing its sustainable social and environmental responsibilities.

3.2. Redefining CSRv in Mining: A Deep Ecological Approach for Sustainable Development and Justice

The issues of natural resource management and environmental impacts in mining activities have evolved into a global environmental crisis with serious implications for human life and sustainable development. In response to this crisis, since the early 20th century, there has been a growth and development of the environmental movement based on an ecosophy approach, where the philosophy of saving the Earth encompasses both ecological and spiritual

dimensions.³¹ Environmental damage and pollution are driven by the dominance of the anthropocentric concept in the management of the environment and natural resources, supported by sectoral and fragmented regulations that prioritize economic development while neglecting the sustainability of environmental functions. In Indonesia, regulations relevant to the implementation of CSRv in the mining sector rely heavily on the Law on Environmental Protection and Management as well as Regulations on CSR that require companies to consider not only social but also environmental aspects. Some national legal instruments that accommodate the principles of Deep Ecology in the implementation of CSRv are as follows:

a. Constitution of the Republic of 1945

Article 28H Paragraph (1) stipulates that everyone has the right to live in a good and healthy environment, which implies that mining companies have an obligation to carry out their activities in a manner that does not damage the environment. This requires companies to pay attention to the ecosystem in a holistic manner, in accordance with the principles of Deep Ecology, which places the preservation of nature as part of human rights.

b. Law No. 32 of 2009 PPLH

Article 66 states the company's obligation to carry out environmental restoration in the event of damage caused by business activities, which opens up opportunities for the application of reclamation and ecosystem restoration after the mining process. This approach requires companies not only to repair the damage but also to make broader efforts in biodiversity preservation, which is the core of Deep Ecology.

c. Law No. 40 of 2007 LLC

Article 74 of this law requires companies to implement corporate social and environmental responsibility (TJSL), including in the mining sector. Companies are obliged to carry out CSR programs that not only provide social benefits but also have a positive impact on the environment. Therefore, within the framework of CSRv, companies in the mining sector can apply a deep ecology approach that prioritizes the protection of ecosystems and the sustainable management of natural resources.

d. Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility

This regulation provides more detailed guidance on the implementation of CSR based on sustainability and environmental protection. It outlines how companies should design and implement CSR programs that meet high environmental standards. In the context of CSRv, this regulation can be used to integrate a deep ecology approach, which includes reducing emissions, managing hazardous waste, as well as the restoration and conservation of natural resources.

At the international level, several legal instruments and declarations related to environmental protection can serve as the legal foundation for the implementation of CSRv with a Deep Ecology approach. These documents emphasize the importance of sustainability and corporate social responsibility in preserving global ecosystems. Some of the relevant instruments include:

³¹ Anup K. Dash, "Regenerative Sustainability: Homo Ecologicus and the New Enlightenment," in *Regenerative Ecosystems in the Anthropocene* (USA: Springer Nature, 2024), 33–59.

- a) The Stockholm Declaration (1972)

This declaration laid the groundwork for the recognition of corporate environmental responsibility, with the expectation that companies not only reduce their negative impacts on the environment but also actively participate in the preservation of global ecosystems. The principles within the Stockholm Declaration stress the importance of involving the private sector in environmental management, thus creating space for companies to adopt a Deep Ecology approach in the execution of CSRv, where the preservation of nature becomes the primary objective, rather than simply serving as a tool to support economic activities.
- b) Principle 10 of the Rio Declaration (1992)

During the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, this principle emphasized the fundamental rights of individuals to access environmental information, participate in decision-making processes, and have access to environmental justice. With this principle in place, mining companies implementing CSRv can engage local communities in environmental management and decision-making processes related to the management of natural resources. This aligns with the Deep Ecology approach, which places the rights of both nature and communities on equal footing in environmental governance.
- c) The Global Compact (United Nations)

The UN Global Compact encourages companies to commit to ten principles that encompass human rights, labor standards, anti-corruption efforts, and environmental preservation. One of the key principles involves environmental stewardship, urging companies to reduce their negative environmental impacts. CSRv can be strengthened by aligning with these principles, implementing more sustainable environmental practices, and ensuring transparency in reporting the impact on ecosystems, which also resonates with the Deep Ecology approach within CSRv.
- d) The Paris Agreement (2015)

This agreement binds countries to limit global temperature rise to below 2 degrees Celsius and strives to reduce greenhouse gas emissions. For mining companies, this provides an impetus to adopt environmentally-friendly technologies and reduce carbon emissions, which is highly relevant to the implementation of CSRv. This approach emphasizes the sustainable management of natural resources and the prevention of broader environmental damage, aligning with the objectives of the Paris Agreement and the Deep Ecology framework within CSRv.

These international legal frameworks provide a comprehensive foundation for the integration of environmental sustainability into corporate governance, encouraging companies to adopt an ecocentric approach that prioritizes ecological preservation and the responsible use of natural resources. By following these guidelines, companies can contribute to the achievement of SDGs, ensuring that their operations align with global environmental objectives while fulfilling their social and environmental responsibilities. CSRv is a conceptual approach that emphasizes the importance of corporate responsibility, not only in social aspects but also in a deeper environmental context. In the mining sector, CSRv adopts a Deep Ecology approach, which places intrinsic value on the preservation of nature, not merely for human

benefit. This approach holds that the environment has the right to exist and develop naturally, independent of human needs. Therefore, mining companies implementing CSRv are not only obligated to reduce negative environmental impacts but also have the responsibility to restore ecosystems, conserve natural resources, and engage local communities in broader efforts for environmental sustainability.

Deep Ecology is a philosophical movement that asserts all human actions should be considered with respect to ecological balance and the rights of nature. In the context of the mining sector, the CSRv model based on Deep Ecology principles requires companies to consider deeper environmental impacts and not only focus on immediate or surface-level restoration. For example, mining activities must involve sustainable planning and management related to natural resource use, pollution reduction, environmentally friendly waste management, and biodiversity preservation. This approach demands that companies think long-term and integrate sustainability goals into every aspect of their operations.

In practice, implementing CSRv in the mining sector requires the development of sustainability programs that are not only reactive but also proactive in addressing current environmental challenges. Mining companies that adopt this model must ensure they do more than just meet existing legal obligations; they must go beyond compliance and engage in sustainable environmental management. For instance, they can commit to post-mining ecosystem restoration, use technologies that reduce negative environmental impacts, and apply sustainability principles in the design of operations and mining activities. The practical implementation of CSRv also includes involving local communities in decision-making related to the use and management of natural resources. In the mining sector, this means that companies must directly engage with communities affected by their activities, whether through public consultations, environmental education programs, or local economic development based on conservation. Local communities play a crucial role in preserving the environment, and companies must respect their rights to live in a healthy environment, under Deep Ecology principles, which recognize the importance of sustainability not only for humans but also for nature.

In the legal framework of the mineral and coal mining sector in Indonesia, the implementation of CSRv is strongly influenced by various regulations that govern corporate social and environmental responsibilities, such as Law No. 40 of 2007 LLC, Law No. 32 of 2009 on PPLH, and Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility. These regulations require mining companies to implement ECR programs that not only focus on social aspects but also address the environmental impacts of their mining activities. Additionally, mining companies are expected to comply with provisions concerning post-mining land reclamation and waste management that adhere to environmental standards. Therefore, CSRv in the mining sector must be integrated with existing regulations to ensure that companies operate in accordance with deeper ecological principles and maintain the sustainability of natural resources for future generations. In this context, the CSRv model goes beyond the traditional concept of CSR by emphasizing the need for businesses to respond to the ecological and social demands of local communities and stakeholders. This model promotes proactive measures that not only reduce environmental damage but also prioritize long-term environmental management. Its main goal is to ensure that the mining sector not

only generates economic benefits but also contributes to social equity and environmental preservation, ensuring sustainable and fair development for all parties involved. The CSRv model in the mining sector adopts a comprehensive ecological approach to promote sustainable development justice. This model is designed to address the specific challenges faced by the mining industry, which has significant social and environmental impacts. By integrating ecological principles, CSRv encourages mining companies to align their operational strategies with broader environmental protection goals and social well-being, ultimately contributing to a more just and sustainable future. This approach reflects the growing recognition that environmental issues and social justice cannot be separated in the pursuit of sustainable development. By applying an ecological perspective to CSRv, mining companies can better understand and manage the environmental and social consequences of their activities, fostering a balance between economic growth and the well-being of both society and the planet. The successful implementation of this model will lead to more responsible mining practices, ensuring that the mining sector's contribution to sustainable development is meaningful and long-lasting.

Issues surrounding mining and its environmental impacts have evolved into a global environmental crisis, with serious consequences for human life and sustainable development. In response to this crisis, the environmental movement, based on an ecosophical approach, began to emerge in the early 20th century. This philosophy, aimed at saving the Earth, combines ecological and spiritual dimensions. Environmental degradation and pollution are driven by the ongoing dominance of anthropocentric concepts in managing the environment and natural resources, supported by sectoral and fragmented regulations that prioritize economic development while neglecting the sustainability of environmental functions. The CSRv model in the mining sector adopts a comprehensive ecological approach to promote sustainable development justice. This model is designed to address the specific challenges faced by the mining industry, which significantly impacts both social and environmental aspects. By incorporating ecological principles, CSRv encourages mining companies to align their operational strategies with the broader goals of environmental protection and social well-being, ultimately contributing to a more equitable and sustainable future.

Mining issues, when viewed through an environmental lens, are inherently moral. Therefore, their resolution cannot be approached solely through technical or partial solutions. Environmental issues must be addressed more comprehensively and holistically, incorporating moral perspectives. Arne Naess argued that the current environmental crisis can only be resolved through a fundamental and radical shift in human attitudes and behavior towards nature. This requires a new way of life that involves not only individuals but also the cultural aspects of society as a whole. This implies the need for an environmental ethic that guides humans to interact with the universe in a new and profound way.³² From an ethical theory perspective, environmental ethics is generally divided into two main categories:

³² Irwan Triadi Dino Rizka Afdhali, Siti Syafa Az Zanubiya, Ishma Safira Syaid, "Pembangunan Waduk Bener Di Desa Wadas: Konsep Deep Ecology Arne Naess Dalam Pengaturan Hukum Lingkungan (Construction of Bener Reservoir In Wadas Village: Arne Naess' Concept of Deep Ecology In Environmental Law Regulation," *Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 4 (2024): 134-42, <https://doi.org/10.47268/pela.v3i2.14829>.

Shallow Ecology and Deep Ecology. Shallow Ecology emphasizes that the environment exists for the benefit of humans (anthropocentric), while Deep Ecology highlights the importance of understanding the environment as an interconnected web of life, where all elements have equal intrinsic value.³³

The concept of Deep Ecology, rooted in ecosophy, advocates for policy changes to address the environmental crisis or emergency caused by the exploitation of environmental resources that disregard sustainability and environmental carrying capacity (based on anthropocentric ethics). This necessitates the development of environmental law as a framework for environmental management policies, integrating legal principles aligned with Deep Ecology as an ecocentric ethic. Such environmental laws would support ecological conservation and sustainability.³⁴ Historically, many regulations and policies in Indonesia and around the world are rooted in the anthropocentric legal concept, which emphasizes the protection of human rights and social welfare, often without fully considering ecological sustainability. For example, in Law No. 32 of 2009 on Environmental Protection and Management, although companies should manage environmental impacts, the main goal of the regulation is more focused on controlling the damage caused by human activities, without explicitly emphasizing the protection of nature's rights. This reflects an anthropocentric bias in the legal framework that prioritizes human interests, often neglecting the intrinsic value of nature itself. In the mining sector, for example, many regulations focus on the obligation of companies to minimize the social and economic impacts of damage caused by mining activities, but they do not sufficiently pressure companies to protect and restore ecosystems that have been damaged. The degradation of soil quality, habitat destruction, and loss of biodiversity due to the exploitation of nature is often seen as inevitable costs in business activities, as regulations prioritize post-damage social recovery rather than preventing ecological damage in the first place.

The ecocentric approach in CSRv aims to integrate ecological sustainability principles into every aspect of business decision-making. By recognizing that nature has the right to be protected, not just as a resource to be exploited, companies are expected to not only mitigate environmental damage but also play an active role in the restoration and preservation of ecosystems. In the legal framework, this approach can be applied by creating regulations that provide direct protection for nature, going beyond merely fulfilling impact mitigation obligations. Companies that adopt ecocentric-based CSRv should be accountable for their ecological sustainability, not only considering the social impacts on surrounding communities but also ensuring they do not cause long-term environmental damage. In this context, companies should follow principles such as land reclamation, pollution reduction, conservation of natural habitats, and the sustainable management of natural resources. Regulations that can support this approach include strengthening rules that require companies to create ecological restoration plans after their operational activities are completed, as well as

³³ S. Babu, G., & Satya, "Understanding the Inherent Interconnectedness and Other Salient Characteristics of Nature Crucial for Sustainability.," *Journal Environment, Development and Sustainability* 6, no. 1 (2024): 2493-2505., <https://doi.org/0.1007/s10668-022-02831-4>.

³⁴ H. Bodansky, D and van Asselt, *The Art and Craft of International Environmental Law*. (Inggris: Oxford University Press, 2024).

imposing stricter sanctions on companies that fail to meet these commitments. In practice, many regulations remain dominated by an anthropocentric view. For example, in Law No. 40/2007 LLC and Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility, the obligation of companies to implement CSR is more focused on social and economic benefits for the community, such as social empowerment, education, and poverty alleviation. While these programs are important, they tend not to adequately consider direct contributions to environmental preservation. Companies often implement CSR as a social obligation without considering the environmental damage that may result from their operations. Regulations that move toward an ecocentric approach will place greater emphasis on ecosystem restoration, biodiversity conservation, and carbon emission reduction as part of the legal obligations that companies must fulfill. For instance, companies engaged in mining activities should be required to account for the ecological costs in their business processes—not just addressing the damage after it occurs, but also developing long-term sustainability plans that involve land rehabilitation, water management, and replanting vegetation. Existing regulations often focus more on social and economic obligations without clearly integrating responsibility for ecosystems.

One of the major challenges in implementing ecocentric CSR_v is creating regulations that do not solely focus on social or economic aspects but also incorporate environmental sustainability as an inseparable element of sustainable development principles. Deep Ecology provides a framework for crafting stricter policies related to nature protection and the preservation of natural resources, which are crucial for ecosystem sustainability. Regulations such as Law No. 32 of 2009 on Environmental Protection and Management and Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility in Indonesia can be further optimized to clearly integrate Deep Ecology principles. For example, companies involved in sectors with significant environmental impact, such as mining, should be required not only to consider the social and economic impacts but also to ensure that they are implementing programs that restore or preserve the ecosystems affected by their operational activities. The application of strict environmental sustainability standards, such as land reclamation, conservation of natural resources, and responsible carbon emission management, could become part of the company's legal obligations within the regulatory framework.

By incorporating these ecocentric principles into the legal system, it is possible to shift the focus of CSR_v beyond mere compliance with social welfare programs and toward a more holistic approach that values the long-term health of the planet. This would ensure that businesses play an active role in maintaining and restoring the environment, reducing harm, and fostering resilience in ecosystems. Integrating ecocentric values into corporate law could establish a stronger foundation for sustainable development, where environmental and social responsibilities are balanced and embedded into corporate strategies. Ultimately, such a regulatory framework would encourage businesses to adopt a deeper sense of responsibility for the environment, ensuring that their activities contribute to ecological stability and not just short-term profits. By aligning CSR_v with Deep Ecology, the legal system can help foster a corporate culture where the environment is viewed not merely as a resource but as an entity with intrinsic value that deserves protection, ensuring a healthier, more sustainable future for all. The CSR_v model through the Deep Ecology approach in the mining industry aims to

achieve sustainable development by integrating corporate social responsibility with deep ecological principles. This conceptual approach emphasizes the importance of maintaining a balance between humans and nature and respecting biodiversity. In the mining context, this approach focuses on environmental protection, sustainable natural resource management, and minimizing negative impacts on ecosystems.³⁵ One of the key objectives of the CSRv model in mining is to ensure that mining activities align with sustainability principles. This involves the wise management of natural resources, reducing environmental impacts, and actively participating in environmental conservation efforts. The implementation of the CSRv model in mining also requires active involvement from companies in social and economic activities in local communities. This includes providing social benefits to local populations such as infrastructure development, education, healthcare, and job training. Additionally, companies should promote community engagement in decision-making processes related to mining activities. The Deep Ecology approach through the CSRv model also encourages companies to adopt socially and environmentally responsible business practices. This includes the use of environmentally friendly technologies, efficient waste management, and environmental impact monitoring of mining operations. In pursuit of sustainable development, the CSRv model in mining involves collaboration among companies, governments, communities, and non-governmental organizations. This cooperation aims to achieve a balance between economic, social, and environmental interests in the mining industry.

The implementation of the CSRv model in the mining sector, based on the Deep Ecology concept, seeks to achieve sustainable development by emphasizing the need to balance human needs with environmental preservation. CSRv helps companies manage their social and environmental responsibilities in a systematic and structured way. Through these efforts, companies can demonstrate their commitment to sustainability and social responsibility while enhancing their ability to respond to external pressures related to social and environmental concerns. By integrating Deep Ecology values into CSRv practices, mining companies can contribute to both human well-being and environmental preservation simultaneously, measured through the following levels:

a) Program Alignment Level in ECR

The Alignment Level of Programs in Environmental Corporate Responsibility (ECR) refers to the extent to which the programs implemented by a company align with the real needs of the community, in terms of social, economic, and environmental aspects. This alignment is crucial to ensure that the programs carried out not only meet regulatory requirements or corporate expectations but also provide meaningful and sustainable benefits to the involved communities. A good alignment between a company's CSR programs and the needs of the community will enhance the effectiveness, accountability, and positive impact of the company's social and environmental activities.

1. Identifying Community Needs

Effective alignment begins with a deep understanding of the needs of the community affected by the company's operations. In the mining sector, for

³⁵ Avinash K. Shrivastava, Padma Charan Mishra, Rashmi Ranjan Panigrahi, "Geo-Environmental Factors Influence on Mining Operation: An Indirect Effect of Managerial Factors.," *Journal Environment, Development and Sustainability*, 26, no. 6 (2024): 1463–66, <https://doi.org/10.1007/s10668-023-03211-2>.

example, communities living around mining sites may face issues such as environmental degradation, economic hardships, or social inequalities. Therefore, companies must conduct social and environmental impact assessments to identify the key issues that need to be addressed. Common methods to ensure program alignment with community needs include public consultations or dialogues between the company and the community. In Indonesia, this can be achieved through the company's obligations under Law No. 32 of 2009 on Environmental Protection and Management, which mandates companies to involve communities in the preparation of environmental and social management plans, as reflected in the Environmental Impact Assessment (Amdal). With a clear understanding of the community's needs, the company can design relevant and targeted CSR programs.

2. Program Alignment with Community Priorities

Once community needs are identified, the company needs to assess the alignment of the CSR program with the community's priorities and long-term goals. For instance, if a community is struggling with limited access to clean water, a CSR program focused on providing clean water sources will be more appropriate and beneficial than a program focusing on other infrastructure that is not an immediate need. This alignment should also consider the sustainability of the program, meaning whether the CSR program can provide long-term benefits or only short-term effects. In the mining sector, companies must develop programs that address the economic sustainability of communities after mining activities have ceased. This may involve creating alternative job opportunities, skills training, or developing local enterprises that reduce dependency on the mining industry once the company has finished its operations.

3. Alignment with Policy and Legal Regulation

Program alignment in ECR should also consider existing policy and legal regulations at both the national and international levels. The government, through various regulations such as Law No. 40/2007 LLC and Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility, has set guidelines that direct companies to implement CSR programs that are sustainable and aligned with the needs of communities and the environment. Additionally, companies must also consider relevant international standards related to sustainability and social responsibility, such as the UN Global Compact Principles or ISO 26000, which guide corporate social responsibility to communities and the environment. Aligning CSR programs with legal policies ensures that companies are not just fulfilling CSR obligations, but also considering sustainability in every action they take.

4. Evaluation and Adjustment of Programs Based on Dynamic Needs

The success of aligning CSR programs with community needs cannot be achieved in a short time. Therefore, regular evaluation and adjustment of the CSR programs are essential to ensure they remain relevant and effective. By involving the community in the evaluation process, companies can assess whether the programs being implemented genuinely reflect their needs or whether there have been

changes in the community's priorities that need to be addressed. Furthermore, changes in social, economic, or environmental conditions may also affect the community's needs. Companies implementing ECR must be ready to adjust their programs based on ongoing evaluations and feedback from the community. This will ensure that CSR programs remain relevant and effective in the long term, providing real benefits to the communities involved.

5. Alignment with Long-Term Sustainability and Responsibility

Ultimately, the alignment of programs in ECR must be directed toward achieving holistic sustainability, which includes social, economic, and environmental aspects. Programs aligned with community needs will not only provide short-term benefits but also create lasting positive impacts for both the community and the environment where the company operates. Social and economic sustainability must be part of the company's long-term commitment to responsibility toward the well-being of the community and ecosystems around them. For example, CSR programs in the mining sector that integrate land restoration, skills training, and local economic empowerment will directly contribute to fulfilling community needs while ensuring that the environmental and social impacts of the company's activities can be minimized. This alignment creates a symbiotic relationship between the company and the community, which can endure over time, enhancing the company's reputation and providing long-term sustainability for all parties involved.

The alignment level of programs in ECR largely depends on a deep understanding of community needs, implementing programs that align with their priorities, and making continuous evaluations and adjustments. This alignment not only increases the success of CSR programs but also strengthens the company's relationship with the community, enhances social and environmental responsibility, and promotes sustainability in every aspect of the company's operations.

b) Sustainability Level in ECR

This refers to the company's ability to design programs that meet current needs, provide real and immediate benefits to communities and the environment, and maintain capacity for the future. Programs must be designed in such a way that they do not compromise the ability of future generations to meet their own needs. Sustainability in ECR is assessed across three aspects: economic sustainability, social sustainability, and environmental preservation. The level of sustainability in ECR refers to the extent to which a company can design and implement programs that not only deliver short-term benefits to communities and the environment but also ensure that their positive impacts can endure in the long term without compromising the ability of the future generations to meet their own needs. Sustainability is at the core of ECR, integrating economic, social, and environmental considerations into corporate decision-making. The evaluation of sustainability in ECR is assessed through three main aspects: economic sustainability, social sustainability, and environmental preservation.

1. Economic Sustainability

Economic sustainability in the context of ECR focuses on the company's ability to create sustainable economic value without depleting natural resources or unfairly

exploiting labor. Companies implementing ECR must manage their resources wisely to support long-term sustainability in their economic sector and surrounding communities. Economic sustainability also means that companies should create economic opportunities that can endure in the future, not only for their profit but also for the local communities affected by their operations. A concrete example of economic sustainability in ECR is a community empowerment program that involves local people in activities supporting sustainable natural resource management. In the mining sector, companies can develop skill-training programs that teach communities how to manage natural resources sustainably or promote the use of renewable energy in operational areas, reducing reliance on fossil fuels.

2. Social Sustainability

Social sustainability in ECR refers to the company's impact on the social well-being of communities around its operational areas. Programs focused on social sustainability aim to improve the quality of life, increase access to education and healthcare, and create decent job opportunities. Socially sustainable ECR efforts should work to reduce social inequalities and promote social justice in all its activities. Social sustainability also includes community participation in decision-making, transparency in operations, and management of social impacts that may arise from company activities. In the mining sector, this can be seen in the implementation of CSR programs focusing on education, women's empowerment, skill training, and building social capacity to cope with the changes caused by mining activities. Involving the community in the planning and evaluation of social programs initiated by the company enhances openness and accountability, ensuring that the community's needs are truly met.

3. Environmental Preservation

Environmental preservation in ECR is the aspect most directly aligned with the core objective of this approach: reducing negative impacts on nature and conserving ecosystems for future generations. Environmental sustainability involves the application of responsible practices in natural resource management, pollution reduction, waste management, and the use of environmentally friendly technologies. Companies running ECR must ensure that their operations do not damage ecosystems but instead contribute to improving or restoring the environmental conditions impacted by their activities. In the mining sector, for example, land reclamation and restoration of former mining sites become crucial for environmental sustainability. Responsible waste management programs, including the management of hazardous waste and the reduction of harmful chemicals used in mining processes, are also key steps in ensuring environmental preservation. Companies adopting ECR should have long-term plans that include reforestation efforts, biodiversity conservation, and the reduction of carbon emissions that contribute to climate change.

c) Impact of the Program on Welfare

The impact of corporate social and environmental responsibility programs on well-being is highly significant and covers various aspects. To ensure that these social and environmental

impacts are realized effectively, legal regulations require companies to conduct regular evaluations and reporting on the effects of their operational activities on community well-being and the environment. For example, Law No. 32 of 2009 mandates that companies engaging in activities that impact the environment must continuously monitor and assess environmental effects. Regulations like Government Regulation No. 27 of 2012 on Environmental Permits require companies to report the results of environmental impact assessments (AMDAL), which also include social impacts on surrounding communities. In this context, indicators of well-being impact are translated into legal obligations that require companies to measure and report in detail the social and environmental consequences of their activities. Moreover, they must take remedial actions if negative impacts are detected.

d) Empowerment Level in ECR Programs

This refers to how well programs can enhance the capacity and well-being of communities and the environment. Empowerment is crucial to ensure that ECR programs do not merely provide temporary assistance but also create lasting and self-sustaining changes. Legally, empowerment can be understood through corporate obligations outlined in Law No. 40/2007 LLC (Article 74), which mandates companies to carry out social and environmental responsibility. In this context, empowerment could include providing access to education or training related to environmental sustainability or the efficient management of natural resources. Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility provides guidelines on how companies should design empowerment programs that actively involve communities in the direct management of environmental impacts. Therefore, community empowerment in the mining sector is not only a social aspect of CSR but also a legal obligation integrated into the programs outlined in these regulations.

e) Participation Level in ECR Programs

This refers to the extent to which communities are involved and have control over the program. A higher level of participation, ranging from sharing information to empowerment, increases the likelihood of success and sustainability of ECR programs. Within the legal framework, Law No. 32 of 2009 on Environmental Protection and Management, specifically Articles 66 and 67, mandates companies to involve communities in decision-making processes related to environmental management and the social impacts caused by their business activities. This obligation for community participation is further regulated in Government Regulation No. 27 of 2012 on Environmental Permits, which requires companies to conduct public consultations on environmental documents involving affected communities. In this regard, the indicator of participation level is translated into a legal obligation ensuring that communities have the right to be involved in decision-making processes related to their environment.

Modern environmental law frameworks place sustainability as a core principle underlying regulatory rules. Sustainability has become a crucial issue in global economic development, as the world's population has become increasingly aware that the exploitation of natural resources leads to resource scarcity, environmental degradation, and a decline in environmental quality. Therefore, economic development should focus on environmentally friendly or sustainable development, where the environment and natural resources are seen

not only as growth capital (resource-based economy) but also as life-support systems, necessitating the preservation of environmental functions and carrying capacity.

Mining, in the context of environmental studies, is seen as a moral issue. Its resolution cannot be solely based on technical approaches. A more holistic approach to environmental issues, including moral considerations, is required. Other factors in human life, such as social conditions and the nature of where humans live, also influence their moral values. The relationship between humans and the environment is shaped by environmental ethics, and the current environmental crisis can only be addressed by fundamentally changing human perspectives and behaviors toward nature. Adopting a new lifestyle that involves not just individuals but entire societal cultures is essential. An environmental ethic is necessary to guide humans in interacting with nature in a profound and new way.

4. Conclusions

The implementation of ECR through the CSRv approach shows the fundamental difference between CSR and ECR, where CSR focuses more on corporate social responsibility towards society, while ECR emphasizes more on ecological responsibility and environmental sustainability. In Indonesia, regulations governing CSR and ECR have begun to be realized through laws and regulations that require companies, especially in high environmental risk sectors such as mining and energy, to implement social and environmental responsibility programs. Through the CSRv model, companies are expected to not only carry out social and environmental obligations voluntarily but also be responsive to social pressures and demands as well as the dynamics of environmental change. The implementation of ECR through CSRv can be a long-term strategy that supports sustainability, where companies not only fulfill legal obligations but also play an active role in protecting the environmental rights of communities and reducing the negative impacts of their operations.

The CSRv model in the mining sector, integrated with a Deep Ecology approach, presents a comprehensive framework for achieving sustainable development justice by addressing both ecological preservation and social equity. This model emphasizes the intrinsic value of nature, asserting that environmental conservation is not merely a means to human ends but a fundamental right of the ecosystem itself. In the context of Indonesia's mining sector, the implementation of CSRv is guided by national regulations, such as the Law on Environmental Protection, Law No. 40/2007 on Limited Liability Companies, and Government Regulation No. 47/2012, all of which demand that mining companies adopt sustainable practices that mitigate environmental damage and promote ecosystem restoration. International frameworks like the Stockholm Declaration and the Paris Agreement further reinforce the need for mining companies to adopt proactive environmental measures. By aligning CSRv with Deep Ecology principles, mining companies are expected to go beyond legal compliance, actively engaging local communities, restoring biodiversity, and contributing to global environmental goals. This holistic approach ensures that the mining sector not only generates economic benefits but also fosters social justice and long-term environmental sustainability, thereby contributing to a more equitable and sustainable future.

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