

# Stakeholder Engagement: Analyzing the Role of Community Participation in EIA Document Crafting for PT Semen Indonesia's Cement Plant

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## Abstract

*This study aims to clarify the community involvement process in preparing AMDAL papers for the construction of a cement plant by PT Semen Indonesia (Persero) Tbk in Rembang Regency, Central Java Province. An Environmental Impact Assessment (AMDAL) document is mandatory for any development and mining operation and must be prepared by the party responsible. The community's involvement in decision-making and evaluation stages is crucial for the construction site. This research utilizes a normative technique incorporating a statutory, conceptual, and case-based approach. The findings illustrate community engagement through their involvement in preparing AMDAL papers. This study investigates the level of community engagement in preparing Environmental Impact Assessment (EIA) reports for establishing a cement factory by PT Semen Indonesia (Persero) Tbk in Rembang Regency, Central Java Province. Furthermore, it examines the disputes between PT Semen Indonesia (Persero) Tbk and the local community on regulating community involvement in preparing the Environmental Impact Assessment (EIA) document.*

## 1. Introduction

Participation is a fundamental entitlement possessed by all individuals in society, wherein the community has the prerogative to actively engage in the formulation and execution of governmental programs, both through direct and indirect means. The community should actively design, oversee, execute, and evaluate government policies. The government should also abide by the Open Government principle, which necessitates transparency and open governance in all public resource management, encompassing decision-making and evaluation.<sup>1</sup> Community involvement is an essential element in governance, ensuring that every community has the right to be included in decision-making processes and implementing government programs, directly and indirectly. The community possesses the prerogative to proffer suggestions, viewpoints, and feedback regarding regulations or agreements formulated by the Central and Regional Governments. Participating in such activities is an essential element of democratic governance. Participation encompasses strategically organizing, executing, and assessing efforts to engage the community in development initiatives. Community engagement in planning development projects might manifest through the preparation of an Environmental Impact Assessment (EIA). The realization of community rights is contingent upon community and government collaboration.<sup>2</sup> Community engagement is essential in creating Environmental Impact Assessment (EIA) documents, particularly in industrial development. It guarantees impartiality and a coherent dissemination of information, with distinct cause-and-effect relationships between claims.

<sup>1</sup> Fitria Handayani and Mohammad Nur, "Implementasi Good governance di Indonesia" 11 (June 2019): 111.

<sup>2</sup> Diane Butler, "Potentials of AMDAL Kebudayaan," *KnE Social Sciences*, September 2, 2020, <https://doi.org/10.18502/kss.v4i12.7578>.

Ensuring community engagement in the Environmental Impact Assessment (EIA) preparedness stage is vital while constructing a cement factory at Rembang Regency, Central Java Province. This is necessary to ensure the proper consideration of local interests and the mitigation of any harmful effects on the environment. Community involvement in environmental protection and management is regulated by three laws: Law Number 32 of 2009 on Environmental Protection and Management (also known as Law Number 32/2009), Government Regulation Number 22 of 2021 on the Implementation of Environmental Protection and Management (also known as PP Number 22/2021), and Law Number 2 of 2022 on Job Creation as amended by Law Number 6 of 2023 (referred to as Law No.6/2023).

The public has been legally given the right to engage in environmental protection and management efforts in accordance with the principle of transparency, as stipulated by law and government regulation. The principle of transparency facilitates the community's ability to discern environmental impact-related issues. It serves as a platform for addressing community desires as a significant step in resolving environmental impact issues. Engaging with the community is essential to preparing for an Environmental Impact Assessment (EIA). The environmental regulations provide that the community immediately affected can offer recommendations, comments, and/or replies regarding the commercial activities or plans that the responsible party will carry out. Only community members are eligible to participate in environmental observation, research, or non-governmental organization (NGO) activities. The community can participate in preparing EIA papers by means of public notifications and providing recommendations, viewpoints, and feedback. Community engagement occurs by disclosing company strategies and public consultations, during which community members can provide comments, express their thoughts, and offer responses. The person in charge of the enterprise or activity and the Minister, Governor, Regent, or Mayor has the power to assess EIA documents and review these submissions. It is crucial to emphasize that all evaluations given must be impartial. This study aims to gain a preliminary understanding of the importance of community participation in preparing an Environmental Impact Assessment (EIA) for developing a cement factory in Rembang Regency, Central Java. The study aims to assess the extent of community involvement, the factors that influence it, and the effect of this involvement on the outcome of the Environmental Impact Assessment (EIA) Document. The study's results are expected to offer significant insights for all parties involved, including PT Semen Indonesia (Persero) Tbk, the local government, and the community, in promoting a sustainable sector that is in line with the community's interests.

This study refers to several previous studies; the first previous study entitled "*Partisipasi Masyarakat dalam Proses Penyusunan Analisis Mengenai Dampak Lingkungan pada PT. SAIPEM INDONESIA KARIMUN BRANCH*"<sup>3</sup> written by Ellena, Rumzi Samin and Adji Suradji Muhammad, in their writing researchers have explained the non-optimal participation of the community in the EIA preparation process in the development carried out by PT.SIKB because of the lack of suggestions, opinions, and responses from the community that were realized. The second prior research reference is titled "*Partisipasi Masyarakat dalam Penyusunan Analisis Mengenai Dampak Lingkungan Berdasarkan UU No. 32 Tahun 2009*"<sup>4</sup> written by Martika Dini Syaputri. The research has provided an explanation of the mechanism of the EIA preparation process by involving community participation or involvement, which has experienced many obstacles in its implementation. There is a need for legal reform related to community

<sup>3</sup> Ellena, Rumzi Samin, And Adji Suradji Muhammad, "Partisipasi Masyarakat Dalam Proses Penyusunan Analisis Mengenai Dampak Lingkungan Pada PT.Saipem Indoensia Karimun Branch" 3 (2022): 394-402.

<sup>4</sup> Martika Syaputri, "Partisipasi Masyarakat Dalam Penyusunan Analisis Mengenai Dampak Lingkungan Berdasarkan Uu No 32 Tahun 2009" 13 (October 2, 2017): 1-9.

participation in preparing EIA documents. The last reference is titled “Meaningful Participation pada Pembuatan Peraturan Daerah di Indonesia: Sebuah Kajian Hukum Perundang-undangan,” written by Alda Rifada Rizki; the research explains the importance of implementing the concept of Meaningful Participation in the formation of Regional Regulations.

## **2. Methods**

The primary aim of this research is to formulate assumptions on the construction of the research questions. The study utilized a normative legal research approach to reveal legal regulations and concepts. Normative research systematically gathers and examines legal documents, such as legal norms, regulations, and principles.<sup>5</sup> The study included statutory, conceptual, and case-based methodologies. The legal resources employed for this research encompass primary legal sources, such as statutes and regulations, and secondary legal sources, including books, theses, dissertations, and journals pertinent to the relevant issues examined in this study. The collection method for these items requires procedural approaches such as categorization, inventorying, identification, and literary analysis.

## **3. Results and Discussion**

### **3.1. The Urgency of Community Involvement in Cement Plant Development Activities by PT Semen Indonesia (Persero) Tbk in Rembang Regency, Central Java Province**

Environmental Impact Assessment (EIA) examines the substantial effects of a proposed enterprise or activity on the environment. It is vital to consider when establishing business or activities in Indonesia.<sup>6</sup> This assessment aims to generate AMDAL documentation carried out during the first stages of a project that will impact the surrounding environment. Environmental impact assessments were developed as a response to concerns regarding the adverse effects of human activities. AMDAL, or Environmental Impact Assessment, examines the significant and crucial effects of a proposed enterprise or activity on the environment. The decision-making process for implementing the business or activity requires it. PT Semen Indonesia (Persero) Tbk intends to build a cement manufacturing facility in Tegaldowo Village, Gunem District, Rembang Regency, Central Java Province, notably within the Kendeng mountain range. Nevertheless, there are apprehensions over preparing the AMDAL paper, as it is thought that greater community involvement was necessary.<sup>7</sup> The issuance of the development business license entails both benefits and drawbacks. Proponents of the cement facility contend that PT Semen Indonesia has acquired the requisite authorization for its establishment. Conversely, people who oppose the construction.

The lawsuit initiated by the community of the Kendeng mountainous region complies with the relevant rules and regulations pertaining to community engagement in environmental affairs. While preparing AMDAL papers, the technical team, authorized officials, and the community are entitled to contribute. The regulation of this right is stipulated in Law Number 32/2009. As to Article 65, section (1) of Law Number 32/2009, every person is entitled to a favorable environment for their well-being. Article (2) confers the entitlement to obtain information, participate, and pursue legal recourse. Article (3) grants individuals the right to raise objections to business/activity plans, whereas paragraph (4) allows individuals to engage in environmental preservation and management in compliance with relevant laws and regulations. The presence of these structures results from the environment's continuous

<sup>5</sup> Peter Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005).

<sup>6</sup> Yasril Yazid And Nur Alhidayatillah, “Partisipasi Masyarakat Dalam Pemberdayaan Lingkungan” 28 (June 2017): 1–9.

<sup>7</sup> Sabungan Sibarani, “Kajian Hukum Putusan Ptun Semarang Nomor: 67/G/2013/Ptun.Smg Tentang Pertambangan Eksplorasi Yang Bertentangan Dengan Undang-Undang Lingkungan Hidup,” *Bina Hukum Lingkungan* 1, No. 2 (April 30, 2017): 146–56, <https://doi.org/10.24970/Jbhl.V1n2.12>.

impact on the nearby inhabitants. The environment is of paramount importance in the lives of individuals and communities. Hence, community engagement acts as a mechanism to monitor government policies, compelling the community to supervise the actions of the government in order to prevent capricious control of urban areas and other advancements. Article 26 governs the involvement of the community in the preparation of AMDAL.

The regulations pertaining to public involvement in the AMDAL preparation process are also regulated by Law Number 11/2020, which has modified, removed, and invalidated many items of Law Number 32/2009. One of the revised articles relates to the substance of AMDAL documents. As per Article 25 letter c of Law Number 11/2020, recommendations, answers, and inputs from the directly affected community are deemed significant. Early engagement of the community in the AMDAL process is crucial, particularly upon submission of a business or activity application. Upon submission of an application that necessitates environmental papers, it is imperative for the government and/or the applicant to promptly and effectively inform the public in a transparent and easily understandable manner. The notion that the efficacy and triumph of the AMDAL assessment process are closely correlated with the extent or magnitude of communication, the intensity of interaction, and the level of community impact on the decision deviates from the notion of impartial evaluation.<sup>8</sup> The concept of maximizing and making community engagement more meaningful should be addressed. The Constitutional Court deems participation significant when the lawmaker or lawgiver upholds the entitlement to be listened to, considered, and provided with explanations or responses to viewpoints.

### **3.2. Analyze the development activities carried out by PT Semen Indonesia (Persero) Tbk in Rembang Regency, Central Java**

Participation is from the Latin term "participate," which means engaging or participating in Indonesian. As defined by Alastraire White, participation refers to the involvement of local communities in making decisions or implementing development projects.<sup>9</sup> From this standpoint, participation is actively involving oneself in each process stage. In order to promote public engagement, all preliminary legislation must be easily available, allowing everyone to provide their comments by oral or written means. The community consists of individuals or groups interested in the content of the proposed legislation and the process of establishing agreements. Furthermore, public desire encompasses a range of methodical and coordinated endeavors that involve advocating for or opposing legislation.<sup>10</sup> The goal is to influence the creation or alteration of policies by expressing the community's interests.

Community engagement is a tangible expression of implementing the Open Government philosophy. The concept of Open Government entails the establishment of a transparent and accessible government that effectively manages public resources, encompassing all stages from decision-making and execution to evaluation.<sup>11</sup> Community participation plays a crucial role in state development efforts. It significantly impacts Good Governance, which refers to the government's involvement of the community in its decision-making processes. Effective governance serves as the bedrock of governmental principles. The principle of participation asserts that all individuals in a community are entitled to engage

<sup>8</sup> Etheldreda Wongkar And Difa Shafira, *Setelah Uu Cipta Kerja: Meninjau Esensi Partisipasi Publik Dalam Amdal*, Ed. Raynaldo Sembiring (Jakarta: ICEL, 2020).

<sup>9</sup> Sulaiman Sembiring, "Rekonstruksi Regulasi Partisipasi Masyarakat Dalam Pembentukan Peraturan Perundang-Undangan Berbasis Nilai-Nilai Keadilan" (Universitas Islam Sultan Agung, 2023).

<sup>10</sup> Angga Prastyo, "Limitation Of Meaningful Participation Requirements In The Indonesian Law-Making Process," *Jurnal Hukum Dan Peradilan* 11, No. 3 (December 1, 2022): 405, <https://doi.org/10.25216/Jhp.11.3.2022.405-436>.

<sup>11</sup> Rafina Wiyanti Hanafiah, "Hak Asasi Manusia Dalam Perspektif Hukum Administrasi Negara," *Wacana Paramarta Jurnal Ilmu Hukum* 21, No. 2 (2022).



actively in decision-making and implementing governmental programs, whether directly or indirectly. The public is granted the privilege to offer recommendations, thoughts, and/or reactions to regulations or agreements that the central and local governments will formulate. Community involvement is a crucial component of endeavors to establish democratic governance. Participation encompasses the entire process, from initial planning to final execution and evaluation.<sup>12</sup> This endeavor aims to engage the community in the development process, enabling them to actively contribute to the design and organization of the ultimate direction of the project rather than simply passively enjoying its outcomes. Community participation in the design of development projects might take the form of involvement in preparing Environmental Impact Assessment (EIA) documentation.<sup>13</sup> The enforcement of community rights is contingent upon the collaboration of two entities: the community and the government.

The community plays a significant role in influencing government policy through many stages of participation, namely Manipulation, Therapy, Information, Consultation, Mitigation, Partnership, Delegation of Power, and Community Delegation. These stages allow for the classification of three levels of participation. The first factor is characterized by non-participation, manipulation, and manipulation. The second factor, tokenism, refers to appeasement, consultation, and information. At the second level, individuals are allowed to express their opinions and be heard, but they lack authority or assurance that politicians would genuinely consider their perspectives. The third factor pertains to the extent of citizen empowerment, the level of collaboration, the allocation of authority, and the level of oversight. At this stage, the community exerts influence on the policy-making process.

The development of Environmental Impact Assessment (EIA) Documents is a government policy that requires permission. Community engagement is essential in this process, from formulating policies to reviewing the EIA Documents. Active participation of the community is essential throughout all stages of the Environmental Impact Assessment (EIA) process. The individuals engaged reside and/or engage in activities within the vicinity of the proposed activity, commonly known as the impacted community. The term "environmental community" refers to individuals who are not residents or participants in the activity plan's site but express worry about the plan and its effects.<sup>14</sup> Community involvement is achieved by using transparency and openness principles, where the community assumes the role of a recipient, entitling them to access information pertaining to regulations or approvals to be granted. The community also assumes the contributor role, demonstrating its readiness to offer input or counterarguments to lawmakers.

During the Cement Plant Development conducted by PT Semen Indonesia (Persero) Tbk, the community and the individuals responsible for overseeing the business or activity must meet specific degrees of community involvement. These levels include, but are not limited to:<sup>15</sup>

1. During the first planning phase, the business leader communicates with the community to provide a clear and detailed description of the upcoming development project. Furthermore, the individual responsible for the enterprise also offers a venue for the community to seek advice and communicate thoughts or recommendations presented at the forum.

<sup>12</sup> Amir Muhiddin, "Community Participation in The Making of Local Regulations" III (April 2013): 1-9.

<sup>13</sup> Sumadi Kamaron Yakin, "Analisis Mengenai Dampak Lingkungan (Amdal) Sebagai Instrumen Pencegahan Pencemaran Dan Perusakan Lingkungan" 2 (March 2017): 113-31.

<sup>14</sup> H.J Mukono, "Kedudukan Amdal Dalam Pembangunan Berwawasan Lingkungan Yang Berkelanjutan (Sustainable Development)" 2 (July 2005): 19-28.

<sup>15</sup> Syaputri, "Partisipasi Masyarakat Dalam Penyusunan Analisis Mengenai Dampak Lingkungan Berdasarkan Uu No 32 Tahun 2009."

2. building Development: Engaging the community in the physical development project is crucial during this phase. This can be achieved by involving them in the building activity or informing them about the construction progress.
3. Plant Operationalization: At this level, the assessment focuses on the community's monitoring and supervision of the plant's activities. Is there a process in place to engage the community in monitoring environmental consequences and do they have access to information pertaining to plant operations.
4. Impact Monitoring allows the community to offer input or feedback regarding the effects of the development.
5. Collaborative Assessment and Enhancement: Communities actively assess the efficacy of their involvement and offer suggestions for enhancement. The degree of engagement can be determined by how much one actively participates in the evaluation and learning process.
6. Sustainable Development and Empowerment: Communities actively participate in sustainable development programs, encompassing skills training, education, and economic empowerment efforts. The community's involvement in the conception and execution of these activities demonstrates a significant degree of participation.

The several stages demonstrate that community engagement can be achieved when the stages are executed in collaboration with the community. Suppose PT Semen Indonesia (Persero) Tbk effectively engages the community in project planning, implementation, and assessment, as outlined in the aforementioned stages. In that case, the development has successfully adopted community participation in line with the theory of participation. Nevertheless, considering the timeline of the Cement Plant Development case by PT Semen Indonesia (Persero) Tbk in Rembang Regency, Central Java Province, it becomes evident that the individual responsible for the project failed to execute the initial planning phase effectively.<sup>16</sup>

The conflict emerged due to stakeholders' insufficient engagement during the cement plant's initial planning phase and the presence of jurisdictional ambiguity. The uncertainty arose from the environmental permit, Decree No. 660.1/17 of 2012, issued by the Governor of Central Java, which conflicted with pertinent laws and regulations:<sup>17</sup>

1. Law Number 7 of 2004 on Water Resources jo. Number 26 Year 2011 on the Determination of Groundwater Basins. The conservation of water resources takes place in groundwater basins, and the Watuputih Basin is one such designated basin. Regarding the law, particularly Article 37 paragraph (1), groundwater basins are limited water resources that can have significant and difficult-to-reverse consequences if they become degraded.
2. The National Spatial Plan is governed by Law Number 26 of 2007 on Spatial Planning jo – Government Regulation Number 26 of 2008. Geological protected areas are allocated for karst landscapes and locations that replenish groundwater. Geological Protected Areas (KLG) are designated and safeguarded by the government to conserve geological functions and mitigate environmental damage caused by human activities. The main purpose of establishing Key Biodiversity Areas (KLGs) is to protect geological variety and preserve natural resources.

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<sup>16</sup> Sri Wahyuni Et Al., "Konsistensi Putusan Hakim Terhadap Perkara Kerugian Lingkungan Hidup Di Indonesia," *Adliya: Jurnal Hukum Dan Kemanusiaan* 15, No. 2 (October 25, 2021): 81–102, <https://doi.org/10.15575/Adliya.V15i2.12909>.

<sup>17</sup> Sabungan Sibarani, "Kajian Hukum Putusan Ptun Semarang Nomor: 67/G/2013/Ptun.Smg Tentang Pertambangan Eksplorasi Yang Bertentangan Dengan Undang-Undang Lingkungan Hidup," *Bina Hukum Lingkungan* 1, No. 2 (April 30, 2017): 146–56, <https://doi.org/10.24970/Jbhl.V1n2.12>.

3. Law Number 32 of 2009 regarding Environmental Protection and Management, specifically in relation to the Governor of Central Java's order, has revealed legal deficiencies, misuse, inaccuracy, and/or falsification of data, papers, and/or information. This is evidenced by the inhabitants' insufficient participation in the socialization activities.
4. Regional Regulation of Central Java Province Number 6 of 2010 governing the Regional Spatial Plan of Central Java Province from 2011-2030 joined with Presidential Decree Number 26 of 2011 on the Recognition of Groundwater Basin designates the Watuputih Basin as a safeguarded water recharge area. This regulation discourages mining activities within the region.
5. Regional Regulation Number 14 of 2011, concerning the Regional Spatial Plan of Rembang Regency for 2011-2031, and Presidential Decree Number 26 of 2011, on the Determination of Groundwater Basins, specify that the Watuputih Basin is a protected water recharge area and must be safeguarded. However, the concession area exceeds the designated territory for large-scale mining operations.

The provided evidence shows that the environmental permit Number 660.1/17/2012 issued by the Governor of Central Java is in direct conflict with multiple laws and regulations in Indonesia. CAT Watuputih is a geologically preserved region subject to multiple legal provisions and restrictions that strictly forbid mining operations. Nevertheless, PT Semen Indonesia (Persero) Tbk was granted environmental permission Number 660.1/17, issued in 2012. This permit authorizes the company to carry out operations not covered by the conservation activities specified in current legislation. Hence, in contravention of relevant legislation and regulations, the environmental permit Number 660.1/17 of 2012 is deemed to be in violation.

#### **4. Conclusions**

The community expressed dissatisfaction with the construction of the Cement Plant by PT Semen Indonesia (Persero) Tbk, as they believed that their advice and input to the business manager and the Governor of Central Java, who issued a Decree granting environmental permits to PT Semen Indonesia (Persero) Tbk, were disregarded. Consequently, the community in the development area decided to take legal action by filing a lawsuit through the Administrative Court. Hence, it is imperative to incorporate community involvement in the EIA preparation procedure in strict adherence to the legal framework and the principles of effective participation. This can adversely affect the long-term viability of the development project and the community's well-being. Hence, the Government and the accountable commercial entities must ensure the active involvement of the community in the decision-making process concerning the preparation of Environmental Impact Assessment (EIA) documents. The author presents a number of recommendations based on the aforementioned conclusions:

1. There is a requirement for more comprehensive legislation concerning community involvement, particularly in creating laws and regulations and in approving documents such as the Environmental Impact Assessment (EIA) approval.
2. Development or mining is an endeavor that will significantly influence the environment and society. In order to obtain a development permit, it is necessary to provide an Environmental Impact Assessment (EIA) document as mandated by the law.
3. The conflicts in the environmental sector involving the government, the community, and PT Semen Indonesia (Persero) Tbk need to be openly handled in order to reach a mutually beneficial solution.

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