

# Reconstruction of Public Participation in The AMDAL Licensing Process in Indonesia

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**Abstract:** The Environmental Impact Assessment (AMDAL) licensing process in Indonesia faces significant challenges regarding meaningful public participation, particularly following the implementation of the Job Creation Law (UU Cipta Kerja). Objective: This research analyzes the urgency for reconstructing public participation mechanisms in AMDAL formation and proposes ideal regulatory frameworks for enhanced community involvement in environmental decision-making processes. This normative legal research employs conceptual and statutory approaches, utilizing qualitative descriptive analysis of legal materials including primary sources (legislation and court decisions) and secondary sources (legal literature and scholarly articles). The study reveals that post-Job Creation Law implementation has significantly restricted public participation scope, limiting involvement to only directly affected communities while excluding environmental advocates and civil society organizations from AMDAL processes. The transition from AMDAL Assessment Commission to Environmental Feasibility Assessment Team has further centralized decision-making authority and reduced community representation. Reconstruction of public participation mechanisms is urgently needed to restore meaningful community involvement, implement good environmental governance principles, and ensure transparency, accountability, and inclusive stakeholder engagement in environmental impact assessment processes.

**Keywords:** Environmental Impact Assessment; Public Participation; Environmental Law; Good Governance; Community Involvement.

## 1. Introduction

Indonesia, as an archipelagic state endowed with abundant natural resources, faces complex challenges in harmonizing economic development with environmental protection. The concept of sustainable development as mandated in Article 33 paragraph (3) of the 1945 Constitution affirms that "The land, water, and natural resources contained therein shall be controlled by the State and utilized for the greatest possible prosperity of the people." This indicates that the utilization of natural resources must take into account a balance between economic interests and environmental sustainability for the benefit of present and future generations.

The implementation of the principles of Pancasila democracy in environmental management emphasizes the importance of public participation in public decision-making through deliberation to reach consensus. In the context of environmental management, public participation becomes crucial, as the community is the party that directly experiences the impacts of every development activity undertaken [1].

Environmental Impact Assessment (AMDAL) as an instrument of environmental protection has become an integral part of Indonesia's environmental legal system since its introduction through Law Number 4 of 1982 [2]. AMDAL is defined as "a study of the significant impacts of a planned business and/or activity on the environment, which is

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required for the decision-making process regarding the implementation of the business and/or activity"[3].

Over its development, Indonesia's Environmental Impact Assessment (AMDAL) system has undergone significant evolution for more than 36 years, reflecting the political and bureaucratic changes that have occurred [4]. Bibliometric research indicates that publications related to Environmental Impact Assessment (AMDAL) and environmental impact assessment systems have experienced a sharp increase in recent years, reflecting growing academic attention to this issue [5].

Public participation in the Environmental Impact Assessment (EIA) process has become a significant focus of international research. Comparative studies indicate that Indonesia and India, as densely populated developing countries, share similarities in the evolution of their EIA processes, which have been shaped by public mobilization and judicial intervention [6].

However, the implementation of public participation in Indonesia's Environmental Impact Assessment (AMDAL) faces various structural obstacles. Research indicates that the ineffectiveness of public participation is caused by limitations in information dissemination and weaknesses in the discussion process [4]. Case analyses in various regions reveal inconsistencies between practice and prevailing regulations in the process of community engagement [1].

The enactment of Law Number 11 of 2020 concerning Job Creation has fundamentally changed the landscape of public participation in the Environmental Impact Assessment (AMDAL) process. This change limits public involvement to only "communities directly affected" and eliminates the role of environmental observers in the AMDAL process.

Recent research indicates that this restriction has the potential to violate the principles of the green constitution and the 1945 Constitution, which guarantee the right to public participation in environmental matters [7]. The normative legal study reveals that the concept of public participation under the Omnibus Law (Job Creation Law) falls within the second level (Tokenism) of Arnstein's model, meaning that public participation is limited to the submission of suggestions without any guarantee of their consideration in decision-making [8].

A bibliometric analysis of Scopus publications shows that research related to Environmental Impact Assessment (AMDAL) and public participation in Indonesia has experienced a significant increase, especially after 2015. However, compared to other countries in Southeast Asia, Indonesia is still relatively lagging behind in terms of scientific publication productivity in the field of environmental policy [9].

Scientometric studies have identified several emerging research areas, including environmental risk assessment, geo-accumulation index, and potential ecological risk [10]. However, there remains a gap in research that integrates legal aspects, public participation, and the implementation of Environmental Impact Assessment (AMDAL) within the Indonesian context. The current situation indicates the necessity for reconstructing the legal framework of public participation in the AMDAL process in Indonesia. Research shows that an environmental law paradigm based on ecocentrism can provide a stronger foundation for environmental legal policy. Efforts to strengthen the paradigm of environmental protection can be undertaken through the reconstruction of the 1945 Constitution by granting rights to the environment and establishing state obligations [11].

In the global context, the concept of eco-democracy, or ecological democracy, is emerging as a governance model that integrates democratic principles with environmental sustainability. Indonesia possesses significant potential to adopt eco-democracy, rooted in the values of Pancasila and the 1945 Constitution.

Based on literature analysis and current research trends, this study aims to analyze the reconstruction of public participation in the Environmental Impact Assessment (AMDAL) permitting process in Indonesia. The study is expected to provide a theoretical contribution to the development of a more inclusive and effective concept of public participation, as well as practical recommendations for improving the regulatory framework of AMDAL in Indonesia.

Through an interdisciplinary approach that integrates legal, political, and environmental perspectives, this research is expected to fill existing gaps in the literature and provide an empirical foundation for reforming the AMDAL system towards a more democratic and environmentally conscious framework in Indonesia.

## 2. Literature Review

### 2.1. Legal Certainty Theory

Gustav Radbruch's theory of legal certainty constitutes a foundational framework in jurisprudence that establishes three fundamental values of law: justice (*gerechtigkeit*), legal certainty (*rechtssicherheit*), and expediency (*zweckmassigkeit*). According to contemporary Scopus-indexed research, Radbruch interpreted legal certainty through four essential indicators: law as positive legislation, law based on factual foundations, clear formulation of legal facts to avoid misinterpretation, and the principle that positive law should not be easily changed. The theory emphasizes that justice serves as the supreme virtue that harmonizes all other virtues, while legal certainty provides the structural foundation for predictable legal outcomes [12].

### 2.2 Legal System Theory

Lawrence M. Friedman's legal system theory provides a comprehensive analytical framework comprising three interconnected components: legal structure, legal substance, and legal culture. Research demonstrates that Friedman's theory conceptualizes the legal system as a product shaped by contextual and historical factors, where legal structure encompasses the institutional framework created to support the system's operation. The legal substance component represents the output of the legal system, including regulations and decisions used by both governing and governed parties, while legal culture consists of values and attitudes that influence law's operation [13].

### 2.3 Pure Theory of Law

Hans Kelsen's Pure Theory of Law establishes a normative framework that separates law from political, moral, and social considerations, emphasizing law as a system of norms structured hierarchically. Indicate that Kelsen's theory is characterized by its focus on normativity, where law constitutes a system of norms rather than mere rules or commands, and by the separation of law and morality, distinguishing between legal and illegal actions without moral judgment. The theory's cornerstone concept, the *Grundnorm* or basic norm, serves as the hypothetical fundamental norm providing validity to the entire legal system, functioning as the ultimate source of legal authority [14].

## 3. Proposed Method

The type of research employed in this study is normative legal research, which requires the researcher to analyze various legal norms and principles contained within statutory regulations; this normative approach is supported by primary legal materials such as legislation and court decisions, as well as secondary legal materials including books and scholarly writings discussing Environmental Impact Analysis (AMDAL), environmental law, and losses arising from environmental licensing processes. The research utilizes a conceptual approach by examining theories and concepts related to environmental law, particularly in the context of AMDAL licensing procedures, and also applies a statute approach to validate theories and ascertain the mechanisms of environmental licensing as regulated by Indonesian law. The research is qualitative in nature, emphasizing an in-depth understanding of issues and viewing them on a case-by-case basis, while its character is prescriptive, describing and explaining the object based on factual occurrences. Data collection relies on library research, involving the examination of relevant legislation and the inventory of literature concerning environmental law and AMDAL licensing. The legal materials used consist of primary sources (such as the 1945 Constitution, Law No. 39/1999 on Human Rights, Law No. 32/2009 on Environmental Protection and Management, Law No. 11/2020 on Job Creation, and related government and Bank Indonesia regulations), secondary sources (books and scientific works on environmental law and AMDAL), and tertiary sources (internet articles discussing environmental issues and AMDAL licensing cases in Indonesia). The analysis technique employed is descriptive-qualitative, which involves describing and analyzing legal provisions while considering doctrines from books and scientific journals, as well as utilizing tertiary legal materials to support a comprehensive research outcome.

## 4. Results and Discussion

### 4.1. The Urgency of Efforts to Reconstruct Public Participation in the Issuance of Environmental Impact Assessments (AMDAL) in Indonesia

#### 4.1.1 Constitution as an Effort to Reconstruct Environmental Protection

The concept of Green Constitution represents a paradigmatic shift in constitutional law whereby environmental norms are constitutionalized as fundamental rights within the supreme law of the state. Indonesia's implementation of the Green Constitution concept is embodied in the 1945 Constitution of the Republic of Indonesia through Article 28H paragraph (1), which explicitly recognizes every citizen's right to a good and healthy environment, alongside Article 33 paragraphs (3) and (4) that mandate sustainable and environmentally-friendly national economic development. This constitutional framework establishes environmental protection as both a human right and a state responsibility, creating what scholars term "ecocracy" - a governance system that places environmental sovereignty equal to human sovereignty. The constitutional provisions are further operationalized through Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), which serves as the primary legislative instrument for environmental governance in Indonesia [11].

The UUPPLH significantly strengthens public participation in environmental decision-making through Article 65, which guarantees citizens' rights to environmental education, access to information, participatory involvement, and environmental justice. This participatory framework is grounded in three fundamental principles: providing complete and transparent information, ensuring equality among stakeholders, and resolving environmental conflicts fairly and simply. Research M Reza Saputra et.al demonstrates that public participation in Indonesia's environmental and forestry development is among the most meaningful globally, with communities actively engaging in forest conservation, waste management, and climate change mitigation efforts [15]. The legal framework establishes multiple avenues for public involvement, including the right to propose objections to development projects with potential environmental impacts, participation in environmental protection and management activities, and the ability to file complaints regarding suspected environmental pollution or damage.

Despite robust constitutional and legislative frameworks, Indonesia's Green Constitution implementation faces significant challenges that limit its effectiveness in achieving holistic environmental protection. The current constitutional orientation remains largely anthropocentric, prioritizing environmental preservation primarily for human interests rather than fully embracing ecocentric principles that recognize the intrinsic rights of nature. Additionally, recent legislative developments, particularly the Job Creation Act, have potentially reduced community involvement in Environmental Impact Assessment (EIA) processes, creating tensions with Green Constitution principles and potentially undermining transparency in business permit procedures [16]. Studies indicate that while Indonesia has established foundational elements for environmental democracy, with an overall Environmental Democracy Index score of 1.4 out of 3.0, there remain substantial gaps in access to information (1.8/3.0), public participation (1.2/3.0), and access to justice (1.3/3.0) [17].

Indonesia's Green Constitution development can benefit from comparative analysis with countries that have implemented more comprehensive environmental constitutional frameworks, such as Ecuador's constitution that explicitly recognizes the rights of nature, and France's Environmental Charter that affirms balanced environmental management [18]. The successful manifestation of Green Constitution principles requires reinforcement through placing environmental sovereignty equal to human sovereignty, affirming sustainable use of natural resources, and strengthening state responsibility for environmental protection [19]. Future implementation should focus on enhancing institutional capacity, improving legal standing for environmental NGOs in court proceedings, and developing comprehensive legal reforms that integrate environmental principles more holistically into Indonesia's constitutional framework [11]. The ultimate goal is to achieve what scholars term

"ecocracy" - a form of democratic governance that systematically integrates ecological considerations into all aspects of state administration and policy-making.

#### 4.1.2 Role of Community Participation in the Preparation of Environmental Impact Assessment (AMDAL) in Indonesia

Public participation in Environmental Impact Assessment (AMDAL) preparation in Indonesia operates within the theoretical framework of meaningful participation, which serves as a benchmark for creating inclusive and quality legislation<sup>1</sup>. The concept of meaningful participation, rooted in Sherry R. Arnstein's seminal 1969 work "A Ladder of Citizen Participation," emphasizes the importance of considering and responding to public input in regulatory formation processes [20]. This theoretical foundation establishes three fundamental principles: the right to be heard, the right to have opinions considered, and the right to receive explanations or responses to submitted opinions.

Arnstein's participation ladder categorizes public involvement into eight hierarchical levels, ranging from non-participation (manipulation and therapy) through tokenism (informing, consultation, and placation) to citizen power (partnership, delegated power, and citizen control)<sup>3</sup>. Within the Indonesian AMDAL context, research indicates that community participation typically operates at the tokenism level, specifically at the consultation stage, where public input is solicited but there is no guarantee that such input will be considered in final decision-making processes [8].

The legal framework governing public participation in AMDAL preparation has undergone significant transformation, particularly following the enactment of the Job Creation Law (Omnibus Law) No. 11 of 2020. Under the previous Environmental Protection and Management Law No. 32 of 2009, Article 26 mandated comprehensive community involvement, including affected communities, environmental observers, and parties influenced by AMDAL decisions. The law required transparent and complete information provision prior to activity implementation and granted communities the right to submit objections to AMDAL documents [7].

However, the Job Creation Law substantially modified these provisions, restricting participation to only "directly affected communities" and eliminating the roles of environmental observers and broader community stakeholders. This legislative change removed the requirement for transparent information provision and eliminated the public's right to object to AMDAL documents through administrative courts. The constitutional implications of these restrictions led to Constitutional Court Decision No. 91/PUU-XVIII/2020, which emphasized the necessity of meaningful public participation in legislative processes [11].

The practical implementation of public participation in AMDAL preparation operates through specific procedural mechanisms established by regulatory frameworks. The announcement phase requires project proponents to publicly disclose business plans and activities for a 30-day period, during which interested communities may submit written suggestions, opinions, and responses. This process includes mandatory consultation stages where affected communities participate in discussions regarding potential environmental impacts and proposed mitigation measures [8].

The Indonesian Environmental Impact Management Agency Decree No. 8/2000 further elaborated on public involvement procedures, establishing guidelines for community representation in AMDAL Assessment Commissions and defining the scope of interested parties. These regulations mandate that public participation occur throughout the AMDAL process, from terms of reference development through monitoring and evaluation phases<sup>1</sup>. However, implementation studies reveal significant gaps between regulatory requirements and actual practice, with limited meaningful engagement and insufficient consideration of community input in final decisions.

The post-Job Creation Law era has introduced substantial constraints on public participation effectiveness in AMDAL processes. Academic analysis indicates that the narrowed definition of "community" to only directly affected parties significantly reduces the scope of participation, excluding environmental advocates, civil society organizations, and communities with broader environmental concerns. This restriction contradicts international best practices that emphasize broad stakeholder engagement in environmental decision-making processes [7].

Research utilizing Scopus-indexed publications demonstrates that current participation levels in Indonesia align with Arnstein's tokenism category, where communities receive information and may provide input but lack substantive decision-making authority. Studies examining specific cases, such as the PT Semen Indonesia cement plant development in Rembang Regency, reveal persistent technical and institutional barriers to effective community engagement [21]. These limitations include inadequate information dissemination, limited consultation timeframes, and insufficient consideration of community feedback in final AMDAL documents.

The reduction of public participation in AMDAL preparation processes carries significant implications for environmental governance and human rights protection in Indonesia. Constitutional guarantees under Article 28H(1) of the 1945 Constitution establish the right to a healthy environment, which necessitates meaningful participation in environmental decision-making processes. The restriction of participation rights undermines these constitutional protections and contradicts principles of good governance and transparency.

From a green constitution perspective, effective AMDAL processes require expanded participation beyond human stakeholders to include consideration of non-human entities such as rivers, mountains, and ecosystems. This ecocentric approach emphasizes the need for comprehensive environmental protection through inclusive participation mechanisms. The current regulatory framework's emphasis on economic efficiency over environmental protection and community rights represents a significant departure from sustainable development principles and international environmental law standards.

## **4.2 Ideally, the Regulation Concerning Community Participation in the Formation of Environmental Impact Assessment (AMDAL) in Indonesia**

### **4.2.1 The Regulatory Journey Concerning Environmental Law in Indonesia**

Indonesia's environmental law development has been profoundly shaped by international environmental movements, particularly the Stockholm Declaration of 1972, which marked the first global dialogue between industrialized and developing nations on environmental issues. The Stockholm Conference established fundamental principles that subsequently influenced Indonesia's national environmental policy framework, leading to the adoption of Presidential Decree No. 16 of 1972 concerning the Formation of Government Planning Committee for Environmental Development. This international influence continued with the Rio Declaration of 1992, which introduced critical principles such as the precautionary principle that have been incorporated into Indonesia's contemporary environmental legislation [22].

The constitutional foundation for environmental protection in Indonesia was established through Article 28H paragraph (1) of the 1945 Constitution, which guarantees every citizen's right to a good and healthy environment as a fundamental human right. This constitutional mandate was operationalized through successive legislative developments, beginning with Law No. 4 of 1982 concerning Basic Provisions for Environmental Management, which was subsequently replaced by Law No. 23 of 1997 on Environmental Management. The most significant contemporary framework emerged with Law No. 32 of 2009 concerning Environmental Protection and Management, which represents a comprehensive approach to environmental governance, incorporating international principles while addressing Indonesia's specific environmental challenges [23].

The regulatory landscape faced significant transformation with the enactment of the Job Creation Law (Omnibus Law) in 2020, which substantially modified environmental protection mechanisms established under Law No. 32 of 2009. These modifications included the elimination of the Environmental Assessment Commission (Komisi Penilai Amdal), restrictions on public participation in Environmental Impact Assessment (AMDAL) processes to only directly affected communities, and the removal of environmental permits as separate licensing requirements. The changes have generated substantial academic and civil society concern regarding the potential weakening of environmental safeguards, particularly the limitation of stakeholder participation and the dilution of strict liability principles for environmental damage.

Indonesian environmental law enforcement operates through three distinct legal instruments: administrative, civil, and criminal law mechanisms. Despite the comprehensive legal framework, implementation challenges persist, including inadequate coordination between agencies, insufficient resources for monitoring and enforcement, and conflicts between economic development priorities and environmental protection objectives. The effectiveness of criminal sanctions in achieving deterrent effects and the need for enhanced integration of environmental impact assessments into decision-making processes. The regulatory journey demonstrates Indonesia's commitment to environmental protection while highlighting the complex balance required between economic development and environmental sustainability in the world's largest archipelagic nation [23].

#### **4.2.2 Public Participation as a Key Point for Environmental Protection and Management in the Environmental Protection and Management Act (UU PPLH)**

Public participation constitutes a fundamental cornerstone of environmental protection and management under Indonesia's Environmental Protection and Management Law (UUPPLH), establishing comprehensive legal frameworks that provide extensive opportunities for community engagement in environmental governance. The UUPPLH explicitly recognizes environmental organizations as organized groups of individuals voluntarily formed with objectives and activities related to environmental matters, representing a critical manifestation of public participation in environmental stewardship. This legislative framework has adopted numerous legal principles to provide broad access to communities, particularly environmental organizations, enabling them to be responsive, participatory, and applicative in exercising their environmental rights through mechanisms such as actively participatory concepts for citizens and environmental organizations including NGOs/CSOs, which subsequently give rise to legal standing, citizen suits, class actions, and other participatory legal instruments [6].

The scope of public participation in environmental management extends beyond individual involvement in various regulations or administrative decisions to encompass collective participation by groups and organizations within society, as effective participation can transcend individual capabilities both in terms of financial capacity and knowledge expertise, making the role of groups and organizations essential, particularly those operating in the environmental sector. Environmental organizations are frequently involved in environmental licensing activities, most notably in the preparation of Environmental Impact Assessments (AMDAL), which hold strategic importance in environmental protection and management as instruments for preventing environmental pollution and maintaining corporate stability objectives. Originally, Article 26 of the UUPPLH stipulated that environmental observers, including environmental organizations, could participate in AMDAL preparation, but this provision was subsequently amended through the Job Creation Law to limit participation to only communities directly affected by planned business activities. However, Government Regulation No. 22 of 2021 Article 29(2) provides that Environmental Observers, researchers, or accompanying civil society organizations that have fostered and/or accompanied directly affected communities may be involved as part of the directly affected community, while Article 35 requires the Feasibility Review Team to involve the public in submitting suggestions, opinions, and responses to business plans and activities, though the Environmental Feasibility Review Team must filter submitted inputs to select relevant contributions [11].

#### **4.2.3 The Enactment of the Job Creation Law Expanding Public Participation in Environmental Affairs**

The enactment of Indonesia's Job Creation Law (UU Cipta Kerja) has fundamentally transformed the landscape of public participation in environmental governance, creating a paradoxical framework that ostensibly expands community involvement while simultaneously constraining meaningful participation through procedural gatekeeping mechanisms. Under the revised regulatory framework, particularly through Government Regulation No. 22 of 2021, environmental organizations and civil society groups remain involved in Environmental Impact Assessment (AMDAL) processes, but their participation is now subject to a filtering mechanism administered by the Feasibility Test Team (TUK), which has the authority to

determine the relevance of input from environmental watchdogs and non-governmental organizations [24].

This screening process fundamentally alters the nature of public participation by requiring that suggestions, opinions, and responses from environmental advocates pass through TUK evaluation before being incorporated into AMDAL preparation, with no clear criteria established for determining what constitutes "relevant" input. The law grants TUK the discretionary power to independently invite environmental organizations or NGOs when deemed necessary, effectively removing communities' autonomy to select their own representative organizations and potentially creating opportunities for the selection of organizations that align with permit applicants' interests rather than genuine environmental protection [25].

This transformation has significantly undermined the independence of environmental organizations in their traditional roles as communication facilitators between affected communities and regulatory authorities, environmental watchdogs responsible for monitoring compliance and enforcement, and legal advocates capable of exercising standing rights to represent both human and environmental interests in judicial proceedings. The regulatory changes have eliminated several critical participatory mechanisms, including the removal of community objection rights to AMDAL documents, the elimination of the principle of Free, Prior and Informed Consent, and the restriction of participation to only directly affected communities, thereby constraining the broader public interest representation that environmental organizations previously provided [24].

Despite claims of expanding participation, scholars argue that these modifications represent a fundamental retreat from meaningful public engagement, transforming what was once substantive community involvement into a largely formalistic exercise that prioritizes business facilitation over environmental protection and democratic participation. The implementation of this framework raises significant concerns about the erosion of environmental governance principles, as it potentially compromises the essential oversight function that independent civil society organizations have historically provided in ensuring environmental compliance and protecting community rights in development projects.

#### **4.3 The Contribution of the Ministry of Environment in Environmental Impact Assessment (AMDAL) in Indonesia**

The Ministry of Environment and Forestry (KLHK) plays a pivotal role in Indonesia's Environmental Impact Assessment (AMDAL) system through the implementation of good governance principles, stakeholder theory application, and risk-based environmental management approaches as mandated by Law No. 32 of 2009 on Environmental Protection and Management. The Ministry has established a comprehensive regulatory framework for AMDAL, including Government Regulation No. 27 of 2012 on Environmental Licenses, which serves as the implementing regulation for Articles 33, 41, and 56 of the aforementioned law, requiring businesses to obtain environmental permits before commencing operations.

In the context of good environmental governance, KLHK has implemented transparency mechanisms through the Directorate of Environmental Impact Prevention for Business and Activities, although research indicates persistent challenges in information accessibility and public participation, particularly following regulatory changes introduced by the Omnibus Law. The Ministry has developed a stakeholder management approach in AMDAL processes, recognizing the importance of identifying and engaging various stakeholders, including project proponents, affected communities, and environmental organizations, with research by Li Li et al. demonstrating that government and consumer stakeholder power consistently influences management compliance with environmental responsibility issues in Indonesia [26].

Furthermore, KLHK has implemented a risk-based environmental assessment system as an integral part of AMDAL, incorporating Environmental Risk Assessment (ERA) methodologies to evaluate potential hazards and impacts before implementing preventive measures. To enhance AMDAL effectiveness, the Ministry has launched digital transformation initiatives, notably the Amdalnet system a geospatial-based environmental document information system that serves as a centralized service platform for environmental approvals, representing a significant advancement in modernizing environmental permit processes.

Despite these contributions, KLHK faces persistent challenges in AMDAL implementation, including limited institutional capacity, coordination difficulties between central and regional governments, and enforcement weaknesses, with research highlighting the need for strengthened regulatory design and law enforcement to protect environmental and indigenous rights. The Ministry's efforts to integrate Environmental, Social, and Governance (ESG) frameworks into AMDAL processes represent a positive trend toward sustainability, as evidenced by Indonesia's growing role in the global ESG ecosystem, particularly in renewable energy transition and improved governance in both public and private sectors [26].

The recent separation of KLHK into the Ministry of Forestry and the Ministry of Environment under the 2024-2029 Merah Putih Cabinet presents an opportunity for more focused and effective environmental management, potentially enhancing AMDAL implementation through improved coordination, capacity building, and technological innovation to address the complex environmental challenges facing Indonesia [15].

## 5. Conclusions

Based on the analysis conducted, it can be concluded that there is an urgent need to reconstruct public participation in the AMDAL licensing process in Indonesia. This urgency arises due to the restriction of public roles following the enactment of the Omnibus Law, which has narrowed the scope of participation to only those directly affected. Such a condition contradicts the principle of meaningful participation, which should allow all stakeholders, including environmental observers and civil society organizations, to be actively involved in every stage of the AMDAL process. Furthermore, the implementation of AMDAL in Indonesia still faces structural and institutional challenges, such as limited institutional capacity, weak inter-agency coordination, and ineffective environmental law enforcement, thus requiring comprehensive improvements to achieve optimal environmental protection.

The government needs to revise the provisions regarding public participation in the Omnibus Law and its derivative regulations to broaden the scope of public involvement in the AMDAL process. This effort must be accompanied by strengthening the institutional capacity of the Ministry of Environment and Forestry (KLHK), developing digital information systems for monitoring and evaluation, and empowering the public through education and improved access to information. Additionally, it is essential to develop more accessible and responsive environmental dispute resolution mechanisms and to strengthen the legal standing of environmental organizations so that they can effectively advocate for the interests of the community and the environment.

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