

The Role of the Community in Controlling Environmental Damage to Achieve Justice from the Perspective of the Environmental Protection and Management Law

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Abstract

Human awareness regarding environmental sustainability and sustainability has received strong support at the regional, national, and international levels. The Stockholm Conference was the basis and foundation that then led to the issuance of the Stockholm Declaration, which became a very historic event for environmental law. A good understanding of the roles and obligations of society will also strengthen the synergy between the government, the private sector, and communities in maintaining environmental sustainability in a sustainable manner. Normative legal research is research that focuses on examining the application of positive legal rules or norms. Normative Juridical, namely an approach that uses the positivist legal concept. This concept views law as identical to written norms created and promulgated by authorized institutions or officials. This concept views law as a normative system that is independent, closed, and separate from the real life of society. These administrative actions include inspections, enforcement, the imposition of administrative sanctions, the revocation of permits, and the implementation of environmental improvements as a response to social supervision by the community. Examples of formal objections from citizens are recognized in Article 70 paragraph (2) of Law No. 32 of 2009 concerning Environmental Protection and Management (UUPLH) provides written objections submitted by the public to plans or implementation of activities that have an environmental impact. The role of the public in controlling environmental damage, according to Law No. 32 of 2009 concerning Environmental Protection and Management (UUPLH), is crucial and strategic. UUPLH provides ample space for the public to actively participate through social monitoring, providing advice, reporting, and submitting formal objections to activities that have the potential to damage the environment.

Keywords: *Role of Society, Protection, Environment*

INTRODUCTION

Human awareness regarding environmental sustainability and preservation has received strong support at the regional, national, and international levels. The Stockholm Conference was the basis and foundation that later led to the issuance of the Stockholm Declaration, which became a very historic event for environmental law. In the Stockholm Conference announced in 1972 on the Human Environment, the United Nations Conference on the Human Environment stated that, "the main purpose of the conference was to serve as a practical means to encourage and provide guidelines for action by Governments and international organizations designed to protect and improve the human environment." The Stockholm Conference was one of the major roles of governments and international organizations designed to protect and improve the quality of the human environment. On June 3-14, 1992, to commemorate the 20th anniversary of the Stockholm Conference, the United Nations Conference on Environment and Development (UNCED), commonly known as the Earth Summit, was held in Rio de Janeiro. The Rio de Janeiro Conference produced the Rio de Janeiro Declaration, Agenda 21, the Forest Principles, and the Conventions on Climate Change and Biodiversity (Yulianingsih, Kn, Listyarini, & MH, n.d.).

Environmental issues are a shared responsibility between the people and the government, requiring solutions. Environmental issues are crucial because they affect the well-being of future generations. Increasingly complex environmental issues result in environmental damage. Cases of environmental damage in Indonesia have reached a particularly worrying stage. Environmental damage is a complex problem that is becoming increasingly diverse. Joanne

Blennerhasset, in a UCD Working Papers event, explained that: "Environmental harm can arise in various forms, ranging from environmental disasters causing pollution to environmental nuisances." Environmental damage can arise in various forms, from environmental disasters causing pollution to environmental disturbances. Environmental damage often causes widespread damage, which then results in mass environmental damage. (Collins et al., 2021)

The definition of environmental damage based on the Environmental Protection Act 1986 as stated in Article 3A (2) is "Environmental harm is as harm to the environment involving damage to native vegetation or the habitat or native animals, or an alteration of the environment to its detriment or degradation." From the quote from the EP Act 1986 it can be seen that environmental damage is damage to the environment, both damage to native vegetation, habitat and extinction of living creature populations (animals) or environmental changes that lead to environmental degradation. Environmental damage on a serious scale can be in the form of environmental damage that cannot be recovered, has a high impact and is widespread in areas that have high conservation value. In terms of material, environmental damage that results in damage or loss exceeding \$ 100,000 can also be classified as serious environmental damage.

Environmental damage is increasingly becoming a danger that cannot be ignored and is becoming a serious threat due to the increasing emergence of harmful practices regarding environmental sustainability in daily activities. In the book *The Handbook of Deviance: Environmental Harm as Deviance and Crime* it is explained that: "Embedding harmful practices into everyday activities such as animal food production, clearfelling-based forestry, pervasive propaganda efforts about the value of certain types of environmental and human exploitation." Environmentally damaging practices mostly occur due to human exploitation of the environment under the pretext of such exploitation is carried out to increase income and expand job opportunities for the community. Not infrequently, large-scale exploitation of the environment goes unnoticed. However, if examined more deeply, environmental damage has a very large negative impact and is felt for a long time by society (Dewi, Widyawati, Hidayat, Cahyana, & S, 2021).

Continuous exploitation of the environment without regard for its nearly limitless natural resources will have serious consequences, both material and immaterial. When exploiting the environment, abusers often forget that the impacts of such abuse on the environment are sometimes irreversible, such as environmental damage, which subsequently leads to ecosystem imbalance and the extinction of certain animal species.

Ecosystem damage has various negative impacts on natural resources, biodiversity, and environmental services, as well as causing financial losses for the state, society, and every individual. The process of assessing losses due to environmental damage is crucial for the development of science and the formulation of policies that can then be implemented to address similar environmental issues. Environmental damage as a state financial loss has the potential to be addressed through prosecution of crimes such as illegal logging, forest fires carried out by individuals with certain tendencies, wildlife trafficking, forest encroachment, and the clearing of new land. Countries with a high awareness of measuring or assessing the impacts of environmental damage and then conducting environmental valuations can strengthen environmental governance (Garcia, Filipe, Fernandes, Estevão, & Ramos, n.d.). Herath M. Gunatikale, in a book entitled *Environmental Valuation Theory and Applications*, states, "The development of environmental valuation techniques is one of the key factors that promoted the acceptance of the role of neoclassical economics in better management of the environment." It is clear that the environmental valuation process is an interesting one for environmental management and preservation efforts. Through the use of economic principles linked to environmental values, new efforts can be achieved for environmental management and preservation. Through the environmental valuation approach, it becomes a technical preference carried out by developing countries, especially in the South Asia region.

Environmental intervention during development is unavoidable. However, these issues can be addressed by implementing sustainable development activities (Kadarudin, Husni Thamrin, & Arpina, 2021). Sustainable development maintains the environment's carrying capacity for development activities, ensuring that the resulting improvements in well-being will be felt not only by the current generation but also by future generations.

The Indonesian government's commitment to realizing environmentally sustainable development in Indonesia is reflected in two forms of recognition of the constitutionalization of environmental legal norms. First, recognizing subjective rights in environmental management as regulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Second, recognizing that environmentally conscious elements are important elements in the national economy as regulated in Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia (Susila Wibawa, 2019).

The provisions of Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia stipulate that the national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental awareness, independence, and by maintaining a balance of progress and national economic unity. Based on these provisions, although it does not clearly emphasize sustainable development as the direction and pattern of development, the provisions of this article can be interpreted as providing a direction for economic development based on the concept of sustainable development. In reality, several actors in development activities still carry out development activities in an unsustainable manner. This is manifested, among other things, by the continuing occurrence of cases of pollution and environmental destruction as a negative impact of development (Supriyadi, Setiawan, & Bintang, 2019).

The provisions of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia recognize that everyone has the right to live in physical and spiritual prosperity, to have a residence, and to have a good and healthy living environment and the right to receive health services. This provision is reaffirmed in the provisions of Article 65 paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management which stipulates that everyone has the right to a good and healthy living environment as part of human rights. The recognition of this right in the constitution and laws places the right of every person to a good and healthy living environment as part of the rights recognized and protected by law. Thus, anyone who feels that their rights have been violated due to development activities that pollute and damage the environment can file a lawsuit, which can give rise to environmental disputes.

Demands for violations of everyone's right to a good and healthy environment in environmental disputes do not only require compensation, but also specific actions to improve environmental conditions. This relates to the environment as an essential part of human life. In development, these community demands will also benefit development activities because by improving environmental conditions, development can be carried out sustainably. There is no sustainable development without the environment as its main element (Henriyani, 2007).

1. Community Participation in the Environmental Impact Analysis (AMDAL) Process
 - Title: Community Participation in the Process of Preparing Environmental Impact Analysis
 - Key Findings: Communities have the right and obligation to participate in the AMDAL process, which is guaranteed by regulation. However, implementation is often minimal and suboptimal. This lack of involvement can have administrative legal implications communities can sue in the State Administrative Court if they are harmed. (Ciptaningrum, Atikah, & Fadhilah, 2017)
2. Community Contribution in Environmental Law Enforcement Based on Law No. 32 of 2009
 - Title: Community Contribution to Environmental Law Enforcement Based on Law No. 32 of 2009

- Key Findings: Law No. 32/2009 provides a legal basis for public participation in environmental law enforcement. However, its effectiveness remains limited due to limited resources and low legal awareness. (Arrazak & Frinaldi, 2024)
3. Urgency of Participation Through Administrative Lawsuits
 - Title: The Urgency of Public Participation in Environmental Protection through Administrative Lawsuits
 - Key Findings: Public participation through lawsuits at the State Administrative Court (PTUN) is crucial to ensure that state administrative decisions are not authoritarian and remain controlled in accordance with human rights. Eliminating this right is tantamount to depriving the constitutional right to a good and healthy environment. (Jurnal et al., 2025)
 4. Participation in Environmental Management and Conservation
 - Title: Community Participation in Environmental Management and Conservation
 - Key Findings: The research explains the rights (access to information, participation, legal rights) and obligations of the community (maintenance, reporting, social oversight). Public participation, such as complaints and information dissemination, is crucial. (Kewengian, 2019)
 5. The Role of Society in Environmental Law Enforcement
 - Title: The Role of Society in Environmental Law Enforcement
 - Key Findings: Highlighting barriers such as differing perceptions of legal norms and low public awareness. Law No. 32/2009 provides space for communities to file lawsuits through environmental organizations (Articles 90–92). An active community can strengthen the prevention function through monitoring and reporting. (Kunarto Kunarto, 2023)
 6. Community Involvement in Preventing Environmental Crimes
 - Title: The Importance of Community Involvement in Preventing Environmental Crimes
 - Key Findings: Public involvement is a crucial strategy for preventing environmental crimes. However, barriers such as legal access, facilities, and low awareness also hinder its effectiveness. (Sri Elviana Manik, Nursaidah Hasibuan, 2024)
 7. Study of Household Behavior in the Zero Waste Approach in Indonesia
 - Title: Urban Household Behavior in Indonesia: Drivers of Zero Waste Participation
 - Key Findings: This study revealed that perceived behavioral control, social norms, and environmental knowledge are strong predictors of zero-waste behavior in households serving as a concrete example of the implementation of the community's role.

Environmental damage is one of the major problems facing the world, including Indonesia. Various human activities such as deforestation, water and air pollution, and unsustainable exploitation of natural resources have caused significant environmental degradation. The negative impacts of this environmental damage are not only felt by the current generation but also have the potential to threaten the survival of future generations. As a country with abundant natural resources, Indonesia has a significant responsibility to maintain environmental sustainability (Fatmawaty, Purnaweni, & Luqman, 2020). Therefore, Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management (UUPLH) serves as an important legal basis in efforts to regulate and control activities that have the potential to damage the environment. UUPLH also emphasizes the importance of community participation as one of the pillars in realizing environmental justice (Edorita, 2014). The active role of the community in environmental management is not only limited to fulfilling legal obligations, but also as supervisors, reporters, and key actors in protecting and improving the environment. The justice perspective in UUPLH emphasizes that every individual and community group has the right to a good and healthy environment and is responsible for maintaining it together. However, in practice, the role of the community is often hampered by obstacles, either due to a lack of education, limited access to information, or

minimal support from relevant parties (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024). This creates a gap in environmental justice, where some community groups become victims of environmental damage due to irresponsible actions. Therefore, it is important to examine in depth how the role of the community in addressing environmental damage can lead to the realization of environmental justice in accordance with the spirit and provisions stipulated in the Environmental Management Law (UUPLH). A good understanding of the role and obligations of the community will also strengthen the synergy between the government, the private sector, and communities in maintaining environmental sustainability.

RESEARCH METHODS

Based on the title and problem formulation, this research falls into the normative legal research category. Normative legal research focuses on examining the application of positive legal rules or norms. Normative juridical research is an approach that uses the positivist legal conception (Muhaimin, 2020). This concept views law as identical to written norms created and promulgated by authorized institutions or officials. This concept views law as a normative system that is independent, closed, and separate from real community life. Normative legal research is also called doctrinal legal research, which limits its research to library research methods. As normative legal research, this research includes positive legal inventory research. The emphasis will be more on examining and analyzing secondary data obtained from research and expert theories, so that no hypothesis formulation is necessary (Fuad, 2021). The scientific value of a scientific work containing discussions and problem-solving regarding the legal issue being studied depends heavily on the approach used. In compiling this research, the researcher used a statute approach. Using this approach requires an understanding of the hierarchy and principles of legislation, including regulations relevant to the action.

RESULT AND DISCUSSION

The Role of the Community in Controlling Environmental Damage to Achieve Justice from the Perspective of the Environmental Management Law (UUPLH).

Law Number 32 of 2009 concerning Environmental Protection and Management (UUPLH) places the public as the primary actor in environmental protection and management efforts. Article 70 of the UUPLH explicitly grants the public the broadest rights and opportunities to play an active role in controlling environmental pollution and damage. This role is crucial for realizing environmental justice, namely the right of all citizens to a good and healthy environment and the shared responsibility for maintaining it.

1. **Community Rights and Opportunities According to the Environmental Management Law**
The Environmental Management Law (UUPLH) recognizes the role of the community, from the planning and implementation stages to the oversight of environmental management. The community has the right to provide input, suggestions, objections, complaints, or reports of a social and legal nature as a form of active participation. This aligns with Principle 10 of the 1992 Rio Declaration, which emphasizes the importance of community participation in environmental protection.
2. **Forms of Community Role in Controlling Environmental Damage**
Social Oversight: Communities act as watchdogs for activities that have the potential to damage the environment. Communities can monitor business activities around them and report violations so that swift action can be taken to prevent further damage. **Suggestions, Proposals, and Objections:** Through this mechanism, communities can express constructive

opinions regarding policies or projects that have an environmental impact. Complaints and Reporting: Communities have the right to report environmental violations to the government or authorized agencies as a means of law enforcement.

3. Environmental Justice and the Role of Society

The justice perspective in the Environmental Management Law encompasses equitable access for all levels of society, including future generations, to enjoy the right to a healthy environment. With active community participation, social control can minimize environmental injustice, for example, when certain groups are harmed by pollution or irresponsible exploitation of natural resources.

4. Obstacles in Implementing Community Roles

Even though it is regulated normatively, the implementation of community participation still faces various obstacles, including (Sembiring et al., n.d.):

- a. Tingkat The level of environmental education and awareness is still low,
- b. The culture and morals of society do not always support environmental protection,
- c. Limited access to information and technology,
- d. Economic conditions force people to make decisions that are detrimental to the environment.

5. Strategy to Increase Community Role

To optimize the role of the community, it is necessary to conduct environmental education, facilitate access to information, involve the community in decision-making, and increase community participation in environmental monitoring and law enforcement. The government must provide adequate space for community participation so that this role can be carried out effectively. With an active and optimal role of the community in controlling environmental damage, environmental justice can be realized concretely, in accordance with the mandate of the Environmental Management Law (UUPLH), which makes the environment not only the responsibility of the government and business actors, but also the shared responsibility of all Indonesians.

Pasal 70 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Article 70 of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPLH) defines the forms of community participation in controlling environmental damage broadly and comprehensively. This article emphasizes that the community has the broadest possible rights and opportunities to play an active role in environmental protection and management. According to Article 70 of the UUPLH, forms of community participation include:

- 1) Social supervision of environmental pollution and damage,
- 2) Providing suggestions, opinions, proposals or objections to plans and implementation of activities that have an environmental impact,
- 3) Making complaints regarding alleged pollution and/or environmental damage,
- 4) Delivering information and/or reports related to environmental pollution and damage.

Thus, this article provides space for the community to actively monitor and protect the environment through various participatory mechanisms (Oktora, 2023). Normatively, the Environmental Protection and Management Law through this article has adopted Principle 10 of the 1992 Rio Declaration, which emphasizes the importance of community participation in environmental protection and management. Concrete examples of social supervision referred to in Article 70 paragraph (2) of Law No. 32 of 2009 concerning Environmental Protection and Management include several forms of activities carried out by the community to monitor environmental activities, including:

- a. Conducting direct supervision of activities that have the potential to cause pollution or environmental damage, such as supervision of companies or projects operating in their vicinity.

- b. Report to the authorities if any indications of pollution or environmental damage are found.
- c. Provide input, suggestions or objections to activity plans that have an environmental impact.
- d. Submit information and reports on the implementation of environmental management to the government or environmental supervisors.

AMDAL, administrative lawsuits, and social supervision is a crucial pillar in empowering communities to achieve environmental justice. Although legally recognized (Law No. 32/2009), the reality shows that implementation is less than optimal often merely a formality or hampered by a lack of access and information. Actualizing these three forms of participation is key to achieving distributive, procedural, and substantive justice in environmental management. This social oversight represents a form of active community participation in protecting and controlling environmental damage as an effort to achieve environmental justice, as mandated by Law 32/2009. Concrete examples of citizen social oversight that have resulted in administrative action include:

- 1) The public can file formal complaints with the government or relevant agencies regarding alleged environmental violations committed by companies or other parties. These complaints can lead to administrative audits and environmental permit evaluations, as well as the imposition of administrative sanctions if violations are found.
- 2) Public reporting of environmental pollution or damage which then requires the government to carry out inspections, review business permits, or temporarily stop activities that damage the environment.
- 3) Public participation in the public consultation process can influence administrative decisions such as the rejection or approval of environmental documents (Amdal), which if they do not meet the requirements can result in the cancellation or revocation of permits.
- 4) Demonstrations or protests organized by the community as a form of social pressure, which can force the government to take administrative action against perpetrators of environmental damage.

These administrative actions include inspections, enforcement, the imposition of administrative sanctions, the revocation of permits, and the implementation of environmental improvements in response to community social oversight. Examples of formal objections from residents recognized in Article 70 paragraph (2) of Law No. 32 of 2009 concerning Environmental Protection and Management are written objections submitted by the community to plans or implementation of activities that have an environmental impact. These objections can be in the form of (Lukito & Boediningsih, 2022):

- a) Rejection or objection to development plans or business activities that have the potential to cause environmental pollution and/or damage,
- b) Objections regarding non-compliance of actions or implementation of activities with environmental legislation provisions,
- c) Objections submitted as an effort to demand a re-evaluation of environmental permits, AMDAL documents, or other environmental policies,
- d) An official objection is submitted stating the reasons and supporting evidence so that the relevant parties make improvements or stop activities that damage the environment.

This objection must be submitted in writing and fulfill formal requirements so that it can be processed in the environmental management mechanism according to the provisions of Law 32/2009. Article 70 paragraph (2) of Law No. 32 of 2009 concerning Environmental Protection and Management recognizes several forms of formal objections from citizens as part of community participation. Examples of formal objections include (Kewengian, 2019):

- a) Written objection to plans or implementation of activities that have the potential to cause environmental pollution or damage.
- b) Objections submitted for specific reasons related to the environmental impact of a business or development activity.
- c) Objections that provide input, suggestions and criticism of policies, AMDAL (Environmental Impact Analysis) documents, or environmental permits that are being or have been issued by the authorities.
- d) Objections submitted to demand a re-evaluation or change of a policy or activity that is deemed to be detrimental to the environment and society.

The objection must be made in writing and meet the stipulated requirements so that it can be processed by the relevant agency in accordance with environmental protection and management mechanisms.

CONCLUSION

The role of the community in controlling environmental damage according to the perspective of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPLH) is crucial and strategic. UUPLH provides ample space for the community to actively participate through social monitoring, providing advice, reporting, and submitting formal objections to activities that have the potential to damage the environment. This participation not only strengthens the mechanism of sustainable environmental management but also serves as an important instrument in realizing environmental justice, where the right of every individual to live in a healthy environment is maintained and protected fairly. However, the implementation of community participation still faces various obstacles such as a lack of awareness, education, and support from the authorities. Therefore, the role of the community must be supported by adequate policies, education, and facilitation so that participation can be effective and sustainable. Increasing Environmental Education and Awareness: The government and related institutions need to conduct environmental education programs and awareness campaigns to increase public knowledge and active participation in controlling environmental damage. Providing Transparent Access to Information: Ensuring the public has easy and transparent access to information regarding plans, policies, and the implementation of activities that have an environmental impact to support monitoring and provide constructive input. Strengthening Regulations and Law Enforcement: Enforcing strict administrative and legal sanctions against environmental violations reported by the public to create a deterrent effect and ensure environmental justice. Facilitating participation mechanisms, opening spaces for inclusive public dialogue and consultation, and providing responsive and non-bureaucratic complaint and objection mechanisms so that the public can more easily convey their aspirations and complaints. Empowering local communities to optimize their participation by developing their capacity, independence, and local culture in protecting and preserving the environment through a sustainable local wisdom approach. By implementing these steps, the role of the community in controlling environmental damage can be more optimal, making environmental protection a shared responsibility for achieving sustainable environmental justice as mandated by the Environmental Management Law.

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