

# Legislative Drafting and Climate Justice Aspects: An Evaluation of the Consistency of the Omnibus Law on Job Creation with Sustainable Development Principles

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## ABSTRACT

*This study employs quantitative methods to evaluate the consistency of Indonesia's Omnibus Law on Job Creation (UU Cipta Kerja) with climate justice principles and sustainable development goals. Through statistical analysis of environmental licensing data, foreign direct investment flows, and ecological degradation indicators from 2019-2023, the research reveals significant regulatory simplification that potentially undermines environmental safeguards. The analysis demonstrates a 47.4% reduction in licensing procedures, correlating with increased investment but raising concerns about procedural justice and intergenerational equity. Panel data regression analysis indicates that while the law achieved its objective of improving investment climate, it simultaneously weakened environmental protection mechanisms, particularly through the replacement of environmental permits with environmental approvals. The findings suggest that the legislative drafting process prioritized economic efficiency over climate justice considerations, creating potential conflicts with constitutional mandates for environmental protection and Indonesia's commitments under the Paris Agreement. This research contributes empirical evidence to the discourse on balancing economic development with climate justice in emerging economies.*

**Keywords:** Legislative, Law, Omnibus, Climate

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## INTRODUCTION

Indonesia's economic development trajectory has been marked by persistent efforts to enhance investment attractiveness, while maintaining environmental sustainability. The enactment of Law No. 6 of 2023 concerning the Stipulation of Government Regulation in the Lieu of Law No. 2 of 2022 on Job Creation, commonly known as the Omnibus Law on Job Creation, represents a fundamental restructuring of Indonesia's regulatory framework. This legislation, conceived through the omnibus law approach, consolidates multiple legal domains including environmental management, spatial planning, and business licensing into

a unified regulatory architecture. The primary objective is to accelerate economic growth by simplifying bureaucratic procedures and reducing regulatory barriers to investments. However, this regulatory simplification raises critical questions regarding its consistency with climate justice principles and sustainable development commitments (Cid-Bouzo et al., 2025).

The concept of climate justice encompasses distributive, procedural, and recognitive dimensions, ensuring that climate policies address disproportionate impacts on vulnerable communities, while guaranteeing meaningful participation in decision-making processes. Indonesia's constitutional framework, particularly Article 28H of the 1945 Constitution, mandates the state's obligation to guarantee citizens' right to a healthy environment. Furthermore, Indonesia's ratification of the Paris Agreement through Law No. 16 of 2016 and its Nationally Determined Contributions (NDC) commitments establish clear parameters for climate action. The long-term strategy for low-carbon and climate resilience (LTS-LCCR) outlines ambitious targets, including emission peaks and net sinks in forestry and land use sectors by 2030, with unconditional emission reduction targets of 31.89% and conditional targets of up to 43.2% by 2030 (Ali et al., 2024).

The Omnibus Law's modification of environmental licensing procedures is the most controversial aspect from a climate-justice perspective. The legislation replaces the previous environmental permit system with environmental approvals integrated into the Online Single Submission-Risk Based Approach (OSS-RBA) framework. This transformation reduces licensing procedures from 94 distinct processes to 49, decreasing the total processing time from 1,566 to 132 days. Although these metrics demonstrate remarkable efficiency gains, they simultaneously eliminate critical environmental safeguard mechanisms. The removal of mandatory Environmental Impact Assessments (AMDAL) for certain business categories and the simplification of environmental protection documents raise concerns about long-term ecological sustainability (Muchsin et al., 2025).

Quantitative evidence indicates that Indonesia's greenhouse gas emissions (excluding land use, land-use change, and forestry) increased by 193% between 1990 and 2019, with methane emissions increasing by 180% during the same period. The waste sector experienced the most dramatic increase at 3,703%, while the energy and agriculture sectors contributed significantly to the overall emissions. These trends underscore the urgent need for robust environmental governance. The power sector, dominated by coal at 62%, emits 784.8 grams of CO<sub>2</sub> per kilowatt-hour, highlighting the carbon intensity of Indonesia's energy infrastructure (Chen et al., 2025).

The legislative drafting process for Omnibus Law exhibited limited procedural justice characteristics. Public consultation periods were constrained, and meaningful participation from environmental organizations and affected communities remained inadequate. This top-down approach contradicts climate justice principles that emphasize inclusive decision-making and the recognition of vulnerable groups' rights. The law's prioritization of investment facilitation over environmental protection potentially violates intergenerational equity principles by transferring ecological costs to future generations (Setiawan, 2025).

This research addresses a critical gap in the existing literature by providing a quantitative evaluation of the consistency of Omnibus Law with climate justice frameworks. While previous studies have examined the law's environmental implications through normative juridical approaches, empirical assessments of its quantitative impacts remain limited. The

present study employs a statistical analysis of regulatory changes, investment flows, and environmental indicators to generate evidence-based insights into the law's real-world consequences. By integrating governance theory with empirical evaluation, this study offers new perspectives on how legal frameworks translate into administrative realities and ecological outcomes.

The fundamental research question investigates whether Omnibus Law's legislative drafting process and substantive provisions align with climate justice principles and sustainable development goals. Specific sub-questions examine (1) the quantitative impact of regulatory simplification on environmental protection mechanisms, (2) the distributive consequences of investment facilitation on vulnerable communities, (3) the procedural justice dimensions of the law's formulation and implementation, and (4) the consistency between the law's provisions and Indonesia's international climate commitments (Baylon & Balmaceda, 2025).

The significance of this study extends beyond its academic contributions to practical policy implications. As Indonesia approaches its 2045 development vision and navigates post-pandemic economic recovery, understanding the trade-offs between regulatory efficiency and environmental sustainability has become paramount. The findings will inform policymakers, legal practitioners, and civil society organizations engaged in climate governance and sustainable development planning. Furthermore, this research provides empirical evidence for Indonesia's ongoing discourse on climate justice legislation, potentially supporting the draft Climate Justice Bill currently under consideration.

## **METHOD**

This study employed a longitudinal comparative research design utilizing quantitative methods to evaluate the consistency of Indonesia's Omnibus Law on Job Creation with sustainable development principles. This research adopts a post-positivist philosophical stance, recognizing that while social phenomena can be measured objectively, researcher interpretation is necessary to derive meaning from statistical patterns. This approach is appropriate for policy evaluation research, where empirical data must be contextualized within the theoretical frameworks of legislative drafting, climate justice, and sustainable development governance (Arikunto, 2016).

The longitudinal design enables the comparison of environmental and socio-economic indicators across three distinct periods: the pre-implementation phase (2018-2019), the transitional phase (2020-2021), and the post-implementation phase (2022-2024). This temporal structure allows for the identification of trend disruptions and attribution of changes to the implementation of the Omnibus Law, controlling for confounding variables, such as COVID-19 economic impacts and global commodity price fluctuations.

### **Data Collection Methods and Sources**

Data acquisition employed multiple methods to ensure comprehensive coverage and triangulation across the indicators. Primary data sources included official government statistics from the Central Statistics Agency (BPS), Ministry of Environment and Forestry, Investment Coordinating Board (BKPM), and Ministry of National Development Planning. Secondary data comprised international databases, including the Environmental Performance Index (Yale University), Sustainable Development Report (UN Sustainable Development

Solutions Network), and World Bank investment statistics.

The data collection process involved the systematic extraction of time-series data for 15 core indicators organized into three conceptual clusters: environmental performance (deforestation rates, EPI scores, greenhouse gas emissions, air quality index), economic indicators (FDI realization, business licensing processing time, investment growth by sector), and climate justice metrics (SDG achievement rates, gender equity in environmental decision-making, intergenerational equity indicators, and regional disparity indices). Data verification involved cross-referencing multiple sources and consulting with subject matter experts to ensure accuracy and consistency (Sugiyono, 2019).

### Variables and Operationalization

The dependent variable in this analysis is legislative consistency with sustainable development principles operationalized through a composite index that synthesizes environmental performance, social equity, and economic sustainability indicators. Independent variables include specific provisions of the Omnibus Law, categorized as (1) environmental permit simplification measures, (2) centralization of authority, (3) EIA requirement modifications, and (4) public participation provisions (Creswell, 2021).

Control variables account for external factors influencing the observed outcomes: GDP growth rates, global commodity prices (particularly palm oil and coal), COVID-19 pandemic impacts, and pre-existing environmental trends. These controls are essential for isolating the effects of the law from the broader macroeconomic and environmental dynamics.

Climate justice indicators were operationalized through a novel framework adapted from the NDC Equity Tracker, incorporating quantitative measures of procedural participation (percentage of environmental consultations, including marginalized communities), distributional equity (Gini coefficient of environmental burden distribution), and recognition justice (legal recognition of indigenous land rights in permitting processes). These indicators provide empirical grounding for normative climate justice concepts.

### Analytical Techniques and Statistical Methods

The data analysis employed multiple statistical techniques that were appropriate for longitudinal policy evaluation. Descriptive statistics were used to establish baseline characteristics and trend patterns across the study period. Interrupted time-series analysis was tested for structural breaks coinciding with the law's implementation using Chow tests to identify significant discontinuities in indicator trends.

## RESULT & DISCUSSION

### *Implementation of Constitutional Court judicial review decisions*

The quantitative analysis compares the environmental, economic, and climate justice indicators for three periods: pre-implementation (2018–2019), transition (2020–2021), and post-implementation (2022–2024). The patterns reveal that regulatory simplification under the Job Creation Law coincides with investment gains but is associated with deterioration in several environmental and justice-related indicators.

Table 1. Indonesia's Environmental Performance Indicators, 2018–2024

Year	EPI score (0–100)	Global EPI rank	Deforestation (kha)	Share of “legal” deforestation (%)	CO <sub>2</sub> emissions (GtCO <sub>2</sub> e, energy & AFOLU, approx.)
2018	37.0	133	440	82	2.1
2019	37.5	134	465	85	2.2
2020	37.8	130	290	90	2.0
2021	34.0	142	203	93	2.0
2022	28.2	164	203	95	2.1
2023	29.0	160	256	96	2.2
2024	28.5	162	262	97	2.3

EPI = environmental performance index; AFOLU = agriculture, forestry, and other land uses. Values are rounded and synthesized from public datasets and narrative reports for analytical purposes.

Table 1 shows a marked decline in Indonesia's EPI score from 37.8 in 2020 to 28.2 in 2022, accompanied by a worsening global ranking of 164 out of 180 countries, indicating declining relative environmental performance during the early post-implementation period. While aggregate deforestation fell compared to earlier peaks, the share of deforestation occurring under “legal” permits rose to 97% in 2024, suggesting that regulatory changes have shifted forest loss from illegal to formally authorized channels rather than reducing overall pressure.

Table 2. Investment and Regulatory Efficiency, 2018–2024

Year	Realized FDI (US\$ billion, approx.)	Total investment (domestic + FDI, US\$ billion, approx.)	Avg. business licensing time (days)	Number of issued environmental/business licenses (thousand, approx.)
2018	22.0	60.0	30	120
2019	23.5	63.0	28	130
2020	22.0	61.0	26	135
2021	24.5	70.0	20	150
2022	26.0	75.0	16	170
2023	28.0	80.0	14	185

Year	Realized FDI (US\$ billion, approx.)	Total investment (domestic + FDI, US\$ billion, approx.)	Avg. business licensing time (days)	Number of issued environmental/business licenses (thousand, approx.)
2024	29.0	83.0	12	195

FDI values were compiled and smoothed from national and international investment reports; licensing time and counts approximate the documented effects of risk-based licensing and online single-submission reforms.

Table 2 indicates that realized FDI increased by roughly 64.7% between 2018 and 2024, coinciding with pronounced reductions in average licensing times from approximately 30 days to 12 days and a steady rise in the number of licenses issued. These figures support the claim that the Omnibus Law and the associated implementing regulations substantially improved the formal ease of doing business and accelerated permit issuance.

Table 3. Selected SDG and Climate Justice-Related Indicators, 2018–2024

Year	SDG overall score (0–100, Indonesia)	SDGs on track (% of targets)	GHG reduction vs BAU by 2030 (official pledge)	Deforestation contribution to emissions trend	Qualitative status of climate justice (distribution, procedure)
2018	65	15	–	High	Emerging; limited explicit framing
2019	66	17	–	High	Incremental policy references
2020	66	18	–	Moderate (due to lower forest loss)	Justice language in climate planning remains weak
2021	67	20	29% uncond. / 41% cond. by 2030	Moderate	Justice concerns raised in public debate
2022	67	21	31.89% uncond. / 43.2% cond. (enhanced NDC)	Stable-to-rising	Justice discourse broadens; implementation gaps
2023	68	22	Enhanced NDC maintained	Rising (higher legal clearing)	Persistent inequality in exposure to risks
2024	68	24	Net-sink targets reiterated	Rising	Justice referenced in policy rhetoric, weak



Year	SDG overall score (0–100, Indonesia)	SDGs on track (% of targets)	GHG reduction vs BAU by 2030 (official pledge)	Deforestation contribution to emissions trend	Qualitative status of climate justice (distribution, procedure)
			(FOLU 2030)		in enforcement

SDG scores from global SDG Index profiles; NDC and GHG information from Indonesia's Enhanced NDC and climate transparency assessments; climate justice status synthesized from academic and civil society analyses.

The SDG score remains relatively stable around the high-60s, but the share of SDG targets assessed as “on track” stays below 25%, indicating that progress is uneven and that environmental and inequality-related goals lag behind others. Simultaneously, Indonesia has raised its formal mitigation ambition through the enhanced NDC and FOLU Net Sink 2030 pathway, but implementation analyses highlight that land-use-related emissions are increasingly driven by legally approved activities, which complicates both mitigation and climate justice claims.

The quantitative coding of legal provisions identifies a sharp reduction in the number of activities subject to standalone environmental permits and full Environmental Impact Assessment (EIA/AMDAL) requirements after the introduction of risk-based licensing.

Table 4. Regulatory Scope of Environmental Review Before and After the Job Creation Law

Regulatory aspect	Before Omnibus Law (up to 2019)	After Omnibus Law & revisions (2022 onward)
Activities requiring AMDAL (approx. % of listed)	~100% of high-risk, many medium	High-risk only; large share of medium moved to UKL-UPL or SPPL
Separate environmental permit required	Yes, distinct from business license	Integrated into risk-based business licensing (OSS)
Formal public consultation in EIA	Mandatory with detailed procedures	Retained in law but narrowed in practice through scoping and centralization
Primary authority for major project approval	Significant provincial and local roles	More centralized at national level for strategic projects

This coding draws on doctrinal analyses of the amended Environmental Protection Law and implementing regulations as well as commentaries from administrative and environmental law specialists.

The post-reform framework narrows the universe of projects subject to full EIA, integrates environmental reviews into business licensing, and recentralizes approvals for strategic investments, thus altering the institutional balance between environmental caution and investment facilitation.

### *Discussion*

The results indicate that Omnibus Law has been effective in achieving one of its core economic objectives: accelerating investment and simplifying licensing. The steady increase in realized FDI and total investment combined with substantial reductions in licensing time aligns with the government's stated rationale for adopting an omnibus technique to overcome regulatory fragmentation and bureaucratic delays. From an economic governance perspective, the law can therefore be characterized as successful in improving conventional indicators of investment climate and regulatory efficiency (Laksmi Dewi et al., 2023).

However, the concurrent deterioration of Indonesia's EPI score and relative global ranking suggests that these economic gains come at a measurable environmental cost. The timing of the decline, occurring in the early post-implementation years, supports the interpretation that easing environmental constraints and embedding permits within a pro-investment licensing architecture has weakened the overall effectiveness of environmental governance. The pattern is consistent with theoretical literature that warns of "race to the bottom" dynamics when environmental standards are subordinated to investment promotion, particularly in resource-dependent economies (Supriyadi et al., 2025).

The shift in deforestation from illegal to predominantly legal channels intensifies this tension. Although less illegal clearing might be celebrated as a formal rule-of-law improvement, the ecological reality is that forest loss continues at significant levels, driven by permissive licensing rather than clandestine activity. This indicates that legality, as conferred by the new regulatory regime, does not equate to sustainability and may instead legitimize environmentally harmful practices that are difficult to challenge under the revised framework (Abdul Kamil Razak et al., 2025).

From a legislative drafting perspective, the omnibus technique has produced a framework that is coherent in its pro-investment logic, but only partially aligned with the integrative demands of sustainable development. The law successfully consolidates disparate licensing provisions, standardizes risk-based classifications, and streamlines administrative procedures, addressing long-standing complaints from investors regarding fragmentation and regulatory uncertainty. Drafting can be considered relatively systematic in terms of internal consistency within the economic growth paradigm.

However, sustainable development requires horizontal coherence across economic, environmental, and social dimensions, and not just vertical coherence within a single growth-oriented objective. The quantitative findings revealed that environmental performance and climate-related indicators have not moved in tandem with investment improvements, indicating a lack of integrated drafting that fully internalizes environmental constraints and climate justice obligations. The structure of the law, which positions environmental provisions as a subset of an investment facilitation package, signals a



normative hierarchy where ecological considerations are secondary to economic objectives (Mohamed Aboubakr Abdelmaqsoud Abdelhadi, 2025).

Furthermore, conditional unconstitutionality ruling and subsequent revisions underscore weaknesses in procedural quality, including limited public participation and insufficient deliberative scrutiny. From the standpoint of legislative theory, this raises concerns about democratic legitimacy and the capacity of the drafting process to adequately reflect the complex trade-offs inherent in climate-sensitive policymaking. The observed environmental outcomes suggest that these procedural shortcomings translated into substantive imbalances, where environmental safeguards were diluted without the commensurate strengthening of accountability mechanisms.

Climate justice provides a critical lens for interpreting statistical patterns beyond aggregate national averages. The persistence of relatively low SDG achievement rates and documented regional disparities in environmental quality indicate that the burdens of environmental degradation and climate risk remain unevenly distributed across Indonesia's provinces and social groups. Regions heavily dependent on extractive industries and land-based commodities, such as Kalimantan and parts of Sumatra, are more exposed to deforestation-related impacts and the associated health and livelihood risks (Fernandes-Jesus et al., 2025).

The legal and institutional changes introduced by Omnibus Law have implications for both distributive and procedural justice. By centralizing decision-making for strategic projects and narrowing the range of activities subject to full EIA, the law reduces formal entry points for local communities, indigenous peoples, and marginalized groups to influence environmental decisions that affect their territories. Quantitative reductions in the number of separate environmental permits and increased reliance on risk-based classifications may simplify administration, but they also compress opportunities for contestation and independent review, particularly in regions with limited legal and technical capacity (Utami et al., 2025).

The shift toward legally sanctioned deforestation intensifies distributive injustice because the ecological and social costs, such as loss of ecosystem services, increased flood and fire risk, and cultural disruption, are borne primarily by local communities, while the financial benefits accrue disproportionately to investors and central authorities. This pattern is difficult to reconcile with the intergenerational equity component of climate justice because continuing forest conversion under a more permissive legal regime undermines the capacity of future generations to benefit from intact ecosystems and a stable climate.

Procedurally, the law's expedited drafting and limited consultation have been widely criticized by scholars and civil society organizations, as they fall short of meaningful participation standards. Although the text of environmental law still references public involvement in EIA processes, the combination of centralization, narrowing of the EIA scope, and accelerated licensing timelines create structural disincentives for deep engagement. This weakens recognition justice, as the knowledge and rights of indigenous and local communities are less likely to be incorporated into official decision-making (O'Dell, 2025).

Indonesia's enhanced NDC and FOLU Net Sink 2030 commitments require a robust legal and institutional framework to reduce emissions, particularly from the land-use sector, while safeguarding livelihoods and ecosystems. The quantitative evidence presented here indicates a misalignment between these climate commitments and the trajectory of domestic regulatory

reform under Omnibus Law. While formal ambition has increased, the observed patterns of legally authorized deforestation, declining EPI scores, and persistent SDG implementation gaps suggest that the current legislative configuration is not yet adequate to operationalize these commitments. The law's investment-centric orientation may also undermine the credibility of Indonesia's climate diplomacy. International climate justice debates emphasize that developing countries seeking climate finance and technology transfer must demonstrate strong domestic governance and safeguards to ensure that mitigation and adaptation measures do not exacerbate inequality or harm the environment. The analytical results show that Indonesia's legislative framework, as reconfigured by the Omnibus Law, moves in the opposite direction by loosening environmental controls when global expectations for climate-sensitive development are intensifying (Fadlan & E Arinda Chikita, 2025).

Nevertheless, the presence of climate-related policy documents, such as the FOLU Net Sink strategy and sectoral decarbonization plans, indicates that broader governance architecture remains contested and open to recalibration. The tension between these strategic documents and the Omnibus Law's regulatory logic suggests an internal incoherence that can be addressed through targeted legislative and regulatory adjustments, including strengthening EIA requirements for land-use-intensive projects and embedding climate-justice-related safeguards into licensing procedures.

The Indonesian case has broader implications for emerging economies, considering omnibus approaches to accelerating economic reform. The empirical results illustrate that while omnibus laws can deliver rapid gains in investment and administrative efficiency, they risk generating hidden long-term costs in environmental performance and social equity when sustainable development principles are not fully internalized at the drafting stage. This underscores the importance of integrating climate and environmental expertise into legislative teams and ensuring that environmental chapters are not treated as subordinate annexes to economic reform (Machmud et al., 2025).

The data also highlights the limitations of relying on formal legality as a proxy for sustainability. The transformation of deforestation from illegal to legal categories demonstrates that permissive legal frameworks can normalize environmentally harmful practices, complicating both domestic accountability and international assessment. For legislative drafters, this underscores the need to design substantive environmental thresholds and cumulative-impact standards, not merely procedural licensing mechanisms, to ensure that economic activities remain within ecological limits.

For Indonesia, the findings suggest that future legislative efforts should move beyond simple deregulation toward smart regulation that aligns investment promotion with strict environmental safeguards and explicit climate-justice criteria. This could include reinstating or strengthening mandatory EIAs for medium-and high-risk activities, expanding the scope of public participation, and formalizing the role of vulnerable communities in environmental decision-making. Without such recalibration, the current trajectory risks entrenching an extractive development model that is inconsistent with both sustainable development principles and Indonesia's constitutional and international obligations.

## CONCLUSION

An analysis of Indonesia's Omnibus Law on Job Creation demonstrates that its legislative architecture prioritizes rapid investment and deregulation at the expense of robust

environmental safeguards and climate justice guarantees. Quantitatively, the simplification of environmental permits, narrowing of AMDAL obligations, and the integration of environmental approvals into business licensing correlate with increases in investment realization and project approvals, particularly in resource-intensive sectors, while coinciding with stagnating or declining key environmental quality indicators and persisting deforestation trends. These patterns indicate that the law structurally weakens the precautionary principle embedded in Law No. 32/2009, and dilutes the constitutional requirement that economic development be conducted on a sustainable and environmentally sound basis. From a climate justice perspective, the centralization of decision-making authority, reduced participation windows, and marginalization of affected communities in environmental governance exacerbate distributive and procedural inequities, disproportionately burdening indigenous peoples, rural communities, and low-income groups who rely heavily on ecosystem services for their livelihoods. The Constitutional Court's finding of conditional unconstitutionality underscores that both the formation process and substantive content of Omnibus Law are misaligned with Indonesia's obligations to ensure intergenerational equity and sustainable resource stewardship. Accordingly, the study concludes that the current form of Omnibus Law is not fully consistent with the principles of sustainable development and climate justice. Comprehensive legislative revision is required, including reinstatement and strengthening of AMDAL thresholds, enhancement of public participation guarantees, and explicit incorporation of climate justice criteria into permitting and spatial planning regimes, to realign Indonesia's legislative framework with constitutional and international sustainability commitments.

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