

## Public Access to Environmental Information in Indonesia: Reformulating AMDAL Governance through Regulatory and Digital Integration

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<p>Keywords: public access, environmental information, AMDAL, digital governance, regulatory reform.</p>	<p><b>Abstract</b></p>
<p>Submitted: 10/11/2025</p>	<p>Public access to environmental information constitutes a fundamental component of environmental governance, particularly within the Environmental Impact Assessment (AMDAL) framework in Indonesia. However, in practice, such access remains constrained by substantive, procedural, and institutional limitations. This study aims to examine the current state of public access to AMDAL information and to propose a reformulation of AMDAL governance through regulatory strengthening and digital integration. Employing a normative juridical method with statutory and conceptual approaches, the study reveals that access to AMDAL information is predominantly procedural and fails to ensure substantive transparency, completeness, and accessibility. Regulatory overlaps and the underutilization of electronic systems, including the Environmental Information System (SILH) and emerging digital platforms, further weaken public oversight. Additionally, regulatory changes under Law No. 11 of 2020 on Job Creation have reduced explicit guarantees of information access rights. This study offers a novel contribution by proposing an integrated governance model that combines regulatory reform with a unified digital information system to enhance transparency and public participation. Strengthening such integration is essential to ensure accountability and effective environmental protection in Indonesia.</p>
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## INTRODUCTION

As a regulatory foundation for Environmental Impact Assessment (AMDAL), Government Regulation Number 27 of 2012 concerning Environmental Permits (hereinafter referred to as the Environmental Permit Regulation) guarantees public participation as one of the stakeholders in both the preparation of AMDAL documents by the project proponent and the issuance of environmental permits by the Government. This framework aims to ensure that the environmental permitting process subsequently transformed into environmental approval under Law Number 11 of 2020 concerning Job Creation (hereinafter referred to as the Job Creation Law) is conducted in a transparent, effective, accountable, and high-quality manner.

From a juridical perspective, public participation plays a significant role in environmental protection and management, particularly as a mechanism of oversight (control) in enforcing the law against actions that may cause environmental damage, pollution, or degradation (Wibawa, 2019). Effective public participation extends beyond individual capacity, thereby necessitating the involvement of groups and environmental organizations. Through the participatory principle enshrined in Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the Environmental Protection Law), public voices are recognized as essential in decision-making processes and in the implementation of environmental governance, both directly and indirectly (Hardjasoemantri, 2005).

The primary objective of involving the public in the AMDAL and environmental permitting processes is to ensure that communities obtain information regarding proposed business activities that may have significant environmental impacts. In practice, however, public access to such information continues to face substantial challenges. Notably, in cases involving PT Semen Gresik in Central Java and the coal-fired power plant project of PT Cirebon Energi Persada, environmental permits were issued without adequately fulfilling the objectives of public participation and access to AMDAL information as mandated by the Environmental Protection Law and the Environmental Permit Regulation.

These cases occurred prior to the COVID-19 pandemic, when public disclosure obligations could be carried out directly within affected communities. In contrast, during the pandemic, pursuant to Circular Letter of the Ministry of Environment and Forestry Number SE.7/PKTL/PDLUK/PLA.4/4/2020 dated 27 April 2020 concerning the Implementation of Environmental Document Assessments in Emergency Response to COVID-19, public consultations may be conducted via video conferencing facilitated by the project proponent under the supervision of the AMDAL Assessment Commission. However, coordination difficulties between project proponents and local communities, coupled with access restrictions in certain regions, raise critical concerns regarding how affected communities can effectively exercise their right to access environmental information. Based on the foregoing issues, this study seeks to examine the problem under the title: **“Public Access to Environmental Information in Indonesia: Reformulating AMDAL Governance through Regulatory and Digital Integration.”**

## RESEARCH METHODS

This study adopts a normative juridical (doctrinal) research method aimed at examining the legal framework governing public access to environmental information within the Environmental Impact Assessment (AMDAL) regime in Indonesia. Normative legal research is concerned with the analysis of legal norms as embodied in statutory regulations, judicial decisions, and legal doctrines, with a view to assessing their

coherence, consistency, and effectiveness within the system of positive law (Marzuki, 2011).

To ensure analytical depth, this research employs a combination of the statute approach, conceptual approach, and case approach. The statute approach is utilized to examine relevant legislative instruments, including Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 11 of 2020 concerning Job Creation, Government Regulation Number 27 of 2012 concerning Environmental Permits, and other implementing regulations (Ibrahim, 2012). This approach enables a systematic analysis of the regulatory framework governing AMDAL and public access to environmental information.

The conceptual approach is applied to analyze legal doctrines and theoretical frameworks relating to public participation, transparency, and the right to environmental information. This includes examining principles of environmental governance, such as transparency, accountability, and participatory rights, as recognized in both national and international legal discourse. Through this approach, the study constructs a normative foundation for evaluating the adequacy of existing legal provisions. Furthermore, the case approach is employed by analyzing relevant judicial decisions, particularly environmental permit disputes, to assess how legal norms are interpreted and applied in practice. The case approach provides insight into judicial reasoning and highlights discrepancies between normative regulations and their implementation. Legal materials used in this study consist of primary legal materials (statutory regulations and court decisions), secondary legal materials (legal literature, journal articles, and expert opinions), and tertiary legal materials (legal dictionaries and encyclopedias). These materials are analyzed qualitatively through legal interpretation methods, including statutory interpretation and systematic interpretation.

Accordingly, this methodological framework enables a comprehensive evaluation of the existing regulatory regime and supports the formulation of a restructured model of AMDAL governance through regulatory strengthening and digital integration to enhance public access to environmental information in Indonesia.

## **RESULTS AND DISCUSSION**

### **Fulfilment Of Public Access Rights To Amdal Information In Indonesia**

Article 65 of Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the Environmental Protection Law) recognizes five fundamental environmental rights. Among these rights, access to environmental information constitutes a legally guaranteed entitlement of the public. The right to environmental information represents a logical consequence of the public's right to participate in environmental management, which is grounded in the principle of transparency as stipulated under Article 5(2) of the Environmental Protection Law. This right serves as a foundational element for enhancing both the value and effectiveness of public participation in environmental governance, while simultaneously enabling individuals and communities to realize their right to a good and healthy environment.

AMDAL documents constitute a core component of environmental information which, pursuant to the elucidation of Article 65(2) of the Environmental Protection Law, must be accessible to the public alongside other forms of environmental information. However, in practice, the fulfilment of public access rights to AMDAL information continues to encounter several significant challenges, as elaborated below:

## Absence of Substantive Information on Potential Impacts and General Impact Mitigation Concepts

This issue is exemplified in the revocation case of the environmental permit granted to PT Semen Gresik (Persero) in Rembang, where the announcement of the proposed business activity failed to disclose potential environmental damage or pollution that could arise from the project. Despite such omissions, the environmental permit was nevertheless issued. This clearly contravenes the provisions of Minister of Environment Regulation Number 17 of 2012 concerning Guidelines for Public Participation in Environmental Impact Assessment and Environmental Permits, which requires disclosure of potential environmental impacts (such as wastewater discharge, air emissions, and potential social unrest) as well as general mitigation measures. This deficiency illustrates a fundamental weakness in the fulfilment of the right to essential environmental information, which directly affects the quality of AMDAL documents. Such information is crucial for affected communities, as it forms the basis upon which they may submit suggestions, opinions, and responses (SPT), which in turn significantly influence the preparation of the Terms of Reference (Kerangka Acuan/KA). The KA serves as the foundational framework for the preparation of the Environmental Impact Analysis (ANDAL) and the Environmental Management and Monitoring Plan (RKL-RPL), which collectively constitute the AMDAL document.

### Documentation of Public Suggestions, Opinions, and Responses

Indonesian regulations impose obligations concerning the documentation of public suggestions, opinions, and responses (SPT), both by project proponents and government authorities. Such documentation plays a critical role in the AMDAL process, as it is utilized in the preparation of the Terms of Reference and serves as a basis for determining environmental feasibility.

However, current regulatory frameworks do not provide a clear mechanism enabling the public to access or verify how their inputs are documented and considered in decision-making processes. In practice, information published through official platforms, such as the Public Information and Documentation Officer (PPID) websites, lacks transparency regarding whether and how public inputs have been incorporated. This lack of transparency undermines public oversight, as guaranteed under Article 70 of the Environmental Protection Law. By contrast, jurisdictions such as the Netherlands and the United States provide publicly accessible records of stakeholder input in environmental assessments, thereby strengthening accountability and transparency (Transparency & Accountability Initiative, 2017).

### Substantive Deficiencies in Environmental Permit Announcements

The announcement of environmental permit applications constitutes the primary form of information disclosure mandated by the Government, typically disseminated through digital platforms and public notice boards. However, in practice, such announcements frequently fail to meet the minimum substantive requirements prescribed by law.

For instance, environmental permit announcements issued by local governments such as those of Malang City, Central Java Province, and West Java Province have failed to provide essential information regarding access to AMDAL documents, including:

- Information on where the public may obtain relevant AMDAL documents (approved Terms of Reference, draft ANDAL, and RKL-RPL); and/or

- Accessible links enabling the public to download such documents.

The absence of such information undermines the very purpose of public announcements, which is to facilitate meaningful public participation. Without access

to key AMDAL documents, the public cannot effectively formulate informed suggestions, opinions, and responses.

Based on the foregoing analysis, it is imperative to reform the information dissemination system to ensure transparency and substantive compliance in the provision of environmental information within the AMDAL process. This reform is essential to prevent the recurrence of cases such as PT Semen Gresik, where public participation was treated merely as a formal procedural requirement, rather than as a substantive right. Judicial decisions in such cases have emphasized that public participation must encompass:

access to information regarding environmentally significant activities;  
the ability to submit opinions and responses;  
involvement in decision-making processes; and  
participation in environmental permitting procedures.

Furthermore, the COVID-19 pandemic has exacerbated pre-existing structural challenges in the fulfilment of public access rights to AMDAL information, particularly in relation to transparency, inclusiveness, and procedural fairness. Emergency measures adopted during the pandemic—such as restrictions on physical gatherings and the accelerated use of digital consultation mechanisms—were not always accompanied by adequate safeguards to ensure that affected communities could meaningfully participate in environmental decision-making processes.

In cases such as the AMDAL revision process of PT Freeport Indonesia in Mimika, these limitations became evident. Affected communities were not sufficiently provided with access to AMDAL documents in a timely and accessible manner, nor were they effectively involved in public consultations conducted under pandemic-related constraints. The shift toward online or restricted consultation formats often failed to account for disparities in digital access, levels of legal awareness, and socio-economic conditions of local populations. As a result, participation tended to become formalistic rather than substantive, thereby undermining the core objective of public involvement in environmental governance.

These conditions illustrate that, rather than serving as a catalyst for more adaptive and inclusive governance, the pandemic in many instances deepened the marginalization of communities in accessing environmental information. Consequently, the fulfilment of public access rights has become increasingly constrained in the post-pandemic context, raising concerns regarding the legitimacy and accountability of environmental decision-making processes.

Accordingly, further evaluation and reform of the AMDAL information dissemination system are necessary, particularly in strengthening legal guarantees and institutional mechanisms that ensure effective public oversight. This includes the need to establish minimum standards for information accessibility, enhance transparency obligations for project proponents, and ensure that digitalization efforts are complemented by inclusive, community-based approaches. Strengthening these aspects is essential to ensure that project proponents comply not only with formal procedural requirements but also with the substantive principles of environmental information disclosure, namely openness, participation, and accountability.

#### **Public Oversight Systems in Enhancing the Fulfilment of Public Access Rights to AMDAL Information in Indonesia**

The foregoing analysis demonstrates that the existing regulatory framework governing information disclosure mechanisms has not effectively realized the principles of information provision as originally embodied in the Environmental Protection Law prior to its amendment by the Job Creation Law, namely transparency, completeness,

and prior disclosure before implementation. The substantive inadequacy of information provided by project proponents should, in principle, be identified by the Government, thereby precluding the issuance of environmental permits. However, the continued issuance of such permits in the aforementioned cases indicates that the prevailing system treats the fulfilment of AMDAL information merely as a procedural requirement, without due regard to its substantive dimensions. This reasoning was also reflected in the judicial approach adopted in the PT Semen Gresik case in Rembang, where the court emphasized that local governments cannot merely rely on procedural compliance in supervising AMDAL information disclosure. The court held that the existence of formal announcement documents alone cannot be deemed sufficient proof of compliance, unless the substantive objectives and principles of information disclosure particularly the completeness of essential information are also fulfilled.

Minister of Environment Regulation Number 17 of 2012 has, in fact, stipulated essential categories of information that must be disclosed as part of AMDAL processes, thereby recognizing such information as a public right. Accordingly, the primary weakness does not lie in the normative formulation of the regulations, but rather in their implementation. The Government, as the authority responsible for issuing environmental permits, bears the primary responsibility for ensuring compliance with these legal requirements. However, as demonstrated above, the Government has itself failed to fulfil its obligation to provide adequate environmental information. This failure reflects a lack of commitment in safeguarding public access rights, particularly in exercising substantive oversight over compliance by project proponents.

In this regard, public participation becomes indispensable in strengthening oversight mechanisms. An effective information system should provide adequate access for the public to monitor the fulfilment of information obligations, particularly concerning the completeness and substance of disclosed information. In practice, such information is contained in various documents, including project announcements, public submissions (SPT), environmental permit applications, and final permit decisions. Public access should therefore extend beyond directly affected communities to include environmental groups and the broader public impacted by AMDAL-related decisions. Through such mechanisms, the public is better positioned to challenge environmental permits that fail to meet substantive information requirements, supported by documented and publicly accessible evidence. Historically, communities have encountered significant difficulties in proving inadequate access to information, often resulting in judicial decisions that fail to uphold their rights. This is particularly problematic given that litigation frequently represents the last resort available to affected communities in asserting their rights.

From a comparative perspective, electronic information systems containing comprehensive AMDAL documentation reflect principles embodied in international instruments such as the Aarhus Convention, which guarantees public access to environmental information. Such systems provide centralized electronic databases accessible through public communication networks. Similar practices have been implemented in various jurisdictions, including Eastern Europe, the Caucasus, and Central Asia. Furthermore, under Indonesia's Law Number 14 of 2008 on Public Information Disclosure, AMDAL information qualifies as public information that must be proactively disclosed without prior request, particularly where it directly affects public rights.

Within the Indonesian legal framework, environmental information systems are primarily regulated under the Environmental Information System (SILH), as stipulated in the Environmental Protection Law. However, the current scope of SILH remains limited,

as Article 62(4) only mandates the inclusion of environmental status and vulnerability maps, without encompassing AMDAL documents as part of its mandatory content.<sup>9</sup> This regulatory gap is further exacerbated by the absence of implementing regulations, despite statutory mandates requiring further elaboration. Consequently, the implementation of SILH varies significantly across regions and is often dependent on local policies. Prior to its amendment, the Environmental Protection Law explicitly recognized principles governing information disclosure in AMDAL processes, consistent with international standards. However, the deletion of Article 26(2) under the Job Creation Law has resulted in a significant reduction in the legal recognition of public access rights to AMDAL information.<sup>10</sup> As a result, information disclosure has increasingly been treated as a procedural obligation rather than a substantive right, thereby undermining principles of transparency, completeness, and prior disclosure.

Although the Government has introduced electronic disclosure mechanisms, including the use of digital systems for environmental feasibility decisions under Article 39(2) of the Job Creation Law, these measures do not adequately compensate for the weakened normative guarantees of access rights. Moreover, the introduction of additional platforms, such as Amdal.net, without clear regulatory integration has created ambiguity and fragmentation in implementation. This regulatory overlap has generated confusion for both government authorities and the public, thereby undermining the effectiveness of information systems. In principle, electronic systems should function as integrated tools for environmental governance, facilitating coordinated policy implementation and ensuring continuous public access to environmental information.

To address these challenges, it is necessary to strengthen the regulatory framework governing electronic AMDAL information systems through a more comprehensive and coherent approach. This effort is not merely technical in nature, but also reflects a broader commitment to environmental governance grounded in transparency, accountability, and public participation.

#### Regulation of Integrated Electronic Systems for AMDAL Information

Regulatory reform is required to ensure that AMDAL documents, as an integral part of environmental information, are incorporated into a unified and interoperable electronic system. Such a system should be designed not only to store and disseminate information, but also to facilitate meaningful public oversight and participation in environmental decision-making processes. The integration of AMDAL information into a centralized digital platform would enable stakeholders including local communities, civil society organizations, and academics to access and monitor environmental assessments more effectively.

Furthermore, the regulatory framework must explicitly reaffirm key principles of environmental information disclosure, namely transparency, completeness, and prior disclosure. These principles, which experienced significant dilution following the enactment of the Job Creation Law, must be reinstated and strengthened through detailed implementing regulations. Without such safeguards, the risk of restricted public access and procedural opacity remains high, potentially undermining both environmental protection and democratic accountability. Therefore, the development of an integrated electronic AMDAL system should be accompanied by clear legal mandates, institutional responsibilities, and enforcement mechanisms to ensure its effectiveness.

#### Comprehensive Scope of AMDAL Information Content

In addition to system integration, regulatory provisions must ensure that the scope of AMDAL information made accessible to the public is comprehensive and covers all stages of the environmental assessment process. This includes, but is not limited to, project announcements, scoping processes, preparation of environmental impact documents, public consultation outcomes, evaluation results, and final decisions on environmental feasibility and permits.

A comprehensive approach to information disclosure would allow electronic systems to function as effective instruments of environmental governance, rather than merely administrative repositories. At the same time, it is essential that the transition to digital platforms does not eliminate or weaken existing obligations for direct and participatory forms of public disclosure, particularly in communities with limited access to digital infrastructure.

Moreover, the harmonization of regulatory standards across national and regional levels is crucial to prevent fragmentation in the implementation of electronic AMDAL information systems. Disparities in local practices may lead to unequal access to information and inconsistencies in environmental decision-making. Therefore, a standardized yet adaptable regulatory model is needed to ensure that electronic environmental information systems operate uniformly while still accommodating local contextual needs.

Ultimately, the establishment of a comprehensive and integrated regulatory framework for electronic AMDAL information systems represents a critical step toward realizing good environmental governance. It ensures that access to environmental information is not only formally guaranteed but also substantively meaningful, thereby strengthening public trust and enhancing the legitimacy of environmental decision-making processes.

This measure is undertaken to ensure the fulfillment of transparency in relation to the substantive content of such announcements, which has frequently been problematic due to non-compliance with statutory requirements, notwithstanding the continued issuance of environmental permits. The strengthening of the regulatory framework is therefore expected to promote harmonization in the implementation of electronic systems, including both future digital platforms and the existing Environmental Information System (SILH), across all regions in Indonesia.

## **CONCLUSIONS AND SUGGESTIONS**

### **Conclusion**

Based on the foregoing analysis, it can be concluded that the fulfillment of public access rights to environmental information within the AMDAL framework in Indonesia remains substantially inadequate. Although the legal framework formally recognizes such rights under the Environmental Protection Law, in practice, their implementation is largely procedural rather than substantive. This is evidenced by recurring deficiencies in the disclosure of essential environmental information, including the absence of comprehensive impact data, limited transparency in documenting public input, and incomplete content in environmental permit announcements.

Furthermore, the existing regulatory system demonstrates structural weaknesses, particularly in the lack of effective governmental oversight and the failure to ensure compliance with substantive information requirements. Judicial decisions, such as in the PT Semen Gresik case, have underscored that formal compliance alone is insufficient without fulfilling the substantive objectives of transparency and public participation.

The situation has been further exacerbated by regulatory changes introduced under the Job Creation Law, which have reduced explicit guarantees of public access

rights to AMDAL information. In addition, fragmentation and overlap in electronic information systems such as SILH and Amdal.net—have hindered the development of an integrated and accessible environmental information system. As a result, public participation and oversight remain constrained, limiting the effectiveness of environmental governance in Indonesia.

### **Suggestion**

In light of the findings of this study, several strategic measures are proposed to improve the fulfilment of public access rights to environmental information within the AMDAL framework in Indonesia.

First, it is essential to strengthen the existing regulatory framework by reinstating and clearly articulating the principles of transparency, completeness, and prior disclosure as fundamental legal standards. Implementing regulations under the Job Creation Law should explicitly recognize public access to environmental information as a substantive legal right rather than merely a procedural obligation.

Second, the Government is encouraged to develop an integrated and unified electronic information system that consolidates all AMDAL-related data, including project announcements, AMDAL documents, public submissions (SPT), and environmental permit decisions. Such a system should be designed to be accessible, user-friendly, and uniformly implemented across all regions in Indonesia to ensure equal access for all stakeholders.

Furthermore, strengthening public oversight mechanisms is crucial. This can be achieved by ensuring that the public not only has access to environmental information but also to transparent processes demonstrating how their input is considered in decision-making. The documentation and publication of public responses should therefore be made mandatory as part of accountability measures.

In addition, regulatory and institutional harmonization must be prioritized to address overlapping provisions and fragmented governance structures. Integration between existing platforms, such as SILH and Amdal.net, should be pursued to create a coherent and efficient environmental information system.

Moreover, Indonesia should align its environmental governance practices with international standards by adopting best practices reflected in frameworks such as the Aarhus Convention, particularly in relation to proactive information disclosure and access to justice.

Finally, capacity building within government institutions and the strengthening of institutional accountability are imperative. Without adequate institutional competence and commitment, regulatory improvements will remain ineffective and continue to result in procedural compliance without substantive fulfilment of public access rights.

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