



# Authority of Central and Regional Governments in Natural Resource and Environmental Management

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## Abstract

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This study discusses the relationship between central and regional government authority in the management of natural resources and the environment in Indonesia, emphasizing legal aspects and regional autonomy. As a unitary state, the central government holds the highest authority, while regions are given space through the principle of decentralization to regulate local affairs. However, regional authority in managing strategic natural resources remains limited in order to safeguard national interests. This research applies a normative juridical approach by analyzing the 1945 Constitution, Law Number 32 of 2009 on Environmental Protection and Management, and regional autonomy regulations. The findings reveal a dilemma between maintaining the consistency of national law and addressing regional needs in managing the environment according to local wisdom. The results emphasize the necessity of establishing a balanced relationship between the central and regional governments so that sustainable natural resource management can be achieved without neglecting the principle of national development.



## 1. Introduction

Indonesia, as a unitary state, positions the central government as the holder of the highest authority, as asserted in Article 1 paragraph (1) of the Constitution of the Republic of Indonesia of 1945 (UUD 1945). This provision confirms that there is no state within a state, meaning all highest powers reside with the central government. However, the principle of decentralization, regulated in Articles 18, 18A, and 18B of the UUD 1945, provides space for regional governments to administer government based on the principles of autonomy and delegated tasks.<sup>1</sup> Thus, the relationship between the central and regional governments is complementary; the central government sets the direction for strategic policies, while regional governments are granted authority to adapt these policies to their respective local characteristics and needs.

In practice, the management of natural resources and the environment in Indonesia faces complex challenges related to the division of authority between the central and regional levels. The central government holds primary authority over the management of strategic natural resources, such as oil, gas, and mining, which have a significant impact on national interests.<sup>2</sup> Meanwhile, regional governments are given limited authority in environmental management, which includes supervision, issuing business permits, and environmental law enforcement, as stipulated in Law

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<sup>1</sup> Panji Andika Putra, M. Arafat Hermana, and Sandi Apriyanto. "Implementasi kebijakan otonomi daerah dalam pasal 18 undang-undang dasar 1945 dalam perspektif politik hukum di Indonesia." *Bataradarma Journal (Law Studies)* 1, no. 1 (2020).

<sup>2</sup> Aullia Vivi Yulianingrum, Absori Absori, and Rahmatullah Ayu Hasmiati. "Kebijakan Pengelolaan Sumber Daya Alam Berbasis Kesejahteraan Profetik (Studi Analitik Regulasi Mineral dan Batubara di Indonesia)." In *Prosiding Seminar Nasional Hukum Dan Pembangunan Yang Berkelanjutan*, pp. 1-24. 2021.

Number 32 of 2009 concerning Environmental Protection and Management. Tensions often arise when regional governments attempt to adapt regulations based on local wisdom but are constrained by more dominant central regulations.

Various previous studies indicate that decentralization presents both opportunities and challenges. According to Muawanah et al.<sup>3</sup> the environmental legal framework in Indonesia still places the central government as the main actor in natural resource management, although regional governments have limited authority over technical aspects. This creates a dilemma between regional self-reliance and central control, especially in the implementation of policies related to the green economy and natural resource management. Regions are under pressure to implement sustainable development policies but must remain in line with national standards to avoid legal disharmony.

Furthermore, the issue of regulatory disharmony is also a significant concern. Junef,<sup>4</sup> emphasizes that there are gaps in the implementation of regional autonomy, particularly in the environmental sector, because many regional governments still lack adequate legal and administrative capacity to enforce environmental regulations. This condition potentially weakens the supervision of natural resource exploitation activities, thereby increasing the risk of environmental damage. Other research highlights the importance of strengthening collaboration across levels of

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<sup>3</sup> Umi Muawanah, Gellwynn Yusuf, Luky Adrianto, Jimmy Kalther, Robert Pomeroy, Habibi Abdullah, and Toni Ruchimat. "Review of national laws and regulation in Indonesia in relation to an ecosystem approach to fisheries management." *Marine Policy* 91 (2018): 150-160.

<sup>4</sup> Muhar Junef. "Penegakkan Hukum Dalam Rangka Penataan Ruang Guna Mewujudkan Pembangunan Berkelanjutan." *Jurnal Penelitian Hukum P-ISSN 1410* (2021): 5632.

government, from central to regional, to create more effective and sustainable environmental governance.

Conceptually, natural resource management in Indonesia is not only related to economic aspects but also concerns social justice, environmental sustainability, and respect for local wisdom. This approach aligns with the mandate of sustainable development, which emphasizes the balance between economic, ecological, and social interests. Within this framework, regional governments play a strategic role as the frontline in direct supervision within their territories. However, this role must still be limited by national standards to prevent regulatory inconsistencies that could weaken Indonesia's position as a unitary state.

Based on this background, this research is important, particularly to conduct a juridical-normative analysis of the relationship between the central and regional government authorities in the management of natural resources and the environment in Indonesia. The research focus is directed at the dilemma between the centralization and decentralization of authority, especially in the context of implementing environmental regulations. This study is expected to provide a deeper understanding of the harmonization mechanism between the central and regional governments, allowing natural resource management to be conducted sustainably without neglecting the principle of a unitary state.

## **2. Literature Review**

The study of the relationship between central and regional government authorities in the management of natural resources and the environment in

Indonesia has been the focus of various studies in the fields of law and public policy. The main issue that emerges relates to the tension between the principle of decentralization, which grants certain authorities to regional governments, and the principle of centralization, which positions the central government as the main controller in strategic decision-making.<sup>5</sup> This tension reflects a structural dilemma in the governance of a unitary state, especially when regions seek to adapt national policies to local conditions.

Muawanah et al.<sup>6</sup> assert that the environmental legal system in Indonesia is still heavily influenced by regulations set by the central government, particularly regarding the management of strategic natural resources. Although regional governments have limited authority to follow up on these regulations, their implementation is often inconsistent. This is due to low administrative and legal capacity at the local level, which ultimately affects the effectiveness of supervision over natural resource exploitation activities. As a result, the potential for environmental damage and inefficient natural resource management increases. On the other hand, Fitriana et al.<sup>7</sup> emphasize that the integration of green economy policies within the decentralization framework is crucial to ensuring environmental

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<sup>5</sup> Priyatno Harsasto. "Desentralisasi dan Resentralisasi: Upaya menyeimbangkan pendulum Pusat-Daerah." *JHIP: Jurnal Ilmiah Ilmu Pemerintahan* 5, no. 2 (2020): 149-162.

<sup>6</sup> Umi Muawanah, Gellwynn Yusuf, Luky Adrianto, Jimmy Kalthar, Robert Pomeroy, Habibi Abdullah, and Toni Ruchimat. "Review of national laws and regulation in Indonesia in relation to an ecosystem approach to fisheries management." *Marine Policy* 91 (2018): 150-160.

<sup>7</sup> Zuhda Mila Fitriana, Dhea Veranica Isabella, and Lupita Sari. "Konsep Legislasi Hijau Regional (Regional Green Legislation): Mendukung Capaian TPB 2030 Nomor 7 tentang Energi." *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 431-454.

sustainability. They argue that the delegation of authority to regional governments must be accompanied by clear legal guidelines to avoid regulatory disharmony.

Without proper coordination and direction from the central government, decentralization policies could potentially lead to conflicts of authority between the central and regional levels, and worsen the impact of environmental damage. Akib et al.<sup>8</sup> add that regional autonomy in environmental management still faces significant constraints, especially related to limited human resources and funding. This condition means that regional governments have not been able to optimally carry out the functions of supervision and environmental law enforcement. Thus, although the principle of decentralization provides space for regions, internal capacity limitations can be a major obstacle to the implementation of effective policies. Furthermore, recent research highlights the importance of establishing a collaborative framework between the central and regional governments to prevent overlapping authority. A multi-level governance model that combines the principles of decentralization with central oversight is considered more adaptive and responsive to local dynamics.

Muawanah et al.<sup>9</sup> emphasize that the balance between national and local interests is key to maintaining the sustainability of natural resource management, while ensuring that this management adheres to the principles of a unitary state. Thus, the latest literature affirms that the main challenge in the decentralization of

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<sup>8</sup> Muhammad Akib, F. X. Sumarja, and Heryandi. "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy." *Environmental Policy and Law* 49, no. 1 (2019): 83-87.

<sup>9</sup> Umi Muawanah, Gellwynn Yusuf, Luky Adrianto, Jimmy Kalther, Robert Pomeroy, Habibi Abdullah, and Toni Ruchimat. "Review of national laws and regulation in Indonesia in relation to an ecosystem approach to fisheries management." *Marine Policy* 91 (2018): 150-160.

natural resource management in Indonesia is finding the right balance between regional autonomy and central control. Efforts to harmonize this authority are essential so that the management of natural resources and the environment can proceed sustainably, effectively, and with due regard for local wisdom, without neglecting strategic national interests.

### **3. Method**

This study adopts a juridical-normative method, which is a legal research approach that focuses on the study of documents, statutory regulations, and relevant legal theories. This method was chosen because the main focus of the research is to analyze the relationship between the central and regional government authorities in the management of natural resources and the environment based on existing legal norms. This approach emphasizes the textual and conceptual study of the UUD 1945, Law Number 32 of 2009 concerning Environmental Protection and Management, and other regulations governing regional autonomy and natural resource management.

In juridical-normative research, the data used comes from secondary legal materials, which include primary, secondary, and tertiary legal materials. Primary legal materials include the constitution, laws, government regulations, and court decisions relevant to the issue of central and regional authority. Secondary legal materials include academic literature, journal articles, results of previous research, and the opinions of legal experts discussing decentralization, environmental law, and natural resource management. Meanwhile, tertiary legal materials include legal

encyclopedias, legal dictionaries, and legal indexes that support the understanding of key terms and concepts.

The analysis is carried out qualitatively by interpreting existing legal norms to find both harmony and disharmony in the arrangement of authority between the central and regional governments. Qualitative research in the legal context emphasizes understanding the meaning of applicable normative provisions and how these provisions are implemented in practice. This is done by comparing centralistic rules with rules that provide space for regional autonomy. In addition, the research uses the statute to examine the hierarchy of laws related to the management of natural resources and the environment. This approach is important for assessing the consistency of regulations across levels of government. The conceptual approach (conceptual approach) is also applied through the study of theories of decentralization, regional autonomy, and sustainable development as the basis for analysis.

This research also utilizes the results of recent studies on the relationship between central and regional authority, especially in the environmental sector and natural resource management. Thus, the results of the research are expected not only to provide a normative analysis of legal rules but also to be able to identify implementation weaknesses and offer policy recommendations for improvement. With the juridical-normative method enriched by literature review and qualitative analysis, this research aims to produce a comprehensive understanding of the balanced management of central and regional authority, thereby supporting fair,

sustainable, and consistent natural resource governance with the principles of a unitary state.

## 4. Results

### 4.1. Central Government Authority in Natural Resource Management

As a unitary state, Indonesia places the central government as the highest authority holder in strategic affairs, including natural resource (NR) management. This is asserted in the UUD 1945, especially Article 33, which states that the earth, water, and the natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people. The interpretation of the phrase "controlled by the state" confirms the position of the central government as the main actor who has the authority to formulate policies, establish regulations, and regulate the distribution of benefits from NRs.<sup>10</sup> Thus, the central government acts not only as a regulator but also as the main controller to ensure that the utilization of NRs aligns with national interests.

In practice, the central government's authority is more prominent in strategic sectors, including energy, mining, and forestry. Setiawan<sup>11</sup> shows that most regulations in the mining and energy sectors are established by ministries at the central level to maintain legal consistency and minimize potential conflicts of interest between regions. This step aims to maintain national stability while optimizing state

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<sup>10</sup> Samuel Risal. "Pengelolaan Sumber Daya Alam di Era Desentralisasi." *Jurnal Ilmiah Manajemen Publik dan Kebijakan Sosial* 1, no. 2 (2018):122-132.

<sup>11</sup> Rizky Setiawan. "Implikasi Perubahan Undang-Undang Pemerintahan Daerah Terhadap Kewenangan Tata Kelola Pemanfaatan Energi Dan Sumberdaya Mineral oleh Pemerintahan Daerah Di Indonesia." *JURNAL KAJIAN PEMERINTAH: Journal Of Government, Social and Politics* 4, no. 1 (2018): 71-86.

revenues from strategic sectors that contribute significantly to the national economy. With strong central control, the state seeks to ensure that NR management supports long-term development goals and does not lead to regulatory fragmentation at the regional level.

Nevertheless, the policy of centralization in NR management is not free from criticism. Fitriana et al.<sup>12</sup> emphasize that central dominance often creates resistance at the regional level because it is considered to reduce the space for regional autonomy. In the context of the green economy, regional involvement should be increased so that NR management policies are more responsive to local conditions. Overly dominant centralization risks ignoring local wisdom, which plays an important role in maintaining environmental sustainability and supporting the conservation of natural resources in a sustainable manner.

Furthermore, the inconsistency between central policies and regional needs often leads to conflicts of authority. Akib et al.<sup>13</sup> state that a number of regions feel limited in optimizing their NR potential due to central regulations that restrict the scope for local innovation. Although regions are expected to support national development, the limitation of authority restricts their ability to develop NR management strategies tailored to the unique characteristics and conditions of their respective territories.

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<sup>12</sup> Zuhda Mila Fitriana, Dhea Veranica Isabella, and Lupita Sari. "Konsep Legislasi Hijau Regional (Regional Green Legislation): Mendukung Capaian TPB 2030 Nomor 7 tentang Energi." *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 431-454.

<sup>13</sup> Muhammad Akib, F. X. Sumarja, and Heryandi. "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy." *Environmental Policy and Law* 49, no. 1 (2019): 83-87.

Central authority also poses environmental challenges, especially when the policy orientation emphasizes economic growth over sustainability. Fitriana et al.<sup>14</sup> reveal that the orientation of the green economy has not been fully integrated into central government policy, resulting in ongoing tension between the exploitation of NRs for economic purposes and environmental conservation efforts. This shows that although the constitutional legitimacy of the central government is strong, policy implementation still faces difficulties in balancing national interests and local needs.

Thus, the central authority in NR management functions as a strategic control mechanism as well as a guarantor of national legal consistency. However, its implementation requires policy reformulation to be more adaptive to local conditions and the principle of environmental sustainability. A more collaborative approach between the central and regional governments is key to ensuring that NR management is not only legally effective but also ecologically and socially sustainable, thereby supporting fair and equitable development throughout Indonesia.

#### **4.2. Regional Government Authority in Environmental Management**

In contrast to the central government's authority in managing strategic natural resources, regional governments have broader autonomous space in environmental affairs. Law Number 32 of 2009 concerning Environmental Protection and Management grants authority to regional governments to issue environmental permits, conduct supervision over business activities, and enforce environmental law

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<sup>14</sup> Zuhda Mila Fitriana, Dhea Veranica Isabella, and Lupita Sari. "Konsep Legislasi Hijau Regional (Regional Green Legislation): Mendukung Capaian TPB 2030 Nomor 7 tentang Energi." *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 431-454.

in their respective areas. This authority stems from the principle of regional autonomy as regulated in Article 18 of the UUD 1945, which asserts that every province, regency, and city has the right to regulate and manage its own interests.

Akib et al.<sup>15</sup> emphasize that the role of regional governments in environmental management is crucial to ensuring the sustainability of development. Regional governments have a deeper understanding of the ecological, social, and cultural conditions in their areas, enabling them to design policies that are more targeted and aligned with the needs of local communities.

Furthermore, regional governments are the frontline in responding to various environmental problems, such as industrial pollution, deforestation, or ecosystem degradation that threaten the welfare of local communities. Despite having the authority, the implementation of environmental management by regional governments is not free from constraints. Setiawan<sup>16</sup> shows that many regional governments still lack competent human resources in the field of environmental law. This limitation leads to weak supervision and low levels of environmental law enforcement, meaning cases of pollution and environmental damage are often not handled optimally. This demonstrates that formal autonomy is not always followed by adequate technical capacity.

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<sup>15</sup> Muhammad Akib, F. X. Sumarja, and Heryandi. "Environmental Law Policy as an Approach to Achieve Sustainable Development and Prosperity in an Era of Regional Autonomy." *Environmental Policy and Law* 49, no. 1 (2019): 83-87.

<sup>16</sup> Rizky Setiawan. "Implikasi Perubahan Undang-Undang Pemerintahan Daerah Terhadap Kewenangan Tata Kelola Pemanfaatan Energi Dan Sumberdaya Mineral oleh Pemerintahan Daerah Di Indonesia." *Jurnal Kajian Pemerintah: Journal Of Government, Social and Politics* 4, no. 1 (2018): 71-86.

In addition, budgetary limitations are a significant constraint. Fahrizal and Bintoro<sup>17</sup> highlight that fiscal decentralization is not always in line with the delegation of environmental authority. Many regional governments still rely on transfers from the central government, limiting their ability to independently fund environmental programs. This condition reduces the effectiveness of regional authority implementation in the environmental field. Regulatory disharmony between the central and regional governments also frequently arises. Junef<sup>18</sup> underscores that differences in interpretation regarding environmental permits between the central and regional governments often trigger conflict. In some cases, permits issued by regional governments are rejected by the relevant ministries at the central level, creating legal uncertainty for businesses and the public. This inconsistency indicates the need for regulatory synchronization to prevent conflicts of authority that harm various parties.

Nevertheless, the potential role of regional governments in supporting sustainable development remains great. With governance reform, strengthening human resource capacity, and improved coordination and communication with the central government, regional authority can become a strategic instrument in achieving a balance between economic development, environmental protection, and social justice. Therefore, harmonizing the central-regional relationship in environmental management is an important and urgent agenda, to ensure that the

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<sup>17</sup> Mohamad Fahrizal Fahrizal and Yodi Joko Bintoro. "Desentralisasi Fiskal Dalam Pengelolaan Keuangan Daerah." *Jurnal Manajemen Kewirausahaan* 19, no. 1 (2022): 73-84.

<sup>18</sup> Muhar Junef. "Penegakkan Hukum Dalam Rangka Penataan Ruang Guna Mewujudkan Pembangunan Berkelanjutan." *Jurnal Penelitian Hukum P-ISSN 1410* (2021): 5632.

goals of sustainable development in Indonesia can be achieved effectively and justly for all citizens.

## **5. Discussion**

The results of this study indicate a tension in authority between the central and regional governments in the management of natural resources and the environment. The dominant central authority is based on the principle of a unitary state and national interest, especially in regulating strategic sectors such as energy and mining. Meanwhile, regional authority, born from the principle of autonomy, provides space for regional governments to adapt policies to local socio-ecological conditions.<sup>19</sup> The tension between these two levels of government presents a significant challenge in creating effective, fair, and sustainable governance. According to Setiawan<sup>20</sup> the dominance of central authority often limits the ability of regional governments to develop environmental policies that are responsive to local wisdom. This creates a gap between legal norms and practice in the field, especially when the needs of local communities are not adequately covered by national policy.

Thus, regional autonomy in the context of environmental management is often viewed as additional authority, rather than a fully owned right. On the other hand, the research also highlights the risk of granting full autonomy without central

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<sup>19</sup> Lesmana Rian Andhika. "Tata Kelola Adaptif Wilayah Pesisir: Meta Teori Analisis (Adaptive Governance of Coastal Zone: Meta Theory Analysis)." *Inov. Pembangunan-Jurnal KELITBANGAN* 9, no. 1 (2021): 87-102.

<sup>20</sup> Rizky Setiawan. "Implikasi Perubahan Undang-Undang Pemerintahan Daerah Terhadap Kewenangan Tata Kelola Pemanfaatan Energi Dan Sumberdaya Mineral oleh Pemerintahan Daerah Di Indonesia." *Jurnal Kajian Pemerintah: Journal Of Government, Social and Politics* 4, no. 1 (2018): 71-86.

oversight mechanisms. Yang et al.<sup>21</sup> emphasize that the legal and administrative capacity of regional governments is still limited, so without clear regulations and effective central supervision, decentralization potentially increases the practice of over-exploitation of natural resources. Therefore, the relationship between the central and regional governments should be designed within a framework of checks and balances, so that the authority of each party is exercised with adequate and responsible oversight. Furthermore, the integration of the principle of sustainable development is important in the central-regional relationship. Fahrizal and Bintoro<sup>22</sup> assert that green economy policies can be a meeting point between national interests and local needs. By incorporating the principle of sustainability into central government policy while providing space for local innovation and initiatives, potential conflicts of authority can be minimized. This approach is in line with global demands for environmental governance that is more participatory and based on local conditions, and encourages the creation of inclusive and sustainable development.

Thus, this discussion affirms that the dilemma between centralization and decentralization in the management of natural resources and the environment is not a purely dichotomous issue, but rather an issue of authority harmonization. Moving forward, a concrete synergy is needed between the central and regional governments through the formulation of consistent regulations, increasing administrative capacity and human resources in the regions, and applying the principle of sustainable

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<sup>21</sup> Xiaohui Yang, Ji Yan, Kun Tian, Zihao Yu, Rebecca Yu Li, and Senmao Xia. "Centralization or decentralization? the impact of different distributions of authority on China's environmental regulation." *Technological Forecasting and Social Change* 173 (2021): 121172.

<sup>22</sup> Mohamad Fahrizal Fahrizal and Yodi Joko Bintoro. "Desentralisasi Fiskal Dalam Pengelolaan Keuangan Daerah." *Jurnal Manajemen Kewirausahaan* 19, no. 1 (2022): 73-84.

development. This approach aims to ensure that the management of natural resources and the environment in Indonesia can take place effectively, fairly, and sustainably, while balancing national interests with local needs.

## **6. Conclusion**

This research shows that the relationship of authority between the central and regional governments in the management of natural resources and the environment in Indonesia has a complex characteristic. As a unitary state, the central government maintains primary control, especially over natural resources that are strategic and have a national impact. This is aimed at preserving collective interests, legal stability, and the continuity of national development. On the other hand, regional governments are granted limited authority to manage the environment in their respective territories. This role includes issuing environmental permits, supervising business activities, and enforcing environmental law. Regional autonomy in this aspect allows for policies that are more adaptive to local socio-ecological conditions, while encouraging the application of local wisdom principles.

However, this authority is often hampered by limitations in human resources, budget, and regulatory disharmony with the central government. Thus, the success of natural resource and environmental management in Indonesia greatly depends on the harmonization of central and regional relationships. Synergy between the two levels of government is needed to achieve a balance between national and local interests, while supporting the principle of sustainable development. Regulatory

reform, increased regional capacity, and strengthened coordination are strategic steps to realize effective, fair, and sustainable environmental governance.

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