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Meaningful Consideration: Accountability in Environmental Impact Assessment (EIA) Review of NGO Submissions in the Post-Job Creation Law Era

Randi Desta Putra, Yohana Marsanda Hutagalung, Intan Nurhasanah, Rezky Abet Nego Simanjuntak, Iskandar
Universitas Bengkulu, Indonesia
randidestaputra12@gmail.com

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Abstract

Research on public participation in environmental impact assessment (EIA) following the Job Creation Law has focused on restrictions during EIA preparation. The subsequent handling of suggestions, opinions, and responses submitted by environmental non-governmental organizations (NGOs) remains underexamined. This study examines NGO participation rights and the legal accountability of the Environmental Feasibility Assessment Team (EFAT) under Articles 29, 31, 35, and 45 of Government Regulation No. 22 of 2021 and proposes a framework for ensuring that NGO submissions receive meaningful consideration. The study uses a doctrinal legal method, applying statutory, conceptual, and historical approaches to primary and secondary legal materials collected through documentary research and examined through qualitative prescriptive analysis. The analysis finds that NGO participation rights are derivative and conditional, arising from their role as facilitators or representatives of directly affected communities. It identifies three accountability gaps: project proponents have no duty to explain how they handle submissions, the EFAT screens submissions using an undefined relevance criterion, and assessment minutes need not document how submissions were addressed. The EFAT's accountability remains predominantly procedural, with substantive legal consequences yet to be established. The proposed framework requires relevant submissions to be formally recorded, examined on their merits, taken into account during assessment, and addressed through reasoned responses. It extends the doctrine of meaningful participation from legislative

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processes to environmental administrative decision-making and provides concrete proposals for regulatory policymakers and assessment bodies. Future empirical research could examine EFAT assessment minutes to establish how NGO submissions are handled in practice.

Keywords: Environmental Impact Assessment; Environmental Feasibility Assessment Team; Non-Governmental Organizations; Meaningful Consideration; Legal Accountability

INTRODUCTION

An Environmental Impact Assessment (EIA) is a preventive instrument that requires the assessment of significant environmental impacts as a prerequisite for decision-making concerning proposed businesses and/or activities. Following the amendment of Law No. 32 of 2009 concerning Environmental Protection and Management (the Environmental Protection and Management Law) through Law No. 11 of 2020 concerning Job Creation, which was subsequently replaced by Government Regulation in Lieu of Law No. 2 of 2022 and enacted as Law No. 6 of 2023, an environmental feasibility decision has become a prerequisite for the issuance of business licenses. The feasibility assessment is conducted by the Environmental Feasibility Assessment Team (EFAT), established by an assessment institution under the central government (Article 24 of the Environmental Protection and Management Law, as amended by Law No. 6 of 2023). The procedures governing this process are further elaborated in Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management (Republik Indonesia, 2021).

These changes have altered the position of the public. Under the previous legal framework, participation in the EIA process was open to communities affected by the proposed activities, environmental observers, and other parties whose interests might be affected by the decision. It also provided a mechanism for filing objections and included environmental organizations as members of the EIA Assessment Commission. The current framework restricts participation to communities directly affected by the proposed activities, no longer provides a mechanism for objecting to EIA documents, and replaces the EIA Assessment Commission with the EFAT (Mumpuni, 2021; Mutolib et al., 2024; Warsifah., 2022). Subsequently, the Constitutional Court rejected the petition for a formal constitutional review of Law No. 6 of 2023 through Decision No. 54/PUU-XXI/2023, thereby leaving this legal framework in force.

Nevertheless, interpreting these changes solely as the closure of opportunities for environmental non-governmental organizations (NGOs) to participate would be inaccurate. Government Regulation No. 22 of 2021 still refers to environmental observers, researchers, or NGOs acting as facilitators or representatives in Article 29 paragraph (2); regulates the submission of suggestions, opinions, and responses in Article 31; assigns the EFAT the responsibility of screening submissions under Article 35; and provides for the involvement of environmental observers in substantive assessment meetings under Article 45. Accordingly, the remaining issue has shifted from "who is entitled to submit input" to "what happens to the input after it has been submitted." The latter question determines whether participation has substantive legal meaning or merely constitutes a procedural formality. This issue is not entirely new. Even before Government Regulation No. 22 of 2021, EIA practices were already characterized by the absence of documentation recording public suggestions, opinions, and responses, as well as the corresponding answers to such submissions (Zulkarnaina, 2020).

This study argues that participation limited to the opportunity to express opinions does not satisfy the standards of accountability. Research (Arnstein, 1969) long ago distinguished between participation that merely provides people with a voice and participation that enables them to exert influence. Studies on public participation in environmental impact assessment further emphasize that the quality of the process depends on the extent to which public input can influence decision-making (Glucker et al., 2013; O'Faircheallaigh, 2010). Within (Bovens, 2007) accountability framework, the party receiving submissions must provide information, explain and justify its assessment before an accountability forum, and be subject to consequences. Administrative law recognizes a similar principle through the duty to provide reasons as a prerequisite for the legitimacy of administrative decisions (Mashaw, 2018). Principle 10 of the 1992 Rio Declaration identifies public participation and access to information as fundamental elements in addressing environmental issues. Similarly, the Aarhus Convention requires the outcomes of public participation to be duly taken into account and requires the public to be informed of the reasons and considerations underlying the decision (Article 6 paragraphs (8) and (9)). Although Indonesia is not a party to this Convention, its provisions provide a useful comparative benchmark. At the domestic level, Constitutional Court Decision No. 91/PUU-XVIII/2020 established the rights to be heard, to have one's views considered, and to receive

an explanation, although these principles were formulated in the context of the legislative process.

Studies on the Restriction of Participatory Subjects and Rights (Mumpuni, 2021) demonstrates that public participation in EIA processes frequently becomes a mere formality and argues that the composition of the EFAT no longer includes representatives of the public or civil society organizations. However, the article does not examine Government Regulation No. 22 of 2021. Research (Azhara & Mardhatillah, 2023) provide the closest analysis to the present study. They examine the regulation of public participation and the role of environmental organizations following the enactment of the Job Creation Law and the promulgation of its preceding Government Regulation in Lieu of Law. Their analysis highlights Articles 29 and 35 of Government Regulation No. 22 of 2021 and identifies the absence of a clear explanation of the criterion of "relevance" applied to submitted input. Nevertheless, within the scope of the literature reviewed by the authors, their article does not analyze Articles 31 and 45, does not examine how submissions are treated throughout the entire assessment process, and stops at identifying regulatory gaps without proposing operational legal solutions. Research (Warsifah., 2022) concludes that, following Constitutional Court Decision No. 91/PUU-XVIII/2020, environmental organizations no longer have opportunities to participate in EIA preparation. This conclusion is based on the Job Creation Law and therefore needs to be reassessed in light of Government Regulation No. 22 of 2021, which continues to recognize NGOs acting as facilitators or representatives. Research (Saputra & Dhianty, 2022; Nuriyatman et al., 2026) similarly emphasize that the weakening of public participation has made EIA processes increasingly procedural in nature. However, their analyses focus on the statutory level and do not trace the subsequent treatment of submissions during the assessment conducted by the EFAT.

Studies on Information and Practical Implementation (Zulkarnaina, 2020) identifies the absence of documentation concerning public submissions and the corresponding responses as a problem of access to information. However, the article was published before Government Regulation No. 22 of 2021 came into force and does not develop a framework for accountability. Research (Subekti & Putri, 2022) examine the limited involvement of local communities in EIA preparation in Sukoharjo, focusing on residents living around industrial facilities rather than environmental NGOs.

Studies on Meaningful Participation (Prastyo, 2022) formulates the prerequisites of the rights to be heard, to have one's views considered, and to receive an explanation. So as (Paputungan & Bakhri, 2023; Dwitama, 2025) apply these principles to the legislative process concerning the State Capital Law. Dwitama further recommends that the reasons for accepting or rejecting public submissions be documented clearly and transparently. All three studies focus on the legislative process and do not address environmental administrative decision-making.

International Literature. Studies on environmental impact assessment demonstrate that the effectiveness of the process cannot be measured solely by procedural compliance but must also be assessed in terms of substantive quality and the actual influence of public participation (Cashmore et al., 2004; Glucker et al., 2013; Glucker et al., 2013; O'Faircheallaigh, 2010). Research (Stirling, 2008) cautions that participation can either "open up" or "close down" decision-making, depending on how submitted input is treated. However, this body of literature does not specifically address the regulatory sequence established under Government Regulation No. 22 of 2021.

These studies reveal three research gaps. First, an analytical gap exists because no comprehensive examination has yet been conducted of the relationship between Articles 29, 31, 35, and 45 of Government Regulation No. 22 of 2021 as an integrated regulatory framework governing the treatment of NGO submissions. Second, a normative gap remains because the identified regulatory deficiencies, such as the undefined criterion of "relevance," have not been translated into concrete normative proposals. Third, an institutional gap persists because the EFAT's accountability for handling relevant submissions has not been adequately analyzed.

This study proposes a meaningful consideration framework, which maintains that participation should not be limited to providing an opportunity to express opinions but must be accompanied by guarantees that relevant submissions are: (1) officially recorded; (2) substantively examined; (3) duly considered in the assessment process; and (4) addressed through reasoned responses, whether accepted or rejected. This study does not claim that the concept of "consideration" has never been previously employed. Its constituent elements are already reflected in the Aarhus Convention, the doctrine of the right to have one's views considered and explained under Constitutional Court Decision No. 91/PUU-XVIII/2020, and the concept of reasoned administration (Mashaw, 2018). The novelty of this study lies

in four aspects: (i) its research object, namely the regulatory process governing NGO submissions in EIA assessments conducted by the EFAT; (ii) its analysis of the interrelationship between Articles 29, 31, 35, and 45 of Government Regulation No. 22 of 2021; (iii) the operationalization of the four elements into normative provisions whose compliance can be assessed; and (iv) the integration of these elements into the legal accountability framework of the EFAT. A comparison with previous studies is presented in Table 3.

This study is grounded in three theoretical foundations. First, Bovens' (2007) accountability theory, which comprises the elements of information, justification, and consequences. Second, the concept of reasoned administration, which positions the provision of reasons as a source of legitimacy for administrative decisions (Mashaw, 2018). Third, the general principles of good governance, particularly transparency, accuracy, and impartiality, as stipulated in Article 10 paragraph (1) of Law No. 30 of 2014 concerning Government Administration. Research (Arnstein, 1969) ladder of citizen participation and (Stirling, 2008) distinction are employed as supporting analytical frameworks to differentiate between influential and symbolic forms of participation. This study focuses on the legal treatment of suggestions, opinions, and responses submitted by environmental NGOs during the preparation and assessment of EIAs following the enactment of the Job Creation Law. It aims to: (1) examine the legal framework governing the rights of environmental NGOs to submit suggestions, opinions, and responses during the EIA preparation and assessment processes; (2) analyze the forms of legal accountability imposed on the EFAT in relation to relevant NGO submissions; and (3) formulate an ideal legal framework to ensure accountability in the consideration of NGO submissions when determining environmental feasibility.

METHODS

This study employs a normative juridical or doctrinal legal research method, which examines legal norms, principles, and doctrines to address legal issues and formulate legal prescriptions (Marzuki, 2021). The study is qualitative and prescriptive in nature, as it not only describes the applicable legal framework but also proposes a normative framework reflecting what the law ought to be.

The research design integrates three approaches. The statutory approach is employed to map the legal provisions contained in the Environmental Protection and Management Law, as amended, the Job Creation Law, Government Regulation No. 22 of 2021, and the Government Administration Law. The historical approach is used to trace changes in the legal position of communities and environmental organizations within the EIA process, beginning with the regulatory regime under Government Regulation No. 27 of 1999 and Decree of the Head of the Environmental Impact Management Agency (Bapedal) No. 8 of 2000, followed by the Environmental Protection and Management Law and Government Regulation No. 27 of 2012, and culminating in the Job Creation Law regime. The conceptual approach is applied to develop and examine the concepts of accountability, the duty to provide reasons, and meaningful consideration. The first research question is addressed through the statutory and historical approaches; the second through the statutory and conceptual approaches; and the third through the conceptual approach, with the Aarhus Convention serving as a comparative normative reference rather than forming the basis of a full comparative legal approach.

This study does not involve human participants or respondents. The primary legal materials comprise the Environmental Protection and Management Law, as amended; Law No. 11 of 2020; Government Regulation in Lieu of Law No. 2 of 2022; Law No. 6 of 2023; Government Regulation No. 22 of 2021; Law No. 30 of 2014; Constitutional Court Decision No. 91/PUU-XVIII/2020; and Constitutional Court Decision No. 54/PUU-XXI/2023. Secondary legal materials consist of scholarly journal articles and books selected purposively according to the following criteria: relevance to public participation in EIA, administrative accountability, or meaningful participation; availability through traceable DOI records or official journal links; and a preference for publications from the preceding ten years, except for seminal works serving as theoretical references. The literature search was conducted in November 2026 through open-access journal portals and academic search engines using the keywords "AMDAL," "public participation," "Environmental Feasibility Assessment Team," "Job Creation Law," and "meaningful participation," together with their Indonesian-language equivalents.

Legal materials were collected through documentary research using two instruments. The first instrument was a legal provision mapping matrix comprising the procedural stage, relevant legal provision, subject, expressly stipulated obligations, and obligations not explicitly addressed in the wording of the relevant provisions. The second instrument was a

literature review matrix containing the research focus, scope of legal provisions examined, treatment of submitted input, and limitations of each previous study. The research procedure was conducted sequentially by identifying.

RESULTS

1. Main Findings

Finding 1: NGO rights are derivative, conditional, and hierarchical in nature. At the statutory level, Article 26 of the Environmental Protection and Management Law, as amended, requires the preparation of EIA documents to involve communities directly affected by the proposed activities. This provision no longer explicitly identifies environmental observers as subjects entitled to participate. At the government regulation level, Article 29 paragraph (1) of Government Regulation No. 22 of 2021 defines directly affected communities as residents within the boundaries of the EIA study area who experience either positive or negative impacts. Article 29 paragraph (2) further stipulates that environmental observers, researchers, or NGOs that have previously provided guidance or assistance to such communities "may be involved" as part of that group. Accordingly, NGO rights do not exist independently; rather, they depend on the existence of directly affected communities, the presence of an assistance relationship, and the discretionary wording "may be involved." A comparison with the previous regulatory regime is presented in Table 1.

Table 1. Changes in the Position of Communities and Environmental Organizations in the EIA Process

Aspect	Environmental Protection and Management Law Prior to Amendment	Law No. 6 of 2023 and Government Regulation No. 22 of 2021
Subjects entitled to participate	Affected communities, environmental observers, and/or parties affected by the decision (Article 26 paragraph (3))	Communities directly affected by the proposed activities (Article 26 of the amended Environmental Protection and Management Law; Article 29 paragraph (1) of Government Regulation No. 22 of 2021)
Position of NGOs	Environmental observers recognized as participants; environmental organizations included as members of the EIA Assessment Commission (Article 30 paragraph (1))	NGOs acting as community facilitators or representatives "may be involved" as part of directly affected communities (Article 29 paragraph (2)); environmental observers may be involved by the EFAT (Articles 35 and 45)
Objections to EIA documents	Available (Article 26 paragraph (4))	No longer provided for under the amended Environmental Protection and Management Law

Assessment body	EIA Assessment Commission	Environmental Feasibility Assessment Team (comprising representatives of the central government, regional governments, and certified experts)

Source: Authors' compilation based on the Environmental Protection and Management Law before and after its amendment, Government Regulation No. 22 of 2021, and Mumpuni , Mutolib et al, and Warsifah.

Finding 2: The submission-processing chain contains three accountability gaps. Article 31 of Government Regulation No. 22 of 2021 grants directly affected communities the right to submit suggestions, opinions, and responses regarding announced business or activity plans. Such submissions must be made in writing to the project proponent within ten working days of the announcement. The project proponent is required to document and process the submissions, with the results of such processing serving as input for the preparation of the Terms of Reference Form (Article 31 paragraphs (6) and (7)). Article 35 requires that announcements of proposed activities also be submitted to the EFAT, which involves the public, including environmental observers, receives submissions, and "screens" the suggestions, opinions, and responses received (Article 35 paragraph (6)). At the substantive assessment stage, Article 45 regulates EFAT meetings involving, among others, directly affected communities and environmental observers who submitted input during the Terms of Reference Form stage. If no submissions have been received, the EFAT may still involve environmental observer groups. The assessment results are documented in official minutes stating whether the ANDAL and RKL-RPL documents require revisions (Article 45 paragraphs (3) to (7)). The results of applying the four assessment questions at each stage are summarized in Table 2 and Figure 1.

Table 2. Tracing NGO Submissions under the Provisions of Government Regulation No. 22 of 2021

Stage	Legal Basis	Expressly Stipulated Obligations	Obligations Not Found in the Relevant Provisions
Submission	Articles 29 and 31	Written submissions to the project proponent within ten working days	Independent NGO participation rights; acknowledgment of receipt
Processing by the project proponent	Article 31 paragraphs (6) and (7)	Documenting and processing submissions as input for the Terms of Reference Form	Independent third-party review; obligation to respond to submissions that are not adopted
Screening by the EFAT	Article 35 paragraph (6)	Screening submissions	Definition of "relevance"; obligation to record

			submissions that do not pass the screening process
Substantive assessment	Article 45 paragraphs (3) and (4)	Involving environmental observers who have previously submitted input	Obligation to discuss the substance of submissions during assessment meetings
Assessment results	Article 45 paragraphs (5) to (7)	Official minutes specifying whether document revisions are required	Obligation to document how each submission is addressed and the reasons underlying its treatment
Decision-making	Article 24 of the amended Environmental Protection and Management Law; Article 50 of Government Regulation No. 22 of 2021	Issuance and announcement of the environmental feasibility decision	Obligation to include considerations addressing relevant submissions

Source: Authors' analysis of Government Regulation No. 22 of 2021 and the amended Environmental Protection and Management Law. The final column identifies obligations absent from the wording of the provisions examined, rather than establishing their absence in actual practice.

Finding 3: The EFAT's accountability is procedural in nature and does not yet entail legal consequences. The EFAT is a team established by an assessment institution under the central government and is not the authority responsible for issuing the final decision. Its work results in official minutes and recommendations concerning environmental feasibility, whereas the environmental feasibility decision is issued by the competent official and announced to the public (Article 50 of Government Regulation No. 22 of 2021). Four forms of accountability can be identified within the existing regulatory framework. First, administrative-procedural accountability, as the EFAT's actions are bound by prescribed procedures, deadlines, and the principles of good governance, including transparency, accuracy, and impartiality (Article 10 paragraph (1) of Law No. 30 of 2014). Second, documentary accountability through official meeting minutes. Third, public accountability through the announcement of the decision. Fourth, indirect judicial accountability, namely through the judicial review of environmental feasibility decisions or environmental approvals before the administrative courts on the grounds of violations of statutory provisions or the general principles of good governance (Article 53 paragraph (2) of Law No. 5 of 1986, as amended by Law No. 9 of 2004). The provisions examined contain no explicit rule linking legal consequences to the EFAT's disregard of relevant submissions. This finding is consistent with Mumpuni's observation that no legal consequences have been identified for project proponents who disregard public participation.

2. Data Visualization: Tables and Figure

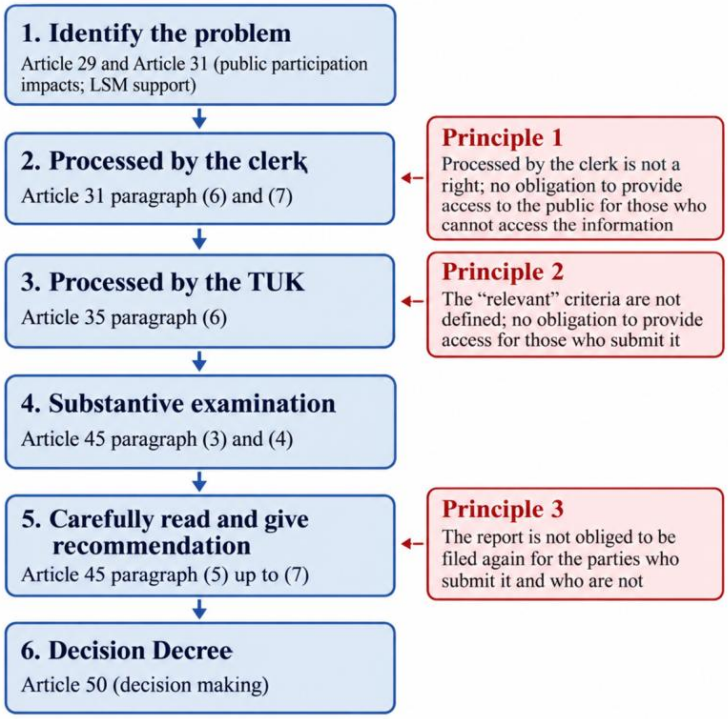


Figure 1. The Chain of Procedures for Handling NGO Submissions in EIA Assessment and Its Accountability Gaps
Source: Authors' analysis of Government Regulation No. 22 of 2021.

Figure 1 illustrates the chain of procedures governing the treatment of NGO submissions, from their initial submission to the environmental feasibility decision, together with the three identified accountability gaps. The first accountability gap occurs during the processing stage by the project proponent, which has a vested interest in the outcome of the assessment. The second occurs during the EFAT screening process because the criterion of "relevance" remains undefined and there is no obligation to record submissions that are screened out. The third occurs in the preparation of the official assessment minutes, which are not required to document how each submission is addressed.

3. Negative Evidence, Divergent Findings, or Anomalies

Three divergent findings were identified. First, there is a tension between different levels of legal norms: the statute restricts participation to directly affected communities, whereas Government Regulation No. 22 of 2021 continues to recognize NGOs acting as community facilitators or representatives and provides the EFAT with a mechanism for involving environmental observers. The interpretation most consistent with the hierarchy of

legal norms is that NGOs may participate through the channel provided for in Article 29 paragraph (2), as part of directly affected communities, and through the EFAT's authority under Articles 35 and 45.

Second, Warsifah's conclusion that environmental organizations have no remaining opportunity to participate is not entirely consistent with the provisions of Government Regulation No. 22 of 2021. This discrepancy may arise because the article focuses primarily on the Job Creation Law and the Constitutional Court's decision.

Third, two screening stages are conducted by different parties, namely the project proponent under Article 31 and the EFAT under Article 35, without any explicit provision governing the relationship between these two processes. No empirical data concerning the actual screening practices conducted by the EFAT were identified in the sources accessible to the authors. Consequently, all findings of this study are limited to the normative level.

DISCUSSION

The research findings indicate that Government Regulation No. 22 of 2021 provides opportunities for the public, including non-governmental organizations (NGOs), to submit suggestions, opinions, and responses during the preparation of Environmental Impact Assessment (EIA) documents. However, the availability of such participatory opportunities does not fully guarantee that every submission will be considered in the environmental feasibility assessment process. This condition reveals a gap between the right to express opinions and the obligation of assessment institutions to give substantive consideration to those opinions. From an accountability perspective, (Bovens, 2007) explains that accountability cannot be fulfilled merely through the provision of information; it also requires actors to explain and justify their actions before a forum, as well as the possibility of consequences arising from those actions. When this framework is applied to EIA assessment, the documentation of submissions and the preparation of meeting minutes only partially fulfill the requirements of accountability. The absence of an explicit obligation to explain the reasons for accepting or rejecting submissions, together with the lack of consequences for disregarding relevant submissions, indicates that the accountability mechanism governing EIA assessment requires further strengthening.

This gap has implications for legal certainty and the protection of public rights in environmental decision-making. The principles of transparency and accuracy, as stipulated

in Article 10 paragraph (1) of Law No. 30 of 2014 concerning Government Administration, should serve as the foundation for all governmental administrative actions, including the issuance of environmental feasibility decisions. However, without systematic obligations to record submissions and provide reasons, communities and NGOs may encounter difficulties in establishing whether the input they have submitted has genuinely been considered by the Environmental Feasibility Assessment Team (EFAT). This issue becomes even more significant because control over information concerning the processing of submissions rests with the project proponent and the EFAT, rather than with those who submit their opinions. Accordingly, expanding opportunities for participation does not automatically improve the quality of decision-making unless accompanied by an accountability mechanism addressing the substance of the submissions. This condition is consistent with (Arnstein, 1969) concept of *tokenism*, in which public participation may be limited to providing opportunities to express opinions without granting participants the power or assurance that their views will influence decisions. Research (Kertaningrum & Widayati., 2021) similarly found that the regulation of public participation in EIA preparation following the Job Creation Law remains at the level of *tokenism*, as communities may submit suggestions, opinions, and responses but are not guaranteed that their views will be considered in decision-making.

The position of NGOs in the EIA assessment process also needs to be examined through the relationship between authority, interests, and impartiality. The project proponent is a party with a vested interest in obtaining approval of the environmental documents, yet simultaneously plays a role in receiving and processing public submissions. This situation potentially creates an imbalance because the party with an interest in the success of the project also determines how initial submissions are handled. By (Reed, 2008) emphasizes that the effectiveness of stakeholder participation in environmental management depends heavily on process transparency, the representation of knowledge, and the relationship between participation and decision-making. Research (Glucker et al., 2013) likewise explain that participation in EIA should be assessed in terms of its objectives, the parties involved, and the mechanisms through which it is implemented, rather than merely on the basis of whether public consultations have taken place. In the Indonesian context, (Lai & Hamilton, 2020) specifically found that issues concerning the accountability and legitimacy of NGOs as intermediaries representing community interests remain challenges to achieving procedural justice in the EIA process. Therefore, regulations governing the processing of submissions

should position the EFAT as the body responsible for conducting objective assessments, while requiring project proponents to respond to the substance of relevant submissions.

A comparison with previous studies, as presented in Table 3, indicates that public participation in EIA has been widely researched, but previous studies have not consistently treated the handling of submissions as a central issue of assessment accountability. Research (Mumpuni, 2021) highlights the importance of public participation in environmental impact control and demonstrates that participation may become a mere formality when no consequences are imposed on parties that disregard it. Research (Zulkarnaina, 2020) emphasizes issues concerning access to EIA information and the documentation of submissions, while (Warsifah., 2022) examines public involvement and opportunities for environmental organizations following Constitutional Court Decision No. 91/PUU-XVIII/2020. Research (Azhara & Mardhatillah, 2023) also identify restrictions on public participation following the Job Creation Law, including the lack of clear criteria for determining the relevance of submissions. Studies by (Saputra & Dhianty, 2022; Mutolib et al., 2024; Nuriyatman et al., 2026) further expand the discussion of changes in environmental policy and their implications for participation and sustainability. Nevertheless, these studies differ in focus from the present research because they do not specifically conceptualize the handling of NGO submissions as an integrated chain of legal obligations within the EFAT assessment process.

This study also differs fundamentally from research on meaningful participation in the legislative process. Research (Prastyo, 2022; Paputungan & Bakhri, 2023; Dwitama, 2025) examine the fulfillment of the public's rights to be heard, to have their opinions considered, and to receive explanations or responses, as developed through Constitutional Court Decision No. 91/PUU-XVIII/2020 and incorporated into Article 96 of Law No. 13 of 2022. This study adopts the substantive elements of the right to have opinions considered and the right to receive explanations, and then adapts them to the context of environmental administrative decision-making. This adaptation produces four operational elements: official recording, substantive examination, consideration in the assessment process, and the provision of reasons. The first two elements are added as prerequisites to ensure that the subsequent two rights can be demonstrated and monitored. This framework is consistent with (Hartley & Wood, 2005), who emphasize the importance of effective public participation in EIA and the need for participation outcomes to be taken into account in final decisions. Accordingly, the contribution of this study does not lie in creating an entirely

new concept of meaningful participation, but rather in extending its application from the legislative process to administrative decision-making in the environmental sector.

Based on these findings, meaningful consideration in EIA assessment can be understood as an accountability standard requiring every relevant NGO submission to be officially recorded, substantively examined, considered during the assessment process, and addressed through a response explaining the reasons for its acceptance or rejection. This standard shifts the measure of successful participation from the mere availability of consultation forums to the existence of a traceable record showing how the substance of public submissions has been handled. In practice, official recording should be conducted through the environmental document information system, specifying a registration number, date of receipt, submitter's identity, and a summary of the submission's substance. Subsequently, the EFAT should examine all submissions against written relevance criteria, including their connection to significant impacts, environmental components within the study area, and the supporting data or reasoning provided. Following this examination, each submission should be classified as relevant or irrelevant without being removed from the register.

Submissions classified as relevant should subsequently be discussed at substantive assessment meetings and addressed by the project proponent through document revisions or a response matrix. This process should be evidenced by meeting invitations, minutes, and response documents that can be reviewed. At the final stage, the official assessment minutes and feasibility recommendations should include a matrix documenting how each relevant submission has been addressed, using the classifications of accepted, partially accepted, or rejected, accompanied by justifiable reasons. This matrix should be published together with the environmental feasibility decision so that the public can understand the relationship between the opinions submitted and the considerations underlying the decision. Such an arrangement also translates (Bovens, 2007) accountability principles into verifiable administrative procedures. As an additional safeguard, an environmental feasibility decision issued without a submission-handling matrix may be considered procedurally incomplete, while submitters may pursue administrative remedies in accordance with Law No. 30 of 2014.

This normative framework is designed proportionately to avoid imposing excessive administrative burdens on either project proponents or the EFAT. The obligation to provide substantive consideration and detailed reasons should primarily apply to submissions that

satisfy the relevance criteria. Meanwhile, submissions classified as irrelevant must still be recorded and provided with brief reasons for rejection based on predetermined criteria. The use of standardized matrix formats through an electronic system may help simplify the documentation and assessment processes. In addition, the provisions governing assistance by environmental organizations under Article 29 paragraph (2) may be retained in accordance with applicable legal requirements. However, the right to have the substance of a submission considered should be distinguished from the institutional status of the submitting party. In other words, the quality and relevance of the submission's content should form the basis of its examination, rather than the reputation, institutional standing, or identity of the organization submitting it. This approach is also consistent with (Lai & Hamilton, 2020) view that issues of NGO representation, legitimacy, and accountability must be addressed to achieve procedural justice in environmental impact assessment.

In its implementation, several potential objections to this normative framework may arise. First, the obligations to record, examine, and provide reasons for submissions may be considered likely to delay the EIA assessment process. However, this concern can be addressed through procedural standardization and the use of electronic matrices, allowing the assessment process to proceed in a more structured manner. Second, there is a possibility that public submissions may be used to obstruct project implementation. In response, objective relevance criteria can provide the EFAT with a basis for distinguishing submissions related to environmental impacts from those that have no substantive connection to the subject of the assessment. Third, not all NGOs possess the same level of capacity or commitment when submitting input. Therefore, the *meaningful consideration* mechanism should not assess submissions on the basis of organizational reputation, but rather on their relevance, supporting arguments, and accompanying data. Accordingly, this framework is not intended to grant NGOs a veto over a project, but to ensure that relevant opinions receive transparent and accountable consideration (Azhara & Mardhatillah, 2023; Glucker et al., 2013)

Theoretically, this study contributes to the development of the concept of meaningful participation by extending its application from the legislative process to administrative decision-making in the environmental sector. This development brings together the principle of public participation and accountability theory, particularly the obligations to explain, justify, and accept consequences for administrative actions. Practically, the findings may serve as a consideration for legislators and the ministry responsible for

governmental affairs in the environmental sector when revising Government Regulation No. 22 of 2021 or implementing regulations governing the operational procedures of the EFAT. Such revisions may focus on establishing standardized submission registers, relevance assessment standards, response matrices, and obligations to publish reasons for accepting or rejecting submissions. For NGOs, this framework may provide a legal basis for assessing whether the EIA assessment process has complied with the principles of transparency and accuracy in issuing environmental feasibility decisions.

Nevertheless, several limitations should be considered when interpreting the findings of this study. First, the study employs a normative legal approach and is therefore not supported by empirical data concerning the actual practices of the EFAT in processing submissions during EIA assessments. Consequently, the finding that the regulatory provisions do not explicitly require reasons to be provided cannot be interpreted directly as evidence that all NGO submissions are consistently disregarded in practice. Second, the analysis of Government Regulation No. 22 of 2021 is based on an examination of copies of the regulation available online and should be cross-checked against official documents. Third, the study does not examine in depth all ministerial regulations governing the technical implementation of environmental feasibility assessments. Fourth, the use of the Aarhus Convention as a comparative standard remains limited to the principles of public participation and consideration of consultation outcomes, without undertaking a comprehensive comparative analysis. Accordingly, future research should employ empirical or socio-legal approaches through content analysis of EFAT meeting minutes from selected EIA documents, interviews with EFAT members, project proponents, and NGOs, as well as an examination of administrative court decisions concerning environmental feasibility decisions. Comparative research on countries that have implemented obligations to provide reasons for the treatment of public participation outcomes is also necessary to assess the effectiveness of the *meaningful consideration* framework in strengthening accountability in EIA assessment.

CONCLUSION

First, the rights of environmental NGOs to submit suggestions, opinions, and responses in the post-Job Creation Law era are derivative, conditional, and hierarchical in nature. NGOs participate as organizations assisting directly affected communities (Articles

29 paragraph (2) and 31) and as environmental observers involved by the Environmental Feasibility Assessment Team (EFAT) (Articles 35 and 45), without having an independent participatory status. Second, the EFAT's legal accountability for relevant NGO submissions remains procedural and does not yet entail legal consequences, with three accountability gaps occurring during the processing of submissions by project proponents, the screening process conducted by the EFAT, and the preparation of assessment minutes. Third, the ideal framework for ensuring accountability is meaningful consideration, which requires the official recording, substantive examination, consideration during the assessment process, and provision of reasons for the treatment of relevant submissions. These requirements are formulated as proposed amendments to Articles 31, 35, 45, and 50 of Government Regulation No. 22 of 2021.

The theoretical contribution of this study lies in extending the doctrine of meaningful participation from the legislative process to environmental administrative decision-making and linking it to accountability theory. Its practical contribution consists of proposed normative provisions that may serve as a basis for drafting amendments to Government Regulation No. 22 of 2021 or its implementing regulations. This contribution is limited to the normative level and does not claim that the concept of considering public submissions has never been used before. Rather, it demonstrates that the concept has not yet been operationalized across the procedural chain established under Articles 29, 31, 35, and 45 of Government Regulation No. 22 of 2021.

Future research is recommended to empirically examine this framework through an analysis of EFAT assessment minutes and interviews with EFAT members and NGOs, examine administrative court decisions concerning environmental feasibility decisions, and compare the Indonesian framework with other legal systems that require reasons to be provided for the treatment of public participation outcomes. Further studies may also test the proposed relevance criteria by involving practitioners engaged in EIA assessment.

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