

Reconstruction of Procedure for Involvement of Indigenous People in Environmental Impact Assessment Process

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Keywords:

Reconstruction; Procedure;
Involvement; Indigenous People;
Environmental Impact
Assessment.

ABSTRACT

Studies on the reconstruction of the involvement of indigenous people in the process of Environmental Impact Assessment (EIA) based on the implementation of the regulation concerning the involvement of people in the EIA process show that such regulation is not optimally implemented. Indigenous people have not been fully involved in all stages of the EIA process. Therefore, this research aims at obtaining procedure for the optimum involvement of indigenous people in all the stages of the EIA process. This research employed library study from various literatures, including international journal, books, and results of research on the involvement of indigenous people in the process of Environmental Impact Analysis from 1995 until 2013. Furthermore, this research describes the procedure for the involvement of indigenous people in the EIA process as a result of reconstruction, which involves all the potential of the indigenous people in the entire stages of EIA until the decision making process of the environmental feasibility. In addition, this research explains the involvement of indigenous people before and after the process of environmental impact assessment was done. This research also found the status of government as the authority of natural resources, investors as the manager of natural resources and the indigenous people as the owner of natural resources. Every component, be it government, investor or indigenous people, play a significant role in the EIA process, especially in the process of environmental feasibility decision-making.



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International Journal Labs

INTRODUCTION

Regulation concerning environment containing the involvement of indigenous people in the process of Environmental Impact Assessment were enacted in 1969 in the United States of America, and in 1982 in Indonesia (Arizona & Cohen, 2024; Bhatt, 2023; Kumayza et al., 2024; Sibuea, 2025; Sunardi & Ikrima, 2025). Such regulation was intensively implemented in 2000. The regulation on environment contains the Environmental Impact Assessment as an instrument to prevent environmental damage. Environmental Impact Assessment is made by investors involving government and indigenous peoples. It is expected that by involving indigenous peoples in the process of Environmental Impact Assessment, the objective of sustainable development will be achieved (Algarni et al., 2023; Biswas et al., 2025; Kennedy et al., 2023; Scheidel et al., 2023; Tsuji, 2022).

In reality, although the regulation has existed, indigenous people have not been optimally involved. Their resources have not been involved in all stages of the process of environmental

impact assessment (Barati et al., 2023; Ramesh et al., 2022; Vera et al., 2023; Wang et al., 2025). They felt that their involvement was only formal and technical to meet legislation procedures made by the government as the authority. As a result, conflict often arose in their life in the territory in which natural resources were exploited. Moreover, conflict also often arose between indigenous people, government and investor. The conflict often occurred when an environmental feasibility license had been issued and the exploitation had started. Therefore, this research aims at studying the procedure for the involvement indigenous people in the process of environmental impact assessment by involving all their potential in the entire stages of making the environmental impact assessment until the process of decision making for an activity planning. Another aim is to identify the involvement of indigenous people before and after the process of Environmental Impact Assessment is made. In addition, it is expected that this research to identify the status of government, investor and indigenous people in the process of Environmental Impact Assessment (Castelblanco et al., 2023; Das & De, 2023; Fatima et al., 2024; Kennedy et al., 2023; O’Faircheallaigh & MacDonald, 2022).

The primary objective of this research is to develop a comprehensive procedure for the optimal involvement of indigenous peoples in all stages of the EIA process, from the announcement of business plans to the decision-making regarding environmental feasibility. Additionally, this research aims to identify the status and roles of government, investors, and indigenous peoples within the EIA process, clarifying their respective rights and obligations. The findings are expected to contribute both theoretically and practically: theoretically, by advancing the understanding of participatory environmental governance and the integration of customary wisdom into modern regulatory frameworks; practically, by providing a replicable model that can be adopted by policymakers, environmental agencies, and investors seeking to ensure compliance with indigenous rights and sustainable development principles. Ultimately, this research aspires to promote a more inclusive and equitable EIA process that respects the dignity and autonomy of indigenous peoples while facilitating environmentally responsible development.

METHOD

This research employed a library research method, which is appropriate for legal and policy analysis that requires the systematic examination of regulatory frameworks, scholarly literature, and documented case studies. Library research allows researchers to synthesize existing knowledge, identify patterns and gaps in the literature, and develop normative frameworks without the logistical constraints of field research (Mukhtar, 2013). The data population for this study consisted of all available literature on indigenous peoples' involvement in the Environmental Impact Assessment process, including international journals, academic books, research reports, and legal documents. The sample was purposively selected to include materials published between 1995 and 2013, a period that encompasses the intensification of EIA implementation in Indonesia and the subsequent development of participatory mechanisms. Sampling was conducted using a criterion-based approach, prioritizing sources that specifically addressed indigenous participation in EIA, environmental governance, and natural resource management. Key sources included publications indexed in Google Scholar and Scopus databases, as well as Indonesian-language materials from national journals and government publications.

The research instrument for this library study was a structured document analysis protocol, which guided the systematic extraction of relevant information from each source. Validity was ensured through triangulation, comparing findings across multiple sources to identify convergent themes and discrepancies. Reliability was maintained through a consistent coding scheme applied to all documents, with particular attention to definitions of indigenous peoples, descriptions of EIA procedures, and accounts of stakeholder roles. Data collection was conducted through systematic searches of academic databases, library catalogues, and government archives, using keywords such as "indigenous peoples," "Environmental Impact Assessment," "public participation," "customary law," and "natural resource management." The collected data were organized thematically, focusing on the three stakeholder groups—government, investors, and indigenous peoples—and their respective roles in each stage of the EIA process.

The research procedure involved several sequential steps. First, a comprehensive literature search was conducted to identify relevant sources, resulting in a preliminary database of publications. Second, each source was screened for relevance and quality, with duplicates and non-peer-reviewed materials excluded. Third, the selected sources were analyzed using content analysis techniques, identifying key concepts, procedural descriptions, and stakeholder roles. Fourth, findings were synthesized to develop the reconstructed procedure, which was then validated against the original regulatory framework and empirical accounts of EIA implementation. Software tools such as reference management systems (Mendeley or Zotero) were used to organize citations and facilitate cross-referencing. Data analysis was conducted using thematic analysis, which involved coding the extracted data into categories, identifying patterns and relationships, and developing a coherent narrative that addresses the research objectives. The analysis focused on comparing the documented involvement of indigenous peoples before and after the EIA process, identifying gaps in the current procedure, and proposing reconstructive solutions based on successful practices documented in the literature.

RESULTS AND DISCUSSION

The results of the research show that there are 3 (three) stakeholders in the utilization of natural resources that are supposed to have significant impact on environment. First, indigenous people as the owner of natural resources is a group of people who hereditarily owns same residing area, has prevailing cultural values and customary law, and has environmental wisdom which is still preserved until the present time in order to maintain the balance of social life between indigenous people and environment; Second, Government as the authority of the natural resources (Subsection 33 in 1945 Constitution); and Third, investor as the natural resources administrator. Indigenous people are the first group who will receive economic and environmental impact. Economic and environmental impact can be estimated using an in-depth study in the environmental impact assessment, an instrument to prevent environmental damage. Therefore, the involvement of indigenous people can start before the process of Environmental Impact Assessment takes place and during the process of Environmental Impact Assessment, including announcement, submission of suggestion, opinion and response along with public consultation, making of Environmental Impact Assessment, until the stage of decision making and announcement of environmental feasibility.

The procedure for the involvement of indigenous people in the process of Environmental Impact Assessment released by the government as natural resources authority is considered to have not involved all of their potentials as the owner of natural resources. Therefore, the procedure for the involvement of indigenous people in the process of Environmental Impact Assessment is reconstructed as follows:

The Involvement of Indigenous People during the process of Environmental Impact Assessment

The procedure for the involvement of indigenous people in the process of Environmental Impact Assessment (EIA) includes involving them which starts from the announcement of business and or activity plan, public consultation, making and evaluation of EIA, until the decision making of environment feasibility. When the announcement is given by the initiator, the time interval between the announcement and the submission of suggestion, opinion, response is determined by an agreement between indigenous people and the government. Furthermore, indigenous people may use a mediator to help them during the period of public consultation and evaluation of EIA.

Furthermore, based on the research results, the involvement of indigenous people can be divided into two in the process of EIA program and Environmental License actively and passively, namely the Involvement of Indigenous People in the process of announcement, socialization, public consultation for business and/or activity plan, and the Involvement of Indigenous People in the making and evaluation of EIA, and decision making of the environmental feasibility.

The figure below shows the procedure for the involvement of indigenous people in the process of EIA before the reconstruction.

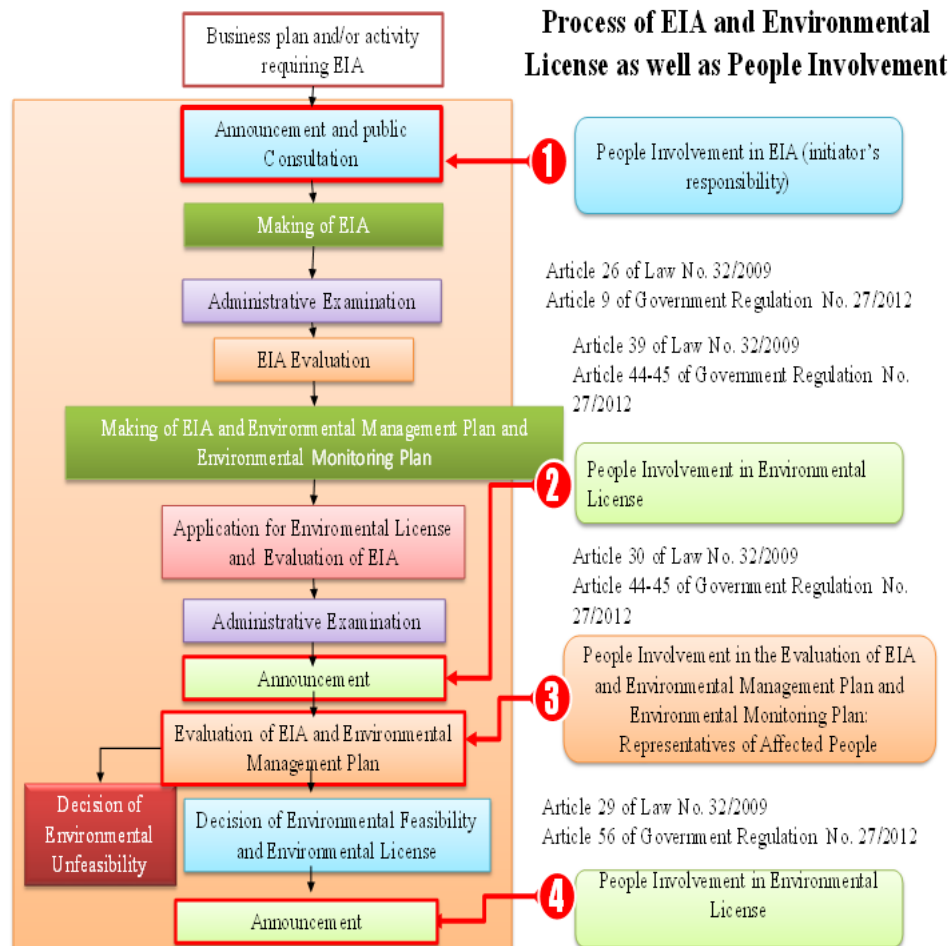


Figure 1. The Procedure for the involvement of indigenous people in the process of Environmental Impact Assessment before being reconstructed

Reconstruction of the Involvement of Indigenous People During the Process of Announcement, Socialization and Public Consultation

These processes include active and passive involvement. Active involvement gives the indigenous people chances to convey information about their customary symbols based on values and norms existing in their life. Passive involvement is done by reading their written suggestions, opinions, and responses during socialization and public consultation. suggestions, opinions, and responses are collective decision made by indigenous people in the customary meeting before the socialization and public consultation take place.

The involvement of indigenous people cannot stand by itself independently, but it can involve other stakeholders such as mediator, initiator, and government institution. Those stakeholders are explained below.

Mediator in the process of Environmental Impact Assessment

Mediator is an individual (an expert), a group of people, Non government organization (NGO), Universities and government institution who mediate between the people affected and the initiator/the institution engaging in business based on mutual agreement. Mediator is needed during the announcement of business plan, public consultation, and EIA evaluation session.

Initiator in the process of Environmental Impact Assessment

Initiator is an individual or a legal entity that is responsible for a business and/or activity plan which will take place. The initiator is required to announce the business and/or activity plan before starting to make the EIA document based on the provisions according to the culture of indigenous people. The announcement must be delivered in a local language. It should be located in a customary house and presented according to the specifications are given by the indigenous people.

A mediator is chosen by indigenous people and initiator to deliver the announcement for those who are from remote area and low education and knowledge. In addition, the announcement is given in a meeting and/or face to face interaction and delivered in a language or a language comprehensible by the people. Furthermore, the initiator is responsible to provide fees for the announcement, fees for collecting suggestions, opinions, and response as well as transportation and accommodation fees for those affected people who are invited to join the making and discussion of EIA document. The initiator provides mediation fees for the mediator during the announcement, preparation of the making of EIA, public consultation, research and as a resource person in the process of EIA evaluation. Such payments are given in the consultation session with indigenous people who are in charge of making the document of Term of Reference directly or through a mediator. The initiator is required to give answers to suggestions, opinions, and responses the indigenous peoples and to give them information about the EIA documents directly and/or through mediator. During the preparation stage of making the EIA, the initiator has to inform the indigenous peoples about their business plan and announce it based on the schedule agreed with the institution responsible for the indigenous people. The announcement contains Name, Location, Area of land, type and product produced, waste, and environmental impact. Moreover, Meanwhile, the deadline to submit suggestions, opinions and responses is determined by the people.

Institution responsible for the process of Environmental Impact Assessment

Institution is an institution which is authorized to decide the environmental feasibility. This institution refers to an institution at the level of Regional Government, namely Governor, Regent, or Mayor) that is assigned to control the environmental impacts at regional level. It is required announce business and/or activity plan which will start to make the Environmental Impact Assessment. The announcement includes: location of the business and/or activity completed with area map, name and type of business and/or activity and initiator's name and address, the date when the announcement starts and the deadline to submit suggestions, opinions and responses from the indigenous people, and name and address of the institution responsible for receiving suggestions, opinions and responses from the people.

They can express their suggestions, opinions, or responses to the business and/or activity plan which is announced during the period of working days agreed on by Indigenous People, Government and Initiator since the date of the announcement, and reported to the institutions concerned at the regional level: Governor/Regent/Mayor c.q. Head of Provincial/Regency/Municipal Environment Agency, carbon copied to the institutions in charge of such business/activity and the Initiator. Technically, institution in charge of environmental management is required to announce the business and/or activity plan which starts to make the EIA. The announcement is issued through printed and electronic media, local or national, and put in the announcement board determined and regulated by the institution.

The announcement should be written down in Indonesian Language, completed with the deadline for giving suggestions, opinions, and responses from the indigenous people. The institution in charge of the environment is required to report the summary of suggestions, opinions, and responses from the indigenous people to the evaluating commission of EIA., and to provide the peoples information about the process and decision of evaluation of EIA documents to the stakeholders. Moreover, the institution facilitates the people to obtain information and to participate in the process of EIA.

Reconstruction of the involvement of indigenous people in the process of making and evaluation of Environmental Impact Assessment, and decision-making process environmental feasibility

The involvement of Indigenous people in the process of Environmental Impact Assessment (EIA) and environmental license is a process in which the indigenous people participate actively and passively in every stage of EIA process until the process of decision making on the environmental feasibility. They participate actively in the process of Making of EIA by being members of Technical Team and commission of EIA.

The indigenous people can actively involve in the making of EIA documents (as resource persons), the assessment of EIA documents until the decision making environmental feasibility, by positioning them as Members of Evaluating Commission of EIA, which is assigned to evaluate all components in the EIA document. Their existence in the commission is legitimated by physical and socio-cultural impacts they receive and they are appointed based on the agreement of Customary Law Community.

They are appointed in the customary house or customary court. The criteria and requirements to be representatives of the affected indigenous community as members of the EIA Evaluating Commission are: An individual who is acknowledged as the owner of ulayat right or a tribal chief who has a direct kinship with affected communities. He/she may also be a spokesperson and/or a person who has a written mandate from the affected indigenous people agreed upon and appointed in the customary house or customary court. The acknowledgment can be manifested in formal evidence (for example: a collective agreement letter from the represented indigenous people), or other forms of acknowledgement determined and approved by the affected indigenous people they represent. Representatives who will sit as members of the EIA Evaluating technical team and members of the EIA Commission Team are representatives capable of articulating aspirations, suggestions, opinions and responses of the people they represent, including contradicting opinions; capable to have regular communication and consultation with the communities they represent.

In addition, Indigenous Peoples can be passively involved in the process of making the EIA. Such involvement includes giving suggestions, opinions and responses in writing on the activities of assessing EIA documents. Media used for submitting suggestions, opinions, and responses should be in written form so that they are easily documented. In submitting suggestions, opinions, and responses, people should use good and correct Indonesian language; write clearly so it is easy to read; explain and/or attach a personal identity. Meanwhile, for those who live in remote areas and have low level of level of education and knowledge, the suggestions, opinions, and responses can be delivered by a mediator appointed the indigenous people. There is another method that the suggestions, opinions, and responses, both spoken and

written, will be improved by the mediator according to the acceptable delivering method and forwarded to the institution in charge and/or the initiator.

Therefore, all of the results of reconstruction of the procedure for the involvement of indigenous people in the process of EIA are presented in the following figure.

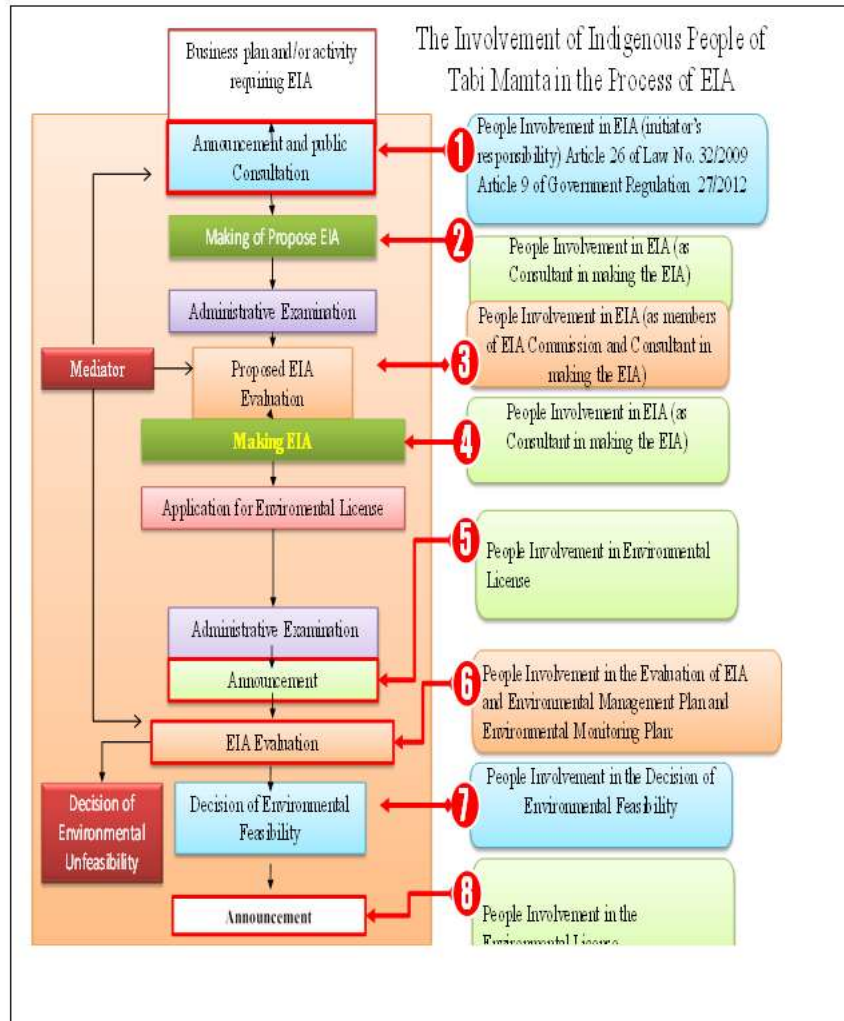


Figure 2. The procedure for the involvement of indigenous people in the process of Environmental Impact Assessment after the reconstruction

CONCLUSION

This research leads to several conclusions. Indigenous people, as the owners of natural resources, will experience both the economic and environmental impacts resulting from the exploitation of natural resources by investors, and as such, they have the right to obtain accurate information from the government regarding the Environmental Impact Assessment (EIA) carried out by investors, as well as a requirement to be involved in the process of formulating and evaluating that assessment. The government, as the authority overseeing natural resources, holds the right to control those resources through policies aimed at promoting the prosperity of indigenous peoples, and correspondingly bears the obligation to involve indigenous people in the process of resource exploitation undertaken by investors. Investors, for their part, are required to comply with all government regulations governing the exploitation of natural

resources, including the Environmental Impact Assessment, while also holding the right to obtain benefits equal to those received by the government and indigenous peoples. Ultimately, the Environmental Impact Assessment process must be carried out in an integrated manner, involving indigenous people, the government, and investors together.

FUNDING

The authors declare that no financial support was received for the conduct of this study and/or the publication of this article.

CONFLICT OF INTEREST

The authors declare that this study was conducted without any commercial or financial relationships that could be interpreted as a potential conflict of interest.

AUTHOR CONTRIBUTIONS

Ferdinand Saras Dhiksawan: research conceptualization, methodology design, experiment execution, data collection, data analysis, manuscript drafting, and manuscript revision. Sudharto P. Hadi: research supervision, validation of research results, provision of scientific input, and manuscript review and revision. All authors have read and approved the final version of the manuscript.

GENERATIVE AI STATEMENT

The authors declare that generative artificial intelligence (AI) was used in the preparation of this manuscript to help improve linguistic clarity, correct grammar, and refine the writing structure. Generative AI was not used to generate, manipulate, or analyze research data. The entire content of the manuscript has been reviewed and verified by the author(s). The author(s) are fully responsible for the accuracy, integrity, and final content of the manuscript.

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