



©+62 812 1046 7572 <https://research.e-siber.org> research.siber.info@gmail.com Jalan Marina Indah Raya No. 1 Pantai Indah Kapuk, Kamil Muara, Pejaringan, Jakarta Utara, Indonesia.

DOI: <https://doi.org/10.38035/sjam.v2i2>

Received: August 26th, 2024, Revised: September 06th, 2024, Publish: September 30th, 2024

<https://creativecommons.org/licenses/by/4.0/>

Analysis of Natural Resources Contracts Related to Article 33 Paragraph 2 and Paragraph 3 of the 1945 Constitution

Linda Desafitri RB¹, Heliaantoro²

¹Sekolah Tinggi Ilmu Hukum Gunung Jati, Tangerang, Indonesia, lindadesafitri@iptrisakti.ac.id

²Sekolah Tinggi Ilmu Hukum Gunung Jati, Tangerang, Indonesia, toro1940@gmail.com

Corresponding Author: lindadesafitri@iptrisakti.ac.id¹

Abstract: This article aims to identify challenges in the implementation of Article 33 of the 1945 Constitution in the context of the current global economy and offer a policy reform perspective to align natural resource management practices with the spirit of the constitution. Qualitative research methods are used by reviewing related scientific literature. The findings show a discrepancy between the principle of state control over natural resources and the practice of market liberalization. Key challenges include conflicts between state and market management, neglect of environmental conservation, and misalignment with global commitments to sustainability. To address these challenges, policy reforms are needed that integrate Article 33 principles in regulation, emphasize environmental sustainability, and be consistent with global commitments and public involvement in decision-making. This reform aims to ensure that the management of natural resources complies with the spirit of the constitution and provides maximum benefits for the welfare of the people and environmental sustainability. With these measures, Indonesia can more effectively align natural resource management practices with constitutional principles and achieve better welfare for the people and protect the environment.

Keyword: Natural Resources, Contracts, 1945 Constitution Article 33 Paragraph 2 and Paragraph 3

INTRODUCTION

Indonesia is endowed with abundant natural resources. From Sabang to Merauke, the country has a wide variety of minerals, petroleum, natural gas, tropical forests, and extraordinary biodiversity. However, the management of these natural resources has been a controversial issue for many years, especially when it comes to constitutional mandates and the reality of contracts with foreign companies. Article 33 of the 1945 Constitution explicitly states: Paragraph 2: "The branches of production which are important to the state and which control the livelihood of the people are controlled by the state." Verse 3: "The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". This article reflects the spirit of the nation's founders to

ensure that Indonesia's natural resources are managed for the benefit of the people. However, the implementation of this principle in practice has faced various challenges.

Article 33 of the 1945 Constitution Paragraphs 2 and 3 explicitly states: Paragraph 2: The branches of production which are important to the state and which control the livelihood of the people are controlled by the state. Verse 3 "The earth and water and the natural resources contained in it are controlled by the state and used for the greatest prosperity of the people. This article reflects the spirit of the nation's founders to ensure that Indonesia's natural resources are managed for the benefit of the people. However, the implementation of this principle in practice has faced various challenges. One of the main issues is the mining and petroleum contracts that have been signed with multinational companies. A classic example is Freeport's Contract of Work in Papua, which has been a source of debate for decades. Critics argue that this kind of contract does not fully reflect the spirit of Article 33, as most of the profits flow to foreign companies, not to the Indonesian people.

According to a study by Publish What You Pay Indonesia (2019), although the extractive sector accounts for around 12% of Indonesia's GDP, its contribution to state revenue is only around 3-4%. This raises the question of the extent to which "the greatest prosperity of the people" is actually realized. Another problem that arises is environmental degradation and social conflicts that often accompany large-scale natural resource extraction projects. According to the 2020 report by the Indonesia Forum for the Environment (WALHI), there are more than 1,000 agrarian conflicts related to natural resource management throughout Indonesia. This shows that the aspect of "people's prosperity" is often ignored for short-term economic interests (Kalmirah, 2023) The Government of Indonesia has made efforts to balance the interests of investment with the mandate of the constitution. Mineral and Mineral Law No. 3 of 2020, for example, aims to increase the role of the state in the management of mineral and coal resources. However, its implementation is still a matter of debate, with some parties considering it not enough to protect national interests.

According to a study by (Warburton, 2017) although Indonesia has experienced significant economic growth since the reform era, the distribution of benefits from the exploitation of natural resources is still uneven. This raises questions about the effectiveness of the implementation of Article 33 of the 1945 Constitution in the context of the modern economy. One of the crucial issues is how to define and implement the concept of "controlled by the state" in Article 33. The Constitutional Court, in its decision No. 001-021-022/PUU-I/2003, has given an interpretation that "controlled by the state" does not necessarily mean ownership in a narrow sense, but also includes regulation, policy, management, management, and supervision (Asshiddiqie, 2010) However, the implementation of this principle in practice is still facing challenges. Studies by (Rosser & van Diermen, 2016) show that despite efforts to improve the role of the state in the mining sector through the 2009 Mineral and Mineral Law, the strong influence of business and political elites often hinders meaningful reforms.

In relation to contracts with multinational corporations, research by (Maxton-Lee, 2020) reveals that despite the increase in divestment and profit-sharing requirements, there are still concerns about the government's ability to enforce these provisions effectively. Environmental issues are also a major concern. According to (Bank, 2019) deforestation and forest degradation in Indonesia have caused significant economic losses, in addition to negative impacts on biodiversity and indigenous peoples. This shows the importance of considering sustainability aspects in the interpretation of "the greatest possible prosperity of the people" as mandated in Article 33. In an effort to balance economic and environmental interests, Indonesia has adopted several progressive policies. One of them is the moratorium on the issuance of new permits for the conversion of primary forests and peatlands, which has been extended several times since 2011 (Austin et al., 2019) However, the effectiveness of

these policies is still a matter of debate, with some researchers highlighting gaps and challenges in their implementation (Busch et al., 2015).

Related to the goal of increasing economic benefits for local communities, several initiatives have been launched. The Social Forestry Program, for example, aims to provide legal access to communities to manage state forests (Santika et al., 2019). Although the program shows potential to improve community welfare and forest conservation, its implementation still faces various challenges, including institutional capacity and conflicts of interest. In the oil and gas sector, policy reforms have also been carried out. Oil and Gas Law No. 22 of 2001 aims to increase transparency and competition in this sector. However, a study by (de Jesus Soares, 2004) shows that despite the increase in transparency, there are still concerns about the dominance of foreign companies in the sector and how this impacts national energy sovereignty.

To address these challenges, several scholars and policymakers have proposed further reforms. For example, (Rosser et al., 2021) suggest the importance of strengthening the regulatory capacity of countries and increasing transparency in the management of natural resources. Meanwhile, (Lele et al., 2013) emphasizes the importance of a participatory approach that involves local communities in decision-making related to natural resource management. The purpose of this article is to identify the challenges in the implementation of Article 33 of the 1945 Constitution in the context of the current global economy and offer perspectives for policy reforms that can better align natural resource management practices with the spirit of the constitution.

Natural Resources

Natural Resources (SDA) are everything that comes from nature that can be used by humans to meet their living needs. Natural resources include various things such as water, air, soil, minerals, energy, forests, and animals. Natural resources can be differentiated into two main categories of natural resources that can be restored naturally in a relatively short time, such as water, air, forests, and solar energy., and natural resources that take a very long time to form or even cannot be recovered, such as petroleum, natural gas, coal, and minerals (Campbell & Sayer, 2003; Odum et al., 2005). Another definition also states that Natural Resources are everything that is naturally available in the environment and has economic value that can be used by humans to support life and development. Natural resources include biological elements (such as flora and fauna) as well as physical elements (such as minerals, water, and air). Natural resources play an important role in a country's economy because they provide raw materials for industry, energy, and basic human needs (Chiras & Reganold, 2010).

Research related to Natural Resources from (Agus, 2020) The education system for sustainable development must be developed with a strong cultural foundation and balanced human values in educating the mind, heart, and hands. The development of an Integrated Bio-cycle System in a nature-focused ecosystem will manage land resources (soil, minerals, water, air, microclimate) and biological resources (flora, fauna, humans) to increase added value in environmental, economic, socio-cultural, and health aspects. Furthermore, the results of the study state that exports, human capital, GDP growth, and foreign direct investment have a positive relationship with the volatility of natural resource prices in Indonesia (Ekananda, 2022). Related to the 1945 Law, the principles of Indonesia's economic system are based on the principles of kinship and economic democracy. The right of control by the State is not in the form of ownership, but in the form of policy formulation; Management; Settings; Management; and supervision of the branches of production that are important to the State and that control the needs of the people's lives (Nendissa, 2020).

Law 1945 Article 33 Paragraphs 2 and 3

The content of Article 33 Paragraph (2) and (3) of the 1945 Constitution of the Republic of Indonesia, Article 33 Paragraph (2): "The branches of production that are

important to the state and that control the livelihood of the people are controlled by the state. Article 33 Paragraph (3): "The earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The 1945 Constitution of the Republic of Indonesia and Pancasila are the two main elements used as the basis for determining direction and policy, in accordance with the mandate of Article 33 paragraph (3). This article stipulates that the earth, water, and natural resources controlled by the state must be managed to achieve sustainable justice and community welfare (Shebubakar, 2023)

The results of another study stated that After the 4th Amendment, the Constitution stipulates that the national economy must be regulated to utilize the minimum possible resources in order to achieve the greatest possible welfare that can be enjoyed fairly by all citizens. In Indonesia's electricity sector, it was found that every electricity-related regulation has reflected at least one aspect of the principle of fair efficiency (Anugroho et al., 2017). Another study states that land rights and their characteristics are very contrary to the right to land tenure as stipulated in Article 33 Paragraph 3 of the 1945 Constitution, while the position of management rights is part of the delegation of authority to implement the 1945 Constitution. The state has authority over the land (Subandi, 2017).

Contract

A contract is a legal agreement between two or more parties that creates a legal obligation to perform or not to perform something. In the legal context, contracts generally involve elements, agreements All parties must agree to the terms and conditions stipulated. Consideration) Ada sesuatu yang diberikan oleh setiap pihak sebagai imbalan untuk apa yang they received it from other parties. Capacity, all parties must have the legal capacity to enter into a contract, usually meaning they are adults and not under adverse influence and legitimate purposes (*Legality*), the purpose or content of the contract must be legal and not unlawful (Emirzon et al., 2021; Jimenez, 2021).

Contracts related to natural resources are legal agreements that involve the use, management, or exploitation of natural resources such as minerals, oil, gas, forests, and water. These contracts govern the rights, obligations, and responsibilities between the parties involved, such as governments, companies, and rights holders to natural resources. Related research that states about contracts states that natural resource management contracts should make the principle of *rebus sic stantibus* as one of the main principles. This principle can place nature as a contractual subject and provide higher protection of nature from excessive exploitation and exploration (Firmanda, 2020).

Another result states that the management of oil and gas resources that is not in line with or contrary to the meaning of Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia can result in the inability to achieve the goal of people's welfare optimally. So far, the management has faced difficulties in realizing the principles of constitutional management of oil and gas resources. This is due to the inability of the Government of Indonesia as the representative of the state to maintain adequate sovereignty and control rights before foreign contractors involved in the management of oil and gas resources through cooperation contracts, as well as the lack of priority given to government institutions such as independent SOEs. SOEs must play a leading role in the management of oil and gas as a strategic natural resource in Indonesia, so that state sovereignty and control rights can be utilized to achieve maximum people's welfare without third party intervention (Rizaldi et al., 2023).

METHOD

This article uses a qualitative research method by looking for sources of literature review from related scientific articles from existing journals with the findings of the article

given a perspective from the researcher as a result of the research to identify challenges and offer perspectives for policy reform.

RESULTS AND DISCUSSION

Implementation of the 1945 Law Article 33 Paragraph 2 and Paragraph 3

The results of the related research stated that the unbundling system was considered incompatible with the concept of state control regulated in Article 33 of the 1945 Constitution of the Republic of Indonesia, because it caused the separation of electricity supply businesses. This opens up opportunities for the state not to directly control the supply of electricity, which has an impact on the high basic electricity tariff and lack of legal certainty. In fact, electricity is an important energy related to the needs of many people's lives, in accordance with the mandate of Article 33 of the 1945 Constitution of the Republic of Indonesia and the value of justice in the fifth precept of Pancasila. The Constitutional Court's consideration in the Constitutional Court's Decision Number 111/PUU-XIII/2015 interprets that the provisions of Article 10 paragraph (2) of the Electricity Law which contains an unbundling system in the electricity sector are considered unconstitutional or contrary to the 1945 Constitution of the Republic of Indonesia if it is used to justify the practice of unbundling in the provision of electricity for the public interest (Noviansyah, 2021).

Another study also stated that in the decision of the Constitutional Court Number 36/PUU-X/2012, the replacement of BP Migas with SKK Migas as the manager of the upstream oil and gas sector is considered to violate Article 33 of the 1945 Constitution. This article is the basis of the country's constitution, especially in terms of people's welfare. However, in accordance with Law Number 22 of 2001 concerning the Implementation of Oil and Gas Business Activities, there are still several issues that need to be resolved immediately. In the oil sector, there are also policies related to subsidies and corporate social responsibility (CSR) (Prasodjo, 2022) The study of the results of the meaning of Article 33 of the 1945 Constitution regarding the right to state control has undergone changes in its authentication, in accordance with Law Number 4 of 2009 concerning Mineral and Coal Mining which has been amended by Law of the Republic of Indonesia Number 3 of 2020 concerning Amendments to Law Number 4 of 2009, as well as its implementing regulations related to Law Number 23 concerning Regional Government (Leksono, 2020)

Another study states that this verse emphasizes that every citizen has the right to adequate employment and a decent livelihood. It aims to ensure that everyone can live with dignity and fair welfare (Pulungan, 2019) The results of another study stated that it affirms that education is a human right that must be protected and guaranteed by the state. Proper and accessible education for all citizens is considered important to improve the quality of life and individual abilities, These two paragraphs are an important part of the 1945 Constitution which emphasizes the importance of human rights, including the right to decent work and education, to create a just and prosperous society (Yayahjuariah, 2007)

Another study states that the solution to the soil problem is still not optimal. Conflicting rulings often threaten basic human rights to land. The establishment of a special court for land can be a concrete step from the government to fulfill the mandate stipulated in Article 24 jo. Article 28D paragraph (1), Article 28H paragraph (2), and Article 33 paragraph (3) of the 1945 Constitution, this normative law, which I consider to be in accordance with the principle of managing land rights as a human right, uses an analytical descriptive approach and comparative studies with the Philippines and Australia (Bari, 2023) The liberalism paradigm in Article 33 of the 1945 Constitution after the amendment provides a legal basis for liberalization-oriented laws and regulations, such as privatization, reduction of the role of the state (deregulation), and increased foreign and domestic influence on production and resource sectors that are important to the state and/or related to the needs of the people. This basically does not reflect the goal of state welfare carried out by the

Founders of the Nation, namely the ideal to advance general welfare as mandated in the Preamble to the 1945 Constitution (Anggoro, 2016)

Contract Implementation

The results of the study related to the contract found that the legal framework for oil and gas activities in Indonesia is regulated by Law Number 22 of 2001 concerning Oil and Gas. This law regulates the use of Production *Sharing Contracts (PSCs)* for upstream activities. PSC is a form of cooperation that aims to maximize benefits for the state and ensure the welfare of the community (Friasmita & Nisa, 2023) Another study stated that Indonesia has implemented the Timber Legality Verification System (SVLK) as part of the Voluntary Partnership Agreement for Law Enforcement, Governance and Trade in Forestry (FLEGT-VPA) with the European Union. This system ensures that wood products are derived from legal sources and legally exported, improving forest management yang and control illegal logging and trade (Astana et al., 2020).

Government policies on environmental conservation often face conflicts between environmental conservation goals and economic development. Criminal law enforcement and the implementation of formal violations can help overcome these barriers, and sustainable development must be integrated into the legal system for environmental management and control of illegal logging and trade (Astana et al., 2020; Pardede et al., 2023) Profit Sharing Contracts (PSCs) are used in oil and gas management to ensure state rights and revenues are protected. This contract regulates provisions regarding state revenue, state taxes, bonuses, and the distribution of production among contractors (Disemadi & Lasmadi, 2019; Friasmita & Nisa, 2023). Lease agreements are explored in various sectors, including tourism. However, these agreements often lack specific regulations, which leads to deviations from the principles of tenancy and disputes between the parties involved. The lack of clear regulations can be considered as a deviation from the principles set forth in Article 33, which emphasizes the role of the state in managing resources for the public interest (Hidayat, 2016).

Another study in the results stated that environmental policies must be in line with the goals of Article 33 to achieve maximum welfare and prosperity of the people. This includes ensuring sustainable practices in natural resource management. Contracts related to environmental conservation must reflect the state's responsibility to protect natural resources and ensure their sustainable use (B.Salinding, 2023; Fenli, 2012). The concept of the right to control the state requires the state to involve the community in the decision-making process related to the management of natural resources. This ensures that the management is fair and provides benefits for all parties. Public participation is essential in the drafting of contracts related to natural resources, in order to ensure that the contracts comply with the principles of Article 33 and provide benefits to the community (Sari et al., 2019).

Implementation of Natural Resources with the 1945 Constitution Article 33 Paragraph 2 and Paragraph 3

The results of the study state that Article 33 Paragraph 2 does not directly discuss the control of natural resources, but establishes the basis for the utilization of natural resources by stating that the state must utilize natural resources in accordance with the principles of justice and fairness for the welfare of the people as much as possible. Article 33 Paragraph 3 is more specific regarding the control and utilization of natural resources. This verse stipulates that the earth, water, and natural resources contained in it are controlled by the state and used for the greatest possible prosperity of the people. This provision emphasizes the state's authority over natural resources and their use for the public interest (Pradhyksa, 2021; Suparto, 2020). Another study also stated that the Addition of Article 33 Paragraph 4 in 2002 introduced the principle of a liberal market, which allows private interests to exploit Indonesia's natural resources under the Oil and Gas Law 2001. However, the Constitutional

Court's decision in 2012 restored state control over natural resources, highlighting the ongoing debate between state control and market control (Taufik, 2020).

Another related study states that while Article 33 emphasizes the welfare of the people through the exploitation of natural resources, often aspects of environmental conservation are neglected. This has created a conflict with Indonesia's commitment to the Sustainable Development Goals (SDGs) and the principles of the Green Constitution, which prioritizes environmental sustainability (Nugraha et al., 2023). Another result states that environmental law in Indonesia is inseparable from the understanding of the development of global commitments, both those that function as guidelines (international law is not binding) and those that are binding (hard laws) in the form of laws and regulations related to natural resource management policies in Indonesia. This law must be applied consistently, measurably, and refer to the principles of good governance to maintain the continuity of the functions and benefits of natural resources in Indonesia, as mandated by the 1945 Constitution (Djayaputra, 2021).

Discussion

Based on the purpose of this article, namely the challenges in the implementation of Article 33 of the 1945 Constitution in the current global economic context and offering a perspective for policy reform that can better align the practice of natural resource management with the spirit of the constitution, the discussion from the perspective of the researcher provides a description that the challenges in the implementation of Article 33 of the 1945 Constitution in the current global economic context reflect the incompatibility between the principle of domination the state over natural resources with the practices of market liberalization and policy reforms implemented. By addressing these challenges and implementing the proposed policy reforms, Indonesia can more effectively align natural resource management practices with the spirit of the constitution and ensure that such management provides maximum benefits for the welfare of the people.

Indonesia can better align natural resource management practices with the spirit of the constitution and ensure that such management provides maximum benefits for people's welfare and environmental sustainability.

CONCLUSION

There is a discrepancy between the principle of state control over natural resources and the practice of market liberalization applied in economic policy. Key challenges include conflicts between state management and market dominance, neglect of environmental conservation aspects, and inconsistency with global commitments to sustainability.

To address these challenges, policy reforms are needed to align natural resource management practices with the spirit of the constitution. Such reforms should include the integration of Article 33 principles in regulation, an emphasis on environmental sustainability, consistency with global commitments, and public involvement in decision-making. With these measures, Indonesia can ensure that the management of natural resources not only complies with the spirit of the constitution but also provides maximum benefits for the welfare of the people and environmental sustainability.

REFERENCE

- Agus, C. (2020). Integrated bio-cycles system for sustainable and productive tropical natural resources management in Indonesia. *Bioeconomy for Sustainable Development*, 201–216.
- Anggoro, S. A. (2016). *Politik Hukum Konstitusi Ekonomi Di Indonesia (Studi Pergeseran Paradigmatik Pasal 33 UUD 1945 Sebelum dan Sesudah Perubahan)*. <https://api.semanticscholar.org/CorpusID:159882484>
- Anugroho, A., Lestari, R., & Hayati, T. (2017). Analisis Yuridis Terhadap Asas Efisiensi

- Berkeadilan Berdasarkan Pasal 33 Ayat (4) UUD 1945 Dalam Peraturan Perundang-Undangan Di Bidang Ketenagalistrikan. *Jurnal Hukum & Pembangunan*, 47(2), 183–210.
- Asshiddiqie, J. (2010). *Konstitusi ekonomi*. Penerbit Buku Kompas.
- Astana, S., Riva, W. F., Hardiyanto, G., Komarudin, H., & Sukanda, A. (2020). Towards Improved Forestry Performance: Evaluating the Added Value of the Timber Legality Assurance System in Indonesia. *International Forestry Review*, 22, 19–32. <https://api.semanticscholar.org/CorpusID:215403980>
- Austin, K. G., Schwantes, A., Gu, Y., & Kasibhatla, P. S. (2019). What causes deforestation in Indonesia? *Environmental Research Letters*, 14(2), 24007.
- B.Salinding, M. (2023). KONSEP PENGUASAAN NEGARA TERHADAP SUMBER DAYA MINERAL DAN BATUBARA YANG BERKEADILAN. *Borneo Law Review*. <https://api.semanticscholar.org/CorpusID:257139211>
- Bank, W. (2019). Indonesia Economic Quarterly: Oceans of Opportunity. *Jakarta: MTI Global Practices*.
- Bari, M. F. (2023). Eksistensi pengadilan khusus pertanahan guna mewujudkan pengarusutamaan land rights sebagai hak asasi manusia. *Litra: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria*. <https://api.semanticscholar.org/CorpusID:266268599>
- Busch, J., Ferretti-Gallon, K., Engelmann, J., Wright, M., Austin, K. G., Stolle, F., Turubanova, S., Potapov, P. V., Margono, B., & Hansen, M. C. (2015). Reductions in emissions from deforestation from Indonesia's moratorium on new oil palm, timber, and logging concessions. *Proceedings of the National Academy of Sciences*, 112(5), 1328–1333.
- Campbell, B. M., & Sayer, J. (2003). *Integrated natural resource management: linking productivity, the environment and development*. Cabi.
- Chiras, D. D., & Reganold, J. P. (2010). *Natural resource conservation: management for a sustainable future*. Benjamin Cummings.
- de Jesus Soares, A. (2004). The impact of corporate strategy on community dynamics: a case study of the Freeport Mining Company in West Papua, Indonesia. *Int'l J. on Minority & Group Rts.*, 11, 115.
- Disemadi, H. S., & Lasmadi, S. (2019). *Utilizing Production Sharing Contracts (PSCs) as a Means for the Protection of Indonesia's Natural Resources*. <https://api.semanticscholar.org/CorpusID:214340096>
- Djayaputra, D. G. (2021). Analysis of Natural Resources Management in Indonesia: Environmental Law Perspective. *Int. J. Soc. Sci. Public Policy*, 3.
- Ekananda, M. (2022). Role of macroeconomic determinants on the natural resource commodity prices: Indonesia futures volatility. *Resources Policy*, 78, 102815.
- Emirzon, H. J., SH, M., Is, M. S., & SHI, M. H. (2021). *Hukum Kontrak: Teori dan Praktik*. Prenada Media.
- Fenli, F. (2012). *Analisis Hak-Hak Manusia Atas Air Yang Diatur Dalam Pasal 7 Undang-Undang Nomor 7 Tahun 2004 Tentang Sumber Daya Air Berdasarkan Pasal 33 Ayat (3) Undang-Undang Dasar 1945*. <https://api.semanticscholar.org/CorpusID:108905420>
- Firmanda, H. (2020). Protection of Environment Rights Through the Rebus Sic Stantibus Principle in Natural Resources Management Contract in Indonesia. *Riau Annual Meeting on Law and Social Sciences (RAMLAS 2019)*, 178–181.
- Friasmita, A. D., & Nisa, F. H. (2023). Securing State's Asset: Legal Protection of Natural Resources of Oil and Gas. *Journal of Sustainable Development and Regulatory Issues (JSDERI)*. <https://api.semanticscholar.org/CorpusID:259763743>
- Hidayat, R. A. (2016). *Pengelolaan sumber daya alam minyak dan gas berkaitan dengan penanaman modal asing di indonesia*.

- <https://api.semanticscholar.org/CorpusID:116608685>
- Jimenez, M. J. (2021). *Contract Law: A Case and Problem Based Approach*. Aspen Publishing.
- Kalmirah, J. (2023). The Future of the Environmental Movement in Indonesia: Case Study of Wahana Lingkungan Hidup Indonesia/WALHI (1980-2020). *International Journal of Multidisciplinary Research and Analysis (IJMRA)*, 6(11), 5420–5429.
- Leksono, A. B. (2020). Tata Kelola Pertambangan Mineral Dan Batubara Berdasarkan Konsep Pasal 33 Undang-Undang Negara Republik Indonesia Tahun 1945. *Jurnal Ilmu Hukum The Juris*, 4(2), 189–197.
- Lele, S., Springate-Baginski, O., Lakerveld, R., Deb, D., & Dash, P. (2013). Ecosystem services: origins, contributions, pitfalls, and alternatives. *Conservation and Society*, 11(4), 343–358.
- Maxton-Lee, B. (2020). *Forest conservation and sustainability in Indonesia: A political economy study of international governance failure*. Routledge.
- Nendissa, R. H. (2020). Memaknai Pasal 33 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dalam Konteks Pembangunan Maluku. *Pattimura Proceeding: Conference of Science and Technology*, 9–18.
- Noviansyah, K. A. (2021). Kajian Yuridis Putusan Mahkamah Konstitusi Nomor 111/Puu-Xiii/2015 Tentang Ketenagalistrikan Terhadap Pasal 33 Undang-Undang Dasar 1945. *Jurnal Kepastian Hukum Dan Keadilan*, 3(1), 1–13.
- Nugraha, X., Wibisono, A. M. A., Angelia, A., S., B. O., & Answendy, P. R. (2023). Strengthening Customary Forest Rights for Indigenous People in Indonesia Green Constitution Framework. *Jurnal Kajian Pembaruan Hukum*. <https://api.semanticscholar.org/CorpusID:265627561>
- Odum, E., Barrett, G., & Brewer, R. (2005). *Fundamentals of ecology Thomson brooks. California: Cole*.
- Pardede, M., Situmorang, M., Aristeus, S., Rumadan, I., Toruan, H. D. L., Diogenes, Djamilus, & Nugrahani, E. L. P. (2023). Perspectives of sustainable development vs. law enforcement on damage, pollution and environmental conservation management in Indonesia. *Journal of Water and Climate Change*. <https://api.semanticscholar.org/CorpusID:262079560>
- Pradhyksa, D. P. (2021). Pengaturan Pendayagunaan Sumber Daya Air dalam Undang-Undang Cipta Kerja dan Korelasinya dengan Pasal 33 UUD 1945. *Ascarya: Journal of Islamic Science, Culture, and Social Studies*. <https://api.semanticscholar.org/CorpusID:238823680>
- Prasodjo, R. A. (2022). Efektivitas Skk Migas Dalam Mewujudkan Kemakmuran Rakyat Berdasarkan Pasal 33 UUD 1945. *Jurnal Inovasi Penelitian*, 3(6), 6587–6592.
- Pulungan, M. S. (2019). Konsepsi Bangun Perusahaan Koperasi: Kerangka Pemikiran Badan Usaha Yang Ideal Menurut Pasal 33 Ayat (1) Uud 1945. *Jurnal Hukum & Pembangunan*. <https://api.semanticscholar.org/CorpusID:198813957>
- Rizaldi, S., Suhartono, S., Hadi, S., & Michael, T. (2023). State Relationship with Private Legal Entities on Oil and Natural Gas Management in Indonesia. *Journal of International Trade, Logistics and Law*, 9(1), 10–14.
- Rosser, A., King, P., & Widoyoko, D. (2021). The Political Economy of the Learning Crisis in Indonesia. *RISE Annual Conference, University of Oxford*, 22–24.
- Rosser, A., & van Diermen, M. (2016). Law, democracy and the fulfilment of socioeconomic rights: insights from Indonesia. *Third World Quarterly*, 37(2), 336–353.
- Santika, T., Wilson, K. A., Budiharta, S., Kusworo, A., Meijaard, E., Law, E. A., Friedman, R., Hutabarat, J. A., Indrawan, T. P., & St. John, F. A. V. (2019). Heterogeneous impacts of community forestry on forest conservation and poverty alleviation: Evidence from Indonesia. *People and Nature*, 1(2), 204–219.

- Sari, N. A. N., Tambunan, E., Felany, P. I., & Nugraha, X. (2019). Implikasi penafsiran hak menguasai negara oleh mahkamah konstitusi terhadap politik hukum agraria pada pulau-pulau kecil di indonesia. *Law Review*, 19, 170–202. <https://api.semanticscholar.org/CorpusID:213277804>
- Shebubakar, A. N. (2023). *Penafsiran konsep penguasaan negara dalam pasal 33 ayat (3) Undang-Undang Negara RI tahun 1945 oleh Mahkamah Konstitusi*.
- Subandi, P. (2017). Kedudukan Hak Pengelolaan Atas Tanah Menurut Pasal 33 Ayat (3) Undang-Undang Dasar 1945. *YURE HUMANO*, 1(2), 38–56.
- Suparto, S. (2020). *Interpreting The State's Right to Control In the provisions of Article 33 Paragraph (3), The Constitution of 1945 Republic of Indonesia*. <https://api.semanticscholar.org/CorpusID:236821108>
- Taufik, G. A. (2020). *The Application of New Article 33, Section 4 of Indonesia's Constitution to Indonesia's Upstream Oil and Gas Legal Framework*. <https://api.semanticscholar.org/CorpusID:234636494>
- Warburton, E. (2017). Resource nationalism in Indonesia: Ownership structures and sectoral variation in mining and palm oil. *Journal of East Asian Studies*, 17(3), 285–312.
- Yayahjuariah, A. (2007). *Intervensi Pemerintah Terhadap Distribusi Kekuasaan Negara Dalam perspektif Hukum Islam (Studi Atas Pasal 33 Uud 1945)*. <https://api.semanticscholar.org/CorpusID:170270073>