

CONTRACT LAW AND THE LIVING ENVIRONMENT: CONTRACTUAL LIABILITY IN SUSTAINABLE DEVELOPMENT

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ABSTRACT

Sustainable development in coastal areas requires effective legal instruments to ensure environmental responsibility in every development activity. This research analyzes the role of contract law as an enforcement instrument of contractual responsibility in the sustainable development in Indonesia's coastal areas. The purpose of this study is to examine the legal foundation of contractual responsibility in coastal development contracts, analyze the implementation of environmental clauses in development contracts, and formulate an ideal legal framework to strengthen contractual responsibility in sustainable development. The research method uses a normative juridical approach with an analysis of legislation, academic journals, and related legal literature. The results indicate that the legal basis for contractual liability is provided through Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 1 of 2014 on Amendments to Law Number 27 of 2007 on Coastal and Small Islands Management. However, its implementation is still hindered by weak oversight mechanisms and law enforcement. The conclusion of the research suggests that contract law plays a strategic role in achieving sustainable development through environmental clauses that legally bind the parties, but there is a need for strengthening institutions and oversight mechanisms to ensure effective implementation in the society.

Keywords : *Contract Law, Contractual Liability, Sustainable Development.*

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INTRODUCTION

Indonesia as an archipelagic country the largest in the world has a wide coastal area with potential a very large economy . However , the intensity of development in coastal areas often No balanced with adequate attention to aspect environment , so that cause various

problem like damage ecosystem coastal , pollution sea , and degradation quality environment life . In the context this , law contract play role important as instrument For ensure that every activity development in coastal areas implemented with notice principles development sustainable .

Draft development sustainable adopted from *Sustainable Development Goals* (SDGs) have become global paradigm in implementation development . Indonesia has show his commitment towards the development agenda sustainable through Regulation President Number 59 of 2017 concerning Implementation Achieving the Sustainable Development Goals .¹ In the context of coastal areas , development sustainable demand existence balance between aspect integrated economic , social and environmental in every activity development .

Contract law as part from law civil own function strategic in arrange connection law between the parties involved in activity development . Roscoe Pound, a expert law leading , affirmed that contract No only nature private but also has dimensions social must notice balance interest society and environment life .² This is very relevant in context development coast where the impact activity No only affect the contracting parties but also society area and ecosystem coast .

In practice , the implementation law contract For realize development sustainable in coastal areas Still face various challenges . Research about clause environment in contract business coast show that its implementation Still hampered by weakness supervision , lack of standard clear technical and coordination between agencies that are not optimal.³ In addition , understanding perpetrator business about not quite enough answer contractual to environment Still need improved .

Other problems that arise is related with enforcement not quite enough answer contractual in case damage environment coastal law Number 1 of 2014 concerning Change regarding Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands regulates that everyone who fights law and result in coastal damage must pay change loss and do action rehabilitation .⁴ However , in practice , enforcement provision This Still face constraint juridical and technical .

Challenge other related with characteristics of coastal areas that have complex and vulnerable ecosystems to damage . Development in coastal areas must consider Power support environment , function ecology ecosystem coast , and impacts term long to sustainability source

¹ Abdhy Walid, "Community Participation in the Preparation of Environmental Impact Analysis Documents in Accordance with the Principles of Sustainable Development Goals," 2022, <https://rechtsvinding.bphn.go.id/?page=artikel&berita=524>.

² Hengki Firmada S., "The Nature of Contracts According to Roscoe Pound and Its Relevance to Contracts Relating to the Environment," *Jurnal Juridical* vol 3 no 1 (2017): 10–19.

³ Arifin Ma'ruf, "Environmental Legal Aspects in Efforts to Prevent Environmental Damage and Pollution in Indonesia," *Jurnal Wacana Hukum* 24, no. 1 (2019): 38, <https://doi.org/10.33061/1.jwh.2018.24.1.2997>.

⁴ Adrian Nugraha, "Utilization and Development of Outermost Small Islands as a Strategy to Strengthen Defense and Security and Maritime Sovereignty," *Simbur Cahaya* XXX, no. 2 (2024): 272–300, <https://doi.org/10.28946/sc.v30i2.2858>.

power .⁵This is demand existence instrument law that is capable integrate aspect environment to in every contract development .

In a global context , the practice *sustainable procurement* or procurement sustainable has become trend in contracts government . Indonesia has arrange matter This through Regulation President Number 12 of 2021 concerning Change on Regulation President Number 16 of 2018 concerning Government Procurement of Goods/Services , however its implementation Still need strengthening mechanism planning , monitoring , and enforcement law . Special For development in coastal areas is needed standards and criteria specifically considering characteristics ecosystem coast .⁶

Study about not quite enough answer contractual in development sustainable become important remember role strategic law contract as instrument preventive in protection environment . Different with instrument law criminal and administrative nature repressive , law contract can functioning as instrument preventive measures that bind the parties since beginning For carry out activity in accordance with principle development sustainable .

METHOD

This article focus on analysis literature consisting of from books , journals scientific , and other relevant publications with law contract , law environment and development sustainable as well as regulation applicable laws and regulations about law contracts and law environment in Indonesia. Approach This chosen For understand in a way deep role law contract in guard environment to suit with sustainable development in Indonesia. Analysis literature give framework conceptual , while studies document allows researchers identify practice current as well as obstacles faced in enforcement law environment .

Study This limited to studies related literature with law contracts and law environment in Indonesia. Article not covers interview or survey field , so that results study describe condition general based on analysis theoretical and document . With approach this research This expected give base new thinking to understanding about role law contract in manage risks or the impacts caused to the environment in Indonesia .⁷

This article use method study law normative which studies rule law as something related normative system with phenomenon law certain . Research law normative focus on inventory law positive , principles and doctrine law , as well as invention law in case concrete.⁸

⁵ Fuadi Rifany, Muhammad Natsir, "Legal Protection for Coastal Communities in Aceh Tamiang Regency Due to Uncontrolled Mangrove Forest Encroachment," *Meukuta Alam Student Scientific Journal* 3, No. Cd (2021): 133–47.

⁶ Rizky Amalia et al., "Enhancing the Legal Framework for Sustainable Public Procurement: A Comprehensive Sustainable Development Plan for Indonesia," *UUM Journal of Legal Studies* 15, no. 2 (2024): 505–27, <https://doi.org/10.32890/uumljls.2024.15.2.5>.

⁷ Hendri, Yanova Muhammad, Parman Komarudin, and Hendra Hadi, "Legal Research Methods: Analysis of Legal Problems with Normative and Empirical Research Methods," *Badamai Law Journal* 3, no. 2 (2023): 160.

⁸ Ahamad Rosidi, M Zainuddin, and Ismi Arifiana, "Methods in Normative and Sociological Legal Research (Field Research)," *Journal of Law and Government* 2, no. 1 (2024): 46, <https://doi.org/10.31764/jlag.v2i1.21606>.

DISCUSSION**The Concept Of Contractual Responsibility From A Legal Perspective In Indonesia**

Contract law, from a modern perspective, is no longer viewed solely as a private instrument governing relations between parties, but also has a public dimension related to the interests of the wider community.⁹ Roscoe Pound, in his theory on the nature of contracts, emphasized that contracts must promote balance in their implementation, not only between the contracting parties but also with respect to the environment and society.¹⁰

According to Pound, the concept of contracts relating to the environment must be balanced. Balance in treating the object of the contract is necessary so that the environment is not exploited solely to meet human needs, but rather to fulfill human balance throughout human life. This theory is highly relevant to the concept of sustainable development, which prioritizes balance between economic, social, and environmental aspects.¹¹

In the context of sustainable development, contract law serves as an instrument for integrating sustainability principles into all economic activities. This aligns with the theory of Corporate Social Responsibility (CSR), which emphasizes that companies have responsibilities not only to shareholders but also to broader stakeholders, including society and the environment.

The legal basis for contractual responsibilities in sustainable development in Indonesia can be traced across various levels of legislation. At the constitutional level, Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia mandates that the national economy be organized based on economic democracy with principles of sustainability. This provision provides the constitutional basis for contractual arrangements that take sustainability into account.

Law Number 32 of 2009 concerning Environmental Protection and Management is the primary legal umbrella governing business actors' responsibilities towards the environment. Article 68 of this law states that every person conducting a business and/or activity is obliged to provide information related to environmental protection and management that is true, accurate, transparent, and timely. Furthermore, Article 88 regulates the application of the principle of strict liability for activities that use hazardous and toxic materials (B3).¹²

In the context of coastal areas, Law Number 1 of 2014 concerning the Management of Coastal Areas and Small Islands stipulates that anyone utilizing coastal areas must possess a location permit and a management permit. Article 66 paragraph (1) of this law stipulates that anyone who violates the law and causes damage to coastal areas is obliged to pay compensation to the state and take certain actions based on a court decision.

⁹ Saptono, "Teori-Teori Hukum Kontrak Bersumber Dari Paham Individualisme," *Jurnal Repertorium*, ISSN: 2355-2646, 2014.

¹⁰ Ridwan Khairandy, "Filosofi Kekuatan Mengikat Kontrak," *Jurnal Hukum* 18, no. 10 (2016): 36–55.

¹¹ Hengki Firmanda S., "Hakikat Kontrak Menurut Roscoe Pound dan Relevansinya Terhadap Kontrak yang Berkaitan dengan Lingkungan Hidup," *Jurnal Yuridis* Vol 3 No 1 (2017): 10–19.

¹² Tri Suhendra Arbani, "Asas Pertanggungjawaban Mutlak (Strict Liability) atas Kerusakan Lingkungan Pasca Undang-Undang Cipta Kerja," *Jurnal Al-Ḥaḍārah Al-Islāmiyah*, no. April (2022): 23–37.

For government contracts, Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services stipulates the obligation to consider sustainability aspects in procurement. However, this regulation still requires strengthening in terms of technical guidelines and implementation oversight mechanisms.¹³

Related to the above, contractual responsibilities are also regulated in the Civil Code (KUHPerdata), particularly in provisions concerning obligations arising from agreements. Article 1338 of the KUHPerdata stipulates that all legally made agreements apply as law for those who make them. This shows that the parties are legally bound to carry out the obligations agreed upon in the contract.¹⁴

Implementing contractual responsibilities in the context of sustainable development requires specific clauses governing environmental aspects. Environmental clauses in contracts can include obligations to conduct an Environmental Impact Analysis (AMDAL), implement environmentally friendly technologies, monitor environmental impacts, and cover environmental rehabilitation costs in the event of damage.¹⁵

Sustainable Development in the Context of Coastal Areas

Sustainable development in coastal areas own characteristics special remember complexity ecosystem coast and height pressure development in the region . The concept *Integrated Coastal Zone Management (ICZM)* emphasizes importance approach integrated that takes into account integrity functional from ecosystem land and ecosystem sea .¹⁶

Low Development Strategy Coastal Emissions (SPRE) defined as framework Work planning and implementation development economy term length that can fulfil objective development and at the same time reduce greenhouse gases glass as well as maintain sustainability and function ecosystem coastal SPRE Coastal covers two aspects , namely SPRE in planning development and SPRE on implementation activity development .¹⁷

In context law , development sustainable in coastal areas arranged through Law Number 1 of 2014 concerning Change regarding Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. Law This mandate management coastal areas in a way integrated with notice aspect ecology , economy , and social culture . In addition , every

¹³ Amalia et al., "Enhancing the Legal Framework for Sustainable Public Procurement: A Comprehensive Sustainable Development Plan for Indonesia."

¹⁴ Diva Pitaloka, "Implemetasi Hukum Lingkungan Internasional dalam Hukum Nasional Indonesia," *Journal Kompilasi Hukum* 6, no. 2 (2021), <https://doi.org/10.29303/jkh.v6i2.82>.

¹⁵ Samin Mortazavi, "Klausul Penting dalam Kontrak Bisnis: Panduan Lengkap," 2024, <https://www.paxlaw.ca/id/essential-clauses-in-business-contracts-a-comprehensive-guide/>.

¹⁶ Faculty of Law, Airlangga University, "Integrated Coastal and Ocean Zone Management (ICZM) Key to Marine Policy in Creating Good Ocean Governance," 2021, <https://fh.unair.ac.id/en/integrated-coastal-and-ocean-zone-management-iczm-kunci-kebijakan-kelautan-dalam-menciptakan-good-ocean-governance/>.

¹⁷ and M. Arsyad Al Amin Zulhamsyah Imran, Khazali and Prianto Wibowo Akbar A. Digdo, "Introduction of SPRE and KLHS in the Context of Coastal Development" (Bogor, 2016), <https://pengetahuanhijau.batukarinfo.com/sites/default/files/318347362-Pengenalan-SPRE-dan-KLHS-dalam-konteks-Pembangunan-Pesisir.pdf>.

activities in coastal areas must own permission and must consider sustainability ecosystem coast .

Implementation clause environment in contract development coast show diverse patterns depending on the type activities , scale projects , and levels risk environment . In contracts large involving government , such as development infrastructure coast and projects reclamation , clause environment generally Already become condition standard . However , its implementation often face constraint in matter supervision and enforcement .¹⁸

Analysis to *Initial Environmental Examination* (IEE) project *Palu Coastal Protection* show that clause environment in contract development coast covers obligation do mitigation impact environment , quality monitoring environment , and mechanisms settlement complaint community . Project this also requires existence *Environmental Management Plan* (EMP) which includes measures for overcome impact environment negative .¹⁹

However , in practice , implementation clause environment Still face various challenges . First , the lack of standard clear technical about sustainability criteria in contract development coast . Second , the weakness coordination between authorized agencies in supervision implementation contract . Third , capacity source Power humans who are still limited in conduct monitoring and evaluation implementation clause environment .

Case study in sector fisheries and maritime affairs show that clause environment in contract business utilization tour nature in Unity Protected Forest Management Still need strengthened . Partnership contract between Government and private sector in management source Power coast need clear clause about distribution risk and responsibility answer environment between the parties .²⁰

Barriers And Challenges Affecting The Effectiveness Of Contractual Responsibilities In Sustainable Development

Analysis to effectiveness not quite enough answer contractual in development sustainable show varying results . In one side , inclusion clause environment in contract has increase awareness perpetrator business about not quite enough answer environment and provide base strong law For action enforcement law . On the other hand , the effectiveness of clause This Still limited Because various factor implementation is not optimal.

Success not quite enough answer contractual is highly dependent on clear specifications about obligations environment that must be carried out by the parties . Clauses that are general

¹⁸ Muhammad Natsir and Andi Rachmad, "Establishing the Principle of Local Wisdom as a Criminal Policy in Environmental Management in Aceh," *Udayana Master of Law Journal* 7, no. 4 (2018): 468, <https://doi.org/10.24843/jmhu.2018.v07.i04.p05>.

¹⁹ Asian Development Bank and Ministry of Public Works and Housing Republic of Indonesia, "The Initial Environmental Examination (Iee) Reconstruction and Rehabilitation of Palu Coastal Protection," no. November (2019).

²⁰ Rifqi Tirta Muhammad Mudhofir, Bramasto Nugroho, and Sudarsono Soedomo, "Business Contract for Utilization of Natural Tourism in the West Rinjani Protected Forest Management Unit," *Journal of Natural Resources and Environmental Management* 9, no. 2 (2018): 419–36, <http://journal.ipb.ac.id/index.php/jpsl>.

and not operational tend difficult implemented and monitored . On the other hand , detailed clauses and accompanying with indicator measurable performance show greater effectiveness Good .

Study about implementation principle *strict liability* in case environment life show that draft not quite enough answer absolute can become effective instruments in contract development sustainable . However , its implementation need clear proof about connection causal between activities carried out with damage the environment that occurs .²¹

In context *Corporate Social Responsibility* (CSR), implementation not quite enough answer contractual show more results good for companies big one that has system management good environment . However , to business small and medium enterprises , CSR implementation is still need support policies and incentives from government .

In line with the above, in various cases and related regulations, several factors can be identified that influence the effectiveness of contractual responsibilities in sustainable development:

a) Regulatory and Policy Factors

Clarity and consistency regulation legislation become factor key in effectiveness not quite enough answer contractual . Overlapping overlap authority inter-agency in coastal area management can hinder implementation clause environment in contract . The need for harmonization between regulation national and regional in coastal area management .²²

b) Capacity Factor Institution

Capacity institutions enforcer law in supervise and take action violation contract environment Still need improved . Limitations source Power human and monitoring technology become constraint main in supervision implementation contracts in the field .²³

c) Business Actor Awareness and Understanding Factors

Level of awareness and understanding perpetrator business about importance development sustainable and ways implement it in practice business Still diverse . Intensive socialization and education required For increase *compliance* to clause environment .²⁴

d) Economic Factors and Incentives

²¹ Irsandi Rahmat Wijaya, "Implementation of Absolute Responsibility in Environmental Cases," 2022, <https://blog.lekslawyer.com/penerapan-tanggung-jawab-mutlak-dalam-perkara-lingkungan-hidup/>.

²² Mohammad Mahrus Ali, Zaka Firma Aditya, and Abdul Basid Fuadi, "Coastal Communities Protection of Constitutional Rights: The Urgency of Harmonization of Integrated Coastal Management Regulations," *Journal of the Constitution* 17, no. 4 (2020): 799–827, <https://doi.org/10.31078/jk1745>.

²³ Amalia et al., "Enhancing the Legal Framework for Sustainable Public Procurement: A Comprehensive Sustainable Development Plan for Indonesia."

²⁴ Krisna Sanarta, "Corporate CSR Obligations in Legislation," 2023, <https://res.hukumonline.com/insights/kewajiban-csr-perusahaan>.

Availability incentive economy for perpetrator businesses that implement practice sustainable can increase effectiveness implementation . On the other hand , sanctions economy that is not proportional can hinder investment in the sector development .²⁵

e) Community Participation Factors

Participation active public in monitoring implementation contract can increase effectiveness not quite enough answer contractual . Mechanism easy complaints and reporting accessible public need developed as part from clause environment in contract .²⁶

f) Technology and Innovation Factors

Development technology and innovation in management environment can become solution For increase effectiveness implementation contract sustainable use . real-time monitoring technology and systems information management environment can help supervision implementation contract .²⁷

In addition to the factors mentioned above, implementing contractual responsibilities in sustainable development in coastal areas faces various practical challenges. The dynamic and complex nature of coastal areas makes monitoring contract implementation more difficult than inland development.

Cases of *illegal coastal development* in several coastal areas of Indonesia show weakness enforcement law contract in practice . Illegal villa construction in coastal areas No only violate spatial planning regulations but also shows failure system contract in prevent damage environment coast .²⁸

In addition , the complexity ecosystem coastline that includes mangrove ecosystem , reef coral and grassland seagrass need approach holistic in compilation clause environment.²⁹ Damage to one of the component ecosystem can impact on the whole system and requires mechanism not quite enough comprehensive answer .

²⁵ SULAIMAN, "Efforts to Optimize Corporate Social Responsibility," accessed August 3, 2025, <https://jdih.babelprov.go.id/upaya-mengoptimalkan-corporate-social-responsibility>.

²⁶ Husni Mubarak, Agus Salim, and Syamsul Bahri, "Sustainable Coastal Area Development in the Coastal Area of Barru District, Barru Regency," *Urban and Regional Studies Journal* 6, no. 2 (2024): 254–64, <https://doi.org/10.35965/ursj.v6i2.4499>.

²⁷ Purnaning Siwi Kusumastuti, Samian, and Sarwono Hardjomuljadi, "The Role of Contract Administration in Managing Legal Risks in Construction Projects in Indonesia," *Journal of Law, Humanities and Politics* 5, no. 3 (2025): 2363–69, <https://doi.org/10.38035/jihhp.v5i3.4120>.

²⁸ Illegal Coastal Development, "Illegal Coastal Development and Its Environmental Impacts : Policy Challenges In Villa Construction Along Den Carik" 6 (2025): 40–46.

²⁹ Ministry of Environment and Forestry (MoEF) And, the Peatland and Mangrove Restoration Agency, and (BRGM), "Environmental and Social Commitment Plan (ESCP)," 2022, https://pdasrh.menlhk.go.id/userfiles/~masagus/files/ESCP_Indonesia_Mangroves_for_Coastal_Resilience_Project_P178009.pdf.

CONCLUSION

Based on analysis juridical to law contracts and environment in context development sustainable , can concluded that not quite enough answer contractual own role strategic in realize development sustainable development in Indonesia's coastal areas . The basis law For implementation not quite enough answer contractual Already Enough strong through 1945 Constitution , Law Number 32 of 2009, and Law Invite Number 1 of 2014, however its implementation Still need significant strengthening. Contract law in context development sustainable need developed as instrument preventive that integrates aspect economic , social and environmental in a way balanced . With repair in aspect regulation , implementation , and supervision , responsibility answer contractual can become instrument effective law For realize development quality sustainable development in coastal areas of Indonesia.

In a legal context, sustainable development in coastal areas is regulated by Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands. This law mandates integrated coastal area management, taking into account ecological, economic, and socio-cultural aspects. Furthermore, every activity in coastal areas must have a permit and must consider the sustainability of coastal ecosystems. The implementation of environmental clauses in coastal development contracts has shown mixed results, with large contracts involving the government generally already including environmental clauses, while small- and medium-scale contracts still need improvement. Key obstacles include weak oversight, a lack of clear technical standards, suboptimal inter-agency coordination, and limited understanding among business actors.

Effectiveness not quite enough answer contractual influenced by various factors , including clarity regulation , capacity institutions , awareness perpetrator business , incentives economy , participation society and development technology . Factors This need noticed in a way comprehensive in formulate policy and implementation contract development sustainable. For increase effectiveness not quite enough answer contractual , required effort comprehensive which includes : strengthening regulations with compilation guidelines more detailed technical improvements ; improvements capacity institutions supervisor ; intensification socialization and education to perpetrator business ; development system proportional incentives and disincentives ; strengthening participation public in monitoring implementation contracts ; and utilization technology information For increase effectiveness supervision .

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