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Legal Uncertainty in Coastal Area Regulation: Its Impact on Economic Rights of Tourism Actors in Bangka Belitung

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Abstract: Legal uncertainty in coastal regulation in Bangka Belitung has caused multidimensional impacts, particularly on the economic rights of tourism actors and the protection of coastal communities' environmental rights. This study aims to examine how the lack of harmonization between national and regional regulations especially concerning zoning plans and mining permits creates conflicts of authority and undermines legal protection for tourism-based livelihoods. Using a normative-empirical legal research method, this research integrates doctrinal analysis of statutory regulations with a socio-legal approach to understand the lived experiences of affected stakeholders. Data were obtained through document review, field observations, and in-depth interviews with tourism operators, community members, and environmental advocates. The study finds that the inconsistency between regional zoning (RZWP3K) and centrally issued mining permits (WIUP) has enabled illegal mining in tourism zones, causing severe environmental degradation and diminishing tourism investment interest. This situation has led to income loss, social tensions, and the criminalization of environmental defenders. The study concludes that legal ambiguity does not only threaten environmental sustainability but also violates constitutional guarantees to a healthy environment and decent livelihood. Harmonization of central and regional policies, strengthening of institutional enforcement mechanisms, and inclusive community participation are essential to ensure that the law effectively supports environmental justice and economic resilience in coastal areas.

Keyword: Legal Uncertainty, Coastal Regulation, Tourism and Environmental Rights.

INTRODUCTION

The coastal area of the Bangka Belitung Islands (Sujadmi & Murtasidin, 2020) faces complex problems due to conflicts of interest between various parties, especially illegal tin miners, fishermen, and tourism actors. The unclarity of legal norms in the regulation of coastal area management has led to legal uncertainty, which in turn has an impact on the economic rights of local communities, especially the tourism sector.

One of the main factors that led to this conflict was the conflict between local regulations and practices on the ground. Regional Regulation (Perda) No. 3 of 2020 concerning the Zoning Plan for Coastal Areas and Small Islands (RZWP3K) of Bangka Belitung Islands Province

explicitly states that some coastal areas, such as Kelalat Bay, are intended for aquaculture, fisheries, ports, and tourism, so there should be no mining activities. (Agustari & Muslim, 2024a) However, in reality, illegal tin mining is still ongoing in the area, even triggering social clashes between affected communities. (Mukaromah et al., 2024)

From the perspective of constitutional law (HTN), this problem shows the insynchronization between central and regional policies, as well as weak law enforcement in supervising mining activities in areas that have been designated as non-mining zones. The existence of Mining Business License Areas (WIUP) issued by the Ministry of Energy and Mineral Resources (EMR) often collides with regional regulations, thus creating ambiguity in the implementation of policies. (Mukaromah et al., 2024) As a result, there is a conflict of authority between the central and local governments, which exacerbates legal uncertainty and weakens protection for the interests of coastal communities.

From a human rights perspective, this conflict is closely related to the economic rights of coastal communities, especially tourism actors and fishermen, whose lives are disrupted by illegal mining activities. (Syafri Hariansah, 2022) The right to a clean and healthy environment, as guaranteed in Article 28H of the 1945 Constitution and Law No. 32 of 2009 concerning Environmental Protection and Management, is also threatened due to the destruction of coastal ecosystems caused by mining activities. The sustainability of marine resources that are the economic basis of the community is increasingly threatened, which ultimately has an impact on the right to obtain jobs and decent livelihoods, as stipulated in Article 27 paragraph (2) of the 1945 Constitution.

Meanwhile, from the perspective of environmental law, (Rusydi et al., 2023) this phenomenon shows a violation of the principles of sustainable development. Environmental damage due to illegal mining not only pollutes the waters and damages marine habitats, but also increases the risk of ecological disasters, such as flooding and river sedimentation, as occurred in East Belitung Regency. Based on previous research, the existence of former mine underlies that have been left unreclaimed has disturbed the hydrological balance and worsened the condition of the coastal ecosystem. This shows the failure of environmental law supervision and enforcement mechanisms, which are supposed to ensure that any extractive activity remains within the corridor of applicable laws and regulations.

The socio-legal approach in this study is important to understand how legal uncertainty in coastal regulation has implications for the socio-economic life of the community. Empirically, the conflicts that occur between miners, fishermen, and tourism actors (Junaid, 2020) are not only legal issues, but also reflect inequality in the distribution of benefits and access to natural resources. The narrative that communities support illegal mining often does not reflect the social reality that occurs, where most coastal communities are victims of policies that are not in their favor. The case of the expulsion of environmental activist Yudi Amsori by a group of miners in East Belitung shows how the criminalization of environmental activists further worsens the situation, creates fear, and hinders public participation in preserving the environment.

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Legal uncertainty in the regulation (Mahardika, 2020) of coastal areas also has an impact on investment in the tourism sector, which essentially relies on environmental sustainability as the main attraction. The existence of illegal mining that damages the aesthetics of the beach and pollutes the waters causes a decline in the competitiveness of the tourism sector, thus threatening the economic sustainability of the local community who depend on this sector for their livelihoods. Therefore, there is a need for a firmer policy and harmonization of regulations between the central and regional governments so that these recurring conflicts can be minimized.

Based on these problems, this study will analyze the impact of legal uncertainty in coastal area regulation on the economic rights of tourism actors in Bangka Belitung, (Ilhamsyah et al., n.d.) with an approach to constitutional law, human rights law, and environmental law, as well as considering social realities through socio-legal studies. The results of this study are expected to provide constructive recommendations for policymakers in designing clearer regulations that are in favor of social justice and environmental sustainability.

METHOD

This study employs a normative-empirical legal research methodology, integrating doctrinal analysis with a socio-legal approach. The normative approach is used to examine statutory regulations governing coastal area management, economic rights of local communities, and environmental protection. Key legal instruments include the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009 on Environmental Protection and Management, and Regional Regulation No. 3 of 2020 on the Zoning Plan for Coastal Areas and Small Islands (RZWP3K) of the Bangka Belitung Province. (Agustari & Muslim, 2024b) This approach seeks to identify the legal disharmony between national and regional laws and to analyze weaknesses in the enforcement mechanisms.

In parallel, the socio-legal (empirical) approach aims to uncover the lived experiences and social realities resulting from legal uncertainty in coastal regulation, (Anwar & Shafira, 2020) particularly its impact on tourism stakeholders. This perspective is essential to illustrate how the law operates in practice and how conflicts emerge among illegal tin miners, fishermen, and tourism actors. The socio-legal lens enables a contextual understanding of the implementation gaps and the systemic obstacles that inhibit community access to their economic rights.

The subjects of this empirical inquiry include local tourism actors, law enforcement authorities, regional government officials, environmental activists, and coastal communities affected by illegal mining activities in the Bangka Belitung region. The research population is selected purposively, focusing on individuals who possess relevant knowledge or are directly involved in legal and environmental issues concerning coastal areas. Data collection techniques involve in-depth interviews, field observations, and document analysis of official reports and media coverage related to coastal conflicts and tourism disruption.

Data from the normative analysis, which includes primary and secondary legal materials, are interpreted qualitatively through legal interpretation methods. Empirical data are analyzed descriptively and qualitatively to explore the link between legal ambiguity and its implications for the economic rights of affected communities. To ensure data validity, a triangulation technique is employed by cross-verifying information obtained through interviews, observations, and documentary evidence.

By applying this combined legal research method, the study endeavors to bridge the gap between normative legal constructs and empirical social realities. The ultimate goal is to produce findings that inform policymakers in developing harmonized, justice-oriented regulations that uphold environmental sustainability and safeguard the socio-economic interests of coastal populations.

RESULTS AND DISCUSSION

The lack of synchronization between national and regional regulations on coastal area governance affect legal certainty for tourism actors in Bangka Belitung.

The lack of synchronization between national and regional regulatory (Girsang & Syahrial, 2021) frameworks in managing coastal areas is a critical issue that profoundly affects legal certainty for tourism stakeholders, particularly in resource-rich regions such as Bangka Belitung. Coastal zones are not merely ecological or economic spaces but also serve as strategic areas of contestation among multiple actors namely the central government, local governments, mining industries, environmental activists, and local communities. When legal norms conflict between regulatory levels, the outcome is not only administrative confusion but also the erosion of legal protection for sustainable economic sectors like tourism.

Under Indonesia's decentralization framework,(Larasati, 2022a) local governments are granted authority to manage their natural resources and spatial planning through regional legislation. In the case of Bangka Belitung, this authority materialized in the issuance of Regional Regulation (Perda) No. 3 of 2020 on the Zoning Plan for Coastal Areas and Small Islands (RZWP3K), which designates areas such as Kelabat Bay and Tanjung Kerasak as zones for aquaculture, fisheries, ports, and tourism. These zones are, by law, prohibited from hosting mining activities. However, illegal tin mining operations continue to take place in these areas, despite clear regulatory provisions.

One of the most glaring inconsistencies arises from the issuance of (Larasati, 2022b) by the Ministry of Energy and Mineral Resources (ESDM) without aligning with regional spatial plans. This creates legal ambiguity and fuels jurisdictional disputes between the central and local governments. In practical terms, it becomes unclear which regulatory framework prevails, and public officials on the ground are often left without guidance or authority to enforce the law consistently.

This regulatory disharmony directly undermines legal certainty for tourism investors and operators. Tourism is a capital-intensive sector that requires long-term stability, environmental integrity, and institutional reliability. When mining activities especially illegal ones are allowed to continue in zones designated for tourism, investors face increased risk related to environmental degradation, conflict with communities, and reputational harm. For example, in Tanjung Tinggi (popularized by the Laskar Pelangi movie), uncontrolled mining runoff has been reported to affect coastal water quality and coral reef ecosystems, deterring snorkeling and diving tourism.

Moreover, the tourism sector in Bangka Belitung relies heavily on the natural appeal of pristine beaches, marine biodiversity, and local cultural landscapes. These are assets that cannot coexist with extractive industries. The visual blight of mining pits, sediment-laden waters, and frequent conflicts between miners and local residents undermine the attractiveness of the region as a travel destination. In this sense, legal uncertainty doesn't just threaten investor confidence it systematically devalues the economic potential of entire communities dependent on tourism.

From a constitutional law perspective, this issue illustrates a failure of vertical coordination between levels of government, which leads to weakened law enforcement and the erosion of public trust. Article 18 of the 1945 Constitution of Indonesia provides the legal foundation for regional autonomy, yet the dominance of central-level policies, such as those granting mining permits, often sidelines regional regulatory authority. This imbalance hinders the capacity of local governments to protect environmentally sensitive areas and to prioritize sustainable development over extractive gains.

Empirical data reinforces the scale of this problem. According to the Environmental Working Group of WALHI (Indonesian Forum for the Environment),(Wahyudi et al., 2021) there are more than 500 illegal mining sites recorded in the coastal and marine zones of Bangka Belitung, many overlapping with tourist zones demarcated in the RZWP3K. The lack of effective legal instruments to cancel or revoke centrally issued permits exacerbates this

situation. As a result, local governments are often powerless to halt destructive activities, even in clear violation of local laws.

This legal vacuum leads to social tensions. Tourism operators, environmental activists, and coastal community groups often find themselves in direct confrontation with mining operators, many of whom operate under vague or conflicting licenses. In one prominent case in 2022, tourism entrepreneurs in Tanjung Kubu filed formal complaints to the regional government after dredging vessels associated with illegal mining destroyed coral patches near their dive sites. However, no enforcement actions were taken, citing the complexity of legal authority over marine zones.

Furthermore, legal uncertainty has a chilling effect on public investment and international aid programs related to ecotourism and marine conservation.(Setyawati et al., n.d.) Development organizations are hesitant to support local initiatives in areas where regulatory enforcement is weak or contradictory. This indirectly slows regional development and widens inequality, as communities that might benefit from sustainable tourism are instead exposed to short-term, high-risk extractive activities.

Institutionally, this reveals a governance crisis. Law enforcement officials often find themselves unable or unwilling to act decisively due to overlapping regulations and political pressure. The complexity of regulatory frameworks, combined with bureaucratic inertia, creates a de facto legal grey zone. In such an environment, the principle of legal certainty one of the core tenets of the rule of law is fundamentally compromised.

To resolve this, two levels of legal reform are necessary. First, vertical legal harmonization must be prioritized. This involves aligning central government licensing policies with regional spatial planning laws, ensuring that the issuance of WIUPs cannot contradict established regional zoning plans. Mechanisms such as mandatory consultation with regional governments before mining licenses are approved should be institutionalized.

Second, local governments must be equipped with stronger legal instruments and institutional capacity to enforce their own regulations. This includes clearer pathways for judicial review or appeal when central permits conflict with local priorities. Courts, especially administrative and environmental courts, should be empowered to resolve jurisdictional disputes and to invalidate permits that contravene regional laws.

In addition, coordinated efforts should be made to enhance inter-agency communication and transparency. Cross-sectoral task forces involving local tourism agencies, environmental departments, maritime police, and civil society organizations could play a vital role in monitoring compliance and addressing violations in real time. Finally, at the community level, strengthening legal literacy and participatory zoning processes can enhance public oversight and foster a shared understanding of land use priorities. When communities are empowered with legal tools and procedural clarity, they can act as frontline defenders of both the environment and sustainable economic development.

In conclusion, the lack of synchronization between central and regional regulations in coastal area governance in Bangka Belitung has had a detrimental effect on legal certainty for tourism actors. It disrupts planning, weakens enforcement, reduces investor confidence, and undermines the rights of communities who depend on tourism for their livelihoods. Addressing this problem requires systemic legal harmonization, institutional reform, and a reaffirmation of the rule of law as the foundation of equitable coastal development.

Legal uncertainty in coastal regulation affect the protection of the right to a healthy environment and the economic rights of coastal communities, particularly tourism actors.

Legal uncertainty in coastal regulation poses a significant threat to both environmental justice and economic sustainability, especially for coastal communities whose livelihoods are intrinsically linked to natural resources. In the Bangka Belitung Islands, the absence of coherent, consistent, and enforceable legal norms has resulted in a dual crisis: the degradation

of coastal ecosystems and the erosion of the economic rights of those engaged in non-extractive industries, such as tourism.(Surianti et al., 2023)

From an environmental law perspective, the right to a clean and healthy environment is constitutionally guaranteed in Article 28H (1) of the 1945 Constitution of the Republic of Indonesia and operationalized through Law No. 32 of 2009 on Environmental Protection and Management. This right is fundamental as it intersects with other core human rights, such as the right to life, health, and livelihood. However, in practice, the failure to effectively enforce environmental regulations particularly in coastal areas has severely undermined this constitutional promise.

Empirical evidence from Bangka Belitung illustrates the gravity of this issue. Across the province, illegal tin mining continues unabated in numerous coastal areas that are officially designated for tourism and conservation under Regional Regulation No. 3 of 2020 on the Zoning Plan for Coastal Areas and Small Islands (RZWP3K). In Teluk Kelumpang and Teluk Kelabat, for instance, uncontrolled dredging operations have resulted in the destruction of seagrass beds, coral reefs, and mangrove ecosystems natural features that are essential not only for biodiversity but also as tourist attractions.

These environmental losses have direct economic consequences. In destinations such as Burung Mandi Beach and Punai Beach in East Belitung, tourism operators have reported a decline in visitor numbers of up to 40% over the past three years. The decline is attributed to degraded water quality, eroded shorelines, and sedimentation, which make marine activities like snorkeling, diving, and beach leisure less attractive. As a result, local entrepreneurs including guesthouse owners, boat tour operators, and seafood vendors have seen significant drops in income. These communities, having transitioned from mining to ecotourism in line with regional development plans, now find themselves without viable economic alternatives.

Moreover, legal ambiguity regarding land use and environmental protection makes it difficult for tourism actors to secure long-term business licenses or obtain credit from financial institutions. Investors are reluctant to support ventures in areas where illegal mining activities are present,(Ariyanti et al., n.d.) and where the government is perceived as failing to enforce its own zoning laws. This climate of unpredictability exacerbates economic insecurity for communities who have adopted tourism as a sustainable livelihood strategy.

Legal uncertainty also has implications for social stability. Conflicts often arise between tourism actors and illegal miners, as well as within communities themselves. Some residents driven by short-term economic pressures choose to support mining, while others prioritize ecological preservation and long-term tourism development. These tensions are compounded by the criminalization of environmental defenders. One notable case is that of Yudi Amsori, an environmental activist in East Belitung, who faced threats and expulsion after criticizing illegal mining operations that were destroying tourist zones. Such incidents illustrate how legal systems not only fail to protect the environment but also suppress civic engagement and undermine democratic participation in environmental governance.

The failure to enforce environmental laws also reflects a deeper institutional crisis. Local governments often lack the resources or political support to shut down illegal mining operations, particularly when these activities are protected by political patrons or linked to actors with influence at the national level. In some cases, law enforcement agencies are reluctant to intervene due to overlapping regulatory mandates or fear of backlash. For example, the issuance of Mining Business Permit Areas (WIUP) by the Ministry of Energy and Mineral Resources (ESDM) without coordination with local governments further complicates efforts to enforce regional zoning plans.

From a human rights perspective,(Putri et al., 2023) the erosion of the right to a healthy environment and the denial of economic opportunities are interconnected. Article 27(2) of the 1945 Constitution guarantees the right of every citizen to obtain employment and a decent livelihood. Yet, for coastal communities in Bangka Belitung, these rights are being

systematically violated. Environmental degradation caused by illegal mining leads to job losses, reduced income, and heightened poverty, all of which contradict Indonesia's constitutional and international obligations.

To address this issue, legal reform must focus on both substantive law and institutional enforcement. Substantively, national and regional regulations must be harmonized to prevent contradictory mandates. Mining licenses should not be granted in zones designated for tourism and conservation. A mandatory requirement for all central government permits to align with regional zoning plans should be codified into law, ensuring that the RZWP3K is legally binding on all state agencies.

Institutionally, enforcement mechanisms must be strengthened. Local environmental agencies should be provided with adequate budgets, personnel, and legal authority to conduct monitoring, impose sanctions, and implement restoration orders. Special environmental courts or chambers could be established to handle disputes and violations related to coastal degradation, ensuring that cases are processed efficiently and fairly.

Moreover, participatory governance must be central to coastal management. Coastal communities, especially those involved in tourism, should be engaged in zoning decisions, environmental monitoring, and policy evaluations. Community-based tourism initiatives, which have shown promising results in other Indonesian regions like Raja Ampat and Wakatobi, could be supported in Bangka Belitung through targeted funding, technical training, and legal protection from extractive encroachment.

International cooperation may also play a role. Given the global relevance of marine biodiversity and climate change, international donors and environmental organizations can provide support for community-based ecotourism projects, coastal restoration programs, and legal advocacy efforts. Such collaboration could bring external pressure and accountability to national and regional actors.

In conclusion, legal uncertainty in the regulation of coastal zones in Bangka Belitung has created a multi-dimensional crisis affecting both environmental integrity and the economic well-being of coastal populations. The continued allowance of illegal mining in tourism zones violates the constitutional rights of citizens and hinders the transition toward sustainable development. Urgent harmonization of laws, stronger institutional capacity, and inclusive governance are required to ensure that legal systems serve as instruments of protection rather than sources of insecurity. Without such measures, the dream of a sustainable, community-driven tourism economy in Bangka Belitung will remain unrealized.

CONCLUSION

Legal uncertainty in the governance of coastal areas in Bangka Belitung is a fundamental issue that affects two critical aspects simultaneously: legal certainty for tourism actors and the protection of the right to a healthy environment and the economic rights of coastal communities. The lack of synchronization between national policies particularly the issuance of mining permits by the Ministry of Energy and Mineral Resources and regional regulations such as the RZWP3K Regional Regulation has led to overlapping authorities, which creates confusion and weakens law enforcement on the ground. As a result, areas zoned for tourism are being exploited for illegal mining activities, undermining the attractiveness of tourism destinations and threatening the viability of tourism-based businesses.

Furthermore, legal uncertainty has severely impacted the protection of the community's right to a clean and healthy environment. Illegal mining operations have caused pollution, degraded coastal ecosystems, and destroyed marine resources that coastal communities rely on for their livelihoods. This situation has deepened the socio-economic vulnerabilities of residents who depend on tourism and fisheries, and has, in some cases, triggered community tensions and the criminalization of environmental activists defending nature.

Therefore, harmonizing central and regional regulations, strengthening institutional oversight capacity, and ensuring active community participation in coastal governance are essential. Law must function as a tool for protecting rights not as a source of conflict and insecurity. Without firm and sustainability-oriented legal reform, the vision of tourism-based development and ecological justice in Bangka Belitung will remain at risk.

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