



Legal Politics in Regional Oil and Gas Governance: Toward Sustainable Regulation

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Abstract

Oil and gas exploration and exploitation in Bojonegoro Regency actually creates problems in the form of the absence of statutory regulations that accommodate legal developments and community needs. This research aims to formulate a political, legal and policy orientation so that oil and gas exploration and exploitation in Bojonegoro Regency can provide optimal benefits for the community and is in line with sustainable development. This research is socio-legal or interdisciplinary legal research which examines legal aspects normatively accompanied by analysis based on policy theory. The research results show that the legal implications of the absence of updates to statutory regulations relating to oil and gas exploration and exploitation in Bojonegoro Regency are that philosophically, sociologically and juridically they lack legitimacy and tend to be difficult to implement due to the complexity of the community's legal needs, especially after the passing of the Ciptaker Law. Legal politics related to oil and gas exploration and exploitation in Bojonegoro Regency, namely the need for legal products that are responsive, ecological and progressive in character so that they can be implemented through various policies that are able to make oil and gas exploration and exploitation in Bojonegoro Regency a success as well as the need for revisions to Regional Regulations and Regent Regulations so that in line with the substance of the Ciptaker Law and adapted to actual legal needs in the Bojonegoro community.

Keywords: Exploration; Exploitation; Policy; Oil and Gas; Legal Politics.

INTRODUCTION

Natural resource management is one of the important aspects that needs to be optimized by the state in realizing the welfare of its citizens.¹ In Indonesia, natural resource management is required to be in accordance and in line with the spirit of the constitution, as affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia where the state has an important role in natural resource management to ensure that natural resource management can provide maximum benefits for the community. One of the natural resources that needs to be managed optimally in Indonesia in realizing prosperity for the community is related to oil and gas resources.² Oil and gas is one of the natural resources in Indonesia that contributes greatly to the state, especially if traced carefully, Non-Tax National Income (PNBP) from the oil and gas sector has increased, namely in 2020 reaching 69.71 Trillion Rupiah, in 2021 reaching 97.98 Trillion Rupiah, 2022 reached 148.70 Trillion Rupiah, 2023 reached 116.98 Trillion Rupiah, and in May 2024 where PNBP from the oil and gas sector reached 36.81 Trillion Rupiah or has reached 33.42% of the target, namely in 2024 PNBP from the oil and gas sector in 2024 is expected to reach 110.15 Trillion Rupiah.³

The importance of oil and gas contribution in PNBP also implies the role of local governments to establish laws and various policies that can optimize oil and gas in an effort to improve the welfare of the people in the region.⁴ One of the important roles of the local government is as carried out by the Bojonegoro Regency Government (Pembkab Bojonegoro) and the Regional People's Representative Council (DPRD) which has passed the Bojonegoro Regency Regional Regulation No. 23 of 2011 concerning the Acceleration of Regional Economic Growth in the Implementation of Exploration and Exploitation and Processing of Oil and Gas in Bojonegoro Regency (Bojonegoro Oil and Gas Regional Regulation), Bojonegoro Regency Regional Regulation No. 6 of 2012 Transparency in Governance of Oil and Gas in Bojonegoro Regency. 6 of 2012 Transparency in Revenue Management, Environment, and Corporate Social Responsibility in Oil and Gas Business Activities (Oil and Gas Transparency Local Regulation), as well as follow-up regulations in the form of Bojonegoro Regent Regulation No. 48 of 2011 concerning Optimization of Local Content in Oil and Gas Industry Activities in Bojonegoro Regency (Oil and Gas Local Optimization Regent Regulation). These three regulations are commonly known as "Local Content Regulations" because their spirit is

¹ Ahdiyatul Hidayah, Faturrahman Fahrozi, and Ahmad Rifani, "The Role of Environmental Principles in Mining Resources: A Discourse of Islamic and Indonesian National Law," *Jambe Law Journal* 6, no. 1 (2023): 23-45.

² Muhammad Akbar et al., "The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 2 (2023): 225-236.

³ Kementerian Energi dan Sumber Daya Mineral, "20 Mei 2024, Realisasi PNBP Migas Capai Rp36,81 Triliun," 2024, <https://www.esdm.go.id/id/media-center/arsip-berita/20-mei-2024-realisasi-pnbp-migas-capai-rp3681-triliun> (Diakses Pada Tanggal 28 Oktober 2024).

⁴ Mrabawani Insan Rendra and Anindya Putri Tamara, "Analysis of Changes in Land Surface Temperature in the Oil and Gas Mining Industry Sector in Bojonegoro Regency," *Jurnal Sains Informasi Geografis* 3, no. 2 (2020): 87.

to ensure that oil and gas management can provide efforts that can improve the welfare of the people of Bojonegoro.

The important role of the Bojonegoro Regency Government and DPRD above by forming a “Local Content Regulation” is actually in line with the wealth of oil and gas resources in Bojonegoro Regency which reached 25% of the exact oil and gas reserves in Indonesia in 2020.⁵ In its development, the oil and gas resources in Bojonegoro Regency are only inferior to the oil and gas produced by the Rokan Block which in 2024 reached 162,000 barrels per day which means 25% of oil and gas production in Indonesia in 2024.⁶ In Bojonegoro Regency there are actually several blocks related to oil and gas exploration and exploitation, which include: Blera Block (covering Ngraho and Margomulyo sub-districts), Cepu Block (Banyu Urip and Kedung Keris fields), Tuban Block (Sukowati Field), Cepu Block (Jambaran-Tiung Biru Field), and Nona Block located in the southeast or east-south region of Bojonegoro Regency.⁷ The existence of these various blocks shows that oil and gas exploration and exploitation activities in Bojonegoro Regency take place comprehensively and cover various sub-districts in Bojonegoro Regency.

The efforts of the Bojonegoro Regency Government and DPRD above by forming “Local Content Regulations” are actually an important political will so that the presence of local regulations and Perbup can be a legal basis as well as a means to ensure that oil and gas exploration and exploitation in Bojonegoro Regency can provide optimal benefits for local communities.⁸ Although it has a good orientation, in its development, the existence of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Oil and Gas Local Optimization Perbup raises problems both from a juridical aspect and from a policy aspect. Juridically, the Bojonegoro Oil and Gas Regulations, the Oil and Gas Transparency Regulations, and the Oil and Gas Local Optimization Regulations passed in 2011 to 2012 are problematic because until 2024 there are various developments in laws and regulations so that the Bojonegoro Oil and Gas Regulations, the Oil and Gas Transparency Regulations, and the Oil and Gas Local Optimization Regulations must adjust to changes and updates to various existing laws and regulations. One of the laws and regulations that need to be referred to and adjusted in relation to oil and gas exploration and exploitation in Bojonegoro Regency is the enactment of Law No. 6 of 2023 on the

⁵ Ridwan Arma Subagyo Dicky Eko Prasetio, “Memandang Masa Depan Tambang” (Jawa Pos, 2020).

⁶ Teti Purwanti, “Jadi Penghasil Migas No 1 Di RI, Jokowi Apresiasi Kinerja Blok Rokan,” n.d., <https://www.cnbcindonesia.com/news/20240602101329-4-543090/jadi-penghasil-migas-no-1-di-ri-jokowi-apresiasi-kinerja-blok-rokan> (Diakses Pada Tanggal 29 Oktober 2024).

⁷ Pemkab Bojonegoro, “Migas,” 2020, <https://bojonegorokab.go.id/informasi?id=12> (Diakses Pada Tanggal 30 Oktober 2024).

⁸ Wiwin Priana Primandhana dan Mohammad Wahed Kurnia Sari Dewi, “Analisis Pengaruh Pertumbuhan Ekonomi, Pengangguran, Dan Kemiskinan Terhadap Indeks Pembangunan Manusia Di Kabupaten Bojonegoro,” *Syntax Idea* 3, no. 4 (2021): 6.

Establishment of Government Regulations in Lieu of Law No. 2 of 2022 on the Job Creation Law (Job Creation Law).⁹ The Job Creation Law has various implementing regulations, one of which is related to the management of natural resources, particularly oil and gas.¹⁰

Another problem related to the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Oil and Gas Local Optimization Perbup in Bojonegoro Regency is that the policy orientation related to oil and gas exploration and exploitation in Bojonegoro Regency has not been optimal due to the unresponsiveness of laws and regulations that facilitate aspects of oil and gas exploration and exploitation in Bojonegoro Regency that are pro-community. A good policy certainly cannot be implemented directly without being based on laws that provide orientation, direction, and basic guidelines for how a policy can be implemented so that it has an effective and positive impact on society. From the juridical and policy problems above, the urgency of this research is to ensure that the legal and policy aspects related to oil and gas exploration and exploitation in Bojonegoro Regency can be carried out optimally and optimally. Therefore, this research seeks to answer three legal issues in this research, namely: (i) the legal implications of the absence of renewal of legislation relating to the exploration and exploitation of oil and gas in Bojonegoro Regency? (ii) policy orientation relating to the exploration and exploitation of oil and gas in Bojonegoro Regency that is sustainable and has a positive impact on society, and (iii) the political orientation of the law of exploration and exploitation of oil and gas in Bojonegoro Regency that is sustainable.

From the three objectives of this research as formulated above, the theory of sustainable development is relevant to analyze aspects of oil and gas exploration and exploitation in Bojonegoro Regency and has an orientation in organizing legal and policy aspects in oil and gas exploration and exploitation efforts in Bojonegoro Regency that are equitable and have a positive impact on society.

Research that discusses the exploration and exploitation of oil and gas in Bojonegoro Regency in various perspectives has actually been carried out by several previous researchers, namely: (i) research by Wahyuhono, et al. (2019) which focuses on youth control related to oil and gas governance and regional resilience in Bojonegoro Regency.¹¹ The novelty of Wahyuhono's research (2019) is that youth control in oil and gas governance and regional resilience in Bojonegoro Regency is important because the social relations owned by youth can ensure that oil and gas governance and regional resilience in Bojonegoro Regency can run optimally. Further research was conducted by Famelasari and Prastiwi (2021) who analyzed oil

⁹ Agus M. Fauzi Nadzir A. Firdaus, "Rejection Demonstration of UU Cipta Kerja Omnibus Law in Perspective Ralf Dahrendorf's Conflict Theory," *International Joint Conference on Arts and Humanities 2021* 618, no. 1 (2021): 1-5.

¹⁰ Agus Suntoro, "Implementasi Pencapaian Secara Progresif Dalam Omnibus Law Cipta Kerja," *Jurnal HAM* 12, no. 1 (April 2021): 1-18.

¹¹ Danang Wahyuhono, Suryo Purwono, and Dyah Mutiarin, "Kontrol Pemuda Terhadap Tata Kelola Migas Dan Implikasinya Pada Ketahanan Wilayah Di Kawasan Migas Blok Cepu Kabupaten Bojonegoro," *Jurnal Ketahanan Nasional* 25, no. 1 (2019): 1.

and gas governance and its relationship with women's leadership in Bojonegoro Regency.¹² The novelty of Famelasari and Prastiwi's (2021) research is that women's leadership, especially in the era of the Bojonegoro Regent, Anna Mu'awanah, is considered that there has not been a significant update in the field of oil and gas governance and in fact in the era of the previous Regent, Suyoto, many legal products and policies were oriented towards oil and gas exploration and exploitation.

Further research was conducted by Danugroho and Yusfira (2023) on oil and gas policy management in the era of Regent Suyoto.¹³ The novelty of Danugroho and Yusfira's (2023) research is that an important aspect in which the Suyoto Regent era can be said to be a pro-Oil and Gas era in Bojonegoro Regency because only in the Suyoto Regent era there were various legal products and policies that had a direct impact on the community related to oil and gas governance in Bojonegoro Regency. Another research was conducted by Sholikin (2024) which discusses social protection for informal workers in oil and gas exploration and exploitation activities in Bojonegoro Regency. The novelty of Sholikin's research (2024) is that social protection for informal workers in oil and gas exploration and exploitation activities in Bojonegoro Regency is actually still not optimal because there is no adequate access for informal workers in oil and gas exploration and exploitation activities in Bojonegoro Regency related to access to health, insurance, and other similar social security.¹⁴ Research that also discusses the exploration and exploitation of oil and gas in Bojonegoro Regency from the perspective of regional autonomy was also conducted by Masitoh (2024) whose novelty is the importance of the formulation of the "Oil and Gas Petroleum Fund" as a sustainable solution in ensuring the benefits of oil and gas exploration and exploitation activities for the community in Bojonegoro Regency.¹⁵

From the five previous studies mentioned above, it can be concluded that this research is original because it specifically discusses efforts to reform legal politics and policies related to the exploration and exploitation of oil and gas in Bojonegoro Regency, which have not been analyzed and studied in depth by the five previous studies.

RESEARCH METHODS

This research, focusing on the aspects of legal political renewal and policies related to the exploration and exploitation of oil and gas in Bojonegoro Regency, is a socio-legal or

¹² Resya Famelasari and Juwita Hayyuning Prastiwi, "Kepemimpinan Perempuan Dan Tata Kelola Tambang Di Bojonegoro," *JIP: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 1 (2021): 126-147.

¹³ Agus Danugroho and Fitria Yusfira, "Management Policy for Oil and Gas Sector of Bojonegoro Regency Government in Kang Yoto Era," *Transformasi: Jurnal Manajemen Pemerintahan* 15, no. 1 (2023): 74-88.

¹⁴ Ahmad Sholikin, "' Social Security ' Bagi Tenaga Kerja Informal Pada Sektor Industri Ekstraktif Di Bojonegoro," *Madani* 16, no. 2 (2024): 225-248.

¹⁵ Dewi Masitoh, "Pengelolaan Sumber Daya Alam (SDA) Berkelanjutan : Studi Kasus Minyak Dan Gas Bumi Di Bojonegoro Dalam Kerangka Otonomi Daerah," *International Journal of Demos* 6, no. 2 (2024): 184-197.

interdisciplinary legal study, which is a normative or doctrinal legal research based on legislation and utilizes non-legal sciences perspectives, specifically social sciences, particularly policy science.¹⁶ The primary legal materials in this research are: the 1945 Constitution of the Republic of Indonesia, the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent's Regulation. Secondary legal materials include journal articles, books, and research results that discuss the regulation of oil and gas exploration and exploitation as well as those that address the theory of sustainable development. Non-legal materials include various literature studies related to oil and gas exploration and exploitation, policy science, and language dictionaries. The approach used is a conceptual and legislative approach. The analysis of legal materials is conducted with a prescriptive and reform-research oriented approach that emphasizes the need for legal renewal in the field of oil and gas exploration and exploitation in Bojonegoro Regency.¹⁷

¹⁶ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240.

¹⁷ Ibid.

ANALYSIS AND DISCUSSION

A. Implikasi Legal Implications of the Absence of Regulatory Updates Related to Oil and Gas Exploration and Exploitation in Bojonegoro Regency

Implication in linguistic terms is understood as a consequence that occurs due to the existence of something.¹⁸ Legal implications themselves refer to Jazim Hamidi's view, understood as a legal consequence that occurs indirectly. Jazim Hamidi's view is relevant because it distinguishes between legal consequences and legal implications.¹⁹ Legal consequences occur directly, whereas implications are indirect consequences.²⁰ Legal implications related to the regulation of oil and gas exploration and exploitation in Bojonegoro Regency are more about the legislation governing oil and gas exploration and exploitation in Bojonegoro Regency, which can generally be said to be outdated and lacking in renewal efforts.²¹

The Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent's Regulation, which serve as the legal basis for the exploration and exploitation of oil and gas in Bojonegoro Regency, are essentially legislative regulations enacted between 2011 and 2012.²² In its development, by 2024, there will certainly be various regulations above the Regional Regulations (Perda) that have changed, so legally, the Regional Regulation on Oil and Gas in Bojonegoro, the Regional Regulation on Oil and Gas Transparency, and the Local Oil and Gas Optimization Regulation (Perbup) require revision and renewal efforts in accordance with the needs of the community. The importance of updating the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation can generally be seen with the enactment of the Job Creation Law.

The enactment of the Job Creation Law indeed has three important orientations in Indonesian law, namely: first, the Job Creation Law for the first time introduces and permits the drafting of legislation using the omnibus law method. The omnibus law itself is a method of drafting legislation that initially developed in countries with a common law system, but in fact, with the development of legal globalization, the

¹⁸ KBBI, *Kamus Besar Bahasa Indonesia Online*, 2023.

¹⁹ Jazim Hamidi, *Revolusi Hukum Indonesia: Makna, Kedudukan, Dan Implikasi Hukum Naskah Proklamasi 17 Agustus 1945 Dalam Sistem Ketatanegaraan RI* (Jakarta: Prentice Hall, 2006).

²⁰ Muhammad Reza Syariffudin Zaki, *Pengantar Ilmu Hukum Dan Aspek Dalam Ekonomi* (Jakarta: Kencana, 2022).

²¹ I Made Adiwidya Yowana et al., "Juridical Implications of the Industrial Relations Court Verdict Which Is Not in Accordance with Article 103 of Law No. 2 of 2004 Concerning Settlement of Industrial Relations Disput," *International Journal of Multicultural and Multireligious Understanding* 7, no. 8 (2021): 393-398.

²² Dicky Eko Prasetyo, "Politik Hukum Pasca Tambang Di Bojonegoro," 2021, <https://jurnaba.co/politik-hukum-pasca-tambang-di-bojonegoro/> (Diakses Pada Tanggal 31 Oktober 2024).

omnibus law method is also applied in countries with a civil law system, such as Indonesia.²³ The use of the omnibus law method in the formulation of legislation is also expected to be one of the efforts to make the legislative process more efficient, so that it is faster while still accommodating meaningful participation from the public.²⁴

Second, the Job Creation Law has a scope of changes or revisions that encompass various laws²⁵ This is because, generally, a revision of regulations usually only involves two to three laws being amended, but in the case of the Job Creation Law, there are 75 laws that have been amended or repealed.²⁶ This causes the Job Creation Law to amend various provisions in the laws, one of which is related to the exploration and exploitation of oil and gas, so the Bojonegoro Regional Regulation on Oil and Gas, the Regional Regulation on Oil and Gas Transparency, and the Bojonegoro Regent's Regulation on Local Oil and Gas Optimization that are in effect in Bojonegoro Regency should be revised and updated in accordance with the Job Creation Law. This is to align with the legal principle "lex superior derogate legi inferior" that a regulation which is hierarchically lower must be able to adjust to the regulation which is hierarchically higher to avoid conflicts or contradictions in legal rules.²⁷

Third, the Job Creation Law (UU Ciptaker) is a law that has three main orientations, namely: facilitating investment, providing job opportunities for the community, and simplifying regulations.²⁸ These three main aspects need to be implemented in various subordinate regulations so that in the context of oil and gas exploration and exploitation in Bojonegoro Regency, the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation need to be revised to align with and be in accordance with

²³ Imam Asmarudin, "Struggle of Legal Positivism Versus Progressive Thoughts in the Formal Tests of the Job Creation Act (Legal Development through Hermeneutics)," *Dinamika Hukum* 22, no. 1 (2022): 144-153.

²⁴ Sulistina Sulistina et al., "The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform," *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (2022): 155.

²⁵ Ismail Rumadan et al., "Investment Policy In Mineral And Coal Mining Threatens The Existence Of Environment After The Implementation Of Job Creation Law In Indonesia," *Journal of Namibian Studies : History Politics Culture* 35, no. 1 (2023): 227-245, <https://namibian-studies.com/index.php/JNS/article/view/3003>.

²⁶ Airin Liemanto Imam Koeswahyono, Diah Pawestri Maharani, "Legal Breakthrough of the Indonesian Job Creation Law for Ease, Protection, and Empowerment of MSMEs during the COVID-19 Pandemic," *Cogent Social Sciences* 8, no. 1 (2022): 8.

²⁷ Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Pesterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 17, no. 3 (2020): 305.

²⁸ Irfa Nugroho, Arinto, Ronaboyd, Emmilia Rusdiana, and Sonny Zuhuda Prasetio, Dicky Eko, "The Impact of Labor Law Reform on Indonesian Workers: A Comparative Study After the Job Creation Law," *Lex Scientia Law Review* 8, no. 1 (2024): 67-108.

the three main orientations of the Job Creation Law, which include efforts to simplify investment, provide job opportunities for the community, and simplify regulations.²⁹

From the three important aspects of the enactment of the Job Creation Law mentioned above, in relation to the exploration and exploitation of oil and gas in Bojonegoro Regency, it is essential to align with legal reforms as emphasized in the Job Creation Law. Efforts to amend the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation to align with the Job Creation Law are also intended to ensure that the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation meet the philosophical, sociological, and juridical aspects as one of the important requirements in formulating legislation.³⁰ Maria Farida Indrati Soeprapto believes that the fulfillment of philosophical, sociological, and juridical aspects in a regulation, particularly laws and regional regulations, will strengthen the legitimacy of that law or regional regulation.³¹ The legitimacy of a law or regional regulation is related to how that law or regional regulation is understood and adapted to the needs of the community, so that the law or regional regulation can function optimally.³² This emphasizes that in the formation of legislation, particularly laws and regional regulations, the aspect of legitimacy is also important to consider, in addition to the aspect of legality in the form of the formal validity of a piece of legislation.³³

On the philosophical aspect, the renewal of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Bojonegoro Local Oil and Gas Optimization Regent Regulation is intended to be in harmony and in line with the ideals of the Job Creation Law, which aims to prosper the community through the creation of decent and abundant job opportunities for the people. On the sociological aspect, the renewal of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Bojonegoro Local Oil and Gas Optimization Regent Regulation is intended so that the regulations governing the exploration and exploitation of oil and gas in Bojonegoro Regency can align with the

²⁹ Meldi Amijaya et al., "Governance Mining Licensing in Central Sulawesi Post Mining Law Reform and Law Job Creation," *Indonesian Journal of Social and Environmental Issues (IJSEI)* 3, no. 2 (2022): 112-121.

³⁰ Arie Elcaputera, Ahmad Wali, and Ari Wirya Dinata, "Urgensi Harmonisasi Rancangan Peraturan Daerah: Sebuah Analisis Tantangan Dan Strategi Pembentukan Peraturan Perundang-Undangan Indonesia Dalam Rangka Penguatan Otonomi Daerah," *Jurnal Ilmu Hukum* 11, no. 1 (2022): 121.

³¹ Maria Farida Indrati, *Ilmu Perundang-Undangan: Jenis, Fungsi, Dan Materi Muatan*, Revisi. (Sleman: Kanisius, 2020).

³² Arif Hidayat and Zaenal Arifin, "Politik Hukum Legislasi Sebagai Socio-Equilibrium Di Indonesia," *Jurnal Ius Constituendum* 4, no. 2 (2019): 147-159.

³³ Ayunita Nur Rohanawati and Yustika Ardhanay, "The Principle of Meaningful Participation in the Formation of the Maternity Leave Policies in Indonesia," *KnE Social Sciences* 1, no. 1 (2023): 532-537.

legal conditions and needs of the Bojonegoro community.³⁴ This is because, if we look at the enactment of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent's Regulation, these regulations have been in effect for more than a decade or ten years, during which the legal conditions and needs at the time the regulations were formulated were different from the legal conditions and needs in 2024. Therefore, the renewal of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Bojonegoro Local Oil and Gas Optimization Regent Regulation is also intended to create a dialogic effort that generates feedback between the rule-makers and the Bojonegoro community, so that the regulations governing the exploration and exploitation of oil and gas in Bojonegoro can substantively align with the demands and needs of the community.³⁵

On the legal aspect, the renewal of the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation is expected not only to accommodate various substances in the Job Creation Law and its implementing regulations but also to incorporate meaningful participation from the Bojonegoro community so that the legal products regulating oil and gas exploration and exploitation in Bojonegoro Regency can be formulated to the fullest extent. From the above description, it can be concluded that the legal implications of the lack of changes to the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation, which regulate the exploration and exploitation of oil and gas in Bojonegoro Regency, not only have the potential to conflict with several provisions in the Job Creation Law but also make these regulations unresponsive and not aligned with the legal needs of the community after the enactment of the Job Creation Law.

B. Policy Orientation Related to Sustainable and Positively Impactful Oil and Gas Exploration and Exploitation in Bojonegoro Regency

The exploration and exploitation of oil and gas in Bojonegoro Regency not only require legal updates in the form of amendments to several regulations, particularly the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation, but also necessitate efforts in formulating and implementing effective policies for the sustainable exploration and exploitation of oil and gas in Bojonegoro Regency. The im-

³⁴ Nabiyla Risfa Izzati, "Deregulation in Job Creation Law: The Future of Indonesian Labor Law," *Padjadjaran Jurnal Ilmu Hukum* 9, no. 2 (2022): 191-209.

³⁵ Fahmi Ramadhan Firdaus, "Public Participation after the Law-Making Procedure Law of 2022," *Jurnal Ilmiah Kebijakan Hukum* 16, no. 3 (2022): 495.

portance of the policy aspect in this matter is so that the existing laws can be optimally applied in society.³⁶ This is what places policy as the true face of the ideals of law (policy is the face idea of law). Law and policy, although two different things, are essentially two interconnected matters. Law is necessary to ensure that a policy can be directed and targeted appropriately and does not conflict with the corridors and limitations set by the law. Law in this context becomes the "frame" for policy implementation.³⁷

On the other hand, policies also function as the implementation of legal provisions in society.³⁸ Referring to the view of Satjipto Rahardjo that even concrete law is not yet optimal for implementation in society.³⁹ This is because even concrete law still resides in the realm of *das sollen* or exists in the dimension of law in book.⁴⁰ Policy in this context becomes an important means to implement and make the law effective so that it can function optimally in society. Referring to Suteki's view, the functioning of law in society is more dominated by non-legal factors, and in this context, policy as a non-legal aspect can become an important means for the law to be optimally applied in society, so that the law, which initially exists as law in book, can be implemented as law in action or law in society.⁴¹

The importance of the policy aspect related to the exploration and exploitation of oil and gas in Bojonegoro Regency essentially has three important positions, namely: first, the policy functions as the executor and implementer of the law regulating the exploration and exploitation of oil and gas in Bojonegoro Regency. Policies in this context function as a means of "instrumentation" or as a means through which the law can be applied. The second important position of the policy related to the exploration and exploitation of oil and gas in Bojonegoro Regency is that the policy can elaborate on the factual needs of the community. It cannot be denied that legal products can only address the needs of the community related to legal aspects. The needs of the community related to non-legal aspects clearly cannot be optimally facilitated by legal products. Therefore, the policy functions to facilitate and elaborate on the factual needs of the community related to the exploration and exploitation of oil and gas in Bojonegoro Regency. The third important position of the policy related to the exploration and exploitation of oil and gas in Bojonegoro Regency is essentially to provide orientation and a paradigm for how the exploration and exploitation of oil and gas in Bojonegoro Regency can be carried out sustainably.

³⁶ Shofia Trianing Indarti, "Kebijakan Keimigrasian Di Masa Covid-19: Dalam Perspektif Hak Asasi Manusia," *HAM* 12, no. 1 (2021): 26.

³⁷ Stefan Koos, "Digital Globalization and Law," *Lex Scientia Law Review* 6, no. 1 (2022): 33-68.

³⁸ Jeffrey A. Pojanowski, "Neoclassical Administrative Law," *Harvard Law Review* 133 (2019): 852.

³⁹ Satjipto Rahardjo, *Membedah Hukum Progresif*, 3rd ed. (Jakarta: Kompas, 2008).

⁴⁰ Dicky Eko Prasetyo Adam Ilyas Felix Ferdin Bakker, "Membangun Moralitas Dan Hukum Sebagai Integrative Mechanism Di Masyarakat Dalam Perspektif Hukum Progresif," *Mimbar Keadilan* 14, no. 2 (2021): 128-138.

⁴¹ Suteki, *Desain Hukum Di Ruang Sosial*, 1st ed. (Semarang: Thafa Media, 2013).

Policies in this context can serve as a means to succeed in sustainable and environmentally conscious development, considering that the exploration and exploitation of oil and gas in Bojonegoro Regency is an effort to utilize non-renewable natural resources. Oil and gas, as non-renewable natural resources, must certainly be addressed optimally through various precise and accurate policies.⁴² This is so that the abundance of oil and gas enjoyed by Bojonegoro Regency at present must be utilized optimally while still being oriented towards sustainable and environmentally conscious development in the future. This is to anticipate the phenomenon of the "natural resource curse" in case the production of oil and gas in Bojonegoro Regency is no longer optimal in the future. Natural resource curse or the curse of natural resources is understood as a phenomenon where the abundance of natural resources actually triggers misery, poverty, and social tensions. This reality is commonly known as the paradox of plenty.⁴³ In general, the resource curse occurs due to two factors, namely excessive dependence on natural resources and the lack of orientation or alternative resources, as well as the failure to formulate a forward-looking orientation related to natural resources.⁴⁴ The failure to formulate a forward-looking orientation related to natural resource management occurs because natural resources are only viewed as "economic commodities" and neglect the "ecological components" in natural resource management.

Related to the phenomenon of the resource curse mentioned above, policies have a preventive function where the formulation and implementation of optimal policies can prevent the occurrence of the resource curse phenomenon. Regarding the exploration and exploitation of oil and gas in Bojonegoro Regency, the formulation, implementation, and evaluation of policies related to oil and gas in Bojonegoro Regency become the most important aspects to ensure that they can benefit the community. Regarding the effectiveness of a policy, William N. Dunn has actually formulated five important prerequisites for an ideal policy, including: (i) responsiveness, (ii) effectiveness and efficiency, (iii) adequacy, (iv) accuracy, and (v) policy equity.⁴⁵ The five ideal aspects of a policy should serve as a guideline for the Bojonegoro Regency Government to formulate an ideal policy related to the exploration and exploitation of oil and gas in Bojonegoro Regency.

⁴² Mohamad Nasir, Laurens Bakker, and Toon van Meijl, "Environmental Management of Coal Mining Areas in Indonesia: The Complexity of Supervision," *Society and Natural Resources* 36, no. 5 (2023): 534-553, <https://doi.org/10.1080/08941920.2023.2180818>.

⁴³ C.L.M. Panders, *Bojonegoro 1900-1942: A Story of Endemic Poverty in North-East Java-Indonesia*, 1st ed. (Singapore: Gunung Agung Pte.Ltd, 1984).

⁴⁴ Sedwivia Ridena et al., "Testing the Existence of Natural Resource Curse in Indonesia: The Role of Financial Development," *Jurnal Ekonomi & Studi Pembangunan* 22, no. 2 (2021): 213-227.

⁴⁵ Muhammad Zakirin and Jauhar Arifin, "Evaluasi Kebijakan Dilihat Dari Aspek Dampak Program Keluarga Harapan (Pkh) Di Desa Hayaping Kecamatan Awang Kabupaten Barito Timur," *Japb* 5, no. 1 (2022): 256-271, <https://jurnal.stiatabalong.ac.id/index.php/JAPB/article/view/599>.

The ideal policy related to the exploration and exploitation of oil and gas in Bojonegoro Regency, which is sustainable and has a positive impact on society, must accommodate three important aspects, namely: first, a policy orientation that is environmentally conscious and sustainable. The existence of oil and gas exploration and exploitation in Bojonegoro Regency must also be balanced with various pro-nature conservation policies such as reforestation, awareness regarding carbon emissions, and efforts to preserve nature as well as seek new and renewable energy resources in Bojonegoro Regency. The second important aspect is that policies related to the exploration and exploitation of oil and gas in Bojonegoro Regency must involve the role and participation of the community. Community participation and involvement are necessary so that the community can be empowered and can benefit from the exploration and exploitation of oil and gas in Bojonegoro Regency. The third aspect is related to the economic orientation of the exploration and exploitation of oil and gas in Bojonegoro Regency, which is expected to benefit the people of Bojonegoro. The people of Bojonegoro can become workers in the oil and gas exploration and exploitation sector in Bojonegoro Regency or can also utilize the oil and gas exploration and exploitation in Bojonegoro Regency through the development of industry and creative economy as well as the service sector that can drive micro, small, and medium enterprises (MSMEs). Pro-UMKM policies should be the focus so that the exploration and exploitation of oil and gas in Bojonegoro Regency can provide a "domino effect" in the form of creative economic empowerment that can improve the welfare of the community.

C. Legal Political Orientation of Oil and Gas Exploration and Exploitation in Bojonegoro Regency that is Sustainable

Legal politics actually has various definitions as put forth by legal experts, but simply put, legal politics can be understood as the direction, framework, ideals, and "lines" of legal policies that have been discussed to be implemented in the future.⁴⁶ Referring to Mahfud MD's perspective, an important aspect of legal politics is that legal politics serves as a means to realize the communal aspirations of society within a legal product.⁴⁷ Regarding the exploration and exploitation of oil and gas in Bojonegoro Regency, the legal political orientation is that the legal products related to the exploration and exploitation of oil and gas in Bojonegoro Regency should align with the orientation of sustainable development.

The term sustainable development is a perspective and paradigm that development should not only focus on the interests of the current generation but also be forward-oriented, ensuring that future generations can enjoy natural resources. Additionally, sustainable development must embody ecocracy, which places environmental preservation as an important aspect because humans aim to "live

⁴⁶ Sobandi Muhammad Sadi Is, Suharyono, *Politik Hukum* (Jakarta: Prenada Media Group, 2023).

⁴⁷ Moh. MahfudMD, *Membangun Politik Hukum, Menegakkan Konstitusi*, 2nd ed. (Jakarta: Rajawali Pers, 2017).

together and harmoniously" with the environment and the universe.⁴⁸ The orientation of sustainable development related to the exploration and exploitation of oil and gas in Bojonegoro Regency is essentially oriented towards two important aspects, namely sustainability in the context of environmental preservation and sustainability in the sense of having a planned direction so that the exploration and exploitation of oil and gas in Bojonegoro Regency can bring prosperity to the people of Bojonegoro now and in the future.

Efforts to accommodate the orientation of sustainable development related to oil and gas exploration and exploitation in Bojonegoro Regency require the integration of legal products and policies in Bojonegoro Regency that can encourage the implementation of sustainable development orientation. As an effort to maximize and optimize the orientation of sustainable development related to the exploration and exploitation of oil and gas in Bojonegoro Regency, the legal products in Bojonegoro must be responsive, ecological, and progressive. Responsive legal products are legal products based on the development and legal needs of the community. Ecological legal products are legal products that emphasize environmental sustainability. A progressive legal product is a legal product that is capable of providing various solutions related to the problems faced by the community. The three characteristics of legal products in Bojonegoro Regency to optimize the orientation of sustainable development related to oil and gas exploration and exploitation in Bojonegoro Regency are that they must be responsive, ecological, and progressive. This is one of the important orientations so that the orientation of sustainable development related to oil and gas exploration and exploitation in Bojonegoro Regency can be implemented optimally.

The orientation of sustainable development related to the exploration and exploitation of oil and gas in Bojonegoro Regency, where its legal products must be responsive, ecological, and progressive in character, should also be complemented by various appropriate policies that are responsive, ecological, and progressive in character. Policies that can be oriented by the Bojonegoro Regency Government to support the character of responsive, ecological, and progressive legal products are policies that focus on enhancing environmental sustainability, improving education and the economy of the community, as well as community empowerment efforts to optimize various local potentials and innovations to maximize new and renewable energy. From the various orientations above, it is hoped that sustainable development related to the exploration and exploitation of oil and gas in Bojonegoro Regency can become one of the important aspects for regional development while also prospering the community.

CONCLUSION

The legal implications of the absence of regulatory updates regarding oil and gas exploration and exploitation in Bojonegoro Regency are that, philosophically, socio-logically, and juridically, various regulations related to oil and gas exploration and

⁴⁸ Santhana Krishnan Mohd Fadhil Md Din, Wahid Omar, Shazwin Taib, Shamsul Sarip, "Humanizing the Localizing Sustainable Development Goals (SDGs) in Education and Research at Higher Education Institutions (HEIs)," *Journal of Sustainability Perspectives*: 1, no. 1 (2021): 453-460.

exploitation in Bojonegoro Regency lack legitimacy and tend to be difficult to implement due to the complexity of societal legal needs, especially after the enactment of the Job Creation Law.

To implement the legislation related to the exploration and exploitation of oil and gas in Bojonegoro Regency, an orientation in the form of policies that can support the optimization of oil and gas exploration and exploitation in Bojonegoro Regency is needed, so that it can benefit the community with a focus on three main policies, namely: environmentally friendly and sustainable policies, participatory policies based on the problems and needs of the community, and policies that can provide a positive impact on the community's economy.

Legal politics related to the exploration and exploitation of oil and gas in Bojonegoro Regency require the existence of legal products that are responsive, ecological, and progressive, so that they can be implemented through various policies capable of succeeding in the exploration and exploitation of oil and gas in Bojonegoro Regency based on sustainable development and oriented towards environmental preservation. The recommendation from this research is the need to revise the Bojonegoro Oil and Gas Regional Regulation, the Oil and Gas Transparency Regional Regulation, and the Local Oil and Gas Optimization Regent Regulation to align with the substance of the Job Creation Law and to meet the actual legal needs of the Bojonegoro community.

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