

*Research Article***Public Participation in Social Impact Assessment: Comparative Human Rights Legal Approaches in Malaysia and Indonesia****Nur Atheefa Sufeeana M Suaree^{1*}, Muhamad Nafi Uz Zaman²**¹Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia²Faculty of Law, Universitas Diponegoro, Indonesia

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ABSTRACT

The Social Impact Assessment (SIA) is a widely used tool, including in Malaysia and Indonesia, for determining the potential positive or negative impacts of development projects in areas close to communities. The main goal of an SIA is to mitigate negative impacts and protect affected communities. Public participation is a key element of the SIA process and is strictly adhered to as a means of protecting human rights. Through doctrinal research utilising a qualitative methodology and comparative analysis of library resources, this paper aims to examine the implementation of human rights within the public participation mechanisms of these two countries. This fundamental right enables the public, particularly those affected, to contribute to the decision-making process. Both Malaysia and Indonesia share this objective, aligning with global efforts to uphold human rights in development contexts. However, in terms of SIA institutions and procedures, the two countries have distinct mechanisms. It can be concluded that both Indonesia and Malaysia have structured public participation as a multi-stage process within the SIA framework, albeit sometimes merely as a procedural formality. To uphold the dignity of affected communities, this paper recommends that Malaysia and Indonesia must move beyond procedural compliance and embrace genuine, rights-based engagement at every stage of development planning.

Keywords: Public Participation; Human Rights; SIA; Malaysia; Indonesia**A. INTRODUCTION**

Public participation has been recognized as a vital component of the Environmental Impact Assessment (EIA) process from its formal inception in 1969 (Makmor, Salleh, and Nordin, 2020). Over the years, it has evolved into a comprehensive process that ensures that the viewpoints of impacted communities and stakeholders are recognized and incorporated into environmental decisions. The Aarhus Convention expanded the concept of participation in international law, particularly in Articles 6, 7, and 8, which emphasize the importance of public

participation in decision-making processes and access to justice in environmental matters. The Aarhus Convention has been instrumental in improving communities' right to participate in decisions affecting their environment and welfare (UNECE, 2025). Public participation is vital for good environmental governance, and the Aarhus Convention aims to increase it (Palerm, 1999).

This fundamental component of public participation has also been incorporated into the Social Impact Assessment (SIA) process, playing an important role in ensuring that social dimensions are fully considered during the

planning and implementation of development projects (Matthews, 2014; Bonilla-Alicea & Fu, 2019). The SIA is a valuable management tool for identifying, evaluating and mitigating the potential negative social impacts of planned interventions, such as policies, programmes and projects (Esteves, Franks & Vanclay, 2012; Vanclay, 2024). Gulakova et al. (2020) state that an SIA requires an integrated assessment of project impacts, accompanying facilities, and cumulative effects.

Incorporating public participation into the SIA process helps to ensure that development projects do not overlook social aspects of sustainability (Suaree, Kader & Osman, 2024a), since public participation in the SIA process is a prerequisite for development (Dokubo, Radulescu & Squintani, 2024). This enables communities to voice their concerns, contribute local knowledge, and influence the outcomes of projects that directly impact their lives. This method safeguards the fundamental human right to a healthy, pollution-free environment, showcasing a broader dedication to equality and justice in development (Hassim & Mohamad, 2024; Priyono, 2017a).

Moreover, by involving the public, SIA cultivates trust among developers, regulatory authorities, and communities, leading to more transparent and accountable decision-making processes. It also bolsters the legitimacy of development programs by ensuring they align with the needs and values of the impacted individuals. Thus, SIA mitigates potential social hazards and enhances the long-term

sustainability and efficacy of development programs.

Public engagement in SIA beyond just information dissemination; it enables the public to assume a substantial and impactful role in the decision-making process. This approach has been well-established and implemented, as demonstrated by Delabre and Okereke (2020), who emphasize that social impact assessments empower communities by integrating their values, concerns, and knowledge into decision-making processes, especially in contentious development scenarios. This is essential for formulating development programs that are socially sustainable and congruent with the needs and values of the impacted communities (Delabre & Okereke, 2020).

Public participation entails an interactive engagement among the public, decision-makers, and project advocates (Suaree, Kader & Osman, 2024a). It involves the dissemination of information and the proactive involvement of the community necessary to achieve consensus on the structure and methods of proposed development plans or projects. This is accomplished through many interactive consultation processes, including public hearings, focus group talks, workshops, and other participatory methods that facilitate a reciprocal interaction among stakeholders (Loh et al., 2023).

Principle 10 of the Rio Declaration on Environment and Development says that public participation is very important. This principle says that the public has the right to get information,

take part in decision-making, and have their voices heard (Loh et al., 2023). It stresses that communities, including those who are marginalized or vulnerable, need to know everything about how a project might affect them and be meaningfully consulted before any decisions are made. This makes sure that everyone who has a stake in a development project, no matter their social or economic status, can have a say in how it turns out.

Not only does getting the public involved in the SIA process help the community, but it also helps project supporters, consultants, developers, and government agencies (Suaree, Kader, & Osman, 2024b). Project supporters, consultants, developers, and government agencies also benefit from valuable input from the community, which helps them make better decisions that are more socially responsible. The ultimate goal is to make the biophysical and human environment more sustainable and fair (Vanclay, 2003).

Involving the public in the planning process helps find possible social risks early on, which makes it possible to come up with mitigation strategies that are culturally appropriate and good for the community. It also encourages openness and responsibility, which helps developers and the communities they serve trust each other (Burdge & Robertson, 1990).

Moreover, meaningful public engagement has been shown to play a big role in the success of development projects as a whole. When people in a community feel like their opinions and worries are being heard and that they have a real say in

the decision-making process, they are more likely to feel like they own the project and work with the people who started it. This kind of cooperation not only reduces the chances of disagreements and social resistance, but it also makes development programs more sustainable and legitimate in the long run. In this sense, public participation is an important part of creating a development framework that is fair and open to everyone involved.

It is not a new idea to include public participation in the Social Impact Assessment (SIA) process. The United Nations (UN), via the Office of the High Commissioner for Human Rights (OHCHR), has long acknowledged and promoted the significance of public participation in development decision-making. This principle has been made official by many legal frameworks, both at the national and international levels. This is especially true with the implementation of the United Nations Sustainable Development Goals (SDGs) (Ruppel & Houston, 2023).

The right to engage in public affairs is a fundamental human right and is essential to the international principle of sustainable development. This norm aims to harmonize economic advancement with the safeguarding of environmental sustainability, cultural heritage, and social welfare, thereby ensuring intergenerational equity and justice (Putri & Purwanti, 2018; Imperiale & Vanclay, 2023). Furthermore, various international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour

Organization (ILO) Convention No. 169, explicitly require the incorporation of public participation and the protection of human rights at all phases of development initiatives (Farida, 2025).

Raising people's awareness of human rights issues can change how people in the community feel about them, which can help people make better choices and push for changes to the law (UNHCR, 2013; Aswandi, & Roisah, 2019). Following these rules helps make sure that the best practices around the world are followed. Human rights frameworks guarantee that every individual possesses a voice in the decision-making process, thereby empowering communities and addressing their needs and concerns (Mardiyanto & Hidayatulloh, 2023).

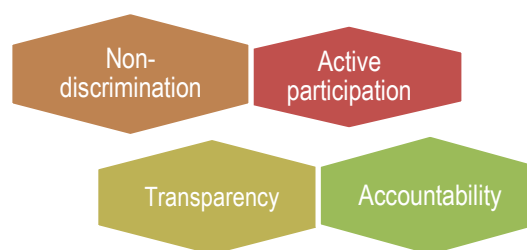
When public participation is in line with human rights, the effectiveness of this right depends on how well it is put into practice. If this right is not managed well, it could lead to tokenistic engagement, loss of public trust, and, in the end, damage the legitimacy and long-term success of development projects (Ruppel & Houston, 2023). It will make things harder for the people who are affected and lead to discrimination (Ruppel & Houston, 2023). It is more likely that projects that respect human rights and get people involved will get the social license to operate. This makes the project more legitimate and builds trust between the developers and the community.

Putting human rights into the public participation process has brought to light many important parts. It entails non-discrimination by

guaranteeing that all individuals, irrespective of their status (Hutauruk et al., 2025; Wardana, Rahayu, & Sukirno, 2023), possess an equal opportunity to engage. The decision-making process includes the public, especially those who are affected, which makes it easier for people to participate in a meaningful way. The idea of accountability is also important, as it makes those in power responsible for the effects of their choices.

Furthermore, public involvement in SIA ensures the transparency (Fitzmaurice, 2002) of the evaluation process. It gives people clear, easy-to-understand, and timely information about the planned project and its possible effects, which helps them get ready for future mitigation measures. Involving communities in the SIA process can help stop fights and disagreements. People are more likely to find peaceful solutions and keep the peace when they feel heard and their rights are respected. Figure 1 below shows how important human rights are for people to be able to take part in public life.

Figure 1. Human Right in Public Participation



Source: processed by the author

This article examines the public participation process in Strategic Impact Assessment (SIA) in

Malaysia and Indonesia, emphasizing the safeguarding of human rights within this framework. Indonesia has been selected for comparison due to its geographical proximity to Malaysia and their mutual objectives, especially in fostering resilient development through public engagement in the SIA process.

This article builds on several earlier studies that looked at human rights issues in SIA. Andrew Rosser's paper talks about the legal system that can be used to protect human rights in countries with weak democracies, like Indonesia, Nepal, Malaysia, and Timor Leste. Roser's paper is the starting point for this article's discussion of how public participation channels protect human rights in the context of development in Indonesia and Malaysia (Rosser, 2015). Akerboom and Craig conducted a study that examined and compared the frameworks governing public participation in environmental decision-making in the United States, the European Union, and the Netherlands (as a representative EU member state) to evaluate the progress achieved by each government in relation to public participation categories (Akerboom & Craig, 2022). This article employs the comparative methodology of Akerboom and Craig, considering the cultural and geographical proximity of Indonesia and Malaysia.

Furthermore, the study conducted by Zhao, Y., & Butcher has examined the primary interpretative challenges stemming from the terminology utilized in Article 6 of the 1998 Aarhus Convention. The primary emphasis is on the interpretation of the realization of the rights to

access information and public participation (Zhao & Butcher, 2022). While the research remains fundamentally exploratory, its findings establish a foundation for the arguments presented in this article, especially concerning the role of public participation in decision-making and access to justice in environmental matters (Sitompul, 2022). Craik has stated that public participation in EIS must be community-oriented, a perspective frequently neglected when considered solely in terms of loss prevention (Craik, 2020). In this instance, our article aligns with Craik, who underscores that EIS should be perceived as a mechanism that prioritizes communal interests over state interests.

This study aims to bridge the gap between normative studies and the practice of public participation in Environmental Impact Assessment (EIA), utilizing Indonesia and Malaysia as a comparative context. This article endeavors to integrate the discourse on human rights, legal frameworks, and the practice of public participation in development, emphasizing the role of Environmental Impact Assessment (EIA) as a significant mechanism for the realization of community rights, rather than a mere administrative formality. This study not only builds upon prior research but also offers an original contribution to the literature concerning the integration of human rights and social impact assessment (SIA) in Southeast Asia, particularly in nations experiencing political and legal challenges related to democratization and the rule of law.

B. RESEARCH METHODS

This study utilizes a doctrinal legal research methodology, suitable for analyzing legal frameworks, legislative provisions, and concepts pertaining to public participation in SIA. The doctrinal method involves an exhaustive examination of legal rules, case law, statutes, policy documents, and scholarly commentary (Zuvarcan, Yuspin, & Budiono, 2025). To investigate the incorporation of human rights principles into public engagement strategies in Malaysia and Indonesia. This methodology enables the researcher to systematically scrutinize and assess the prevailing legal frameworks governing SIA and public engagement within their respective nations.

The research employs a combination of library research, content analysis, and comparative legal analysis. Library study employs secondary sources, including statutes, governmental standards, international treaties, journal articles, and books, relevant to SIA, human rights, and participatory governance. Content analysis is utilized to identify essential legal principles and conceptual frameworks that either promote or hinder public engagement from a rights-based perspective. A comparative analysis enables a structured evaluation of Malaysia and Indonesia's implementation of public participation in Social Impact Assessment, particularly regarding the safeguarding of human rights within their legislative and administrative frameworks.

This paper employs a normative-analytical framework, utilizing legal theories, statutory laws, and participatory rights theory to evaluate the extent to which public participation mechanisms in Malaysia and Indonesia embody and promote human rights values in the SIA process. Malaysia employs a common law system rooted in its British colonial legal legacy, while Indonesia utilizes a civil law system shaped by the Dutch legal tradition and integrated with aspects of local customary (adat) law. These disparities have significant ramifications for the conceptualization and implementation of public engagement within each legal framework.

Notwithstanding these legislative discrepancies, the intent and aim of SIA implementation in both nations align in their pursuit of protecting the interests of impacted people and fostering transparent, inclusive, and rights-based development processes. This research seeks to elucidate how these similarities and differences influence the safeguarding of human rights in public engagement and to recommend cohesive measures for enhancing SIA frameworks.

C. RESULTS AND DISCUSSION

1. Human Rights Protection in Public Participation in SIA Malaysia

The Town and Country Planning (Amendment) Act 2017 (Act A1522) governs SIA in Malaysia. Section 20B of the Act says that a SIA report must be included as a condition for development clearance (Suaree et al., 2022). This

set of laws makes sure that social factors are taken into account from the start of the planning process. The goal is to lessen any negative consequences on communities.

PLANMalaysia, which stands for the Town and Country Planning Department, is in charge of making sure that SIA is carried out. PLANMalaysia is very important for making sure that development projects follow the rules stipulated by the Act. This helps promote sustainable and socially responsible growth in cities and towns around the country.

The most recent SIA manual, "Guidance for the Implementation of SIA for Development Projects," goes into further detail about the rules and steps for public engagement in the SIA process in Chapter 10 (Suaree, Kader, & Osman, 2024a). This document is a complete guide for developers, consultants, and regulatory agencies. It stresses the need to work with the communities who will be affected by the project at every stage. Public engagement is a key part of the SIA process because it makes sure that the needs and concerns of local communities are heard and taken into account when decisions are made.

Malaysia shows that it is serious about balancing economic growth with social responsibility by demanding SIA for development approval and telling the public how they can get engaged. This method not only helps find and deal with possible social effects early on, but it also makes developers, regulatory bodies, and the communities affected by development projects more open and trustworthy.

The first step in the SIA process is scoping, which is particularly crucial for gathering feedback from the community and other important stakeholders. This initial phase makes sure that the community's opinions are heard early on in the planning process. This helps uncover relevant issues and concerns that could come up because of the proposed development. The SIA Manual makes this engagement easy to follow by splitting it into two parts: the purpose and the promise to the public. This framework makes sure that the people who will be affected may view the details of the proposed development and share their thoughts on it.

The SIA Manual has a lot of different purposes for getting people involved, like informing, consulting, involving, collaborating, and empowering. The purpose of each stage is to get people more involved so that they may change the decision-making process. People who support the initiative and the right government authorities need to put these levels of engagement into action to make sure that everyone can take part (Suaree, Kader, & Osman 2024a).

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) underpins the right of access to information and participation, reinforcing the idea that human rights must be integrated into the development planning process (Ed, 1967). This compliance with international human rights standards illustrates that the SIA process in Malaysia does not neglect the essential rights of individuals and communities (Suaree, Kader, & Osman 2024a).

The Office of the United Nations High Commissioner for Human Rights (OHCHR) also stresses that active public participation is necessary to protect democratic governance, uphold the rule of law, and make sure that marginalized and vulnerable groups are included (Ruppel & Houston, 2023). By involving communities in the SIA process, Malaysia not only upholds human rights principles but also enhances the legitimacy and accountability of its development initiatives. This method helps make sure that development projects are socially sustainable and that everyone's voice is heard and respected, especially those who are often left out.

Malaysia has integrated the United Nations Guiding Principles on Business and Human Rights (UNGPs), which provide a global framework for the prevention and redress of human rights violations associated with business operations (Prihandono & Religi, 2019). The UNGPs are based on three main ideas (Hughes-Jennett, 2019):

- a. State Duty to Protect: States have a duty to protect people from human rights violations by third parties, such as businesses.
- b. Corporate Responsibility to Respect: Businesses should not violate human rights and should fix any problems they cause or make worse.
- c. Access to Remedy: People who have been hurt by business-related human rights violations should be able to get effective remedies through the courts or other means.

The UNGPs are mostly put into action in Malaysia's oil and gas industry, which is a high-risk area. State-linked entities like PETRONAS make sure that industry practices follow the duty to protect human rights. Nevertheless, corporate responsibility is mostly voluntary, with corporations encouraged, but not legally required, to adopt human rights norms through sectoral codes of conduct and best practices (Ishak et al., 2018; Muchlinski, 2021). This tendency, sometimes referred to as "institutionalised voluntarism," characterizes Malaysia's current commercial and human rights landscape.

This framework has direct effects on how people can take part in the SIA process. The UNGPs maintain that both the state and businesses have a duty to defend and respect the public's right to be heard. In the context of SIA, public involvement lets people in communities that will be affected by development projects, especially those that are begun or paid for by enterprises, voice their concerns. The SIA process becomes a way to put the ideas of openness, responsibility, and fixing things into action when businesses are involved in planning for development.

But relying on businesses to uphold human rights standards on their own may restrict public engagement and the potential impact, particularly when enterprises are not obligated to respond to community feedback. Malaysia has made progress in aligning state mechanisms with the UNGPs, but institutions need to be more committed to ensuring that public participation in

SIA is not only procedural but also rights-affirming and enforceable, particularly when private-sector actors are involved in projects.

The implementation of the Conservation Area Plan (CAMP) in the Nuluhan Trusmadi Forest Reserve and the Sungai Kiluyu Forest Reserve in Sabah is a well-known case study on SIA in Malaysia (Suaree et al., 2022). A district forest officer did this SIA to find out how the conservation plan would affect the people who live in and around the forest areas that were chosen.

The assessment surveyed 6,306 villagers in all. Most of the people who answered the survey came from families that made between RM100 and RM500 a month. The Trusmadi Forest Reserve is very important because it is the main source of clean water for the community. People use it for drinking and for everyday household needs. Most villagers get their water from gravity-fed systems or directly from rivers nearby, and they are generally happy with the quality of the water (Suaree et al., 2022).

Before CAMP FMU10 was put into place in 2009, the forest area was also an important economic resource for the community, especially for gathering plant-based materials and hunting for food. But because it was named a Class 1 Forest Reserve, there are now new rules about who can access and use it. Since 2007, the Forestry Department has been enforcing these rules through ground and aerial patrols, awareness programs, and activities to mark the boundaries. These rules have changed the

villagers' traditional ways of doing things a lot. Now, getting into the forest is officially regulated and needs permission from the Director of Forestry (Suaree et al., 2022).

Seventy-four percent of the villagers who were asked indicated they were delighted with the conservation work, especially when it came to ensuring sure they had clean water. About 25% of them, on the other hand, were worried about the bad impacts. Some of these were the risk of ecotourism activities polluting water sources, fewer chances to hunt and gather traditional herbs, less access to the economic benefits of tourism, cultural dilution and health risks from outside visitors, losing access to farmland because of land reclassification, problems getting land grants, being more likely to suffer from environmental damage like littering, and having to follow new rules (Suaree et al., 2022).

In response, the SIA team acknowledged these problems and proposed concrete solutions. These strategies aim to strike a balance between conservation objectives and the rights of local residents. This case indicates that the SIA procedure can help with governance. It can not only explain why some limits are needed, but it can also help the people who are affected and the people who make the rules come to an agreement and create solutions that work for everyone.

The investigation revealed two primary aspects: the beneficial impacts of the conservation strategy on water resource management and the social and cultural

challenges encountered by communities due to restricted access to forest resources. Hunting and harvesting forest goods are important cultural behaviors that many people need to do every day to stay alive. The CAMP FMU10 framework, on the other hand, gives these actions official mechanisms to be watched.

The SIA report talks about the reasons for enforcing regulations and gives a list of ways to make things easier for the communities that are affected. These consist of alternative livelihood initiatives, awareness campaigns, and frameworks for community engagement. By doing this, the report shows that SIA is not just a way to make sure rules are followed, but also a way for people to work together to reach agreements.

This case shows how important it is for the public to be involved, as the most recent SIA Manual says. Effective public participation guarantees that community voices are not only acknowledged but also actively influence the planning and decision-making process. Public participation is based on human rights principles and helps make project development more open, accountable, and democratic (Mustafa et al., 2021). It also makes decisions made by authorities more legitimate and builds trust among all parties involved.

This case also shows that including meaningful public input in the SIA process leads to more socially just and environmentally friendly development outcomes (Ruppel & Houston, 2023). This makes developers and authorities responsible to the people who are directly

affected by their projects, which strengthens a system of checks and balances in environmental and social governance.

In addition to this specific case, there are a number of problems that keep coming up when SIA is put into action. These include not having enough qualified staff, not having good monitoring systems, and not enforcing the rules well enough. These structural deficiencies considerably impede the efficacy of SIA and may lead to enduring negative repercussions for the public if not rectified (Suaree, Kader, & Osman 2024a).

In conclusion, Malaysia has made considerable headway toward making SIA a permanent part of its institutions by changing the law, creating technical rules, and setting up ways for the community to get involved. But there are still some holes that need to be plugged to make sure it is fully and properly put into action. The fact that there are legislative obligations, such those in Act 172, and the SIA Manual's thorough procedures shows that there is a robust foundation. But the challenges of obtaining trained practitioners, poor monitoring and enforcement systems, and the need for better collaboration between authorities must be fixed right soon. To make SIA a viable tool for attaining socially fair and sustainable development across Malaysia, it will be vital to expand these institutional capacities and underline the relevance of public engagement and human rights values.

2. Human Rights Protection in Public Participation in SIA Indonesia

Indonesia has been working hard to make its society better since it started the Third Five-Year Plan in 1978. This plan laid the groundwork for the country's development strategy by listing three key goals: economic growth, fair distribution of development gains, and the things that affect national stability. The government developed environmental legislation as part of this plan because they realized that these aims needed a legal foundation to be successful. The Fourth Five-Year Plan (Suprpto, 1990) officially added social impact considerations to national development plans. This suggested that people were starting to understand how social and environmental elements affect each other.

The EIA, or Analisis Mengenai Dampak Lingkungan (AMDAL) in Indonesia, was the best approach to learn about how proposed projects will affect people at the time (Gokkon, 2018). The EIA/AMDAL process has always been and still is highly important for looking at how different development projects can affect the environment (Priyono, 2017b) and making sure they meet the rules of sustainable development (Wagner & Suteki, 2019; Absori et al., 2022). Over time, SIA has become an important aspect of EIA/AMDAL. This illustrates that Indonesia's way of dealing with the repercussions of development has evolved. There isn't a specific rule for SIA, but it is part of AMDAL.

There are a lot of rules that apply to SIA integrated in AMDAL. The most basic of these is

Law No. 32/2009 on Environmental Protection and Management, which covers a lot of ground, including planning and the right to sue in court. The fundamental tenet is the participatory principle, which guarantees that the community possesses equitable and extensive rights and opportunities to engage actively in environmental protection and management (Article 2 (k)). According to Article 22, SIA is one of the AMDAL documents that must be fulfilled. This means that it must include suggestions for improvements and responses from the community to business plans and/or activities (Herlina & Supriyatin, 2021). This community engagement is founded on the principles of transparency, voluntary participation, and informed consent. In this case, "the community" refers to the people who were affected by the AMDAL process, environmentalists, and/or the people who were affected by all parts of the process. Also, Article 91 of Law No. 32/2009 on Environmental Protection and Management gives the community the right to protection if they lose something because of environmental damage. This approach shows that Indonesia is serious about including human rights in the planning of projects.

In the context of AMDAL, SIA is used to help figure out what social effects a planned activity or development project will have on the community, as well as how to plan for and deal with those effects. For instance, looking at the community's socio-economic structure, like how people's lives and jobs have changed, the possibility of social conflict (like moving or being

evicted), and how these things affect vulnerable groups, like women, children, and indigenous people. When the SIA report is finished, the public's comments are taken into account, including addressing any concerns the community has and using their feedback to improve the plans.

The specific rules are in Government Regulation No. 22 of 2021 about how to protect and manage the environment. This regulation explains how to do an EIA/AMDAL and stresses the importance of getting input from the public and taking social impacts into account. In any development based on sustainability, there are more specific and technical rules about how to get people involved and how to assess the social impact (Turisno et al., 2021). Public involvement can happen when the business and activity plan is made public or when people are asked for their opinions before the report is written (Tarigan, 2023).

SIA is also important when it comes to business licenses. Article 55 of Government Regulation Number 24 of 2018 on Electronically Integrated Business Licensing Services says that people who are making AMDAL documents must include communities that will be affected. This is clearly stated in Minister of Environment Regulation Number 16 of 2012 on Guidelines for the Preparation of Environmental Documents. These rules say that everyone who is involved in the assessment process, especially the communities that will be affected, must be consulted to make sure that development projects

don't hurt the social fabric of the communities involved. As Indonesia continues to grow, the role of SIA has become more and more important. SIA makes sure that development is fair, respectful of the rights and needs of local communities, and takes into account both the environmental and social effects of proposed projects. Public participation is an important part of implementing SIA in Indonesia. This makes sure that the voices of local communities and other stakeholders are heard and taken into account when developing the project.

However, after Law No. 6 of 2023 was passed, which made changes and deletions to some articles in Law No. 2 of 2022 about Job Creation, the community's role in preparing AMDAL was lessened (Delyarahmi & Murniwati, 2023; Kontesa & Fernando, 2024). The changes are very important. The community that is talked about in the preparation of AMDAL is now only the communities that are directly affected by the development. This means that people who watch the environment (like NGOs in the environmental field) and communities that are affected in some way are not involved in the preparation of AMDAL. This is definitely a step back for social impact assessment in Indonesia.

The next question is whether both the government and private businesses have done a good job of regulating and using the SIA. This question can be answered by looking at different cases that don't always take social effects into account and by looking at notes from NGOs about environmental and human rights issues. The

hypothesis that social impacts are not maximized can be delineated by two primary factors: firstly, the facilitation provided when a development project is classified as a National Strategic Project, referred to in Indonesia as a *Proyek Strategis Nasional* (PSN); and secondly, the opposition from the affected community regarding the project development. These two are linked because there have been protests in some PSN development cases because the rights of the community have not been met (Sari, 2024).

The conversation about PSN in relation to SIA gets interesting when PSN offers convenience or privilege based on "priority" to speed up development. One of these is the promise to handle social impacts. The government (with help from private groups) must make a plan and budget for dealing with the social effects of the project on the communities that will be most affected by it, according to Article 45 of Government Regulation No. 42 of 2021 on the Ease of PSN. In this case, communities are those that own land, have rights to land, or suffer direct and measurable losses. Furthermore, this clause about guaranteeing the handling of social impacts should be welcomed, as the state has put in place social mitigation measures that must be in place before the project starts. However, from an empirical standpoint, the management of social impacts is not optimized, frequently resulting in conflict.

The building of Rempang Eco City in Pulang Rempang, Batam, is one example of development in PSN that is thought to have

ignored SIA. This project is part of the PSN that is based on Coordinating Minister for Economic Affairs Regulation Number 7 of 2023. PT Makmur Elok Graha, a subsidiary of Artha Graha Network, is going to build it. Xinyi Glass Holdings Ltd, a Chinese glass maker, will run it (CNN Indonesia, 2023). This development needs 1.6 trillion dollars to cover an area of 7,572 hectares, which is 45.89% of the total island land. It will be used for industry and tourism (CNN Indonesia, 2023).

But a number of reports and studies show that Rempang Eco City is not accepted by the community and is having problems with conflict. This shows that the development is not good because it does not do a SIA. There are two social issues in Rempang Eco City: the presence of indigenous people and the livelihoods of the people who live on Rempang Island.

The project led to the eviction of 16 Old Malay Villages on Rempang Island and Galang Island. These villages have been around since the Riau Sultanate of Lingga, which was around 1848 (Zazali, 2023). So, it makes sense to ask how the story changes because there are indigenous people who have lived on the island for hundreds of years (Evendi, 2024). Community rejection happened when the government evicted people without the community's permission, didn't listen to community input, and sent more than 100 police officers, which led to violence and clashes with people who spoke out about their hopes and dreams (Cakra Wikara Indonesia, 2023). There is also a change in community livelihoods because land use has changed, which used to help

fishermen. So, building Rempang Eco City means that people in the area will lose their jobs (Noviantika, 2023).

There were also other cases of PSNs being built in other parts of Indonesia, like Poco Leok in East Nusa Tenggara, the North Kalimantan Indonesian Green Industrial Zone, and many other PSNs in different parts of the country. The National Commission on Human Rights (Komnas HAM) in Indonesia says that between 2020 and 2023, it got 114 complaints about PSN (Hartono et al., 2024).

Table 1. Data about the Number of Cases/Complaints related to PSN in KOMNAS HAM.

Year	Number of cases
2020	34
2021	24
2022	29
2023	27

Source : (Hartono et al., 2024).

Komnas HAM says that PSN rules are bad for human rights and lead to violations of those rights, especially for groups that are already vulnerable (Hartono et al., 2024). One reason for this is that the SIA mechanism required by different laws in Indonesia is not being used to its full potential. Komnas HAM points out that the idea of "public interest" is often used as a reason for development, even in areas that the private or commercial sector could also handle. The government can evict people without permission because they say it's in the public interest. As a result, communities, especially indigenous peoples, small farmers, fishermen, and local

communities, are forced to move without a fair process for participation and compensation (Riyanto & Kovalenko, 2023).

The absence of community involvement correlates negatively with the prioritization of private interests (Turisno & Dewi, 2021). The evidence shows that the central government unilaterally chooses areas to be PSN, which means that the process is not open to the public, not clear, and not accountable. People often ask, "What factors does the government consider when designating an area as PSN?" For instance, the PSN list for 2024 doesn't explain why or how 14 new PSNs will be set up, all of which will be paid for by the private sector. This makes me think that financiers have more of an effect on PSN projects than the public interest does. In fact, communities that are affected often play a key role and are often hurt by development because they are closely linked to economic, social, and cultural factors, especially those that have to do with natural resources.

Komnas HAM's report says that they found at least two claims of human rights violations connected to the lack of social impact assessments on PSN projects. The first one is about civil rights violations, such as the right to participate, the right to information, the right to freedom of opinion and expression, and the right to security (Farida et al., 2025). The second one is about breaking economic, social, and cultural rights, like the right to health, education, housing, a clean environment, and a good job.

PSN often ignores public participation when it comes to violations of civil and political rights. Most of the time, the community is only involved in a formal way, through one-way social activities that don't allow for feedback. This isn't surprising because the PSN project development process often skips steps where human rights should be protected and guaranteed in favor of quick construction and operation. When people protest to show their opinions, the state and private or civil security forces often respond with violence. There have been fights between the police and the community during the construction of Kertajati International Airport, Bener Dam in Purworejo, Ulumbu Geothermal Power Plant in Nusa Tenggara Timur, and the PSN Rempang Eco City, for example.

Komnas HAM believes that PSN goes against economic growth, which is the main goal (Hartono et al., 2024). This is because it violates economic, social, and cultural rights. People are losing their jobs because the structure of employment is changing. For example, agriculture, plantations, and forestry are going down because land is being converted. There is also a gap between the quality of the people who work for a company and the qualifications needed for the job, which leads to a mismatch (Adhinegara et al., 2023). The desire to employ workers on labor-intensive projects is also not being met. The Ministry of Investment's 2023 data shows that every Rp1 trillion of investment can only hire 1,283 workers. In 2014, every Rp1

trillion of investment could hire 3,313 workers (CREA & CELIOS, 2024).

Along with the problems with economic rights, there are also problems with health rights. Studies by the Centre for Research on Energy and Clean Air (CREA) and the Centre for Economic and Law Studies (CELIOS) estimate the health risks associated with exposure to pollutants from various PSN projects. The study shows that the number of deaths caused by metal processing and captive power activities that support these industries is likely to rise sharply by 2030, which is when production capacity is expected to grow. The number of deaths is likely to rise quickly, from 215 in 2020 to 3,833 in 2025, which is almost 18 times more in five years (CREA & CELIOS, 2024). If the government and private sector didn't see this coming, it's very worrying.

The study by Komnas HAM above shows that the rules about SIA are not being followed properly. This means that the regulation, on paper, is merely formalistic. This is due to numerous human rights violations associated with the fulfillment of community rights that are suboptimal. This won't happen if the government in the PSN project uses SIA as a fully implemented tool. This will at least lessen the social effects that will happen during development. To find a balance between sustainable development and human rights protection, they must work together (Evendi, 2024).

3. Comparative Analysis Between Malaysia and Indonesia

The results show that Malaysia and Indonesia have public participation processes in their SIA, and the law requires this involvement. Both nations comply with international treaties, including the OHCHR and ICCPR, which explicitly advocate for the fundamental right to public participation. The main difference is that Malaysia uses SIA on its own, while Indonesia uses SIA as part of the larger EIA/AMDAL framework. As a result, people in Indonesia can take part in SIA as part of the EIA/AMDAL process.

For example, Malaysia's SIA Manual, which is overseen by PLANMalaysia, deals with the need for public involvement. Law No. 32 of 2009 on Environmental Protection, Management, and Government Regulation No. 22 of 2021 on Environmental Protection, Organisation, and Management, and Government Regulation 24 of 2018, which is overseen by the Ministry of Environment and Forestry, require the public to be involved in the EIA/AMDAL process, which includes SIA. This method in both countries shows how serious they are about including human rights in these systems.

Also, the public participation methods used in both countries are based on the same basic process that aims to get feedback and information from affected communities and other important groups. Malaysia uses a variety of methods, including surveys, FGDs, forums, interviews, public displays, workshops, and video-calling apps. Indonesia, on the other hand, holds public

consultations or announcements of the business and activity plan and makes digital platforms available to the public. In addition, Indonesia's public participation is very similar to Malaysia's because Indonesia also uses FGDs and workshops to get people involved.

However, it has been noted that public participation is inadequately enforced during the implementation of the SIA in specific proposed developments, resulting in various complications. Numerous complaints have emerged for various reasons, as evidenced by case studies from Indonesia. For instance, some developers purposely leave the community out of the planning process for new buildings. Also, in some cases, the government doesn't provide a good way for people to get information and give feedback. This situation violates the community's basic human rights in an indirect way.

Both countries also have big problems with building capacity when it comes to getting people involved in the process. One of the biggest problems in the past has been that developers haven't been open about how they involve the community in their planning processes. This has often caused a gap between the development projects and the people who live in the areas where they are happening. But the problems aren't just the developers' fault. Sometimes, the communities that are affected have also made these problems worse by not fully participating in the SIA process. This lack of participation also applies to things like education and training on social and environmental impact issues, which

are important for people to be able to participate in a meaningful way.

Because the public isn't using the chances to participate effectively, this situation creates an imbalance of power. Because of this, the authorities don't get a full or accurate picture of the community's worries and points of view. In this case, it is not fair to blame the people who wanted the project. The community is also responsible for understanding how important it is for them to be involved and for working with project proponents.

These procedures have a strong connection to the fundamental concepts of human rights principles. According to Anuar, Wahab, and Nurli 2020, effective public participation is not only a procedural responsibility; rather, it is a fundamental component of protecting the rights of individuals and communities to influence decisions that have an impact on their lives and environments. In order to strike a balance between the preservation of human rights and the pursuit of development goals, it is essential to ensure that all stakeholders, particularly those who are marginalized and disadvantaged, have the ability to participate in a meaningful manner. It is imperative that these barriers to capacity building be addressed in order to realize the goal of making the process more equitable and including the opinions of all those who are impacted.

Because they guarantee that regulatory bodies strictly enforce public engagement, human rights are vital for recognizing potential unfavorable repercussions on society at an early

stage. This is because human rights ensure that public participation is enforced. Through the utilization of this strategy, communities are afforded the opportunity to express their concerns and to participate in the decision-making process regarding matters that will have an effect on their lives. Not only that, but this technique encourages openness. The United Nations High Commissioner for Human Rights, Michelle Bachelet, has stressed the significance of the right to public involvement, indicating that it is an essential component of the agendas of both international and national government (Ruppel & Houston, 2023). Bachelet has stated that the right to public involvement is an essential component of the agendas of both governance levels. She is in favor of the plan that would involve the implementation of human rights principles into the operations of the government. She is of the opinion that the outcomes of development projects are more equal and just when communities are included in the process and when their rights are respected.

When it comes to minimizing social harm and encouraging development that is inclusive of all individuals, one of the most important steps that can be taken is to integrate human rights with public involvement. Everyone who has a stake in the decision-making process is given the chance to have their voice heard, which ultimately results in outcomes that are more equal, balanced, and in conformity with the varied goals and aspirations of the community.

Table 2. Distinctive Features for Public Participation of SIA in Malaysia and Indonesia

Element	Malaysia	Indonesia	Significance
Legal requirement	Yes, Guidance for the Implementation of SIA for Development Projects (SIA Manual, 2023)	Yes, Law No. 32/2009 on Environmental Protection and Management, Government Regulation No. 22 of 2021 on Environmental Protection, Organisation and Management, Government Regulation 24 of 2018	To enforce public participation requirements in the assessment process and ensure that the project proponents are accountable for involving the public in report preparation
Governance body	Town and Country Planning Department (PLANMalaysia)	Ministry of Environment and Forestry	To oversee and evaluate activities within the assessment process, including ensuring public participation
Methodology	Survey, FGD, forum, interview, public display, workshop, video-calling application	Public consultations and announcements of the business and activity plan	Multiple methods for gathering data from the public
Human rights interest	Yes	Yes	Importance of incorporating human rights protection in public participation to ensure non-discrimination, accountability and transparency in project development

Source: Policies and frameworks in Malaysia and Indonesia (processed and analyzed by the authors)

D. CONCLUSION

For development projects to be fair, inclusive, and respectful of the rights of everyone affected, it is important to include human rights in the public participation process of SIA. In both Indonesia and Malaysia, where rapid development often affects the lives and rights of local people, public participation in SIA is an important way to protect against possible negative

effects on society. Integrating human rights principles into the SIA framework allows both nations to pursue development that is not only environmentally sustainable but also socially equitable and aligned with local needs and aspirations.

People's involvement in SIA must be seen as more than just a formality; it is an important part of democratic governance and a way to

promote social justice. It makes sure that the voices of stakeholders, especially those who are weak or on the edge, are heard and taken into account when making decisions that affect their health, environment, and culture.

In practice, both Indonesia and Malaysia have set up public participation as a multi-stage process. It starts with early engagement during the scoping phase and is followed by formal consultations that let the community give feedback on possible effects and ways to lessen them. This all-encompassing structure makes sure that the final SIA report accurately reflects the views of the community. This boosts the project's legitimacy and gives it a social license to operate.

But even with this framework, both countries still have problems that won't go away. One of the most important things is to make legal systems stronger so that public participation has real power instead of just being a symbol. Malaysia's Act A1522 and Indonesia's Law No. 32/2009 are examples of statutory instruments that create a legal basis. However, more changes are needed to make sure that participation really affects the outcomes of decision-making.

The issue of transparency is just as important. Communities must be given timely and useful access to all project information in formats that are easy to understand and use. For the development process to work, project proponents and communities need to be able to talk to each other in a way that builds trust and accountability.

Capacity building is still a very important area that needs work. To give communities the knowledge, tools, and confidence they need to participate effectively, we need to focus on educational programs and outreach that are culturally appropriate. Without this, participation could be limited or passive, especially for people who are already on the outside.

Public participation in SIA, based on human rights principles, gives both countries a way to grow that is more fair, responsive, and open to everyone. To make this potential a reality, though, more than just well-written policies are needed. It needs big changes to institutions, open communication, and giving people in the community more power.

Ultimately, one of the biggest problems is still finding a way to make the law match what people actually do. To protect the dignity of affected communities, Malaysia and Indonesia need to go beyond just following the rules and start having real, rights-based conversations at every stage of development planning. Only then can public participation live up to its promise of changing things for the better by promoting human rights and bringing about sustainable, people-centered development.

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