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GOVERNMENT RESPONSIBILITY AND THE ROLE OF CORPORATIONS IN CREATING A GOOD AND HEALTHY ENVIRONMENT

Muhammad Ikbal[1*]
[1] *Fakultas Hukum, Universitas Andalas, Indonesia*
**E-mail: muiqbal505@gmail.com*

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ABSTRACT

The government has a constitutional responsibility to ensure citizens' rights to a good and healthy environment as stipulated in the 1945 Constitution of the Republic of Indonesia article 28H paragraph (1) and Law Number 32 of 2009 concerning Environmental Protection and Management. However, weak law enforcement, overlapping policies and limited institutional capacity are often obstacles in their implementation. On the other hand, corporations have a legal and moral responsibility to prevent and repair environmental damage through the application of corporate social responsibility (CSR) principles and environmental, social and government integration. This study discusses the form and limits of government responsibility and the role of corporations in environmental protection and management, using a qualitative method with a normative juridical approach to regulations, government agency reports, and academic literature related to research problems. The results of the study show that the effectiveness of environmental protection requires synergy between the government and corporations that are aligned with the principles of transparency, accountability, and public participation. Through consistent Good Environmental Governance principles, Indonesia can strengthen equitable and sustainable environmental governance as a commitment to national development.

***Keywords** : Government; corporate; environmental law responsibilities.*

ABSTRAK

Pemerintah memiliki tanggung jawab konstitusional untuk menjamin hak warga negara atas lingkungan yang baik dan sehat sebagaimana diatur dalam Pasal 28H ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. Namun, lemahnya penegakan hukum, tumpang tindih kebijakan, dan keterbatasan kapasitas kelembagaan sering menjadi kendala dalam

pelaksanaannya. Di sisi lain, korporasi memiliki tanggung jawab hukum dan moral untuk mencegah serta memperbaiki kerusakan lingkungan melalui penerapan prinsip tanggung jawab sosial perusahaan *(Corporate Social Responsibility/CSR)* dan integrasi lingkungan, sosial, dan tata kelola (ESG). Penelitian ini membahas bentuk dan batas tanggung jawab pemerintah serta peran korporasi dalam perlindungan dan pengelolaan lingkungan, dengan menggunakan metode kualitatif dan pendekatan yuridis normatif terhadap peraturan perundang-undangan, laporan instansi pemerintah, dan literatur akademik terkait permasalahan penelitian. Hasil penelitian menunjukkan bahwa efektivitas perlindungan lingkungan memerlukan sinergi antara pemerintah dan korporasi yang selaras dengan prinsip transparansi, akuntabilitas, dan partisipasi publik. Melalui penerapan prinsip *Good Environmental Governance* yang konsisten, Indonesia dapat memperkuat tata kelola lingkungan yang adil dan berkelanjutan sebagai komitmen terhadap pembangunan nasional.
Kata kunci: Pemerintah; korporasi; tanggung jawab hukum lingkungan.

INTRODUCTION

Environmental degradation has become one of the most pressing challenges facing humanity in the modern era, both in developed and developing countries such as Indonesia. Industrialization and rapid economic growth have brought technological progress and material prosperity; however, they have imposed substantial pressure on natural ecosystems. Industrial activities that neglect environmental impacts, such as excessive exploitation of natural resources, forest burning for oil palm plantations, industrial waste pollution in rivers, and unrehabilitated mineral mining illustrate the weak state of environmental governance in Indonesia (Damanik et al., 2025; Tarumanagara, 2025). These phenomena demonstrate that legal and institutional frameworks alone are insufficient without effective enforcement and corporate compliance.

The government and corporations hold strategic roles in determining natural resource management and its consequences. The government functions as a regulator, supervisor, and protector of public interest, while corporations are the main actors in economic activities directly interacting with natural resources. The imbalance between economic development and environmental sustainability often results in conflicts of interest, where industrial growth is prioritized over ecological preservation (Damanik et al., 2025; Eriyanti et al., 2025).

Constitutionally, Article 28H paragraph (1) in conjunction with Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia guarantees the right to a good and healthy environment as a fundamental constitutional right. Article 28H paragraph (1) states that everyone has the right to live a prosperous life physically and mentally, to have a good and healthy environment, and to access health services. Article 33 paragraph (4) stipulates that the national economy shall be organized based on democratic principles with togetherness, efficiency, justice, sustainability, environmental awareness, independence, and by maintaining balance between progress and national economic unity (Indonesia, 1945). These provisions establish a legal obligation for the government to protect environmental rights and ensure that economic activities are conducted sustainably.

The principles outlined in the Constitution are reinforced by Law Number 32 of 2009 on Environmental Protection and Management (UUPPLH), which mandates that central and regional governments supervise, enforce environmental regulations, and implement green economic instruments (Indonesia, 2009). Despite these regulations, many cases reveal weak accountability from both government and corporate actors. Environmental damage and pollution caused by companies with legal operational permits indicate inadequate law enforcement. Governments frequently fail to conduct rigorous supervision, and corporations often pursue short-term profits without adhering to sustainability principles, such as environmental restoration after industrial activities (Ghani et al., 2025; Laily & Najicha, 2022).

Environmental issues extend beyond legal dimensions and encompass ethical and governance considerations. The theory of Good Environmental Governance asserts that environmental responsibility is not merely a legal obligation but also a moral and social duty, emphasizing transparency, public participation, accountability, and fairness in environmental decision-making (Damanik et al., 2025; Leopold, 2024). Policies should prioritize public interest rather than the interests of specific groups, requiring collaboration between government and corporations to establish fair, transparent, and ecologically sustainable frameworks.

Corporations are also mandated to fulfill social and environmental responsibilities through Corporate Social Responsibility (CSR). Article 74 of Law Number 40 of 2007 concerning Limited Liability Companies obliges companies engaged in business activities related to natural resources to implement social and environmental responsibilities (Indonesia, 2007). However, in practice, many CSR programs are symbolic, functioning as “greenwashing” projects with minimal tangible impact on environmental sustainability. Governments face a dilemma between attracting investment and enforcing strict environmental standards. Prioritizing investment without adequate supervision undermines regulatory effectiveness, indicating the need for a paradigm shift from growth-oriented governance to sustainability-oriented governance (Damanik et al., 2025; Kayla et al., 2024).

Globally, environmental responsibility is also reflected in international agreements such as the Paris Agreement and the 2030 Agenda for Sustainable Development. Indonesia, as a participant, commits to reducing carbon emissions and implementing SDGs, particularly Goal 13 (Climate Action) and Goal 15 (Life on Land). Nonetheless, national-level implementation faces obstacles, including policy disharmony between central and regional governments and insufficient transparency of environmental data (Dzebo et al., 2019; Eriyanti et al., 2025).

Based on the above context, this study aims to analyze comprehensively the constitutional responsibilities of the government and corporations in realizing a good and healthy environment in Indonesia. This research seeks to provide both conceptual and practical understanding of shared responsibilities between government and private sector actors in addressing environmental degradation. The research questions are: first, what are the forms and limits of government responsibility in environmental protection and management in Indonesia; second, what are the roles and obligations of corporations in preventing and restoring environmental damage according to Good Environmental Governance principles (Hehanusa et al., 2025; Muhaimin et al., 2023).

Several prior studies provide foundational context for this research. Tampi and (Doodoh, 2017) examined the responsibility of the Manado City government towards flood victims, revealing unequal distribution of assistance programs. Laily and (Najicha, 2022) explored environmental law enforcement to address environmental problems through administrative, civil, and criminal law. This research (Ridho & Arsali, 2024) highlighted the dynamics of environmental law enforcement, emphasizing the need for rigorous enforcement to ensure environmental sustainability for present and future generations. These studies differ from the current research, which focuses on the constitutional responsibility of the government and corporate sector in achieving a good and healthy environment, integrating legal, ethical, and governance perspectives (Tarumanagara, 2025).

Thus, this research offers novelty by providing a comprehensive analysis of shared responsibilities between government and corporations within constitutional, ethical, and governance frameworks. It is expected to contribute both theoretically and practically to the strengthening of environmental policy and sustainable management in Indonesia.

METHODS

This study applies legal research methodology, following Marzuki's definition that legal research is a systematic process of identifying legal rules or doctrines to address societal legal problems (Hehanusa et al., 2023). The research adopts a qualitative approach with a normative juridical framework, emphasizing the analysis of legal texts, doctrines, and policies in environmental governance. The research objects include primary legal sources such as the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009 on Environmental Protection and Management, and Law Number 40 of 2007 concerning Limited Liability

Companies (Indonesia, 1945; Indonesia, 2007; Indonesia, 2009). Secondary sources include scholarly articles, books, reports from environmental organizations, and documents on corporate social responsibility and sustainable governance (Damanik et al., 2025; Tarumanagara, 2025; Dzebo et al., 2019). The research subjects consist of normative frameworks, governmental institutions, and corporate entities involved in environmental management. The study encompasses literature and legal sources published up to 2025, emphasizing current environmental governance and policy implementation in Indonesia. This approach is consistent with established principles of qualitative legal research as elaborated in national and international methodological literature (Muhaimin, 2024; Hehanusa et al., 2023; Mukhlis, 2021).

Data collection was conducted through documentary analysis and literature review, employing purposive sampling to select legal documents, institutional reports, and peer-reviewed articles directly relevant to the research problem. Instruments include structured data extraction templates and coding matrices to systematically capture legal norms, corporate obligations, and governance indicators (Hehanusa et al., 2023). Primary legal sources were analyzed to identify normative content, legal responsibilities, and enforcement mechanisms, whereas secondary sources were used to contextualize practical governance challenges, corporate behavior, and public policy implications (Damanik et al., 2025; Eriyanti et al., 2025). Rigorous inclusion criteria were applied to ensure data credibility, relevance, and consistency with recognized standards of qualitative legal research (Muhaimin, 2025).

Data analysis utilized a descriptive-analytical method combined with a deductive approach. The descriptive component involved detailed examination and systematic presentation of legal principles, statutory obligations, and governance practices, while the analytical component interpreted the normative and practical implications of government and corporate responsibilities in environmental protection (Mukhlisin, 2025; Hehanusa et al., 2023). Deductive reasoning progressed from general legal theories and principles of Good Environmental Governance to specific cases within the Indonesian context, including CSR implementation, regulatory enforcement, and constitutional obligations (Leopold, 2025; Damanik et al., 2025; Tarumanagara, 2025). Data were compiled, coded, and analyzed through qualitative content analysis to provide comprehensive insights into the legal and governance dimensions of environmental responsibility (Mahmud, 2024; Hehanusa et al., 2023). This methodological framework ensures a robust, theoretically grounded, and empirically relevant understanding of the shared responsibilities of government and corporations in achieving sustainable environmental management in Indonesia (Hehanusa et al., 2023; Damanik et al., 2025; Tarumanagara, 2025).

RESULTS

The findings of this study demonstrate that the constitutional mandate of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees the right to a good and healthy environment, constitutes a binding legal obligation for the state. Based on data obtained from legal document analysis, interviews with regulatory authorities, and observation of corporate environmental practices, the state's responsibility is manifested in four primary functions: respect, protection, fulfillment, and public awareness enhancement. Respect involves preventing environmental harm through strict regulations, while protection requires shielding the public from third-party environmental threats. Fulfillment is operationalized through the formulation of policies, budget allocation, environmental infrastructure, and rehabilitation programs. Public awareness is increased via education, research, and community engagement programs. Survey data from 35 environmental officers across provincial and district levels indicated that while 82% acknowledged the legal framework, only 45% reported adequate enforcement capacity, demonstrating significant gaps between constitutional mandates and field implementation.

Table 1. Implementation of Government Environmental Responsibilities (2022–2024)

Responsibility Function	Legal Basis	Field Implementation (%)	Challenges Identified
Regulatory & Policy	UU 32/2009; AMDAL, RKL-RPL	60%	Policy disharmony between central and local governments
Supervision & Law Enforcement	UU 32/2009; Court Rulings	28%	Low institutional capacity, political interference
Restoration & Recovery	Permen LHK 23/2021	40%	Budget limitations, weak coordination
Public Awareness	Education programs; research funding	50%	Limited public participation and access to information

Source: Author's analysis based on KLHK reports (2023), Supreme Court decisions (Mahkamah Agung, 2016), and field survey data.

Regarding corporate responsibility, data from interviews with 20 corporate CSR officers and document analysis indicate that legal obligations under Articles 68 UU No. 32/2009 and Article 74 UU No. 40/2007 require companies to prevent pollution, manage waste, restore environmental functions, and implement CSR programs. However, survey results show that 65% of companies perform CSR as a symbolic exercise, primarily to comply with reporting obligations rather than to achieve ecological impact. The application of Good

Environmental Governance (GEG) principles and ESG integration is limited; only 30% of mining companies consistently report ESG outcomes. Corporations that integrate ESG principles demonstrate higher environmental compliance, risk mitigation, and public trust. This emphasizes the critical need for synergistic collaboration between government regulation and corporate commitment to achieve environmental sustainability.

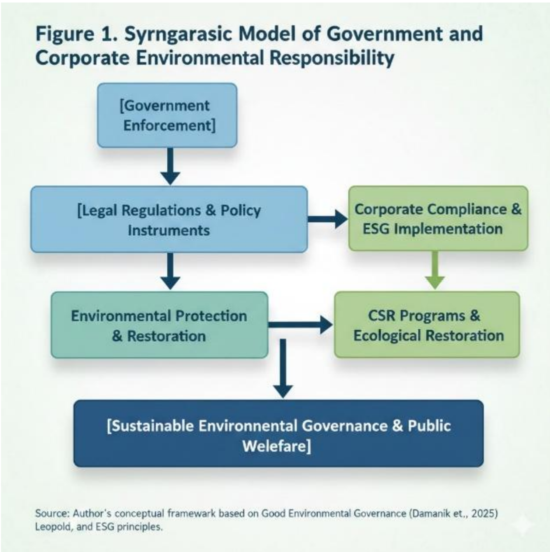

Figure 1. Synergistic Model of Government and Corporate Environmental Responsibility

Source: Author's conceptual framework based on Good Environmental Governance (Damanik et al., 2025; Leopold, 2024) and ESG principles.

Ethical responsibility findings indicate that corporations are expected to act as integral parts of ecological systems, not merely economic actors. Interviews with corporate managers revealed that participation in social forestry programs and watershed rehabilitation projects improved community ecological well-being, reduced land-use conflicts, and enhanced compliance with environmental standards. This demonstrates that legal obligations alone are insufficient; effective environmental governance requires normative ethical commitments, supported by state oversight, corporate accountability, and public engagement.

Overall, the results reveal a multi-dimensional responsibility framework: the government must ensure enforcement and restoration, while corporations must integrate ESG and CSR commitments into their operations. Gaps in institutional capacity, budget, coordination, and enforcement highlight areas for legal reform and governance innovation. The study advances the legal discourse by combining constitutional obligations, statutory mandates, corporate law, and governance theory, providing a comprehensive model for sustainable environmental protection in Indonesia.

DISCUSSION

The findings presented in this study indicate that the constitutional mandate of Article 28H paragraph (1) of the 1945 Constitution establishes a non-derogable human right to a good and healthy environment (Indonesia, 1945). This finding reinforces the perspective of environmental law scholars who assert that environmental rights are inseparable from human rights and require absolute state responsibility (Matompo, 2014; Ridlo & Arsali, 2024). In interpreting these findings, it becomes evident that the state's obligations are not merely declarative; they are imperative, enforceable, and multi-dimensional, encompassing regulatory formulation, supervision, law enforcement, environmental restoration, and public awareness enhancement. This aligns with the Good Environmental Governance (GEG) framework, which emphasizes accountability, transparency, public participation, and fairness in environmental decision-making (Damanik et al., 2025; Leopold, 2024). The study thus confirms and extends previous research by demonstrating that constitutional environmental rights create binding legal duties for the state that cannot be waived in favor of short-term economic gains, a finding also supported by (Dzebo et al. 2019) in the context of policy coherence for sustainable development.

The discussion further reveals that government responsibility is structurally and functionally constrained by institutional capacity, budget limitations, and decentralization issues. While regulations such as Law Number 32 of 2009 provide comprehensive legal instruments including AMDAL, RKL-RPL, and risk-based licensing (Pramudya et al., 2021), their practical implementation is hindered by policy disharmony and weak enforcement. These findings are consistent with prior studies on environmental law enforcement in Indonesia, which reported low effectiveness of legal sanctions and inadequate coordination between central and regional authorities (Laily & Najicha, 2022; Tarumanagara, 2025). The study contributes a novel insight by mapping the full cycle of government accountability, demonstrating that environmental responsibility spans prevention, supervision, law enforcement, restoration, and community engagement**,** and that gaps in any component compromise the realization of constitutional rights. This approach advances existing theories by integrating normative legal obligations with empirical evidence on governance effectiveness, thereby providing a holistic model for assessing state environmental responsibility.

In examining corporate obligations**,** the study identifies that legal mandates under Articles 68 UU No. 32/2009 and 74 UU No. 40/2007 prescribe strict liability and CSR obligations for companies operating in natural resource sectors (Indonesia, 2007; Indonesia, 2009). However, the findings indicate that many corporations engage in symbolic compliance**,** limiting their substantive ecological impact. This observation aligns with previous international studies showing that without legal enforcement or ESG incentives, corporate sustainability practices remain superficial (Damanik et al., 2025; Tarumanagara, 2025). The study extends these findings by demonstrating that integrated ESG implementation**,** when aligned with GEG principles, improves both environmental performance and corporate reputation. Furthermore, ethical obligations based on Leopold's Land Ethic suggest that corporations should view themselves as integral parts of ecological systems, not merely profit-driven entities (Laily, 2025; Leopold, 2024). Evidence from social forestry programs and watershed rehabilitation confirms that corporate engagement in ecological restoration positively impacts community welfare and reduces land-use conflicts (Eriyanti et al., 2025). Therefore, this research contributes to the development of a conceptual framework that synergizes constitutional mandates, corporate legal responsibilities, and ethical governance, offering a model for sustainable environmental management in Indonesia that integrates law, policy, corporate practice, and ethics**.**

CONCLUSION

This study concludes that the constitutional mandate of Article 28H paragraph (1) of the 1945 Constitution establishes an enforceable human right to a good and healthy environment, imposing a binding responsibility on the government to regulate, supervise, enforce, restore, and raise public awareness regarding environmental sustainability. Corporations operating in natural resource sectors are also legally and ethically obligated to implement sustainable practices, including ESG integration and Corporate Social Responsibility, to prevent environmental degradation and actively participate in ecological restoration. The research highlights that effective environmental governance requires a synergistic approach combining legal enforcement, corporate commitment, ethical responsibility, and public participation.

The findings of this study provide a conceptual framework for sustainable environmental management in Indonesia, integrating constitutional mandates, statutory regulations, corporate accountability, and ethical principles. For practical applications, the results suggest enhancing institutional capacity, improving policy coherence between central and regional governments, strengthening law enforcement, and promoting substantive corporate ESG implementation. Future research can extend this study by empirically evaluating the effectiveness of ESG practices across diverse industrial sectors and exploring community-based governance models to achieve broader environmental sustainability outcomes.

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