

DEVELOPING STRATEGIC CSR AND NEGOTIATION ARCHITECTURE FOR THE ENX–FISHERMEN CONFLICT IN EAST KALIMANTAN

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Abstract

There are still unresolved mediation issues between oil & gas operators in offshore areas where there are coastal communities depending on marine resources for their livelihood. The purpose of this research is to investigate mediation between the ENX oil and gas company and local fishermen who have been impacted negatively from the offshore operations of the ENX. This research will seek to determine both internal and external factors creating/driving these negotiations and create strategies related to CSR and negotiating. Twelve semi-structured interviews were conducted with Company personnel, Government personnel, Fishermen and one independent informant. Thematic coding was used, however, the data analysis also utilized the frameworks of Stakeholder Theory, Legitimacy Theory, BATNA / ZOPA, PESTEL, SWOT, and TOWS. The results showed that compensation dominated the negotiations; whereas other integrative aspects including livelihood assurances, clarifying access to fishing areas and developing monitoring programs remained underdeveloped. Politics, society and economics were shown to be the major external factors contributing to the conflict. Based on the determination of the above factors, an Integrated CSR negotiation Model was proposed to include joint fact finding procedures, transparency within compensation arrangements, livelihood guarantees, formalized protocols for access to fishing areas and established monitoring mechanisms.

Keywords: *Corporate Social Responsibility; Negotiation Architecture; Stakeholder Legitimacy; BATNA/ZOPA; Extractive Industry Conflict; Mediation*

INTRODUCTION

Offshore energy operations increasingly take place in shared maritime spaces where industrial safety requirements intersect with coastal communities' dependence on marine resources for their livelihood. In East Kalimantan, the offshore operations of ENX—an anonymized upstream operator—have become the site of a prolonged mediation conflict with local fishermen who report declining income, restricted access, and uncertainty around fishing grounds near ENX's operational zones. ENX, in turn, maintains that offshore safety, regulatory compliance, and operational continuity require controlled access. Local government actors have repeatedly convened mediation sessions, yet the parties have not reached a settlement that both sides regard as workable and durable.

The persistence of this conflict reflects a broader managerial problem confronting extractive and offshore firms operating near resource-dependent communities. Corporate performance and legal compliance alone do not determine how such firms are perceived; perceived legitimacy, fairness, and responsiveness to affected stakeholders play an equally decisive role (Suchman, 1995; Du & Vieira, 2012). Stakeholder theory frames organizations as embedded in a web of relationships with groups of varying power, legitimacy, and urgency (Freeman, 1984; Mitchell et al., 1997), which means that fishermen's concerns cannot be treated as peripheral to ENX's strategic environment. At the same time, Corporate Social Responsibility (CSR) is frequently deployed by extractive firms to build legitimacy in contested operating environments, yet research shows that CSR efforts often fail to resolve conflict when they are disconnected from the substantive grievances of affected communities (Frynas, 2009; Davis & Franks, 2014; Akporiaye & Webster, 2022). The ENX–fishermen dispute is, at its core, a negotiation problem. Each party enters mediation with different interests, sources of leverage, and interpretations of what constitutes a reasonable outcome, while local government mediates between social stability and continued industrial activity. When

mediation addresses stated positions rather than underlying interests, alternatives, and constraints (Fisher et al., 2011; Raiffa, 1982; Lax & Sebenius, 1986), settlement becomes difficult to reach even after repeated dialogue. Prior research on cybersecurity and other service-based Go-To-Market contexts has shown that strategic diagnosis frameworks such as PESTEL, SWOT, and TOWS can convert diffuse operational and stakeholder challenges into actionable strategy; a comparable logic applies here to a CSR and negotiation problem rather than a market-entry problem.

Existing literature on CSR and stakeholder conflict in extractive industries has largely examined technology adoption, governance frameworks, and organizational readiness, while comparatively little research integrates stakeholder legitimacy, negotiation theory (BATNA/ZOPA), and strategic formulation (PESTEL–SWOT–TOWS) into a single applied diagnostic for an unresolved company–community mediation case (Yin, 2018; Creswell & Poth, 2018). This gap is particularly evident in emerging-market offshore contexts such as Indonesia, where regulatory, economic, and social conditions differ from the mining- and land-based cases that dominate the CSR–conflict literature.

This study therefore analyzes the internal and external factors shaping the ENX–fishermen mediation conflict and develops strategic CSR and negotiation recommendations. A qualitative single-case study approach is used, supported by semi-structured interviews and interpreted through Stakeholder and Legitimacy Theory, BATNA/ZOPA negotiation analysis, PESTEL, SWOT, and TOWS. The central business issue addressed is the absence of a structured strategic negotiation and CSR response architecture through which ENX can convert repeated mediation into a feasible, credible, and durable resolution pathway.

LITERATURE REVIEW

Stakeholder Theory, Legitimacy, and Power Asymmetry

Stakeholder theory holds that organizations exist within a network of relationships with groups that can affect, or are affected by, organizational actions (Freeman, 1984). Stakeholder salience—determined by a stakeholder's power, legitimacy, and the urgency of its claims—explains why managers prioritize some stakeholder concerns over others (Mitchell et al., 1997). Legitimacy theory adds that formal authorization to operate does not guarantee social acceptance; legitimacy is a generalized perception that an organization's actions are desirable and appropriate within a socially constructed system of norms (Suchman, 1995). Resource dependence theory further explains why parties in a dispute experience unequal exposure to risk based on what they depend upon from one another (Pfeffer & Salancik, 1978).

CSR and Stakeholder Conflict in Extractive Industries

CSR in extractive and oil-and-gas industries is frequently used to build legitimacy in controversial operating environments (Du & Vieira, 2012) and is shaped by governance gaps and stakeholder expectations rather than functioning purely as philanthropy (Frynas, 2009; Raufflet et al., 2014). However, CSR and social-license approaches tend to fail when they do not address underlying power and governance disconnects between firms and communities (Akporiaye & Webster, 2022). Unresolved company–community conflict, in turn, generates measurable costs through delay, disruption, and reputational damage (Davis & Franks, 2014).

Negotiation Theory: Positions, Interests, BATNA, and ZOPA

Negotiation theory distinguishes between stated positions and underlying interests, arguing that durable agreements require identifying interests, generating options, and applying objective criteria rather than bargaining over positions (Fisher et al., 2011). Raiffa (1982) formalizes the concepts of reservation values and the Best Alternative to a Negotiated Agreement (BATNA), while the Zone of Possible Agreement (ZOPA) describes the overlap between parties' minimum and maximum acceptable terms. Lax and Sebenius (1986) distinguish value-claiming from value-creating negotiation behavior, a distinction central to diagnosing why compensation-only bargaining rarely produces durable settlement. Multiparty and public-dispute-resolution research further shows that disputes involving public authorities and asymmetric resources require credible, structured processes rather than ad hoc dialogue (Susskind & Cruikshank, 1987; Susskind & Crump, 2008).

PESTEL and SWOT–TOWS for Strategic Formulation

PESTEL analysis organizes external macro-environmental conditions—political, economic, social, technological, environmental, and legal—that create opportunities or constraints for an organization (Yüksel, 2012), building on the environmental-scanning tradition (Aguilar, 1967). SWOT analysis synthesizes internal strengths and

weaknesses with external opportunities and threats to describe an organization's strategic position (Helms & Nixon, 2010), though SWOT alone risks producing unstructured lists rather than actionable strategy (Hill & Westbrook, 1997). The TOWS matrix addresses this limitation by systematically pairing internal and external factors to generate SO, WO, ST, and WT strategic alternatives (Wehrich, 1982). Taken together, these bodies of theory suggest that an unresolved offshore company–community conflict should be analyzed not as a single compensation dispute but as an intersection of stakeholder legitimacy, negotiation structure, external environmental pressure, and strategic capability—an integration this study operationalizes for the ENX case.

METHOD

Research Design

This study adopts a qualitative single-case study design, appropriate for examining a contemporary phenomenon whose boundaries cannot be clearly separated from its real-life context (Yin, 2018; Stake, 1995). The unit of analysis is the ENX–fishermen mediation conflict itself, understood as an interactional and strategic process among ENX, fishermen, and local government, rather than an assessment of ENX's overall corporate performance or a comprehensive study of extractive-industry impacts on fishing communities. The single-case approach is justified by the depth, richness, and contextual specificity of the case rather than by statistical representativeness (Patton, 2015); the study pursues analytical rather than statistical generalization (Yin, 2018).

Data Collection

Primary data were collected through twelve semi-structured interviews with purposively selected participants directly engaged in the mediation process. Semi-structured interviews were chosen because they provide focus while allowing participants to describe their experiences and interpretations in their own terms (Brinkmann, 2013; Kvale & Brinkmann, 2009).

Data Analysis

Interview recordings were transcribed, anonymized, and cleaned prior to analysis, following qualitative data-preparation principles (Saldaña, 2021; Miles et al., 2014). Cleaned transcripts were thematically coded using a deductive parent-code structure combined with iterative review, consistent with Braun and Clarke (2006, 2021) and Nowell et al. (2017). Five parent codes were used: Resource Dependence and Access Asymmetry (RDA), Governance and Mediation Process (GAQ), Fair Process and Procedural Legitimacy (FPR), Negotiation Orientation and Settlement Framing (NEO), and Stability, Escalation, and Outcome Durability (STO). Contextual and non-substantive excerpts were retained separately for audit purposes but excluded from thematic interpretation.

The coded corpus was subsequently interpreted through four analytical layers: (1) BATNA/ZOPA analysis to map each party's fallback positions, interests, and possible agreement space; (2) PESTEL analysis to identify the external political, economic, social, technological, environmental, and legal pressures shaping the mediation environment; (3) SWOT analysis to synthesize ENX's internal and external strategic factors; and (4) TOWS analysis to translate the SWOT diagnosis into strategic CSR and negotiation recommendations. This design links empirical evidence to structured strategic analysis without reducing the conflict to a single cause or a purely monetary dispute. The study does not determine legal liability, calculate compensation value, or verify environmental damage; its purpose is qualitative interpretation and strategic formulation rather than adjudication or hypothesis testing.

RESULTS AND DISCUSSION

Thematic Profile of the Conflict

From the cleaned interview material, 493 excerpts were coded, of which 387 (78.5%) were classified as core thematic excerpts and 106 (21.5%) as contextual or non-substantive material retained for audit purposes. Table 2 presents the distribution of the 387 core excerpts across the five parent codes.

Table 2. Parent Code Distribution of Core Thematic Excerpts (n = 387)

Parent Code	n	%	Dominant Signal
Negotiation Orientation and Settlement Framing (NEO)	207	53.5%	Compensation framing and positional bargaining dominate; integrative problem-solving is rare
Fair Process and Procedural Legitimacy (FPR)	58	15.0%	Explanation, transparency, and trust recur as legitimacy concerns
Governance and Mediation Process (GAQ)	51	13.2%	Coordination exists but formal mediation structure is thin
Resource Dependence and Access Asymmetry (RDA)	41	10.6%	External pressure and access asymmetry outweigh explicit power language
Stability, Escalation, and Outcome Durability (STO)	30	7.8%	Durability and escalation appear as downstream, not dominant, concerns
Total	387	100.0%	

Source: Author's thematic coding analysis.

Negotiation Orientation and Settlement Framing (NEO) is by far the largest category, at 2.7 times the mean parent-code count. Within NEO, compensation framing alone accounts for 119 excerpts (30.7% of the entire core corpus), while positional bargaining adds a further 47; together these two sub-codes make up 42.9% of all core thematic evidence. By contrast, integrative problem-solving appears in only 15 excerpts (3.9%). This asymmetry indicates that the parties possess a well-developed vocabulary for claiming value—arguing over what is owed—but a comparatively underdeveloped vocabulary for creating value through access clarity, livelihood assurance, or follow-up mechanisms. A parallel pattern appears within Governance and Mediation Process: 45 of 51 excerpts concern coordination activity, while only 6 concern formal mediation structure, suggesting that the mediation process facilitates communication more effectively than it facilitates resolution.

Negotiation Structure: BATNA and ZOPA

BATNA/ZOPA analysis extends the thematic findings by identifying how fallback positions and possible agreement space appear in the evidence. Table 3 summarizes the mapping of the 387 core excerpts into six negotiation-relevant categories.

Table 3. BATNA/ZOPA Mapping Summary (n = 387)

Negotiation Category	n	%
Government BATNA / Mediation Role	129	33.3%
Negotiation Context	123	31.8%
ZOPA – Compensation Zone	77	19.9%
Company BATNA	28	7.2%
Fishermen BATNA	15	3.9%
ZOPA – Integrative Settlement Zone	15	3.9%
Total	387	100.0%

Source: Author's BATNA/ZOPA mapping based on the thematic coding dataset.

Government BATNA/mediation role and general negotiation context together account for 65.1% of the mapped corpus, showing that the negotiation is heavily institutionally mediated rather than a direct bilateral exchange between ENX and fishermen. A clearly articulated compensation ZOPA exists (19.9%), but the integrative settlement zone—covering access clarity, livelihood assurance, monitoring, and grievance handling—remains sparse at only

3.9%. This gap is the study's central negotiation finding: a settlement built solely around compensation value has limited room to become durable, because the elements that would sustain acceptance after signing are largely absent from the negotiation vocabulary used by the parties.

External Environment: PESTEL

Each core excerpt was also mapped to its dominant external-pressure dimension. Table 4 presents the distribution.

Table 4. PESTEL Pressure Distribution (n = 387)

PESTEL Dimension	n	%
Political (governance/mediation credibility)	176	45.5%
Economic (livelihood/compensation)	81	20.9%
Social (recognition, trust, fairness)	79	20.4%
General context	31	8.0%
Environmental	11	2.8%
Technological	5	1.3%
Legal	4	1.0%
Total	387	100.0%

Source: Author's PESTEL mapping based on the thematic coding dataset.

Political, economic, and social pressures together account for 86.8% of the mapped corpus, while environmental, technological, and legal factors combined account for only 5.1%. This distribution indicates that the conflict is experienced by stakeholders primarily as a governance, livelihood, and legitimacy problem rather than a technical, environmental, or legal one. A response grounded chiefly in technical safety explanations or regulatory compliance therefore addresses ENX's internal operational rationale without engaging the pressures that most strongly shape stakeholder acceptance of a settlement.

Strategic Diagnosis: SWOT and the Integrated CSR–Negotiation Architecture

Synthesizing the thematic, BATNA/ZOPA, and PESTEL findings, the SWOT diagnosis characterizes ENX's position as capable but under-structured. ENX holds relevant strengths—an active government mediation channel, organizational and CSR capacity, formal operational and regulatory procedures, and ongoing coordination with fishermen and local authorities—but these resources have not yet been converted into a settlement architecture capable of producing durable agreement. The corresponding weaknesses mirror the empirical gaps identified above: compensation-centered bargaining without integrative settlement design, coordination without formal mediation structure, and limited transparency in valuation and process. Opportunities include independent joint fact-finding, CSR-based livelihood assurance, and documented monitoring systems, each of which directly targets the thin integrative ZOPA identified earlier. The principal threat is that continued reliance on compensation-only or compliance-only responses will preserve ENX's formal authority while eroding its social legitimacy, given that the conflict is predominantly political, economic, and social rather than legal or technical in nature.

This diagnosis supports an integrated CSR–Negotiation Architecture, in which CSR functions as part of the settlement system rather than a separate community-relations program, and negotiation shifts from value-claiming to value-creating (Fisher et al., 2011; Lax & Sebenius, 1986). The architecture rests on five pillars. First, joint fact-finding establishes a mutually credible evidentiary base for disputed claims about impact, timing, and access, engaging ENX, fishermen representatives, local government, and independent assessors. Second, transparent compensation logic clarifies what is compensated, who is eligible, what evidence is used, and what liability limits apply, converting compensation from a recurring point of contention into a settled component of the agreement. Third, a livelihood assurance package moves beyond one-time payment toward targeted, negotiated support—transitional livelihood assistance, capacity development, or alternative income options—addressing the economic and legitimacy dimensions of the conflict simultaneously. Fourth, a written access/safety protocol specifies where, when, and how fishing activity may proceed alongside offshore operations, translating technical safety requirements into a practical, shared rule system (Pomeroy & Douvere, 2008). Fifth, an ongoing monitoring and grievance

mechanism defines indicators, review frequency, and escalation procedures so that new concerns can be addressed without reopening the entire settlement.

These five pillars are translated into implementable strategy through a TOWS matrix, summarized in Table 5.

Table 5. TOWS Strategy Matrix for ENX's CSR–Negotiation Response

TOWS Type	Strategic Logic	Recommended Strategy
SO	Use strengths to capture opportunities	Build an evidence-based CSR–negotiation platform combining ENX's organizational resources, existing government mediation channels, and independent assessment to produce credible settlement options.
WO	Use opportunities to overcome weaknesses	Use independent research, joint fact-finding, and transparent documentation to address weak trust, unclear compensation logic, and limited procedural credibility.
ST	Use strengths to reduce threats	Use formal coordination capacity, operational discipline, and written follow-up mechanisms to reduce escalation risk, recurring grievance, and operational disruption.
WT	Minimize weaknesses and avoid threats	Replace rushed, security-centered, or purely legalistic responses with structured dialogue, clear timelines, bounded commitments, and grievance monitoring.

Source: Author's formulation based on the SWOT diagnosis and TOWS strategic logic (Wehrich, 1982).

Under this architecture, CSR is repositioned from a symbolic or purely philanthropic function into a legitimacy-building mechanism embedded within the settlement process itself—consistent with the CSR-in-extractive-industries literature (Frynas, 2009; Du & Vieira, 2012; Raufflet et al., 2014)—while compensation is reframed as one component of a larger, monitorable agreement rather than the sole vehicle expected to resolve livelihood insecurity, recognition, and procedural fairness simultaneously. Because the architecture builds on institutions ENX already possesses—CSR capacity, operational expertise, and an existing government mediation channel—implementation requires integration and structuring of existing resources rather than the creation of entirely new institutions, which strengthens its practical feasibility.

CONCLUSION

This study concludes that the ENX–fishermen mediation conflict in East Kalimantan is not fundamentally a compensation dispute, even though compensation dominates the observable negotiation language. The thematic, BATNA/ZOPA, and PESTEL findings converge on a deeper diagnosis: the conflict is a stakeholder-legitimacy and settlement-architecture problem, shaped predominantly by political, economic, and social pressures, in which an underdeveloped integrative settlement zone leaves compensation to carry more negotiation weight than it can reasonably bear. The SWOT diagnosis further shows that ENX possesses sufficient institutional, operational, and CSR capability to respond—the company's central strategic task is not resource acquisition but structural integration. For ENX, the recommendation is to adopt the integrated CSR–Negotiation Architecture as a working framework, formalizing joint fact-finding, transparent compensation logic, a livelihood assurance package, a written access/safety protocol, and a monitoring and grievance mechanism as interdependent components of a single settlement system, guided by the SO, WO, ST, and WT strategies in Table 5. For local government, the recommendation is to strengthen the credibility and documentation of its mediation role, moving from convening dialogue toward facilitating a written, monitorable settlement process that is not perceived as aligned with either party. For fishermen representatives, the recommendation is to engage the joint fact-finding and monitoring mechanisms as a means of converting informal claims into documented, negotiable interests. For future research, extending this framework to comparable offshore or coastal extractive-industry disputes—particularly those sharing

marine-access dependency, third-party mediation, and unresolved settlement architecture—would help clarify the boundaries of its transferability beyond the single-case findings reported here.

As a qualitative single-case study, these findings are analytically rather than statistically generalizable (Yin, 2018; Creswell & Poth, 2018); their value lies in the coherence of the evidence-to-strategy chain rather than in representativeness across the broader population of extractive-industry conflicts. Within that scope, the study contributes an empirically grounded, transferable framework for converting recurring, compensation-centered mediation into a structured, legitimacy-based, and durable CSR–negotiation settlement in shared-maritime extractive industry contexts.

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