ISSN: 2808-487X
Edition: Vol. 6 No.1 (2026)
https://radjapublika.com/index.php/IJERLAS/index

Restorative Mediation in Environmental Investment Disputes: An Indonesian Civil Law and BIT Perspective

Danial Syah[1]*, Martin Uribe[2]
[1]Universitas Islam Sumatera Utara, Indonesia
[2]Columbia University, United States
***Corresponding Author:** danialsyah@fh.uisu.ac.id

Keywords:
Bilateral Investment Treaties (BITs); Foreign Direct Investment (FDI); Investor–State Dispute Settlement (ISDS); International Investment Law.

Article Info:
Received: 22/06/2025
Revised: 19/11/2025
Accepted: 15/12/2025
Published: 31/01/2026

ABSTRACT

Foreign investment supports economic development but may also cause environmental damage, community losses, and disputes involving investors, government authorities, and affected communities. Existing Bilateral Investment Treaties and investor–State dispute settlement mechanisms primarily emphasize investor protection, while environmental restoration, civil compensation, and community participation remain limited. This study examines the legal basis for restorative mediation in environmental disputes involving foreign investors in Indonesia and develops a model integrating civil liability, environmental restoration, and investment treaty obligations. Using normative legal research, the study applies statutory, conceptual, case, comparative, and treaty-design approaches to Indonesian civil, environmental, investment, and dispute resolution laws, relevant investment treaties, and international mediation instruments. The findings show that such disputes involve not only investor–State relations but also unlawful acts, contractual liability, strict liability, ecological restoration, and compensation for affected communities. Conventional mediation is constrained by unequal bargaining power, limited community participation, confidentiality, and weak monitoring. The study proposes a Multi-Party Restorative Environmental Investment Mediation Model involving investors, government institutions, affected communities, independent experts, and mediators. The model includes environmental harm screening, responsibility mapping, stakeholder representation, independent fact-finding, restorative negotiation, legal validation, and compliance monitoring. Restorative mediation may resolve civil consequences and support environmental recovery, but it must not eliminate criminal responsibility. The model offers a balanced framework for investment protection, environmental sustainability, community rights, and State regulatory authority.

How to cite: Syah, D., & Uribe, M. (2026). Legal Implications of Bilateral Investment Treaties (BITs) on Foreign Investment in Indonesia. International Journal of Educational Review, Law And Social Sciences (IJERLAS), 6(1), 128–135. https://doi.org/10.5281/zenodo.18912845

Introduction

Foreign investment contributes significantly to Indonesia's economic development through capital formation, employment creation, production expansion, and technology transfer. To provide legal certainty and investor protection, Indonesia has entered into Bilateral Investment Treaties (BITs) and other international investment agreements containing standards such as fair and equitable treatment, protection against unlawful expropriation, non-discrimination, and access to Investor State Dispute Settlement (ISDS). Despite these benefits, foreign investment activities, particularly in mining, plantations, energy, manufacturing, infrastructure, and natural resource exploitation, may cause pollution, ecosystem degradation, health problems, loss of agricultural land, and disruption of community livelihoods. These impacts create disputes that involve not only investors and the State but also communities directly affected by environmental harm.

Environmental investment disputes operate within overlapping legal regimes. International investment law protects investors, environmental law regulates prevention and restoration, civil law provides compensation, administrative law governs permits and sanctions, and criminal law addresses environmental offenses. However, conventional BIT and

ISDS mechanisms primarily focus on investor–State relations. Affected communities generally lack direct standing and must pursue separate domestic proceedings. This fragmentation may increase costs, delay environmental recovery, and produce inconsistent outcomes.

Under Indonesian civil and environmental law, foreign investors may be held liable for breach of contract, unlawful acts, negligence, statutory violations, or strict liability. Remedies should not be limited to monetary compensation but may include ecosystem restoration, livelihood recovery, medical assistance, environmental rehabilitation, and guarantees of non-repetition. Nevertheless, litigation and arbitration often face lengthy procedures, scientific complexity, unequal access to legal resources, and limited capacity to establish participatory, long-term restoration measures. Mediation offers greater flexibility by allowing parties to negotiate compensation, environmental recovery, community monitoring, operational improvements, and future prevention. However, conventional mediation may remain inadequate because of unequal bargaining power, confidentiality, limited community participation, and the risk that settlement may be used to avoid public accountability.

Therefore, environmental investment disputes require a restorative and multiparty mediation framework. Restorative mediation focuses on identifying harm, determining responsibility, involving affected communities, repairing ecological and social losses, restoring relationships, and preventing recurrence. It must also remain separate from environmental criminal enforcement. Civil and restorative settlements may support recovery, but they cannot eliminate the State's authority to investigate and prosecute environmental offenses. Existing studies generally examine BIT protection, regulatory sovereignty, environmental liability, restorative justice, or investment mediation separately. Limited research integrates investment treaty mediation, Indonesian civil liability, community participation, environmental restoration, and the preservation of criminal responsibility within a single legal framework.

This study addresses that gap by proposing a Multi-Party Restorative Environmental Investment Mediation Model. The model involves investors, government institutions, affected communities, independent experts, and mediators through seven stages: environmental harm screening, legal responsibility mapping, stakeholder representation, independent fact-finding, restorative negotiation, legal validation, and compliance monitoring.

The novelty of this study lies in reconstructing investment mediation as a civil-law-based restorative mechanism that balances investor protection with environmental responsibility, community rights, restoration obligations, and guarantees of non-repetition. It also establishes a clear boundary between civil settlement and criminal enforcement. Accordingly, this study examines the limitations of BIT and ISDS mechanisms in resolving environmental harm, analyzes the integration of restorative mediation into Indonesian civil and environmental law, and formulates an appropriate legal and institutional model for environmental disputes involving foreign investors. The study contributes theoretically to the development of investor–State–community mediation and practically offers a structured framework for government institutions, investors, mediators, and affected communities.

Method

This study employs normative legal research with a prescriptive and reform-oriented approach. It examines the relationship between international investment law, Indonesian civil law, environmental law, and restorative mediation, while formulating a legal model for resolving environmental disputes involving foreign investors. Five approaches are applied: statutory, conceptual, case, comparative, and treaty-design approaches. The statutory approach examines Indonesian regulations on civil liability, environmental protection, foreign investment, arbitration, mediation, and alternative dispute resolution. The conceptual approach analyzes restorative mediation, environmental justice, strict liability, corporate responsibility, the polluter-pays principle, access to justice, and the State's right to regulate. The case approach reviews selected environmental and investment disputes to identify tensions between investor protection, environmental enforcement, and community rights. The comparative approach compares traditional and newer Bilateral Investment Treaties, particularly provisions on fair and equitable treatment, indirect expropriation, environmental exceptions, mediation, transparency, and investor obligations. The treaty-design approach is used to formulate provisions suitable for future investment agreements.

The legal materials consist of primary, secondary, and tertiary sources. Primary materials include Indonesian legislation, Bilateral Investment Treaties, court decisions, arbitral awards, and official international instruments on investment mediation. Secondary materials include books, journal articles, legal commentaries, and institutional reports. Tertiary materials include legal dictionaries, treaty databases, and official legal indexes. Legal materials are collected through document and literature review and analyzed qualitatively using grammatical, systematic, conceptual, and teleological interpretation. The analysis focuses on five dimensions: party participation, types of environmental harm, available civil and restorative remedies, the relationship between mediation and environmental criminal responsibility, and the enforceability and monitoring of settlement agreements.

Based on the analysis, the study develops a Multi-Party Restorative Environmental Investment Mediation Model consisting of environmental harm screening, legal responsibility mapping, stakeholder representation, independent fact-finding, restorative negotiation, legal validation, and compliance monitoring. Restorative mediation is positioned as a mechanism for resolving civil consequences and facilitating environmental recovery without eliminating criminal responsibility where environmental offenses are established.

Results and Discussion

Environmental Disputes within the Investment Law Framework

Environmental disputes involving foreign investors are governed by overlapping legal regimes, including international investment law, civil law, environmental law, administrative law, and criminal law. Investment law protects investors from arbitrary State measures, while domestic law regulates environmental obligations, compensation, restoration, sanctions, and criminal responsibility.This overlap may result in fragmented proceedings. Investors may challenge environmental measures through Investor–State Dispute Settlement, while affected communities seek compensation before domestic courts and government authorities impose administrative sanctions or conduct criminal investigations. Such fragmentation increases costs, prolongs dispute resolution, and may delay environmental recovery.

Environmental Disputes within the Investment Law Framework

Environmental disputes involving foreign investors are governed by overlapping legal regimes, including international investment law, civil law, environmental law, administrative law, and criminal law. Investment law protects investors from arbitrary State measures, while domestic law regulates environmental obligations, compensation, restoration, sanctions, and criminal responsibility. This overlap may result in fragmented proceedings. Investors may challenge environmental measures through Investor–State Dispute Settlement, while affected communities seek compensation before domestic courts and government authorities impose administrative sanctions or conduct criminal investigations. Such fragmentation increases costs, prolongs dispute resolution, and may delay environmental recovery.

Limitations of BITs and Investor–State Dispute Settlement

Bilateral Investment Treaties commonly provide fair and equitable treatment, protection against unlawful expropriation, non-discrimination, and access to international arbitration. Although these standards protect investors, broadly formulated treaty provisions may create tension when Indonesia adopts environmental restrictions, revokes permits, or orders environmental restoration. The investor–State structure also provides foreign investors with procedural access that is generally unavailable to affected communities. Communities suffering pollution, health impacts, land degradation, or livelihood losses are rarely recognized as principal parties in investment arbitration. Furthermore, investment arbitration usually emphasizes monetary compensation and does not necessarily provide ecosystem rehabilitation, community recovery, or guarantees of non-repetition. Future BITs should therefore protect legitimate investment while expressly recognizing the State's right to regulate, environmental obligations of investors, and consultation or mediation before arbitration.

Civil Liability and Environmental Remedies

Foreign investors and foreign-owned companies remain subject to Indonesian civil and environmental law. Treaty protection does not exempt them from responsibility for environmental damage. Civil liability may arise from breach of contract, unlawful acts, negligence, statutory obligations, or strict liability. Contractual responsibility may result from failure to comply with permits, environmental documents, investment agreements, or land-use arrangements. Non-contractual liability may arise when investment activities cause pollution, health problems, property damage, ecosystem degradation, or community livelihood losses. Environmental remedies should not be limited to monetary compensation. They may include environmental cleanup, ecosystem rehabilitation, medical assistance, restoration of livelihoods, provision of clean water or replacement land, independent monitoring, and guarantees of non-repetition. Strict liability is particularly important for high-risk activities because affected communities often have limited access to corporate and technical evidence. This approach is consistent with the polluter-pays principle, which requires responsible parties to bear prevention, compensation, and restoration costs.

Limitations of Conventional Mediation

Conventional mediation offers flexibility, lower costs, confidentiality, and consensual settlement. However, it remains inadequate for complex environmental investment disputes. Foreign investors generally possess stronger financial, legal, and technical resources than affected communities. Environmental disputes also involve public and ecological interests that cannot be resolved solely as private conflicts. Excessive confidentiality may restrict public access to information about pollution and restoration obligations, while weak post-settlement monitoring may result in non-implementation. Mediation may also be misused to avoid administrative sanctions or criminal responsibility. Therefore, ordinary compromise-oriented mediation must be reconstructed into an accountable, participatory, and restorative mechanism.

Restorative Environmental Mediation

Restorative mediation focuses on environmental harm, responsibility, recovery, participation, and prevention. It addresses ecological damage, economic losses, health impacts, social disruption, and institutional weaknesses. Environmental restoration may include ecosystem rehabilitation and pollution control. Economic recovery may include compensation and livelihood restoration. Health and social remedies may involve medical treatment, rehabilitation, and community recovery programs. Institutional remedies may include corporate reforms, improved supervision, public reporting, and community monitoring. A restorative settlement should specify measurable obligations, implementation deadlines, responsible parties, funding arrangements, monitoring indicators, and consequences for non-compliance.

Civil Settlement and Criminal Responsibility

Restorative mediation must clearly distinguish civil recovery from environmental criminal liability. Mediation may resolve compensation, environmental restoration, medical recovery, and livelihood rehabilitation. However, a private settlement cannot automatically eliminate criminal responsibility when an environmental offense has occurred. Disputes involving only civil losses may be fully mediated. Cases involving civil and administrative violations may be mediated while administrative sanctions remain applicable. In cases involving suspected environmental crimes, mediation may support recovery but must not prevent investigation or prosecution. This distinction prevents companies from using compensation to obtain immunity while ensuring that affected communities receive timely restoration.

Multi-Party Restorative Environmental Investment Mediation Model

This study proposes a Multi-Party Restorative Environmental Investment Mediation Model involving investors, government institutions, affected communities, environmental organizations, independent experts, and certified mediators. The model begins with environmental harm screening and legal responsibility mapping. Transparent stakeholder representation is then established, followed by independent fact-finding concerning pollution sources, health impacts, environmental losses, and restoration needs. The parties subsequently negotiate a restorative agreement covering compensation, environmental cleanup, ecosystem rehabilitation, medical assistance, livelihood recovery, operational improvements, community monitoring, and guarantees of non-repetition. The settlement must be legally validated to protect public interests, preserve criminal responsibility, and ensure enforceability. Implementation is monitored jointly by government institutions, independent experts, and affected communities through measurable environmental and social indicators. Non-compliance may result in corrective orders, additional compensation, administrative sanctions, or renewed legal proceedings.

Reform of Bilateral Investment Treaties

Future Indonesian BITs should recognize the State's right to adopt legitimate and non-discriminatory environmental measures. Treaty protection should apply only to investments established and operated in compliance with domestic law. Investors should be required to conduct environmental due diligence, disclose material environmental risks, comply with environmental obligations, and participate in remediation. BITs should also require consultation and mediation before arbitration, provide opportunities for affected-community participation, support independent fact-finding, and prioritize restoration rather than financial compensation alone. Treaties should expressly clarify that mediation does not prevent administrative enforcement or criminal prosecution. Serious environmental violations, corruption, fraud, and deliberate concealment should also be considered when determining eligibility for treaty protection. Overall, restorative environmental mediation provides a more balanced mechanism than conventional investor–State dispute settlement because it integrates investment protection, civil liability, environmental restoration, community participation, and continued public-law enforcement.

Limitations of BITs and Investor–State Dispute Settlement

Bilateral Investment Treaties commonly provide fair and equitable treatment, protection against unlawful expropriation, non-discrimination, and access to international arbitration. Although these standards protect investors, broadly formulated treaty provisions may create tension when Indonesia adopts environmental restrictions, revokes permits, or orders environmental restoration. The investor–State structure also provides foreign investors with procedural access that is generally unavailable to affected communities. Communities suffering pollution, health impacts, land degradation, or livelihood losses are rarely recognized as principal parties in investment arbitration. Furthermore, investment arbitration usually emphasizes monetary compensation and does not necessarily provide ecosystem rehabilitation, community recovery, or guarantees of non-repetition. Future BITs should therefore protect legitimate investment while expressly recognizing the State's right to regulate, environmental obligations of investors, and consultation or mediation before arbitration.

Civil Liability and Environmental Remedies

Foreign investors and foreign-owned companies remain subject to Indonesian civil and environmental law. Treaty protection does not exempt them from responsibility for environmental damage. Civil liability may arise from breach of contract, unlawful acts, negligence, statutory obligations, or strict liability. Contractual responsibility may result from failure to comply with permits, environmental documents, investment agreements, or land-use arrangements. Non-contractual liability may arise when investment activities cause pollution, health problems, property damage, ecosystem degradation, or community livelihood losses. Environmental remedies should not be limited to monetary compensation. They may include environmental cleanup, ecosystem rehabilitation, medical assistance, restoration of livelihoods, provision of clean water or replacement land, independent monitoring, and guarantees of non-repetition. Strict liability is particularly important for high-risk activities because affected communities often have limited access to corporate and technical evidence. This approach is consistent with the polluter-pays principle, which requires responsible parties to bear prevention, compensation, and restoration costs.

Limitations of Conventional Mediation

Conventional mediation offers flexibility, lower costs, confidentiality, and consensual settlement. However, it remains inadequate for complex environmental investment disputes. Foreign investors generally possess stronger financial, legal, and technical resources than affected communities. Environmental disputes also involve public and ecological interests that cannot be resolved solely as private conflicts. Excessive confidentiality may restrict public access to information about pollution and restoration obligations, while weak post-settlement monitoring may result in non-implementation. Mediation may also be misused to avoid administrative sanctions or criminal responsibility. Therefore, ordinary compromise-oriented mediation must be reconstructed into an accountable, participatory, and restorative mechanism.

Restorative Environmental Mediation

Restorative mediation focuses on environmental harm, responsibility, recovery, participation, and prevention. It addresses ecological damage, economic losses, health impacts, social disruption, and institutional weaknesses. Environmental restoration may include ecosystem rehabilitation and pollution control. Economic recovery may include compensation and livelihood restoration. Health and social remedies may involve medical treatment, rehabilitation, and community recovery programs. Institutional remedies may include corporate reforms, improved supervision, public reporting, and community monitoring. A restorative settlement should specify measurable obligations, implementation deadlines, responsible parties, funding arrangements, monitoring indicators, and consequences for non-compliance.

Civil Settlement and Criminal Responsibility

Restorative mediation must clearly distinguish civil recovery from environmental criminal liability. Mediation may resolve compensation, environmental restoration, medical recovery, and livelihood rehabilitation. However, a private settlement cannot automatically eliminate criminal responsibility when an environmental offense has occurred. Disputes involving only civil losses may be fully mediated. Cases involving civil and administrative violations may be mediated while administrative sanctions remain applicable. In cases involving suspected environmental crimes, mediation may support recovery but must not prevent investigation or prosecution. This distinction prevents companies from using compensation to obtain immunity while ensuring that affected communities receive timely restoration.

Multi-Party Restorative Environmental Investment Mediation Model

This study proposes a Multi-Party Restorative Environmental Investment Mediation Model involving investors, government institutions, affected communities, environmental organizations, independent experts, and certified mediators. The model begins with environmental harm screening and legal responsibility mapping. Transparent stakeholder representation is then established, followed by independent fact-finding concerning pollution sources, health impacts, environmental losses, and restoration needs. The parties subsequently negotiate a restorative agreement covering compensation, environmental cleanup, ecosystem rehabilitation, medical assistance, livelihood recovery, operational improvements, community monitoring, and guarantees of non-repetition. The settlement must be legally validated to protect public interests, preserve criminal responsibility, and ensure enforceability. Implementation is monitored jointly by government institutions, independent experts, and affected communities through measurable environmental and social indicators. Non-compliance may result in corrective orders, additional compensation, administrative sanctions, or renewed legal proceedings.

Reform of Bilateral Investment Treaties

Future Indonesian BITs should recognize the State's right to adopt legitimate and non-discriminatory environmental measures. Treaty protection should apply only to investments established and operated in compliance with domestic law. Investors should be required to conduct environmental due diligence, disclose material environmental risks, comply with environmental obligations, and participate in remediation. BITs should also require consultation and mediation before arbitration, provide opportunities for affected-community participation, support independent fact-finding, and prioritize restoration rather than financial compensation alone. Treaties should expressly clarify that mediation does not prevent administrative enforcement or criminal prosecution. Serious environmental violations, corruption, fraud, and deliberate concealment should also be considered when determining eligibility for treaty protection. Overall, restorative environmental mediation provides a more balanced mechanism than conventional investor–State dispute settlement because it integrates investment protection, civil liability, environmental restoration, community participation, and continued public-law enforcement.

Conclusion

Environmental disputes involving foreign investors cannot be resolved solely through Bilateral Investment Treaties and investor–State dispute settlement because they also involve civil liability, environmental restoration, community losses, administrative enforcement, and possible criminal responsibility. The separation of these mechanisms often limits community participation and delays comprehensive recovery. This study finds that restorative mediation provides a more appropriate framework by focusing on environmental harm, accountability, compensation, restoration, and guarantees of non-repetition. Its main contribution is the Multi-Party Restorative Environmental Investment Mediation Model, which consists of environmental harm screening, legal responsibility mapping, stakeholder representation, independent fact-finding, restorative negotiation, legal validation, and compliance monitoring.

The model involves investors, government institutions, affected communities, environmental experts, and mediators. It may be used to resolve civil consequences such as compensation, ecosystem rehabilitation, health recovery, and restoration of livelihoods. However, mediation must not automatically eliminate criminal responsibility when an environmental offense is established. Future Bilateral Investment Treaties involving Indonesia should therefore recognize the State's right to regulate, investor environmental obligations, community participation, mandatory consultation and mediation, independent fact-finding, and continued environmental law enforcement. This framework can balance legitimate investment protection with environmental sustainability, corporate accountability, and access to justice.

References

Al-Alosi, H., & Hamilton, M. (2021). The potential of restorative justice in promoting environmental offenders' acceptance of responsibility. *University of New South Wales Law Journal, 44*(2), 487–512.

Bonnitcha, J., Poulsen, L. N. S., & Waibel, M. (2017). *The political economy of the investment treaty regime*. Oxford University Press.

Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford University Press.

Burlington Resources Inc. v. Republic of Ecuador, ICSID Case No. ARB/08/5, Decision on Ecuador's Counterclaims (February 7, 2017).

Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia, ICSID Case Nos. ARB/12/14 and ARB/12/40, Award (December 6, 2016).

Dolzer, R., Kriebaum, U., & Schreuer, C. (2022). *Principles of international investment law* (3rd ed.). Oxford University Press.

European Forum for Restorative Justice. (2020). *Restorative environmental justice: An introduction*. European Forum for Restorative Justice.

Forsyth, M., Cleland, D., Tepper, F., Hollingworth, D., Soares, M., Nairn, A., & Wilkinson, C. (2021). A future agenda for environmental restorative justice? *The International Journal of Restorative Justice, 4*(1), 16–44. https://doi.org/10.5553/TIJRJ.000063

Hamilton, M. (2021). *Environmental crime and restorative justice: Justice as meaningful involvement*. Palgrave Macmillan. https://doi.org/10.1007/978-3-030-69052-6

International Centre for Settlement of Investment Disputes. (2022a). *Background paper on investment mediation*. World Bank Group.

International Centre for Settlement of Investment Disputes. (2022b). *ICSID fact-finding rules*. World Bank Group.

International Centre for Settlement of Investment Disputes. (2022c). *ICSID mediation administrative and financial regulations*. World Bank Group.

International Centre for Settlement of Investment Disputes. (2022d). *ICSID mediation rules*. World Bank Group.

Kriebaum, U. (2023). Recent trends in investment arbitration on the right to regulate, environment, health and corporate social responsibility. *ICSID Review–Foreign Investment Law Journal, 38*(2), 381–421. https://doi.org/10.1093/icsidreview/siac031

McLaughlin, M. (2021). Investor–State mediation and the Belt and Road Initiative: Examining the conditions for settlement. *Journal of International Economic Law, 24*(3), 609–629. https://doi.org/10.1093/jiel/jgab028

Newcombe, A., & Paradell, L. (2009). *Law and practice of investment treaties: Standards of treatment*. Kluwer Law International.

Organisation for Economic Co-operation and Development. (2011). *Environmental concerns in international investment agreements: A survey*. OECD Publishing.

Organisation for Economic Co-operation and Development. (2022). *The future of investment treaties: The balance between investor protection and the right to regulate in investment treaties*. OECD.

Organisation for Economic Co-operation and Development. (2024). *Investment treaties and climate change: Carving out climate action from investor–State dispute settlement*. OECD.

Pali, B., Forsyth, M., & Tepper, F. (Eds.). (2022). *The Palgrave handbook of environmental restorative justice*. Palgrave Macmillan. https://doi.org/10.1007/978-3-031-04223-2

Poulsen, L. N. S. (2015). *Bounded rationality and economic diplomacy: The politics of investment treaties in developing countries*. Cambridge University Press.

Republic of Indonesia. (1847). *Civil Code of Indonesia [Kitab Undang-Undang Hukum Perdata]*.

Republic of Indonesia. (1999). *Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution*. State Gazette of the Republic of Indonesia Number 138 of 1999.

Republic of Indonesia. (2007). *Law Number 25 of 2007 concerning Investment*. State Gazette of the Republic of Indonesia Number 67 of 2007.

Republic of Indonesia. (2009). *Law Number 32 of 2009 concerning Environmental Protection and Management*. State Gazette of the Republic of Indonesia Number 140 of 2009.

Republic of Indonesia. (2021). *Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management*. State Gazette of the Republic of Indonesia Number 32 of 2021.

Republic of Indonesia. (2023). *Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law*. State Gazette of the Republic of Indonesia Number 41 of 2023.

Robinson, S. A., & Carlson, D. A. (2021). A just alternative to litigation: Applying restorative justice to climate-related loss and damage. *Third World Quarterly, 42*(6), 1384–1395. https://doi.org/10.1080/01436597.2021.1877128

Sornarajah, M. (2021). *The international law on foreign investment* (5th ed.). Cambridge University Press.

Supreme Court of the Republic of Indonesia. (2016). *Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court*.

United Nations. (2011). *Guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework*. United Nations.

United Nations Commission on International Trade Law. (2018). *United Nations Convention on International Settlement Agreements Resulting from Mediation*. United Nations.

United Nations Commission on International Trade Law. (2021). *UNCITRAL mediation rules*. United Nations.

United Nations Commission on International Trade Law. (2023a). *Guidelines on mediation for international investment disputes*. United Nations.

United Nations Commission on International Trade Law. (2023b). *Model provisions on mediation for international investment disputes*. United Nations.

United Nations Conference on Trade and Development. (2015). *Investment policy framework for sustainable development*. United Nations.

United Nations Conference on Trade and Development. (2018). *Reforming investment dispute settlement: A stocktaking*. United Nations.
United Nations Conference on Trade and Development. (2020). *International investment agreements reform accelerator*. United Nations.
United Nations Conference on Trade and Development. (2023). *World investment report 2023: Investing in sustainable energy for all*. United Nations.
United Nations Conference on Trade and Development. (2024). *International investment agreements trends: The increasing dichotomy between new and old treaties*. United Nations.
United Nations Environment Programme. (2019). *Environmental rule of law: First global report*. United Nations Environment Programme.
United Nations Office on Drugs and Crime. (2020). *Handbook on restorative justice programmes* (2nd ed.). United Nations.
Van Harten, G. (2007). *Investment treaty arbitration and public law*. Oxford University Press.
Weeramantry, R., Chang, B., & Sherard-Chow, J. (2023). Conciliation and mediation in investor–State dispute settlement provisions: A quantitative and qualitative analysis. *ICSID Review–Foreign Investment Law Journal, 38*(1), 201–237. https://doi.org/10.1093/icsidreview/siab049