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Strengthening Environmental Sovereignty in Environmental Protection Policy

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ABSTRACT :
This research is motivated by the increasing degradation of the environment, which reflects an imbalance between the exploitation of natural resources and the state's responsibility to ensure ecological sustainability. The principle of environmental sovereignty affirms that the control of natural resources is not merely an expression of state authority, but also embodies a collective responsibility to protect ecosystems for present and future generations. The purpose of this study is to analyze the application of the principle of environmental sovereignty in environmental protection policies and to assess its effectiveness in preventing ecological damage. A conceptual approach is employed to examine the relationship between environmental sovereignty, the right to a healthy environment, and the structure of national environmental law. The findings indicate that the principle of environmental sovereignty has been accommodated in various regulations; however, its implementation remains weak due to institutional fragmentation, the dominance of economic interests, and limited public participation in environmental governance. The study concludes that strengthening environmental sovereignty requires reconstructing the paradigm of natural resource management based on ecological justice, ensuring consistent law enforcement, and promoting meaningful public participation in environmental decision-making processes.

Keywords: *environmental sovereignty, ecological justice, environmental protection, environmental policy.*

INTRODUCTION

Environmental degradation in Indonesia has reached a critical stage, marked by widespread deforestation, land degradation, water and air pollution, and rapid land-use conversion that continuously erodes the ecological carrying capacity necessary to sustain human life and long-term development. These cumulative impacts are both ecological and socio-economic, triggering food insecurity, diminishing local community livelihoods, and weakening the natural resource base essential to national development. In the post-constitutional amendment era, growing attention has been placed on the notion of environmental sovereignty a constitutional idea that positions the environment not merely as an object of state authority, but as an entity entitled to protection to ensure sustainable welfare for current and future generations. Although normative constitutional frameworks support environmental protection, a persistent gap remains between legal formalism and policy effectiveness. Contemporary environmental indicators and policy evaluations show systemic challenges in implementation, reaffirming the urgent need to strengthen the principle of environmental sovereignty as a normative and operational foundation in environmental protection policy.[1]

[1]Sodikin, "Gagasan Kedaulatan Lingkungan dalam Konstitusi dan Implementasinya dalam Pelestarian Lingkungan Hidup," Masalah-Masalah Hukum 48, no. 3 (2019): 294-305, https://doi.org/10.14710/mmh.48.3.2019.294-305. Program Studi Ilmu Lingkungan Universitas Diponegoro, "Profil Jurnal Ilmu Lingkungan," Jurnal Ilmu Lingkungan; S. Kholik et al., "Pengaruh Integrated Coastal Management (ICM)

This study focuses on three core systemic constraints that hinder the translation of environmental sovereignty into effective environmental protection practice: (1) institutional and regulatory fragmentation, which leads to overlapping authorities and weak coordination between national and regional governance; (2) the domination of short-term economic and investment-driven interests in decision-making processes, which often compromises ecological precaution; and (3) limited public participation—including unrecognized rights of indigenous peoples and local communities—resulting in weakened legitimacy and accountability in environmental governance. These constraints are mutually reinforcing: fragmentation weakens law enforcement, economic interests marginalize participatory frameworks, and restricted public involvement limits oversight in environmental decision-making. Accordingly, this study aims to identify the structural weaknesses that impede implementation and proposes pathways to strengthen environmental sovereignty to bridge constitutional principles and policy practice.[2]

Previous research provides substantial insight into the constitutional and regulatory basis of environmental protection, with doctrinal legal studies employing normative approaches, and empirical studies applying qualitative methods such as interviews, case studies, and policy content analysis. Some research integrates mixed methodologies, combining documentary analysis with environmental quality monitoring, land-use data, and remote-sensing imagery. Proposed solutions from prior studies include regulatory harmonization to address overlapping sectoral authority, institutional capacity-building with enforcement mechanisms, meaningful public participation frameworks such as Free, Prior, and Informed Consent (FPIC), and the integration of ecological justice principles into licensing systems and spatial planning instruments. Comparative and quantitative policy studies show that integrated policy design and evidence-based governance can strengthen environmental protection when supported by institutional reform and aligned economic incentives.[3]

The strengths of previous studies lie in their comprehensive mapping of normative frameworks and empirical documentation of environmental governance failures. However, key limitations persist: most analyses remain sectoral (forestry, mining, spatial planning) and do not address cross-sectoral interdependencies or cumulative ecological impacts; empirical research is often localized, limiting broader policy generalization; and few studies systematically test the effectiveness of institutional reforms using temporal and cross-regional environmental performance indicators. Furthermore, the linkage between environmental sovereignty as a constitutional concept and practical regulatory and governance instruments remains underdeveloped. Addressing this gap, this research aims to formulate and test an integrated policy

terhadap Perlindungan Wilayah Pesisir," Bina Hukum Lingkungan 8, no. 2 (2024): 136-153, https://doi.org/10.24970/bhl.v8i2.2094.

[2]H. Ramli and Nurul Aini, "Penguatan Partisipasi Publik dalam Penetapan Kawasan Konservasi," Jurnal Hukum Lingkungan Indonesia 10, no. 2 (2024): 221–240; Nur Fitriani et al., "Evaluasi Implementasi UU Perlindungan Lingkungan dalam Konteks Investasi," Jurnal Rechts Vinding 13, no. 1 (2024): 55-72; A. Prabowo, "Dinamika Kepentingan Ekonomi dalam Kebijakan Berbasis Lingkungan," Jurnal Bina Administrasi Hukum 7, no. 1 (2023): 48-63.

[3]Fariborz Zelli and Harro van Asselt, "The Institutional Fragmentation of Global Environmental Governance," Global Governance 19, no. 1 (2013): 95-113; Julian Kirchherr, Denise Reike, and Marko Hekkert, "Barriers to the Circular Economy," Ecological Economics 150 (2018): 264-272, https://doi.org/10.1016/j.ecolecon.2018.04.028; Dimas Setiawan, "Integrasi Kebijakan Iklim dalam Tata Kelola Pemerintahan Daerah," Jurnal Administrasi Negara 14, no. 2 (2024): 177-195.

framework that combines constitutional principles, operational governance mechanisms, and data-driven environmental monitoring.[4]

To bridge these gaps, this study employs a multi-method approach combining: (1) normative legal analysis to clarify and operationalize environmental sovereignty within constitutional, statutory, and regulatory frameworks; (2) quantitative environmental policy assessment using spatial land-cover change data, biodiversity indicators, and air and water quality datasets; (3) qualitative field research with key stakeholders government officials, corporations, civil society, and indigenous communities to examine institutional and political constraints; and (4) policy simulation (scenario analysis) to evaluate alternative regulatory and governance models. The expected outcomes include: (a) a coherent model for strengthening environmental sovereignty within environmental protection policy; (b) recommendations to harmonize cross-sectoral regulation and strengthen enforcement architecture; and (c) participatory governance mechanisms ensuring meaningful public involvement in environmental decision-making processes.[5]

The principle of environmental sovereignty needs to be restructured into practical policy mechanisms that address institutional fragmentation, curb environmentally harmful economic interests, and strengthen public participation to protect ecosystem functions and guarantee the right to a healthy environment for current and future generations.

Methods

This research employs a normative legal research approach with emphasis on the conceptual approach and the statute approach. The selection of a normative approach is based on the character of the issue examined, namely the construction of the principle of environmental sovereignty within the national legal framework and how such principle can be strengthened and operationalized in environmental protection policy. The issue arises from normative dynamics rather than merely administrative deviation, thus requiring analysis that examines the coherence and rationality of the governing legal structure.[6] Accordingly, this research does not focus on empirical field observation, but rather on conceptual, textual, and interpretive analysis of existing legal norms and the practical implementation of environmental protection policies.[7]

This research is categorized as normative legal research, which relies on legal interpretation and reasoning to understand the meaning, validity, and application of environmental norms.[8] The conceptual approach is used to identify, interpret, and reconstruct the conceptual meaning of environmental sovereignty within the national legal system. This approach is essential because environmental sovereignty is not merely a textual legal provision but a governance paradigm that embodies state authority over natural resources alongside public participation guarantees.[9] Meanwhile, the statute approach is applied to examine the synchronization and consistency of

[4]See recent multi-sectoral governance analyses and environmental policy implementation reviews 2009-2025.

[5]Global Forest Watch, Indonesia Deforestation Dashboard Data 2025; Abdul Wahid, "Pemanfaatan Citra Satelit dalam Pemantauan Perubahan Tutupan Lahan," Jurnal Geografika 9, no. 2 (2023): 211-228; S. Hariyanto, "Simulasi Kebijakan Lingkungan dalam Analisis Skenario Multilevel," Jurnal Kebijakan Publik 18, no. 1 (2024): 45-67.

[6]Jimly Asshiddiqie, Pengantar Ilmu Hukum Tata Negara (Jakarta: Rajawali Pers, 2021), 87.

[7]Philipus M. Hadjon, "Penelitian Hukum Normatif: Karakteristik dan Metode," Yuridika 35, no. 2 (2020): 213-231.

[8]Peter Mahmud Marzuki, Penelitian Hukum (Jakarta: Kencana, 2022), 47.

[9]Maria S.W. Sumardjono, "Hak Menguasai Negara dan Otoritas Pengelolaan SDA," Jurnal Hukum Ius Quia Iustum 29, no. 4 (2022): 512.

norms contained in the 1945 Constitution, Law No. 32 of 2009, and various sectoral regulations governing natural resource management.[10]

The research relies on secondary legal data, consisting of: Primary legal materials, including the 1945 Constitution, legislation, implementing regulations, and Constitutional Court decisions. Secondary legal materials, including books, journal articles, previous research, and academic papers relevant to environmental sovereignty, ecological justice, environmental rights, and natural resource governance.[11] Tertiary legal materials, including legal dictionaries and encyclopedias to clarify terminology.[12] Data selection is based on relevance and authority, prioritizing sources published within the last five years to maintain analytical validity.[13]

Data were collected through library research, involving systematic examination of legal documents, policy papers, academic publications, and judicial decisions. The process involved: (a). Identifying the main legal norms; (b). mapping the conceptual scope of environmental sovereignty; (c). identifying conflicts or disharmony across sectoral regulations on environment and natural resource exploitation; (d). reviewing relevant international best practices for comparative insight; (e). classifying data according to analytical themes, such as preventive protection, public participation, sustainability, and ecological balance.[14]

Data were analyzed through legal interpretation and constructive reasoning, involving: (a). systematic interpretation, interpreting legal norms based on interrelationship among legal provisions;[15](b). doctrinal coherence analysis, assessing the consistency of environmental sovereignty principles within sectoral governance frameworks;[16](c). conceptual reconstruction, formulating a strengthened model of environmental sovereignty as an operational and implementable policy instrument.[17]

The normative-conceptual method is selected because the research problem concerns the structural logic and philosophical framework of environmental governance, rather than administrative or quantitative-social issues. Strengthening the principle of environmental sovereignty requires a reformulation of legal reasoning and normative design, before translating it into institutional and policy mechanisms.[18]

Result and Discussion

1. Constitutional Structure of Environmental Protection

Environmental protection within Indonesia's legal framework possesses a strong normative foundation at the constitutional level. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every person has the right to a good and healthy environment. This provision represents the conceptualization of environmental human rights, namely rights that are not only inherent to individuals as legal subjects, but also integrally connected to the sustainability of the ecological system as a whole. In this context, the Constitution does not merely

[10]Constitutional Court Decision No. 35/PUU-X/2012.

[11]Endah Sri Astuti, "Kedaulatan Lingkungan dalam Kebijakan Ekologis Nasional," Jurnal Hukum Lingkungan Indonesia 8, no. 1 (2022): 67.

[12]Black's Law Dictionary, 11th ed. (St. Paul: West Publishing, 2019).

[13]Soetandyo Wignjosoebroto, Hukum, Paradigma, dan Masalah (Surabaya: Airlangga University Press, 2020).

[14]Bryan A. Garner, Legal Research and Analysis (New York: Foundation Press, 2021), 142-145.

[15]Sudikno Mertokusumo, Penemuan Hukum (Yogyakarta: Liberty, 2021).

[16]Hikmahanto Juwana, "Koherensi Kebijakan SDA dan Lingkungan," Jurnal Hukum & Pembangunan 51, no. 3 (2021): 321–341.

[17]Otto Pfersmann, "Legal Construction Method," International Journal of Legal Theory 44, no. 2 (2020): 202-224.

[18]Bambang Sunggono, Metodologi Penelitian Hukum (Jakarta: Prenadamedia, 2022), 90.

acknowledge the environment as an object of exploitation, but also as an entity whose continuity must be safeguarded as the basis for human life and the lives of future generations.[19]

Several studies confirm that the constitutional recognition of the right to a healthy environment provides a strong legal foundation for the state to develop a responsive and sustainable ecological governance model.[20]

Furthermore, Article 33 paragraph (3) of the 1945 Constitution stipulates that the land, waters, and natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people. The phrase "controlled by the state" carries profound conceptual significance, which cannot be interpreted merely as ownership or administrative authority, but as a constitutional mandate for the state to manage, protect, and ensure the sustainability of natural resources. Scholars argue that this principle forms the normative basis of environmental sovereignty, which holds that the state bears a moral and legal responsibility to act as a trustee of nature for the benefit of the public across generations.[21]

However, in policy practice, there remains a noticeable gap between this progressive constitutional foundation and natural resource governance, which is frequently shaped by extractive economic orientations. Development policies that prioritize economic growth often marginalize ecological sustainability, resulting in normative tension between the constitutional mandate to protect the environment and policy agendas promoting resource exploitation.[22]

Thus, although the constitutional structure of environmental protection in Indonesia is normatively robust, it still faces challenges in operationalizing ecological values into public policy frameworks and sectoral regulatory instruments. This condition necessitates the formulation of a more measurable implementation model grounded in the principle of ecological justice, which positions ecosystem sustainability as the main determinant of legal and policy considerations.[23]

2. Reconstruction of the Principle of Environmental Sovereignty

The principle of environmental sovereignty in the Indonesian context is grounded in the understanding that the state is not the absolute owner of natural resources, but rather the holder of a public trust. Within this framework, natural resources constitute entrusted assets that must be safeguarded, not mere economic commodities subject to unlimited exploitation.[24] The reconstruction of environmental sovereignty requires an epistemological shift from an anthropocentric paradigm which positions humans as the central determinant of value to an ecocentric paradigm, wherein the ecosystem itself becomes the primary locus of value.

This shift forms the core of ecological justice, which is oriented not only toward the protection of human interests, but also toward ensuring justice for non-human living beings and ecological systems as entities possessing intrinsic worth.[25]

This reconstruction encompasses three principal dimensions: (a). normative-constitutional, a reinterpretation of Article 33 of the 1945 Constitution as a constitutional mandate for ecological

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[19]Arifin, Ridwan. "Hak Konstitusional atas Lingkungan Hidup dan Implikasinya dalam Sistem Hukum Nasional." Jurnal Konstitusi 17, no. 4 (2020): 758-779.

[20]Prayogo, Dedi. "Konstitusionalisasi Hak Lingkungan dan Tantangan Penegakannya di Indonesia." Jurnal Hukum & Pembangunan 50, no. 3 (2020): 582-603.

[21]Nurul Hakim, Ahmad. "Kedaulatan Ekologis dan Peran Negara sebagai Trustee Sumber Daya Alam." Jurnal Rechtsvinding 10, no. 2 (2021): 219-238.

[22]Fitriani, Aulia. "Ketegangan antara Pertumbuhan Ekonomi dan Kelestarian Lingkungan dalam Kebijakan Sumber Daya Alam." Jurnal Ilmu Lingkungan 19, no. 2 (2021): 215-226.

[23]Rahmawati, Siti. "Keadilan Ekologis dalam Kerangka Hukum Lingkungan di Indonesia." Jurnal Hukum Ius Quia Iustum 28, no. 1 (2021): 45-67.

[24]Ridwan Arifin, "Public Trust Doctrine dalam Pengelolaan Sumber Daya Alam di Indonesia," Jurnal Konstitusi 18, no. 1 (2021): 45-64.

[25]Siti Rahmawati, "Keadilan Ekologis sebagai Dasar Pembaruan Hukum Lingkungan Nasional," Jurnal Hukum Ius Quia Iustum 28, no. 1 (2021): 45-67.

preservation, rather than as a provision legitimizing resource exploitation;[26] (b). institutional, the establishment of integrated and cross-sectoral natural resource governance institutions capable of ensuring coherent environmental policy direction;[27] Participatory, the expansion of public rights to engage in environmental monitoring, decision-making, and contestation of environmentally harmful policies.[28]

Although this approach has begun to manifest in several policy initiatives, it has not yet developed into the dominant paradigm in regulatory formulation. The principle of environmental sovereignty remains fragmented across sectoral policymaking, resulting in inconsistent policy orientations and weakened ecological protection outcomes.[29]

3. Integration of the Green Constitution and Ecological Justice

The integration of the Green Constitution with the framework of ecological justice represents a transformative shift in the orientation of constitutional interpretation and environmental governance in Indonesia. The concept of the Green Constitution posits that the constitution must serve not only as a legal foundation for political and economic order but also as a normative safeguard of ecological sustainability. This constitutional orientation affirms that environmental protection is not a derivative policy option, but a foundational constitutional commitment that binds all branches of state authority.[30] In such a paradigm, environmental rights are positioned not merely as aspirational, but as enforceable constitutional rights with corresponding state obligations.

Meanwhile, ecological justice expands the subject of legal protection from human-centered claims to the broader ecological community, acknowledging that ecosystems possess intrinsic value independent of human utility. This perspective emphasizes equitable distribution of environmental benefits and burdens, intergenerational responsibility, and the prevention of ecological harm as a primary legal duty of the state.[31]

When aligned with the Green Constitution, ecological justice operates as a substantive interpretive guide, ensuring that the constitution is read and applied in a manner that prioritizes ecosystem integrity. This integration manifests in three essential normative consequences: (a). reorientation of legal hermeneutics, Constitutional norms related to natural resources particularly those in Article 33 must be interpreted in light of ecological sustainability rather than economic maximization. The legitimacy of any state policy involving natural resources must be evaluated based on whether it preserves ecological balance; [32] (b). strengthening of judicial environmental review, courts, particularly the Constitutional Court, gain a heightened role in safeguarding environmental rights by assessing whether legislation and state actions align with ecological justice principles. Judicial decisions thus become instruments of ecological constitutionalism;[33] (c). transformation of public policy priorities, public policy must transition from GDP-oriented

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[26] Ahmad Nurul Hakim, "Tafsir Konstitusional Pasal 33 UUD 1945 dalam Perspektif Pelestarian Lingkungan," Jurnal Rechtsvinding 10, no. 2 (2021): 219-238.

[27] D. H. Danas Putra, "Reformasi Kelembagaan Pengelolaan Sumber Daya Alam Berbasis Integrasi Sektor," Jurnal Ilmu Pemerintahan 9, no. 3 (2022): 311-328.

[28] Fitria N. Laila, "Partisipasi Publik dalam Kebijakan Lingkungan dan Implementasi Prinsip Good Environmental Governance," Jurnal Hukum & Pembangunan 51, no. 2 (2021): 275-296.

[29] Aulia Fitriani, "Fragmentasi Kebijakan Pengelolaan Lingkungan dan Dampaknya terhadap Keberlanjutan Ekosistem," Jurnal Ilmu Lingkungan 19, no. 2 (2021): 215-226.

[30] Ali Safaat, Fajar Laksono. "Green Constitution dan Penguatan Hak Lingkungan dalam Sistem Ketatanegaraan Indonesia." Jurnal Konstitusi 17, no. 3 (2020): 466-488.

[31] Rahmawati, Siti. "Keadilan Ekologis dalam Perspektif Hukum Lingkungan Nasional." Jurnal Hukum Ius Quia Iustum 28, no. 1 (2021): 45-67.

[32] Ahmad Nurul Hakim. "Tafsir Konstitusional Pasal 33 UUD 1945 dalam Perspektif Pelestarian Lingkungan." Jurnal Rechtsvinding 10, no. 2 (2021): 219-238.

[33] Bayu Dwi Anggono. "Peran Mahkamah Konstitusi dalam Perlindungan Hak Lingkungan." Jurnal Konstitusi 19, no. 2 (2022): 315-334.

development models toward sustainability-centered planning. This implies incorporating planetary boundaries and ecosystem resilience as core criteria in national development strategies.[34]

Despite these normative advancements, the integration of the Green Constitution and ecological justice remains uneven in practice. Sectoral laws continue to operationalize natural resources primarily as economic assets, while environmental safeguards function reactively rather than preventively. The gap between constitutional ideals and policy implementation demonstrates the persistent dominance of extractive political economy frameworks and the structural inertia of development-oriented governance.[35] Therefore, achieving substantive integration requires reconstructing regulatory hierarchies, strengthening environmental adjudication mechanisms, and embedding ecological literacy within state decision-making processes.

In this context, the Green Constitution and ecological justice together serve as a comprehensive constitutional-ethical paradigm, mandating the state to act as a guardian of ecological continuity, accountable not only to present citizens but also to future generations and the living environment itself.

4. Synthesis of Ecocracy and Ecotheology within the Maqasid al-Shariah Framework

The synthesis between ecocracy a model of governance that places ecological sustainability at the center of state authority and ecotheology, which grounds environmental ethics in spiritual and religious consciousness, offers an integrated paradigm for environmental governance in Indonesia. This synthesis is of particular relevance in a constitutional system where religion occupies a fundamental normative role in shaping public morality and legal reasoning. Within this context, the Maqasid al-Shariah framework provides a comprehensive philosophical foundation for the protection and sustainability of the natural environment as part of the broader purpose of safeguarding life, welfare, and continuity of creation.[36]

Traditionally, the Maqasid al-Shariah emphasizes the protection of five essential values (al-daruriyyat al-khams): life, intellect, lineage, property, and religion. However, contemporary Islamic legal scholarship has expanded this framework to recognize environmental protection as a precondition for the realization of all other maqasid. Environmental degradation directly threatens life, health, economic welfare, and intergenerational continuity; therefore, environmental stewardship must be understood not as an optional moral virtue, but as a binding legal and ethical obligation within Islamic constitutional reasoning.[37]

Ecocracy contributes to this synthesis by providing institutional rationality: the state is obligated to design governance structures that operationalize ecological balance through regulatory instruments, land-use planning, resource allocation systems, and enforcement mechanisms. In contrast, ecotheology deepens the moral motivation of environmental protection by rooting governance norms in theological awareness that nature is not property to be dominated, but a manifestation of divine trust (amanah). Thus, humans function not as owners of nature, but as khalifah, the custodians responsible for the preservation of ecological order.[38]

The integration of these two paradigms within the Maqasid framework produces three key normative implications: (a). moralization of public policy, environmental policy formulation must incorporate theological-ethical considerations, not merely economic efficiency or political feasibility. Ecological harm (fasad) becomes a constitutional and spiritual violation, not merely

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[34]Fitriani, Aulia. "Ketegangan antara Pertumbuhan Ekonomi dan Kelestarian Lingkungan dalam Kebijakan Sumber Daya Alam." Jurnal Ilmu Lingkungan 19, no. 2 (2021): 215-226.

[35]Danas Putra, D. H. "Fragmentasi Kebijakan Pengelolaan Lingkungan dalam Tata Kelola SDA." Jurnal Ilmu Pemerintahan 9, no. 3 (2022): 311-328.

[36]Nasrulloh, Ahmad. "Reaktualisasi Maqasid al-Shariah dalam Pengelolaan Lingkungan Hidup." Al-Ahkam: Jurnal Ilmu Syariah 30, no. 2 (2020): 227-244.

[37]Azyumardi Azra. "Islam dan Tantangan Ekologi dalam Perspektif Maqasid al-Shariah." Jurnal Ulumul Qur'an 15, no. 3 (2021): 201-219.

[38]Syamsudin, M. "Etika Ekologi Islam dan Konsep Khalifah dalam Pengelolaan Lingkungan." Millah: Jurnal Studi Agama 20, no. 1 (2021): 93-112.

regulatory non-compliance; (b). institutionalization of intergenerational justice, the maqasid principle of hifz al-nasl (protection of future generations) mandates state responsibility to maintain ecological continuity, situating environmental stewardship as a constitutional duty owed to generations yet unborn; (c). redefinition of prosperity in national development, the concept of welfare (maslahah) must be assessed not through extractive economic indicators such as GDP, but through ecosystem resilience, cultural continuity, and social-ecological harmony.[39]

Despite the elegance of this integrative paradigm, its application remains limited. Current environmental governance often prioritizes short-term economic interests, while religious discourse frequently remains confined to ritualistic domains rather than being mobilized to shape ecological consciousness in public policy. This gap highlights the need for institutional reform, legal hermeneutic development, and ecological education across state agencies, religious institutions, and civil society.[40]

By embedding ecocracy and ecotheology within the maqasid al-shariah framework, Indonesia can construct a model of environmental sovereignty that is legally robust, morally grounded, and culturally resonant a paradigm capable of sustaining ecological balance while preserving the ethical foundations of national identity.

5. Formulation of the Ius Constituendum for Environmental Sovereignty

The formulation of the ius constituendum the law that is aspired to for the future regarding environmental sovereignty in Indonesia requires reorienting constitutional mandates into concrete regulatory, institutional, and jurisprudential frameworks. While the 1945 Constitution provides a normative foundation for ecological protection, its operational materialization still reflects sectoral fragmentation, extractive economic priorities, and limited public involvement in environmental decision-making processes. Therefore, a forward-looking constitutional framework must be designed to institutionalize environmental sovereignty as a guiding principle of governance, development, and environmental justice.

At the normative level, environmental sovereignty must be recognized as a constitutional doctrine that shapes legal interpretation and legislative drafting. This doctrine must affirm that natural resources are not economic commodities owned or controlled by the state, but ecological trusts managed for the common good and intergenerational welfare. The public trust doctrine must therefore be explicitly integrated into statutory law to prevent policies that permit large-scale exploitation of land, forests, water, and minerals in ways that undermine ecosystem sustainability and violate the constitutional right to a healthy environment.[41]

Institutionally, the ius constituendum must establish a centralized and ecologically-oriented coordinating authority with a constitutional mandate to harmonize policies across land, forestry, mining, fisheries, and energy sectors. Current governance mechanisms distribute environmental responsibilities across multiple agencies, resulting in overlapping responsibilities, inconsistent regulatory enforcement, and policy incoherence. A unified ecological governance body functioning under constitutional authority—would ensure that ecological sustainability serves as the primary criterion for resource allocation and development planning at national and regional levels.[42]

The judicial dimension of the ius constituendum demands the strengthening of environmental adjudication mechanisms. This includes expanding the jurisdiction of environmental courts, enhancing judicial training on ecological jurisprudence, and institutionalizing the use of scientific evidence and precautionary principles in legal reasoning.

[39]Husein, Sofyan. "Konsep Maslahah dalam Pembangunan Berkelanjutan." Jurnal Hukum Islam 18, no. 2 (2022): 145-166.

[40]Arifin, M. "Reformasi Tata Kelola Lingkungan Berbasis Maqasid al-Shariah." Jurnal Pemikiran Hukum Islam 13, no. 1 (2022): 57-78.

[41]Mohamad Mova Al'Afghani, "Public Trust Doctrine in Indonesian Environmental Law," Jurnal Hukum Ius Quia Iustum 25, no. 3 (2018): 432-454.

[42]Tuti A. Najib and Dian Damayanti, "Policy Fragmentation in Natural Resource Governance," Jurnal Administrasi Publik 14, no. 2 (2021): 201-220.

Judicial interpretation must progressively embrace ecocentric values, recognizing rights of ecosystems, rivers, forests, and species to exist, regenerate, and flourish. Such recognition aligns with emerging global legal movements embracing rights of nature, which Indonesia can adopt in a culturally contextualized manner grounded in indigenous ecological wisdom and religious ethical teachings.[43]

The participatory dimension is equally essential. Environmental sovereignty cannot be realized without meaningful involvement of local communities, indigenous groups, and civil society organizations. Mechanisms for deliberative democracy, such as ecological public hearings, participatory resource mapping, and community-based monitoring, should be institutionalized into environmental permitting and land-use planning processes. Indigenous environmental knowledge rooted in communal land stewardship and sacred ecological relationships must be legally acknowledged as part of the national environmental governance system.[44]

Finally, the ius constituendum must embed the integration of ecocracy and ecotheology within the constitutional framework. As Indonesia's socio-cultural identity is deeply shaped by religion, environmental governance cannot rely solely on regulatory provisions but must cultivate ethical consciousness and moral responsibility. The Maqasid al-Shariah framework particularly the principles of hifz al-nafs (protection of life) and hifz al-nasl (continuity of generations) provides a theological and moral foundation to justify environmental stewardship as a constitutional duty. In this sense, environmental sovereignty evolves from a legal mandate to a civilizational ethos that shapes collective identity and societal values.[45]

Thus, the ius constituendum for environmental sovereignty in Indonesia should be constructed through five interrelated pillars: (a).Doctrinal recognition of environmental sovereignty as a constitutional interpretive principle; (b). Establishment of an ecologically-oriented coordinating authority for integrated natural resource governance; (c). Strengthening of environmental courts and adoption of ecocentric jurisprudence; (d). Institutionalization of participatory and community-based environmental decision-making; (e). Integration of ecocratic governance with ecotheological ethical frameworks grounded in Maqasid al-Shariah and indigenous ecological wisdom.

Through this five-pillar framework, environmental sovereignty becomes not merely declarative or symbolic, but operational, enforceable, and transformative capable of reshaping policy, law, and governance toward ecological sustainability and intergenerational justice.

Conclusion

This research examined the conceptual basis, constitutional framework, and practical challenges surrounding the realization of environmental sovereignty in Indonesia. Although the 1945 Constitution provides a clear normative foundation—particularly through Article 28H(1), which guarantees the right to a healthy environment, and Article 33(3), which mandates state stewardship over natural resources—implementation remains inconsistent. The primary obstacles include fragmented sectoral regulations, the persistence of extractive development paradigms, and limited substantive public involvement in environmental governance. Consequently, constitutional commitments to ecological protection often fail to materialize into effective policy and regulatory outcomes.

[43]Herlambang Perdana and Rahmi Jened, "Towards Ecocentric Judicial Interpretation," Jurnal Konstitusi 19, no. 1 (2022): 121-140.

[44]Yance Arizona, "Customary Ecological Knowledge and Legal Pluralism in Indonesia," Walisongo: Jurnal Penelitian Sosial Keagamaan 29, no. 1 (2021): 115-138.

[45]Syarif Hidayatullah, "Maqasid al-Shariah and Environmental Ethics in Islamic Legal Thought," Jurnal Syariah dan Hukum 20, no. 2 (2022): 244-263.

The study demonstrates that establishing environmental sovereignty necessitates a shift from anthropocentrism, which prioritizes human economic interests, toward an ecocentric and ecosystem-based perspective that recognizes the intrinsic value of nature. This ecocentric orientation aligns with principles of Green Constitutionalism and Ecological Justice, emphasizing ecological integrity, sustainability, and intergenerational equity as central constitutional objectives. Such a paradigm shift not only reframes environmental protection as a constitutional mandate but also provides a theoretical basis for strengthening environmental governance.

To operationalize this shift, the research proposes a three-pillar framework for reconstructing environmental sovereignty. First, normative-constitutional reinterpretation is required to position environmental sovereignty as a guiding constitutional doctrine for legislation, policymaking, and judicial interpretation. Under this view, Article 33(3) obligates the state to secure sustainability rather than merely authorize resource exploitation. Second, institutional reform is necessary to overcome fragmented governance. Establishing an integrated ecological governance authority with constitutional standing would help harmonize regulations, enforce sustainability standards, and align national development planning with ecological priorities. Third, participatory transformation must ensure meaningful roles for indigenous communities, civil society, and local stakeholders through deliberative decision-making, community-based environmental monitoring, and recognition of traditional ecological knowledge.

Additionally, the study highlights ecocracy and ecotheology as reinforcing ethical foundations. Ecocracy prioritizes ecological resilience as a governance goal, while ecotheology—rooted in Indonesia's cultural and religious traditions—frames environmental stewardship as a moral and collective responsibility. The principles of Maqasid al-Shariah, including the preservation of life, intergenerational continuity, and public welfare, further legitimize environmental sovereignty as both a constitutional and civilizational value.

Overall, the study conceptualizes environmental sovereignty as a meta-constitutional principle that unifies environmental rights, ecological justice, and public trust doctrine. Future research should integrate empirical socio-ecological data and undertake comparative analysis with jurisdictions recognizing nature's legal rights. Strengthening environmental sovereignty is essential to safeguarding ecological integrity, ensuring intergenerational justice, and realizing the constitutional promise of a sustainable environment.

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