



Ecocide in the International Law: Integration Between Environmental Rights and International Crime and Its Implementation in Indonesia

Melly Aida¹(✉), Abdul Muthalib Tahar¹, and Orima Davey²

¹ International Law Department, Universitas Lampung, Bandar Lampung, Lampung, Indonesia
{melly.aida, abdul.muthalib}@fh.unila.ac.id

² Faculty of Law, Universitas Lampung, Bandar Lampung, Lampung, Indonesia
orimadavey23@gmail.com

Abstract. Environmental damage is a challenge faced in realizing environmental sustainability. Exploitation of the environment that causes the value of the benefits of an environment to be lost is considered a crime that robs people of the rights they enjoy from their existence. Ecocide is defined as a form of crime against the environment by individuals or entities/organizations, which causes massive damage to the environment. The characteristics of ecocides consist of serious, large-scale, and long-term damage that has been regulated in international and national legal settings, but the term ecocide is still struggling to be recognized. The characteristics of these ecocides will be related to climate change which is a relevant discussion among the international community. Climate change is a natural phenomenon that cannot be avoided but the risks can be minimized by increasing the resilience of nature. Natural resilience is closely related to natural quality, so ecocides will become one of the obstacles to efforts to delay the impact of climate change. Indonesia is known as an agricultural country and a maritime country because most Indonesian people's livelihoods are farmers and fishermen. Therefore, Indonesia is a developing country that is highly dependent on natural resources. If the value of the benefits of an environment is damaged, then the rights that should be enjoyed from the environment are taken away, it will become a prolonged problem in the aspects of health, economy, and aesthetics. Based on these circumstances, efforts to research on ecocides are needed so that policy makers better understand that ecocides are recognized by international law and its application in Indonesia.

Keywords: ecocides · environment · Indonesia · international law

1 Introduction

This research is of a qualitative nature, aiming at a natural understanding of phenomena in a social context by prioritizing the process of deep communicative interaction between the researcher and the phenomenon under study. am. The dynamic governance paradigm

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is the main theory used in this research. In the diagram below, researchers describe the flow of their research [1]. This research is of a qualitative nature, aiming at a natural understanding of phenomena in a social context by prioritizing the process of deep communicative interaction between the researcher and the phenomenon under study. am. The dynamic governance paradigm is the main theory used in this research. In the diagram below, researchers describe the flow of their research [2]. To minimize the damage and pollution of the environment, there are environmental rules that must be met as an effort to manage and protect the environment.

Environmental management and protection is the responsibility of various parties, including industrial or corporate parties. However, in practice, industry parties prioritize economic benefits over complying with these environmental rules. Extractive and exploitative industrial activities cause various environmental, social, and economic problems such as climate change, clean water crisis, food crisis, and reduced population's productive land. Seeing the extent and extreme of the dangers of mining activities to nature and the survival of the community, it is relevant to classify the excesses of mining activities either intentionally and/or by negligence as serious crimes against the environment or eco-genocide (ecocide).

Ecocide is defined as a form of crime against the environment committed by individuals or organizations, which causes massive damage to the environment. Ecocides are identified by 3 (three) main elements, namely, (a) serious, large-scale, and/or long-term damage, (b) international consequences, and (c) waste [3]. With the world situation getting closer to the climate crisis, it is fitting that ecocides have a place in the law in the midst of human life that demands exploitation. The crisis is an externality of the tendency of capitalism to violate natural boundaries, causing a fundamental violation of natural conditions. The crisis is an externality of the tendency of capitalism to violate natural boundaries, causing a fundamental violation of natural conditions.

The term ecocide has been used since the 1970s when it was first mentioned by Professor Arthur W. Galston at the Washington Conference on War and State Responsibility, which proposed a new international treaty to ban ecocide [4]. The Stockholm Conference draws international attention to environmental issues related to environmental degradation and transboundary pollution. The conference also emphasized the fact that environmental pollution has no political or geographical boundaries. Finally, The Stockholm Conference established the United Nations Environment Program (UNEP), and 30 years later the Rio Summit recognized the need to strengthen UNEP as the leading global environment agency in setting the international environmental agenda. However, there is no mention of ecocide in the official results of the Stockholm conference [5].

Indonesia is a developing country that is highly dependent on natural resources. This is evidenced by Indonesia, which is a maritime country and an agricultural country, where the majority of Indonesian people work as fishermen and/or farmers. The level of production and operations of fishermen and farmers is determined by the quality of the nature. Therefore, climate change has a very important role related to the economy in Indonesia. On the other hand, environmental management and protection in Indonesia is still very minimal. In fact, not a few environments in Indonesia have suffered total damage due to irresponsible parties. Kalimantan and parts of Sumatra show smoke emergency situation. Victims continue to fall, especially experienced by vulnerable groups such as

children, women and the elderly. Data from the National Disaster Management Agency (BNPB) as of September 15, 2019, there were 2,862 k fires with a total burned area of 328,724 hectares. There are 600,000 ARI sufferers and around 60 million people are exposed to smoke, including the destruction of essential ecosystems that have social, ecological, cultural and economic functions so that the state is considered to have failed to guarantee the right to life, health rights, and the right to a good and healthy environment [6]. The destruction of the environment by corporations in Indonesia can no longer be seen as a mere violation of the law, but an ecocide crime because it has caused death and the destruction of ecosystems that cannot be returned to their original function (irreversible), one of which is climate change.

Article 88 of Law No. 32 Year 2009 on Environmental Protection and Management provides for strict liability for acts of environmental destruction. The principle of strict liability allows perpetrators of ecocide incidents to be penalized commensurate with the damage they cause. Indonesia's environmental damage meets the elements of ecocide, but the perception of ecocide has not been fully explained both internationally and domestically. Based on the description of the background above, the researcher sees a gap between the actual state of environmental damage and the recognition of ecocides in the legal protection of the environment. Therefore, the title of the thesis research is, "Implications of Ecocides According to International Law and Its Implementation in Indonesia".

2 Discussions

A. *Fulfillment of Ecocide Elements in International Law as an Environmental Problem*

In this age of globalization, eco-crime is the result of imperialism and capitalism. The production base state, which later established multinational and transnational corporations and established an industrialization agenda that impacted poor countries, has invested a matter of privilege, even negating the sustainability of development and ecological principles. The result is that, as environmental sustainability becomes increasingly neglected, corporations are left to harm the environment under the guise of improving the investment climate. Ecocide crime is highly relevant to global poverty and suffering because socioeconomic inequality is exacerbated by environmental damage. In the context of free trade, the joints of environmental preservation are negligible; multinational corporations/transnational in their business activities are hesitant to meet the obligations to respect and measure to protect and provide an effective remedy for perpetrators of environmental damage; at the same time, the rights of affected communities are frequently ignored; and access to mechanisms of responsibility and accountability is extremely difficult to obtain.

1) *What is an Ecocide?*

The environment includes all objects, both animate and inanimate, including humans and their behavior, and is not limited to forests and their ecosystems, oceans and their ecosystems. As one of the absolute human rights of all, achieving a good and healthy environment requires stronger policies that emphasize environmental justice and law enforcement and do not discriminate against perpetrators. Ecocide is essentially a warning to all that environmental crime is

no longer an ordinary crime, but an extraordinary crime that threatens the very nature of peace in human life. As a result, ecocide is not only related to environmental destruction, but also to the survival of human life and other living things such as animals and other organisms. Environmental crime has become a complex problem for all countries around the world; a multidimensional approach to seeing the structure, culture, and ecological issues has become something that needs to be looked at more deeply; and its challenges to environmental fighters whose impact is also on society, the environment, and the sustainability of development are very difficult. The most serious crime in international law is very limited, at least that the act contains the following characteristics:

1. The crime committed is a heinous and cruel act, shakes the conscience of humanity (deeply shocks the conscience of humanity) and can threaten international peace and security (a threat to international peace and security).
2. There is an element of intentional, organized, systematic, and widespread to cause death or other very serious consequences.
3. The consequences of these crimes are very serious to the state or the wider community, such as disturbing public order, involving extra large amounts of money such as economic crimes, being carried out in a very bad way (crimes with extremely heinous methods) and being cruel beyond the limits of humanity and causing serious threat or endanger national security.

The draft definition of ecocide includes ecological damage caused by “human agency or other cause”, implying that natural disasters such as hurricanes and volcanic eruptions are also considered ecocide. Higgins distinguishes two types of ecocide: “Determinable vs. undeterminable. Unascertainable ecocides are caused by natural disasters, whereas ascertainable ecocides are caused by human actions. The model ecocide law, on the other hand, focuses on harm caused by human actions or omissions. This includes any act that “causes extensive damage to, destruction of, or loss of human and/or non-human life to the territory’s inhabitants” [7]. To have an view regarding ecocide, below is an illustration (Fig. 1).

Based on illustration 1, ecocides form is divided into 4 (four) categories which are overt, deliberate, hidden, and unintended. Therefore, the circumstance of ecocide is actually more familiar than we are aware of. This fact is very frustrating to scholars because the elements and characteristic of ecocides are indeed included in all environmental and human rights regulation. Yet, the term “ecocide” itself is still considered foreign.

Often, the use or exploitation of the environment actually costs the community, such as when evictions are carried out, whether forcibly or not, or when other actions are taken that do not consider the sustainability of the environment, humans, or other living creatures. No ecological damage should be immediately ignored from the order of life, because it is universally acknowledged that the ecosystem is a series that is inextricably linked to human life and other living things. In terms of the impact it has, three elements of the impact, among others, are intended to combat ecocides. In terms of the impact it has, there are three elements of the impact intended to combat ecocides, which are (a) Has a severe and relatively long-term impact on life’s units and functions that cannot be

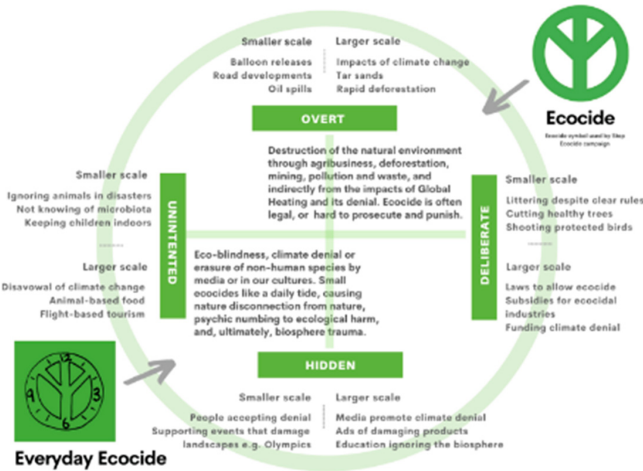


Fig. 1. Forms of Ecocides

recovered. (b) Unit and function life conditions that cannot be restored to their original state (c) There are both physical and psychological deviations.

2) *The Position of Ecocide in the International Law: Potential for Law Models in the Future*

In a free trade framework, environmental protection joints can be ignored. Multinational corporations/transnational corporations are reluctant to fulfill their obligations to respect and protect the environment in their business activities and to provide effective remedies to polluters. At the same time, the rights of affected communities are often ignored. Gaining access to accountability and accountability mechanisms is very difficult. The relationship between environmental crime, genocide and transnational corporations in international law. Under the United Nations mechanisms, various bodies, including sub-committees such as the United Nations General Assembly Judiciary Committee and the International Law Commission, have been working to examine crime and its relationship to environmental damage, and crime, both formal and substantive. Provides a definition with multiple elements of. Accountability aspects of environmental crimes that have been debated at the international level for over 40 years [8].

The ecocide crime debate is closely related to the values of international humanitarian law, whose investment model is based on an assessment of environmental conditions, and which is based on geopolitical conditions, market liberalization, and ecocide crime. It is backed by some countries that support the large-scale nuclear development that accompanies it. Without the support of dedicated global politics and strong cooperation to combat and eradicate crime, environmental crime as a holistic concept of future steps based on both international law and the Indonesian legal system., genocide, corporate responsibility, and its relationship with accountability mechanisms before international law are relevant to ecocrime. Elements that can be explained.

Climate change, loss of biosphere integrity, changes in land systems, and changes in biogeochemical cycles are four of nine planetary boundaries identified by scientists. Scientists cannot predict with certainty what the consequences of crossing these planetary boundaries will be, but research suggests that crossing planetary boundaries disrupts planetary ecosystems and impairs Earth system processes. We predict that it will become stable and no longer support the survival of life. Earth in a more stable Holocene geological epoch [9].

The same crime (genocide) was not clearly defined, but the Convention for the Prevention and Punishment of the Crime of Genocide (CPPCG) advocated the presentation of a list of acts that would be increasingly assimilated into true international crime. Act establishing the International Criminal Court. The decree states: One focuses on social groups and the other on human ecological dependence. Both can cause similar death and destruction, and prosecutability is based on both criminal and human rights law. It is a moral realization that the processes necessary to implement are being initiated.”

The term “environmentally friendly” interpretation of the Rome Statute is intended to provide the International Criminal Court (ICC) with an evolutionary approach to interpreting the provisions of the Statute in order to provide a legal basis for punishing environmentally harmful acts is showing. The genocide statute does not mention environmental destruction as a method of genocide. However, according to the “environmentally friendly” interpretation, the perpetrator’s environmentally damaging behavior achieves a suitable group or group of “living conditions” to bring about physical destruction in whole or in part. Perpetrators can still be prosecuted for genocide if they deliberately intended to do so. Department.

Another reference to ecocide in international regulations can be found in the Geneva Conventions. Protocol 18 of the 1977 Geneva Convention prohibits any and all actions that cause “needless injury or needless suffering” or “extensive, long-term and serious damage to the natural environment”, including indiscriminate attacks on civilians and civilian infrastructure. We will ban war and strictly protect civilian infrastructure civilian survival. Article 35(3) and Protocol 55 of the Geneva Convention also refer to the concept of ‘widespread, long-term and severe’ environmental damage [10].

At the treaty level, Articles 4 and 5 of the Aarhus Convention of 25 June 1998 oblige all public authorities in the state to collect environmental information and make it available upon request. I’m here. if such requirements are not met. Article 9 states that “anyone with sufficient interest has the right to appeal to obtain the requested information”. The text of the Aarhus Convention has had a distinct impact on some of the provisions of Directive 2004/35/EC on Environmental Liability. Based on this description, it is fair to say that International recognizes the urgency and nature of ecocide, but does not advocate the concept. This study thus initiates a possible model framework for future ecocide (Fig. 2).

Based on Illustration 2, the international law model for ecocide includes two main aspect which is the environmental destruction and international crime. The reason is because the environmental destruction causes irreversible damage toward the environment which no longer enables any kind of benefit to other living creature or in this discussion, human. Human have rights to enjoy their environment either as primary necessity or esthetical value. Since the cause of ecocide is more likely human, liability



Fig. 2. Model of Ecocide International Regulation Framework.

and accountability is obliged. International law is highly urged to base on these consideration because the environment is essential if not the most important aspect in realizing any type of sustainability issues. Moreover, it is another way for the global community to be prepared for climate change impacts.

B. *Accountability for Ecocide Cases According to International Law and its Application in Indonesia*

Since the introduction of the term ecocide in the 1972 Stockholm Conference on Human Environment in Stockholm-Sweden, which was the first international conference to focus on environmental issues, especially environmental degradation [11]. Issues related to the environment continued to be voiced and eventually other agreements were formed. In an effort to focus on the issue of environmental damage that does not recognize certain geographical boundaries. This immoral degradation and destruction of the environment shows that states, individuals, and organizations can be the culprits in allowing large-scale natural destruction and violating the obligation to protect humanity in general and therefore carry out ecocides.

1) *Ecocide Cases Liability according to International Law*

The consequences of these actions cause severe environmental damage, the consequences of which also affect the survival of humans and other living things can be identified as an international crime.

a) *Serious, Extensive and Lasting/Irreversible Ecological Damage*

Ecocides are based on serious, extensive and lasting ecological damage. This seriousness has a wide range that ultimately affects humans and other living organisms, as in the case of the systematic destruction of the world's rainforests, the Chernobyl nuclear accident, or the loss of unique natural assets like Prince's evidenced by significant systematic damage. William Sound after the Exxon Valdez oil spill. The importance required may lie in a particular wide geographic area, is very difficult to restore to its original state, requires a relatively very long time, or may not be restored at all. You certainly don't need to.

b) *International Consequences*

Some examples of environmental disasters as mentioned in the previous point show that international ecocide requirements are met. Ecocides threaten the interests and vital values of a global community including their survival, health and vital natural resources. Various political, social, economic, and technological considerations will be more effective if they are stopped, reversed or prevented from recurring in the future through international cooperation.

c) *Elements of Waste*

Another thing that can make ecocide morally reprehensible and can be elevated to an international crime is the element of waste. Like the case of Iraq which fueled Kuwait's oil wells during the Gulf War, the destruction of rainforests, the dumping of toxic waste, is the result of various factors namely political economic, and social. Ecocides come from various actions and/or policies that do not pay attention to environmental justice, whether carried out by the government, individuals, or corporations. Where it tends not to produce significant benefits to society but only benefits a profit-seeking minority. Ecocides waste valuable natural resources through misguided and unsustainable uses and actions.

Based on the characteristics listed above, ecocide cannot be considered or classified as the most serious/extraordinary crime. Ecocides have indeed reaped benefits and drawbacks among parties from various countries, particularly in terms of questioning the element of intention, which is primarily the intention to destroy the environment on a massive and large scale that can result in ecocides. Some are skeptical, such as whether there is a party who intends (intentionally), wants, or has the intention to damage/destroy the environment in an ecosystem, resulting in severe environmental damage.

The conversion of ecocides into a crime, on the other hand, is subject to very strict accountability. That is not the intention. This is an important issue because if intent was an important part of this crime, it would open up a huge legal flaw in which perpetrators could easily claim that they didn't intend to cause any major damage. Higgins clarified that the ecocide crime of consequence was not planned. Ecocides frequently occur as a result of industrial accidents or harmful corporate activities, incorrect policy directions and failure to pay attention to environmental justice, or other actions, so that the severity and magnitude of the losses caused by ecocides justify punishment without criminal intent.

2) *Ecocides Implementation in Indonesia Based on Cases*

According to the above-mentioned definition of human rights, the right to the environment is a fundamental human right and a gift from God to all creatures. As a result, it is very relevant if the theory related to the discussion of human rights is also related to various environmental violations that can occur in all orders of human life, particularly in relation to people's lives. Because the state serves as a human rights shield in fulfilling the right to a good and healthy environment, natural resource management should not and should not be ignored. As an effort to protect justice for the environment, humans, and other living creatures, the crime of ecocides must be brought to the attention of all, particularly Indonesia, which has a wealth of natural resources. It is necessary to oppose ecocides because: [12].

1. Exploitation of the existing living environment is no longer a common utilization activity, but can be defined as the destruction of human life's sources.
2. The destruction of the environment is inextricably linked to the loss of the right to life, including the rights of other living beings whose viability has been compromised.
3. Environmental degradation endangers the lives of current and future generations, including the extinction of biodiversity.

This is consistent with the Republic of Indonesia's 1945 Constitution, specifically Article 28H paragraph (1), which states that "everyone has the right to live in physical and spiritual prosperity, as well as to live in and have a good and healthy environment" [13]. Article 9 paragraph (3) of Law Number 39 of 1999 Concerning Human Rights (hereinafter referred to as the Human Rights Law) states that "Everyone has the right to a good and healthy environment".

Secondly, the preamble of Law No. 32 of 2009 on Environmental Protection and Management (hereinafter referred to as UUPPLH) states that "A good and healthy environment is a human right for all Indonesian citizens." Article 65(1), "As part of human rights, everyone has the right to a good and healthy environment".

Indonesian environmental law stipulates administrative sanctions such as revoking a company's license, prohibiting the use of tools, imposing fines and closing the company. Examples of administrative sanctions are set out in Article 76(2) of Law No. 32 of 2009 on the Protection and Management of the Environment (UUPPLH), which include written warnings, state enforcement, and suspension of environmental permits, and revocation of environmental protection. to approve [14]. In addition to administrative sanctions, environmental law also includes civil law. Under civil law, violators are obliged to replace and repair environmental damage, which is also provided for in Article 87 of the UUPPLH [15]. The obligation to compensate victims of pollution is related to Article 74 of Law No. 40 of 2007 on Limited Liability Companies and Article 3 of Government Decree No. 27 of 1999 on Environmental Impact Assessment or Analysis (AMDAL) [16]. Law enforcement is used as a last resort or ultimate remedy. This is because criminal law enforcement entails imprisonment and fines for violators. Criminal provisions are contained in Articles 39 to 41 of Law No. 18 Year 2008 on Waste Management.

a) *Sidoarjo Lapindo Case*

In May 2006, the Lapindo mud case occurred in Porong District, Sidoarjo, East Java. The incident occurred as a result of drilling for PT. Lapindo Gas, which

resulted in hot mudflows and natural gas explosions. Peak period the Lapindo mudflow has been spewing up to 180,000 m of mud per day and emitting hydrogen sulfide gas with a temperature of around 60 °C. The Netherlands Institute for Space Research in Utrecht and the Sidoarjo Mud Control Center (PPLS) used a combination of ground-based and satellite observations (TROPOMI) to calculate the amount of gas released into the atmosphere by the Lapindo Mudflow. According to this assessment, the total methane released by the Lapindo Mudflow reached 100,000 tons per year. Long-term consequences of this event include increased vulnerability to climate change, which causes a variety of issues such as seasonal anomalies, disruption of the hydrometeorological cycle, and natural disasters.

The following are the types of issues that arise in the Lapindo mudflow case: a) significant impacts on life functions that are difficult or impossible to recover; b) there are units and functions that are destroyed in a series of life from their original conditions, loss of biodiversity, and changes in landscapes; c) there are physical and or psychological deviations against humans and other living creatures as a result of ecological damage; d) result in the death of a person, either directly or indirectly; and e) forced eviction/eviction of residents.

b) *Central Kalimantan Forest and Land Fires*

The consequences of the alleged ecocide in the case of forest and land fires in Central Kalimantan include: a) air pollution, which can endanger human health and result in the death of vulnerable groups; b) the occurrence of smog, which endangers the health of the population and necessitates forced evacuation and evacuation to other areas, despite the fact that the government only opened refugee posts after community pressure; and c) the destruction of environmental functions.

c) *Construction of the Koto Panjang Hydroelectric Power Plant*

In the case of the Koto Panjang Hydroelectric Power Plant or (*Pembangkit Listrik Tenaga Air*) PLTA development, the forms of ecocide action are: a) exploitation of natural resources and causing changes in the landscape. Due to the ecological disaster caused by the construction of the Koto Panjang hydropower plant, these changes have at least reduced and eliminated the original habitats of flora and fauna, and have also had an impact on decreasing the community's sense of security and comfort; b) the occurrence of a forced exodus of residents and villages being submerged, the damage that occurs not only has an impact on life but also on the culture of the people who previously lived in the a region. To explain whether the above cases can be classified as ecocides, a criterion regarding what needs to be considered from an action that can be classified as an ecocide is required. Examples of these ecocide criteria can be found in the articles written by countries that have agreed to incorporate ecocides into their national laws. The following criteria can be used to classify an action as ecocide, (1) mass extinction/destruction of flora or fauna; (2) pollution of the environment, including soil, water, and air; or (3) other actions that can lead to ecological disaster.

Table 1. Ecocide Identification Based on Indonesian Famous Cases

No.	Cases	Long Term Impact	Irreversible	Physical and Psychological Deviations
1.	Sidoarjo Lapindo	Until today, the mud is still running	The drowned houses cannot be saved	A lot of people died and survivor have to suffer economic loss
2.	Koto Panjang Hydroelectr Power Plant	Extinction	Mass extinction is almot impossible to fix.	Damage to the ecosystem
3.	Central Kalimantan Forest and Land Fires	The forest will take time befor it gains its previous quality	Loss of flora and fauna	The smoke disturbed neighbor states including Malaysia

Aside from what has already been stated, the consequences of this environmental destruction are thought to have a very significant and large impact on the sustainability of human life, including the loss of related human rights as well as human beings. Other lives that have lost value, where the countries that regulate this crime have also agreed to classify ecocide as a crime against humanity’s peace and security. Based on the cases above, the research will identify if the case are equal towards the characteristic in ecocide:

The characteristics of the ecocides used in Table 1 are (a) Has a severe and relatively long-term impact on life’s units and functions that cannot be recovered. (b) Unit and function life conditions that cannot be restored to their original state (c) There are both physical and psychological deviations which are previously mentioned prior. According to Table 1, all of the cases in Indonesia regarding environmental crime has actually fulfilled all the characteristic above. Unfortunately, these case are treated as any other environmental crime even though they are massive cases, causing death, economic losses, and extinction. This proves that acknowledgment towards the “ecocide” term is very impactful. Potentially, with a specific regulation on ecocide, states and privates will take the environmental existence more seriously as it is categorized as an international crime.

3 Conclusions

Based on the discussion, the research has deliberated on 2 (two) conclusions:

- The fulfillment of ecocide elements in international law as an environmental problem is a crossover between economic destruction as an international crime as deliberately stripping away environmental values is violation towards human rights. The term of ecocide is yet to be acknowledged but numerous environmental law, human rights law, and international crime law have provided the definition.
- Accountability for ecocide cases according to international law and its application in indonesia is still general. In the international law, the accountability happens when

there is a lawsuit. Usually it is settled in the International Court of Justice as a trans-boundary issue. In Indonesia, the accountability is applied through administrative sanction, paying compensation, and finally criminal charges. However there is no specific regulation of ecocides, only aligning to its characteristics.

4 Suggestions

The following are policy options that the government can pursue in order to criminalize ecocides and as a country that participates in opposing this serious crime that causes massive damage:

- Incorporating the term ecocide into Indonesian environmental law so that people will have an open mind that ecocides can truly threaten life and serve as a legal shield, particularly when it comes to the fulfillment of human rights, which are frequently ignored;
- Emphasizing that ecocides have serious destructive power, and thus this crime is as serious as or equal to other crimes against humanity's peace and security, which will have an impact on its criminal liability, which is more severe and strict against the perpetrators;
- Make it clear that this ecocide is not only about environmental damage, but also about humans and other living things whose rights can be taken away, particularly the right to life and the right to a good and healthy environment.

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