



Reorientation of Environmental Legal Ethics as the Basic Foundation for Sustainable Development

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Abstract. Sustainable development requires a legal framework that emphasizes not only normative certainty but also an ethical foundation that upholds ecological justice. Environmental regulations in Indonesia tend to be technical and sectoral, making them less effective in addressing the complexity of ecological issues and intergenerational demands. This article begins with the idea that a reorientation of environmental legal ethics is necessary as a basis for sustainable development regulations. This reorientation involves a shift in the legal paradigm from an anthropocentric orientation to an ecocentric approach that positions the environment as an integral part of human rights and public morality. Therefore, the purpose of this study is to examine how intergenerational ethics, the principle of ecological justice, and the right to a healthy environment can inform the formulation of development regulations. The research method used is normative research, involving a literature review and policy analysis. The results indicate that strengthening environmental legal ethics as a basis for regulation will strengthen legal legitimacy, increase the accountability of state institutions, and ensure ecological sustainability for current and future generations. Thus, a reorientation of environmental legal ethics is an essential prerequisite for building humanistic, just, and sustainable legal governance.

Keywords: Reorientation, Environmental Legal Ethics, Sustainable Development.

1 Introduction

Sustainable development requires a balance between legal certainty, environmental protection, and the fulfillment of the rights of current and future generations. Philosophically, law functions not only as an instrument of social control but also as a means of public morality in maintaining ecological sustainability. The juridical basis is contained in Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945

Constitution of the Republic of Indonesia, which guarantees the right to a good and healthy environment as well as the implementation of a sustainable and environmentally sound economy. In addition, Law Number 32 of 2009 concerning Environmental Protection and Management affirms the principles of state responsibility, sustainability, and justice as the basis for environmental management in Indonesia. However, empirically, the implementation of national environmental law is still dominated by an anthropocentric and sectoral approach, so it has not fully internalized the principles of ecological ethics and intergenerational responsibility [1].

Various previous studies have examined the relationship among law, the environment, and sustainability, but they remain limited to normative and administrative aspects, without integrating environmental law ethics as a regulatory foundation. Prayekti Murharjanti, in her research, shows that the constitutional right to the environment in Indonesia has not been fully implemented through effective legal policies [2]. Widodo Dwi Putro and Adriaan W. Bedner reviewed the legal philosophy approach to ecological sustainability. Still, they did not explain how the principle of intergenerational ethics can be operationalized in public policy [3]. Meanwhile, Tiyas Vika Widyastuti, in her research, emphasized the importance of ecological justice-based regulations, but her studies are still conceptual and have not been linked to the legitimacy of law and public morals [4]. Different from these studies, this study seeks to fill the gap by making environmental law ethics that include intergenerational ethics, ecological justice, and the right to a healthy environment as the substantive foundation for the formulation of sustainable development regulations.

The urgency of this research increases as the ecological crisis in Indonesia escalates, which is systemic in nature, such as deforestation, soil degradation, and water pollution, which have a cross-generational impact. This condition shows that the existing legal framework is not fully able to balance the needs of economic development and environmental conservation. The implementation of the right to a healthy environment in Indonesia still faces structural obstacles and weak administrative supervision of business actors. This fact shows the urgency of the need for a more in-depth ethical and philosophical approach to strengthen the moral legitimacy of environmental law and ensure ecological sustainability [5].

The main legal issues that are the focus of this research include how intergenerational ethics can be used as a normative framework in the formation of regulations, how the principles of ecological justice can be translated concretely in the national legal system, and how the right to a healthy environment can be positioned as an integral part of human rights. This analysis will also review the conformity of existing regulations with ecological justice values. The importance of the legal ethics dimension in strengthening the effectiveness of environmental law. Through this approach, the research seeks to assess the extent to which the national legal apparatus has been able to respond to the challenge of cross-generational ecological justice [6].

2 Research Methods

This research is a normative legal study with a legislative approach that examines the ethical basis of sustainable development regulations. Normative research examines the legal norms contained in laws and regulations, as well as the environmental law doctrines that develop, tracing the values, principles, and ethics that underlie the formation of environmentally just environmental laws.

The data in this study are sourced from literature studies that include primary, secondary, and tertiary legal materials. The primary legal materials consist of laws and regulations related to the environment and sustainable development, including Law Number 32 of 2009 on Environmental Protection and Management, as well as related legal instruments. Secondary legal materials include academic literature, prior research, and scientific articles on environmental ethics, ecological justice, and the right to a healthy environment.

Data analysis is carried out through content analysis and policy analysis. Content analysis is used to identify key ideas, principles, and moral values reflected in legal documents and academic literature. In contrast, policy analysis is conducted to assess the extent to which environmental law ethical principles are integrated into national development policies.

This approach allows researchers to understand the relationship between law and ecological morality, as well as to assess how the reorientation of environmental law ethics from an anthropocentric to an ecocentric paradigm can serve as a foundation for sustainable development regulation. With this method, the research is expected to make a theoretical contribution to strengthening the legitimacy of environmental law, as well as to offer a direction for legal reform that is ecologically just and responsive to intergenerational interests.

3 Discussion

3.1 Reorientation of Environmental Law Ethics in the Perspective of Ecological and Intergenerational Justice

The reorientation of environmental law ethics from an anthropocentric paradigm to ecocentrism requires recognizing that nature is not only an object of regulation but also a legal subject with intrinsic value. The ecocentric paradigm requires that legal norms not only protect humans as users of resources, but also account for the sustainability of the ecosystem as a whole. Therefore, values such as the virtue of natural life, the right to life for all beings, and the recognition of ecological sustainability become moral footholds. The recognition of the environment as a legal subject with the right to exist, develop, and be restored when damaged is part of a broader ecological paradigm. This paradigm sparked Indonesia's push for environmental law to promote regulatory reform, which not only regulates human activities but also respects the integrity of nature as part of public morality [7].

Intergenerational justice, a core element of environmental legal ethics, obliges the present generation to preserve the environment for future generations and underpins sustainable development through fair resource management, oversight, sanctions, and cross-generational consultation [8].

In the context of ecological justice, there are distributional, procedural, and restorative dimensions that need to be considered. Distributive justice refers to the equitable distribution of benefits and burdens between humans and nature; procedural justice concerns public participation, transparency, and accountability in policymaking; and restorative justice concerns environmental restoration after damage. Ecological injustice arises when regulations fail to explicitly set ecological limits, so the rapid development paradigm often comes at the expense of nature conservation [9].

Intergenerational ethics and ecological justice also demand the adoption of more progressive legal moral principles, such as *in dubio pro natura*, *polluter pays*, *precautionary principles*, and *rights of nature*. Without an interpretation that takes nature's side, regulations can lose their ethical weight. The proposed sustainability value must be positioned as a meta-value in the legal system, namely, a value that penetrates legal ideals such as certainty and conventional justice. By making sustainability a meta value, legal interpretation can be directed to prioritize nature protection despite economic conflicts of interest [3].

One of the main challenges in realizing the reorientation of legal ethics is the conflict between short-term economic interests and long-term ecological obligations. Economic development often demands rapid resource exploitation, while ecological impacts emerge later and burden future generations. In Indonesian legal practice, justice remains too human-centric, neglecting non-human interests and ecosystem sustainability. Regulatory design must include long-term impact mitigation, ex-ante project evaluation, and environmental impact studies considering intergenerational dimensions and biodiversity [10].

Strengthened state institutions are essential, encompassing legislative, executive, and judicial functions to embed ecological and intergenerational justice [7]. Equally vital is public participation engaging local communities, indigenous peoples, vulnerable groups, and youth to ensure transparency, inclusivity, and fulfillment of human rights in achieving just, ecological, and accountable regulations [11].

Ethical reorientation also demands that the right to a healthy environment be recognized as equal to civil and political rights in the human rights system. This recognition strengthens the legal basis for regulation and provides legal access for victims of environmental damage to seek redress. Although Articles 28H and 33 of the 1945 Constitution guarantee environmental rights, people are still often hampered by limited access to information, high litigation costs, and a lack of understanding of environmental law. Therefore, regulations must complement normative provisions with mechanisms that ensure the right to access, protection, and restoration of the environment [12].

Environmental law enforcement mechanisms need to be designed not only to be reactive but also proactive and restorative, with clear responsibility for ecological damage. Environmental restoration obligations, ecological compensation, and long-term monitoring must accompany administrative or criminal penalties and sanctions. In the context of corporations, for example, ecological justice approaches can be integrated into environmental criminal sanctions for companies, including restorative aspects [13]. For environmental law ethics reorientation to be truly effective, sustainable development regulations must include cross-generational evaluation and accountability mechanisms. It includes environmental impact studies that account for far-reaching future effects, legislative oversight of project permits, legal pathways for future generations, and environmental courts sensitive to sustainability values. The law on environmental protection and management already contains the principle of intergenerational normativity in Article 2, but its implementing regulations are inadequate at the technical and administrative policy levels. Thus, regulations should incorporate intergenerational evaluative standards into decision-making procedures and law implementation [8].

The reorientation of these values is ultimately not only a matter of written norms but also of legal culture, legal education, and public awareness. Environmental law education in universities and the training of the state apparatus must include ecological and intergenerational justice theories, so that legal actors understand that regulations are not just texts but means of public morality. Pancasila values can be expanded to include ecological justice as part of Indonesia's legal culture and government practice [14]. Understanding ecological justice in the context of environmental law is also inseparable from the principles of interspecies justice and the sustainability of life. This approach expands the scope of human moral responsibility to all ecological entities that have intrinsic value. This principle also corrects the anthropocentric paradigm that places humans at the center of all legal and development policies. As explained in a recent study outlining the urgency of *multispecies justice* as a new paradigm in environmental law, this shift in ethical orientation will pave the way for a more inclusive regulatory construction of ecological rights [15].

In addition, the idea of ecological justice needs to be integrated into the national legal system through policy instruments and legal norms with a sustainability perspective [16]. This legal approach not only aims to prevent environmental damage but also to ensure a fair ecological recovery for affected communities. Policy models that emphasize ecological restoration and corporate accountability have proven effective in several jurisdictions. In addition, global environmental governance also shows that the effectiveness of environmental law systems is highly dependent on institutional ethics consistent with the principles of ecological justice [17].

In the context of national development, the reorientation of environmental law ethics requires a repositioning of the relationship between the state, society, and the environment. The state no longer plays a solely regulatory role but also serves as a guardian of ecological morality through policies that favor sustainability. Institutional transformation of environmental law is important to internalize the principle of

intergenerational justice so that development does not sacrifice the rights of future generations. Strengthening governance grounded on *environmental ethics* can enhance the effectiveness of environmental law in developing countries [18].

Intergenerational ethics itself serves as a moral basis that ensures intergenerational justice in the use of natural resources. In the context of Indonesian law, this principle can be incorporated through the establishment of legal norms that impose limits on resource use to prevent *ecological debt* to future generations. This approach aligns with the idea of *planetary stewardship*, where law serves as a moral and preventive instrument against overexploitation. Intergenerational approaches also play a crucial role in promoting sustainable ecological justice [19]. In addition, the reorientation of environmental law ethics also demands a change in the pattern of legal education. The legal curriculum needs to integrate ecological and intergenerational justice perspectives so that prospective policymakers understand the interconnectedness between law, ethics, and ecology. The development of ecological awareness among legal professionals is a strategic step toward addressing the gap between the theory and practice of environmental law. Legal education based on ecological ethics can strengthen *environmental governance literacy* and improve the quality of environmental law implementation [20].

3.2 Ethics as a Normative Foundation in the Formulation of Sustainable Development Regulations

Ethics as a normative foundation in sustainable development regulation requires a value framework that goes beyond just economic and growth interests. Regulations that are built without an ethical basis tend to be instrumental. Legal norms are seen only as tools to achieve development goals, without accounting for ecological impacts or future generations. A study that examines the ethical and principled dimensions of the environmental legal system shows that environmental law instruments still need to be further developed to codify moral norms such as ecological justice and responsibility to nature [6].

In Indonesian environmental law, the concept of sustainable development is regulated by various laws and public policies. Still, normative legal ethics has not emerged as the primary reference in regulatory formulation. For example, legal policies and instruments are often still reactive and do not always incorporate ethical norms such as the principle of intergenerational justice. This creates a gap between the established norms and the public moral standards that society expects [21].

The normative foundation of ethics in regulation is not merely an abstract moral value; it must be translated into a specific and enforceable legal principle [22]. Therefore, recognizing the environment as a subject of law with inherent rights, including the right to exist, develop, and be restored when damaged. This recognition becomes an ethical basis for legal norms not only to limit human actions against nature, but also to recognize intrinsic ecological rights [7]. General principles of environmental law, such as the precautionary principle, polluter pays, and sustainable development, must be grounded in normative ethics so they do not become mere regulatory jargon. Such principles of sustainable development are often weak due to

the lack of normative rigor and moral values that guide public decision-making. Therefore, regulations should include explicit definitions, standards, and sanctions grounded in ethical norms to make these principles more effective [23].

Normative ethics must also include the responsibility of policymakers and law enforcers not only to fulfill administrative or technical obligations, but also to consider moral obligations to address long-term ecological impacts [24]. Biodiversity conservation requires legal commitments that go beyond sectoral interests and provide normative sanctions that protect habitats and species. Without moral norms and a strong supervisory structure, regulations are unable to effectively oversee the implementation of conservation [25].

Sanctions and legal authority need to be formulated not only on the threat of punishment, but also to prioritize the values of restorative justice and ecological restoration. In the context of environmental law, recovery after damage should be part of the regulatory norm, not just post-damage remedial. The application of the principle of strict liability in cases of environmental damage can strengthen legal ethical norms, as the perpetrator is responsible without the need to prove subjective fault [26]. Normative ethics is not only concerned with rules and sanctions, but also with the process of formulating regulations. Sustainable development regulations must be formulated with transparent, participatory, and inclusive procedures, so that the moral values of communities, including future generations, local communities, and indigenous peoples, are taken into account [25].

The relationship between normative ethics and legal legitimacy in this case is that regulations that have a strong moral basis are more likely to gain social support, strengthen public trust, and minimize conflicts of interest. Green regulations and green constitutional norms, combined with ethical principles such as *Fiqh Bi'ah*, can enhance the law's legitimacy and support environmentally friendly policies. Thus, ethical regulation is not only ideal, but practical and strategic in a political and social context [27].

To make ethics a normative foundation, legal education and the involvement of academics and civil society need to be strengthened. Environmental law ethics must be taught in law faculties and related institutions so that legal scientists, practitioners, and policymakers understand moral values, not just technical rules, because the strengthening of the ethical dimension in environmental law depends heavily on legal culture and public education. So that the transformation of education will support the formation of a legal culture that prioritizes ecological moral norms in regulations [6].

Ethics play an essential role in shaping the direction of development so that they are not trapped in the paradigm of economic growth alone. When development is detached from its moral foundations, then legal and policy orientations will tend to justify the unlimited exploitation of resources. Therefore, the ethics of sustainable development must balance economic, social, and ecological interests as interrelated normative values. The concept of sustainability ethics encourages policymakers to treat intergenerational justice as a moral obligation rather than merely an

administrative policy. These values have been proven to strengthen the legal legitimacy and effectiveness of policies in countries that integrate moral principles in their environmental legal systems [15].

Ethics-based regulatory formulation must also consider the broader dimension of ecological justice. In this context, justice is not only concerned with the distribution of benefits and burdens between humans, but also includes the moral relationship between humans and their ecosystems. This approach is called ecological justice, which views the environment as a dignified entity and is entitled to legal protection. Research shows that when the principles of ecological justice are incorporated into public policy formulation, the outcomes are more sustainable and more acceptable to the wider community. This underscores the importance of internalizing ecocentric ethics into the national legal system [17].

Furthermore, normative ethics can act as a corrective mechanism for positive legal weaknesses that are often anthropocentric. Regulations that focus solely on human interests fail to recognize the existential bond between humans and nature. Thus, moral principles such as ecological responsibility and cross-species solidarity need to be integrated into development regulations. Recent empirical studies show that countries with ethically grounded environmental policies achieve higher success in reducing ecosystem damage and increasing public trust in state institutions [18].

Ethics is also a driver of legal reform that should be more responsive to the challenges posed by the global ecological crisis. The reform requires the preparation of legal norms that not only govern human behavior, but also ensure the preservation of ecological systems as a moral unit. This approach is called ecocentric jurisprudence, where the law serves to protect the values of non-human life equally. In practice, this approach has been implemented by recognizing "natural rights" in some jurisdictions, such as rivers or forests, which are given the status of legal subjects. This approach opens up a new moral space in sustainable development regulation [25].

In addition, applying normative ethics to environmental law strengthens corporate responsibility for sustainability. Many companies are now required to implement ethics-based environmental due diligence, which assesses the moral impact of business activities on the ecosystem. Regulations that adopt this moral principle can change corporate behavior from mere legal compliance to deeper social responsibility, as corporate governance that instills sustainability ethics results in significant improvements in environmental performance and institutional reputation [11].

The role of the state in realizing sustainable development ethics is also very strategic. The state acts not only as a regulator but also as a moral actor, ensuring that all public policies incorporate ecological and social responsibility. In this case, ethics provides the basis for the legitimacy of a just development policy. Global policy studies have found that countries that build legal systems based on environmental morality tend to have better social and political stability, because the public considers such policies fair and in favor of the sustainability of life [19].

Establishing ethics-based regulations requires a multidisciplinary approach that combines law, philosophy, and environmental science. This cross-disciplinary approach allows policymakers to understand the moral, social, and ecological dimensions comprehensively. The integration of ethics into regulation not only strengthens legal norms but also fosters a collective awareness that sustainability is a shared moral responsibility. When regulations are drafted based on universal ethical values, sustainable development is no longer mere political jargon but a normative reality embedded in the legal system and social behavior [13].

3.3 Implications of Ethical Reorientation: Implementing Policies and Strategies

Strategic Framework for the Integration of Ethics into Public Policy. To make environmental law ethics not stop at the ideal level but manifest in regulatory practice, strategic integration is needed at every stage of public policy, from formulation to ratification, implementation, evaluation, and revision [28]. At the formulation stage, intergenerational ethics and the principles of ecological justice must be formulated as normative guidelines that are not just complementary, but paradigm foundations for regulatory designers [16]. Several studies have emphasized that integrating moral norms into the academic text of regulations is crucial to prevent ethical values from being lost at the technical stage of policy formulation. In addition, various studies show that public participation, especially from the younger generation and local communities, needs to be substantively integrated in the policy formulation process, so that moral values that grow from the local social and cultural context can be transformed into a source of normative and regulatory legitimacy in the formation of environmental laws.

At the stage of legislative approval, environmental ethics must be supported by political and institutional support so that short-term economic interests do not easily ignore moral norms. Implementation strategies should be equipped with technical guidelines that translate ethical norms into operational indicators, such as degradation thresholds, ecological recovery plans, and long-term mitigation obligations. Technical regulations, such as environmental impact analyses, need to be expanded to account for cross-generational impacts and the diversity of local ecosystems. Evaluation and revision of regulations are a critical stage so that ethical values remain relevant to changes in the environment and social dynamics.

Challenges and Obstacles in the Implementation of Regulatory Ethics. Integrating ethics into regulations is not without obstacles. First, political economic conflicts of interest usually arise when ethical norms require restrictions on the exploitation of resources that have been considered normal [29]. In the Indonesian context, investment and development regimes often have strong pressure to weaken restrictive environmental articles. Second, the weak capacity of environmental regulation is a significant obstacle to understanding ethics and to the development of enforcement tools. The lack of ethics-based training and education in environmental law exacerbates this. Third, the resistance of the legal culture, which is still predominantly anthropocentric. Legal societies (practitioners, legislators, apparatus) are often accustomed to seeing the environment as a resource. Meanwhile, ethical transformation requires repoliticization, a slow process that values formal and informal education and continuous public advocacy. Fourth, limited public access, although regulations ideally guarantee public participation and representation of future generations, in practice, there is often marginalization of vulnerable groups and limited access to information [30]. Fifth, the limitations of the national positive legal framework that has not explicitly recognized the rights of nature or "rights of nature." Without this recognition, ethical norms are difficult to bring into the realm of litigation and law enforcement effectively.

Institutional Advocacy Strategies and Practical Implementation Models. For ethical reorientation to take place at the level of real politics and public administration, the following institutional advocacy strategies can be proposed: 1) initiation of the regulatory ethics pilot project, 2) ecological ethics training and education for law enforcement and policy makers, 3) collaborative network between academics, NGOs, and governments, and 4) cross-generational monitoring and evaluation mechanism. The application of ethics-based regulations on a small scale (e.g., conservation areas, green cities, coastal areas) as a policy laboratory is one of the institutional advocacy strategies that can apply at the real politics and public administration level. For instance, all stages of the project, from formulation to ethical evaluation, are documented and serve as a model for replication in other areas [31].

Secondly, ecological ethics training and education for law enforcement and policymakers are among the best strategies and practical implementation models. The environmental ethics module (ecological justice theory, intergenerational justice, rights of nature) must be a mandatory part of the training of environmental apparatus and related institutions.

Other than that, advocacy and collaborative research can play an important role in bridging the gap between environmental law theory and practice. In addition, it functions as an independent monitor and advocate of ethical values in the political process and public policy-making.

Moreover, regulations must include a long-term monitoring system by institutions that involve the younger generation as evaluative stakeholders. Evaluation indicators must reflect ecological achievements (biodiversity, air and water quality, ecosystem integrity) as well as ethical values (restorative justice, burden distribution). The results of this evaluation then served as the basis for revising ethical regulations.

4 Conclusion

Sustainable development will not be achieved without a reorientation of ethical values in the legal system. Environmental law ethics serve as a normative foundation that guides policy direction, grounded in the principles of ecological justice, intergenerational responsibility, and respect for ecological rights. Regulations grounded in ethics are not only oriented to legal certainty but also to moral legitimacy that strengthens social justice and ecological sustainability. Thus, the paradigm transformation from an anthropocentric approach to an ecocentric approach is a prerequisite for the formation of a humanistic, just, and sustainable development legal system for current and future generations.

Acknowledgments. We want to thank Hasanuddin University for providing the TRG Scheme. This research is financially supported by Hasanuddin University Grant under Thematic Research Group (TRG) No. 00518/UN4.22/PT.01.03/2025.

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