Land Acquisition for Development Interest General Based On Ecological Justice Principles (Reflection on Constitutional Court Decision Number 137/PUU-XXI/2023)

Pengadaan Lahan untuk Kepentingan Pembangunan Umum Berdasarkan Prinsip Keadilan Ekologis (Refleksi atas Putusan Mahkamah Konstitusi Nomor 137/PUU-XXI/2023)

[1] Achmad Muchsin
[1] Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan
e-mail: achmad.muchsin@uingusdur.ac.id
[2] Yunas Derta Luluardi
[2] Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan
e-mail: yunas.derta.luluardi@uingusdur.ac.id
[3] Syarifa Khasna
[3] Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan
e-mail: syarifa.khasna@uingusdur.ac.id
[4] Windi Tia Utami
[4] Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan
e-mail: windi.tia.utami@mhs.uingusdur.ac.id

Abstract

Specifically, the basis of this research is the Constitutional Court Decision Number 137/PUU-XXI/2023 regarding the request for a judicial review that the application of Law 2/2002 is contrary to Article 28I of the 1945 Constitution of the Republic of Indonesia. This research emphasizes the importance of applying the principles of ecological justice in every decision and policy making related to the environment, especially in terms of land acquisition by the government for development in the public interest. This doctrinal legal research uses a conceptual approach, statute approach, philosophical approach for practical purposes of solving legal problems, efforts to discover law. The first target is to answer the judge's rationale in deciding case number 137/PUU-XXI/2023 related to land acquisition for development in the public interest. Second, exploring land acquisition for development in the public interest based on the principles of ecological justice. The philosophical level is expected to be able to answer the question of how land acquisition for development in the public interest can be carried out while still considering the principles of ecological justice, namely the principles of justice which according to Baxter is interpreted as justice between humans and all of nature.

Keywords: *Constitutional Court; Decisions; Ecological Justice; Judge's Considerations*

Abstrak

Secara khusus, dasar penelitian ini adalah Putusan Mahkamah Konstitusi Nomor 137/PUU-XXI/2023 mengenai permohonan peninjauan kembali yudisial bahwa penerapan UU 2/2002 bertentangan dengan Pasal 28I UU 1945 Republik Indonesia. Penelitian ini menekankan pentingnya penerapan prinsip-prinsip keadilan ekologis dalam setiap keputusan dan pembuatan kebijakan yang berkaitan dengan lingkungan hidup, khususnya dalam hal pengadaan lahan oleh pemerintah untuk pembangunan kepentingan umum. Penelitian hukum doktrinal ini menggunakan pendekatan konseptual, pendekatan statuta, pendekatan filosofis untuk tujuan praktis dalam memecahkan masalah hukum, upaya untuk menemukan hukum. Target pertama adalah menjawab rasionalitas hakim dalam memutuskan perkara nomor 137/PUU-XXI/2023 terkait pengadaan lahan untuk pembangunan kepentingan umum. Kedua, mengeksplorasi pengadaan lahan untuk pembangunan kepentingan umum berdasarkan prinsip-prinsip keadilan ekologis. Tingkat filosofis diharapkan mampu menjawab pertanyaan tentang bagaimana

pengadaan lahan untuk pembangunan demi kepentingan umum dapat dilakukan dengan tetap mempertimbangkan prinsip-prinsip keadilan ekologis, yaitu prinsip-prinsip keadilan yang menurut Baxter diartikan sebagai keadilan antara manusia dan seluruh alam.

Kata Kunci: *Putusan Mahkamah Konstitusi; Pertimbangan Hakim; Keadilan Ekologis; Perlindungan Lingkungan Hidup*

INTRODUCTION

This research entitled Land Acquisition for Development in the Public Interest is normative legal research which focuses its study on the Constitutional Court Decision Number 237/PUU-XXI/2023 related to the review of Law number 2 of 2012 concerning Land Acquisition for Development in the Public Interest (Law 2/2012) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia. In this case the petitioners argued that the application of Law 2/2012 as the basis for land acquisition for the construction of Rempang Eco City had violated the constitutional rights of the petitioners as stated in Article 51 paragraph (1) of Law No. 24 of 2003 concerning the Constitutional Court.[1]

The construction of Rempang Eco City has become a polemic between the Government and the people of Rempang Island, which consists of 16 traditional villages. [2]This started with the issuance of Government policy through "Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2023 concerning the Third Amendment to Regulation of the Coordinating Minister for Economic Affairs No. 7 of 2021 concerning Changes to the List of National Strategic Projects (Coordinating Minister for the Economy 7/2023). Based on the Coordinating Ministerial Decree, the Rempang area is one of the National Strategic Programs (PSN) regarding the Eco-City Area Development Program . This change in regulations then sparked conflict because based on previous regulations (Coordinating Minister for the Economy 7/2021) the Rempang area was not included in the National Strategic Program. Apart from that, the issuance of Coordinating Minister for the Economy 7/2023 also seems rushed, namely that it was issued after an investment offer from China amounting to Rp. 381 trillion and labor absorption of 306,000 people. In practice, [3]the development that was planned to increase Indonesia's competitiveness against neighboring countries actually resulted in injustice for the indigenous population (Malay Tribe, Sea Tribe and several other tribes) who for generations had inhabited Rempang Island because they had to be evicted from their homes.[4]

The injustice for the residents of Rempang Island because they have to be evicted from their homeland on the one hand and the potential economic benefits for the country on the other hand is an anomaly in development. This is as stated by Emil Salim that "in every development model, the economy is a system while the environment (including humans and their behavior) is a sub-system within it so that economic interests are the determinants of policy, or in other words if the benefits of development are greater than the economic costs involved." must be incurred, then the

[1]Constitutional Court, "Decision Number 137/PUU-XXI/2023" (nd), 4.

[2] https://www.bbc.com/indonesia/indonesia-66711532#:~:text=%22At least%20there%20is%2016%20dot%20kampung,it%20is%20not%20relocated%2C%22%20he said. Accessed 11/12/2023.

[3] https://bpbatam.go.id/pengembangan-rempang-eco-city-dan-berbagai-keuntungannya/ accessed 11//2023.

[4] https://uir.ac.id/bahas-sisi-strategis-dan-konflik-dari-pembangunan-rempang-eco-city-dari-kacamata-planologi-dan-tata-kota.html#:~:text=% E2%80%9CProject%20Rempang%20Eco%20City%20is, economic%20scale%20regional%20and%20national . Retrieved December 11, 2023.

development is appropriate to continue and if the community has to pay the "costs" of environmental damage that occurs during the development process.[5]

There has been a lot of legal research carried out regarding land acquisition for development purposes with the object of study of Law 12/2012, some of which is research carried out by 1). Rahmat Ramadhani [6]with the title "The Existence of Communal Rights of Traditional Law Communities in Land Acquisition for Public Use". This normative legal research using a content analysis approach concludes that Law No.2/2012 does not specifically regulate land acquisition objects originating from customary rights (communal rights according to Permen ATR / Ka. BPN No.10/2016). The existence of communal rights can be seen in According to the explanation of Article 40 of Law No.2/2012, those entitled to receive compensation are MHA, which is given through a "decent and fair" compensation mechanism, namely by providing replacement land, resettlement, or other appropriate methods. agreed by the customary law community concerned; 2). Putri Lestari [7]with the title "Land Acquisition for Development in the Public Interest in Indonesia Based on Pancasila". The results of this research conclude that considerations of humanitarian values and justice contained in Pancasila need to be implemented in land acquisition for development in the public interest. The provision of compensation is based on deliberation to reach consensus; 3). Muhammad Yusrizal [8]with the title "Legal Protection of Land Rights Holders in Land Acquisition for Public Interest". This research emphasizes the importance of guaranteeing legal protection by the state for holders of land rights which is absolutely necessary so that in the practice of land acquisition in the development process for legal purposes by the government it is able to provide a sense of justice for communities affected by development; and 4). Tegar Gallantry et al. [9]with the title "Application of the Principles of Justice in Land Acquisition for Public Interest According to National Land Law and Islamic Law". The results of the research concluded that the application of the principles of justice based on positive law was then elaborated with the principles of justice in Islamic law, especially justice which was applied in the development process during the time of the Prophet.

Based on a study of several previous studies, several things can be outlined that show that this research is different from previous research, namely: *first* , specifically the basis of this research is the Constitutional Court Decision Number 137/PUU-XXI/2023 regarding the request for a judicial review regarding the application of Law 2 /2002 is contrary to Article 28I of the 1945 Constitution of the Republic of Indonesia; *secondly* , this research emphasizes the importance of applying the principles of ecological justice in every decision making and policy related to the environment, especially in terms of land acquisition by the Government for development in the public interest. Thus, the novelty of this research compared to previous research lies in the specifics of the study and the emphasis on applying the principles of ecological justice in every decision making related to the environment.

Every development program always faces the problem of land acquisition for public purposes. Therefore, this research is not solely directed at answering the question of how judges think in

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[5]Emil Salim, *Hundreds of Nations Destroy One Earth* , ed. by Yustinus Ade Stirman and Wicaksono Noeradi (Jakarta: Kompas, 2010), 133.

[6]Rahmat Ramadhani, "The Existence of Communal Rights of Traditional Law Communities in Land Acquisition for Public Use," *De Jure* 19, no. 2 (2019): 97–108.

[7]Putri Lestari, "Land Acquisition for Development in the Public Interest in Indonesia Based on Pancasila," *SIGn Law Journal* 1, no. 2 (2020): 71–86, https://doi.org/10.37276/sjh.v1i2.54.

[8]Muhammad Yusrizal, "Legal Protection of Land Rights Holders in Land Acquisition for Public Interest," *De Lega Lata* 2 (2017): 1–1, https://id.wikipedia.org/wiki/Kecepatan_umum.

[9]Tegar Gallantry, Yusuf Hidayat, and Fokky Fuad Wasitaatmadja, "Application of the Principles of Justice in Land Acquisition for Public Interest According to National Land Law and Islamic Law," *Journal of the Master of Legal Studies* 6, no. 1 (2021): 62, https://doi.org/10.36722/jmih.v6i1.797.

deciding case number 137/PUU-XXI/2023 related to land acquisition for development in the public interest, but at a philosophical level it is hoped that it will be able to answer the question of how land is acquired. development for the public interest can be implemented while still considering the principles of ecological justice, namely the principles of justice which according to Baxter is interpreted as justice between humans and all of nature.[10]

RESEARCH METHODS

This doctrinal legal research suggests that legal objects are conceptualized as rules and regulations as per the doctrine adhered to by the positivist school of legal science.[11] The approach used in this research is the conceptual approach, statute approach, philosophy approach. The legal materials in this research consist of primary legal materials and secondary legal materials. [12]For practical purposes of solving legal problems, legal discovery efforts in doctrinal legal research are carried out by studying legal materials.[13]

The technique for collecting legal materials is carried out through the stages of [14]inventory of legal materials; legal material identification stage ; classification of legal materials; and systematization of legal materials. Data analysis is carried out through legal interpretation and construction of legal materials. [15]Interpretation is one of the means of legal discovery (rechtsvinding) which aims to interpret legal materials, especially primary legal materials, whether in the legal materials there is a legal vacuum, antinomy (norm conflict) or unclear legal norms.[16]

ANALYSIS AND DISCUSSION

Theoretical Study of Judges' Legal Considerations and Ecological Justice

Legal Considerations

As executors of judicial power who have a strategic role in realizing legal objectives, judges are required to always adhere to statutory regulations in handling every case submitted to them, both at the drafting and decision-making stages. [17] This is as intended in the provisions of Article 50 paragraph (1) and Article 53 paragraph (2) of Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power (Judicial Power Law) which in principle regulates that: 1). every court decision must be based on the reasons and basis of the court decision; 2). contains certain articles from statutory regulations or unwritten sources of law as a basis for adjudicating; and 3). contains the judge's legal considerations which are based on appropriate and correct legal reasons and foundations.

Based on the provisions above, the study of court decisions should not be solely directed at the verdict, but should be focused more on studying the judge's legal considerations in deciding cases. Likewise, in the context of constitutional law, the study of Constitutional Court decisions will

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[10]Brian Baxter, *A Theory of Ecological Justice* (London: Routledge, 2005), https://doi.org/10.4324/9780203458495.

[11]Soetandyo Wignjosoebroto, "Variety of Legal Research," in *Legal Research Methods; Constellations and Reflections* , ed. by Sulistyowati Irianto and Shidarta, 1st ed. (Jakarta: Indonesian Obor Pustaka Foundation, 2017).

[12]Muhammad Helmy Hakim, "Shifting Legal Research Orientation: From Doctrinal to Socio-Legal," *SYARIAH; Journal of Law and Thought* 16, no. 2 (2016): 106.

[13]Sulistyowati Irianto, "Qualitative Research Methods in Legal Research Methodology," *Journal of Law & Development* 2, no. 1 (2002): 155, https://doi.org/10.21143/jhp.vol32.no2.1339.

[14]Suratman and Philips Dillah, *Legal Research Methods* (Bandung: Alfabeta, 2015), 82–86.

[15]Suratman and Dillah, 86–87.

[16]Sudikno Mertokusumo and A. Pitlo, *Chapters on the Discovery of Law* (Bandung: Aditya Citra Bhakti, 1993), 13–20.

[17] Erlin Indarti and Tri Laksmi Indraswari Robert Pradana, "Law and Paradigm Discovery: A Legal Philosophy Study of the Criminal Justice Process in the Semarang City District Court," *Diponegoro Law Journal* 5, no. 4 (2016): 1–20.

be more meaningful when the study is directed at studying the legal considerations of constitutional judges. This is because the Constitutional Court has the position of being the sole interpreter of the constitution *so* that a good understanding of the legal considerations of the Constitutional Court will lead to a good understanding of the interpretation of a constitutional provision related to a particular petition.[18]

According to Black's Law Dictionary, legal considerations (*ratio decidendi)* are *the ground of decision. The point in a case which determines the judgment* . [19]From this definition it can be understood that legal considerations are basic [thoughts] used by a judge to arrive at a decision. Consideration law This is usually located inside preamble weighing part on principal matter . [20]There are two types of legal considerations, namely juridical considerations and non-juridical considerations. Juridical considerations are legal considerations based on the facts revealed in the trial, while non-juridical (sociological) considerations are considerations as stated in the provisions of Article 5 paragraph (1) of the Judicial Power Law that: "Judges and Constitutional Judges are obliged to explore, follow and understand the values of law and justice that exist in society." These non-juridical considerations include: the background of the legal action, the consequences of the legal action and the condition of the parties involved in the case.[21]

In order to realize the goal of protecting human interests, law has three elements that must be present proportionally, namely: legal certainty (*rechtssicherheit)*, expediency (*zweckmassigkeit)* and justice (*gerechtigkeit*). [22]The three elements contained in the legal objectives are correlated with the judge's legal considerations because good legal considerations can create decisions that are legal, fair and beneficial. The close correlation between legal considerations in the judge's decision and the legal objectives shows that legal considerations have a strategic position in the judge's decision. It can even be said that the essence of the judge's decision lies in the basis of the legal consideration.[23]

Legal considerations are considered sufficient if they fulfill three conditions, namely: *first* , legal considerations that are based on legal and statutory provisions. In making a decision on a case being tried, a judge must make considerations based on legal and/or juridical law which includes formal law and material law, both written and unwritten, as intended by Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power. . A judge's decision that is not considered according to/based on the law is null and void; *secondly* , considerations for the sake of realizing justice. One of the purposes of laws and regulations is to create justice. Justice must always be inherent in the judge's decision because justice is the main goal of the law and legislation itself. It is to uphold law and justice that courts are built; and *third* , considerations for realizing benefits.[24]

There are several things that should be included in a judge's legal considerations, namely: *first* , content regarding the subject matter and arguments that are not refuted; *second* , the content of the juridical analysis related to the legal facts revealed in the trial; and *third* , the content regarding

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[18] Muchamad Ali Safaat, "Development of Constitutional Law Theory and its Application in Indonesia (paper presented at the Seminar 'Development of Constitutional Law Theory Post-Reformation and Its Application in Indonesia' Malang, 15 June 2006," 2006, https://doi.org/ 10.1017/CBO9781107415324.004.

[19] Henry Campbell Black, *Black's Law Dictionary* , ed. by Bryan A. Garner, 4th ed. (West Publishing Co, 1968), 1429, https://doi.org/10.2307/1066423.

[20] Lilik Mulyadi, *Shifting Perspectives and Practices of the Supreme Court Regarding Decisions* (Bandung: Citra Aditya Bhakti, 2009), 164.

[21] Rusli Muhammad, *Contemporary Criminal Procedure Law* (Jakarta: Citra Aditya Bhakti, 2007), 212–20.

[22] Sudikno Mertokusumo, *Knowing the Law; An Introduction* , 3th ed. (Yogyakarta: Liberty Yogyakarta, 2007), 145.

[23] Jonaedi Efendi, *Reconstruction of the Basics of Judges' Legal Considerations Based on Legal Values and the Sense of Justice that Live in Society* , 1st ed. (Depok: Prenadamedia Group, 2018), 109.

[24] Effendi, 109.

considerations that the plaintiff's petitum has been considered one by one until the judge can conclude whether the applicant's petition is proven or not (granted or rejected) in the decision.[25]

Ecological Justice

Modern environmental law has different characteristics from classical environmental law. Modern environmental law is oriented to the environment (*environment oriented law)* while classical environmental law is oriented to the use of the environment (*use oriented law)*. Because modern environmental law is oriented towards the environment, its nature and character also follows the nature and character of the environment itself. Modern environmental law has a holistic or comprehensive-integral nature, always in dynamics with its flexible nature and character. On the other hand, classical environmental law is sectoral, rigid and difficult to change.[26]

Environmental law experienced important developments when movements emerged demanding environmental justice in various parts of the world. The movement demanding environmental justice was inspired by the struggle of communities of color and low-income communities against unequal environmental burdens in the United States in the late 70s and early 80s. [27]There were two important points in the movement demanding environmental justice at that time, namely: the demand for fair distribution of risks resulting from environmental damage which became known as distributive justice and the demand for access to information and participation in decision making which became known as justice. procedural. [28]In its development, the environmental justice movement did not stop at issues of distributional justice and procedural justice, but also demanded corrective justice and social justice.

In general, the concept of "justice" is understood in relation to the fair distribution of goods and social burdens. Meanwhile, on the other hand, there are two different relational aspects that also need to be considered, namely the justice of environmental distribution among humans, and the justice of the relationship between humans and all of nature. The first relational aspect is known as environmental justice, while the second relational aspect is known as ecological justice. [29]Incorporating relational aspects between humans and the environment into the realm of justice causes controversy among experts. Some argue that the relationship between humans and the environment is part of justice, while others argue that the relationship between humans and the environment is not part of issues of justice but rather issues of ethics and morality.[30]

As a scientific discipline, environmental law always aims to protect nature and ecology. However, over the decades of its existence, environmental law has failed to stop ecological degradation and has even failed to achieve its goals. Among the failures of environmental law in preventing the ecological crisis is its anthropocentric, fragmented and reductionist nature. This is as stated in the Oslo Manifesto [31]that:

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[25] Mukti Arto, *Practice of Civil Cases in Religious Courts* (Yogyakarta: Student Library, 2004), 142.

[26]Harry Supriyono, *Module 1 History of the Development of Environmental Law* , 2019, http://repository.ut.ac.id/4372/1/LING1121-M1.pdf.; St. Munadjat Danusaputro, *Environmental Law Book 1: General* (Bandung: Binabuat, 1981), 35–36.

[27] Marina de Oliveira Finger and Felipe Bortoncello Zorzi, "Environmental Justice," *UFRGS Model United Nations Journal* 1 (2013): 222, https://doi.org/10.5840/wcp20-paideia199822401.

[28] Felicity Millner, "Access to Environmental Justice," *Deakin Law Review* 16, no. 1 (2011): 191.

[29] Nicholas Low and Brendan Gleeson, *Justice, Society and Nature an Exploration of Political Ecology* (London: Routledge, 1998), 2, https://id.b-ok.asia/book/855115/14a57a.

[30] Klaus Bosselmann, *The Principle of Sustainability; Transforming Law and Governance* (Farnham: Ashgate Publishing Limited, 2008), 79.

[31] Ecological Law and Governance Association (ELGA), "'Oslo Manifesto' for Ecological Law and Governance From Environmental Law to Ecological Law:," 2016, https://elgaworld.org/oslo-manifesto.

> *"Among the flaws of environmental law are its anthropocentric, fragmented and reductionist characteristics. It is not only blind to ecological interdependencies, but also politically weak as it competes with other, more powerful areas of law such as individualized property and corporate rights. As a consequence, the legal system has become imbalanced and unable to secure the physical and biological conditions, upon which all human and other life depends."*

Therefore, to overcome the weaknesses of environmental law, a new approach is needed, namely an ecological approach to law. From this point of view, the law would recognize ecological interdependence and no longer favor humans over nature and individual rights over collective responsibility. Essentially, ecological law internalizes the natural living conditions of human existence and makes it the basis of all law, including constitutions, human rights, property rights, corporate rights, and state sovereignty.[32]

According to Baxter, the term "ecological justice" was first coined by Low and Gleeson. [33]They introduce it as follows:

> *The struggle for justice as it is shaped by the politics of the environment, then, has two relational aspects: the justice of the distribution of environments among people, and the justice of the relationship between humans and the rest of the natural world. We term these aspects of justice: environmental justice and ecological justice. They are really two aspects of the same relationship* .[34]

Low and Gleeson's statement suggests that in principle environmental justice and ecological justice have a close relationship as Melissa said [35]that ecological justice is a theoretical approach that originates from established environmental justice theories and practices. Environmental justice bases its principles on three main dimensions: distribution, recognition, and participation.

Low and Gleeson's ideas about ecological justice are outlined in their book *Justice, Society and Nature an Exploration of Political Ecology* , especially in Chapter VI which specifically talks about ecological justice. According to him, in modern philosophy, justice has largely been understood in relation to the relationships between one human being and another human being. The distribution of environmental quality is the essence of environmental justice. Ecological justice is a different thing, because understanding ecological justice requires considering the meaning of the environment in a deeper sense, namely by understanding the meaning of human relationships (morally) with the non-human world, so that environmental values change and are very broad when that relationship is interpreted differently. only as an instrumental relationship but a moral relationship.[36]

In understanding justice Low and Gleeson put emphasis on expanding the meaning of 'self' (Baxter calls it the term moral or personal agent). [37]This is based on the proposition that humans achieve the highest form of expression in their relationship with nature, so Low and Gleeson propose two principles of ecological justice, namely: *The first principle* of ecological justice is that every natural entity has the right to enjoy the fulfillment of its own form of life. Non-human nature is entitled to moral consideration. With an expanded self-conception, the absolute barrier between human and non-human nature must be removed; while *the second principle* is that all forms of life are interdependent on forms of non-life. This principle must be taken into account when conflicts

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[32] Ecological Law and Governance Association (ELGA).

[33] Brian Baxter, *A Theory of Ecological Justice* (London: Routledge, 2005), 7, https://doi.org/10.4324/9780203458495.

[34] Low and Gleeson, *Justice, Society and Nature an Exploration of Political Ecology* , 2.

[35] Melissa Pineda-pinto et al., "Examining Ecological Justice Within the Social-Ecological-Technological System of New York City, USA," *Landscape and Urban Planning* 215 (2021): 4, https://doi.org/10.1016/j .landurbplan.2021.104228.

[36] Low and Gleeson, *Justice, Society and Nature an Exploration of Political Ecology* , 133.

[37] Baxter, *A Theory of Ecological Justice* . (is this *op, cit* or what?)

between species occur. However, the precise implications of this principle for the assessment of specific cases of conflict between the rights and needs of various forms of life remain unclear.[38]

Parallel to what was proposed by Low and Gleeson, Baxter also begins his discussion of ecological justice with a discussion of the concept of justice in general. According to him, discussions (debates) regarding justice, especially distributive justice or social justice, have experienced their peak since Rawls placed it in scientific discussions since 1972. The concept of distributive justice offered by Rawls covers two major problems, namely distributive justice for the current generation and distributive justice for future generations. [39]Rawls's theory of justice posits that justice is something that can essentially only be obtained between fully mature moral persons. Rawls barely addresses the morality of relations between humans and non-humans in his theory of justice. [40]Supporters of Rawls' theory of justice assume that the instrumental value of the environment for humans must be recognized in the theory of social justice or fairness between humans. Meanwhile, Baxter defines "ecological justice" as "justice between humans and the rest of nature." This definition differs from the definition of 'environmental justice', which concerns the distribution of environmental benefits and burdens among humans. Ecological justice makes the much more radical claim that justice goes beyond human relations so that we can talk about justice towards nature.[41]

The differences in views between supporters of environmental justice theory and ecological justice theory boil down to four things, namely: *first* , regarding community justice. The debate regarding community justice is a continuation of the debate that occurred between adherents of environmental ethical theory and adherents of environmental political theory, namely around the question "whether justice can be distributed to non-humans". Adherents of environmental political theory define justice in such a way that justice cannot be obtained for non-humans, even Immanuel Kant considers animals (*non-humans)* to be "objects" so they cannot be the subject of moral obligations and can only be subject to moral consideration. As for ecological justice, it seeks to provide a non-anthropocentric redefinition of the meaning of justice and the circumstances in which it applies.[42]

Second , about which justice framework is appropriate. The debate between environmental justice theory and ecological justice theory regarding the appropriate justice framework stems from the question 'whether non-humans can be subjects of justice'. To this question, Martha Nussbaum [43]has developed the capabilities approach *and* it has become the most influential theoretical framework for expanding the scope of justice for non-humans. The focus of the capability approach is on function, namely actions and abilities, and not on distribution as is common in the environmental context. Schlosberg adopts Nussbaum's capabilities approach as a basis for expanding the justice community as well as expanding the discourse of ecological justice beyond distributive justice. For example, Schlosberg's explanation of a community of justice includes ecosystems other than living things. Apart from that, he asked about procedural justice regarding environmental decision making, justice as recognition in the sense of misrecognizing 'nature' and the capabilities

[38] Low and Gleeson, *Justice, Society and Nature an Exploration of Political Ecology* , 156.

[39] Baxter, *A Theory of Ecological Justice* , 6.

[40] Baxter, 96.

[41] Derek R Bell, "Political Liberalism and Ecological Justice," *Analysis & Critique* 28 (2006): 206–22, https://www.analyse-und-kritik.net/Dateien/56c1ce591d076_ak_bell_2006.pdf.

[42] Anna Wienhues, "Life in Common : Distributive Ecological Justice on a Shared Earth" (The University of Manchester, 2018), 37–44.

[43] Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Belknap Press of Harvard University Press, 2007), https://id.b-ok.asia/book/816015/53760e.

approach . [44]The focus of the capabilities approach in relation to ecological justice lies in trying to see how the concept of justice used by the environmental justice movement can also be applied to the non-human realm.[45]

Third , the distributive justice matrix. The debate regarding the distributive justice matrix in relation to environmental justice theory and ecological justice theory is due to the lack of attention of experts to distributive ecological justice and the absence of agreement among experts in determining the identification of the distributive ecological justice matrix. Basically, ecological space is a promising concept for justice theory, but ecological scope is still debated (because ecological scope is always associated with many different meanings by different theorists) causing the distributive ecological justice matrix to be undetermined.[46]

Fourth , the overlap between environmental justice and ecological justice. The problem that always arises between environmental justice and ecological justice is related to the function of justice when faced with an environmental context. Neither environmental justice nor ecological justice are ever described other than simply being linked to a priori human needs with greater moral weight when compared to non-human needs. However, because the expansion of communities of justice creates situations in which moral agents carry out duties of justice towards other humans and non-humans, it is necessary to provide an explanation of how the newly created conflict between human and non-human rights can be resolved in a more contextual way.[47]

Meanwhile, Kopnina has a different view in addressing the differences in views between adherents of environmental justice theory and adherents of ecological justice theory. According to him, there must be a good relationship between environmental justice and ecological justice because environmental problems cannot be seen as purely ecological problems because they always involve people, nor can they be seen purely as social problems because they are always related to ecology (non-humans). Humans always depend on nature and not vice versa, so considering the role of non-humans as stakeholders is as important as considering humans as stakeholders. Justice must be holistic where environmental (social) justice for humans and ecological justice for nature must be intertwined. [48]Furthermore, to compromise the differences in views between adherents of environmental justice theory and adherents of ecological justice theory, Kopnina quotes Watson's opinion [49]that: *first* , it requires recognition that humans and nature are interdependent so that disturbances in one of them have the potential to have a major impact on the other. *Second* , to be morally reconciled, social (environmental) justice movements need to empathize with the silent non-human majority and position it as a living agent worthy of moral consideration and legal protection.[50]

According to Geoffrey Garver, [51]ecological justice seeks to perpetuate the relationship between humans and nature, so that the main principle of ecological justice is the recognition that humans are part of nature, and cannot be separated from it. Meanwhile, Klaus Bosselmann [52], as

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[44] David Schlosberg, *Defining Environmental Justice; Theories, Movements, and Nature* (New York: Oxford University Press, 2007), 29–33.

[45] Wienhues, "Life in Common : Distributive Ecological Justice on a Shared Earth," 44–47.

[46] Wienhues, 48–49.

[47] Wienhues, 49–52.

[48] Veronica Stang, "The Rights of the River: Water, Culture and Ecological Justice," in *Conservation Integrating Social and Ecological Justice* , ed. by Helen Kopnina and Haydn Washington (Gewerbestrasse: Springer, 2020), 4.

[49] James E.M. Watson et al., "The performance and potential of protected areas," *Nature* 515, no. 7525 (2014): 67–73, https://doi.org/10.1038/nature13947.

[50] Helen Kopnina, "Indigenous Rights and Ecological Justice in Amazonia," International Journal of Wilderness 25, no. 1 (2019) ological-Justice-in-Amazonia-E.

[51] Geoffrey Garver, "Confronting Remote Ownership Problems With Ecological Law," *Vermont Law Review* 43 (2019): 1–23.

[52] Bosselmann, *The Principle of Sustainability; Transforming Law and Governance* .

quoted by Carla Sbert, [53]believes that ecological justice is based on the principles of intragenerational, intergenerational and interspecies equality. Apart from that, ecological justice is an ethical basis for natural use policies so that they remain directed at fair and sustainable use in accordance with nature's capacities and abilities. [54]Garver further [55]revealed that there are at least 11 (eleven) features that should be present in ecological law, namely: 1). Humans are part of, not separate from, Earth's living systems; 2.). Systems-based ecological boundaries; 3). Full integration of ecological law in the legal system; 4). Radical reduction of material and energy output; 5). Use of materials and energy only for basic needs; 6). Global and sub-global rules, applied according to subsidiarity and proportionality; 7). Justice within and between generations and species; 8). Law and government with supranational authority; 9). Expanded research and monitoring; 10). Concern about violation of ecological limits; and 11). Ecological laws must be adaptive, given the unbalanced nature of ecosystems and the need to initiate comprehensive efforts to constrain the economy within ecological limits despite uncertainties.

Carla Sbert, using *the lens of ecological law analysis technique* , analyzes whether existing laws (legislation) have an ecological law pattern or not. According to him, ecological law has three basic principles that are interrelated, namely: *first* , ecocentrism, namely the recognition and respect for the value of all creatures and the interconnectedness within them; *second* , system-based ecological excellence, namely ensuring that behavior and socio-economic systems are ecologically bound, respecting their boundaries; and *third* , ecological justice, namely ensuring fair access to the earth's sustainable capacity for current human generations, future generations and other creatures, as well as avoiding unfair distribution of environmental damage.[56]

Based on the description above, several important points can be drawn regarding environmental protection and management based on ecological justice, namely: *first* , ecological law is not an evolution of environmental law but rather a correction of the failure of environmental law in achieving its goals and functions, namely to realize sustainability and ecosystem integrity. Through ecological law, environmental problems are overcome by resolving the root of the problem, namely changing the anthropocentric paradigm to an ecocentric paradigm;[57] *second* , the transformation of environmental law into ecological law must be based on new goals, approaches and paradigms; [58] *third* , ecological law must be able to realize three basic characteristics, namely ecocentrism, system-based ecological excellence and ecological justice; [59]and *fourth* , ecological law must be able to penetrate the national legal regime and enter the state constitution.[60]

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53 Carla Sbert, "El Salvador's Mining Ban and In Ontario's Ring of Fire From The Lens of Ecological Law," *Vermont Law Review* , 2019, 1–26.

54 Andri G. Wibisana, "The Elements of Sustainable Development: Principles of integration and Sustainable Utilization," *Mimbar Hukum - Faculty of Law, Gadjah Mada University* 26, no. 1 (2014): 102, https://doi.org/10.22146/jmh.16057.

55 Geoffrey Garver, *Ecological Law and The Planetary Crisis a Legal Guidde for Harmony on Earth* (New York: Routledge Taylor & Francis Group, 2021), 127–48.

56 Sbert, "El Salvador's Mining Ban and In Ontario's Ring of Fire From The Lens of Ecological Law," 8–9.

57 Carla Sbert, "The Ecological Law Paradigm Shift," in *The Lens of Ecological Law: A Look at Mining* (Edward Elgar Publishing, 2020), 45.

58 Massimiliano Montini, "The Transformation of Environmental Law Into Ecological Law," in *From Environmental to Ecological Law* , ed. by Kirsten Anker et al. (Taylor & Francis Group, 2021), 14–16, https://www.researchgate.net/publication/269107473_What_is_governance/link/548173090cf22525dcb61443/download%0Ahttp://www.econ.upf.edu/~reynal/Civil wars_12December2010 .pdf%0Ahttps://think-asia.org/handle/11540/8282%0Ahttps://www.jstor.org/stable/41857625.

59 Linda Collins, *The Ecological Constitution Reframing Environmental Law* (New York: Routledge Taylor & Francis Group, 2021), 6–7.

60 Collins, 7–8.

General Description of Constitutional Court Decision Number 137/PUU-XXI/2023

Case Position

The legal problem in this research originated from the Government's plan to develop the Rempang Island area as a trade, service, industrial and tourism area (Rempang Eco-City). This Government policy is contained in the Coordinating Minister for Economic Affairs Regulation (Permenko) No. 7 of 2023 concerning the Third Amendment to the Regulation of the Coordinating Minister for Economic Affairs No. 7 of 2021 concerning Changes to the List of National Strategic Projects (Coordinating Minister for the Economy 7/2023). This Government policy has become a polemic among the public because based on the previous Coordinating Ministerial Decree (Permenko No. 7 of 2021) the Rempang area is not included in the National Strategic Program. The amendment to the Coordinating Ministerial Decree also seems hasty, namely that it was implemented shortly after there was an investment offer worth Rp. 381 trillion from China. [61]

The plan to develop this area is considered by the original residents of Rempang Island to cause misery in the future because they will have to be evicted from their ancestral land.[62]

Through Muhamad Farid Faza and Partners as attorneys, the Petitioners filed a lawsuit for judicial review *of* Law of the Republic of Indonesia Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest against the 1945 Constitution of the Republic of Indonesia. argue that the implementation of the *a quo* Law causes constitutional losses for the Petitioners and their families as intended in Article 28A; Article 28D paragraph (1); Article 28E paragraph (1); Article 28E paragraph (3); Article 28H paragraph (4); and Article 28J paragraph (2). [63]Based on these arguments, the applicants in the Main Petition *(Posita)* are of the view that: 1). *The a quo* law does not fulfill the requirements for limiting human rights as intended in Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia; 2). The title of Law Number 2 of 2012 is contradictory to the body of the a quo Law so that it conflicts with the 1945 Constitution of the Republic of Indonesia; 3). Law Number 2 of 2012 is contrary to Article 28A; Article 28G paragraph (1); Article 28H paragraph (4), Article 28I paragraph (3) and paragraph (4) and Article 33 paragraph (3) of the 1945 Constitution; and 4). Law Number 2 of 2012 results in legal uncertainty and is contrary to Article 28D paragraph (1) and 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia.

Based on these legal arguments, the Petitioners asked the Court in their provisional lawsuit to grant the petition in its entirety and state that it would stop the Rempang Eco City National Strategic Project. As for the main case, the petitioners asked the Court to accept and grant all the petitions, stop the Rempang Eco City National Strategic Project and declare that Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest is in complete conflict with the 1945 Constitution of the Republic of Indonesia and does not has binding legal force.

Legal Considerations of Constitutional Judges in Decision Number 137/PUU-XXI/2023

The Constitutional Court in Case Decision Number 137/PUU-XXI/2023 decided that the petitioners' petition could not be accepted. This is based on the Court's consideration that:

1. The Court has the authority to adjudicate at the first and final level and its decision is final to review laws against the 1945 Constitution of the Republic of Indonesia;

[61] https://bpbatam.go.id/pengembangan-rempang-eco-city-dan-berbagai-keuntungannya/ accessed 11//2023.

[62] https://uir.ac.id/bahas-sisi-strategis-dan-konflik-dari-pembangunan-rempang-eco-city-dari-kacamata-planologi-dan-tata-kota.html#:~:text=% E2%80%9CProject%20Rempang%20Eco%20City%20is, economic%20scale%20regional%20and%20national . Retrieved December 11, 2023.

[63]Copy of Constitutional Court Decision Number 137/PUU-XXI/2023 p. 6

2. The Court has the authority to adjudicate the constitutionality of laws, *in casu* Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest;
3. The legal position of the petitioners, the main points of the petition and the petitum of the petitioners are unclear or vague (*obscuur)*
4. Because the legal position of the petitioners, the main points of the petition and the petitum of the petitioners are unclear or vague (*obscuur)*, the Court does not hesitate to declare that the petitioners' petition is unclear or vague (*obscuur).*
5. Even though the Court has the authority to hear the *a quo petition* , because the petitioners' petition is vague, it is not considered further regarding the legal position of the petitioners and the subject matter of the petition.

Based on the considerations above, the Court concludes that the Court has the authority to adjudicate; the applicants do not have the legal standing to submit *the a quo petition* ; and the applicant's petition is unclear or vague (*obscuur)* and cannot be considered further.

Land Acquisition for Development in the Public Interest Based on the Principles of Ecological Justice

Analysis of the Legal Considerations of Constitutional Judges in Decision Number 137/PUU-XXI/2023

Constitutional Court Decision Number 137/PUU-XII/2023 states that the petitioners' petition cannot be accepted. The decision stating that the petition cannot be accepted (*Niet Ontvantkelijk Verklaard)* is based on the provisions of Article 56 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court (UU MK) which states that: ""In the event that the Constitutional Court is of the opinion that the Petitioner and /or the application does not meet the requirements as intended in Article 50 and Article 51, the decision states that the application cannot be accepted."

The provisions of Article 50 and Article 51 of the Constitutional Court Law in principle regulate that 1). The law that is requested to be reviewed is the law that was promulgated after the amendment to the 1945 Constitution of the Republic of Indonesia; 2) the applicant's constitutional impairment due to the enactment of the law; 3) a clear description of the applicant's constitutional impairment; and 4). Description regarding the formation of laws that are not in accordance with the provisions of the 1945 Constitution of the Republic of Indonesia and/or the content of paragraphs, articles and/or parts of the law that is contrary to the 1945 Constitution of the Republic of Indonesia.

In the procedural law of the Constitutional Court, there are 3 (three) types of decisions, namely: rejected, granted and unacceptable. [64]The decision states that it is "rejected" if the law requested to be reviewed does not conflict with the 1945 Constitution of the Republic of Indonesia, both regarding the formation procedures and its content. This is as intended by the provisions of Article 56 paragraph (5) of the Constitutional Court Law. The decision states "granted" if the Court is of the opinion that the petition is reasonable as intended in Article 56 paragraph (2) of the Constitutional Court Law. The petition is declared "unacceptable" if the Court is of the opinion that the petition and/or the applicant does not meet the requirements as intended in Article 50 and Article 51 of the Constitutional Court Law.

[64] Team for Preparing Procedural Laws of the Constitutional Court, *Procedural Laws of the Constitutional Court* (Jakarta: Secretariat General and Registrar of the Constitutional Court, 2010).

If the explanation above is related to the ruling of the Constitutional Court Number 137/PUU-XXI/2023, it can be stated that the Court's legal considerations are correct. This is based on the court's conclusion which states that: 1) the Court's authority to hear *the a quo petition* ; 2). Para Applicant No own position law For submit *an a quo application* ; and 3). The Petitioners' petition is unclear or vague (*obscuur)* and not considered further.[65]

Land Acquisition for Development in the Public Interest Based on the Principles of Ecological Justice

Apart from the "unacceptable" decision of the applicant's petition in Decision Number 137/PUU-XXI/2023, according to researchers there are important things to pay attention to, namely that it is related to the "unacceptable decision" as intended in Article 50 and Article 51 of the Constitutional Court Law, it must be understood that the judge has not yet reached the point of "considering" the main petition (*posita)*, namely examining paragraphs, articles and/or parts of the law against the 1945 Constitution of the Republic of Indonesia. The judge's consideration has only reached the stage of considering the formal-procedural aspects, namely whether the applicant has legal *standing* ; whether the applicant is a party who has experienced loss of constitutional rights and authority as a result of the enactment of the law; whether the petitioners can clearly explain the loss of constitutional rights and authority resulting from the enactment of the law; and whether the applicant can explain clearly that the formation of the law is contrary (procedurally) to the NRI Constitution and/or the content of the law is contrary to the NRI Constitution. Because the Court's legal considerations have not yet reached the stage of considering the subject matter of the petition, it can be said that the enactment of paragraphs, articles and/or parts of Law 2/2012 as referred to in the [66]"potential" applicant's posita is contrary to the 1945 Constitution of the Republic of Indonesia.

In the main petition (posita) the applicants in principle argue that, 1). There is a lack of clarity in the meaning of public interest, the meaning of development and balanced interests as intended in Article 9 (1) of Law 2/2012, so that it has the potential to conflict with Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia; 2). There is a mismatch between the title of the Law and the body of Law 2/2012; 3). The list of public interests as intended in Article 10 of Law 2/2012 includes public roads, toll roads, tunnels, railway lines, train stations and train operating facilities; Ports, airports and terminals, while the development of *eco city areas* is not included in the provisions as intended in Article 10 of Law 2/2012 so that land acquisition activities for development in the public interest have the potential to cause conflict between the community, entrepreneurs and the state; and 4). There is no public participation in the planning process for land acquisition for the public interest as intended in Article 14 paragraph (1) of Law 2/2012. Apart from being contrary to Article 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia, this also has the potential to cause a conflict of norms with Article 2 letter g of the *a quo* law .

The first to third points in the main petition of the petitioners above, are basically elementary problems in the preparation of statutory regulations, namely the harmony between one regulation and another, both horizontally and vertically. This can be avoided by harmonizing statutory regulations and by applying legal principles, both legal principles that are expressly contained in every

[65] Constitutional Court, "Decision Number 137/PUU-XXI/2023" (nd).
[66] Constitutional Court, 21–35.

statutory regulation and legal principles that apply generally and form the background of every statutory regulation. For example, if there is a conflict of norms between one article and another in one statutory regulation or between regulations of the same level, then the principle of *lex specialis derogat lege generali can be applied. If it conflicts with the rules above then the principle of lex superior derogat lege inferior* can be applied and so on. -other.[67]

The fourth point is related to public participation. Public participation in every policy making is a constitutional right whose fulfillment is guaranteed by the constitution.[68] Article 28F of the 1945 Constitution of the Republic of Indonesia states that: "Everyone has the right to communicate and obtain information to develop their personal and social environment,...". The phrase "obtaining information" as intended in Article 28F has at least 3 (three) prerequisites, namely: the right to have one's opinion heard (*right to be heard)*, the right to have one's opinion considered (*right to be considered)* and the right to receive an explanation or answer to one's opinion. given (*right to be explained)*; [69]These three prerequisites were not obtained by the people of Rempang Island when planning land acquisition for development, thereby triggering conflict between the community and state officials.

There is an interesting fact since the promulgation of Law Number 6 of 2003 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (Job Creation Law), namely that there has been an effort to limit public participation "only" to those who directly affected by every business plan and/or activity, thereby closing the space for environmental observers and activists to participate in the business and/or activity planning process, including in terms of land acquisition for development. From the perspective of international environmental law, restrictions on public participation are contrary to Principle 10 of the Rio Declaration which states that " *environmental issues are best handled with the participation of all concerned citizens, at the relevant level* ." [70]If this analysis is linked to the theory of ecological justice (*ecological justice)* that the main principle of ecological justice is the recognition that humans are part of nature, [71]as well as the existence of intra-generational, inter-generational and inter-species equality, [72]then the solution of land acquisition for development is not conflict occurs with an ecological approach that prioritizes recognition and equality.

CONCLUSION

Based on the research results and analysis of the research results, it can be concluded that: Constitutional Court Decision Number 137/PUU-XXI/2023 which stated that the petitioners' petition could not be accepted was based on the consideration that the petitioners' petition was vague or unclear (*obscuur)*. Based on the provisions of Article 74 letter a of Constitutional Court Regulation

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[67] Zainal Arifin Mochtar and Eddy OS Hiariej, *Basics of Legal Science; Understanding Legal Rules, Theories, Principles and Philosophy* (Yogyakarta: Red & White Publishing, 2021), 145–47.

[68] Explanation of Article 51 paragraph (1) "Law of the Republic of Indonesia Number 24 of 2003 concerning the Constitutional Court" (2003).

[69] https://www.dpr.go.id/berita/detail/id/37434/t/Perlu+Partisipasi+Publik+dalam+Formation+UU+so+Created+%E2%80%98Meaningful+Participation%E2%80%99

[70] "Report of the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992)" (Rio de Janeiro, 1992), http://www.un.org/documents/ga/conf151/aconf15126-1annex1 .htm.

[71] Garver, "Confronting Remote Ownership Problems With Ecological Law."

[72] Sbert, "El Salvador's Mining Ban and In Ontario's Ring of Fire From The Lens of Ecological Law."

Number 2 of 2021 concerning Procedures in Legal Review Cases, it is stated that: "The Court can declare a Petition unclear or vague, among other things because: a. There is a discrepancy between the arguments of the petition in the posita and the petitum." In the posita the petitioners argue that Article 9 paragraph (1), Article 10, and Article 14 paragraph (1) of Law 2/2012 are contrary to the 1945 Constitution of the Republic of Indonesia, while the petitum requested by the petitioners is to state that Law 2/2012 is completely unconstitutional. Overall because it is contrary to the 1945 Constitution of the Republic of Indonesia. Ecological justice can be realized in every development model, including in land acquisition for development in the public interest, when there is good will from policy makers to provide space for the community to participate actively in policy making by prioritizing the principles of recognition and equality.

REFERENCES

Arto, Mukti. *Practice of Civil Cases in Religious Courts* . Yogyakarta: Student Library, 2004.

Baxter, Brian. *A Theory of Ecological Justice* . London: Routledge, 2005. https://doi.org/10.4324/9780203458495.

Black, Henry Campbell. *Black's Law Dictionary* . Edited by Bryan A. Garner. 4th ed. West Publishing Co, 1968. https://doi.org/10.2307/1066423.

Bosselmann, Klaus. *The Principles of Sustainability; Transforming Law and Governance* . Farnham: Ashgate Publishing Limited, 2008.

Collins, Linda. *The Ecological Constitution Reframing Environmental Law* . New York: Routledge Taylor & Francis Group, 2021.

Danusaputro, St. Munadjat. *Environmental Law Book 1: General* . Bandung: Binabuat, 1981.

Derek R Bell. "Political Liberalism and Ecological Justice." *Analysis & Criticism* 28 (2006): 206–22. https://www.analyse-und-kritik.net/Dateien/56c1ce591d076_ak_bell_2006.pdf.

Ecological Law and Governance Association (ELGA). "'Oslo Manifesto' for Ecological Law and Governance From Environmental Law to Ecological Law:," 2016. https://elgaworld.org/oslo-manifesto.

Efendi, Jonaedi. *Reconstructing the Basics of Judges' Legal Considerations Based on Legal Values and the Sense of Justice that Live in Society* . 1st ed. Depok: Prenadamedia Group, 2018.

Finger, Marina de Oliveira, and Felipe Bortoncello Zorzi. "Environmental Justice." *UFRGS Model United Nations Journal* 1 (2013): 222–43. https://doi.org/10.5840/wcp20-paideia199822401.

G. Wibisana, Andri. "The Elements of Sustainable Development: Principles of integration and Sustainable Utilization." *Pulpit Law - Faculty of Law, Gadjah Mada University* 26, no. 1 (2014): 102. https://doi.org/10.22146/jmh.16057.

Garver, Geoffrey. "Confronting Remote Ownership Problems With Ecological Law." *Vermont Law Review* 43 (2019): 1–23.

———. *Ecological Law and The Planetary Crisis a Legal Guide for Harmony on Earth* . New York: Routledge Taylor & Francis Group, 2021.

Kopnina, Helen. "Indigenous Rights and Ecological Justice in Amazonia." *International Journal of Wilderness* 25, no. 1 (2019). https://www.researchgate.net/profile/Helen-Kopnina/publication/332802864_Indigenous_Rights_and_Ecological_Justice_in_Amazonia_Exploring_Ethics_of_Wilderness_Conservation/links/5d91c43a458515202b74a015/Indigenous-Rights-and-Ecological-Justice- in-Amazonia-E.

Low, Nicholas, and Brendan Gleeson. *Justice, Society and Nature an Exploration of Political Ecology* . London: Routledge, 1998. https://id.b-ok.asia/book/855115/14a57a.

Constitutional Court. Decision Number 137/PUU-XXI/2023 (nd).

Mertokusumo, Sudikno. *Know the Law; An Introduction* . 3rd ed. Yogyakarta: Liberty Yogyakarta, 2007.

Millner, Felicity. "Access to Environmental Justice." *Deakin Law Review* 16, no. 1 (2011).

Mochtar, Zainal Arifin, and Eddy OS Hiariej. *Basics of Legal Science; Understanding Legal Rules, Theories, Principles and Philosophy* . Yogyakarta: Red & White Publishing, 2021.

Montini, Massimiliano. "The Transformation of Environmental Law Into Ecological Law." In *From Environmental to Ecological Law* , edited by Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, and Carla Sbert. Taylor & Francis Group, 2021. https://www.researchgate.net/publication/269107473_What_is_governance/link/548173090cf22525dcb61443/download%0Ahttp://www.econ.upf.edu/~reynal/Civil wars_12December2010.pdf%0Ahttps:/ /think-asia.org/handle/11540/8282%0Ahttps://www.jstor.org/stable/41857625.

Muchamad Ali Safaat. "Development of Constitutional Law Theory and Its Application in Indonesia (paper presented at the Seminar 'Development of Constitutional Law Theory Post-Reformation and Its Application in Indonesia' Malang, 15 June 2006," 2006. https://doi.org/10.1017/CBO9781107415324. 004.

Muhammad, Rusli. *Contemporary Criminal Procedure Law* . Jakarta: Citra Aditya Bhakti, 2007.

Mulyadi, Lilik. *Shifting Perspectives and Practices of the Supreme Court Regarding Decisions* . Bandung: Citra Aditya Bhakti, 2009.

Nussbaum, Martha C. *Frontiers of Justice: Disability, Nationality, Species Membership* . Cambridge: Belknap Press of Harvard University Press, 2007. https://id.b-ok.asia/book/816015/53760e.

Pineda-pinto, Melissa, Pablo Herreros-cantis, Timon Mcphearson, Niki Frantzeskaki, Jing Wang, and Weiqi Zhou. "Examining Ecological Justice Within the Social-Ecological-Technological System of New York City, USA." *Landscape and Urban Planning* 215 (2021): 104228. https://doi.org/10.1016/j.landurbplan.2021.104228.

"Report of the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992)." Rio de Janeiro, 1992. http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm.

Robert Pradana, Erlin Indarti and Tri Laksmi Indraswari. "Law Discovery and Paradigms: A Legal Philosophy Study of the Criminal Justice Process in the Semarang City District Court." *Diponegoro Law Journal* 5, no. 4 (2016): 1–20.

Sbert, Carla. "El Salvador's Mining Ban and In Ontario's Ring of Fire From The Lens of Ecological Law." *Vermont Law Review* , 2019, 1–26.

———. "The Ecological Law Paradigm Shift." In *The Lens of Ecological Law: A Look at Mining* . Edward Elgar Publishing, 2020.

Schlosberg, David. *Defining Environmental Justice; Theories, Movements, and Nature* . New York: Oxford University Press, 2007.

Stang, Veronica. "The Rights of the River: Water, Culture and Ecological Justice." In *Conservation Integrating Social and Ecological Justice* , edited by Helen Kopnina and Haydn Washington, 3–15. Gewerbestrasse: Springer, 2020.

Supriyono, Harry. "Module 1 History of the Development of Environmental Law," 2019. http://repository.ut.ac.id/4372/1/LING1121-M1.pdf.

Constitutional Court Procedural Law Drafting Team. *Constitutional Court Procedural Law* . Jakarta: Secretariat General and Registrar of the Constitutional Court, 2010.

Law of the Republic of Indonesia Number 24 of 2003 concerning the Constitutional Court (2003).

Watson, James EM, Nigel Dudley, Daniel B Segan, and Marc Hockings. "The performance and potential of protected areas." *Nature* 515, no. 7525 (2014): 67–73. https://doi.org/10.1038/nature13947.

Wienhues, Anna. "Life in Common: Distributive Ecological Justice on a Shared Earth." The University of Manchester, 2018.https://docs.google.com/document/d/1_o5zT-HMn6iyERyzxK0ymStmnk_QmVjJ/edit?usp=sharing&ouid=108250091505019645921&rtpof=true&sd=true

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