



# PROCEEDINGS

## The 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

Universitas Muhammadiyah Yogyakarta (Indonesia)

October 13 - 14 2020

<https://icosi.umy.ac.id/>

## Focal Conferences



- ✔ (ICPU) The 2nd International Conference on Pharmaceutical Updates
- ✔ (ICOMS) The 6th International Conference on Management Sciences
- ✔ (ICLAS) The 9th International Conference on Law and Society
- ✔ (ICMHS) The 4th International Conference Medical and Health Sciences
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- ✔ (IConARD) International Conference on Agribusiness and Rural Development
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- ✔ (ICONPO) The 10th International Conference on Public Organization
- ✔ (DREAM) The 5th Dental Research and Exhibition Meeting
- ✔ (ICHA) The 5th International Conference on Hospital Administration
- ✔ (ICOSA) The 3rd International Conference on Sustainable Agriculture





Proceedings

4<sup>th</sup> International Conference on Sustainable Innovation

2020

Publisher UMYPress

Lembaga Penelitian, Pengabdian, dan Pengembangan Masyarakat (LP3M)

Universitas Muhammadiyah Yogyakarta

Address

Gedung D Lantai 2

Universitas Muhammadiyah Yogyakarta

Jalan Brawijaya, Bantul,

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ISBN : 978-623-7054-43-6



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## Preface by the Chairperson of the 4<sup>th</sup> ICoSI 2020



**Dr. Yeni Rosilawati, S.IP. S.E., MM.**

Assalamu'alaikum Wr. Wb.

All praise is due to Allah, the Almighty, on whom we depend for sustenance and guidance. Prayers and peace be upon our Prophet, Muhammad SAW, his family and all of his companions.

On behalf of the organizing committee, it is my pleasure and privilege to welcome the honourable guests, distinguished keynote & invited speakers, and all the participants.

With the main theme of “Cutting-Edge Innovations on Sustainable Development Goals (SDGs)”, the 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020 serves as a forum to facilitate scholars, policy makers, practitioners, and other interested parties at all levels from Indonesia and abroad to present their novel ideas, promote cutting-edge research, and to expand collaboration network. The conference has about 1373 participants participating from more than 8 countries 4 continents all over the world, making this conference a truly international conference in spirit.

This multidisciplinary conference was first held in 2012 and has undertaken various changes and adopted to the current technological trends of our education system. From having this conference with just 175 participants back in 2012 we have come a long way in making the conference a huge success with more than 1373 participants participating in this two-day conference.

Formerly, this conference consisted of only 9 (nine) focal conferences. This year, there are 14 focal conferences from various disciplines, namely: 1) The 2<sup>nd</sup> International Conference on Pharmaceutical Updates (ICPU), 2) The 6<sup>th</sup> International Conference on Management Sciences

(ICoMS), 3) The 9<sup>th</sup> International Conference on Law and Society (ICLAS), 4) The 4<sup>th</sup> International Conference Medical and Health Sciences (ICMHS), 5) The 6<sup>th</sup> International Conference for Accounting and Finance (ICAF), 6) The 2<sup>nd</sup> International Language and Education Conference (ILEC), 7) The 2<sup>nd</sup> International Conference on Nursing (ICONURS), 8) The International Conference on Information Technology, Advanced Mechanical and Electrical Engineering (ICITAMEE), 9) The 2<sup>nd</sup> International Conference of Agribusiness and Rural Development (IConARD), 10) The 10<sup>th</sup> International Conference on Public Organization (ICONPO), 11) The 2<sup>nd</sup> International Symposium on Social Humanities Education and Religious Sciences (ISHERSS), 12) The 5<sup>th</sup> Dental Research and Exhibition Meeting (DREAM), 13) The International Conference on Hospital Administration (ICHA), and 14) The 3<sup>rd</sup> International Conference on Sustainable Agriculture (ICoSA).

Accordingly, We are proud to announce that this year, the 4<sup>th</sup> ICoSI 2020 breaks the Museum Rekor-Dunia Indonesia (MURI) record as the Virtual Multidisciplinary Conference with the Largest Number of Area of Fields in Indonesia

In addition, this year, this conference holds special value since this is the first conference in the history of our university where the entire conference is taking place remotely on a digital platform through the use of advance technologies due to the Covid-19 Pandemic.

I would take this opportunity to express my highest respect to the Rector of Universitas Muhammadiyah Yogyakarta, Dr. Gunawan Budiyanto who gave approval and ensured the maximal support from all the faculty members of Universitas Muhammadiyah Yogyakarta (UMY) that made this event a big success. In addition, my appreciation goes to all the support teams who have provided their valuable support and advice from planning, designing and executing the program.

Let me conclude my speech by encouraging the delegates to participate with an increasing number in all the activities and discussions through the digital platforms for the next two days. I wish everyone a successful, safe, and fruitful conference.

Thank you!

Wassalamu'alaikum Wr. Wb.

Yogyakarta, Indonesia, 14 October 2020





## Welcoming Remarks by the Rector of Universitas Muhammadiyah Yogyakarta



**Assoc. Prof. Dr. Gunawan Budiyanto**

Innovation is the beginning of the development of technology, and technology is a development machine that is expected to provide benefits to humans and provide the smallest possible impact on environmental quality. In the concept of sustainable development, development must improve the quality of human life without causing ecological damage and maintain the carrying capacity of natural resources.

International Conference on Sustainable Innovation (ICoSI) is an international conference which is an annual conference held by the University of Muhammadiyah Yogyakarta (UMY), Indonesia. In 2020 this raises the issue of "Cutting-Edge Innovations on Sustainable Development Goals." Therefore, on behalf of all UMY academics, I would like to congratulate you on joining the conference, hoping that during the Covid-19 Pandemic, we can still provide suggestions and frameworks for achieving sustainable development goals.

# About The 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020

## *Cutting Edge Innovations for Sustainable Development Goals*

The 2030 Agenda for Sustainable Development is enacted by the United Nations as a shared blueprint for peace and prosperity for people and the planet, now and into the future. It consists of strategies to improve health and education, reduce inequality, and spur economic growth while also conserving natures by 2030.

This year, however, at the first one-third of its timeline, the SDG Reports shows that the outbreak of COVID-19 did hinder the achievement, or at least decelerate the progress of achieving the 17 goals. In fact, according to the report, “some number of people suffering from food insecurity was on the rise and dramatic levels of inequality persisted in all regions. Change was still not happening at the speed or scale required”, accordingly.

Therefore, in this event of pandemic, the quantity and quality of research, innovation, and more importantly multi-disciplinary collaboration are indispensable. Furthermore, there needs to be clear ends of those works. That is how those research are applicable and benefits directly to the society. That is how those research is incorporated as the drivers of policy making, and used practically in the society. Hence, the stakeholders especially the triple helix of higher education institution, government, and industry must be re-comprehended and supported to reach the common goal of the SGD.

International Conference on Sustainable Innovation (ICoSI) has been essentially attempting to strengthen this regard since its first establishment. One of the goals of ICoSI is to provide primarily a platform where scholars, practitioners, and government could grasp the development and trends of research. Hopefully, meeting these actors altogether would result in stronger collaboration, sophisticated and advantageous research, and brighter ideas for further research. Based on these reasoning, this year, the 4th ICoSI 2020 UMY is themed ‘Cutting-edge Innovations for Sustainable Development Goals’.

Improving from last year conference which brought nine focal conference, this year ICoSI 2020 UMY brings 14 disciplines, from social sciences, natural sciences, and humanities. ICoSI 2020 received as much as 1005 papers. The paper works submitted in ICoSI 2020 UMY will be published in Atlantis Proceedings, IOP Proceedings, National/International Journals, and ICoSI ISBN-indexed Proceedings.

Nevertheless, ICoSI believes that publication is only the beginning of research dissemination. The publications will enhance the chance of the research known by wider audience, and then used, applied, and incorporated at either system, institutional, or personal level of human lives.



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# TRACK ECONOMICS, LAW, EDUCATION, SOCIAL, AND HUMANITIES



# Romanticism Dynamics of Legal Politics Protection and Management of Environmental Protection to Indonesia's Ecocracy

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## ABSTRACT

Indonesia, as a nomocracy based on theocracy and democracy, in achieving its objectives, as stated in The fourth paragraph of the Preamble of the Constitution of the Republic of Indonesia 1945, also on the base of to the ecocracy itself. The right to control the earth and water, as well as the wealth contained in it, which is mandated Article 33 paragraph (3) of the Constitution of the Republic of Indonesia 1945 to the country, it must be aimed for the greatest prosperity of the people. This research examines: (1) the legal politics protection and environmental management (PPLH) which has become the Indonesian positive law, (2) construction of the PPLH legal politics are supposed to achieve Indonesia's ecocracy. This research is a normative legal research with historical, statute and conceptual approach. The result of this research: (1) legislation products at the statutory level, explicitly normative and their implementation, there are still heavily influenced by many political interests of the policy makers and stakeholders; (2) PPLH's legal political building should be based on the Pancasila concept of nomocracy, theocracy, democracy and ecocracy.

**Keyword:** *Indonesia's Ecocracy, Legal Politics, Protection, and Environmental Management.*

## 1. INTRODUCTION

The impact of pollution and environmental damage that affects the survival of humans and other organisms most is climate change. Climate change can lead to global warming and cycle change of organisms. The availability of biodiversity and natural resources is declining, both in quantity and quality. On one side, efforts to achieve prosperity and well-being of the society require the availability of some adequate and sustainable biodiversities and natural resources. In other side, the efforts should be carried out through development, which also could negatively impact the environment if it did not be implemented in accordance with environmental principles, namely sustainable development.

Environmental Protection and Management (PPLH) efforts require an integrated governance system. There has to be consistency between Environmental Protection and Management (PPLH) policy and its implementation at the central government, local government, and village government level. The utilization of natural resources should be aligned, harmonious, and balanced with environmental functions. All government instruments at all levels have to be imbued and conducted based on obligation to preserve the environment and realize sustainable development goals

Among the government instruments, the most effective one to achieve the goals in Environmental Protection and Management (PPLH) is instrument for making legal instruments, both *beschikking* and *regeling*. The use of government instruments in the construction of legal instruments, could not be released from the politics of the law. The politics of law become very important in the creation of legal instruments, because it contained the intent and purpose of the creation and legitimation of the law as a positive law. Environmental Protection and Management legal instruments in Indonesia have to be based on the politics of environmental law in accordance with the ideals in achieving the law state of Pancasila which contains the concept of theocratic and democratic welfare state. However, the legislation history about Environmental Protection and Management (PPLH) in Indonesia is full of legal political configuration tug of war dynamics in the construction process. Indonesia which is currently run into the era of industrialization 4.0 to the era of 5.0 should not only move to theocratic and democratic welfare state, but also move to ecocratic state in protecting and managing sustainable environment. It is aligned with the statement of Arief Hidayat that not only democracy, nomocracy, and theocracy, but also ecocracy should be conducted with some environment-based law development .



The ecocracy and Environmental Protection and Management (PPLH) legal politics in Indonesia have been studied by several researchers. Al. Andang 's research examined the principles of achieving ecocracy based on philosophical, socio-political, and practical studies, by comparing the exposure to democracy and its problematics to bring up some overviews of ecocracy problematic. Wibawa 's Research examined the law politics of Environmental Protection and Management and the law political building of Environmental Protection and Management (PPLH) to achieve Indonesia's ecocracy with a constitutional and conceptual approaches. Faiz analyzed the extent of environmental protection is provided through the adoption of constitutional norms, using qualitative methods, normative approaches and literature studies. Another researcher, Yusa and Hermanto analysed the concept and implementation of Indonesia's Green Constitution in the context of guaranteeing human rights to a sustainable living environment. In this case, Yusa and Hermanto used socio-legal method of writing with conceptual and constitutional approaches. In addition, Ramadayanti examined the law and natural phenomenon correlated with the regulatory role which could save the nature future as the habitation environment of organisms.

The novelty of this study lies in the political concept of Environmental Protection and Management (PPLH) law which is reviewed with several views that differ from previous studies. Second, this study uses doctrinal legal methods with historical, constitutional, and conceptual approaches.

## 2. PROBLEM

In this paper, the author will discuss, firstly, the politics of Environmental Protection and Management (PPLH) law which has become the positive law of Indonesia, and secondly, the political building of Environmental Protection and Management (PPLH) law, which is supposed to achieve the ecocracy of Indonesia.

## 3. METHODS

This research is a doctrinal legal study with historical, constitutional, and conceptual approaches. Historical approach is used to determine the connecting line between the history of Environmental Protection and Management (PPLH) legislation at the legal level in Indonesia, so that the legal politics underlying Environmental Protection and Management (PPLH) regulation in Indonesia could be summed up. Statute approach is used to analyze the suitability of the ecocratic state achievements contained in Law No. 32 of 2009 about Environmental Protection and Management (PPLH) as the umbrella act on Environmental Protection and Management (PPLH) in Indonesia. Conceptual approach is used to analyse the

whole problem to formulate legal norms about Environmental Protection and Management (PPLH) in order to achieve Indonesian ecocracy based on Pancasila.

## 4. DISCUSSION

### 4.1. *Environmental Protection and Management (PPLH) Law Politics' Dynamics In Indonesia's Positive Law*

Matthias Finger argued that environmental crisis in this world happened because of: (1) the wrong and failed policy; (2) inappropriate destructive technology; (3) the lack of political commitment, ideas and ideology which would harm the environment; (4) the state's actors deviant behaviours (5) the rampant of consumerisms and individualisms; and (6) individuals who lack of environmental knowledges. Based on those causes, generally, the efforts executed are: (1) constructing better policy; (2) creating some innovative and unique technologies; (3) reinforcing the commitments, politics, and publics; (4) creating some pro-environment innovations (green thinking); (5) punishing the deviant actors; (5) changing the individuals awareness and behaviours .

Considering the law and state's function, efforts to make better policy as a part of government instrument is vital and effective to prevent and resolve living environment crisis. The state has power to make some laws to manage a good and sustainable environmental governance completely. In Pound Theory, law is functioned as "law as a tool of social engineering" . Law as a social engineering tool imply that a conscious legal use to achieve the discipline and aspired society condition or to conduct the desired changes. The desired changes is conducted with a social change mechanism, a planned process to encourage, invite, order, or even force the society to obey the law norms that established as a new norm . Law is also believed as something effective to conduct social changes because it is considered as a 'by design' social institution. Law is a planned and systematic intellectual product, so it is easy to be perfected every time in order to be functional as a social change instrument . The attribute of law as a 'by design' product could be seen at the six systematic steps by Pound to actualize the law as a social change tool, such as:

- a. Study the real social effects from some law and legal teachings
- b. Conduct sociological studies to prepare legislation to study the implementation as well as the effects in society, to be then actually implemented
- c. Conduct some studies about how is a law could be effective.
- d. Pay attention to the law history to show how law was grown from some social, economic, and

psychological conditions in the past and how we implement or ignore a law to achieve something.

- e. The importance of conducting the individual settlement not only based on rules, but also on common sense. This step could give discretion to the judges for deciding a case based on general common sense to fulfill all of the parties' justice.
- f. Strive effectively in order to achieve the goals of law.

Correlated with the law construction about good and sustainable environment governance, law is functioned as a behavioural change tool, for state's actors as well as society to create some good and sustainable environment awareness.

Law construction is also correlated with the law politics. Teuku M. Radhi argued that law politics is the will statement of the state's ruler about positive law applied in their territories (*ius constitutum*) and the direction of law development that will be conducted or will be enforced in the future (*ius constituendum*). According to David Kairsy, law politics is a state's policy to implement laws. In sociological perspective, Satjipto Rahardjo defined that law politics is an activity to choose some ways to achieve some social and law goals in society. Therefore, there are some basic statements between law studies with law politics, such as :

- a. What is the goal that aimed to be achieved in existing law system,
- b. What are the methods that considered the best to achieve those goals,
- c. When is the law need to be change and how the change will be conducted,
- d. How to formulate some raw and well-established patterns that could help the process of choosing goal and the good methods to achieve that goal.

Satjipto Rahardjo also argued that in law politics, law development is ambiguous, it could be an effort to, first, upgrade the positive law itself, in order to be suitable with the needs to serve the society at its cutting-edge level of development. Second, to functionalize law during the development period by co-organize social changes as needed by the developing society. Mahfud MD defined law politics as legal policy that would or had been conducted nationally by Indonesia government. The legal policy consists of:

- a. Law development that has a point of making and updating law materials in order to be suitable with the needs.
- b. Enforcement of the existing rule of law including the affirmations of institution function and the coaching of the law enforcers.

Based on the definitions, Mahfud perceived law politics included the process of law construction and enforcement that could show the attributes and directions of the law development and the law enforcement. According to the law politics definition conceptions above, in this study, law politics intended as law policy that become the basic of Environmental Protection and Management (PPLH) law in Indonesia.

In addition, in ecology is also known as political ecology. Political ecology concept as a tool to understand the politics' dimension, condition, and complexity from environmental change, especially in developing country. According to Bryant, ecology politics has 3 dimensions, such as:

- a. Political sources, like state's policy, to encourage the important relationship between national and global pressure to the environment.
- b. Condition, is conflicts that emerged from the local society rebellion. This dimension emphasizes on how a group of society with limited privilege could continuously fight to maintain a condition in the foothold environment. This condition needs some understandings of the historical background and every conflict dynamics.
- c. Ramification, is a political consequences of environmental change with the emphasis on the social-economy effects and political process.

Some issues about state's policy, in political sources dimensions, describe how politic-ecological framework could expand the view of scientists about environmental changes. State's policy has a big potential to manage the relationship between humans and environment, because it functions to develop priorities and practices that has to be enforced by the state in environmental change.

Talking of Environmental Protection and Management (PPLH) Law in Indonesia, clearly the first reference is 1945 Indonesian Constitution amended in 2002. In the second and fourth amendment of 1945 Indonesian Constitution, Article 28H paragraph (1), Article 33 paragraph (3), (4), and (5), there are 5 important things which became the state law policy in Environmental Protection and Management (PPLH) and utilization of natural resources, as follows :

- a. The management of environment and utilization of natural resources should be laid inside the framework of recognition, protection and fulfillment of human rights for every citizens for a good and healthy living environment. In other words, human rights of the good and healthy environment is irreplaceable as a result of the natural resources development and utilization.
- b. The management of environment and utilization of natural resources are the responsibility of the government, which they could construct any rules



- and policy of environment and natural resources utilization using the right to control the state
- c. The people's welfare becomes the philosophical and sociological base for any activity of environmental management and natural resources utilization which used for their welfare.
  - d. The management of environment and utilization of natural resources are tools to achieve environmentally friendly sustainable development, which means the targets of environmental management and natural resources utilization are not only including people's welfare but also sustainability aspect and national economic progress.
  - e. The existence of furthermore delegation arrangements about environmental management with the constitutions.

Article 20, Article 21, Article 28H paragraph (1), and Article 33 paragraph (3) and (4) of 1945 Indonesian Constitution are the products of law politics that would become the preamble legal basis for implementing regulations of the 1945 Constitution of the Republic of Indonesia about Environmental Protection and Management (PPLH). Before the amendment of 1945 Indonesian Constitution, Indonesia formerly had a rule which is at the same level with the act of Environmental Protection and Management (PPLH), such as Law No. 4 of 1982 about Living Environment (UULH), Law No. 23 of 1997 about Living Environment Management (UUPPLH), and had been perfected with the updated regulation, that is Law No. 32 of 2009 about The Protection and Management of Living Environment (UUPPLH).

The Act of Protection and Management of Living Environment (UUPPLH) as the substitute of The Act of Living Environment Management (UUPPLH) had brought some basic changes in the arrangements of Environmental Protection and Management in Indonesia. Based on the the Act of Living Environment Management (UUPPLH)'s title, there is emphasis to the efforts of environment protection which followed with words of environmental management. In terms of Indonesian language rules, in the word management has included protection activities. Emphasis on protection efforts, in addition to the word environmental management, The Act of Protection and Management of Living Environment (UUPPLH) gives serious attention to environmental regulatory rules that aim to provide reassurance for the realization of sustainable development, as well as ensuring the environment could be protected from destructive businesses who could cause environmental pollution. When associated with Teuku M. Radhie's opinion on the politics of law as the direction or purpose of legal development, then The Act of Protection and Management of Living Environment (UUPPLH) determines the direction in which pplh law will be

developed. According to The Act of Protection and Management of Living Environment

- a. Protect the Republic of Indonesia from any environmental destructions and pollutions.
- b. Ensure human's safety, health, and life.
- c. Ensure the survival of any organisms and the sustainability of the ecosystem
- d. Maintaining the sustainability of environmental functions.
- e. Achieve environmental harmony, congruity, and stability.
- f. Ensure the needs fulfillment for both of current and future generations.
- g. Ensure the fulfillment and protection of environmental rights as a part of human rights.
- h. Control the resources utilization wisely.
- i. Realize the sustainable development.
- j. Anticipate any global environment issues.

To achieve all of the ten goals above, the Act of Protection and Management of Living Environment (UUPPLH) established some law instruments about the prevention of environmental pollution and destruction formed of Strategic Environmental Assessment (KHLS), environmental governance, environmental quality standards, environmental damage standards, Environmental Impact Assessment (AMDAL), Efforts Of Environmental Management And Monitoring (UKL-UPL), licensing, environment economical instrument, regulations based on environment, budget arrangement based on environment, environmental risk analysis, environmental audit, and the other instruments in accordance with the needs and technology development, where Strategic Environmental Assessment (KHLS) is at the top position of efforts to prevent environmental pollution.

The emphasis on environment aspect could be seen from the existence of two licence levels that have to be fulfilled by every person or businessmen, which correlated with environmental management. The two licence levels are the responsibility to attain environmental licence first as a term to attain business or activity licence. Besides the prevention instrument, Act of Living Environment Management (UUPPLH) also settle the law instrument enforcements which includes administration law enforcement, civil and criminal law as well as the administration punishments, compensations, and criminal sanctions. The Act of Protection and Management of Living Environment (UUPPLH) attempted to ensure the existence of Environmental Protection and Management (PPLH) continuously and environmentally friendly as early as possible, started from the development planning and programming policy level (KHLS) and also on

environmental assessments for any activity and business through environmental impact assessment (AMDAL) mechanisms.

The basic alterations of Act of Living Environment Management (UUPLH) become The Act of Protection and Management of Living Environment (UUPPLH) are as follows:

UUPLH	UUPPLH
a. Criminal law enforcement as <i>Ultimum Remedium</i> .	a. Criminal law enforcement as <i>Primum Remedium</i> .
b. As the support for the administration law, criminal law principles still pay attention to the principle of subsidiarity, which means that criminal law should be utilized if the other areas of law, such as administration and civil sanction, as well as the environmental dispute's settlement alternatives are ineffective and/or the perpetrator's fault is relatively severe and/or the results of his deeds are relatively wide-spread and/or cause public unrests.	b. Criminal law enforcement in this act introduces the minimum and maximum punishment, expansion of evidences, punishments for any quality standards violations, integrated criminal law enforcement, and arrangements of corporate crime. Environmental criminal law enforcement still pay attention to the principle of <i>ultimum remedium</i> which requires the enforcement of criminal law as the last effort after the administration law enforcement is considered unsuccessful. The enforcement of the principle of <i>ultimum remedium</i> is only applied for certain formal crime, such as punishments for violation of wastewater quality standards, emissions, and disturbances.

Based on the explanations above could be concluded that with Article 28H Paragraph (1) and Article 33 Paragraph (3) and (4) of 1945 Indonesian Constitution and The Act of Protection and Management of Living Environment (UUPPLH), as part of environmental law in Indonesian law system, from environmental law politics point of view has become a tool to achieve a sustainable Environmental Protection and Management (PPLH).

**4.2. Environmental Protection and Management (PPLH) Law Political Construction to Achieve Indonesian Ecocracy.**

Ecocracy is defined as a sovereign state for its environment, and guarantees its environmental sustainability. This idea of environmental sovereignty is a complementary to the sovereignty theory that has existed all this time. In history, mankind has used the idea of God's sovereignty associated with the theocracy, the idea of people's sovereignty associated with democracy, and the idea of legal sovereignty associated with nomocracy.

According to Al Andang , the term ecocracy understandable simply as power from, by, and for nature and inside it. However, the simple comprehension about ecocracy is difficult to understand philosophically, such as correlated with

nature comprehension as a whole and on every part, as well as the mankind position. As the comparison, a long struggle is needed to fulfill the idea of democracy. The four ideas of democracy are equality, freedom, otonomy, and participation could not be applied in ecocracy just like that. The comparison with democracy implementation could shorten the way to ecocracy.

The idea of ecocracy, has been widely initiated in various countries. According to Henryk Skolomowski, the concept of ecocracy is in the form of recognition of the nature forces and the life in it, there is an understanding of environmental limitations, elements of cooperation with nature, and the creation of ecological systems that are sustainable with the respect for the earth and everything in it and avoid doing nature destruction and exploitative deprivation. Jacqueline Aloisi de Larderel describes ecocracy as a system of activity measured through international standards about the protection of environment, with the aim of reintegrating life between the living things in the world, such as humans, animals, plants in environmentally friendly situations and conditions.

The establishment of the ecocracy concept is not without pages, because of the large number of stakeholders who wish to exploit the environment for the benefit of themselves and their groups. One effective way to realize the concept of ecocracy is to implement Green Policy in various policies, both by international organizations and governments. The concept of ecocracy in making various policies, especially in the constitution, could form government programs in order to deal with environmental crises. In Indonesia, Jimly Asshiddiqie popularized the term Green Constitution, argued that the 1945 Indonesian Constitution as a formal constitution is still very limited in protecting the environment . In contrast to other countries' constitutions, for example Ecuador's constitution which gives the right to the environment as an object of law equal to human rights. According to Jimly Asshiddiqie, inside of constitution, it takes several steps as follows:

- a. Although some provisions about the environment are already listed in the 1945 Indonesian Constitution, when compared to other countries there will be far differences where Indonesia still have not strictly regulated environmental principles in the realm of the constitution. In the event of the fifth amendments of 1945 Indonesian Constitution, it is necessary to formulate environmental protection norms with the reason of negative impacts on environmental issues.
- b. The socialization of the environmental norms constitutionalization that can be given to the policymakers at every level of government, and no exception to the judges. The policymakers is expected to have ecological awareness, so they



could also provide enlightenment to citizens gradually and thoroughly.

Currently, Indonesia does not only achieve the ideals of the legal state (nomocracy) based on the values of Godliness (theocracy) and democratic values, but also have to achieve a sovereign state in environment (ecocracy). Environment sovereignty is essential to achieve general welfare for Indonesian citizens today and in the future, even for the welfare of all mankind. Article 28H and Article 33 of the 1945 Indonesian Constitution and The Act of Protection and Management of Living Environment (UUPPLH), as in previous explanation, could be the main legal instruments to realize the sustainability of the environment in the future. It has generally been presented that in The Act of Protection and Management of Living Environment (UUPPLH), there are principles of preventive efforts in order to control environmental impacts by utilizing maximum surveillance and licensing instruments, as an effort to prevent pollution and or environmental damage. In addition, there are also repressive efforts in the form of effective law enforcement, consequent, and also effective in administrative, civil and criminal law areas, against polluters and or environmental destroyers in terms of pollution and or environmental damage that has occurred..

The Act of Protection and Management of Living Environment (UUPPLH) could be called as a gateway towards the State of ecocracy, because it uses various legal provisions, either administrative, civil, and criminal laws. The provisions of civil law in the Act of Protection and Management of Living Environment (UUPPLH) include provisions about the resolution of environmental disputes both outside and inside the courts. Settlement of environmental disputes inside the court includes Class Action lawsuits, environmental organization's litigation rights, and government litigation rights. The dispute resolution provisions in The Act of Protection and Management of Living Environment (UUPPLH) are expected to cause deterrent effects and raise awareness of all stakeholders about how important Protection and Management of Living Environment (PPLH) is for the survival of current and future generations. Indonesia's environment have be protected and managed based on the principles of State responsibility, principles of sustainability, and principles of justice. In addition, Protection and Management of Living Environment (PPLH) should also be able to provide economic, social, and cultural benefits, which are carried out based on the principles of prudence, environmental democracy, decentralization, as well as recognition and appreciation of local wisdom and environmental wisdom. Thus the Act of Protection and Management of Living Environment (UUPPLH) has fulfilled the form of responsive law as stated by Philippe Nonet and Philip Selznick .

Thus, Indonesia already has the concept of state of ecocracy embodied in the form of Green Constitution which contained in Article 28H Paragraph (1) and Article 33 Paragraph (3) and (4) of the 1945 Indonesian Constitution, as well as in The Act of Protection and Management of Living Environment (UUPPLH).

## 5. CONCLUSION

- a. Based on the political point of view of environmental law, Article 28H Paragraph (1) and Article 33 Paragraph (3), (4) and (5) of the 1945 Indonesian Constitution and The Act of Protection and Management of Living Environment (UUPPLH), as part of the Environmental Law in the Indonesian Legal System, could already be a tool to realize a sustainable Protection and Management of Living Environment (PPLH), because both rules are the implementation of a responsive form of law, and in both rules have regulated prevention, supervision, control, and resolution instruments of repressive environmental disputes.
- b. Indonesia's ecocracy construction refers to Article 28H Paragraph (1) and Article 33 paragraphs (3), (4) and (5) of the 1945 Indonesian Constitution and Protection and Management of Living Environment (UUPPLH), as follows:
  - i. Environmental management and utilization of natural resources should be placed within the framework of recognition, protection and fulfillment of the human rights of every Citizen for a good and healthy environment. In other words, the human rights of a good and healthy environment could not be sacrificed due to the implementation of development and utilization of natural resources.
  - ii. Environmental management and utilization of natural resources is the responsibility of the state, where they make rules and policies of environment and natural resources utilization through the right of control the State.
  - iii. The welfare of the people becomes a philosophical and sociological basis for all environmental management activities and the utilization of natural resources is used for the welfare of the people.
  - iv. Environmental management and utilization of natural resources is a tool to achieve sustainable environmentally-friendly development, which means the targets of environmental management and utilization of natural resources include not only the welfare of the people, but also aspects of

environmental sustainability and national economic progress.

- v. The existence of further arrangements delegation about environmental management with legislation.

## 6. RECOMMENDATION

- a. Sustainable Protection and Management of Living Environment (PPLH)-based regulations, should be followed with a sustainable Protection and Management of Living Environment (PPLH)-based budget as well.
- b. The large number of environmental cases until now indicate that Indonesia's ecocracy concept has not been optimally implemented and enforced, especially for sectoral issues, such as issues about management of mineral and coal, water resources, forestry, and others. Therefore, arrangements about sectoral issues should also refer to the politics of environmental law that have been stipulated in the 1945 Indonesian Constitution and the The Act of Protection and Management of Living Environment (UUPPLH).

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