

ENVIRONMENTAL MANAGEMENT AND PROTECTION BASED ON THE GREEN CONSTITUTION CONCEPT

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Abstract

This study aimed to analyze the green constitution concept as the basis for environmental protection and management in Indonesia. Various problems that occur such as natural disasters, ecosystem damage, and global warming raise concerns and ecological awareness. The problem discussed in this research was what is the importance of implementing the green constitution concept and how it is applied in Indonesia. This research was normative legal research using secondary data. Based on the results of the study, it was concluded that it requires sustainable development-based development for the sustainability of human life, as well as other living creatures on earth. The program is in line with the concept of the Green Constitution. This concept has been embraced by several countries, including Indonesia, the Green Constitution concept is adopted in Indonesia with recognition to the concept in the Constitution of the Republic of Indonesia, which is then relegated to laws and regulations under it.

Keywords: Green Constitution; Protection; Management; environment

INTRODUCTION

The scope of the environment is not only limited to humans, animals, plants, and the ecosystem. The environment is all objects, conditions, and circumstances that have an influence on the lives of all creatures, including humans.¹ The existence of the environment is the main key to all lines of the life of living things on the earth, this is because the environment includes all elements of life on earth in which there are humans, animals, plants, air, and elements of other living things. Every element is interrelated and dependent on one another.

The causes of environmental damage or can be called the environmental crisis in this global era can be categorized into two factors starting from natural disasters and human activities. Volcanic eruptions, abrasion, earthquakes, landslides, floods, and tsunamis are natural factors that cause environmental damage without any human intervention. Meanwhile, environmental damage caused by human activities tends to have a great impact, considering that human habits can damage the environment are carried out continuously and are increasing from time to time. Human activities are influential on environmental damage, include forest destruction and the conversion

¹ Emil Salim, 1979, *Lingkungan Hidup Dan Pembangunan*, Mutiara, Jakarta. pg. 34.

of forest functions from what was originally used as a green open space to an industrial area. In addition, mining activities, water, and air pollution, soil pollution, and small habits such as littering are the biggest factors in the destruction of environmental ecosystems on earth.

The following is a presentation of facts that show that environmental damage in Indonesia is indeed strongly influenced by human activities. First, the deforestation rate is recorded at 1.8 million hectares per year, causing 21 % of the 133 million hectares of forest in Indonesia to be lost.² The loss of forests in Indonesia also causes a decrease in the quality of the environment so that the incidence of natural disasters is increasing because environmental conditions are already unstable. The second fact, as much as %30 of the 2.5 million hectares of coral reefs in Indonesia were damaged.³ This damage greatly affects the risk of disasters in coastal areas and threatens the survival of marine life. The last fact, hundreds of rare plants and animals are threatened with extinction. According to the IUCN Red List, as many as 76 animals and 127 plant species in Indonesia are in a critically endangered status. Then, 205 animal species and 88 plant species are in the endangered category, as well as 557 animal species and 256 plants have Vulnerable status.⁴

An expert named Mattias Finger stated that the current global environmental crisis is caused by several factors, namely wrong and failed policies in environmental management and conservation the use of inefficient technology that can be unfriendly to the environment; low political and ideological awareness that harms the environment; a culture of consumerism and individualism that is increasing in the global era so that it fades awareness of love for the environment; and the weak role of power holders in terms of enforcing environmental laws and increasing public awareness of environmental stewardship.⁵

Not only in Indonesia, but the issue of environmental protection and maintenance has also become a global concern for all countries in the world. Departing from these problems, all countries need a centralized policy and comprehensive cooperation between countries. Then, international cooperation was born and was participated by several countries in the world, namely *The United Nations Framework Convention on Climate Changes* 1997, in which the agreement was agreed on community participation to reduce the causes of global warming.⁶ In 2004, the *United Nations High-Level Threat Panel, Challenges, and Changes* listed the phenomenon of environmental degradation as one of the top ten threats to humanity in the world. *The World Risk Report* released by the *German Alliance for Development Works* (Alliance), *United Nations University Institute for Environment and Human Security* (UNU-EHS), and *The Nature Conservancy* (TNC)

² Anonim, 'Krisis Laut Dunia', *Centre for Coastal and Marine Resources Studies*, 2017 <<http://pkspl.ipb.ac.id/berita/detail/krisis-laut-dunia>> [accessed 23 December 2021].

³ Admin DLH, *Kerusakan Lingkungan Dan Penyebabnya* (Jakarta, 2019) <<https://dlh.bulelengkab.go.id/informasi/detail/artikel/kerusakan-lingkungan-dan-penyebabnya-29>>.

⁴ Pemkab Lawu Utara, 'Data Dinas Lingkungan Hidup', *Kabupaten Lawu Utara* <<https://dlh.luwuutarakab.go.id/berita/>>. Diakses pada 2 Agustus 2021.

⁵ Bridget Lewis, 'Environmental Rights Are Right to the Environment. Exploring the Nexts between Human Rights and Environmental Protection', *Macquire Journal Of International and Comparative Environmental*, 8.1 (2012), 36-47. pg. 38.

⁶ Koesnadi Hardja Soemntri, 2012, *Hukum Tata Lingkungan*, VII, Gajah Mada University, Yogyakarta. pg. 6.

in 2012 also states that environmental damage is a factor that greatly affects the level of natural disasters that occur in a certain area.

International awareness and concern for environmental conditions on earth are implemented in a series of Environmental Law policies. Environmental Law is a branch of legal science that is related to legal regulation of the behavior and activities of legal subjects in the context of the utilization and protection of natural resources and the environment as well as human protection from negative impacts due to the use of natural resources. To realize regulations on environmental law that are in harmony, the governments of various countries have ratified international law on the environment. Bilateral and multilateral agreements between countries are also carried out to enforce policies related to the environment. Greening activities, education about the environment, as well as socialization about the environment through various *platforms*, both print and electronic media, have begun to be promoted by corporations at both national and international levels through activities called *corporate social responsibility* (CSR). CSR policies are in line with sustainable development which seeks to maintain a balance between economic, social, and environmental aspects to protect future life.⁷

Starting from the problems above, it appears a terminology called the Green Constitution. In principle, the Green Constitution is to constitutionalize environmental legal norms into the constitution by increasing the degree of environmental protection norms. Based on the description above, the formulation of the problem to be discussed in this research was What is the Urgency of the Green Constitution concept in Environmental Protection and Management? And how is the implementation of the Green Constitution in the laws and regulations in Indonesia?

The research method used in this study was normative juridical, namely research that bases its analysis on the applicable laws and regulations.⁸ The legislation is a system of norms that are built on principles, norms, rules of laws and regulations, court decisions, agreements, and doctrines (teachings).⁹ The approach used in this research is conceptual.¹⁰ The data used were secondary data consisting of primary legal materials, namely laws, and regulations related to the Green Constitution in Indonesia, and secondary legal materials consisting of literature related to research problems. The collection of data and legal materials were carried out through library research,¹¹ then analyzed using a descriptive-analytical approach, which is an analytical approach by describing the object under study.¹²

⁷ Rehnalemken Ginting Deslita, Hartiwingsih, 'Perbaikan Lingkungan Hidup Akibat Tindak Pidana Kebakaran Hutan Dan Lahan Oleh Korporasi Sebagai Upaya Pembangunan Berkelanjutan', *Jurnal IUS Kajian Hukum Dan Keadilan*, 8.2 (2020), 374–180.p. 378.

⁸ Zainal Askin Amirudin, 2012, *Pengantar Metode Penelitian Hukum*, Raja Grafindo Persada, Jakarta. Pg. 23.

⁹ Yulianto Achmad Mukti Fajar, 2017, *Dualisme Penelitian Hukum Normatif Dan Empiris*, Pustaka Pelajar, Yogyakarta. Pg. 33

¹⁰ Kornelius Benuf and Muhamad Azhar, (2020) 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, 7.1, 20–33. Pg. 25.

¹¹ Depri Liber Sonata, (2014) 'Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum', *Fiat Justisia Jurnal Ilmu Hukum*, 8.1, 15–35. Pg. 26.

¹² I Made Pasek Diantha, 2017, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum*, Prenada Media Group, Jakarta. Pg. 152-159.

DISCUSSION

The Urgency of the Green Constitution Concept in Environmental Protection and Management

There are 4 (four) groups of countries that expressly recognize and include environmental protection in their state constitutions. The first group consists of countries that include specific provisions regarding environmental protection in their constitutions. The second group of countries is countries that integrate provisions for environmental protection with human rights. The third group of countries is countries that regulate implicitly in their country's constitution regarding human rights which are also used in environmental protection. The fourth group of countries is countries that connect the outlines of environmental policies, taking into account the duties and responsibilities of the state to preserve the environment of each region and the world.¹³

The existence of constitutional rights and obligations related to the environment does not only exist in Indonesia, it is also contained in the constitutions of several countries as follows: South Africa in 1996; Portugal in 1976; Angola in 1992; Armenia in 1995; Spain in 1978; the Netherlands in 1983; Bhutan in 2003; Chile in 1980; the Philippines in 1987; Ghana in 1992 as well as; South Korea in 1987.¹⁴

For example, two countries have followed the Green Constitution Principles, are France and Ecuador. On March 1, 2005, France adopted the Environmental Charter, namely The Charter for the Environment in 2004, which was later integrated into The Constitution Of The French Fifth Republic.¹⁵ In the Preamble to the 2004 Environmental Charter adopted by France, it is explained that the prerequisite for human existence on earth is the balance of natural resources. Humans and natural resources cannot be separated. The environment is a legacy of mankind that continues to be a place to live from the time of our ancestors to our children and grandchildren later. So here, humans have a very big contribution to the preservation of the environment, including biodiversity.

Technological developments and other developments carried out by humans are influenced by excessive exploitation of nature. Environmental maintenance so that the target should be achieved by the principle of Green Constitution adopted by the French state. This reason is also a reference for implementing sustainable development programs or so-called *Sustainable Development* so that future generations will still live in a healthy and decent living environment.

Another country that has implemented the principle of the Green Constitution is the State of Ecuador which in 2008 declared the Constitution of Ecuador or known as The Green Constitution. In the Ecuadorian Constitution, it is stated that in addition to humans having the status as people who have the right to live in their area of residence, as well as the community, the environment also has its rights and powers on earth. The position of the rights and powers of humans or the people is equal and balanced with the

¹³ David Marrani, (2009) 'Human Rights and Environmental Protection: The Pressure of the Charter for the Environment on the French Administrative Courts', *Sustainable Development Law & Policy*, 88.4, 52–57. Pg. 55.

¹⁴ ConstitutionNet, 'Constitution of the Republic of Ecuador', *ConstitutionNet*, 2010 <http://www.constitutionnet.org/files/ecuador_constitution_english_0.pdf>.

¹⁵ Jimly Asshiddiqie, *Green Constitution* (Jakarta: Raja Grafindo Persada, 2009). Pg. 76.

rights and powers of the environment. Both are equal, no one has lower or higher rights and power. It is even said that the two are harmoniously related, cannot be separated from one another. Therefore, both humans or the people and the environment have their sovereignty. From the sovereignty obtained, the term democracy or the highest power is in the hands of the people. The highest power possessed by the environment is known as *ecocracy* or environmental sovereignty. Indonesia belongs to the second group of countries, namely countries that integrate provisions for environmental protection with human rights.

In the life of the nation and state, everyone has the right to live and get a decent, clean, and healthy living environment. This right can also be categorized as a constitutional guarantee that is owned by every citizen. The Constitutional Guarantee of citizens around the world can be integrated into the Declaration of Human Rights (UDHR). Article 25 of this Declaration states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.”¹⁶

The issue of environmental management and protection began to be highlighted by the international community when the United Nations Economic and Social Council held a Review of the results of the 1st World Development Decade Movement in 1960-1970 to further formulate the strategy of the 2nd World Development Decade in 1970- 1980.¹⁷ During the meeting, the UN Secretary-General stated that “there has been a crisis with a worldwide reach. The threat of the crisis can be seen from the population explosion, inadequate integration between technological progress and environmental conditions, damage to cultivated land, development of urban areas that are not environmentally based, the disappearance of green open spaces, as well as the extinction of animal and plant species which have contributed to the imbalance of nature conditions.”¹⁸

The issue of global environmental problems or what is known as global warming is increasingly emerging because very significant climate changes have occurred in various parts of the earth.¹⁹ Various ways have been taken to address these environmental issues, starting from conferences, agreements, commitments, and international cooperation in the environmental field, which are participated by many countries. In 1972, the Declaration of the United Nations Conference on the Human Environment was held.²⁰ Then in 1992, the United Nations Conference on the Environment and Development was held, and in 2002 the Johannesburg Summit the World Summit on Sustainable Development was held where the conference discussed the handling of environmental issues in the world.²¹

Departing from global environmental problems, there are many terminologies and concepts related to environmental awareness, including Green Economy, Green

¹⁶ R.K. Khitoliya, 2002, *Environment Protection and the Law*, A.P.H. Publishing Corporation, New Delhi. Pg. 27-29.

¹⁷ Hardjasoemanti, *Op Cit*. Pg. 6.

¹⁸ Hardjasoemanti, *Op Cit*, Pg. 11.

¹⁹ Jeanne Darc Noviyanti Manik, (2013) ‘Pengelolaan Pertambangan Yang Berdampak Lingkungan Di Indonesia’, *Pro-mine*, 1.1, 1–10.

²⁰ United Nations, ‘Declaration of the United Nations Conference on the Human Environment’, *United Nations*, 1972 <<https://www.un.org/geninfo/bp/enviro.html> diakses Pada 12/04/2021>.

²¹ United Nations, ‘United Nations Framework Convention on Climate Change, Felt the Heat’, *United Nations*, 2002 <http://unfccc.int/essential_background/feeling_the_heat/items/2917.php diakses Pada 09/04/2021>.

Technology, Green Entrepreneurship, Green innovation, Green Marketing, Green Building, Green Architecture, Green City, Green Mining, Green Party, and Green Politics.²² The concept adopts environmental aspects to emphasize all lines of environmental-based life. Apart from the many environmental-based terminologies, one of the terminologies that need attention and emphasis on its application is the principle of the Green Constitution.²³

The concept of the Green Constitution is not well understood by the public, even among practitioners and academics, the principle is still relatively new so that its application is not yet optimal. The application of the Green Constitution concept needs to be emphasized because, in today's global era, this principle is considered capable of overcoming problems regarding environmental management and protection.²⁴ It can be seen from the application of environmental law alone is not able to overcome environmental issues globally.

The concept of the Green Constitution is considered able to overcome environmental issues because this concept underlies the state constitution in which the position of the constitution is the highest law of a state, including Indonesia.²⁵ Thus, if the highest law has recognized the concept of the Green Constitution, the implementation of the country's development will be based on environmental protection.²⁶ Development based on environmental protection is known as sustainable development. Its implementation is based on the rule of law to have formal legality in its implementation. Thus the concept of Green Constitution has introduced a concept called the *ecocracy* where the government of a country must abide by the principles of sustainable development of the environment.²⁷

With the Green Constitution terminology in the current global era, various countries in the world, including Indonesia, make environmental diplomacy an increasingly central foreign policy instrument for discussing environmental issues.²⁸ The Indonesian Ministry of Foreign Affairs always oversees the discussion of environmental issues that are directly related to Indonesia. Indonesia actively participates in coordinating with the United Nations Environmental Assembly (UNEA), which is the highest decision-making mechanism in the environmental field at the global level. The UNEA meeting is held every two years with the topic of global environmental policy, which becomes a reference for the development of international environmental law. The last UNEA meeting

²² Ton Wilthagen Aalders, Marius, 'Moving Beyond Command-and-Control: Reflexivity in the Regulation of Occupational Safety and Health and the Environment', *Law & Policy*, 19.4 (1997), 415–35.

²³ Ahmad Jazuli, (2015) 'Dinamika Hukum Lingkungan Hidup Dan Sumber Daya Alam Dalam Rangka Pembangunan Berkelanjutan', *Jurnal Rechtsvinding*, 4.2, 181–97.

²⁴ Arya Rema Mubarak, (2019) 'Conflict of Interest Antara Usaha Perlindungan Lingkungan Hidup Dengan Kemudahan Berinvestasi Dalam Peraturan Pemerintah Nomor 24 Tahun 2018', *Jurnal Hukum Lingkungan Indonesia*, 5.1, 284–98 <<https://doi.org/10.38011/jhli.v5i2.98>>.

²⁵ Waty Suwarty Haryono, (2015) 'Pelaksanaan Izin Lingkungan Oleh Kegiatan Wajibamdal Atau Wajib Ukl-Upl', *Ius Constitutum*, 1.2, 1–9.

²⁶ Marcella Apriani Lawang, (2015) 'Penegakan Hukum Terhadap Pencemaran Dan Perusakan Lingkungan Objek Wisata Berdasarkan Undang-Undang Nomor 10 Tahun 2009', *Lex Crimen*, 4.7, 58–66.

²⁷ Suparto Wijoyo, 'Persyaratan Perizinan Lingkungan Dan Arti Pentingnya Bagi Upaya Pengelolaan Lingkungan Di Indonesia', (2012). *Yuridika*, 27.2, 96–100 <<https://doi.org/10.20473/ydk.v27i2.290>>.

²⁸ Andri Gunawan Wibisana, (2018). 'Pengelolaan Lingkungan Melalui Izin Terintegrasi Dan Berantai: Sebuah Perbandingan Atas Perizinan Lingkungan Di Berbagai Negara', *Jurnal Hukum & Pembangunan*, 48.2, 222–55 <<https://doi.org/10.21143/jhp.vol48.no2.1662>>.

was held on 11-15 March 2019 in Nairobi, Kenya involving 4,700 delegates from 198 countries as well as dozens of observers from NGOs, UN agencies, and other groups.²⁹

The UNEA-4th meeting with the theme “*Innovative solutions for environmental challenges and sustainable consumption and production*” focused on:

- a. Environmental challenges related to poverty and natural resource management issues, including sustainable food systems, food security, and halting biodiversity loss;
- b. The efficiency of energy resources, chemicals, and waste management through life-cycle approaches; and
- c. Innovative and sustainable business development under technological developments.

At that UNEA Conference, Indonesia delivered a National Statement, including the importance of maintaining international cooperation and Indonesia’s commitment to advancing development without neglecting the environment; then also conveyed about Indonesia’s breakthroughs in conserving mangrove ecosystems, coral reefs, peat, reducing marine debris and declaring the initiative of an independent regional capacity center on marine protection from land-based activities in Bali and the International Tropical Peatlands Center (ITPC) in Bogor. The principle of the Green Constitution is considered very necessary because it reflects the sovereignty of the environment, where if the Green Constitution is placed on the legal basis of a country,³⁰ it can be used as a foothold to enforce the development of environmentally sustainable development. The urgency of implementing the Green Constitutional concept in Indonesia is related to aspects of environmental protection and protection of human rights, namely the survival of the Indonesian people.

The Implementation of the Green Constitution in the Laws and Regulations in Indonesia

The term Green Constitution was first introduced in Indonesia by Prof. Dr. Jimly Asshidiqie in his book entitled: “*Green Constitution: Nuansa Hijau Undang-Undang Republik Indonesia Tahun 1945* (Green Shades of the 1945 Constitution of the Republic of Indonesia)”. The Green Constitution applies the principle of environmental sovereignty (ecocracy) which explains that the environment is not an object that can be used, processed, or changed carelessly by humans. An environment is an object that also has the right to be cared for, protected, and preserved for the survival of mankind. In Indonesian regulations, the Green Constitution can be found in the fourth amendment to the 1945 Constitution of the Republic of Indonesia. In the Indonesian constitutional system, the principle of the Green Constitution is the basis for implementing and enforcing environmental laws so that environmental sustainability can be maintained for our future generations.

In Indonesian constitution, the right to a clean and healthy environment is stated in Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to live in physical and spiritual prosperity, to live,

²⁹ Kemanlu, ‘United Nations Environmental Assembly’, *Kemantarian Luar Negeri*, 2019 <https://kemlu.go.id/portal/id/read/170/halaman_list_lainnya/united-nations-environmental-assembly>.

³⁰ Yati Nurhayati Said, M.Yasir, (2020) ‘Paradigma Filsafat Etika Lingkungan Dalam Menentukan Arah Politik Hukum Lingkungan’, *Al’Adl*, 12.1, 39–60 <<https://doi.org/10.1017/CBO9781107415324.004>>.

and to have a good and healthy living environment. and have the right to obtain health services.

The principle of the Green Constitution is also reflected in Article 33 paragraphs (4) of the 1945 Constitution of the Republic of Indonesia. Although it has been reflected in the body of the 1945 Constitution of the Republic of Indonesia, the Green Constitution has not been able to overcome environmental problems.³¹ This can be seen from the many cases of pollution and environmental damage caused by the daily habits of the Indonesian people. The lack of socialization regarding the principle of the Green Constitution is one of the factors for the low public awareness of environmental sustainability. Environmental protection has been regulated in the 1945 Constitution of the Republic of Indonesia as well as various laws and regulations such as Law Number 32 of 2009 concerning Environmental Protection and Management. Still, environmental damage cannot be avoided because of the weak enforcement of environmental laws and the lack of public awareness about environmental sustainability for the future.

The Green Constitution in the 1945 Constitution of the Republic of Indonesia explains the importance of environmental sovereignty adopted by the Indonesian state to maintain environmental sustainability for future generations. The principle of sustainable development is in line with the principle of Green Construction which adheres to international environmental law norms. In the context of legislation in Indonesia, Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) aspires to harmonization of the Green Constitution concept with various state policies to implement environmental protection and management in Indonesia. The Green Constitution in the context of national law is considered a constitutionalization because it is adopted in the 1945 Constitution of the Republic of Indonesia, which is further elaborated in the Environmental Law. Where in Article 44 UUPPLH 2009 mandates to compile regulations for the preparation of regulations at the central and regional levels must pay attention to the protection of environmental functions and prioritize the principles of sustainable development with an environmental perspective.

However, the principles of the Green Constitution which are in line with sustainable development with environmental insight (*Ecocracy*) have not been implemented into special articles in the Law, but have been combined with fundamental rights, such as the right to use natural resources, the right to develop, as well as the right to environmental protection in UUPPLH are in a separate article. There are several indicators used to determine the implementation of the Green Constitution as a reflection of the constitutional right to sustainable environmental development, namely:³²

- a. The legal indicators themselves have not found a synchronization of guarantees for the implementation of the Green Constitution principles with guarantees for sustainable development in the UUPPLH;
- b. Indicator of the law enforcement community;
- c. Indicator of community implementing legal regulations;

³¹ Yati Nurhayati Said, M. Yasir, (2020) 'Paradigma Filsafat Etika Lingkungan Dalam Menentukan Arah Politik Hukum Lingkungan', *Al'Adl*, 12.1, 39–60 <<https://doi.org/10.1017/CBO9781107415324.004>>.

³² I Dewa Gede Atmadja, (2013). *Filsafat Hukum*, Setara Pre, Malang,. Pg. 18-20.

- d. Cultural indicators which the result of work, taste, and creativity that are formed due to human interaction. Currently, the legal culture of the state apparatus has not been able to run in a balanced manner related to the implementation of the Green Constitution which is in line with the guarantee of the right to sustainable environmental development.

CONCLUSION

Principles of Green Constitution in the world was first applied by the French Constitution in 2005 was followed by the constitution of Ecuador in 2008. The principle was still associated with democracy, where democracy becomes a reference for addressing environmental problems in the world and guarantee collective rights in development. The principle of the Green Constitution in Indonesia after the amendments to the 1945 Constitution of the Republic of Indonesia was explicitly affirmed in Article 28 H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which reflects the issue of environmentally sound development. Implementation of the Principles of Green Constitution can be seen from the four indicators, namely indicators of its law, indicators of the practice of law enforcement authorities, indicators of society, as well as indicators of culture. Implementation of this principle has not been balanced for the fourth indicators have not played an active role and work together with one another. The application of the principles of the Green Constitution is very urgent to be carried out in Indonesia, this aims to realize national goals for all Indonesian people, especially the right to life.

Application of Green Constitution principles in Indonesia there needs to be a balance in the implementation of 4 (four) indicators that become a benchmark for the realization of the Green Constitution principles in Indonesia. The instrument to balance the implementation of these 4 (four) indicators is the law. So it is necessary to form a law that contains a good substance in regulating the implementation of the Green Constitution principles in Indonesia. In addition, in terms of the legal structure, law enforcers must act professionally and obey the law to realize the ideals of the law. Finally, there is a need for awareness of all Indonesian people to obey the rule of law, especially the rules regarding the implementation of the Green Constitution principle in Indonesia.

REFERENCES

Books

- Amirudin, Zainal Askin, (2012), Pengantar Metode Penelitian Hukum, Raja Grafindo Persada, Jakarta.
- Diantha, I Made Pasek, (2017), Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum, Prenada Media Group, Jakarta.
- Hardja Soemntri, Koesnadi, (2012), Hukum Tata Lingkungan, VII , Gajah Mada University Press, Yogyakarta.
- I Dewa Gede Atmadja, (2013), Filsafat Hukum, Setara Press, Malang.

- Jimly Asshiddiqie, (2009), *Green Constitution*, Raja Grafindo Persada, Jakarta.
- Mukti Fajar, Yulianto Achmad, (2017), *Dualisme Penelitian Hukum Normatif Dan Empiris*, (Yogyakarta: Pustaka Pelajar, Yogyakarta).
- R.K. Khitoliya, (2002), *Environment Protection and the Law*, A.P.H. Publishing Corporation, New Delhi.
- Salim, Emil, (1979), *Lingkungan Hidup Dan Pembangunan*, Mutiara, Jakarta.

Journals

- Aalders, M., & Wilthagen, T. (1997). Moving Beyond Command-and-Control: Reflexivity in the Regulation of Occupational Safety and Health and the Environment. *Law & Policy*, 19(4), 415-443.
- Benuf, K., & Azhar, M. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Gema Keadilan*, 7(1), 20-33.
- Lewis, B. (2012). Environmental Rights or A Right to the environment. *Exploring the nexus between human rights and environmental protection.*, *Macquaire Journal Of International and Comparative Environmental*, 8 (1), 36-47
- Marrani, D. (2009). Human Rights and Environmental Protection: The Pressure of the Charter for the Environment on the French Administrative Courts. *Sustainable Dev. L. & Pol'y*, 10, 52. Sonata, D. L. (2014). Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum. *Fiat Justisia Jurnal Ilmu Hukum*, 8(1), 15-35.
- Deslita, D., Hartiwiningsih, H., & Ginting, R. (2020). Perbaikan Lingkungan Hidup Akibat Tindak Pidana Kebakaran Hutan Dan Lahan Oleh Korporasi Sebagai Upaya Pembangunan Berkelanjutan. *Jurnal IUS Kajian Hukum dan Keadilan*, 8(2), 372-380.
- Haryono, W. S. (2015). Pelaksanaan Ijin Lingkungan oleh Kegiatan Wajib Amdal atau wajib UKL-UPL. *IUS CONSTITUTUM*, 1(2).
- Jazuli, A. (2015). Dinamika hukum lingkungan hidup dan sumber daya alam dalam rangka pembangunan berkelanjutan. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 4(2), 181-197.
- Manik, J. D. N. (2013). Pengelolaan Pertambangan Yang Berdampak Lingkungan Di Indonesia. *PROMINE*, 1(1)., 1-10
- Lawang, M. A. (2015). Penegakan Hukum Terhadap Pencemaran Dan Perusakan Lingkungan Objek Wisata Berdasarkan Undang-Undang Nomor 10 Tahun 2009. *Lex Crimen*, 4(7)., 58-66
- Mubarak, A. R. (2019). Conflict of Interest antara Usaha Perlindungan Lingkungan Hidup dengan Kemudahan Berinvestasi dalam Peraturan Pemerintah Nomor 24 Tahun 2018. *Jurnal Hukum Lingkungan Indonesia*, 5(2), 284-298. <https://doi.org/10.38011/jhli.v5i2.98>
- Said, M. Y., & Nurhayati, Y. (2020). Paradigma Filsafat Etika Lingkungan Dalam Menentukan Arah Politik Hukum Lingkungan. *Al-Adl: Jurnal Hukum*, 12(1), 39-60.
- Wibisana, A. G. (2018). Pengelolaan Lingkungan Melalui Izin Terintegrasi dan Berantai:

Sebuah Perbandingan Atas Perizinan Lingkungan Di Berbagai Negara. *Jurnal Hukum & Pembangunan*, 48(2), 222-255. < <https://doi.org/10.21143/jhp.vol48.no2.1662> >

Wijoyo, S. (2012). Persyaratan perizinan lingkungan dan arti pentingnya bagi upaya pengelolaan lingkungan di Indonesia. *Yuridika*, 27(2), 97-110. < <https://doi.org/10.20473/ydk.v27i2.290> >

Regulations

1945 Constitution of the Republic of Indonesia

Law Number 32 of 2009 concerning Environmental Protection and Management

Website

Admin DLH, Kerusakan Lingkungan Dan Penyebabnya (Jakarta, 2019) < <https://dlh.bulelengkab.go.id/informasi/detail/artikel/kerusakan-lingkungan-dan-penyebabnya-29> >

Anonim, 'Krisis Laut Dunia', Centre for Coastal and Marine Resources Studies, 2017 < <http://pkspl.ipb.ac.id/berita/detail/krisis-laut-dunia> > [accessed 23 December 2021]

ConstitutionNet, 'Constitution of the Republic of Ecuador', *ConstitutionNet*, 2010 http://www.constitutionnet.org/files/ecuador_constitution_english_0.pdf

Kemanlu, 'United Nations Environmental Assembly', *Kemantorian Luar Negeri*, 2019 https://kemlu.go.id/portal/id/read/170/halaman_list_lainnya/united-nations-environmental-assembly

United Nations, 'Declaration of the United Nations Conference on the Human Environment', United Nations, 1972 <https://www.un.org/geninfo/bp/enviro.html> diakses Pada 12/04/2021

———, 'United Nations Framework Convention on Climate Change, Felt the Heat', United Nations, 2002 http://unfccc.int/essential_background/feeling_the_heat/items/2917.php diakses Pada 09/04/2021

Utara, Pemkab Lawu, 'Data Dinas Lingkungan Hidup', Kabupaten Lawu Utara <https://dlh.luwuutarakab.go.id/berita/>