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Distortion of the Ecocracy Principle in the Job Creation Law: A Humanistic Legal Critique of National Environmental Protection and Management

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Abstract

The concept of green at the constitutional level is basically a commitment to the environment. This concept is part of an ideology that places man's relationship with nature. The concept of green is not a status, verb or adjective, but a process. Environmental awareness is very important in order to continue to protect and preserve the environment. This study aims to analyze The concept of ecocracy in the context of the 1945 Constitution and its Regulations in Indonesia and the implementation of the concept of ecocracy in Law Number 6 of 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law in the Protection and Management Cluster Environment. This research uses normative research methods with a normative juridical approach. The idea of ecocracy must be a guideline in making state policy, political law in Indonesia, so that the ideal to continue to preserve the environment can be achieved. In order to be executed in the state system, the concept of ecocracy must be translated into a green constitution and green legislation. The establishment of the Job Creation Perppu which has later been enacted into Law Number 6 of 2023 is considered to override many aspects of environmental sustainability and the Law contains simplification of permits, disorientation of strict liability, and restrictions on environmental rights.

INTRODUCTION

The creation of the Job Creation Law began on December 17, 2019, when the term Omnibus Law first appeared in President Joko Widodo's speech, and the

government began forming an Omnibus Law task force. Subsequently, on April 2, 2022, the new Omnibus Law Bill began to be discussed by the House of Representatives in a plenary session, which was then passed into law on October 5, 2020. The Job Creation Law was proposed by President Joko Widodo and was part of the 2020 Priority Bills in the 2020 National Legislation Program. The "spirit" behind the formation of the Job Creation Law was to simplify the many overlapping regulations that were considered to be hindering the investment climate in Indonesia. Broadly speaking, the Job Creation Law, with its omnibus law system, has several objectives. According to (Busroh, 2007), some of the advantages of applying the omnibus law concept are as follows:

1. Resolving overlapping regulatory conflicts quickly, effectively, and efficiently;
2. Standardizing government policies at both the central and regional levels to support investment;
3. Streamlining licensing procedures to make them more integrated, effective, and efficient;
4. Reducing lengthy bureaucratic processes;
5. Improving coordination between relevant agencies;
6. Ensuring legal certainty and legal protection for policy makers.

The enactment of the Job Creation Law is one of the government's efforts to accelerate the investment ecosystem (Gupta et al., 2025). The Omnibus Law seeks to harmonize several regulations in several clusters at once. Changes in several clusters have received an unfavorable response from the public. Many other clusters have also received criticism and rejection from the public, one of which is the environmental cluster (Najicha & Jaelani, 2024).

This environmental cluster is related to changes in the law on environmental protection and management and forestry, namely Law 32 of 2009 on Environmental Protection and Management (PPLH). The changes and deletions in this law are considered to have a negative impact on the environment because they provide leniency in environmental licensing for certain industries. The reasons for rejection of the Job Creation Law by various groups are not only related to its substance but also to the procedure for its drafting. Therefore, the Job Creation Law was brought before the Constitutional Court (MK). Ultimately, the Constitutional Court ruled that the Job Creation Law was procedurally flawed and conditionally unconstitutional, giving lawmakers two years to redraft the Job Creation Law in accordance with the proper procedures for drafting laws (Putra, 2023).

However, at the end of 2022, the government issued Government Regulation in Lieu of Law (Perppu) Number 2 of 2022, which essentially re-enacted the Job Creation Law because there was no substantive difference between the Job Creation Law and the Job Creation Perppu, particularly the provisions in the environmental cluster. After such a long journey, the government did not hesitate to rush this regulation into law, which was then enacted as Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. This regulation has received a lot of criticism from the public and academics,

and a formal review has even been requested. However, in fact, there have not been many changes to the substance of the Perppu, which has now been enacted as Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation.

The government's decision to enact the Job Creation Perppu into law is considered to be forced, starting from the Job Creation Law, the Job Creation Perppu, and then the enactment of the Job Creation Perppu into law, which does not change the main substance at all, namely the Protection and Management of the Environment (UU PPLH) cluster (Dhiaulhaq Ar & Setiawan Nur Heriyanto, 2024). Several articles actually contradict the principles of environmental law. Article 2 of the UU PPLH mentions several principles of environmental protection and management, including the principles of state responsibility, sustainability, harmony and balance, integration, benefit, prudence, justice, ecoregion, biodiversity, polluter pays, participation, local wisdom, good governance, and regional autonomy.

The principle of state responsibility in Article 2 of the UU PPLH means that: the state will ensure that the utilization of natural resources will benefit the welfare and quality of life of the people, both current and future generations, and the state has an obligation to prevent activities that utilize natural resources that cause pollution and/or damage to the environment. This reflects the right to the environment itself and recognizes, respects, and upholds human rights to the environment in accordance with what is mandated by our constitution, namely Article 28 H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution. Therefore, every development activity involving the exploitation of nature and/or the environment must also take into account the sovereignty of nature itself so as not to cause damage to nature.

The inconsistency between environmental law principles and the substance of Law No. 6 of 2023 shows that the state has neglected to carry out every activity while still paying attention to environmental aspects or impacts in accordance with the principles of ecocracy. Ecocracy is a term that is defined as recognition of nature and the environment and everything contained therein, where democracy does not harm nature and the earth and endanger the state or surrounding areas (Sari, 2022). Based on this background, the researcher wants to analyze the extent to which the government implements the principle of ecocracy mandated in the constitution in the practice of forming legislation, particularly Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law. Based on the above background, the author then intends to further analyze the concept of ecocracy in the context of the 1945 Constitution and its regulations in Indonesia and related to the implementation of the concept of ecocracy in Law Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law in the Cluster of Environmental Protection and Management.

METHOD

This study uses normative legal research, which focuses on the assessment of applicable positive legal norms as well as principles, doctrines, and legal concepts relevant to ecocracy and environmental protection. The approach used in this study is a normative legal approach, with several supporting approaches, namely the statute approach, namely the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, particularly in the cluster of environmental protection and management. This approach aims to identify the extent to which the principle of ecocracy is accommodated or sidelined in these regulations. The author also uses a conceptual approach to examine the concepts of ecocracy, green constitution, and green legislation that have developed in environmental law and constitutional law doctrine. A conceptual approach is needed to develop a normative framework for thinking about the relationship between humans, the state, and the environment from a constitutional perspective. The author also critically analyzes the normative implications of the provisions in the Job Creation Law, particularly those related to the simplification of environmental licensing, the shift from the principle of strict liability, and restrictions on the right to a good and healthy environment.

RESULTS AND DISCUSSION

The Concept and Provisions of Ecocracy in The 1945 Constitution and Law No. 32 of 2009 on Environmental Protection and Management

Ecocracy or ecological democracy is closely related to the Brundtland Report, which gave birth to the term ecocracy in the development of green constitutions in several countries (Sari, 2022). Grammatically, ecocracy is an abbreviation of the term ecological democracy. As a new term, ecocracy is better understood as recognition of nature and the environment and everything contained therein (Kopnina et al., 2024). According to Henryk Skolimowski, ecocracy is a concept or recognition of the power of nature and life within it, an understanding of environmental limitations, elements of cooperation with nature, and most importantly, the creation of a sustainable ecological system that respects the earth and its contents and does not engage in exploitative plundering without consideration (Bauwens, 2005).

Jimly Ashiddiqie expressed his ideas regarding the importance of a green constitution, environmental sovereignty, and even a new concept of democracy termed ecocracy. The term ecocracy itself can be used to complement the understanding reflected in the terms democracy (people's sovereignty), nomocracy (rule of law) and theocracy (divine sovereignty) that have been known for some time (Ashiddiqie, 2009). Ecocracy is another manifestation of democracy that is not limited to the boundaries of a country, but has a broader meaning because it is interconnected with the earth and nature in a broad sense. Ecocracy is a form of democracy that does not harm nature and the earth and endanger the surrounding countries. Furthermore, Jacqueline Aloisi de Larderel argues that ecocracy can be viewed from the perspective of a system of

activities that has "environmental protection" parameters through comprehensive international standards (Larderel, 1999).

The concept of ecocracy must be the guiding principle in the formulation of state policy (legal policy) on environmental protection and management. In order to be implemented in the state system, the concept of ecocracy needs to be elaborated in a green constitution and green legislation (Diamantina & Yulida, 2023). Several constitutions around the world have adopted the concept of a green constitution, such as the 2008 Ecuadorian constitution and the 2005 French constitution (Suryawan & Aris, 2020). In Indonesia, after the reform, the Indonesian state structure has undergone fundamental dynamics and changes marked by amendments to the 1945 Constitution, which specifically accommodates the concept of a green constitution (Hosen, 2014). This reflects a shift in the regulation of the environment from legislation to constitutionalization. Discussions on the environment are found in Article 28 H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. Article 28 H paragraph (1) of the 1945 Constitution reads, "*every person shall have the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, as well as the right to obtain health services*." This article reflects the right to the environment, recognizing, respecting, and upholding human rights to the environment.

Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia states that "*The national economy shall be organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental awareness, independence, and maintaining the balance of progress and national economic unity*." Thus, these two articles contain the concept that national economic development must be based on economic democracy, which includes the principles of sustainability and environmental awareness. This means that there is recognition of the rights of nature, so that its power and fundamental rights cannot be violated by anyone (inalienable rights), and nature is recognized as having its own sovereignty. Therefore, in addition to the people as sovereign beings, nature also has its own sovereignty. This is what is meant by environmental sovereignty, which is also contained in the 1945 Constitution (Lambila et al., 2024).

Both constitutions above reflect the sovereignty of nature and the existence of human citizen rights to the environment, which imposes an obligation on the state to guarantee the fulfillment of everyone's right to a good and healthy environment while paying attention to activities that do not cause damage to nature, because nature has its own sovereignty. Because everyone has the right to a healthy environment, everyone also has the obligation to protect and respect the rights of others so that all parties can obtain and enjoy a good and healthy environment (Preston, 2024). In addition to having the obligation to protect the rights of its citizens, the state also has the right to demand and compel everyone not to damage and pollute the environment for the common good.

Due to the aforementioned obligations of the state, these must also be accompanied by their implementation in all government policies and actions in national development. All forms of policy must comply with provisions regarding human rights to a good and healthy environment and environmental sovereignty by not engaging in exploitative exploitation without calculation so that there should no

longer be any policies enshrined in laws or regulations that contradict these pro-environmental constitutional provisions (Yuliyanto et al., 2022).

The urgency of ecological foundations is evident in line with the emergence of various public concerns about the decline in environmental functions, as stated by Jimly Asshidiqie that "this country is witnessing an unstoppable process of ecological interests, ecological disasters are looming, with millions of people continuing to risk their lives and those of their families due to the state's weak role in protecting the safety of its citizens as mandated by the state constitution (Priyanta, 2010).

The ecological basis for the formulation of legislation must also include ecological considerations related to the safety and sustainability of the environment and its ecosystems. With a strong ecological basis, efforts to realize "*green legislation*" or "*eco legislation*" will no longer be mere discourse. With the serious degradation of the quality of the environment due to human actions, environmental issues need to be given special attention through various pro-environmental policies or policies that support efforts to revitalize and develop the function and quality of the environment in a sustainable manner. The ecological basis in the formation of legislation is closely related to the idea of environmental sovereignty (ecocracy). In Jimly Asshidiqie's view, the idea of ecocracy can be developed in the context of power constructed in the mechanism of the relationship between God, Nature, and Humans. In modern times, power relations have only been viewed as human issues or anthropocentric in nature. Meanwhile, in the paradigm of environmental sovereignty, power is viewed in its comprehensive or heliocentric form (Swaminathan & Chakravarthy, 2023).

Application of the Ecocracy Concept and Humanistic Legal Criticism of Law No. 6 of 2023 Concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 Concerning Job Creation in the Cluster of Environmental Protection and Management

The implementation of ecocracy in Indonesia is not easy, because the central role in making regulations related to the environment is controlled by humans. The creation of a regulation leads to certain political goals, so that in this realm, if humans ignore ecological factors, there is a concern that it will hinder sustainable development. This makes it important that the principles of ecocracy are applied in the formulation of regulations, and this effort can begin with environmental law in Indonesia (Saputra et al., 2023). If we look at environmental law in Indonesia, we can see that some of the "seeds" of ecocracy are already there and can be developed further. This also means that the effort towards ecocracy does not start from scratch. One example of such a seed can be seen in Law No. 32 of 2009 concerning Environmental Protection and Management (UUPLH), which can be said to be substantially better than Law No. 23 of 1997 concerning PPLH. Even in the global context, Indonesia's active role in negotiations to seek international agreements on global warming mitigation, without denying the shortcomings that still exist, can demonstrate the existence of these seeds, at least at the conceptual stage (Suroso et al., 2022). The following concepts of ecocracy are reflected in Law No. 32 of 2009 concerning PPLH:

1. In the preamble, point a states that "..... a good and healthy environment is the fundamental right of every Indonesian citizen as mandated in Article 28 H of the 1945 Constitution."

2. In the preamble, point b states that "…… national economic development, as mandated by the 1945 Constitution, shall be carried out based on the principles of sustainable development and environmental awareness."
3. In the preamble, point f states that, "in order to better guarantee legal certainty and provide protection for the rights of every person to a good and healthy environment as part of the protection of the entire ecosystem, it is necessary to amend Law No. 23 of 1997 on Environmental Protection and Management."
4. Article 1(2) of the 2009 Environmental Protection and Management Law states that "environmental protection and management is a systematic and integrated effort to preserve environmental functions and prevent environmental pollution and/or damage, including planning, utilization, control, maintenance, supervision, and law enforcement."
5. Paragraph 9 of Article 44 of the Environmental Legislation states that "every drafting of legislation at the national and regional levels must take into account the protection of environmental functions and the principles of environmental protection and management in accordance with the provisions of this Law."
6. In the explanation of Roman I, paragraph 1 states that, "The 1945 Constitution declares that a good and healthy environment is a fundamental and constitutional right for every Indonesian citizen. Therefore, the state, government, and all stakeholders are obliged to protect and manage the environment in the implementation of sustainable development so that Indonesia's environment can remain a source and support of life for the Indonesian people and other living creatures."
7. In the explanation of Roman numeral 1 General number 5, it is stated that, "... in this regard, it is necessary to develop a clear, firm, and comprehensive legal system for environmental protection and management in order to ensure legal certainty as a basis for the protection and management of natural resources and other development activities."

An ideal legal system should guarantee the management of human power and at the same time be ecologically minded. The principle of ecocracy contains the interconnection between humans and the whole of nature as its horizon. In the process of natural development and dynamics, humans play a central role with their superior reasoning, so it can be concluded that the power possessed by humans can be directed for the common good (Bodnar, 2025). The superiority of human reasoning is expected to form a system that minimizes the abuse of human power while also encompassing respect for nature.

However, the seeds of this ecocracy have been shaken by the emergence of various forms of exclusion through the removal of provisions in the Environmental Protection and Management Law, where several articles of significant legal urgency have a major impact on environmental management and protection with the enactment of Law Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law reflects the marginalization of environmental sovereignty, which should be implemented or, in practice, should not ignore the importance of ecocracy. Several things that, according to the author, have been set aside through changes and/or

deletions of existing articles in the Environmental Protection and Management Law by Law No. 6 of 2023 are as follows:

1. Article 26 of Law Number 32 of 2009 Concerning Environmental Protection and Management

   The principles of information disclosure and community participation are firmly internalized in the substance of the UUPLH. Community participation is reflected in Article 65 paragraph (2) of the UUPLH, which states that "Every person has the right to environmental education, access to information, access to participation, and access to justice in fulfilling their right to a good and healthy environment." Similarly, Article 70 paragraph (1) of the Environmental Protection and Management Law (UU PPLH) emphasizes that the public has the same and broadest rights and opportunities to play an active role in environmental protection and management.

   Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law amends Article 26, specifically paragraph (3) of the PPLH Law, which discusses community involvement in the preparation of the Environmental Impact Assessment (EIA), including affected communities, environmentalists, and communities affected by all forms of EIA decisions. However, this was later amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, whereby the only members of the community directly involved in the AMDAL assessment are "directly affected communities." As a result, "environmentalists" and "communities affected by all forms of decisions in the AMDAL process," such as environmentalists and other communities, can no longer participate in the preparation of AMDAL.

   The reduction in community participation in the preparation of environmental impact assessments (EIA), particularly by "environmental observers" and "communities affected by all forms of decisions" that were previously included in the Environmental Protection and Management Law (UUPPLH), is feared to have an impact on the quality of the resulting EIA. This is because it is still far from the quality of community participation when compared to the provisions on community participation in the UUPPLH (Santyaningtiyas & Atikah, 2023). Furthermore, the removal of the term "environmental permit" has implications for the position of AMDAL in the business licensing process, whereby AMDAL is no longer mandatory for deciding on the feasibility of a business permit but only serves as a consideration. This is reflected in the change in the definition of AMDAL in the Environmental Protection and Management Law, which was later amended in the Job Creation Perppu. The ease provided by the government in terms of business licensing will then lead to the proliferation of new businesses that will exploit nature, resulting in environmental damage.

2. Article 40 of Law Number 32 of 2009 Concerning Environmental Protection and Management

   Article 40 of the Environmental Protection and Management Law (UUPPLH) states that an environmental permit is a requirement for obtaining a

business and/or activity permit. If the environmental permit is revoked, the business and/or activity permit shall be canceled. Furthermore, in the event of changes to the business and/or activity, the person responsible for the business and/or activity is required to renew the environmental permit. However, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law has been repealed and simplified from an environmental permit to an environmental approval as a requirement for the issuance of a business license. This has given rise to a new paradigm in this law to integrate environmental permits with business permits, so that business actors do not need to deal with multiple permits. The Head of National Advocacy at WALHI, Zenzi Suhadi, said that the deletion of Article 40 of the UUPLH only gives privileges to corporations, namely two privileges. First, investment is prioritized in the service process. Second, in a legal context, it is dangerous because there is immunity for corporations. It is as if these corporations are made free from the reach of the law (CNN, 2023).

The simplification of environmental permits is feared to reduce the tools available to control and prevent impacts on the environment. This is due to the loss of authority, which has the potential to cause various environmental problems caused by business actors. The concept of environmental permits that previously existed in the Environmental Protection and Management Law (UUPLH) has become "environmental approval," which has also resulted in the elimination of the administrative appeal mechanism through the State Administrative Court. The tightening of permits as a preventive measure against environmental damage, which was previously included in the Environmental Protection and Management Law (UUPLH) and was abolished by Law No. 6 of 2023, may encourage the growth of new businesses, especially since environmental permits have been changed to environmental approvals as a requirement for the issuance of business permits. This shows that the enactment of this law makes it easier for business actors to exploit nature to the fullest, which in turn will result in environmental damage.

3. Article 79 of Law Number 32 of 2009 Concerning Environmental Protection and Management

Administrative sanctions in the form of suspension or revocation of environmental permits are imposed if the person responsible for the business and/or activity does not comply with government enforcement. Administrative sanctions contained in the UUPPLH are written warnings, government enforcement, suspension of environmental permits, and revocation of environmental permits. Article 79 is closely related to Article 40 of the UUPPLH. However, Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law, considering that this Law abolishes environmental permits and replaces them with environmental approvals, it is unlikely that environmental permits will be revoked. The regulations related to administrative sanctions have been abolished, so the law does not explain the consequences (sanctions) if environmental approval is revoked or canceled.

When viewed in terms of its function, administrative law enforcement in environmental disputes is useful for providing legal equality for the community in terms of their right to a healthy environment. In addition, the function of administrative justice in environmental disputes is to provide legal protection for the environment that has been damaged as a result of the issuance of an environmental permit by a government official. Environmental permits are positioned as the most effective instrument for imposing administrative sanctions, because the paradigm used in environmental permits is more based on an ecological paradigm.

The concept of environmental permits is expected to encourage business operators to pay more attention to environmental permits than business permits, given that the revocation of environmental permits can result in the cancellation of their business permits. As a result, through Law No. 6 of 2023, the amendment to the article means that business operators will be more focused on the technical requirements of businesses that are economic in nature. This can be seen from the fact that there is no link between the revocation of a business permit and environmental approval. Therefore, the revocation of an environmental permit will not have any legal impact on the business licensing sector. Business activities will continue, even if environmental approval has been revoked.

4. Article 88 of Law Number 32 of 2009 Concerning Environmental Protection and Management

The provisions in Article 88 of the PPLH Law are closely related to Article 22 concerning AMDAL. Article 22 paragraph (1) of the Environmental Protection and Management Law states that "Every business and/or activity that has a significant impact on the environment must have an AMDAL." Thus, if an AMDAL is required for a business and/or activity, it can be interpreted that the activity or business will have the risk of posing a serious threat to the environment. The EIA requirement is a form of precaution in granting business/activity permits so as not to cause environmental problems or disputes in the future. Article 88 of the Environmental Protection and Management Law states that "Any person whose actions, businesses and/or activities use hazardous substances, produce and/or manage hazardous waste, and/or pose a serious threat to the environment is absolutely liable for any losses incurred without the need to prove fault." The phrase "without the need to prove fault" as stated in Article 88 of the Environmental Protection and Management Law above means that parties who meet the elements of the article above can be held accountable without the need for the plaintiff to prove fault as the basis for compensation payments.

Article 88 of the UUPPLH reflects a form of strict liability for acts of environmental pollution and destruction. Strict liability means that a person is liable whenever damage occurs (Riswanti, 2013). This means that, first, victims are relieved of the burden of proving a causal link between their losses and the actions of the individual defendant/business operator. Second, polluters will pay more attention to both their level of caution and their level of activity. The principle of strict liability is applied because access to information in cases of environmental norm violations is often uneven (Riswanti, 2013). Victims of environmental damage, in this case the plaintiffs, have limited access to

information compared to the defendants, who are large-scale business actors with easier access to information. Thus, the plaintiffs certainly experience difficulties in obtaining the data and information needed for proof. Therefore, as long as there is causality between the actions of the defendant and the losses suffered by the plaintiff, this is sufficient grounds for claiming compensation.

However, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law amends Article 88, specifically by removing the phrase "without the need to prove fault". With the removal of this phrase, what is meant by "absolute liability" is not much different from general liability as referred to in Articles 1365 and 1366 of the Civil Code. The amendment to Article 88 of the UUPPLH has drawn criticism for weakening public access to justice. Nature, which was previously protected from the actions of business actors that damaged the environment and caused losses, as well as protected from the consequences of unequal access to information, is now faced with these problems and burdened with the obligation to prove a direct link between business actors and the damage caused to nature. The amendment of several articles in the Environmental Protection and Management Law with the enactment of Law No. 06 of 2023 indicates the government's disregard for environmental aspects under the pretext of convenience, acceleration, and improvement of the investment ecosystem, as stated in the considerations for the formation of Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law.

Mattias Finger argues that the current global environmental crisis is caused by several factors, including misguided and failed policies; inefficient and even destructive technologies; a lack of political commitment, ideas, and ideologies that ultimately harm the environment; and deviant actions and behaviors by state actors (Finger, 2006). The Indonesian Constitution upholds the right to the environment and environmental sovereignty as one of the benchmarks for the formation of pro-environment regulations with regard to ecological sustainability in accordance with Article 28 H paragraph (1) of the 1945 Constitution (Aspan & Yunus, 2019). In addition, Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia reflects the constitutionalization of environmental legal norms that should be reflected in subordinate legislation. With these two articles, it can be seen that Indonesia has already implemented the concept of ecocracy into its constitutional basis. This concept of ecocracy is environmental or ecosystem sovereignty, whereby every piece of legislation must be based on and comply with the principles of ecologically sustainable development (Arumbinang & Satriawan, 2025).

The idea of ecocracy is an effort to prioritize environmentally-friendly sustainable development in the national development policy stream. Moh Mahfud argues that legal policy is the official policy line on laws that will be enforced either through the creation of new laws or the replacement of old laws in order to achieve national objectives (MD, 2014). Therefore, to achieve environmentally-oriented legal policy objectives, the regulations implemented must safeguard sustainable development. The process of development is expected to meet current needs without compromising the ability of future generations to meet their needs in utilizing the potential of life resources.

However, in the implementation of Law No. 6 of 2023, there is a discrepancy between values, rules, and ideal behavior patterns. In line with this, Soerjono Soekanto states that the inconsistency between values, principles, and ideal behavior patterns will cause the regulation to become confusing principles and unguided implementation patterns in the field (Soekanto, 2011). The changes to several articles in the UUPPLH mentioned above by Law No. 6 of 2023, which disregard environmental aspects and sovereignty over the environment itself, reflects that Law No. 6 of 2023 was formulated without consideration for environmental sustainability and violates the concept of ecocracy contained in the constitution by providing conveniences for business actors to establish businesses that can then have an impact on the environment itself.

CONCLUSION

The concept of ecocracy must be the guiding principle in the formulation of state policy (*legal policy*) on environmental protection and management. In order to be implemented in the state system, ecocracy needs to be elaborated in a green constitution and green legislation. Green legislation is the incorporation of environmental policy (*green policy*) into every law and regulation related to environmental protection and management. Therefore, the concept of environmental sovereignty contained in our constitution should also be implemented in the formulation of every piece of legislation. The formulation of Law No. 6 of 2023 still contains several omissions of environmental aspects, such as the issue of simplification of licensing, disorientation of strict liability, and restrictions on environmental rights. The implementation of the concept of ecocracy in the formulation of every piece of legislation is important because: First, it is to ensure a healthy environment and that nature is preserved by paying attention to environmental aspects and the principles of sustainable development as mandated by our constitution, namely in Article 28 H paragraph (1) and Article 33 of the 1945 Constitution. Second, every regulation formulated with the aim of promoting the development process does not necessarily "mortgage" environmental interests for economic interests alone.

REFERENCES

Ashiddiqie, Jimly. 2009. "Green constitution Nuansa Hijau Undang-undang Dasar Negara Republik Indonesia Tahun 1945, Jakarta: PT. Raja Grafindo.

Arumbinang, M. H., & Satriawan, I. (2025). Indonesian Constitutional Rights Protection and Climate Change: Safeguarding Future Generations. *IOP Conference Series: Earth and Environmental Science*, *1475*(1), 012032. https://doi.org/10.1088/1755-1315/1475/1/012032

Aspan, Z., & Yunus, A. (2019). The right to a good and healthy environment: Revitalizing green constitution. *IOP Conference Series: Earth and Environmental Science*, *343*(1), 012067. https://doi.org/10.1088/1755-1315/343/1/012067

Bodnar, S. (2025). Introduction: Challenging the Inevitability of Climate Change. In S. Bodnar, C. L. Dunker, & J. Kayira (Eds.), *Unmoored Yet Unbroken* (1st ed., pp. 1–14). Wiley. https://doi.org/10.1002/9781394346059.ch01

Busroh, Firman Freaddy.(2017).Konseptualisasi Omnibus Law dalam Menyelesaikan Permasalahan Regulasi Pertanahan, Arena Hukum Vol.10 No.2.

Dhiaulhaq Ar, M. I., & Setiawan Nur Heriyanto, D. (2024). Striking A Balance Between Job Creation and Sustainability: The Need to Establish A True Environmental Protection Authority in Indonesia. *Jambe Law Journal*, *7*(1), 1–23. https://doi.org/10.22437/home.v7i1.317

Diamantina, A., & Yulida, D. (2023). Reinforcement of Green Constitution: Efforts for Manifesting Ecocracy in Indonesia. *IOP Conference Series: Earth and Environmental Science*, *1270*(1), 012005. https://doi.org/10.1088/1755-1315/1270/1/012005

Finger, Matthias. (2006). "Which for Sustainable Development? An Organizational and Institusional Perspective, dalam Jacob Park, Ken Conca, dan Matthias Finger, editor. The Crisis Of Global Enviroment Governance: Towards a New Political Economy of Sustainability. (New York: Routledge Taylor & Francis Group)

Gupta, K., Patunru, A. A., & Gretton, P. (2025). Projecting the long-run impact of an economic reform: The case of the Indonesian Omnibus Law. *Asian-Pacific Economic Literature*, *39*(1), 102–130. https://doi.org/10.1111/apel.12428

Hosen, N. (2014). Promoting democracy and finding the right direction: A review of major constitutional developments in Indonesia. In A. H. Y. Chen (Ed.), *Constitutionalism in Asia in the Early Twenty-First Century* (1st ed., pp. 322–342). Cambridge University Press. https://doi.org/10.1017/CBO9781107338333.015

Kopnina, H., Leadbeater, S., Cryer, P., Heister, A., & Lewis, T. (2024). Ecodemocracy in the wild. In J. García Ruales, K. Hovden, H. Kopnina, C. D. Robertson, & H. Schoukens, *Rights of Nature in Europe* (1st ed., pp. 63–82). Routledge. https://doi.org/10.4324/9781003318989-5

Lambila, R. J., Wijaksana, M. M. S., & Najicha, F. U. (2024). *Environmental law enforcement efforts in Indonesia*. 020038. https://doi.org/10.1063/5.0202108

Larderel, Jacqueline Aloisi de. 1999. Living in an Ecocracy, Paris: United Nations Environment Programme

MD, Moh. Mahfud. 2014. Politik Hukum di Indonesia, Jakarta: RajaGrafindo Persada

Najicha, F. U., & Jaelani, A. K. (2024). *Environmental protection in job copyright law*. 020039. https://doi.org/10.1063/5.0202109

Philosophical P2P. (2005) "The Eco-Philosophy of Henryk Skolimoswki" dalam Michel Bauwens, Foundation for Peer to Peer, Alternatibes Newsletter Issue 67

Preston, B. J. (2024). The right to a clean, healthy and sustainable environment: How to make it operational and effective. *Journal of Energy & Natural Resources Law*, *42*(1), 27–49. https://doi.org/10.1080/02646811.2023.2165310

Priyanta, Maret. (2010) Penerapan Konsep Konstitusi Hijau (Green Constitution) di Indonesia sebagai Tanggung Jawab Negara dalam Perlindungan dan Pengelolaan Lingkungan Hidup, Jurnal Konstitusi, Vol.7, No.4

Putra, A. (2023). Implications of Conditional Inconstitutional Decisions in The Constitutional Court Decision. *Jurnal Konstitusi*, *20*(1), 58–77. https://doi.org/10.31078/jk2014

Riswanti, Ade Risha. (2013) Tanggung Jawab Mutlak (Strict Liability) dalam Penegakan Hukum Perdata Lingkungan di Indonesia, Jurnal Harian Regional

Santyaningtiyas, Ayu Citra dan Warah Atikah. (2023). Partisipasi Publik Dalam Penyusunan Amdal Pasca UU Cipta Kerja, Jurnal INNOVATIVE: Journal Of Science Reserch, vol.3 No.2

Saputra, M. A. B., Mahardika, E. R., & Kariim, S. A. (2023). Political Direction of Environmental Management Law in Indonesia. *Indonesian Journal of Environmental Law and Sustainable Development*, *2*(1). https://doi.org/10.15294/ijel.v2i1.66100

Sari, Lusi Puspita. (2022). Konstitusionalisasi dan implementasi Konsep Hijau dalam UUD 1945, Serina Untar,Vol. 2, No. 1

Soekanto, Soerjono. 2011. Faktor-Faktor Yang Mempengaruhi Penegakan Hukum, Jakarta: Raja Grafindo Persada

Suroso, D. S. A., Setiawan, B., Pradono, P., Iskandar, Z. S., & Hastari, M. A. (2022). Revisiting the role of international climate finance (ICF) towards achieving the nationally determined contribution (NDC) target: A case study of the Indonesian energy sector. *Environmental Science & Policy*, *131*, 188–195. https://doi.org/10.1016/j.envsci.2022.01.022

Suryawan, I. G. B., & Aris, I. (2020). Strengthening environmental law policy and its influence on environmental sustainability performance: Empirical studies of green constitution in adopting countries. *International Journal of Energy Economics and Policy*, *10*(2), 132–138. https://doi.org/10.32479/ijeep.8719

Swaminathan, B., & Chakravarthy, R. (2023). Ecocritical Wisdom for Ecojustice: The Quintessence of Human Existence. *Journal of Human Values*, *29*(3), 285–295. https://doi.org/10.1177/09716858231160936

Tim CNN, Perppu Ciptaker Hapus Peran Pemerhati Lingkungan Pada Penyusunan AMDAL https://www.cnnindonesia.com/ekonomi/20230105143718-92-896606/perppu-ciptaker-hapus-peran-pemerhati-lingkungan-pada-penyusunan-amdal diakses tanggal 2, September 2023

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 06 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang

Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja

Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup

Yuliyanto, E., Alatiqoh, M. M., & Alfaruq, A. H. (2022). Inter-correlation between Human Rights and Environmental Justice: A Discourse of Right to a Good and Healthy Environment in Indonesia. *Indonesian Journal of Environmental Law and Sustainable Development*, *1*(2), 213–236. https://doi.org/10.15294/ijel.v1i2.58045