https://doi.org/10.64211/oidaijsd190515

Justice for Peoples, Rights for Nature: Securing Indigenous Environmental Justice in Decolonising Indonesian Law

Athanasius Allan Darma Saputra [1], Lita Tyesta Addy Listya Wardhani [2], Aga Natalis [3*]
[1,2,3] Faculty of Law, Universitas Diponegoro, Jalan dr. Antonius Suroyo, Tembalang, Semarang City, Central Java 50275, Indonesia.
*Correspondence authour: aganataliss@lecturer.undip.ac.id

OIDA International Journal of Sustainable Development, Ontario International Development Agency, Canada.
ISSN 1923-6654 (print) ISSN 1923-6662 (online) www.oidaijsd.com
Also available at https://www.ssrn.com/index.cfm/en/oida-intl-journal-sustainable-dev/

Abstract: The triple planetary crisis highlights the limitations of legal systems in effectively addressing environmental degradation. This failure is rooted in Western legal traditions, which treat nature as an object for exploitation. In contrast, Indigenous Environmental Justice (IEJ) has long viewed nature as a living entity with spirit, agency, and inherent rights. However, Indonesian law, shaped by colonial legacies, continues to marginalise these worldviews, repressing both nature and Indigenous peoples. This study aims to examine how recognising the rights of nature through the lens of IEJ can contribute to decolonising Indonesian law. A qualitative approach is employed, using a doctrinal framework with a descriptive-analytical focus. The study argues that recognising nature as a legal subject offers a transformative path for decolonising environmental governance in Indonesia. Such recognition challenges the colonial foundations of Indonesian law and encourages a reciprocal human-nature relationship. It also supports the fulfilment of environmental rights for Indigenous peoples. IEJ contests the legal dominance of the State, which has failed to protect the rights of all living beings. The recognition of nature's rights must be accompanied by legal reforms that embed Indigenous knowledge at the core of environmental governance in order to effectively address the triple planetary crisis.

Keywords: Indigenous Environmental Justice, Rights of Nature, Decolonising Law, Triple Planetary Crisis.

Introduction

United Nations experts—Albert Barume, Ben Saul, Alexandra Xanthaki, Elisa Morgera, and representatives of the Working Group on Business and Human Rights—called for the protection of indigenous peoples in Indonesia. They stated, "*We call on Indonesia to formally recognise Indigenous Peoples and be open to engaging them as vital partners in shaping an inclusive, sustainable and rights-based national development*" (OHCHR, 2025). Since time immemorial, indigenous peoples have been one of the most vulnerable groups.[1] Indigenous peoples are descendants of populations that inhabited specific territories at the time of conquest, colonisation, or the establishment of current national borders. They maintain their own social, economic, cultural, and political institutions, regardless of their legal status (Sahu et al., 2023, p. 442). Their vulnerability is evident, among other things, in the face of environmental crises. This is evidenced by Filho et al. research, which shows that environmental degradation harms the livelihoods of indigenous peoples worldwide (Filho et al., 2021, p. 13).

Many indigenous communities have been confined to the least productive and most fragile lands due to historical, social, political, and economic exclusion. This exclusion occurs because of injustices perpetrated by those in power—

[1] The use of the term 'vulnerable communities' in recent scholarly studies reflects a wide range of interpretations and a broad scope of application. At present, Indigenous peoples, along with the elderly, children, women, and persons with disabilities, are categorised as vulnerable populations (Ngcamu, 2023, p. 980).

such as the state—against others who are in vulnerable positions. State power moves to control "mortality" while life revolves around the rulers who commit injustices.[2] Gradually, the state marginalises and suppresses the vitality of vulnerable groups, such as indigenous peoples, by depriving them of their rights and destroying their environment for purely economic interests. Therefore, it is not surprising that this is caused by the Industrial Revolution, which encourages anthropogenic activities, such as the excessive use of fossil fuels, deforestation, and rapid industrialisation.[3]

Rulers often use the law to produce injustice, carry out their will, and remove opposition that hinders their plans.[4] As a product of politics, the law is intertwined with the political interests of those in power, mainly when businesspeople with strong economic interests dominate the legislature.[5] Thus, the law is used by those in power to facilitate anthropogenic economic activities while creating injustice for vulnerable groups. Through anthropogenic activities, the rulers also exploit the environment as widely as possible and cause environmental damage that again has an unequal impact on vulnerable groups. Nature is only seen as an object that can be exploited for human interests without regard for the principles of sustainability and the continuity of nature.

The injustice suffered by vulnerable groups has led to the emergence of movements fighting for the fulfilment of these groups' rights, such as environmental justice. Originating from the resistance of communities of colour against the placement of harmful environmental facilities in the Black Belt region of the United States,[6] Environmental justice was conceptualised as a movement fighting for justice regarding the environmental impact on vulnerable groups based on the principles of distributive and procedural justice (Parsons et al., 2021, p. 47). The development of thinking about environmental justice has led to a new concept, namely Indigenous Environmental Justice, which adds an element of recognition justice to reinforce the position of indigenous peoples as a marginalised group. Indigenous Environmental Justice recognises the vulnerable position of indigenous peoples and their views and values.

The values and views held by indigenous peoples differ from those of the authorities. By engaging in anthropogenic activities, the authorities often exhibit an anthropocentric mindset, which places humans on a higher moral plane and justifies individuals being selfish towards the existence of other creatures through dominant activities, such as industrialisation (Droz, 2022, p. 31). However, indigenous peoples view the relationship between humans and nature as reciprocal because nature has a set of rights that humans must also respect. Many indigenous communities around the world (especially in the Global South) have recognised non-human entities as "relatives" who must be protected just like humans (Ikporukpo & Ikporukpo, 2025, p. 6). In legal terms, the recognition of the rights of nature is known

---

[2] In Achille Mbembe's analysis in *Necropolitics,* "mortality" or killing in contemporary society is not always related to physical killing, but rather to placing certain groups in a State of vulnerability equivalent to murder. This condition occurs because the authorities or the State do not provide legal protection for these groups. See further (Ronoh, 2024, p. 848).

[3] The term "anthropogenic activities" often refers to human projects focused on globalisation, industrialisation, the development of transportation systems, and the trade sector—see (Kabir et al., 2023, p. 2; Pörtner et al., 2021, p. 14)

[4] The use of law as an instrument of power is evident in the case of the administration of the seventh President of the Republic of Indonesia, Joko Widodo, during his second term. Widodo used the law to facilitate projects that favoured the economy over the protection of human rights. For example, Article 91 of the Draft Land Law states that people who obstruct officials during evictions for the sake of the "public interest" can be punished. See further (Muhtadi, 2019)

[5] Democracy, as in Indonesia, has led to an increase in the number of businesspeople in government institutions. In President Joko Widodo's second term, the number of ministers with a business background reached 51 per cent, an increase of 20 per cent from the previous president's term. Although businesspeople can play a role in promoting market-friendly and neoliberal policies, the State is still seen as an ally and source of wealth for many business elites who depend on rent-rich industries. See further (Warburton, 2024)

[6] The Black Belt is a region in the southern United States, spanning from the Mississippi–Yazoo Delta to the Chesapeake Bay, and encompassing approximately 200 contiguous counties. According to data from the Delta Regional Authority—a federal–State partnership established to invest in economically distressed regions of the Mississippi River delta—eligibility for funding requires that a county have "an unemployment rate 1.5 per cent higher than the national average (5.0 per cent) over the preceding 24 months" and "a per capita income of 67 per cent or less of the national per capita income." Counties meeting these criteria are categorised as part of the Black Belt. See (Katsinas et al., 2020, p. 3)

as the Right of Nature. Through the concept of Indigenous Environmental Justice, protection will also be given to nature by recognising the indigenous communities' worldview, which views nature as reciprocal.

This study offers a new perspective on the concept of environmental justice for indigenous peoples in Indonesia, drawing on Indigenous Environmental Justice. Several previous studies have limited themselves to analysing government policies that are unfair to indigenous peoples.[7] Going a step further, several studies have linked this injustice to the broader concept of environmental justice and the specific concept of IEJ (Kunz et al., 2024; Subekti et al., 2020). Additionally, research also reveals the development of the Rights of Nature discourse in Indonesia (Fernando et al., 2025). However, there is still no research that specifically examines the link between legal decolonisation in Indonesia, Indigenous Environmental Justice, and Rights of Nature. Previous studies have examined these three issues sporadically. Therefore, this study aims to complement the discourse on legal decolonisation in Indonesia by examining the urgency of realising Indigenous Environmental Justice and promoting recognition of the Rights of Nature from the perspectives of indigenous peoples.

Methodology

This study employs a qualitative-descriptive method, utilising a doctrinal approach that encompasses both conceptual and historical perspectives. The doctrinal approach seeks to analyse legal principles and doctrines that are conceptualised as norms governing society and guiding individual behaviour (Suteki & Taufani, 2020, pp. 174–175). As part of this approach, the conceptual perspective seeks to identify legal concepts and principles that are relevant to contemporary issues. In contrast, the historical perspective examines the background that underlies the development of these legal concepts. The data were collected through library research, which explored three types of legal materials: (1) primary legal materials, such as Law Number 5 of 1960 concerning Basic Agrarian Principles (Agrarian Law); (2) secondary legal materials, including books and journal articles related to the topic; and (3) tertiary legal materials, which serve as complementary references to primary and secondary sources. The data were analysed qualitatively in narrative form using an in-depth and detailed analytical technique, and the findings were subsequently drawn as the results of this study (Suteki & Taufani, 2020, p. 181).

Given the interpretative nature of doctrinal legal research, this study acknowledges the potential internal biases inherent in the analysis of textual legal materials. To mitigate such biases, several methodological strategies were employed. First, data triangulation was conducted by comparing legal norms, doctrines, and socio-political narratives drawn from diverse sources and contexts, thereby ensuring that the analysis does not rely on a single interpretative framework. Second, the selection of legal materials was carried out critically by considering academic credibility, contextual relevance, and the publication timeframe of the sources, particularly those published within the last five to ten years. Third, reflexivity was maintained throughout the research process by continuously recognising the researcher's positionality and the normative commitments embedded in decolonial legal analysis. Through these measures, the study seeks to maintain analytical consistency, methodological transparency, and interpretative coherence across the research process.

Law in The Hands of the Colonialists: Then and Now

According to Satjipto Rahardjo, law is "a human creation in the form of norms containing guidelines for behaviour" that contains "a record of ideas chosen by the society where the law was created" (Rahardjo, 2021, p. 15). However, for the colonists, law was a tool used to assert colonial domination in building political power, achieving exploitative economic goals to obtain income, and exploiting labour in the colonies (Tamanaha, 2021, p. 5)10/04/2026 23.31.00The process of using law as a tool of colonisation can also be seen as a *pattern:* establishing a colonial State, collecting taxes, forming courts, transplanting laws, accepting local laws for personal matters and in villages, and relying on local intermediaries. This *pattern* fostered legal pluralism in various colonised countries.[8] In Indonesia,

[7] Several previous studies have outlined sources of injustice for indigenous peoples, including: (1) juridical studies, such as regulations that oppress the rights of indigenous peoples (e.g. Law No. 5 of 1960 concerning Basic Agrarian Principles); and (2) empirical studies, such as the seizure of customary land for industrial interests (e.g. deforestation of customary forests for the palm oil industry). In addition, many national strategic projects also oppress the existence of indigenous peoples (e.g. the construction of a new capital city has marginalised the rights of indigenous peoples in the area). See further (Bahzar, 2024; Buana, 2020; Tamano, 2023)

[8] There are several definitions of the term "legal pluralism" offered by experts, including that legal pluralism refers to "the existence, within one defined society, of various juridical mechanisms that apply to identical situations" or a

legal pluralism has evolved since the establishment of the Netherlands East Indies State (NES), characterised by the division of law based on ethnicity.[9]

In terms of trade and investment, the Dutch East Indies Government used the Civil Code (*Burgerlijk* Wetboek/BW) and the Commercial Code (*Wetboek van Koophandel*/WvK) as the primary sources of law. The intention was to make it easier for the Dutch colonial regime to control the land of the indigenous population, thereby increasing Dutch colonial economic interests (Fahmi, 2020, p. 106). Colonial laws became a weapon for Dutch colonialists to restrict, and even deprive, the rights of indigenous peoples in terms of land ownership, forests, and natural resources in their customary territories. The Dutch colonists also used Western law as a means of increasing investment in the Dutch East Indies and aimed to exploit not only nature but also the indigenous people as labour. Therefore, it is not an exaggeration to say that legal pluralism in the Dutch colonial era was a tool of colonial power in the struggle for trade dominance and economic goals in the colonies (Azwar & Baxadirovna, 2025, pp. 316–317).

Historically, colonial policies in the Dutch East Indies, such as *the Cultuurstelsel* and *the Agrarisch Wet 1870*, systematically harmed indigenous communities. *The Cultuurstelsel* forced residents to grow export commodities to fill Dutch coffers through brutal exploitation.[10] Tim Hannigan described *the Cultuurstelsel* as "an unmitigated evil of exploitation, a procession of skeletal peasants fed one by one into the grinders of a great colonial sugar mill with pure profit dribbling out the other side."[11,12] Meanwhile, *the Agrarisch Wet 1870,* which replaced *the Cultuurstelsel* based on *the* Dutch East Indies' *open-door policy*, introduced the *Domein Verklaring* principle*,* which stated that land whose ownership could not be formally proven belonged to the State (Sari et al., 2022, pp. 558–559). This policy marginalised uncertified customary rights, opened up land for foreign investment with long-term usage rights, and encouraged the expansion of large plantations, which caused injustice for indigenous farmers.[13]

The *Cultuurstelsel* policy and the expansion of large plantations also encouraged deforestation in the Dutch East Indies.[14] In order to regulate the rate of deforestation in Java, the NES Government drafted and passed *the 1874 Regulations on the Use and Exploitation of Forests in Java and Madura*, which separated teak forests that could be managed by the private sector from teak forests that could not be managed by the private sector (primary forests). However, the NES Government remained focused on exploitation, resulting in fewer protected forests (Tanaya, 2024, pp. 125–126). In addition to Java, forest exploitation also developed in Sumatra. For example, from 1863 to 1888, approximately 250,000 hectares of forest were converted into plantations by Jacob Nienhuys, a tobacco entrepreneur (Itawan, 2023, p. 200). The developments above continued to place indigenous peoples or indigenous communities in a very vulnerable position. Throughout the 1920s and 1930s, the income of indigenous peoples was only 59.70

---

descriptive definition that views legal pluralism as "the situation in which two or more laws interact" and that "legal pluralism is the fact." See further (Patrignani, 2016, p. 711)

[9] The Dutch East Indies government divided Dutch East Indies society into three categories: Europeans, Foreign Orientals, and natives (*inlanders)*. For Europeans, the application of law was based on Dutch colonial law through the principle of concordance, while natives used local customary law. Foreign Orientals, such as Chinese, Arabs, and Japanese, occupied an ambivalent position because they used Western law in the private sphere and customary law in the public (criminal) sphere. See (Manse, 2024, p. 331)

[10] Indigenous farmers were forced to surrender one-fifth of their land and one-fifth of their working time—amounting to 66 days per year—to grow export commodities, especially coffee. See further (Fahmi, 2020, p. 113; Itawan, 2023, p. 195)

[11] Hannigan also added, "[V]illagers were compelled to work for many months planting coffee or indigo that never yielded a harvest ... [I]n the 1840s famine broke out there as a result of so much former rice land being used for forced production of cash crops." See (Hannigan, 2015, pp. 137–138)

[12] *The open-door policy* was a policy based on the Industrial Revolution in Europe, opening up investment and opportunities for companies to do business in the Dutch East Indies. See (Muhammad & Kurniawan, 2025, p. 1658)

[13] After the enactment of *the Agrarisch Wet 1870,* in Priangan (West Java), the Dutch and other foreigners expanded private tea plantations from 2,400 hectares in 1870 to 220,000 hectares in 1926. Trade liberalisation in the Dutch East Indies also led to the creation of *the Coolie Ordinance* (1880), which regulated the relationship between indigenous workers and their employers through a contract system. This provision stipulated that contract violations by workers, such as failure to show respect, poor work performance, attempts to escape, and rebellion, were punishable by criminal sanctions, including flogging, imprisonment, and death by hanging. See (Li, 2017, p. 252)

[14] Peter Boomgard estimates that teak exploitation in Java amounted to 100,000 logs in 1840 and increased by 75,000 logs over the next twenty years. (See Itawan, 2023, p. 199)

guilders, which, when compared to the incomes of other groups, represented approximately 18.26 per cent of the income of the Chinese community and 2.21 per cent of the income of the European community (Fathimah, 2018, p. 61).

To this day, the colonial legacy of marginalising indigenous peoples still exists in Indonesian society. Through the Agrarian Law, the Indonesian government regulates land ownership in Indonesia. These regulations are based on the view stated in the preamble to the Agrarian Law, namely that "there is a need for national agrarian law based on customary law regarding land." The concept of land control in the Agrarian Law is based on the right of control in customary law, which reflects two aspects: private (customary land is individually and communally owned for the common good) and public (communal ownership confers the competence to manage and utilise customary land). These aspects give rise to three customary rights that have now been transformed into rights in the Agrarian Law, namely: (1) the rights of the nation as a representation of community rights; (2) the rights of control by the State as a representation of the rights of legal functionaries; and (3) the private rights of individual citizens (Priambodo, 2018, pp. 154–156).

However, the Agrarian Law actually legitimises the marginalisation of indigenous peoples by the Indonesian government, among other things, through Article 3 of the Agrarian Law.[15] This article reveals the social function of Indonesian agrarian law. However, the Indonesian government tends to use this social function to legalise the government's land acquisition practices for development projects (Buana, 2020, p. 451). In addition, Minister of Agrarian Affairs Regulation No. 14 of 2024 concerning the Administration of Land and Registration of Customary Land Rights of Indigenous Peoples (PMA 14/2024) states that customary land rights can be submitted to the Minister for management rights (Article 18, paragraph (1) PMA 14/2024). It should be noted that management rights are State control rights that are partially delegated to the rights holders.[16] This article raises ambiguity regarding the essence of customary land as the living space of indigenous peoples, which has been passed down from generation to generation, and the management rights granted by the government.

In the context of forestry law, the Indonesian Government passed Law No. 41 of 1999 on Forestry. Under this law, the government designates customary forests as part of State forests, thereby disregarding the indigenous peoples' communal rights to these areas.[17] However, this provision was overturned by Constitutional Court Decision No. 35 of 2012, although the realisation of this recognition is limited to mere legitimacy for the Indonesian government.[18] Additionally, Law No. 4 of 2009 on Minerals and Coal (Law No. 4/2009) also hurt the existence of indigenous peoples. In 2020, the government passed amendments to this law, resulting in Law No. 30 of 2020 (Law 30/2020). Article 4, paragraph (2) of Law 30/2020 centralises mining management in the central government. As a result, it has become increasingly complex for indigenous peoples to access mining governance in their regions because central government management is challenging to reach.

The above cases have implications for the violation of indigenous peoples' rights, particularly their rights to land and territory, natural resources, and the environment. In *the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), rights to land, territory, and natural resources are outlined in Articles 10. Rights to the environment are a separate right regulated in Article 29 of the UNDRIP. Violations have arisen, among other things, due to widespread agrarian conflicts during the ten years of Joko Widodo's regime.[19] In 2024, approximately 121

[15] Article 3 of the Agrarian Law reads, "Bearing in mind the provisions of Articles 1 and 2, the exercise of customary rights and similar rights of customary law communities, insofar as they still exist in reality, must be such that they are in accordance with the national and state interests, which are based on national unity, and must not conflict with higher laws and regulations."

[16] See Article 1(3) of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.

[17] By classifying customary forests as State forests, the government has opened the door to granting commercial concessions for customary forests.

[18] Constitutional Court Decision No. 35 of 2012 was a historic legal victory for AMAN because it revoked the status of customary forests as State forests. However, its implementation in the field has been minimal. In 2016, the government only recognised 13,000 hectares of customary forests, which is a tiny area compared to the 1.3 million hectares affected by agrarian conflict. This achievement is considered merely a political gesture, given the huge gap between legal recognition and its realisation. See further (Muur, 2018, p. 164)

[19] AMAN notes that over the last 10 years, there have been 687 agrarian conflicts in customary territories, covering 11.07 million hectares. See further (AMAN, 2024, p. 9)

agrarian conflicts resulted in the seizure of more than 2.8 million hectares of customary land in 140 indigenous communities.[20] More broadly, colonialism also has an impact on the global climate crisis.[21] Injustice arises because the countries of the Global North, which produced the crisis, actually suffer less impact than the countries of the Global South.

Justice for Humanity: Conceptualisation of Indigenous Environmental Justice

The relationship between humans and the environment has evolved over time, reflected in both the way people interact with nature and the environmental laws they implement. These two elements illustrate how humans exert control over the environment (Natalis et al., 2023). Unfortunately, environmental degradation has led to the displacement of indigenous peoples, forcing them into confined living spaces. Their lands, territories, and resources are frequently seized in the name of "national interests," leaving behind only harmful consequences for these communities. These injustices have sparked a movement that has developed into a theoretical framework known as environmental justice.

Environmental justice is understood as a multidimensional concept, shaped by social mobilizations that link environmental and social issues, while amplifying the voices and experiences of marginalized and vulnerable communities (Pearse et al., 2025, p. 1440). According to environmental justice thinkers, the vulnerability and injustice experienced by specific communities, such as indigenous peoples, are driven by structures of racism, capitalism, and imperialism. To combat this injustice, environmental justice is built on two concepts of justice: distributive and procedural. However, indigenous thinkers add another concept, namely recognition.

A. Distributive Justice

One of the theoretical foundations of distributive justice is John Rawls' thinking, which proposes the theory *of* "*justice as fairness*." For Rawls, justice can be realised if the values of justice are chosen behind *a* "*veil of* ignorance" that ensures justice is conceived reasonably, regardless of each individual's background.[22] This condition is referred to as *the original position.*[23] This hypothetical view can be referred to as the first principle, while another principle built into the theory *of justice as fairness* is *the difference principle.* The difference principle asserts that inequality that arises in society is acceptable if it aims to realise the most significant benefit for the least advantaged members of society (Maurya, 2022, p. 247). According to Rawls, if the situation of injustice experienced by society is critical, the difference principle emerges to overcome the impasse of the first principle. Therefore, Rawls encourages that equivalent *primary goods* be given to the groups of society experiencing such conditions.[24]

Cases of injustice experienced by indigenous peoples show that distributive justice has not been fully achieved. The legacy of colonialism has placed indigenous peoples in a *very unfair* position. This injustice is often referred *to as historical injustice*, which is a serious and widespread moral violation committed by past members of a particular

[20] Several sectors have been impacted by agrarian conflicts, including the plantation sector (58 conflicts involving plantation concessions), the mining sector (29 conflicts with mining concessions), and infrastructure projects (14 conflicts with infrastructure projects). (See further AMAN, 2024, p. 27)

[21] Countries with a colonial past, such as the United States and the Netherlands, have higher emissions due to their consumption levels and industrial structures. In contrast, countries with a history of exploitation, such as Nigeria and Indonesia, have lower per capita emissions. (See further Gürçam, 2025, pp. 26–27)

[22] *The veil of ignorance* causes individuals to have no understanding or knowledge of the social conditions inherent to each individual, such as wealth and rank. Rawls proposed this concept to ensure *fairness,* prevent bias, and prevent attempts to prioritise individual interests in the formulation of justice. See (Kiran et al., 2023, p. 2069)

[23] *The original position* is a hypothetical condition that places humans as if they were before they were born. These humans have no awareness of their subjective identities. This is important in the process of distributing benefits. For example, someone who is aware that they are rich will not agree to distribute wealth "fairly" because they will inevitably lose their possessions. (See Maurya, 2022, p. 245)

[24] The principle of difference proposes that a just society will actively promote the welfare of disadvantaged groups and ensure that equal and fair opportunities are accessible to all citizens. In other words, this principle contradicts *the veil of ignorance* theory, which advocates for a society with equal opportunities. Rawls acknowledges that, sometimes, a difference or inequality is legitimate when it aims to protect and promote the fair distribution of benefits to vulnerable groups. (See Kiran et al., 2023, p. 2070)

community against past members of another community, giving rise to the current unfair social structure. [25] In the context of indigenous peoples in Indonesia, the principle of change is far more relevant than the principle of *the veil of ignorance.* The marginalisation of rights to land, territory and natural resources places indigenous peoples in practices of marginalisation that are detrimental to them. Therefore, equivalent *primary goods* must be provided as compensation for victims of past injustices (Maurya, 2022, p. 247).

B. Procedural Justice

Procedural justice is a series of ongoing processes to develop the capacity of affected communities to participate in and influence decision-making (Suiseeya, 2021, pp. 38–39). Justice for affected communities to participate in and influence decisions about land use that has an environmental impact is central to procedural justice (Schulz et al., 2025, p. 4). Therefore, procedural justice focuses on public participation as a prerequisite for the fulfilment of distributive justice. Not only does it fulfil distributive justice, but meaningful public participation also fosters collectivity and encourages acceptance and governance processes, thereby achieving social stability.[26] In Arnstein's ladder concept, meaningful participation is at the top level, namely, *degrees of citizens' power.*[27] This level provides ample opportunity for affected communities to participate in sharing the environmental impacts of a particular project or policy.

Article 10 of UNDRIP provides a concept that must be implemented as one of the guarantees for the participation of indigenous peoples. This concept is known as *Free, Prior, and Informed Consent* (FPIC). FPIC is a means for indigenous peoples to express their consent to activities, policies, or projects that affect their traditional territories and ways of life (Winarsih & Wulandari, 2024, p. 292). However, in Indonesia, the concept of FPIC has not yet been properly regulated and implemented.[28] Furthermore, efforts to involve indigenous peoples are often hampered by modern government power structures that tend to be *top-down* and prioritise economic interests over recognising indigenous peoples' sovereignty over their territories. Moreover, the intersectional relationship between identity, class, customs, and even gender in the context of indigenous women raises the possibility that recognition of indigenous peoples' participation is seen as a mere formality (Rathakrishnan et al., 2025, p. 7). Therefore, procedural justice still faces several fundamental problems.

C. Recognition Justice

If distributive justice recognises the equitable distribution of impacts and procedural justice recognises the significance of public participation, recognition justice relates to respect for the diversity of identities and cultures in interpersonal encounters and discourse (Martin et al., 2016, pp. 254–255). Recognition of justice can be viewed from several perspectives. According to the decolonial perspective, recognising the culture and knowledge of indigenous peoples as equal to that of modern Western thinking is crucial.[29] In the capability perspective, initiated by Amartya Sen, justice is understood as the ability or capability of individuals to realise their goals (Horbachevska et al., 2024, p. 12). In the

[25] For example, the Conquest of the Desert in Argentina in the late 19th century forced indigenous peoples (indigenous communities) to be forcibly relocated to unproductive areas, causing them to lose their land and their ability to manage their own affairs to this day. (See further Truccone, 2024, p. 644)

[26] Research indicates that community participation in decision-making regarding environmental governance is associated with improved environmental outcomes. In contrast, the exclusion of community participation or the absence of institutional obligations to involve and respond to substantive public input is associated with adverse mental and physical health outcomes (See further Schulz et al., 2025, pp. 4–5; Skinner-thompson, 2022, p. 407).

[27] *Degrees of citizens' power* consist of three levels: (1) partnership, which allows citizens to negotiate on an equal footing with authorities; (2) delegated power, which ensures that citizens constitute a majority in decision-making forums so that they have the power to ensure non-state public interests; and (3) citizen control, which relates to the centralisation of decision-making power in the hands of citizens, who are responsible for planning and management without intermediaries (Oliveira & Ckagnazaroff, 2022, pp. 8–9; See Skinner-thompson, 2022, pp. 409–410).

[28] For example, in the issuance of forest area permits based on Law No. 41 of 1999 concerning Forestry, only the elements *of prior* and *informed consent* are included, while the element *of free consent* is not covered.(See further Winarsih & Wulandari, 2024, pp. 295–310)

[29] Decolonial thinking focuses on forms of intersubjective, social, cultural, and political subordination that deny freedom and opportunity to specific groups, particularly in identifying the subordination of the global south under Eurocentric scientific and political worldviews.(See Martin et al., 2016, pp. 257–258)

context of indigenous peoples, recognition emphasises the ability of indigenous peoples to determine, manage and interact with their lives, including their land and culture.

However, other decolonial thinkers view recognition justice from a different perspective. Recognition can become a new form of colonialism when the State grants recognition with certain conditions that actually weaken the sovereignty of indigenous peoples.[30] Therefore, recognition is not a neutral solution, but rather a field of power in which colonial relations can be perpetuated through State recognition, which often weakens the true sovereignty of indigenous peoples (See Balaton-chrimes et al., 2017, pp. 12–14). Research by Elke Verhaeghe reveals one form of recognition granted by the State to the sovereignty of indigenous peoples in Honduras, as outlined in *the EU-Honduras FLEGT Voluntary Partnership Agreement*, which actually perpetuates a "colonial political hierarchy". Recognition is given to indigenous peoples in Honduras through CONPAH, which is classified as an internal stakeholder. However, their participation is limited by "epistemic coloniality and 'invisible barriers' through the reinterpretation of indigenous peoples' appeals or proposals so that they "remain manageable and do not undermine the State's sovereignty over land and indigenous peoples" (Verhaeghe, 2023, p. 8).

D. Towards Indigenous Environmental Justice

Referring to the definition provided by Rahardjo, law should be derived from the values of justice that have developed within society. Therefore, law exists to benefit society in accordance with the values it upholds. Society needs legal certainty to protect itself from injustice and harm.[31] In conditions of extreme injustice, the value of justice must be prioritised above other values. This article has demonstrated that colonialism and its legacy have caused extraordinary and prolonged injustice, especially for indigenous peoples and the environment. Therefore, the law must reform itself to realise its underlying values. In the context of environmental injustice, the law must adapt to integrate distributive, procedural and recognitive justice optimally. This concept of integrative justice is known as Indigenous Environmental Justice.

In response to the environmental injustices suffered by indigenous peoples, Indigenous Environmental Justice discusses how racial and cultural identities shape participation in environmental decision-making that disproportionately affects marginalised communities.(Barnhill-Dilling et al., 2020, p. 84) Indigenous Environmental Justice is grounded in the knowledge of Indigenous peoples. It is not only about the right to a safe environment, but also about humanity's duties and responsibilities towards all living beings. Environmental justice is understood as balance and harmony, reciprocity and respect, between humans and all other "kin" (Mcgregor, 2018, p. 288). Through the justice of recognition, environmental governance provides a space for indigenous peoples' views to flourish and become a cornerstone in the decision-making process, thereby achieving a fair distribution of benefits.

Kyle Powysin Whyte refers to the indigenous peoples' worldview as *kinship*, which is a quality of relationships characterised, among other things, by reciprocity.[32] Reciprocal relationships for indigenous peoples often involve asking for permission, taking only what is needed, sharing what is taken, and giving thanks or giving back to help maintain health and safety through human efforts that are in harmony with spiritual forces, the landscape, and the species within it.[33] The principle of reciprocity plays a crucial role in protecting or supporting other elements of nature, as these elements provide positive or negative feedback depending on the nature of the interaction(See Teixidor-Toneu et al., 2025, pp. 927–928). This is evidenced by data showing that indigenous peoples' territories cover 80 per cent of biodiversity and 40 per cent of protected areas, 35 per cent of which have not been significantly affected by human intervention (Nitah, 2021, p. 907).

---

[30] For example, although Agrarian Law states that customary law is the source of agrarian regulations, the existence of customary law must be proven and subject to the interests of the State. (See Duile, 2021, p. 364)

[31] Justice, utility, and legal certainty stem from the concept of triadism coined by Gustav Radbruch. These three values often conflict with one another (*Spannungverhaltnis)*. In such circumstances, judges (legal experts) must choose which value to prioritise (without negating the other values). (See Rahardjo, 2021, pp. 15–16)

[32] For example, sharing nutrients with non-human beings is similar to shared responsibility, where members of the ecosystem depend on each other and give in specific ways. (See Whyte, 2021, pp. 267–269)

[33] For example, in Mongolia, communities believe that when they abandon reciprocal practices—such as maintaining sustainable herd sizes—nature will suffer, causing *dzud*. This extreme winter results in massive livestock deaths and human losses. In the Chiloé Islands, conflicts over algae or marine resources are believed to provoke adverse reactions from supernatural entities, causing cross-species poverty, including among humans. (See further Teixidor-Toneu et al., 2025, pp. 923–926)

The failure to implement environmental laws that uphold all three principles of justice—distributive, procedural, and recognition—results in continued injustice for indigenous peoples. Research clearly provides objective evidence of the injustice faced by indigenous communities in the Kendeng Mountains, Central Java. The conflict centers around the indigenous Sedulur Sikep community and PT Indocement Tunggal Prakarsa Tbk., a company whose majority shares are held by the HeidelbergCement Group. PT Indocement, which intends to mine cement in the Kendeng Mountains, has committed several irregularities. These include improper procedures in obtaining mining permits, constructing a cement factory in a protected area, violating spatial planning regulations, and lacking transparency in the preparation of the Environmental Impact Assessment (EIA)—a process that should have included community participation.

These conditions drew protests from *the Kendeng Mountains Community Care Network* (JM-PPK), which Sedulur Sikep residents also initiated. JM-PPK attempted to challenge PT Indocement's practices through litigation but was consistently thwarted in the appeal process. JM-PPK and the residents of Sedulur Sikep continue to stage non-violent protests, such as walking from Pati (in the Kendeng region) to Semarang for five days with the symbolic aim of "bringing justice home" (Kunz et al., 2024, pp. 386–387). The climax came on 12 April 2016, when nine women from the Kendeng Mountains and members of JM-PPK buried their feet in cement in front of the Presidential Palace in Jakarta for one day and one night. A sense of kinship and reciprocal relations between the residents and the mountains drives Sedulur Sikep's struggle. For Sedulur Sikep, the Kendeng Mountains emit a "voice" or energy that gives them strength, or as "bodies that will not be hurt (and) age" and respect each other (humans-mountains).[34]

Not Just Law: Decolonising Human-Nature Relationships

Colonial law not only marginalised indigenous peoples in an obvious way by seizing their land, destroying their living spaces and criminalising indigenous activists. Colonial law also left behind a legacy of anthropocentric values. In short, anthropocentrism is a belief system that prioritises human interests over those of non-human organisms on a planetary scale (Mylius, 2018, p. 115). This ideology flourished during the Renaissance, particularly under the influence of René Descartes' *philosophy—Cogito Ergo Sum* (I think, therefore I am)—which served as the basis of modern philosophy. According to Descartes, thinking entities (*res cogitans,* i.e. humans) are destined to dominate non-thinking entities (*res extensa,* such as animals and plants) (Pelizzon, 2025, p. 80). Through this lens, Western conquest began and spread globally through the process of colonialism. The law itself became a tool of colonial exploitation in the colonies. Therefore, the colonial legal heritage also believes in anthropocentrism.

A. Anthropocentrism vs. Rights of Nature, the West vs. Indigenous Peoples

The current environmental crisis—which has an unfair impact on indigenous peoples—is a legacy of environmental law based on anthropocentrism (De Lucia, 2017, p. 185). The influence of anthropocentrism has given rise to repressive laws that cause environmental injustice by viewing the universe as a "warehouse" of resources to be exploited. Geoffrey Garver criticises modern environmental law for having two main flaws: (1) *reductionism,* which views environmental issues in isolation, thereby hindering the integration of a systems-based ecological approach; and (2) *over-monetisation*, which relies too heavily on cost-benefit assessments and reactive approaches that emphasise economic constraints over ecological ones (Pelizzon, 2025, p. 202). Klaus Bosselman argues that the reductionist nature of environmental law has led to modern environmental law developing in a separate, fragmented, economic and anthropocentric manner.

Anthropocentrism proposes the concept that nature is built on an interspecific hierarchy that distinguishes humans from other living beings.[35] Nature is in an inferior position, while humans occupy a superior position. However, this assumption is criticised because anthropocentric law not only reinforces the subordination of nature, but also of *other*

[34] For the Sedulur Sikep, the mountain range was created by God and must therefore be respected and protected. An elder of the group explained that the mountain and its underground river are the home of a giant dragon that is sleeping. In another story, the dragon hides in karst caves. The importance of the mountain and the dragon is also reflected in the existence of a place of worship located in the mountain range, where the group prays to Eyang Nogo. (See further Kunz et al., 2024, pp. 833; 389–340)

[35] For example, Thomas Aquinas expanded on the concept of *the Scala Naturae*, also known as *the Great Chain of Being.* Aquinas divided the hierarchy of living beings from the lowest form, namely organic matter, to vegetative forms, then sensitive-rational animal forms, the rational soul of humans as the pinnacle of physical existence, spiritual beings (such as angels), and ultimately to the perfection of God. (Pelizzon, 2025, pp. 76–77)

humans.[36] In fact, the emphasis on hyperbolic interspecies subordination further highlights the problems in anthropocentric law. The anthropocentric discourse that declares "humanity" as a single geological agent responsible is problematic because it ignores intra-species hierarchy (inequality among humans) (See further Grear, 2015, pp. 237–245). Therefore, Bosselman adds that anthropocentric law is limited to relationships *between legal persons*. In contrast, nature is not *a legal person* (in Western tradition), so that "*people have no legal obligations towards nature and nature has no rights towards people*" (Pelizzon, 2025, pp. 202–203).

Contemporary Western legal developments aim to liberate jurisprudence from the tradition of anthropocentrism by making an "ontological and epistemological leap" through the concept of *the Rights of Nature* (Giménez, 2023, p. 98). The concept of Rights of Nature actually adopts the assumption of human rights. However, it is founded on an ecocentric basis that emphasises that all living beings have intrinsic sacred value and must be respected.[37] The emergence of this concept is a response to the environmental (and climate) crisis that has plagued the world since the 19th century. The discourse on the rights of nature is a process of transforming both Western rational thinking and questioning the individualistic and liberal discourse on rights, as well as challenging rational economic models that exceed the limits of nature (Sonhaji et al., 2022). In addition, a study by Claudia Coral *et al.* in Ecuador shows that the discourse on Rights of Nature can encourage control over extractive activities through litigation. Therefore, Rights of Nature needs to be given special attention in unravelling anthropocentric legal issues amid the global crisis.

There are two models of recognising the Rights of Nature that are currently being developed. The first model is known as *the Nature's Rights Model* (NRM). This model assumes that all elements of nature have rights and that anyone, whether an individual or a legal entity, has the authority to speak on behalf of nature voluntarily.[38] The second model is *the Legal Personhood/Legal Personality Model* (LPM). LPM offers specialised representation arrangements to represent a particular ecosystem, enabling it to be proactive in both litigation and decision-making regarding the management of the ecosystem (Kramm, 2025, p. 169). The NRM guarantees everyone's access to protect nature and provides legal efficiency because all natural ecosystems are recognised as legal subjects. However, the NRM is not preventive in protecting the environment and can eliminate elements of ecosystem diversity. Conversely, the LPM enables the institutionalisation of accountable and transparent legal representation that represents the interests of a particular ecosystem, thereby also ensuring the protection of ecosystem diversity and local knowledge.

In addition to the various models above, it is also important to note that the concept of Rights of Nature has been part of the worldview of various indigenous peoples since ancient times. Regardless of the Rights of Nature model, it will be criticised by Western scholars because they cannot escape traditional legalistic jurisprudence based on narrow rights and obligations.[39] Therefore, as written by Asanka Edirisinghe and Sandie Suchet-Pearson:

"The notion of legal personhood must be viewed beyond the narrow confines of Western jurisprudence to avoid categorisation, homogenisation and colonisation of a hyperconnected world and to enable more pluralistic and just understandings of human-river relationships to underpin sustainability efforts." (Edirisinghe & Suchet-Pearson, 2024, p. 225)

---

[36] The ability of law to enable ownership or control, and to legitimise ownership rights over non-humans and over certain 'other' humans, reinforces the 'othering' quality of law and creates hierarchies. See (Kotzé & French, 2018, p. 13)

[37] According to Christopher McCrudden, the concept of Rights of Nature adopts three main principles in the human rights regime: (1) every human being has intrinsic value, (2) others must respect that intrinsic value, and (3) some forms of treatment by others are contrary to, or indeed required by, respect for that intrinsic value. Rights of Nature extends this concept to non-human organisms by, as John Nash argues, recognising the sacred life of all living beings. See (Gilbert, 2024, p. 453)

[38] Because NRM does not delegate the authority to advocate for the Rights of Nature to one party, the implementation of this model is proactive, rather than reactive (waiting for someone to report damage to nature voluntarily) (Kramm, 2025, p. 169).

[39] In the Western legal tradition, legal subjects are divided into two primary categories: natural (human beings) and artificial/legal (legal entities). Legal subjects are the basic units of law that are the subjects of rights and obligations, while non-legal subjects are the objects of legal rights and obligations that can be owned, controlled, or used by legal subjects. This view is very anthropocentric (See Edirisinghe & Suchet-Pearson, 2024, p. 226; See Stucki, 2020, p. 541; Weis & Mullins, 2025, pp. 15–16).

For indigenous peoples around the world, the recognition of Rights of Nature is not merely a matter of rights and obligations in the context of legal science, but rather a way of life and cultural practice that has been passed down from generation to generation based on the spiritual values of a particular community (Gilbert et al., 2023, p. 365). Regardless of their cultural, ontological, and epistemological diversity, indigenous peoples around the world tend to share a fundamental principle of relationality, interdependence, mutual communication, respect, and harmony with the earth and all creatures (Houart, 2022, p. 142). To that end, several indigenous communities around the world are seeking to utilise modern state legal frameworks and Rights of Nature models to uphold their rights and interests. They are attempting to change the foundations of environmental law in a (post-)colonial context to include the worldview of indigenous communities (Donnell et al., 2020, p. 414). Ecuador and New Zealand are examples of countries that have incorporated the Rights of Nature model into their modern legal frameworks.

1. Ecuador

The environmental movement in Ecuador in the 1990s and 2000s initiated changes to the Ecuadorian Constitution that included the recognition of RoN. The new Constitution recognises the right *to Buen Vivir* based on the concept *of sumak kawsay.*[40] This concept is the reason why the provisions on the rights of Nature in the Ecuadorian Constitution are formulated in very general terms, and Nature is constructed as a legal person, similar to humans, as the centre of human rights (Tănăsescu, 2020, pp. 435–436). This recognition appears in Article 71 of the Ecuadorian Constitution (2008), which reads:

Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles outlined in the Constitution shall be observed, as appropriate.

The State shall provide incentives to individuals, legal entities, and communities to protect nature and promote respect for all elements that comprise an ecosystem.

2. New Zealand

In 2017, the New Zealand Government passed *the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017*. The Act recognises the Whanganui River as an entity that reflects the unique ancestral relationship of *the* Whanganui *iwi* (tribe) with the river. It declares Te Awa Tupua to be a legal subject with "all the rights, powers, duties and responsibilities" of a legal subject (See Cribb et al., 2024, p. 3; Pelizzon, 2025, p. 230). Te Awa Tupua is represented by the *Te Pou Tupua* institution*,* which refers to itself as the "human face of Te Awa Tupua" and acts on its behalf. In 2016, Te Pou Tupua implemented the *Te Pūwaha* programme*,* a revitalisation initiative for Whanganui Harbour, grounded in the principles of Te Awa Tupua (Cribb et al., 2024, p. 9). At the heart of the programme's governance is *Te Mata Pūau*, led by *hapū* (sub-tribes) and comprising Māori and non-Māori communities (such as District and Regional Councils, Q-West Boat Builders, and the Whanganui District Employment Training Trust) to oversee the implementation of Te Awa Tupua principles.[41]

B. Looking Back at Legal Decolonisation in Indonesia

Based on the above descriptions, legal decolonisation in Indonesia cannot be carried out without ensuring justice for indigenous peoples. Indigenous Environmental Justice provides a strong foundation for freeing indigenous peoples from the shackles of colonial legacy. To that end, the most important way to realise Indigenous Environmental Justice is through recognition of the existence of indigenous peoples in Indonesia. By providing ample space for indigenous peoples to participate in environmental governance, modern society and the government have opened the door for the

[40] In the cosmological view of Ecuador's indigenous peoples, *Buen Vivir,* meaning "living in fullness" or "harmonious life", offers the concept of "*living* well' in harmony with the community and nature rather than "*living better*" through material accumulation (see Chassagne, 2019, pp. 4–5; Tănăsescu et al., 2024, p. 3).

[41] The implementation of the programme is based on the following commitments: (1) The Whanganui River is recognised at law as a living and indivisible whole, Te Awa Tupua; (2) Te Mata Pūau plays an integral part in the success of the Project; (3) Te Pūwaha will seek guidance and approval from Te Mata Pūau to ensure Te Awa Tupua and Tupua te Kawa are upheld; (4) Working more collaboratively will benefit the wider community, as multiple views are reflected in the planned activities and progress; and (5) Mouri Awa (life and vitality of the river), Mouri Tāngata (human life), Mouri Ora (sustainable life or harmony). (See further Cribb et al., 2024, p. 10)

development of the recognition of the Rights of Nature in Indonesia. This is at the heart of legal decolonisation efforts: (1) renewing the relationship between the State and indigenous peoples by placing indigenous peoples in a position that is not marginalised in the decision-making process and distribution of benefits, and (2) recognising nature as an entity with intrinsic rights that must be respected and protected.

This article proposes a mechanism whereby the Indonesian government regulates the position of indigenous peoples as "trustees" of specific ecosystems, similar to the concept in New Zealand. This would focus the role of nature conservation on indigenous peoples, as they have done for generations. In this case, indigenous peoples who are registered customary landholders have the capacity to become "trustees" and act on behalf of rivers, forests and other ecosystems in the region. According to Lael K. Weis and Robert Mullins, this concept is referred *to as ecospheric governance and legal framework.* Weis and Mullins argue that the ecosentric governance paradigm protects the intrinsic values of nature through the establishment of decision-making institutions designed to act in accordance with the normative principles of RoN that have developed in indigenous communities (Weis & Mullins, 2025, p. 26). If applied in Indonesia, such institutions could be entrusted to local indigenous communities and led by indigenous elders.

To that end, legal decolonisation must be based on the five principles of Indigenous Environmental Justice (Parsons et al., 2021, pp. 52–53). *First*, legal decolonisation must be based on non-material aspects, which indicate that indigenous communities do not focus on a materialistic perspective that is driven by the pursuit of surplus. *Second*, legal decolonisation must prioritise the dependence or attachment between individuals and communities. This aspect is referred to as the communitarian aspect in indigenous communities. *Third,* legal decolonisation must be based on holistic aspects, explaining that humans are interconnected with the entire universe. *Fourth,* legal decolonisation should be developed on a *place-based* basis, namely through indigenous territories with their diverse biodiversity. Instead of viewing natural resources as objects of exploitation, indigenous communities affirm their relational connection with nature. *Fifth,* legal decolonisation must be structured based on sustainable temporality because indigenous communities consider the past and future to be integral parts of realising the present.

Conclusion

Colonialism has shackled indigenous peoples to prolonged injustice. This injustice continues even after Indonesia's independence, with the emergence of various regulations that marginalise indigenous peoples and place them in a vulnerable position. A breakthrough is needed to decolonise Indonesian law. This breakthrough refers to the concept of Indigenous Environmental Justice, which emphasises the fulfilment of distributive and procedural justice and recognition based on the principles *of kinship* and reciprocal human-nature relations. These principles have implications for the recognition of the Rights of Nature in Indonesia. By placing indigenous peoples in a significant position, justice will be achieved for both indigenous peoples and the universe. This study proposes adopting the model of nature protection and indigenous peoples' rights that has developed in New Zealand. Through this model, indigenous communities can be actively and meaningfully involved in decision-making processes (fulfilling procedural justice) to obtain the equitable impact of development (fulfilling distributive justice). Furthermore, by positioning indigenous peoples at the centre of environmental governance, the principles embraced by indigenous peoples in building relationships with nature can be recognised (fulfilling recognition justice).

This study is limited to doctrinal analysis and does not incorporate empirical examination of the actual practices of recognising the Rights of Nature or fulfilling Indigenous Environmental Justice in Indonesia as part of the broader discourse on legal decolonisation. Nevertheless, the analysis draws upon existing scholarly studies that have examined these concepts within the Indonesian context. These limitations create opportunities for future research to undertake empirical investigations into the implementation of Indigenous Environmental Justice and the Rights of Nature across diverse Indigenous communities in Indonesia, particularly in regions that remain underexplored, such as Sumatra, Sulawesi, and Papua. In addition, potential internal bias may arise from the reliance on doctrinal analysis. To address this concern, the study employs triangulation by analysing a wide range of legal materials and scholarly sources drawn from different geographical and temporal contexts. Accordingly, the conclusions of this study are formulated in a normative and conceptual manner, with claims deliberately confined to doctrinal analysis and without extending to empirical generalisations regarding on-the-ground practices.

References

1. AMAN. (2024). *Catatan Akhir Tahun 2024 Aliansi Masyarakat Adat Nusantara: Transisi Kekuasaan dan Masa Depan Masyarakat Adat*. AMAN.

2. Azwar, T. K. D., & Baxadirovna, B. D. (2025). Legal Pluralism in the Colonial Era : The Influence of Economic Globalization on the Elimination of Poenale Sanctie and Customary Law. *SASI*, *31*(4), 315–325.
3. Bahzar, M. (2024). Impacts of the Development of a New City on the Life of Indigenous Communities: A Case From Nusantara Capital City (IKN), Indonesia. *Asian Journal of Education and Social Studies*, *50*(8), 166–171. https://doi.org/10.9734/ajess/2024/v50i81516
4. Balaton-chrimes, S., Stead, V., Balaton-chrimes, S., & Stead, V. (2017). Recognition, power and coloniality. *Postcolonial Studies*, *20*(1), 1–17. https://doi.org/10.1080/13688790.2017.1355875
5. Barnhill-Dilling, S. K., Rivers, L., & Delborne, J. A. (2020). Rooted in Recognition: Indigenous Environmental Justice and the Genetically Engineered American Chestnut Tree. *Society and Natural Resources*, *33*(1), 83–100. https://doi.org/10.1080/08941920.2019.1685145
6. Buana, M. S. (2020). Development as a threat to indigenous peoples' rights in Indonesia. *International Journal on Minority and Group Rights*, *27*(3), 442–471. https://doi.org/10.1163/15718115-02703003
7. Chassagne, N. (2019). Sustaining the 'Good Life': Buen Vivir as an alternative to sustainable development. *Community Development Journal*, *54*(3), 1–19. https://doi.org/10.1093/cdj/bsx062
8. Cribb, M., Macpherson, E., Borchgrevink, A., Cribb, M., & Macpherson, E. (2024). Beyond legal personhood for the Whanganui River: collaboration and pluralism in implementing the Te Awa Tupua Act. *The International Journal of Human Rights*, *2987*, 1–24. https://doi.org/10.1080/13642987.2024.2314532
9. De Lucia, V. (2017). Beyond anthropocentrism and ecocentrism: A biopolitical reading of environmental law. *Journal of Human Rights and the Environment*, *8*(2), 181–202. https://doi.org/10.4337/jhre.2017.02.01
10. Donnell, E. O., Poelina, A., Clark, C., & Pelizzon, A. (2020). Stop Burying the Lede : The Essential Role of Indigenous Law(s) in Creating Rights of Nature. *Transnational Environmental Law*, *9*(3), 403–427. https://doi.org/10.1017/S2047102520000242
11. Droz, L. (2022). Anthropocentrism as the scapegoat of the environmental crisis: a review. *Ethics in Science and Environmental Politics*, *22*, 25–49. https://doi.org/10.3354/esep00200
12. Duile, T. (2021). Paradoxes of indigeneity: identity, the state, and the economy in Indonesia. *Dialectical Anthropology*, *45*(4), 357–381. https://doi.org/10.1007/s10624-021-09640-7
13. Edirisinghe, A., & Suchet-Pearson, S. (2024). Nature as a sentient being: Can rivers be legal persons? *Review of European, Comparative and International Environmental Law*, *33*(2), 224–235. https://doi.org/10.1111/reel.12529
14. Fahmi, C. (2020). The Dutch Colonial Economic's Policy on Natives Land Property of Indonesia. *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, *5*(2), 105–120. https://doi.org/10.22373/petita.v5i2.99
15. Fathimah, F. A. (2018). *The Extractive Institutions as Legacy of Dutch Colonialism in Indonesia A Historical Case Study*. Uppsala Universitet.
16. Fernando, Z. J., Sinaga, L. V., Mardin, N., Arifin, F., Bengkulu, U., Agung, U. D., Tadulako, U., & Pasundan, U. (2025). Environment as a Legal Subject in the Reconstruction of Indonesia ' s Environmental Law. *Indonesian Journal of Environmental Law & Sustainable Development*, *4*(1), 95–122.
17. Filho, W. L., Matandirotya, N. R., Lütz, J. M., Alemu, E. A., Brearley, F. Q., Baidoo, A. A., Kateka, A., Ogendi, G. M., Adane, G. B., Emiru, N., & Mbih, R. A. (2021). Impacts of climate change to African indigenous communities and examples of adaptation responses. *Nature Communications*, *12*(1), 13–16. https://doi.org/10.1038/s41467-021-26540-0
18. Gilbert, J. (2024). Human Rights & the Rights of Nature: Friends or Foes? *Fordham International Law Journal*, *47*(4), 447. https://orcid.org/0000-0003-1377-3494
19. Gilbert, J., Soliev, I., Robertson, A., Vermeylen, S., Williams, N. W., & Grabowski, R. C. (2023). Understanding the Rights of Nature: Working Together Across and Beyond Disciplines. *Human Ecology*, *51*(3), 363–377. https://doi.org/10.1007/s10745-023-00420-1
20. Giménez, T. V. (2023). The rights of Nature: the legal revolution of the 21st century. *MOJ Ecology & Environmental Sciences*, *8*(3), 97–115. https://doi.org/10.15406/mojes.2023.08.00280
21. Grear, A. (2015). Deconstructing Anthropos: A Critical Legal Reflection on 'Anthropocentric' Law and Anthropocene 'Humanity'. *Law and Critique*, *26*(3), 225–249. https://doi.org/10.1007/s10978-015-9161-0
22. Gürçam, S. (2025). Colonial Connections in the Global Climate Crisis : Historical Injustices and Contemporary Inequalities Küresel İklim Krizindeki Sömürge Bağlantıları : Tarihsel Adaletsizlikler ve

Güncel Eşitsizlikler. *Ankara Üniversitesi Çevrebilimleri Dergisi*, *12*(1), 19–36. https://doi.org/10.62163/aucevrebilim.1592181
23. Hannigan, T. (2015). *A brief history of Indonesia: sultans, spices, and tsunamis: the incredible story of Southeast Asia's largest nation*. Tuttle Publishing.
24. Horbachevska, T., van Zeben, J., & Bernaz, N. (2024). A capability approach to the sustainable development goals: towards positive corporate human rights obligations. *Transnational Legal Theory*, *15*(3), 1–28. https://doi.org/10.1080/20414005.2024.2434383
25. Houart, C. (2022). Rights of Nature as a potential framework for the transformation of modern political communities. *Janus.Net, e-Journal of International Relations*, *13*(1), 135–151.
26. Ikporukpo, C., & Ikporukpo, N. N. (2025). Rights of Nature: Theory and Practice. *Journal of Law and Sustainable Development*, *13*(6), e04434. https://doi.org/10.55908/sdgs.v13i6.4434
27. Itawan, D. (2023). Colonialism and Climate Crisis: The Root of Environmental Changes and the Rise of Environmental Awareness in Indonesia. *Indonesian Historical Studies*, *6*(2), 192–205. https://doi.org/10.14710/ihis.v6i2.16037
28. Kabir, M., Habiba, U. E., Khan, W., Shah, A., Rahim, S., Rios-escalante, P. R. D. L., Farooqi, Z., Ali, L., & Shafiq, M. (2023). Climate change due to increasing concentration of carbon dioxide and its impacts on environment in 21st century; a mini review. *Journal of King Saud University - Science*, *35*(5), 102693. https://doi.org/10.1016/j.jksus.2023.102693
29. Katsinas, S., Keeney, N., Jacobs, E., & Whann, H. (2020). Defining Alabama's Black Belt Region. *Issue Brief*.
30. Kiran, N., Iqbal, R., & Jawwad, M. (2023). John Rawls on Concepts of Rights and Justice in Philosophy of Law. *Russian Law Journal*, *XI*(3), 2067–2079.
31. Kotzé, L. J., & French, D. (2018). The Anthropocentric Ontology of International Environmental Law and the Sustainable Development Goals: Towards an Ecocentric Rule of Law in the Anthropocene. *Global Journal of Comparative Law*, *7*, 5–36. https://doi.org/10.1163/2211906X-00701002
32. Kramm, M. (2025). A Tale of Two (and More) Models of Rights of Nature in advance. *Environmental Ethics*, *47*(2), 159–180. https://doi.org/10.5840/enviroethics20252696
33. Kunz, Y., Hein, J., & Sobirin, M. (2024). Beyond Protection, toward Respect: Struggle for Environmental Justice in the Kendeng Mountains. *Society and Natural Resources*, *37*(5), 826–844. https://doi.org/10.1080/08941920.2023.2267497
34. Li, T. M. (2017). The price of Un/Freedom: Indonesia's colonial and contemporary plantation labor regimes. *Comparative Studies in Society and History*, *59*(2), 245–276. https://doi.org/10.1017/S0010417517000044
35. Manse, M. (2024). The plural legacies of legal pluralism: local practices and contestations of customary law in late colonial Indonesia. *Legal Pluralism and Critical Social Analysis*, *56*(3), 328–348. https://doi.org/10.1080/27706869.2024.2377447
36. Martin, A., Coolsaet, B., Corbera, E., Dawson, N. M., Fraser, J. A., Lehman, I., & Rodriguez, I. (2016). Justice and conservation: The need to incorporate recognition. *Biological Conservation*, *197*(2016), 254–261. https://doi.org/10.1016/j.biocon.2016.03.021
37. Maurya, S. K. (2022). On Just, Justice and Distributive Justice: A Critical and Comparative Discourse. *Journal of Liberty and International Affairs*, *8*(2), 240–254.
38. Mcgregor, D. (2018). Indigenous Environmental Justice, Knowledge and Law. *Kalfou*, *5*(2), 279–296.
39. Muhammad, U. A., & Kurniawan, A. A. (2025). Deli Maatschappij: A Look at the Initial Company as a Result of the Dutch East Indies Open Door Policy. *Riwayat*, *8*(2), 1657–1663.
40. Muhtadi, B. (2019). Jokowi's Choice: Caught between Political Cartels and Public Interest. *East Asia Forum*, *11*(4), 17–21.
41. Muur, W. Van Der. (2018). Forest conflicts and the informal nature of realizing indigenous land rights in Indonesia. *Citizenship Studies*, *1025*, 1–15. https://doi.org/10.1080/13621025.2018.1445495
42. Mylius, B. (2018). Three Types of Anthropocentrism. *Environmental Philosophy*, *15*(2), 159–194. https://doi.org/10.5840/envirophil20184564
43. Natalis, A., Purwanti, A., & Asmara, T. (2023). The Law's Critical Role in Developing Human-

Environment Relationships after COVID-19 Pandemic (A Study of Ecofeminism). *International Journal of Sustainable Development and Planning*, *18*(1), 153–160. https://doi.org/10.18280/ijsdp.180116
44. Ngcamu, B. S. (2023). Climate change effects on vulnerable populations in the Global South: a systematic review. *Natural Hazards*, *118*(2), 977–991. https://doi.org/10.1007/s11069-023-06070-2
45. Nitah, S. (2021). Indigenous peoples proven to sustain biodiversity and address climate change: Now it's time to recognize and support this leadership. *One Earth*, *4*(7), 907–909. https://doi.org/10.1016/j.oneear.2021.06.015
46. OHCHR. (2025). *Indonesia must recognise Indigenous Peoples and consider them partners for national development: UN experts*. Ohchr.Org. https://share.google/UxV5FUIF75yh5ZYeT
47. Oliveira, D. J. S., & Ckagnazaroff, I. B. (2022). Citizen participation as one of the principles of open government. *Cadernos Gestão Pública e Cidadania*, *28*, 1–19.
48. Parsons, M., Fisher, K., & Crease, R. P. (2021). *Decolonising Blue Spaces in the Anthropocene: Freshwater management in Aotearoa New Zealand*. Springer Nature Switzerland AG.
49. Patrignani, E. (2016). Legal Pluralism as a Theoretical Programme. *Oñati Socio-Legal Series*, *6*(3), 707–725.
50. Pearse, R., Schlosberg, D., Rickards, L., Bosca, H. Della, Kleyn, L. De, Pearse, R., Schlosberg, D., Rickards, L., & Bosca, H. Della. (2025). Compounding barriers to environmental justice. *Local Environment*, *30*(11), 1439–1454. https://doi.org/10.1080/13549839.2025.2471005
51. Pelizzon, A. (2025). Ecological Jurisprudence: The Law of Nature and the Nature of Law. In *European Union Law*. Springer Nature Singapore Pte. https://doi.org/10.1093/he/9780199639816.003.0015
52. Pörtner, H. O., Scholes, R. J., Agard, J., Archer, E., Arneth, A., Bai, X., Barnes, D., Burrows, M., Chan, L., Cheung, W. L., Diamond, S., Donatti, C., Duarte, C., Eisenhauer, N., Foden, W., Gasalla, M. A., Handa, C., Hickler, T., Hoegh-Guldberg, O., … Reyes- García, V., Sankaran, M., Settele, J., Shin, Y. J., Sintayehu, D. W., Smith, P., Steiner, N., Strassburg, B., Sukumar, R., Trisos, C., Val, A.L., Wu, J., Aldrian, E., Parmesan, C., Pichs-Madruga, R., Roberts, D.C., Rogers, A.D., Díaz, S., Fischer, N. (2021). *IPBES-IPCC Co-Sponsored Workshop Report on Biodiversity and Climate Change*. IPBES and IPCC. https://doi.org/10.5281/zenodo.4782538.IPBES
53. Priambodo, B. B. (2018). Positioning Adat Law in the Indonesia's Legal System: Historical Discourse and Current Development on Customary Law. *Udayana Journal of Law and Culture*, *2*(2), 140–164. https://doi.org/10.24843/ujlc.2018.v02.i02.p02
54. Rahardjo, S. (2021). *Ilmu Hukum* (A. Marwan (ed.)). PT Citra Aditya Bakti.
55. Rathakrishnan, B., Aboo, K., Khalid, T., & Daud, S. (2025). A systematic literature review on the international trends of indigenous peoples ' political participation. *Frontiers in Political Science*, *7*(1601300), 1–9. https://doi.org/10.3389/fpos.2025.1601300
56. Ronoh, V. (2024). State Power, Vulnerability, and Indigenous Peoples in International Law. *International Journal on Minority and Group Rights*, *31*(5), 846–873. https://doi.org/10.1163/15718115-bja10147
57. Sahu, M., Chattopadhyay, B., Das, R., & Chaturvedi, S. (2023). Measuring Impact of Climate Change on Indigenous Health in the Background of Multiple Disadvantages: A Scoping Review for Equitable Public Health Policy Formulation. *Journal of Prevention*, *44*(4), 421–456. https://doi.org/10.1007/s10935-022-00718-8
58. Sari, E. P., Defanti, F. S., Qotimah, H. K., Nuraini, I. S., & Pratiwi, I. (2022). The Impact of Agrarian Law 1870 on the Indigenous Farmers. *Int. j. Adv. Multidisc. Res. Stud*, *2*(3), 555–561. www.multiresearchjournal.com
59. Schulz, A. J., Rempel Fisher, G. M., Nadeem, A., Savoie, K., Israel, B. A., Landrum, T., Sampson, N., & Stanley, E. (2025). Procedural Justice in Environmental Decision-Making: An Analysis of Public Participation Language in State-Level Cumulative Impact Legislation. *Environmental Justice*. https://doi.org/10.1177/19394071251378360
60. Skinner-thompson, J. (2022). Procedural Environmental Justice. *Washington Law Review*, *97*(2), 399–458.
61. Sonhaji, Wibawa, K. C. S., Natalis, A., & Noho, M. D. H. (2022). Animal Rights in Indonesian Environmental Law: Case Studies in Disaster Prone Areas. *International Journal of Sustainable Development and Planning*, *17*(1), 299–305. https://doi.org/10.18280/ijsdp.170130

62. Stucki, S. (2020). Towards a theory of legal animal rights: Simple and fundamental rights. *Oxford Journal of Legal Studies*, *40*(3), 533–560. https://doi.org/10.1093/ojls/gqaa007
63. Subekti, S., Sulistiyono, S. T., & Adhuri, D. (2020). Adat Movements for Environmental Justice: The Case of Benoa Bay Bali. *E3S Web of Conferences*, *202*, 1–9. https://doi.org/10.1051/e3sconf/202020207035
64. Suiseeya, K. R. M. (2021). Procedural Justice Matters: Power, Representation, and Participation in Environmental Governance. In B. Coolsaet (Ed.), *Environmental Justice: Key Issues* (pp. 37–51). Routledge.
65. Suteki, & Taufani, G. (2020). *Metodologi Penelitian Hukum: Filsafat, Teori, dan Praktik*. Rajawali Pers.
66. Tamanaha, B. Z. (2021). Legal pluralism across the global South: colonial origins and contemporary consequences. *Journal of Legal Pluralism and Unofficial Law*, *53*(2), 168–205. https://doi.org/10.1080/07329113.2021.1942606
67. Tamano, M. A. (2023). Indonesian Palm Oil Industry: Environment Risk, Indigenous Peoples, and National Interest. *Law and Humanities Quarterly Reviews*, *2*(4). https://doi.org/10.31014/aior.1996.02.04.93
68. Tănăsescu, M. (2020). Rights of nature, legal personality, and indigenous philosophies. *Transnational Environmental Law*, *9*(3), 429–453. https://doi.org/10.1017/S2047102520000217
69. Tănăsescu, M., Macpherson, E., Jefferson, D., & Torres Ventura, J. (2024). Rights of nature and rivers in Ecuador's Constitutional Court. *International Journal of Human Rights*, *2987*, 1–23. https://doi.org/10.1080/13642987.2024.2314536
70. Tanaya, H. T. (2024). Belajar dari Sejarah: Refleksi atas Warisan Kolonial dan Praktik Pelestarian Sumber Daya Alam di Indonesia. *Jurnal Sejarah Citra Lekha*, *8*(2), 120–129. https://doi.org/10.14710/jscl.v8i2.40992
71. Teixidor-Toneu, I., Fernández-Llamazares, Á., Abel, R. A., Batdelger, G., Bell, E., Caillon, S., Cantor, M., Correia, J. E., Díaz, S., Fisk, J., Greene, A., Greening, S., Hoyte, S., Kalle, R., Loayza, G., Mattalia, G., Montúfar, R., Ojeda, J., Phatthanaphraiwan, S., … Ban, N. C. (2025). Human–nature relationships through the lens of reciprocity : Insights from Indigenous and local knowledge systems. *People and Nature*, *7*, 922–933. https://doi.org/10.1002/pan3.70036
72. Truccone, S. (2024). Legacies of Historical Injustice : What is Owed to the Victims of Past Injustices ? Introduction to the Special Issue. *Res Publica*, *30*, 643–661.
73. Verhaeghe, E. (2023). Geoforum Recognition on whose terms ? Indigenous justice struggles in the EU-Honduran FLEGT Voluntary Partnership Agreement. *Geoforum*, *141*(December 2021), 103718. https://doi.org/10.1016/j.geoforum.2023.103718
74. Warburton, E. (2024). Private Power and Public Office: The Rise of Business Politicians in Indonesia. *Critical Asian Studies*, *56*(2), 184–206. https://doi.org/10.1080/14672715.2024.2334069
75. Weis, L. K., & Mullins, R. (2025). Does Nature Need Rights? *Oxford Journal of Legal Studies*, *XX*(XX), 1–33. https://doi.org/10.2139/ssrn.5318971
76. Whyte, K. P. (2021). Indigenous environmental justice: Anti-colonial action through kinship. In B. Coolsaet (Ed.), *Environmental Justice: Key Issues* (pp. 266–278). Routledge.
77. Winarsih, & Wulandari, C. (2024). Implementation of Free, Prior and Informed Consent Principles Towards Utilization of Natural Resources in Indonesian Regulatory Framework. *Annual Review of Legal Studies*, *1*(2), 289–322.

Author Biographies

Athanasius Allan Darma Saputra is a 4th-semester student in the Bachelor of Law program at the Faculty of Law, Universitas Diponegoro, Indonesia. He has participated multiple times in national scientific writing competitions.

Prof. Dr. Lita Tyesta Addy Listya Wardhani, S.H., M.Hum. is a professor and senior researcher at the Faculty of Law, Universitas Diponegoro, Indonesia. She obtained her Bachelor's, Master's, and Doctorate degrees in Law from the same institution. She is highly skilled in the fields of legislative drafting, environmental law, constitutional law, law and gender, and regional autonomy law. She is also an active consultant for the drafting of regional regulations.

Dr. Aga Natalis, S.H., M.H., is a lecturer and researcher based at the Faculty of Law, Diponegoro University, Semarang, Indonesia. He earned his Bachelor's, Master's, and Doctorate degrees in Law from the same institution. He is actively involved in research, with a particular focus on feminist legal theory, law and gender, law and society, ecofeminism, and prostitution policies