

# CONCEPTION OF ECOLOGY AS THE SUBJECT OF PROGRESSIVE LAW AND THE EMBODIMENT OF INTER-GENERATION JUSTICE

Vincentius Patria Setyawan

Faculty of Law, Universitas Atma Jaya Yogyakarta  
Jalan Mrican Baru 28 Yogyakarta, Indonesia

E-mail: vincentius.patria@uajy.ac.id

---

## Article

## Abstract

### Article History:

Submitted: June 2023

Reviewed: March 2024

Accepted: April 2024

Published: April 2024

### Keywords:

Ecology; Inter-generational Justice; Progressive Law.

*The unfinished discussion regarding progressive law is the subject of progressive law. Progressive law pays attention to the human aspects of judging and providing protection for entities that are "those who are weak" and need protection. Ecology is included in entities that require protection, so it has the potential to be conceptualized as a progressive legal subject. This article will analyze the potential of ecology as a subject of progressive law associated with the realization of inter-generational justice. The research method used in writing this article is a normative legal research method with a conceptual approach. The results of the analysis in this article show that ecology can be conceptualized as a progressive legal subject and in accordance with the embodiment of intergenerational justice. Ecology is not only needed by this generation but also needed by future generations.*

## A. Introduction

One of discussions that has been unsolved in the field of progressive law is the issue of law subject. Suppose this issue withdraws on basic ideas from progressive law. In that case, Satjipto Rahardjo has proposed that the forefront of law will always experience a shift and dynamic towards a constantly good direction, progress, and development. This is become the main foothold foundation of progressive law. So, the problem is about the subject of law which is always open to be discussed.

Satjipto Rahardjo stated that now literature of law touched on study of deep ecology. Furthermore, he stated that if the law is decided based on their own accord and not learned from environmentalism, it will be wrong if the regulation or policy is made from that law.<sup>1</sup> corporation responsibility arises to determine who is responsible for such acts by the corporation. We often heard those theory as a strict liability, vicarious liability, identification theory, and others.

The conception of ecology as a law subject is a new face from the conception of law subject. It has a concept that moved from classification of law subject based on

---

<sup>1</sup> Dian Rositawati, Interview with Prof. Satjipto Rahardjo about the role of court on the nation of laws, LeIP-PSHK, 7 Desember 2009, Jakarta, in Muhammad Rustamaji, *Pilar-Pilar Hukum Progresif: Menyelami Pemikiran Satjipto Rahardjo* (Yogyakarta: Thafa Media, 2017), 5.

anthropocentrism. This concept is based on a new orientation in viewing law subject within the lenses of progressive law namely “the weak”. There is certainly a relevance to the progressive legal credo of “law for humans”, and if we associate it with the conventional conception of the law subject centered on humans, it is precisely irrelevant when “centered on humans or anthropocentric. The meaning implied in this argument is that the law should provide comprehensive benefits for several aspects of life. Not only for humans, but also for ecology. Where ecology falls into the category of “those who are weak”.

The urgency to put attention to ecology as “the weak” is a limitation to anthropocentrism that philosophically provides boundaries that moral values and principles are only applicable to humans and that human needs and interests have the highest and most important value.<sup>2</sup> Limitations to the understanding of anthropocentrism must be applied to restrict human authority in the use of power to the environment and natural resources behind them. The fulfillment of human needs and interests by exploiting nature should not turn into greed in the utilization of the environment with the motive of enriching oneself and causing environmental damage.

Humans are inherently good creatures; therefore humans also have good modalities to makes the rules (including laws) and their lives. The existence of humans like this have a logic consequence that law does not lead anything, nor regulate or even restrict all aspects of human life, but is not viewed more than tool. or instrument that used by humans as widely benefactor for life in world and humanity.<sup>3</sup> This can be understood that conception of “law for humans” is not one-dimensional that humans is an absolute determinant of law existence, but humans are positioned as a subject that utilizing law for expediency for all humans, other creatures, and also environment.

Hyronimus Rhiti in a dignified manner expressed the same thing but in a different way. He said in essence, that if God himself glorifies humans, his creations, with dignity and respect, then human-made laws should not reduce that dignity and respect to what is stated in the regulations and laws. Instead of giving happiness to humans, the law decreases human itself.<sup>4</sup> Humans that are glorified by God as impeccable creatures must honor others, either the

---

<sup>2</sup> Abdurrahman Supardi Usman, “Lingkungan Hidup Sebagai Subjek Hukum: Redefinisi Relasi Hak Asasi Manusia Dan Hak Asasi Lingkungan Hidup Dalam Perspektif Negara Hukum”, *Jurnal Hukum Legality* 26, no. 1 (2018): 1-16, <https://ejournal.umm.ac.id/index.php/legality/article/view/6610>.

<sup>3</sup> Sidharta, *The Position of Progressive Legal Thinking in the Configuration of Schools of Legal Philosophy: An Initial Diagnosis in the joint publication Satjipto Rahardjo and Progressive Law: Urgency and Critique*, Epistema Institute (Jakarta: HuMA, 2011), 55.

<sup>4</sup> Hyronimus Rhiti, “An Introduction to the Philosophical Basis of Progressive Law” (Research Result, The Progressive Law School Universitas Atma Jaya Yogyakarta, 2014), 15.

environment, plants, or animals. The presence of law as an instrument for regulating human behavior should also be reoriented to its responsibility to protect God's creation. Even though the environment was created by God to fulfill human needs, there is responsibility to conserve it for human sustainability either in the moment or in the future. Based on the rationale about environment (ecology) in introduction of this paper will focus on study about ecology as “the weak” who became a subject of the progressive law and the responsibility to preserve the environment for the sustainability of the environment for future generations.

## **B. Method**

This article was written using normative legal research methods with a conceptual approach and a philosophical approach. The legal issues that will be discussed in this research are related to the conception of ecology as a progressive legal subject and the realization of intergenerational justice. These legal issues will be answered through literature study of the required legal materials in the form of primary legal materials and secondary legal materials. The analysis technique used is deductive-syllogism.

## **C. Analysis and Discussion**

Realities can not only be found in society and human interactions but also can be found in ecological community. This is reflecting humans as ecology creatures. The exploration of “the weak” meaning that embedded in ecology will inevitably lead to an understanding of Deep Ecology. Deep Ecology has a much different meaning than shallow ecology, which views the environment only as a means of meeting economic needs. Deep Ecology is an environment ethics theory that emphasize to biocentrism. Perspective of Deep Ecology came from understanding that humans are not limited as social creatures otherwise are ecological creatures.

The perspective of humans as ecological creatures brings implications that human life as a whole can not only be found in society and human interactions but also can be found in ecological community. This is reflecting humans as ecology creatures.<sup>5</sup> Humans as ecology creatures have place humans as unitary with their environment. Environment as humans’

---

<sup>5</sup> Liek Wilardjo, *Menerawang Dikala Senggang: Kumpulan Tulisan Liek Wilardjo* (Salatiga: Fakultas Teknik Elektron dan Program Pasca Sarjana Studi Pembangunan UKSW, 2009), 265.

residence holding the most important role for humans' life, when damage happens, the future humans' life will be threatened.

Deep Ecology is an approach that considers the importance to understand the environment as a single living entity that supports each other, so that all elements have the same meaning and importance. Perspective of deep ecology is that nature itself is important for sustaining life. Therefore, nature must be respected and treated well. This is emphasized in environmental ethics. It emphasizes that the preservation of nature or the environment is not only for the humans' interests, but also for the benefit of nature itself. Nature is the foundation of life, existing not solely for humanity but for all creation. Therefore, humans should protect and maintain nature for the people's goodness.<sup>6</sup>

Speaking of the relation between humans and their environment, there are different views on how to treat nature. Argument between ecocentrism and anthropocentrism keep coloring life of humans and their environment. Anthropocentrism argues that the environment will be considered fascinating if it has a function or utility for humans, a perspective characteristic of utilitarianism.<sup>7</sup>

The opposing perspective is put forward by ecocentrism, which seeks to challenge the anthropocentric perspective. Ecocentrism perceives that human needs and interests are not the only things that have a higher value. Humans as an impeccable creatures need to consider the other creatures' importance namely animals, plants and also ecosystem. This perspective is separated by utilities from the environment and other creatures for humans.<sup>8</sup>

Ecocentrism is an environment ethic theory that focusing ethic on all ecology community, either the life one or not. By ecology, creatures and others abiotic things are interrelated with each other's. Therefore, moral obligation and responsibility are not restricted from creatures but also applicable to all ecology reality.<sup>9</sup> Environmental crises occur because of human behavior that is affected by perspective way of anthropocentrism exploitative, destructive, and regardless behavior toward the environment is engrained in the perspective that only thinking humans interests. Humans are permitted to perform any action on nature, as long as it does not harm human interests, as long as it does not have a negative impact on

---

<sup>6</sup> Siti Sarah and Radea Yuli A. Hambali, "Ekofilosofi "Deep Ecology" Pandangan Ekosentrisme terhadap Etika Deep Ecology", The 4th Conference on Islamic and Socio-Cultural Studies (CISS) 19, 2023: 754-761, <https://doi.org/10.33369/jsh.24.2.756>.

<sup>7</sup> Ghanesya Hari Murti, "Menuju Ecocentrisme: Menapaki Jalan Ekologis yang Etis", *Satwika: Jurnal Kajian Budaya dan Perubahan Sosial* 2, no. 2 (2018): 87-94, <https://doi.org/10.22219/satwika.v2i2.7997>.

<sup>8</sup> Mackinnon and Fiala, *Ethics: Theory and Contemporary Issues* (California: Cengage Learning, 2015), 404.

<sup>9</sup> Koesnadi Hardjasoemantri, *Environmental Governance* (Yogyakarta: Gadjah Mada University Press, 2006), 7576.

human interests (in the sense of short-term interests).<sup>10</sup> Human's moral obligations and responsibilities towards the environment are not considered as the embodiment of moral obligations and responsibilities towards nature.

Human's moral obligation and responsibility toward the environment are viewed as limit instruments in meeting endeavors of human interests. Obligation and responsibility toward nature are only embodiments (reflective) of moral obligation and responsibility to humans themselves.<sup>11</sup> This perspective suggests that humans only feel a moral responsibility towards the environment when it directly affects their well-being in the present.

It is unwise if such "egoism" idea of anthropocentric still maintained while environmental conditions threaten all organisms' survival. Reflecting on the history of scientific development, humans were once trapped in a misconception about the universe. Before the enlightenment by Nicolas Copernicus (1473-1543), most people assumed that Earth was the center of the solar system (and eventually the universe).<sup>12</sup> Without intending to reduce the essence of human privilege, there is a need to be aware that humans are part of the environment. Therefore, anthropocentric pride is not relevant to be maintained in modern civilization.<sup>13</sup>

The universe is a whole and comprehensive "ecology system" while Earth is inherently just an "ecology sub-system". But commonly and popularly, the use of ecology term refers to the ecology system on Earth. In addition, Human is just sub-system in the reality of ecosystems on Earth's ecology system.<sup>14</sup> Comprehension like this is needed to move the superiority of the anthropocentric perspective that has massively brought crises of natural life.

Ecocentrism present as an alternative perspective to replace the dilapidated anthropocentrism in understanding the relation between humans and living environment. The theory of ecocentrism is oriented to a comprehensive conception/approach to the morals of the environment. Moral concern is extended to covers the whole ecological communities, biotic and abiotic.<sup>15</sup>

Arne Naess states that enviromental crises now can only be handled by changing the perspective and human behavior toward nature in a fundamental and radical manner. Indeed, that the current global environment crisis is caused by the misconception of basic philosophy

---

<sup>10</sup> *Ibid*, 35.

<sup>11</sup> A. Sonny Keraf, *Environmental Ethics* (Jakarta: PT Kompas Media Nusantara, 2010), 48.

<sup>12</sup> J. Donald Walters, *Hope for A Better World: Toward Cooperative Community* (Yogyakarta: Kanisius Publisher, 2005), 32-35.

<sup>13</sup> Abdurrahman Supardi Usman, *Op.Cit.*, 7.

<sup>14</sup> Munadjat Danusaputra, *Environmental Law* (Bandung: Binacipta, 1985), 66-67.

<sup>15</sup> Antonius Atosokhi Gea and Antonina Panca Yuni Wulandari, *Relasi dengan Dunia* (Jakarta: Elex Media Komputindo, 2005), 58-59.

in human understanding or perspective toward themselves, nature, and their position in whole ecosystem. This false perspective in turn will eventually lead to the misbehavior toward nature. Humans falsely see nature and place themselves in the wrong context inside the whole universe. This is the beginning of all disasters we currently face.<sup>16</sup>

Moreover, Arne Naess states his perspective about Ecosophy, which gave a guide to live with a relevant pattern and lifestyle in accordance with the wisdom of maintaining nature as a household for all living beings. Based on both relativities, Ecosophy and Ecology are “two side of a coin” in Environment Holism. Adherents of Environmental Holism in Liek Wilardjo's study, conducting their act and thinking to opposed greed, heartless behavior, and ignorance that underline the attitudes and actions of technocratic individualists towards nature.

Adherents of Environmental Holism strongly condemn greed and wastefulness which became a special trait of advance nations that pollute the living environment at their will and massively exploiting natural resources.<sup>17</sup> In the philosophy of ecosophy, there is an approach that integrates the dimension of intellectual, spiritual, and emotional. Intellectual dimension means that humans constantly need to learn, study, understand, and respect the nature. The spiritual dimension means believing the God Almighty created all natural resources, which need to be protected and preserved because they have a purpose in supporting human life. While the emotional dimension has a meaning in creating human ethics and morals to ensure the quality of human life for many generations.<sup>18</sup>

Aldo Leopold, the famous philosopher with an ecocentrism perspective, developed a “land ethic” concept that emphasizes the importance of treating nature as a subject with the same rights and interests as humans. Leopold emphasizes the importance of developing empathy toward nature and understanding how we are related with it, and also building more harmony with nature.<sup>19</sup> Leopold drew the relation between those biotic communities in the form of “earth pyramid”. That pyramid drew a complex food chain and seemingly random, but the stability has proven that the structure is organized and well-planned.<sup>20</sup>

The perspective of Leopold known as "Earth ethics", answers wisely the planning of equal rights between biotic communities, that: in one side, earth and all its content needs to be maintained. However, because there is a unity that is dependable on and interrelated with the

---

<sup>16</sup> Satmaidi, “Konsep Deep Ecology dalam Pengaturan Hukum Lingkungan”, *Supremacy of Law: Journal of Legal Research* 24, no. 2, (2019): 87-94, <https://doi.org/10.22219/satwika.v2i2.7997>.

<sup>17</sup> *Ibid*, 266-267.

<sup>18</sup> Satmaidi, *Op.Cit.*, 99.

<sup>19</sup> Siti Sarah and Radea Yuli A. Hambali, *Op.Cit.*, 760.

<sup>20</sup> Abdurrahman Supardi Usman, *Op.Cit.*, 8-9.

earth contents as biotic communities, one existence supports the other existence in a complex food chain. In the other side, we need another creature to stay alive. But this doesn't mean that their existence is solely valued for our life. Therefore, Leopold stated that humans are allowed to kill a certain animal or logging certain trees to fulfill their needs as long as those actions doesn't cause harm to “integrity, stability, and the beauty of biotic communities.” Even if there is a creature that might harm the biotic communities, we are obliged to eradicate it. Their existence, as well as humans’ existence are valued because they support the “integrity, stability, and the beauty of biotic communities.” And will be of no value it otherwise.<sup>21</sup>

Being concerned with the phenomena of natural disasters that are more massive because of unethical industrialization, Aldo Leopold strongly opposed and shouted that we must leave Anthropocentric Ethics. He agreed with people who have the same understanding as him that all living beings, either humans or flora and fauna are entitled to obtain the same dignity as part of the same biotic communities.<sup>22</sup> The same thing was stated by the Deep Ecologist that humans are the intrinsic part of the fabric of nature.<sup>23</sup> The concept of Deep Ecology, which is based on an ecosophical philosophy that requires policy changes in overcoming environmental crises or emergencies due to the exploitation of environmental resources that ignore the aspects of sustainability and environmental carrying capacity (based on anthropocentric ethics), requires environmental law as a forum for environmental management policies that contain legal principles that are in accordance with the principles of deep ecology as ecocentrism ethic. The environmental law in question contains a legal paradigm that favors environmental or ecological sustainability.<sup>24</sup>

Deep ecology is one variant of the ecocentrism development theory in the currently popular theory of environmental ethics. Deep Ecology was first introduced as a terminology by Arne Naess, a Norwegian philosopher in 1973. In his article titled “The Shallow and the Deep, Long-range Ecological Movement: A Summary”, Naess classify between shallow ecological movement and deep ecological movement.<sup>25</sup> Deep Ecology provides the perspective of ethic that not revolves around humans but oriented to the living being as a whole to anticipate the environmental issue. In Deep Ecology, humans and their interests are no longer viewed as the center of moral dimension Deep Ecology does not only emphasize the attention to the short-

---

<sup>21</sup> *Ibid*, 9

<sup>22</sup> Muhammad Rustamaji, *Op.Cit.*, 14.

<sup>23</sup> Aldo Leopold, *A Sebd County Almanac* (New York: Oxford University Press, 1949), 16.

<sup>24</sup> Satmaidi, *Op.Cit.*, 97.

<sup>25</sup> Takwim Azami and Anto Kustanto, “Pencemaran, Kerusakan Alam dan Cara Penyelesaiannya Ditinjau Dari Hukum Lingkungan”, *QISTIE* 16, no. 1 (2023): 40-50, <https://doi.org/10.31942/jqi.v16i1.8383>.

term interest but also long-term interest. The moral principle brought by Deep Ecology covers the interest of whole ecological communities.<sup>26</sup> Thereby, humans with their full consciousness were asked to build the wisdom and to live in harmony along the whole universe as a lifestyle that constantly trying to align with nature.

Deep ecology involves three important elements namely sense, spirituality, and act. Spirituality in deep ecology emphasizes the relation with bigger entities and bigger universe than humans. Spirituality is a big inspiration for sustainability building from environmental crises management. Deep ecology is faith, ideas, dreams, and values integrated into the way people think and act when interacting with nature and the environment. If humans were seen as an integral part of nature, their every act would have a significant implication and logical consequences which directly related to and experienced by humans. It would be different scenario if humans are able to exclude themselves from the nature, because it would be easy to commit destructive act toward nature, and furthermore will not be seen as a loss for themselves. It can be said that deep ecology is a holistic approach that views all complications in this world by connecting minds, senses, spirituals, and acts This implicate to the deeper understanding about life, because ecology will not be seen as something which exceeds beyond humans, but as an existence that becomes an integral part of and plays a crucial role in human life.<sup>27</sup>

The next discussion is about connecting ecology as a focus in the study of law subject in the context of progressive law. What can we obtain from deep ecology ethics? This *mutatis-mutandis* idea which is supported by deep ecology, is an antithesis of an idea based on several values based on anthropocentrism.<sup>28</sup> Anthropocentric thinking consists of the perspective of the earth and its content as a mechanical system composed of basic building columns, a perspective that sees a human body as a machine, a perspective that society life is a competitive struggle for existence, a belief in unlimited material advancement achieved through economic and technological growth.

This perspective has dominated for hundreds of years and forming Modern Western society in general and brings a strong impact for the world tranquility.<sup>29</sup> Based on said insight, it require a self-consciousness to change the point of view toward anthropocentric living environment. In order to form a new concept that is a new law subject alongside the rights embedded within. That is abiotic environment and all living beings within it. Preserving life

---

<sup>26</sup> *Ibid.*

<sup>27</sup> Siti Sarah and Radea Yuli A. Hambali, *Op.Cit.*, 757.

<sup>28</sup> Liek Wilardjo, *Op.Cit.*, 253-254.

<sup>29</sup> Fritjof Capra, *The Web of Life: A New Scientific Understanding of Living Systems* (HarperCollins: San Francisco, 1996), 15-16.



ecosystem is the right of a living environment and the right to live as well as grow and the rights of other living beings apart from humans (flora and fauna).

When law being one of the most important instruments in the effort of human to seek the source of justice, so the development of progressive law and caring for deep ecology needs to obtain attention in order to grow. By looking at the condition of law that experienced an “upper pulling force”<sup>30</sup> by the constantly strong globalization, it needs a flexible law in neutral condition and unbiased. The neutrality of law would rather potentially corner “the weak” while the parties who run the world's chessboard are being motorized by globalization and its free market in all fields. Therefore, the law was marked as progressive because they “defend the weak”. This is where the interest of ecology is defended as “the weak” in the law while it hardly gets any recognition as a law subject for a long time. Until now, the existing ideas about pro-environment is only based for economical interest instead of ecological reason. This is reification thought which only draining ecology for economical benefit.<sup>31</sup>

The disregard for the environment and the use of law as a means to achieve economic goals are patterns of thought and behavior that must be abandoned. A progressive law perspective is needed to achieve protection for “the weak”, in this case the new law subject namely the environment or ecology. Radical legal thought is needed in the context of dismantling law assumptions that have long been considered established and so sacred that they have become taboo to reconstruct.

A new paradigm that recognizes ecology as a law subject under the lens of progressive law as “the weak” needs to be developed to ensure the sustainable use of the environment for future generations. In addition to considering the ecological utility for future generations, the progressiveness of establishing ecology as a law subject is also directed towards a conceptual framework that views ecology as a source for achieving inter-generation justice. Law does not exist for its own sake, even though it has a fundamental nature as a regulator of human life. Furthermore, the existence of law must pay attention to something bigger and broader coverage, namely the sustainable benefits for humanity over time.

Whenever issues about rule of law arise that deviate from the sources of justice, it is essential to reflect on the essence and meaning of the purpose of law itself, that is a justice that benefits humanity. In response to such phenomena, it is appropriate that the rule of law is need

---

<sup>30</sup> Adi Sulistiyono and Muhammad Rustamaji, *Economic Law as a Commander* (Sidoarjo: Masmedia Buana Pustaka, 2009), 29.

<sup>31</sup> Franz Magnis Suseno, *In the Shadow of Lenin: Six Marxist Thinkers from Lenin to Tan Malaka* (Jakarta: Gramedia Pustaka Utama, 2005), 87-204.

to be transformed, refined, and extended to adapt and serve humanity, rather than forcing humans to adjust to legal structures.<sup>32</sup>

Based on the above mentioned justice Satjipto Rahardjo also emphasizes the importance of placing the legal system within the broad framework of “deep ecology”.<sup>33</sup> Therefore, as the law moves towards the direction of the sustainability of the universe, humans are no longer the central point of life in the universe. The deeper thought that law not only have a duty to inspect the ideal of justice, but also constantly to seek after the new sources of justice, which in the context of environmental preservation known as inter-generation justice.

Although this inter-generation justice is a new concept in the new sources of justice that stands on law subject ideas in progressive law traced back from "the weak" phrase. However, if we see in the Church Document namely Encyclical of Pope Francis, 24 May 2015, *Laudato Si*, Praise to be you, my Lord. Paus Fransiskus successor of Benedictus with strong spirit and inspiration from St. Fransiskus Asisi, an environmentalist, firmly stated in the encyclical “*Laudato Si*” that addressed the world to “Caring the Earth, Our Home”. Earth as the place where everything grows and nourishes is at the verge of destruction. Therefore, everyone is called to play an active role.<sup>34</sup>

Inter-generation Justice in “*Laudato Si*” is a form of concern from the catholic church toward the current living environmental condition that experienced destruction everywhere because human behavior which full of greed in exploiting. Natural Resources without concerning the living environmental aspect, either today or in tomorrow's generation. The above phenomenon does not only occur in Indonesia, but also in many nations in the world. The tendency of living environment exploitation is only addressed to the economic aspect for the humans and their specific faction.

The human perspective of nature, earth, and all inside that need to be reviewed and changed. The relation to earth must also be changed. From the perspective that earth as a sources of wealth (“mechanistic” pattern of the post-renaissance) to the “earth - mother nature” perspective – network “fellow creatures”.<sup>35</sup> Thomas Bery, an ecological theologian, stated that an act to destroy the earth is the same as destroying the basis of religious imagination that caused such a “soul starvation” because almost all main religious overview can be traced back

---

<sup>32</sup> Satjipto Rahardjo, *Progressive Law: A Synthesis of Indonesian Law* (Yogyakarta: Genta Publishing, 2009), 32.

<sup>33</sup> Satjipto Rahardjo, *Layers in Legal Studies* (Malang: Bayu Media, 2009), 11.

<sup>34</sup> Sani Lake, “Memulihkan Keutuhan Ciptaan: Refleksi Teologis Ekologi Dalam Dimensi Pembebasan”, *Jurnal Sepakat* 2, no. 2 (2016): 207-234, <https://doi.org/10.24929/snapp.v2i1.3150>.

<sup>35</sup> Yenny Widowaty, Berliant Pratiwi, and Izzy Al Kautsar, “Hak Gugat Pemerintah Terhadap Perbuatan Melawan Hukum Di Bidang Lingkungan Hidup”, *DIVERSI: Jurnal Hukum* 8, no. 1 (2022): 191-216, <https://doi.org/10.32503/diversi.v8i1.1470>.

from living environment.<sup>36</sup> While act to rise the sense of admiration and respect to earth where we born, will also bear the never-ending life.

The concept of Integral Ecology in Laudato Si has a relevant vision with the inter-generation justice concept as a new justice source, especially in progressive law. Such concept takes us to change the paradigm of all Indonesian citizens to see the living being not only as a subject to fulfill their needs, especially as an economic source resulting in financial benefit.

Concern for environmental preservation is a very decisive keyword in the realization of inter-generation justice. Laudato Si teaches all humans to think about “habitable Earth heritage for the future generations”. Such a lesson has a meaning that implicates the living environment, and all its wealth is not solely for the current generation, but also the future generations. Inter-generation solidarity in Laudato Si must be realized in real life to maintain the wholeness and preservation of living beings as a God creature.

This moral teaching has become a relevant source to form the rules of law, either in the legislation or policy. The rule of law, as we all may know, has a philosophical side in which can be traced back from the value of a life perspective upheld by some, or everyone. The awareness to preserve the living environment is necessarily directed toward “moral obligation” and not limited to a fear manifested by law and its ultimate weapon, which is its sanction with a forceful nature. Inter-generation justice will be realized if it starts from a moral awareness of each person to realizing the sustainability of habitable living beings for future generations.

#### **D. Conclusion**

An ethical dimension of the law states that law must work to reach a justice that is supposed to the human civilization interests. Human civilization refers to the advancement of human life that grows over time. The advancement of human life has to be aligned with the development of law (the meaning of law progressivity). The extension of law subject from progressive law has placed the living environment/ecology as “the weak”, hence it needs more attention. In addition, living environment/ecology concerns will form a new type of justice, that is inter-generation justice. The starting point for inter-generation justice as a new concept of justice can be started from “inter-generation solidarity” teaching of Laudato Si'. The moral value embedded within it teaches us to maintain and preserve the ecology for future generations. Our successor has to get equal justice as our current generation, which can gain a

---

<sup>36</sup> Bery. Thomas, *The Dream of the Earth* (San Fransisco: Sierra Club Books, 1988), 218. *See also* Sani Lake, *Loc.Cit.*

proper living environment/ecology, secure from disaster, and gain the widest benefit for their survival.

## References

### Books

- Adisusanto, F.X, *et.al*, *Lauda Toshi (Terpujilah Engkau): Ensiklik Paus Fransiskus 24 Mei 2015*, Jakarta: KWI, 2016.
- Capra, Fritjof, *Jaring-Jaring Kehidupan (Visi Baru Epistemologi dan Kehidupan)*, Yogyakarta: Fajar Pustaka Baru, 2001.
- Danusaputra, Munadjat, *Hukum Lingkungan*, Bandung: Binacipta, 1985.
- Gea, Antonius Atosokhi dan Antonina Panca Yuni Wulandari, *Relasi dengan Dunia*, Jakarta: Elex Media Komputindo, 2005.
- Hardjosoemantri, Koesnadi, *Hukum Tata Lingkungan*, Yogyakarta: Gajah Mada University Press, 2006.
- Keraf, A. Sonny, *Etika Lingkungan Hidup*, Jakarta: PT Kompas Media Nusantara, 2010.
- Leopold, Aldo, *A Sebd County Almanac*, New York: Oxford University Press, 1949.
- Mackinnon dan Fiala, *Ethics: Theory and Contemporary Issues*, California: Cengage Learning, 2015.
- Rahardjo, Satjipto, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*, Yogyakarta: Genta Publishing, 2009.
- \_\_\_\_\_, *Lapisan-lapisan dalam Studi Hukum*, Malang: Bayu Media, 2009.
- Rustamaji, Muhammad, *Pilar-Pilar Hukum Progresif: Menyelami Pemikiran Satjipto Rahardjo*, Yogyakarta: Thafa Media, 2017.
- Sidharta, *Posisi Pemikiran Hukum Progresif dalam Konfigurasi Aliran-Aliran Filsafat Hukum: Sebuah Diagnosis Awal dalam tulisan bersama "Satjipto Rahardjo dan Hukum Progresif: Urgensi dan Kritik*, Epistema Institute, Jakarta: HuMA, 2011.
- Sulistiyono, Adi dan Muhammad Rustamaji, *Hukum Ekonomi sebagai Panglima*, Sidoarjo: Masmedia Buana Pustaka, 2009.
- Suseno, Franz Magnis, *Dalam Bayang-Bayang Lenin, Enam Pemikir Marxisme dari Lenin Sampai Tan Malaka*, Jakarta: Gramedia Pustaka Utama, 2005.
- Walters, J. Donald, *Hope for A Better World: Menuju Komunitas Kooperatif*, Yogyakarta: Penerbit Kanisius, 2005.
- Wilardjo, Liek, *Menerawang Dikala Senggang: Kumpulan Tulisan Liek Wilardjo*, Salatiga: Fakultas Teknik Elektron dan Program Pasca Sarjana Studi Pembangunan UKSW, 2009.

## Journal Articles

Lake, Sani, "Memulihkan Keutuhan Ciptaan: Refleksi Teologis Ekologi Dalam Dimensi Pembebasan", *Jurnal Sepakat* 2, no. 2 (2016), 207-234, <https://doi.org/10.24929/snapp.v2i1.3150>.

Murti, Ghanesya Hari, "Menuju Ecocentrisme: Menapaki Jalan Ekologis yang Etis", *Satwika: Jurnal Kajian Budaya dan Perubahan Sosial* 2, no. 2 (2018), 87-94, <https://doi.org/10.22219/satwika.v2i2.7997>.

Sarah, Siti and Radea Yuli A. Hambali, "Ekofilosofi "Deep Ecology" Pandangan Ekosentrisme terhadap Etika Deep Ecology", *The 4<sup>th</sup> Conference on Islamic and Socio-Cultural Studies (CISS)* 19, 754-761, <https://doi.org/10.31942/jqi.v16i1.8383>, 2023.

Usman, Abdurrahman Supardi, "Lingkungan Hidup Sebagai Subjek Hukum: Redefinisi Relasi Hak Asasi Manusia Dan Hak Asasi Lingkungan Hidup Dalam Perspektif Negara Hukum", *Jurnal Hukum Legality* 26, no. 1 (2018), 1-16, <https://ejournal.umm.ac.id/index.php/legality/article/view/6610>.

## Research Result

Rhiti, Hyronimus, "An Introduction to the Philosophical Basis of Progressive Law" (Research Result, The Progressive Law School Universitas Atma Jaya Yogyakarta, 2014).