Journal *of* Law, Environmental *and* Justice
Vol. 3 No. 2. July 2025. pp. 160-200
E-ISSN: 3031-7045 | P-ISSN: 3031-7215
Original Article
DOI: https://doi.org/10.62264/jlej.v3i2.133

Advancing Ecological Justice through the Integration of Eco-Religion in Criminal Law Reform

Zico Junius Fernando [a,*], Sirman Dahwal [a], Firdaus Arifin [b], Muhammad Azil Maskur [c], Arini Azka Muthia [d]

[a] Faculty of Law, Universitas Bengkulu, Bengkulu, Indonesia
[b] Faculty of Law, Universitas Pasundan, Bandung, Indonesia
[c] Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
[d] Faculty of Law, Universiti Kebangsaan Malaysia, Selangor, Malaysia
* corresponding author: zjfernando@unib.ac.id

A B S T R A C T

The accelerating global ecological crisis has exposed the limitations of anthropocentric and utilitarian paradigms embedded in conventional environmental criminal law. This article proposes the integration of eco-religion a spiritual worldview that regards nature as sacred and interdependent with human moral responsibility as a transformative foundation for ecological justice and legal reform. Drawing upon Islamic, Christian, Hindu-Buddhist, and indigenous environmental ethics, the study argues that spiritual values can provide normative depth and cultural legitimacy to reorient criminal law from a punitive model toward a restorative and justice-oriented framework. Utilizing a normative legal method enriched by conceptual, comparative, and futuristic approaches, the paper analyzes key international practices including those in Ecuador, Bhutan, France, and Uganda and explores their applicability to the Indonesian context. The study demonstrates that incorporating eco-religious values can elevate the legal standing of nature, reframe environmental crimes as moral transgressions, and empower local wisdom and constitutional principles such as Pancasila and the 1945 Constitution. Ultimately, this integration offers a culturally rooted and ethically grounded model of legal reform that redefines environmental harm as a crime against life systems, calling for accountability, restoration, and intergenerational justice.

KEYWORDS: ***Eco-Religion; Ecological Justice; Criminal Law Reform; Environmental Crime; Religious Environmental Ethics*.**

1. I N T R O D U C T I O N

The Environmental degradation has reached a critical point in the Anthropocene era, marked by massive deforestation, biodiversity loss, global warming, pollution, and

Received 08 March 2025; Receive in revised from 27 April 2025 and 25 May 2025; Accepted 09 July 2025; Available online 01 August 2025

ecosystem collapse.[1] These ecological crises are not merely the consequence of technological advancement or economic growth, but more profoundly rooted in a worldview that separates humans from nature an anthropocentric legal, cultural, and ethical paradigm.[2] The law, especially criminal law, has historically mirrored this disconnection, prioritizing human interests while marginalizing the intrinsic value of the environment. Within this context, the concept of ecological justice has emerged as a moral and legal imperative. It calls for a transformative approach to environmental protection that goes beyond penalizing harm and seeks to restore balance between humans and the natural world. One significant yet underexplored avenue in this transformation is the integration of religious and spiritual perspectives referred to in this study as *eco-religion* into the reform of criminal law.[3]

Eco-religion refers to a theological and spiritual orientation that views nature as sacred, interconnected with human life, and worthy of respect and protection.[4] Across major world religions, there is a growing recognition of the moral responsibility to care for creation. In Islam, for instance, humans are considered *khalifah fil-ardh* (stewards of the earth), entrusted with the duty to maintain ecological balance (mizan). The Qur'an contains more than 500 verses referencing nature, animals, water, and the heavens as signs (ayat) of God's creation. Similarly, Christian eco-theology has emphasized *creation care*, arguing that environmental degradation constitutes a form of sin against the Creator. In Hinduism and Buddhism, the principles of *ahimsa* (nonviolence), *karma*, and *dharma* reinforce ecological consciousness and interconnectedness. Indigenous spiritual traditions, such as the Dayak and Batak cosmologies in Indonesia, or the First Nations in Canada, also uphold the spiritual agency of rivers, forests, and animals, often recognizing them as sentient and deserving of legal respect. These beliefs, if integrated into legal reasoning, can

---

[1] Sivakumaran Sivaramanan and Sarath Wimalabandara Kotagama, "Keystone Links of Anthropogenic Environmental Problems and Emergence of Interconnected Man-Made Environmental Crises," November 30, 2021, https://doi.org/10.21203/rs.3.rs-444535/v1.

[2] Carl Folke et al., "Our Future in the Anthropocene Biosphere," *Ambio* (Springer Science and Business Media B.V., April 1, 2021), https://doi.org/10.1007/s13280-021-01544-8.

[3] Helen Kopnina et al., "Anthropocentrism: More than Just a Misunderstood Problem," *Journal of Agricultural and Environmental Ethics* 31, no. 1 (February 2018): 109–27, https://doi.org/10.1007/s10806-018-9711-1.

[4] Marcos Pereira Rufino, 'Inculturation and Environmental Struggles: Catholic Church, Public Sphere and Anthropocentric Preservationism in Brazil', *Anuário Antropológico*, v.48 n.3 (2023), doi:10.4000/aa.11429.

significantly reshape the foundations of environmental criminal law.

Despite the spiritual richness of these traditions, modern criminal law often operates within a secular, positivistic framework that does not accommodate moral or religious arguments, particularly when formulating environmental crimes.[5] The limitation is evident in the narrow definition of *environmental harm* as a violation of property or regulatory norms, rather than a crime against life systems or future generations.[6] As a result, many acts of ecocide such as large-scale deforestation, river pollution, or corporate emissions remain under-prosecuted or treated as mere administrative infractions. The failure to criminalize severe ecological destruction not only perpetuates impunity but also deepens the ecological injustice experienced disproportionately by marginalized communities, including indigenous peoples and women.

One striking example is the case of the Amazon rainforest, where illegal logging, mining, and agribusiness expansion often with the complicity of state and corporate actors have led to irreparable environmental damage.[7] The Brazilian government has faced international criticism for failing to prosecute environmental offenders under robust criminal law, despite evidence of widespread illegal deforestation. The case of the 2015 Mariana dam disaster in Brazil, in which a mining waste dam owned by Samarco burst and killed 19 people while polluting 600 km of the Doce River, further illustrates the limits of the current legal approach.[8] While civil penalties were imposed, the criminal liability of executives remains unresolved, and ecological restoration efforts have been inadequate. These cases show that without a value-based legal foundation such as one inspired by eco-religion criminal law lacks the moral clarity to address ecological harm as a form of structural violence.

---

[5] Raj Kumar, 'The Moral Foundations of Legal Systems: A SocioLegal Analysis in Indian and Global Contexts' (Social Sciences, 25 May 2025), doi:10.20944/preprints202505.1836.v1.

[6] Angus Nurse, 'Contemporary Perspectives on Environmental Enforcement', *International Journal of Offender Therapy and Comparative Criminology*, 66.4 (2022), pp. 327–44, doi:10.1177/0306624X20964037.

[7] Elena Mechik and Michael Von Hauff, 'The Fight Against Deforestation of Tropical Forests — The Contribution of the Blockchain-Based Contract Management Method to Minimize Illegal Logging', in *Climate and Development*, by Anil Markandya and Dirk Rübbelke (WORLD SCIENTIFIC, 2021), pp. 439–63, doi:10.1142/9789811240553_0014.

[8] Paola Pinheiro Bernardi Primo and others, 'Mining Disasters in Brazil', *Case Studies in the Environment*, 5.1 (2021), p. 1242438, doi:10.1525/cse.2021.1242438.

At the international level, the proposal to recognize *ecocide* as a crime under the Rome Statute of the International Criminal Court (ICC) has gained traction.[9] The Independent Expert Panel for the Legal Definition of Ecocide, in 2021, proposed a legal definition that would hold individuals criminally responsible for "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment."[10] Several small island states and indigenous movements have endorsed this initiative, emphasizing the spiritual and existential importance of ecological protection. Notably, Vanuatu and the Maldives have cited both environmental survival and cultural continuity as key justifications for supporting ecocide law.[11] This movement illustrates how legal frameworks can evolve when guided by deeper moral and spiritual understandings of nature.

In the Indonesian context, ecological justice remains a normative aspiration rather than a legal reality.[12] Although Indonesia has several environmental statutes, such as Law No. 32 of 2009 on Environmental Protection and Management, enforcement is weak and criminal provisions are rarely applied effectively.[13] The case of PT RAPP (Riau Andalan Pulp and Paper) in 2015, involving massive forest fires attributed to unsustainable land clearing, resulted in minimal criminal accountability despite the environmental damage and public health crisis that ensued.[14] Similarly, in 2019, the death of environmental defender Golfrid Siregar in North Sumatra, an advocate against illegal land grabs and

---

[9] Meagan S. Wong, 'AGGRESSION AND STATE RESPONSIBILITY AT THE INTERNATIONAL CRIMINAL COURT', *International and Comparative Law Quarterly*, 70.4 (2021), pp. 961–90, doi:10.1017/S0020589321000373.

[10] Rachel Killean and Damien Short, 'A Critical Defence of the Crime of Ecocide', *Environmental Politics*, 2025, pp. 1–21, doi:10.1080/09644016.2025.2492441.

[11] Sergio Jarillo and Jon Barnett, 'Migration, Belonging, and the Sustainability of Atoll Islands through a Changing Climate', *Proceedings of the National Academy of Sciences*, 121.3 (2024), p. e2206190120, doi:10.1073/pnas.2206190120.

[12] Anak Agung Kt Sudiana, Ni Putu Noni Suharyanti, and Umirov Fitrat Faxriddinovich, 'Assessing the Government's Commitment to Achieving Ecological Justice for Society', *Journal of Human Rights, Culture and Legal System*, 5.1 (2025), pp. 91–123, doi:10.53955/jhcls.v5i1.489.

[13] Agus Salim, Ria Anggraeni Utami, and Zico Junius Fernando, 'GREEN VICTIMOLOGY: SEBUAH KONSEP PERLINDUNGAN KORBAN DAN PENEGAKAN HUKUM LINGKUNGAN DI INDONESIA', *Bina Hukum Lingkungan*, 7.1 (2022), pp. 59–79, doi:10.24970/bhl.v7i1.302.

[14] Made Devi Wedayanti and others, 'Political Interaction Strategy Corporate Social Responsibility of PT Riau Andalan Pulp and Paper in Riau Province, Indonesia', *International Journal of Sustainable Development and Planning*, 17.8 (2022), pp. 2393–99, doi:10.18280/ijsdp.170806.

deforestation, raised questions about state protection for eco-activists. The criminal justice system often lacks sensitivity to ecological values and tends to view environmental harm through a narrow lens of economic loss rather than ecological or spiritual injury.

Integrating eco-religion into criminal law reform in Indonesia offers both cultural relevance and normative depth. Indonesia's state ideology, Pancasila, explicitly acknowledges the role of God (*Ketuhanan Yang Maha Esa*) and social justice (*Keadilan Sosial bagi seluruh rakyat Indonesia*) as core values.[15] These principles can be interpreted ecologically, as a mandate to uphold environmental stewardship as a divine obligation and a matter of intergenerational justice. Additionally, many local communities in Indonesia already practice forms of environmental protection rooted in religious belief. The Balinese concept of *Tri Hita Karana*, the Sundanese principle of *leuweung kolot* (sacred forest), and the Javanese idea of *memayu hayuning bawana* (beautifying the world) provide cultural and spiritual legitimacy for integrating eco-religion into state law.

However, the challenge lies in translating these spiritual and cultural values into actionable legal norms.[16] Criminal law reform must move beyond the technocratic language of permits, sanctions, and liabilities, and incorporate moral culpability rooted in environmental ethics. For instance, religious perspectives can inform the mens rea (mental element) in environmental crimes, considering not only intent and negligence but also moral indifference or spiritual irresponsibility. Sentencing guidelines could be enriched with restorative and reconciliatory practices inspired by religious rituals, such as community-led reforestation, public confessions, or ecological pilgrimages. Furthermore, religious leaders and institutions can serve as agents of legal education and enforcement, promoting environmental accountability within their congregations and communities.

The ecological justice framework also repositions the victim in environmental crimes. Rather than focusing solely on human victims, ecological justice expands the notion of

[15] Geofani Milthree Saragih, 'Pancasila Sebagai Landasan Filosofis Pembentukan Peraturan Perundang-Undangan Di Indonesia', *Jurnal Pancasila dan Kewarganegaraan*, 2.1 (2022).

[16] Shabana Kausar, Ali Raza Leghari, and Abdul Salam Soomro, 'Analysis of the Islamic Law and Its Compatibility with Artificial Intelligence as a Emerging Challenge of the Modern World', *Annals of Human and Social Sciences*, 5.I (2024), doi:10.35484/ahss.2024(5-I)10.

victimhood to include rivers, forests, wildlife, and ecosystems.[17] This aligns with the belief in many religious traditions that nature is not inert property but a living system imbued with sacredness. In 2008, Ecuador became the first country to grant legal rights to nature (*Pacha Mama*) through its constitution, recognizing ecosystems' right to exist, flourish, and regenerate.[18] Inspired by Andean spirituality, this legal innovation demonstrates how eco-religion can inform progressive legal doctrine. In contrast, Indonesia has yet to adopt such a transformative legal approach, though efforts have been made in regional regulations and customary law recognition. In sum, the current ecological crisis demands a rethinking of the foundations of criminal law. A purely instrumental or punitive approach is insufficient to address the complexity of environmental harm. By incorporating eco-religious values into the formulation and enforcement of environmental criminal law, states can create a justice system that not only deters and punishes but also heals, restores, and inspires. The integration of eco-religion is not merely a matter of cultural accommodation, but a moral necessity in reorienting legal systems toward sustainability, justice, and harmony with the natural world.

Several recent studies have examined the intersection between religion, ecological values, and legal innovation, forming a valuable comparative framework for understanding the integration of spiritual perspectives into environmental governance. One such study by Ives, Kidwell, Anderson, and Murali (2024), published in *Ecology & Society*, titled "The Role of Religion in Shaping the Values of Nature", investigates how religious perspectives shape environmental ethics through mechanisms like enabling, including, reflecting, and shifting though the study stops short of addressing implications in criminal law. Similarly, research led by Iyad Abumoghli (2023), in a UNEP-affiliated report titled "The Role of Religions, Values, Ethics, and Spiritual Responsibility in Environmental Governance", underscores the significance of faith-based values in enhancing environmental policy and governance frameworks aligned with the SDGs. In the domain of environmental criminology, legal scholar Nandor Knust (2025) introduced the "eco-com-b" model in the *International Criminal Law Review*, proposing a behavior-

[17] Rachel Killean and Lauren Dempster, 'Mass Violence, Environmental Harm and the Limits of Transitional Justice', *SSRN Electronic Journal*, 2021, doi:10.2139/ssrn.3929361.

[18] María Valeria Berros, 'Challenges for the Implementation of the Rights of Nature: Ecuador and Bolivia as the First Instances of an Expanding Movement', *Latin American Perspectives*, 48.3 (2021), pp. 192–205, doi:10.1177/0094582X211004898.

based approach (Capabilities, Opportunities, Motivations → Behavior) to address the root causes of ecological crime, yet devoid of spiritual or religious integration. These studies collectively reflect a growing recognition of the role religion and ethical values can play in environmental thought, although they vary significantly in focus and depth of legal application. In general, the three previous studies focus on the relationship between religion, environmental values, and policy governance, but they do not directly address the reform of criminal law. Most of them explore how spiritual values can shape ecological awareness or enhance sustainable development policies at the global level. Some adopt a more technocratic and behavior-based approach to addressing environmental crimes, yet without incorporating moral or religious dimensions. In contrast, the article under review specifically integrates religious worldviews from various traditions into the reform of environmental criminal law. It frames environmental harm not only as a legal violation but also as a moral and spiritual transgression that requires a restorative justice approach grounded in cultural and constitutional values. This makes the article distinctive, as it combines normative, religious, and legal dimensions within the framework of ecological justice.

2. RESEARCH METHODS

This This research employs a normative legal method that integrates multiple analytical approaches to construct a comprehensive, multidimensional understanding of how eco-religion can contribute to criminal law reform within the framework of ecological justice.[19] Four primary approaches are utilized: (1) the statutory approach is used to examine the existing environmental criminal laws in Indonesia particularly Law No. 32 of 2009 on Environmental Protection and Management, and its limitations in recognizing nature as a legal subject; (2) the conceptual approach explores theoretical frameworks such as ecological justice, eco-religion, spiritual mens rea, and the transformation from anthropocentric to ecocentric legal paradigms; (3) the comparative approach analyzes how countries like Ecuador, Bhutan, France, New Zealand, and Uganda have integrated spiritual and constitutional values into their environmental legal systems, offering models that Indonesia can learn from; and (4) the futuristic approach anticipates legal innovations necessary to address future ecological threats, including the recognition of ecocide and

[19] Elisabeth Nurhaini Butar-Butar, *Metode Penelitian Hukum, Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum* (PT. Refika Aditama, 2018), p. 56.

intergenerational justice. This study is both descriptive and prescriptive. It is descriptive in identifying and interpreting how existing legal frameworks and philosophical doctrines treat environmental harm as either administrative violations or criminal offenses.[20] Simultaneously, it is prescriptive in proposing the reformulation of environmental criminal law by incorporating eco-religious values, restorative justice mechanisms, and spiritual accountability. The data used in this research are drawn from primary legal materials, including statutes, constitutional provisions (such as Article 28H and Article 33 of the 1945 Constitution), court decisions, and international legal instruments (e.g., the Rome Statute proposal on ecocide), as well as secondary legal materials such as academic books, journal articles, theological texts, and expert commentaries on green criminology and eco-theology. A content analysis method is applied to uncover patterns, normative gaps, and legal-philosophical inconsistencies in the current legal treatment of environmental crimes.[21] This methodological framework enables a critical evaluation of how environmental harm is framed within legal discourse and how integrating eco-religious values can offer a more ethical, culturally resonant, and justice-oriented approach to legal reform. Ultimately, this methodological design supports the study's aim to develop a normative model for criminal law reform that recognizes nature as a sacred and legally protected entity, thereby aligning Indonesian environmental law with both global legal trends and the nation's philosophical foundations of Pancasila and constitutional values.

3. RESULTS AND DISCUSSION

The Anthropocentric Paradigm in Environmental Criminal Law: Limitations and Challenges

One of the most fundamental limitations of contemporary environmental criminal law is its embedded anthropocentric paradigm an approach that positions human interests as

[20] N. Doorn, 'Wastewater Research and Surveillance: An Ethical Exploration', *Environmental Science: Water Research & Technology*, 8.11 (2022), pp. 2431–38, doi:10.1039/D2EW00127F.

[21] Anja Matwijkiw and Bronik Matwijkiw, 'Between Philosophy and International Criminal Law: Examples of Interdisciplinary Approaches', *International Criminal Law Review*, 23.1 (2023), pp. 1–10, doi:10.1163/15718123-bja10146.

the central concern of legal protection.[22] This perspective treats nature primarily as a resource to be managed, owned, or utilized for human benefit, rather than as a subject with intrinsic value. As a result, the destruction of ecosystems, species extinction, or the pollution of natural elements are considered criminal only when they directly harm human health, property, or economic stability. This reductionist view has produced a legal framework that is inadequate to address the scale and moral urgency of environmental harm in the Anthropocene era.

This anthropocentric legal construct is particularly visible in the distinction between formal and material offenses (*delik formil* vs. *delik materiil*).[23] In many jurisdictions, including Indonesia, environmental crimes are often constructed as formal offenses: they are triggered by the mere violation of environmental permits, procedural requirements, or administrative conditions. For instance, under Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH), many environmental offenses are penalized based on non-compliance with licensing or documentation obligations rather than on the measurable ecological damage they cause.[24] This framework treats violations of human-made rules as criminal, while often ignoring the destruction of nature unless it simultaneously infringes upon economic or human health thresholds. Such legal design significantly weakens the moral force of environmental criminal law and contributes to what scholars term "green legal positivism" a doctrine that values regulatory compliance over ecological preservation.[25]

Theoretical critiques of anthropocentrism in law have gained significant momentum through the frameworks of ecological jurisprudence and Earth Jurisprudence, both of which challenge the deeply entrenched human-centered orientation of modern legal systems. These schools argue that current legal doctrines, by privileging human interests

---

[22] Charles B Berebon, 'Integrating Ethical, Legal, and Cultural Paradigms: Advancing Environmental Stewardship', *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 8.1 (2025), pp. 2714–2485.

[23] Patrik Baard, 'Rights of Nature Through a Legal Expressivist Lens: Legal Recognition of Non-Anthropocentric Values', *Ethical Theory and Moral Practice*, 2024, doi:10.1007/s10677-024-10479-4.

[24] Niken Aulia Rachmat, 'Hukum Pidana Lingkungan di Indonesia berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup', *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2.2 (2022), pp. 188–209, doi:10.15294/ipmhi.v2i2.53737.

[25] Mitchell N Berman, 'Dworkin versus Hart Revisited: The Challenge of Non-Lexical Determination', *Oxford Journal of Legal Studies*, 42.2 (2022), pp. 548–77, doi:10.1093/ojls/gqab027.

above all else, perpetuate a normative blindness to the intrinsic value of non-human life and ecological systems. Christopher D. Stone's groundbreaking proposition in his 1972 article "Should Trees Have Standing?" introduced the radical yet now widely discussed idea that natural objects such as rivers, forests, and species should be granted legal personhood, thus enabling them to possess rights and legal standing independent of human utility.[26] This notion was further expanded by Cormac Cullinan in his concept of Wild Law, which calls for a fundamental realignment of legal systems with the laws of nature, emphasizing that humans are merely one component of a broader, interdependent community of life.[27] From this theoretical vantage point, the anthropocentric limitation becomes not merely a philosophical flaw but a legal dysfunction that structurally disables the law from responding adequately to ecological collapse. When the legal system denies nature its subjectivity, it fails to conceptualize environmental harm as a violation against living systems, relegating serious ecological destruction to the realm of technical non-compliance or administrative irregularity. This not only dilutes the moral gravity of environmental crimes but also undermines the possibility of achieving substantive justice, as it omits the recognition of ecosystems as entities capable of suffering harm. Consequently, environmental crime remains framed within a utilitarian calculus of human loss, rather than within a broader ecological and moral context that acknowledges the autonomy and dignity of the natural world.

The United States exemplifies a utilitarian, economy-centered regulatory model that shapes much of its modern environmental governance. The Environmental Protection Agency (EPA), though empowered with broad administrative authority under statutes like the Clean Air Act and the Clean Water Act, frequently resolves environmental violations through civil settlements, consent decrees, or administrative penalties rather than criminal prosecution.[28] One of the most prominent cases illustrating this tendency is the Deepwater Horizon oil spill in 2010, caused by the explosion of BP's offshore drilling

[26] Berthold Schoene, 'Arborealism, or Do Novels Do Trees?', *Textual Practice*, 36.9 (2022), pp. 1435–58, doi:10.1080/0950236X.2021.1900379.

[27] Katy Sowery, 'A Walk on the Wild Side: Wild Law and the EU's Nature Restoration Law', *Journal of International Wildlife Law & Policy*, 27.4 (2024), pp. 328–61, doi:10.1080/13880292.2024.2443705.

[28] Paul T. Anastas and Julie Beth Zimmerman, 'Moving from Protection to Prosperity: Evolving the U.S. Environmental Protection Agency for the next 50 Years', *Environmental Science & Technology*, 55.5 (2021), pp. 2779–89, doi:10.1021/acs.est.0c07287.

rig in the Gulf of Mexico.[29] The disaster released an estimated 4.9 million barrels of oil into the ocean, causing severe ecological damage to marine ecosystems, wetlands, and coastal communities. While BP agreed to pay over $20 billion in fines and damages, the majority of this was settled through civil and administrative processes under the Clean Water Act and other federal laws.[30] Although several BP employees were criminally charged mostly for obstruction of justice or negligence the legal framing of the incident emphasized procedural failures, safety violations, and economic restitution, rather than criminal harm to ecosystems per se. This legal approach reflects the prevailing doctrine in U.S. environmental law, where environmental harm is often treated as a regulatory breach rather than as a crime against nature. Consequently, substantive ecological justice is displaced by administrative logic, leaving many forms of widespread or systemic ecological destruction under-criminalized and morally underacknowledged.

Indonesia reflects a similar pattern of regulatory overdependence and criminal underenforcement, though shaped by its post-colonial legal architecture and bureaucratic inertia. Law No. 32 of 2009 on Environmental Protection and Management (Undang-Undang Perlindungan dan Pengelolaan Lingkungan Hidup, UUPPLH) contains explicit criminal provisions in Articles 98 to 100, addressing acts of environmental pollution and destruction.[31] These provisions allow for the imposition of substantial prison sentences and corporate liability. Yet in practice, law enforcement remains highly selective, sporadic, and weakly institutionalized. Environmental watchdog organizations such as WALHI (Wahana Lingkungan Hidup Indonesia) have repeatedly documented how large-scale corporate polluters particularly in extractive industries like palm oil, pulp and paper, and mining continue to operate with impunity.[32] One recurring example is the annual forest and peatland fires in Sumatra and Kalimantan, often linked to illegal land clearing and

[29] William McGuire, Ellen Alexandra Holtmaat, and Aseem Prakash, 'Penalties for Industrial Accidents: The Impact of the Deepwater Horizon Accident on BP's Reputation and Stock Market Returns', ed. by J E. Trinidad Segovia, *PLOS ONE*, 17.6 (2022), p. e0268743, doi:10.1371/journal.pone.0268743.

[30] Susan A R Colvin and others, 'Headwater Streams and Wetlands Are Critical for Sustaining Fish, Fisheries, and Ecosystem Services', *Fisheries*, 44.2 (2019), pp. 73–91, doi:10.1002/fsh.10229.

[31] Mahrus Ali and Irwan Hafid, 'Kriminalisasi Berbasis Hak Asasi Manusia Dalam Undang-Undang Bidang Lingkungan Hidup', *JURNAL USM LAW REVIEW*, 5.1 (2022), pp. 1–15, doi:10.26623/julr.v5i1.4890.

[32] Ika Handayani Paturu and Aullia Vivi Yulianingrum, 'Penerapan Sanksi Pidana dan Perlindungan Hukum Korban Tindak Pidana Lingkungan Hidup Oleh Korporasi', *ISIHUMOR: Jurnal Ilmu Sosial dan Humaniora*, 1.2 (2023), pp. 135–57.

the use of fire by plantation corporations. These fires not only result in massive carbon emissions and biodiversity loss but also produce transboundary haze, impacting public health and regional diplomacy.[33] Despite clear causal connections between these fires and corporate practices, criminal prosecution under UUPPLH remains exceptionally rare. Instead, state responses often rely on administrative mechanisms such as permit revocations or fines, or delayed civil litigation many of which are only symbolic or eventually overturned in court. Political settlements, behind-the-scenes negotiations, and weak interagency coordination further blunt legal accountability. This pattern reflects a systemic bias toward economic expediency, where environmental degradation is tolerated as collateral damage in the pursuit of investment and growth. The gap between normative provisions and enforcement realities reveals a legal culture that still treats environmental harm primarily as a technical or economic problem, rather than as a crime with profound ecological, social, and spiritual consequences. Such conditions underscore the urgent need to reconceptualize environmental offenses through a lens of ecological justice and moral culpability, thereby transforming environmental criminal law into a more effective, just, and socially resonant instrument.[34]

This legal inertia reveals a profound normative and philosophical gap in Indonesia's criminal justice system particularly in its failure to recognize non-human entities such as forests, rivers, ecosystems, and endangered species as legal victims. The dominant legal framework continues to treat nature as an economic asset or regulatory object, rather than as a subject with intrinsic rights and moral value. This anthropocentric orientation not only limits the scope of culpability and redress but also renders environmental harm invisible when no direct human injury or property damage can be established.[35] As a result, many acts of large-scale ecological destruction such as illegal logging, biodiversity loss, or the degradation of sacred landscapes remain outside the effective reach of penal justice. In stark contrast, countries like Ecuador and Bolivia have enacted groundbreaking

[33] Hasanal Mulkan and Serlika Aprita, 'Sistem Penegakkan Hukum terhadap Tindak Pidana Pembakaran Hutan di Sumatera Selatan', *Jurnal Ilmiah Universitas Batanghari Jambi*, 22.3 (2022), p. 1496, doi:10.33087/jiubj.v22i3.2425.

[34] Januar Rahadian Mahendra, Supanto, and Devi Triasari, "The Role of Victim Trust Funds in Addressing Unpaid Restitution Human Trafficking: Lessons US and Europe," *Indonesian Journal of Crime and Criminal Justice* 1 (2025): 89–107, https://doi.org/10.62264/ijccj.v1i1.123.

[35] L Droz, 'Anthropocentrism as the Scapegoat of the Environmental Crisis: A Review', *Ethics in Science and Environmental Politics*, 22 (2022), pp. 25–49, doi:10.3354/esep00200.

constitutional reforms that recognize the rights of nature (derechos de la naturaleza).[36] Ecuador's 2008 Constitution, for instance, declares that nature, or Pachamama, has "the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and evolutionary processes."[37] Bolivia's Law of the Rights of Mother Earth (2010) similarly elevates ecosystems as legal entities deserving of protection, with humans acting as guardians rather than owners.[38] These constitutional provisions have enabled courts in both countries to entertain legal actions on behalf of nature itself, thereby reframing environmental offenses as violations against the natural order, not merely breaches of human law. In comparison, Indonesia's legal and constitutional framework remains rooted in utilitarian and instrumental logic. While Article 28H(1) of the 1945 Constitution guarantees the right to a good and healthy environment, and Article 33(4) mandates sustainability, there is no explicit recognition of nature's rights or standing as a legal subject.[39] The language used in statutes such as the UUPPLH continues to prioritize human health, economic loss, and administrative compliance over ecological integrity. The absence of transformative legal concepts that ascribe dignity and agency to nature contributes to a justice system that is reactive, fragmented, and ultimately insufficient to confront systemic ecological harm. Without such normative evolution, Indonesia risks remaining constrained within a legal paradigm that is out of step with the ecological realities and moral demands of the 21st century.

This limitation becomes even more critical when juxtaposed with Article 28H (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that "Every person shall have the right to live in physical and spiritual prosperity, to have a good and healthy environment, and to receive medical care." This constitutional guarantee implies

---

[36] Marie-Christine Fuchs, 'The Concept of Rights of Nature in Colombia and Ecuador: Lessons for a "Good Life" in Urban Spaces', *Global Environment*, 18.2 (2025), pp. 266–304, doi:10.3828/whpge.63837646622524.

[37] Juan M. Guayasamin and others, 'Biodiversity Conservation: Local and Global Consequences of the Application of "Rights of Nature" by Ecuador', *Neotropical Biodiversity*, 7.1 (2021), pp. 541–45, doi:10.1080/23766808.2021.2006550.

[38] Jessica Hope, 'Driving Development in the Amazon: Extending Infrastructural Citizenship with Political Ecology in Bolivia', *Environment and Planning E: Nature and Space*, 5.2 (2022), pp. 520–42, doi:10.1177/2514848621989611.

[39] Fathul Hamdani and others, 'Persoalan Lingkungan Hidup dalam UU Cipta Kerja dan Arah Perbaikannya Pasca Putusan MK Nomor 91/PUU-XVIII/2020', *Indonesia Berdaya*, 3.4 (2022), pp. 977–86, doi:10.47679/ib.2022302.

that the environment is not merely a passive backdrop for human life but an active component of well-being.[40] Yet, the operationalization of this right in penal law is minimal, if not symbolic. There is no legal mechanism within the current criminal code (KUHP) or environmental statutes that adequately reflects the constitutional mandate to secure a "healthy environment" through the deterrence and punishment of its destruction.

The anthropocentric orientation also clashes with the philosophical foundation of Pancasila, particularly the Fifth Principle: Social Justice for All Indonesians.[41] While traditionally interpreted in the context of economic equity, this principle also includes ecological dimensions when analyzed through the lens of intergenerational justice. Environmental degradation disproportionately affects rural, indigenous, and low-income communities those who are least responsible for ecological harm but most vulnerable to its consequences. In failing to criminalize severe ecological destruction, the state is complicit in perpetuating environmental inequality and violating its own ideological commitment to social justice. Thus, Pancasila's Fifth Principle must be reinterpreted as a mandate for ecological justice, requiring that criminal law act not only in defense of society but also in protection of the environment as part of the common good.

Furthermore, the lack of criminal enforcement in environmental cases in Indonesia is exacerbated by what scholars call the "enforcement gap." Even when laws do exist, the systemic corruption, regulatory capture, and institutional weaknesses in environmental governance make criminal prosecution difficult. The overlapping responsibilities between the Ministry of Environment and Forestry, the police, and regional authorities often lead to jurisdictional confusion and bureaucratic inertia. In addition, political economy factors such as the influence of extractive industries on local and national elites often result in the dilution or obstruction of criminal investigations. This context reveals that the anthropocentric bias is not only doctrinal but also structural, embedded within the operational and institutional landscape of environmental law enforcement.

---

[40] Helmi Helmi, Fitria Fitria, and Retno Kusniati, 'PENGGUNAAN OMNIBUS LAW DALAM REFORMASI REGULASI BIDANG LINGKUNGAN HIDUP DI INDONESIA', *Masalah-Masalah Hukum*, 50.1 (2021), pp. 24–35, doi:10.14710/mmh.50.1.2021.24-35.

[41] Rofi Wahanisa and Septhian Eka Adiyatma, 'KONSEPSI ASAS KELESTARIAN DAN KEBERLANJUTAN DALAM PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP DALAM NILAI PANCASILA', *Bina Hukum Lingkungan*, 6.1 (2021), pp. 94–118.

Legal systems in other jurisdictions provide comparative insights into how this paradigm may be challenged.[42] For example, in New Zealand, the Whanganui River has been granted legal personhood based on Māori cosmology that views the river as an ancestor.[43] This legal recognition has enabled a more relational and restorative approach to legal harms against nature. In India, the Supreme Court has ruled in multiple cases that environmental protection is part of the right to life under Article 21 of the Indian Constitution, thereby elevating the environment's importance beyond mere administrative regulation. In Colombia, the Constitutional Court recognized the Atrato River as a legal subject with rights to protection, maintenance, and restoration.[44] These cases demonstrate how legal traditions, when informed by local spiritual values, can transcend anthropocentric limitations and open pathways toward ecological justice.

Despite these progressive examples, integrating such a shift into Indonesia's criminal law remains a complex task. The KUHP, which is undergoing reform, still reflects colonial legacies and human-centered legal philosophies. Without deliberate efforts to incorporate an ecocentric and spiritually grounded worldview, reform efforts risk reproducing the same structural deficiencies under new legal language.[45] It is imperative to engage with philosophical and constitutional foundations to reconstruct criminal law not as an instrument of state control, but as a vehicle for moral and ecological accountability.[46]

From a theoretical standpoint, this critique aligns with the growing body of work in green criminology, particularly that of Rob White and Nigel South, who argue that environmental harm must be analyzed not only in legal terms but also in relation to power

---

[42] Samuel Becher and Benjamin Alarie, 'LexOptima: The Promise of AI-Enabled Legal Systems', *University of Toronto Law Journal*, 75.1 (2025), pp. 73–121, doi:10.3138/utlj-2024-0002.

[43] Mercedes Vicente, 'A River with Standing: Personhood in Te Ao Māori', ed. by Jyoti Mistry and Rose Brander, *parSE Journal*, 2020, doi:10.70733/9bndf72t5bdj.

[44] Fuchs, 'The Concept of Rights of Nature in Colombia and Ecuador'.

[45] Abintoro Prakoso, *Politik Hukum Pidana Dilengkapi Analisis Terhadap KUHP Baru* (Laksbang Pressindo, 2023).

[46] Pujiyono Suwadi and Rian Saputra, "Non-Fungible Tokens and the Metaverse Using Cryptocurrency in Indonesia: Money Laundering Potential and Challenges," *Indonesian Journal of Crime and Criminal Justice* 1, no. 1 (2025): 109–31, https://doi.org/10.62264/ijccj.v1i1.120.

structures, inequalities, and normative values.[47] Green criminology emphasizes the need to criminalize acts that harm the environment even if such acts are legally sanctioned or socially tolerated. In doing so, it challenges the legitimacy of state-defined legality and calls for the inclusion of ecological harm as a central concern of justice systems.

This theoretical framework resonates strongly with Indonesia's philosophical and constitutional architecture. If Pancasila is understood not merely as a political symbol but as a living philosophy of governance, then environmental justice must be treated as a moral duty of the state. The sacredness of life, both human and non-human, as implied in the First Principle of Pancasila (Belief in One Almighty God), provides an ethical foundation for recognizing nature's dignity. [48] Integrating this perspective into environmental criminal law offers a way to reconcile legal modernization with cultural and spiritual authenticity. Ultimately, the persistence of the anthropocentric paradigm in Indonesian environmental criminal law is both a doctrinal and structural problem. It requires not only legal reform but also a deeper philosophical reorientation of the justice system. Without expanding the boundaries of legal subjectivity and victimhood, the law will remain inadequate to confront the ecological crises of our time. As the following sections will explore, eco-religion and ecocentric principles offer promising pathways for this transformation.

Ecological Spirituality and Eco-Religion: Theological Foundations for Criminal Law Reform

The ecological crisis confronting humanity today is not merely a technological failure or a deficiency in policy implementation it is also, and perhaps fundamentally, a moral and spiritual crisis. The instrumentalist view that regards nature as a mere resource for human exploitation has become deeply embedded in the architecture of modern law,

[47] Václav Walach, 'Green Criminology: Critical, Interdisciplinary and Generally Welcoming to Newcomers-An Interview with Anna Di Ronco and Nigel South', *Sortuz. Oñati Journal of Emergent Socio-Legal Studies*, 15.1 (2025).

[48] Ahmad Muhamad Mustain Nasoha and others, 'Pengaruh Pancasila Terhadap Pengaturan Hukum Adat dalam Konstitusi Indonesia Perspektif Historis dan Yuridis', *Hukum Inovatif : Jurnal Ilmu Hukum Sosial dan Humaniora*, 1.4 (2024), pp. 309–21, doi:10.62383/humif.v1i4.934.

particularly in environmental criminal law.[49] This view is challenged by a growing body of spiritual and theological thought which affirms the sacredness and interdependence of all life. The concept of *eco-religion* emerges from this critique as a normative framework grounded in the religious and spiritual traditions that call for reverence, stewardship, and accountability toward nature. In legal terms, eco-religion offers a foundational basis for reforming criminal law so that it no longer treats nature as a passive object but recognizes it as a moral subject whose destruction constitutes a transgression not only against the law but against the divine order.

In Islamic theology, the environment is not an inert backdrop to human life but a dynamic system entrusted by God to humanity under the principle of *khalifah fil-ardh* the vicegerency of humankind on Earth.[50] The Qur'an describes the Earth as a sign (*ayah*) of God, repeatedly reminding believers of their obligation to maintain *mizan* the balance of creation (QS Ar-Rahman: 7–9). Violations against this balance are condemned as *fasad fi al-ardh* (corruption on Earth), a term with moral and legal significance. Islamic jurisprudence (*fiqh*) includes numerous discussions on the prohibition of wastefulness (*israf*), protection of animals, water, and land, and the obligation to restore what has been damaged.[51] In this spiritual framework, environmental degradation is not merely an offense against public interest but a *sinful act* that violates divine trust (*amanah*). The moral clarity and accountability embedded in this theology offer a powerful foundation for reconceptualizing *culpa* (fault) in criminal law not merely as legal guilt, but as spiritual irresponsibility.

Christian theology, particularly in its ecological reorientation, offers a profound and morally authoritative foundation for eco-religious thought that can meaningfully contribute to environmental legal reform.[52] At the heart of Christian ecological theology

---

[49] Lieselot Bisschop, Yogi Hendlin, and Jelle Jaspers, 'Designed to Break: Planned Obsolescence as Corporate Environmental Crime', *Crime, Law and Social Change*, 78.3 (2022), pp. 271–93, doi:10.1007/s10611-022-10023-4.

[50] Lan T. Chu and others, *On the Significance of Religion in Climate Change*, 1st edn (Routledge, 2024), doi:10.4324/b23076.

[51] Bachrul Ulum, Nur Hasanah Mahnan, and Fathul Ihsani, 'Islamic Ethics in Sustainable Environmental Resource Management', *INCOME: Innovation of Economics and Management*, 4.3 (2025), pp. 81–86.

[52] Benjamin S Lowe, Rachel L Lamb, and Ruth Padilla-DeBorst, 'Reconciling Conservation and Development in an Era of Global Environmental Change: A Theocentric Approach', *ChristianRelief, Development, and Advocacy*, 2.2 (2021).

lies the doctrine of creation, which affirms that the Earth and all its creatures are not incidental to God's plan but are created as inherently "good" (tov, Genesis 1:31). This goodness is not contingent upon human use or economic value; rather, it reflects a divinely bestowed dignity that obliges respect and protection. The biblical call to "have dominion" (radah) over the Earth (Genesis 1:26) has often been misinterpreted as a license for exploitation. However, contemporary theological scholarship and church teachings increasingly emphasize that this dominion is best understood through the lens of stewardship a relational, accountable form of care that requires humility, not hegemony, over the natural world. This theological shift is perhaps most clearly articulated in Pope Francis's 2015 encyclical Laudato Si', which has become a seminal text in the development of Catholic ecological ethics.[53] In this document, the Pope advances a concept of "integral ecology", a framework that recognizes the interconnectedness of environmental, social, cultural, and spiritual dimensions of life. Environmental destruction, in this view, is not simply a technical or economic issue but a moral and spiritual crisisa rupture in the relationship between humanity, creation, and the Creator. Pope Francis directly links ecological degradation to injustice, stating that it is the poor who suffer the most from environmental harm, despite contributing the least to its causes. He argues that the cry of the Earth and the cry of the poor are one and the same, and calls for an "ecological conversion" a profound transformation of consciousness, lifestyle, and legal structures. This theological vision has significant implications for criminal law reform, particularly in contexts where environmental harm is widespread yet inadequately addressed by existing legal instruments. Framing environmental destruction as a sin not just a civil offense or regulatory breach elevates its status within moral and juridical reasoning. In line with Laudato Si', one could argue that crimes against the environment are simultaneously crimes against humanity and crimes against God, because they destroy what is sacred, inflict disproportionate harm on the vulnerable, and betray the divine mandate of stewardship. Such framing can reshape the philosophy of criminal law to account not only for human victims and economic loss but also for violations of the sacred order of creation. Integrating these theological insights into environmental criminal statutes means embedding moral consciousness and spiritual responsibility into the definition of environmental offenses, the assessment of culpability, and the design of sanctions. For

[53] Michael Ufok Udoekpo, 'A Contextual Re-Evaluation of Humanity's Responsible Identity in Genesis 1:26–28, in the Light of African Sense of Ubuntu.', 4 (2021).

example, a legal system informed by Christian ecological theology would recognize intentional ecological harm as a form of moral recklessness, deserving of criminal sanction not just because of material consequences, but because of its violation of spiritual trust and communal dignity.[54] Sanctions might include not only imprisonment or fines, but also restorative justice mechanisms such as mandated ecological repair, public confessions, and community reconciliation that reflect both legal and theological notions of atonement, repentance (metanoia), and redemption. [55]

Hinduism and Buddhism, with their deep philosophical foundations in interconnectedness, nonviolence, and cosmic harmony, provide significant contributions to the development of eco-religion as a normative lens for rethinking environmental justice.[56] In Hindu thought, the principle of ahimsa nonviolence is not limited to human interactions but extends to all forms of life and the natural world. This doctrine arises from the belief that all beings share the same divine essence (Brahman), and thus causing harm to nature is morally equivalent to harming oneself or the divine.[57] Nature is revered not as a resource but as an embodiment of divinity: rivers are honored as goddesses (such as Ganga), mountains as sacred abodes of deities (e.g., Himalayas as the dwelling of Shiva), and animals such as cows, elephants, and snakes are considered sacred and integral to spiritual rituals. The concept of dharma the moral order that governs the universe requires human beings to live in balance with nature, fulfilling their roles as stewards rather than exploiters. Violating this balance is not merely imprudent or unsustainable; it is adharmic, a violation of cosmic duty that invites spiritual, ecological, and societal consequences. In Buddhist philosophy, the emphasis on interbeing a term popularized by Vietnamese Zen master Thích Nhất Hạnh reflects the insight that all phenomena are interdependent and co-arising. This ontological understanding fosters a sense of universal responsibility, whereby harming one element of nature causes ripples of suffering (dukkha) throughout

---

[54] Alexander Negrov and Alexander Malov, 'Eco-Theology and Environmental Leadership in Orthodox and Evangelical Perspectives in Russia and Ukraine', *Religions*, 12.5 (2021), p. 305, doi:10.3390/rel12050305.

[55] Ponco Hartanto, Ricky Ricky, and Vincent Ariesto Gunawan, "Using Indonesian Corruption Law for Eradicating the Yogyakarta Sultanate Land Mafia: A Legal Formulation Study," *Indonesian Journal of Crime and Criminal Justice* 1, no. 1 (2025): 23–53, https://doi.org/10.62264/ijccj.v1i1.122.

[56] Sanjay Koul, 'The Creation of the Universe and Core Principles of Sanatana Dharma: A Comprehensive Exploration of Hindu Philosophical Foundations' (SSRN, 2025), doi:10.2139/ssrn.5165897.

[57] Rekha Ojha, 'Nature Conservation as Reflected in Hindu Theology and Its Deviation in the Modern Days: A Discourse', *ASEAN Journal of Religious and Cultural Research*, 5.1 (2022).

the interconnected web of existence. Environmental destruction, from this perspective, is not simply a material disruption but an expression of ignorance (avijjā) and craving (taṇhā) the very roots of suffering in Buddhist thought. Acts such as deforestation, pollution, and species extinction are not only destructive in the physical sense; they disturb the karmic equilibrium, contribute to collective suffering, and inhibit the conditions necessary for spiritual liberation (nirvāṇa). The goal of Buddhist ethics, therefore, is not to dominate or regulate nature, but to live in mindful harmony with all sentient beings, practicing compassion (karuṇā) and loving-kindness (mettā) toward the Earth.[58] These theological insights bear profound implications for criminal law reform, particularly in the context of ecological justice. Within both Hindu and Buddhist frameworks, wrongdoing is not addressed solely through retribution, but through restorative and transformative processes aimed at reestablishing harmony between the offender, the community, and the natural world.[59] Punishment is seen as meaningful only insofar as it leads to atonement, learning, and the restoration of cosmic and social balance. This is in stark contrast to retributive models that emphasize punitive incarceration or monetary sanctions without addressing the underlying spiritual and relational harms. Such principles naturally lend themselves to alternative sentencing models in environmental crime. A legal system informed by Hindu and Buddhist ecological ethics would support sanctions such as ritual reconciliation, community-based ecological restoration, and spiritual rehabilitation for environmental offenders. For example, offenders could be required to participate in reforestation projects, undergo ethical training in environmental stewardship guided by religious teachers, or engage in public acts of penance and apology to communities affected by ecological harm. These measures do not trivialize the crime but recognize that ecological restoration is not only a technical process but also a moral and spiritual imperative. Furthermore, both traditions emphasize the educative and preventive function of justice. By cultivating awareness of interdependence and reverence for life, Hindu and Buddhist eco-theologies can help reshape legal consciousness itself instilling in citizens and institutions a sense of ethical

[58] Michael Sabet, 'Discerning a Framework for the Treatment of Animals and the Natural World in the Bahá'í Writings: Ethics, Ontology, and Discourse', 2022.

[59] Mohammad Hamidi Masykur, Tanto Lailam, and Ferio Ivan Mulyono, "Taking Perspective Between Indonesia and Germany: The Establishment of Quo Vadis House of Worship Article," *LJIH* 33, no. 1 (2025): 132–47, http://www.ejournal.umm.ac.id/index.php/legality.

responsibility that transcends compliance with statutory rules. In predominantly Hindu or Buddhist regions of Indonesia, such as Bali, Yogyakarta, or parts of North Sumatra, this integration can enhance the legitimacy of environmental law by aligning it with local belief systems and lived spiritual practices.

Indonesia, as a multicultural and multi-religious country, possesses a deep reservoir of local spiritual traditions that align with the eco-religion paradigm. The Balinese philosophy of *Tri Hita Karana* promotes harmony among humans (*pawongan*), nature (*palemahan*), and the divine (*parahyangan*).[60] This worldview informs various customary laws that restrict exploitation of forests, rivers, and mountains, often enforced through religious and social sanctions. In West Java, the Sundanese concept of *leuweung kolot* (sacred forests) mandates the preservation of forest areas believed to be the dwelling places of ancestral spirits. Violations are considered spiritual transgressions with potential supernatural repercussions. In North Sumatra, the Batak community performs rituals such as *mangase taon* (thanksgiving to the land), reflecting a relational ethic with the Earth. These localized spiritualities, though not codified in national law, serve as de facto environmental governance systems and provide culturally legitimate frameworks for legal reform. Integrating these into national criminal law would not only enhance legal pluralism but also reinforce ecological accountability rooted in Indonesian identity.[61]

From the perspective of criminal law theory, the integration of eco-religion introduces a profound challenge to the classical positivist maxim nullum crimen sine lege that there is no crime without prior legal provision by suggesting that culpa or fault should not be confined solely to statutory violations but must also encompass breaches of spiritual and moral law. This approach implies that ecological harm may constitute a deeper form of culpability rooted in moral indifference, even when not explicitly codified in positive law. Although contemporary criminal law tends to be resistant to moral or theological reasoning, influential jurisprudential thinkers such as Gustav Radbruch and Lon L. Fuller have long argued that the legitimacy of law cannot be separated from its moral content.

---

[60] Mella Ismelina Farma Rahayu, Anthon F. Susanto, and Liya Sukma Muliya, 'KEARIFAN LOKAL DALAM PENDIDIKAN HUKUM LINGKUNGAN DI INDONESIA', *LITIGASI*, 23.2 (2022), pp. 291–303, doi:10.23969/litigasi.v23i2.6321.

[61] Jefri Hari Akbar and Soeganda Priyatna, "Kudus, Local Wisdom, and Tobacco Industry: Historical Trajectory of the Employment Relationship Between Scissoring Workers and the Company," *LJIH* 33, no. 1 (2025): 168–91, http://www.ejournal.umm.ac.id/index.php/legality.

Radbruch's well-known formula asserting that where statutory law deviates intolerably from the demands of justice, it should be set aside in favor of higher moral principles can be extended to the environmental context. In situations where the legal system tolerates or fails to criminalize acts of ecocide and systemic ecological destruction, it arguably abdicates its moral function. Within this framework, the doctrine of mens rea in environmental crimes could be reinterpreted beyond mere knowledge or intent in the factual sense, to also include a form of spiritual or moral recklessness manifested as disregard for the sanctity of nature, ecological interconnectedness, and the responsibilities owed to future generations. Such a reconceptualization would enable criminal law to evolve into a more ethically responsive instrument, capable of addressing not only legal transgressions but also deeper violations against the moral fabric of life systems.

Several countries have made strides in integrating spiritual and ethical worldviews into their environmental legal frameworks. Ecuador stands as a pioneering example. Its 2008 Constitution, influenced by the Andean cosmology of *Pachamama* (Mother Earth), recognizes nature as a subject of rights, with the right to exist, persist, maintain, and regenerate. This radical legal move reorients the role of criminal and civil law not as protectors of private property or economic interests, but as guardians of the Earth's moral integrity. Courts in Ecuador have invoked these constitutional rights to prosecute illegal mining and deforestation as violations against nature itself. This shift exemplifies how theological and cosmological values can inform the redefinition of environmental offenses, prioritizing restoration over punishment.[62]

Another instructive example is Bhutan, a country that grounds its governance model in Gross National Happiness (GNH) a holistic development index rooted in Buddhist philosophy. Bhutan's constitution mandates environmental protection as a sacred national duty, requiring 60% forest coverage in perpetuity.[63] Environmental crimes in Bhutan are not merely technical infractions; they are violations against the spiritual fabric of the nation. Forest encroachment or illegal logging is often addressed through

[62] Didik Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," no. 1 (2025): 261–85, http://www.ejournal.umm.ac.id/index.php/legality.

[63] Jelle J.P. Wouters, 'Where Is the 'Geo'-Political?', in *Capital and Ecology*, by Rakhee Bhattacharya and G. Amarjit Sharma, 1st edn (Routledge India, 2023), pp. 181–202, doi:10.4324/9781003424420-13.

community-led restorations or moral rehabilitation, reflecting a justice model that seeks not just deterrence but transformation. These models demonstrate that religious and spiritual worldviews can inform a restorative and preventative approach to environmental criminal law that is both culturally resonant and ecologically effective.

In the Indonesian context, the spiritual basis for environmental protection is already embedded within the state ideology of Pancasila, particularly its First Principle: *Belief in the One and Only God (Ketuhanan Yang Maha Esa)*.[64] This principle implies not only the acknowledgment of religion in public life but also the moral obligation to uphold values derived from divine teachings, including the sanctity of life and creation. If interpreted ecologically, Ketuhanan Yang Maha Esa mandates that the destruction of nature is not only a civil or environmental offense but also a moral betrayal of the divine trust. The incorporation of eco-religious principles into criminal law, therefore, aligns with Pancasila as both a philosophical foundation and constitutional identity.[65]

Furthermore, eco-religion supports a shift from retributive to restorative justice models, which are more compatible with traditional and religious worldviews. Restorative justice, as theorized by John Braithwaite and Howard Zehr, emphasizes healing, accountability, and the restoration of relationships values deeply ingrained in religious teachings.[66] In the context of environmental harm, this could translate into sentencing practices that require offenders to engage in reforestation, community service, environmental education, or participation in spiritual rituals of atonement. These alternative sanctions address the root causes of ecological harm and offer a more holistic form of justice that recognizes the emotional, spiritual, and ecological dimensions of crime.

In conclusion (without drawing a formal conclusion), this subdiscussion demonstrates that spiritual and religious worldviews offer profound resources for rethinking

---

[64] Ahmad Siboy et al., "The Islamic Law-Based Design of Regional Head Post-Filling," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 1–15, https://doi.org/10.22219/ljih.v32i1.31261.

[65] Souad Ezzerouali, Mohamed Cheikh Banane, and Brahim Hamdaoui, "Sharia in Moroccan Law: A Perpetual Source and Guiding Reference," *LJIH* 33, no. 1 (2025): 44–68, http://www.ejournal.umm.ac.id/index.php/legality.

[66] Andri Sutrisno and others, 'The Approach Of Restorative Justice Theory In Resolving The Rohingya Case In Myanmar And The Syrian Conflict', *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia*, 6.2 (2024), pp. 27–39, doi:10.52005/rechten.v6i2.170.

environmental criminal law. They expand the normative scope of legality, reframe the definition of culpability, and offer culturally resonant models of accountability. The integration of *eco-religion* into legal reform is not merely a symbolic gesture; it is a transformative strategy grounded in the moral and cosmological foundations of human civilization.

Reconstructing Environmental Crimes in Criminal Law: Towards an Ecological Justice Approach

The growing inadequacy of current environmental criminal law systems in addressing large-scale ecological destruction calls for a profound reconstruction of the legal architecture of environmental offenses. Contemporary environmental law particularly in developing countries remains bound by narrow definitions, administrative formalities, and anthropocentric assumptions.[67] As climate change intensifies, biodiversity loss accelerates, and entire ecosystems collapse, legal scholars and policymakers are increasingly turning to the notion of *ecological justice* to rethink the function and scope of environmental criminal law. This shift requires the conceptual expansion of criminal offenses from a human-centered harm model to one that recognizes the intrinsic rights of nature. Within this context, the principle of *eco-religion* and the legal concept of *ecocide* play a central role in redefining environmental crimes as grave moral and legal wrongs against both nature and future generations.[68]

One of the most compelling developments in the international legal sphere is the movement to recognize ecocide as the "fifth crime" under the Rome Statute of the International Criminal Court (ICC), alongside genocide, war crimes, crimes against humanity, and crimes of aggression. In 2021, the Independent Expert Panel for the Legal Definition of Ecocide proposed that ecocide be defined as "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment." This definition not only centers

---

[67] Sanne Akerboom and Robin Kundis Craig, 'How Law Structures Public Participation in Environmental Decision Making: A Comparative Law Approach', *Environmental Policy and Governance*, 32.3 (2022), pp. 232–46, doi:10.1002/eet.1986.

[68] Elizabeth Macpherson, Julia Torres Ventura, and Felipe Clavijo Ospina, 'Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects', *Transnational Environmental Law*, 9.3 (2020), pp. 521–40, doi:10.1017/S204710252000014X.

the environment as the victim but also emphasizes the mental element (*mens rea*) required for criminal responsibility. Importantly, the proposal reflects the convergence of international environmental law, criminal law, and eco-philosophical perspectives particularly in recognizing that certain ecological harms transcend national boundaries and moral frameworks and therefore demand accountability on a global scale.

The relevance of ecocide for national legal systems, especially in countries like Indonesia, is critical. As a biodiversity hotspot that simultaneously suffers from rampant deforestation, ocean pollution, and extractive industrial expansion, Indonesia stands at the crossroads between ecological collapse and legal transformation. Integrating ecocide into the Indonesian legal system whether by direct incorporation or through the reform of its own criminal code (KUHP) would provide a normative and juridical foundation to criminalize acts of extreme ecological harm. Notably, the spiritual concept of *fasad fi al-ardh* in Islamic law, as well as indigenous beliefs in the sacredness of rivers and forests, offers local legitimacy to the recognition of ecocide not merely as a technical crime, but as a violation of cosmic balance. Hence, eco-religious values could reinforce legal recognition of ecocide as both a national and moral imperative.

France provides a useful model for this form of legal innovation. In 2021, the French National Assembly adopted an "ecological criminal law reform" that includes the offense of *ecocide*, albeit framed as a national-level crime rather than an international one.[69] Under French law, serious environmental harm resulting from intentional or reckless behavior is subject to criminal sanctions, with penalties extending to corporate entities as well. Notably, the French model emphasizes a broadened culpability framework that includes negligence in high-risk ecological activities and imposes sanctions beyond fines including imprisonment, corporate dissolution, and mandatory restoration. The inclusion of corporations as liable subjects in ecological crimes is crucial, given their central role in environmental degradation. In contrast to Indonesia, where corporate criminal liability remains underdeveloped and inconsistently applied, the French approach demonstrates how an ecological justice paradigm can be operationalized within existing civil law traditions.

[69] Rachel Killean, 'From Ecocide to Eco-Sensitivity: "Greening" Reparations at the International Criminal Court', *The International Journal of Human Rights*, 25.2 (2021), pp. 323–47, doi:10.1080/13642987.2020.1783531.

Translating these developments into Indonesian criminal law reform requires more than mimetic legal transplantation. It demands a cultural and normative reconfiguration of delik lingkungan (environmental offenses) to reflect the country's own ecological and spiritual context. A proposed reformulation might include the legal recognition of *"kerusakan terhadap entitas ekologis suci"* (destruction of sacred ecological entities) as a form of culpable harm thus linking legal fault (*culpa*) or intent (*dolus*) not only to human damage but to the disruption of spiritually valued ecosystems. In regions where local communities assign sacred value to rivers, mountains, or forests, acts of deforestation, pollution, or illegal mining could be classified as "crimes against sacred ecology," with legal implications including enhanced penalties, restorative obligations, and public ritual acknowledgment of guilt. Such a formulation would not only expand the moral authority of criminal law but also honor the cultural and religious traditions that define Indonesia's legal pluralism.

The development of such a framework must also consider the precautionary principle, which is well established in international environmental law and increasingly recognized in domestic jurisdictions. The precautionary principle requires that, in cases of scientific uncertainty, actions that could cause serious or irreversible environmental damage should be prevented in advance. This principle has strong resonance with religious teachings that emphasize humility, care, and accountability in human interaction with nature. For example, in Islamic law, precaution is a part of *maqasid al-shari'ah* when protecting life (*hifz al-nafs*) and the environment (*hifz al-bi'ah*). In the criminal law context, this could support the establishment of offenses that penalize not only actual harm, but also the creation of high-risk ecological conditions, particularly when done recklessly or with moral indifference.

Furthermore, the framework of *intergenerational justice* the idea that present generations have a legal and moral duty to protect the environment for future generations must be institutionalized within the design of environmental offenses. While this principle has gained traction in constitutional law and public policy, it has yet to be operationalized in criminal statutes. Integrating intergenerational justice into the Indonesian KUHP would provide a compelling justification for criminalizing actions whose impacts extend beyond temporal boundaries. It would also align with Article 33(4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which declares that "the national economy shall

be organized based on economic democracy... in a sustainable and environmentally sound manner." This constitutional provision reflects a commitment to sustainability, but without strong criminal enforcement, it remains aspirational rather than binding. The redefinition of delik lingkungan must therefore include intergenerational harm as an aggravating factor in sentencing and legal culpability.

In reconstructing environmental offenses, it is also vital to develop a theory of spiritual mens rea a notion that expands the traditional criminal law concept of the "guilty mind" to include moral and spiritual awareness. Under this approach, individuals or corporations that commit environmental crimes not only violate statutory obligations but also demonstrate a willful disregard for spiritual, cultural, or ecological values. This expanded view of *mens rea* would allow judges to consider factors such as cultural insensitivity, disrespect for sacred landscapes, or moral recklessness when determining criminal liability. In doing so, the law would move beyond materialistic causality and toward a more comprehensive form of justice that resonates with Indonesia's philosophical foundation in Pancasila, particularly the Fifth Principle: *Social Justice for All Indonesian People*. Justice, in this context, is not only distributive but also ecological, and it demands that criminal law reflect the full moral weight of environmental harm.

Moreover, the expansion of criminal law to include ecological restoration as a penal objective reflects a paradigm shift toward *transformative justice*. Rather than simply imposing retributive sentences, judges should be empowered to impose restorative sanctions such as ecological remediation, community reparation, and even public apology rituals in accordance with local customs. This approach resonates with indigenous legal traditions that prioritize harmony over punishment and aligns with eco-religious values that emphasize repentance (*taubat*), restitution, and the healing of both physical and spiritual wounds. In jurisdictions such as New Zealand, environmental courts already impose creative sentences that require offenders to participate in environmental restoration, and such practices could be adapted to Indonesia's socio-religious context.

Additionally, corporate criminal liability must be recalibrated to reflect the collective and structural nature of ecological crimes.[70] In many environmental disasters such as

[70] Mirko Pečarič, 'Law and Individualism: Balancing Rights, Responsibilities, and Group Dynamics', *Central European Public Administration Review*, 23.1 (2025), pp. 37–62, doi:10.17573/cepar.2025.1.02.

forest fires in Riau, illegal mining in Kalimantan, or pollution in the Citarum River corporations operate through complex chains of command that diffuse responsibility and obscure intent. The criminal code must be amended to include not only direct perpetrators but also corporate directors, financiers, and decision-makers who authorize or benefit from environmentally harmful activities. The concept of command responsibility, drawn from international criminal law, could be applied to corporate structures, ensuring that those in positions of power are held accountable for ecological harm. The French and Dutch models provide legal precedents for such measures, emphasizing the need for systematic, rather than individualistic, accountability in ecological criminal law.

Finally, the reconstruction of environmental offenses must be supported by institutional reform in the judiciary, law enforcement, and prosecutorial systems. Specialized environmental courts, training programs for judges and prosecutors in ecological science and ethics, and the inclusion of spiritual leaders or customary authorities in legal proceedings are necessary components of an ecologically informed justice system. Without these institutional mechanisms, even the most progressive legal norms will remain under-enforced and symbolically ineffective**.**

Integrating Pancasila and the Constitution into Eco-Religion-Based Penal Enforcement: A Contextual and Transformative Model

The reconfiguration of environmental criminal law in Indonesia cannot be meaningfully pursued without grounding it in the nation's philosophical and constitutional identity.[71] Within this context, *Pancasila* and the 1945 Constitution (UUD NRI 1945) serve not merely as symbolic references but as normative sources that must guide the structure, purpose, and moral orientation of penal enforcement. As the ecological crisis intensifies manifested in recurrent forest fires, marine pollution, biodiversity loss, and illegal mining the limitations of current punitive frameworks become increasingly apparent. These frameworks often rely on positivist formulations and administrative logic, failing to reflect the deeper ethical and cultural values that shape

[71] Kururatphan, 'Environmental Ethics, Survival and Apocalypse'.

Indonesia's ecological consciousness.[72] The integration of *eco-religion* a framework drawn from theological doctrines that revere nature as sacred offers a paradigm shift toward a more contextual, inclusive, and transformative penal system. By embedding eco-religious values within the implementation of environmental criminal law, Indonesia can bridge the gap between its normative ideals and juridical reality, fostering a justice system that not only deters and punishes but also restores, reconciles, and regenerates.

The First Principle of Pancasila Belief in the One and Only God (Ketuhanan Yang Maha Esa) articulates the foundation of the Indonesian state on divine accountability. This principle goes beyond formal recognition of religion; it implies that governance and legal instruments must align with moral values rooted in religious teachings.[73] In the realm of environmental protection, this means viewing ecological destruction not merely as regulatory infractions but as moral and spiritual violations. From the perspective of eco-religion, nature is not inert property but a manifestation of divine will, entrusted to humanity with the responsibility of stewardship (*khalifah fil-ardh* in Islam, *parahyangan* in Balinese cosmology, *ahimsa* in Hindu-Buddhist ethics). Acts such as deforestation, water pollution, or mining in sacred forests thus represent transgressions against both legal norms and religious obligations. Incorporating these perspectives into criminal law requires redefining guilt (*mens rea*) as not only intent or negligence in the technical sense, but as a willful disregard for sacred responsibilities toward the environment.[74]

In tandem with this spiritual foundation, the Fifth Principle of Pancasila Social Justice for All Indonesians calls for distributive and ecological justice. Environmental degradation disproportionately harms the vulnerable: indigenous communities displaced by mining, rural women burdened with polluted water sources, coastal populations threatened by climate change. These communities are not only ecologically dependent but

---

[72] Willy Naresta Hanum and Muhamad Nafi Uz Zaman, "Existence of Human Rights Protection in Land and Mining Conflicts : Evidence from Indonesia," *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 285–306, https://doi.org/10.62264/jlej.v2i3.107.

[73] Rian Saputra et al., "Ecological Justice in Indonesia and China Post- Mining Land Use ?," *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 254–84, https://doi.org/10.62264/jlej.v2i3.108.

[74] Arsyad Aldyan et al., "Local Wisdom-Based Environmental Management Policy in Indonesia : Challenges and Implementation," *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 332–54, https://doi.org/10.62264/jlej.v2i3.100.

often culturally and spiritually bonded to their environment.[75] When ecological harm occurs, it is not merely the biophysical landscape that suffers but the cosmological and social fabric of these communities. Criminal law that is silent on this reality fails to fulfill the moral duties implied by Pancasila. Therefore, the penal system must evolve beyond retribution and economic sanctions to a model of justice that restores ecological balance and repairs social-spiritual relations broken by environmental crimes.[76]

The commitment to ecological justice is also enshrined in the 1945 Constitution, particularly Article 28H paragraph (1) which guarantees the right of every person to "a good and healthy environment." This provision anchors environmental protection as a constitutional right, obligating the state not only to prevent harm but to actively ensure environmental well-being. However, the realization of this right remains abstract without a criminal justice system capable of protecting it through enforcement, sanction, and reparation. Article 33 paragraph (4) further stipulates that Indonesia's national economy must be "organized based on economic democracy… with the principles of sustainability and environmental insight." These constitutional commitments call for the state to adopt *ecological constitutionalism* a doctrine recognizing the legal standing of nature and mandating the judiciary and legislature to act in its defense. Despite these principles, criminal law in Indonesia has yet to fully operationalize the Constitution's ecological mandate. Environmental offenses remain framed within anthropocentric and administrative paradigms, and enforcement is weak, delayed, or absent.

The transformative potential of eco-religion lies in its ability to align penal enforcement with these constitutional imperatives by imbuing law with sacred values and local cosmologies. Eco-religion encourages the interpretation of environmental crimes not only as violations of statutory provisions but as breaches of divine trust and cultural integrity. For example, forest burning in Riau or mining in Dayak territories are not merely ecological offenses they desecrate ancestral lands, violate spiritual boundaries, and disrupt the communal rituals that bind people to place. Integrating these meanings into

---

[75] Willy Naresta Hanum, Tran Thi Dieu Ha, and Nilam Firmandayu, "Eliminating Ecological Damage in Geothermal Energy Extraction : Fulfillment of Ecological Rights by Proposing Permits Standardization," *Journal of Law, Environmental and Justice* 2, no. 2 (2024): 205–28, https://doi.org/10.62264/jlej.v2i2.105.

[76] Ponco Hartanto, Subagio Gigih, and Riami Chancy, "Discourse of Ecological Damage as a State Financial Loss : Evidence from Indonesia," *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 307–31, https://doi.org/10.62264/jlej.v2i3.110.

the criminal process requires a holistic approach that respects local wisdom and spiritual belief systems. In doing so, the law gains legitimacy not only as an instrument of state power but as an expression of shared moral conscience rooted in national identity.

Comparative constitutional experiences reinforce this model. In Uganda, the 1995 Constitution articulates the duty of every citizen to protect the environment, framing it not merely as a right but as a collective moral obligation. Ugandan courts have issued rulings that treat environmental destruction as violations of constitutional morality, empowering both civil society and the judiciary to act decisively. Similarly, Germany's Basic Law (Grundgesetz), Article 20a, obliges the state to protect "the natural foundations of life and animals" through all arms of government, making environmental protection a binding constitutional goal. These models illustrate how the Constitution can serve as both shield and sword: protecting ecological rights and compelling institutional reform. Indonesia's constitutional architecture already contains the ethical and normative foundations to follow suit the challenge lies in translating these into enforceable penal strategies.[77]

The role of religious institutions, customary law, and civil society is vital in creating a culturally embedded system of environmental criminal enforcement. In Indonesia, religious leaders have long championed environmental protection as a moral and spiritual imperative. The Indonesian Ulema Council (MUI) has issued fatwas declaring environmental destruction as *haram*; Hindu councils in Bali impose spiritual sanctions for offenses against rivers and forests; Christian and Buddhist groups run environmental education programs grounded in theology. These institutions wield moral authority, social influence, and ritual mechanisms that can supplement state-led enforcement. Integrating them into the penal system through community-based sentencing, mediation, or spiritual restitution can enhance the legitimacy and restorative potential of legal responses.

Moreover, customary institutions (lembaga adat) can offer concrete mechanisms for ecological justice. Indigenous law across the archipelago includes detailed rules on land

[77] FX. Hastowo Broto Laksito, Aji Bawono, and Afridah Ikrimah, "Reducing Community Participation in the Preparation of Environmental Impact Assessments (EIA): Evidence from Indonesia," *Journal of Law, Environmental and Justice* 2, no. 2 (2024): 137–61, https://doi.org/10.62264/jlej.v2i2.101.

use, sacred zones, and intergenerational obligations. Violations are often addressed through collective rituals, public apologies, and environmental remediation. Recognizing these mechanisms as complementary to state law, rather than marginal or informal, reflects the spirit of legal pluralism enshrined in Law No. 6 of 2014 on Villages. Allowing customary leaders to participate in court proceedings, act as cultural experts, or supervise restorative sanctions would localize the administration of environmental justice and anchor it in living traditions.

In terms of sentencing, a transformative penal model informed by eco-religion and Pancasila must move away from incarceration and fines as default responses. Prisons do little to rehabilitate environmental offenders or repair ecological damage. Monetary penalties, often paid by corporations without accountability, fail to deter systemic harm. Instead, sanctions should focus on restoration, education, and reconciliation.[78] Offenders could be mandated to replant forests, fund ecological conservation programs, apologize in public rituals, or undergo theological reflection facilitated by religious leaders. This mirrors models in New Zealand's environmental courts, where judges impose creative sentences designed to repair both nature and community. A similar model, localized within Indonesia's spiritual and cultural contexts, would fulfill Pancasila's call for socially just and morally grounded governance.

Such a model requires institutional innovation. Environmental courts must be equipped with judges trained in ecological science, local customs, and religious values. Prosecutors and investigators must be sensitized to the sacred dimensions of environmental crimes. The curriculum of law faculties should include theology, indigenous law, and eco-jurisprudence. Civil society organizations, universities, and religious seminaries can collaborate to provide interdisciplinary training. Without this cross-sectoral capacity building, eco-religion will remain a rhetorical ideal rather than a practical tool of reform. At its core, the integration of Pancasila, the Constitution, and eco-religion into environmental criminal law is not a technical legal exercise but a cultural and moral project. It asks Indonesia to revisit its identity as a *bhineka tunggal ika* nation diverse in belief but united in value. By placing ecological integrity and sacredness at the center

[78] Januar Rahadian and Silas Oghenemaro, "Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform : Lessons from Indonesia," *Journal of Law, Environmental and Justice* 1, no. 3 (2023): 225–43, https://doi.org/10.62264/jlej.v1i3.17.

of legal enforcement, the country can create a system that reflects its people's lived beliefs, constitutional commitments, and moral aspirations. Such a system will not only protect forests and rivers but will restore a deeper harmony between law, life, and the land.

4. CONCLUSION

The accelerating ecological crisis demands a fundamental rethinking of the values and frameworks that underpin environmental criminal law. This study demonstrates that anthropocentric and punitive legal paradigms have proven insufficient in addressing the moral and cultural dimensions of environmental harm. By integrating eco-religion spiritual worldviews that treat nature as sacred and interdependent with human responsibility into the foundation of legal reform, a more restorative, ethically grounded, and culturally legitimate model of justice can be achieved. Drawing on religious environmental ethics from Islamic, Christian, Hindu-Buddhist, and indigenous traditions, this paper argues that reorienting criminal law through eco-religious values not only elevates the legal standing of nature but also reframes environmental crimes as transgressions against life systems and intergenerational justice. Comparative insights from Ecuador, Bhutan, France, and Uganda further support the feasibility of embedding moral-spiritual values into national legal systems. In the Indonesian context, these values find harmony with constitutional principles such as Pancasila and the 1945 Constitution, offering a powerful normative foundation for ecological justice. Ultimately, this approach calls for a transformative legal shift from punitive deterrence toward restoration, accountability, and cultural integration positioning eco-religion not as an external moral force, but as a central pillar in constructing a just and sustainable legal order for the environment.

5. CONFLICTING INTEREST STATEMENT

The authors state that there is no conflict of interest in the publication of this article.

REFERENCES

Ahmad Muhamad Mustain Nasoha, and others, 'Pengaruh Pancasila Terhadap Pengaturan Hukum Adat dalam Konstitusi Indonesia Perspektif Historis dan Yuridis', *Hukum Inovatif : Jurnal Ilmu Hukum Sosial dan Humaniora*, 1.4 (2024), pp. 309–21, doi:10.62383/humif.v1i4.934

Akerboom, Sanne, and Robin Kundis Craig, 'How Law Structures Public Participation in Environmental Decision Making: A Comparative Law Approach', *Environmental Policy and Governance*, 32.3 (2022), pp. 232–46, doi:10.1002/eet.1986

Ali, Mahrus, and Irwan Hafid, 'Kriminalisasi Berbasis Hak Asasi Manusia Dalam Undang-Undang Bidang Lingkungan Hidup', *JURNAL USM LAW REVIEW*, 5.1 (2022), pp. 1–15, doi:10.26623/julr.v5i1.4890

Aldyan, Arsyad, Kartika Asmanda, Rizal Akbar, and Abdelrahman Alasttal. "Local Wisdom-Based Environmental Management Policy in Indonesia : Challenges and Implementation." *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 332–54. https://doi.org/10.62264/jlej.v2i3.100.

Anastas, Paul T., and Julie Beth Zimmerman, 'Moving from Protection to Prosperity: Evolving the U.S. Environmental Protection Agency for the next 50 Years', *Environmental Science & Technology*, 55.5 (2021), pp. 2779–89, doi:10.1021/acs.est.0c07287

Baard, Patrik, 'Rights of Nature Through a Legal Expressivist Lens: Legal Recognition of Non-Anthropocentric Values', *Ethical Theory and Moral Practice*, 2024, doi:10.1007/s10677-024-10479-4

Becher, Samuel, and Benjamin Alarie, 'LexOptima: The Promise of AI-Enabled Legal Systems', *University of Toronto Law Journal*, 75.1 (2025), pp. 73–121, doi:10.3138/utlj-2024-0002

Berebon, Charles B, 'Integrating Ethical, Legal, and Cultural Paradigms: Advancing Environmental Stewardship', *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 8.1 (2025), pp. 2714–2485

Berman, Mitchell N, 'Dworkin versus Hart Revisited: The Challenge of Non-Lexical Determination', *Oxford Journal of Legal Studies*, 42.2 (2022), pp. 548–77, doi:10.1093/ojls/gqab027

Berros, María Valeria, 'Challenges for the Implementation of the Rights of Nature: Ecuador and Bolivia as the First Instances of an Expanding Movement', *Latin American Perspectives*, 48.3 (2021), pp. 192–205, doi:10.1177/0094582X211004898

Bisschop, Lieselot, Yogi Hendlin, and Jelle Jaspers, 'Designed to Break: Planned Obsolescence as Corporate Environmental Crime', *Crime, Law and Social Change*, 78.3 (2022), pp. 271–93, doi:10.1007/s10611-022-10023-4

Chu, Lan T., and others, *On the Significance of Religion in Climate Change*, 1st edn (Routledge, 2024), doi:10.4324/b23076

Colvin, Susan A R, and others, 'Headwater Streams and Wetlands Are Critical for Sustaining Fish, Fisheries, and Ecosystem Services', *Fisheries*, 44.2 (2019), pp. 73–91, doi:10.1002/fsh.10229

Doorn, N., 'Wastewater Research and Surveillance: An Ethical Exploration', *Environmental Science: Water Research & Technology*, 8.11 (2022), pp. 2431–38, doi:10.1039/D2EW00127F

Droz, L, 'Anthropocentrism as the Scapegoat of the Environmental Crisis: A Review', *Ethics in Science and Environmental Politics*, 22 (2022), pp. 25–49, doi:10.3354/esep00200

Elisabeth Nurhaini Butar-Butar, *Metode Penelitian Hukum, Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum* (PT. Refika Aditama, 2018)

Ezzerouali, Souad, Mohamed Cheikh Banane, and Brahim Hamdaoui. "Sharia in Moroccan Law: A Perpetual Source and Guiding Reference." *LJIH* 33, no. 1 (2025): 44–68. http://www.ejournal.umm.ac.id/index.php/legality.

Folke, Carl, and others, 'Our Future in the Anthropocene Biosphere', *Ambio*, 50.4 (2021), pp. 834–69, doi:10.1007/s13280-021-01544-8

Folke, Carl, Stephen Polasky, Johan Rockström, Victor Galaz, Frances Westley, Michèle Lamont, Marten Scheffer, et al. "Our Future in the Anthropocene Biosphere." *Ambio*. Springer Science and Business Media B.V., April 1, 2021. https://doi.org/10.1007/s13280-021-01544-8.

Fuchs, Marie-Christine, 'The Concept of Rights of Nature in Colombia and Ecuador: Lessons for a "Good Life" in Urban Spaces', *Global Environment*, 18.2 (2025), pp. 266–304, doi:10.3828/whpge.63837646622524

Guayasamin, Juan M., and others, 'Biodiversity Conservation: Local and Global Consequences of the Application of "Rights of Nature" by Ecuador', *Neotropical Biodiversity*, 7.1 (2021), pp. 541–45, doi:10.1080/23766808.2021.2006550

Hamdani, Fathul, and others, 'Persoalan Lingkungan Hidup dalam UU Cipta Kerja dan Arah Perbaikannya Pasca Putusan MK Nomor 91/PUU-XVIII/2020', *Indonesia Berdaya*, 3.4 (2022), pp. 977–86, doi:10.47679/ib.2022302

Hanum, Willy Naresta, Tran Thi Dieu Ha, and Nilam Firmandayu. "Eliminating

Ecological Damage in Geothermal Energy Extraction : Fulfillment of Ecological Rights by Proposing Permits Standardization." *Journal of Law, Environmental and Justice* 2, no. 2 (2024): 205–28. https://doi.org/10.62264/jlej.v2i2.105.

Hanum, Willy Naresta, and Muhamad Nafi Uz Zaman. "Existence of Human Rights Protection in Land and Mining Conflicts : Evidence from Indonesia." *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 285–306. https://doi.org/10.62264/jlej.v2i3.107.

Hartanto, Ponco, Subagio Gigih, and Riami Chancy. "Discourse of Ecological Damage as a State Financial Loss : Evidence from Indonesia." *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 307–31. https://doi.org/10.62264/jlej.v2i3.110.

Hamidi Masykur, Mohammad, Tanto Lailam, and Ferio Ivan Mulyono. "Taking Perspective Between Indonesia and Germany: The Establishment of Quo Vadis House of Worship Article." *LJIH* 33, no. 1 (2025): 132–47. http://www.ejournal.umm.ac.id/index.php/legality.

Hari Akbar, Jefri, and Soeganda Priyatna. "Kudus, Local Wisdom, and Tobacco Industry: Historical Trajectory of the Employment Relationship Between Scissoring Workers and the Company." *LJIH* 33, no. 1 (2025): 168–91. http://www.ejournal.umm.ac.id/index.php/legality.

Helmi, Helmi, Fitria Fitria, and Retno Kusniati, 'PENGGUNAAN OMNIBUS LAW DALAM REFORMASI REGULASI BIDANG LINGKUNGAN HIDUP DI INDONESIA', *Masalah-Masalah Hukum*, 50.1 (2021), pp. 24–35, doi:10.14710/mmh.50.1.2021.24-35

Hope, Jessica, 'Driving Development in the Amazon: Extending Infrastructural Citizenship with Political Ecology in Bolivia', *Environment and Planning E: Nature and Space*, 5.2 (2022), pp. 520–42, doi:10.1177/2514848621989611

Jarillo, Sergio, and Jon Barnett, 'Migration, Belonging, and the Sustainability of Atoll Islands through a Changing Climate', *Proceedings of the National Academy of Sciences*, 121.3 (2024), p. e2206190120, doi:10.1073/pnas.2206190120

Januar Rahadian Mahendra, Supanto, and Devi Triasari. "The Role of Victim Trust Funds in Addressing Unpaid Restitution Human Trafficking: Lessons US and Europe." *Indonesian Journal of Crime and Criminal Justice* 1 (2025): 89–107. https://doi.org/10.62264/ijccj.v1i1.123.

Kopnina, Helen, Haydn Washington, Bron Taylor, and John J Piccolo. "Anthropocentrism: More than Just a Misunderstood Problem." *Journal of Agricultural and Environmental Ethics* 31, no. 1 (February 2018): 109–27. https://doi.org/10.1007/s10806-018-9711-1.

Killean, Rachel, 'From Ecocide to Eco-Sensitivity: "Greening" Reparations at the International Criminal Court', *The International Journal of Human Rights*, 25.2 (2021), pp. 323–47, doi:10.1080/13642987.2020.1783531

Killean, Rachel, and Lauren Dempster, 'Mass Violence, Environmental Harm and the Limits of Transitional Justice', *SSRN Electronic Journal*, 2021, doi:10.2139/ssrn.3929361

Killean, Rachel, and Damien Short, 'A Critical Defence of the Crime of Ecocide', *Environmental Politics*, 2025, pp. 1–21, doi:10.1080/09644016.2025.2492441

Koul, Sanjay, 'The Creation of the Universe and Core Principles of Sanatana Dharma: A Comprehensive Exploration of Hindu Philosophical Foundations' (SSRN, 2025), doi:10.2139/ssrn.5165897

Kumar, Raj, 'The Moral Foundations of Legal Systems: A SocioLegal Analysis in Indian and Global Contexts' (Social Sciences, 25 May 2025), doi:10.20944/preprints202505.1836.v1

Kururatphan, Sarawut, 'Environmental Ethics, Survival and Apocalypse: An Analysis of Margaret Atwood's Maddaddam Trilogy' (unpublished Master's Degree, Chulalongkorn University, 2021), doi:10.58837/CHULA.THE.2021.146

Laksito, FX. Hastowo Broto, Aji Bawono, and Afridah Ikrimah. "Reducing Community Participation in the Preparation of Environmental Impact Assessments (EIA): Evidence from Indonesia." *Journal of Law, Environmental and Justice* 2, no. 2 (2024): 137–61. https://doi.org/10.62264/jlej.v2i2.101.

Lowe, Benjamin S, Rachel L Lamb, and Ruth Padilla-DeBorst, 'Reconciling Conservation and Development in an Era of Global Environmental Change: A Theocentric Approach', *ChristianRelief, Development, and Advocacy*, 2.2 (2021)

Macpherson, Elizabeth, Julia Torres Ventura, and Felipe Clavijo Ospina, 'Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects', *Transnational Environmental Law*, 9.3 (2020), pp. 521–40, doi:10.1017/S204710252000014X

Matwijkiw, Anja, and Bronik Matwijkiw, 'Between Philosophy and International Criminal

Law: Examples of Interdisciplinary Approaches', *International Criminal Law Review*, 23.1 (2023), pp. 1–10, doi:10.1163/15718123-bja10146

McGuire, William, Ellen Alexandra Holtmaat, and Aseem Prakash, 'Penalties for Industrial Accidents: The Impact of the Deepwater Horizon Accident on BP's Reputation and Stock Market Returns', ed. by J E. Trinidad Segovia, *PLOS ONE*, 17.6 (2022), p. e0268743, doi:10.1371/journal.pone.0268743

Mechik, Elena, and Michael Von Hauff, 'The Fight Against Deforestation of Tropical Forests — The Contribution of the Blockchain-Based Contract Management Method to Minimize Illegal Logging', in *Climate and Development*, by Anil Markandya and Dirk Rübbelke (WORLD SCIENTIFIC, 2021), pp. 439–63, doi:10.1142/9789811240553_0014

Mulkan, Hasanal, and Serlika Aprita, 'Sistem Penegakkan Hukum terhadap Tindak Pidana Pembakaran Hutan di Sumatera Selatan', *Jurnal Ilmiah Universitas Batanghari Jambi*, 22.3 (2022), p. 1496, doi:10.33087/jiubj.v22i3.2425

Negrov, Alexander, and Alexander Malov, 'Eco-Theology and Environmental Leadership in Orthodox and Evangelical Perspectives in Russia and Ukraine', *Religions*, 12.5 (2021), p. 305, doi:10.3390/rel12050305

Nurse, Angus, 'Contemporary Perspectives on Environmental Enforcement', *International Journal of Offender Therapy and Comparative Criminology*, 66.4 (2022), pp. 327–44, doi:10.1177/0306624X20964037

Ojha, Rekha, 'Nature Conservation as Reflected in Hindu Theology and Its Deviation in the Modern Days: A Discourse', *ASEAN Journal of Religious and Cultural Research*, 5.1 (2022)

Paturu, Ika Handayani, and Aullia Vivi Yulianingrum, 'Penerapan Sanksi Pidana dan Perlindungan Hukum Korban Tindak Pidana Lingkungan Hidup Oleh Korporasi', *ISIHUMOR: Jurnal Ilmu Sosial dan Humaniora*, 1.2 (2023), pp. 135–57

Pečarič, Mirko, 'Law and Individualism: Balancing Rights, Responsibilities, and Group Dynamics', *Central European Public Administration Review*, 23.1 (2025), pp. 37–62, doi:10.17573/cepar.2025.1.02

Ponco Hartanto, Ricky Ricky, and Vincent Ariesto Gunawan. "Using Indonesian Corruption Law for Eradicating the Yogyakarta Sultanate Land Mafia: A Legal Formulation Study." *Indonesian Journal of Crime and Criminal Justice* 1, no. 1 (2025): 23–

53. https://doi.org/10.62264/ijccj.v1i1.122.

Primo, Paola Pinheiro Bernardi, and others, 'Mining Disasters in Brazil', *Case Studies in the Environment*, 5.1 (2021), p. 1242438, doi:10.1525/cse.2021.1242438

Rachmat, Niken Aulia, 'Hukum Pidana Lingkungan di Indonesia berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup', *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2.2 (2022), pp. 188–209, doi:10.15294/ipmhi.v2i2.53737

Rahadian, Januar, and Silas Oghenemaro. "Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform : Lessons from Indonesia." *Journal of Law, Environmental and Justice* 1, no. 3 (2023): 225–43. https://doi.org/10.62264/jlej.v1i3.17.

Rahayu, Mella Ismelina Farma, Anthon F. Susanto, and Liya Sukma Muliya, 'KEARIFAN LOKAL DALAM PENDIDIKAN HUKUM LINGKUNGAN DI INDONESIA', *LITIGASI*, 23.2 (2022), pp. 291–303, doi:10.23969/litigasi.v23i2.6321

Rufino, Marcos Pereira, 'Inculturation and Environmental Struggles: Catholic Church, Public Sphere and Anthropocentric Preservationism in Brazil', *Anuário Antropológico*, v.48 n.3 (2023), doi:10.4000/aa.11429

Sabet, Michael, 'Discerning a Framework for the Treatment of Animals and the Natural World in the Bahá'í Writings: Ethics, Ontology, and Discourse', 2022

Salim, Agus, Ria Anggraeni Utami, and Zico Junius Fernando, 'GREEN VICTIMOLOGY: SEBUAH KONSEP PERLINDUNGAN KORBAN DAN PENEGAKAN HUKUM LINGKUNGAN DI INDONESIA', *Bina Hukum Lingkungan*, 7.1 (2022), pp. 59–79, doi:10.24970/bhl.v7i1.302

Saputra, Rian, M Zaid, Matthew Marcellinno, and Wu Pei-chi. "Ecological Justice in Indonesia and China Post- Mining Land Use ?" *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 254–84. https://doi.org/10.62264/jlej.v2i3.108.

Saragih, Geofani Milthree, 'Pancasila Sebagai Landasan Filosofis Pembentukan Peraturan Perundang-Undangan Di Indonesia', *Jurnal Pancasila dan Kewarganegaraan*, 2.1 (2022)

Schoene, Berthold, 'Arborealism, or Do Novels Do Trees?', *Textual Practice*, 36.9 (2022), pp. 1435–58, doi:10.1080/0950236X.2021.1900379

Shabana Kausar, Ali Raza Leghari, and Abdul Salam Soomro, 'Analysis of the Islamic Law

and Its Compatibility with Artificial Intelligence as a Emerging Challenge of the Modern World', *Annals of Human and Social Sciences*, 5.I (2024), doi:10.35484/ahss.2024(5-I)10

Sivaramanan, Sivakumaran, and Sarath Wimalabandara Kotagama, 'Keystone Links of Anthropogenic Environmental Problems and Emergence of Interconnected Man-Made Environmental Crises' (In Review, 30 November 2021), doi:10.21203/rs.3.rs-444535/v1

Siboy, Ahmad, Iwan Permadi, Zahlul Pasha Karim, and Firmansyah Abdul Karim. "The Islamic Law-Based Design of Regional Head Post-Filling." *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 1–15. https://doi.org/10.22219/ljih.v32i1.31261.

Sowery, Katy, 'A Walk on the Wild Side: Wild Law and the EU's Nature Restoration Law', *Journal of International Wildlife Law & Policy*, 27.4 (2024), pp. 328–61, doi:10.1080/13880292.2024.2443705

Sudiana, Anak Agung Kt, Ni Putu Noni Suharyanti, and Umirov Fitrat Faxriddinovich, 'Assessing the Government's Commitment to Achieving Ecological Justice for Society', *Journal of Human Rights, Culture and Legal System*, 5.1 (2025), pp. 91–123, doi:10.53955/jhcls.v5i1.489

Sukriono, Didik, Desinta Dwi Rapita, A Rosyid Al Atok, and Alfan Bramantya. "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," no. 1 (2025): 261–85. http://www.ejournal.umm.ac.id/index.php/legality.

Sutrisno, Andri, and others, 'The Approach Of Restorative Justice Theory In Resolving The Rohingya Case In Myanmar And The Syrian Conflict', *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia*, 6.2 (2024), pp. 27–39, doi:10.52005/rechten.v6i2.170

Udoekpo, Michael Ufok, 'A Contextual Re-Evaluation of Humanity's Responsible Identity in Genesis 1:26–28, in the Light of African Sense of Ubuntu.', 4 (2021)

Ulum, Bachrul, Nur Hasanah Mahnan, and Fathul Ihsani, 'Islamic Ethics in Sustainable Environmental Resource Management', *INCOME: Innovation of Economics and Management*, 4.3 (2025), pp. 81–86

Vicente, Mercedes, 'A River with Standing: Personhood in Te Ao Māori', ed. by Jyoti Mistry and Rose Brander, *parSE Journal*, 2020, doi:10.70733/9bndf72t5bdj

Wahanisa, Rofi, and Septhian Eka Adiyatma, 'KONSEPSI ASAS KELESTARIAN DAN

KEBERLANJUTAN DALAM PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP DALAM NILAI PANCASILA', *Bina Hukum Lingkungan*, 6.1 (2021), pp. 94–118

Walach, Václav, 'Green Criminology: Critical, Interdisciplinary and Generally Welcoming to Newcomers- An Interview with Anna Di Ronco and Nigel South', *Sortuz. Oñati Journal of Emergent Socio-Legal Studies*, 15.1 (2025)

Wedayanti, Made Devi, and others, 'Political Interaction Strategy Corporate Social Responsibility of PT Riau Andalan Pulp and Paper in Riau Province, Indonesia', *International Journal of Sustainable Development and Planning*, 17.8 (2022), pp. 2393–99, doi:10.18280/ijsdp.170806

Wong, Meagan S., 'AGGRESSION AND STATE RESPONSIBILITY AT THE INTERNATIONAL CRIMINAL COURT', *International and Comparative Law Quarterly*, 70.4 (2021), pp. 961–90, doi:10.1017/S0020589321000373

Wouters, Jelle J.P., 'Where Is the 'Geo'-Political?', in *Capital and Ecology*, by Rakhee Bhattacharya and G. Amarjit Sharma, 1st edn (Routledge India, 2023), pp. 181–202, doi:10.4324/9781003424420-13