

LEGAL IDEALS PANCASILA IN THE DEVELOPMENT OF A NATIONAL ENVIRONMENTAL LEGAL SYSTEM

Ilham Dwi Rafiqi

Faculty of Law, Hang Tuah University Surabaya, Indonesia

ilham.rafiqi@hangtuah.ac.id (corresponding).

Abstract: The discussion of legal ideals Pancasila in Indonesia has become a prolonged discourse and may not be final. This is motivated by the dynamics and problems of the nation and state in various sectors of life, one of which is the environmental sector. This paper aims to examine the potential for developing legal ideals in the national environmental law system. The research method used is normative legal research. The results of the study show that in its implementation the legal ideals of Pancasila are still not running as they should in the environmental sector in Indonesia. This is because there are deviations in values in the preparation of legal policies and action agendas. In the development of a national environmental law system, legal ideals cannot be seen and read explicitly, but must continue to be explored and interpreted in every Pancasila value. The ideals of Pancasila law contain environmental values such as ecological, ecoreligious, ecosocial, and ecocracy values. The legal ideals of Pancasila are positioned and functioned as a way of life, guiding norms, and critical norms in the legal agenda in the environmental sector. In global challenges, the legal ideals Pancasila can save the environment in Indonesia from the threat of global capitalism-neoliberal

Keywords: Development; Legal Ideals; Legal System; National Environmental; Pancasila.

INTRODUCTION

Technological developments and an increase in the number of humans have proven to cause many problems for ecology and the environment (Wafiq & Suryanto, 2021). Current environmental problems are no longer caused by natural processes, but are caused by accumulated activities carried out by humans (Samways, 2018). Humans with their various dimensions, intellect, development of cultural aspects, growth mobility, and the process of time that changes human character and views are factors that are more appropriately related to environmental problems (Siahaan, 2004).

Humans have a reciprocal relationship with their environment. Their activities affect their environment and humans are also affected by their environment. Such reciprocal relationships exist between humans as individuals or groups or communities and their natural environment (Ojeda, et.al., 2022). The relationship between humans and their environment is circular, meaning that if there is a change in their environment, humans will be affected (Rafiqi, 2021b).

Humans have not been so aware and imagined that the nature in which they live and themselves have the same position. In the sense that in an ecosystem, the function of humans and the function of a place to live are equally important because they influence and are influenced by each other, shape and form each other. There is such a fact that it is necessary to protect and

maintain his place of life carefully, just as humans protect and maintain themselves (Vining, et.al., 2008). Humans are basically "ecological creatures", humans cannot live and develop into humans without nature, without an ecological environment. At the biological level, humans cannot live without water, air and food provided by nature. There is no economy without relying on the services of nature and cannot live as a cultured being as it is without nature (Erwin, 2019).

The excessive exploitative nature of humans towards nature and the environment is a representation of the anthropocentric paradigm – that nature and the environment are only seen as objects that have economic and commodity values for human interests (Keraf, 2005). As a result of this, we then feel and know how pollution and environmental damage occur. The negative impacts of environmental pollution and damage (more specifically) can affect health conditions, economic losses, decreased aesthetic value, and disruption of natural systems or ecosystems (Irwansyah, 2017).

Various facts can be theoretical and practical justifications that more and more environmental damage occurs day by day. The Intergovernmental Panel on Climate Change (IPCC) even gave a warning (code red for humans) delivered by UN Secretary General Antonio Guterres after the publication of the results of the latest report by IPCC scientists on August 9 2021. Scientists predict that global warming is the cause of extreme weather disasters in around the world, in the next 20 years risks will no longer be avoided (United Nations, 2021). Various Non-Governmental Organizations (NGOs) in Indonesia such as the Indonesian Forum for the Environment (WALHI), Greenpeace Indonesia, to the Indonesia Center for Environmental Law (ICEL) are also concerned about environmental problems in Indonesia, starting from the problem of burning forest land, air pollution, water pollution (at sea and in rivers), energy crisis to problems of ineffective environmental law enforcement.

In addition, the success of environmental protection and management in Indonesia is faced with nuances of policies that still overlap and have multiple orientations. This means that sometimes the policies made must sacrifice the environment under the pretext of development and economic growth (Ramadhan & Rafiqi, 2021). The portrait of this policy can be seen in the polemic of Law Number 11 of the Year concerning Job Creation which has now been changed to Government Regulation in Lieu of Law No. 2 of 2022. This regulation has caused controversy because it contains many controversial issues, such as weakening environmental law enforcement and facilitating land acquisition through permits (Rafiqi, 2021a). Such policies may affect the implementation of environmental protection and management and environmental conditions in the future.

Various factors are behind the occurrence of environmental damage and crisis, however, as previously mentioned, it is the human factor that has a major influence on the occurrence of environmental change and damage, whether caused by views on nature, life behavior, and/or policies on environmental protection and preservation that are Wrong.

So far, many new discourses, constructive criticisms, and environmental policy strategies have been presented. However, few of these efforts paid attention to the fundamental aspects of the state, particularly the ideals of the national law of the Unitary State of the Republic of Indonesia. The legal ideals of Pancasila are a way of life (philosophy), the ideals of the people, or a guiding star (*leitstern*). has not been fully realized in legal life, including in the field of environment and natural resources. Regarding this matter, Otong Rosadi said that legal ideals are often faced with business and economic interests which often cause ecosystem degradation. This

means that the ideals of law have lost their power as a guiding principle in the minds of some Indonesian people (Rosadi, 2012). The same thing was also said by Hyronimus Rhiti that the ideals of law were not given enough attention and replaced with views on the balance of modern-industrial-capitalists who are greedy for natural resources. Legal ideals are no longer a source of coherence and consistency as well as behavior motivation (Rhiti, 2020).

From the series of problems presented, the discussion regarding the legal ideals of Pancasila and the development of a national environmental law system is an interesting and important matter to study. This paper will try to provide a new discourse or perhaps a complement to previous ideas which share the same spirit, namely that the legal ideals of Pancasila remain alive and the environment is also sustainable. For this reason, this paper will first describe the position, function and implementation of legal ideals in the environmental sector, then the potential for the development of legal ideals in the national environmental law system.

RESEARCH METHOD

To be able to answer the problems and the purpose of this writing, this paper uses normative legal research methods. The first uses a statutory approach to look at the normative basis for environmental sector provisions, especially at the level of the 1945 Constitution of the Republic of Indonesia and below. The conceptual and philosophical approaches are used to explore Pancasila values and construct Pancasila values in the national environmental law system.

RESULTS AND DISCUSSION

Position and Function of the Legal Ideals Pancasila in the National Legal System

The discussion regarding the position and function of legal ideals is an entry point to the study of the development or implementation of legal ideals in various fields of life. The position and function of legal ideals need to be understood in the context and framework of Indonesian space and time, this is necessary because legal ideals in each country can have different characters and characteristics. More than that, from a historical point of view (the beginning of its emergence), the ideals of law in Indonesia are still being questioned because it is suspected that the idea was not an authentic product of thinkers or the founding fathers of the nation (Sugigarto, 1996).

In the Indonesian context, Bernard Arief Sidharta stated that the legal ideals of the Indonesian nation are rooted in Pancasila which was established as the philosophical foundation in organizing the basic framework and structure of state organizations as formulated in the 1945 Indonesia Constitution (Sidharta, 2009). Therefore, the legal ideals in Indonesia are also more familiar with the mention of "the legal ideals of Pancasila". The legal ideals of Pancasila are formed in the human mind and heart as a product of a combination of views on life, religious beliefs, and social realities that are projected to standardize people's behavior in order to realize justice, benefits and legal certainty (Aziz, 2019).

Regarding the position of the legal ideals of Pancasila, A. Hamid S. Attamimi explained that the legal ideals of Pancasila are within the Indonesian legal order, but are located outside the system of legal norms. Attamimi's view has the meaning that the ideal of law is 'not only' as a basic norm (*groundnorm*), but has a more function than that. Attamimi apparently realized that if the legal ideals of Pancasila were placed within the framework of the system of legal norms, Pancasila

would lose its permanent position as the nation's philosophy and ideology (Attamimi, 1991). The ideals of Pancasila law are not the law itself, but rather "pre-understanding" of the law. That is, it is not positive law as a norm that is discussed but rather the ideal of law as a philosophy that precedes law. For this reason, Bernard Arief Sidharta explained the position of the legal ideals of Pancasila more broadly, namely as a rule of public behavior that is rooted in the ideas, feelings, creativity and thoughts of the Indonesian people (Sidharta, 2009).

In terms of function, the legal ideals of Pancasila have a constitutive function (the basis for interpreting norms) and regulative (the basis for justice). The legal ideals of Pancasila have a function as a general principle that guides (guiding principle), norms-criticism (rules of evaluation) and motivating factors (Attamimi, 1991). With its constitutive function, Pancasila determines the basis of a legal system which gives meaning and meaning to the law itself, so that without the basis provided by Pancasila the law can lose its meaning and significance. With its regulative function, Pancasila determines whether a positive law is a fair or unfair product. Pancasila is a derivation object (source of elaboration) of the legal order in Indonesia or in other languages "Pancasila is the source of all sources of law". The legal ideals of Pancasila are also popularly known as having a function as a guiding star (*leitstern*) for achieving the aspirations of society (Rusli, 2011).

Apart from that, Soediman Kartohadiprojo explained the legal ideals of Pancasila in terms of its contents. According to him, the legal ideals of Pancasila contain the reason and conscience of the Indonesian people for the sake of order and regularity. The legal ideals of Pancasila are the rules of human behavior in interacting with each other based on the principles of harmony, decency and harmony (Kartohadiprojo, 2010). Disclosure of the contents explained by Kartohadiprojo basically is also a function of the legal ideals of Pancasila because it continues to explain that the legal ideals of Pancasila are the way of life and the rules of behavior of the Indonesian nation.

On a micro level, the legal ideals of Pancasila are laws that encapsulate all values, concepts, and interests which electively take the best elements of Indonesian culture and legal awareness (Nazriyah, 2002). Meanwhile, at the macro level, the legal ideals of Pancasila also play a role in participating in realizing world peace and paying attention to global dynamics, especially international conventions while continuing to filter Indonesian values.

Based on such an explanation, in a broad sense the legal ideals of Pancasila have a meaning that includes a view of life (*weltanschauung*), basic philosophy (*philosophische Grundslag*), volksgeist living law which is a sociological groundslag, basic norms (*grundnorm*), and the source of all sources of national law (Bo'a, 2018). Indonesia. Because it is a basis or foundation, its application is comprehensive in all aspects of national and state life. Thus, the values of Pancasila must be embedded in and color every implementation of law, including the administration of law in the environmental field – environment law making process, environment law enforcement, or environment law awareness.

Implementation of Legal Ideals Pancasila in the Environmental Sector in Indonesia

The process of legal development in Indonesia has been going on for a long time, but the ideals of Pancasila law in all the life of society, nation, and state have not been fully achieved (Fuad, 2013). In the environmental sector, for example, the law and the way of punishment are still not fully nuanced with the ideals of Pancasila law, and some even seem to have violated it. The legal ideals of Pancasila, which have a practical philosophy, have not been fully realized in the management, protection, and preservation of the environment. Various facts can become

empirical justifications, such as an increase in land and forest fires, climate change, threats to marine ecosystems, to disasters.

Regarding land and forest fires, in 2019 Indonesia experienced quite severe forest fire disasters. Based on the results of Greenpeace analysis, 3,403,000 hectares of land burned between 2015 and 2018 (Greenpeace Indonesia, 2020). IPBES 2018 data also shows that every year Indonesia loses 680,000 hectares of forest, which is the largest in the Southeast Asia region. WALHI research from 2013 to 2019 found quite astonishing data that the control of oil palm land in Indonesia was in fact controlled by 25 tycoons. The total area of forest controlled is 12.3 million hectares. WALHI data in 2017 regarding the control of investment space in Indonesia states that of the total natural wealth, including a land area of 191,944,000 hectares and a sea area of 327,381,000 hectares, 30.65% has been exploited or equivalent to 159,178,237 hectares. Based on the total area of business permits issued by the government mentioned above, namely 159,178,237 hectares, 82.91% of which has been allocated to corporations, which include oil and gas mining, forestry, mining and oil palm plantations (WALHI, 2021). Expansion of oil palm lands which have high economic value is a major factor in forest land conversion and fires in various regions in Indonesia (Muthmainnah, et.al., 2020).

In terms of climate change, the IPCC in 2018 reported that it was necessary to carry out a rapid and large energy transformation to prevent the earth's temperature from rising by 1.5°C. To limit the increase in temperature, it is necessary to reduce annual emissions by at least 25-30 GtCO₂e/year (Intergovernmental Panel on Climate Change (IPCC), 2019). The fundamental cause of this condition is the use of fossil energy which is the basis of the world accelerating the rate of global warming and climate change. The IPCC also gave a warning (code red for humans) as well as the publication of the results of the latest report by IPCC scientists on August 9, 2021 (Qurbani & Rafiqi, 2022). Scientists predict that global warming is the cause of extreme weather disasters around the world, in the next 20 years the risk can no longer be avoided. Indonesia is one of the countries contributing to climate change because the energy sources used are still dominated by non-renewable energy or fossil energy.

Then, threats to marine ecosystems can also occur from the effects of climate change. The threat to marine ecosystems in Indonesia can be exemplified in the condition of coral reefs. Currently, the condition of coral reefs in Indonesia is quite worrying because 35.15% of coral reefs in Indonesia are in the bad category. This is caused by many factors, such as rising water surface temperatures, the use of fish bombs, and so on (Greenpeace Indonesia, 2020). In the water aspect, in this case the condition of the water in the river, the Ministry of Environment and Forestry of the Republic of Indonesia noted that of the 105 existing rivers, 101 of them are in moderate to heavily polluted conditions.

From a policy standpoint, as mentioned earlier, it is also often formed contrary to Pancasila values. Many of the laws in the environmental and natural resources sector that were tested in the Constitutional Court show that policies in the environmental sector are still problematic (Safa'at, et.al., 2017). Recently, this problem was even clearly seen in the polemic of Law Number 11 of the Year concerning Job Creation (now changed to Government Regulation in Lieu of Law No. 2 of 2022) which contains controversial issues regarding the weakening of environmental law enforcement, ease of land acquisition through licensing, and so on. This sort of thing is clearly

contrary to the function of the legal ideals of Pancasila as a starting point for derivation or the source of all sources of law.

These various policy issues and implementation problems are proof that the legal ideals of Pancasila have not yet become creations, feelings, initiatives and thoughts in the national environmental protection and preservation agenda. In addition, it needs to be acknowledged that the legal ideals of Pancasila are often used more as the general foundation of people's lives, ideology, the basis of the state, and a source of law than as an "idea or ecological basis". Discussion of ecology in Pancasila is rarely done and even seems strange. In fact, the values contained in Pancasila basically contain and can be related to the ecological basis for the development of a national environmental law system, as will be explained in the following discussion.

Legal Ideals Pancasila in the Development of a National Environmental Legal System

Whether or not there is a relationship and content of environmental aspects in the ideals of Pancasila law is a fundamental question to start the discussion in this section. If we read the Pancasila text, we do not explicitly find environmental aspects in it – what is there is an interpretation of the legal ideals of Pancasila with environmental aspects. For this reason, the following interpretation will be described to bring out the national environmental foundation in the values of Pancasila.

First, the value of Belief in the One and Only God. The first precept of Pancasila is the culmination of the values of the other precepts and the basis for all national and state activities, including environmental protection and preservation activities. In the context of the environment, the value of Belief in One Almighty God can be interpreted as trust and belief that nature/environment is a gift and creation of God. Such awareness is referred to as "eco-religious", in which humans realize that nature and their environment are a gift that must be guarded and protected responsibly. The human environment is a reality of intrinsic value in itself (*in se*), because that value is not determined by humans but has intrinsic value in itself since God created it.

The contained eco-religious value is important as a practical step to protect and preserve the environment. Such spiritual motivation is needed as a form of charity for faith in God, that belief in God must be proven in concrete actions towards others and their natural environment. This view is needed, bearing in mind that one of the fundamental factors in the occurrence of environmental damage is a wrong view of nature - nature is seen as an object whose existence is only for and exploited for the benefit of humans. The views of materialism, hedonism, capitalism, and secularism are the background to this happening. Francis Fukuyama is of the opinion that the position of humans towards the environment at a practical level is often limited to self-satisfaction as much as possible. Humans prioritize the instincts of bodily satisfaction but not with the heart (Fukuyama, 2002). Regarding this matter, Lynn White in her writing entitled "The Historical Roots of Our Ecologic Crisis" has also stated for a long time the importance of the influence of religion on beliefs and behavior towards nature (Lynn White, 1967). Likewise with M. Daud Silalahi who said that he was not much different from Lynn's view, that one of the factors causing environmental damage was a misunderstanding of the relationship between humans, nature and God (Silalahi, 2014).

Design ontology in the principle of Belief in One Almighty God basically requires humans to think and act holistically, not dichotomously in looking at ecological systems. This holistic view guides humans to always be aware that every activity carried out by humans affects their

environment and humans are also influenced by their environment, and all these activities will be accountable to God Almighty in the hereafter. Such appreciation can shape human personality to be more sensitive and concerned about their environment.

Second, the values of Just and Civilized Humanity. The second precept of Pancasila has the nuances of humanism within a just and civilized framework. In the context of environmental ecology, human values do not mean a single humanity as is the case with the anthropocentric view, but are also related to their environment. This is related to the position of humans as "homo ecological", that to be able to live humans depend on nature and their environment.

Humans are not the only creatures created by God, humans can no longer be used as a measure of everything or become the sole ruler over the environment, but of the entire ecosystem. Thus, the essence is to protect and preserve ecosystems and the integration of humans into them means the protection and preservation of humans themselves. Activities to protect and preserve the environment are humanitarian actions because apart from protecting humans in "intragenerational equity", they can also protect humans in "intergenerational equity". This achievement is the culmination of human values because human values in protecting and preserving the environment are not only talking about today but also about the future.

Third, the value of Indonesian Unity. The three Pancasila precepts demand that every citizen place unity, integrity, and the interests and safety of the nation and state as common interests. The unity of purpose views that the environment and natural resources must be used only for the common good, not for the interests of groups and groups.

This unity of purpose does not mean to make everything one or uniform, but to place differences within the framework of a unitary state, as the meaning of "*Bhinneka Tunggal Ika/Unity in Diversity*". In Indonesia, there are many examples of regional cultural values in their views on nature and the environment. There are several examples of environmental wisdom in the regional or local context, for example; (1) *hememayu hayuning bawana* (Javanese), a Javanese philosophy that implies that humans must be guardians of the earth, not destroying it but rather caring for and maintaining it. (2) *Tri hita karana* (Bali), three causes of happiness related to caring for the universe/earth and the environment. (3) One of the tritungtu philosophies is *Alam ruwateun Jeung Rumateun* (Sundanese). (4) *Piregara* (Ende, NTT), human life is the maintenance and care of nature because it has sacred and mystical values (Rhiti, 2020). This portrait of the diversity of local values shows a unified spirit, namely the view that nature and the environment are important elements of human life that must be protected and preserve

Fourth, the value of Democracy Led by Wisdom in Representative Deliberations. The fourth precept of Pancasila contains the main value of consensus deliberation for the common good. When linked in the context of the environment, this value can be interpreted through the interpretation of Article 33 paragraph 3 of the 1945 Constitution which states that land and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Natural resources are very important state assets so in managing them the state contributes to providing the benefits of natural resources for the prosperity of the people (Rachman, 2016). The phrase "controlled by the state" does not mean that the state is free to exploit and market it freely. In its development, this phrase was emphasized through the interpretation of the Constitutional Court, for example in decision Number 001-021-022/PUU-I/2003 the constitutional judge emphasized that the roots of being controlled by the state are rooted in people's

sovereignty over all natural resources. The people collectively (collectively) is interpreted by the 1945 Indonesia Constitution to mean handing over the mandate to the state to form policies (*beleid*), regulations (*regelendaad*), management activities (*bestuursdaad*), management (*beheersdaad*) and supervision (*toezichthoudendaad*) to realize people's prosperity. Then in decision 36/PUU-X/2012, the meaning of "controlled by the state" cannot be separated from the phrase "the greatest prosperity of the people" (Ramadhan & Rafiqi, 2021b). The phrase "controlled by the state" is an embodiment of the value of representation while the phrase "the greatest prosperity of the people" is a representation of democratic values based on consensus.

Apart from that, the concept of being controlled by the state also gives birth to the state's responsibility to manage the welfare of the people. Community values led by wisdom in the context of the environment can be interpreted as an explanation of the "principle of state responsibility" which means: 1) that the state guarantees that the use of natural resources will provide maximum benefits for the welfare and quality of life of the people, both present and future generations. 2) the state guarantees the rights of its citizens to a good and healthy environment. 3) the state prevents activities from exploiting natural resources that cause pollution and/or damage to the environment (Fahmi, 2011). With this responsibility, the prosperity of the people in enjoying natural resources is the responsibility of the state, if prosperity is not realized through good and healthy environmental conditions, availability of energy, and other elements of welfare, then it can be said that the state has failed to carry out its responsibilities.

Another important aspect of this precept is the element of community participation. Community participation in the environmental sector is a manifestation of "people's" values. Even though a representative system is used, it does not mean that criticism and input from the public are eliminated, the element of community participation is a requirement for a democratic country like Indonesia. Community participation in the environmental sector is an important part because the environment is an interest in the livelihoods of many people which can be realized in various activities, such as involvement in the preparation of environmental law policies, monitoring and reporting for environmental law enforcement, and so on.

Fifth, the value of Social Justice for All Indonesian People. The fifth precept in Pancasila is perhaps the precept closest to the idea of the ideals of law because it is in line with the basic goal of the law, namely justice. Justice in this precept emphasizes the social element (socialism) so that the meaning is that justice must be aimed at the interests of the people, not the interests of individuals or groups.

Talking about social justice will also talk about environmental/ecological justice, this is understandable because social welfare cannot be obtained without an environment that provides the needs of justice for the community, as André Nollkaemper said that environmental justice is considered as being part of the broader concept of social justice (Nollkaemper, 2009). A similar opinion was also expressed by Andrew Dobson that "the social justice is functional for environmental sustainability is - at the very least - a necessary condition for social justice". According to him, social justice has a function to support the sustainability and sustainability of development, as an example of a functional relationship can be seen when social justice overcomes the problem of poverty will have an impact on increasing environmental sustainability, because the problem of poverty can be a human factor in carrying out acts of destruction and environmental pollution (Dobson, 1998). From there it can be understood that the relationship between social justice and environmental justice contains an understanding of the right to welfare.

Environmental justice becomes meaningful when it is discussed and applied when there is injustice. This environmental injustice arises due to environmental pollution, environmental damage, to the impact of climate change which results in people's rights and welfare not being fulfilled. This environmental justice basically wants to emphasize that the environment and natural resources are entities for the sake of sustainability, namely the sustainability of living together on this one earth ecosystem (*oikos*). Due to its sustainable nature, environmental justice also guarantees intragenerational equity and intergenerational equity.

Borrowing the term "social ecology" from Murray Bookchin, the value content of the five Pancasila precepts can also be termed eco-social justice. The eco-social justice embodied in the legal ideals of Pancasila provides guarantees for the community to live well and prosper in their environment, on the other hand, it also provides a sustainable life for the two entities. Eco-social justice is social justice with an ecological perspective and at the same time ecological justice with a social perspective (Sebastian & Sbastian, 2012). If interpreted more broadly, eco-social justice will also relate to other elements of life because it is classified as an ecosystem, thus also having multidimensional, multi-aspect, and multifaceted characteristics.

The Pancasila value system regarding the national environment is then also embodied at the constitutional level, such as in Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Indonesia Constitution. These articles are known as the constitutionalization of environmental norms or symptoms of the constitutionality of environmental policies (Nurmardiansyah, 2015). The juridical-ethical consequence of this provision is that all agendas related to the environment must adopt, affirm, and implement sustainable development with an environmental perspective. This concept is popularly known as a green constitution (Handayani, 2012).

The constitutionalization of environmental norms also gave birth to the idea of environmental sovereignty which is related to the term ecocracy or ecological power. The form of ecocracy is reflected in the government system in Indonesia because, with the existence of basic environmental norms in the constitution and the derivative regulations under it, the administration of the state must comply with the principles of sustainable development from an environmental perspective. State-organizing activities within the framework of ecocracy can be realized in the form of green legislation, green budgeting, and other green works.

The notions of ecocracy and environmental sovereignty in the Indonesian context are very relevant because they can be constructed in the mechanism of the relationship between God, nature, and humans. This relationship, as previously described, is also contained in the legal ideals of Pancasila, which contain eco-religious values, ecology, and eco-social justice.

The agenda for developing a national environmental law system has been carried out for a long time, the first time with the presence of Law Number 4 of 1982 concerning Basic Provisions for Environmental Management and has been updated 2 (two) times now to become Law Number 32 of 2009 concerning Protection and Environmental Management. The national environmental law system is a series of activities in the national environmental sector consisting of planning, utilization, control, maintenance, supervision, and law enforcement. Until now, the implementation of the national environmental law system has not proceeded as hoped, it has been proven that there are still many environmental problems in Indonesia caused by problematic policies and exploitation of the environment and natural resources.

The development of a national environmental law system needs to be emphasized and returned to the legal ideals of Pancasila as the nation's view of life and ideals. The legal ideals of Pancasila, which have constitutive and regulative functions as guiding norms and critical norms, are the key to the development of a national environmental law system. With its constitutive function, Pancasila is the basis for guiding and determining a series of activities in the environmental sector so that it is following the environmental and ecological values contained in Pancasila, both ecoreligious, ecocracy, and eco-social. With its regulative function, Pancasila is a source of derivation (source of elaboration) of the rule of law in Indonesia or is the source of all legal sources for regulation in the environmental sector which must be following the principles of environmentally sustainable development. Together with that, Pancasila also becomes a critique norm (evaluation rule) to assess whether a law in the environmental field is a fair or unfair product.

Bearing in mind that the legal ideals of Pancasila in the environmental field have high abstraction values, these values must be interpreted as a unitary unit with all the principles or principles in environmental law that are in harmony, from the constitution to laws. For example, the embodiment of the legal ideals of Pancasila can be realized more concretely in the "principles" of environmental protection and management. In addition, in order for the function of Pancasila's legal ideals to be operationalized, a kind of basic guideline is needed which contains values, goals, and directions in accordance with the values contained, such as ecoreligious, ecological, ecocratic, and ecosocial justice. Thus, the values of Pancasila can be embedded in and color every implementation of environmental law - planning, utilization, control, maintenance, supervision and law enforcement (environment law making process, environment law enforcement, or environment law awareness).

Legal Ideal Pancasila: Saving the Environment in Indonesia from the Threat of Global Capitalism-Neoliberal

If traced on a broader scale, environmental problems in Indonesia are influenced by global capitalism, even capitalism is said to be the root of the environmental crisis. The working system of capitalism has had an impact on the environment because it has turned nature into a commodity (Beckert, et.al., 2021). Capitalism has encouraged market control and sources of supply of raw materials, so that natural resources can be exploited for the benefit of maximum profit.

The collapse of the New Order regime was accompanied by widespread economic liberalization which formed strong links between the national economy in the global economic network. Political reforms supported by developed countries have led to state control towards neo-liberalism in various sectors including natural resources, with the prerequisite of being open to unlimited foreign investment (Nainggolan, 2013). There were several regulations from the New Order era that opened the door for investment, namely Law no. 1 of 1967 which regulates Foreign Investment and Law no. 6 of 1968 concerning Domestic Investment. The implication of opening a wide investment door is the exploitation of various natural resources in Indonesia which results in massive environmental damage.

Not much different from the previous era, during the reform era the national economy still depended on the global market, during President Jokowi's era, for example, during the first term of government (2014-2019) a series of issuances, amendments and abolition of regulations were issued with the aim of attracting foreign investors. Then during the second term of government (2019-2023) the Job Creation Law was issued to increase investment and the national economy which became polemic (Sutrisno & Poerana, 2020). In the reform era, the oligarchic system was

established, as according to Vedi R. Hadiz and Richard Robison, it was stated that the oligarchy in Indonesia operates as a structured system of power in which there is a fusion between bureaucratic political power and economic power (Hadiz & Robison, 2004).

From this, we can simply see that global neo-liberal capitalism can affect various sectors of life in Indonesia. The environment is one of the most vulnerable sectors when faced with the global capitalist economic system because it bears the impact of exploitative and consumptive industrial work. Even a capitalist economic system can cause environmental damage that is not equivalent to the enjoyment of the end result of its production (Magdoff & Foster, 2018). The description in the previous section has proven that currently there are many problems in terms of regulation and implementation of the environmental sector in Indonesia.

In the previous section we have found that Pancasila contains environmental values. The legal ideals of Pancasila do not only function internally to take care of the interests of protecting the national environment, but can also become a "shield" to protect the country from external ideological threats such as global neoliberal capitalism. More than that, in the Preamble of the of Indonesia Constitution, Indonesia is also committed to world order. This means that Indonesia must participate in carrying out world order through efforts to fulfill social justice through efforts to protect the environment.

If the function of the legal ideals of Pancasila is constitutively and regulatively implemented in the implementation of the national legal system then various models or working methods of global neoliberal capitalism to destroy nature can be avoided. Environmental values in Pancasila are the antithesis of the principles and morality of capitalism-neoliberal, because indeed Pancasila and the Indonesia constitution under it do not accommodate ideologies such as capitalism-neoliberal, Indonesia's economy is an environmentally sound economy.

CONCLUSION

The development of a national environmental legal system based on the legal ideals of Pancasila is intended to explore environmental values in Pancasila and implement them in the national environmental legal system. The environmental values contained in Pancasila include ecoreligious, ecological, ecocratic, and ecosocial justice which are the philosophy and guidelines in the agenda for implementing environmental protection and management. Values function constitutively and regulatively in every activity of planning, utilization, control, maintenance, supervision and enforcement of national environmental law. In global challenges, the legal ideals of Pancasila can save the environment in Indonesia from the threat of global capitalism-neoliberal. The central government, in this case the Pancasila Ideology Development Agency, can cooperate with the Ministry of Environment and Forestry in relation to the function of legal ideals as constitutive/regulative norms and critical norms (rules of evaluation), conducting studies, analysis, harmonization of strategic regulations or policies concerning the environment, forestry, to natural resources. The aim is as a regulatory control so as not to deviate from Pancasila values. In addition, in an effort to internalize the legal ideals of Pancasila, the government can conduct outreach and training on legal ideals/environmental values in Pancasila. The goal is that state administrators have more awareness and action to protect and preserve the environment. In the future, then state administrators will be able to pass on this spirit to society in general.

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