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The Urgency of a Green Constitution Policy in the Development of the Indonesian Capital City as a Green Economy-Based City

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Abstract

The development of Indonesia's new capital city (IKN) is envisioned as a green economy-based "smart forest city. This article examines the urgency of integrating green constitutionalism into the regulatory framework governing IKN development. Employing a normative juridical method with statutory and comparative approaches, this study analyzes constitutional environmental provisions in Indonesia alongside those of Germany, Ecuador, and South Africa. The findings reveal that, although the 1945 Constitution of Indonesia guarantees the right to a good and healthy environment (Article 28H(1) and promotes environmentally sustainable development (Article 33(4), their implementation remains largely formalistic and lacks effective enforcement mechanisms. Consequently, the IKN project risks generating significant environmental degradation, including deforestation, if these constitutional norms are not operationalized. Comparative analysis demonstrates that Germany embeds state responsibility for environmental protection and intergenerational justice, Ecuador recognizes the rights of nature (*Pachamama*), and South Africa constitutionally guarantees environmental rights within a justiciable framework. This study argues that incorporating these principles into the IKN legal framework would enhance environmental protection through stronger regulatory instruments, increased public participation, and greater institutional accountability. It proposes a "green constitutional policy" model that bridges the gap between constitutional norms and practical implementation. The study contributes to the growing discourse on environmental constitutionalism by offering actionable legal policy recommendations for sustainable capital city development in Indonesia and comparable jurisdictions.

Keywords: green constitution, environmental rights, sustainable development, environmental governance, comparative constitutional law

Abstrak

Pembangunan Ibu Kota Nusantara (IKN) Indonesia dirancang sebagai “kota hutan cerdas” berbasis ekonomi hijau. Artikel ini mengkaji urgensi integrasi konstitusionalisme hijau ke dalam kerangka regulasi yang mengatur pembangunan IKN. Dengan menggunakan metode yuridis normatif melalui pendekatan perundang-undangan dan perbandingan, penelitian ini menganalisis ketentuan konstitusional terkait lingkungan hidup di Indonesia serta membandingkannya dengan konstitusi Jerman, Ekuador, dan Afrika Selatan. Hasil penelitian menunjukkan bahwa meskipun Undang-Undang Dasar 1945 menjamin hak atas lingkungan hidup yang baik dan sehat (Pasal 28H ayat 1) serta mendorong pembangunan berkelanjutan yang berwawasan lingkungan (Pasal 33 ayat 4), implementasinya masih bersifat formalistik dan belum didukung mekanisme penegakan yang efektif. Akibatnya, proyek IKN berpotensi menimbulkan degradasi lingkungan yang signifikan, termasuk deforestasi, apabila norma-norma konstitusional tersebut tidak dioperasionalkan secara nyata. Analisis perbandingan menunjukkan bahwa Jerman menanamkan tanggung jawab negara terhadap perlindungan lingkungan dan keadilan antargenerasi, Ekuador mengakui hak-hak alam (Pachamama), sedangkan Afrika Selatan menjamin hak lingkungan hidup secara konstitusional dalam kerangka yang dapat ditegakkan melalui hukum. Penelitian ini berargumen bahwa pengintegrasian prinsip-prinsip tersebut ke dalam kerangka hukum IKN akan memperkuat perlindungan lingkungan melalui instrumen regulasi yang lebih kuat, peningkatan partisipasi publik, dan akuntabilitas kelembagaan yang lebih besar. Penelitian ini menawarkan model “kebijakan konstitusi hijau” yang menjembatani kesenjangan antara norma konstitusional dan implementasi praktis. Studi ini berkontribusi pada berkembangnya diskursus mengenai konstitusionalisme lingkungan dengan memberikan rekomendasi kebijakan hukum yang aplikatif bagi pembangunan ibu kota yang berkelanjutan di Indonesia maupun di yurisdiksi lain yang sebanding.

Kata Kunci: konstitusi hijau, hak lingkungan hidup, pembangunan berkelanjutan, tata kelola lingkungan, hukum tata negara perbandingan

Introduction

Relocating a national capital is not an unprecedented phenomenon, as several countries have undertaken similar initiatives for diverse strategic reasons. In 1923, Turkey transferred its capital from Istanbul to Ankara to establish a stronger national identity and reduce the legacy of imperial influence. Australia followed a similar path by establishing Canberra as its new seat of government in 1927, replacing Melbourne.¹ Brazil relocated its capital from Rio de Janeiro to Brasília in 1960 to

¹ İsmail Çakmak. “Regional Differences in The Determinants of Material and Social Deprivation: The Cases of Istanbul and Ankara,” *R & S - Research Studies Anatolia Journal* 8, No 4 (20250), p. 538-556. Karl Fischer and James Weirick. “Canberra -Cultural Controversies and Urban

promote more balanced regional development. Likewise, Nigeria moved its capital from Lagos to Abuja in 1991 to achieve a more central and less congested administrative center. In Southeast Asia, Malaysia shifted its federal administrative functions from Kuala Lumpur to Putrajaya in 1999, while retaining Kuala Lumpur as the constitutional capital. Myanmar also relocated its capital from Yangon to Naypyidaw in 2005, primarily for political and administrative considerations.² These examples demonstrate that capital relocation is typically driven by a combination of economic, political, cultural, administrative, and environmental considerations.³

In this context, Indonesia relocated its seat of government from Jakarta to East Kalimantan in 2024, citing the need to alleviate population pressure and environmental degradation in the current capital. This relocation represents a strategic national project aimed at developing a sustainable, green economy based “global city for all.” The government has introduced the concept of a smart forest city, targeting more than 75% green core areas, 100% renewable energy utilization, and net-zero emissions by 2045.⁴ This vision reflects a strong commitment to sustainable and low-carbon development. However, a critical challenge lies in ensuring that these environmental aspirations are firmly embedded within the legal and policy framework, so that they evolve beyond mere rhetoric into binding and enforceable obligations.⁵ In this regard, the concept of a green constitution becomes highly relevant, referring to constitutional principles and norms that explicitly recognize environmental protection as a fundamental component of state governance.⁶

Normatively, Indonesia already possesses a constitutional foundation for environmental protection. Article 28H (1) of the 1945 Constitution of the Republic of Indonesia affirms that every individual has the right to live in physical and spiritual well-being, to have a place of residence, and to enjoy a good and healthy environment, as well as access to health services.⁷ In addition, Article 33(4) of the

Change in a Capital City Region,” *Conference: International Conference on Urban Planning, Regional Development and Information Society* At: Aachen, Germany, September (2020).

² Mohd Idrus Mohd Masirin. et.al., “A Field Study on Urban Rail Transits in City of Kuala Lumpur: Passenger Views on Train Noise and Vibration,” *Applied Mechanics and Materials* (2015), p. 839-844. Dulyapak Preecharushh, Myanmar’s New Capital City of Naypyidaw, In book: *Engineering Earth* (2011), p. 1021-1044.

³ N. Nasrullah et al., “Reconstructing Mining Governance through Maqasid al-Sharia: Towards Natural Resource Management Public Welfare Oriented,” *Syariah: Jurnal Hukum dan Pemikiran* 25, no 1 (2025).

⁴ Warno Warno et al., “The Role of Law in the Implementation of Islamic Social Reporting: A Case Study of Islamic Banking in Asia,” *Al-Ahkam* 35, no. 2 (2025). p. 349–70.

⁵ Fajar Sukma and Zulheldi Zulheldi, “Government Policies in Economic Empowerment of Muslim Communities in the Digital Economy Era,” *El-Mashlahah* 11, no. 2 (2021), p. 146–63.

⁶ Daffa Ladro Kusworo and Fitra Arsil, “Green Constitutional Paradigm for Sustainable Environmental Development in the Capital of Archipelago: A Comparative Research with France and Ecuadorian Constitution,” *Unifikasi: Jurnal Ilmu Hukum* 11, no. 02 (2024), p. 83–96

⁷ “Perlindungan Hak Atas Lingkungan Hidup Yang Baik Dan Sehat Sebagai Bagian Dari Hak Asasi Manusia - Universitas Djuanda,” accessed September 23, 2025,

amended Constitution stipulates that the national economy shall be organized on the basis of economic democracy, incorporating the principles of sustainability and environmental stewardship.⁸ Collectively, these provisions demonstrate a constitutional recognition of environmental rights and the imperative to integrate ecological considerations into economic development.⁹ However, a growing body of scholarship suggests that environmental provisions within the Constitution remain largely formalistic and have yet to function as substantive guiding principles in development practice.¹⁰ For instance, Kusworo and Arsil argue that environmental regulation in Indonesia is predominantly “formal,” thereby lacking effective implementation. Consequently, the realization of the smart forest city concept in the new capital city risks generating adverse environmental impacts, including deforestation, if not supported by rigorous planning and oversight.¹¹ This indicates a persistent gap between constitutional ideals and their practical implementation.¹²

The development of Indonesia’s new capital, located within the tropical rainforest region of Kalimantan, has further intensified concerns regarding long-term ecological sustainability. East Kalimantan is widely recognized as a biodiversity-rich region and forms part of the world’s critical ecological systems. The planned development, covering approximately 256,000 hectares, poses potential risks of landscape transformation and disruption to local ecosystems, including conservation areas and habitats of endemic species.¹³ Environmental organizations, such as the Indonesian Forum for the Environment (*Walhi*), alongside various civil society groups, have cautioned that without stringent regulatory safeguards, the relocation project may lead to deforestation, environmental degradation, and socio-ecological conflicts with local communities. Conversely, the government maintains that the

<https://info.unida.ac.id/artikel/perindungan-hak-atas-lingkungan-hidup-yang-baik-dan-sehat-sebagai-bagian-dari-hak-asasi-manusia>.

⁸ Dalila Doman and Nadia Doman, “Penerapan Prinsip Pembangunan Berkelanjutan dan Ekonomi Berwawasan dalam Peraturan Perundang-Undangan Penggunaan Kawasan Hutan dalam Rangka PSN Pasca Pengesahan Perpres 66/2020,” *Jurnal Hukum Lingkungan Indonesia* 7, no. 1 (2020), p. 71–97.

⁹ Nina Nurani, Apriwandi Apriwandi, and Hafied Noor Bagja, “Intellectual Property Rights Law Reform Based on Maqāṣid Al-Sharī‘ah as a Model for Green Business-Based Creative Industry Protection to Support Sustainable Development,” *De Jure: Jurnal Hukum Dan Syar’iah* 18, no. 1 (2026), p. 1–32.

¹⁰ Suryo Sumantri Darmoyo et al., “The Aceh Governor’s Authority in Approving Regional Police Chief Appointments: An Analysis within the Unitary State Framework,” *Jurnal Ilmiah Peuradeun* 12, no. 2 (2024), p. 787–808.

¹¹ Daffa Ladro Kusworo and Fitra Arsil, “Green Constitutional Paradigm for Sustainable Environmental Development in the Capital of Archipelago: A Comparative Research with France and Ecuadorian Constitution,” *Unifikasi: Jurnal Ilmu Hukum* 11, no. 02 (2024), p. 83–96.

¹² Jundiani Jundiani et al., “The Paradigm of Water Justice in Water Resources Law and the Role of Family in the Sustainable Development Goals Framework,” *El-Usrah: Jurnal Hukum Keluarga* 8, no 1 (2025), p. 462.

¹³ Yanti Fristikawati et al., “Pengaturan Dan Penerapan Sustainable Development Pada Pembangunan Ibukota Negara Nusantara,” *Jurnal Komunitas Yustisia* 5, no. 2 (2022), p. 739–49.

development will adhere to green principles and serve as a global model for sustainable urban planning.¹⁴

Within this dialectical context, there is a clear need for objective and systematic scholarly inquiry into the extent to which environmental principles are integrated into the regulatory framework governing the new capital. Such analysis should be grounded in Indonesia's national legal system while also drawing comparative insights from countries that have adopted green constitutional frameworks, such as Germany, Ecuador, and South Africa.

Against this background, this study addresses two central research questions: (1) to what extent have green constitutional principles been incorporated into the legal framework for the development of Indonesia's new capital, and (2) how can comparative constitutional experiences from other jurisdictions inform the strengthening of Indonesia's regulatory framework in advancing a green economy based city? This inquiry is particularly significant given that the New Capital City (IKN) represents not merely an infrastructure project, but a transformative milestone in governance that ought to embody fundamental constitutional values, including environmental protection.¹⁵ The urgency of advancing a green constitutional policy lies in ensuring that the development of the IKN remains aligned with constitutional mandates, thereby safeguarding the environmental rights of both present and future generations.¹⁶

This study aims to contribute both theoretically and practically by providing a robust academic foundation and policy recommendations for the implementation of green constitutional principles in the development of Indonesia's new capital city.¹⁷ Through a comparative analysis of green constitutional frameworks in other jurisdictions, this research seeks to identify best practices while also anticipating potential shortcomings observed in those contexts. Ultimately, the integration of green constitutionalism into the development of the new capital is expected not only to generate national benefits but also to enrich the global discourse on environmental constitutionalism, particularly the growing trend of embedding environmental protection within a country's supreme legal framework.¹⁸

Methodologically, this research employs a normative juridical approach, utilizing both legislative and comparative law methods. The study relies primarily

¹⁴ Iskandar A. Gani et al., "The Constitutional Court's Protection and Fulfilment of the Citizens' Rights: Constitutional and Islamic Law Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024), p. 317.

¹⁵ A.H. Asari Taufiqurrohman et al., "The Role of Islamic Law, Constitution, and Culture in Democracy in the UAE and Indonesia," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024), p. 83–100.

¹⁶ "Alam dengan hak-hak: Hak-hak untuk alam," Selamatkan Hutan Hujan, accessed September 23, 2025, <https://www.hutanhujan.org/topik/hak-alam>.

¹⁷ *Hak warga negara dan kewajiban negara dalam pengelolaan lingkungan hidup dan sumber daya alam*, with Rachmad Syafaat (Inteligensia Media, 2022).

¹⁸ Louis J. Kotzé and Paola Villavicencio Calzadilla, "Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador," *Transnational Environmental Law* 6, no. 3 (2017), p. 401–33,

on primary legal materials, including constitutional provisions, specifically the 1945 Constitution of the Republic of Indonesia and the constitutions of selected comparator countries as well as statutory regulations related to environmental governance and the development of the new capital city. In addition, secondary legal materials, such as scholarly works (journal articles, books, and conference proceedings) relevant to green constitutionalism and capital city development, are systematically examined. A comparative analysis is conducted focusing on the constitutional frameworks of Germany, Ecuador, and South Africa to identify key principles of green constitutionalism and their modes of implementation. These findings are subsequently analyzed to assess their relevance and applicability within the Indonesian legal and institutional context.

Data collection was conducted through library-based research, involving a systematic review of legal documents, judicial decisions, and recent scholarly publications. Key references include studies by Kusworo and Arsil on the green constitution paradigm in the development of the new capital city (IKN),¹⁹ as well as Farida and Bagus on its implementation.²⁰ In addition, the research draws on comparative scholarship concerning constitutional environmental rights in other jurisdictions,²¹ such as the work of Kotzé and Calzadilla on Ecuador, and analyses of Article 24 of the South African Constitution by various legal scholars.²² The collected data were analyzed qualitatively using a descriptive-analytical approach. This process involved three main stages: first, mapping the existing normative framework alongside its practical implementation; second, identifying gaps and convergences through comparative analysis; and third, formulating conclusions and policy recommendations.

This study adopts a doctrinal approach and therefore does not incorporate empirical field data. Nevertheless, to enhance the robustness of the analysis, normative findings are contextualized with factual conditions reported in prior studies, including data on deforestation in the new capital area and documented environmental dispute cases. The validity and reliability of the findings are ensured through source triangulation. For instance, interpretations of environmental obligations in the German constitutional framework are corroborated through both official legal texts and expert analyses,²³ while the understanding of environmental

¹⁹ Kusworo and Arsil, "Green Constitutional Paradigm for Sustainable Environmental Development in the Capital of Archipelago."

²⁰ Farida and Bagus, "Implementasi Paradigma Green Constitution Dalam Pembangunan Ibu Kota Negara Menuju Smart Forest City," 2023.

²¹ Louis J. Kotzé and Paola Villavicencio Calzadilla, "Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador," *Transnational Environmental Law* 6, no. 3 (2017), p. 401–33.

²² *Hak warga negara dan kewajiban negara dalam pengelolaan lingkungan hidup dan sumber daya alam*, with Rachmad Syafaat (Inteligensia Media, 2022).

²³ "Alam dengan hak-hak: Hak-hak untuk alam," Selamatkan Hutan Hujan, accessed September 23, 2025, <https://www.hutanhujan.org/topik/hak-alam>.

rights in South Africa is supported by a combination of constitutional provisions and authoritative academic commentary.²⁴

From a theoretical standpoint, this research adopts a progressive legal perspective, which conceptualizes law, including the constitution, not merely as a static body of norms, but as a dynamic instrument of social transformation.²⁵ Accordingly, the analysis extends beyond a purely textual interpretation of constitutional provisions to examine how the underlying principles of a green constitution can be effectively internalized within public policy and governance practices. Furthermore, the use of a comparative methodology broadens the analytical framework by enabling the incorporation of insights from diverse legal systems. This approach ensures that the resulting recommendations are not limited to the Indonesian legal context alone but are informed by global legal innovations, provided that such adaptations remain consistent with the fundamental values of *Pancasila* and the 1945 Constitution of the Republic of Indonesia.

The Concept of a Green Constitution (*Green Constitution*)

The term *green constitution* refers to a constitutional paradigm that positions environmental protection as a fundamental element within both the constitution and the broader framework of state governance²⁶. This paradigm may manifest in various forms, including the recognition of the right to a clean and healthy environment as a constitutionally protected human right, the imposition of state obligations to conserve the environment and natural resources, and the incorporation of binding principles of sustainable development within constitutional norms. The literature indicates that since the 1970s, an increasing number of countries have embedded environmental provisions in their constitutions, reflecting a growing global awareness of ecological crises and the emergence of environmental constitutionalism as a distinct field of legal development (*environmental constitutionalism*).²⁷

In Indonesia, the discourse on a green constitution began to gain prominence following the 1998 *Reformasi* period.²⁸ This development is particularly evident in the second amendment to the 1945 Constitution (2000), which introduced environmental rights under Article 28H (1), and the fourth amendment (2002), which incorporated the principles of sustainability and environmental awareness into Article 33(4). Prominent legal scholars, such as Jimly Asshiddiqie and Laode M. Syarif, have argued for the evolution of Indonesia's rule of law toward an "ecological

²⁴ Maria Pricilia Silviana, Hartiwiningsih, and Lego Karjoko, "Fiqh Al-Bī'ah and Restorative–Ecological Justice in Corporate Environmental Crimes," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 2 (2025), p. 397–419.

²⁵ Irwansyah Irwansyah, "Research-Based Environmental Law: The Debate Between Ecology Versus Development," *Sriwijaya Law Review* 1, No. 1 (2017).

²⁶ Mukti Tabrani, "Maqâshid Revitalization in Global Era: Istidlâl Study from Text to Context," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018), p. 310.

²⁷ Kotzé and Calzadilla, "Somewhere between Rhetoric and Reality," 2017.

²⁸ Muhtar Said et al., "Between Revelation and Constitution: The Sovereignty Fiqh of Muhammad Yamin's Sociopolitical Ijtihād," *Journal of Islamic Law* 6, no. 2 (2025), p. 236–64.

rule of law” (*ecocracy*), in which environmental sustainability is elevated as a core state objective alongside democracy and economic welfare. Similarly, Chaidir and Fudika conceptualize the green constitution as a mechanism for strengthening environmental legal norms at the constitutional level, ensuring that development policies are not solely oriented toward economic growth but are also guided by principles of ecological sustainability.²⁹ In the same vein, Farida and Bagus emphasize the importance of reinforcing green constitutionalism in Indonesia, including through the harmonization of sectoral regulations with the environmental values embedded in the 1945 Constitution.³⁰

Akchurin’s research underscores that the right to a good and healthy environment must be “revitalized” through progressive constitutional interpretation. Although such rights are formally enshrined in constitutional texts, their effective realization depends on active reinforcement through judicial decisions and concrete governmental policies. In the Indonesian context, the Constitutional Court has affirmed the status of environmental rights as fundamental constitutional rights in several rulings, including Decision No. 10/PUU-XIV/2016 concerning the judicial review of the Environmental Protection and Management Law. Nevertheless, significant challenges persist, particularly in the form of a gap between normative recognition and practical implementation. In response, the green constitution movement in Indonesia has also developed through educational initiatives and public awareness campaigns grounded in constitutional environmental law. For instance, Budimansyah et al. (2021) introduced a civic education model based on green constitutional principles aimed at enhancing public understanding and engagement with environmental protection.³¹

Complementing this, Fitriasari et al. report positive outcomes of such initiatives at the community level, particularly among riverbank communities, where increased citizen participation in environmental preservation has been observed.³² These developments indicate that the green constitution operates not only as a top-down legal framework driven by the state but also as a bottom-up social movement emerging within civil society. From a theoretical perspective, Ekeli advances the concept of “green constitutionalism” as a framework for safeguarding the rights of future generations.³³ This approach emphasizes the necessity for constitutions to

²⁹ Mousa Sami Saleh Al-Qaaida, *Establishing Effective Legal Framework for New Generation – A Comparison of the Jordanian and Some European Constitutions.*, n.d.

³⁰ Anis Farida and Moh Bagus, “Implementasi Paradigma Green Constitution Dalam Pembangunan Ibu Kota Negara Menuju Smart Forest City,” *Prosiding Konferensi Nasional Sosiologi (PKNS)* 1, no. 1 (2023), p. 104–9.

³¹ Dasim Budimansyah et al., “Green Constitution: Developing Environmental Law Awareness,” Atlantis Press, February 24, (2021), p. 200–204.

³² Susan Fitriasari et. al., “The Implications of the Green Constitution Movement Program in Creating Law Awareness for River Border Community,” *Jurnal Civics: Media Kajian Kewarganegaraan*, May 1, (2022), p. 1–8.

³³ Kristian Skagen Ekeli, “Green Constitutionalism: The Constitutional Protection of Future Generations,” *Ratio Juris* 20, no. 3 (2007), p. 378–401.

incorporate intergenerational rights, ensuring the sustainable transfer of natural resources and environmental quality to future generations.³⁴ The principle of intergenerational responsibility is closely aligned with the broader framework of sustainable development, as reflected in international legal instruments such as the 1992 Rio Declaration, as well as in the constitutional practices of several contemporary states.³⁵

Environmental Legal Framework in the Indonesian Capital City

In the context of Indonesia's new capital city, environmental governance is primarily regulated under Law No. 3 of 2022 on the National Capital City (IKN) and its implementing regulations. This law designates the IKN as a special administrative region governed by the IKN Authority Agency. According to Farida and Bagus (2023), Law No. 3/2022 confers extensive powers upon the Head of the IKN Authority to formulate and implement policies related to environmental management within the IKN³⁶. These powers encompass a wide range of areas, including environmental permitting, waste management, spatial planning of green areas, and other domains that are typically administered by regional governments or sectoral ministries. On the one hand, such a concentration of authority may facilitate more efficient decision-making and support the realization of an integrated and coherent green development vision. On the other hand, it raises concerns regarding the absence of adequate checks and balances, as well as limited public participation. Farida and Bagus emphasize the importance of establishing implementing regulations that explicitly mandate community involvement and incorporate local wisdom in the formulation of environmental policies for the IKN. Such participatory mechanisms are essential to safeguard the rights of indigenous peoples and local communities, and to prevent policies that may lead to excessive environmental exploitation.³⁷

Furthermore, the development of the IKN is expected to operationalize the principles of sustainable development in a substantive manner. Fristikawati et al. highlight that the integration of sustainability principles is crucial to achieving

³⁴ Till Steinkamp, "Intergenerational Justice as a Lever to Impact Climate Policies: Lessons from the Complainants' Perspective on Germany's 2021 Climate Constitutional Ruling," *European Journal of Risk Regulation* 14, no. 4 (2023), p. 731–46.

³⁵ Fauzi Fauzi et al., "Model of Extreme Poverty Reduction to Prevent Social Inequality in Indonesia Perspective of Sociology and Islamic Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (2023), p. 215–28.

³⁶ Anis Farida and Moh Bagus, "Implementasi Paradigma Green Constitution Dalam Pembangunan Ibu Kota Negara Menuju Smart Forest City," *Prosiding Konferensi Nasional Sosiologi (PKNS)* 1, no. 1 (2023), p. 104–9.

³⁷ Abdul Kadir Jaelani et al., "Halal Tourism Sector and Tax Allowance Policy: A Case Study Observed from Normative Problems to Effective Implementation," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023), p. 185–210.

economic and social objectives without compromising environmental integrity.³⁸ A review of the broader regulatory framework indicates that several national legal instruments such as Law No. 32 of 2009 on Environmental Protection and Management, Government Regulation No. 21 of 2021 on Spatial Planning, and Government Regulation No. 22 of 2021 on Environmental Protection, must be harmonized with the IKN Law to ensure that environmental standards are not subordinated to the acceleration of national strategic projects. In this regard, the concept of a green constitution requires that all policies related to the IKN—ranging from spatial planning and infrastructure development to urban governance—be consistently evaluated against constitutional environmental principles. Specifically, such policies must be assessed in terms of whether they uphold citizens’ rights to a healthy environment and fulfill the state’s obligation to preserve environmental sustainability for present and future generations?

A Comparison of Green Constitutions in Various Countries

To enrich the analytical framework, this literature review examines the incorporation of green constitutional principles in several jurisdictions, particularly Germany, Ecuador, and South Africa, which are frequently cited as progressive exemplars of environmental constitutionalism.

Table 1. Comparison of Green Constitutions of Other Countries

Country	Main Constitutional Provisions	Green Constitution Model	Implementation & cases	Lessons for the Indonesian Capital City
Germany	Article 20a Grundgesetz (1994): The State, for the sake of future generations, protects the basic life of nature & animals.	State objective) – the constitutional obligations of the government.	2021 Federal Constitutional Court Ruling: Climate Protection Law deemed insufficient → government must revise it for intergenerational justice.	Include explicit clauses on intergenerational responsibility & environmental protection in the IKN Law.
Ecuador	2008 Constitution: recognizes the	<i>Rights of Nature</i> – nature as a subject of	Vilcabamba River Case (2011); 2020 Ruling: Natural	Inspiration to integrate local wisdom and the concept of

³⁸ Yanti Fristikawati et al., “Pengaturan Dan Penerapan Sustainable Development Pada Pembangunan Ibukota Negara Nusantara,” *Jurnal Komunitas Yustisia* 5, no. 2 (2022), p. 739–49.

	rights of nature (Pachamama).	constitutional law.	rights are superior to economic rights.	natural rights in IKN policies (e.g. the status of certain rivers/forests).
South Africa	Article 24 of the 1996 Constitution: Right to a healthy environment + obligation of the state to prevent pollution & ensure sustainable development.	<i>Justiciable human right + duty</i> – environmental human rights can be claimed in court.	<i>Deadly Air case</i> (2021): the government is considered to have violated environmental rights → is required to create a pollution control plan.	It is important to provide access to lawsuits by citizens and NGOs regarding IKN policies that have the potential to damage the environment.
Indonesia	Article 28H (1): The right to a good and healthy environment. Article 33(4): The economy is based on the principles of sustainability and environmental awareness.	Combination of human rights (environmental rights) & state objectives (principles of sustainable development).	Still formal; implementation is weak. The 2022 National Capital City Law does not explicitly incorporate green constitutional principles. Several Constitutional Court rulings have affirmed environmental rights, but their impact has been limited.	It is necessary to clarify this in the laws/regulations under the IKN, establish a public participation mechanism, and ensure that environmental rights can be enforced through legal channels.

These countries illustrate diverse constitutional models: Germany represents a state objective model, Ecuador adopts a rights of nature approach, and South Africa embodies a model that combines justiciable environmental rights with corresponding state duties. A comparative assessment of these models provides a useful lens for

evaluating Indonesia's current constitutional position. Indonesia exhibits elements of both the state objective model, as reflected in Article 33(4), and the human rights model, as embodied in Article 28H(1). However, it does not yet incorporate ecocentric norms comparable to those found in Ecuador's constitutional framework. Consequently, the effectiveness of environmental protection in Indonesia largely depends on the extent to which legislation and public policies operationalize the normative spirit of these constitutional provisions. In this regard, the integration of green constitutional principles into the development of the Indonesian Capital City (IKN) should focus on optimizing existing constitutional instruments, particularly environmental rights and state obligations, while also drawing on relevant innovations from comparative experiences. These may include, for example, strengthening mechanisms for public participation, as practiced in South Africa, and exploring the incorporation of ecocentric considerations, such as elements of nature's rights, within local regulatory frameworks governing the IKN.

Integration of Green Constitutional Principles in IKN Regulations

1. Evaluation of the IKN Legal Framework against the Green Constitutional Principles

An analysis of Law No. 3 of 2022 on the National Capital City (IKN) and its related regulatory instruments indicates that the existing legal framework does not yet explicitly articulate green constitutional principles as binding guidelines for development. Although the IKN Law identifies the realization of a sustainable city as one of its overarching objectives, its operationalization remains largely confined to general formulations, such as the promotion of a *smart forest city* concept. Notably, the law does not contain explicit provisions affirming the protection of citizens' rights to a good and healthy environment within the IKN, nor does it mandate that all development activities comply with constitutionally grounded sustainability standards. This condition stands in contrast to approaches adopted in other jurisdictions, such as France, where all legislative measures are required to be assessed against the Environmental Charter (*Charte de l'Environnement*), which forms an integral part of the constitutional framework. The absence of a similarly explicit constitutional-environmental clause within the IKN Law creates a potential normative gap, whereby environmental considerations risk being treated as secondary policy factors rather than serving as binding constraints or "guardrails" that fundamentally shape and limit development trajectories.

Nevertheless, elements of green constitutionalism can be identified implicitly within several derivative regulatory instruments. For instance, the IKN Master Plan, along with forthcoming environmental regulations to be issued by the IKN Authority, has the potential to serve as a platform for operationalizing the constitutional mandates embodied in Article 28H (1) and Article 33(4) of the 1945 Constitution. The IKN Authority's document, *Response to Input on the Draft Law on Amendments to Law No. 3 of 2022*, reflects a stated commitment to strengthening sustainability, environmental protection, and principles of good governance within

the revised regulatory framework³⁹. This development suggests an institutional awareness of the need to reinforce environmental considerations at the legal level. However, as these proposed amendments have not yet been formally enacted, a comprehensive evaluation of their effectiveness remains premature.

A key finding of this analysis concerns the central role of the IKN Authority Agency. Given the extensive powers vested in the Head of the Authority, the extent to which green constitutional principles are realized in practice will largely depend on the leadership's vision and interpretive orientation toward environmental governance. The IKN Law grants broad discretionary authority, enabling the Head of the Authority to formulate and implement environmental policies. As noted by Farida and Bagus, such discretion must be accompanied by robust mechanisms of public participation and accountability to ensure that environmental governance remains transparent, inclusive, and consistent with constitutional principles⁴⁰. The findings of this study are consistent with the broader scholarly consensus that the effective integration of green constitutional principles necessitates robust mechanisms of participation and transparency. Article 28H (1) of the 1945 Constitution, which guarantees the right to a good and healthy environment, may be interpreted to encompass procedural environmental rights, including access to information, public participation, and access to justice. These procedural dimensions are widely recognized as integral components of environmental rights within contemporary constitutional and international legal frameworks. The active involvement of local communities, particularly indigenous groups such as the Dayak communities in East Kalimantan, is essential not only to ensure democratic legitimacy but also to incorporate local wisdom and traditional ecological knowledge into environmental governance.

2. Potential Problems and Impacts if the Green Constitution is Ignored

Failure to consistently integrate green constitutional principles into the development of the New Capital City (IKN) may leads to a range of significant legal and environmental challenges. One of the most pressing concerns is the risk of deforestation and ecosystem degradation, particularly given that parts of the IKN area consist of primary and secondary forests with high conservation value. In the absence of stringent regulatory oversight, infrastructure expansion may accelerate ecological damage, the restoration of which would be both complex and costly.⁴¹ Empirical observations by Kusworo and Arsil (2024) have already identified early indications of deforestation during the initial phases of land clearing in the IKN area,

³⁹ I. Gusti Ayu Ketut Rachmi Handayani, "Embodying Green Constitution by Applying Good Governance Principle for Maintaining Sustainable Environment," *Journal of Law, Policy and Globalization* 11, no. 0 (2013), p. 18.

⁴⁰ Farida And Bagus, "Implementasi Paradigma Green Constitution Dalam Pembangunan Ibu Kota Negara Menuju Smart Forest City," 2023.

⁴¹ Ibrahim, "Developing a Forest City in a New Capital City (IKN) in Indonesia."

suggesting the potential for future legal challenges grounded in constitutional environmental rights.⁴²

In addition, the development process may generate socio-ecological conflicts, particularly where local and indigenous communities are marginalized. Large-scale land acquisition and conversion often overlook customary land rights, access to traditional resources, and local ecological knowledge that have historically supported sustainable practices. Such exclusion not only undermines social equity but also risks violating the principle of intra-generational justice. Where the environmental rights of present communities are disregarded, there is a heightened likelihood of human rights violations, further exacerbating tensions between development objectives and constitutional commitments to environmental protection.⁴³

Another significant challenge lies in the inconsistency of sectoral policies. The drive to accelerate development may lead to the relaxation of environmental standards, particularly in the implementation of Environmental Impact Assessments (EIAs), thereby undermining the principles of sustainable development. In fact, environmental law scholarship consistently emphasizes that sustainability should not be viewed as an impediment to investment, but rather as a normative framework that ensures the quality and durability of long-term development.⁴⁴ Foundational principles such as *polluter pays* and *prevention*, which are firmly embedded in the South African legal framework, should be internalized to ensure accountability among both private contractors and public authorities for any environmental harm caused.⁴⁵

At the same time, several positive initiatives indicate an emerging commitment to green development principles. These include targets to preserve approximately 65% of the capital city's area as green open space, the establishment of arboreta, the development of wildlife corridors, and the adoption of green building certification standards.⁴⁶ Nevertheless, for these initiatives to endure beyond particular political administrations, they must be embedded within a binding legal framework.⁴⁷ Such institutionalization is essential to ensure that environmental policies are not reduced to temporary or programmatic measures, but instead function as enduring constitutional obligations that safeguard environmental sustainability across generations.

⁴² Kusworo and Arsil, "Green Constitutional Paradigm for Sustainable Environmental Development in the Capital of Archipelago"; A. H. H. Ibrahim, "Developing a Forest City in a New Capital City (IKN) in Indonesia," *Jurnal Bina Praja* 15, no. 2 (2023), p. 271–84.

⁴³ C. M. van der Bank, "The Human Rights Approach to Environmental Protection," *Mediterranean Journal of Social Sciences* 6, no. 4 (2015), p. 514–24.

⁴⁴ Kotzé and Calzadilla, "Somewhere between Rhetoric and Reality," 2017.

⁴⁵ Michael Kidd, "Deadly Air and the Misinterpretation of the Section 24 Environmental Right: The GroundWork Trust Case," *Potchefstroom Electronic Law Journal* 26 (2023), p. a15833

⁴⁶ Otorita IKN, *Nusantara's Smart Building Guideline* (2023), <https://www.ikn.go.id/storage/nusantarasmartbuildingguideline.pdf>.

⁴⁷ Ibrahim, "Developing a Forest City in a New Capital City (IKN) in Indonesia."

Lessons from the Green Constitutions of Germany, Ecuador, and South Africa for the Capital City

1. Institutionalizing Intergenerational Responsibility: Lessons from Germany

Germany's experience demonstrates that the incorporation of the principle of "responsibility toward future generations" into constitutional law carries significant normative and practical implications. This principle is particularly relevant to the development of Indonesia's New Capital City (IKN), which is envisioned as a long-term project extending to 2045 and beyond. The institutionalization of intergenerational responsibility can be advanced through several measures: (1) First, it may be embedded in binding legal instruments by explicitly formulating a long-term vision for the IKN that prioritizes environmental sustainability. For instance, an amendment to the IKN Law could include a provision stipulating that "the development and governance of the IKN shall ensure the sustainability of environmental functions for the benefit of present and future generations." Such a clause would be consistent with the normative spirit of Article 20a of the German Basic Law and Article 33(4) of Indonesia's 1945 Constitution. (2) intergenerational responsibility may be operationalized through institutional mechanisms, such as the establishment of a dedicated body within the IKN Authority, whether in the form of an Environmental Council or a Sustainable Development Commission. This body could include experts, civil society representatives, and youth delegates, and would be tasked with evaluating development plans from a long-term sustainability perspective. Comparable models can be found in Germany's Parliamentary Advisory Council on Sustainable Development, as well as in the institution of a Commissioner for Future Generations adopted in several jurisdictions. These examples illustrate that abstract constitutional principles require concrete institutional frameworks to ensure effective implementation.

Moreover, lessons from Germany's 2021 climate decision underscore the importance of legally binding environmental targets. The ruling highlighted that climate commitments must be clearly defined in law to prevent their dilution or postponement. In this regard, Indonesia's target of achieving net-zero emissions by 2045 for the IKN should be codified in binding regulatory instruments such as a Presidential Regulation on the IKN Master Plan to ensure enforceability. By anchoring such targets in law, mechanisms of accountability can be strengthened, enabling the public or independent oversight bodies to initiate legal review in cases of non-compliance with established environmental commitments.

2. Recognition of Natural Rights and Local Wisdom: Lessons from Ecuador

Ecuador offers an instructive example of a paradigmatic shift in constitutional thinking by recognizing nature as a subject of rights. In the Indonesian context, particularly in the development of the New Capital City (IKN), a complete departure from an anthropocentric framework may not be politically or legally feasible. Nevertheless, the underlying spirit of this approach can be adapted in a more contextualized manner. One possible strategy is to confer special legal status and

enhanced protection upon certain natural elements within the IKN area. The region encompasses ecologically significant assets, including forest landscapes, river systems such as the Sepaku River, and the rich biodiversity of Kalimantan. In this regard, specific legal instruments could be introduced to safeguard these resources. For example, a regulatory framework analogous to a “river rights” regime could designate certain rivers within the IKN as entities entitled to remain unpolluted, thereby imposing binding obligations on the IKN Authority to ensure waste-free water systems and preserve natural boundaries. Similarly, designated conservation forest areas could be formally recognized as “ecological assets” held in trust for future generations, limiting their conversion or exploitation for other interests. While such measures may not fully replicate Ecuador’s explicit recognition of the rights of nature, they nonetheless reflect an incremental adoption of ecocentric principles within Indonesia’s legal framework.

Moreover, Ecuador’s constitutional approach is deeply rooted in indigenous cosmologies, particularly the concept of *Pacha Mama*. Indonesia likewise possesses a rich tradition of local environmental wisdom. Examples include the Dayak philosophy that conceptualizes forests as a shared living space, the *sasi* system in Maluku, and the practice of *Tana’ Ulen*, customary forest conservation areas in East Kalimantan. Integrating these local knowledge systems into the regulatory framework of the IKN would provide a culturally grounded foundation for Indonesia’s green constitutionalism. Such integration could be operationalized through provisions within IKN Authority regulations that require the incorporation of local ecological knowledge in environmental management, including the preservation of endemic species, sustainable forestry practices, and culturally informed land-use planning. In addition, consultative mechanisms involving indigenous leaders and local communities could be institutionalized, particularly in relation to the protection of ecologically and culturally significant sites, (such as sacred hills and natural springs).⁴⁸ The findings suggest that without meaningful recognition and incorporation of local values, development processes risk becoming overly homogenized, thereby undermining the longstanding balance between human communities and their natural environment that has been sustained through indigenous practices.

3. Enforcing Environmental Rights through the Judiciary: Lessons from South Africa

South Africa offers a concrete illustration of the *justiciability* of environmental rights, where individuals and communities are empowered to initiate legal action against both the state and private actors when environmental harm occurs or is anticipated.⁴⁹ In the context of Indonesia’s New Capital City (IKN), this

⁴⁸ “Alam dengan hak-hak: Hak-hak untuk alam,” Selamatkan Hutan Hujan, accessed September 23, 2025, <https://www.hutanhujan.org/topik/hak-alam>.

⁴⁹ *Hak warga negara dan kewajiban negara dalam pengelolaan lingkungan hidup dan sumber daya alam* (Inteligensia Media, 2022).

underscores the importance of ensuring effective access to environmental justice mechanisms. While Indonesia formally recognizes avenues such as citizen lawsuits, the oversight role of the National Human Rights Commission (*Komnas HAM*), and judicial review before the Constitutional Court, the effectiveness of these mechanisms at the local level remains contingent upon accessible and responsive institutional structures. the development of the IKN should be accompanied by the establishment of robust, localized mechanisms for environmental dispute resolution. This may include the creation of a specialized environmental court, or at minimum, the designation of judges within local district courts who possess expertise in environmental law. In addition, the role of Environmental Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil* or PPNS) within the IKN Authority should be strengthened to ensure the effective enforcement of administrative environmental regulations. Another important lesson is the need to ensure that the development of the new capital city genuinely adheres to the principles of sustainable development, rather than treating them as merely rhetorical commitments. Article 24 of the South African Constitution explicitly mandates pollution prevention, environmental conservation, and ecologically sustainable development.⁵⁰ Although comparable principles are embodied in Indonesia's Law No. 32 of 2009 on Environmental Protection and Management, their implementation has often been inconsistent and, at times, subordinated to developmental priorities. In light of these challenges, this study recommends that all strategic projects within the IKN such as toll road construction, government complexes, and large-scale residential developments, be subject to comprehensive Strategic Environmental Assessments (*Kajian Lingkungan Hidup Strategis* or KLHS). Importantly, the outcomes of these assessments must serve as binding references for project design and implementation, ensuring alignment with environmental carrying capacity. Failure to do so would constitute a neglect of the state's constitutional obligation to safeguard the environment for present and future generations. Furthermore, judicial institutions, particularly the Constitutional Court of the Republic of Indonesia, have a critical role in upholding environmental constitutionalism. Where legal norms or policies related to the IKN are alleged to permit or facilitate environmental harm, they may be subject to constitutional review, particularly in relation to Article 28H (1) of the 1945 Constitution. The experience of South Africa demonstrates the proactive role that constitutional courts can play in reviewing government policies against fundamental rights. While the Indonesian Constitutional Court has exercised similar authority, there remains considerable scope to strengthen its engagement with environmental issues, thereby reinforcing the justiciability and practical enforcement of constitutional environmental rights.

⁵⁰ *Hak warga negara dan kewajiban negara dalam pengelolaan lingkungan hidup dan sumber daya alam* (Inteligensia Media, 2022).

4. Synergy of Global Policy (SDGs) with the Green Constitution of the IKN

The development of Indonesia's National Capital City (IKN) is situated within the broader context of the 2030 Agenda for Sustainable Development Goals (SDGs), which has increasingly influenced national legal and policy frameworks worldwide. Many countries have sought to internalize SDG principles within their constitutional and regulatory systems.⁵¹ In this regard, the IKN project presents a strategic opportunity to exemplify such integration, particularly in advancing Goal 11 (Sustainable Cities and Communities) and Goal 13 (Climate Action). The analysis indicates that the explicit incorporation of green constitutional principles into the IKN framework would significantly contribute to the realization of these global commitments. Comparative scholarship even highlights the potential of the SDGs to function as a form of "constitutional guidance" or normative benchmark in national legal systems. Accordingly, IKN policies should be aligned with international standards and commitments. For instance, green building regulations in the IKN could be informed by Intergovernmental Panel on Climate Change (IPCC) guidelines, while urban forest governance could draw upon global biodiversity frameworks such as the Aichi Biodiversity Targets.

However, broader development policies in Indonesia, particularly in the areas of industrialization and resource downstreaming, have not yet been fully aligned with the principles of sustainable development and green constitutionalism. In many cases, these policies also fall short in ensuring the protection and fulfillment of the rights of indigenous peoples and local communities. This is particularly evident in extractive industries, such as mining operations in regions including Papua, North Maluku, Southeast Sulawesi, and North Kalimantan, where regulatory frameworks have yet to adequately reflect the recognition and protection of customary rights. These conditions highlight the urgent need for reform in mining governance and regulatory systems. Strengthening standards for reclamation and post-mining management is essential to provide clear implementation guidelines that address community needs and mitigate environmental harm. Licensing mechanisms, in particular, can serve as a strategic instrument for enforcing such standards, ensuring that environmental considerations are integrated throughout the mining lifecycle, from land use and waste management to post-operational restoration. In this way, regulatory frameworks can be directed toward promoting environmentally responsible mining practices while safeguarding ecological sustainability and community welfare.⁵²

⁵¹ Oliver C. Ruppel and Ruda Murray, "The Future of the SDGs: A Comparative Constitutional Rescue Plan?: One Does Not Discover New Lands without Consenting to Lose Sight of the Shore. André Gide," *Environmental Policy and Law* 54, nos. 2–3 (2024), p. 155–87.

⁵² Muhammad Jamin, et.al., "The Impact of Indonesia's Mining Industry Regulation on the Protection of Indigenous Peoples." *Hasanuddin Law Review* 9, No. 1 (2023), p. 88–105. Hotlan Samosir, "Problematic Policy: Environmental Impacts of Traditional Mining in Papua." *Hasanuddin Law Review* 5, No. 3 (2019), p. 321–329.

Accordingly, as part of a sustainable development strategy and the advancement of a green constitutional framework for the new capital city (IKN), the meaningful involvement of indigenous communities is indispensable. Indigenous peoples possess rich bodies of local ecological knowledge that have been proven over generations to support sustainable resource management without causing environmental degradation. Comparative experience further underscores this point. In Ecuador, for instance, the incorporation of *Pacha Mama*, a concept grounded in indigenous cosmology has contributed to long-standing practices of forest conservation. Similarly, Indonesia is endowed with diverse forms of local environmental wisdom. In regions such as Papua and Maluku, the *sasi* system operates as a customary legal mechanism that temporarily restricts the extraction of natural resources, both terrestrial and marine, to allow ecosystems to regenerate.⁵³ In Central Sulawesi, the existence of forbidden forests reflects a traditional system of absolute environmental protection.

Other examples further illustrate the strength of indigenous environmental stewardship. In South Sulawesi, the Ammatoa community in Bulukumba regards forests as an inseparable component of social and spiritual life, enforcing strict prohibitions on deforestation. In Banten, the Baduy community similarly upholds a worldview in which forests are integral to both livelihood and spiritual identity.⁵⁴ In East Kalimantan, the Dayak community maintains practices such as *Tana' Ulen*, referring to communally protected customary forests that function as both ecological reserves and sources of sustainable economic life.⁵⁵ In Aceh, traditional institutions such as the *pawang uten* or *penghulu uten* play a vital role in regulating forest use,⁵⁶ ensuring that resource extraction is conducted responsibly and that critical areas, including riverine forests, are preserved.

One of the principal strengths of Indonesian local wisdom lies in the fact that community worldviews are deeply shaped by enduring cultural values and traditions. Among communities that maintain close interaction with forest ecosystems, there exists a relatively consistent perspective regarding the interdependence between socio-cultural life, economic practices, and environmental stewardship. In this context, customary norms function not merely as cultural expressions but as effective regulatory systems that guide sustainable resource management.

⁵³ Robert Siburian, Akses dan Pengelolaan Sumber Daya Hutan Berbasis Kearifan Lokal pada Masyarakat di Kabupaten Manokwari,” *Jurnal Masyarakat dan Budaya* 20(3) (2019).

⁵⁴ Suparmini Suparmini, et.al., Pelestarian Lingkungan Masyarakat Baduy Berbasis Kearifan Lokal,” *Jurnal Penelitian Humaniora* 18, No. 1 (2015).

⁵⁵ Fatia Ulfia Putri, et.al., Pengelolaan Berbasis Kearifan Lokal Dalam Menjaga Keberlanjutan Hutan Adat Kalimantan,” *Prosiding Seminar Sosial Politik Bisnis Akuntansi dan Teknik* 6, (2025), p. 251-257

⁵⁶ Ahyar Gayo, et.al., “Pengulu Uten’s Forest Management in Central Aceh: A Perspective of Fiqh al-Bi’ah,” *AHKAM: Jurnal Ilmu Syariah* 24, No. 1 (2024), p. 17-36

Conclusion

The development of Indonesia's new capital city as a green economy-based urban center presents both strategic opportunities and substantial challenges, particularly in the domains of environmental law and public administration. The integration of green constitutional principles into the regulatory framework governing the capital is therefore imperative to ensure that the vision of sustainable development is effectively realized and that the constitutional right to a healthy environment is meaningfully protected. Although the 1945 Constitution provides a normative foundation through Article 28H (1) and Article 33 (4), their implementation remains limited, necessitating further reinforcement through coherent and binding derivative regulations. Comparative experiences offer valuable insights. Germany underscores the importance of intergenerational responsibility, Ecuador advances the recognition of nature as a legal subject, and South Africa demonstrates the justiciability of environmental rights through judicial enforcement. These examples collectively highlight that constitutional commitments must be accompanied by concrete institutional and regulatory mechanisms to ensure their effectiveness. In the Indonesian context, several strategic measures are essential. These include the explicit incorporation of environmental principles within statutory and regulatory instruments, the strengthening of environmental governance structures within the IKN Authority, and the institutionalization of participatory mechanisms that incorporate local wisdom. In addition, environmental law enforcement must be enhanced by safeguarding regulatory standards against dilution and by ensuring accessible legal remedies for the public. Legal innovation may also be pursued through the selective adoption of ecocentric approaches, such as granting limited legal recognition to specific natural entities or ecosystems within the IKN framework. Through the implementation of these measures, the New Capital City (IKN) has the potential to serve as a pilot project for the operationalization of green constitutionalism in Indonesia. Consistent and principled application will help prevent the recurrence of environmentally exploitative development patterns, while fostering a model of sustainable development that can serve as a lasting legacy for future generations. Ultimately, a green constitution must be translated into concrete and enforceable policies, and the development of the IKN represents a critical opportunity for Indonesia to demonstrate leadership in harmonizing economic progress with environmental preservation.

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