
ENVIRONMENTAL DEVELOPMENT AS THE EMBODIMENT OF ECOCRACY IDEAS IN GREEN CONSTITUTION THROUGH ENVIRONMENTAL AWARE CULTURE

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Abstract

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), is a Green Constitution with the idea of ecocracy contained in Article 28 H paragraph (1), that everyone has the right to a good and healthy environment; and in Article 33 paragraph (4), that the national economy must also pay attention to the principle of environmental insight. For this reason, it is necessary to increase the culture of environmental awareness in every aspect of life in society, as a manifestation of the idea of ecocracy in the 1945 Constitution of the Republic of Indonesia. All policies from the government should always pay attention to the impact on the environment. This is related to environmental sovereignty and ecocracy which strengthens the concept of environmental conservation as the basis for environmentally sound development. This awareness of the environment is the culture of every human being who is a citizen of Indonesia, so that sustainable development always pays attention to ecological damage, natural imbalances, even though the right of citizens to get a healthy and good environment. In addition, the idea of ecocracy is a form of embodiment of an environmentally conscious culture that must be carried out by the government with total participation from the community, because without community support, environmental sovereignty will not be enforced. Awareness of this healthy and good environmental culture, through socialization of the right to a good and healthy environment, which must be accompanied by an obligation to be environmentally aware, even by promoting eco-literacy. This ecocracy concept is the latest development of philosophical scientific thinking in government related to the concept of democracy and environmentally sound development. In addition, various media can also support the idea of ecocracy through eco-literacy, for people who like to read from existing social media. The existence of this eco-literacy is to realize the idea of ecocracy in the 1945 Constitution of the Republic of Indonesia, which is the Green Constitution.

Keywords: Ecocracy, Green Constitution, Environmentally Aware Culture, Eco-literacy.

Introduction

The constitutions of several countries have included provisions regarding environmental protection, such as our country's constitution: the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which is a Green Constitution with the idea of ecocracy contained in Article 33 paragraph (4) which states that economic development must also be environmentally friendly. In addition, Article 28 H paragraph (1) also emphasizes that everyone has the right to a good and healthy living environment. Therefore, it is necessary to cultivate an environmentally conscious culture in society, as an embodiment of the idea of ecocracy in the 1945 Constitution of the Republic of Indonesia, because the pattern of formulating provisions on the environment in the constitution has not yet been formed, so it is necessary to establish policies in an effort to provide or guarantee and fulfill state obligations, especially regarding the protection of the environment. This is related to environmental sovereignty and ecocracy which not only strengthens the concept of environmental conservation, but also places these policies as the basis for environmentally sound development. This environmental insight is a culture that has existed at the beginning of life, because humans are one with nature and their environment. Unity between humans and nature, begins with the awareness in paying attention to the environment around where they live. This awareness of the environment is a culture of every human being who is an Indonesian citizen, so that sustainable development always pays attention to ecological damage, natural imbalances, because it is the right of citizens to get a healthy and good living environment. The idea of ecocracy is a form of embodiment of an environmentally conscious culture that must be carried out by the government with the total participation of the community, because without community support, environmental sovereignty cannot be enforced. Awareness of a healthy and good environmental culture must be socialized through an eco-literacy culture, which supports this ecocracy concept. This eco-literacy is carried out through various existing means, with total participation from the community, in order to realize the idea of ecocracy from our Green Constitution, the 1945 Constitution of the Republic of Indonesia.

Article 34 of the 1945 Constitution of the Republic of Indonesia also emphasizes the development of a social security system.

It appears in Article 33 and Article 34, there are 9 (nine) provisions which can be described as follows: 1). The economy is structured as a joint effort based on the principle of kinship; 2). Production branches which are important to the state and which affect the livelihood of the people are controlled by the state; 3). The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people; 4). The national economy is organized based on the principles of economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity; 5). Further provisions regarding the implementation of this article are regulated in law; 6). The poor and abandoned children are cared for by the state; 7). The state develops a social security system for all people and empowers the weak and underprivileged in accordance with human dignity; 8). The state is responsible for the provision of proper health service facilities and public service facilities; 9). Further provisions regarding the implementation of this article are regulated in law.

The nine points of this provision indicate that all natural resources are in the hands of the people, for the benefit of the people, as the embodiment of God Almighty, to manage existing natural resources by paying attention to the environment, because it is the people who are sovereign based on the principle of environmental insight. There are 5 (five) concepts of sovereignty, namely: 1). the concept of God's sovereignty; 2) the concept of the sovereignty of the King; 3) the concept of the rule of law; 4) the concept of people's sovereignty; and the concept of state sovereignty. Each of these five concepts relates to the principles on which the government of the country is based, for example: God's sovereignty is related to the Theocracy; the sovereignty of the King is related to the Kingdom (Monarchy), the sovereignty of the Law is related to the nomocracy; People's sovereignty is related to democracy and state sovereignty is related to state affairs in the internal realm and in the external realm, because it relates to relations between countries. The existence of the idea of ecocracy in the 1945 Constitution of the Republic of Indonesia which is contained in Articles 33 and 34, then a new concept of sovereignty arises, namely: environmental sovereignty, which is related to God, His creation - namely: nature and humans.

This perspective on the concept of environmental sovereignty shows the relationship and unity between nature and humans who are connected with God, because by recognizing the existence of God, humans are obliged to act fairly and wisely towards others and the natural surroundings. Therefore, this (natural) environment can be considered as a subject, as a holder of sovereignty as well, whose rights must be considered as a 'subject'. Nature has its own power and rights that cannot be violated by anyone (inalienable rights).

Methodology

This study uses a normative juridical method, because it observes the provisions of legislation relating to the environment, as a manifestation of the idea of ecocracy in the constitution of the Republic of Indonesia, the 1945 Constitution of the Republic of Indonesia. environmental principles.

Discussion

A. Environmental Conscious Culture

This environmental problem is an unfinished problem, because all human activities are related to the environment, so that environmental problems are not just studies, but are related to legal arrangements or doctrines related to the use of natural resources, especially environmental conservation and utilization. life.

This environmental issue is related to various aspects, ranging from norms, rights and obligations, authorities and regulations for environmental management, including environmental pollution control and in particular the enforcement of rules according to the idea of ecocracy as enshrined in the 1945 Constitution of the Republic of Indonesia. Related to rights and obligations This is what needs to be socialized in various human activities in their lives in their natural environment/

There is a common but differentiated principle, which is formulated in Principle 7 of the Rio Declaration which reads:

“States shall cooperate in a spirit of global partnership to converse, protect and restore the health and integrity of the Earth’s ecosystem,. In view of the different contribution to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressure their societies place on the global environment and of the technologies and financial resources the command”

This principle recognizes the responsibility of developed countries to regulate and overcome environmental problems in their territory, and also to provide material and moral support to developing countries to overcome environmental problems, because they are related to the global environment, which must pay attention to the precautionary principle through anticipatory steps to prevent environmental problems.

Therefore, the rights and obligations of citizens associated with state responsibilities must be carried out as early as possible. The existence of a causal relationship will cause environmental pollution that may not be recovered. So that the state needs to make administrative and legal procedures that allow citizens to maintain and restore their rights, especially in obtaining a good and healthy living environment. The concept of environmental management requires the proactive participation of citizens, both individuals and groups.

This is in accordance with Principle 10 of the Rio Declaration, as follows: *“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information on hazardous material and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”*

In addition, the state must also disseminate the required information to citizens. The rights of every citizen to obtain and fight for the right to a good and healthy environment, but must also be supported by the awareness of each individual in maintaining and preserving the environment in their place of residence. This right is supported by a willingness to start cultivating awareness of a good and healthy environment. Legal obligations for each individual, which are regulated in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) in the following articles: a. the obligation to preserve environmental functions and control environmental pollution and/or damage (Article 67); b. the obligation for business actors to provide information related to environmental protection and management in a correct, accurate, open and timely manner (Article 68 point b); c. obligation for business actors to maintain environmental sustainability (Article 68 point c); d. the obligation for business actors to comply with the provisions of environmental quality standards (Article 68 point c).

It is this individual obligation that needs to be improved, especially the culture of environmental awareness, so that the anticipation of environmental pollution can be applied early. Environmentally cultural awareness related to environmental sovereignty, which places human interests at the center of the universe.

B. Eco-Literation Culture

This environmental culture awareness needs to be supported by an eco-literacy culture, including: seeking as much information as possible through social media and other media, especially literature that discusses the environment. Every individual needs to pay attention that the freedom to exploit natural resources must be accompanied by an obligation to protect the environment. Studies on environmental pollution that always occur repeatedly, among others, are caused by the lack of information, awareness to read books about the universe, cooperation between nature and humans, the unity of nature and human life, so that this eco-literacy culture becomes part of environmental awareness cultural socialization. This environmentally conscious culture is enhanced by the socialization of eco-literacy culture, especially about the natural world in the territory of Indonesia. The lifestyle of urban people who tend to be materialistic, consumptive and have behavior that is not friendly to the environment, and a reluctance to find out about nature through literacy is less attractive. For example, the Tenggerese strongly believe in the existence of natural laws, therefore, never do anything that can destroy nature, without realizing it, the Tenggerese have applied the principle of ecoliteracy.

This ecoliteracy is the initial stage, the creation of a policy that balances development and natural sustainability, so that we can take the maximum benefit from it, but still maintain the quality and quality of the environment.

C. Development With Environmental Insight

Environmental problems originate from placing human interests above all else, from the point of view of human interests alone. The values of these human interests, as a value system known as: 'anthropocentric or homocentric'. Based on this anthropocentric perspective, the universe or the environment is used and protected for the benefit of humans, so humans are considered not part of nature. In fact, humans are one of the organic species that live in a nature, interdependence with other species in this nature.

The protection of this nature is related to development in all aspects, especially those related to economic development. Economic development must be carried out by applying the principles of a national economy based on economic democracy. The 1945 Constitution of the Republic of Indonesia has included provisions regarding the direction or politics of the Indonesian economy in its articles, so that the 1945 Constitution of the Republic of Indonesia has the character of an economic constitution (the constitution of economic policy).

Therefore, the economic policies that are implemented must refer to and not contradict the principles that already exist in the 1945 Constitution of the Republic of Indonesia. All economic activities and activities carried out by the community, both cultural and socio-political, must pay attention to sustainable development based on environmental insight, because without paying attention to the environment, development is carried out only for short-term needs.

Sustainable development can be realized if the use of its resources ensures prosperity and benefits for future generations. This environmentally sound development is termed 'eco-development'. The concept of sustainable development as a unified development system, which is always associated with aspects: environment, community and economy, however this development tends to be viewed from an economic perspective only, has not been examined as a global environmental problem related to humanity. Whereas the ideas contained in the policies continue to develop, so that new concepts arise, namely the concept of ecocracy, and environmental sovereignty based on the 1945 Constitution of the Republic of Indonesia. Policy makers in all aspects of the implementation of development must pay attention to environmental issues, so that there is no damage to the eco-system in nature. Massive exploitation is carried out using advances in science and technological sophistication, so that the natural environment suffers damage and declines in function and benefits that become the carrying capacity of life together.

Al Gore in his book 'Earth in the Balance: Ecology and the Human Spirit (1992) explains as follows: *"The disharmony in our relationship to the earth, which stems in part from our addiction to a pattern of consuming ever-larger quantities of the resources of the earth, is now manifest in successive crises. The loss of 1 acres of rain forest every second; the acceleration of the natural extinction rate; the ozone hole; the possible destruction of the climate balance that makes our earth livable – all these suggest the increasingly violent collision between human civilization and the natural world"*

Although developed countries have experienced rapid development, the problems or problems caused by economic development without considering the environment, must be addressed immediately, as in Indonesia today, which is entering the stage of industrialization, regardless of environmental conditions. Fortunately, awareness of the importance of the environment that must be balanced continues to increase, in addition, environmentalist movement activists carry out movements that influence various development policies set by the government, so that they become pro-environment policies, with supervision of their implementation in reality. The authority to protect and manage the environment is regulated in Law No. 32/2009 with the existence of assistance tasks with the broadest economic principle. The right to a good and healthy environment is also stated in Law No. 32/2009, besides that it also imposes obligations on the subjects of environmental law. Article 67 stipulates the obligation of every individual to maintain the preservation of environmental functions while controlling environmental pollution and/or damage. These obligations, among others: 1). provide information related to environmental protection and management in a correct, accurate, open and timely manner; 2). maintain the sustainability of environmental functions; and 3). comply with the provisions on environmental quality standards and/or criteria environmental damage standards.

D. Development Of Environmental Economy

The problem with economic development policy is that it does not refer to the 1945 Constitution of the Republic of Indonesia, whereas the 1945 Constitution of the Republic of Indonesia is a political constitution, an economic constitution, and especially as a green constitution. The 1945 Constitution of the Republic of Indonesia must be understood as the highest economic policy that must be used as a reference and reference in developing any national economic development policy.

The existence of fair certainty, definite justice, and the usefulness of law can guarantee orderly freedom in the dynamics of the economy, so that in turn it can bring prosperity together in people's lives; without legal certainty (certainty); the economy cannot develop regularly; without justice, the economy will not grow healthy and just freedom; without utility, the economy will not bring prosperity and peace. The relationship between law and economic development needs to get serious attention, because in the development of activities to determine economic development policies, it must still be based on the principles of environmental insight. This economic development cannot be sustainable if it does not pay attention to the environment, because environmental sustainability is a manifestation of the harmonious relationship between humans and the environment, and humans always live from the natural resources

that exist in the environment where humans live their lives. Therefore, economic development is the prima donna in the overall development plan. For this reason, an understanding of economic actors is needed, in carrying out economic activities to always pay attention to environmental conservation, not only to seek the maximum profit in the exploitation of natural resources, at the present time, but also to think about the sustainability of life for the next generation, who also requires natural resources. The universe around us, has an eco-system that depends on each other, damage in one midwife, will have an impact on damage in other fields as well. Potential damage to the balance of nature can cause an increase in the degree of conflict between human civilization and the natural surroundings and even with the universe. Even though nature actually has the ability to repair existing damage, at this present time, nature is no longer able to support human life, because the damage is very severe, as a result of human arrogance and greed.

Therefore, the role of the individual is very important in preserving the environment, still prioritizing beauty, splendor and health, while also considering aspects of life, and at the same time avoiding pollution and destruction.

Conclusion

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that: all natural wealth contained therein must be interpreted more broadly, including land, sea, seabed and land below it, and state control over all resources contained in it. the earth, water, airspace of Indonesia, including all the wealth contained therein, must be used only for the greatest prosperity of the entire people of Indonesia. The effort to utilize the available natural resources is for all the people, many people, including the local people. Most of Indonesian citizens, do not realize and understand that the 1945 Constitution of the Republic of Indonesia is a 'Green Constitution', although its 'green' nuance still cannot beat other sector policies that do not pay attention to environmental insight, so that environmentally sound development cannot be realized in policy making activities.

In addition, in the current wave of regional and global economic integration, the Indonesian economy must stand upright with independence. All business actors and economic actors in a broad sense are 'bound and bound' by the same economic system based on the prevailing laws and regulations with exceptions permitted under the law with the principle of affirmative policy or the principle of special treatment - Article 28 H paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Basically, law cannot be separated from human life, which tends to live in groups, with the norms and ethics of each group, therefore, environmentally sound economic development needs to be supported by a legal system that is based on and inspired by the values of the Pancasila philosophy. The legal system based on Pancasila must be able to respond to the interests of the community, so that Pancasila is able to become the basis for a just and dignified society.

This legal system provides guidelines for establishing a rule or policy that prioritizes an empirical approach, due to the many problems related to environmental pollution and destruction, as a result of economic development that is not environmentally sound. The fact is that these legal norms do not bind legal subjects who are regulated, because they do not feel bound by the obligation to participate in environmental conservation. Acceptance of this legal norm relates to the awareness of the community who is willing to accept the regulatory, binding, and coercive power, the legal norm for him.

The Indonesian constitution is a green constitution as well as an economic constitution, implying the idea of ecocracy in economic development, so that economic development must be environmentally sound development, so that economic development can be sustainable, because it pays attention to the preservation of the existing natural environment, so that natural resources exist on the ground. Water, and underground can be utilized as much as possible for the welfare of the people, but still pay attention to the quality and quality of these resources, so that they can continue to be useful for the next generation, even though nature has the ability to repair the damage itself.

For this reason, it is necessary to strengthen an environmentally conscious culture through ecoliteracy and socialization of the idea of ecocracy and the Green Constitution through existing elements in society, through massive and continuous counseling, to the lowest levels of society, because they are the ones who experience the impact of ecosystem destruction. due to unsustainable economic development. It is necessary to immediately issue policies to stop many environmental problems/problems that have occurred. For this reason, wise thinking is needed from policy makers by collaborating between sectors so that there is no overlapping of policies between sectors, and there is no sectoral ego. If these integrated policies can be implemented, then the conservation of nature and the utilization of these natural resources can be controlled in a well-planned and planned manner.

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