

ABSTRACT

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THE DILEMMA OF ECOCIDE REGULATION AND ITS IMPACT ON SUSTAINABLE DEVELOPMENT IN INDONESIA

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Humans and the environment are inseparable entities, as they rely on each other for survival and sustainability. However, increasing human exploitation of the environment has led to significant ecological damage, prompting the emergence of the concept of ecocide. Ecocide, regarded as an extraordinary environmental crime, has gained considerable attention in international discussions. Environmental experts and advocates are urging its inclusion in the Rome Statute to enhance global accountability for environmental degradation. Despite its potential to establish legal certainty and protect the environment, the implementation of ecocide laws presents a critical dilemma, especially in Indonesia. As a developing country with abundant natural resources, Indonesia faces unique challenges in balancing environmental preservation and economic development. The enforcement of ecocide laws could impact key sectors such as mining and energy, which contribute significantly to the national economy. This scenario raises concerns about the potential economic losses and the feasibility of transitioning to sustainable energy sources, particularly renewable energy. Additionally, adopting ecocide regulations may lead to conflicts of interest, both domestically and internationally. Domestically, it could disrupt industries heavily reliant on natural resource extraction, potentially affecting livelihoods and employment. Internationally, Indonesia may face pressure from global stakeholders with vested interests in its resources, further complicating the country's policy-making process. This study aims to ensure that the formulation of ecocide regulations aligns with Gustav Radbruch's legal theory, which emphasizes achieving the three main purposes of law: certainty, justice, and utility. The integration of these principles is essential to crafting a balanced and effective legal framework that addresses the complexities of environmental governance in Indonesia. By providing clarity, fairness, and practical benefits, ecocide regulations can serve as a stepping stone toward more robust environmental protection while safeguarding economic and social stability. Ultimately, the resolution of this dilemma offers valuable insights into shaping Indonesia's legal framework for environmental protection, emphasizing the need for policies that integrate environmental sustainability, economic stability, and social equity. This research contributes to the broader discourse on achieving legal frameworks that meet the highest standards of certainty, justice, and utility.

References: 170 (1945-2024)

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