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Post-Anthropocentric Land Law: Reconstruction of Agrarian Legal Philosophy Based on Ecological Justice in Indonesia

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ABSTRACT Agrarian law in Indonesia has long been influenced by an anthropocentric paradigm that places humans as the central focus in land governance. This perspective often prioritizes economic exploitation of land while neglecting its ecological functions, which contributes to environmental degradation, ecological imbalance, and conflicts over land use. This study aims to reconstruct the philosophical foundation of agrarian law in Indonesia by introducing a post-anthropocentric perspective based on the principle of ecological justice, in order to create a more balanced and sustainable land governance system. The research uses a normative juridical method with a philosophical and conceptual approach. It examines legal doctrines, legislation, and theoretical perspectives related to agrarian law, ecological justice, and environmental philosophy to analyze the need for reconstructing the existing legal paradigm. The study finds that the current agrarian legal framework still largely reflects anthropocentric values, which limit the protection of ecological interests. Integrating ecological justice principles into agrarian law can strengthen the recognition of land's ecological, social, and sustainability functions while promoting more responsible and balanced land management. The novelty of this research lies in proposing a reconstruction of Indonesia's agrarian legal philosophy through a post-anthropocentric approach that places ecological justice as a fundamental principle in land governance and legal development.

KEYWORDS Agrarian Law; Ecological Justice; Post-Anthropocentrism; Land Governance; Environmental Sustainability

INTRODUCTION

Modern agrarian law is still largely dominated by an anthropocentric paradigm, which views land primarily as an object of human economic exploitation. Within this perspective, legal regulation tends to prioritize property rights, economic productivity, and resource utilization, while the ecological functions of land receive less attention (Stone, 2010). As a result, land governance often emphasizes economic development rather than environmental sustainability, contributing to problems such as land degradation, ecological imbalance, and increasing land-use conflicts (Bosselmann, 2008). This dominance of anthropocentric thinking indicates the need to reconsider the philosophical foundations of agrarian law and to develop a new framework that integrates ecological values into land governance (Sands & Pell, 2018).

Development models oriented primarily toward economic growth often place significant pressure on land resources. In many countries, land is increasingly treated as an

economic asset to support industrial expansion, large-scale agriculture, and infrastructure development. While such policies may stimulate economic progress, they frequently generate environmental and social consequences when ecological considerations are not adequately integrated into land governance (Heal, 2000). In practice, growth-oriented land policies have contributed to several structural problems, including environmental degradation, land degradation, agrarian conflicts, and uncontrolled land-use change. Rapid land conversion for plantations, mining, and urban development has often occurred without sufficient environmental safeguards, resulting in the loss of ecological functions and increasing disputes over land rights (Freyfogle, 2006). These challenges indicate that development strategies centered solely on economic productivity can undermine long-term environmental sustainability and social justice in land management (Cole & Grossman, 2014)

The Indonesian legal framework normatively incorporates principles of sustainability in the governance of natural resources. This is reflected in Article 33 paragraph (3) of the 1945 Constitution of Indonesia, which stipulates that land, water, and natural resources are controlled by the state and must be utilized for the greatest prosperity of the people. This constitutional provision establishes the philosophical foundation for state responsibility in regulating and managing land resources in a manner that balances economic development with social welfare and environmental protection (Asshiddiqie, 2010).

However, in practice, land management policies often remain oriented toward economic growth and resource exploitation. The expansion of large-scale plantations, mining activities, and infrastructure projects frequently leads to land conversion and environmental degradation, indicating a gap between constitutional ideals and the implementation of agrarian governance (Sumardjono, 2008). This situation highlights the need to reconsider the philosophical orientation of agrarian law by integrating ecological values into land governance frameworks (Bosselmann, 2008). Therefore, a reconstruction of agrarian legal philosophy is necessary to reposition land not merely as an economic asset but as an integral component of ecological systems that must be managed sustainably for present and future generations (Sands & Peel, 2018).

The Indonesian legal framework normatively incorporates sustainability values in land governance. This is grounded in Article 33 paragraph (3) of the 1945 Constitution of Indonesia, which mandates that natural resources must be controlled by the state and used for the greatest prosperity of the people. This constitutional orientation underpins the Indonesian Basic Agrarian Principles and Law (*Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria*) as the principal agrarian law, which emphasizes that land must serve a social function in society. However, scholars observe that the implementation of agrarian policies often falls short of these normative ideals, as economic interests frequently overshadow environmental and social considerations.

Empirical studies in Indonesian legal scholarship show that the application of agrarian law has contributed to environmental consequences and governance gaps. For instance, the implementation of agrarian regulation has been linked to environmental degradation and neglect of sustainability principles when land is converted for plantations, mining, and infrastructure without adequate ecological safeguards (Anastasia et al , 2024). Another study notes the persistent gap between agrarian norms on paper and practice on the ground, highlighting the challenges in realizing both social justice and environmental

sustainability in land use planning and implementation (Masdurrohatun, 2025). These analyses suggest that while Indonesia's legal framework contains sustainability values, current land management practices tend to prioritize economic development, illustrating the need to reconstruct agrarian legal philosophy to integrate ecological justice more fully into the law.

This study offers a novel perspective by reconstructing Indonesian agrarian law from an anthropocentric paradigm to a post-anthropocentric, ecocentric framework, recognizing land as part of a socio-ecological system rather than merely an economic asset. It emphasizes the integration of ecological justice into land governance, extending the social function of land to include environmental sustainability and intergenerational responsibility. Despite the normative framework provided by Article 33(3) of the 1945 Constitution and the Basic Agrarian Law, current practices often prioritize economic development over ecological protection, especially in land conversion for plantations, mining, and infrastructure. This creates persistent gaps between law and practice, highlighting the legal issues of anthropocentric dominance, weak integration of agrarian and environmental law, and insufficient safeguards for ecological and social justice. Therefore, there is an urgent need to reorient agrarian legal philosophy to ensure land governance balances economic growth with environmental stewardship and social equity.

RESEARCH METHOD

This study employs a normative-judicial and philosophical approach to reconstruct the agrarian legal framework in Indonesia through a post-anthropocentric perspective. Normative-judicial analysis is conducted to examine statutory provisions, regulations, and jurisprudence, particularly Law No. 5 of 1960 on Basic Agrarian Principles (*UUPA*) and Law No. 32 of 2009 on Environmental Protection and Management, while the philosophical approach critically explores underlying principles of land governance, focusing on ecological justice, socio-ecological functions of land, and intergenerational responsibilities.

The research is qualitative and conceptual, emphasizing legal reconstruction to develop a framework for integrating ecological justice into Indonesian agrarian law (Pratama et al, 2025). Data sources include primary legal texts, secondary sources such as books and peer-reviewed national and international journals, and tertiary sources including reports from governmental and non-governmental organizations concerning sustainable land governance (Mashdurohatun et al, 2025). Data collection is conducted through systematic document review, critical literature review, and comparative analysis of international practices in ecologically informed land law

Analysis is performed using qualitative content analysis and conceptual legal analysis, identifying normative principles, assessing gaps between law and practice, and reconstructing legal concepts to incorporate post-anthropocentric and ecological justice perspectives (Basuki et al, 2021). The study produces a conceptual framework, policy recommendations, and a philosophical reconstruction of sustainable land management within the Indonesian legal context.

RESULT AND DISCUSSION

Critique of the Anthropocentric Paradigm in Land Law

The anthropocentric paradigm in land law is characterized by a strong focus on human-centered interests (Heal, 2021), often at the expense of ecological considerations. Under this paradigm:

- a. Land is primarily treated as an economic commodity.
- b. Legal and policy frameworks emphasize ownership and control of land rights.
- c. The environment is regarded mainly as a resource for development, rather than as a system with intrinsic value.
- d. Legal systems prioritize certainty of property rights over ecological sustainability.

Such an approach has produced several negative consequences in practice (Freyfogle, 2021):

- a. Excessive exploitation of land resources, leading to soil degradation and loss of fertility.
- b. Inequality in land ownership, often concentrating land in the hands of few actors.
- c. Increasing agrarian conflicts, as competing claims over land escalate between communities, the state, and private actors.
- d. Ecological damage, including deforestation, biodiversity loss, and disruption of ecosystem services.

These outcomes highlight the need for a shift toward a post-anthropocentric approach, which integrates ecological justice into land governance (Asshiddiqie, 2010).

The anthropocentric paradigm in land law fundamentally positions human beings as the central beneficiaries of legal arrangements, whereby land is valued primarily for its utility to human economic interests. Within this worldview, land is seen as a resource to be exploited for production, investment, and economic growth, rather than as a part of an ecological system with intrinsic value (Grear, 2017).

Under this paradigm (Razzaque, 2020):

- a. Land is treated as an economic commodity whose worth is measured by market value and profitability.
- b. Legal frameworks emphasize individual ownership and control of land rights, often reinforcing private property as the dominant form of tenure.
- c. The environment is primarily viewed as an object of development, subject to conversion for agriculture, industry, or infrastructure.
- d. Legal and policy instruments prioritize certainty of rights, transferability, and economic utility, with limited integration of ecological sustainability.

According to environmental legal scholars, this anthropocentric orientation has contributed to persistent structural problems in land governance. For example, the commodification of land tends to marginalize communities with customary or communal land rights, exacerbating social inequality and disenfranchisement (Brush, 1996). Consequences of this paradigm include (Berkes, 2012):

- a. Excessive exploitation of land resources, leading to degradation of soil quality, erosion, and depletion of natural capital.
- b. Inequality in land ownership, where large tracts of land become concentrated in the hands of corporations or elites, while smallholders and indigenous peoples face dispossession.

- c. Increasing agrarian conflicts, as competing claims over land—between state, corporations, and local communities—escalate into social unrest.
- d. Ecological damage, including deforestation, habitat loss, and disruption of ecosystem services that underpin long-term sustainability.

These phenomena demonstrate that an anthropocentric legal framework inadequately addresses the interconnectedness of social and ecological systems, thereby undermining broader goals of sustainability and justice. This underscores the urgency for a post-anthropocentric reconstruction of agrarian legal philosophy that foregrounds ecological values alongside human rights and economic priorities (Bosselmann, 2017).

The Concept of Post-Anthropocentric Land Law

Post-anthropocentric land law represents a new paradigm in legal philosophy that moves beyond human-centered perspectives by recognizing land as part of an ecological system with intrinsic value. Its core principles include (1) Intrinsic ecological value of land, (2) Balance between human interests and nature, (3) Ecological justice, (4) Intergenerational responsibility (5) Sustainable land governance. Land regulation in Indonesia is philosophically grounded in several legal frameworks:

- a. Article 33 paragraph (3) of the 1945 Constitution of Indonesia, which establishes state control over natural resources for public welfare.
- b. Law No. 5 of 1960 on Basic Agrarian Principles, which introduces the concept of the social function of land.
- c. Law No. 32 of 2009 on Environmental Protection and Management, which emphasizes sustainable development principles.

However, these regulations have not yet fully integrated the ecological function of land into the agrarian legal framework.

Reconstruction of Agrarian Legal Philosophy

This research proposes a fundamental shift in the conceptualization of land within agrarian law, moving from the conventional “social function of land” to a broader “socio-ecological function of land.” In the current legal framework, particularly under Law No. 5 of 1960 on Basic Agrarian Principles (*UUPA*), land is primarily expected to serve social objectives such as equitable distribution, economic empowerment of communities, and support for national development (Asshiddiqie, 2010).

However, this anthropocentric interpretation often neglects the ecological dimensions of land, including its role in maintaining soil fertility, biodiversity, water regulation, and broader ecosystem services (Bosselmann, 2008). By integrating ecological considerations into the land function, the socio-ecological approach recognizes that land is not only a resource for human use but also a critical component of ecological systems whose sustainability is essential for long-term social welfare.

Under this paradigm, land governance policies and legal instruments would explicitly account for ecological sustainability alongside social objectives, ensuring that land use and allocation respect both human needs and environmental limits. For example:

- a. Land-use planning must prevent excessive conversion of forests or wetlands.

- b. Allocation of agricultural land should include soil conservation and water management measures.
- c. Land tenure policies should balance private rights with responsibilities toward ecological preservation.

This transformation reflects the philosophical foundation of post-anthropocentric land law, which repositions land as an integrated socio-ecological entity rather than a purely economic or social commodity (Berkes, 2012).

In a post-anthropocentric framework, the state is no longer merely a regulator or distributor of land rights; it must act as an ecological trustee responsible for preserving the sustainability of land and associated ecosystems (Stone, 2010). Under this concept, state authority extends beyond economic and social administration to include environmental stewardship, ensuring that land allocation and use do not compromise ecological balance.

For instance, policies granting concessions for agriculture, mining, or industrial use should incorporate ecological impact assessments and mechanisms to mitigate environmental degradation (Freyfogle, 2006). The state, therefore, assumes a dual responsibility, safeguarding citizens' social and economic welfare while maintaining ecological integrity for current and future generations (Bosselmann, 2008). Ecological justice (or environmental justice) emphasizes fairness not only among humans but also in relation to the natural environment (Gear, 2017). By embedding this principle into agrarian law, land governance considers:

- a. Equity among communities affected by land use decisions
- b. Protection of natural ecosystems as a legal and moral obligation
- c. Intergenerational responsibility, ensuring that future generations inherit land that is productive and ecologically sustainable

For example, large-scale land concessions should respect customary and communal rights while avoiding practices that degrade soil, forests, or water resources (Sumardjono, 2008). This integration aligns agrarian law with the sustainable development principles embedded in national and international environmental norms.

A post-anthropocentric paradigm adopts an ecocentric perspective, prioritizing the intrinsic value of ecosystems alongside human welfare. This involves (Sands & Peel, 2018):

- a. Recognizing land as part of an interconnected ecological system, not merely a human resource.
- b. Promoting land-use practices that maintain biodiversity, water cycles, and soil health.
- c. Embedding sustainability criteria into legal frameworks, planning, and dispute resolution processes.

An ecocentric approach also encourages participatory governance, where communities, NGOs, and local authorities collaborate in managing land sustainably. This reduces conflicts and aligns legal practice with environmental ethics.

In the post-anthropocentric paradigm of land law, the state's function must be reinterpreted beyond its conventional roles as a land regulator and grantor of land rights. Rather than focusing solely on managing land for economic and social use, the state should act as an ecological trustee, bearing a responsibility to safeguard environmental sustainability and ecosystem integrity (Purdy, 2015).

This expanded role requires the state to mediate between competing interests—economic development, social equity, and environmental protection—so that land use does not compromise ecological systems. The concept of ecological trusteeship involves legal and ethical obligations for the state to (Heyd, 2017):

- a. enforce sustainability criteria in land allocation and permitting;
- b. ensure that land use decisions protect soil health, biodiversity, and water systems;
- c. integrate long-term ecological considerations into policy and planning processes;
- d. uphold the rights of communities and future generations to a healthy environment.

Under this framework, the state is not merely a neutral administrator of land titles, but a custodian of ecological values, responsible for preventing environmental harm even when such harm may be economically beneficial to certain groups (May & Daly, 2019). Such thinking aligns with emerging doctrines in environmental governance that emphasize state obligations to protect common ecological goods and prevent irreparable damage. In this sense, the state becomes an agent of ecological stewardship whose legitimacy is measured not only by economic performance and legal clarity, but also by ecological resilience and sustainability (Schlosberg, 2017).

In the Indonesian context, this reinterpretation finds normative support in environmental law principles such as the precautionary principle, which requires preventive action in the face of environmental risks, and the polluter pays principle, which assigns responsibility for environmental damage (Sand & Peel, 2017). These doctrines reinforce the idea that state authority must serve ecological as well as social and economic justice.

In the context of Indonesian land governance, the notion of ecological justice requires that land law not only address social equity but also environmental sustainability and obligations toward future generations. Ecological justice in agrarian law thereby extends beyond simple distribution of land rights, incorporating values that ensure the fair use and protection of land and its ecosystems.

First, ecological justice demands social justice by ensuring equitable access to land resources for all groups, including smallholder farmers, indigenous communities, and marginalized populations. Empirical legal studies in Indonesia show that agrarian policies often fall short of achieving equitable land distribution, leading to persistent inequalities and conflicts over land rights (Pratama et al., 2025).

Second, ecological justice emphasizes ecological sustainability, wherein land governance must balance economic use with environmental protection. Research examining agrarian law and land conversion notes that current regulations in Indonesia have struggled to protect sustainable agricultural land, as competing demands for development often override ecological considerations (Mashdurohatun et al., 2025). This gap between normative legal ideals and practice highlights the need to integrate sustainability principles into land law frameworks.

Finally, ecological justice includes intergenerational justice, which holds that current land use decisions should not compromise the ability of future generations to benefit from healthy land and ecosystems. Research on intergenerational justice in environmental management emphasizes that natural resource governance must be based on both ethical responsibility and sustainability principles, reflecting commitments embedded in

Indonesian environmental law such as Law No. 32 of 2009 on Environmental Protection and Management (Cahyani, 2022).

By integrating these three dimensions—social justice, ecological sustainability, and intergenerational justice—agrarian law in Indonesia can evolve toward a legal paradigm that not only regulates land ownership and use, but also actively safeguards ecological integrity and equity across generations. Agrarian policies in Indonesia should adopt an ecocentric perspective, recognizing land as part of an interconnected ecological system. This approach emphasizes (Berkes, 2012):

- a. Ecosystem protection, ensuring forests, wetlands, and other habitats are conserved.
- b. Environmental carrying capacity, aligning land use with the ability of ecosystems to sustain human and non-human life.
- c. Ecological balance, maintaining soil fertility, water cycles, and biodiversity to support long-term sustainability.

Integrating these principles ensures that land governance supports both human welfare and ecological integrity, in line with constitutional and environmental mandates (Pratama et al., 2025)

Conceptual Implications The paradigm of post-anthropocentric land law

A shift in legal conceptualization of land requires moving beyond viewing land as merely a tradable economic asset toward seeing land as a common resource with ecological, cultural, and social significance. Traditional agrarian regulations in Indonesia, such as the Basic Agrarian Law (*UUPA*), emphasize land's social function but often fail to systematically integrate environmental concerns into legal definitions and land use regimes. Contemporary scholarship argues for expanding this conceptualization so that legal norms account for ecological integrity, cultural values, and community sustainability as integral elements of land governance (Basuki et al., 2021). This shift aligns with broader ecological jurisprudence that advocates for legal recognition of the environmental functions of land as part of societal well-being (Hughes & Awiati, 2024).

Integrating agrarian and environmental laws means creating harmonized legal frameworks that simultaneously regulate land rights and ecological protection. In Indonesia, the separate development of agrarian statutes and environmental regulations has led to fragmented governance, where land-use decisions sometimes overlook environmental sustainability (Maulana & Hutagalung, 2025). For example, ecological justice has been noted as under-incorporated in land governance, particularly regarding indigenous land rights and environmental protection norms (Pratama et al., 2025). A coherent integration would require aligning land tenure, spatial planning, and environmental safeguards to ensure that land conversion and use do not undermine ecological systems, while also fulfilling social justice objectives (Basuki et al., 2021).

Ecological justice in land governance encompasses the fair distribution of land benefits and burdens, protection of ecosystems, and recognition of interconnected human-environment rights. Studies on ecological justice in Indonesia highlight persistent gaps between legal recognition of rights (such as indigenous *ulayat* rights) and actual practice, where ecological values are sidelined in land policymaking (Basuki et al., 2021). Incorporating ecological justice into agrarian law requires both normative recognition of ecological principles and robust implementation mechanisms that protect land rights *and*

ecological health. Such an approach advances both social equity and environmental sustainability, reinforcing the idea that legal frameworks should safeguard both people and nature (Basuki et al., 2021).

Reformulating sustainable land management policies entails reorienting legal and policy instruments so that land use conforms to sustainability goals. Research on agrarian reform in Indonesia suggests that existing policies often prioritize economic exploitation over sustainability, leading to ecological degradation and unresolved land conflicts (Mashdurohatun et al., 2025). Sustainable land management thus requires policy realignment that incorporates environmental carrying capacity, ecosystem protection, and long-term resilience directly into land law and governance practices. This includes regulatory tools such as ecological impact assessments, sustainability criteria in land allocation, and stronger enforcement of environmental standards (Mashdurohatun et al., 2025).

A paradigm shift in the conceptualization of land within Indonesian agrarian law necessitates reconceiving land not merely as an economic or social asset but as a socio-ecological entity endowed with intertwined social, cultural, and ecological functions (Maulana & Hutagalung, 2025). Such a reconceptualization requires the systematic integration of agrarian and environmental legal frameworks, ensuring that land tenure, spatial planning, and ecological protection are mutually reinforcing (Pratama et al., 2025). Central to this approach is the operationalization of ecological justice, which encompasses the equitable distribution of land benefits, the safeguarding of ecosystem integrity, and the recognition of intergenerational responsibilities, thereby addressing persistent inequalities, mitigating environmental degradation, and securing the sustainability of land for future generations (Cahyani, 2022).

Accordingly, sustainable land management policies must be reformulated to embed ecological carrying capacity, ecosystem protection, and long-term resilience into both statutory and administrative instruments (Mashdurohatun et al., 2025). By aligning land governance with these ecological principles, Indonesian agrarian law can reconcile economic development objectives with environmental stewardship, reduce agrarian conflicts, and promote comprehensive justice that recognizes the rights and value of both human and non-human stakeholders.

Conclusion

The modern agrarian law paradigm in Indonesia is still largely dominated by an anthropocentric approach that places land primarily as an object of economic exploitation for human interests. This perspective tends to overlook the ecological functions of land, leading to various problems such as environmental degradation, ecological imbalance, and land-use conflicts. Therefore, it is necessary to reconstruct the philosophical foundation of agrarian law toward a post-anthropocentric paradigm that emphasizes ecological justice as the main principle in land management.

This approach highlights that land is not only an economic asset but also possesses ecological, social, and sustainability values that are important for all living beings and future generations. By integrating the principles of ecological justice, sustainability, and the recognition of the relationship between humans and nature, agrarian law in Indonesia can create a more balanced and sustainable land governance system. Such reconstruction is

essential to develop an agrarian legal system that is not solely oriented toward present human interests but also committed to environmental preservation and the sustainability of life in the future.

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