



Normative Study on the Regulation of the Right to a Good and Healthy Environment in the Context of Sustainable Development

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ABSTRACT

This research aims to analyze the regulation of the right to a good and healthy environment in the context of sustainable development through a normative legal approach. The research method used is normative legal research with a literature review and library research approach. Research data were obtained from primary legal materials, secondary legal materials, and tertiary legal materials which include laws and regulations, international legal documents, books, journal articles, and relevant academic literature. The results of the study show that the right to a good and healthy environment has substantive and procedural dimensions. The substantive dimension includes the right of communities to enjoy a clean, healthy, safe, and sustainable environment, while the procedural dimension includes the right to information, public participation, and access to environmental justice.

INTRODUCTION

The right to a good and healthy environment has become a central issue in modern environmental law because environmental quality is inseparable from human dignity, public health, social justice, economic activity, and the sustainability of future generations. From a normative perspective, the environment cannot be treated merely as an object of natural-resource exploitation; it is also the living space on which the exercise of many other rights depends. Consequently, the state has a legal responsibility to ensure environmental conditions that are safe, clean, healthy, and sustainable (Nugroho et al., 2020).

In Indonesia, this right has a strong constitutional foundation. Article 28H paragraph (1) of the 1945 Constitution recognizes the right of every person to a good and healthy living environment, while Article 33 paragraph (4) requires the national economy to be organized according to principles that include justice, sustainability, and environmental insight. These provisions place environmental protection within the constitutional framework of both human rights and national development, so economic policy cannot be separated from ecological responsibility (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 1945; Djayaputra, 2021).

The constitutional mandate is further operationalized through Law Number 32 of 2009 concerning Environmental Protection and Management, which regulates planning, utilization, control, supervision, sanctions, dispute resolution, and environmental liability. The law positions a good and healthy environment as a right and places sustainable, environmentally sound development as a basic principle of national development. Therefore, the central normative question is not merely whether environmental rights are formally recognized, but whether legal instruments are sufficiently coherent to prevent pollution, control ecological risks, ensure accountability, and provide remedies when environmental harm occurs (Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup, 2009). The effectiveness of this framework also depends on the coherence of environmental licensing, environmental impact assessment, supervision, sanctions, civil liability, criminal responsibility, and mechanisms for community claims. These instruments are the means through which the constitutional right is translated from a general guarantee into operational protection against concrete ecological risks.

Sustainable development requires a balance between economic, social, and environmental interests and, at the same time, introduces an intergenerational dimension into environmental regulation. Current development choices must not eliminate the ability of future generations to enjoy adequate environmental conditions. This principle limits unrestricted exploitation of natural resources and requires development policies to respect environmental carrying capacity, precaution, prevention, and long-term ecological sustainability (Damjanovic & Vasilkov, 2021; Siew, 2020).

International law has increasingly strengthened this orientation. The recognition of the right to a clean, healthy, and sustainable environment in United Nations Human Rights Council Resolution 48/13 and United Nations General Assembly Resolution A/RES/76/300 reinforces the connection between human rights, environmental protection, the rule of law, participation, and access to justice. Although these resolutions do not operate in the same manner as a binding treaty, they carry significant normative and political weight and encourage states to strengthen domestic environmental protection (Saura-Freixes, 2022).

A continuing challenge is the tension between development interests and environmental protection. Economic and infrastructure development can improve welfare, but weak control can also contribute to pollution, deforestation, land degradation, climate risks, and conflicts over natural resources. These impacts are often distributed unequally, with indigenous peoples, farmers, fishermen, children, women, low-income communities, and residents around industrial areas facing greater exposure to environmental harm. For that reason, environmental rights must be read together with ecological justice, procedural justice, public participation, and access to environmental remedies (Gentimir, 2020; Scholz, 2020).

Against this background, this study analyzes the position, substance, and consistency of the regulation of the right to a good and healthy environment within the framework of sustainable development. It examines the relationship between constitutional norms, environmental legislation, sustainable-development principles, and developments in international environmental law in order to identify how environmental rights can be strengthened without sacrificing ecological sustainability or the interests of future generations.

THEORETICAL REVIEW

Environmental Rights as Human and Constitutional Rights

The literature on environmental rights has developed from treating environmental protection as a policy objective into recognizing it as an element of human-rights protection. Boyd (2012) describes a global movement toward constitutional and statutory recognition of environmental rights, while May and Daly (2015) show that environmental constitutionalism elevates environmental protection by connecting it to constitutional duties and enforceable rights. In the Indonesian context, Nugroho et al. (2020) similarly emphasize that the right to a healthy environment is not only administrative in character, but forms part of the legal protection owed to citizens. This perspective is consistent with the wider international development represented by the Stockholm Declaration, the Rio Declaration, Human Rights Council Resolution 48/13, and General Assembly Resolution A/RES/76/300 (Nations, 1972, 1992; Council, 2021; Assembly, 2022). Gentimir (2020) further treats environmental protection as a fundamental-right issue because environmental degradation can impair the effective enjoyment of other rights. Shelton (2010) reaches a comparable conclusion from human-rights jurisprudence, showing that environmental harm is increasingly evaluated through its effects on life, health, welfare, and dignity. Together, these studies

support an integrated understanding in which environmental law and human-rights law reinforce rather than replace one another.

Substantive and Procedural Dimensions of Environmental Rights

Environmental-rights scholarship generally distinguishes between substantive and procedural dimensions. Substantive rights concern the quality of the environment itself, including protection from pollution, environmental degradation, and ecological risks that threaten life, health, safety, and dignity. Procedural rights concern access to environmental information, meaningful participation in decision-making, and access to justice. Razzaque (2010) and May and Daly (2014) underline that environmental rights are difficult to realize when affected communities cannot obtain information, participate before decisions are made, or challenge harmful decisions through effective legal mechanisms. The three pillars of the Aarhus Convention—access to information, public participation, and access to justice—illustrate this procedural structure (UNECE, 1998). The procedural dimension is particularly important in development decisions because environmental consequences often become difficult or impossible to reverse after permits are issued and projects begin. Meaningful participation therefore requires timely disclosure, understandable information, and a real opportunity for affected communities to influence decisions. Procedural rights also support accountability by creating a record against which administrative choices can later be reviewed.

Sustainable Development, Intergenerational Justice, and Ecological Justice

Sustainable development provides the main normative bridge between environmental rights and development policy. The concept formulated in Our Common Future requires present needs to be met without compromising the ability of future generations to meet their own needs (Development, 1987). Sands and Peel (2018) and French and Kotzé (2018) explain that sustainability in environmental law is not a rejection of development, but a requirement that economic and social objectives be pursued within ecological limits and supported by legal accountability. Intergenerational justice therefore becomes an essential component of environmental rights: present legal and policy choices must account for their long-term consequences for future communities (Siew, 2020; Bustami, 2026). This orientation also explains the relevance of prevention and precaution. If sustainable development is understood as an intergenerational legal commitment, decision makers must address foreseeable risks before serious damage occurs and cannot rely on uncertainty as a reason for inaction. The long-term character of ecological harm makes these principles especially important where restoration is costly, technically difficult, or incapable of returning an ecosystem to its previous condition.

The same literature also links environmental rights to ecological and distributive justice. Grear and Kotzé (2015) argue that environmental harm frequently reflects unequal power and vulnerability, while Atapattu and Schapper (2019) emphasize that a human-rights approach can expose the unequal burdens borne by communities that have limited influence over development decisions. Environmental protection is therefore not sufficiently assessed only through formal compliance; it must also consider who receives development benefits, who bears ecological costs, and whether affected groups can obtain protection and restoration.

Environmental Constitutionalism, Enforcement, and the Research Gap

A further line of scholarship focuses on environmental constitutionalism and enforcement. May and Daly (2015), Mike (2025), and Murcott (2017) highlight the role of constitutional norms in constraining short-term economic interests and strengthening judicial and institutional accountability. In Indonesia, Sipayung and Dwiprigitaningtias (2023) stress that sustainable environmental governance requires consistency between legal norms, supervisory institutions, and sanction mechanisms. Recent literature also expands the discussion toward corporate responsibility, environmental defenders, rights of nature, and climate justice (Navrátilová, 2024; Jędrzejowska-Schiffauer & Schiffauer, 2023; Oche & Olujobi, 2026). Suryawan and Aris (2020) also connect environmental-law policy and the idea of a green constitution with environmental sustainability performance, illustrating that high-level normative commitments need institutional follow-through. The enforcement literature therefore shifts attention from the existence of rights to the capacity of legal systems to prevent violations, supervise regulated actors, impose consequences, and secure restoration.

State Responsibility and Corporate Accountability

The literature also places state responsibility and corporate accountability at the center of effective environmental-rights protection. Kambovski (2025) emphasizes that a healthy environment is a prerequisite for the effective enjoyment of health-related rights, which reinforces the duty of public authorities to prevent foreseeable environmental harm. At the regulatory level, this responsibility requires the state to establish standards, supervise compliance, provide access to information, investigate violations, and ensure remedies when environmental damage occurs. Sipayung and Dwiprigitaningtias (2023) similarly stress that environmental law enforcement depends on consistency between legal norms, supervisory institutions, and sanction mechanisms. The role of corporations must be assessed within the same framework because business activities may generate both economic benefits and ecological risks. Suryawan and Aris (2020) connect environmental-law policy and the green-constitution approach with sustainability performance, while Navrátilová (2024) demonstrates the importance of criminal-law responses where environmental violations reach a serious level. These studies indicate that environmental rights are not fulfilled merely by recognizing citizens as rights holders; they also require

identifiable duty bearers, enforceable standards of conduct, and mechanisms that prevent ecological costs from being transferred to affected communities.

Despite broad recognition of these concepts, the literature remains fragmented across constitutional law, environmental law, human rights, sustainable-development law, and procedural justice. This study addresses that gap by reading these fields together in a normative framework. The analytical focus is directed to four connected questions: the legal status of the right to a good and healthy environment, the relationship between environmental rights and sustainable development, the adequacy of substantive and procedural guarantees, and the direction of regulatory strengthening. This synthesis provides the conceptual basis for evaluating whether existing legal arrangements move beyond declarative recognition toward effective prevention, participation, enforcement, and ecological recovery. The research gap is therefore not an absence of literature on environmental rights, but the need for a more integrated normative reading of the relationship among constitutional recognition, sustainable-development principles, procedural guarantees, state responsibility, corporate accountability, and ecological recovery. A synthesis of these elements is necessary to assess the internal consistency of the legal framework and its capacity to function in actual development governance.

METHODOLOGY

This study uses normative legal research with literature review and library research approaches because the object of analysis is legal norms, principles, doctrines, and concepts governing the right to a good and healthy environment in the context of sustainable development. Normative legal research examines law as a system of written rules and legal reasoning rather than relying on direct field data (Soekanto & Mamudji, 2015). Library research complements this approach by systematically collecting and analyzing written legal and academic sources (Zed, 2014).

The study applies statutory, conceptual, and historical-normative approaches. The statutory approach examines the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009 concerning Environmental Protection and Management, and relevant international environmental instruments. The conceptual approach analyzes environmental rights, sustainable development, ecological justice, intergenerational justice, state responsibility, procedural rights, and environmental constitutionalism. The historical-normative approach is used to trace the development of the recognition of environmental rights in national and international law.

The legal materials consist of primary, secondary, and tertiary materials. Primary materials include constitutional provisions, legislation, and relevant international legal documents. Secondary materials include books, journal articles, research findings, proceedings, and scholarly opinions on environmental law, human rights, sustainable development, and ecological justice. Tertiary materials, including legal dictionaries, encyclopedias, and legal indexes, are used where necessary to clarify concepts and terminology (Marzuki, 2017).

Legal materials were collected through documentation studies and literature searches using libraries, journal databases, academic repositories, Google Scholar, and official regulatory portals. Search terms included combinations of 'right to a good and healthy environment', 'right to a healthy environment', 'environmental human rights', 'sustainable development', 'environmental law', and 'environmental justice' in English and Indonesian. Sources were included when they were directly relevant, academically identifiable, and legally or scientifically credible; popular or anonymous materials without a clear academic basis were excluded. Selection prioritized legal materials and scholarship that directly addressed environmental rights, environmental-law regulation, sustainable development, state responsibility, ecological justice, or related procedural guarantees. Sources were assessed for relevance, identifiable authorship and publication information, and credibility of the issuing institution or publisher. Materials lacking a clear academic or legal basis were not used as principal analytical sources.

The materials were classified into themes covering the constitutional basis of environmental rights, national environmental regulation, substantive and procedural rights, sustainable-development principles, intergenerational and ecological justice, and international-law developments. Analysis was conducted descriptively, qualitatively, and prescriptively. Grammatical, systematic, teleological, and historical interpretation were used to examine the wording, relationship, objectives, and development of legal norms, while content analysis supported the synthesis of academic literature (Krippendorff, 2018). The research process proceeded through five linked stages: identification of the principal legal issue; collection of primary, secondary, and tertiary materials; thematic classification of the materials; normative interpretation and comparison of the relevant rules and doctrines; and prescriptive synthesis. This sequence was used to keep the analysis focused on the relationship between environmental-rights norms and the requirements of sustainable development rather than merely describing individual regulations in isolation.

Analytical validity was strengthened through triangulation among primary legal materials, secondary literature, and relevant international documents. The analysis therefore compares constitutional recognition with statutory implementation and scholarly interpretation rather than relying on a single source. On this basis, the study evaluates the adequacy and consistency of existing arrangements and formulates directions for strengthening environmental-rights regulation within sustainable development.

RESEARCH RESULTS

Normative Construction of the Right to a Good and Healthy Environment as a Fundamental Right

The normative review shows that the right to a good and healthy environment has both a human-rights dimension and an environmental-law dimension. As a human right, it is connected to life, health, housing, clean water, food, safety, and human dignity. As an environmental-law norm, it provides a basis for state duties in planning, prevention, supervision, restoration, and enforcement. International developments from the Stockholm Declaration and Rio Declaration to Human Rights Council Resolution 48/13 and General Assembly Resolution A/RES/76/300 demonstrate the gradual transformation of environmental quality from a policy concern into a recognized rights issue (Nations, 1972, 1992; Council, 2021; Assembly, 2022).

This recognition has direct legal consequences. Declarative recognition is insufficient unless it is translated into institutions and legal instruments capable of preventing environmental harm and providing remedies. Boyd (2012) and May and Daly (2015) show that constitutional environmental rights can influence legislation, policy, and adjudication when they are connected to enforceable state obligations. Accordingly, the right must be understood not as an additional administrative entitlement but as a guiding norm that structures the responsibilities of government and business actors.

Environmental rights also have individual and collective characteristics. Individually, each person is entitled to protection from pollution and environmental damage that threaten health, safety, and dignity. Collectively, communities have a shared interest in maintaining ecosystem functions and ecological sustainability. Rodríguez-Garavito (2018) links these characteristics by emphasizing the moral, legal, and empirical force of the right to a healthy environment, particularly because environmental decisions connect present interests with long-term ecological responsibility.

A complete legal construction must combine substantive and procedural rights. Substantive rights concern the ability to enjoy a clean, healthy, safe, and sustainable environment. Procedural rights include access to information, participation in environmental decision-making, and access to justice. Razzaque (2010) explains that these procedural guarantees are essential because environmental protection cannot operate effectively when communities lack information or legal standing, while the Aarhus Convention provides an influential model through its three procedural pillars (UNECE, 1998).

The normative construction is also inseparable from ecological justice. Environmental harm can directly affect life, health, welfare, livelihood, and dignity, and its burdens often fall disproportionately on vulnerable groups. Shelton (2010) and Atapattu and Schapper (2019) therefore support a rights-based approach that places affected communities and ecological consequences within legal evaluation. In this sense, environmental rights function both as citizen protections and as legal limits on economic, industrial, mining, forestry, energy, and infrastructure policies.

Table 1. Summarizes the Principal Normative Dimensions of the Right to A Good and Healthy Environment.

Normative Aspects	Meaning of Law	Implications in the Setting
Substantive rights	The right to enjoy a clean, healthy, safe and sustainable environment	The state is obliged to prevent pollution, damage, and ecological risks
Procedural rights	Right to information, participation, and access to justice	Communities must be involved in environmental decisions
Individual rights	Everyone's right to environmental health and safety	Victims of pollution deserve protection and redress
Collective rights	Community's right to ecosystem sustainability	Development policy must consider the public interest
Intergenerational rights	The right of future generations to a decent environment	Development should not exploit resources

The table confirms that effective environmental-rights regulation must connect citizens' rights with state obligations, corporate responsibility, participation, enforcement, and protection of future generations. Legal recognition without implementation, supervision, and recovery mechanisms remains incomplete.

Regulation of Environmental Rights in the Framework of Sustainable Development

The results show that environmental rights cannot be separated from sustainable development. The classic formulation of sustainable development requires present needs to be met without compromising the ability of future generations to meet their own needs (Development, 1987). In legal terms, this places development within ecological and intergenerational limits rather than treating environmental protection as an obstacle to economic policy. Sands and Peel (2018) similarly describe sustainable development as a principle that links environmental protection with economic and social objectives.

Environmental rights therefore perform a corrective function toward development models that focus only on investment, production, and short-term growth. French and Kotzé (2018) argue that the Sustainable Development Goals require legal support and accountability so that sustainability commitments can be translated into public policy. The 2030 Agenda and the Paris Agreement further demonstrate that environmental protection, poverty, health, water, energy, cities, climate resilience, and ecosystem protection are interdependent rather than separate policy fields (UNFCCC, 2015).

Several legal principles provide the operational connection between environmental rights and sustainable development: prevention, precaution, polluter pays, intergenerational justice, public participation, and access to justice. Prevention requires action before damage occurs; precaution prevents scientific

uncertainty from being used as a reason to delay protection; polluter pays allocates restoration costs to those responsible; and intergenerational justice requires current policy to account for future environmental conditions (Bustami, 2026).

Sustainable development must also be assessed through environmental justice. Pollution, climate impacts, and resource exploitation are not distributed equally, and low-income communities, indigenous peoples, farmers, fishermen, women, children, and residents around industrial areas may bear disproportionate risks. Gear and Kotzé (2015) show why human-rights analysis is important for revealing power, inequality, and vulnerability in environmental governance. Accordingly, procedural compliance alone is insufficient if the substantive outcome transfers ecological costs to vulnerable communities.

Environmental constitutionalism strengthens this relationship by placing environmental protection at a high normative level and by enabling legal scrutiny of development decisions. Pedersen (2018) notes that recognition of a right to a healthy environment can affect policymaking, litigation, and state accountability, while May and Daly (2015) show how constitutional norms can protect environmental interests against short-term priorities. The right to a good and healthy environment thus becomes a legal benchmark for determining whether development remains within the limits of sustainability.

Table 2. Summarizes the Relationship Between Sustainable-Development Principles and Environmental Rights

Principles of Sustainable Development	Relationship with Environmental Rights	Regulatory Implications
Economic, social, environmental balance	Environmental rights are the limit of economic development	Mandatory development policies based on environmental carrying capacity
Intergenerational justice	Future generations deserve a decent environment	Resource exploitation should be limited
Damage prevention	The state is obliged to prevent pollution from the beginning	Licensing and supervision must be strengthened
Caution	Scientific uncertainty should not hinder protection	Ecological risks must be analyzed before the activity runs
Public participation	The community has the right to be involved in environmental decisions	Public information and consultation must be guaranteed
Environmental restoration	Victims and ecosystems deserve to be restored	Polluters must be held accountable

Taken together, these principles require an integrated regulatory model that combines prevention, supervision, participation, accountability, and restoration. Sustainable development is inconsistent with a legal framework that permits economic gains while transferring long-term ecological harm to communities or future generations.

Direction of Strengthening the Regulation of the Right to a Good and Healthy Environment

The normative analysis indicates that strengthening environmental rights requires more than adding new declarations of principle. The central need is to harmonize environmental norms with clear state obligations to respect, protect, and fulfill the right to a good and healthy environment. Respect requires the state to avoid policies that directly undermine environmental quality; protection requires effective control of harmful conduct by third parties, including corporations; and fulfillment requires institutions, budgets, information systems, enforcement mechanisms, and ecological recovery. Kambovski (2025) reinforces the significance of this obligation by linking a healthy environment to the effective enjoyment of the right to health.

Access to environmental justice must also be strengthened. Victims may face difficulties in obtaining evidence, financing litigation, accessing information, or confronting actors with greater economic and institutional resources. Effective access to justice therefore requires practical mechanisms for standing, proof, remedies, and restoration rather than the formal existence of courts alone (Larson, 2026; Stoica, 2025). Procedural rights should operate from the beginning of environmental decision-making so that communities receive information and participate before ecological risks become irreversible.

Protection of environmental defenders is also necessary for the practical enjoyment of procedural environmental rights. Communities, advocates, and local actors who question development decisions may face intimidation, criminalization, violence, or economic pressure. When participation creates personal risk, formal rights to information and public involvement lose much of their practical value. Soyapi (2018) demonstrates the importance of judicial institutions in advancing environmental rights where administrative protection is inadequate, while Murcott (2017) shows how transformative environmental constitutionalism can strengthen the position of affected groups and promote structural accountability.

Corporate responsibility constitutes another priority because many forms of environmental degradation are associated with industrial, mining, plantation, energy, and infrastructure activities. Legal regulation must prevent business actors from shifting ecological and social costs to communities while retaining private economic benefits. The polluter-pays principle, restoration duties, strict liability where the legal requirements are satisfied, and effective administrative, civil, or criminal sanctions are therefore part of the institutional architecture of environmental rights. Navrátilová (2024) highlights the continuing role of criminal law where environmental violations produce serious social or ecological consequences.

The regulatory framework must also respond to the development of more ecological approaches and to the climate crisis. Rights-of-nature scholarship questions a purely anthropocentric legal perspective by emphasizing the intrinsic value and ecological functions of natural systems (Jędrzejowska-Schiffauer & Schiffauer, 2023; Flemmer & Horstmannshoff, 2026). Climate change reinforces this concern because it threatens food, water, health, housing, livelihoods, and community safety. Rights-based climate governance therefore requires attention to state responsibility, vulnerable groups, and the relationship between climate and biodiversity protection (Oche & Olujobi, 2026; Eales, 2025).

Finally, the right to a good and healthy environment must include effective recovery when prevention fails. Environmental recovery may require ecosystem rehabilitation, compensation, health restoration, livelihood recovery, and guarantees of non-recurrence. Boda et al. (2023) emphasize the value of participatory community-policy partnerships in environmental justice, while Jiménez and González (2023) show how procedural law can support sustainable development by opening access to legal protection. Restoration therefore completes the regulatory cycle: prevention seeks to avoid harm, enforcement assigns responsibility, and recovery attempts to repair ecological and social consequences.

Table 3. Summarizes the Principal Directions for Strengthening Environmental-Rights Regulation

Strengthening Direction	Problems Faced	Normative Strategies
Harmonization of norms	Environmental norms are scattered and sometimes inconsistent	Integrating the principles of environmental rights in all development policies
Access to justice	Victims find it difficult to prove losses and access court	Strengthening citizens' lawsuits, legal standing, and environmental proof
Public participation	Environmental decisions are often not transparent	Ensuring meaningful information, consultation, and engagement
Protection of environmental defenders	Activists and affected communities are vulnerable to criminalization	Provides legal and anti-bullying protection
Corporate responsibility	Business actors often shift ecological costs to the community	Strengthening strict liability, polluter pays, and effective sanctions
Recovery of victims	Recovery is often slow and incomplete	Guarantee the rehabilitation, compensation, and restoration of ecosystems
Climate justice	The impact of climate change is uneven	Integrating environmental rights with climate policy

The table shows that environmental law should be read systematically across administrative, civil, criminal, human-rights, and development-law dimensions. A coherent framework must protect rights before harm occurs, provide accountability when violations occur, and ensure restoration afterward. In sustainable development, the right to a good and healthy environment therefore operates as a controlling norm for present and future ecological justice.

Accordingly, the regulation of environmental rights should connect constitutional recognition with operational duties of the state, business actors, and decision-making institutions. The effectiveness of the right depends on its ability to guide development choices, strengthen public participation, prevent ecological harm, and provide accessible remedies rather than remaining a purely declarative principle.

CONCLUSIONS AND RECOMMENDATIONS

This normative study concludes that the right to a good and healthy environment is a fundamental right located at the intersection of human rights, environmental law, and sustainable development. Its legal meaning includes substantive protection from pollution and ecological degradation as well as procedural guarantees of information, participation, and access to justice. The constitutional and statutory recognition of this right in Indonesia is strengthened by developments in international environmental law, but recognition must be translated into enforceable duties and effective institutions.

Sustainable development requires economic and social objectives to remain within ecological limits and to respect intergenerational and environmental justice. Consequently, development policies should be evaluated not only by formal licensing compliance or short-term economic benefits, but also by environmental carrying capacity, distribution of ecological risks, protection of vulnerable groups, corporate accountability, climate impacts, and the rights of future generations.

Regulatory strengthening should therefore prioritize harmonization of environmental norms, clearer state obligations, meaningful public participation, accessible environmental justice, protection of environmental defenders, effective corporate responsibility, climate-responsive governance, and ecological and victim restoration. A strong environmental-rights framework is one in which prevention, supervision, enforcement, and recovery operate as an integrated system rather than as separate legal mechanisms. These measures should be incorporated across development planning, licensing, supervision, enforcement, and post-damage recovery so that environmental rights guide the full regulatory cycle. In particular, information and participation should occur before final decisions, while enforcement and restoration mechanisms should remain accessible after violations occur.

ADVANCED RESEARCH

Further research should examine the empirical implementation of environmental rights through pollution disputes, environmental licensing, environmental conflicts, and court decisions, and may compare Indonesian regulation with other jurisdictions to identify more effective models for sustainable and rights-based environmental governance.

REFERENCES

- Assembly, U. N. G. (2022). Resolution A/RES/76/300: The Human Right to a Clean, Healthy and Sustainable Environment. United Nations.
- Atapattu, S., & Schapper, A. (2019). *Human Rights and the Environment: Key Issues*. Routledge.
- Birnie, P., Boyle, A., & Redgwell, C. (2009). *International Law and the Environment*. Oxford University Press.
- Boda, P. A., Fusi, F., Miranda, F., & Palmer, G. J. M. (2023). Environmental justice through community-policy participatory partnerships. *Journal of Environmental Studies and Sciences*.
- Bodansky, D. (2010). *The Art and Craft of International Environmental Law*. Harvard University Press.
- Boyd, D. R. (2012). *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment*. UBC Press.
- Bustami, A. (2026). *The Legal Relationship between Present and Future Generations: An Intertemporal Perspective on Intergenerational Equity*. Springer.
- Council, U. N. H. R. (2021). Resolution 48/13: The Human Right to a Clean, Healthy and Sustainable Environment. United Nations.
- Damjanovic, A., & Vasilkov, Z. (2021). Sustainable development as a principle of environmental law. In *Economic and Social Development: Book of Proceedings*.
- Development, W. C. on E. and. (1987). *Our Common Future*. Oxford University Press.
- Djayaputra, D. G. (2021). Analysis of natural resources management in Indonesia: Environmental law perspective. *International Journal of Social Science and Public Policy*.
- Eales, B. (2025). *Bridging Climate and Biodiversity Law: Toward Coherent, Rights-Based Environmental Governance in Asia and the Pacific*. Asian Development Bank.
- ECLAC. (2018). *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*. United Nations.
- Flemmer, R., & Horstmannshoff, I. (2026). Rights of nature. In *Live Handbook of Environmental Humanities*. Springer.
- French, D., & Kotzé, L. J. (2018). *Sustainable Development Goals: Law, Theory and Implementation*. Edward Elgar Publishing.
- Gentimir, A. (2020). Environmental protection as fundamental right guaranteed to the European level. *Present Environment and Sustainable Development*, 14(2).

- Grear, A., & Kotzé, L. J. (2015). *Research Handbook on Human Rights and the Environment*. Edward Elgar Publishing.
- Jędrzejowska-Schiffauer, I., & Schiffauer, P. (2023). Rights of nature? Shifting patterns in environmental constitutionalism. *Wroclaw Review of Law, Administration and Economics*.
- Jiménez, G. A. A., & González, A. Y. G. (2023). Procedural law and sustainable development: An analysis of the Colombian reality. *Revista IUSTA*.
- Kambovski, V. (2025). The right to a healthy environment as a fundamental prerequisite for the right to health. In *The Right to Health*. Institute of Criminological and Sociological Research.
- Krippendorff, K. (2018). *Content Analysis: An Introduction to Its Methodology*. SAGE Publications.
- Larson, D. A. (2026). Access to justice. In *Encyclopedia of Law and Economics*. Springer.
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana.
- May, J. R., & Daly, E. (2014). The future we want and constitutionally enshrined procedural rights in environmental matters. In *Global Environmental Law at a Crossroads*. Edward Elgar Publishing.
- May, J. R., & Daly, E. (2015). *Global Environmental Constitutionalism*. Cambridge University Press.
- Mike, J. H. (2025). Environmental constitutionalism and the future of sustainable development: A human rights imperative in closing global governance gaps. In *Law and Development Review Proceedings*.
- Murcott, M. (2017). Introducing transformative environmental constitutionalism in South Africa. In *New Frontiers in Environmental Constitutionalism*. Pretoria University Law Press.
- Nations, U. (1972). *Declaration of the United Nations Conference on the Human Environment*. United Nations.
- Nations, U. (1992). *Rio Declaration on Environment and Development*. United Nations.
- Navrátilová, J. T. (2024). Environmental protection through criminal law. *International and Comparative Law Review*.
- Nugroho, S. S., Sarjiyati, A. T. H., & Purwati, Y. (2020). The right for a healthy environment in Indonesia: Comparison of global laws. *Journal of Global Pharma Technology*.
- Oche, A., & Olujobi, O. J. (2026). The role of law and the tripartite approach to climate justice: Lessons for Nigeria from Canada. *Journal for Sustainable Development Law and Policy*.
- Pedersen, O. W. (2018). The impact of a human right to a healthy environment. In *The Human Right to a Healthy Environment*. Cambridge University Press.
- Razzaque, J. (2010). Human rights to a clean environment: Procedural rights. In *Research Handbook on International Environmental Law*. Edward Elgar Publishing.

- Rodríguez-Garavito, C. (2018). A human right to a healthy environment? Moral, legal, and empirical considerations. In *The Human Right to a Healthy Environment*. Cambridge University Press.
- Sands, P., & Peel, J. (2018). *Principles of International Environmental Law*. Cambridge University Press.
- Saura-Freixes, N. (2022). Environmental human rights defenders, the rule of law and the human right to a healthy, clean, and sustainable environment: Last trends and challenges. *UNIO-EU Law Journal*.
- Scholz, I. (2020). Reflecting on the right to development from the perspective of global environmental change and the 2030 agenda for sustainable development. In *Sustainable Development Goals and Human Rights*. Springer.
- Shelton, D. (2010). Human rights and the environment: Jurisprudence of human rights bodies. In *Joint UNEP-OHCHR Expert Seminar on Human Rights and the Environment*.
- Siew, J. G. (2020). Facing the future: The case for a right to a healthy environment for future generations under international law. *Groningen Journal of International Law*.
- Sipayung, B., & Dwiprigitaningtias, I. (2023). Environmental law enforcement in Indonesia in terms of the concept of sustainable development. *Jurnal Hukum Dan Hak Asasi Manusia*.
- Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333–339.
- Soekanto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Rajawali Pers.
- Soyapi, C. B. (2018). The role of the judiciary in advancing the right to a healthy environment: Eastern and southern African perspectives. *Potchefstroom Electronic Law Journal*.
- Stoica, F. (2025). Citizens' access to justice in European and international human rights law. *Challenges of the Knowledge Society*.
- Suryawan, I., & Aris, I. (2020). Strengthening environmental law policy and its influence on environmental sustainability performance: Empirical studies of green constitution. *International Journal of Energy Economics and Policy*.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (1945).
- Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup (2009).
- UNECE. (1998). *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*. United Nations Economic Commission for Europe.
- UNFCCC. (2015). *Paris Agreement*. United Nations Framework Convention on Climate Change.
- Zed, M. (2014). *Metode Penelitian Kepustakaan*. Yayasan Pustaka Obor Indonesia.