



Convergence of green and sustainable principles from the perspective of economic democracy in Indonesia

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ABSTRACT

Despite a broad agreement on the significance of incorporating environmental consciousness and sustainability into policies, these have not been sufficiently prioritized in the practice of economic democracy. Such principles are essential for the operation of the national economy and are mandated by Indonesia's constitution. This study introduces the critical idea of integrating environmental and sustainability principles within economic democracy to foster economic development. It utilizes normative legal research methods, using both primary and secondary legal sources like the Constitutional Court Law, the 1945 Constitution, academic journals, and theories on economic democracy. The research finds a robust connection between environmental and sustainability principles, suggesting that economic development should harmonize environmental conservation, management, quality improvement, and sustainability with economic growth. In Indonesia, economic interests often dominate environmental considerations. However, ensuring prosperity and a healthy environment as part of human rights remains essential. Environmental considerations are crucial for societal efforts to enhance well-being. Combining these principles could lead to laws that address environmental crises and safeguard citizens' constitutional rights, benefiting both the environment and community welfare.

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1. Introduction

A constitution represents a foundational norm within a country's political and legal systems, typically formalized as a written document. It arises from the process of establishing a government and includes rules and principles for the political and legal framework. These rules specifically outline the basic principles of political and legal organization, including the formation, procedures, authority, and responsibilities of the state government (Jamallullail, 2020). Essentially, a constitution is not merely an act of the government but an expression of the will of the people who establish the government. As Thomas Paine articulated, a constitution is not an action taken by the government, but by the people forming that government. Without a constitution, a government is like authority without legitimacy

(McIlwain, 1958). Thomas Paine further argues that a constitution precedes the government; the government is essentially created by and operates under the constitution, emphasizing that "A constitution is a thing antecedent to a government; and a government is only the creature of a constitution" (McIlwain, 1958).

The creation of a constitution as a fundamental law relies on the principle of sovereignty in a nation. If a nation embraces popular sovereignty, the people are the source of the constitution's legitimacy. Conversely, in a monarchy, the king may decide the application of a constitution, reflecting what is known as 'constituent power'—authority that exists outside of and above the system it governs. In liberal democracies, it is typically the people who have the power to enact a constitution (Kurniawan, 2018). The 1945 Constitution of the Republic of Indonesia, serving as the supreme law, includes not only political provisions, typical of common law traditions, but also foundational economic principles. According to Muhammad Hatta, one of the nation's Founding Fathers, the economy should focus on three main elements: populism (primarily addressing poverty among the masses), social

justice, and democracy (Prakoso and Numadi, 2021). Hence, the goal of economic democracy in this context is to promote societal prosperity over individual wealth, which is more typical of capitalist systems. Democracy is crucial in this framework as it ensures that the people have the right to govern themselves and shape their government (McGaughey, 2023).

Environmental issues have become a prominent global concern that affects development strategies worldwide. During the G20 summit held in Bali on November 15-16, 2022, environmental sustainability was a central topic of discussion. The key environmental issues addressed included promoting sustainable recovery, enhancing land and marine conservation efforts to meet climate goals, and boosting funding for environmental and climate initiatives (Zahroh and Najicha, 2022). Indonesia's engagement in global environmental discussions dates back to the 1972 United Nations Conference on the Human Environment in Stockholm, where it was represented by Professor Emil Salim. This early involvement marked the beginning of Indonesia's continued participation in international environmental dialogues (Kurniawan and Managi, 2018).

A study by Banik (2022) investigated the link between democracy and sustainable development, particularly in the context of the 2030 Sustainable Development Goals (SDGs). The findings highlighted that the politics of sustainable development often lack adequate attention from governments and local stakeholders, with many societal actors overlooking political factors, thus complicating consensus-building. Despite autocracies sometimes showing effective results, the study suggests that democracies offer superior frameworks for the complex negotiations and discussions needed to achieve sustainable development. Banik's (2022) research underscores the potential for democracy to harmonize sustainable development efforts through thoughtful deliberation and negotiation, aiming to produce optimal outcomes for society. This study contributes to understanding the vital role of sustainable development in shaping state policies and offers a fresh perspective compared to prior research by emphasizing the integration of environmentally friendly and sustainable principles within the framework of economic democracy in Indonesia.

Söderbaum (2019) explored the interconnections between the economy, sustainable development, and democracy. His research highlighted the diverse approaches to addressing sustainable development challenges, including the traditional neoclassical economic theory. Söderbaum (2019) proposed an alternative perspective, considering individuals and organizations as political actors and advocating for an understanding of economics as the multidimensional management of scarce resources within a democratic framework. He argued for a shift from a technocracy-oriented to a democracy-oriented economic approach (Söderbaum, 2019).

This perspective contrasts with my own research, which focuses on the integration of sustainable development and environmental considerations within Indonesian democracy. Nonetheless, both approaches underscore the pivotal role democracy plays in shaping national policies and systems, demonstrating its versatility in incorporating various principles and approaches..

In the realm of law, the constitution serves as the supreme legal authority in a country, guiding all aspects of national life. In Indonesia, environmental regulations are specifically addressed within the constitution, notably in Article 28H paragraph (1) focusing on Human Rights and Article 33 paragraph (4) concerning National Economy and Social Welfare. Palguna et al. (2022) highlight that these articles collectively ensure constitutional protection for citizens to enjoy a healthy environment and safeguard sustainable environmental practices against the adverse effects of national activities. The 1945 Constitution of Indonesia, the paramount legal document, encompasses directives not only on political governance but also on economic management, distinguishing it as both a political and economic constitution. Asshiddiqie (2016), a constitutional law expert, points out that the inclusion of economic and social welfare policies in Chapter XIV, which contains Article 33 and Article 34, underscores its role as an economic constitution. Moreover, the concept of a "Green Constitution" has been promoted, suggesting that the 1945 Constitution integrates environmental policies and principles of sustainable development. This makes it a significant example of a green constitution, aimed at being operationalized and enforced in state practice (Butt and Murharjanti, 2021). This dual focus on political, economic, and environmental governance highlights the comprehensive nature of the Indonesian Constitution in addressing the multifaceted needs of its society.

2. Research method

This research employed normative legal methods to explore the principles of economic democracy, particularly focusing on the environmentally friendly principles outlined in Article 33 paragraph (4) of the 1945 Constitution. The doctrinal approach utilized aimed to elucidate the contemporary interpretation of these principles (Negara, 2023).

The study primarily relied on a statutory approach, centering on the economic democracy principles in Article 33 paragraph 4 of the 1945 Constitution, both before and after its amendment. This approach was complemented by examining legal products related to this constitutional article. Additionally, a historical approach was used to analyze the development of these principles, considering the historical context in which they were framed (Noor, 2023).

The research drew on both primary and secondary legal materials. Primary materials included Pancasila, the 1945 Constitution of the

Republic of Indonesia, comprehensive texts on the Constitution, and decisions from Constitutional Amendments to Court. Secondary materials comprised books and academic research related to the evolution and theoretical underpinnings of economic democracy.

3. Result and discussion

3.1. A perspective on economic democracy in Indonesia

Economic democracy integrates the concept of people's sovereignty in economic matters. After amendments to the Indonesian constitution, this concept as outlined in Article 33 paragraph (4) encompasses principles like environmental sustainability. The discussion on sustainability is closely linked to the broader global agenda of sustainable development, which includes efforts to combat poverty, inequality, and environmental degradation while promoting health, education, and economic growth.

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, sets forth 17 SDGs aimed at fostering global partnership to address these challenges. The introduction of environmental norms into the Indonesian constitution can be traced back to international environmental discussions, starting with the 1972 UN Conference on the Environment in Stockholm and subsequent global conferences that emphasized the interconnection between environmental sustainability and economic policies.

Research by [Glass and Newig \(2019\)](#) highlighted that achieving the SDGs requires governance that incorporates participation, policy coherence, reflexivity, adaptation, and democratic institutions, with factors such as economic power, education, and geographic location also playing significant roles in SDG success. This underscores the importance of integrating sustainable development principles into the governance and policy-making processes, particularly from the perspective of economic democracy in Indonesia.

Emil Salim has criticized conventional development strategies for failing to adequately address social and environmental concerns, advocating for a sustainable development approach that balances short-term economic interests with long-term social and environmental goals. Similarly, research by [Opoku and Acheampong \(2023\)](#) has found that various forms of democracy, including participatory and deliberative democracy, significantly contribute to economic growth and justice, suggesting that equitable access to democratic practices is crucial for sustainable economic development.

This body of research indicates that economic democracy, enriched with sustainable development principles and environmental insights, plays a crucial role in shaping policy and governance strategies that are both effective and equitable.

3.2. The environmentally friendly and sustainable principles in Indonesian economic democracy

According to [Shi et al. \(2019\)](#), sustainable development has emerged as a key strategy guiding the social and economic transformation of countries globally. They trace the development of sustainable development theory and discuss how it has been tailored to fit the specific circumstances of Indonesia. A structured overview of the development stages of sustainable development theory:

- Embryonic period (Before 1972)
 - Focus: Emphasis was on the sustainable use of natural resources.
 - Key event: Article 33 of the 1945 Constitution (prior to amendment) stated that "Earth and water and the natural resources contained therein are controlled by the state."
- Molding period (1972)
 - Definition: The United Nations Conference on the Human Environment held in 1972 marked the beginning of the concept of sustainable development, although definitions were still vague and lacked operability.
 - Key development: The concept of sustainable development was introduced but without a clear operational framework.
- Developing period (After 1987)
 - Evolution: Sustainable development gained more practical wisdom and became more systematically defined.
 - Significant milestones:
 - 1987: The report "Our Common Future" systematically expounded the definition of sustainable development for the first time.
 - 1992: The Rio Conference translated sustainable development from a concept into global action, introducing the three pillars: economic, social, and environmental.
 - 2000: The United Nations Millennium Summit adopted the Millennium Development Goals (MDGs), establishing a framework for national development cooperation.
 - 2001: The article "Sustainable Science" was published, marking sustainable development as a scientific subject.
 - 2012: The Rio+20 Conference considered governance as the fourth pillar of sustainable development.
 - 2015: The UN Development Summit adopted the SDGs, fundamentally changing the traditional view of development that focused solely on economic growth.
 - 1999-2002: Amendments to Article 33 of the 1945 Constitution reflected an evolved understanding and commitment to sustainable development within the legislative framework of Indonesia.

This timeline illustrates the significant progression from the initial stages, where

sustainable development was merely a concept related to resource usage, through a phase where it was recognized but not well-defined, to a period where it became an integral part of global action and scientific discourse. Each period marks an important step in the global understanding and implementation of sustainable development principles, reflecting a growing international commitment to integrating environmental, economic, and social priorities.

In Indonesia, the concept of sustainable development was integrated into the 1945 Constitution through amendments that emphasized principles of economic democracy, particularly sustainability and environmental responsibility. During the discussions for the second amendment in the chapter on National Economy, the national awakening faction, F-KB, advocated for the optimal use of economic resources with a focus on environmental sustainability. They argued that while the Constitution could set the overarching principles, the detailed regulations should be addressed through specific laws.

The amendments to Article 33 of the 1945 Constitution reflect these discussions. Changes proposed during the constitutional amendments from the Second to the Fourth included the incorporation of environmental terms and the concept of 'sustainability'. This progressive inclusion aimed to ensure that environmental sustainability became a constitutional mandate, reinforcing Indonesia's commitment to sustainable development within its legal framework. The amendments to Article 33 of the 1945 Indonesian Constitution regarding environmental sustainability can be summarized as follows (Pinilih, 2018):

- Second amendment proposals (1999-2000): During the PAH I BP MPR meetings for the 1999-2000 period, several factions presented proposals related to enhancing environmental sustainability in the national economy and social welfare:
 - PDIP Faction (Pataniari Siahaan) proposed maintaining and improving environmental sustainability.
 - PG Faction (Hafiz Zawawi) emphasized the need for sustainability.
 - PPP Faction (Ali Hardi Kiaidemak) and PDU Faction (Asnawi Latief) both highlighted the importance of paying attention to the balance of the surrounding environment.
 - United Nation/UN Faction (Hamdan Zoelva) proposed the sustainable principle, stressing that economic resource management must guarantee human survival.
 - KB Faction (Abdul Khaliq Ahmad) supported sustainability and environmental preservation, aiming to optimize the use of economic resources with a focus on environmental sustainability.
 - Reformasi Faction (Fuad Bawazier) and UG Faction (Valina Singka Subekti) both advocated for paying attention to environmental sustainability.

- Further Discussions on Environmental Sustainability:
 - On July 29, 2000, further discussions emphasized the improvement of environmental governance by the PDIP Faction (Soetjipno) and a continued focus on sustainable principles by the UN Faction (Hamdan Zoelva).
 - During the 5th Annual session of the MPR on August 10, 2000, the PG Faction (Hajriyanto Y. Thohari) talked about realizing sustainability and improving the living environment's quality, while the UG Faction (Valina Singka Subekti) pushed for including environmental aspects in governance.
- Third and Fourth Amendments:
 - In 2001, experts like Prof. Dr. Mubyarto and Dr. Sri Adiningsih contributed to discussions on environmental sustainability during MPR meetings, focusing on harmonious environmental management and protecting the environment.
 - By 2022, community figures and additional factions had proposed pro-environment amendments, stressing environmental protection, maintaining environmental carrying capacity, and improving environmental management. Notable contributions came from community figures like Bambang Wijayanto and Sandra Moniaga and factions like the UD Faction (Januar Muin and M. Hatta Mustafa), which emphasized the need for better environmental regulations and management practices.

In the fourth amendment discussions, it was emphasized that environmental friendliness is a crucial component of sustainable development. This point was highlighted by Laode M. Kamalludin from the PG Faction during the MPR Commission A's deliberations on amendments. He noted that while Article 33 paragraph (4) advocates for a national economy based on economic democracy and justice, the principles of unity, efficiency, sustainability, and environmental awareness often appear to conflict with one another. Specifically, sustainability and environmental awareness are key aspects of sustainable development, which encompasses economic viability, social acceptance, and environmental preservation. Kamalludin argued that the current articulation of sustainable principles and environmental awareness in the constitution is inadequate and requires further refinement to better integrate these elements (Bogers et al., 2022).

The Constitutional Court, as the protector of the constitution and its ultimate interpreter, has made several rulings related to economic democracy with specific reference to environmental issues. One such interpretation by the Court came during the judicial review of the electricity law. In this review, the Court defined the phrase "dikuasai oleh negara" (controlled by the state) broadly, linking it to the sovereignty of the Indonesian people over natural resources, as stated in the phrase "bumi dan air dan kekayaan alam yang terkandung di dalamnya"

(earth, water, and the natural wealth contained therein). This interpretation includes the concept of public ownership by the collective of the people, as constituted under the 1945 Constitution. The Constitution mandates the state to engage in policy-making and management activities—including regulation, management, and supervision—to maximize the prosperity of the people (Wibisana, 2014).

According to M. Wildan Humaidi, the interpretation of economic democracy is intricately linked to the provisions of state control, which are central to the essence of Article 33 of the 1945 Constitution. He elaborated that the embodiment of the five functions of state control has become a pivotal decision by the Constitutional Court in evaluating the constitutionality of other laws against the standards set by Article 33 of the 1945 Constitution (Sujono and Nasution, 2023). This underscores that beyond the Constitutional Court's interpretation of state control, the fundamental aim of Indonesian economic democracy is to maximize the prosperity of its people.

The discussion aligns with a study by McGaughey (2023), which examined democracy through historical and legislative lenses. This study explored the constitutional frameworks of developing economies and identified the laws that underpin their democratic systems. While political democracy, characterized by the principle of 'one person, one vote,' is widely recognized, economic democracy is less understood. In economic democracy, the ideal is often described not as one vote per person but as a collective decision-making process where, hypothetically, 'three people involved only have one vote.' This reflects the diverse contributions of workers, investors, and service users to the economy, each of whom may have different rights and roles in the democratic process, and these are continuously developing. Consequently, the effective implementation of economic democracy is intrinsically linked to the roles of both officials and the community, each contributing to the economic execution that aims to enhance national prosperity (McGaughey, 2023).

The constitution, as the supreme law of the land, must be substantively supported by its implementing regulations, aligning with the 'Stufenbau theory.' This hierarchy ranges from laws and government regulations to ministerial and regional regulations. This approach is consistent with the views of I G Ayu KRH, who regards the Indonesian Constitution as a Green Constitution. Consequently, it is essential that the government, the House of Representatives, and regional governments (including the Executive and Regional Legislative Council) play a pivotal and strategic role in crafting pro-environment regulations. These regulations should not only avoid overlapping but also harmonize with higher-level legislation, ensuring coherence throughout the legal framework (Ulum, 2020). The term 'constitution' etymologically originates from the French language, which in turn

borrowed from the Latin word "constitutio." This term was used to describe regulations, orders, or laws during the Roman Empire, encapsulating four types of imperial constitutions: Decreta, Edicta, Rescripta, and Mandata (Prabowo, 2014). Similarly, Wheare (2011) noted that 'constitution' from the Latin 'constitutio' refers to a compilation of legal regulations that govern a country, consolidated into a document (Mousourakis, 2017). The Oxford Dictionary of Law defines a constitution as "the rules and practices that determine the composition and functions of the organs of central and local government in a state and regulate the relationship between the individual and the state" (Wheare, 2011). Thus, a constitution comprises written rules and practices concerning state administration, including the structuring and functioning of central and regional governmental organs, and it regulates the interactions between individuals and state entities. The Indonesian Dictionary defines a constitution as all provisions and regulations regarding state administration or the fundamental laws of a country (Martin, 2003). Generally, the concept of a constitution is influenced by civil law traditions from Dutch (Grondrecht), German (Gerundrecht), and French (Droit Constitutionnel) legal systems, which distinguish between written and unwritten constitutions. This is in contrast to England, where the constitution, following the common law tradition, is an amalgamation of legal and non-legal regulations that govern state administration (Fitriasari et al., 2022).

As Bryce (1910) observed, a constitution is distinct from other forms of law. It originates from a unique source and is established through a process that differs from the enactment of ordinary laws, possessing a sovereign authority. Unlike regular legislation created by the typical legislative body, a constitution is enacted by a specially empowered, higher authority. In instances where constitutional provisions conflict with those of ordinary laws, the constitution prevails, necessitating that the ordinary laws defer to it (Wheare, 2011). Thus, a constitution is not just any law; it is a foundational legal framework established by a superior legislative entity. When conflicts arise between the constitution and other legal norms, the constitutional provisions take precedence, and ordinary laws must accommodate these differences (Bryce, 1910).

Wheare (2011) conceptualizes the constitution as a comprehensive system governing a nation's state administration, which includes a collection of both legally binding provisions and guidelines not necessarily possessing legal nature (Siburian, 2022). This definition underscores the constitution's dual function; it establishes legal norms that limit state power and also includes broader governance principles, encompassing both legal and non-legal elements.

The constitution can be understood in both narrow and broad terms. Narrowly, it refers to legal norms that constrain state powers. Broadly, it includes all fundamental laws and principles,

whether written, unwritten, or a combination of both, that govern a state, extending beyond mere legal statutes to encompass non-legal norms as well.

Carl Schmitt categorizes the constitution into four types:

1. Absolute Sense: Encompassing the state's organizational structure, governmental form (democracy or monarchy), integrity, and fundamental legal norms.
2. Relative Sense: Viewed as a demand from liberal bourgeois groups for rights protection against government overreach.
3. Positive Sense: Represents a country's supreme political decision regarding its unity and form.
4. Ideal Sense: Seen as an aspirational framework aimed at preventing arbitrary government actions against citizens (Vinx, 2020).

Legal scholars like Sir John Laws and Bogdanor V., along with B. Rudder, emphasize that a constitution is a framework of legal rules governing relationships within a country, specifically detailing the distribution and exercise of power, roles, and duties among various governmental institutions and officials, as well as their relationships with the community (Ekins, 2022).

Sri Soemantri, referencing J.G. Steenbeek, points out that constitutions generally address at least three core areas:

1. Protection of human rights.
2. Fundamental constitutional structure.
3. Division and limitation of power (Yunus et al., 2022).

Mahfud notes that a constitution reflects the political, economic, social, and cultural conditions of its time, indicating it should be adaptable to societal changes while maintaining more permanence than ordinary laws (Samsudin, 2022). Asshiddiqie (2016) adds that the constitution embodies a collective agreement on the state organization, the interaction between state institutions, and the relationship between these institutions and citizens (Sampe et al., 2023). In summary, the constitution is a dynamic framework that not only governs the distribution of power within a state but also reflects and adapts to its evolving socio-historical context. It binds the principles of economic democracy and environmental stewardship, as mandated in specific articles like Article 33 paragraph (4) of the 1945 Constitution, ensuring these principles are integral to all policymaking and legislative processes (Chakim, 2020; Omara, 2017; Surbakti and Abdilah, 2020).

3.3. The urgency of environmentally friendly and sustainable principles in Indonesian economic democracy

The convergence of environmentally friendly principles and sustainable development in

Indonesian economic democracy has a positive impact on the development of the country itself. Each has certain characteristics, such as the interconnectedness of several sectors, including the environment and society, as well as its benefits and development. Development will always be related to and interact with the environment in a positive or negative way. In principle, the implementation of the efforts related to convergence on these principles has several advantages for the sustainability of a country. The following are some of these advantages:

- a. The principle of sustainable development from an economic point of view is able to increase worker skills that further improve competitiveness. So, it is expected that people can get proper jobs and a better income. In addition, it is able to support the construction of basic infrastructure such as property, water systems, and information fields.
- b. The more efficient the energy consumption, the more sustainable the development. There are several methods we can take to save energy: use renewable energy more optimally, conserve the use of available energy sources, and prioritize the development of mass transportation.
- c. The ecology continues to be preserved while implementing sustainability. In order to preserve the environment to the maximum, there are several things that can be done, such as ensuring there is green open space and making well-integrated transport systems and buildings.
- d. Sustainable development can be carried out with the participation of the wider community, and the government must be able to provide facilities. The community must play an active role in the sustainable development process. Meanwhile, the government can also be a facilitator of community empowerment and be able to accommodate their aspirations.
- e. Equity is the main target of sustainable development. It is expected to minimize economic disparities. Besides, by holding this principle, all members of the community can get equal opportunities.

4. Conclusion

The concept of environmentally friendly principles suggests that aspects such as environmental sustainability, governance, protection, quality improvement, and carrying capacity should be balanced with economic growth in economic development initiatives. While environmental concerns are often overshadowed by economic interests in Indonesia, the prioritization of the people's prosperity and recognition of a healthy environment as part of human rights highlights the anthropocentric approach to environmental issues. These environmental considerations are fundamentally integrated into efforts to enhance societal welfare.

To advance legislation that supports environmental protection, it is essential that

environmental norms be incorporated not only in policies governing economic development and preventing environmental crises but also in constitutional guarantees of citizens' rights that benefit the environment. The dual implementation of these principles contributes to the prosperity of the Indonesian people by establishing a link between new policy-making and the importance of environmental norms. The protection of constitutional rights, viewed as part of upholding fundamental rights by the constitution, emphasizes that each regulation or policy should support the welfare and prosperity of the people. This approach ensures that environmental and economic objectives are aligned to promote overall societal well-being.

Compliance with ethical standards

Conflict of interest

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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