

# The urgency of recognizing ecocide for the protection of human rights and greener future

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## Abstract

Large-scale environmental destruction that occurs systematically and continuously has had a serious impact on environmental sustainability and the fulfillment of human rights. Indonesia has several environmental cases that have a serious impact and continue to develop to this day. For example, the case of the Lapindo Mud, Forest and Land Fires, to flash floods and landslides that occurred in 3 provinces last November. Exploitative, structured, systematic, and massive actions against the environment are known as ecocide. Ecocide is an environmental crime that has become an international discourse to be designated as the most serious crime because of its impact that threatens environmental destruction. This research is normative legal research using conceptual, legislative, and case approaches. This research shows that ecocide have an impact on the non-fulfillment of human rights and environmental destruction on a large scale. The recommendation of this study is that there is an urgency to recognize ecocide in laws and regulations in Indonesia as a form of gross human rights violations to ensure human rights protection and a greener future.

## Keywords

Ecocide, Human rights, Environment, Greener future

## Introduction

Environmental damage globally has led to environmental destruction and threatens human survival, including in Indonesia. The cause of this condition is due to natural factors and human activities that continuously exploit natural resources. Activities such as deforestation, land conversion, mining, and others are carried out without considering the sustainability of the ecosystem and future generations. Moreover, Indonesia is a country that has abundant natural resources such as petroleum [1].

Several events that occurred in the world and even Indonesia occurred triggered by human and industrial activities. The Lapindo Mud case in 2006 in Sidoarjo, East Java was the impact of the drilling activities of PT. Lapindo Gas which resulted in the appearance of hot mud bursts and natural gas explosions. The Lapindo mud eruption has spewed

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up to 180,000 m<sup>3</sup> of mud material per day and released hydrogen sulfide gas which is estimated to have a temperature of about 60° Celsius [2]. The impact of these events is the non-fulfillment of human rights such as the right to life, the right to a good and healthy environment, and the right to live properly as guaranteed by the constitution.

Recently, Indonesia has also experienced hydrometeorological natural disasters in the form of flash floods and landslides in 3 (three) provinces, namely North Sumatra, Aceh, and West Sumatra. One of the triggers for these disasters besides natural factors is deforestation. As of December 25, 2025, the number of victims reached 1,135 people, a total of 173 people are still declared missing, more than 157,000 houses have been damaged, and as many as 1,900 public facilities have been damaged [3].

The phenomenon of environmental destruction as described above is known as ecocide. Literally Ecocide derived from the Greek word i.e. Oeco which means the environment and Caedere which means murder or annihilation. So, Ecocide It can be interpreted as extreme damage or destruction of ecosystems that threaten survival, both human and non-human [4]. The term ecocide was first proposed by Richard Falk in a 1973 article. Ecosystems, defined as the extensive, brutal, and systematic destruction of ecosystems or planets, have been discussed by the United Nations and the International Law Commission since the 1970s [5]. Ecocide is encouraged to become the fifth crime in the 1998 Rome Statute after the crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. To date, ecocide has not been accommodated as a separate crime under the Rome Statute, but incorporated within the category of war crimes. Likewise, Indonesia's positive law does not regulate ecocide, it only regulates environmental crimes.

Meanwhile, environmental crimes with ecocide are two different things. Environmental crimes according to the PPLH Law are in the form of actions that cause pollution and environmental damage such as acts that exceed environmental quality standards, violations of environmental management obligations, and others. Meanwhile, environmental damage on a broad, systematic, massive, long-term, and permanent impact on the sustainability of ecosystems and human life is an element of ecocidal crime, which is not regulated in the PPLH Law or other regulations.

Based on this, it shows that there is a legal vacuum so that legal certainty is needed for the application of ecocide in the context of protecting human rights (HAM) and a greener future generation. Due to the positive law currently in force, it is not adequate in handling cases of extreme environmental damage. For the cases of environmental damage that have occurred, it only results in violations of permits, administrative sanctions, corporate liability, and others, but it is not enough to solve the root of the problem of environmental damage. In previous research, ecocide was more studied in the perspective of criminal law and environmental law, as well as its urgency to be recognized as an extra ordinary crime.

This study examines the urgency of ecocide recognition that focuses on the protection of human rights and a greener future in the study of constitutional law and human rights, especially regarding the right to a good and healthy environment. The formulation of the problem in this study is: 1) How is the regulation of ecocide in positive law in Indonesia? and 2) Why is there a need for positive legal ecocide recognition in Indonesia? To answer this formulation, this normative legal research uses a conceptual approach, a legislative approach, and a case approach.

## Method

This research is normative legal research that examines the urgency of ecocide recognition in the context of human rights protection and a greener future. To answer the formulation of this problem, this study uses three approaches. First, a legislative approach is used to examine legal instruments in Indonesia that regulate the environment, human rights, and the environment. Second, a conceptual approach is applied to examine the concept of ecocide within the framework of constitutional law and human rights. Third, the case approach is used to analyze cases of environmental crimes that cause environmental damage, which are carried out in a structured, systematic and wide-ranging impact.

The data source in this study uses secondary data, namely primary and secondary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia and other laws and regulations that regulate human rights and the environment. Secondary legal material is in the form of theories, doctrines, and expert opinions on ecoides, human rights, and the environment. Data collection was carried out by library research.

## Results and discussion

### Results

Based on literature studies that have been conducted by examining the concept of ecocide (conceptual approach), analyzing regulations related to human rights and the environment (legislative approach), and examining cases of environmental crimes and their impacts (case approach), it was found that there are no regulations related to ecocide in Indonesia, resulting in a legal vacuum. This can cause legal uncertainty, especially in the protection of human rights which is the obligation of the state as a human rights obligator. Various cases of extreme environmental damage or ecocide have resulted in the non- fulfilment of human rights, such as the right to a good and healthy environment, the right to life, and the right to decent housing, which has been guaranteed by the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia). Continuously, the series of actions that cause extreme environmental damage have violated human rights, citizens' constitutional rights, and hampered the goal of sustainable development, especially in obtaining a greener future.

### Discussion

The concept of ecocide has been in the discourse since the 1970s, in response to large-scale environmental damage caused by war crimes and industrial activities. The term ecocide was first proposed by Richard Falk in his 1973 article. This ecocidal concept is echoed by the international community to be included as the fifth of the most serious crime in the 1998 Rome Statute. Previously, environmental crimes in international instruments were included in the category of war crimes.

Several experts give opinions regarding the concept of ecocides. Polly Higgins defines an ecocide as “the widespread destruction, destruction, or loss of one or more ecosystems within a given area, whether caused by human actions or by other causes, in such a way that the enjoyment of peaceful living for the inhabitants of that area has been or will be greatly diminished [4], [6]. Furthermore, the Independent Expert Panel for the Legal Definition of Ecocide (IEP) in 2021 formulated a definition of ecocide that refers to unlawful acts, potentially causing severe, widespread environmental damage and long-term impacts [7]. An environmental event or crime can be categorized as an ecocide by taking into account systematic, widespread, massive, and long-term impact elements [2], [7], [8].

Internationally, ecocides are not recognized and do not yet have a legal umbrella, nor does Indonesia. Indonesia’s positive laws governing human rights and the environment are accommodated through the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights (Law on Human Rights), Law Number 26 of 2000 concerning Human Rights Courts (Law on Human Rights Courts), and Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). However, none of these regulations explicitly regulate the ecocide. The Human Rights Court Law only mentions 2 categories of gross human rights violations, namely genocide and crimes against humanity. The PPLH Law focuses on administrative violations and civil liability, while criminal sanctions are the ultimate remedy. Environmental crimes covered by the PPLH Law are in the form of actions that cause pollution and environmental destruction such as acts that exceed environmental quality standards, violations of environmental management obligations, and others, without classifying large-scale environmental crimes as ecocides.

Meanwhile, there are differences between environmental crimes (environmental crimes) and ecocide, even though the object is the same, namely the environment. In the PPLH Law, environmental crimes are constructed with administrative criminal law, with criminal sanctions serving as a last resort (*ultimum remedium*). Environmental crimes here are violations of the quality threshold, as well as the absence of administration (permits). Although, licensed corporate activities are often inseparable from actions that threaten the environment and humans. On the other hand, ecocide does not only see a crime only from the administrative side, but also how activities and the impact resulting from these activities are. Another distinguishing feature of ecocide is that it is carried out systematically, produces widespread and long-term impacts, and

causes severe damage that threatens the sustainability of ecosystems and human life [9].

This regulatory vacuum causes limitations in providing proportionate sanctions to environmental perpetrators who are committed in a systemic manner and have a wide impact. Therefore, recognition is needed in national law that expressly recognizes ecocide as a form of extraordinary crime and is a form of gross human rights violation. Both through the renewal of the PPLH Law, the addition of the category of gross human rights violations in the Human Rights Court Law, and through the integration of the concept of ecocide in criminal and human rights policies.

In Indonesia, there are cases of environmental crimes that lead to destruction and have a wide impact. In this study, three cases will be described as follows:

1. The Lapindo mud case

This incident occurred in 2006 in Sidoarjo, East Java due to the drilling of PT Lapindo Brantas. The burst of mud, water, and natural gas due to these activities began due to the explosion of a natural gas well drilled by the company. The sludge material released reaches 180,000 m<sup>3</sup> Every day is in the peak phase [10]. The event caused at least 16 villages to sink, a number of public facilities were damaged, and approximately 60,000 residents were directly affected, most of whom had to be permanently evacuated. Furthermore, according to Medco Energi (one partner company in the Brantas PSC area), PT. Lapindo Brantas had violated safety procedures during the drilling process i.e. the negligence of the operator company, because it did not equip the borehole with a steel safety cover, which the operation risked the lives of the locals [10].

The National Human Rights Commission (Komnas HAM) stated that in its investigation, there are three elements of impact that lead to Ecocide, namely: First, the impact is very long on a unit and function of life and cannot be restored. Second, there are units and functions that are destroyed in a series of life from the original condition. Third, there are physical and psychological deviations of man [10].

The incident showed that there was corporate activity that caused a burst of hot mud. On the other hand, the government's negligence in environmental enforcement and protection. The impact of this event is widespread, ranging from the disruption of peace, the right to life, the loss of homes, the forced displacement of communities, a good and healthy environment, to jobs. Massive mud bursts also result in environmental degradation that threatens the existence of ecosystems and living things in them. This event is an ecocide because it occurs systematically carried out by corporations by violating procedures and rules, as well as widespread impacts that not only threaten human life, but also ecosystems.

2. Forest and land fires (Karhutla)

In 2015, there were forest and peatland fires that claimed 24 lives, 600,000 people suffered from ISPA, approximately 60 million people were exposed to smoke, and destroyed ecosystems that have social, ecological, cultural, and economic functions [11]. In 2019, forest and land fires again occurred in the Kalimantan region and parts of Sumatra. Forest and land fires during 2019 to September reached 857,756 hectares, covering 630,451 hectares of mineral land and 227,304 hectares of peatland. This figure has increased by 160% compared to the area last August, around 328,724 hectares [12].

From some of these forest and land fire events, it has an impact on casualties, unhealthy air pollution, and disruption of living, social and cultural space. The fire caused a dense haze that swallowed the victims. The 2015 forest and land fires claimed 26 lives spread across 8 provinces out of 17 affected provinces [13]. The fire incident was triggered by an action in the form of arson and the existence of *Mens Rea* in the form of granting concession permits to corporations. These conditions show systematic action, as well as widespread and massive impacts that destroy ecosystems and human lives.

3. Flash floods and landslides in 3 provinces

Recently, there have been hydrometeorological disasters in the form of flash floods and landslides in 3 provinces, namely North Sumatra, West Sumatra, and Aceh. The flash flood was accompanied by logs or logs that were washed away with the water hitting community settlements. The National Disaster Management Agency (BNPB) submitted data as of December 25, 2025, the number of fatalities reached 1,135 people and 173 people were declared missing. Another impact was that as many as 157 thousand houses were damaged and 1.9 thousand public facilities were damaged [3].

This disaster occurred allegedly triggered by deforestation and forest destruction upstream of the watershed [14]. In addition, natural factors are in the form of Cyclones Senyar which causes extreme rain [15]. Based on monitoring by the Independent Forestry Monitoring Network (JPIK), by 2024 most deforestation will occur in legal concessions, in the form of industrial plantation forests, oil palm plantations, and mining permits. Furthermore, WALHI explained that in the 2016-2025 period, a total of 1.4 million hectares of forests in Aceh, North Sumatra, and West Sumatra have been deforested, with 631 activities of companies holding mining licenses, palm oil business use rights, PBPH, geothermal, as well as hydropower and PLTM. And deforestation in the last 3 years, PJIK recorded as many as 110,500 hectares [16]. Currently, investigations are still being carried out by the Forest Area Control Task Force (PKH Task Force) against several companies suspected of triggering floods and landslides. According to the ITB Interdisciplinary Research Center, the flash flood disaster is not only a natural factor, but a massive land conversion in the upper reaches of

the river [17]. This event shows the systematic actions taken by companies, thus causing ecological disasters that have an impact not only on humans, but also on the destruction of the environment.

Based on these cases, it is shown that the trigger for environmental damage is the existence of natural factors and human and industrial activities that exploitively and continuously dredge natural resources without considering the sustainability of the ecosystem and the impact on human life in the future. Activities carried out in a structured and systemic manner, from the beginning (licensing, administrative requirements) to the implementation of industrial activities take place. Polluted air, a slowly deteriorating environment, and more. Furthermore, the widespread impact of these activities such as damaged ecosystems that cannot be restored (permanently), living things in them are threatened with their survival, and even casualties.

This condition contradicts the state's obligation to protect human rights guaranteed by the constitution. The rights violated for the crime of ecocide in the above events are mainly the right to life and the right to a good and healthy environment. The PPLH Law emphasizes that a good and healthy environment is an inseparable part of human rights as well as the constitutional rights of every Indonesian citizen. This affirmation shows that the state has a constitutional obligation to respect, protect, and fulfill citizens' rights to a decent environment, since the quality of the environment is directly related to human survival, health, and welfare. This is in line with the provisions contained in Article 9 of the Human Rights Law, that the essence of human life is determined by the quality of a good and healthy environment.

Accordingly, environmental protection is not solely seen as an ecological interest, but also as an integral part of human rights protection. Recognition of ecocide through the harmonization of current laws and regulations is the key to solving the problem of environmental damage which is increasingly showing destruction every day. Recognition by providing legal certainty not only affirms the protection of human rights but also provides justice for future generations so that a good and healthy living environment can be enjoyed sustainably.

## Conclusion

The recognition of ecocide as a gross human rights violation constitutes a response to extreme environmental destruction. Environmental regulation in Indonesia currently frames environmental harm as an ordinary criminal offence or an administrative violation, thereby limiting accountability to sectoral enforcement mechanisms and often resulting in fragmented, reactive, and ineffective remedies. Regulatory reforms such as strengthening sanctions, enhancing corporate liability, or improving supervisory provisions are possible measures; however, they have yet to demonstrate adequate

reform in reflecting the extraordinary nature of systemic and widespread environmental destruction.

By contrast, recognising ecocide as a gross human rights violation situates extreme environmental harm within the constitutional and human rights framework. This step carries significant legal consequences, including elevating state obligations from mere regulatory discretion to constitutional duties, expanding the scope for judicial review and constitutional interpretation, strengthening the legal standing of victims, and enabling the application of extraordinary accountability mechanisms similar to those employed in addressing other gross human rights violations. Furthermore, this approach aligns with the principles of green constitutionalism embodied in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), particularly the recognition of the right to a good and healthy environment as a constitutional right. Accordingly, recognising ecocide as a gross human rights violation represents a more effective measure in providing protection for the environment and humanity. It is not merely a matter of policy preference but a constitutional mandate, ensuring that large-scale and systemic environmental destruction is addressed with the seriousness and accountability it demands.

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