

Climate Constitutionalism in Indonesia: Legal Pathways for Climate Action

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Abstract: Climate change constitutes a multidimensional environmental and constitutional challenge that demands coherent legal frameworks capable of guiding state responsibility in mitigation and adaptation efforts. This study examines Indonesia's climate governance through the lens of climate constitutionalism, focusing on how constitutional norms, legal institutions, and policy structures shape the state's climate obligations. Employing a normative-empirical approach, the research analyzes constitutional provisions, statutory regulations, judicial decisions, and international climate agreements, complemented by institutional reports and selected case studies. The findings reveal that although Indonesia's Constitution recognizes the right to a good and healthy environment, fragmented legal frameworks, institutional layering, and weak inter-sectoral coordination undermine the effective realization of substantive climate rights. The absence of an explicit constitutional interpretation linking climate obligations to fundamental environmental rights further limits state accountability and constrains the integration of intergenerational and ecological justice into national policy. This study argues that strengthening climate governance does not require a formal constitutional amendment but rather a reinterpretation of constitutional duties through the lens of climate justice. By articulating climate constitutionalism as a normative and institutional pathway, this research contributes to the broader discourse on constitutional environmentalism and offers a context-sensitive model for Global South countries seeking to align domestic legal systems with climate imperatives. Future reforms should prioritize institutional coherence, enhanced judicial engagement, and meaningful public participation to ensure that constitutional environmental commitments translate into enforceable and measurable climate action.

Keywords: Climate constitutionalism; Climate governance; Right to a healthy environment; Climate justice.

Introduction

Climate change has emerged as one of the most complex and multidimensional global challenges of the twenty-first century, generating profound environmental,¹ social, economic, and legal consequences.² The escalating impacts of sea-level rise, biodiversity loss, and the intensification of climate-related disasters highlight the urgent need for coherent and enforceable legal responses at both national and international levels. Law is not merely a regulatory instrument for environmental governance; it also plays a constitutive role in defining the state's constitutional duties to mitigate and adapt to climate change. Yet despite the global expansion of climate-related

¹ Abhijeet, E. A. Singh, dan M. R. Shindikar, "A Comprehensive Review on Climate Change and Its Effects," *International Journal of Environment and Climate Change* 13, no. 11 (2023): 924-31, <https://doi.org/10.9734/ijecc/2023/v13i113240>; Emmanuel Kolawole dan W. I. Okonkwo, "Impacts of Climate Change on Environment and the Remedies," *International Journal of Weather, Climate Change and Conservation Research* 8, no. 2 (2022): 1-9, <https://doi.org/10.37745/ijwccr.15/vol8n219>.

² Andrew J Hartley dan Ayesha Tandon, "The Impacts of Climate Change," *Frontiers for Young Minds* 10 (23 Juni 2022), <https://doi.org/10.3389/frym.2022.716479>; Abhijeet, Singh, dan Shindikar, "A Comprehensive Review on Climate Change and Its Effects."

legislation, fundamental questions persist regarding the extent to which constitutional frameworks can secure stronger state accountability and long-term sustainability commitments. In this context, the concept of climate constitutionalism has gained traction as a normative approach that embeds climate protection within constitutional law, recognizing environmental sustainability as both a fundamental right and a binding state obligation.³

Within this evolving global discourse, Indonesia provides a compelling case for examining how constitutional principles can shape climate governance. The 1945 Constitution explicitly recognizes the right to a good and healthy environment through Article 28H(1) and incorporates the principle of sustainable natural-resource management in Article 33(4).⁴ Despite these constitutional guarantees, Indonesia continues to grapple with severe environmental challenges, including deforestation, ecological degradation, and persistent weaknesses in environmental law enforcement.⁵ The gap between constitutional ideals and environmental realities illustrates the urgency of strengthening legal and institutional frameworks through a constitutional approach to climate governance—an urgency amplified by Indonesia’s dual status as a major greenhouse gas emitter and one of the world’s most climate-vulnerable nations.

Recent studies on Indonesia’s climate law reveal a complex interplay between regulatory frameworks, implementation challenges, and the growing relevance of climate-related litigation. Although Indonesia has enacted comprehensive environmental legislation aligned with international commitments, including the Paris Agreement, implementation remains hindered by institutional fragmentation and low compliance.⁶ Research by the Center for International Forestry Research (CIFOR) and Sulistiawati indicates that between 2010 and 2020 more than one hundred climate-related cases were filed before Indonesian courts, signaling rising judicial engagement with climate issues.⁷ However, these cases remain sporadic and have yet to produce a coherent body of jurisprudence capable of strengthening state accountability in climate governance.

Further, scholars such as Tarigan and Hafandi highlight Indonesia’s legal pluralism encompassing state law, customary law, and Islamic law as a distinctive socio-legal foundation for climate governance.⁸ Yet this pluralistic legal landscape remains insufficiently integrated into formal regulatory structures, limiting its potential contribution to sustainable environmental management. Collectively, these insights point to a conceptual and normative gap between existing positive legal

³ Gerd Winter, “The Intergenerational Effect of Fundamental Rights: A Contribution of the German Federal Constitutional Court to Climate Protection,” *Journal of Environmental Law* 34, no. 1 (2022): 209–21, <https://doi.org/10.1093/jel/eqab035>.

⁴ Mustafa Lutfi et al., “Legal Policy of Green Investment: A Study of the Green Constitution and Fiqh Bi’ah towards Net Zero Emissions in Indonesia,” *Journal of Indonesian Legal Studies* 10, no. 1 (2025), <https://doi.org/https://doi.org/10.15294/jils.v10i1.3114>.

⁵ F.C. Susila Adiyanta et al., “The Deforestation of The Conservation Forest Areas As a Crime Against The Environment: The Green Criminology Perspective,” in *IOP Conference Series: Earth and Environmental Science*, 2025, <https://doi.org/10.1088/1755-1315/1537/1/012070>.

⁶ Meike Negawati Kesek, “Role of Environmental Law in Addressing Climate Change: An Analysis of Law Enforcement and Compliance in Indonesia,” *International Journal of Business, Law, and Education* 6, no. 2 (30 Juli 2025): 1269–74, <https://doi.org/10.56442/ijble.v6i2.1179>.

⁷ Linda Yanti Sulistiawati, “Climate Change Related Litigation in Indonesia: The Dawn of a New Beginning?,” *SSRN Electronic Journal*, 2023, 1–15, <https://doi.org/10.2139/ssrn.4366599>.

⁸ Muhammad Insan Tarigan dan Raisha Hafandi, “Law diversities for climate change: legal pluralism and climate governance in Indonesia,” *Otoritas: Jurnal Ilmu Pemerintahan* 14, no. 3 (2024): 589–605, <https://doi.org/10.26618/ojip.v14i3.15845>.

instruments and the broader constitutional transformation required to build a more unified and effective climate governance framework in Indonesia.

Addressing this gap is essential if Indonesia is to develop a more robust, coherent, and rights-based approach to climate policy. A constitutional perspective offers the potential to clarify state obligations, guide the formation of climate - related legislation, strengthen institutional mandates, and promote more progressive judicial reasoning. It also enables a shift toward a justice-oriented framework that foregrounds environmental rights, intergenerational equity, and inclusive participation dimensions often overlooked in sector-specific environmental regulations.

Against this backdrop, this research analyzes the role of Indonesia's constitutional and legal framework in strengthening climate action, exploring how constitutional principles can inform legislative development, regulatory reform, institutional arrangements, and judicial engagement with climate change. The study identifies multiple legal pathways such as litigation, regulatory restructuring, and institutional strengthening that may operationalize the idea of climate constitutionalism within Indonesia's governance architecture.

The core problem addressed in this research concerns the insufficient translation of constitutional mandates into effective, enforceable, and accountable climate policies. Although environmental rights and state obligations are constitutionally recognized, climate-related policies remain fragmented, weakly enforced, and predominantly reactive. The absence of a coherent constitutional interpretation explicitly linking climate action to fundamental rights has limited judicial innovation and policy coherence. Consequently, this study positions climate constitutionalism as a transformative legal framework capable of integrating constitutional principles into Indonesia's climate governance, thereby enhancing state responsibility, judicial activism, and participatory environmental justice.

Method

This study adopts a qualitative socio-legal approach that integrates normative constitutional analysis with document-based empirical examination of climate governance in Indonesia. The normative component focuses on the interpretation of constitutional provisions, statutory regulations, judicial decisions, and relevant international legal instruments, particularly those reflecting the principles of climate constitutionalism and environmental rights. Constitutional interpretation is conducted using systematic and purposive reasoning to assess the extent to which constitutional norms articulate state obligations in climate mitigation and adaptation. The empirical dimension does not rely on primary fieldwork but instead examines documented legal practices, including court decisions, regulatory implementation records, policy documents, and institutional reports, to analyze how constitutional and statutory norms are operationalized by state institutions, courts, and civil society actors. This document-based empirical analysis enables an assessment of the gap between constitutional commitments and their practical realization in climate governance. Data were collected through library research covering legislation, judicial decisions, policy instruments, and scholarly and institutional publications released between 2015 and 2025. The analysis employs qualitative interpretative and normative-institutional methods to identify patterns of legal fragmentation, institutional constraints, and potential constitutional pathways for strengthening state accountability and climate action. By integrating constitutional theory with empirical legal practices, this methodological design ensures consistency between the study's normative framework and its analytical findings on climate governance and environmental justice.

Result and Discussion

Constitutional Foundations and Legal Gaps in Indonesia's Climate Governance

Indonesia's climate governance rests upon a complex interplay between constitutional principles, institutional structures, and political dynamics that collectively shape the formulation and implementation of national climate policy. Constitutionally, Article 28H(1) and Article 33 of the 1945 Constitution guarantee the right to a good and healthy environment and mandate the state to manage natural resources for the people's welfare. These provisions form the normative foundation for state action in addressing climate change. Beyond serving as declarative norms, these constitutional provisions impose positive obligations upon the state to respect, protect, and fulfill the right to a sustainable environment through effective mitigation and adaptation measures. Consequently, environmental protection is not merely a matter of policy preference but a constitutional duty of the state as a duty-bearer toward its citizens.

A defining characteristic of Indonesia's climate governance is institutional layering, wherein climate objectives are embedded within pre-existing sectoral institutions - particularly in forestry, energy, and development planning - without fundamental restructuring. Hermawan et al. observe that this incremental integration strengthens sectoral resilience but limits transformative change by maintaining outdated bureaucratic mandates.⁹ This phenomenon produces fragmented authority and weakens the state's ability to enforce coherent climate policies. In a constitutional perspective, such fragmentation undermines the state's constitutional responsibility to ensure environmental sustainability and social justice, as mandated by Article 33(4). From the lens of constitutional environmentalism, institutional layering dilutes the integrative function of the Constitution as the supreme normative framework guiding the management of natural resources and environmental protection.¹⁰

At the institutional level, inter-ministerial coordination bodies play a central role in mediating political interests and translating international commitments into domestic policy. The effectiveness of these institutions depends on the clarity of mandates, adequate resources, and robust accountability mechanisms.¹¹ Yet, overlapping jurisdictions and weak coordination particularly between the Ministry of Environment and Forestry and the National Development Planning Agency have produced fragmented and, at times, contradictory policy outcomes.¹² This condition reveals the absence of a constitutionally grounded accountability mechanism that could ensure policy coherence across sectors. Ideally, constitutional principles should function as an integrative force that harmonizes the actions of state organs in responding to the climate crisis under a unified normative framework of state responsibility.

The principle of a just transition has increasingly shaped Indonesia's legislative framework on energy transformation, seeking to balance environmental imperatives with socioeconomic justice.

⁹ Silvio Hermawan, Moch Faisal Karim, dan Lena Rethel, "Institutional layering in climate policy: Insights from REDD+ governance in Indonesia," *Forest Policy and Economics* 154, no. October 2022 (September 2023): 103037, <https://doi.org/10.1016/j.forpol.2023.103037>.

¹⁰ Dinie Nadyatul Haya Koeswandi, Imamulhadi, dan Yulinda Adharani, "Padjadjaran Law Review," *PADJADJARAN LAW REVIEW* 7, no. 1 (2019).

¹¹ N K Dubash et al., "National climate institutions complement targets and policies ; Institutions can affect coordination, consensus, and strategy," *Science* 374, no. 6568 (2021): 690-93, <https://doi.org/10.1126/science.abm1157>.

¹² Anita Breuer et al., "Integrated policymaking: Institutional designs for implementing the sustainable development goals (SDGs)," *World Development* 170 (2023): 106317, <https://doi.org/10.1016/j.worlddev.2023.106317>.

This principle resonates with Article 33(4) of the 1945 Constitution, which emphasizes efficiency, sustainability, and social justice as the pillars of economic policy. However, structural barriers such as limited transparency, weak stakeholder participation, and short-term political priorities hinder its realization.¹³ The Just Energy Transition Partnership (JETP) exemplifies these tensions, reflecting the difficulties in aligning international financing mechanisms with domestic regulatory and political realities.¹⁴ Without a clear constitutional anchor, the implementation of just transition risks remaining procedural rather than transformative, failing to embed climate justice within the nation's development framework.

The pursuit of a green economy further illustrates the ongoing tension between developmental ambitions and environmental aspirations. Anderson et al. caution that without effective institutional coordination and genuine political reform, the green economy risks being reduced to rhetorical commitments.¹⁵ In Indonesia's polycentric governance system, decentralization was intended to foster innovation and local adaptation, consistent with the constitutional mandate of regional autonomy under Article 18. However, in practice, it has often led to jurisdictional overlaps, policy incoherence, and regulatory ambiguity.¹⁶ In constitutional terms, decentralization should enhance participatory democracy and local accountability in climate governance, yet the lack of vertical coordination blurs the state's constitutional accountability for ensuring environmental rights across all jurisdictions.

Litigation has emerged as a crucial avenue for realizing constitutional environmental rights and testing the state's accountability in climate governance. The case of *Hendrikus Woro v. Government of Papua Province* illustrates how Indigenous communities mobilize constitutional principles to challenge environmentally harmful projects and demand climate-sensitive environmental impact assessments.¹⁷ However, despite the moral and constitutional strength of the claim, the Supreme Court's rejection of Woro's cassation appeal in 2024 underscores the persistent limitations of Indonesia's judicial institutions in delivering substantive environmental justice.¹⁸ While such cases reveal the judiciary's potential as a guardian of constitutional environmental rights, the absence of a dedicated climate legal framework and the limited capacity of the courts to develop climate-specific jurisprudence continue to constrain the transformative potential of climate litigation in advancing constitutional climate justice.

¹³ Laely Nurhidayah et al., "Indonesia's Just Energy Transition: The Societal Implications of Policy and Legislation on Renewable Energy," *Climate Law* 14, no. 1 (2024): 36–66, <https://doi.org/10.1163/18786561-bja10047>.

¹⁴ Muhamad Rosyid Jazuli, Kate Roll, dan Yacob Mulugetta, "A review of Indonesia's through the dynamics of its policy regime," *Global Policy* 15, no. 5 (18 November 2024): 989–1006, <https://doi.org/10.1111/1758-5899.13452>.

¹⁵ Zachary R. Anderson et al., "Green growth rhetoric versus reality: Insights from Indonesia," *Global Environmental Change* 38 (Mei 2016): 30–40, <https://doi.org/10.1016/j.gloenvcha.2016.02.008>.

¹⁶ Stanislaus Risadi Apresian, "The Contestation of National Adaptation Policies in Indonesia," *Journal of Current Southeast Asian Affairs* 44, no. 1 (2025): 72–101, <https://doi.org/10.1177/18681034241290815>.

¹⁷ Agung Wardana, "Litigating Indonesian Forests for Climate: *Hendrikus Woro v Provincial Government of Papua*," *Chinese Journal of Environmental Law* 8, no. 2 (22 Oktober 2024): 237–57, <https://doi.org/10.1163/24686042-12340124>.

¹⁸ *Hendrikus Woro v. Government of Papua Province*, Decision of the Supreme Court of the Republic of Indonesia No. 458 K/TUN/LH/2024 (decided 18 September 2024, published 1 November 2024). The case originated from an administrative lawsuit filed before the Jayapura Administrative Court challenging the environmental feasibility permit granted to PT Indo Asiana Lestari, later appealed to the Makassar High Administrative Court, and ultimately dismissed at the cassation level by the Supreme Court.

Multi-level governance challenges further complicate Indonesia's climate efforts. Decentralization has encouraged subnational climate initiatives, yet limited jurisdictional authority and inconsistent national guidance constrain their effectiveness.¹⁹ Empirical studies on Indonesia's decentralized climate governance confirm this institutional tension: while provincial autonomy has enabled innovative subnational engagement and experimentation, particularly in the land use sector it has also produced fragmented outcomes and perverse incentives that undermine forest-based mitigation efforts.²⁰ In urban centers such as Jakarta, the misalignment between local climate actions and national strategies further underscores the urgent need for clearer vertical coordination and delineation of responsibilities among governance levels. This institutional dissonance illustrates how the absence of a coherent constitutional framework weakens Indonesia's capacity to harmonize multi-level governance under a unified normative framework of state responsibility, thereby impeding the consistent realization of its climate ambitions. These coordination failures at the structural level have profound implications for sectoral governance, where overlapping legal regimes and fragmented mandates further obstruct effective climate action.

Legal and sectoral gaps are particularly visible in agriculture and forestry.²¹ Zahar and Nurhidayah argue that agricultural law predominantly emphasizes adaptation and food security while neglecting mitigation obligations.²² In the forestry sector, weak environmental assessments and conflicting institutional mandates undermine emission reduction efforts. Programs such as REDD+ reveal both the opportunities and limitations of institutional layering, as overlapping governance structures hinder the transformative potential of climate policies.²³ The persistence of these legal and institutional inconsistencies underscores the need to align sectoral regulations with constitutional principles of sustainability and equity.

Ultimately, weak inter-ministerial coordination, insufficient administrative capacity, and bureaucratic rivalries continue to obstruct effective climate governance. Disputes among ministries delay the implementation of national commitments, while limited subnational capacity hampers the translation of policies into tangible outcomes.²⁴ Despite the proliferation of legal instruments and policy initiatives, governance inefficiencies persist, diluting policy effectiveness and limiting Indonesia's ability to achieve measurable climate outcomes. These institutional and legal deficiencies have significant implications for Indonesia's fulfillment of its international obligations under the Paris Agreement. Ambiguous commitments, an overemphasis on adaptation over mitigation, and the facilitative nature of the Paris framework - which allows non-state actors to

¹⁹ Galuh Syahbana Indraprahasta et al., "Governing climate mitigation in a megacity: Tapping opportunities in the multi-level governance system?," *Journal of Urban Affairs* 47, no. 6 (3 Juli 2025): 2240–61, <https://doi.org/10.1080/07352166.2023.2274554>.

²⁰ Monica Di Gregorio dan Moira Moeliono, "Climate Governance and Decentralization in Indonesia," *Climate Governance and Federalism*, 2023, 198–217, <https://doi.org/10.1017/9781009249676.011>.

²¹ María Jose Sanz dan Ana Karla Perea Blazquez, "Analysis of international climate change governance for the agriculture, forest and land use sector: Gaps and recommendations for future improvement," *Earth System Governance* 25, no. February (2025): 100278, <https://doi.org/10.1016/j.esg.2025.100278>.

²² Alexander Zahar dan Laely Nurhidayah, "Legal Constraints on Policymaking for the Reduction of Greenhouse Gas Emissions from Agriculture in Indonesia," *Climate Law* 13, no. 2 (15 September 2023): 119–49, <https://doi.org/10.1163/18786561-13020001>.

²³ Andrew McGregor et al., "Beyond Carbon, More Than Forest? REDD+ Governmentality in Indonesia," *Environment and Planning A: Economy and Space* 47, no. 1 (1 Januari 2015): 138–55, <https://doi.org/10.1068/a140054p>.

²⁴ Apresian, "The Contestation of National Adaptation Policies in Indonesia."

substitute rather than complement state responsibility - exacerbate the governance gap.²⁵ Strengthening Indonesia's climate governance thus requires reaffirming the state's constitutional responsibility for environmental protection, clarifying institutional mandates, enhancing legal accountability, and fostering participatory engagement at all levels of governance. Within this context, climate constitutionalism should serve as a transformative legal framework to consolidate fragmented environmental governance and restore constitutional coherence in Indonesia's pursuit of climate justice and sustainable development.

These persistent institutional and normative deficiencies reveal a deeper constitutional challenge: Indonesia's environmental governance lacks a unifying legal philosophy that can reconcile ecological imperatives with developmental priorities. This condition necessitates a constitutional reinterpretation capable of transforming fragmented legal mandates into a coherent framework for climate justice. Within this perspective, the emerging paradigm of climate constitutionalism offers a transformative pathway to embed climate responsibility within the core of Indonesia's constitutional order.

This analysis identifies three interrelated constitutional gaps in Indonesia's climate governance. First, fragmented institutional mandates and sectoral policy layering weaken the integrative function of the Constitution as the supreme normative framework for environmental protection. Second, the absence of a coherent constitutional interpretation explicitly linking climate action to fundamental environmental rights limits state accountability and judicial innovation. Third, institutional and judicial constraints hinder the translation of constitutional norms into enforceable climate obligations, thereby undermining the realization of climate justice. These findings demonstrate that Indonesia's climate governance challenges are not merely regulatory or technical, but fundamentally constitutional in nature.

Climate Constitutionalism as a Transformative Pathway for Climate Action

Responding to the constitutional gaps identified in the preceding section, particularly institutional fragmentation, the weakened integrative function of the Constitution, and the limited accountability of the state in climate governance, this subsection examines climate constitutionalism as a normative and institutional framework capable of transforming Indonesia's climate governance

The notion of climate constitutionalism offers a transformative framework to overcome Indonesia's fragmented approach to climate governance. It conceptualizes the Constitution not merely as a static legal text but as a living and dynamic instrument that guides the state's duty to safeguard the climate system. Integrating climate constitutionalism into national legal frameworks can significantly enhance climate action and sustainable development by embedding environmental rights and responsibilities within binding constitutional principles. This approach underscores the protection of future generations and the necessity of sustainable governance, ensuring that climate considerations become central to policymaking and national development planning.

The global movement toward recognizing the right to a healthy environment demonstrates a fundamental normative shift that Indonesia can draw upon. More than 110 countries have

²⁵ Jens Marquardt, Cornelia Fast, dan Julia Grimm, "Non- and sub-state climate action after Paris: From a facilitative regime to a contested governance landscape," *WIREs Climate Change* 13, no. 5 (15 September 2022): 1-22, <https://doi.org/10.1002/wcc.791>; Vegard Tørstad dan Vegard Wiborg, "Commitment ambiguity and ambition in climate pledges," *Review of International Organizations*, no. 18 (2024), <https://doi.org/10.1007/s11558-024-09575-y>.

constitutionally enshrined this right, reflecting the growing acceptance of environmental protection as a core component of human rights.²⁶ The 2021 German Federal Constitutional Court's climate decision affirmed the rights of future generations, setting a precedent for intergenerational justice within constitutional frameworks.²⁷ Embedding such principles into Indonesia's constitutional interpretation would reaffirm the state's obligation to safeguard environmental integrity and balance developmental goals with ecological preservation.

Climate constitutionalism also reinforces the moral imperative of intergenerational equity, ensuring that present policies do not compromise the rights, resources, and welfare of future generations. This principle resonates with Indonesia's constitutional commitment under Article 28H(1) and Article 33 of the 1945 Constitution, which collectively guarantee a healthy environment and equitable resource management for the people's welfare. Through this lens, constitutionalizing intergenerational justice offers an interpretive pathway to recalibrate Indonesia's development paradigm, aligning it more closely with sustainability and long-term ecological responsibility.²⁸

In this sense, climate constitutionalism serves not only as a theoretical framework but also as a normative benchmark for judicial and policy evaluation. It provides a constitutional basis to challenge government actions that undermine environmental and climate commitments, thereby enhancing the judiciary's role in ensuring climate accountability. However, effective implementation requires institutional transformation beyond judicial activism. While courts play a vital role in enforcing constitutional rights, the broader effectiveness of climate governance depends on the legislative and executive branches' capacity to integrate climate considerations into all aspects of governance.²⁹ This institutionalization would demand a coherent national strategy, cross-ministerial coordination, and alignment between national and subnational policies ensuring that constitutional principles are translated into enforceable and measurable climate actions.

In Indonesia, this approach could be instrumental in resolving structural conflicts between environmental protection and extractive economic policies, particularly in sectors such as coal mining, palm oil expansion, and deforestation, where regulatory fragmentation often weakens climate accountability.³⁰ A transformative legal reform framework is essential to bridge the gap between international commitments and domestic implementation. Climate constitutionalism could establish binding duties for emission reduction and adaptation, similar to the United Kingdom's Climate Change Act of 2008, which mandates carbon accounting and long-term targets.³¹ At the same time, adaptive legal mechanisms must be incorporated to respond to evolving scientific

²⁶ Brian J Preston, "No Title," no. October 2021 (2022): 1–25, <https://doi.org/https://doi.org/10.1080/02646811.2023.2165310>.

²⁷ Manuela G Hartwig, "Climate Guardians : Navigating the Future in the 2021 German Climate Verdict and Constitutional Landscape," *Politics and Governance* 12 (2024): 1–14, <https://doi.org/https://doi.org/10.17645/pag.7857>.

²⁸ Getachew Mihret, "Climate Change Governance and Law : Causes , Challenges , and Pathways Forward," *International Journal of Sciences and Innovation Engineering* 02, no. 09 (2025): 191–96, <https://doi.org/https://doi.org/10.70849/IJSCI02092025021>.

²⁹ Navraj Singh Ghaleigh, Joana Setzer, dan Asanga Welikala, "The Complexities of Comparative Climate Constitutionalism," *Journal of Environmental Law* XX (2022): 1–12, <https://doi.org/https://doi.org/10.1093/jel/eqac008>.

³⁰ Breuer et al., "Integrated policymaking: Institutional designs for implementing the sustainable development goals (SDGs)."

³¹ Hartwig, "Climate Guardians : Navigating the Future in the 2021 German Climate Verdict and Constitutional Landscape."

knowledge and socio-economic realities.³² Such flexibility is critical for Indonesia, where climate governance intersects with rapid economic development and complex political structures.

The transformative potential of climate constitutionalism is particularly relevant for the Global South, where environmental degradation, poverty, and inequality intersect. Indonesia's unique legal pluralism - encompassing state, customary (adat), and Islamic law - creates fertile ground for an inclusive and context-sensitive approach to constitutional climate governance.³³ Incorporating indigenous wisdom and Islamic environmental jurisprudence (fiqh al-bi'ah) within constitutional interpretation can strengthen ecological ethics and public participation, aligning with the principle of *maslahah* (public good).³⁴ Thus, Indonesia's experience could offer a distinct Global South perspective, demonstrating how legal pluralism and religious-environmental ethics can enrich the global discourse on constitutional approaches to climate justice.

Nevertheless, operationalizing climate constitutionalism faces significant challenges. Achieving broad political consensus, ensuring bureaucratic coherence, and reconciling long-term climate goals with immediate socio-economic priorities require sustained commitment and institutional reform. France's recent attempt to constitutionalize climate protection illustrates the complexity of securing consensus and clarifying the juridical implications of such reforms.³⁵ Without strong political will and civic engagement, constitutional principles risk remaining aspirational rather than transformative, limiting their practical impact on governance.

In sum, strengthening Indonesia's climate governance requires embedding constitutional principles into climate policy, legislation, and institutional practice. This approach does not necessitate a formal constitutional amendment but rather a reinterpretation - reframing constitutional duties through the lens of climate justice. By doing so, Indonesia could transform its Constitution from a passive guarantor of environmental rights into a proactive constitutional driver of climate justice, sustainability, and intergenerational equity - thereby aligning national governance with the global imperative for climate resilience.

Conclusion

This study examines Indonesia's climate governance and explores how climate constitutionalism may offer a transformative framework for reform. The analysis reveals that although Indonesia's Constitution provides normative support for environmental protection, fragmented legal frameworks and weak institutional coordination continue to undermine the realization of substantive climate rights. The absence of an explicit constitutional interpretation linking climate obligations to fundamental environmental rights limits state accountability and constrains the integration of intergenerational and ecological justice into national policy. The findings underscore the necessity of reinterpreting constitutional duties through the lens of climate

³² M Eifert dan M von Landenberg-Roberg, "Climate Change Challenges Constitutional Law: Contextualising the German Federal Constitutional Courts Climate Jurisprudence Within Climate Constitutionalism," in *European Yearbook of International Economic Law*, vol. 13, 2023, 3-33, https://doi.org/10.1007/8165_2022_100.

³³ Tarigan dan Hafandi, "Law diversities for climate change: legal pluralism and climate governance in Indonesia."

³⁴ Hamzah et al., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāsah and Fiqh al-Bi'ah," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 367-80, <https://doi.org/10.31958/juris.v22i2.10559>.

³⁵ Alessandra Cepparulo dan Luisa Giuriato, "Constitutionalizing the fight against climate change. Insights from France," *Environmental Science and Policy* 157, no. July 2023 (2024): 103756, <https://doi.org/10.1016/j.envsci.2024.103756>.

justice rather than pursuing formal constitutional amendments. Embedding principles of equity, sustainability, and accountability into legal interpretation and policymaking processes can strengthen Indonesia's position within global climate governance. By articulating climate constitutionalism as a normative and institutional pathway, this research contributes to the broader discourse on constitutional environmentalism and offers a context-sensitive model for Global South countries seeking to align domestic legal systems with climate imperatives. Future reforms should prioritize institutional coherence, enhanced judicial engagement, and meaningful community participation to ensure that constitutional environmental commitments are translated into enforceable and measurable climate action.

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