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A Reconstruction of Justice in Natural Resource Governance Based on the Rights of Nature: The Restitution of the UNESA Reservoir in Surabaya

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Abstract: The control of natural resources within the Indonesian legal system to date continues to reflect the dominance of an anthropocentric paradigm, positioning nature primarily as an object of exploitation. Consequently, the conception of justice that emerges remains largely confined to the distributional dimension of benefits for human interests. This condition has resulted in inadequate protection of ecological functions and the failure to realize substantive justice encompassing environmental sustainability. This study aims to analyze the construction of justice in the control of natural resources, to examine the concept of the Rights of Nature from the perspective of natural philosophy and its relevance to legal reform, and to formulate a model for reconstructing justice based on the Rights of Nature in the case of the restitution of the UNESA Reservoir in Surabaya. The research employs a normative legal method, utilizing conceptual, statutory, and case-based approaches. The findings indicate that justice in the control of natural resources has not fully integrated the ecological dimension, whereas the Rights of Nature concept provides a foundational basis for expanding the meaning of justice through the recognition of the intrinsic value of nature. The reconstruction of justice is carried out through the strengthening of normative, institutional, and governance aspects, positioning ecosystem sustainability as an integral component of justice itself.

Keywords: justice, natural resources, Rights of Nature, natural philosophy.

INTRODUCTION

The control of natural resources in Indonesia constitutes a strategic issue that extends beyond economic considerations to encompass dimensions of social justice and environmental sustainability. The Constitution, through Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, stipulates that the earth, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people. This provision embodies a constitutional mandate requiring the state

to manage natural resources in a just and non-exploitative manner, while ensuring the preservation of the environment as an integral component of the interests of both present and future generations.

In practice, however, the control and management of natural resources continue to face fundamental challenges, particularly with regard to the unequal distribution of benefits and the inadequate protection of the environment. Natural resource governance policies tend to be predominantly oriented toward economic growth, often at the expense of ecological justice. This condition has generated conflicts among the state, business actors, and local communities, and has contributed to increasingly alarming levels of environmental degradation. Recent studies indicate that development paradigms grounded in the exploitation of natural resources have significantly contributed to environmental damage and inequities in access to such resources (Nugroho, 2021).

These issues cannot be separated from the prevailing legal paradigm, which remains predominantly anthropocentric, positioning human beings at the center of all legal policies and regulatory frameworks. Within this paradigm, nature is construed merely as an object to be utilized for the fulfillment of human interests. Consequently, environmental protection is often instrumental in character and fails to recognize the intrinsic value of nature itself. Contemporary developments in environmental legal thought have increasingly challenged this approach and advocated for a shift toward a more inclusive and justice-oriented paradigm.

The imperative to realize justice in the control of natural resources is not confined to the equitable distribution of benefits but also encompasses the recognition of ecosystem sustainability as an entity possessing its own value and interests. In this regard, ecological justice emerges as a critical concept, requiring a balance between human interests and the preservation of nature. This approach underscores that environmental sustainability is not merely an instrument for human welfare, but rather an integral component of the broader system of life that warrants comprehensive protection.

The dominance of the anthropocentric paradigm in the regulation and governance of natural resources in Indonesia constitutes a primary factor contributing to various forms of inequality and environmental degradation. This paradigm places human interests at the core of legal and policy considerations, thereby reducing nature to a mere object of utilization. Within the framework of modern legal construction, the exclusive recognition of humans as legal subjects results in nature being denied an equivalent legal standing, relegating it instead to an object of regulation and exploitation. Critiques of this paradigm suggest that an excessively human-centered legal foundation has significantly contributed to the increasingly complex ecological crisis (Hidayatullah, 2025).

This anthropocentric tendency has resulted in the formation of patterns of natural resource control that are exploitative in nature and insufficiently attentive to environmental carrying capacity. In practice, natural resource management is frequently driven by short-term economic interests, thereby neglecting ecological balance.

Ganung Rindra Kusuma and Aifa Zahda Aulia Ahmad, in their study, emphasize that environmental law in Indonesia continues to face significant challenges in its enforcement, primarily due to its failure to fully integrate ecological values within the legal system. This is particularly evident in environmental criminal law instruments, which tend to be repressive in character and have not yet addressed the underlying paradigm governing natural resource management (Ahmad, 2025).

These limitations have implications not only for ecological aspects but also for the dimension of justice. Justice in the control of natural resources can no longer be narrowly construed as the distribution of benefits solely for human beings; rather, it must encompass the protection of the sustainability of ecosystems in a comprehensive manner.

Ahmad Fatkhur Rohman, Rofiki, and Dini Rahmawati demonstrate that the environmental crisis in Indonesia is inseparable from the dominance of the anthropocentric paradigm within social and legal structures, which positions humans as the primary actors while disregarding broader ecological relationships. This condition underscores the necessity of a paradigmatic shift toward a more inclusive approach grounded in ecological justice (Ahmad Fatkhur Rohman, 2025).

The limitations of the anthropocentric paradigm in addressing issues of justice and the ecological crisis have prompted the emergence of more inclusive alternative approaches, one of which is embodied in the concept of the *Rights of Nature*. This concept is grounded in the understanding that nature possesses not only instrumental value for human beings but also intrinsic value that must be respected and protected. (Plessis, 2019). Within this framework, nature is conceived as a subject possessing the right to exist, to flourish, and to maintain its ecological balance. This shift in perspective marks a significant transformation in environmental law, from an approach predominantly oriented toward human interests to one that recognizes the existence and interests of nature itself.

The concept of the *Rights of Nature* cannot be disentangled from the development of natural philosophy, which critiques the dominance of anthropocentrism and advocates the emergence of an ecocentric paradigm. Natural philosophy situates human beings as part of a broader ecological system, thereby emphasizing the interdependent relationship between humans and nature.

From this perspective, the protection of nature is not solely for the benefit of human interests, but constitutes a form of recognition of nature as an entity possessing its own value and dignity. A study conducted by I Nyoman Nurjaya demonstrates that the recognition of the rights of nature forms part of the evolution of global environmental law, which seeks to integrate ecological values into national legal systems, including that of Indonesia.(Nurjaya, 2021).

The recognition of the *Rights of Nature* has also begun to gain relevance in various legal practices worldwide, thereby providing inspiration for the development of national legal systems. Several countries have incorporated this approach into their constitutions and legal policies as a more progressive form of environmental protection. In the Indonesian context, although this concept has not yet been explicitly adopted within statutory regulations, the notion of environmental protection oriented toward sustainability and ecological balance has become an important component of contemporary environmental law discourse (Haryadi, 2023). This indicates that the *Rights of Nature* holds significant potential to serve as a foundational basis for reconstructing justice in the control of natural resources, one that is not solely oriented toward human interests but also encompasses the comprehensive sustainability of ecosystems.

The concept of the *Rights of Nature*, which positions nature as a subject possessing intrinsic value, finds particular relevance when applied to concrete issues of natural resource management at the local level. One notable case worthy of examination is the restitution of the reservoir of Universitas Negeri Surabaya (UNESA), which has given rise to legal dynamics, particularly concerning the control and utilization of water resources. The reservoir constitutes part of natural resources with significant ecological functions, serving as a water catchment area, a flood control mechanism, and a support system for environmental balance within the urban area of Surabaya. Its existence embodies not only economic value but also social and ecological functions, which should form the fundamental basis of any policy governing its management.

The issues surrounding the restitution of the UNESA Reservoir arise from a misalignment between its ecological functions and the patterns of spatial utilization that have developed in its surrounding areas. The use of the reservoir area, which has not fully taken

into account environmental carrying capacity, has triggered the potential degradation of its ecological functions, including a reduction in water retention capacity and disruption to the area's drainage system. At the same time, legal issues concerning the status of control and management of the asset have generated competing claims of interest among institutions, local government authorities, and other stakeholders. This condition demonstrates that the management of the reservoir is confronted not only with technical environmental challenges but also with complex juridical issues.

The restitution of the UNESA Reservoir, as part of efforts to restore the proper functioning of water resources, gives rise to a number of subsequent issues, including the clarity of management authority, the effectiveness of law enforcement, and the assurance of the reservoir's ecological sustainability. Efforts to restore the reservoir's function are frequently confronted with implementation challenges, such as weak supervision, insufficient inter-agency coordination, and the suboptimal integration of environmental policies within regional spatial planning. A report by the Surabaya Municipal Government indicates that the normalization and restoration of the reservoir's function have been undertaken as part of a flood control strategy; however, in practice, these efforts continue to face challenges in maintaining consistency in spatial utilization within the surrounding reservoir area (Surabaya, 2025).

The complexity of these issues demonstrates that the restitution of the UNESA Reservoir cannot be understood merely as an administrative or technical measure, but rather as part of a broader effort to reconstruct justice in the control of natural resources. This case reflects an inherent tension between human interests in resource utilization and the need to preserve ecosystem sustainability. Accordingly, a *Rights of Nature*-based approach becomes particularly relevant for analysis, in order to assess the extent to which this concept may offer a new perspective in resolving issues of control and management of natural resources in a more just and sustainable manner.

The complexity of the issues surrounding the restitution of the UNESA Reservoir further indicates that the problem of natural resource control cannot be adequately analyzed solely through the lens of positive law and technical management aspects. Existing approaches tend to remain focused on administrative dimensions and human interests, and therefore have not fully addressed the broader demands of ecological justice. Various studies on natural resource governance in Indonesia generally continue to position the state and human actors as the primary subjects, while the ecological dimension is often relegated to a secondary concern contingent upon human needs.

Previous research has predominantly examined natural resource control within the frameworks of administrative law, spatial planning, and environmental policy, yet has not comprehensively integrated the perspective of natural philosophy into legal analysis. This condition reveals the limitations of the normative approaches that have thus far been employed in understanding the relationship between humans, the state, and the environment.

On the other hand, the discourse on the *Rights of Nature* as an alternative paradigm for the protection of natural resources remains relatively limited within the Indonesian legal context. Several studies have begun to examine this concept; however, they are generally conceptual in nature and have not been extensively linked to concrete cases of natural resource management at the local level.

Rizky Amelia and Dwi Haryadi demonstrate that the recognition of the rights of nature within the Indonesian legal system remains at the stage of academic discourse and has not yet been substantively implemented in policy or legal practice (Haryadi, Pengakuan Hak Alam dalam Perspektif Hukum Lingkungan Indonesia, 2023). This indicates the existence of a gap between theoretical developments and legal practice in the governance of natural resources.

In light of these conditions, there is an urgent need to develop a new approach that not only incorporates the perspective of positive law but also integrates the values of natural philosophy through the concept of the *Rights of Nature* into the analysis of natural resource control. Accordingly, this research is significant as it seeks to fill this gap by linking the concept of the *Rights of Nature* as a foundational basis for reconstructing justice in the control of natural resources, particularly in the context of the restitution of the UNESA Reservoir in Surabaya. This approach is expected not only to contribute theoretically to the development of environmental law but also to offer a practical perspective in formulating policies for natural resource management that are more just and sustainable.

METHOD

This research constitutes a normative legal study aimed at analyzing the construction of justice in the control of natural resources and reconstructing it through a *Rights of Nature* approach in the case of the restitution of the UNESA Reservoir in Surabaya. The approaches employed include the statute approach, the conceptual approach, and the case approach. The statute approach is utilized to examine various regulations related to the control and management of natural resources; the conceptual approach is applied to analyze the concepts of justice and the *Rights of Nature* from the perspective of natural philosophy; while the case approach is employed to assess the concrete issues arising in the restitution of the UNESA Reservoir in Surabaya.

The legal materials used in this study consist of primary, secondary, and tertiary sources. Primary legal materials include statutory regulations concerning natural resources and environmental protection, while secondary legal materials comprise books and scholarly journal articles relevant to the research topic. Tertiary legal materials serve as supporting references, such as legal dictionaries and encyclopedias. The collection of legal materials is conducted through a library-based research method, drawing upon academically credible sources.

The analysis of legal materials is conducted qualitatively using a descriptive-analytical method. This analysis seeks to examine in depth the interrelationship between legal norms, the concept of justice, and the development of *Rights of Nature* thought, and to relate these to the empirical issues arising in the restitution of the UNESA Reservoir in Surabaya. The results of the analysis are subsequently used to formulate a conceptual framework that offers a reconstruction of justice in the control of natural resources, oriented toward ecological sustainability.

RESULTS AND DISCUSSION

The Construction of Justice in the Control of Natural Resources within the Contemporary Indonesian Legal System

The constitutional foundation for the control of natural resources in Indonesia is rooted in the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that “the earth, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people.” This provision embodies not only a normative meaning concerning state authority but also incorporates a dimension of justice as the primary objective of natural resource governance. The concept of “controlled by the state” should not be construed as absolute ownership, but rather as a constitutional mandate encompassing regulatory (*regelendaad*), administrative (*bestuursdaad*), management (*beheersdaad*), and supervisory (*toezichthoudensdaad*) functions, aimed at ensuring the equitable realization of public welfare. This interpretation is consistent with the jurisprudence of the Constitutional Court, which affirms that state control

must be understood as a form of public responsibility to protect, regulate, and manage natural resources for the broader interests of the people.

This constitutional construction implicitly embodies the principle of distributive justice, namely how the state allocates the benefits of natural resources equitably among all citizens. However, in practice, the interpretation of state control has often shifted toward legitimizing the exploitation of natural resources, with a stronger orientation toward economic growth rather than the equitable distribution of welfare. This condition reflects a tension between constitutional norms and their implementation, whereby the state's function as a public trustee does not always align with the principle of justice mandated by the Constitution. In this regard, a study conducted by I Dewa Gede Atmadja emphasizes that the concept of state control under Article 33 of the 1945 Constitution should be construed as an instrument for realizing social justice, rather than merely as a basis for legitimizing control by the state or particular entities (Atmadja, 2020).

The limitations in the implementation of this principle further indicate that the construction of justice in the control of natural resources has not fully accommodated the ecological dimension. While the Constitution emphasizes the prosperity of the people as its primary objective, it does not explicitly position environmental sustainability as an inseparable component of that concept of prosperity. From the perspective of ecological justice, the control of natural resources should not merely consider the distribution of benefits for human beings, but must also ensure the sustainability of ecosystems as a fundamental prerequisite for long-term welfare (Nurjaya, Hak-Hak Lingkungan dan Perkembangan Hukum Lingkungan di Indonesia, 2021). Accordingly, the interpretation of Article 33 paragraph (3) of the 1945 Constitution must be reconstructed so as not to be confined solely to distributive justice, but to also encompass ecological justice, recognizing the interrelationship between humans and the environment as an integrated system of life.

The limitations in the interpretation of justice within the constitutional framework, as previously elaborated, cannot be separated from the dominance of the anthropocentric paradigm in the law governing natural resource management in Indonesia. This paradigm not only places humans at the center but also shapes a legal perspective that separates humans from nature, thereby producing a hierarchical and exploitative relationship. In this context, nature is reduced to an object of law whose existence is contingent upon human interests, while law functions as an instrument of legitimization for the exploitation of natural resources. Consequently, the constitutional mandate under Article 33 paragraph (3) of the 1945 Constitution, which is intended to promote the comprehensive welfare of the people, risks being narrowed into a mere justification for the exploitation of natural resources.

The dominance of anthropocentrism also has implications for how the state exercises its authority over natural resources. The state does not merely act as a regulator; in practice, it frequently functions as a facilitator of economic interests through the granting of licenses and the allocation of resource management to particular entities. This gives rise to structural problems, whereby the distributive justice mandated by the Constitution shifts into an unequal distribution of benefits that tends to favor certain groups. Ahmad Ainur Ridlo and Imroatin Arsali demonstrate that the dynamics of environmental law enforcement in Indonesia continue to face various structural constraints, including the dominance of economic interests that undermine the effectiveness of environmental protection (Arsali, 2024).

Furthermore, the anthropocentric paradigm is problematic not only at the normative level but also gives rise to an epistemological failure in understanding the relationship between humans and the environment. Nature is not perceived as a system possessing intrinsic balance, but rather as a passive entity that can be fully controlled by human beings. Ganung Rindra Kusuma and Aifa Zahda Aulia Ahmad emphasize that the dominance of the

anthropocentric paradigm entails fundamental limitations in achieving sustainable environmental protection, thereby necessitating a shift toward a non-anthropocentric approach in environmental law (Ahmad, Menyoal Peran Hukum Pidana dalam Penanggulangan Kerusakan Lingkungan Hidup di Indonesia, 2025).

These limitations reveal the existence of a conceptual gap within natural resource law in Indonesia, particularly in integrating the dimension of ecological justice. The conception of justice that has thus far been developed remains predominantly oriented toward the distribution of benefits among humans, without adequately considering ecosystem sustainability as an integral component of justice itself. From the perspective of ecological justice, equitable distribution is not measured solely in economic terms, but also in the capacity of the legal system to maintain environmental balance as a prerequisite for life. Accordingly, a paradigmatic shift is required, one that not only expands the meaning of justice but also repositions nature within the legal system from a mere object to an entity possessing intrinsic value. This shift constitutes an essential foundation for understanding and developing the concept of the *Rights of Nature* as an alternative framework for reconstructing justice in the control of natural resources in Indonesia.

The limitations of the anthropocentric paradigm ultimately have direct implications for the practice of natural resource control, which has yet to reflect substantive justice. At the level of implementation, natural resource governance continues to exhibit a tendency toward unequal distribution of benefits, wherein access to and control over resources are predominantly concentrated in the hands of certain actors, whether the state or corporate entities, rather than the broader public. This condition demonstrates that the principle of "the greatest prosperity of the people" as enshrined in Article 33 paragraph (3) of the 1945 Constitution has undergone a reduction in meaning in practice, as policy orientations tend to prioritize economic growth over equitable welfare distribution. In this regard, a study conducted by Hendra Nurtjahjo indicates that natural resource management in Indonesia continues to face structural inequalities in the distribution of benefits, which in turn undermine the realization of social justice (Nurtjahjo, 2021).

These issues are not confined solely to the distribution of outcomes, but also extend to decision-making processes that tend to be non-participatory in nature. Public involvement in natural resource governance is often merely formalistic, resulting in the inadequate accommodation of local interests and environmental sustainability. Siti Sundari Rangkuti emphasizes that the effectiveness of environmental law is determined not only by the substance of legal norms, but also by the extent to which policymaking processes are able to meaningfully incorporate public participation (Rangkuti, 2022). This indicates that procedural justice, as an integral component of the broader concept of justice, has not been fully realized in the practice of natural resource governance in Indonesia.

Furthermore, the practice of natural resource control reveals the existence of unresolved structural conflicts between economic interests and environmental sustainability. Policies oriented toward exploitation frequently disregard environmental carrying capacity, thereby generating long-term ecological impacts.

Muhamad Muhdar, in his study, emphasizes that the weak integration of sustainability principles within natural resource management policies has resulted in environmental law tending to be reactive in nature and incapable of preventing environmental degradation at an early stage (Muhdar, 2022). This condition demonstrates that the existing legal system has not yet been capable of internalizing ecological values as an integral component of the policymaking framework.

The accumulation of these various issues indicates that justice in the control of natural resources in Indonesia remains partial in nature and has not fully addressed the ecological dimension. Justice can no longer be understood merely as the distribution of economic

benefits, but must encompass a balance between human interests and the sustainability of ecosystems. When the ecological dimension is not integrated into the legal framework, the resulting injustice affects not only human communities but also the continuity of the environment itself. Accordingly, there is a need for an approach that not only improves normative and institutional aspects but also reconstructs the fundamental paradigm governing the relationship between humans and nature. It is this necessity that opens the space for the development of the *Rights of Nature* as an alternative framework to address the challenges of justice in the practice of natural resource control in Indonesia.

The Concept of the *Rights of Nature* from the Perspective of Natural Philosophy and Its Relevance to Legal Reform in Natural Resource Governance

Natural philosophy serves as an important conceptual foundation that not only explains the nature of the environment but also shapes the perspective on the position of human beings within it. It no longer regards nature as a passive entity external to humans, but rather as a system characterized by order, intrinsic value, and reciprocal relationships with human beings. This perspective situates humans as part of the broader ecosystem, such that every action toward nature carries consequences for the sustainability of life itself.

The natural philosophy approach critically rejects the dualism between humans and nature that has long underpinned the anthropocentric paradigm. Within this framework, the relationship between humans and nature is not exploitative, but relational and interdependent. Environmental degradation is therefore no longer understood merely as the result of technical failures in natural resource management, but as a consequence of an epistemological error in understanding the human position in relation to nature. Sudirman and Muhammad Taufik demonstrate that the environmental crisis is fundamentally a reflection of the failure of human perspectives that treat nature as an object of exploitation, thereby necessitating a paradigmatic shift toward a more ecological and sustainable approach (Taufik, 2022).

The implications of the natural philosophy approach are not merely theoretical, but also entail direct consequences for the formation and development of law. Legal systems constructed upon an anthropocentric paradigm tend to be instrumental in nature, treating the environment as a means to achieve human objectives. By contrast, natural philosophy encourages the emergence of a legal framework that recognizes the intrinsic value of nature, such that environmental protection is no longer contingent solely upon human interests. In this context, law functions not only as a mechanism for regulating human behavior, but also as a means of maintaining ecological balance. Ni Luh Gede Astariyani emphasizes that the development of modern environmental law reflects a growing need to integrate ecological values into legal systems, thereby enabling environmental protection to be carried out in a more comprehensive and sustainable manner (Astariyani, 2022).

Furthermore, natural philosophy provides a normative foundation for the development of the *Rights of Nature* concept, which positions nature as a subject possessing rights to be protected and to have its existence preserved. From this perspective, the recognition of the rights of nature is not merely a legal innovation, but rather a logical consequence of a transformed understanding of the relationship between humans and nature. Once nature is acknowledged as possessing intrinsic value, the law is required to provide protection not only indirectly through human interests, but also directly toward the existence of nature itself. Accordingly, natural philosophy serves not only as a conceptual foundation, but also as a critical basis for advancing the transformation of natural resource law toward a more just and sustainable approach.

The philosophical foundation that situates humans as part of an ecological system inherently creates space for the emergence of the *Rights of Nature* as a form of normative articulation within the legal system. This concept does not merely introduce a terminological

shift, but fundamentally repositions nature within the legal order—from an object to a subject endowed with rights. Within this framework, nature is understood to possess the right to exist, to flourish, and to maintain its ecological functions, independent of human interests. This shift signifies that environmental protection is no longer merely derivative of human rights, but stands autonomously as a consequence of the recognition of nature's intrinsic value.

The *Rights of Nature* concept also entails significant theoretical implications for the construction of modern law, particularly with respect to the notion of legal subjects. Traditionally, legal subjecthood has been confined to natural persons and legal entities, while nature has not been recognized as possessing legal standing. With the recognition of nature as a legal subject, the concept of legal subjecthood is expanded from its previously anthropocentric orientation to a more inclusive and ecocentric framework. Rizky Amelia and Dwi Haryadi emphasize that the recognition of the rights of nature constitutes a progressive development in environmental law, as it provides a foundation for environmental protection that is not entirely dependent upon human interests (Haryadi, Pengakuan Hak Alam dalam Perspektif Hukum Lingkungan Indonesia, 2023).

The further implications of this concept are reflected in a shift in the orientation of law from being exploitative to becoming protective and restorative in nature. Law no longer functions solely to regulate the utilization of natural resources, but also to maintain ecological balance and to restore environmental damage. In this context, the *Rights of Nature* serves not only as a normative concept, but also as a transformative instrument in the reform of natural resource law. Muhammad Akib demonstrates that the reform of environmental law in Indonesia requires an approach that goes beyond reliance on conventional legal instruments, by integrating ecological values capable of ensuring long-term environmental sustainability (Akib, 2022).

However, implementing the Rights of Nature concept in the Indonesian legal system faces significant challenges. The legal structure, still dominated by an anthropocentric paradigm and a development orientation focused on economic growth, poses obstacles to the concept's full adoption. Furthermore, the lack of explicit recognition of the rights of nature in legislation indicates that this concept remains conceptual and has not yet been implemented concretely. However, from a constitutional perspective, the values embodied in the Rights of Nature actually converge with the principle of controlling natural resources for the prosperity of the people, provided they are interpreted broadly and incorporate the dimension of ecological sustainability as part of that prosperity.

Rights of Nature can be understood not only as an alternative concept but also as a necessary response to the limitations of the existing legal paradigm. This concept offers a new framework capable of bridging social justice and ecological justice in natural resource management. Therefore, the integration of Rights of Nature into the Indonesian legal system is relevant as part of efforts to reconstruct a more sustainable and just management of natural resources that aligns with the balance between humans and the environment.

The conceptual construction of the *Rights of Nature* finds its relevance within the Indonesian legal system when confronted with the limitations of a legal paradigm still dominated by an anthropocentric approach. The national legal system, which is rooted in the principle of state control over natural resources, in fact provides space for the accommodation of ecological values; however, in practice, it has not yet fully integrated the recognition of nature's interests as an autonomous entity. This indicates that, despite the existence of a strong constitutional foundation, legal implementation still requires a paradigmatic reform in order to respond more comprehensively to the demands of ecological justice.

The relevance of the *Rights of Nature* within the Indonesian legal system can be analyzed through its compatibility with fundamental principles already recognized in national

environmental law, such as the principles of sustainability and precaution. These principles essentially reflect an implicit acknowledgment of the importance of maintaining ecological balance, although they have not yet reached the stage of explicit recognition of the rights of nature. Helmi, in his study, emphasizes that Indonesian environmental law has developed toward strengthening the principle of sustainability, yet continues to face challenges in achieving consistent implementation due to the dominance of economic interests in development policies (Helmi, 2021). In this context, the *Rights of Nature* may be regarded as a conceptual reinforcement that provides a more explicit normative foundation for environmental protection.

Furthermore, the relevance of this concept is also reflected in its potential to reconstruct the relationship between the state, society, and natural resources. Within the existing legal system, the state occupies a dominant position as the controller of natural resources, while society and the environment remain in a more subordinate position. The *Rights of Nature* perspective opens the possibility for transforming this relationship into a more balanced one, wherein nature is no longer merely an object of control, but also a subject possessing interests that must be protected. Absori emphasizes that the reform of environmental law in Indonesia requires a paradigmatic transformation that is not only normative in nature, but also addresses the philosophical dimension in understanding the relationship between humans and the environment (Absori, 2021). This indicates that the integration of the *Rights of Nature* is not merely an addition of legal norms, but rather a fundamental transformation in the construction of law.

Despite its strong relevance, the implementation of the *Rights of Nature* within the Indonesian legal system faces a number of structural and cultural challenges. A legal system that remains oriented toward economic development interests, institutional limitations, and the underdevelopment of ecological legal awareness constitute significant obstacles to the concrete application of this concept. Moreover, the absence of explicit recognition of the rights of nature within statutory regulations demonstrates that the transition toward an ecocentric paradigm remains a gradual and ongoing process. Nevertheless, the framework of a dynamic rule of law continues to provide space for legal reform through the reinterpretation of constitutional norms and the strengthening of environmental principles, thereby enabling the development of a legal system that is both more just and sustainable.

Reconstructing Justice in Natural Resource Governance Based on the *Rights of Nature* in the Restitution of the UNESA Reservoir in Surabaya

The theoretical construction of the *Rights of Nature* and the critique of the anthropocentric paradigm find concrete relevance when examined in the case of the restitution of the reservoir of Universitas Negeri Surabaya (UNESA). This case not only reflects administrative issues concerning the status of asset control, but also reveals tensions between the ecological functions of water resources and the prevailing patterns of spatial utilization. As part of the water resource system, the reservoir serves strategic functions in maintaining hydrological balance, including acting as a water catchment area, flood control mechanism, and support for the urban ecosystem. When these functions are disrupted due to utilization practices that are inconsistent with environmental carrying capacity, the resulting issues extend beyond technical concerns and enter the realm of justice in natural resource governance.

The UNESA Reservoir case demonstrates that the principal problem lies in the lack of synchronization between legal norms and management practices. Normatively, water resource management in Indonesia is regulated within a legal framework that emphasizes principles of sustainability and public benefit. Law Number 17 of 2019 on Water Resources, particularly Article 2, affirms that water resource management must be based on the

principles of public benefit, sustainability, balance, and justice, which inherently require the protection of ecological functions. However, in practice, the control and utilization of the reservoir often fail to fully reflect these principles, resulting in the degradation of its ecological functions.

These issues also reveal a tendency toward the dominance of a legal-formal approach in resolving disputes over reservoir control, which focuses primarily on aspects of ownership status or management authority, without adequately integrating ecological considerations. In this context, law operates in a limited capacity as an administrative instrument, thereby failing to address substantive issues related to environmental sustainability. A study conducted by Dian Agung Wicaksono indicates that natural resource governance in Indonesia continues to face challenges of regulatory disharmony and weak integration of environmental principles in policy practices, which in turn undermines the effective protection of ecological functions (Wicaksono, 2021). This reinforces the argument that the problems evident in the UNESA Reservoir case are not merely sectoral in nature, but also reflect structural issues within the legal system.

Furthermore, this case indicates a failure to realize ecological justice as an integral component of justice in the control of natural resources. The conception of justice applied thus far has tended to be oriented toward human interests, whether in the form of economic utilization or administrative considerations, while ecosystem sustainability has not been positioned as a primary concern. In contrast, from the perspective of the *Rights of Nature*, the reservoir as an ecological entity should be regarded as possessing the right to maintain its natural functions. When such functions are disrupted, the issue at hand constitutes not only a violation of human interests, but also an infringement upon the ecological rights of the reservoir itself. Nisa Nur Kholifah and Hardi Warsono emphasize that water resource management that is not grounded in the principle of sustainability has the potential to generate environmental degradation with far-reaching impacts on both social and ecological systems (Warsono, 2022).

This analysis demonstrates that the UNESA Reservoir case cannot be resolved solely through conventional legal approaches that focus on control and authority, but rather requires a paradigmatic shift in understanding natural resources. The absence of recognition of the ecological dimension within the legal framework has resulted in management policies that tend to be reactive and fail to address the root causes of the problem. This condition further underscores the urgency of adopting a *Rights of Nature* approach as a foundation for reconstructing justice in natural resource governance, such that reservoir management is oriented not only toward human interests but also toward the comprehensive sustainability of ecosystems.

The findings from the restitution of the UNESA Reservoir indicate that the legal approaches employed thus far have not been capable of addressing the issues in a comprehensive manner, particularly in integrating the ecological dimension into the framework of natural resource control. The dominant legal approach tends to be legal-formal and administrative in nature, emphasizing aspects of authority, control status, and compliance with licensing procedures. Within this framework, law is primarily utilized as an instrument of governance regulation, rather than as a means of ensuring the realization of substantive justice that encompasses environmental sustainability. As a consequence, the resolution of reservoir-related issues tends to focus more on determining who holds the authority to manage, rather than on how to ensure the preservation of the reservoir's ecological functions.

Such a legal-formal approach reveals its limitations in capturing the complexity of the relationship between humans and the environment. Law tends to operate within a fragmented, sectoral framework, resulting in natural resource management that is not conducted in a holistic manner. This is reflected in the separation between spatial planning regulations, water

resource governance, and environmental protection regimes, which in practice are often not effectively integrated. Dwi Putri Permatasari and Khotibul Umam demonstrate that regulatory fragmentation in natural resource governance in Indonesia leads to weak inter-sectoral coordination, thereby undermining the effectiveness of environmental protection. (Umam, 2022). This condition affirms that the existing legal approach has not yet been capable of establishing a management system grounded in the unity of ecosystems.

Moreover, the prevailing legal approach remains dominated by an anthropocentric orientation that places human interests as the primary benchmark in policymaking. In this context, environmental protection is often instrumental in nature, being undertaken only insofar as it provides benefits to humans. Such an approach results in the law losing its ethical dimension in recognizing nature as an entity possessing intrinsic value.

Luluk Uliyah argues that environmental law in Indonesia continues to face challenges in shifting its paradigm from anthropocentric to ecocentric, with the consequence that environmental protection has not yet fully reflected the principles of ecological justice (Uliyah, 2023). When the underlying paradigm remains exploitative in nature, the policies produced are unlikely to effectively prevent systemic environmental degradation.

The limitations of the existing legal approach are also evident in its reactive character, whereby legal intervention is typically undertaken only after environmental damage has occurred. Law enforcement tends to focus on the imposition of sanctions, without being accompanied by effective preventive mechanisms. In the case of the UNESA Reservoir, such an approach risks rendering management efforts merely corrective, rather than preventive or restorative. In the context of natural resource governance, however, a preventive approach is essential to safeguard ecological functions from the outset. The inability of the legal system to anticipate potential damage demonstrates that it has not fully internalized the principle of sustainability as a foundational basis for natural resource management.

These conditions indicate that the limitations of the existing legal approach extend beyond normative aspects to encompass paradigmatic shortcomings. Law continues to be positioned primarily as an instrument for regulating relationships among humans in the utilization of natural resources, without recognizing nature as an entity possessing its own interests. This limitation ultimately hinders the realization of justice that is not only social but also ecological in nature. Accordingly, a new approach is required—one that not only addresses technical deficiencies within the legal system but also reconstructs the foundational perspective regarding the position of nature within the legal framework. This need further underscores the relevance of the *Rights of Nature* as an alternative for building a legal system that is more just and sustainable.

The limitations inherent in legal-formal, sectoral, and anthropocentric approaches highlight the necessity of a reconstruction model that not only improves technical regulatory aspects but also addresses the paradigmatic dimension of natural resource governance. In this regard, the *Rights of Nature* offers a normative framework that can serve as a foundation for reconstructing justice—one that is not solely oriented toward human interests but also recognizes ecological interests as an integral component of the legal system. Such reconstruction requires a fundamental shift in legal perspective, from viewing nature as an object of control to recognizing it as a subject endowed with rights to be protected and preserved.

A reconstruction model based on the *Rights of Nature* may be formulated through three principal dimensions: normative recognition, institutional strengthening, and the transformation of governance paradigms. Within the dimension of normative recognition, it is necessary to reinterpret Article 33 paragraph (3) of the 1945 Constitution so that it is understood not only as a basis for state control, but also as a foundation for the protection of ecosystem sustainability. State control must be construed as an obligation to maintain

ecological balance, such that the concept of "the prosperity of the people" encompasses environmental sustainability as a fundamental prerequisite for welfare. In this framework, the recognition of the rights of nature need not always begin with constitutional amendment, but may be advanced through progressive interpretation and the strengthening of norms within environmental legislation.

Within the institutional dimension, reconstruction requires changes in the structure and functions of institutions responsible for natural resource governance. State institutions should no longer function solely as regulators and facilitators of resource utilization, but also as guardians of ecological interests. This may be achieved through strengthening supervisory functions, enhancing inter-sectoral coordination, and developing mechanisms for representing environmental interests within decision-making processes. Yance Arizona, in his study, demonstrates that the recognition of the rights of nature in several jurisdictions has been accompanied by the establishment of institutional mechanisms that enable legal representation for natural entities, thereby ensuring that environmental protection is not solely dependent on human interests (Arizona, 2020). This approach provides direction that legal reconstruction in Indonesia must develop institutional instruments capable of bridging human and environmental interests in a balanced manner.

The third dimension, namely the transformation of governance paradigms, emphasizes a shift in policy orientation from exploitative practices toward sustainability-based and ecologically restorative approaches. Within this model, natural resource management is no longer focused on the optimization of utilization, but rather on maintaining a balance between use and conservation. This includes the application of the precautionary principle, ecosystem-based approaches, and the strengthening of mechanisms for the prevention of environmental degradation.

Rina Puspita Sari emphasizes that sustainable natural resource management requires the integration of legal, policy, and ecological awareness dimensions, thereby enabling the creation of a balance between development interests and environmental protection (Sari, 2022).

In the context of the restitution of the UNESA Reservoir, a reconstruction model based on the *Rights of Nature* may be implemented through the recognition of the reservoir's ecological functions as an entity that must be legally protected. Reservoir management should no longer be based solely on administrative or ownership aspects, but rather on the obligation to preserve its hydrological and ecological sustainability. This implies that any policy related to the reservoir must prioritize ecological interests as a primary consideration, rather than as a supplementary factor. This approach also opens the possibility for the application of ecological restoration mechanisms as part of efforts to recover the reservoir's degraded functions.

Ultimately, reconstruction based on the *Rights of Nature* does not merely result in changes to legal norms, but also fosters a new perspective in natural resource governance. Justice is no longer narrowly understood as the distribution of benefits among humans, but as a balance between human interests and environmental sustainability. This model offers a direction for legal reform that is more responsive to ecological crises, while simultaneously strengthening the role of law as an instrument for safeguarding the continuity of life as a whole.

The *Rights of Nature*-based reconstruction model formulated above does not remain confined to the conceptual level, but carries broad implications, both theoretical and practical, within the legal system governing natural resources in Indonesia. These implications demonstrate that the paradigmatic shift from anthropocentric to ecocentric approaches is not merely normative in character, but also affects the ways in which law is formulated, implemented, and enforced. This shift is essential to ensure that the reconstruction of justice

in natural resource governance does not remain merely an academic discourse, but can be operationalized within concrete legal practice.

At the theoretical level, reconstruction based on the *Rights of Nature* promotes an expansion of the meaning of justice within natural resource law. Justice is no longer understood solely as the distribution of benefits among humans, but also encompasses the recognition of ecosystem sustainability as an integral component of justice itself. This perspective enriches environmental law discourse by integrating the dimension of ecological justice into the broader framework of social justice, which has traditionally been the primary focus.

Lili Rasjidi and I.B. Wyasa Putra emphasize that the development of modern legal theory requires the integration of the values of justice, certainty, and utility into a coherent whole, thereby enabling law to respond more comprehensively to societal dynamics. (Putra, 2020). In this context, the *Rights of Nature* contributes to expanding the scope of justice by incorporating the ecological dimension as an inseparable element.

Another theoretical implication is reflected in the transformation of the construction of legal subjects within the national legal system. The recognition of nature as a legal subject opens the possibility for the development of more inclusive legal doctrines, whereby non-human entities may be accorded a certain legal standing. This development not only enriches the body of environmental law but also encourages innovation in legal protection mechanisms, such as the formulation of legal representation for natural entities. In this regard, a reconstruction based on the *Rights of Nature* has the potential to shift the traditional boundaries of law, which have long been anthropocentric, toward a framework that is more adaptive to ecological challenges.

At the practical level, the implications of this reconstruction are manifested in a shift in the orientation of natural resource governance policies. Policies are no longer solely directed toward optimizing utilization, but also toward protecting and restoring ecological functions. This requires stronger integration among environmental policy, spatial planning, and natural resource management, thereby avoiding the regulatory fragmentation that has long been a primary cause of ineffective environmental protection. Enny Nurbaningsih emphasizes that the formulation of legislation responsive to societal and environmental needs requires a holistic approach and careful attention to inter-sectoral integration (Nurbaningsih, 2020).

Further practical implications are also reflected in the strengthening of institutional roles and law enforcement mechanisms. A *Rights of Nature*-based approach encourages a shift from reactive law enforcement toward more preventive and restorative approaches. In the context of managing the UNESA Reservoir, this entails that policies are not solely focused on resolving disputes over control, but also on efforts to preserve and restore the reservoir's ecological functions in a sustainable manner. Reservoir management must be grounded in the principles of precaution and sustainability, with the active involvement of various stakeholders in the decision-making process.

These implications demonstrate that the reconstruction of justice based on the *Rights of Nature* contributes not only to the development of legal theory, but also offers a concrete direction for the reform of natural resource governance practices in Indonesia. Such transformation is essential in addressing increasingly complex environmental crises, while ensuring that law functions not merely as an instrument serving human interests, but also as a mechanism for safeguarding the sustainability of ecosystems as a whole.

CONCLUSION

The findings of this study indicate that the construction of justice in the control of natural resources within the Indonesian legal system remains predominantly dominated by an anthropocentric paradigm, which positions nature as an object of utilization. As a result, the

realization of justice tends to be partial in nature and has not fully accommodated the ecological dimension. The principle of state control as stipulated in Article 33 paragraph (3) of the 1945 Constitution, in practice, is more oriented toward the distribution of economic benefits, while aspects of environmental sustainability and ecosystem balance have not yet become primary considerations. This condition has led to inequalities in the control of natural resources and the weakening of the protection of ecological functions, ultimately resulting in the failure to achieve substantive justice.

The concept of the *Rights of Nature*, from the perspective of natural philosophy, offers a theoretical framework capable of addressing these limitations through the recognition of nature as an entity possessing intrinsic value and rights to be protected. This approach encourages a paradigmatic shift from anthropocentric to ecocentric perspectives, such that justice is no longer understood solely as a relationship among humans, but also encompasses the relationship between humans and the environment. Within the Indonesian legal system, this concept holds strong relevance, as it aligns with the principle of sustainability and may be integrated through the reinterpretation of constitutional norms and the strengthening of environmental legal policies, notwithstanding the structural and paradigmatic challenges that remain in its implementation.

The reconstruction of justice in natural resource governance based on the *Rights of Nature* in the case of the restitution of the UNESA Reservoir in Surabaya demonstrates that resolving natural resource issues cannot rely solely on conventional legal approaches that are legal-formal in nature, but requires a paradigmatic transformation that places ecological functions as a primary consideration. The reconstruction model proposed through normative recognition, institutional strengthening, and the transformation of governance paradigms provides a direction for legal reform that is more just and sustainable. The implementation of this approach enables the creation of a balance between human interests and ecosystem sustainability, thereby ensuring that natural resource management is oriented not only toward utilization, but also toward the protection and restoration of environmental functions in a comprehensive manner.

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