

INTERNATIONAL JOURNALOF LAW AND CONSTITUTION STUDY

Journal home page:https://jurnal.asrypersadaquality.com/index.php/ijlacos

LEGAL PROTECTION OF FUTURE GENERATIONS' RIGHT TO A HEALTHY ENVIRONMENT

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KEYWORDS

Legal Protection;Future Generations; Healthy Environment; Human Rights; Sustainable Development

ABSTRACT

Environmental degradation has become a global issue that threatens not only present society but also future generations. The right to a healthy environment is increasingly recognized as part of human rights and sustainable development principles. However, environmental exploitation, pollution, deforestation, and climate change continue to weaken environmental sustainability and endanger the welfare of future generations. This study aims to analyze legal protection for the rights of future generations to a healthy environment from the perspective of environmental law and sustainable development. This research uses a normative juridical method by examining statutory regulations, legal principles, and academic literature related to environmental protection and intergenerational justice. The study finds that Indonesian environmental law has recognized the importance of environmental sustainability through constitutional guarantees and environmental protection legislation. Nevertheless, the implementation of environmental law still faces challenges due to weak law enforcement, exploitation-oriented development policies, and limited public awareness. The research concludes that protection of future generations' environmental rights requires stronger legal enforcement, sustainable policies, and integration of intergenerational justice principles into environmental governance.

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Article History	Submitted: March 16, 2026	Revision: March 18, 2026	Accepted: March 30, 2026	Published: July 30, 2026
https://doi.org/10.63736/ijlacos.v3i1				

INTRODUCTION

The environment is an essential element for the continuity of human life. A healthy environment is a fundamental requirement for the fulfillment of human rights, particularly the right to live in a healthy and prosperous condition. However, industrialization, urbanization, and uncontrolled exploitation of natural resources have caused serious environmental damage. Water and air pollution, deforestation, and climate change have become real threats to the sustainability of human life in the future (Keraf, 2010).

In the modern legal perspective, the right to a healthy environment has been recognized as part of human rights. The Constitution of Indonesia, particularly Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, states that every citizen has the right to enjoy a good and healthy environment. This provision demonstrates that the state has a constitutional obligation to protect the environment for the benefit of present and future generations (Asshiddiqie, 2009).

Environmental destruction does not only affect present generations but also threatens the rights of future generations to enjoy a proper and healthy environment. The concept of intergenerational justice emphasizes that the present generation has both moral and legal responsibilities to preserve natural resources so they remain available for future generations (Weiss, 1992). Therefore, legal protection of future generations' rights is an important part of sustainable development.

Sustainable development is a concept that balances economic, social, and environmental interests. This concept became widely known through the Our Common Future report published by the World Commission on Environment and Development, which states that development must meet the needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987). In Indonesia, the principle of sustainable development has been adopted in Law Number 32 of 2009 concerning Environmental Protection and Management.

Nevertheless, the implementation of environmental protection in Indonesia still faces many challenges. Environmental law enforcement is often weak due to economic interests, lack of public legal awareness, and weak governmental supervision.

METHOD

This research employs a normative juridical method with statutory, conceptual, and analytical approaches. The normative juridical method is used because this study focuses on examining legal norms, principles, and regulations concerning environmental protection and the rights of future generations. Through this method, law is viewed as a system of norms that regulates human behavior in maintaining environmental sustainability and ensuring justice between present and future generations.

The statutory approach is carried out by examining various laws and regulations related to environmental protection, human rights, and sustainable development. The primary regulations analyzed in this research include the 1945 Constitution of the Republic of Indonesia, particularly Article 28H paragraph (1) concerning the right to a healthy environment, and Law Number 32 of 2009 concerning Environmental Protection and Management. In addition, this research also examines international legal instruments related to environmental protection and intergenerational justice, such as the Stockholm Declaration 1972, the Rio Declaration 1992, and the principles of sustainable development formulated by the World Commission on Environment and Development (WCED, 1987).

The conceptual approach is applied to analyze legal theories and doctrines related to environmental law, sustainable development, and intergenerational justice. This approach is important in understanding how the concept of future generations' rights has developed within legal scholarship and environmental governance. The study also examines theories of legal protection, environmental justice, and state responsibility in preserving natural resources for future generations. Through this conceptual analysis, the research seeks to explain the relationship between environmental sustainability and the fulfillment of human rights.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include constitutions, laws, government regulations, and international legal instruments related to environmental protection. Secondary legal materials are obtained from books, scientific journal articles, legal opinions, and previous studies discussing environmental law, sustainable development, and future generations' rights. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references that help clarify legal

concepts and terminology used in the research.

Data collection is conducted through library research by reviewing and analyzing relevant legal documents and academic literature. The researcher systematically collects literature related to environmental protection, intergenerational justice, and legal responsibility toward future generations. The literature reviewed includes both national and international scholarly sources to ensure comprehensive analysis and broader legal perspectives.

The collected data are analyzed using descriptive and analytical methods. Descriptive analysis is used to explain existing legal regulations and legal principles governing environmental protection and future generations' rights. Analytical interpretation is then applied to assess the effectiveness of legal protection mechanisms, identify weaknesses in implementation, and examine the challenges faced in enforcing environmental law. The study also compares legal theories with practical realities in environmental governance to evaluate whether current legal frameworks adequately protect the rights of future generations to a healthy environment.

RESULTS AND DISCUSSION

1. Legal Protection of Future Generations' Environmental Rights

The right to a healthy environment is recognized as one of the fundamental human rights that must be guaranteed and protected by the state. Environmental protection is not only intended to fulfill the needs of present society but also to ensure the survival and welfare of future generations. In Indonesia, constitutional recognition of environmental rights is clearly reflected in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to live in physical and spiritual prosperity and to obtain a good and healthy environment (Asshiddiqie, 2009). This constitutional provision demonstrates that environmental protection is not merely a policy issue but also a constitutional obligation of the state.

The constitutional guarantee of environmental rights shows that the Indonesian legal system places environmental sustainability as an important element in national development. The state has a responsibility to formulate policies, establish regulations, and enforce environmental law in order to maintain ecological balance and protect public welfare. Environmental rights are closely related to the fulfillment of

other human rights, including the right to health, the right to life, and the right to social welfare. Therefore, environmental degradation directly threatens the realization of human rights for both present and future generations (Rahmadi, 2011).

In addition to constitutional protection, Indonesia has enacted Law Number 32 of 2009 concerning Environmental Protection and Management as the primary legal framework regulating environmental governance. This law emphasizes that environmental protection must guarantee the sustainability of life for present and future generations. The law adopts principles such as sustainability, environmental justice, state responsibility, and public participation in environmental management. Through these principles, environmental law aims to balance economic development with environmental preservation (Hardjasoemantri, 2005).

The principle of sustainability contained in environmental law reflects the concept of intergenerational justice. Intergenerational justice requires the present generation to use natural resources wisely and responsibly so that future generations can also enjoy environmental benefits and natural wealth (Weiss, 1992). This principle emphasizes that environmental resources are not exclusively owned by the current generation, but rather entrusted to them for preservation and transfer to future generations. Therefore, environmental destruction caused by excessive exploitation can be considered a violation of future generations' rights.

Environmental protection also forms an important part of sustainable development. Sustainable development is a development model that integrates economic growth, social welfare, and environmental sustainability. According to the World Commission on Environment and Development, sustainable development refers to development that fulfills present needs without compromising the ability of future generations to fulfill their own needs (WCED, 1987). This concept highlights that economic progress should not sacrifice ecological sustainability or damage environmental quality for future generations.

However, despite the existence of constitutional and statutory guarantees, the implementation of environmental protection in Indonesia still faces significant challenges. Environmental law enforcement is often ineffective due to weak supervision, corruption, overlapping regulations, and the dominance of economic interests over environmental concerns (Hardjasoemantri, 2005). Industrial activities, mining operations, illegal logging, and land conversion frequently cause environmental

destruction that threatens ecological sustainability. Such practices not only damage ecosystems but also reduce the quality of life and environmental resources available to future generations.

One of the major environmental problems in Indonesia is deforestation. Forest exploitation for industrial and commercial purposes has significantly reduced forest areas and caused ecological imbalance. Forest destruction contributes to climate change, biodiversity loss, floods, and landslides, which ultimately threaten human survival and environmental sustainability (Keraf, 2010). Future generations may suffer from limited access to natural resources due to irresponsible environmental management carried out by the present generation.

In addition, pollution caused by industrial waste, plastic waste, and emissions from factories and vehicles has increasingly worsened environmental quality. Water pollution affects public health and damages aquatic ecosystems, while air pollution contributes to respiratory diseases and climate change. These environmental problems demonstrate that environmental degradation has long-term consequences that extend beyond present society and directly affect the welfare of future generations (Siahaan, 2004).

Environmental law enforcement mechanisms in Indonesia consist of administrative, civil, and criminal sanctions. Administrative sanctions may include permit revocation, government coercion, and environmental restoration obligations. Civil sanctions can be imposed through compensation claims for environmental damage, while criminal sanctions are intended to punish severe environmental violations. Nevertheless, in practice, environmental law enforcement is often inconsistent and lacks effectiveness. Many environmental offenders receive light punishments or avoid legal responsibility due to political and economic influences (Rahmadi, 2011).

Public participation also plays an important role in protecting future generations' environmental rights. Communities have the right to obtain environmental information, participate in decision-making processes, and file complaints regarding environmental destruction. Public involvement can strengthen environmental supervision and encourage government accountability in environmental governance. Environmental awareness among society is therefore essential to support sustainable environmental protection efforts (Keraf, 2010).

Moreover, environmental education is an important instrument in protecting future generations' rights. Education can increase ecological awareness and encourage environmentally responsible behavior. Through environmental education, society can better understand the importance of preserving natural resources and maintaining ecological balance for the welfare of future generations. Educational institutions, governments, and communities must cooperate in promoting environmental ethics and sustainable lifestyles (Salim, 2014).

From an international law perspective, protection of future generations' environmental rights has also become a global concern. International agreements such as the Stockholm Declaration 1972 and the Rio Declaration 1992 emphasize the importance of environmental preservation and sustainable development. These international principles encourage states to integrate environmental protection into national policies and legal systems. Indonesia, as part of the international community, has an obligation to implement these principles in its environmental governance (Weiss, 1992).

2. Intergenerational Justice in Environmental Law Perspective

Intergenerational justice is a legal and ethical concept emphasizing that the present generation has responsibilities toward future generations in preserving environmental sustainability and natural resources. This principle asserts that natural resources should not be exploited excessively in ways that endanger the welfare and survival of future generations. Every generation has equal rights to enjoy environmental quality, ecological balance, and access to natural resources necessary for human life (Weiss, 1992). Therefore, environmental protection is not only a matter of present interests but also a long-term responsibility toward humanity in the future.

The concept of intergenerational justice has become one of the main foundations of modern environmental law and sustainable development. It developed from global awareness that environmental destruction and resource depletion could threaten the survival of future generations. The World Commission on Environment and Development introduced this principle through the concept of sustainable development, which defines development as meeting the needs of the present generation without compromising the ability of future generations to meet their own needs (WCED, 1987). This concept emphasizes balance between economic growth, social welfare, and environmental preservation.

From a legal perspective, intergenerational justice reflects the principle that the environment is a shared heritage that must be preserved collectively. The present generation acts as a trustee or guardian of natural resources and has a duty to maintain environmental sustainability for future generations (Weiss, 1992). In this context, environmental exploitation that causes irreversible damage can be viewed as a violation of future generations' rights because it reduces their opportunity to enjoy environmental benefits and ecological resources.

The principle of intergenerational justice also requires states to formulate development policies that prioritize ecological balance and environmental sustainability. Governments must ensure that economic development activities, industrialization, mining, and natural resource exploitation are conducted responsibly and do not result in permanent environmental destruction (Keraf, 2010). Development policies should integrate environmental considerations into every decision-making process to prevent ecological crises in the future.

In practice, the implementation of intergenerational justice involves sustainable management of natural resources. Forests, rivers, oceans, and biodiversity must be protected from excessive exploitation because they are essential for ecological stability and human survival. Environmental conservation policies, reforestation programs, waste management systems, and renewable energy development are examples of efforts that reflect the application of intergenerational justice principles (Rahmadi, 2011).

In Indonesia, sustainable development principles have been incorporated into national environmental policies and legal regulations. Law Number 32 of 2009 concerning Environmental Protection and Management explicitly states that environmental protection aims to guarantee the sustainability of life for present and future generations. This law adopts principles such as sustainability, environmental justice, state responsibility, and public participation in environmental governance (Hardjasoemantri, 2005). These principles demonstrate that Indonesian environmental law recognizes the importance of intergenerational responsibility in environmental management.

However, despite the existence of legal regulations supporting sustainable development, the implementation of intergenerational justice in Indonesia still faces many obstacles. Development orientation often prioritizes economic growth and

industrial expansion over environmental sustainability. Large-scale exploitation of forests, mining activities, and land conversion frequently ignore ecological impacts and threaten the rights of future generations (Salim, 2014). Economic interests are often placed above environmental concerns, resulting in environmental degradation and ecological imbalance.

One clear example is deforestation in Indonesia. Forest destruction caused by illegal logging, plantation expansion, and mining activities has significantly reduced forest areas and damaged biodiversity. Forests play an essential role in maintaining climate stability, water resources, and ecological balance. Their destruction contributes to floods, landslides, climate change, and habitat loss for many species (Keraf, 2010). These environmental impacts not only affect current society but also create long-term consequences for future generations who may no longer enjoy healthy ecosystems and sufficient natural resources.

Environmental pollution also represents a serious challenge to intergenerational justice. Industrial waste disposal, plastic pollution, and excessive carbon emissions have worsened environmental quality and threatened public health. Water pollution damages aquatic ecosystems and reduces access to clean water, while air pollution contributes to respiratory diseases and global warming (Siahaan, 2004). Climate change caused by greenhouse gas emissions is another major issue because its effects, such as rising sea levels and extreme weather events, will primarily burden future generations.

Agrarian conflicts and land exploitation further demonstrate the difficulties in implementing intergenerational justice. Many local and indigenous communities lose access to their traditional lands due to large-scale industrial projects and land acquisitions. These conflicts often damage ecosystems and disrupt the sustainability of local livelihoods. Future generations from affected communities may experience reduced environmental quality and limited access to natural resources that were previously preserved by their ancestors (Salim, 2014).

From the perspective of environmental ethics, intergenerational justice is closely related to moral responsibility toward nature and humanity. Humans are not absolute owners of natural resources but rather part of the ecological system that depends on environmental balance. Ethical environmental management requires humans to respect ecological limits and avoid exploitative behavior that damages environmental

sustainability (Keraf, 2010). Therefore, environmental preservation should become a collective moral commitment shared by governments, corporations, and society.

The role of the state is highly important in ensuring the implementation of intergenerational justice. Governments must establish strict environmental regulations, strengthen law enforcement, and supervise industrial activities that potentially harm the environment. Environmental impact assessments should be conducted carefully before approving development projects. In addition, governments should encourage sustainable economic models that support renewable energy, green technology, and environmentally friendly industries (Rahmadi, 2011).

Challenges and Efforts in Environmental Protection

Environmental protection has become one of the most urgent legal and social issues in the modern era. Although many countries, including Indonesia, have established regulations and policies related to environmental protection, environmental degradation continues to occur on a large scale. This condition creates serious threats not only for present society but also for future generations whose rights to a healthy environment may be compromised. Various challenges in environmental protection demonstrate that legal regulations alone are insufficient without effective implementation, strong law enforcement, and active public participation (Rahmadi, 2011).

One of the major challenges in protecting future generations' environmental rights is weak environmental law enforcement. Environmental violations often occur without strict legal consequences for perpetrators. Many industries and corporations responsible for environmental pollution and destruction do not receive severe sanctions, resulting in a lack of deterrent effect (Siahaan, 2004). Weak supervision, corruption, and political influence frequently hinder the enforcement of environmental law, allowing environmentally harmful activities to continue despite existing legal prohibitions.

Environmental crimes such as illegal logging, illegal mining, industrial waste dumping, and forest burning remain common in Indonesia. These activities significantly damage ecosystems, reduce biodiversity, and contribute to climate change. Illegal logging, for example, has caused extensive deforestation that threatens water resources, increases the risk of natural disasters, and destroys wildlife habitats (Keraf, 2010). Forest destruction also reduces the earth's capacity to absorb

carbon dioxide, thereby accelerating global warming and climate instability that will heavily impact future generations.

Industrial pollution represents another serious challenge in environmental protection. Many factories dispose of untreated waste into rivers and oceans, causing water contamination and threatening aquatic ecosystems. Polluted water negatively affects public health by increasing the risk of diseases such as skin infections, respiratory illnesses, and digestive disorders. In addition, water pollution reduces access to clean water for communities and damages the livelihoods of people who depend on fisheries and agriculture (Rahmadi, 2011). These environmental impacts may persist for decades and reduce environmental quality for future generations.

Air pollution is also a growing environmental problem caused by industrial emissions, motor vehicles, and forest fires. Excessive greenhouse gas emissions contribute to climate change, rising global temperatures, and extreme weather events. Climate change has become one of the greatest threats to humanity because its impacts include rising sea levels, floods, droughts, food insecurity, and loss of biodiversity (WCED, 1987). Future generations are likely to experience more severe environmental conditions if effective environmental protection measures are not implemented immediately.

Another important challenge is the dominance of economic interests over environmental sustainability. Development policies often prioritize economic growth, industrial expansion, and infrastructure projects without adequately considering environmental impacts. Governments and corporations may view environmental regulations as obstacles to investment and economic progress, leading to weak environmental supervision and excessive exploitation of natural resources (Salim, 2014). As a result, forests, rivers, coastal areas, and agricultural lands are frequently sacrificed for short-term economic benefits.

Land conversion and urban expansion have also contributed significantly to environmental degradation. Agricultural land and forests are increasingly transformed into industrial zones, residential areas, and commercial infrastructure. This process reduces green spaces, damages ecosystems, and increases environmental vulnerability to disasters such as floods and landslides (Hardjasoemantri, 2005). Future generations may face difficulties accessing natural resources and healthy living environments due to irresponsible land management practices today.

In addition to legal and economic factors, low public awareness regarding environmental preservation also becomes a major obstacle to environmental protection efforts. Many people still lack understanding of the importance of protecting ecosystems and maintaining environmental sustainability. Harmful practices such as littering, illegal waste disposal, excessive plastic use, and uncontrolled resource consumption continue to occur in daily life (Keraf, 2010). Low ecological awareness weakens community participation in environmental conservation and reduces public pressure on governments and corporations to implement environmentally responsible policies.

Environmental education therefore becomes an essential effort in protecting future generations' rights. Educational institutions have an important role in building environmental awareness and promoting sustainable behavior among younger generations. Environmental education can help society understand the relationship between human activities and ecological balance, encouraging more responsible attitudes toward nature (Rahmadi, 2011). Through education, individuals can develop ecological ethics and recognize their responsibilities in preserving environmental sustainability for future generations.

Another challenge in environmental protection is the lack of coordination among government institutions responsible for environmental governance. Overlapping regulations, inconsistent policies, and bureaucratic inefficiency often create difficulties in implementing environmental laws effectively. Environmental permits may be issued without adequate environmental impact assessments, and monitoring systems are sometimes weak or ineffective (Siahaan, 2004). This institutional weakness reduces the ability of governments to prevent environmental damage and enforce environmental regulations consistently.

Corruption also significantly undermines environmental protection efforts. Illegal permits, bribery, and abuse of authority frequently occur in sectors such as mining, forestry, and industrial development. Corruption allows environmentally destructive activities to continue despite violating environmental regulations. As a result, environmental governance becomes ineffective, and environmental degradation increases (Salim, 2014). Future generations ultimately bear the consequences of these irresponsible practices through reduced environmental quality and ecological instability.

To overcome these environmental challenges, stronger regulations and more effective law enforcement are urgently required. Governments must strengthen environmental institutions, improve monitoring systems, and impose strict sanctions on environmental violators. Criminal, civil, and administrative sanctions should be applied consistently to create deterrent effects and encourage compliance with environmental regulations (Hardjasoemantri, 2005). Strong law enforcement is necessary to ensure that environmental protection principles are not merely symbolic but truly implemented in practice.

The government must also increase supervision of industrial activities and natural resource exploitation. Environmental impact assessments should be conducted transparently and comprehensively before approving development projects. Industries should be required to implement environmentally friendly technologies and sustainable production systems to minimize environmental damage (Rahmadi, 2011). Governments should further encourage the transition toward renewable energy and green economic policies to reduce dependence on environmentally harmful industries.

Reforestation and ecosystem restoration programs are also important efforts in environmental protection. Forest rehabilitation, mangrove restoration, and biodiversity conservation programs can help restore ecological balance and improve environmental quality. Conservation areas should be protected from illegal exploitation, and sustainable resource management practices should be strengthened to preserve ecosystems for future generations (Keraf, 2010).

Public participation plays a highly important role in environmental protection. Communities have the right to access environmental information, participate in environmental decision-making processes, and monitor corporate and governmental activities that may harm the environment. Public involvement increases transparency and accountability in environmental governance (Siahaan, 2004). Community-based environmental movements, environmental organizations, and civil society activism can significantly contribute to strengthening environmental protection efforts.

Local and indigenous communities also possess valuable traditional knowledge related to environmental conservation. Many indigenous communities have practiced sustainable natural resource management for generations through customary laws and local wisdom. Their knowledge can contribute to modern environmental protection strategies and sustainable development policies (Keraf, 2010). Therefore,

governments should recognize and involve indigenous communities in environmental governance and conservation programs.

International cooperation is equally important in addressing global environmental challenges. Environmental issues such as climate change, air pollution, marine pollution, and biodiversity loss cannot be solved by individual states alone. International agreements such as the Paris Agreement, the Rio Declaration, and the Stockholm Declaration emphasize collective responsibility in protecting the environment for present and future generations (WCED, 1987). Through international cooperation, states can exchange knowledge, strengthen environmental regulations, and coordinate global environmental protection efforts.

Technological innovation also provides opportunities to improve environmental protection. Environmentally friendly technologies, renewable energy systems, waste recycling innovations, and sustainable agriculture methods can reduce environmental damage and support ecological sustainability. Governments and private sectors should invest in green technology development to create sustainable economic growth while preserving environmental quality (Salim, 2014).

Ultimately, protecting future generations' rights to a healthy environment requires comprehensive and integrated efforts involving governments, corporations, communities, educational institutions, and international organizations. Environmental sustainability should become a shared responsibility rather than solely a governmental obligation. Effective environmental protection can only be achieved through strong legal enforcement, sustainable development policies, ecological awareness, public participation, and international cooperation. By implementing these efforts consistently, present generations can preserve environmental quality and ensure that future generations inherit a healthy, safe, and sustainable environment.

CONCLUSION

Legal protection of future generations' rights to a healthy environment is an important part of fulfilling human rights and implementing sustainable development principles. The Indonesian Constitution and Law Number 32 of 2009 concerning Environmental Protection and Management have provided a strong legal foundation for environmental preservation and sustainability. These legal frameworks demonstrate that the state has a constitutional and legal responsibility to protect the environment for present and future generations.

However, the implementation of such legal protection still faces several obstacles, particularly weak law enforcement, the dominance of economic interests, environmental exploitation, and low public awareness regarding environmental preservation. Environmental degradation caused by pollution, deforestation, industrial activities, and climate change continues to threaten ecological sustainability and the welfare of future generations. In many cases, environmental regulations have not been implemented effectively due to weak supervision, corruption, and lack of institutional coordination.

Therefore, stronger law enforcement, sustainable development policies, and improved environmental education are necessary to guarantee future generations' rights to a healthy environment. Governments must strengthen environmental governance, increase supervision of natural resource exploitation, and impose strict sanctions on environmental violators. Public participation and environmental awareness should also be encouraged to support sustainable environmental protection efforts.

In addition, cooperation between governments, communities, corporations, and international organizations is essential in addressing global environmental challenges. Through collective responsibility and consistent environmental protection efforts, environmental sustainability can be maintained so that future generations may continue to enjoy a healthy, safe, and sustainable environment.

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