

## JUSTICE ECOLOGY AND SOCIAL JUSTICE AS A BASIS OF PROTECTION AND PRESERVATION OF THE SEA ENVIRONMENT IN INDONESIA'S LEGAL SYSTEM

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### **Abstrak**

Korelasi prinsip dalam sistem hukum melalui konsep keadilan (keadilan ekologis dan sosial) diharapkan dapat melindungi kepentingan lingkungan laut. Teori sebagai sarana pokok yang digunakan untuk menyatakan hubungan sistematis dalam gejala sosial maupun natura yang akan diteliti dan juga merupakan alat dari ilmu (*tool of science*). Prinsip merupakan pernyataan fundamental atau kebenaran umum maupun individual yang dijadikan oleh seseorang atau kelompok sebagai sebuah pedoman untuk berpikir atau bertindak. Teori keadilan ekologis dan keadilan sosial digunakan untuk menyatakan hubungan yang sistematis dan alat ilmu untuk menjelaskan kepentingan perlindungan dan pengelolaan lingkungan laut bagi lingkungan laut dan kebermanfaatannya bagi manusia. Teori ini penting dibahas pada pembahasan prinsip kesesuaian prinsip hukum internasional ke dalam sistem hukum nasional. Teori keadilan akan menjelaskan hubungan antara tanggung jawab negara dan kewajiban terhadap perlindungan dan pengelolaan lingkungan melalui penerapan prinsip hukum terhadap lingkungan laut. Prinsip perlindungan lingkungan laut dianggap sebagai kebenaran yang menjadi dasar berfikir dan bertindak dalam rangka melindungi dan mengelola lingkungan laut. Teori keadilan ekologis dan keadilan sosial digunakan sebagai bingkai perlindungan dan pengelolaan lingkungan sebagaimana diharapkan terwujud melalui tanggung jawab negara yang berkewajiban melindungi kepentingan lingkungan dan masyarakat. Teori keadilan ekologis dan sosial menempatkan lingkungan sebagai sumber daya alam yang ditujukan untuk kesejahteraan masyarakat melalui tanggung jawab negara melalui konsep adil dan proporsional. Konstruksi keadilan sebagai sebuah ide dasar hukum dalam melindungi dan memanfaatkan lingkungan serta bagaimana peruntukan lingkungan bagi kesejahteraan warga negara dalam mengakses lingkungan lautnya.

Kata kunci : system hukum, keadilan, lingkungan.

### **Abstract**

Correlation of principles in the legal system through the concept of justice (ecological and social justice) is expected to protect the interests of the marine environment. Theory as a basic means used to express systematic relations in social phenomena and nature that will be examined and also a tool of science (*tool of science*). Principles are fundamental statements or general or individual truths that are used by a person or group as a guide for thinking or acting. The theory of ecological justice and social justice is used to express systematic relationships and scientific tools to explain the importance of the protection and management of the marine environment for the marine environment and its usefulness for humans. This theory is important to discuss in discussing the principle of appropriateness of international

law principles into the national legal system. Justice theory will explain the relationship between state responsibility and obligations towards environmental protection and management through the application of legal principles to the marine environment. The principle of protecting the marine environment is considered as the truth that is the basis of thinking and acting in order to protect and manage the marine environment. The theory of ecological justice and social justice is used as a frame of environmental protection and management as expected to be realized through the responsibility of the state which is obliged to protect the interests of the environment and society. The theory of ecological and social justice places the environment as a natural resource aimed at the welfare of society through state responsibility through the concept of fair and proportion. The construction of justice as a basic idea of law in protecting and utilizing the environment and how the designation of the environment for the welfare of citizens in accessing the marine environment.

Keywords: legal system, justice, environment.

### **Introduction**

Indonesia's sea area which reaches an area of 3.11 million km<sup>2</sup> has caused the potential of the marine sector to be invaluable, especially from the marine natural wealth sector (Siahaan, 2018). The potential of marine wealth becomes so important as prioritized by Indonesia in the concept of green economy and blue economy that leads to sustainable development as delivered by the President of the Republic of Indonesia when giving his remarks at the Rio + 20 Conference (United Nations Conference on Sustainable Development) in Rio de Janeiro, Brazil in June 20-22, 2012.

The marine environment is part of a country's economy (Lilley, 1999). With a coastline of around 95,181 km, Indonesian waters have high potential. The measure is second only to Canada as the country which has the second longest coastline in the world. The economic value of the sea is estimated at US \$ 3 trillion - US \$ 5 trillion or equivalent to Rp. 36,000 trillion - Rp. 60,000 trillion per year (Gore, 1995). This figure does not include other potential derived from the wealth of biotechnology, marine tourism and the development of sea transportation. Indonesia's great maritime potential is captured as one of the leading mission and vision in the current Jokowi's presidential administration. In addition, the great economic and ecological potential that is stored as a maritime country, the potential for natural damage that can be caused by excessive exploration that can threaten the sustainability of development should also receive attention. For this reason, the government is currently pushing for a maritime economic policy with a blue economic model. Basically the blue economy combines economic development and environmental preservation.

Natural resources are used as efficiently as possible so that they are minimal / without waste. Indonesia has direct marine potential and wealth such as fisheries (pelagic and demersal fish, shrimp, drought, seaweed). The potential of this direct marketed product (market) continues to be an ever-increasing foreign exchange earner. On the other hand, the indirect potential of non-goods (non-market) marine tourism still needs to be developed, as well as the potential for renewable energy (including ocean currents, tides, ocean waves, Ocean Thermal Energy Conversions), minerals on the seabed, oil and gas earth, shipping, maritime industry, and marine services, are still potential to be developed. It is estimated that

the potential reaches US \$ 171 billion per year, in detail can be stated as follows: Fisheries: US \$ 32,000,000,000 / year (IPB, 1997), Coastal areas: US \$ 56,000,000,000 per year (ADB 1997), Biotechnology : US \$ 40,000,000,000 per year (PKSPL-IPB, 1997), Maritime Tourism: US \$ 2,000,000,000 per year (DEPBUDPAR, 2000), Petroleum: US \$ 21,000,000,000 per year (ESDM 1999) and sea transportation: US \$ 20,000 .000,000 per year.

Considering the very strategic role of the sea because some people rely on the sea as their livelihoods and lives, the sea needs to get the main attention in law enforcement especially from the effects of damage to the ecosystem due to pollution. Sources of marine pollution can come from: (1) pollution caused or originating from ships; (2) pollution originating from oil drilling installations; (3) sources of ground pollution; and (4) air pollution (<http://prasetya.ub.ac.id>). The problem of oil pollution due to ship accidents (tankers) in Indonesia needs to get serious attention regarding the right to sue (*ius standi*), evidence related to scientific verification to explain causal relationships, the application of the principle of compensation, the scope and extent of environmental issues to determine the amount of compensation , and environmental recovery criteria are related to the formal truth system adopted in the civil compensation claim system. In this research, we will discuss Justice Ecology and Social Justice as A Base of Protection and Preservation of the Sea Environment in Indonesia's Legal System.

## **Discussion**

### **Ecological justice and social justice as the basis for the protection and preservation of the marine environment in the Indonesian legal system**

Correlation of principles in the legal system through the concept of justice (ecological and social justice) is expected to protect the interests of the marine environment. Theory as a basic means used to express systematic relations in social phenomena and nature that will be examined and also a tool of science (tool of science). Principles are fundamental statements or general or individual truths that are used by a person or group as a guide for thinking or acting. The theory of ecological justice and social justice is used to express systematic relationships and scientific tools to explain the importance of the protection and management of the marine environment for the marine environment and its usefulness for humans. This theory is important to discuss in discussing the principle of appropriateness of international law principles into the national legal system (Suara Merdeka, May 29, 2015).

Justice theory will explain the relationship between state responsibility and obligations towards environmental protection and management through the application of legal principles to the marine environment. The principle of protecting the marine environment is considered as the truth that is the basis of thinking and acting in order to protect and manage the marine environment. The theory of ecological justice and social justice is used as a frame of environmental protection and management as expected to be realized through the responsibility of the state which is obliged to protect the interests of the environment and society. The theory of ecological and social justice places the environment as a natural resource aimed at the welfare of society through state responsibility through the concept of fair and proportion. The construction of justice as a basic idea of law in protecting and utilizing the environment and how the designation of the environment for the welfare of citizens in accessing the marine environment. The theory of justice in the science of law,

especially legal dogmatics, talks about the purpose of law including justice, certainty and usefulness. The notion of law as a cultural idea cannot be formal, instead it is directed at *rechtsidee* namely justice. Justice as an ideal as shown by Aristotle cannot say otherwise, unless the same are treated the same, unequal are treated unequal. So to fill the goal of justice concretely, we must look at the aspect of finality, and to complete justice and finality requires certainty (Tanya, et al., 2010).

The theory of justice from John Rawls (1995) is understood as fairness, defined as a well-ordered society when it is not only designed to improve the welfare of its members but when it is also effectively governed by the public conception of justice namely a society in which:

- (1) Everyone accepts and knows that other people follow the same principle of justice;
- (2) Basic social institutions that exist are generally in line with these principles.

Although the knife of justice used in conducting the analytical study in this discussion, because justice is an integrated assessment, we will also describe the thoughts of justice from several figures who are synergized with the conception of ecological justice and social justice, namely the understanding of justice as a legal ideal as stated by Aristotle. Environmental justice as expected as a fair value is actually a legal ideal. The concept of environmental justice in this case must of course meet the concept of justice that is preached, justice oriented to the environment as a legal subject, commensurate with the retention of other legal subjects in the legal system (Sebastian, 2012).

Ecological justice as a measure of the principles of environmental law must first be understood etymologically. Ecology (ecology) comes from the words *oikos* and *logos* (Greek), which can literally be interpreted as science or understanding of the household. The household referred to here is the earth, even the universe, including living creatures and inanimate objects that support it with all the complexity of the relationship. Etymologically ecology has a close connection with economics derived from the words *oikos* and *nomos*, which means how to manage the household. Thus it is understood that economics is the application of ecology, and in other words, ecology must be the horizon of economics. The problem of ecological injustice stems from the separation between economics and ecology.

Economics is a science to regulate and create the welfare of life and the adequacy of resources for the needs of human life. The economy seeks to ensure that scarce resources can be utilized for human life. Price, calculation, production, consumption, efficient and growth considerations are a number of things that are the domain of economic struggle. Ecology has a focus on relationships and dynamics that occur in the economic growth process as mentioned earlier. The relationship in question is the relationship between the growth, both the process and the results of the utilization of existing resources, with environmental sustainability. The question to be answered in ecology is whether economic growth will have a detrimental or environmental impact.

Welfare is not solely the main goal of economic growth, it must also be considered the sustainability and availability of resources for the benefit of life today and future generations. In addition, ecology must also pay attention to the participation of every individual in a large community in this case the community of a country. From the interrelationship between economic and ecological understanding, Cobb stated that; *That we should each pay the real social cost of the goods we enjoy is just, and both economic and ecological effects would be beneficial. The future development of the economy would be far less destructive of the*

*environment if these policies were in effect.* That each of us must pay the real social costs of the goods we enjoy, and the economic and ecological influence will be beneficial. Future economic developments will be far more damaging to the environment if this policy is implemented (Santosa, 2009).

Social ecological justice is very much needed considering that the natural resources on earth are critical for human welfare. Natural resources have important and strategic functions and objectives for humans, so that efforts that can be made to preserve them are by renewing, substituting and protecting. Regarding natural resources, there are characteristics that can be renewed and some that cannot be renewed because of their irreversible nature. Natural resources exist for the interests, human well-being and hence are the responsibility of nature itself. Theoretically, efforts to protect and preserve natural resources are to replace and / or protect them. The purpose of protection and preservation is not the natural resources themselves but for the life of an existing species (Santosa, 2009). Natural resources have their own natural value, namely, "The recognition that nature, and all its various component events and processes, is a particular historical phenomenon and should be valued as such". Natural resources have value from historical processes. Natural resources may be replaced or renewed, but because the historical process is inherent in natural resources and that is the value, renewing or replacing causes the loss of value. For this reason, the efforts made to conserve natural resources according to this concept are only protective measures.

If we associate the concept of environmental sustainability with the concept of social justice, it can be said that social justice is a requirement for the fulfillment of environmental sustainability. Social justice that seeks access to welfare in a social structure can be the basis for the implementation of ecological justice. If there is a social order with social justice, ecological justice that conserves critical natural capital for the welfare of humans through improvement, replacement or protection will be able to be realized. Human activities through industry and the economy aiming to continue to increase profits have a serious impact on the preservation of nature. The sustainability of the industrial and economic activities cannot be separated from the role and function of the supporting economic and political system by producing various policies and regulations.

Ecological justice can be seen narrowly and broadly, narrowly ecological justice focuses on the distribution of adverse impacts from natural exploitation. Broadly speaking, ecological justice centers on the distribution of both the adverse effects and the benefits that humans have for nature. Ecological justice can be seen from two sides, the first side sees ecological justice as part of social justice because looking at the environment is a resource that must be distributed, the focus is on humans. The second side, see nature (ecology) as a party that also has dignity to get justice. The understanding of ecology is of course broader than economics, so economic law alone for ecological justice is very insufficient so all elements of justice including in this case social justice can be applied to understand ecological justice. Ecological justice needs to include various elements, namely, recognition, respect and on a certain scale equality and freedom supported by the provision of facilities and infrastructure.

The constitutionalisation of environmental legal norms can be seen in: recognition of subjective right in environmental management as regulated in Article 28 H paragraph (1) of the 1945 Constitution and recognition that elements of environmental awareness are important elements in the national economy as stated in Article 33 paragraph (4) of the 1945

Constitution. This article is referred to as the Green Constitution, stating that; The national economy is organized based on economic democracy with the principle of togetherness, efficiency of justice, sustainability, environmental insight and by maintaining a balance of progress and national economic unity.

This article is still focused on the concept of human justice, central in the sustainable development of the environment is still in human power. The 1945 Constitution is still half-measures in protecting the interests of the environment as subjects of their own law. This means that the Indonesian constitution still recognizes limited anthropocentrism subjective rights, not yet explicitly declaring environmental rights as legal subjects (Santosa, 2009).

Talking about the concept of environmental justice as a social ecological justice in Indonesia becomes interesting to discuss in the formulation of the first problem, given the concept of justice to the environment, it must be understood from how the legal system contains the philosophical environmental justice. The understanding of environmental justice adopted in the Indonesian legal system will greatly determine how the principles of international environmental law are accommodated in the Indonesian legal system. The application of legal principles that are contextual with environmental justice Indonesia determines whether or not the principles of environmental law related to provisions

cases of oil tanker pollution have been used accordingly or not. It is very important that environmental justice referred to in the Indonesian legal system is analyzed through the political economy system adopted by the Indonesian state. The fifth precept of Pancasila as the state ideology is a measure of the country's political economy. Social justice for all Indonesian people listed in the fifth precepts, understood as access to welfare in a social structure can be carried out through ecological justice by conserving critical natural capital for the welfare of society through efforts to improve, replace or protect the environment. Indonesia with an ideology of social justice for all Indonesian people is characterized by an old-style political economy of social democracy that characterizes state intervention in the market. The state has an obligation to provide everything needed to meet public needs that cannot be provided by the market, or which can be provided by the market irregularly. The presence of the government expressly in the economy and other social sectors is normal and desirable, because public power, in a democratic society, represents the collective will. Collective decision making involving business governments and unions partially replaces market mechanisms.

Old-style social democracy as a whole does not oppose ecological concern, but finds it difficult to adjust to it. Its corporate-oriented emphasis on maximizing the empowerment of human resources and its enormous emphasis on the welfare state make it not easy to adjust to systematic ecological problems. With the concept of social justice for all Indonesian people, Indonesia's political economy shows a special feature of the classical social democratic style, although Indonesia will understand democracy as a Pancasila democracy with the characteristics of family, consensus and mutual cooperation. This ideology of political economy democracy will certainly greatly influence the implementation of environmental justice (ecological justice) both substantively, and procedural enforcement.

The concept of classical social democracy aims at a welfare state. The welfare state dreamed of through classical social democracy requires greater government intervention in economic life, does not trust the market and is alert to the government on moral issues. The welfare state presupposes an idealism towards equality. Equality efforts are the main concern

of all social democrat groups. Greater equity must be achieved through a variety of equalization strategies (strategies of leveling). Progressive taxation, taking from the rich to give to the poor. The welfare state has two aims, to create a more equal society, and at the same time protect individuals throughout their life cycle.

Classical social democracy (old left) has a special characteristic of its political economy system, that is, the country's extensive involvement in social and economic life, the state dominates civil society, collectivism, Keynesian demand management, plus corporatism, limited market role: social or mixed economy, maximum human resource empowerment, strong egalitarianism, a comprehensive welfare state, protecting citizens from birth to death, linear modernization, low ecological awareness, internationalism included in the two poles (bipolar). How the concept of social democracy affects the completion of the case we will explain how the inconsistency of the ideology of political economy with the ecological concept aspired. Green constitution contained in Article 33 of the 1945 Constitution, still does not determine the position of the environment as a legal subject side by side with humans as a legal subject. This is clear as stated in Article 33 Paragraph (1) of the 1945 Constitution which states that, "The economy is arranged as a joint effort based on the principle of kinship". From Article 33 Paragraph (1), it can be concluded that, social democracy in Indonesia is characterized by a family economy. Furthermore, Paragraph (2) states that, "Production branches which are important for the state and which control the livelihoods of the public are controlled by the state" and Paragraph (3) which states that, "The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". These verses caused controversy when faced with Law Number 22 Year 2001 concerning Oil and Gas (Oil and Gas Law) which was pro capitalist with the unbundling system adopted. Judicial Review of the Oil and Gas Law, in the Constitutional Court's decision No. 002 / PUU.V / 2007, the Court granted part of the petition. The Court tried to prevent a real reduction in the right to control the state.

The suitability of the Oil and Gas Law with the constitution, in Article 22 of the Oil and Gas Law, it is stated that, "The Minister shall stipulate a Business Entity or Permanent Establishment that is authorized to carry out exploration and exploitation business activities in the work area as referred to in Paragraph (2)". The review petitioners argue that the existence of this article will provide an opportunity for foreign oil and gas companies to dominate the national oil and gas industry. Related to this, according to the Court, we must return to the concept that, "the right to control the state" (control of natural resources) can only be done by the government and cannot be delegated to other than the government. The clash of capitalism in the Oil and Gas Law which was allegedly nuanced capitalist and its clash with the Pancasila and the 1945 Constitution that adheres to the socialist system is a difficult thing to accept the legal system considering the principle of *lex superior derogat legi inferiori*. However, the Court in its judicial review tried to restore the socialist system through the portion of the government in the right to control the government and social functions with the greatest prosperity of the people. Oil and gas as one of the crucial things requires a dominant role for the government to control. One of the dominance of the government or state in oil and gas is through SKK Migas as an oil and gas Special Work Unit, as a business entity replacing BP Migas. SKK Migas as a business entity has the authority to regulate upstream oil and gas activities. One of the tasks of SKK Migas as a representation of Article 33 is, "appointing sellers of state oil / or natural gas that can provide maximum benefits to

the country".

Pertamina after the 2001 Oil and Gas Law has a pure operator role. In the upstream sector Pertamina formed a number of subsidiaries as a business entity which is an extension of the management of oil and gas exploration and exploitation activities, oil and gas pipeline transportation management, drilling and oil and gas pipeline management services, drilling services and portfolio management in the upstream sector. This is a manifestation of the implementation of the mandate of Law No. 22/2001 which requires PT Pertamina (Persero) to establish a subsidiary to manage its upstream business as a consequence of separating upstream and downstream businesses. Pertamina's business activities in the downstream business sector include the processing, marketing and commercial businesses as well as the LNG business. The marketing and trade business includes the activities of the distribution of oil and petrochemical products produced by Pertamina and imported refineries, both for domestic and foreign markets and supported by land and sea distribution and transportation facilities.

Pertamina's processing business owns and operates 6 (six) refineries with a total capacity of 1,046.70 thousand barrels. Some oil refineries such as UP-III Plaju and UP-IV Cilacap Refinery are integrated with Petrochemical refineries and produce Petrochemical products, namely Purified Terephthalic Acid (PTA) and Paraxylene. UP IV Cilacap oil refinery produces Lube Base Oil with Group I and II of HVI-60 types. The production of Lube Base Oil is channeled to Lube Oil Blending Plant (LOBP) in Pertamina Lubricant Production Units in Jakarta, Surabaya and Cilacap to be produced into lubricant products and excess production of Lube Oil (excess product) are sold in the domestic and foreign markets. There are 6 Pertamina refinery capacities, UP II Dumai refinery with 170.0 capacity, UP III Plaju with 133.7 capacity, UP IV Cilacap with 348.0 capacity, UP V Balikpapan with 260.0 capacity, UP VI Balongan with 125.0 capacity, and UP VII Kasim with capacity 10.0 (Researchers conducted research on oil pollution from the largest refinery tanker source, Cilacap).

The branches of production which are important for the state and control the lives of many people are controlled by the state (Article 33, Paragraph (2) and Paragraph (3) are clearly realized through the Oil and Gas Law whose capitalist nuance with the unbundling system remains to be understood as the state's domination of oil and gas as a vital sector that requires state control because it relates to the livelihood of many people. "The crowd" explains clearly the position of environmental justice in the Indonesian legal system. The people as the most important living event is a very strong anthropocentrism nuance, so that environmental justice is better understood as social ecological justice with humans (the people) as the center Context Article 28 H Paragraph (1) which states, "Every person has the right to live in prosperity physically and mentally, to live and get a good and healthy environment and hope to obtain health services" is still very biased and very ambivalent with Article 33 (Mangku; 2010). The characteristic of classical social democracy (old left) with the domination of the state as a political economy system in the Indonesian legal system experienced a slight shift in the way of being more egalitarian through Article 33 Paragraph (4) which states that, "The national economy is organized based on economic democracy on the principle of togetherness, efficiency with justice, sustainability, environmental awareness, independence and by maintaining a balance of progress and national economic unity ". The words "national economy", "equitable efficiency", "sustainable and"



environmentally sound "indicate that globalization causes a crisis of democracy because democracy is considered not democratic enough. The development of the issue between socialist and capitalist political economy, between the big role and the small role of the state has shifted to the recognition that the government must adapt to the new environment of the global century, and that authority including state legitimacy must be actively renewed.

In its development, classical social democracy is assumed to have an effort to balance economic development with environmental protection. According to the new theme of ecological modernization, environmental protection is seen as a source of economic growth and not vice versa. Ecological modernization is largely a matter of national policy, but the dangers associated with the environment largely transcend national boundaries and some have global scope. Ecological justice, which is a basic concept in the Indonesian legal system, is then used to enforce environmental justice laws, of course it cannot be separated from the political economy system adopted in the basic ideology, namely social justice as stated in the fifth precepts of Pancasila and ecological justice as stated in Article 28 H Paragraph (1) and Article 33 Paragraphs (1) through (4). Although the context of ecological justice is expected not only to be centralized in humans (anthropocentrism) but is starting to lead to the environment (environmental sovereignty / ecocentrism), in reality, in the safeguard of social justice, the words "for the greatest prosperity of the people" need important attention. If not careful, the country's political economic system will be trapped in the system of socialism.

This political economic system policy if not careful in its application (anthropocentrism) can conflict with the concept of social ecology that is developing in Indonesia through the concept of green economy and blue economy. The concept adopted in the political economy system related to environmental justice after the amendment to the 1945 Constitution began to shift in the era of Globalization so that it began to respond to ecological modernization. This is of course expected to have an effect on the fair compensation of oil pollution caused by tanker accidents in Indonesia. This political economic system policy if not careful in its application (still characterized by anthropocentrism) can conflict with the concept of social ecology that is developing in Indonesia through the concept of green economy and blue economy. The characteristics of the system of socialism in the political economy system related to environmental justice after the amendment to the 1945 Constitution began to shift in the era of globalization so that it began to respond to ecological modernization. However, due to collide with the concept of socialism that is centralized in the role and domination of the state. then the ecological justice system in the context of the Indonesian legal system nuances of social ecological justice. This of course will greatly affect the fair compensation of oil pollution caused by tanker accidents in Indonesia.

## **Conclusion**

Environmental protection is seen as a source of economic growth and not vice versa. Ecological modernization is largely a matter of national policy, but the dangers associated with the environment largely transcend national boundaries and some have global scope. Ecological justice, which is a basic concept in the Indonesian legal system, is then used to enforce environmental justice laws, of course it cannot be separated from the political economy system adopted in the basic ideology, namely social justice as stated in the fifth precepts of Pancasila and ecological justice as stated in Article 28 H Paragraph (1) and Article

33 Paragraphs (1) through (4). Although the context of ecological justice is expected not only to be centralized in humans (anthropocentrism) but is starting to lead to the environment (environmental sovereignty / ecocentrism), in reality, in the safeguard of social justice, the words "for the greatest prosperity of the people" need important attention. If not careful, the country's political economic system will be trapped in the system of socialism. This political economic system policy if not careful in its application (anthropocentrism) can conflict with the concept of social ecology that is developing in Indonesia through the concept of green economy and blue economy. The concept adopted in the political economy system related to environmental justice after the amendment to the 1945 Constitution began to shift in the era of Globalization so that it began to respond to ecological modernization. This is of course expected to have an effect on the fair compensation of oil pollution caused by tanker accidents in Indonesia. This political economic system policy if not careful in its application (still characterized by anthropocentrism) can conflict with the concept of social ecology that is developing in Indonesia through the concept of a green economy and a blue economy.

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- Konsep *blue economy* ini adalah konsep pengembangan yang membidik tiga kepentingan, yakni Pertumbuhan, Kesejahteraan masyarakat dan penyehatan lingkungan. Disebut *blue economy* karena konsep ini
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