



Rethinking Environmental Law in the Age of Globalization: From National Regulation to Global Environmental Governance

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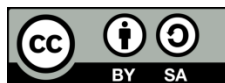
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ABSTRACT

Globalization has fundamentally transformed the way environmental problems are regulated, interpreted, and governed. Environmental degradation is increasingly transboundary, involving climate change, biodiversity loss, marine pollution, deforestation, resource extraction, and global production chains that cannot be effectively addressed through state-centred regulation alone. This article examines the transformation of environmental law from predominantly national regulatory systems toward global environmental governance and evaluates its implications for national legal autonomy, institutional accountability, environmental justice, and enforcement. The research employs normative legal research using statutory, conceptual, and international legal approaches, supported by comparative analysis of international environmental instruments and Indonesian environmental law scholarship. The study finds that globalization has produced four major transformations: the internationalization of environmental norms, the emergence of polycentric governance involving state and non-state actors, increasing interaction between global environmental commitments and domestic law, and the expansion of procedural and substantive environmental rights. Nevertheless, global environmental governance also generates problems of regulatory fragmentation, power asymmetry, implementation gaps, unequal institutional capacity, and tensions between economic development and environmental protection. Indonesia demonstrates that global norms are not simply transferred into domestic law but are negotiated, localized, and sometimes contested through national political and regulatory processes.

Keywords: globalization, environmental law, global environmental governance, environmental rule of law, sustainable development

1. INTRODUCTION

Environmental law was historically developed within a state-centred regulatory paradigm in which governments exercised legal authority over natural resources, pollution control, licensing, environmental impact assessment, conservation, and enforcement within their territorial jurisdictions. This model was based on the assumption that environmental problems could largely be addressed through domestic statutes, administrative institutions, and judicial mechanisms. Globalization has progressively challenged this assumption because economic production, ecological risks, capital movements, technological systems, and environmental consequences increasingly operate beyond territorial boundaries. Contemporary environmental law must therefore respond to ecological problems that are simultaneously local, national, transboundary, and global (Kulovesi et al., 2019; Hunter, 2022).

Climate change provides the clearest illustration of this transformation. Greenhouse gas emissions generated within one state contribute to climatic consequences experienced across geographical and political borders, while mitigation and adaptation measures depend upon coordinated action among national governments, international institutions, local authorities, corporations, financial actors, and civil society. The Paris Agreement reflects this increasingly complex structure by establishing international objectives while requiring individual states to prepare and maintain nationally determined contributions and pursue domestic mitigation measures. Global environmental law consequently operates not by eliminating national law but by connecting international commitments with domestic regulatory processes (UNFCCC, 2015; Dorsch & Flachsland, 2017).

A similar transformation can be identified in biodiversity governance. The Kunming-Montreal Global Biodiversity Framework requires biodiversity considerations to be progressively integrated into policies, regulations, planning, development processes, strategic environmental assessments, and environmental impact assessments. This approach indicates a movement away from environmental regulation as an isolated administrative sector toward environmental governance as a cross-sectoral legal concern affecting finance, development, trade, agriculture, infrastructure, and corporate activity. Environmental law is therefore increasingly expected to influence decisions traditionally treated as economic or developmental policy rather than purely environmental regulation (Convention on Biological Diversity, 2022; Kulovesi et al., 2019).

The concept of global environmental governance emerges from this transformation. Unlike traditional international environmental law, which concentrates primarily on agreements between sovereign states, global environmental governance includes multiple levels and centres of authority. International organizations, domestic governments, local governments, courts, corporations, investors, non-governmental organizations, indigenous communities, scientific networks, and citizens may all participate in rule formation, implementation, monitoring, and accountability. Polycentric approaches describe this condition as a governance system composed of multiple interacting centres

rather than a single hierarchical regulatory authority (Dorsch & Flachsland, 2017; Morrison et al., 2019).

This transformation does not mean that the state has lost its importance. National governments remain indispensable because international commitments generally require domestic legislation, administrative implementation, monitoring mechanisms, sanctions, judicial enforcement, and financial allocation. Rather than disappearing, state sovereignty operates within an increasingly dense network of international obligations and transnational expectations. Consequently, globalization changes the conditions under which environmental sovereignty is exercised rather than simply replacing sovereignty with global authority (Hunter, 2022; Kulovesi et al., 2019).

Indonesia provides an important context for examining this tension. Indonesian environmental law has developed through interaction between constitutional rights, domestic environmental legislation, development policy, decentralization, international commitments, and public pressure. The legal framework established through Law Number 32 of 2009 concerning Environmental Protection and Management represents a significant attempt to integrate environmental principles, prevention mechanisms, administrative instruments, liability, participation, and enforcement. However, later regulatory reforms associated with the Job Creation framework have generated debate regarding simplification of environmental approval procedures, public participation, strict liability, regulatory supervision, and the balance between investment facilitation and environmental protection (Republic of Indonesia, 2009; Pambudhi & Ramadayanti, 2021).

Indonesian legal scholarship demonstrates that national environmental law has never developed in isolation from international processes. International environmental norms, principles, treaties, and customary rules have influenced the formation and interpretation of domestic environmental norms. Ifdal (2024) argues that Indonesia needs to make more effective use of international environmental customary law in strengthening national environmental governance rather than relying primarily on formal treaty ratification. This observation demonstrates that globalization operates not only through binding treaties but also through norm diffusion, diplomatic practice, judicial reasoning, scientific standards, and transnational legal discourse (Ifdal, 2024).

At the same time, international environmental norms are not automatically absorbed into national legal systems. They are interpreted through domestic political priorities, institutional structures, developmental interests, and existing legal traditions. Sembiring (2025), for example, demonstrates that Indonesia's response to global climate mitigation norms is shaped by the country's economic development priorities and historically embedded dependence on natural resources and energy systems. From this perspective, the Global South should not be understood merely as a passive recipient of environmental norms produced internationally but as an active site in which global rules are translated, contested, modified, and localized (Sembiring, 2025).

This process creates an important tension between environmental globalization and national development. Governments may simultaneously face international pressure to reduce emissions, protect biodiversity, strengthen environmental safeguards, and increase corporate accountability while pursuing industrialization, infrastructure investment, employment creation, energy security, and economic growth. Indonesian environmental regulatory reforms illustrate that these objectives may conflict when legal simplification and investment acceleration are perceived as requiring reduced procedural burdens or restructuring of environmental licensing systems (Helmi et al., 2021; Pambudhi & Ramadayanti, 2021).

The problem is not limited to substantive environmental standards. Global environmental governance increasingly emphasizes procedural rights, including access to environmental information, participation in decision-making, and access to justice. Such procedural rights are important because environmental decisions often determine how ecological benefits and burdens are distributed across communities. Indonesian studies indicate that public participation remains a crucial but contested element of environmental governance, particularly following regulatory reforms affecting environmental assessment and licensing procedures (Mulyana & Kurniati, 2024; Putra & Oktaviana, 2025).

Environmental governance also requires attention to decentralization. Local governments frequently exercise important functions concerning spatial planning, permits, environmental supervision, natural resource management, and community relations. However, decentralization may produce uneven environmental outcomes because local governments possess different administrative capacities, political incentives, fiscal conditions, and relationships with economic actors. Research on Indonesian regional environmental governance demonstrates that autonomy may encourage locally responsive environmental policy in some jurisdictions while producing regulatory weaknesses and prioritization of short-term economic interests in others (Sagita & Budi, 2024).

The central problem, therefore, is not whether environmental law should remain national or become global. Contemporary environmental governance already operates across both dimensions. The more significant question is how environmental law should be reconstructed to combine global ecological responsibilities with national democratic legitimacy, enforceability, institutional capacity, local participation, and distributive justice. Environmental governance that becomes excessively global may suffer from legitimacy and accountability deficits, while environmental law that remains narrowly national may be incapable of addressing transboundary ecological problems (Kulovesi et al., 2019; Morrison et al., 2019).

Previous international scholarship has extensively examined global environmental law, polycentric climate governance, non-state actors, and the limits of state-centric regulation. Indonesian scholarship, meanwhile, has largely focused on domestic environmental law reform, enforcement, environmental licensing, decentralization, participation, and the

influence of international norms. This article seeks to bridge these discussions by analyzing the transition from national environmental regulation toward global environmental governance through an integrated legal perspective, with Indonesia used as an illustrative Global South context (Kulovesi et al., 2019; Santosa & Quina, 2021; Ifdal, 2024).

Accordingly, this article addresses two central questions: first, how has globalization transformed environmental law from national regulation toward global environmental governance; and second, what legal framework is required to ensure that such transformation strengthens rather than weakens environmental rule of law, democratic accountability, and environmental justice? The article argues that the appropriate response is neither complete global harmonization nor regulatory nationalism, but a nested governance model that allocates different legal functions across global, national, subnational, and non-state levels while preserving clear lines of accountability (UNEP, 2023; Kulovesi et al., 2019).

RESEARCH METHODE

This study uses normative legal research because its primary object is the structure, development, interaction, and interpretation of legal norms governing environmental protection within national, international, and transnational contexts. Normative legal research is appropriate for identifying legal principles, analyzing consistency between different levels of regulation, examining doctrinal developments, and constructing normative responses to legal problems. The study therefore focuses primarily on legal materials rather than statistical measurement of environmental outcomes (Marzuki, 2021).

The research applies three principal approaches: the statutory approach, the conceptual approach, and the international legal approach. The statutory approach examines relevant Indonesian environmental legislation, particularly Law Number 32 of 2009 concerning Environmental Protection and Management, subsequent reforms under the Job Creation legal framework, and Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management. The conceptual approach examines globalization, global environmental law, polycentric governance, environmental rule of law, environmental justice, sovereignty, and legal pluralism. The international legal approach analyzes the Paris Agreement, the Kunming-Montreal Global Biodiversity Framework, and relevant international developments concerning environmental rights (Marzuki, 2021; Republic of Indonesia, 2009; Republic of Indonesia, 2021).

The primary legal materials consist of national legislation and international environmental instruments. Secondary materials consist of peer-reviewed journal articles, legal scholarship, institutional reports, and academic books concerning global environmental governance and Indonesian environmental law. Particular attention is given to Indonesian scholarship in order to avoid constructing global environmental

governance exclusively from Global North theoretical perspectives and to demonstrate how international norms interact with domestic regulatory experiences (Ifdal, 2024; Sembiring, 2025).

The legal materials are analyzed qualitatively through interpretation, comparison, conceptual synthesis, and prescriptive analysis. International and national legal developments are first identified and categorized according to major themes, including norm internationalization, polycentric governance, state sovereignty, participation, decentralization, regulatory reform, and enforcement. These themes are then analyzed to identify areas of convergence, tension, and institutional gaps. The final stage develops a normative model for connecting global environmental governance with domestic legal accountability and effective national implementation (Marzuki, 2021; Kulovesi et al., 2019).

2. RESULT AND ANALYSIS

From State-Centred Environmental Regulation to Global Environmental Governance

The traditional model of environmental law places the state at the centre of regulatory authority. Governments establish environmental standards, determine permissible levels of pollution, grant administrative approvals, conduct environmental assessments, supervise regulated activities, and impose sanctions for violations. This structure remains essential because environmental obligations require enforceable legal institutions. Nevertheless, environmental globalization demonstrates that national regulatory authority alone cannot address ecological problems whose causes and effects extend across jurisdictions (Hunter, 2022; UNEP, 2023).

Global environmental governance emerged partly because ecological interdependence does not correspond neatly with political boundaries. Climate systems, oceans, biodiversity, atmospheric pollution, migratory species, commodity chains, and financial flows connect activities occurring in different jurisdictions. An environmental decision made in one country may therefore produce ecological consequences elsewhere. The legal implication is that environmental protection increasingly requires coordination between national law and broader global governance arrangements (Kulovesi et al., 2019; Dorsch & Flachsland, 2017).

The Paris Agreement illustrates this hybrid structure. It does not establish a single centralized global environmental regulator. Instead, international objectives coexist with nationally determined commitments and domestic implementation. States retain discretion concerning the content of many national mitigation measures, but they operate within shared global goals, transparency arrangements, reporting requirements, and successive cycles of ambition. This structure demonstrates that contemporary environmental governance is increasingly multilayered rather than simply international or national (UNFCCC, 2015; Dorsch & Flachsland, 2017).

The Kunming-Montreal Global Biodiversity Framework similarly illustrates the transformation from sector-specific environmental protection toward integrated governance. Target 14 calls for biodiversity considerations to be incorporated into regulations, planning, development processes, strategic environmental assessments, environmental impact assessments, and financial decision-making. Environmental law is thus expected to influence decisions throughout governmental and economic structures rather than operate solely as a corrective mechanism after environmental harm occurs (CBD, 2022).

This transformation changes the conceptual function of environmental law. Traditional regulation often operates primarily through prohibition, licensing, standards, liability, and punishment. Global environmental governance adds coordination, information disclosure, policy integration, international reporting, voluntary commitments, private standards, financial instruments, and cross-border institutional networks. Environmental law consequently evolves from a purely regulatory field into a governance architecture connecting public authority, markets, communities, and transnational institutions (Kulovesi et al., 2019; Hunter, 2022).

However, governance should not be interpreted as a replacement for law. An excessive shift from enforceable legal obligations toward voluntary commitments, soft law, private standards, and market-based mechanisms can reduce legal accountability. Global environmental governance is therefore most legitimate when governance mechanisms supplement rather than displace public legal authority. Environmental rule of law requires that environmental standards remain transparent, enforceable, reviewable, and subject to institutional accountability (UNEP, 2023; Santosa & Quina, 2021).

Internationalization and Localization of Environmental Norms

Globalization has accelerated the international circulation of environmental legal principles. Sustainable development, prevention, precaution, polluter pays, environmental impact assessment, access to information, public participation, intergenerational equity, and environmental rights now influence legal systems across jurisdictions. This process demonstrates that domestic environmental law increasingly develops through interaction with international treaties, judicial decisions, scientific knowledge, diplomatic processes, and comparative legal developments (Kulovesi et al., 2019; Ifdal, 2024).

In Indonesia, this internationalization is visible in the gradual incorporation of globally recognized environmental principles into domestic law. Law Number 32 of 2009 adopts principles related to sustainability, precaution, participation, local wisdom, biodiversity, polluter responsibility, and good governance. Such principles show that national environmental law has been influenced by broader developments in international environmental discourse, even though implementation remains primarily dependent upon national institutions (Republic of Indonesia, 2009; Ifdal, 2024).

Nevertheless, internationalization does not mean simple transplantation. International environmental norms require interpretation within national constitutional, political, administrative, and economic contexts. Ifdal (2024) demonstrates that Indonesian legal engagement with international environmental norms still involves unresolved questions concerning the utilization of customary international law and institutional coordination in environmental diplomacy. This indicates that the effectiveness of global norms depends heavily on domestic legal mechanisms capable of translating abstract principles into operational legal obligations (Ifdal, 2024).

The Indonesian response to global climate norms further demonstrates the process of localization. Sembiring (2025) argues that global environmental norms are interpreted through domestic economic priorities, energy structures, and established ideas about natural resources. As a result, national responses may selectively incorporate international expectations while adapting them to domestic political and developmental realities. This process should not automatically be characterized as non-compliance; rather, it reveals the political complexity of translating global environmental goals into national policy (Sembiring, 2025).

However, localization becomes problematic when national adaptation substantially weakens the ecological objectives of global norms. The principle of national policy autonomy cannot justify regulatory decisions that systematically undermine environmental protection or shift disproportionate ecological burdens onto vulnerable communities. The challenge is therefore to allow context-sensitive implementation while preserving minimum substantive and procedural environmental safeguards (Pambudhi & Ramadayanti, 2021; UNEP, 2023).

This article argues that global environmental norms should operate as a normative floor rather than an inflexible regulatory ceiling. International standards can establish shared minimum principles concerning environmental protection, transparency, participation, biodiversity, climate responsibility, and accountability, while states retain discretion to design implementation mechanisms appropriate to national circumstances. Such an approach reconciles global ecological necessity with legitimate diversity among national legal systems (Kulovesi et al., 2019; Sembiring, 2025).

Polycentric Governance and the Expansion of Environmental Actors

One of the most significant consequences of globalization is the expansion of actors involved in environmental governance. Traditional environmental law assumes a relatively direct relationship between the state as regulator and individuals or corporations as regulated subjects. Contemporary environmental governance is considerably more complex. International organizations, development banks, investors, corporations, local governments, courts, scientific institutions, indigenous peoples, NGOs, consumers, and transnational networks increasingly influence environmental standards and decisions (Hunter, 2022; Dorsch & Flachsland, 2017).

Polycentric governance provides a useful analytical framework for this development because it recognizes multiple autonomous but interacting centres of decision-making. In climate governance, for example, national commitments coexist with municipal climate initiatives, corporate decarbonization policies, investor standards, civil society monitoring, regional cooperation, and international reporting systems. This structure can promote experimentation, learning, flexibility, and institutional innovation (Dorsch & Flachsland, 2017).

Nevertheless, polycentric governance is not inherently democratic or equitable. Multiple centres of authority may produce duplication, inconsistent standards, accountability gaps, and unequal influence. Morrison et al. (2019) emphasize that power remains central to polycentric environmental governance because actors possess unequal capacities to shape rules, frame environmental problems, control information, and influence policy outcomes. Global environmental governance therefore requires analysis not only of the number of participating actors but also of how authority and power are distributed among them (Morrison et al., 2019).

This problem is particularly important for developing countries. Multinational corporations, international financial institutions, global commodity purchasers, and major consumer markets may influence environmental policy through investment conditions, sustainability standards, supply-chain requirements, or access to markets. Although such mechanisms can raise environmental standards, they may also transfer regulatory expectations from powerful economic actors to states and communities with weaker bargaining capacity. Global governance must therefore be evaluated through environmental justice as well as environmental efficiency (Sembiring, 2025; Hunter, 2022).

In Indonesia, civil society has historically played an important role in environmental legal reform and governance. Santosa and Quina (2021) describe the contribution of civil society, academics, advocacy organizations, and legal institutions to environmental law reform and the development of good environmental governance. This demonstrates that environmental governance outside the state can strengthen accountability when non-state actors function as watchdogs, knowledge producers, litigants, and participants in decision-making rather than substitutes for government responsibility (Santosa & Quina, 2021).

Accordingly, global environmental governance should distinguish between participation and privatization of authority. Participation expands accountability by enabling communities, experts, NGOs, and affected groups to contribute to environmental decision-making. Privatization of authority, by contrast, may transfer regulatory functions to corporations or private certification systems without equivalent public accountability. Effective environmental governance requires non-state participation while retaining governmental responsibility for minimum environmental standards and enforcement (Mulyana & Kurniati, 2024; UNEP, 2023).

Globalization, Sovereignty, and Regulatory Autonomy

Global environmental governance creates an apparent tension with the traditional concept of state sovereignty. Environmental problems are global, but law remains largely enforced through national institutions. States therefore operate within a dual responsibility: they retain sovereign authority over domestic regulatory policy while simultaneously participating in international regimes designed to protect ecological systems extending beyond national boundaries (Kulovesi et al., 2019; Hunter, 2022).

Sovereignty in environmental law should therefore be understood as responsibility as well as authority. The exercise of national control over natural resources can generate consequences for neighbouring states, global ecosystems, and future generations. Global environmental governance consequently requires states to exercise regulatory autonomy in a manner compatible with broader environmental obligations. This does not necessarily weaken sovereignty; instead, it transforms sovereignty into a form of ecological responsibility within an interdependent international system (UNFCCC, 2015; CBD, 2022).

For Global South states, however, global environmental expectations can create legitimate concerns about distributive justice. Countries with historically lower cumulative emissions or different stages of industrial development may face pressure to implement costly environmental transitions while still addressing poverty, infrastructure deficits, energy access, and employment. The legitimacy of global environmental governance therefore depends on differentiation, climate finance, technology transfer, capacity building, and recognition of unequal historical contributions to environmental degradation (Sembiring, 2025).

Indonesia illustrates this tension particularly clearly because its economic development remains closely linked to natural resources, extractive industries, energy production, agriculture, forestry, and infrastructure development. The localization of global environmental norms therefore occurs within political debates concerning employment, energy security, economic competitiveness, investment, and national development. Global environmental standards that ignore these conditions may generate political resistance or superficial compliance rather than transformative implementation (Sembiring, 2025; Saputra et al., 2023).

The appropriate response is not to reject global norms but to strengthen national capacity to negotiate and implement them equitably. Environmental diplomacy should be connected with domestic environmental law reform, institutional coordination, scientific capacity, development planning, and community participation. Ifdal's analysis of international customary environmental law suggests that Indonesia could use international legal developments more strategically to strengthen national environmental governance rather than treating international norms merely as external obligations (Ifdal, 2024).

Therefore, national regulatory autonomy and global environmental governance should be viewed as mutually constitutive rather than mutually exclusive. Global norms require capable national institutions for implementation, while domestic environmental

regulation increasingly depends on international scientific cooperation, environmental information, finance, technology, and common legal principles. Strong national environmental law is therefore a prerequisite for effective global environmental governance (Ifdal, 2024; UNEP, 2023).

Indonesia's Environmental Regulatory Transformation and the Globalization Paradox

Indonesia's environmental legal development illustrates what may be described as the globalization paradox. On the one hand, Indonesia increasingly participates in international environmental regimes and formally recognizes sustainability, environmental rights, preventive regulation, public participation, and environmental responsibility. On the other hand, domestic regulatory reforms may simultaneously prioritize investment facilitation, administrative simplification, and accelerated economic development. The resulting legal system therefore contains both global environmental commitments and domestic pressures toward regulatory flexibility (Pambudhi & Ramadayanti, 2021; Saputra et al., 2023).

The Job Creation regulatory reforms represent a significant example. Scholars have debated whether changes to environmental approvals, impact assessment procedures, participation, administrative sanctions, and liability mechanisms strengthen regulatory efficiency or risk reducing environmental safeguards. Helmi et al. (2021) discuss omnibus-law methodology as an approach to regulatory restructuring, while Pambudhi and Ramadayanti (2021) identify concerns regarding ecological sustainability, environmental justice, simplification of licensing, and restrictions on environmental rights (Helmi et al., 2021; Pambudhi & Ramadayanti, 2021).

The controversy demonstrates that regulatory efficiency and environmental protection should not be treated as mutually exclusive objectives. Complex and overlapping regulation can undermine legal certainty and effective administration, making regulatory reform necessary. However, simplification should reduce bureaucratic duplication rather than reduce substantive environmental safeguards, meaningful assessment, transparency, or accountability. Environmental regulation must therefore be evaluated based on ecological effectiveness as well as administrative efficiency (Helmi et al., 2020; Helmi et al., 2021).

Government Regulation Number 22 of 2021 reorganized important elements of environmental protection and management, including environmental approval, water and air quality protection, hazardous and non-hazardous waste management, environmental information, supervision, and administrative sanctions. Such reforms demonstrate the continuing importance of national administrative law in translating broader environmental objectives into operational regulatory procedures (Republic of Indonesia, 2021; Helmi et al., 2021).

The critical issue is whether domestic regulatory reform produces upward or downward convergence with environmental governance principles. Upward convergence

occurs when regulatory simplification improves coordination while maintaining strong prevention, transparency, scientific assessment, community participation, and enforcement. Downward convergence occurs when competitiveness arguments are used to justify reducing procedural or substantive safeguards. Globalization can therefore produce either stronger or weaker environmental protection depending on domestic institutional choices (Pambudhi & Ramadayanti, 2021; UNEP, 2023).

For Indonesia, this issue is particularly significant because environmental governance affects global ecological concerns, including forests, biodiversity, peatlands, marine ecosystems, and climate mitigation. Domestic regulatory effectiveness consequently has implications beyond national territory. At the same time, international actors should recognize that sustainable environmental reform requires domestic legitimacy and cannot be imposed exclusively through external economic or diplomatic pressure (Sembiring, 2025; Ifdal, 2024).

Public Participation as a Bridge Between National and Global Environmental Governance

Public participation is one of the most important mechanisms connecting global environmental governance with national democratic legitimacy. International environmental governance increasingly recognizes access to information, participation in decision-making, and access to justice as foundational procedural principles. These rights ensure that environmental policy is not controlled exclusively by governments, technical experts, corporations, or international institutions (Mulyana & Kurniati, 2024; United Nations General Assembly [UNGA], 2022).

In Indonesia, participation has long been incorporated into environmental governance, particularly through environmental impact assessment and public consultation mechanisms. However, the substantive quality of participation remains contested. Participation can become merely procedural when affected communities are formally invited but lack adequate information, sufficient time, technical resources, or real influence over decisions (Mulyana & Kurniati, 2024).

Putra and Oktaviana (2025) demonstrate that Indonesian constitutional jurisprudence increasingly emphasizes meaningful participation while simultaneously revealing regulatory tensions concerning environmental participation following the Job Creation reforms. Their analysis suggests that the legal right to participate should not be reduced to administrative formalities. Meaningful participation requires that citizens have opportunities to be heard, that their concerns are genuinely considered, and that decision-makers provide accountable explanations (Putra & Oktaviana, 2025).

This issue has a global dimension because environmental projects increasingly involve transnational finance, multinational corporations, global commodity chains, and international environmental commitments. Communities affected locally may therefore confront decisions shaped partly by actors located outside their jurisdiction. Strong

national procedural rights become essential for preventing global environmental governance from becoming detached from those who directly experience environmental risks (Hunter, 2022; Mulyana & Kurniati, 2024).

Public participation should therefore be treated as a core component of environmental rule of law rather than an administrative obstacle to investment. Participation improves legitimacy, provides local ecological knowledge, identifies social risks, and may reduce conflict by ensuring that environmental decision-making incorporates perspectives beyond government and corporate actors. In a globalized regulatory environment, strong procedural rights are necessary to counterbalance increasingly dispersed centres of environmental authority (UNEP, 2023; Putra & Oktaviana, 2025).

Decentralization and Multilevel Environmental Governance

Global environmental governance is not simply a relationship between international institutions and central governments. Many environmental responsibilities are implemented by provinces, municipalities, districts, customary institutions, and local communities. This creates a multilevel governance structure in which environmental effectiveness depends upon coordination between different territorial and administrative levels (Dorsch & Flachslund, 2017; Sagita & Budi, 2024).

Indonesia's decentralization experience demonstrates both the advantages and risks of this arrangement. Local governments may possess superior knowledge of ecological conditions and community needs and may develop locally appropriate regulatory strategies. However, differences in institutional capacity, political commitment, fiscal incentives, and dependence on extractive revenues can generate inconsistent environmental outcomes across regions (Sagita & Budi, 2024).

Excessive centralization is not necessarily an effective solution because it may weaken local participation and responsiveness. Conversely, excessive decentralization may produce fragmentation and regulatory competition. Environmental governance therefore requires a subsidiarity-based approach in which responsibilities are exercised at the lowest effective level while national institutions maintain minimum environmental standards, coordination, monitoring, and mechanisms for intervention when local governance fails (Sagita & Budi, 2024; Saputra et al., 2023).

This multilevel approach is consistent with global environmental governance because many international commitments ultimately depend on subnational implementation. Climate mitigation, biodiversity protection, waste management, spatial planning, water governance, forest protection, and adaptation policies are frequently implemented through local institutions. National environmental law must consequently connect global commitments with subnational administrative capacity rather than assuming that international obligations can be implemented solely through central legislation (CBD, 2022; Dorsch & Flachslund, 2017).

Environmental Rights and the Humanization of Global Environmental Law

Another major transformation is the increasing relationship between environmental law and human rights. Environmental degradation affects health, life, livelihood, culture, housing, food, water, and the ability of communities to enjoy other fundamental rights. Environmental law is therefore increasingly understood not merely as regulation of natural resources but as a legal framework for protecting human dignity and ecological conditions necessary for life (UNGA, 2022).

The United Nations General Assembly's recognition of the right to a clean, healthy, and sustainable environment in Resolution 76/300 reflects this normative development. The resolution strengthens the global connection between environmental protection, participation, information, remedy, and human rights. Although international recognition does not automatically create uniform domestic enforcement, it contributes to the broader normative development of rights-based environmental governance (UNGA, 2022).

Indonesia already provides constitutional protection for environmental rights through Article 28H paragraph (1) of the 1945 Constitution, which recognizes the right to a good and healthy environment. This constitutional foundation should guide statutory interpretation, administrative decision-making, environmental licensing, development planning, and judicial review. Environmental globalization should therefore reinforce rather than dilute domestic constitutional environmental protection (Republic of Indonesia, 1945; Putra & Oktaviana, 2025).

Rights-based environmental governance also changes the position of citizens. Individuals and communities should not be treated merely as beneficiaries of government environmental policy but as rights holders capable of demanding information, participation, enforcement, and remedies. This is particularly important where state institutions face strong political or economic pressure from powerful industries or development projects (Hunter, 2022; Santosa & Quina, 2021).

Environmental Rule of Law and the Implementation Gap

The existence of sophisticated environmental legislation does not guarantee environmental protection. One of the most persistent problems in both national and global environmental governance is the implementation gap between legal commitments and actual institutional practice. Environmental laws may contain strong principles while enforcement is weakened by inadequate monitoring, administrative capacity, corruption, fragmented responsibilities, political intervention, evidentiary difficulties, or insufficient sanctions (UNEP, 2023).

UNEP's global assessment of environmental rule of law emphasizes that environmental governance depends upon the effectiveness of institutions, rights, enforcement, civic engagement, accountability, and access to justice. Environmental rule of law therefore requires more than the formal adoption of international environmental norms or

domestic statutes. Laws must produce predictable institutional behaviour and meaningful consequences for violations (UNEP, 2023).

Indonesia's experience reflects this challenge. Environmental law reform has produced increasingly detailed regulatory instruments, but scholars continue to identify problems concerning coordination, enforcement, institutional capacity, and implementation. Helmi et al. (2020) emphasize the importance of consistency between environmental legislation and implementing regulations, while Santosa and Quina (2021) connect environmental legal reform with broader principles of democracy and good environmental governance (Helmi et al., 2020; Santosa & Quina, 2021).

Globalization can intensify implementation challenges because regulated economic activities increasingly involve complex corporate structures and cross-border supply chains. Environmental harm may involve parent companies, subsidiaries, contractors, financiers, suppliers, exporters, and consumers located in different jurisdictions. National enforcement institutions therefore require stronger cross-border information exchange, corporate transparency, financial tracing, and international cooperation (Hunter, 2022; CBD, 2022).

The environmental rule-of-law perspective also demonstrates why private environmental governance cannot substitute for national enforcement. Corporate sustainability commitments, ESG standards, certification systems, and voluntary disclosure can support environmental objectives, but they may lack independent enforcement or provide opportunities for greenwashing. Public law must establish minimum mandatory standards and verification mechanisms capable of holding both domestic and transnational actors accountable (UNEP, 2023; Kulovesi et al., 2019).

Toward a Nested Model of Global Environmental Governance

Based on the preceding analysis, this article proposes a nested environmental governance model as a normative framework for rethinking environmental law in the age of globalization. The model rejects both pure state-centrism and the assumption that environmental governance should be transferred to global or private institutions. Instead, it allocates complementary functions to international, national, subnational, and non-state levels while maintaining clear accountability relationships (Kulovesi et al., 2019; Dorsch & Flachsland, 2017).

At the international level, environmental law should establish common ecological objectives, minimum normative principles, scientific cooperation, transparency expectations, and mechanisms for collective action. International governance is particularly necessary for problems such as climate change and biodiversity loss that cannot be effectively resolved by individual states acting independently. However, global institutions should recognize differentiated national circumstances and avoid creating environmental standards that reproduce structural inequalities between developed and developing states (UNFCCC, 2015; CBD, 2022; Sembiring, 2025).

At the national level, governments should translate international environmental norms into enforceable statutes, administrative procedures, regulatory standards, sanctions, judicial remedies, and budgetary priorities. National law remains the principal mechanism for ensuring legal certainty and democratic legitimacy because international commitments frequently lack direct enforcement against corporations or administrative decision-makers. Strong national environmental law is therefore a central building block of global environmental governance rather than a competing alternative to it (Hunter, 2022; Ifdal, 2024).

At the subnational and community levels, environmental governance should incorporate local ecological conditions, customary knowledge, community participation, and locally appropriate implementation. National standards should prevent downward regulatory competition, while local institutions should retain sufficient flexibility to adopt stronger protections or context-specific measures. Such an arrangement combines national environmental consistency with institutional responsiveness (Sagita & Budi, 2024).

Non-state actors should perform complementary roles in monitoring, innovation, research, litigation, finance, advocacy, and implementation. However, their participation must operate within frameworks of transparency and accountability. Corporations and private institutions should not be permitted to define environmental compliance solely through self-regulation, while NGOs and communities should have meaningful access to information and decision-making mechanisms (Santosa & Quina, 2021; Mulyana & Kurniati, 2024).

The nested model consequently places environmental rule of law at the centre of the relationship between global governance and national regulation. Each governance level has different functions, but all must operate according to principles of legality, transparency, accountability, participation, scientific integrity, justice, and access to remedies. Such principles prevent global environmental governance from becoming fragmented networks of authority without democratic control (UNEP, 2023; Morrison et al., 2019).

For Indonesia, this approach implies that international environmental engagement must be accompanied by stronger domestic implementation. Ratification of international agreements and diplomatic commitment should be connected to coherent environmental legislation, strong impact assessment, effective supervision, meaningful public participation, constitutional environmental rights, institutional coordination, and enforcement against both public and private actors. Global environmental leadership therefore begins with credible national environmental governance (Ifdal, 2024; Putra & Oktaviana, 2025).

CONCLUSION

Globalization has transformed environmental law from a predominantly state-centred regulatory field into a complex system of global environmental governance. Climate change, biodiversity loss, pollution, transnational production, resource extraction, and global financial flows have demonstrated that ecological problems cannot be governed effectively through isolated national regulation. International agreements, transnational standards, non-state actors, local authorities, communities, and courts increasingly participate in shaping environmental norms and their implementation (Kulovesi et al., 2019; Hunter, 2022).

Nevertheless, the transition from national regulation to global governance should not be interpreted as the decline of national environmental law. International environmental commitments ultimately depend upon domestic institutions capable of translating global goals into enforceable legal obligations. Without effective legislation, administration, monitoring, participation, judicial remedies, and sanctions at the national level, global environmental commitments risk remaining aspirational rather than transformative (UNEP, 2023; Ifdal, 2024).

Indonesia demonstrates that the relationship between global and national environmental law is neither linear nor automatic. International environmental norms are localized through national political, legal, economic, and institutional processes. Regulatory reforms associated with economic development may simultaneously create opportunities for administrative efficiency and risks of environmental regression. Consequently, environmental reform should be evaluated not merely according to its contribution to investment or bureaucratic simplification but according to its capacity to protect environmental rights, maintain meaningful participation, strengthen prevention, and ensure effective enforcement (Pambudhi & Ramadayanti, 2021; Sembiring, 2025).

Public participation and environmental rights constitute essential safeguards within this transformation. As environmental decision-making becomes more dispersed among international institutions, governments, corporations, financial actors, and transnational networks, affected communities require stronger rights to information, participation, and access to justice. Such procedural guarantees provide democratic legitimacy and ensure that environmental governance remains accountable to those who bear environmental risks (Mulyana & Kurniati, 2024; Putra & Oktaviana, 2025).

This article therefore proposes a nested model of environmental governance. International institutions should establish shared ecological objectives and minimum principles; national governments should translate them into enforceable law; subnational authorities should adapt implementation to local ecological conditions; and non-state actors should contribute through monitoring, innovation, advocacy, and expertise without displacing governmental accountability. The strength of the model lies in combining

global ecological cooperation with national legal legitimacy and local responsiveness (Dorsch & Flachslan, 2017; Kulovesi et al., 2019).

Ultimately, rethinking environmental law in the age of globalization requires moving beyond the false choice between national sovereignty and global environmental governance. Effective environmental protection depends on the interaction of both. Global environmental governance requires strong national institutions, while national environmental regulation increasingly requires international cooperation. The central objective should therefore be the development of an environmental rule-of-law system in which globalization strengthens ecological responsibility, public participation, environmental justice, and accountable.

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