

# National Adaptation and Mitigation Policy in the Principle of Climate Justice in Indonesia

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## ABSTRACT

Indonesia's national climate change policy embraces the principle of climate justice, prioritizing the protection of vulnerable groups such as coastal communities, indigenous peoples, and economically disadvantaged groups. This aligns with John Rawls' concept of justice as fairness, emphasizing the fair distribution of benefits and burdens. Climate change mitigation and adaptation efforts are reflected in the Nationally Determined Contribution (NDC) and ecosystem-based adaptation approaches. Hans Kelsen's theory of justice further supports this framework, viewing justice as a normative order rooted in legal compliance. Indonesia's climate policy operates within national and international legal frameworks, including the Paris Agreement. Procedural justice is promoted through community participation in natural resource management and community-based climate finance initiatives. Key recommendations include strengthening cross-stakeholder collaboration, enhancing local institutional capacity, and promoting evidence-based decision-making. By integrating Rawls' fairness principles and Kelsen's normative order, Indonesia's climate policy aims to establish a more just, inclusive, and effective approach to climate adaptation and mitigation, addressing the rights and needs of the most vulnerable groups.

**Keywords :** Tourist Climate Justice, Climate Change Adaptation And Mitigation, Distributive Justice, Nationally Determined Contribution

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## 1. INTRODUCTION

Climate change is one of the most pressing global challenges, requiring a fair and inclusive policy response. Its impacts are widely felt by communities worldwide, from the global to the national and local levels (Budiningsih, 2017). Climate change threatens not only ecosystems but also affects the social, economic, and health dimensions of society (Harmoni, 2005). Vulnerable groups, such as indigenous communities, coastal communities, and economically disadvantaged groups, tend to experience a greater impact (Wijayanti & Nursalim, 2023). Therefore, policies are needed to ensure justice in the distribution of the burdens and benefits of climate change adaptation and mitigation efforts (Susandi et al., 2010).

The concept of climate justice emerged as a response to the need for fairer and more equitable climate change policies. It emphasizes the importance of fair burden and benefit sharing among nations, social groups, and generations (Irwan Kurniawan Soetijono et al., 2020). At the international level, this principle is reflected in the Paris Agreement, which recognizes the need to provide special attention to the most vulnerable communities affected by climate change. At the national level, the principle of climate justice encourages countries to develop more inclusive adaptation and mitigation policies and strategies (Jalal, 2024).

As an archipelagic country with a long coastline, Indonesia is highly vulnerable to the impacts of climate change. Disasters such as rising sea levels, coastal ecosystem damage,

and changes in extreme weather patterns are becoming more frequent, threatening the sustainability of coastal communities' livelihoods (Soetijono et al., 2021). To address this, Indonesia is committed to integrating climate justice into its climate change adaptation and mitigation policies. This commitment is reflected in the Nationally Determined Contributions (NDC), which aim to ensure that national climate policies provide greater protection to vulnerable groups.

The concept of climate justice is rooted in John Rawls' notion of *justice as fairness*, which emphasizes the fair distribution of benefits and burdens, especially for the most vulnerable groups. Additionally, Hans Kelsen's theory of justice asserts that justice is an integral part of a legal system that must be obeyed by all. In the context of climate change, justice not only involves fair distribution of benefits and burdens but also ensures equal participation and access to decision-making processes. This principle serves as a foundation for Indonesia's climate change adaptation and mitigation policies.

Although Indonesia has committed to adopting the principle of climate justice in its national policy, several challenges remain in its implementation. The main issues faced include:

1. **Limited institutional capacity:** Many local governments and institutions face constraints in human resources, knowledge, and technical expertise, hindering the effective implementation of climate change policies.
2. **Lack of accurate vulnerability data:** The absence of integrated and reliable data makes evidence-based planning difficult, ultimately affecting the effectiveness of policy implementation.
3. **Unequal distribution of policy benefits:** Climate change policies often provide greater benefits to certain groups, while vulnerable communities still do not receive adequate benefits (Ayu et al., 2024).
4. **Limited funding:** Domestic and international funding to support climate change adaptation and mitigation initiatives is still considered insufficient (Widiastuti, 2023).

These issues highlight that the application of the principle of climate justice in national policy requires not only regulatory support but also institutional strengthening, data management, and community participation. Therefore, this study focuses on strategies to strengthen Indonesia's national climate change adaptation and mitigation policies based on climate justice.

## 2. METHOD

This study employs a normative method, in which a legal approach is used to analyze policies, legislation, and relevant legal frameworks. Data is collected through document analysis of policy frameworks, national regulations, and international frameworks such as the Paris Agreement. The data analysis focuses on evaluating the application of the principle of climate justice in Indonesia's national climate change adaptation and mitigation policies.

The normative approach is chosen due to its relevance in assessing the extent to which Indonesia's national policies align with the principles of climate justice as mandated by the Paris Agreement. This approach also allows for the identification of policy gaps and challenges in the implementation of climate justice.

## 3. RESULTS AND DISCUSSION

Climate justice encompasses justice that links development and human rights to achieve a rights-based approach in addressing climate change. It also includes social justice, which involves fair relations between communities striving for the distribution of wealth, access to resources, and opportunities according to principles of fairness and equity. The values and principles reflecting climate justice include (Masyarakat Sipil, 2023):

1. **Distributive Justice:** This principle seeks to ensure that the burdens and benefits of climate change actions are distributed fairly based on emission levels, welfare, and vulnerability. The greatest burden of emission reductions is borne by those who emit more and are more affluent, while the greatest benefits of climate action are directed toward those with lower emissions, the poor, and the vulnerable (Aria et al., 2024).
2. **Common but Differentiated Responsibilities and Respective Capabilities:** This principle recognizes that all countries have a responsibility to address climate change, but those that have historically contributed the most to climate change have a greater responsibility to act.
3. **Equitable Welfare and Poverty Alleviation:** This principle emphasizes that efforts to address climate change should aim for equitable societal welfare and must not increase the burdens on already vulnerable groups (Soetijono & Ikhsan, 2021).
4. **Recognitional Justice:** This principle emphasizes inclusion and agency, recognizing the existence of various vulnerable groups such as women, children, people with disabilities, and indigenous peoples as legitimate actors whose rights, needs, and interests should be acknowledged and included in decision-making and policies related to climate change.
5. **Procedural Justice:** The guarantee, fulfillment, and protection of everyone's rights to access information, participate, and access justice in all climate-related decisions and policies. The implementation of procedural justice highlights equal treatment for everyone in accessing information, participation, and justice.
6. **Corrective Justice:** Everyone who violates the law must be sanctioned and compensate for damages, including restoring the damages caused. This recovery includes human rights restoration and environmental restoration.
7. **Intergenerational Justice:** This principle emphasizes that the current generation has a responsibility to ensure that future generations benefit equally from what the present generation enjoys.
8. **Gender Justice:** This principle stresses that efforts to address climate change must align with tackling gender inequality and injustice, which disproportionately impact women. It acknowledges that women are more vulnerable to climate change impacts and must be actively involved in decision-making processes and the implementation of mitigation and adaptation efforts (Soetijono, 2024).

### **Justice According To John Rawls And Hans Kelsen**

John Rawls, a 20th-century American philosopher, presented several concepts of justice through his works, such as *A Theory of Justice*, *Political Liberalism*, and *The Law of Peoples*. His ideas have significantly contributed to discussions on the values of justice. Rawls, known for his "liberal-egalitarian approach to social justice," argued that justice is the primary value that social institutions must achieve. While justice aims to benefit society at large, Rawls emphasized that it must not neglect individual rights, particularly those of the vulnerable (Faiz, 2009).

Rawls introduced the concepts of the "original position" and the "veil of ignorance." In the original position, individuals form agreements under equal conditions without knowing their social status or position. This allows for the creation of a rational, free, and equal basic structure of society. The veil of ignorance ensures that individuals are not influenced by facts about themselves, resulting in decisions that are fair to all parties (Ana Suheri, 2018).

Rawls also outlined two main principles of justice: the principle of equal liberty, which guarantees fundamental freedoms such as religious and political freedoms, and the difference principle, which regulates social and economic inequalities to benefit the least advantaged (Faiz, 2009).

Hans Kelsen, through *General Theory of Law and State*, defined law as a social order that is considered just if it can regulate human behavior satisfactorily and bring happiness. His positivist approach emphasized that individuals' sense of justice can be realized through legal rules reflecting common values (Samekto, 2019). Kelsen viewed justice as a subjective value. A social order can be considered just if it meets the needs of many people, even if it does not satisfy everyone. He also recognized that absolute justice stems from natural law, rooted in human nature, rational reasoning, or divine will (Rizhan, 2020).

Furthermore, Kelsen proposed a dualistic concept between positive law and natural law, similar to Plato's idea of the world of reality and the world of ideas. In his view, justice encompasses two main dimensions: first, the relationship between justice and peace, where conflict resolution requires compromise; and second, the relationship between justice and legality, where legal rules are considered just if applied consistently (Indriyani, 2022).

### **Correlation Between John Rawls' and Hans Kelsen's Concepts of Justice and Climate Justice**

The concepts of the original position and the veil of ignorance by John Rawls are highly relevant to climate justice. In the context of climate justice, the original position can be understood as a process where stakeholders (government, private sector, and society) agree on climate policies without knowing their social, economic, or personal interests. This approach enables the creation of fairer policies, where decisions made consider the interests of all parties, including vulnerable groups such as indigenous peoples and coastal communities. The veil of ignorance allows policymakers to set aside their status and position, leading to decisions that are more oriented toward justice for all groups. This principle aligns with efforts to distribute the benefits and burdens of climate adaptation and mitigation policies to provide greater support to groups most affected by climate change.

Rawls' two principles of justice, the equal liberty principle and the difference principle, are also closely related to climate justice. The equal liberty principle highlights the importance of granting everyone the freedom to participate in decision-making related to climate policies. This is reflected in procedural justice, which ensures that community groups, including indigenous peoples and vulnerable groups, have the right to access information, participate in decision-making, and challenge harmful climate policies. Meanwhile, Rawls' difference principle aligns with distributive justice in climate justice. According to this principle, inequalities in the distribution of the burdens and benefits of climate change policies are acceptable if they provide the greatest benefit to the most vulnerable groups. In practice, this principle directs climate policies to provide compensation and support to the most affected groups, such as coastal and indigenous communities, through climate financing, technology transfer, and capacity-building for adaptation.

Hans Kelsen viewed justice as a subjective value rooted in the legality of law. In the context of climate justice, Kelsen's ideas can be applied within the framework of national and international climate-related laws. The Paris Agreement, for example, reflects justice principles realized through international legal norms, where countries have differentiated responsibilities (common but differentiated responsibilities) in addressing climate change. Kelsen's dualism between positive law and natural law is also relevant. Positive law is realized through national climate regulations and adaptation and mitigation policies, while natural law reflects the principles of ecological justice and humanity's moral responsibility to the environment. Corrective justice, acknowledged by Kelsen, can also be applied to climate change policies. Violations of carbon emission management policies, for instance, require sanctions and compensation to affected communities. Thus, justice according to Kelsen affirms that fair climate policies must have aspects of legality and consistency in their

application. This is reflected in the need to ensure that all parties responsible for climate damage—such as large carbon-emitting companies—are obliged to restore the losses they cause to communities and ecosystems.

## CONCLUSION

The concepts of justice proposed by John Rawls and Hans Kelsen have a strong correlation with the principles of climate justice, particularly in the context of distributing the burdens and benefits of climate change policies. Rawls' ideas on the *original position* and *veil of ignorance* provide a foundation for making climate policy decisions that are fair and free from personal bias. Through this approach, climate change adaptation and mitigation policies can be designed to address the needs of vulnerable groups, such as coastal communities, indigenous peoples, and the poor. The *equal liberty principle* promotes the inclusion of public participation in climate decision-making, while the *difference principle* emphasizes that the distribution of the benefits and burdens of climate policies should prioritize the most affected groups. This approach is reflected in Indonesia's national climate policies, particularly in the Nationally Determined Contribution (NDC), which positions social justice as a key element in adaptation and mitigation efforts.

Hans Kelsen's thoughts also contribute significantly to climate justice, especially through the principles of legality and corrective justice. The concept of justice as a subjective value suggests that fair climate policies must be formulated based on consistent legal norms and regulations. The implementation of procedural justice principles, such as access to information, public participation, and fairness in decision-making, reflects the legal legitimacy advocated by Kelsen. Furthermore, the principle of corrective justice encourages the application of sanctions and the recovery of damages caused by environmental degradation due to climate change, including compensating affected groups.

Thus, integrating the ideas of Rawls and Kelsen into national climate policies enables the creation of a framework that is fair, effective, and sustainable. This approach is expected to support intergenerational justice, gender justice, as well as the recognition and protection of indigenous peoples' rights in addressing the challenges of climate change.

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