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Rent soil theory versus sustainable development goals in Indonesia: Environment law perspective

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Abstract

Indonesia is known as a rich country with its forests and various biodiversity. In regard to the issue of forest use and management in Indonesia, there are always pros and cons in how to manage the forest properly. To support the economic sector in Indonesia, the government always optimizes forest functions and clearing forests for the business sector. In practice, Indonesia implements soil-rent theory, which triggers polemics because there is friction with sustainable development goals (SDG). This article is using normative research method. Later on, this article will discuss the gap between the rent soil theory and sustainable development goals (SDGs) with the comprehensively approach to environmental law. © 2021 - IOS Press. All rights reserved.

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Article Type: Research Article

Abstract: The UN General Assembly (UNGA) recognized the human right to the environment on July 28, 2022 (resolution. 76/300). It came as a sequel to the Human Rights Council (HRC) resolution (48/13) of October 8, 2021 on the identical theme. The right is the foundation for all other human rights and for the UN Sustainable Development Goals 2030 (SDGs 2030). Most States have recognized the right in national constitutions and law. While international tribunals can be expected to clarify and enforce the human right to the environment, it is the national and sub-national courts where the right will be invoked and ... [Show more](#)

Keywords: Human right to the environment, national courts, rule of law, procedural due process of law, environmental litigation

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Article Type: Other

DOI: 10.3233/EPL-219014

Citation: [Environmental Policy and Law](https://content.iospress.com:443/journals/environmental-policy-and-law) (<https://content.iospress.com:443/journals/environmental-policy-and-law>), vol. 51, no. 5, pp. 271-272, 2021

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Article Type: Research Article

Abstract: Countries are increasingly using access and benefit sharing (ABS) as a legal mechanism to support the conservation and sustainable use of the world's biological diversity. ABS regulates collection and/or use of genetic resources/traditional knowledge and sharing benefits from their use with the provider. The purpose of this review is to assess the trends, biases and gaps of ABS literature using a regional comparative approach about the key topics of concern between each region. It analyses four key topic groupings: (1) implementation of international, regional and national ABS policy and law; (2) intellectual property and ABS; (3) traditional knowledge; and (4) ... [Show more](#)

Keywords: Access and benefit sharing, convention on biological diversity, traditional knowledge, biodiversity

DOI: 10.3233/EPL-201028

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Article Type: Research Article

Abstract: This study analyzed the protection of Geographical Indications on Trademarks and Geographical Indications is regulated in Law Number 20 of 2016. However, as a communal right, Geographical Indications are quite unique. Not only the stages of the process, such as production process, organization, and quality assurance, are quite complex, but also their process requires key conditions, such as, the awareness and the willingness from the local community to protect the local Geographical Indications. When the idea of protecting Geographical Indications is met with resistance from the local community, the communal entitlement to the Geographical Indications needs to be questioned.

Keywords: Communal rights, community standpoint, legal protection, geographical indications

DOI: 10.3233/EPL-210001

Citation: [Environmental Policy and Law](https://content.iospress.com:443/journals/environmental-policy-and-law) (<https://content.iospress.com:443/journals/environmental-policy-and-law>), vol. 51, no. 5, pp. 297-308, 2021

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Article Type: Research Article

Abstract: Indonesia is known as a rich country with its forests and various biodiversity. In regard to the issue of forest use and management in Indonesia, there are always pros and cons in how to manage the forest properly. To support the economic sector in Indonesia, the government always optimizes forest functions and clearing forests for the business sector. In practice, Indonesia implements soil-rent theory, which triggers polemics because there is friction with sustainable development goals (SDG). This article is using normative research method. Later on, this article will discuss the gap between the rent soil theory and sustainable development goals ... [Show more](#)

Keywords: Rent-soil theory, sustainable developments goals (SDGs), environment law

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Abstract: The 2030 Agenda for Sustainable Development incorporates 17 Sustainable Development Goals (SDGs). Goal 15 (SDG 15) focuses on terrestrial ecosystems. Regarding forests, it sets targets requiring signatories to promote the implementation of the sustainable management of all types of forests by 2020 and further mobilize significant resources from all sources to achieve sustainable forest management. The United Nations Strategic Plan for Forests 2017 – 2030 advances the vision of SDG 15. Nigeria's high demographic growth rate has led to the surging demand for land to support settlements and farming. Coupled with extensive illegal or uncontrolled logging, the annual forest net ... [Show more](#)

Keywords: Nigeria, sustainable development goals (SDGs), SDG 15, sustainable forest management, forestry policy, forestry law

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Article Type: Research Article

Abstract: Indonesia has enough access to freshwater resources of the planet. However, uneven distribution together with mediocre water management and a lack of water infrastructures make a significant number of households in this country have inadequate access to safe water. This becomes big issues, because the provision of safe water, sanitation and hygienic conditions are essential to protect human health and save humanity during the Covid-19 pandemic. When this article was written, COVID-19 patients who were confirmed to be infected were in all Indonesian provinces, with the largest numbers of patients located in Java. The purpose of this study is to ... [Show more](#)

Keywords: Indonesia, clean water, COVID-19

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Article Type: Research Article

Abstract: The need for sustainable development underscores the role and importance of integrating environmental concerns in non-environmental policies because it is evident that environmental regulations only are insufficient to manage all environmental issues. Law enforcement on environmental protection in Vietnam clearly demonstrates this situation. Vietnam's legal system of environmental protection is incompatible or overlapped with other sectoral laws and in fact many environmental matters have been implemented in accordance with sectoral laws while disregarding environmental considerations due to the lack of specific and explicit environmental provisions or requirements in sectoral laws and regulations. From that situation, the paper emphasizes the need ... [Show more](#)

Keywords: Integrating environmental protection requirements, sectoral legal systems, environmental policy integration, sustainable development

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Article Type: Research Article

Abstract: Active Pharmaceutical Ingredients (APIs) are the ingredients in pharmaceutical, personal care products, and agriculture that are biologically active, causing detrimental effects to humans and the environment. The detection of pharmaceutical contaminants in Malaysian rivers suggests a high risk for the contaminants to reach tap water since the river is the primary source of water intake points for all drinking water treatment plants and the inability of these plants to treat emerging pollutants like the APIs. In response to the issue, this study aims to evaluate selected documents on the characteristics and properties of pharmaceutical contaminants that are harmful and examine ... [Show more](#)

Keywords: Malaysia law, pharmaceutical residue, medical waste, clinical waste, multi-barrier approach

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Rent Soil Theory Versus Sustainable Development Goals in Indonesia: Environment Law Perspective

Pulung Widhi Hari Hananto, Nanik Trihastuti*, Dzulfiki Muhammad Rizki and Ramadhan Catur Bismono

Faculty of Law, Diponegoro University, Semarang, Indonesia

Abstract. Indonesia is known as a rich country with its forests and various biodiversity. In regard to the issue of forest use and management in Indonesia, there are always pros and cons in how to manage the forest properly. To support the economic sector in Indonesia, the government always optimizes forest functions and clearing forests for the business sector. In practice, Indonesia implements soil-rent theory, which triggers polemics because there is friction with sustainable development goals (SDG). This article is using normative research method. Later on, this article will discuss the gap between the rent soil theory and sustainable development goals (SDGs) with the comprehensively approach to environmental law.

Keywords: Rent-soil theory, sustainable developments goals (SDGs), environment law

1. Introduction

In its status as a natural resource, the issue of land use also raises various complex legal and environmental issues, especially when there is a change in the function of forest areas for plantation and mining activities. The characteristic of the forest, which is a very valuable resource, causes access to use and control of forest resources which often creates problems. Recent years, the structure of control of natural resources in Indonesia, including forest resources, has been dominated by big businessmen with capital power. They can control forest, land, and mining areas and exploit them up to millions of hectares with a concession period of tens of years. On the other hand, local people have lived relying on these land resources for generations, even before the founding of this country. This unfair distribution of control of natural

resources is seen as the basis for real social conflicts that occur in society.¹

Land-use policies that are intended for exploitative-oriented business activities also damage the social capital of the community, where national policies have not been based on balancing the four pillars of sustainable development, namely the preservation of natural capital, individual capital and artificial capital (physical capital). The impact to natural and social capital has reached a point where it leads to the destruction of artificial capital such as social and economic infrastructure.² Therefore, natural resources have only been treated as commodities and means of production, without paying attention to the socio-cultural sub-system which should be part of the natural and living system. Knowledge of the benefits and management of natural resources from the ecosystem to the genetic level is not reflected in natural resource management policies or in overall development. This is shown by the alienation of society from

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A Regional Review of Genetic Resource Access and Benefit Sharing: Key Issues and Research Gaps

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Abstract. Countries are increasingly using access and benefit sharing (ABS) as a legal mechanism to support the conservation and sustainable use of the world's biological diversity. ABS regulates collection and/or use of genetic resources/traditional knowledge and sharing benefits from their use with the provider. The purpose of this review is to assess the trends, biases and gaps of ABS literature using a regional comparative approach about the key topics of concern between each region. It analyses four key topic groupings: (1) implementation of international, regional and national ABS policy and law; (2) intellectual property and ABS; (3) traditional knowledge; and (4) research, development and commercialisation. Findings included gaps in: (1) analysing effectiveness of national level implementation; (2) addressing apparent conflicts between support for intellectual property promoting exclusivity for traditional knowledge and challenges to intellectual property exclusivity for patents; (3) examining traditional knowledge of local communities (in contrast to Indigenous Peoples); and (4) lack of practical examples that quantify benefit sharing from research and commercialisation outcomes. We conclude that future research addressing the identified gaps and biases can promote more informed understanding among stakeholders about the ABS concept and whether it is capable of delivering concrete biological conservation, sustainable use and equity outcomes.

Keywords: Access and benefit sharing, convention on biological diversity, traditional knowledge, biodiversity

1. Introduction

Access and Benefit Sharing (ABS) is a legal approach and framework for regulating the access and use of genetic resources and associated traditional knowledge and the fair and equitable sharing of the benefits from their use with the provider of the resources and knowledge. ABS is increasingly being used by countries as an economic tool for the conservation and sustainable use of genetic resources and addressing international commitments to delivering on the United Nations' (UN) *Sustainable Development Goals*.¹ The ABS approach originated from the UN *Convention on*

Biological Diversity (CBD), which recognises countries' sovereign rights over the genetic resources within their jurisdiction. The ABS concept is increasingly spreading to a range of forums that deal with genetic resources within and beyond national jurisdictions. These include the World Health Organization (concerning virus genetic resources), the Food and Agriculture Organization (concerning genetic resources for food and agriculture) and deliberations under the *Convention on the Law of the Sea* (concerning marine genetic resources in areas beyond national jurisdiction).²

The CBD and its implementing instrument, *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits*

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