

Greening the Regime of Dispossession: Legal Contradictions in the Energy Transition and Pathways Beyond

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ABSTRACT: The climate crisis characterizing the Anthropocene era has driven the emergence of various energy transition policies that created a new legal framework under the banner of sustainable development. This article examines the contradictions within energy transition law, rather than the ecological crisis, which tends to facilitate land dispossession and the enclosure of local communities' living spaces. The research employs a socio-legal method, combining normative legal analysis with critical agrarian studies to examine how law operates within capitalist power structures. The findings reveal that energy transition law functions as a part of a "greened" dispossession regime, in which the logic of capital accumulation persists through the legalization of land appropriation in the name of clean energy. These findings suggest that the law has failed to undergo a substantive transformation and continues to reproduce ecological inequality. It concludes that a just energy transition is only possible through a fundamental transformation in the nature of law itself.

KEYWORDS: dispossession regime, energy transition, green grabbing.



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I. INTRODUCTION

In recent decades, humanity has confronted what is widely known as the climate crisis. This crisis is marked by a global temperature rise driven by carbon dioxide concentrations that have reached their highest level in recorded history, 423.9 parts per million in 2024.¹ This trajectory signals humanity's definitive entry into the Anthropocene epoch, which is impacted by human activities. Given the far-reaching impacts of the climate crisis- from environmental degradation and economic inequality to social disruption, it is unsurprising that the discourse on the urgency of climate change mitigation and adaptation has gained prominence across various platforms, both globally and locally.

Climate change is no longer regarded solely as an environmental issue. It has become a cross-cutting challenge that threatens fundamental human rights, including the right to life, and the future of our planet.² In this context, the concept of sustainable development is frequently employed as a primary framework for formulating responses to the crisis. As a dominant paradigm³ in addressing climate challenges, sustainable development seeks to balance ecological sustainability with social welfare and economic growth and has become firmly embedded in national policies and international agreements, particularly through the Sustainable Development Goals (SDGs). Despite its promise, however, the pursuit of sustainable development also reveals a more

¹ World Meteorological Organization, "Carbon dioxide levels increase by record amount to new highs in 2024" (15 October 2025), online: *World Meteorological Organization* <<https://wmo.int/news/media-centre/carbon-dioxide-levels-increase-record-amount-new-highs-2024>>.

² Syahwal Syahwal, "Blocked by Neoliberalism: A Glance at the Workers Movement's Role in Achieving a Just Transition" (2024) 6:1 *Indonesian Journal of Advocacy and Legal Services* 1-24 at 1.

³ In many studies, sustainable development is regarded as a contemporary reference point for demonstrating the commitment of both private and public individuals and institutions. Consequently, the concept of sustainable development has been incorporated into numerous agendas—for instance, the just transition agenda, net-zero carbon emissions, and even the education sector, which has begun to adopt sustainability as its guiding principle. Likewise, various funding schemes now emphasize activities aligned with the ideas of sustainable development. This reflects the dominance and hegemony of sustainable development as both a concept and a practice. Read for example, in: Mohammad Ala-Uddin, "'Sustainable' Discourse: A Critical Analysis of the 2030 Agenda for Sustainable Development" (2019) 29:2 *Asia Pacific Media Educator* 214-224 at 214; Sarah Cummings et al, "Critical Discourse Analysis of Perspectives on Knowledge and the Knowledge Society within the Sustainable Development Goals" (2018) 36:6 *Development Policy Review* 727-742 at 729; Katharine N Farrell, "The Politics of Science and Sustainable Development: Marcuse's New Science in the 21st Century" (2008) 19:4 *Capitalism Nature Socialism* 68-83 at 68; Agung Wardana, "The Indonesian Paradox in the Anthropocene" (2022) 24:2 *Asia Pacific Journal of Environmental Law* 230-248 at 230.

problematic dimension of development projects, particularly within the energy transition agenda.

Across various regions, energy transitions have often failed to produce just and equitable outcomes. In the slopes of Mount Salak and the Dieng Plateau, for instance, local communities have experienced recurring micro-earthquakes linked to geothermal drilling activities, which in turn have led to land subsidence in residential areas.⁴ Similar stories have unfolded in Padarincang, Serang, where communities have lost access to agricultural land and suffered damage to irrigation systems vital to their livelihoods. In Eastern Indonesia, particularly in Poco Leok, East Nusa Tenggara, Indigenous communities live in fear that geothermal projects will result in land dispossession, degradation of living spaces, and destruction of vital water sources that serve as both ecological buffers and cultural lifelines. The Indigenous people of Poco Leok have legitimate grounds for their resistance, which stands as a form of opposition against systemic violations to their fundamental rights.⁵

These events resonate strongly with Naomi Klein's assertion that in every crisis, including the climate crisis, there is a new opportunity for capitalism to reinvent itself and sustain the circulation of capital.⁶ This perspective has given rise to the discourse of "green capitalism," which posits that market mechanisms, such as investments in environmentally friendly technologies, can solve the current environmental crisis.⁷ The dynamic of energy transition seems to affirm Klein's argument: behind the emancipatory promise of energy transition lies a terrifying latent reality.⁸ Interestingly, while marginalized groups continue to be excluded, those in power appear to profit. This reflects the central paradigm of this study, that in the Anthropocene era,⁹ energy

⁴ Jaringan Advokasi Tambang, *Pilkada Membawa Petaka* (Jakarta: JATAM, 2024) at 6.

⁵ Wahana Lingkungan Hidup Indonesia Sumatera Utara, *Ribak! Risalah Bumi Para Ketua* (Medan: WALHI Sumut, 2024) at 11.

⁶ One example Klein provides is the way in which Chile, after the 1973 military coup, exploited the chaos and social instability of the new government of Augusto Pinochet to implement radical free-market policies. Klein points out that this was no accident, but a strategy used repeatedly around the world to promote policies favorable to global capitalism. See more in: Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Henry Holt, 2007) at 7.

⁷ See for example: Nick J Fox, "Green capitalism, climate change and the technological fix: A more-than-human assessment" (2023) 71:5 *The Sociological Review* 1115–1134 at 1115.

⁸ Klein, *supra* note 6 at 7.

⁹ Emerging after the relatively stable Holocene epoch—a period that began around 11,700 years ago marked by a warm and stable climate—the current era is characterized by the profound and accelerating influence of human activity on the Earth's systems. See more in: William F Laurance, "The Anthropocene" (2019) 29:19 *Current Biology* R953–R954 at 953–954.

transitions can no longer be adequately understood solely through the lens of physical or biological environmental protection. Emphasis must shift toward a more holistic understanding of the socio-ecological dimensions of energy transitions.

This paradigm becomes even more crucial when considering the growing discourse on "green grabbing". Borras and Franco emphasize that environmental narratives within climate crisis rhetoric have increasingly served the legitimate land appropriation.¹⁰ Unlike classical forms of land grabbing driven by demand for food production or fuel, green grabbing often derives its legitimacy through climate commitments. For instance, large-scale renewable energy investments often facilitated through bilateral agreements or multilateral funding mechanisms (such as the Just Energy Transition Partnership, or JETP) that rely heavily on narratives of carbon neutrality and energy security. Consequently, climate policies in the Anthropocene are increasingly entangled in the logic of capital accumulation, reconceptualizing new geographies as extractive frontiers under the guise of renewable energy potential.¹¹ Building on these observations, this study addresses two central questions: how does the energy transition agenda in the Anthropocene reproduce land grabbing practices, and to what extent does the law play a role in this process? This article also considers the transformative potential of law in advancing a just energy transition.

This study is grounded in an extensive body of existing scholarship. It follows the principle of *nanos gigantum humeris insidentes*¹², recognizing that its contribution builds upon the intellectual foundations established by earlier researchers. The discourse on energy transition has grown across studies that highlight socio-ecological inequalities, land dispossession, and the roles of state and corporate actors in renewable energy projects. Scholars such as Fairhead, Leach, and Scoones,¹³ as well as Franco and Borras,¹⁴ have shown how

¹⁰ Jennifer C Franco & Saturnino M Borras, "Grey areas in green grabbing: subtle and indirect interconnections between climate change politics and land grabs and their implications for research" (2019) 84 Land Use Policy 192-199 at 192.

¹¹ Lourdes Alonso Serna, "Land grabbing or value grabbing? Land rent and wind energy in the Isthmus of Tehuantepec, Oaxaca" (2022) 26:3-4 Competition & Change 487-503 at 487.

¹² Noer Fauzi Rachman & Ahmad Nashih Luthfi, *Nanos Gigantum Humeris Insidentes: Sebelum Meneliti Susunlah Bibliografi Beranotasi dan Kajian Pustaka* (Yogyakarta: STPN Press, 2019) at 1.

¹³ James Fairhead, Melissa Leach & Ian Scoones, "Green Grabbing: a new appropriation of nature?" (2012) 39:2 The Journal of Peasant Studies 237-261 at 237.

¹⁴ Franco & Borras, "Grey areas in green grabbing", *supra* note 10 at 192.

narratives of environmental conservation and climate change mitigation can serve as new justifications for land appropriation in the Global South, through legal instruments or international funding schemes like REDD+. While these studies are essential, they often do not place law as the primary subject of critical analysis. Most focus on empirical, political economy, or public policy aspects. Conversely, environmental law scholars such as Kotzé¹⁵ and Grear¹⁶ have called for paradigm transformation in legal thinking in response to planetary crises. However, their work has not examined how these ideas apply to the specific context of Indonesia's energy transition policies. This research then advances the discussion by bridging critiques of Indonesia's positive legal framework on energy transition with critical agrarian theory¹⁷ and Anthropocene-Capitalocene discourse. This study conceptualizes law not as a neutral normative instrument, but as a mechanism through which the green grabbing regime is reproduced.

Another novelty lies in our proposal to move beyond anthropocentric legal paradigms toward a socio-ecological legal framework that acknowledges the agency of the more-than-human world, avoiding the trap of "procedural environmentalism" that often reinforces capitalist logic in a green guise.

On the basis of this contribution, the article is structured to build a critical argument on energy transition law in Indonesia. The first section conceptualizes law in the Anthropocene, highlighting the limitations of anthropocentric law in addressing planetary crises. The second section explores Indonesia's legal framework for energy transition and the pattern of land dispossession in Indonesia, including its international commitments, national regulations, and supporting sectoral instruments, and green grabbing in the energy transition. The third section proposes a shift beyond the

¹⁵ Louis J Kotzé, "Rethinking Global Environmental Law and Governance in the Anthropocene" (2014) 32:2 *Journal of Energy & Natural Resources Law* 121–156 at 121.

¹⁶ Anna Grear, "Legal Imaginaries and the Anthropocene: 'Of' and 'For'" (2020) 31:3 *Law Critique* 351–366 at 351.

¹⁷ Critical Agrarian Studies emerges from the intellectual lineage of peasant studies in the 1960s, rooted in the classical agrarian question—an inquiry into how and to what extent capitalist relations penetrate and transform farming and rural life. Over time, this field has evolved into a critical interdisciplinary project that connects micro-level analyses of everyday agrarian struggles, livelihoods, and social differentiation with macro-level structures of the global political economy. It interrogates how global capitalism, state power, and local agency interact in shaping agrarian change, dispossession, and resistance. In this sense, CAS situates agrarian dynamics within broader historical and structural processes, emphasizing that transformations in rural worlds are neither isolated nor purely local, but embedded within the global circuits of capital accumulation and contestation. Learn more in: A H Akram-Lodhi et al, *Handbook of Critical Agrarian Studies* (Cheltenham, UK: Edward Elgar Publishing, 2021) at 72.

dominant legal paradigm, envisioning a socio-ecological legal model that is more just and resilient to social and environmental crises.

II. METHODS

This article employs a socio-legal approach, combining normative legal analysis with a critical agrarian study to examine the contradictions within energy transition law.¹⁸ This approach is grounded in the view that law is neither neutral nor autonomous, but is embedded in capitalist power structures that shape social relations and the control of space.¹⁹ Using a critical agrarian perspective,²⁰ the legal framework of the energy transition is analyzed as an instrument that facilitates, obscures, or challenges the reordering of relationships over land and living spaces.²¹ Through this approach, the study aims to uncover how law operates as a mechanism of power that reproduces inequality and enables the extractive logic underlying energy transitions.

III. A Critical Discourse on Law in the Anthropocene: An Initial Conceptualization

The Anthropocene marks a new geological epoch in which human activity has become the dominant force driving planetary-scale change. This concept transcends the realm of natural sciences and has permeated the social sciences and humanities, including the field of law.²² This term originates from the Greek *anthropos* (human) and *kainos* (new), denoting a period in which humans have become the principal agents in modifying the environment.²³ This shift poses profound challenges to existing legal frameworks and governance structures, demanding a fundamental rethinking of the

¹⁸ Regarding the explanation also the discourses of the framework of the socio-legal method, see in: Sulistyowati Irianto & Sidharta, *Kajian Sosio-Legal* (Pustaka Larasan, 2012) at 6; For its application on the legal research, see for instance in: Syahwal, “Domestic Workers Struggle for Recognition and Redistribution in the Age of Cannibal Capitalism” (2024) 36:2 *Mimbar Hukum* at 519.

¹⁹ Syahwal Syahwal, “Kekerasan dan Kuasa Simbolik dalam Hukum: Sebuah Kritik Ideologi atas Legitimasi Cipta Kerja” (2024) 7:1 *Undang: Jurnal Hukum* 1-41 at 1.

²⁰ Saturnino M Borras, “Politically engaged, pluralist and internationalist: critical agrarian studies today” (2023) 50:2 *The Journal of Peasant Studies* 449-489 at 449.

²¹ Rofi Wahanisa, Syahwal & Eko Mukminto, “Politics of Land Grabbing: The Silent Death of Emancipation in Agrarian Law” (2025) 25:2 *Jurnal Penelitian Hukum De Jure* 133-150 at 133.

²² Emily Webster & Laura Mai, “Transnational environmental law in the Anthropocene” (2020) 11:1-2 *Transnational Legal Theory* 1-15 at 1.

²³ Kotzé, *supra* note 15 at 121.

relationship among human societies, the Earth, and the legal systems designed to govern them. The Anthropocene is not merely a theoretical construct but a crystallization of concrete conditions. For example, the absence of a natural baseline for setting climate change targets.²⁴

At its core, the Anthropocene is the result of processes reliant on energy-intensive systems and a consumption-based neoliberal economy, thus requiring a reassessment of how societies value and regulate natural resources.²⁵ The crisis unfolding under the Anthropocene stems from the subjugation of nature by humanity, where nature is pejoratively reduced to merely serving human desires and needs. Within this context, law can no longer be positioned as a sealed-off, self-contained system cloaked in the arrogance of *sui generis* logic. Instead, law must be critically examined as deeply intertwined with political and economic systems.²⁶

Indeed, it must be acknowledged that law has played a central role in the historical subjugation of nature by humans. Through legal norms, regulations, and formal institutions, law not only governs relations among humans but also legitimizes human penetration into nature, which gradually occurs in exploitative and destructive forms. In Indonesia, the legal framework of the energy transition, including Law No. 21/2014 on Geothermal Energy and the Job Creation Law (Law No. 11/2020 *juncto* Law No. 6/2023), has enabled large-scale land acquisitions framed as “green development.” These instruments facilitate land grabbing in the name of decarbonization, allowing corporate and state actors to access customary and agricultural lands for renewable energy projects. Law creates zones of permission and legal authority for actions that harm ecosystems, from the privatization of natural resources to the legalization of large-scale extraction in the pursuit of capital accumulation. The long history of modern development and economic expansion reveals that law is not an obstacle to exploitation, but rather a facilitator of exploitative relations with the “more-than-human world”, especially under the perpetual growth paradigm that denies ecological limits.²⁷

²⁴ Jedediah Purdy, “Coming into the Anthropocene” (2015) 129 Harvard Law Review 1619–1650 at 1619.

²⁵ *Ibid* at 1623.

²⁶ Jaye Ellis, “‘Social Nature’: Political Economy, Science, and Law in the Anthropocene” in Poul F Kjaer, ed, *The Law of Political Economy: Transformation in the Function of Law* (Cambridge: Cambridge University Press, 2020) 181 at 181.

²⁷ Floor Fleurke et al, “Constitutionalizing in the Anthropocene” (2024) 15:1 Journal of Human Rights and the Environment 4–22 at 4.

Ultimately, the Anthropocene highlights previously neglected aspects of humanity's impact on the planet: that social regulatory institutions, including law, are not neutral or objective entities, but part of the very infrastructure of power that sustains and deepens planetary crisis.²⁸ In practice, law contributes to this crisis by legitimizing extractive regimes, facilitating large-scale land and resource exploitation, and embedding the logic of green capitalism within environmental governance frameworks. The legal patterns forged during modernity are imbued with predatory and anthropocentric logics that position nature as a passive object of exploitation, rather than as an existential partner with intrinsic value and rights. Thus, legal interpretation in the Anthropocene demands not only a critique of legal content but also an interrogation of the ontological and epistemological foundations upon which law is built.²⁹

Despite law's centrality in the Anthropocene, the hegemonic conception of modern law presumes a relatively ordered social world, one that obscures law's true role. Within this framework, legal certainty enables actors to predict the consequences of their actions through a rational and linear understanding of law.³⁰ However, the dynamics of the Anthropocene challenge these assumptions. This era is characterized by increasingly intensive interactions between social and natural systems, generating uncertainty, non-linearity, and unpredictability on an unprecedented scale. Climate change, ecological disasters, biodiversity loss, and geological shifts all demonstrate that the future can no longer be projected using the stable models of the Holocene, upon which modern law was founded.³¹

Adding to this critique is the figure of the "human," or *anthropos*, assumed by modern anthropocentric legal frameworks.³² The Anthropocene calls for a rethinking of the relationship between humans and non-human nature, as well as the meaning of "the human", which has long been taken for granted in legal and political thought.³³ Modern legal systems have positioned the human as a rational, autonomous subject with rights, while reducing nature to a passive

²⁸ Louis J Kotzé, *Global Environmental Constitutionalism in the Anthropocene* (Oxford: Hart Publishing, 2016) at 36.

²⁹ Louis J Kotzé, "Earth System Law for the Anthropocene" (2019) 11:23 Sustainability 6796 at 13.

³⁰ Jordi Jaria-Manzano, "The Shattered Realm: Reshaping Law and Lawyers in the Anthropocene" (2024) 54:4-6 Environmental Policy and Law 222-230 at 222.

³¹ *Ibid* at 228.

³² Fleurke et al, *supra* note 27 at 4.

³³ David Chandler & Julian Reid, *Becoming Indigenous: Governing Imaginaries in the Anthropocene*, 1st edn (London: Rowman & Littlefield International, 2019) at 425.

object, something to be governed, exploited, and owned. Yet the global ecological crisis forces societies to question this assumption and opens the door to legal imaginaries that recognize the interconnectedness of humans and the more-than-human world.

Furthermore, critical scholars caution that the Anthropocene discourse, which frames “humanity” as a singular force of planetary change, is both misleading and dangerous. The idea of humanity as a whole as a homogeneous geophysical agent obscures historical, geographical, and structural differences in responsibility for ecological crises. In response, alternative terms such as “*Capitalocene*”³⁴ have emerged to highlight that today's environmental crises are not caused by humanity per se, but by the dynamics of global capitalism operated by specific social, economic, and political groups. Consequently, legal renewal in the Anthropocene cannot be limited to technocratic reform. It must also address the ontological and political foundations that determine who is recognized as “human” in law, and how law defines the relationship between humans and the natural world.³⁵

The limitations of modern law in the Anthropocene call for a critical deconstruction of its underlying assumptions. The Anthropocene reveals that social institutions, including law, are not external or superior to nature, but are enmeshed within fragile ecological interdependencies. From this perspective, critical legal scholarship rejects the assumption that law is neutral, objective, and universal. Instead, law is understood as part of a historically contingent social formation that reproduces logics of exploitation and domination over nature.³⁶ Modern law, despite its claims to rationality and justice, has often served as a legal instrument for the dispossession of living spaces and the oppression of the more-than-human world. Through legally sanctioned regulations, predatory actions against nature are not only permitted but

³⁴Capitalocene is a term used to critique the dominant narrative of the Anthropocene, which views all of humanity as equally responsible for the ecological crisis. Unlike the Anthropocene, which emphasizes the role of humans in general, Capitalocene highlights that ecological damage is primarily driven by the global capitalist system—namely, patterns of production, consumption, and profit accumulation that exploit nature and labor. This term emphasizes that the climate crisis and environmental destruction are not simply the result of human activity as a whole, but rather the result of power relations, colonialism, and the logic of capital accumulation carried out by a handful of dominant actors and institutions within the global political-economic system.

³⁵ Fleurke et al, *supra* note 27 at 10; Grear, “Legal Imaginaries and the Anthropocene”, *supra* note 16 at 351.

³⁶ Kotzé, *supra* note 15 at 143.

legitimized in the name of development, economic growth, or national interest.

By shifting the focus from law as a mere normative rule system to law as a contested social field imbued with power relations and interests, the deconstruction of law in the Anthropocene becomes both an epistemological and political imperative. This move challenges the core assumptions of modern legal thought, particularly its anthropocentrism, and confronts the exclusion of the non-human world from legal recognition. Law, in this view, is not just a tool for ordering human society, but an institution that has historically embedded hierarchies between humans and nature, normalizing exploitative relations within them.³⁷

The Anthropocene, with all the ecological crises it entails, compels us to radically reimagine legal order—not as a system built upon human domination over nature, but as one that recognizes and protects the interdependent web of life. This requires reconstructing legal foundations to adequately respond to the complex relationality between humans, other living beings, and the Earth system as a whole. To imagine law through a framework of mutual care is to open the possibility of renegotiating values, responsibilities, and justice—not only between humans but also between humans and the more-than-human world. This is not merely a technical transformation in legal content, but a paradigmatic shift: from law as an instrument of control to law as an ethical-ecological practice.

IV. Legal Framework of Energy Transition and Patterns of Land Dispossession in Indonesia

A. Legal Framework of Energy Transition

Energy transition in Indonesia has developed within the broader global and national context of reducing greenhouse gas (GHG) emissions, promoting sustainable development, and decreasing dependency on fossil fuels. Normatively, this transition is underpinned by a legal framework comprising various regulations, including laws, government regulations, and sectoral policies.

³⁷ Hanna Ahlström, “Systems Thinking and the Law in the Age of the Anthropocene” in *Innovating Business for Sustainability: Regulatory Approaches in the Anthropocene* (Rochester, NY: Social Science Research Network, 2022) at 3.

To begin with, Law No. 30 of 2007 on Energy serves as one of the primary legal foundations for energy governance in Indonesia, including its energy transition framework. Article 1, point 25, affirms that national energy policy must be formulated based on the principles of justice, sustainability, and environmental awareness to achieve national energy independence and security. These principles reflect the normative basis of the energy transition, positioning sustainability as a strategic foundation. Furthermore, Article 2 states that energy management must adhere to principles of utility, rationality, fair efficiency, added value, sustainability, societal welfare, environmental preservation, national resilience, and integration, prioritizing national capabilities. The principles of sustainability and environmental preservation in this provision are crucial in supporting the transformation from fossil fuels to new and renewable energy (NRE), aiming to reduce GHG emissions and ensure that present energy necessities are fulfilled without compromising the rights of future generations.³⁸

To implement the Energy Law, Government Regulation No. 79 of 2014 on National Energy Policy (KEN) was issued pursuant to Article 11. It establishes the new objective, direction, and strategy for energy management, including targets to increase the spread of NRE in the national energy mix. Subsequently, Presidential Regulation No. 22 of 2017 on the National Energy Plan (RUEN) was issued based on Article 12(2) and Article 17(1) of the Energy Law, targeting a 23% contribution from NRE by 2025 and 31% by 2050. These targets serve as key indicators of the progress of the energy transition at both the national and regional levels.

In the geothermal sector, Law No. 21 of 2014 replaces Law No. 27 of 2003 and fundamentally reclassifies geothermal energy as distinct from mining. With the replacement of Mining Business Licenses (IUP) by Geothermal Licenses (IPB), this regulation removes previous restrictions on geothermal development and expands exploration rights to include protected forest areas and conservation zones, as stipulated in Article 5. Although this creates opportunities to accelerate the energy transition, it also introduces significant

³⁸ World Commission on Environment and Development, *Our Common Future* (Oxford University Press, 1987) at 45–65.

ecological and social challenges, particularly concerning the management of customary lands.³⁹

At the international level, Indonesia has demonstrated its commitment to energy transition by ratifying the Paris Agreement through Law No. 16 of 2016. With this ratification, Indonesia is legally bound to limit global temperature rise to well below 2°C, with efforts to cap it at 1.5°C. The shift toward clean energy is a key component of Indonesia's national strategy to reduce GHG emissions, as outlined in its Nationally Determined Contribution (NDC) document. This commitment requires consistent domestic policies, including regulations that support investment in NRE and reduce greenhouse gas emissions.

Several sectoral regulations have strengthened the legal framework for the energy transition. Presidential Regulation No. 98 of 2021 on Carbon Economic Value (NEK) introduces a carbon market approach, providing incentives for industries to shift toward low-emission technologies. Meanwhile, Minister of Energy and Mineral Resources Regulation No. 26 of 2021 on Rooftop Solar Power Plants encourages participation from households and industries in solar energy use, as part of a decentralized clean energy production strategy.

Another strategic step is the ratification of Presidential Regulation No. 112 of 2022 on the Acceleration of Renewable Energy Development for Electricity Supply. This regulation mandates PT PLN (Indonesia's state-owned electricity company) to draft an Electricity Supply Business Plan (RUPTL) that considers renewable energy mix targets, supply-demand balance, plant economics, and operational sustainability. Article 2(3) requires PLN to prioritize the use of NRE, utilize domestic products, and align power plant development with local grid conditions. This approach demonstrates integration between the goals of energy transition, national industrial independence, and sustainable electricity systems.

This legal framework is further reinforced by Law No. 30 of 2009 on Electricity, as amended by Law No. 6 of 2023 (Omnibus Law on Job Creation). Article 6 requires the optimization of primary energy resources, with priority given to new and renewable energy (NRE) in accordance with the

³⁹ CELIOS & WALHI, *Geothermal di Indonesia: Dilema Potensi dan Eksploitasi atas Nama Transisi Energi* (Jakarta: CELIOS dan WALHI, 2024) at 9.

national energy policy. This provision indicates that since 2009, Indonesia’s energy policy direction has increasingly emphasized cleaner and more sustainable energy use.

Efforts to accelerate the energy transition in the electricity sector are also supported by Presidential Regulation (PR) No. 14 of 2017, which was amended by Presidential Regulation No. 4 of 2016. This regulation aims to expedite electricity infrastructure development, including NRE-based power plants, by providing various forms of support to PLN, such as State Capital Injections (PMN) and fast-tracked land acquisition processes under public interest provisions. These measures form the core legal framework designed to accelerate the energy transition by reducing regulatory barriers and facilitating investment in renewable energy. This table summarizes the principal regulatory instruments underpinning this framework.

Table 1. Energy Transition Legal Framework Summary

Level	Regulation	Key Focus	Target	Implementation Notes
Law	Law No. 30/2007 on Energy	Foundation al energy principles (justice, sustainabilit y, independen ce)	Art. 1(25) & Art. 2 - sustainability and environment al preservation	Provides broad principles but lacks enforcement mechanisms
	Law No. 30/2009 jo. Law No. 6/2023	Prioritize NRE in electricity generation	Art. 6 - optimize primary energy use	Omnibus Law streamlines but may weaken safeguards
	Law No. 21/2014 on Geotherm al	Reclassifies geothermal, permits use in protected areas	Art. 5 - access to forest areas	Sparks social and ecological conflict over customary land

	Law No. 16/2016 (Paris Agreement)	GHG emission reduction commitment	Limit global temp rise to <2°C	Domestic policies not fully aligned with NDC goals
Government Regulation	GR No. 79/2014 on National Energy Policy (KEN)	National policy direction, strategy, and targets	23% NRE by 2025, 31% by 2050	Targets not yet met; heavy reliance on coal
Presidential Regulation	PR No. 14/2017	Expedite NRE-based power plant projects	Land acquisition, PLN support	Raises land-rights and justice issues
	PR No. 22/2017 on National Energy Plan (RUEN)	Operationalizes KEN	Integrates NRE mix into national and regional plans	Inconsistent local implementation; limited funding
	PR No. 98/2021 on Carbon Economic Value	Carbon pricing, market mechanisms	Incentives for low-emission tech	Early stage; weak enforcement
	PR No. 112/2022	PLN to prioritize NRE and local content	RUPTL to include NRE targets	Implementation depends on PLN capacity

Collectively, these instruments illustrate a layered yet fragmented legal architecture for Indonesia's energy transition. The KEN (2014) establishes the overarching strategic direction, while the RUEN (2017) translates these goals into actionable plans across national and subnational levels. Subsequent instruments, such as PR No. 98/2021 on Carbon Economic Value and PR No. 112/2022 on Renewable Energy Acceleration, aim to align economic incentives and infrastructure development with renewable energy targets.

However, the coherence and implementation of this framework remain problematic. The Omnibus Law (2023), for instance, simplifies investment procedures and accelerates licensing but simultaneously attenuates the environmental and land safeguards, raising questions about distributive justice and sustainability. Similarly, while the Geothermal Law (2014) promotes exploration in protected forests, it exposes customary territories to dispossession risks. These dynamics highlight that Indonesia's energy transition is not merely a technical or environmental process, but also a deeply socio-legal transformation where the pursuit of decarbonisation intersects with persistent structural inequalities and contested land relations.

Overall, Indonesia's legal framework for energy transition has been gradually and progressively established through a combination of international commitments and cross-sectoral national regulations. However, the greatest challenges lie in the effectiveness of implementation, institutional coordination, and the fulfillment of social and ecological justice principles, particularly for communities directly affected by energy transition projects. These institutional and regulatory gaps are not merely administrative. They have profound implications for how energy transition projects unfold on the ground. Weak coordination and uneven implementation frequently produce conflicts over land, resource access, and participation, illustrating that the energy transition is embedded in broader structures of appropriation.

B. The Practice and the Legitimacy of Green Grabbing in Indonesia

As previously discussed, the energy transition has given rise to a discourse on green grabbing as a phenomenon that not only extends the colonial and neo-colonial legacy of alienating nature, but also introduces more complex and concealed patterns of dispossession. Whereas environmental justifications once served merely as secondary elements of agrarian or energy projects, today green narratives occupy a central position in legitimizing land grabs, whether

through conservation initiatives, carbon sequestration, ecosystem services, or ecotourism.⁴⁰ MAs Fairhead et al. observe that a healthy ecosystem has now become a commodity to be traded.⁴¹ Their observations of the Ecosystem Marketplace, an online platform that tracks market trends for carbon, water, and biodiversity, highlight how environmental commodification has led to a wide range of land dispossession practices under the banner of energy transition.⁴²

The discourse around land dispossession has evolved into what is now termed green grabbing: the appropriation of land, natural resources, and community territories justified in the name of environmental protection, climate change mitigation, or sustainable development. This term originates from critiques of land-grabbing practices that are now cloaked in progressive ecological rhetoric.⁴³ In many cases, conservation efforts, bioenergy projects, and ecosystem service schemes such as REDD+ are used as pretexts to transform ecological values into marketable commodities in the global economy.⁴⁴ This reveals how green grabbing is not merely physical dispossession but an extension of capitalist logic through nature itself.

In Indonesia, the practice of green grabbing within the framework of the energy transition is evident in various renewable energy infrastructure projects. One of the most prominent cases is found in Poco Leok, Flores, East Nusa Tenggara, where the indigenous community faces the expansion of the Ulumbu Geothermal Power Plant (PLTP). Although officially promoted as an environmentally friendly initiative, the project's implementation has produced ecological disruption, such as deforestation, soil erosion, and water contamination, alongside social tensions linked to restricted access to land and natural resources for surrounding communities.⁴⁵ The ancestral lands of Poco Leok, comprising 13 customary villages across three sub-villages in Satar Mese District (Lungar, Mocok, and Golo Muntas), are threatened by plans to

⁴⁰ Franco & Borras, "Grey areas in green grabbing", *supra* note 10 at 195; Fairhead, Leach & Scoones, "Green Grabbing", *supra* note 13 at 237.

⁴¹ Fairhead, Leach & Scoones, "Green Grabbing", *supra* note 13 at 237.

⁴² *Ibid* at 239.

⁴³ *Ibid* at 237.

⁴⁴ Catherine Corson & Kenneth Iain MacDonald, "Enclosing the global commons: the convention on biological diversity and green grabbing" (2012) 39:2 *The Journal of Peasant Studies* 263–283 at 263.

⁴⁵ *Menemukan Kembali Makna Energi dari Masyarakat Adat: Tinjauan Ekonomi Politik Energi di Indonesia*, by Uli Arta Siagian & Muhammad Arman (Jakarta: Aliansi Masyarakat Adat Nusantara (AMAN), August 2024) at 11.

expand geothermal drilling by PLN (the state-owned electricity company) and its partners. This expansion aims to increase the PLTP Ulumbu's production capacity from 7.5 MW to 40 MW, requiring around 60 new drilling sites scattered across the indigenous territories of Poco Leok.⁴⁶ It is thus unsurprising that the indigenous community has strongly rejected the development plan, viewing it as a forced expropriation of their material and spiritual livelihood.

The Ulumbu PLTP project in Poco Leok illustrates a deep contradiction within the energy transition narrative. On one hand, the project is promoted under the banner of sustainability and carbon emission reduction. On the other hand, it operates within a development model that remains extractive and exploitative of indigenous territories. Poco Leok should not be reduced to a clash between development interests and local traditions, it is emblematic of a broader global configuration where capital and state interests converge in green projects that ironically reproduce colonial practices of land dispossession. In such a framework, energy transition not only fails to deliver justice, but also entrenches green grabbing as a new mode of land appropriation, systemically reducing land to an energy commodity, disconnected from its meaning as a vital and irreplaceable living space.

Still within East Nusa Tenggara, Sara and Tammi have documented another case of green grabbing.⁴⁷ They examined a biomass project which, rather than facilitating a just energy transition, redirected land access and control from local communities to large corporations under the guise of reforestation and clean energy. Thousands of hectares of forest were converted into Energy Plantation Forests (HTE), threatening local livelihoods and living spaces. Similarly, the B50 biodiesel⁴⁸ project by Jhonlin Group in South Kalimantan exemplifies the same threat, land grabbing veiled by the rhetoric of energy transition. It is well known that industrial-scale biodiesel production requires a massive expansion of palm oil plantations. This expansion has been implemented by converting lands owned or cultivated by local communities

⁴⁶ *Derita Rakyat dan Lingkungan di Balik PLTP Ulumbu*, by Ernest L Teredi, Agustinus Sukarno & Marselinus Joni Jaya (Jakarta, 2022) at 22.

⁴⁷ B Mario Yosryandi Sara & Ratu Tammi, ““Demam” Biomassa NTT: Akal-akalan Bisnis Perusak Lingkungan Menunggangi Narasi Transisi Energi Berkeadilan” (12 June 2025), online: *Project Multatuli* <<https://projectmultatuli.org/demam-biomassa-ntt-akal-akalan-bisnis-perusak-lingkungan-menunggangi-narasi-transisi-energi-berkeadilan/>>.

⁴⁸ The B50 biodiesel project is an energy transition initiative in Indonesia that mixes 50% palm oil with 50% diesel as fuel.

through business permits, pseudo-partnerships, and even outright displacement.⁴⁹

In Papua, green finance projects have resulted in widespread land grabbing from indigenous communities. Behind the slogans of “green investment” and “sustainable financing” lies a stark reality: corporations, supported by international funding and the national government, gain large-scale access to customary lands. Local communities rarely have a real voice in these projects and often see little benefit. They are frequently involved only as laborers, while control over the land—the foundation of their livelihood and cultural identity—shifts to outside actors. As a result, what is presented as conservation turns into exploitation, undermining land rights and weakening forest protection. Furthermore, this green financing model has the potential to reduce forest conservation functions, exacerbate deforestation, and escalate agrarian conflicts—all without guaranteeing land tenure protection or tangible economic benefits for indigenous peoples.⁵⁰

In the context of land grabbing, the patterns of dispossession evident in various energy transition projects in Indonesia reveal that this transition is being carried out within a regime of appropriation. This indicates that the energy transition does not unfold in a neutral space, but rather operates within a power formation that systematically organizes, legitimizes, and executes land grabbing in the interest of capital accumulation. Such a regime is not merely a collection of policies or technocratic decisions. Rather, it is a political configuration involving multiple actors, particularly the state and capital owners, who rely on legal frameworks, security apparatuses, and the state's administrative and judicial institutions to consolidate and exercise power.⁵¹

In this context, land dispossession is not an exceptional event or a deviation from development agendas. Rather, it is an inherent mechanism in the logic of contemporary capitalism. The regime of appropriation enables legal transformation of space, often by marginalizing or displacing local

⁴⁹ Project Multatuli, “Nir-nurani di Balik Pencapaian Bahan Bakar B50: Konglomerasi Jhonlin Berjaya, Warga Merana” (7 May 2025), online: *Project Multatuli* <<https://projectmultatuli.org/nir-nurani-di-balik-pencapaian-bahan-bakar-b50-konglomerasi-jhonlin-berjaya-warga-merana/>>.

⁵⁰ The Gecko Project, “Dalih Pembiayaan “Hijau” Menghancurkan Hutan Papua dan Kehidupan Masyarakat Adat” (1 June 2023), online: *Project Multatuli* <<https://projectmultatuli.org/dalih-pembiayaan-hijau-menghancurkan-hutan-papua-dan-kehidupan-masyarakat-adat/>>.

⁵¹ Michael Levien, “Regimes of Dispossession: From Steel Towns to Special Economic Zones” (2013) 44:2 *Development and Change* 381–407 at 381.

communities deemed to obstruct investments and energy projects. What is framed as a green or energy transition becomes a new mechanism of dispossession, where narratives of sustainability and climate mitigation are used as moral justifications for expanding control over land and natural resources.

Several cases have shown that the law actively legitimizes land dispossession in the name of energy transition, providing legal bases for the appropriation of people's living spaces through regulations that prioritize project acceleration and investment over the protection of social and ecological rights.

One clear example is the shift in licensing regimes from Mining Business Permits (IUP) to Geothermal Permits (IPB) as stipulated in the Geothermal Law. This legal shift grants formal authorization for geothermal exploration and exploitation in areas that were previously protected. Article 5 of the law states that geothermal activities may be conducted in areas including production forests, protected forests, conservation forests, and even marine conservation zones. Legally, this provision opens the door for the state and private actors to utilize conservation areas for energy purposes—despite being framed in the language of sustainability and energy transition, these activities carry significant risks of disregarding the ecological and social rights of local communities and undermining ecosystem integrity.

The legal status of IPB, distinct from IUP, allows the state to bypass constraints previously imposed under mining law. As a result, geothermal projects can be implemented in conservation areas without legal violations—even when the social and ecological impacts are severe. This legal framework demonstrates that the energy transition, instead of leading to ecological justice, may in fact be instrumentalized to expand state and corporate control over land and resources—often at the expense of the livelihoods of Indigenous and local communities.

Moreover, the Presidential Regulation on the Acceleration of Electricity Infrastructure Development reinforces this tendency toward green grabbing by facilitating fast-tracked land acquisition mechanisms. Article 33 of the regulation stipulates that land procurement for electricity projects must comply with applicable laws, but must also be completed in the shortest possible timeframe. This opens the door to potential coercive practices, procedural neglect (e.g., insufficient consultation), or even forced evictions that ignore the

objections and interests of affected communities—all in the name of project efficiency and acceleration. In practice, these accelerated land acquisitions often trigger social conflicts and result in the loss of community control over their land and natural resources.⁵²

This trend is further reinforced by the designation of certain renewable energy projects, such as solar power (PLTS) and hydropower (PLTA), as part of the National Strategic Projects (PSN). As of current data, 37 electricity projects are listed under PSN, receiving high-priority status in their implementation, including expedited licensing processes, streamlined land acquisition procedures, and legal protection from community interference. PSN designation places these projects within the framework of fast-tracked development policies, where local community objections, ecological consequences, or potential human rights violations are often dismissed as obstacles to progress, rather than being considered substantive concerns. The use of the term “public interest” by the government further reinforces this legal authority, thereby legitimizing state-backed land grabs.⁵³ The strategic status of these projects thus fosters green grabbing practices that are sanctioned through official state policy.

These examples indicate that, although the energy transition is normatively associated with environmental goals and sustainable development, its implementation on the ground is highly susceptible to reproducing structural injustice. Law, rather than functioning as a tool of protection, may instead serve as an instrument of legitimization for the appropriation of people’s living spaces—under the guise of delivering clean energy.

V. Transcending Anthropocentrism in Law

Although energy transition is often framed as an emancipatory agenda promising a sustainable and just future, the reality on the ground reveals a starkly different trajectory. Land dispossession has become an almost

⁵² Kementerian Energi dan Sumber Daya Mineral, “Menuju Kemandirian Energi, Presiden Prabowo Resmikan 37 Proyek Strategis Ketenagalistrikan 3,2 Gigawatt”, online: *ESDM* <<https://www.esdm.go.id/id/media-center/arsip-berita/menuju-kemandirian-energi-presiden-prabowo-resmikan-37-proyek-strategis-ketenagalistrikan-32-gigawatt>>.

⁵³ Agung Wardana & Dzaki Darmawardana, “Pembangunan Sebagai Proses Eksklusi: Kajian Hukum Dan Ekonomi-Politik Atas Proyek Strategis Nasional” (2024) 54:2 *Jurnal Hukum & Pembangunan* 259–288 at 259.

unavoidable phenomenon in the implementation of energy transition projects. As Harvey's notion of accumulation by dispossession suggests, these projects facilitate the transfer of control over land and resources from local communities to corporate and state actors, legitimized through the rhetoric of decarbonization and sustainable development.⁵⁴ A critical question arises: why does an agenda meant to bring liberation instead reinforce exclusionary practices and structural violence against vulnerable communities?

The answer lies in the fact that the energy transition in Indonesia continues to operate within an epistemic and institutional framework that remains trapped in the Anthropocene paradigm. This paradigm assumes a universalized "human" as the central and sole agent of change in the climate crisis. As a result, the solutions proposed tend to be technocratic and elitist, relying on large-scale technologies, corporate investment, and massive infrastructure projects that fail to address the root causes of socio-ecological inequality. The transition to sustainable energy is still designed to serve human interests, particularly those in positions of power.

Law plays a constitutive and central role within this framework. As a normative apparatus still grounded in anthropocentric views and individualistic notions of ownership, environmental and spatial planning law in Indonesia often serves the logic of economic growth rather than ecological justice. Within this context, green grabbing becomes not only possible but legally sanctioned, justified through legal instruments embedded in the development paradigm. Instead of enabling socio-ecological transformation, the energy transition is reduced to an investment project that requires territorial and resource control by politically and economically dominant actors. This is precisely where the regime of dispossession finds its legal foundation. When law does not challenge oppressive power structures but rather functions as a mechanism of rationalization and legitimization for dispossession and the subjugation of nature, the energy transition represents another manifestation of capital accumulation, continuing to serve human interests in a different form.

Based on the reflections above, the design and construction of energy transition law in the Anthropocene must transcend the confines of the Anthropocene paradigm itself. In other words, law must not only acknowledge the ecological crisis as involving human-nature relations, but must also

⁵⁴ David Harvey, *A Brief History of Neoliberalism* (Oxford University Press, 2005) at 87.

critically interrogate the structures of production and power that produce the crisis. This calls for a departure from anthropocentric legal frameworks that obscure the fact that the climate crisis is not caused equally by all humans, but by extractive and accumulative practices carried out by major capital actors.⁵⁵ Therefore, law must reconceptualize the climate crisis not merely as a symptom of the Anthropocene, but as a symptom of the Capitalocene, a period defined by the limitless exploitation of nature in the logic of capital accumulation.⁵⁶ Within this framework, the energy transition extends beyond replacing fossil fuels with renewable energy. It requires addressing the structural inequalities that shape both human-nature relations and social relations, particularly the unequal distribution of power between those who control capital and those who experience its social and ecological consequences.⁵⁷

However, Critiques of the Capitalocene also warn against the over-sociologization of nature, whereby nature is understood solely as a victim of human power relations. Reducing nature to the status of an "oppressed class" within capitalism, no matter how progressive this may appear, still perpetuates a speciesist and dualistic mindset that positions humans at the center.⁵⁸ In legal terms, this tendency risks generating regulations that continue to treat nature merely as an object of protection for the sake of human survival, rather than as an entity with autonomous existence and intrinsic value.⁵⁹ The ecological crisis demands a more radical shift, not only in relation to capitalist modes of production, but also in the ontological foundation of law itself. Thus, energy transition law must avoid the trap of green rhetoric that sounds critical but remains anthropocentric and instead adopt frameworks that recognize the agency of nature in a more meaningful way. This calls for a shift from law as a mere representation of human interests to a form of law that makes space for

⁵⁵ Jason W Moore, *Capitalism in the Web of Life: Ecology and the Accumulation of Capital* (London: Verso, 2015) at 17.

⁵⁶ Márk Horváth & Ádám Lovász, "From the Anthropocene to the Capitalocene and beyond" (2025) 12:3 *The Anthropocene Review* 339–357 at 339.

⁵⁷ Jason W Moore, "The Rise of Cheap Nature" in Jason W Moore, ed, *Anthropocene or Capitalocene? Nature, History, and the Crisis of Capitalism* (Oakland, California: PM Press, 2016) 78 at 5.

⁵⁸ Wendy Arons, "We Should Be Talking about the Capitalocene" (2023) 67:1 *TDR* 35–40 at 35.

⁵⁹ Jason W Moore, "The Capitalocene Part II: accumulation by appropriation and the centrality of unpaid work/energy" (2018) 45:2 *The Journal of Peasant Studies* 237–279 at 237.

multispecies coexistence, law that no longer rigidly separates the social from the ecological.⁶⁰

Accordingly, energy transition law must not stop at the formulation of technocratic norms that emphasize sustainability in a superficial manner. The law must function as a tool to ensure that the shift to renewable energy does not simply reproduce the same dispossession regime that has defined the fossil fuel era, this time with a greener façade. Such a rearticulation of law allows us to understand that leaving fossil fuels behind does not automatically guarantee ecological justice, especially if structures of ownership, benefit distribution, and exploitative development logics remain intact.

In short, the climate crisis cannot be adequately explained by abstract notions of “humanity” as a singular cause. Rather, it must be understood as the consequence of a capitalist system of production that treats nature as a resource to be exploited for profit accumulation.⁶¹ Thus, designing energy transition law requires both an epistemological and political shift: from law as a technical regulator to law as a tool of struggle for ecological and social justice, without losing sight of the fact that ecological justice itself demands the dismantling of human supremacy as the sole axis of world-making.

VI. CONCLUSION

The energy transition agenda in the Anthropocene era is deeply intertwined with the reproduction of land dispossession practices, carried out through a legal framework that legitimizes the logic of capital accumulation. Rather than serving as an instrument of protection, the law operates as a normative apparatus that justifies green grabbing in the name of sustainability and clean energy. However, this study also reveals that law is not a closed or immutable entity. It holds transformative potential, provided it can break free from its anthropocentric foundations and move toward a legal paradigm grounded in social-ecological justice that recognizes the interdependent relationship between humans and the more-than-human world. Therefore, realizing a just energy transition requires a fundamental transformation of the law, so that it

⁶⁰ Endrius Coccio, “Capitalocene, Thermocene and the Earth system: global law and connectivity in the Anthropocene age” in *Research Handbook on Global Climate Constitutionalism* (Edward Elgar Publishing, 2019) 277 at 277.

⁶¹ Álvaro San Román & Yoan Molinero-Gerbeau, “Anthropocene, Capitalocene or Westernocene? On the Ideological Foundations of the Current Climate Crisis” (2023) 34:4 *Capitalism Nature Socialism* 39–57 at 39.

no longer functions as an instrument of capital, but as a medium for the struggle toward genuine ecological justice.

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