

The Asean Economic Community (AEC) Reification Pitfall, Forest Fire, and Deep Ecology

(An Analysis of Interrelationship between Natural and Human Resources)

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Abstract

Human being and living quality of their global community very depends on environmental condition. Then, various policies, regulation managements, law enforcement and technical supervision are conducted in attempts of biological environment conservation. However, a single market of such the ASEAN Economic Community (AEC) style gives a complex homework in ecological sector. On the Markplus Conference 2015, Hermawan Kartajaya reminded that the single market initiated by the AEC is potentially more dangerous than the AFTA (ASEAN Free Trade Area) and CAFTA (China-ASEAN Free Trade Agreement). He stated that if AFTA and CAFTA are concerned only with flow of goods, but MEA covers free flow of goods, people, services and money (capital and investment). Purpose of the writing is actually to show challenges that should be addressed when MEA establishes a single ASEAN market, especially be related to forest fire's phenomenon. Results of the study showed that forest fire and the single ASEAN market has, consciously or not, created a new myth called rationality of commodity efficiency. Horkheimer and Adorno in their 'enlightenment dialectic' explained that efficiency, in economic, is a principle of market surpassing all kinds of feudal and religious restrictions. Thus, rationality is equated with efficiency. When efficiency is applied in dynamics of capitalist economy, then the entire field of human life is considered a commodity. Consequently, reification is in effect, namely when everything is a commodity so people is no longer enjoying but consuming and consuming without building any social relationships in a real sense. At such nadir, ecological damage is inevitable or it is even considered a reasonable price worth paying. The Law which is essentially an ethical conversation of human beings to produce justice is easily forgotten because of greed. However, all such excesses of reification can be avoided when the law is still pursued progressively, so the law must arrive at radicalism in order to demolish assumptions of law. Thus, it can be concluded that forest should not only be explored for its resources solely according to the reification trap of ASEAN single market, but it must be preserved for future human posterity because of considering the deep ecology.

Keywords: forest fire, AEC, deep ecology.

1. Introduction

Indonesian forest territory reaching 99.6 million hectare is promising a great resource in facing of the ASEAN single market. However, a single market of such the ASEAN Economic Community (AEC) style gives a complex homework in ecological sector. For example, Global Forest Watch Fires has detected over 127,000 fires across Indonesia this year, the worst since 1997. Many of these fires were the result of clearing forested peatlands to make way for plantations of commodities such as palm oil. Much of the clearing and burning has been financed by small- and medium-sized investors. Peat stores some of the highest quantities of carbon on Earth and also emits methane resulting in up to 200 times more damage to the global climate than regular fires of a similar extent¹. The smog is especially toxic.

As a result of these fires, toxic smog has enveloped a wide area across Indonesia, Malaysia and Singapore, reaching as far as Thailand and the Philippines, closing schools, disabling airports, and forcing six Indonesian provinces to declare a state of emergency. Haze from this year's fires likewise caused more than 500,000 cases of haze-related respiratory illnesses in Southeast Asia and resulted in the deaths of at least 19 Indonesians. Many more will die from the longer term impacts of breathing the foul air for weeks on end. All told, more than 40 million Indonesians have been affected².

Observing dialectic of the clearing and burning has been financed by small and medium sized investors for increase economic products is actually not a new discourse. Long ago, such liberalization and free competition conditions had actually been reminded by thinkers of Critical Philosophy. For example, Horkheimer

¹ Nancy Harris et.all, 'With Latest Fires Crisis, Indonesia Surprisses Russia as World's Fourth-Largest Emitter, World Resources Institute, October 29, 2015, p.1-3.

² Nancy Harris et.all, 'With Latest Fires Crisis, ...*ibid.* p.3

and Adorno with their book, *dialectic der Aufklarung*, published firstly in 1944 provided in-depth critique on 'commodity' and 'economic efficiency'.¹ As rationality of capitalism theory says '*let the market work, because the market creates the most pure efficiency*', then a new myth comes, equating rationality with efficiency. Inefficient product will be eroded and destroyed in a market field. At a later stage, all areas of human life would be commodities. All values are commodities meaning that the real value vanishes, and production is no longer to meet needs, but to bring new needs that are created continuously for the sake of production growth.²

On the Markplus Conference 2015, Hermawan Kartajaya reminded that the single market initiated by the AEC (ASEAN Economic Community) is potentially more dangerous than the AFTA (ASEAN Free Trade Area) and CAFTA (China-ASEAN Free Trade Agreement). He stated that if AFTA and CAFTA are concerned only with flow of goods, but MEA covers free flow of goods, people, services and money (capital and investment).³ However, a more anxious thing than the readiness of Indonesia and other ASEAN countries to participate in the MEA's single market relying on 'commodity' and 'economic efficiency' as main weapon is ecological aspect. When production is growing rapidly, needs are no longer limited. Raw materials of the production are taken from nature and consequently, it can reduce ecological balance for sure. Moreover, there is no any jointly agreed regulation of ASEAN ecological preservation. It creates 'a vacuum space' enhancing potential of environmental damages when the ASEAN single market is in effect. The abundance of Chinese products in early periods of CAFTA with their very competitive prices is, again, a real example of the presence of such threat to ecology. It is, of course, a logical thing to ask 'how can the Chinese product dominate various parts of the world with their relative low prices? In fact, the answer is their very efficient process of mass production process. Word 'efficient' here is referred to too lose environmental regulations, and weak law enforcement in China, so that it enables Chinese producers to get low cost of production. It means efficiency as a component of competitiveness is, in fact, requiring a sacrifice, namely ecology. One of sacrificed ecologies is serious air pollution in China as showed in Benxi Town.⁴ Navarro's record stated that, at one time, the center of heavy industry had burnt about 7 million tons of coals per year, and it produced more steels per capita than other towns in China. Furthermore, the Benxi town had ever disappeared from satellite imaging because of very thick smog and carbon covered sky of China.⁵

When we highlight the ecological aspects of Indonesia, new analysis reveals even more troubling news about Indonesias fires crisis. Emissions from this year's (2015) fires have reached 1.62 billion metric tons of CO₂—bumping Indonesia from the sixth-largest emitter in the world up to the fourth-largest in just six weeks. The analysis from Guido van der Werf with the Global Fire Emissions Database also reveals that: Emissions from Indonesia's fires alone are approaching the total annual emissions of Brazil. Indonesia's current total emissions hover around 760 Mt CO₂ (excluding land-use change), meaning the fires alone have tripled Indonesia's entire annual emissions. Indonesian fires during 38 of the past 56 days (as of October,26) have released more greenhouse gas emissions than the entire U.S. economy on those days.

Such conditions are contemporary reality of imbalanced pendulum of ecological and fairness equilibrium. If all of them are submitted to mechanism of the ASEAN single market, then a question arises: will the deep ecology and justice for future generations (Intergeneration Justice) attain a chance? This is a focus of the article discussing the law as not only a technical knowledge but also ethical knowledge as MEA opens the ASEAN single market. As woods and forest are spread and their wealth is exploited, a question arises: is the law being a human ethical conversation yet to produce justice, and the base is interests of civilization? If such things are still used as a reference, then the law must be pursued progressively. Consequently, the law must arrive at a radical demolition to assumptions considered fixed so far of the law. It is time to put the law to be not only there to check on fairness, but it should produce justice, fairness and, new kind of justice even, namely an intergeneration justice.

2. Problem Statement

Problem statement of the article is focused on criticism of the maximum utilization of Indonesian forest resources in the ASEAN Economic Community arena which is considered to be potentially trapped at

¹Franz Magnis-Suseno, *Dari Mao ke Marcuse, Percikan Filsafat Marxis Pasca-Lenin*, lih "Teori Kritis Marx Horkheimer dan Theodor Wiesengrund Adorno" (From Mao to Marcuse, Sparks of Marxist philosophy of Post-Lenin, cf. "Critical Theory of Marx Horkheimer and Theodor Adorno Wiesengrund) (Jakarta: Gramedia Utama), p. 203-249

²Franz Magnis-Suseno, 'Aktualitas Filsafat Kritis' (Actuality of Critical Philosophy), Makalah Kuliah Umum PDIH UNDIP, Semarang, 8 December 2014, p. 2

³Hermawan Kartajaya, Markplus Conference 2015: 'Indonesia WOW!', Jawa Pos, 11 December 2014, p. 7

⁴Benxi is located in eastward mountains range of Lioning Province. The town is a center of raw materials for important industries, namely iron and steel, coals, construction materials and chemical products. Population of Benxi was 1.5 million people and for last decade, it was one of the 17 biggest towns in China. http://www.chinacp.com/eng/cpcities/co_benxi.html

⁵Peter Navarro, *Letupan-letupan Perang China Mendatang (The Coming China Wars)*, (Jakarta: Elex Media Komputindo, 2008), p.49

Reification and put aside the concept of Deep Ecology. Welcoming the new era of national leadership that is paying more attention to Indonesian forest resource in the face of the MEA, a criticism regarding to potential ecological damage (forest fire) is worthy proposed as a balancer of pendulum of the planned rapid economic activities.

3. Result and Discussions

Indonesian forest territory reaching 99.6 million hectare is promising a great resource in facing of the ASEAN single market. But a single market of the ASEAN Economic Community (AEC) style intended to create a single market of ASEAN is consciously or not, in the eyes of critical philosophy, bringing with it a new myth called the rationality of commodity efficiency. Horkheimer and Adorno's dialectic of enlightenment¹ explains that, according to economic, efficiency is the law of market replacing all kinds of feudal and religious restrictions. Then, rationality is equated with efficiency and as the efficiency is applied in the dynamics of capitalist economy, the entire field of human life is a commodity. Human beings are no longer free and equal, but they will be stratified in the process of modern economy as upper class and lower class. Furthermore, Horkheimer and Adorno suggested that decisions for human being are taken by hierarchy starting from trade associations to national government, and of course, in a private room (domestic domain) by mass culture system taking over the last inner urge of an individual. In this position, the individual is forced to consume what is offered to them.²

Horkheimer and Adorno reviewed further that production is no longer to meet the needs, but to raise new needs continuously for the sake of production growth. Then, what so-called reification³ comes, namely when all things are converted into commodity, people are no longer enjoying a product or service, but they make many consumptions for the sake of consumption itself⁴ without building social relationships in a real sense. In this case, what is happened is someone else being a means of meeting the needs of an expanding consumption of egoism. The pride is no longer measured by a real achievement (*to be*-Erich Fromm), but by capability to consume (*to have*-Erich Fromm). A new myth is shaped, namely the belief of capitalist society that their pattern of capitalist society will bring a rational and humane human life into reality.⁵

Focus on the MEA context, phenomenon of such single market is presumably inseparable from the new rationality and human values brought by the new myth. At such point, the MEA creates a cause of criticism target by critical philosophy. Restrictions removal for efficiency taking the forms of free market, class stratification in the establishing economy as well as a new myth cultivated in mind of ASEAN community raises a 'problematic' side that a reminder and warning is crucial. Of course, such reminder should not only in the realm of thought, but it must penetrate deeper in practical level. It has been known that the historical background of criticism philosophy was developed within Karl Marx's style of thinking. Through his exposition, Marx wanted to say that philosophy should not just to stay in the mind, but it should criticize reality.⁶ In the end, the critics would be able to 'burn' problems hidden in the reality. Further, practical change can be initiated. By similar statements, Horkheimer with his critical theory revealed that philosophy should focus on things considered negative, conflicting, or to look from perspective of the bottom, thus gaining greater truth and bring a movement of change.⁷

A problematic side of the contemporary reality around the passing of the MEA is no any commitment about ecological treatment has been signed yet. In fact, the ecology is a 'large container' within which economic activity of the single market is run. It was not happened as the opening of European Economic Community (EEC). High regulations on environmental ethic and treatment preceded the EEC opening. Some contrary things happened in ASEAN region. Forest fire, the cases of imported B3 waste,⁸ reclamation of Singapore beach,⁹

¹ The relevant original book title is *Dialektik der Aufklärung (1944)* and its English version was published with title *Dialectic of Enlightenment (1947)* by Querido Amsterdam.

² Max Horkheimer, Theodor W. Adorno, *Dialektika Pencerahan, Mencari Identitas Manusia Rasional*, translated by Ahmad Sahidah from book *Dialectic of Enlightenment*, (Jogjakarta: IRCisoD, 2014), p. 346

³ Franz Magnis-Suseno, *Aktualitas Filsafat Kritis... ibid*, p.2

⁴ Lukacs stated the condition of all lines become commodities as reification (Georg Lukacs, Karl Krosch, Antonio Gramsci). Franz Magnis-Suseno, *Dalam Bayang-bayang Lenin, Enam Pemikir Marxisme dari Lenin Sampai Tan Malaka*, (Jakarta: Gramedia Pustaka Utama), p. 87-204

⁵ Franz Magnis-Suseno, *Aktualitas Filsafat Kritis... ibid*, p. 2

⁶ Marx said, "The philosophers are only explaining world differently; the important thing is to change it", Marx, Thesis 11 about Feuerbach, NEW3, p. 7

⁷ Franz Magnis-Suseno, *Aktualitas Filsafat Kritis... ibid*, p. 2

⁸ Member of Parliament, Director General of Customs and Ministry of Environment performed sudden inspection in end of January 2012 and they seized 113 containers/20 fits of second irons containing B3 wastes imported by PT. HHS from United Kingdom (89 containers) and Netherlands (24 containers). News.viva.co.id/news/read/287121, 'DPR Sidak Impor Sampah dari Belanda dan Inggris'.

⁹ Seashore reclamation by Singapore, in addition to be categorized as marine pollution damaging marine ecology of Johor Strait, Malaysia, was also indicated to violate UNCLOS 1982. For this, Malaysia filed legal suit to Singapore through

construction of a runway in Spratly by China by changing reef into an artificial island,¹ a flood of imported low-quality goods that were not meeting national standards of Indonesia (SNI) as well as illegal fishing using trawlers and fish bombs destroying coral reefs,² toxic smog has enveloped a wide area across Indonesia, Malaysia and Singapore, reaching as far as Thailand and the Philippines, all of them are pictures of efficiency without ecological sensitivity, especially in ASEAN regions³. Many of these fires were the result of clearing forested peatlands to make way for plantations of commodities such as palm oil. The 'attention vacuum' to ecology of the ASEAN regions is considered worriedly to lead the process of ASEAN single market into reification and Shallow Ecology thought.

Fritjof Capra suggested that (Shallow Ecology is an ecology putting human being above or outside of nature, namely in a position of dominating nature. Thus, nature is positioned only as a tool with its usable value (utilitarian value) or instrumental value. Shallow ecology is based on technocratic individualism. As individualistic ethics is disguised behind a progress, rude and greedy behavior is cultivated. Followers' attitudes of the idea on environment change into 'Cowboy Ethics'.⁴ Illustrations of the Cowboy Ethics can be found in era of the Wild, Wild West. The cowboys slaughtered American Indian tribes, rummaged through natural lands and forests, and even almost destroyed herds of bison living wildly in savannas of the Indians.

It is a true picture of the outdated old paradigm that should be abandoned, but surprisingly, there are some attempts trying to revive it. The paradigm consists of some ideas and values locking the thinking with a focus of anthropocentrism.⁵ Such the thought is, among the others, covering a view of the universe as a mechanical system composed of basic pillars of a building; the view considering a human body is a machine-like; the view that the life within society is a competitive struggle for the sake of existence, a belief that unlimited material progress can be achieved through economic and technological growth. The paradigm has been dominating for hundreds of years and formed Modern Western society today and exerts strong impact for the peaceful of the world.⁶ Then, is such action pattern tried to develop in implementation of MEAs that will be in effect immediately in 2015? Of course, when considering excesses that had ever occurred in the Western World, we must agree to say no.

Focusing on idea of the Indonesian government in facing MEA through optimization of forest resources potency, then direction of the Shallow Ecology-styled idea should be changed. In contrast to the understanding of Shallow Ecology viewing environment as a means of fulfilling needs in economic optic lens, the deep ecology is a theory of environmental ethics based on biocentrism. The main thesis states that a human being is not just a social, but also ecological creature. Liek Wilardjo interpreted such view by a stating that the full meaning of human life cannot be found only in community, in socializing with each other, but only found in ecological community, in embodiment of herself/himself as an ecological being.⁷

Meanwhile, with similar spirit, Arne Naess expressed a view of ecosophy,⁸ advocating a lifestyle pattern conforming to wisdom of preserving nature as a household for all living creatures. In this case, the ecosophy and ecology are 'tweedledum and tweedledee' with Environmental Holism. Followers of Environmental Holism according to a study by Liek Wilardjo are doing movements and thoughts in order to

International Marine Court. Unfortunately, sand used in the reclamation of Tekong and Tuas Islands was, in fact, coming from Riau Islands traded as an attractive commodity to the tender winner of Singapore's beach reclamation. www.unisosdem.org/article_detail.php 'Malaysia Gugat Singapura ke Mahkamah Kelautan Internasional'.

¹ It is not only causing strain in ASEAN regions (Today, Spratly islands is claimed by 8 countries (China, Taiwan, Philippine, Vietnam, Brunei and Malaysia), construction of a runway by China in the islands has been causing damages of marine ecology and removing available marine resources. JawaPos, 'Tiongkok Bangun Landasan Pacu di Spratly', Saturday, 18 April 2015, p.3

² Data of Coral Reef Rehabilitation Management Program of Indonesian Science Institution (LIPI) showed that only 6,38 percent of 85,707 km² of the coral reefs in Indonesia is categorized as excellent. The very well condition of coral reef was spread in 556 locations. Report of COREMAP, LIPI, 2014.

³ In marine landscape of ASEAN region, there is a coral reef triangle called "Amazon of the Seas" covering territories of middle and east waters of Indonesia, Timor Leste, Philippine, Sabah-Malaysia, Papua Nugini, and Salomon Islands and it was approximated that 3,000 species of fishes lived in the coral reef triangle. www.pusakaindonesia.org/potensi-laut-indonesia-senilai-rp-7-200-triliun/&ei=4d38X0eh&lc=id-ID&s=1

⁴ Liek Wilardjo, *Menerawang Di Kala Senggang (Kumpulan Tulisan Liek Wilardjo)*(Reflection at Leisure Time [Collection of Liek Wilardjo' Works]), (Salatiga: UKSW, 2009), p. 265-266

⁵ Anthropocentrism is a concept centered on human being (*anthropos*=human being; *centrum*=central). Why human being is the central? Because human being is a creature equipped with capabilities of creation, feeling, language, willing and work as God permits it (instinct, logic, conscience and gauging). Liek Wilardjo, *Menerawang Dikala Senggang ...lih. 'Antroposentrisitas dan Peradaban'*. p.253-254.

⁶ Fritjof Capra, *Jaring-jaring Kehidupan (Visi Baru Epistemologi dan Kehidupan)*- Original :*The Web of Life (A New Synthesis of Mind and Matter)*, (Yogyakarta: Fajar Pustaka Baru, 2002-London: Flamingo, 1997), p.15-16

⁷ Liek Wilardjo, *Menerawang Dikala Senggang ... Ibid*,p. 265

⁸ Ecosophy is composed of two words, namely *oikos* (home) and *sophia* (wisdom). Liek Wilardjo, *Ibid*, p.265

oppose greed, callous and ignorance underlying attitudes and actions of the technocratic individualists against nature. The followers of Environmental Holism are strongly condemning greed and extravagance that are typical characters of developed nations polluting environment mercilessly and depleting out natural resources.¹

Observing more serious environmental damage as a result of unethical industrialization, Aldo Leopold very insisted that we had to abandon anthropocentric ethics. He and people with similar understanding view that all creatures - human being and the world of fauna, as well as flora – are eligible for the same dignity as fellow citizens of a biotic community.² A similar sentiment was expressed by a Deep Ecologists who argued that human being is only an intrinsic part of the nature. They are merely a special thread in a weaving of the fabric of nature (*human beings are nothing but a special stand in the fabric of nature*).³

Furthermore, when the MEA with their design enforces the free flows of goods, people, services, and money among ASEAN countries meaning an establishment of a regional single market of the ASEAN region, what lessons can be kept in mind through this deep ecology? with this such awareness, then, the emergence of new legal subject with their inherent rights, namely, the rights of mountain to remain protuberant vertically, the rights of sea to remain in blue and deep, the rights of trees to grow, the rights of river to keep flowing clear, the rights of roses to remain thorny, all of these are a sureness and containing a new kind of justice. Our thought say, if you want to be fair, then enable a tree to present in court.⁴ This means that there is now a much stronger impetus ethically to 'do not harm the environment'.

Legal right for a tree to stand before the court was put firstly by Crystoper Stone in the 1970s. He said the tree has a right to defend itself. So, a Theory of Legal Standing emerged and it is known to date. Through his writings questioning about 'should a tree have the rights?', the idea is still in effect and it gives us a background for our rights to at present to discuss about the environment.⁵

Then, when the law is one of important instruments in challenging the MEA, a development of the progressive law with its care to the deep ecology deserves to pay attention to pursue. It can be assumed that at implementation of the MEA, the free flow of goods will occur by eliminating non-tariff barriers according to international standards; a free flow of trade is running with the removal of restrictions on the provision of services related to establishment of cross-ASEAN companies that has been not standardized in each member state; free cash flow is characterized by full establishment of a free and open investment regime.⁶

Considering the legal conditions experiencing a 'pull up'⁷ by such globalization, an impartial law that is not passive in its neutral condition and impartial is required. Satjipto Rahardjo had expressed very early that law is not only the text of rules, but it can also in tangible behavior. It was stated further that behavior or human action can add and change the text. At the empirical level, it is found that role of human in the working of the law is too great to ignore. The law is not what is written and said by text. Chambliss and Seidman (1971) even say "the myth of the operation of law is given the lie daily". Therefore, in attempts of being able to see human behavior as a law, it would require a willingness to change our concept of the law, which is not only a rule, but also behavior.⁸ Therefore, the neutral behavior showed, in fact, by the law is actually making some parties will increasingly in 'weak position' within a fierce arena of the world driven by globalization with its free competition in all lines. For that reason, the law is said to be progressive because it precisely defends the weak. At the next level, the concept of 'weak' should be defined naturally, materially, and concretely. At this position the ecology is placed in a 'weak position' of the law and, in fact, it is a legal subject that has been ignored for long period of time without any effort to care about it. Ideas that have been declaring to be pro-environment so far are actually not based on ecological reasons but economic interests.

Therefore, perception of justice is said to have been worn (obsolete) now if there is no any effort of trying to find undiscovered new sources of the justice. MEA can also be said to have no care about justice if it only puts economic interests as a spearheading to create a single market. Accordingly, in effort of avoiding the

¹ Liek Wilardjo, *Menerawang Dikala Senggang ... Ibid*, p.266-267

² Aldo Leopold, *A Sand County Almanac*, (New York: Oxford University Press, 1949)

³ Aldo Leopold, *Ibid*

⁴ Muhammad Rustamaji, "Mempertimbangkan Filsafat Kritis dan Deep Ecology dalam Pergumulan Masyarakat Ekonomi Asean" dalam Prosiding Seminar Nasional Kesiapan Indonesia: Harmonisasi Hukum Negara-negara Asean Menuju Komunitas Asean 2015, (Considering the Critical Philosophy and Deep Ecology in the ASEAN Economic Community Arena" in the Proceedings of the National Seminar of Indonesia Readiness: Law Harmonization of ASEAN countries Towards ASEAN Community by 2015) (Surakarta: Universitas Muhammadiyah Surakarta, 2015), p.103

⁵ Rocky Gerung, Paparan Narasumber Konsorsium Hukum Progresif ke-2 (Informant's Exposure of 2nd Progressive Law Consortium), UNIDIP Semarang 14-15 November 2014

⁶ Akhmad Aulawi, 'Arah Pembangunan Hukum dalam Menghadapai Asean Economic Community 2015' (Direction of Law Development in Facing ASEAN Economic Community 2015), (Jakarta: BPHN, 2014), Jurnal Rechvinding-RechtsVindingOnline.

⁷ Adi Sulistiyono & Muhammad Rustamaji, *Hukum Ekonomi Sebagai Panglima* (Economic Law as a Commander) (Sidoarjo: Masmedia Buana Pustaka, 2009), p.29

⁸ Satjipto Rahardjo, *Menegakan Hukum Progresif*, (Enforce the Progressive Law) (Jakarta: Kompas, 2010), p.14-15.

MEA from exploitative practices on ecology in free trade of ASEAN region the fair law is required to regulate it. A Fair law is one paying attention to new sources of the new law for achievement of the justice. It is important to organize a transition from the day to the next, namely justice for future generations.

A critique directed to higher education seems also necessary, when curriculum of law school has not arrived yet at a study on the rights of future generations (Intergenerational Justice). In other words, is position of the future generations as a source of future legal justice (a new source of the justice) taken into account when competition with all freedoms is held on each side of life? Or is the current law used only in utilitarian matter and deplete all available resources, yet democratically (sound of many people) it is desirable?

As an illustration, when President Jokowi explained the importance of the sea and its sea tolls and harbors of various islands in Indonesia, experts are busily analyzing development and reclamation technics required to implement the plan. Especially, as the plan is intended, one of many purposes, to meet deficit of beefs and they should be imported from Australia, then a massive development in East Nusa Tenggara (NTT) is planned. It is projected that NTT will be a location of raising calves provided by government and then, ready-to harvest cows of the region will be distributed by using special livestock ships to transport over Indonesia. A model of cattle grazed in wide savanna of NTT and supported by livestock transporters and sea toll aiming to meet the needs of national meat. This step is projected as a solution to overcome meat deficit of the nation. However, such thinking is seemingly not to pay attention about why do people of Nusa Tenggara look as if 'anemic' to re-develop large farms as option of livelihood? In fact, empirical research showed what actually makes the farmers reluctant to pursue the very ecological friendly profession. They do afraid of livestock theft! The 'street crime' is actually a scourge for farmers of NTT since the theft has been transformed into a very massive, organized theft of livestock and involving parties with authorized power. Dahlan Iskan explained that the livestock theft occurred because the legal system was not running properly, even there was a phenomenon in which the cattle thieves demanded a ransom to the cattle owners if they want their cattle back.¹ It is really not a figment. As a result, the solution by buying a special ship to transport of livestock, calves provided by the government, seashore reclamations and mangrove ecosystems supporting the establishment of sea tolls, are just as if confirming the view of Dahlan Iskan, namely it is like a physician prescribing wrongly.

The illustration depicts how the economy is still positioned as a major pendulum of prosperity achievement by ignoring the existing ecology. However, the unmatched solutions due to prioritize an unrelenting exploitation of ecology and at the same time, ignore the creative potential of the nation people is precisely what explains why forest resources as if never enough to meet nutritional needs of Indonesian people.

At the culmination of it, a notion of Yuswohady about five precepts to win competition in the arena of MEA² is worthy to ponder. Creative and struggle-powered measures are more emphasized for every citizen of the nation who wants to be entrepreneur rather than solution promoting ecological exploitation for the sake of expansion of economic range. It can be seen in precept 1, *the use of local advantages to kick the competitions*, businessmen should use smartly local uniqueness to win the competition. A businessman with the characteristics of is called a local champion. Precept 2, *create local innovation to the make competition irrelevant*, businessmen should use innovation and create a new market with minimal competition. A businessman with the characteristic is called a creative master. Precept 3, *boost excellence to beat the giant*, this type of businessmen takes all-out measures to boost quality of their products or services in order to beat the competition. A businessman with such characteristic is called a quality challenger. Precept 4, *build bigness mass through partnership*, entrepreneur of this type is a small player who plays in a market niche, but if these small players are organized into a unity, they will have tremendous power. A businessman with the characteristics is called a longtail collaborator. Precept 5, *achieve global best practices to win the foreign market*, entrepreneur of this type is one focusing and concentrating highly to compete seriously in international market. A businessman with such characteristics is very special because they pursue excellences in all aspects such as capital, technology, management, human resources (HR) with world standards before entering an international market. The entrepreneur with the character is called a global chaser who has been put themselves from beginning as an entrepreneur in the best ranks of the world (global best practice).

Guided by the exposure and examples of environmental neglect above, it is time the law should be run progressively by taking creative ways to promote fighting spirit of the nation's people. Therefore, the law must arrive at the radicalness of demolishing assumptions of the law that have been considered well established textually. In the context of MEA, the law established in the trade sector of ASEAN single market should not be indifferent to ecology and future source of justice, the nation's children, as our future generation. That is, where the law is not for itself, but for something wider and bigger. So whenever a problem is found within and with the law, then the law should be reviewed and corrected and not the human who is pushed and forced to enter

¹ Dahlan Iskan, "Soal Daging yang Ibarat Dokter Salah Resep", (About meat, It is Like a doctor writing a prescription wrongly) New Hope, (Surabaya: Jawa Pos, 2015), 23 February 2015, p. 1&11

² Yuswohady, "Panca Sila Juara MEA", (Five Precepts of Winning MEA), (Jakarta: Koran Sindo, 2015), 5 April 2015, p. 3

schemes of the law.¹ Therefore, Satjipto Rahardjo also wrote about the necessary of putting the legal system in a large path of deep ecology.² Thus, as the law shifts to the context of the universal life, then man is no longer the only central point. On a broader spectrum, the law is functioned not only to check the fairness, but it should produce justice, and yet a new kind of justice, namely justice for environment (ecology) and future generations (intergeneration justice). In the smaller scope, utilization of forest resources as a venue for holding of the MEA should not negate the principles of deep ecology requiring sustainability of it for future generations.

4. Conclusion

When woods and forest with their varied wealth are spread to welcome the immediate running of MEA, a legal framework is very necessary to uniform regulations in supporting the ASEAN single market. When such direction and renewal of law establishment are completed, there is a good reminder derived from the view of critical philosophy and deep ecology that is worth considering. That the law should not be stuck in the reification and only prop up the economy with commodities and efficiency, but it should indicate a generosity to ecology and future generations, is worth to reconsider by creative steps with struggling power. In turn, the law will be put as ethical conversation of humans to produce justice, and the foundation is the interest of civilization. Therefore, the law must be pursued progressively, and it must arrive at radicalness by demolishing established textual assumptions of the law. The Law is not only there to check on fairness, but it should produce justice, fairness and yet new type of justice, namely an intergeneration justice thinking about the fate of future generations in understanding a well-maintained deep ecology of earth.

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² Satjipto Rahardjo, *Lapisan-lapisan dalam Studi Hukum*, (The layers of Legal Studies) (Malang: Bayumedia, 2009), p.11

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