

MEANINGFUL PARTICIPATION AND ECOLOGICAL JUSTICE IN ENVIRONMENTAL LAW: A FOUR-JURISDICTION COMPARATIVE STUDY

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Abstrak: This article examines meaningful participation as a structural mechanism for advancing ecological justice in environmental and forest governance. Exclusionary governance has produced persistent inequalities for Indigenous and rural communities whose participation remains largely procedural. This study analyzes the gap between normative participatory commitments and their substantive implementation across four jurisdictions — Indonesia, New Zealand, the United Kingdom, and the European Union — using a qualitative Systematic Literature Review of peer-reviewed scholarship, legal instruments, and policy documents. Findings reveal significant institutional variation: Indonesia exhibits centralized authority and weak accountability; New Zealand institutionalizes ecological justice through the legal personhood of Te Urewera and the Whanganui River; the United Kingdom demonstrates procedural transparency without redistributive impact; the European Union provides multilevel participatory architecture with uneven equity outcomes. The study argues that meaningful participation requires structural guarantees of recognition, accountability, and empowerment — not procedural inclusion alone — and offers conceptual tools for reforming environmental law in contexts marked by power asymmetries and ecological degradation.

Keywords: Comparative legal analysis, Ecological justice, Environmental law, Forest governance, Meaningful participation

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INTRODUCTION

Forests constitute ecosystems of foundational ecological significance that perform multiple essential functions, including regulating global climate systems, sequestering carbon, sustaining biodiversity, and provisioning the ecosystem services on which rural livelihoods depend, and providing critical ecosystem services such as provisioning, regulating, and cultural services for local communities.¹ Millions of people, particularly those living in rural areas and Indigenous communities, depend directly on forests for their livelihoods, income generation, and cultural identity.² Beyond their ecological and economic significance, forests occupy a central socio-political position, as control over forest resources reflects broader patterns of power relations and equity within society.³

Despite their importance, forest governance has historically been dominated by centralized and state driven decision making structures.⁴ In many contexts, authority over forest resources has been concentrated in the hands of the state or corporate actors, while local communities who are most dependent on forests have often been marginalized from decision making processes.⁵ This exclusion has contributed to persistent inequalities in access to resources and to enduring forms of environmental injustice.⁶ Such governance arrangements not only undermine Indigenous and local knowledge systems but also exacerbate socio economic

¹ Directorate of Environmental and Forestry Prevention and Security, “Strategic Plan 2020-2024” (Jakarta, 2020), https://gakkum.menlhk.go.id/assets/info-publik/Renstra_Dit_PPLHK_revisi.pdf.

² Sofia Baldessari, Alessandro Paletto, and Isabella De Meo, “Rethinking Public Participation in Forest Policies: A Literature Review of Participatory Techniques,” *Forests* 15, no. 9 (2024): 1514, <https://doi.org/https://doi.org/10.3390/f15091514>.

³ John B. Cobb Jr, *Sustainability: Economics, Ecology, and Justice* (New York: Orbis Books, 1992).

⁴ Antonio Santoro, Francesco Piras, and Qingyi Yu, “Spatial Analysis of Deforestation in Indonesia in the Period 1950 – 2017 and the Role of Protected Areas,” *Biodiversity and Conservation* 34, no. 9 (2025): 1–8, <https://doi.org/10.1007/s10531-023-02679-8>.

⁵ F.X. Adji Samekto, “Neo-Liberalism, Greenwashing, and Deforestation: Rethinking Climate Action Through Progressive Law in Indonesia,” *IOP Conference Series: Earth and Environmental Science* 1537, no. 1 (2025): 012038, <https://doi.org/10.1088/1755-1315/1537/1/012038>.

⁶ Marion Suseeya and Kimberly Ruggles, “The Justice Gap in Global Forest Governance” (Duke University, 2014), <https://hdl.handle.net/10161/9056>.

vulnerability when communities are excluded from benefit sharing mechanisms and long term management decisions.⁷

In response to these critiques, international frameworks and national policies have increasingly promoted participatory approaches to forest governance, including Participatory Forest Management, Community Based Forest Management, and various forms of co management.⁸ These approaches seek to align conservation objectives with local development needs by involving communities in decision making processes. However, empirical evidence suggests that participation in many settings remains shallow or symbolic.⁹ Mbunda and Ndunguru find that in more than seventy percent of cases, participatory initiatives are constrained by insecure tenure, elite capture, and weak accountability, thereby limiting their potential to generate meaningful empowerment.¹⁰ Similarly, Baldessari, Paletto, and De Meo observe that although participatory techniques are widely adopted, they are predominantly implemented in a consultative rather than transformative mode, with minimal influence on substantive policy outcomes.¹¹

In the Indonesian context, the realization of meaningful participation is further complicated by institutional and procedural limitations.¹² One of the key obstacles lies in the absence of effective mechanisms that ensure communities

⁷ Atikah Mardhiya Rohmy and Arini Indah Nihayaty, "Green Economy Policies in the Digital Transformation of Forest Management in Indonesia," *Environmental Policy and Law Preprint* (2023): 1–13, <https://doi.org/10.3233/EPL-230026>.

⁸ Atikah Mardhiya Rohmy, H. Setiyono, and Supriyadi, "Corporate Criminal Sanction in Omnibus Law for Forest Destruction in Indonesia: Review of Law Number 11 of 2020 on Job Creation," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (2021): 49–64.

⁹ Tritunggal A. Minahan, "Integrating Indigenous Perspectives in Forest Policy through Traditional Ecological Knowledge," American Bar Association, 2023, https://www.americanbar.org/groups/environment_energy_resources/publications/fr/integrating-indigenous-perspectives/.

¹⁰ Kastory A Mbunda and Fredy E Ndunguru, "Climate Change and Forest Governance: A Qualitative Review of Local Community Engagement in Rural East Africa," *Asian Journal of Research in Agriculture and Forestry* 11, no. 3 (2025): 180–200, <https://doi.org/10.9734/ajraf/2025/v11i3423>.

¹¹ Baldessari, Paletto, and Meo, "Rethinking Public Participation in Forest Policies: A Literature Review of Participatory Techniques."

¹² Ministry of State Secretariat of the Republic of Indonesia, "President Prabowo Summons Forestry Minister to Discuss Balance between Development and Forest Conservation," setneg.go.id, 2025, https://www.setneg.go.id/baca/index/presiden_prabowo_panggil_menteri_kehutan_ba_has_keseimbangan_pembangunan_dan_pelestarian_hutan.

receive substantive responses or explanations regarding the views they submit during policy and law making processes. Normatively, individuals and groups with an interest in the substance of draft regulations, including Indigenous peoples, civil society organizations, professional groups, and non governmental organizations, are entitled to participate.¹³ However, as noted by Rohmy, Hartiwiningsih, and Handayani,¹⁴ this right is often not accompanied by a corresponding obligation on the part of the state to provide feedback or justification, resulting in participation that remains largely procedural.¹⁵

Forests should therefore be understood not only as ecological assets and sources of human livelihoods but also as sites of ethical concern and justice that extend beyond anthropocentric frameworks.¹⁶ The theory of ecological justice argues that all living beings and even non living elements possess legitimate moral claims to the Earth's resources, and that human institutions must reorganize themselves to accommodate these claims.¹⁷ In the context of forest governance, this implies that participation is not solely about sharing power among human stakeholders, but also about recognizing the interests of ecosystems, non human species, and ecological processes in decision making and benefit distribution.

Arnstein's ladder of citizen participation provides a useful heuristic for assessing the depth and authenticity of participatory processes in governance.¹⁸ Arnstein contends that genuine participation requires the redistribution of power, whereas practices such as information provision or consultation may constitute forms of tokenism rather than true empowerment.¹⁹ Applied to forest governance,

¹³ Kementerian Lingkungan Hidup dan Kehutanan, "Statistik Kinerja Penegakan Hukum Pidana Direktorat Jenderal Penegakkan Hukum (Criminal Law Enforcement Performance Statistics of the Directorate General of Law Enforcement)," Gakkum MenLHK, 2024, <https://gakkum.menlhk.go.id/kinerja/penegakan>.

¹⁴ Atikah Mardhiya Rohmy, Hartiwiningsih, and I. Gusti Ayu Ketut Rachmi Handayani, "Judicial Mafia and Ecological In-Justice: Obstacles to Policy Enforcement in Indonesian Forest Management and Protection," *Trees, Forests and People* 17, no. June (2024): 100613, <https://doi.org/10.1016/j.tfp.2024.100613>.

¹⁵ Rohmy, Hartiwiningsih, and Handayani.

¹⁶ Melissa Pineda-Pinto et al., "Examining Ecological Justice within the Social-Ecological-Technological System of New York City, USA," *Landscape and Urban Planning* 215, no. 104228 (2021): 1–18, <https://doi.org/https://doi.org/10.1016/j.landurbplan.2021.104228>.

¹⁷ Brian Baxter, "A Theory of Ecological Justice," in *Environmental Politics* (London: Routledge, 2005).

¹⁸ Sherry R. Arnstein, "A Ladder Of Citizen Participation," *Journal of the American Institute of Planners* 35, no. 4 (1969), <https://doi.org/10.1080/01944366908977225>.

¹⁹ Arnstein.

this framework reveals that many participatory initiatives remain at lower levels of the ladder, failing to transfer decision making authority or resources to communities. When combined with Baxter's ecological justice perspective, this analysis identifies a dual challenge: advancing participation beyond symbolic inclusion and embedding ecological justice within the redistribution of power and benefits across forest landscapes.

These gaps make evident the need to move beyond procedural inclusion toward transformative participation. Meaningful participation requires structural change, including the recognition of rights, the redistribution of decision making authority, and the establishment of robust accountability and equitable benefit sharing mechanisms. Without these elements, forest governance risks perpetuating existing social and environmental injustices rather than addressing them.²⁰

Against this backdrop, a comparative approach is essential to understand how different environmental law regimes institutionalize meaningful participation and ecological justice. Indonesia represents a context characterized by extensive tropical forests and high socio ecological stakes, yet marked by persistent challenges in implementing participatory norms and recognizing Indigenous rights. In contrast, New Zealand offers a relatively progressive model through the legal recognition of natural entities such as rivers and forests as legal persons, creating new avenues for integrating ecological justice and the representation of non human interests in environmental governance.

The United Kingdom and the European Union provide further comparative perspectives through their emphasis on procedural environmental rights, including access to information, public participation, and environmental justice within regulatory and judicial frameworks. In the European Union, public participation is systematically embedded in environmental policy making and implementation across member states, although challenges related to coordination and uneven enforcement remain. The United Kingdom, meanwhile, exhibits a distinct trajectory shaped by evolving regulatory frameworks, where formal consultation mechanisms are well established but continue to be debated in terms of their effectiveness in transferring substantive decision making power to affected communities.

²⁰ Auradian Marta, "Towards Participatory Governance in Overcoming Climate Change: A Study of Stakeholders' Participation in Forest Governance in Indonesia," *Jurnal Public Policy* 7, no. 2 (2024): 122–28.

By examining these four jurisdictions, this article seeks to identify variations in institutional design, normative approaches, and socio cultural conditions that shape the quality of participation and the pursuit of ecological justice in environmental law. The analysis employs a qualitative approach based on a Systematic Literature Review, enabling a critical and structured synthesis of scholarly and policy oriented sources. Through this approach, the article aims to bridge the gap between normative commitments and practical implementation, while contributing to the development of more just, participatory, and sustainable models of forest governance.

This article advances the argument that meaningful participation — defined as participation capable of redistributing decision making authority and institutionalizing recognition of ecological entities as governance subjects — constitutes a structural prerequisite for ecological justice in environmental law. The research question guiding this analysis is: under what institutional conditions does participation in environmental governance become substantively meaningful rather than procedurally symbolic, and how do these conditions vary across the four examined jurisdictions? By situating this question within Arnstein's participatory continuum and Baxter's ecological justice framework, the analysis identifies the institutional architecture necessary to move participation from tokenism toward genuine citizen and ecological empowerment.

METHOD

This study adopts a qualitative research design using a Systematic Literature Review (SLR) approach to examine the concept of meaningful participation in environmental law and forest governance within the framework of ecological justice. The SLR approach is selected because the research aims to develop a conceptual and normative understanding of legal and governance arrangements, rather than to test quantitative hypotheses.²¹ Accordingly, the analysis focuses on identifying policy gaps, governance practices, and power relations that shape participatory processes in forest and environmental governance.

The SLR is conducted in a focused and thematic manner through a systematic examination of academic literature, legal instruments, and policy documents

²¹ Barbara Kitchenham and Pearl Brereton, "A Systematic Review of Systematic Review Process Research in Software Engineering," *Information and Software Technology* 55, no. 12 (2013): 2049–2075, <https://doi.org/https://doi.org/10.1016/j.infsof.2013.07.010>.

relevant to the research objectives.²² The review concentrates on three core areas.²³ First, it examines concepts and practices of meaningful participation in environmental and forest governance. Second, it analyzes theories and frameworks of ecological justice, particularly those addressing issues of distribution, recognition, participation, and capabilities. Third, it reviews environmental and forest law frameworks in Indonesia and compares them with selected practices in other jurisdictions, namely New Zealand, the United Kingdom, and the European Union. All materials reviewed in this study are derived from sources discussed and cited in the manuscript, including peer reviewed journal articles, academic books, policy reports, and relevant national and international legal instruments.

The SLR process follows several interrelated stages. The first stage involves the identification of literature that explicitly addresses public participation or meaningful participation, ecological justice, and environmental or forest governance at both national and global levels. Literature selection follows from this identification stage, applying inclusion criteria of thematic relevance, analytical depth, and direct engagement with legal and governance contexts. Priority is given to sources that critically examine power relations, Indigenous and local community rights, participatory mechanisms, and dimensions of ecological justice.²⁴

Qualitative analysis and synthesis of the selected literature constitutes the substantive core of the SLR process. At this stage, the selected literature is subjected to critical reading, thematic coding, and analytical grouping of arguments. The concept of meaningful participation is analyzed using Arnstein's ladder of participation as an analytical framework, while ecological justice is examined through theoretical perspectives developed by Baxter and Schlosberg. These frameworks are then applied to the analysis of Indonesian environmental and forest law and governance. A limited comparative analysis is also undertaken

²² David Tranfield, David Denyer, and Palminder Smart, "Towards a Methodology for Developing Evidence-informed Management Knowledge by Means of Systematic Review," *British Journal of Management* 14, no. 3 (2003): 207–22, <https://doi.org/https://doi.org/10.1111/1467-8551.00375>.

²³ Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (New York: SAGE Publications, 2021).

²⁴ Ikechukwu P. Ugwu, "Environmental Protection, Rights of Nature, and Religious Beliefs in Europe," *International Journal for the Semiotics of Law-Revue Internationale de Sémiotique Juridique* 38, no. 3 (2025): 993–1014, <https://doi.org/https://doi.org/10.1007/s11196-024-10193-5>.

by examining participatory arrangements and governance practices in New Zealand, the United Kingdom, and the European Union, as discussed in the reviewed literature, in order to enrich the normative and institutional analysis rather than to generate cross jurisdictional generalizations.

The final stage involves interpretation, in which the synthesized findings are used to identify patterns of divergence between legal norms, policy rhetoric, and governance practices in forest and environmental management. This stage supports the development of critical arguments regarding the role of meaningful participation as a transformative mechanism for achieving ecological justice in environmental governance.

By employing a qualitative SLR approach, this study does not seek statistical generalization. Instead, it aims to produce an in depth conceptual, normative, and contextual analysis that integrates theory, law, and policy practice in a systematic manner.²⁵ This methodological approach enables the study to contribute to academic debates and to offer conceptual insights for strengthening meaningful participation and ecological justice within environmental law and forest governance.²⁶

The theoretical framework operationalizes two primary analytical lenses. Arnstein's ladder of citizen participation is applied as an evaluative scale against which the participatory depth of each jurisdiction's legal and institutional arrangements is assessed.²⁷ The ladder distinguishes eight rungs, from manipulation and therapy at the non-participation base through informing, consultation, and placation at the tokenism level, to partnership, delegated power, and citizen control at the empowerment apex. For this study, the operative evaluative threshold is the distinction between tokenistic and empowering participation — whether arrangements remain at the consultative level or transfer substantive decision making authority. Baxter's theory of ecological justice provides the normative framework for evaluating whether participatory arrangements recognize the claims of non-human entities within governance structures.²⁸ Schlosberg's multi-dimensional environmental justice framework, encompassing distribution, recognition, participation, and capabilities,

²⁵ Lucienne T.M. Blessing and Amaresh Chakrabarti, *A Design Research Methodology* (Berlin: Springer, 1999).

²⁶ Morris L. Cohen and Kent C. Olson, *Legal Research in a Nutshell (10th Edition)* (Ann Arbor: Thomson Reuters, 2010).

²⁷ Arnstein, "A Ladder Of Citizen Participation."

²⁸ Baxter, "A Theory of Ecological Justice."

supplements Baxter by supplying evaluative categories through which each jurisdiction's governance arrangements are assessed.²⁹ Together, these frameworks constitute the analytical schema for the comparative synthesis in the Results section.

Theoretical Framework

The concept of meaningful participation constitutes a core element of genuine and substantive public involvement in environmentally democratic decision making.³⁰ Meaningful participation refers to forms of participation that possess real influence over environmental decisions, rather than serving merely procedural or symbolic functions. In the context of forest and environmental governance, meaningful participation represents an evolution from tokenistic approaches, in which communities are formally consulted without substantive impact, toward models that emphasize empowerment, equality, and effective influence over policy outcomes.³¹ Participation is therefore understood not simply as procedural compliance, but as a mechanism for redistributing decision making power and responsibility.³²

This understanding is further developed through the concept of ecological justice articulated by Brian Baxter, which situates participatory governance within a dynamic interaction between structures of power and social agency.³³ From this perspective, meaningful participation ensures that affected groups are not passive recipients of policy outcomes, but active actors capable of shaping agendas, influencing regulatory frameworks, and accessing fair benefits from natural resource governance. Meaningful participation thus functions as a normative bridge linking human interests, ecological sustainability, and justice within environmental governance systems.

The theoretical foundations of meaningful participation draw from multiple strands of scholarship. A central reference is Arnstein's Ladder of Citizen Participation, which conceptualizes participation as a continuum ranging from non participation and tokenism to genuine citizen power. This framework

²⁹ David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (Oxford: Political Science, 2007).

³⁰ Arnstein, "A Ladder Of Citizen Participation."

³¹ Askar Garad et al., "Journal of Green Economy and Low-Carbon Development Unveiling Greenwashing in Indonesia's Fintech Sector: Perspectives of Consumers and Industry Professionals," 2024, 56–68, <https://doi.org/10.56578/jgelcd030201>.

³² Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature*.

³³ Brian Baxter, *Ecologism: An Introduction* (Edinburgh: Edinburgh University Press, 1999).

underscores that authentic participation requires a transfer of authority, rather than mere information sharing or consultation. Environmental governance studies have consistently shown that movement toward higher levels of participation depends on institutional and legal mechanisms that enable shared decision making and the redistribution of authority.

Insights from political ecology further reinforce this perspective. Scholars such as Bryant and Bailey emphasize that environmental problems are deeply embedded in political and economic interests, and that environmental degradation often results not from the actions of marginalized communities, but from state policies aligned with dominant economic actors.³⁴ Within this framework, ecological justice demands a restructuring of power relations in environmental governance to prevent the systematic prioritization of economic growth over environmental integrity and social equity. Ecological justice also extends beyond human centered concerns by emphasizing balanced relationships among humans, non human entities, and the biophysical environment.³⁵

Ecological injustice is not merely a theoretical construct, but is manifested in concrete patterns of land control and resource allocation. The concentration of land access and management rights in corporate actors, alongside the limited allocation available to local communities, reflects deep distributive imbalances within environmental governance regimes. These dynamics are evident in stark disparities in land tenure, where corporate entities control approximately 36.8 million hectares, while communities manage only about 3.1 million hectares, meaning that roughly ninety two percent of land permits are allocated to corporate interests and only eight percent remain under community management.³⁶ Such conditions conflict with constitutional and normative principles that require natural resources to be governed in the public interest. Taken together, these disparities demonstrate that ecological justice constitutes a structural issue

³⁴ Sinead Bailey and Raymond Bryant., *Third World Political Ecology: An Introduction* (Oxfordshire: Routledge, 2005).

³⁵ John Byrne, Leigh Glover, and Hugo F. Aloe, “Globalization & Sustainable Development: A Political Ecology Strategy to Realize Ecological Justice,” in *Global Development of Organic Agriculture: Challenges and Prospects*, ed. Niels Halberg et al. (Wallingford: CABI Publishing, 2006).

³⁶ Timer Manurung et al., “Indonesia Tanah Air Siapa? Kuasa Korporasi Di Bumi Pertiwi (Whose Homeland Is Indonesia? Corporate Power in Mother Earth)” (Jakarta, 2022), https://www.walhi.or.id/uploads/buku/Kuasa_korporasi_di_bumi_pertiwi-FA_1.pdf.

embedded in legal and policy design, rather than a purely ethical or abstract aspiration.³⁷

Within the framework of ecological justice, the first critical dimension is distributive justice, which concerns the fair allocation of benefits and burdens arising from natural resource governance for both human and non human entities. Pronounced inequalities in land control, where approximately ninety two percent of land allocation is granted to corporate actors while only eight percent is managed by communities, reflect a serious imbalance that weakens the constitutional mandate requiring natural resources to serve the public interest.³⁸ Such disparities indicate a failure of the state to fulfill its moral responsibility to safeguard public welfare and ecological sustainability. Inequitable distribution not only undermines social justice, but also erodes the ecological foundations necessary for long term environmental resilience.

Recognition — the second dimension of ecological justice — requires that Indigenous peoples, local communities, and ecological systems be treated as legitimate governance subjects rather than objects of management. The lack of recognition is evident in extractive policies that disregard social and ecological impacts and in reactive approaches to environmental disasters. Advancing ecological justice therefore requires concrete state actions, including the application of the precautionary principle to licensing decisions, institutional limitations on environmentally destructive extractive activities, and enforceable transparency and accountability requirements in forest governance.

At the core of ecological justice lies a participatory dimension that treats Indigenous and local communities not merely as consultation targets but as rights-bearing and knowledge-holding actors with authority to shape land and resource governance. Participation in this sense must allow affected communities to influence the substance of laws and policies governing land and natural resources. In practice, however, public participation often remains superficial, with limited capacity to shape final policy outcomes.

Capabilities — the fourth dimension — assert that human and non-human components of an ecosystem hold an inherent entitlement to develop and sustain ecological function, a claim that directly challenges governance regimes premised on the instrumentalization of nature. The dominance of investment driven and

³⁷ Dianto Bachriadi and Edward Aspinall, “Land Mafias in Indonesia,” *Critical Asian Studies* 55, no. 3 (2023): 331–53, <https://doi.org/https://doi.org/10.1080/14672715.2023.2215261>.

³⁸ Bachriadi and Aspinall.

short term economic priorities in forest governance illustrates the persistent neglect of ecological capabilities. Addressing this condition requires structural guarantees in the form of coherent regulation, effective accountability mechanisms, and governance frameworks oriented toward sustainability and ecological justice.

RESULTS AND DISCUSSION

Institutional Variation in Participation and Ecological Justice

From a comparative perspective, this conceptual framework provides a basis for examining how different jurisdictions, namely Indonesia, New Zealand, the United Kingdom, and the European Union, institutionalize meaningful participation and ecological justice within their environmental law systems. Cross jurisdictional comparison enables the identification of normative and institutional variations, while also offering insights into legal and governance designs that more effectively support substantive participation and ecological justice.

Cross national comparison reveals diverse institutional responses to similar challenges of equity and participation in forest and environmental governance.³⁹ While Indonesia continues to grapple with the implementation of meaningful participation within a postcolonial developmental state marked by centralized authority and economic dominance, jurisdictions such as New Zealand, the United Kingdom, and the European Union illustrate distinct trajectories in which participatory and justice oriented principles have evolved within more established legal democracies. These differences provide important insights into how institutional design shapes the realization of meaningful participation and ecological justice.⁴⁰

New Zealand is frequently regarded as one of the most progressive examples globally in integrating Indigenous rights and ecological justice into environmental governance. Its framework of shared governance is rooted in the Treaty of Waitangi of 1840, which recognizes Māori sovereignty or rangatiratanga and

³⁹ Kaitlyn Pike et al., “What Is Equitable Urban Forest Governance? A Systematic Literature Review,” *Environmental Science & Policy* 162 (2024): 103951, <https://doi.org/https://doi.org/10.1016/j.envsci.2024.103951>.

⁴⁰ Sataporn Roengtam, Agustiyara Agustiyara, and Achmad Nurmandi, “Making Network Governance Work in Forest Land-Use Policy in the Local Government,” *Sage Open* 13, no. 3 (2023): 21582440231194492, <https://doi.org/https://doi.org/10.1177/21582440231194491>.

establishes a partnership between Māori and the Crown.⁴¹ Following decades of litigation and negotiation, contemporary legal innovations have translated ecological justice into concrete institutional arrangements. The Te Urewera Act of 2014 transformed a former national park into a legal entity with its own legal personality, governed by a board composed of equal representation from the Crown and the Tūhoe people.⁴² Similarly, the Te Awa Tupua Act of 2017 granted legal personhood to the Whanganui River, recognizing it as an ancestor or tupuna.⁴³ These developments reflect a radical institutionalization of Baxter's proposition that ecological systems possess moral and political standing.

Within this framework, participation extends beyond consultation toward shared decision making authority. The incorporation of Māori concepts such as kaitiakitanga or environmental guardianship redefines environmental governance as a relational and ethical practice rather than a purely utilitarian one.⁴⁴ These arrangements operationalize meaningful participation by integrating Indigenous epistemologies and granting equal standing to non human entities within governance structures. For Indonesia, where Indigenous communities also maintain deep ancestral and cosmological ties to forests, the New Zealand experience offers both normative and practical precedents. It demonstrates that legal systems can evolve to recognize cultural and ecological personhood, thereby institutionalizing ecological justice rather than merely proclaiming it.⁴⁵

The United Kingdom, although lacking extensive tropical forests, provides important insights into procedural participation within environmental law.⁴⁶ Through the Aarhus Convention of 1998, a pan European agreement guaranteeing

⁴¹ Miriama Cribb, Elizabeth Macpherson, and Axel Borchgrevink, "Beyond Legal Personhood for the Whanganui River: Collaboration and Pluralism in Implementing the Te Awa Tupua Act," *The International Journal of Human Rights*, 2024, 1–24, <https://doi.org/https://doi.org/10.1080/13642987.2024.2314532>.

⁴² Cribb, Macpherson, and Borchgrevink.

⁴³ Christopher Burns, Maia Hetaraka, and Alison Jones, "Te Tiriti o Waitangi: The Treaty of Waitangi, Principles and Other Representations," *New Zealand Journal of Educational Studies* 59, no. 1 (2024): 15–29, <https://doi.org/https://doi.org/10.1007/s40841-024-00312-y>.

⁴⁴ Jacinta Ruru, "Listening to Papatūānuku: A Call to Reform Water Law," *Journal of the Royal Society of New Zealand* 48, no. 2–3 (2018): 215–24, <https://doi.org/https://doi.org/10.1080/03036758.2018.1442358>.

⁴⁵ Burns, Hetaraka, and Jones, "Te Tiriti o Waitangi: The Treaty of Waitangi, Principles and Other Representations."

⁴⁶ Emily Barritt, "The Aarhus Convention and the Latent Right to a Healthy Environment," *Journal of Environmental Law* 36, no. 1 (2024): 67–84, <https://doi.org/https://doi.org/10.1093/jel/eqae003>.

public rights to access environmental information, participate in decision making, and seek environmental justice, the United Kingdom has embedded participatory principles into domestic law through instruments such as the Environmental Information Regulations of 2004 and environmental impact assessment regimes.⁴⁷ In this context, meaningful participation primarily operates through procedural justice, enabling citizens and civil society organizations to scrutinize planning decisions, challenge environmentally harmful projects, and hold public authorities accountable.⁴⁸

However, the British approach places greater emphasis on transparency and procedural legality than on the redistribution of power or benefits. Critics observe that participation often remains technocratic, characterized by document intensive consultations, limited time frames, and the dominance of expert driven discourse.⁴⁹ From the perspective of ecological justice, this model exemplifies a liberal democratic form of participation that is essential for accountability but limited in its capacity to address structural inequalities or directly represent ecological claims. As such, the United Kingdom illustrates a form of participation that is procedurally robust yet insufficiently transformative.

The European Union offers a distinctive institutional laboratory for examining participation across multiple governance scales, including local, national, and supranational levels.⁵⁰ Through the European Union Forest Strategy for 2030 and the European Green Deal, participation is embedded within a multilevel governance system that integrates member states, civil society organizations, industry actors, and citizens.⁵¹ European Union environmental law operationalizes participation through directives aligned with the Aarhus Convention and the Habitats Directive of 1992, which require public involvement

⁴⁷ Chloë Anthony, “Nature Restoration and Collaboration: Integration and Participation in England’s Local Nature Recovery Strategy Framework,” *Journal of Environmental Law* 37, no. 2 (2025): 203–28, <https://doi.org/https://doi.org/10.1093/jel/eqaf006>.

⁴⁸ Barritt, “The Aarhus Convention and the Latent Right to a Healthy Environment.”

⁴⁹ Jens Newig et al., “Does Stakeholder Participation Improve Environmental Governance? Evidence from a Meta-Analysis of 305 Case Studies,” *Global Environmental Change* 82 (2023): 102705, <https://doi.org/https://doi.org/10.1016/j.gloenvcha.2023.102705>.

⁵⁰ Emily K Gray and Rachel McArdle, “Communities and the European Green Deal: Opening ‘Sites of Struggle’ for a Democratic Energy Transition,” *Journal of European Integration* 47, no. 2 (2025): 193–215, <https://doi.org/https://doi.org/10.1080/07036337.2025.2455683>.

⁵¹ Leona Sandmann et al., “The European Green Deal and Its Translation into Action: Multilevel Governance Perspectives on Just Transition,” *Energy Research & Social Science* 115 (2024): 103659, <https://doi.org/https://doi.org/10.1016/j.erss.2024.103659>.

in the development, implementation, and monitoring of conservation measures. In addition, participatory mechanisms within the LIFE Programme and rural development policies promote community led landscape management that shares certain features with social forestry initiatives.⁵²

Institutional strength does not guarantee equity: EU participatory processes are systematically skewed toward well-resourced civil society organizations and economically dominant member states, producing uneven influence across the governance system. Participation is often dominated by well resourced civil society organizations or by interest groups from economically stronger member states, resulting in uneven levels of influence.⁵³ Consequently, equity in participation, a core element of meaningful engagement, remains uneven. Nevertheless, the European Union experience demonstrates that institutionalized participation across governance scales can create relatively stable platforms for environmental protection and ecological justice, even if redistributive outcomes remain limited.

For Indonesia, the primary institutional lesson from the European Union is the importance of institutional architecture. Meaningful participation cannot rely solely on political goodwill, but must be supported by clear legal obligations, accessible information systems, and effective multilevel coordination. Taken together, the comparative experiences of New Zealand, the United Kingdom, and the European Union illustrate that while pathways toward meaningful participation and ecological justice vary across jurisdictions, institutional design and legal commitment play decisive roles in determining whether participation becomes substantive and transformative.

From Procedural Compliance to Structural Transformation: Conditions for Meaningful Participation

The principle of Free, Prior, and Informed Consent (FPIC), as articulated in the United Nations Declaration on the Rights of Indigenous Peoples, 2007, operationalizes core theoretical commitments to equality and recognition in natural resource governance.⁵⁴ FPIC affirms the right of communities to grant or

⁵² Ricarda Faber, Deyana Kocher, and Matthias Duwe, “Meaningful Participatory Climate Governance: Lessons from EU Multilevel Climate and Energy Dialogues,” *Review of European, Comparative & International Environmental Law*, 2025, <https://doi.org/https://doi.org/10.1111/reel.12618>.

⁵³ John S Dryzek, *The Politics of the Earth: Environmental Discourses* (Oxford: Oxford university press, 2022).

⁵⁴ Muhamad Sayuti Hassan et al., “Free, Prior, and Informed Consent (FPIC) and the Right to Self-Determination: A Case Study of Indigenous Peoples in ASEAN Member

withhold consent regarding projects and policies that affect their lands, territories, and livelihoods. Nuryasinta and Cholidah (2025) and Trivedi (2025) demonstrate that the integration of FPIC mechanisms is positively associated with reduced conflict in resource management and improved sustainability outcomes.⁵⁵ In the context of forest governance in Indonesia, the application of FPIC has been shown to enhance the legitimacy of policy implementation, particularly where Indigenous communities are actively involved in monitoring and co management arrangements.⁵⁶

Inclusivity and transparency constitute fundamental principles for translating normative theories of meaningful participation into institutional practice. Transparency requires the open disclosure of information concerning policy objectives, project impacts, and decision making processes, thereby enabling communities to engage in an informed and substantive manner. Inclusivity ensures that marginalized and vulnerable groups, especially Indigenous peoples and rural communities, are not excluded from consultation processes due to geographic remoteness, political marginalization, or structural economic exclusion.⁵⁷ Closely linked to inclusivity is empowerment, which refers to the enhancement of community capacity to influence outcomes through access to knowledge, decision making forums, and negotiation channels. Newig et al., in a meta-analysis of 305 case studies, find that participatory frameworks which actively promote empowerment are more resilient to elite capture and institutional manipulation.⁵⁸

States,” in *Routledge Handbook of the UN Sustainable Development Goals Research and Policy* (London: Routledge, 2025), 284–96, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003285472-21/free-prior-informed-consent-fpic-right-self-determination-muhamad-sayuti-hassan-rohaida-nordin-izawati-wook-nurul-hidayat-ab-rahman>.

⁵⁵ Abhishek Trivedi, “Implementing REDD+ Safeguards and Protecting the Rights of Tribal and Forest Communities in India: With Special Emphasis on the Principle of Free, Prior, and Informed Consent,” *Jindal Global Law Review* 16 (2025): 179–216, <https://doi.org/https://doi.org/10.1007/s41020-025-00264-4>; Radhityas Kharisma Nuryasinta and Cholidah Cholidah, “The Principle of Free, Prior, and Informed Consent in Preventing Deforestation in Indigenous Forests,” *Hang Tuah Law Journal* 9, no. 2 (2025): 459–81, <https://doi.org/https://doi.org/10.30649/htlj.v9i1.301>.

⁵⁶ Hassan et al., “Free, Prior, and Informed Consent (FPIC) and the Right to Self-Determination: A Case Study of Indigenous Peoples in ASEAN Member States.”

⁵⁷ Manurung et al., “Indonesia Tanah Air Siapa? Kuasa Korporasi Di Bumi Pertiwi (Whose Homeland Is Indonesia? Corporate Power in Mother Earth).”

⁵⁸ Newig et al., “Does Stakeholder Participation Improve Environmental Governance? Evidence from a Meta-Analysis of 305 Case Studies.”

Accountability mechanisms are essential to maintaining the integrity of the integrity of participatory processes. When decision makers are institutionally accountable to affected communities, policies are more likely to reflect local needs and priorities. Contextual sensitivity further strengthens meaningful participation by recognizing local ecological, cultural, and socio economic conditions. Evidence from participatory programs across Indonesian forest governance demonstrates that disregarding customary practices can undermine compliance and diminish project effectiveness.⁵⁹ In this regard, the integration of Baxter's concept of participatory reflexivity, understood as the continuous adaptation of policy processes based on community feedback, is essential for sustaining participation in long term natural resource management initiatives.⁶⁰

Recent evidence, including Newig et al.'s meta-analysis and Virtanen et al.'s Amazon study, reinforces the practical relevance of these principles.⁶¹ In Indonesia, co management forest initiatives that combine FPIC with high levels of community empowerment report significantly lower incidences of illegal logging and land tenure conflicts.⁶² Virtanen et al. (2025) document comparable outcomes in the Southwest Amazon, where Indigenous led participatory frameworks in Amazon forest governance have produced improved ecological results, including reduced deforestation rates and enhanced biodiversity conservation.⁶³ These outcomes demonstrate the material benefits of advancing participation along Arnstein's ladder from tokenistic involvement toward genuine citizen power.

The operationalization of meaningful participation in practice requires bridging theoretical principles with concrete institutional mechanisms. While Arnstein's ladder of participation and Schlosberg's environmental justice

⁵⁹ Marta, "Towards Participatory Governance in Overcoming Climate Change: A Study of Stakeholders' Participation in Forest Governance in Indonesia."

⁶⁰ Baxter, "A Theory of Ecological Justice."

⁶¹ Newig et al., "Does Stakeholder Participation Improve Environmental Governance? Evidence from a Meta-Analysis of 305 Case Studies"; Pirjo Kristiina Virtanen et al., "Indigenous Governance and Relationality Have Effectively Avoided Forest Loss in the Southwest Amazon," *Communications Earth & Environment* 6, no. 1 (2025): 289, <https://doi.org/https://doi.org/10.1038/s43247-025-02174-8>.

⁶² Emi Roslinda and Gusti Hardiansyah, "Assessing the Sustainability of Community Livelihoods: An Ecological Approach to Enhancing Livelihoods in Forest Area," *Journal of Critical Ecology* 2, no. 1 (2025): 18–34, <https://doi.org/https://doi.org/10.61511/jcreco.v2i1.1741>.

⁶³ Virtanen et al., "Indigenous Governance and Relationality Have Effectively Avoided Forest Loss in the Southwest Amazon."

framework provide principled normative guidance, their translation into actionable governance arrangements demands context specific strategies. Baxter emphasizes the interaction between structural constraints and community agency, noting that participation is most effective when institutions are designed to accommodate negotiation, deliberation, and iterative feedback cycles.⁶⁴ This approach is particularly relevant in multi actor governance systems, where state authorities, private sector actors, and civil society organizations must collaborate while remaining accountable to local communities.

Empirical evidence consistently demonstrates that meaningful participation depends on the integration of several interrelated principles, with transparency playing a central role.⁶⁵ Studies of participatory forest governance reveal that information asymmetries frequently constrain community influence and enable elite domination of decision making processes.⁶⁶ Transparency mechanisms, including publicly accessible project documentation, participatory monitoring systems, and regular reporting to stakeholders, are therefore essential. In Indonesia, the incorporation of participatory digital platforms in forest governance has contributed to improved transparency and trust among Indigenous communities, thereby facilitating more effective implementation of FPIC protocols.

Critics of participatory governance frameworks raise a legitimate counter-argument: expanded participation does not automatically produce more equitable or ecologically sound outcomes. Cornwall and Brock observe that participatory processes are frequently co-opted by dominant actors, generating a performance of inclusion without substantive power transfer.⁶⁷ In the forest governance literature, Agrawal and Gibson caution that romanticizing community participation obscures internal heterogeneity and power differentials within communities, rendering simplistic empowerment narratives empirically

⁶⁴ Baxter, “A Theory of Ecological Justice.”

⁶⁵ Mohd Akhter Ali and M Kamraju, “Accountability, Transparency, and Adaptation Strategies,” in *Global Climate Governance: Strategies for Effective Management* (New York: Springer, 2025), 135–54, https://doi.org/https://doi.org/10.1007/978-981-96-2727-1_6.

⁶⁶ Fuming Zhao, Yueqin Shen, and Runsheng Yin, “Reframing Forest-Based Climate Actions,” *Environmental Science: Advances* 4, no. 5 (2025): 705–12, <https://doi.org/https://doi.org/10.1039/D4VA00361F>.

⁶⁷ Andrea Cornwall and Karen Brock, “What Do Buzzwords Do for Development Policy? A Critical Look at ‘Participation’, ‘Empowerment’ and ‘Poverty Reduction,’” *Third World Quarterly* 26, no. 7 (2005): 1043–60.

unsupported.⁶⁸ These critiques do not invalidate the participatory framework advanced in this article. They instead reinforce the structural argument made here: that participation becomes meaningful only when institutional guarantees — legal recognition, accountability mechanisms, and redistributive structures — prevent elite capture and ensure equitable representation. Arnstein's ladder accommodates this critique by distinguishing between tokenistic forms of participation, which are susceptible to co-optation, and empowering ones, which are not precisely because they transfer decision making authority rather than merely consulting communities. The New Zealand model demonstrates that this higher threshold is institutionally achievable.

CONCLUSION

This study demonstrates that meaningful participation constitutes a critical normative and institutional foundation for achieving ecological justice in environmental and forest governance. The comparative analysis reveals that while participation is widely recognized in legal frameworks across jurisdictions, its implementation varies significantly in depth and effectiveness. In Indonesia, participation remains largely procedural and constrained by structural inequalities, centralized authority, and limited accountability mechanisms. By contrast, New Zealand illustrates a more transformative model through shared governance arrangements and the legal recognition of ecological entities, while the United Kingdom and the European Union emphasize procedural participation grounded in transparency and access to justice, albeit with limited redistributive impact.

The findings demonstrate that meaningful participation cannot be reduced to consultation or information disclosure alone. Instead, it requires the redistribution of decision making power, recognition of Indigenous and local knowledge systems, and the integration of ecological considerations into legal and institutional design. Mechanisms such as Free, Prior, and Informed Consent, participatory monitoring, and reflexive governance emerge as essential tools for translating normative commitments into practice.

In sum, this article argues that ecological justice is a structural challenge embedded in legal and policy frameworks rather than a purely ethical aspiration. Strengthening meaningful participation therefore demands coherent institutional architecture, clear legal obligations, and sustained political commitment. The

⁶⁸ Arun Agrawal and Clark C Gibson, "Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation," *World Development* 27, no. 4 (1999): 629–49.

comparative insights offered in this study provide a conceptual and practical foundation for reforming environmental law toward more just, inclusive, and ecologically sustainable governance.

The theoretical contribution of this study lies in its integration of Arnstein's participatory ladder with Baxter's ecological justice framework to produce a structural account of meaningful participation — one that extends beyond human stakeholders to include ecological entities as governance subjects. Where previous scholarship has applied these frameworks separately, this article demonstrates their analytical complementarity: Arnstein diagnoses the degree of participation, while Baxter provides the normative criterion for what participation must ultimately serve. Future research should examine how the legal personhood model pioneered in New Zealand might be operationalized within the Indonesian constitutional framework, particularly given the structural parallels between Maori relational epistemology and Indigenous Indonesian adat conceptions of forest stewardship.

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