#### Research Article

# Legal Protection of Vulnerable Communities in Environmental Justice in the Climate Era

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#### Abstract.

This study examines legal protection for vulnerable communities from the perspective of environmental justice and human rights in the era of climate change. Climate change exacerbates the vulnerability of marginalized groups, thus requiring a comprehensive legal approach. This study analyzes how existing legal and policy frameworks, both at the national and international levels, can effectively protect the rights of vulnerable communities affected by climate change. Environmental justice is the main focus of these frameworks, ensuring that environmental burdens are distributed fairly and do not disproportionately burden vulnerable groups. In addition, the study explores the role of corporate responsibility in climate change mitigation and adaptation, highlighting how business activities can impact the human rights of vulnerable communities. Stakeholder engagement, including consumers and investors, is considered essential in driving sustainable business practices. The study aims to identify gaps in current legal protections and propose policy recommendations to improve environmental justice and human rights for vulnerable communities in the era of climate change. It emphasizes the need for urgent action to protect groups most vulnerable to the impacts of climate change, considering ethical, social, and economic dimensions to achieve equitable and sustainable solutions.

Keywords: climate change, corporate, responsibility, vulnerable

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### 1. Introduction

Legal protection for vulnerable communities in the face of climate change is an urgent issue that requires serious attention. Climate change is not only an environmental crisis, but also a justice crisis that has the most severe impact on the most vulnerable groups in society, such as indigenous peoples, coastal communities, and low-income communities (Schlosberg, Collins., 2014). These inequalities highlight the need for a comprehensive and integrated approach that combines environmental justice and human rights.

In recent years, the role of corporations in climate change and its impact on human rights has come under increasing scrutiny. Business activities, particularly in the energy, agriculture and manufacturing sectors, have contributed significantly to greenhouse gas

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emissions and environmental degradation. The impacts of these activities are often disproportionately felt by vulnerable communities, whose livelihoods, health and security are threatened by climate change (Chaudhry, 2023). It is therefore important to ensure that corporations are held accountable for their environmental and social impacts, and that they take steps to mitigate their negative impacts. Current solutions do not fully address these challenges. While there are a range of legal and policy instruments at the national and international levels, their implementation is often ineffective or inadequate. Furthermore, many of these solutions fail to adequately consider the needs and perspectives of vulnerable communities. There is therefore a need for a new, more comprehensive, integrated and people-centered approach.

This study aims to address this gap by analyzing legal protection for vulnerable communities from the perspective of environmental justice and human rights in the era of climate change. This study will examine relevant legal and policy frameworks at the national and international levels, as well as sustainable and responsible business practices. This study will also analyze the challenges and opportunities in implementing corporate environmental responsibility, with a particular focus on the role of stakeholders, including consumers and investors.

The main objective of this research is to identify ways to strengthen legal protection for vulnerable communities from the impacts of climate change. Specifically, this research will seek to:

- Analyze existing legal and policy frameworks related to environmental justice, human rights, and corporate environmental responsibility.
- Identifying sustainable and responsible business practices that can reduce the negative impacts of climate change on vulnerable communities.
- Exploring the role of stakeholders in promoting corporate environmental responsibility and environmental justice.
- Developing policy recommendations and strategic steps to strengthen legal protection for vulnerable communities in the era of climate change.

This study has several limitations. First, it will focus on the legal and policy framework at the national and international levels, and may not be able to fully consider specific local and regional contexts. Second, it will rely on secondary data and case studies, and may not be able to collect comprehensive empirical data. Third, it will be limited by available resources, and may not be able to fully explore all aspects of this complex issue.

Nevertheless, this research is expected to provide significant contributions to the understanding of legal protection for vulnerable communities in the era of climate change. In particular, this research is expected to provide new insights into the role of corporations in climate change and its impacts on human rights, as well as ways to strengthen corporate environmental responsibility and environmental justice. This research is also expected to provide practical and relevant policy recommendations and strategic steps for policy makers, legal practitioners, and other stakeholders.

The urgency of this issue lies in the fact that climate change is already impacting the lives of millions of people around the world, and its impacts are expected to worsen in the future. Vulnerable communities are most at risk, and their legal protection should be a top priority. By conducting this research, we hope to contribute to global efforts to address climate change and protect the human rights of all people.

The legal issues that will be described in this research include:

- Gaps in existing legal and policy frameworks related to environmental justice, human rights, and corporate environmental responsibility.
  - Challenges in the implementation and enforcement of environmental law.
  - Lack of access to justice for communities affected by environmental pollution.
  - The role of law in promoting sustainable and responsible business practices.
- The responsibility of states and corporations to protect human rights in the era of climate change.

### 2. Methods

The research method used in this study is normative juridical. This method will be described descriptively, including the type of research, the approach used, data sources, and analysis methods.

- 1. Type of Research: This research is classified as normative legal research (Fauzan, Bakhtiar., 2023) Normative legal research aims to study law as norms, rules, legal principles, legal doctrines, legal theories, and other literature to answer the legal problems being studied (Nurhayati, Ifrani, Said., 2021).
- 2. Research Approach: The approaches used are the statute approach and the conceptual approach (Setiawan, Larasati, Sugiarto., 2021). The legislative approach is carried out by examining laws and regulations relevant to the issue of legal protection for vulnerable communities from the perspective of environmental justice and human rights

in the era of climate change. The conceptual approach is carried out by analyzing legal concepts related to environmental justice, human rights, climate change, and protection of vulnerable communities.

- 3. Data Source: The data used in this study is secondary data. Secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials.
- o Primary legal materials include relevant laws and regulations, international agreements and court decisions.
- o Secondary legal materials include legal textbooks, legal journals, scientific articles, and other publications related to the issues being researched.
- o Tertiary legal materials include legal dictionaries, legal encyclopedias, and legal indexes.
- 4. Data Analysis Method: Data analysis was conducted using qualitative analysis methods. The collected data were analyzed systematically and interpretively to identify relevant legal issues, interpret legal norms, and formulate legal arguments. The author will explain the mechanism in analyzing legal issues, including identification of legal facts, interpretation of law, and application of law to concrete cases. This research is descriptive in nature, which aims to provide a clear and systematic picture of legal protection for vulnerable communities from the perspective of environmental justice and human rights in the era of climate change.

#### 3. Result and Discussion

3.1. Gaps in existing legal and policy frameworks related to environmental justice, human rights, and corporate environmental responsibility

The gap in the existing legal and policy framework related to environmental justice, human rights (HAM), and corporate environmental responsibility in Indonesia is a very relevant issue, especially in this modern era. This problem is rooted in several factors, including the misalignment between existing laws, environmental protection, and corporate commitment to human rights and sustainability principles.

One of the main issues is the difference in perception and implementation of environmental human rights and the right to development. Several studies have shown that although there are various regulations that support environmental protection, the implementation of these principles is still far from expectations. For example, Darmawan

highlighted the conflict between environmental human rights and the right to development, which often results in environmental damage which in turn violates the human rights of the affected communities (Darmawan, 2022). This is reinforced by the finding of a lack of harmonization between national laws and international principles on human rights (Prawira, 2022). Furthermore, there are major challenges in supervision and law enforcement related to corporations. Research by Pasapan shows that although the government

Indonesia has taken steps to protect human rights through various legal instruments, but there is still much room for improvement in terms of enforcement and implementation. Meanwhile, reports on the neglect of corporate social responsibility in the context of human rights violations indicate that companies often prioritize profits over the social and environmental impacts of their activities. This has a direct impact on communities, especially those in areas with high industrial activity, where adverse environmental impacts often result in violations of their basic rights. Meanwhile, Law Number 39 of 1999 concerning Human Rights should provide a strong legal umbrella for such protection, but its implementation is often hampered by various factors, including a lack of awareness among the community and stakeholders (Muh.Wahyu.M, 2024). Thus, concrete steps are needed to strengthen corporate capacity and responsibility as well as community participation in decision-making processes related to the environment and human rights.

In addition, the education sector is also an important arena in raising awareness of the importance of human rights and environmental justice. Human rights education can help build better understanding and awareness among the community, including the younger generation (Mustofa, 2021). Good education about these rights and responsibilities is expected to create a culture that values the environment and human rights simultaneously, which is very important in the effort to achieve sustainability.

Taking all this into account, efforts to respond to gaps in the existing legal and policy framework must include not only legal reform, but also increased/increased community participation, better law enforcement, and comprehensive education on human rights and the environment. This is important to address existing challenges and ensure environmental justice and human rights protection are effectively upheld at all levels of policy and practice.

### 3.2. Challenges in the implementation and enforcement of envi-

There are various challenges in the implementation and enforcement of environmental law, including:

- 1. Weaknesses in Law Enforcement: A UN report found that failure to fully implement and enforce laws is one of the biggest challenges to mitigating climate change, reducing pollution and preventing species and habitat loss (Environmental Rule of Law: First Global Report n.d.). Despite a significant increase in the number of environmental laws since 1972, weak enforcement is a global trend that exacerbates environmental threats.
- 2. Lack of Regulatory Effectiveness: Despite the existence of legislative and institutional frameworks, effective compliance with environmental laws remains a problem (ED, YM, World Journal of Advanced Research and Reviews). The government itself is often the violator of policies and regulations that should protect the environment.
- 3. Issues in Public Interest Litigation: In environmental public interest litigation, there are often identification issues, and the strength of the expert and the cost of identification are issues to consider (Shao, Chen., 2020). In addition, courts may not always accept cases filed by communities or environmental protection organizations against administrative bodies.
- 4. Barriers for Non-Governmental Organizations: NGOs face barriers to pursuing environmental litigation, including thresholds for establishing legal standing and restrictions on registration.
- 5. Lack of Coordination and Capacity: Local governments may face problems compared to provincial and national governments in enforcing environmental laws (Mathebula, 2014).
- 6. Domestic Politics and the Nature of the International Community: The domestic politics of individual countries and the nature of the international community can hinder the ability of international organizations such as the UN to enforce environmental standards globally.
- 7. Conflicting Priorities: Administrative bodies may place more importance on inspection and approval than supervision, abuse their authority, and lack strong administrative enforcement measures.
- 8. Lack of Access to Justice: Without law enforcement, environmental laws will not be effective.

# 3.3. Lack of access to justice for communities affected by environmental pollution

Communities affected by environmental pollution often face significant barriers to accessing justice, an irony given that the right to a healthy environment is a fundamental human right. The inability to hold people accountable for environmental damage can be caused by a variety of interrelated factors, including economic inequality, lack of information, legal barriers, and weaknesses in law enforcement (Chaniago, E., Lubis, A., & Ani, N., 2023). In many cases, the communities affected are the most vulnerable and economically marginalized, often lacking the financial resources or legal knowledge to challenge the large corporations or government entities responsible for pollution. Access to justice is made even more difficult when communities lack information about their rights, the sources of pollution, or the resulting health and environmental impacts. Often, the scientific and technical data needed to prove a causal link between pollution and harm is complex and expensive to obtain, making it even more difficult for communities to build a strong legal case. In addition, the legal system itself can pose significant barriers, such as high court costs, complicated procedures, and long time frames for resolving cases.

Procedural and substantive barriers in the legal system often hinder access to justice for victims of environmental pollution. Complex procedural norms, such as rules on evidence and standing, can be a significant barrier for communities lacking legal resources and expertise (Hakim, G., 2015). Furthermore, weaknesses in environmental law enforcement can undermine efforts to hold polluters accountable (Hasan, Z., & Astarida, MZ., 2023). Although there are laws and regulations protecting the environment, their implementation is often ineffective due to lack of resources, corruption, or political influence (Saleh, G., 1991). A claim for compensation is one of the legal actions that can be taken in dealing with environmental pollution problems (Mulyati, L., 2017). In addition, the transboundary nature of many environmental issues poses additional challenges to access to justice. Pollution can spread across political boundaries, making it difficult to determine jurisdiction and enforce laws effectively. Economic activity that is not supported by law will result in chaos (Yunita, A. (2021). In the context of globalization, multinational corporations often operate in countries with weaker environmental standards, making it increasingly difficult for victims of pollution to seek justice in the company's home country (Ayu, KR, & Supartoko, B., 2020). The emergence of corporate social responsibility schemes is a step forward, but their effectiveness depends on true accountability and transparency.

Addressing the lack of access to justice for communities affected by environmental pollution requires a comprehensive and multi-faceted approach. First, it is important to raise public awareness and understanding of their rights and the mechanisms available to seek justice. Legal education and outreach programs can help communities understand their rights, how to gather evidence, and how to file complaints or lawsuits. Pro bono legal aid and environmental law clinics can provide critical support for communities who cannot afford lawyers.

Second, the legal system must be made more accessible and responsive to the needs of victims of environmental pollution. This could include streamlining court procedures, reducing court costs, and providing interpreters and other support services for non-English speakers. Third, environmental law enforcement must be strengthened to ensure that polluters are held accountable for their actions. This should include increasing resources for environmental regulatory agencies, improving training for law enforcement.

# 3.4. The role of law in promoting sustainable and responsible business practices

Laws play a crucial role in promoting sustainable and responsible business practices, establishing a framework that encourages companies to integrate environmental, social and governance considerations into their operations (Ully, A., 2012). The implementation of good corporate governance is essential as a business ethic, guiding the business world in distinguishing between permitted and prohibited actions, thus preventing detrimental business practices (Prihatiningtias, YW., 2012). The law sets minimum standards for corporate behavior, forcing businesses to reduce their negative impact on the environment and society. This includes regulations on pollution, resource use, workers' rights, and consumer protection. Corporate Social Responsibility is becoming increasingly important, especially for plantation companies operating with natural resources, which mandate social and environmental responsibility in accordance with limited liability company laws (Nadirah, I., 2020). The Indonesian government has formulated strategic steps through a sustainable development approach that includes three main aspects: profit, society, and planet (Rachmawati, S., & Jayanti, D., 2023)

The role of law in promoting sustainable and responsible business practices is significant, especially considering that more than a quarter of global trade practices involve the exploitation of natural resources for industrial profit (Ayu, KR, & Supartoko, B., 2020). Law has a reciprocal relationship with the economy, where economic activities that are not supported by law can cause chaos (Yunita, A., 2021). The law acts as a mechanism to hold corporations accountable for their actions and provide redress to those who are harmed. The role of corporations in society is vital, with their involvement in sectors such as agriculture, banking, and entertainment, generating significant amounts of money (S, EE., 2010). Investment plays a very important role for local communities because it has an impact on the lives of local communities (Apriliandini, G., & Wita, IN., 2016). To ensure the effectiveness of laws in promoting sustainable business practices, strong law enforcement is essential. Companies that violate environmental regulations or engage in irresponsible business practices should face significant penalties. Environmental law enforcement as an effort for sustainable development must be carried out firmly, especially in cases of illegal logging (Hasan, Z., & Astarida, MZ., 2023).

# 3.5. The responsibility of states and corporations to protect human rights in the era of climate change

In an era of increasingly real climate change, the responsibility to protect human rights is becoming a crucial issue involving states and corporations (Maritha, D., 2020). The state has a primary obligation to guarantee the basic rights of its citizens, including the right to a healthy environment, clean water, food and adequate housing (Auria, P., Putra, RA, & Misleni., 2024). Climate change threatens the fulfillment of these rights through more frequent and extreme natural disasters, rising sea levels, changing rainfall patterns, and other negative impacts on people's health and livelihoods. Climate change itself is defined as long-term changes in temperature and weather patterns (MJ, NA, Putra, AK, & Sipahutar, B., 2023). The greenhouse effect is one of the causes of climate change (Maritha, D., 2020). Greenhouse gases such as carbon dioxide and methane absorb the heat radiation from the sun reflected by the earth and trap it in the atmosphere, causing global temperatures to rise. Corporations, as significant economic actors, also have an important role to play in addressing climate change and protecting human rights (Zulkifli, A., Sari, FM, Prihati, P., & Rianita, D., 2022).

Multinational corporations play an important role in the economy, but they often cause problems related to environmental damage (Saleh, G., 1991). Corporations are

often major contributors to greenhouse gas emissions and environmental degradation through their operational activities. Corporate social responsibility is becoming increasingly important as society expects companies to demonstrate their commitment through concrete actions. As part of its responsibility, the government needs to establish strict regulations to reduce greenhouse gas emissions, promote renewable energy, and protect vulnerable ecosystems. These regulations must ensure that companies adhere to high environmental standards and are held accountable for the negative impacts of their activities. Good Corporate Governance can be applied as a business ethic for companies to distinguish between actions that are permissible and unacceptable (Ully, A., 2012). The state also needs to ensure that communities affected by climate change have access to information, justice and adequate compensation. Communities are also increasingly aware of their rights to obtain decent and safe products, as well as environmentally friendly products (Niandari, N., & Handayani, H., 2023). In addition, countries have an obligation to cooperate internationally in addressing climate change, including through multilateral agreements and technology transfer to developing countries. Manufacturing and construction companies also have a role in contributing to greenhouse gases in Indonesia (Wahyudianto, FE, Nisa'Alfikry, SC, & Taufik, M., 2021)

Corporations, on the other hand, have a responsibility to reduce their environmental impact, invest in green technologies, and respect human rights throughout their supply chains. Corporate Social Responsibility was then proposed as the right way out for companies to be asked to be responsible for the environment (Ayu, KR, & Supartoko, B., 2020). Disclosure of carbon emissions is one way in which companies can help reduce greenhouse gas emissions (Priliana, SA, & Ermaya, HNL., 2023). This includes implementing sustainable business practices, respecting workers' rights, and consulting with local communities before embarking on potentially environmentally damaging projects. Corporations are encouraged to voluntarily contribute to addressing social and environmental issues (Niandari, N., & Handayani, H., 2023).

In addition, corporations can play an active role in developing innovative solutions to address climate change, such as renewable energy technologies, sustainable agriculture, and efficient waste management. By adopting a socially and environmentally responsible business approach, corporations can contribute to sustainable development and protect human rights in the era of climate change.

### 4. Conclusion

This study has examined legal protection for vulnerable communities in the context of environmental justice and human rights in the era of climate change. It has been shown that the private sector plays a significant role in climate change and biodiversity loss, and that corporate environmental responsibility is essential to mitigate these negative impacts. The concept of corporate environmental responsibility involves a clear definition and basic principles such as pollution prevention and due care. Standards and frameworks such as CSR and ESG can help companies measure and manage their environmental impacts. Sustainable business practices, such as the use of renewable energy and waste reduction, can effectively reduce environmental impacts. Green innovation and technology also play an important role in achieving sustainability goals.

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