

## State Responsibility and Legal Protection of Environmental Activists: Review of Decision Number 14/Pid.Sus/2024/Pn.Jpa



Fazlar Rusyda Kamila<sup>1</sup>, Aminah<sup>2</sup>

<sup>1,2</sup>Master of Law Program, Faculty of Law, Diponegoro University, Indonesia.

**ABSTRACT:** Decision Number 14/Pid.Sus/2024/PN Jpa, Panel of Judges at the Jepara District Court is one of the cases of many environmental activists who were deprived of the right to voice their opinions to protect the environment. This article examines the state's responsibility in protecting environmental activists in Indonesia based on the applicable legal framework, including Law Number 32 of 2009 concerning Environmental Protection and Management, as well as supporting regulations such as Attorney General's Guidelines No. 8 of 2022 and PERMA no. 1 of 2023. The main focus of the article is to understand the extent to which these regulations provide effective protection to environmental activists from unfair legal claims (Anti-SLAPP) and ensure they can carry out their rights and obligations in defending the environment without fear of intimidation or legal persecution. This research also explores the implications of the application of laws and regulations on law enforcement practices, especially in the context of protecting environmental activists.

**KEYWORDS:** Environment, Environmental Activists, Legal Protection.

### I. INTRODUCTION

In recent decades, global awareness of environmental protection has increased significantly. The environment is a vital aspect for all elements in it, including humans, because environmental conditions greatly affect their survival. Every individual has the right to a good and healthy environment, a right recognized in Article 28 of the 1945 Constitution for Indonesian citizens. Article 44 of the Human Rights Law regulates the same protection also explained in Article 65 and Article 70 of Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH Law). This provision guarantees community participation in efforts to protect and manage the environment, either through providing opinions, conveying information, or submitting objections or complaints.<sup>1</sup> Even so, the use of natural resources is one of the methods used by humans to improve their welfare. However, often, the methods applied by some people not only cause harm, but also benefit only a small number of people. In this context, the role of law becomes crucial to ensure that the environment and the individuals who live in it are well protected. Environmental activists play an important role in driving policies and actions aimed at maintaining the sustainability of natural resources and protecting ecosystems.

The activities of environmental activists often face a variety of risks and challenges, ranging from intimidation to acts of violence that threaten the security and sustainability of their activities. Legal cases in Indonesia involving environmental activists are often an indicator of how far the state has gone to protect defenders of the right to a healthy environment.

Daniel Tangkilisan's case, which was processed in Jepara District Court under case number 14/Pid.Sus/2024/ Pn.Jpa, is the latest example of this challenge. Daniel was accused of hate speech and defamation via social media for using phrases deemed controversial. This accusation arises in the context of his activities as an environmental activist, where he often uses digital platforms to voice concern for ecological issues.

On April 4, 2024, the Jepara District Court set the sentence for Daniel Tangkilisan related to case number 14/Pid.Sus/2024/ Pn.Jpa. Daniel was convicted and sentenced to imprisonment for seven months with an additional fine of five million rupiah, or a substitute of one month of confinement if the fine is not paid. Daniel was charged with violating Law No. 11/2008 Article 45A paragraph (2) Juncto Article 28 paragraph (2) Law No. 11/2008 concerning Electronic Information and Transactions as amended to

<sup>1</sup> Article 28E paragraph (3) of the Constitution of the Republic of Indonesia of 1945, Article 44 of Law Number 39 of 1999 concerning Human Rights, Articles 65 and 70 of Law Number 32 of 2009 concerning Environmental Protection and Management.

## State Responsibility and Legal Protection of Environmental Activists: Review of Decision Number 14/Pid.Sus/2024/Pn.Jpa

Law No. 19/2016 (hate speech) or the second alternative charge is Article 45 paragraph (3) Juncto Article 27 paragraph (3) Law No. 11/2008 concerning Electronic Information and Transactions as amended by Law No. 19/2016 (defamation).<sup>2</sup>

Central to the hate speech charge was Daniel's use of the phrase "shrimp brain society" in an online commentary, which the judge said did not specifically refer to any particular group of people based on ethnicity, race or religion. The Chief Judge, Parlin Mangatas Bona Tua, stated that Daniel's detention period since January 23, 2024 would be deducted from the total sentence to be served. According to these calculations, Daniel is expected to be released in August of the same year. The judge also confirmed that Daniel will remain in custody throughout the process. The response of Rapin Mudiarjo, who acted as a lawyer for the defendant, expressed his disappointment with the judge's decision. He felt that the judge did not pay full attention to the facts presented during the trial, including testimony, evidence, and testimony from experts that were sufficient for the defense. Rapin also emphasized the importance of implementing the Anti-SLAPP concept, namely *Anti Strategic Lawsuit Against Public Participation*, which is a legal protection mechanism designed to prevent strategic lawsuits against public participation. This concept aims to protect individuals or groups in voicing their right to a good and healthy environment without fear of lawsuits that can intimidate or hinder them. Rapin also highlighted the importance of changes to the law that have been presented to the panel of judges, which should affect consideration in the ruling.<sup>3</sup>

The concept of Anti-SLAPP (*Anti Strategic Lawsuit Against Public Participation*) becomes very relevant. The concept was developed as a means to protect individuals from lawsuits aimed at intimidating and hindering public participation in socially important debates. The use of lawsuits as a strategy to silence voices critical of environmentally damaging activities is a serious challenge faced by environmental activists in many countries, including Indonesia. State responsibility is an obligation inherently linked to the rights of citizens, including the right of victims to obtain justice through preliminary examination. Because the state is an entity that holds power, therefore, the state has a crucial role and full responsibility in ensuring the implementation of human rights. The state, as a sovereign institution and holding power, is obliged to protect its citizens, including protecting their human rights.<sup>4</sup>

Speaking of the context of legal protection for environmental activists, as mentioned in the case of Daniel Tangkilisan, the state must ensure that environmental defense activities are not restricted or complicated through unfair lawsuits. These protections include the implementation of the Anti-SLAPP concept, which supports free speech and public participation without fear of legal intimidation. In practice, the role of the state is not only limited to enforcing limits and allowing violations to occur, but also actively ensuring effective protection and recognition of these rights, especially for those struggling on environmental issues.

Through this case, it is clear the need for a deeper study of state responsibility and the effectiveness of legal protection provided to environmental activists. By reviewing this ruling, we can understand the extent to which national legal frameworks are adequate and effective in protecting the rights of activists and ensuring that their activities are not hampered by opposing interests. Based on this background description, the author raises two problem formulations, namely; 1. How does the principle of state responsibility play a role in the legal protection of environmental activists under applicable law? 2. What are the implications of the ruling for environmental activists' protection policies and practices?.By addressing these questions, the study aims to provide a holistic view of the challenges and opportunities in the legal protection of environmental activists, offering recommendations for strengthening both national and international legal regimes to better safeguard their vital work.

## II. MATERIALS AND METHODS

This study applies normative legal research methods by focusing on the use of secondary data, which includes primary legal material in the form of statutory provisions, as well as secondary legal material consisting of relevant documents and literature. Data collection is carried out through document study techniques and in-depth literature review. The approach used is to use the Statutory Approach (*statue approach*) carried out to review the law through applicable positive legal regulations.

## III. RESULTS AND DISCUSSIONS

### A. State Responsibility in Legal Protection of Environmental Activists

The Indonesian Constitution clearly stipulates in the 1945 Constitution of the Republic of Indonesia, guaranteeing that every citizen has the right to a good and healthy environment. This affirms that environmental stewardship is not only the responsibility of individuals but also the authority of states, governments, and all interested parties. In order to realize sustainable development,

<sup>2</sup> Aida Mardatillah, "Court Fails to Be Bastion of Freedom of Expression Over Daniel Tangkilisan's Verdict"

<https://www.hukumonline.com/berita/a/pengadilan-dinilai-gagal-jadi-benteng-kebebasan-berekspresi-atas-vonis-daniel-tangkilisan-lt66110ecfcd80/?Page=3> accessed Apr. 12, 24

<sup>3</sup> Nur Ithrotul Fadhilah, Karimunjawa Environmental Activist Sentenced to Seven Months in Prison – 'Criminalisation of environmental defenders continues and protection is minimal' <https://www.bbc.com/indonesia/articles/ce7xr9k93gro>

<sup>4</sup> Majda Elmuhtaj. (2008). Human Rights Dimensions: Unraveling Economic, Social, and Cultural Rights. Jakarta: PT. Rajagrafindo Persada, 12.

there is an obligation carried by various parties to manage and protect the environment so that it remains a sustainable resource base for the Indonesian population and other species.

The main task of the Indonesian state, as outlined in the fourth paragraph of the preamble to the 1945 Constitution, is to protect the entire nation and its territory, as well as promote general welfare, educate the life of the nation, and participate in creating world peace based on freedom, lasting peace, and social justice. In line with this, the environment is seen as an important resource that must be managed properly to ensure the prosperity of the people, as stated in Article 33 paragraph (3) of the 1945 Constitution which emphasizes that natural resources must be used for maximum prosperity of the people within the framework of state power. Therefore, the state has an obligation to manage the environment responsibly in order to achieve sustainable development. The principle of *state responsibility* contained in Article 2 letter a of the UUPPLH includes management that involves active participation from the community, which shows the synergy between the government and the community in carrying out the duties and functions of good government. This confirms the importance of community and government participation in managing natural resources wisely and sustainably.<sup>5</sup>

Indonesia is a dynamic and growing country, the role of the state is crucial in dealing with various environmental challenges that arise. Through this approach, the government seeks to ensure that development activities do not come at the expense of environmental health and sustainability, demonstrating the importance of integration between development and conservation. Cases related to environmental problems that occur show that state policies and actions play a significant role in determining the outcome of environmental protection. Article 2, Article 3, and Article 4 of Law Number 32 of 2009 concerning Environmental Protection and Management explain the principles, objectives, and scope of environmental management and protection. The law is based on various principles that include the state's responsibility to protect the environment; sustainability and sustainability of ecosystems; harmony and balance with nature; integration in environmental management; and benefits that take precedence for the general welfare. The precautionary principle is used to prevent environmental damage, while the principle of justice ensures equitable access to natural resources. Law Number 32 of 2009 concerning Environmental Protection and Management defines the objectives of environmental management, which includes protecting Indonesian territory from pollution and environmental damage, as well as ensuring human safety and life. It also aims to ensure the survival of various species and ecosystems, maintain the functioning of the environment, and create environmental balance and harmony.

Other goals include ensuring justice across generations, respecting and protecting human rights related to the environment, controlling the exploitation of natural resources, promoting sustainable development, and addressing global environmental issues. When related to the context of Daniel Tangkilisan's case, this goal becomes very relevant. Based on the results of the court decision on April 4, 2024 in case number 14/Pid.Sus/2024/PN Jpa, Sdr. Daniel Frits Maurits Tangkilisan was found guilty of violating the ITE Law. He was legally and convincingly proven to have committed a criminal act by disseminating information aimed at causing hatred against certain groups of people based on ethnicity, religion, race, and intergroup (SARA). As a consequence of the violation, the Jepara District Court Judges sentenced Sdr. Daniel Frits Maurits Tangkilisan to 7 months imprisonment and a fine of five million rupiah. As an environmental activist, Daniel strives to fight for the right to a healthy environment, trying to raise the issue of pollution and damage that can affect public safety and health. However, the punishment given to him after criticizing policies or practices that negatively impact the environment raises questions about the extent to which the state protects the right to participate in environmental management. If government policies and actions do not fully support environmental activism or even hinder it through lawsuits, this could conflict with the law's purpose of encouraging public participation and ensuring prudent natural resource management and sustainable development.

Daniel was tried on charges using Article 45A paragraph (2) along with Article 28 paragraph (2) of Law No. 11/2008 on Electronic Information and Transactions which has been revised into Law No. 19/2016, which relates to hate speech. Alternatively, the alternative to the two charges is to use Article 45 paragraph (3) together with Article 27 paragraph (3) of Law No. 11/2008 on Electronic Information and Transactions which has been revised by Law No. 19/2016, which relates to defamation. Law Number 32 of 2009, known as the Environmental Protection and Management Law (UUPPLH), is a legislative effort to ensure every individual has access to a healthy and clean environment, considering this is their fundamental right. The law also serves to provide legal protection to those struggling against pollution and environmental damage. UUPPLH reinforces these various rights which are specifically stated in Article 65 which reads <sup>6</sup>:

- (1) Everyone has the right to a good and healthy living environment as part of human rights.
- (2) Everyone has the right to environmental education, access to information, access to participation, and access to justice in fulfilling the right to a good and healthy environment.
- (3) Everyone has the right to submit proposals and/or objections to business plans and/or activities that are expected to have an impact on the environment.
- (4) Everyone has the right to play a role in environmental protection and

---

<sup>5</sup> Sudi Fahmi, Asas Tanggung Jawab Negara Sebagai Dasar Pelaksanaan Perlindungan Dan Pengelolaan Lingkungan Hidup, JURNALHUKUMNO.2VOL.18APRIL2011:212-228

<sup>6</sup> Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup

management in accordance with laws and regulations. (5) Everyone has the right to make a complaint due to alleged pollution and/or destruction of the environment. (6) Further provisions regarding the procedure for complaints as referred to in paragraph (5) shall be regulated by a Ministerial Regulation.

Then in Article 66 "Everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly." Article 66 of the UUPPLH is designed as an Anti-Eco-SLAPP regulation, which is against strategic challenges against public participation in the environmental context. SLAPPs, which are generally defined as strategic lawsuits aimed at intimidating or hindering public participation, are often used to silence or eliminate public involvement in environmental issues.<sup>7</sup>

Legal Protection of Environmental Rights Fighters was responded very well in the progress of regulations in Indonesia, followed by the issuance of the Decree of the Supreme Court of the Republic of Indonesia Number 36/KMA/SK/II/2013 concerning the Implementation of Guidelines for Handling Environmental Cases.<sup>8</sup> As a direction in its regulation within the Supreme Court, then the emergence of Attorney General Guidelines Number 8 Tahun 2022 dan Peraturan Mahkamah Agung (PERMA) No. 1 of 2023 provides specific directives to protect environmental activists. Both guidelines support activists' efforts in fighting for the right to a healthy and sustainable environment, ensuring they have legal protection in carrying out their environmental advocacy. It stresses the importance of legal protection for those on the frontlines of environmental protection, ensuring that their actions are not met with unfair or intimidating lawsuits.

Containing matters related to the implementation of Article 66 of the UUPPLH, Supreme Court Regulation (PERMA) Number 1 of 2023 provides specific directions to protect environmental activists. Article 48 states:

- (1) Legal protection shall be given to everyone who fights for the right to a good and healthy environment.
- (2) In assessing the struggle for the right to a good and healthy environment as referred to in paragraph (1), the Case Examining Judge identifies or considers the following factors: a. the right to obtain a good and healthy quality environment as part of human rights; b. the right to access information, access to participation, and access to justice in fulfilling the right to a good and healthy environment; c. the right to submit proposals and/or objections to business plans and/or activities that are expected to have a negative impact on the environment; d. the right to play a role in environmental protection and management in accordance with the provisions of laws and regulations; e. the right to make complaints due to alleged pollution and/or destruction of the environment; f. the right to play an active role in environmental management in the form of social supervision, providing suggestions, opinions, proposals, objections, complaints, submitting information, and/or reports; g. the form of struggle for rights or community participation carried out in accordance with the provisions of laws and regulations; h. the relationship between cases of violations of Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management and the participation of the community in fighting for the right to a good and healthy environment; i. the obstruction of the struggle for rights when a lawsuit is filed against the Defendant; j. the need for a rights struggle; and/or k. proportionate the bag and the high level of the crime being fought for and the lawsuit filed against the Defendant.
- (3) The struggle for the right to a good and healthy environment as referred to in paragraph (1) includes: a. submission of proposals or objections regarding environmental protection and management, either orally or in writing; b. submission of complaints, complaints, reporting of alleged criminal acts, administrative or civil lawsuits, or other legal proceedings related to environmental protection and management; c. submission of opinions, testimony, or testimony at the trial; d. public expression of opinions, press institutions, broadcasters, social media, rallies, pulpit be bas, or other forums; and/or e. communication both oral and other written to State Institutions and/or Government Institutions related to the right to a good and healthy environment.
- (4) The struggle to realize the right to a good and healthy environment as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be carried out in accordance with applicable law, unless it can be proven that: a. there is no alternative or choice of action other than the act that has been done; and b. acts taken in protecting the larger legal interest for the benefit of society at large.

#### ***B. Implication of Decision Number 14/Pid.Sus/2024/ Pn.Jpa on Environmental Activist Protection Policies and Practices***

Article 66 of Law No. 32 of 2009 concerning Environmental Protection and Management (UU PPLH) plays an important role in providing legal protection to environmental activists. This article explicitly states that any person who reports, criticizes, or expresses opinions related to environmental protection and management cannot be charged with legal action, either criminal or civil. This is

---

<sup>7</sup> Tundjung Herning Sitabuana, Harry Setiawan. Legal Protection for Environmental Warriors Guaranteed in Law Number 32 of 2009 concerning Environmental Protection and Management, Vol. 19 No. 1 (2021): Journal of the Law Era Volume 19 No.1 of 2021, p. 151.

<sup>8</sup> Irawan Harahap, Riantika Pratiwi, Development of Anti-SLAPP Regulation in the Environmental Sector According to Indonesian Law, Jotika Research In Business Law Vol. 2, No. 2, July 2023, 83-89



a form of Anti-SLAPP (*Strategic Lawsuit Against Public Participation*) legislation, which is designed to prevent lawsuits that aim to intimidate or silence individuals who speak out on public issues, particularly those related to the environment.<sup>9</sup>

In response to the implementation of Article 66 of the PPLH Law, the Attorney General's Guideline No. 8 of 2022 provides direction to law enforcement officials in handling cases involving environmental activists. The guidelines direct prosecutors to be cautious in following up on reports or complaints involving environmental advocates, so as not to impede their right to participate in environmental protection. These guidelines underscore the importance of distinguishing between constructive criticism and actions that deserve legal prosecution.

Supreme Court Regulation (PERMA) No. 1 of 2023 also strengthens the legal position of environmental activists by providing a clearer framework in handling cases related to the environment. This PERMA provides guidance to judges to consider the principles of environmental protection and activism in each of their rulings, ensuring that protection for activists is not only theoretical but also practical in its application in court.

The application of the principles in Article 66 of the PPLH Law, the Attorney General's Guidelines, and PERMA can be an important consideration. Although Daniel faces lawsuits, the norms support the argument that his activities as an environmental defender should be protected, not questioned, as long as they do not violate the law explicitly and are delivered in a legitimate and responsible manner. It emphasizes the importance of the state's role in not only facilitating but also protecting public discussion and criticism of environmental management issues.

The Institute for Criminal Justice Reform, in this case, sent a Letter and Legal Opinion to the Prosecutor to Stop the Prosecution of Environmental Activist Daniel Tangkilisan<sup>10</sup> which in essence explained the "Application of the Electronic Information and Transactions Law (ITE Law) No. 1 of 2024" which should provide fairer legal protection. Based on the basic principles of criminal law in the Criminal Code, namely Article 1 paragraph (2), provisions that are more favorable to the accused should apply when there is a change in legislation after the action is committed. However, in Daniel's case, the 2016 version of the ITE Law is still used which lacks detail in mentioning criminal elements and criminal restrictions. In the 2024 ITE Law, Article 27A clearly states that what is prohibited is the act of deliberately attacking honor or good name by accusing something, but Daniel's criticism of environmental pollution by illegal shrimp ponds in Karimunjawa National Park does not include accusations, but a form of social criticism that is justified, especially because it is carried out in the context of public interest in accordance with Article 45 paragraph (4) juncto Article 45 paragraph (7) of the 2024 ITE Law.

The judge in deciding Daniel Tangkilisan's case did not pay attention to the Anti-SLAPP provisions and used the argument of Article 78 of Supreme Court Regulation No. 1/2023 concerning Guidelines for Adjudicating Environmental Cases. The judge affirmed that the struggle to realize the right to a good and healthy environment must be in accordance with applicable law, except in two situations: first, if there is no alternative or choice of action other than the act committed; and second, if the act is done to protect the larger legal interest or the interests of society at large.

The judge stated that Daniel Tangkilisan did not use any alternative other than to express his opinion through social media. Although the judge acknowledged that Daniel had long championed the environment, including in the judge's judgment, the judge argued that Daniel's act of posting comments with the words "shrimp brain" and offending the place of worship did not occur under circumstances without alternative. However, the fact that Daniel has long championed the environment, as acknowledged by the judge, suggests that Daniel has made other efforts before. In addition, Daniel's actions that allude to environmental pollution due to shrimp ponds are seen as actions to protect the greater public interest related to environmental protection.

Furthermore, the use of hate speech articles in the 2016 ITE Law is also questionable because this article has been revised in the 2024 ITE Law which explains more specifically about the elements of hate speech that are only intended to cause hatred or hostility to certain groups of people. Daniel, in this case, does not meet that element. From this situation, it appears that there is injustice in the handling of Daniel's case, where law enforcement seems to favor environmental pollution perpetrators rather than protecting the rights of individuals who fight for a good and healthy environment.

The implications of the verdict against Daniel Tangkilisan handed down by the Jepara District Court could have a significant impact on environmental activist protection policies and practices in Indonesia. Some important aspects of the implications include:

1. *Chilling Effect*: The ruling could create what is known as a "cooling effect" among environmental activists.<sup>11</sup> If activists feel that expressing their objections to a particular policy or practice could lead to prosecution or imprisonment, they may be less courageous in voicing criticism or taking action. This can reduce the effectiveness and courage in environmental advocacy.

---

<sup>9</sup> Nani Indrawati, *Perlindungan Hukum Terhadap Partisipasi Masyarakat (Anti SLAPP) Dalam Penegakan Hukum Lingkungan Hidup di Indonesia*, Media Iuris Vol. 5 No. 1, Februari 2022, hal 115.

<sup>10</sup> Institute for Criminal Justice Reform, *Legal Opinion: The Jepara State Prosecutor's Office as Dominus Litis may not continue the prosecution process of suspects on behalf of Daniel Frits Maurits Tangkilisan*, <https://icjr.or.id/icjr-kirimkan-surat-dan-pendapat-hukum-ke-jaksa-untuk-hentikan-penuntutan-aktivis-lingkungan-daniel-tangkilisan/>. Retrieved Apr. 17, 24.

<sup>11</sup> Kendrick, Leslie. "Speech, Intent, And The Chilling Effect". *William & Mary Law Review*. 54 (5): 1633–1691. 2013.

## State Responsibility and Legal Protection of Environmental Activists: Review of Decision Number 14/Pid.Sus/2024/Pn.Jpa

2. The urgency of the Anti-SLAPP Law<sup>12</sup>, This ruling shows the urgent need for effective implementation of the Anti-SLAPP (Anti Strategic Lawsuit Against Public Participation) law. Such laws can protect activists from lawsuits aimed at intimidating and silencing them for participation in public issues, particularly the environment. Then there was a revision and refinement of the Law. This ruling may also encourage policymakers to consider revising or refining the Electronic Information and Transactions Law, especially related to the definition and application of hate speech and defamation, so as not to be misused to suppress freedom of speech.

3. Legal Education and Awareness, This incident underscores the importance of legal education for environmental activists about rights and limitations in carrying out their activities. Providing training on how to communicate effectively without breaking the law can be an important preventive step. Increased awareness and education are needed for law enforcers and related parties regarding the provisions of Anti-SLAPP in environmental protection law.<sup>13</sup> It is important to ensure that activists and environmentalists can carry out their duties without fear or anxiety of unjust legal threats. By understanding and applying the Anti-SLAPP principles, it can be expected that law enforcement will prioritize the protection of individuals who seek to protect and restore the environment, while promoting environmental justice and sustainability.

Socialization about Anti-SLAPP (*Strategic Lawsuit Against Public Participation*) is very important to prevent abuse of the legal system that aims to intimidate or silence environmental activists who speak against opposing interests.<sup>14</sup> This will protect the human right of individuals to participate in democratic processes and ensure that their concerns about the environment are given a safe space to be discussed and taken seriously, without fear of disproportionate or unfair legal retribution.

4. Supervision and Evaluation of Law Implementation, The ruling may trigger further evaluation of how the law is applied to activists. Intense scrutiny from civil society and the media of similar cases in the future is urgently needed to ensure that the law is not abused. Taken together, these rulings raise important questions about the extent to which Indonesia's justice system protects or, conversely, restricts environmental advocacy activities. Active involvement from various parties, including governments, the private sector, NGOs, and civil society is needed to ensure that environmental activism is not only permitted but also supported as part of a healthy democracy.

#### IV. CONCLUSIONS

The state has a clear responsibility in protecting environmental activists based on applicable laws, including Law No. 32 of 2009 concerning Environmental Protection and Management and its various implementing guidelines and regulations such as Attorney General Guideline No. 8 of 2022 and PERMA No. 1 of 2023. This provision provides a strong legal foundation to protect activists from unfair legal action and ensure that they can do their job in fighting for the environment without fear of intimidation or lawsuits aimed at silencing their voices.

The implications of such rulings and regulations on environmental activists' protection policies and practices are significant. With the Anti-SLAPP provisions and other regulatory support, positive changes are expected in the way law enforcement is carried out against environmental activists. Law enforcement is expected to be more cautious in filing charges and more careful in distinguishing between acts that are completely unlawful and acts that are part of legitimate democratic expression. It will strengthen the practice of protecting environmental activists and ensure that they can contribute to sustainable development without fear of legal repression.

#### REFERENCES

- 1) Elmuhaj,Majda. (2008). Dimensi- Dimensi Ham: Mengurai Hak Ekonomi, Sosial dan Budaya. Jakarta: PT. Rajagrafindo Persada.
- 2) Kendrick, Leslie. "Speech, Intent, And The Chilling Effect". William & Mary Law Review. 54 (5): 1633–1691. 2013.
- 3) Fahmi,Sudi. Asas Tanggung Jawab Negara Sebagai Dasar Pelaksanaan Perlindungan Dan Pengelolaan Lingkungan Hidup, Jurnal hukum no.2 vol.18april 2011:212-228
- 4) Herning Sitabuana,Tundjung. Harry Setiawan. Perlindungan Hukum Terhadap Pejuang Lingkungan Hidup Yang Dijamin Dalam Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup,Vol. 19 No. 1 (2021): Jurnal Era Hukum Volume 19 No.1 Tahun 2021.

---

<sup>12</sup> <sup>[1]</sup> Lidya Nelisa, The Urgency of Strengthening Anti-SLAPP Procedural Provisions in Indonesia to Protect Environmental Human Rights Defenders from Litigation Attacks, Indonesian Journal of Environmental Law, Vol. 8, No. 1, 2021: Pages 118 - 151

<sup>13</sup> Supreme Court Public Relations, Inaugurates Anti-SLAPP Book Launch, Chief Ma Says Environmental Issues Should Be a Serious Concern, <https://www.mahkamahagung.go.id/id/berita/5903/resmikan-peluncuran-buku-anti-slapp-ketua-ma-ungkap-masalah-lingkungan-hidup-harus-menjadi-perhatian-serius>, accessed Apr. 17, 24.

<sup>14</sup> Rapiuddin Hamarung, 'Anti-Strategic Lawsuit Against Public Participation (SLAPP Suit)' in Henri Subagiyo (ed), Annotation to Law Number 32 of 2009 concerning Environmental Protection and Management (First Edition) (1st edn, ICEL 2014).[ 70].

- 5) Harahap,Irawan. Riantika Pratiwi, Perkembangan Pengaturan Anti-Slapp Di Bidang Lingkungan Hidup Menurut Hukum Indonesia, *Jotika Research In Business Law* Vol. 2, No. 2, Juli 2023.
- 6) Lidya Nelisa, Urgensi Penguatan Ketentuan Prosedural Anti-SLAPP di Indonesia untuk Melindungi Pembela HAM Lingkungan dari Serangan Litigasi, *Jurnal Hukum Lingkungan Indonesia*, Vol. 8, No. 1, 202.
- 7) Nani Indrawati, Perlindungan Hukum Terhadap Partisipasi Masyarakat (Anti SLAPP) Dalam Penegakan Hukum Lingkungan Hidup di Indonesia, *Media Iuris* Vol. 5 No. 1, Februari 2022, hal 115.
- 8) Rapiuddin Hamarung, 'Perlindungan Terhadap Peran Serta Masyarakat (Anti-Strategic Lawsuit Againts Public Paticipation (SLAPP Suit)' in Henri Subagiyo (ed), *Anotasi Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup (Edisi Pertama) (1st edn, ICEL 2014).*[70].
- 9) Undang-Undang Dasar Republik Indonesia tahun 1945
- 10) Undang- Undang Nomor 39 tahun 1999 tentang Hak Asasi Manusia,
- 11) Undang-Undang Nomor 32 tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.
- 12) Institute For Criminal Justice Reform, Pendapat Hukum: Kejaksaan Negeri Jepara Sebagai Dominus Litis Dapat Tidak Melanjutkan Proses Penuntutan Tersangka Atas Nama Daniel Frits Maurits Tangkilisan, <https://icjr.or.id/icjr-kirimkan-surat-dan-pendapat-hukum-ke-jaksa-untuk-hentikan-penuntutan-aktivis-lingkungan-daniel-tangkilisan/> . Diakses Pada 17 Apr. 24.
- 13) Humas Mahkamah Agung, Resmikan Peluncuran Buku Anti-Slapp, Ketua Ma Ungkap Masalah Lingkungan Hidup Harus Menjadi Perhatian Serius, <https://www.mahkamahagung.go.id/id/berita/5903/resmikan-peluncuran-buku-anti-slapp-ketua-ma-ungkap-masalah-lingkungan-hidup-harus-menjadi-perhatian-serius>, Diakses Pada 17 Apr. 24.
- 14) Aida Mardatillah,"Pengadilan Dinilai Gagal Jadi Benteng Kebebasan Berekspresi Atas Vonis Daniel Tangkilisan" <https://www.hukumonline.com/berita/a/pengadilan-dinilai-gagal-jadi-benteng-kebebasan-berekspresi-atas-vonis-daniel-tangkilisan-lt66110ecfccd80/?page=3> Diakses Pada 12 Apr. 24
- 15) Nur Ithrotul Fadhilah, Aktivis Lingkungan Karimunjawa Divonis Tujuh Bulan Penjara – 'Kriminalisasi Pembela Lingkungan Terus Terjadi Dan Perlindungan Sangat Minim' <https://www.bbc.com/indonesia/articles/ce7xr9k93gro>



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0)

(<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.