



JUDICIAL REASONING ON CLIMATE JUSTICE IN INDONESIAN CITIZEN LAWSUITS: A CONSTITUTIONAL ENVIRONMENTAL PERSPECTIVE

I Gusti Bagus Suryawan

Universitas Warmadewa, Denpasar, Indonesia, Email: bagussuryawan.warmadewa@gmail.com

Ketut Ngastawa

Universitas Warmadewa, Denpasar, Indonesia, Email: ketutngastawa@gmail.com

Agus Apriawan

Universitas Warmadewa, Denpasar, Indonesia, Email: dekagus@gmail.com

ARTICLE INFO

Keywords:

Climate Justice; Citizen Lawsuit; Constitutional Environmental Rights; Environmental Constitutionalism; Judicial Reasoning.

DOI :

10.26532/jh.v42i4.55799

ABSTRACT

Climate change and environmental degradation have driven new developments in environmental law, particularly regarding the role of courts in ensuring state responsibility for ecological protection. This study aims to analyze how Indonesian courts' judicial reasoning is constructed in environmental citizen lawsuit cases and to formulate a model for strengthening legal reasoning to institutionalize constitutional climate justice in the Indonesian legal system. This study uses normative legal research methods with statutory, conceptual, case-based, and comparative approaches. The analysis is conducted on several strategic environmental cases, including the Samarinda mining lawsuit, Jakarta air pollution, the Kendeng dispute, and forest fires, and is compared with developments in international climate litigation such as *Urgenda v. State of the Netherlands*, *Neubauer v. Germany*, and *Milieudefensie v. Shell*. The results show that Indonesian judicial reasoning has evolved from an administrative legality approach to a constitutional approach that recognizes the right to the environment, active state obligations, public participation, the precautionary principle, and ecological restoration. However, these principles are still partially implemented. This research proposes a Constitutional Climate Justice Framework that integrates constitutional environmental rights, state climate obligations, science-based governance, environmental democracy, intergenerational justice, and restorative obligations as a model for strengthening the role of courts in addressing the challenges of climate change.

1. Introduction

Climate change has become one of the most complex legal and governance challenges of the 21st century. Its impacts are no longer limited to rising global

temperatures, but have also impacted the fulfillment of basic human rights, including the rights to life, health, food, clean water, and the right to a good and healthy environment.¹ The Intergovernmental Panel on Climate Change (IPCC) reports consistently show that the increasing frequency of extreme weather events, sea level rise, forest fires, ecosystem degradation, and declining air quality are real consequences of climate change that require increasingly progressive legal responses.² In this context, climate change is no longer understood solely as an environmental issue, but has evolved into a constitutional issue that places the state as the primary obligation holder to protect the rights of citizens from the threat of environmental damage.³

These developments have given rise to the phenomenon of climate litigation, the use of judicial mechanisms as an instrument to hold states and corporations accountable for failure to meet climate protection obligations.⁴ In the past two decades, the number of climate change cases has increased significantly in various countries.⁵ The Urgenda Foundation v. State of the Netherlands ruling in the Netherlands was a significant milestone because, for the first time, a court ordered a government to increase its emissions reduction targets based on the state's obligation to protect human rights.⁶ Furthermore, the Neubauer v. Germany case

¹ Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.38.

² Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.175. See too, David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.361; Aditya Yuli Sulistyawan, Naufal Hasanuddin Djohan, Rachelinda Zora Amelia Marchanty, and Suparno., Rethinking Environmental Justice in Indonesia through Actor-Network Theory in an Examination of Constructivism Paradigm, In *IOP Conference Series: Earth and Environmental Science*, vol.1537, no.1, Bristol, IOP Publishing, 2025, page.1205.

³ James R. May, and Erin Daly., Global Environmental Constitutionalism, in *Cambridge University Press eBooks*, Cambridge, Cambridge University Press, 2014, page.2015. See too, Lael K. Weis., Environmental constitutionalism: Aspiration or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.835.

⁴ Jacqueline Peel, and Hari M. Osofsky., Climate change litigation: lessons and pathways, *Judicial Officers Bulletin* Vol.29, no.11, 2017, page.101. See too, Joana Setzer, and Catherine Higham., *Global trends in climate change litigation*, London, The London School of Economics and Political Science, 2022, page.343.

⁵ Joana Setzer, and Catherine Higham., *Global trends in climate change litigation*, London, The London School of Economics and Political Science, 2022, page.344.

⁶ Suryapratim Roy, and Edwin Woerdman., Situating Urgenda v the Netherlands within comparative climate change litigation, *Journal of Energy & Natural Resources Law*, Vol.34, no.2, 2016, page.166. See too, Benoit Mayer., The state of the Netherlands v. Urgenda foundation: ruling of the court of appeal of The Hague (9 October 2018), *Transnational Environmental Law*, Vol.8, no.1, 2019, page.168; Di Wang, Liang Dong, and Jianhao Mei, "An advanced review of climate change mitigation policies in Germany, France, and the Netherlands," *Environmental Research Letters* Vol.18, no.10, 2023, page.1031; Laura Burgers, and Tim Staal, Climate action as positive human rights obligation: The appeals judgment in Urgenda v The Netherlands, In *Netherlands yearbook of international law 2018: Populism and international law*, The Hague, TMC Asser Press, 2019, page.227.

in the German Federal Constitutional Court expanded the concept of intergenerational equity by emphasizing that inadequate current climate policies have the potential to burden the constitutional rights of future generations.⁷ On the other hand, the *Milieudefensie v. Royal Dutch Shell* demonstrates that climate change mitigation obligations can also be imposed on corporations through a human rights approach and the precautionary principle.⁸ These developments demonstrate that courts no longer function as passive dispute resolvers but have evolved into important actors in shaping climate change norms and policies (judicial climate governance).⁹

This phenomenon has also influenced the development of environmental law in Indonesia. As an archipelagic nation highly vulnerable to the impacts of climate change, Indonesia faces increasingly complex ecological issues, such as forest and land fires, air pollution, coastal degradation, natural resource exploitation, and the increasing intensity of hydrometeorological disasters.¹⁰ These issues not only cause economic and ecological losses, but also threaten the fulfillment of the community's constitutional rights to a good and healthy environment as guaranteed in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia.¹¹ In addition, Article 33 paragraphs (3) and (4) of the 1945 Constitution also emphasizes that control of natural resources by the state must be implemented for the greatest prosperity of the people through the principles of sustainability and environmental awareness.¹² Thus, environmental protection in the Indonesian legal system is not only an administrative obligation of the government, but has gained constitutional legitimacy as part of human rights

⁷ Délton Winter de Carvalho, and Rafaela Santos Martins da Rosa, "Climate constitutionalism as a foundation for climate litigation in Latin America," *Journal of Human Rights Practice* Vol.16, no.1, 2024, page.74. See too, Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.39.

⁸ Jacqueline Peel, and Hari M. Osofsky., Climate change litigation: lessons and pathways, *Judicial Officers Bulletin* Vol.29, no.11, 2017, page.102. See too, Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.176; Muhamad Nafi Uz Zaman, and Elfia Farida., Human Rights-Based Litigation in Citizen Lawsuits on the Environment: A Study of Indonesian and Netherlands Court Decisions, In *IOP Conference Series: Earth and Environmental Science*, vol.1537, no.1, Bristol, IOP Publishing, 2025, page.1256.

⁹ Navraj Singh Ghaleigh., Climate constitutionalism of the UK Supreme Court, *Journal of Environmental Law*, Vol.33, no.2, 2021, page.443. See too, Brian J. Preston., The role of the judiciary in promoting sustainable development: the experience of Asia and the Pacific, *Asia Pac. J. Envtl. L.*, Vol.9, no., 2005, page.109.

¹⁰ Mulyani Zulaeha., Mengatasi kabut asap melalui mekanisme citizen lawsuit, *Jurnal Hukum Lingkungan Indonesia*, Vol.3, no.1, 2016, page.89. See too, Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.119.

¹¹ James R. May, and Erin Daly., Global Environmental Constitutionalism, in *Cambridge University Press eBooks*, Cambridge University Press, 2014, page.836. See too, Lael K. Weis., Environmental constitutionalism: Aspiration or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.836.

¹² Maboudi, and Elisa D'Amico., Life, Liberty, and Litigation: Do Constitutional Rights Impact Climate Litigation Outcome?, *Political Research Quarterly*, Vol.79, no.1, 2026, page.129.

protection.¹³

The strengthening of this constitutional dimension is increasingly evident through the increasing use of citizen lawsuit mechanisms in resolving environmental disputes. Although citizen lawsuit mechanisms are not yet comprehensively regulated in legislation, Indonesian judicial practice has gradually recognized citizen lawsuits as an instrument to challenge government negligence in fulfilling its constitutional obligations.¹⁴ Unlike conventional civil lawsuits, which focus on individual compensation, citizen lawsuits aim to demand the implementation of state obligations in the public interest, particularly when the government is deemed negligent in protecting the community's constitutional rights.¹⁵

Several cases demonstrate this important development. One decision often seen as a milestone is Samarinda District Court Decision No. 55/Pdt.G/2013/PN.Smda, which partially granted a citizen's lawsuit regarding the impact of coal mining on the environment and public safety. In this case, the court determined that the local government had not optimally fulfilled its oversight obligations regarding mining activities, resulting in environmental damage that impacted the community.¹⁶ This decision demonstrates that judges are beginning to position environmental protection as part of the state's constitutional responsibility, rather than merely an administrative matter in issuing business permits.¹⁷

A more progressive development was seen in the Central Jakarta District Court Decision Number 374/Pdt.G/LH/2019/PN.Jkt.Pst concerning a citizen's lawsuit regarding air pollution in Jakarta. In the ruling, the panel of judges declared that the President of the Republic of Indonesia, several relevant ministers, and local

¹³ Fairuziah Putri Adristi, Graciella Annette, and Saffanah Rezky Azzahrah Andrian., Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia, *Jurnal Hukum Lingkungan Indonesia*, Vol.9, no.2, 2023, page.211. See too, Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.121.

¹⁴ Abdul Fatah., Citizen lawsuit in environmental cases, *Lentera Hukum*, Vol.6, no.2, 2019, page.289. See too, Mulyani Zulaeha., Mengatasi kabut asap melalui mekanisme citizen lawsuit, *Jurnal Hukum Lingkungan Indonesia*, Vol.3, no.1, 2016, page.90.

¹⁵ Kenny Cetera, and Ardianto Budi Rahmawan., Prospek Citizen Lawsuit Dalam Sengketa Tata Usaha Negara Terkait Isu Perubahan Iklim di Indonesia, *Jurnal Yudisial*, Vol.15, no.2, 2023, page.147. See too, Maboudi, and Elisa D'Amico., Life, Liberty, and Litigation: Do Constitutional Rights Impact Climate Litigation Outcome?, *Political Research Quarterly*, Vol.79, no.1, 2026, page.128; Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.40.

¹⁶ Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.122.

¹⁷ James R. May, and Erin Daly., Global Environmental Constitutionalism, in *Cambridge University Press eBooks*, Cambridge University Press, 2014, page.837. See too, Lael K. Weis., Environmental constitutionalism: Aspiration or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.836. See too, Riki Julianto, and Ridwan Arifin., Intersection between administrative law and private law on environmental law litigation in indonesia legal system, *Indonesian Journal of Environmental Law and Sustainable Development*, Vol.2, no.1, 2023, page.232.

governments had committed unlawful acts by failing to fulfill their obligations to ensure good air quality for the public.¹⁸ The judges' considerations were not only based on the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management but also linked it to the public's constitutional right to a healthy environment.¹⁹ Thus, the court affirmed that the government's negligence in controlling air pollution can be classified as a violation of the state's constitutional obligations.²⁰ In addition to these two cases, a number of other environmental disputes, such as the cement factory licensing case in the Kendeng Mountains, lawsuits over forest and land fires, and disputes related to the use of natural resources, show similar trends.²¹ Courts are increasingly using the principles of sustainable development, the precautionary principle, the principle of community participation, and the obligation to protect the environment as the basis for legal considerations.²² Although most of these cases do not explicitly use the term climate justice, the substance of the judges' considerations actually contains various principles identical to the concept, such as the protection of community rights, state responsibility, intergenerational justice, and the prevention of environmental damage.²³

Unfortunately, the development of judicial practice has not been accompanied by adequate academic research. Most research on citizen lawsuits in Indonesia still focuses on procedural aspects, such as the legal standing of plaintiffs, the legal basis for citizen lawsuits, the implementation of decisions, and the effectiveness of citizen lawsuit mechanisms in enforcing environmental law.²⁴ On the other hand, research on climate litigation generally examines the development of climate change cases from the perspective of international law or human rights.²⁵ Studies

¹⁸ Fairuziah Putri Adristi, Graciella Annette, and Saffanah Rezky Azzahrah Andrian., Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia, *Jurnal Hukum Lingkungan Indonesia*, Vol.9, no.2, 2023, page.212. See too, Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.123.

¹⁹ Erin Daly, and James R. May., eds. *Implementing environmental constitutionalism: Current global challenges*, Cambridge, Cambridge University Press, 2018, page.232. See too, Louis J Kotzé., Human rights and the environment in the Anthropocene, *The Anthropocene Review*, Vol.1, no.3, 2014, page.255.

²⁰ Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.42. See too, Mark Popielarski., Climate Change Litigation: Regulatory Pathways to Cleaner Energy, *Law Libr. J.*, Vol.108, no.3, 2016, page.301.

²¹ Mulyani Zulaeha., Mengatasi kabut asap melalui mekanisme citizen lawsuit, *Jurnal Hukum Lingkungan Indonesia*, Vol.3, no.1, 2016, page.91.

²² Brian J Preston., The evolving role of environmental rights in climate change litigation, *Chinese Journal of Environmental Law*, Vol.2, no.2, 2018, page.133.

²³ Jacqueline Peel, and Hari M. Osofsky., Climate change litigation, *Annual Review of Law and Social Science*, Vol.16, no.1, 2020, page.23. See too, David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.363.

²⁴ Kenny Cetera, and Ardianto Budi Rahmawan., Prospek Citizen Lawsuit Dalam Sengketa Tata Usaha Negara Terkait Isu Perubahan Iklim Di Indonesia, *Jurnal Yudisial*, Vol.15, no.2, 2023, page.149.

²⁵ Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.43. See too, Joana Setzer, and Catherine Higham.,

on how judges construct legal arguments (judicial reasoning) linking constitutional rights to the environment with the principles of climate justice are still relatively limited.²⁶

In fact, in the tradition of constitutional adjudication, judges' legal reasoning not only functions to resolve concrete disputes but also plays a role in shaping new legal norms (judge-made law), expanding the meaning of constitutional rights, and providing direction for public policy formation.²⁷ Therefore, an analysis of judicial reasoning is crucial for understanding the extent to which Indonesian courts have integrated the principles of constitutional environmentalism into environmental dispute resolution.²⁸ This perspective allows for the identification of judges' argumentation patterns in interpreting the relationship between environmental rights, state obligations, sustainable development, and protection of future generations.²⁹

Based on a literature search, no research has been found that specifically maps the typology of Indonesian judges' judicial reasoning in environmental citizen lawsuit cases using an integrated perspective of constitutional environmentalism and climate justice. Some studies only discuss the mechanism of citizen lawsuits, while others focus on the concept of a green constitution without linking it to the practice of judicial argumentation in court decisions.³⁰ This lack of research

Global trends in climate change litigation, London, The London School of Economics and Political Science, 2022, page.345.

²⁶ Haider Abdulkareem Alobaidi, Ali Kareem Majeed Hadi Ammar Khadim Jasim, Milad Abdullah Hafedh Husam Najm Abbood Al-Bayati, and Ata Amini., Climate litigation and judicial activism in environmental protection, *Soil and Water Modeling and Management*, Vol.5, no.1, 2025, page.89. See too, BT Simon., Judicial reasoning and review in the Indonesian Supreme Court, *Asian Journal of Law and Society*, Vol.6, no.1, 2019, page.2011; Maryam Ali Hussein, Siham Kamel Mohammed Dawood Haneen Waleed Hanna, Thamer Kadum Yousif Al Hilfi Ghazwan Salim Naamo, and Iryna Sribna., *Judicial Activism and Climate Litigation: A Comparative Doctrinal and Quantitative Legal Analysis (2015–2024)*, Cham, Springer Nature Switzerland, 2025, page.205; Andriyani Masyitoh., Role of Judicial Activism in Environmental dispute Resolution Before the State Administrative Court, *Prophetic Law Review*, Vol.3, no.1, 2021, page.114; Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.125.

²⁷ Lael K. Weis., Environmental constitutionalism: Aspiration or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.837.

²⁸ Erin Daly, and James R. May., eds. *Implementing environmental constitutionalism: Current global challenges*, Cambridge, Cambridge University Press, 2018, page.235.

²⁹ Louis J Kotzé., Human rights and the environment in the Anthropocene, *The Anthropocene Review*, Vol.1, no.3, 2014, page.256. See too, David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.364; Délton Winter de Carvalho, and Rafaela Santos Martins da Rosa, "Climate constitutionalism as a foundation for climate litigation in Latin America," *Journal of Human Rights Practice* Vol.16, no.1, 2024, page.75.

³⁰ Sholahuddin Al-Fatih, and Bekov Ikhtiyor Rustamovich., Proposing Green Constitution, Is It Necessary?, *Journal of Law, Environmental and Justice*, Vol.4, no.1, 2026, page.374. See too, Kenny Cetera, and Ardianto Budi Rahmawan., Prospek Citizen Lawsuit Dalam Sengketa Tata

indicates the need to develop analyses that not only describe decision outcomes but also evaluate the construction of legal arguments used by judges to realize constitutional protection for the environment.³¹

Building on this gap, this study aims to analyze how Indonesian courts construct judicial reasoning in citizen lawsuit cases related to environmental protection and climate change, evaluate the extent to which these legal considerations reflect the principles of constitutional environmentalism and climate justice, and formulate a model for strengthening constitutional argumentation that can be used as a normative framework for resolving environmental disputes in Indonesia. Thus, this study not only contributes to the development of constitutional environmental law theory but also offers a Constitutional Climate Justice Framework as a conceptual model to strengthen the judiciary's role in realizing climate justice through the citizen lawsuit mechanism. In line with these objectives, this study poses the following three research questions:

1. How do Indonesian courts construct judicial reasoning in citizen lawsuit cases related to environmental protection and climate change?
2. To what extent do judges' legal reasoning reflect the principles of constitutional environmentalism and climate justice?
3. How can a model for strengthening judicial reasoning be developed to institutionalize constitutional climate justice in the Indonesian legal system?

2. Research Methods

This research employs a normative legal research method, focusing on the analysis of legal norms, legal principles, and the construction of judges' arguments in citizen lawsuit cases related to environmental protection and climate change in Indonesia. This approach was chosen because the research does not aim to measure the empirical effectiveness of a policy, but rather to analyze how law is constructed and applied through court decisions to shape the concepts of climate justice and constitutional environmentalism.

This research employs four main approaches. First, the statutory approach analyzes various legal provisions that form the basis for environmental protection and citizens' constitutional rights, including the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009 concerning Environmental Protection and Management as amended, and regulations related to environmental governance and Indonesia's climate change commitments. Second, a case approach was used, examining court decisions relevant to citizen lawsuits and environmental disputes,

Usaha Negara Terkait Isu Perubahan Iklim Di Indonesia, *Jurnal Yudisial*, Vol.15, no.2, 2023, page.151; Daly, Erin Daly, and James R. May., eds. *Implementing environmental constitutionalism: Current global challenges*, Cambridge, Cambridge University Press, 2018, page.235; Nanik Prasetyoningsih, and Hazar Kusmayanti., *Green Constitution in the Digital Age: Bridging Traditional Wisdom and Smart Environmental Policy*, In *E3S Web of Conferences*, vol.660, Les Ulis, EDP Sciences, 2025, page.21.

³¹ Jacqueline Peel, and Hari M. Osofsky., *A Rights Turn in Climate Change Litigation?*, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.44. See too, Erin Daly, and James R. May., eds. *Implementing environmental constitutionalism: Current global challenges*, Cambridge, Cambridge University Press, 2018, page.236.

particularly Samarinda District Court Decision No. 55/Pdt.G/2013/PN.Smda concerning the impacts of coal mining and Central Jakarta District Court Decision No. 374/Pdt.G/LH/2019/PN.Jkt.Pst concerning a citizen lawsuit over air pollution in Jakarta. Other relevant decisions related to environmental protection, public participation, and state responsibility were also used as supporting analytical material.

Third, a conceptual approach was used to analyze the concepts of climate justice, environmental constitutionalism, the right to the environment, state obligations, the precautionary principle, and intergenerational equity. Fourth, a comparative approach was used to a limited extent by comparing developments in climate litigation in several countries, such as the decisions in *Urgenda v. State of the Netherlands*, *Neubauer v. Germany*, and *Milieudefensie v. Shell*, to identify the evolving role of the courts in establishing climate responsibility.

Primary legal materials consist of laws and court decisions, while secondary legal materials are obtained from reputable journal articles, environmental law books, and related academic literature. All legal materials are analyzed qualitatively using content analysis and legal reasoning analysis methods to identify patterns of judicial consideration and formulate a Constitutional Climate Justice Framework model to strengthen the role of environmental justice in Indonesia.

3. Results and Discussion

3.1. Constitutional Environmentalism and Climate Justice as Analytical Framework for Judicial Reasoning

The development of environmental disputes in various countries demonstrates a paradigm shift in understanding the relationship between the state, society, and the environment. The environment is no longer viewed solely as an object of administrative management under the authority of the government, but has evolved into a constitutional value inherent in the protection of citizens' rights. This paradigm shift gave rise to the concept of constitutional environmentalism, an approach that places the principle of environmental protection as a fundamental element in a country's constitutional system. Through this approach, the constitution not only functions to regulate the structure of state power but also provides normative limits on state actions in the utilization of natural resources and establishes constitutional obligations to maintain ecological sustainability.³²

From a constitutional environmentalist perspective, environmental damage is not merely understood as a failure of government administration or a violation of sectoral environmental provisions, but can become a constitutional issue when it results in the loss of fundamental community rights. Therefore, the courts play a crucial role in interpreting the relationship between citizens' rights, government

³² James R. May, and Erin Daly., *Global Environmental Constitutionalism*, in *Cambridge University Press eBooks*, Cambridge University Press, 2014, page.839. See too, Louis J Kotzé., Human rights and the environment in the Anthropocene, *The Anthropocene Review*, Vol.1, no.3, 2014, page.257.

obligations, and environmental protection. This development is evident in various global climate change cases, as courts have begun to use human rights and constitutional principles to evaluate the adequacy of government environmental policies.³³

This concept has strong relevance in the Indonesian legal system. The recognition of the environment as part of citizens' constitutional rights is explicitly stated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to a good and healthy environment. This provision demonstrates that environmental protection has undergone a process of constitutionalization of environmental rights, namely, the shift in the environment's position from merely a public interest to a fundamental right that citizens can demand fulfillment of.³⁴

In addition to Article 28H paragraph (1), the constitutional principle of the environment is also strengthened through Article 33 paragraphs (3) and (4) of the 1945 Constitution. These articles emphasize that natural resource management must be carried out based on the principles of sustainability, balance, and benefit to society. Thus, the Indonesian constitution contains two important dimensions of environmental protection.³⁵ First, the environmental rights dimension, which recognizes that society has the right to a decent environment. Second, the state responsibility dimension, which is the state's obligation to ensure that development activities and the utilization of natural resources do not diminish the community's right to a healthy environment.

This construction has important implications for the role of the judiciary. In the context of citizen lawsuits, the courts function not only as a forum for resolving conflicts between parties who have suffered losses and those deemed responsible, but also as an institution that tests whether the state has fulfilled its constitutional obligations. In other words, citizen lawsuits serve as a mechanism that allows the public to hold the state accountable when there is an alleged failure to protect public environmental interests.³⁶

This differs from the concept of traditional civil lawsuits, which generally focus on

³³ Nyoman Satyayudha Dananjaya, and Fuchikawa Kazuhiko., The Citizens' Constitutional Rights Regarding Habitable and Wholesome Environment: Towards a Law State that Protects the Environment, *Udayana Journal of Law and Culture*, Vol.4, no.1, 2020, page.75. See too, Lael K. Weis., Environmental constitutionalism: Aspiration or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.839.

³⁴ Zulkifli Aspan, and Ahsan Yunus., The right to a good and healthy environment: Revitalizing green constitution, In *IOP Conference Series: Earth and Environmental Science*, vol.343, no.1, Bristol, IOP Publishing, 2019, page.12067. See too, James R. May, and Erin Daly., Ten Good Practices in Environmental Constitutionalism: Structure, Text and Justiciability, *Novos Estudos Jurídicos*, Vol.22, no.3, 2017, page.965.

³⁵ Hikam Hulwanullah, Hananto Widodo, Muh. Ali Masnun, Sulaksono, Intan Lovisonya, and Rachmadini Ratna Nastiti., Indonesian Constitutional Policies to Overcome Climate Crisis from Ecological Democracy Perspectives, in *E3S Web of Conferences*, Les Ulis, EDP Sciences, 2025, page.225.

³⁶ Kenny Cetera, and Ardianto Budi Rahmawan., Prospek Citizen Lawsuit Dalam Sengketa Tata Usaha Negara Terkait Isu Perubahan Iklim Di Indonesia, *Jurnal Yudisial*, Vol.15, no.2, 2023, page.156.

individual losses and compensation. The primary characteristic of a citizen lawsuit lies in its public dimension, providing citizens with a platform to question government actions or omissions that have broad impacts on society. Therefore, in environmental cases, citizen lawsuits can be understood as an instrument of environmental democracy that strengthens public control over the implementation of state obligations.

In the development of modern environmental law, these state obligations are increasingly linked to the concept of climate justice. Climate change demonstrates that environmental damage differs from conventional environmental disputes because its impacts are transnational, spanning time, and are not always reversible. Community groups that have contributed least to climate change are often the most vulnerable to its impacts. Therefore, climate justice has emerged as an approach that emphasizes that responses to climate change must consider aspects of distributive justice, protection of vulnerable groups, historical responsibility, and the relationship between present and future generations.³⁷

From a legal perspective, climate justice broadens the understanding of environmental protection. Environmental protection aims not only to maintain ecological quality but also to ensure that state policies do not result in social and ecological injustice. Therefore, when courts examine environmental cases related to government policies, the relevant question is not only whether a government action complies with legal procedures, but also whether it fulfills the constitutional obligation to protect the public from environmental risks.³⁸

One crucial element in establishing climate justice is the concept of state obligation. In modern environmental law, state obligations have three main dimensions: the obligation to respect, protect, and fulfill the right to the environment. The obligation to respect means the state must refrain from actions that directly cause environmental damage. The obligation to protect means the state must prevent third parties, including corporations, from engaging in actions that harm the environment. Meanwhile, the obligation to fulfill means the state must take active policies to ensure environmental sustainability for the public.³⁹

In the context of climate change, this obligation contains a positive obligation, namely the obligation of the state to take active action based on scientific developments. The state cannot simply act after damage has occurred, but must also take preventative measures against foreseeable risks. This principle is an

³⁷ David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.366.

³⁸ Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.45. See too, Sekar Anggun Gading Pinilih, and Arief Rahmansyah., Climate Change and Environmental Justice in Constitutional Law, In *IOP Conference Series: Earth and Environmental Science*, vol.1270, no.1, Bristol, IOP Publishing, 2023, page.1202.

³⁹ Wewerinke-Singh Margaretha., *State responsibility, climate change and human rights under international law.*, Bedford Square, Bloomsbury Publishing, 2019, page.219.

important basis for assessing judicial reasoning because it indicates whether judges view the state solely as an administrative regulator or as a holder of constitutional responsibility for ecological protection.⁴⁰

Furthermore, analysis of the judge's reasoning also needs to be linked to the precautionary principle. This principle is a key principle in international environmental law, asserting that the lack of scientific certainty should not be used as a reason to delay preventive action against the threat of serious environmental damage. In climate change cases, this principle is particularly relevant because the impacts of climate change are often cumulative and only become apparent in the long term.⁴¹ The application of the precautionary principle in judicial reasoning represents a paradigm shift from a legal approach that focuses solely on damage that has already occurred (a reactive approach) to a preventative approach. This allows courts to assess whether the government has taken adequate steps based on available scientific information to prevent environmental risks.

In addition to the precautionary principle, the concept of intergenerational equity is a crucial element within the perspective of constitutional environmentalism. This principle states that the current generation has an obligation to protect the environment so that future generations have an equal opportunity to enjoy natural resources and a sustainable environment. In the issue of climate change, this principle becomes even more important because the consequences of current development decisions will largely be felt by generations who do not yet have the capacity to participate in the decision-making process.⁴²

By incorporating the principle of intergenerational equity, courts consider not only the interests of the parties involved in the case but also the broader public interest and the future. This approach enables judges to develop more progressive legal interpretations in addressing environmental issues with long-term impacts.

In addition to these principles, environmental restoration obligation constitutes

⁴⁰ Deniza Ariani., The Effectiveness of Climate Change Litigation as a Venue to Uphold State Climate Change Obligations in Indonesia, *Indonesian Journal of International Law*, Vol.16, no.2, 2019, page.210. See too, Benoit Mayer, Climate change mitigation as an obligation under human rights treaties?, *American Journal of International Law*, Vol.115, no.3, 2021, page.412; Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.45.

⁴¹ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.177. See too, Benoit Mayer, Climate change mitigation as an obligation under human rights treaties?, *American Journal of International Law*, Vol.115, no.3, 2021, page.415; Emanuele Sommario., When climate change and human rights meet: A brief comment on the UN Human Rights Committee's Teitiota decision, *Questions of International Law*, Vol.8, no.77, 2021, page.55.

⁴² James R. May, and Erin Daly., Ten Good Practices in Environmental Constitutionalism: Structure, Text and Justiciability, *Novos Estudos Jurídicos*, Vol.22, no.3, 2017, page.966. See too, Till Steinkamp., Intergenerational Justice as a Lever to Impact Climate Policies: Lessons from the Complainants' Perspective on Germany's 2021 Climate Constitutional Ruling, *European Journal of Risk Regulation*, Vol.14, no.4, 2023, page.733; Suparto, and Jose Gama Santos., Regional Spatial Regulation in Riau Province: Policy Formation Problems and Solutions, *Journal of Law, Environmental and Justice*, Vol.2, no.2, 2024, page.188; Délton Winter de Carvalho, and Rafaela Santos Martins da Rosa, "Climate constitutionalism as a foundation for climate litigation in Latin America," *Journal of Human Rights Practice* Vol.16, no.1, 2024, page.77.

another important element of constitutional climate justice. Environmental protection cannot be limited only to preventing violations or determining legal responsibility, but must also include the obligation to restore ecological functions that have been damaged. In climate-related disputes, restoration serves as a form of remedial justice because environmental degradation often produces long-term consequences that cannot be resolved solely through compensation or sanctions. Therefore, judicial reasoning should also examine whether responsible parties, including state authorities and other actors, have undertaken adequate measures to recover damaged ecosystems and ensure ecological sustainability.⁴³

Based on this description, this study uses constitutional environmentalism and climate justice as an analytical framework to evaluate judicial reasoning in environmental citizen lawsuit cases in Indonesia. Six main indicators are used in the analysis: (1) recognition of constitutional rights to the environment; (2) construction of state obligations to protect the environment; (3) application of the precautionary principle in addressing ecological risks; (4) protection of the public interest through community participation; (5) recognition of intergenerational justice; and (6) environmental restoration obligation as a mechanism for ecological recovery and remedial justice.

These six indicators serve as the basis for analyzing how Indonesian courts construct legal arguments in citizen lawsuit cases. With this approach, the study not only assesses whether a lawsuit is accepted or rejected, but also examines how judges develop new interpretations regarding the relationship between the constitution, environmental rights, state responsibility, ecological restoration, and climate justice.⁴⁴

3.2. Judicial Reasoning in Indonesian Citizen Lawsuits: The Emergence of Constitutional Environmental Protection

The development of citizen lawsuits in environmental cases in Indonesia demonstrates a significant transformation in how courts understand the relationship between citizens, the state, and environmental protection. Initially, environmental disputes were primarily understood through an administrative approach, examining the legality of environmental permits or compliance with sectoral regulations. However, through a number of landmark decisions, courts

⁴³ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.178. See too, Hooper, F. S. Chapin, J. J. Ewel, A. Hector, P. Inchausti, S. Lavorel, J. H. Lawton, D. M. Lodge, M. Loreau, S. Naeem, B. Schmid, H. Setälä, A. J. Symstad, J. Vandermeer, and D. A. Wardle., EFFECTS OF BIODIVERSITY ON ECOSYSTEM FUNCTIONING: A CONSENSUS OF CURRENT KNOWLEDGE, *Ecological Monographs*, Vol.75, no.1, 2005, page.13; Annalisa Savaresi, and Joana Setzer., Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers, *Journal of Human Rights and the Environment*, Vol.13, no.1, 2022, page.14.

⁴⁴ Conrado M Cornelius., What Might Future Rights-Based Climate Litigation Look Like in Indonesia? A Preliminary Analysis, *Journal of Human Rights Practice*, Vol.16, no.1, 2024, page.287. See too, Linda Yanti Sulistiawati., Climate change related litigation in Indonesia, *Communications Earth & Environment*, Vol.5, no.1, 2024, page.522.

have begun to develop a more constitutional approach, positioning environmental protection as part of the state's obligation to fulfill the fundamental rights of the people.⁴⁵

This transformation demonstrates that judicial reasoning in environmental cases is no longer limited to the question of whether a government action violates positive law, but has evolved to address a more fundamental question: whether the state has fulfilled its constitutional obligation to protect the public and the environment from ecological risks. In this context, court decisions related to citizen lawsuits demonstrate a gradual development from merely scrutinizing administrative actions to establishing the principle of constitutional environmental protection.⁴⁶

An analysis of several landmark cases demonstrates that Indonesian courts are constructing environmental legal arguments through increasingly constitutional reasoning patterns. This pattern did not emerge suddenly, but rather developed through several stages, starting with the recognition of the state's responsibility for environmental management, strengthening constitutional rights to the environment, recognizing the importance of public participation in environmental decision-making, and implementing the precautionary principle and the obligation to ensure ecological restoration. This development demonstrates a transformation in the judicial function, from merely testing administrative compliance to an institution that plays a role in establishing rights- and constitutionally-based environmental protection standards.⁴⁷

The initial development of this judicial reasoning can be seen in the citizen lawsuit regarding coal mining in Samarinda, as evidenced by Samarinda District Court Decision No. 55/Pdt.G/2013/PN.Smda. This case became a significant milestone because it demonstrated how the courts began to construct the relationship

⁴⁵ Deniza Ariani., The Effectiveness of Climate Change Litigation as a Venue to Uphold State Climate Change Obligations in Indonesia, *Indonesian Journal of International Law*, Vol.16, no.2, 2019, page.212. See too, Conrado M Cornelius., What Might Future Rights-Based Climate Litigation Look Like in Indonesia? A Preliminary Analysis, *Journal of Human Rights Practice*, Vol.16, no.1, 2024, page.289; Helmi, Hafrida, Hartati, Setya Nugraha Harry, and Johni Najwan., Documenting Land-Combustion and Progressive Law Enforcement in Indonesia, *Library Philosophy and Practice (e-journal)*, Vol.6, no.4, 2019, page.7.

⁴⁶ James R. May, and Erin Daly., Global Environmental Constitutionalism, in *Cambridge University Press eBooks*, Cambridge University Press, 2014, page.841. See too, Annalisa Savaresi, and Joana Setzer., Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers, *Journal of Human Rights and the Environment*, Vol.13, no.1, 2022, page.17; Linda Yanti Sulistiawati., Climate change related litigation in Indonesia, *Communications Earth & Environment*, Vol.5, no.1, 2024, page.524.

⁴⁷ Deniza Ariani., The Effectiveness of Climate Change Litigation as a Venue to Uphold State Climate Change Obligations in Indonesia, *Indonesian Journal of International Law*, Vol.16, no.2, 2019, page.214. See too, Conrado M Cornelius., What Might Future Rights-Based Climate Litigation Look Like in Indonesia? A Preliminary Analysis, *Journal of Human Rights Practice*, Vol.16, no.1, 2024, page.291; Ardina Nur Amalia, and Rahayu Rahayu., Environmental Management and Protection Based on the Green Constitution Concept, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.9, no.3, 2021, page.133; Brian J Preston., The evolving role of environmental rights in climate change litigation, *Chinese Journal of Environmental Law*, Vol.2, no.2, 2018, page.135; Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.127.

between economic activity, environmental damage, and state obligations. The lawsuit was filed by citizens who believed that coal mining activities had caused various ecological and social impacts, including ecosystem damage, increased flood risk, and threats to public safety. However, the focus of the lawsuit is not only directed at the company as the perpetrator of mining activities, but also at the local government which is deemed to have failed to carry out its environmental supervision, control, and protection functions.⁴⁸

In its deliberations, the court demonstrated a crucial approach by viewing environmental damage not solely as a consequence of corporate actions, but also as a result of the government's failure to exercise its public authority. This argument demonstrates the emergence of an early construct of state environmental responsibility, namely the understanding that the state has a legal responsibility to ensure that the utilization of natural resources is carried out in accordance with the principles of sustainability and does not compromise the public's right to a healthy and good environment. In other words, the government cannot abdicate its responsibility simply because the environmental damage was caused by private parties, as the state still has a regulatory and supervisory function over activities that impact the public interest.⁴⁹

From the perspective of constitutional environmentalism, the Samarinda case is significant because it broadens the meaning of the state's obligations in natural resource management. The state is no longer positioned merely as the holder of administrative authority to grant exploitation permits, but as an institution with a constitutional obligation to maintain a balance between economic development and ecological protection. This approach aligns with the principle of Article 33 paragraph (4) of the 1945 Constitution, which emphasizes that national economic management must be based on sustainable and environmentally conscious principles.

Although the Samarinda case did not explicitly use the terminology of climate justice, its legal considerations are relevant to the development of climate change law. Coal mining is a sector closely linked to carbon emissions and the energy transition. Therefore, when the court assessed the importance of state oversight of extractive activities, the decision indirectly reinforced the principle that development decisions must consider long-term ecological impacts. From a climate justice perspective, this approach demonstrates that the state has an obligation to prevent development policies that result in disproportionate ecological burdens on communities and future generations.⁵⁰

⁴⁸ Kenny Cetera, and Ardianto Budi Rahmawan., *Prospek Citizen Lawsuit Dalam Sengketa Tata Usaha Negara Terkait Isu Perubahan Iklim Di Indonesia*, *Jurnal Yudisial*, Vol.15, no.2, 2023, page.157.

⁴⁹ Sri Wartini, and Ayu Atika Dewi., *Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia*, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.129.

⁵⁰ David Schlosberg, and Lisette B. Collins., *From environmental to climate justice: climate change and the discourse of environmental justice*, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.367.

The subsequent developments were even more pronounced in the citizen lawsuit over Jakarta's air pollution, which was decided by the Central Jakarta District Court Number 374/Pdt.G/LH/2019/PN.Jkt.Pst. While the Samarinda case marked the initial recognition of state responsibility, the Jakarta air pollution case demonstrated the strengthening of constitutional environmental reasoning through the explicit recognition of the right to a healthy environment as a constitutional right of citizens. This case was filed by citizens who believed that Jakarta's poor air quality resulted from the government's failure to fulfill its obligations to control air pollution and protect public health.⁵¹

In this case, the court argued that the government could be held accountable not for directly causing pollution, but for failing to fulfill its active obligation to prevent and control environmental risks. This consideration demonstrates the application of the concept of positive obligation of the state, namely, that the state has an obligation to take concrete action to ensure the fulfillment of the public's right to a healthy environment. This approach is an important development because it changes the perspective on state responsibility: from a negative obligation not to harm the environment to a positive obligation to actively protect society from ecological threats.⁵²

Furthermore, the Jakarta case demonstrates the use of a science-based approach in the judge's reasoning. Air quality data, environmental quality standards, and the health impacts of pollution are crucial in assessing whether the government has adequately fulfilled its obligations. This demonstrates the relationship between judicial reasoning and the precautionary principle, which states that states must take preventative measures when there is a serious risk to the environment and human health, even if the full impact is not yet fully certain.⁵³ The Jakarta case also demonstrates an important development in the global trend toward rights-based climate litigation. In the development of international climate change litigation, courts are increasingly using human rights as a basis for assessing whether state policies have fulfilled their obligations to protect the public from ecological risk. Thus, although the Jakarta air pollution case is not explicitly categorized as climate litigation, its legal argumentation pattern aligns with this global development.

⁵¹ Fairuziah Putri Adristi, Graciella Annette, and Saffanah Rezky Azzahrah Andrian., Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia, *Jurnal Hukum Lingkungan Indonesia*, Vol.9, no.2, 2023, page.214. See too, Ismail Aris., Strengthening environmental law policy and its influence on environmental sustainability performance: Empirical studies of green constitution in adopting countries, *International Journal of Energy Economics and Policy*, Vol.6, no.3, 2020, page.116.

⁵² Jacqueline Peel, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?, *Transnational Environmental Law*, Vol.7, no.1, 2017, page.46. See too, E. K., A. Purwendah, Awaludin Rusito, and I. D. S. Triana., Public Participation in Environmental Protection: Citizen Law Suits in the Indonesian Civil Justice System, *IOP Conference Series: Earth and Environmental Science*, Bristol, IOP Publishing, 2022, page.1202; Wewerinke-Singh Margaretha., *State responsibility, climate change and human rights under international law.*, Bedford Square, Bloomsbury Publishing, 2019, page.219.

⁵³ Mingzhe Zhu, and Liyuan Fan., A comparative study of the judicial construction of scientific credibility in climate litigation, *Review of European, Comparative & International Environmental Law*, Vol.33, no.2, 2024, page.253.

In contrast to the Samarinda case, which focused on the state's responsibility for overseeing extractive activities, subsequent developments in environmental cases, such as the cement factory construction dispute in the Kendeng Mountains, demonstrate another dimension of environmental protection: strengthening the principles of public participation and environmental democracy. In this case, the public questioned the environmental decision-making process, which they considered inadequately facilitated participation and failed to comprehensively consider the ecological value of the karst area. Considerations in the Kendeng case demonstrate that environmental rights not only have a substantive dimension, namely the right to enjoy a healthy environment, but also a procedural dimension, namely the right of the community to participate in decisions that impact their environment.⁵⁴ This dimension of public participation is closely related to climate justice, as local communities are often the most impacted by development policies oriented toward the exploitation of natural resources. By providing space for community participation, courts indirectly strengthen the principle of ecological justice and prevent the unequal distribution of environmental risks.⁵⁵

Recent developments can be seen in various forest and land fire cases, which demonstrate a strengthening of the precautionary principle and the obligation to restore the environment. In these cases, courts are beginning to develop an understanding that environmental responsibility is not solely concerned with proving who directly caused the damage, but also with whether the authorized party took adequate preventative measures. This approach demonstrates a shift from a damage-based liability model to a risk-based approach to environmental governance.⁵⁶

In addition to establishing legal responsibility, forest fire cases also reinforce the concept of restoration obligation, namely the obligation to restore damaged ecological functions. In the context of climate change, the obligation to restore is strategically important because forest ecosystems act as carbon sinks and play a crucial role in maintaining ecological balance. Thus, these decisions demonstrate that courts are beginning to understand environmental protection not merely as an effort to stop violations, but also as an obligation to repair damage and ensure

⁵⁴ James R. May, and Erin Daly., Global Environmental Constitutionalism, in *Cambridge University Press eBooks*, Cambridge University Press, 2014, page.842. See too, Lintang Ario Pambudi., Strengthening the Ombudsman's Authority in Overseeing Government Non-Compliance with Environmental Court Decisions, *Administrative and Environmental Law Review*, Vol.7, no.1, 2026, page.57.

⁵⁵ David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.368.

⁵⁶ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.179. See too, Mulyani Zulaeha., Mengatasi kabut asap melalui mekanisme citizen lawsuit, *Jurnal Hukum Lingkungan Indonesia*, Vol.3, no.1, 2016, page.93.

environmental sustainability.⁵⁷

Based on these four cases, it is clear that Indonesian courts are gradually developing a pattern of judicial reasoning that leads to constitutionally based environmental protection. This development can be summarized in four stages. First, the Samarinda case demonstrates the emerging understanding that the state has a responsibility to ensure sustainable natural resource management. Second, the Jakarta case strengthens the position of the right to the environment as a constitutional right and affirms the state's positive obligation to protect the public. Third, the Kendeng case broadens the dimensions of environmental protection by recognizing public participation as an element of environmental democracy. Fourth, the forest fire case reinforces the precautionary approach and the obligation to restore as part of ecological responsibility.

Thus, judicial reasoning in environmental citizen lawsuit cases in Indonesia demonstrates a shift from a legal-formal approach to a constitutional-ecological approach. Although the term "climate justice" has not always been explicitly used by the courts, key elements of the concept have emerged through the recognition of environmental rights, state obligations, protection of vulnerable communities, the precautionary principle, and protection of the interests of future generations. These developments indicate that Indonesian courts are beginning to play a significant role in building the foundations of constitutional climate justice within the national legal system.⁵⁸

3.3. Reconstructing Judicial Reasoning toward Constitutional Climate Justice: Conceptual and Comparative Perspectives

The development of judicial reasoning in various environmental citizen lawsuit cases in Indonesia indicates that courts have begun to build a foundation for constitutionally based environmental protection. However, as seen in the various decisions analyzed previously, the concept of climate justice has not yet become an explicit part of judges' legal arguments. Most decisions still use more traditional terminology, such as the right to a good and healthy environment, the government's obligation to manage the environment, the principle of sustainable development, and the state's administrative responsibility. Although the substance of these considerations is strongly linked to the principles of climate justice, there is no reasoning framework that systematically connects constitutional rights, state obligations, climate change risks, and the protection of future generations.⁵⁹

⁵⁷ Sri Wartini, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia, *Jurnal Media Hukum*, Vol.33, no.1, 2026, page.128.

⁵⁸ Deniza Ariani., The Effectiveness of Climate Change Litigation as a Venue to Uphold State Climate Change Obligations in Indonesia, *Indonesian Journal of International Law*, Vol.16, no.2, 2019, page.216. See too, Conrado M Cornelius., What Might Future Rights-Based Climate Litigation Look Like in Indonesia? A Preliminary Analysis, *Journal of Human Rights Practice*, Vol.16, no.1, 2024, page.291; Annalisa Savaresi, and Juan Auz., Climate Change Litigation and Human Rights: Pushing the Boundaries, *Climate Law*, Vol.9, no.3, 2019, page.522; Linda Yanti Sulistiawati., Climate change related litigation in Indonesia, *Communications Earth & Environment*, Vol.5, no.1, 2024, page.525.

⁵⁹ David Schlosberg, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice, *Wiley Interdisciplinary Reviews: Climate Change*, Vol.5, no.3, 2014, page.369. See too, Lael K. Weis., Environmental constitutionalism: Aspiration

In this context, it is necessary to develop a judicial reasoning model capable of integrating conventional environmental law approaches with a constitutional climate justice perspective. This approach begins with the understanding that climate change is not merely a technical issue of emissions reduction, but rather a constitutional issue related to the protection of basic human rights, the distribution of ecological risks, and the state's responsibility to both current and future generations.⁶⁰

Conceptually, strengthening judicial reasoning can be developed through the integration of six main elements: constitutional environmental rights, state obligations, precautionary governance, environmental democracy, intergenerational equity, and environmental restoration obligations. These elements form the Constitutional Climate Justice Framework, an analytical framework that allows judges not only to assess the legality of an environmental policy but also to examine the extent to which the policy meets constitutional protection standards, the precautionary principle, and ecological justice. This framework works through interconnected stages of legal reasoning, starting from identifying environmental rights, evaluating state obligations, and assessing the ecological impact on society and future generations.⁶¹

The first stage is the identification of constitutional environmental rights, namely the recognition that the right to a good and healthy environment is a fundamental right, not simply an interest dependent on government policy. Based on the principle of environmental constitutionalism, judges not only assess the existence of administrative violations but also examine whether a state action or omission has threatened the public's constitutional rights. In the Indonesian context, Article 28H paragraph (1) of the 1945 Constitution provides the basis for the state's failure to prevent serious ecological damage to be viewed as a failure to fulfill its constitutional obligation to protect the environment.⁶²

or transformation?, *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.839; Emily Barritt., *Consciously transnational: Urgenda and the shape of climate change litigation: The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v Urgenda Foundation*, *Environmental Law Review*, Vol.22, no.4, 2020, page.296.

⁶⁰ Louis J Kotzé., Human rights and the environment in the Anthropocene, *The Anthropocene Review*, Vol.1, no.3, 2014, page.259.

⁶¹ James R. May, and Erin Daly., Ten Good Practices in Environmental Constitutionalism: Structure, Text and Justiciability, *Novos Estudos Jurídicos*, Vol.22, no.3, 2017, page.968. See too, Tri Laksmi Indreswari, and Aga Natalis., Legal Reasoning in the Era of Climate Change: Overcoming Challenges in Integrating Science into Judicial Decision-Making, *In E3S Web of Conferences*, vol. 650, Les Ulis, EDP Sciences, 2025, page.232; Tri Laksmi Indreswari, Anggita Doramia Lumbanraja, and Aga Natalis., Enhancing Environmental Law Enforcement in Indonesia: Integrating Climate Justice into Judicial Legal Reasoning, *Pakistan Journal of Life & Social Sciences*, Vol.22, no.1, 2024, page.1837.

⁶² Domenico Amirante., Environmental Constitutionalism through the Lens of Comparative Law: New Perspectives for the Anthropocene, in *In Implementing Environmental Constitutionalism: Current Global Challenges*, edited by James R. May and Erin Daly, Cambridge, Cambridge University Press, 2018, page.75. See too, Lael K. Weis., *Environmental constitutionalism:*

The second stage is the evaluation of the state's climate obligation, namely the assessment of the extent to which the state has fulfilled its active obligation to protect the public from ecological risks. From a climate justice perspective, the state plays not only a regulatory role but also a positive obligation to prevent, control, and respond to environmental threats. Therefore, judicial reasoning assesses not only whether the state directly caused the damage but also whether there has been a failure to establish adequate regulations, implement effective oversight, and adopt policies based on risk and scientific developments. This approach strengthens the construction of state responsibility as developed in various international climate litigation cases.⁶³

The third stage is the application of precautionary and science-based governance, namely the use of the precautionary principle and scientific evidence as the basis for assessing environmental policies. Unlike conventional environmental damage, climate change is complex, cumulative, and often irreversible. Therefore, judicial reasoning focuses not only on the damage that has occurred but also on the potential and foreseeable ecological risks. Through this approach, courts do not replace the function of policymakers but ensure that public policies take into account adequate scientific information and do not ignore serious environmental threats.⁶⁴

The fourth stage is the examination of environmental democracy, which assesses the extent to which environmental decision-making processes have ensured meaningful public participation. Climate change and environmental degradation often have a disproportionate impact on local communities and vulnerable groups with limited access to the policy process. Therefore, public participation cannot be understood simply as fulfilling administrative procedures, but as a constitutional element that determines the legitimacy of an environmental policy. Through this approach, judicial reasoning can assess whether the state has provided space for transparency, access to information, and public involvement in decisions that potentially affect environmental rights.⁶⁵

The fifth stage is the application of intergenerational equity, the principle that current development decisions should not create unfair ecological burdens for future generations. In the context of climate change, judicial reasoning needs to broaden its time perspective by considering that policies that provide short-term

Aspiration or transformation? *International Journal of Constitutional Law*, Vol.16, no.3, 2018, page.839.

⁶³ Jacqueline Peel, and Jolene Lin., Transnational climate litigation: The contribution of the global south, *American Journal of International Law*, Vol.113, no.4, 2019, page.682. See too, Wewerinke-Singh Margaretha., *State responsibility, climate change and human rights under international law.*, Bedford Square, Bloomsbury Publishing, 2019, page.221.

⁶⁴ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.181. See too, Mingzhe Zhu, and Liyuan Fan., A comparative study of the judicial construction of scientific credibility in climate litigation, *Review of European, Comparative & International Environmental Law*, Vol.33, no.2, 2024, page.255.

⁶⁵ Erin Daly, and James R. May., eds. *Implementing environmental constitutionalism: Current global challenges*, Cambridge, Cambridge University Press, 2018, page.237. See too, Brian J. Preston., The role of the judiciary in promoting sustainable development: the experience of Asia and the Pacific, *Asia Pac. J. Env'tl. L.*, Vol.9, no., 2005, page.110.

economic benefits can have long-term environmental impacts. This principle provides a basis for judges to assess whether the state has maintained a balance between current development interests and protecting the rights of generations who have not yet had the opportunity to participate in the decision-making process.⁶⁶

The final stage is the environmental restoration obligation, which is the obligation to ensure that environmental protection does not stop at declaring a violation or determining a responsible party, but also includes restoring damaged ecological functions. In the context of modern environmental law, restoration is an integral part of ecological justice because environmental damage often has long-term impacts that cannot be resolved through sanctions alone. This approach is particularly important in cases related to forest fires, pollution, and ecosystem degradation, where judges need to consider the obligation of restoration as part of environmental responsibility. Thus, judicial reasoning is oriented not only toward punishing violations but also toward restoring ecological balance and protecting environmental sustainability for current and future generations.⁶⁷

In addition to this conceptual approach, strengthening Indonesia's judicial reasoning can also be enriched through a comparative approach to developments in climate litigation in other countries. A comparison with the case of *Urgenda Foundation v. State of the Netherlands* demonstrates how courts can use a human rights approach to establish state obligations to control climate change. In that case, the court considered that the state's failure to take adequate mitigation measures could result in violations of the fundamental rights of the community.⁶⁸ This approach provides a lesson that courts can play a crucial role in ensuring states fulfill their climate obligations.⁶⁹

A similar development was seen in the case of *Neubauer v. Germany*, decided by the German Federal Constitutional Court. The ruling introduced an important dimension of intergenerational justice by stating that current climate policies must not disproportionately restrict the freedoms of future generations. This approach is relevant for Indonesia because it demonstrates that environmental protection in

⁶⁶ Benoit Mayer., *The state of the Netherlands v. Urgenda foundation: ruling of the court of appeal of The Hague (9 October 2018)*, *Transnational Environmental Law*, Vol.8, no.1, 2019, page.169. See too, Délton Winter de Carvalho, and Rafaela Santos Martins da Rosa, "Climate constitutionalism as a foundation for climate litigation in Latin America," *Journal of Human Rights Practice* Vol.16, no.1, 2024, page.78.

⁶⁷ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., *The legally disruptive nature of climate change*, *The Modern Law Review*, Vol.80, no.2, 2017, page.182.

⁶⁸ Benoit Mayer., *The state of the Netherlands v. Urgenda foundation: ruling of the court of appeal of The Hague (9 October 2018)*, *Transnational Environmental Law*, Vol.8, no.1, 2019, page.172. See too, Suryapratim Roy, and Edwin Woerdman., *Situating Urgenda v the Netherlands within comparative climate change litigation*, *Journal of Energy & Natural Resources Law*, Vol.34, no.2, 2016, page.168.

⁶⁹ Délton Winter de Carvalho, and Rafaela Santos Martins da Rosa, "Climate constitutionalism as a foundation for climate litigation in Latin America," *Journal of Human Rights Practice* Vol.16, no.1, 2024, page.79.

the context of climate change relates not only to current conditions but also to the distribution of ecological burdens across time periods.⁷⁰

Meanwhile, the case of *Milieudefensie v. Royal Dutch Shell* represents an important development in extending climate responsibility from the state to non-state actors, particularly large corporations. While the Indonesian legal context differs, the ruling provides a perspective that environmental responsibility in the era of climate change requires a broader approach, encompassing not only government obligations but also controls on economic activities that have significant ecological impacts.⁷¹

While the Indonesian legal context differs from those in these countries, this development provides a normative basis upon which courts can develop a more progressive interpretative approach. In the Indonesian legal system, this approach can be developed through the construction of the Constitutional Climate Justice Framework, a model of legal reasoning that integrates constitutional rights to the environment, state obligations, the precautionary principle, intergenerational justice, and public participation as standards for evaluating environmental policies.

The model proposed in this study can be described as follows.

⁷⁰ Jacqueline Peel, and Hari M. Osofsky., Climate change litigation, *Annual Review of Law and Social Science*, Vol.16, no.1, 2020, page.25. See too, Jacqueline Peel, and Jolene Lin., Transnational climate litigation: The contribution of the global south, *American Journal of International Law*, Vol.113, no.4, 2019, page.685.

⁷¹ Elizabeth Fisher, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change, *The Modern Law Review*, Vol.80, no.2, 2017, page.183.

Table 1. Proposed Constitutional Climate Justice Framework for Strengthening Judicial Reasoning in Indonesian Environmental Litigation

Judicial Reasoning Dimension	Judicial Question Examined	Constitutional or Environmental Basis	Implementation in Environmental Cases	Contribution to Climate Justice
Constitutional Environmental Rights	Has state action or omission violated citizens' right to a good and healthy environment?	Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia	Examining the impact of policies on citizens' environmental rights	Recognizing the environment as a fundamental right
State Climate Obligation	Has the state fulfilled its active obligation to prevent environmental risks?	Article 33 paragraphs (3) and (4) of the 1945 Constitution; Environmental Protection and Management Law (UU PPLH)	Assessing the state's regulatory, supervisory, and protective functions	Affirming state responsibility for ecological risks
Precautionary and Science-Based Governance	Has the state taken preventive measures based on environmental risks and scientific evidence?	The precautionary principle in environmental law	Evaluating the adequacy of policies before environmental damage occurs	Preventing the transfer of ecological risks to society
Environmental Democracy and Public Participation	Has the public been provided with opportunities to participate in environmental decision-making?	The principle of public participation in environmental law	Assessing the procedural legitimacy of environmental policies	Protecting vulnerable groups from ecological injustice
Intergenerational Equity	Do current policies impose environmental risks on future generations?	The principle of sustainable development	Assessing the long-term impacts of development policies	Ensuring justice between present and future generations
Environmental Restoration Obligation	Do parties responsible for environmental damage have an obligation to restore the environment?	The principle of environmental responsibility	Ordering the restoration of damaged ecological functions	Ensuring ecological sustainability

This model demonstrates a paradigm shift in judicial reasoning. Traditional approaches tended to view environmental cases through a simple relationship between norm violations and legal consequences. In contrast, the constitutional climate justice approach views environmental disputes as issues involving a complex relationship between citizen rights, state obligations, ecological risks, and the interests of future generations.

Based on this conceptual and comparative perspective, this study proposes a Constitutional Climate Justice Framework to strengthen judicial reasoning in environmental cases in Indonesia. This model positions the courts as institutions that connect five key elements:

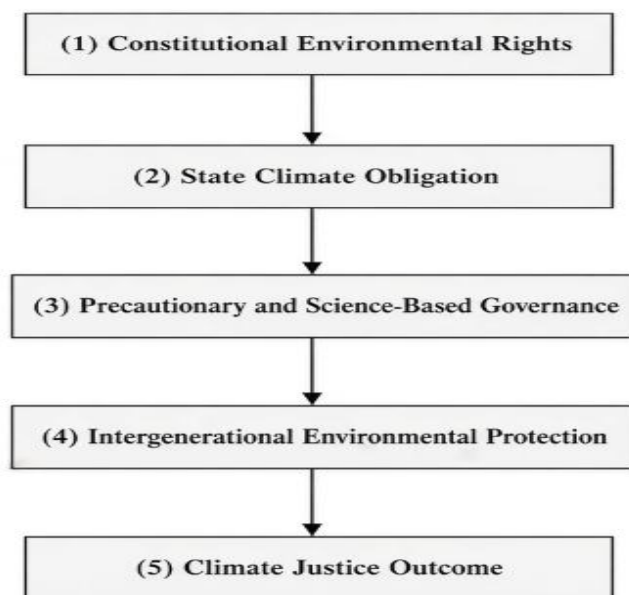


Figure 1. Constitutional Climate Justice Framework

This model contributes to the development of Indonesian environmental law in three aspects. First, theoretically, it expands the concept of a green constitution to include the dimensions of climate change and intergenerational justice. Second, judicially, it provides an analytical framework for judges handling increasingly complex environmental cases. Third, policy-wise, it reinforces the understanding that economic development must always be tested against the state's constitutional obligation to ecological sustainability. Therefore, the institutionalization of constitutional climate justice in the Indonesian legal system does not have to be achieved through the creation of new court mechanisms, but can be developed through a more progressive constitutional interpretation of existing environmental norms.

Under this model, environmental cases are no longer assessed solely on the basis of administrative violations, but rather through a more comprehensive examination of whether state actions meet constitutional standards for environmental

protection. Judges can use this framework to assess whether a development policy considers ecological risks, protects vulnerable groups, ensures public participation, and does not unfairly shift environmental burdens to future generations.

This model also has important implications for the development of Indonesian environmental law. First, for the courts, this framework can serve as a basis for progressive interpretation of Article 28H and Article 33 of the 1945 Constitution in environmental cases. Second, for policymakers, this framework emphasizes that development policies must consider the state's constitutional obligation to ecological sustainability. Third, for the public, this approach strengthens the function of citizen lawsuits as an instrument of constitutional democracy to oversee the state's responsibility in addressing climate change.

Thus, strengthening judicial reasoning toward constitutional climate justice does not mean replacing existing national environmental law, but rather expanding the way courts understand and apply these norms. The development of environmental cases in Indonesia demonstrates that the foundations for this direction have begun to form. The next challenge is to institutionalize this approach through a more consistent, rights-based, and intergenerational sustainability-oriented legal interpretation.⁷²

4. Conclusion

This research demonstrates that Indonesian courts have gradually developed a more constitutional approach to addressing environmental disputes through the citizen lawsuit mechanism, although explicit articulation of climate justice remains limited. Analysis of various cases demonstrates the development of judicial reasoning, moving from an approach initially focused on testing administrative legality to one that positions environmental protection as part of the state's constitutional obligation to guarantee citizens' basic rights. Through environmental lawsuits in Samarinda, air pollution in Jakarta, the Kendeng dispute, and forest fires, the courts have gradually established important principles, such as state responsibility, constitutional rights to the environment, public participation, the precautionary principle, and the obligation to restore ecology.

The research findings indicate that Article 28H paragraph (1) and Article 33 paragraphs (3) and (4) of the 1945 Constitution provide a strong constitutional foundation for the development of judicial reasoning based on environmental protection. However, the application of these principles remains partial and has

⁷² Indah Dwi Qurbani, and Ilham Dwi Rafiqi., Prospective green constitution in new and renewable energy regulation, *Legality: Jurnal Ilmiah Hukum*, Vol.30, no.1, 2022, page.72. See too, Agus Salim, and Liberthin Palullungan., The challenges of environmental law enforcement to implement SDGs in Indonesia, *International Journal of Criminology and Sociology*, Vol.10, no.3, 2021, page.519; Till Steinkamp., Intergenerational Justice as a Lever to Impact Climate Policies: Lessons from the Complainants' Perspective on Germany's 2021 Climate Constitutional Ruling, *European Journal of Risk Regulation*, Vol.14, no.4, 2023, page.733; Heribertus Jaka Triyana., The Role of the Indonesian Constitutional Court for An Effective Economic, Social and Cultural Rights Adjudication, *Constitutional Review*, Vol.1, no.1, 2016, page.75.

not yet established a consistent pattern of reasoning that integrates environmental rights, climate change risks, state obligations, intergenerational justice, and ecological sustainability. Therefore, this study proposes a Constitutional Climate Justice Framework as a model for strengthening judicial reasoning in environmental cases in Indonesia. This framework integrates six key dimensions: constitutional rights to the environment, state climate obligations, precautionary and science-based governance, environmental democracy, intergenerational justice, and environmental restoration obligations.

A comparative perspective on developments in international climate litigation, particularly the cases of *Urgenda v. State of the Netherlands*, *Neubauer v. Germany*, and *Milieudefensie v. Shell*, demonstrates that courts can play a strategic role in translating climate change commitments into enforceable legal obligations. Although the Indonesian legal system has its own characteristics, these developments provide important lessons for strengthening constitutional interpretation of environmental protection.

This study makes a theoretical contribution by developing a model that connects constitutional law, environmental law, and climate justice within a single analytical framework. Practically, this model can serve as a guideline for courts in assessing environmental cases not only based on administrative compliance but also on long-term ecological risks and the protection of the rights of future generations. Future research could test the application of this framework to more specific climate change cases and examine the institutionalization mechanisms of constitutional climate justice principles within the Indonesian judicial system.

5. References

Books:

- Burgers, Laura, and Tim Staal., Climate action as positive human rights obligation: The appeals judgment in *Urgenda v The Netherlands*. In *Netherlands yearbook of international law 2018: Populism and international law*, The Hague, TMC Asser Press, 2019;
- Daly, Erin, and James R. May, eds. *Implementing environmental constitutionalism: Current global challenges*. Cambridge, Cambridge University Press, 2018;
- Wewerinke-Singh, Margaretha., *State responsibility, climate change and human rights under international law*. Bedford Square, Bloomsbury Publishing, 2019;

Journals:

- Adristi, Fairuziah Putri, Graciella Annette, and Saffanah Rezky Azzahrah Andrian., Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia. *Jurnal Hukum Lingkungan Indonesia* Vol.9, no.2, 2023;

- Al-Fatih, Sholahuddin, and Bekov Ikhtiyor Rustamovich., Proposing Green Constitution, Is It Necessary?. *Journal of Law, Environmental and Justice* Vol.4, no.1, 2026; <https://doi.org/10.62264/jlej.v4i1.261>;
- Alobaidi, Haider Abdulkareem, Ali Kareem Majeed Hadi Ammar Khadim Jasim, Milad Abdullah Hafedh Husam Najm Abbood Al-Bayati, and Ata Amini., Climate litigation and judicial activism in environmental protection. *Soil and Water Modeling and Management* Vol.5, no.1, 2025; DOI: 10.22098/mmws.2025.17674.1613;
- Amalia, Ardina Nur, and Rahayu Rahayu., Environmental Management and Protection Based on the Green Constitution Concept. *Jurnal IUS Kajian Hukum dan Keadilan* Vol.9, no.3, 2021; <https://doi.org/10.29303/ius.v9i3.944>;
- Ariani, Deniza., The Effectiveness of Climate Change Litigation as a Venue to Uphold State Climate Change Obligations in Indonesia. *Indonesian Journal of International Law* Vol.16, no.2, 2019; <http://dx.doi.org/10.17304/ijil.vol16.2.751>;
- Aris, Ismail., Strengthening environmental law policy and its influence on environmental sustainability performance: Empirical studies of green constitution in adopting countries. *International Journal of Energy Economics and Policy* Vol.6, no.3, 2020; <https://doi.org/10.32479/ijeep.8719>;
- Barritt, Emily., Consciously transnational: Urgenda and the shape of climate change litigation: The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v Urgenda Foundation. *Environmental Law Review* Vol.22, no.4, 2020; <https://doi.org/10.1177/1461452920974493>;
- Cetera, Kenny, and Ardianto Budi Rahmawan., Prospek Citizen Lawsuit Dalam Sengketa Tata Usaha Negara Terkait Isu Perubahan Iklim di Indonesia. *Jurnal Yudisial* Vol.15, no.2, 2023; DOI: 10.29123/jy.v15i2.506;
- Cornelius, Conrado M., What Might Future Rights-Based Climate Litigation Look Like in Indonesia? A Preliminary Analysis. *Journal of Human Rights Practice* Vol.16, no.1, 2024; <https://doi.org/10.1093/jhuman/huad064>;
- Dananjaya, Nyoman Satyayudha, and Fuchikawa Kazuhiko., The Citizens' Constitutional Rights Regarding Habitable and Wholesome Environment: Towards a Law State that Protects the Environment. *Udayana Journal of Law and Culture* Vol.4, no.1, 2020; <https://doi.org/10.24843/UJLC.2020.v04.i01.p05>;
- de Carvalho, Délton Winter, and Rafaela Santos Martins da Rosa., Climate constitutionalism as a foundation for climate litigation in Latin America. *Journal of Human Rights Practice* Vol.16, no.1, 2024; <https://doi.org/10.1093/jhuman/huad055>;
- Fatah, Abdul., Citizen lawsuit in environmental cases. *Lentera Hukum* Vol.6, no.2,

- 2019; <http://dx.doi.org/10.17304/ijil.vol16.2.751>;
- Fisher, Elizabeth, Eloise Scotford, and Emily Barritt., The legally disruptive nature of climate change. *The Modern Law Review* Vol.80, no.2, 2017;
- Ghaleigh, Navraj Singh., Climate constitutionalism of the UK Supreme Court. *Journal of Environmental Law* Vol.33, no.2, 2021; <https://doi.org/10.1093/jel/eqab013>;
- Helmi, Helmi, Hafrida Hafrida, Hartati Hartati, Setya Nugraha Harry, and Johni Najwan., Documenting Land-Combustion and Progressive Law Enforcement in Indonesia. *Library Philosophy and Practice (e-journal)* Vol.6, no.4, 2019;
- Hooper, David U., Chapin, J. J. Ewel, A. Hector, P. Inchausti, S. Lavorel, J. H. Lawton, D. M. Lodge, M. Loreau, S. Naeem, B. Schmid, H. Setälä, A. J. Symstad, J. Vandermeer, and D. A. Wardle., Effects of biodiversity on ecosystem functioning: a consensus of current knowledge. *Ecological monographs* Vol.75, no.1, 2005; <https://doi.org/10.1890/04-0922>;
- Indreswari, Tri Laksmi, Anggita Doramia Lumbanraja, and Aga Natalis., Enhancing Environmental Law Enforcement in Indonesia: Integrating Climate Justice into Judicial Legal Reasoning. *Pakistan Journal of Life & Social Sciences* Vol.22, no.1, 2024; <https://doi.org/10.57239/PJLSS-2024-2.1.00131>;
- Julianto, Riki, and Ridwan Arifin., Intersection between administrative law and private law on environmental law litigation in indonesia legal system. *Indonesian Journal of Environmental Law and Sustainable Development* Vol.2, no.1, 2023;
- Kotzé, Louis J., Human rights and the environment in the Anthropocene. *The Anthropocene Review* Vol.1, no.3, 2014; <https://doi.org/10.1177/2053019614547741>;
- Maboudi, Tofigh, and Elisa D'Amico., Life, Liberty, and Litigation: Do Constitutional Rights Impact Climate Litigation Outcome?. *Political Research Quarterly* Vol.79, no.1, 2026; <https://doi.org/10.1177/10659129251380572>;
- Masyitoh, Andriyani., Role Of Judicial Activism In Environmental dispute Resolution Before The State Administrative Court. *Prophetic Law Review* Vol.3, no.1, 2021; <https://doi.org/10.20885/PLR.vol3.iss1.art1>;
- May, James R., and Erin Daly., *Global Environmental Constitutionalism*, in Cambridge University Press eBooks, Cambridge University Press, 2014;
- May, James R., and Erin Daly., Ten Good Practices in Environmental Constitutionalism: Structure, Text and Justiciability. *Novos Estudos Jurídicos* Vol.22, no.3, 2017;
- Mayer, Benoit., Climate change mitigation as an obligation under human rights treaties?. *American Journal of International Law* Vol.115, no.3, 2021; <https://doi.org/10.1017/ajil.2021.9>;
- Mayer, Benoit., The state of the Netherlands v. Urgenda foundation: ruling of the court of appeal of The Hague (9 October 2018). *Transnational Environmental Law* Vol.8, no.1, 2019;

<https://doi.org/10.1017/S2047102519000049>;

Pambudi, Lintang Ario., Strengthening the Ombudsman's Authority in Overseeing Government Non-Compliance with Environmental Court Decisions. *Administrative and Environmental Law Review* Vol.7, no.1, 2026; <https://doi.org/10.25041/aclr.v7i1.5068>;

Peel, Jacqueline, and Hari M. Osofsky., A Rights Turn in Climate Change Litigation?. *Transnational Environmental Law* Vol.7, no.1, 2017; <https://doi.org/10.1017/S2047102517000292>;

Peel, Jacqueline, and Hari M. Osofsky., Climate change litigation. *Annual Review of Law and Social Science* Vol.16, no.1, 2020;

Peel, Jacqueline, and Hari M. Osofsky., Climate change litigation: lessons and pathways. *Judicial Officers Bulletin* Vol.29, no.11, 2017;

Peel, Jacqueline, and Jolene Lin., Transnational climate litigation: The contribution of the global south. *American Journal of International Law* Vol.113, no.4, 2019;

Popielarski, Mark., Climate Change Litigation: Regulatory Pathways to Cleaner Energy. *Law Libr. J.* Vol.108, no.3, 2016; <https://doi.org/10.1017/ajil.2019.48>;

Preston, Brian J., The evolving role of environmental rights in climate change litigation. *Chinese Journal of Environmental Law* Vol.2, no.2, 2018;

Preston, Brian J., The role of the judiciary in promoting sustainable development: the experience of Asia and the Pacific. *Asia Pac. J. Envtl. L.* Vol.9, no., 2005;

Qurbani, Indah Dwi, and Ilham Dwi Rafiqi., Prospective green constitution in new and renewable energy regulation. *Legality: Jurnal Ilmiah Hukum* Vol.30, no.1, 2022; <https://doi.org/10.22219/ljih.v30i1.18289>;

Roy, Suryapratim, and Edwin Woerdman., Situating Urgenda v the Netherlands within comparative climate change litigation. *Journal of Energy & Natural Resources Law* Vol.34, no.2, 2016; <https://doi.org/10.1080/02646811.2016.1132825>;

Salim, Agus, and Liberthin Palullungan., The challenges of environmental law enforcement to implement SDGs in Indonesia. *International Journal of Criminology and Sociology* Vol.10, no.3, 2021;

Savaresi, Annalisa, and Joana Setzer., Rights-based litigation in the climate emergency: mapping the landscape and new knowledge frontiers. *Journal of Human Rights and the Environment* Vol.13, no.1, 2022; <https://doi.org/10.4337/jhre.2022.01.01>;

Savaresi, Annalisa, and Juan Auz., Climate Change Litigation and Human Rights: Pushing the Boundaries. *Climate Law* Vol.9, no.3, 2019;

- Schlosberg, David, and Lisette B. Collins., From environmental to climate justice: climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews: Climate Change* Vol.5, no.3, 2014; <https://doi.org/10.1002/wcc.275>;
- Setzer, Joana, and Catherine Higham., *Global trends in climate change litigation*. London, The London School of Economics and Political Science, 2022;
- Simon, BT., Judicial reasoning and review in the Indonesian Supreme Court. *Asian Journal of Law and Society* Vol.6, no.1, 2019; <https://doi.org/10.1017/als.2018.26>;
- Sommario, Emanuele., When climate change and human rights meet: A brief comment on the UN Human Rights Committee's Teitiota decision. *Questions of International Law* Vol.8, no.77, 2021;
- Steinkamp, Till., Intergenerational Justice as a Lever to Impact Climate Policies: Lessons from the Complainants' Perspective on Germany's 2021 Climate Constitutional Ruling. *European Journal of Risk Regulation* Vol.14, no.4, 2023; <https://doi.org/10.1017/err.2023.38>;
- Sulistiawati, Linda Yanti., Climate change related litigation in Indonesia. *Communications Earth & Environment* Vol.5, no.1, 2024; <https://doi.org/10.1038/s43247-024-01684-1>;
- Suparto, Suparto, and Jose Gama Santos., Regional Spatial Regulation in Riau Province: Policy Formation Problems and Solutions. *Journal of Law, Environmental and Justice* Vol.2, no.2, 2024; <https://doi.org/10.62264/jlej.v2i2.104>;
- Triyana, Heribertus Jaka., The Role of the Indonesian Constitutional Court for An Effective Economic, Social and Cultural Rights Adjudication. *Constitutional Review* Vol.1, no.1, 2016;
- Wang, Di, Liang Dong, and Jianhao Mei., An advanced review of climate change mitigation policies in Germany, France, and the Netherlands. *Environmental Research Letters* Vol.18, no.10, 2023; DOI 10.1088/1748-9326/acf58f;
- Wartini, Sri, and Ayu Atika Dewi., Climate Change Litigation to Protect the Right to Enjoy a Healthy Environment in Indonesia. *Jurnal Media Hukum* Vol.33, no.1, 2026; <https://doi.org/10.18196/jmh.v33i1.29978>;
- Weis, Lael K., Environmental constitutionalism: Aspiration or transformation?. *International Journal of Constitutional Law* Vol.16, no.3, 2018; <https://doi.org/10.1093/icon/moy063>;
- Zhu, Mingzhe, and Liyuan Fan., A comparative study of the judicial construction of scientific credibility in climate litigation. *Review of European, Comparative & International Environmental Law* Vol.33, no.2, 2024; <https://doi.org/10.1111/reel.12542>;
- Zulaeha, Mulyani., Mengatasi kabut asap melalui mekanisme citizen lawsuit. *Jurnal Hukum Lingkungan Indonesia* Vol.3, no.1, 2016;

Conference:

- Amirante, Domenico., Environmental Constitutionalism through the Lens of Comparative Law: New Perspectives for the Anthropocene. In *Implementing Environmental Constitutionalism: Current Global Challenges*, edited by James R. May and Erin Daly. Cambridge: Cambridge University Press, 2018;
- Aspan, Zulkifli, and Ahsan Yunus., The right to a good and healthy environment: Revitalizing green constitution. In *IOP Conference Series: Earth and Environmental Science* vol.343, no.1, Bristol, IOP Publishing, 2019; DOI 10.1088/1755-1315/343/1/012067;
- Hulwanullah, Hikam, Hananto Widodo, Muh Ali Masnun, Sulaksono, Intan Lovisonya, and Rachmadini Ratna Nastiti., Indonesian Constitutional Policies to Overcome Climate Crisis from Ecological Democracy Perspectives. In *E3S Web of Conferences*, vol.673, Les Ulis, EDP Sciences, 2025. <https://doi.org/10.1051/e3sconf/202567302017>
- Hussein, Maryam Ali, Haneen Waleed Hanna, Siham Kamel Mohammed Dawood, Ghazwan Salim Naamo, Thamer Kadum Yousif Al Hilfi, and Iryna Sribna., Judicial Activism and Climate Litigation: A Comparative Doctrinal and Quantitative Legal Analysis (2015–2024). In *International Conference on Optimization and Data Science in Industrial Engineering*, Cham, Springer Nature Switzerland, 2025; https://doi.org/10.1007/978-3-032-17023-1_14
- Indreswari, Tri Laksmi, and Aga Natalis., Legal Reasoning in the Era of Climate Change: Overcoming Challenges in Integrating Science into Judicial Decision-Making. In *E3S Web of Conferences*, vol.650. Les Ulis, EDP Sciences, 2025; <https://doi.org/10.1051/e3sconf/202565002054>;
- Pinilih, Sekar Anggun Gading, and Arief Rahmansyah., Climate Change and Environmental Justice in Constitutional Law. In *IOP Conference Series: Earth and Environmental Science* vol.1270, no.1, Bristol, IOP Publishing, 2023;
- Prasetyoningsih, Nanik, and Hazar Kusmayanti., Green Constitution in the Digital Age: Bridging Traditional Wisdom and Smart Environmental Policy. In *E3S Web of Conferences*, vol.660. Les Ulis, EDP Sciences, 2025; <https://doi.org/10.1051/e3sconf/202566002001>;
- Purwendah, E. K., Rusito, A. Awaludin, and I. D. S. Triana., Public participation in environmental protection: Citizen law suits in the Indonesian civil justice system. In *IOP Conference Series: Earth and Environmental Science* vol.1030, no.1,. Bristol, IOP Publishing, 2022; DOI 10.1088/1755-1315/1030/1/012022;
- Sulistiyawan, Aditya Yuli, Naufal Hasanuddin Djohan, Rachelinda Zora Amelia Marchanty, and Suparno. "Rethinking Environmental Justice in Indonesia through Actor-Network Theory in an Examination of Constructivism Paradigm." In *IOP Conference Series: Earth and Environmental Science*,

vol.1537, no.1, Bristol, IOP Publishing, 2025; DOI 10.1088/1755-1315/1537/1/012050;

Uz Zaman, Muhamad Nafi, and Elfia Farida., Human Rights-Based Litigation in Citizen Lawsuits on the Environment: A Study of Indonesian and Netherlands Court Decisions. In *IOP Conference Series: Earth and Environmental Science* vol.1537, no.1, Bristol, IOP Publishing, 2025; DOI 10.1088/1755-1315/1537/1/012056.