

Strengthening Anti-SLAPP Procedural Provisions in Indonesia: A Normative-Comparative Study and Its Implementation in the Decision of PT Bangka Belitung No. 21/Pid/2021/PT BBL

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Abstract

Public participation is a foundational pillar of democratic governance, particularly in protecting and sustainably managing the environment. Within this framework, every citizen has the right to engage in environmental advocacy without fear of criminal prosecution or civil lawsuits. This legal protection, as stipulated in Article 66 of Law No. 32 of 2009 on Environmental Protection and Management (UU PPLH), embodies the concept of Anti-Strategic Litigation Against Public Participation (Anti-SLAPP). However, the Indonesian Anti-SLAPP provision continues to face substantial procedural and substantive weaknesses, resulting in persistent criminalization and judicial harassment against environmental human rights defenders. This study aims to critically analyze procedural deficiencies in the Anti-SLAPP mechanism in Indonesia by comparing it with California (United States) and the Philippines, two jurisdictions that have developed advanced procedural safeguards to ensure public participation. Employing a normative juridical method and comparative legal analysis, this paper explores both international and domestic frameworks governing Anti-SLAPP principles. In addition, this article contextualizes the landmark Decision of the Bangka Belitung High Court No. 21/Pid/2021/PT BBL, delivered on May 10, 2021, which, for the first time, recognized Anti-SLAPP reasoning in a criminal case and acquitted the defendants, Robandi, Muhammad Yusuf, Syamsul Effendi, Heti Rukmana, and Aditama, who had been criminalized for their environmental advocacy. This judicial precedent demonstrates the transformative potential of Article 66 UU PPLH as a progressive legal safeguard. It underscores the urgent need for a coherent procedural framework to operationalize Anti-SLAPP protections in Indonesia.

Keywords: *Anti-SLAPP, Environmental Human Rights, Procedural Law, Bangka Belitung Decision, Public Participation*

INTRODUCTION

Human rights defenders in the environmental sector are a group that has a high level of vulnerability to threats, violence, criminalization, and other forms of violations of the law. Their activities, oriented towards monitoring the exploitation of natural resources, are often considered to interfere with the economic interests of corporations and local authorities, thereby making them targets of various forms of *strategic litigation against public participation* (SLAPP). These forms of attacks include false accusations, arrests without legal basis, arbitrary detention, and intimidating acts that violate the rights to freedom of expression and participation in public affairs.

Data compiled by FORUM-ASIA and KontraS (KontraS & FORUM-ASIA, 2021) between January 2019 and December 2020 recorded at least 205 cases of attacks on environmental human rights defenders, with the majority involving *judicial harassment*, intimidation, and threats of violence. The Institute for Community Studies and Advocacy (ELSAM) (ELSAM., 2021) in the same year reported 178 cases of violence against environmental human rights defenders, of which 120 were forms of criminalization, and two of them resulted in death. This figure shows that public participation in environmental issues in Indonesia still faces significant structural and procedural barriers.

According to I Gusti Agung Wardana (Wardana, 2020), around 95% of SLAPP cases in Indonesia occur in the criminal realm, while the remaining 5% use the civil lawsuit mechanism. The majority of these criminal cases involve procedurally inappropriate criminalization efforts in which law enforcement officials use legal instruments to pressure environmental defenders. In the civil context, Article 1365 of the Civil Code (Anti-SLAPP Statute, 1992) is often used by SLAPP perpetrators to sue for damages for unlawful acts, thereby strengthening the function of litigation as a tool to silence public participation.

In fact, at the international level, the principle of public participation in environmental protection has been universally guaranteed. The 10th principle of the 1992 Rio Declaration (Deklarasi Rio Tentang Lingkungan dan Pembangunan , n.d.) affirms that every citizen has the right to access to environmental information, to participate in decision-making, and to access justice in environmental affairs. This principle was then operationalized through the *Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (1998), which established public participation as an essential element in democratic environmental governance.

In the national context, the right to public participation is also guaranteed in Article 28E, paragraph (3), of the Constitution of the Republic of Indonesia in 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, n.d.) and in Article 44 of Law Number 39 of 1999 concerning Human Rights (Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia, n.d.). In particular, Articles 65 and 70 of Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH)(Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup, n.d.) provide the public with the right to express opinions, objections, and complaints against policies that may damage the environment. This provision was then strengthened by Article 66 of the PPLH Law, which states that "everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly." (Yusran, 2022).

Several recent Indonesian studies over the past decade have highlighted the weaknesses of Anti-SLAPP defense mechanisms and the ongoing criminalization of environmental defenders in Indonesia. Aulia, Zafira, and Margarettha (Aulia, 2021) argue that Indonesia does not yet have a comprehensive procedural framework to handle SLAPP cases, so Article 66 of the PPLH Law only serves as a normative guarantee without effective implementation. Handayani, Achmadi, and Apsari (Handayani, 2022) also show that SLAPP practices in Indonesia are emerging in various forms, including criminal prosecutions, civil lawsuits, and intimidation of environmental activists, mainly due to differences in interpretations of Anti-SLAPP principles among law enforcement agencies. Similarly, Indrawati (Indrawati, 2022) explains that although Article 66 of the PPLH Law officially recognizes Anti-SLAPP protections, the lack of detailed procedural rules has limited its effectiveness in judicial practice. Recently, Kamal et al. (Kamal, 2018) emphasized the urgency of updating Anti-SLAPP regulations in Indonesia as environmentalists continue to face retaliatory legal action despite the protection of the law. Together, these studies show that the biggest challenge of the implementation of Anti-SLAPP in Indonesia lies not only in the recognition of substantive laws but also in the absence of strong procedural safeguards capable of effectively protecting environmental human rights defenders.

The provisions of Article 66 of the PPLH Law serve as a *lex specialis* to protect environmental defenders from the threat of repressive litigation. In its formulation, this article was designed as a national Anti-SLAPP provision that affirms that public participation in environmental advocacy should not be used as a basis for lawsuits, whether by corporations or the state. However, weak procedural norms often cause the article to fail to function as an effective protection instrument in the field.

In response, the Supreme Court issued the Decree of the Chief Justice Number 36/KMA/SK/II/2013 concerning Guidelines for Handling Environmental Cases, which, for the

first time, contains explicit provisions on the Anti-SLAPP defense mechanism. However, the substance of the decree remains administrative and has not provided an adequate procedural legal framework for the Court to process SLAPP cases.

This reality raises serious problems in legal practice. Many environmental defenders have to undergo prolonged legal proceedings without effective protection, as seen in the cases of Heru Budiawan alias Budi Pego (Banyuwangi, 2017) and Rudy vs Willy Suhartanto (Malang, 2013). However, a new development emerged in the Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL, which was read on May 10, 2021, in which the panel of judges, for the first time, recognized the defense under Article 66 of the PPLH Law and acquitted the defendants (Pradipta, 2022).

This ruling not only sets an important precedent for the implementation of Anti-SLAPP norms in Indonesia but also marks a paradigm shift in criminal justice, from simply assessing the formal elements of criminal acts to recognizing the right to public participation and environmental struggle as a form of legal defense. Thus, the analysis of this ruling is very relevant for assessing the extent to which Anti-SLAPP norms can be operationalized substantively within the national legal system.

Based on the framework of these problems, this article aims to at least; Analyze the weaknesses of Anti-SLAPP procedural norms in Indonesia; Compare it to the Anti-SLAPP provisions in California and the Philippines; Examining the significance and impact of the Bangka Belitung High Court Decision No. 21/Pid/2021/PT BBL as a precedent for the implementation of Anti-SLAPP in criminal law. In the end, it also aims to provide recommendations for strengthening Anti-SLAPP legal instruments in Indonesia to protect environmental human rights defenders effectively and fairly.

RESEARCH METHODS

This research was conducted using a normative legal method (*normative legal research*), which focuses on the analysis of legal norms, statutory regulations, judicial decisions, and legal doctrines related to the issues examined. According to Soerjono Soekanto and Sri Mamudji (Soekanto, 2015), normative legal research is legal research conducted by examining secondary data or library materials as a primary source, including legislation, court decisions, legal principles, and scholarly opinions. Similarly, Peter Mahmud Marzuki (Marzuki, 2017) explains that normative legal research aims to identify legal principles, legal systematization, and a level of legal synchronization in order to answer legal issues through doctrinal analysis (Kamal, 2018).

This approach was chosen because the main objective of this research is to critically examine the legal provisions governing the Anti-Strategic Litigation against Public Participation (Anti-SLAPP) mechanism in Indonesia, in particular Article 66 of the Environmental Protection and Management Law (PPLH Law), as well as its application within judicial practice. In addition, this study compares Indonesia's Anti-SLAPP provisions with legal defense mechanisms developed in other jurisdictions, notably California in the United States and the Philippines.

The research uses a statutory, conceptual, comparative and case approach. The statutory approach is used to analyze relevant legislation and judicial regulations governing Anti-SLAPP protections in Indonesia. The conceptual approach is applied to examine legal doctrines and theories regarding public participation, environmental justice, and the protection of environmental defenders (Uzelac, 2021). The comparative approach is intended to identify differences and similarities between Indonesia's Anti-SLAPP mechanisms and those implemented in other countries. Meanwhile, the approach of the case focuses on the analysis of judicial decisions, in particular the Bangka Belitung High Court Decision No. 21/PID/2021/PT

BBL, as a significant precedent in the development of the application of Anti-SLAPP in Indonesian criminal law.

Therefore, this research is not only dogmatic in examining written legal norms, but also reflective and interpretive in understanding the dynamics of environmental law enforcement and judicial protection of environmental human rights defenders in Indonesia.

Within this framework, this research is based on three main approaches that complement each other. First, the statute approach is used to identify and examine normative provisions contained in various national legal instruments, especially Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH Law), Decree of the Chief Justice of the Supreme Court Number 36/KMA/SK/II/2013 concerning Guidelines for the Handling of Environmental Cases, as well as relevant provisions of civil and criminal procedure law. Through this approach, the research unravels the legal structure that underpins the application of the Anti-SLAPP principle in the Indonesian legal system (Surat Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor 36/KMA/SK/II/2013 Tentang Pedoman Penanganan Perkara Lingkungan Hidup, 2013).

Second, a conceptual approach is used to deepen understanding of the basic theories underlying the Anti-SLAPP concept, including theories of public participation, the right to a good and healthy environment, and the relationship between environmental law and human rights (Fisher, 2019). This approach helps to position Anti-SLAPP not merely as a procedural law technical norm, but as an embodiment of broader constitutional values of environmental democracy and ecological justice.

Third, a comparative approach is used to examine the Anti-SLAPP regulations in Indonesia alongside those of other jurisdictions, particularly California in the United States and the Philippines (Canan, 1988). The two countries were chosen as references because they already have more established and operational Anti-SLAPP regulations (Canan, 2021). Through this comparison, the study seeks to identify institutional and procedural aspects that can be adopted to strengthen the protection of environmental human rights defenders in Indonesia.

The data sources in this study comprise three types of legal materials: primary, secondary, and tertiary. Primary legal materials include all formal legal instruments that have binding power, such as laws, Supreme Court decisions, and relevant court decisions, including the Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL (2021), which is the focus of the case study. Secondary legal materials are obtained from various academic literature that discuss similar themes, such as books, scientific journals, reports of international institutions (such as UNHCR, CIEL, and ICEL), and treatises that discuss laws and provide context for the development of environmental law norms (Sands, 2018). Meanwhile, tertiary legal materials are used to strengthen conceptual understanding through legal dictionaries, encyclopedias, and other reference sources that ensure consistency in the study's terminology.

All of these legal materials are analyzed using a qualitative-interpretive approach, with an emphasis on the integration between legal norms, judicial practices, and environmental human rights values. The analysis is carried out in three main stages, each performed systematically. The first stage is the identification of norms, namely the tracing of the structure and substance of the law governing Anti-SLAPP principles, both in the PPLH Law and in the KMA Decree No. 36/KMA/SK/II/2013. The second stage is comparative evaluation, in which Indonesian norms are compared with settings in California and the Philippines to find gaps and potential regulatory improvements. The last stage is the contextualization of the case, which involves integrating the normative findings with an analysis of the Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL, a concrete example of the application of the Anti-SLAPP principle in criminal cases in Indonesia.

This methodological approach allows research to be carried out descriptively and explanatorily, emphasizing the relationship between legal norms and judicial practice as

inseparable aspects. Through this method, the research is expected to provide a comprehensive picture of the structural limitations in implementing Anti-SLAPP in Indonesia and to open space for the formulation of legal policies that are more responsive to the protection of environmental human rights defenders. In other words, this method not only aims to explain the law as written (law in books), but also to understand how the law works in social reality (law in action) through jurisprudential precedents, such as what happened in Bangka Belitung.

RESULTS AND DISCUSSION

Result

1. Normative weaknesses of anti-SLAPP provisions in Indonesia

The research findings show that Article 66 of Law No. 32 of 2009 on Environmental Protection and Management (PPLH Law) contains the principle of Anti-Strategic Lawsuit against Public Participation (Anti-SLAPP), but the provision remains declaratory and lacks operational procedural mechanisms. The article simply states that "any person who fights for the right to a good and healthy environment cannot be prosecuted or sued civilly," without regulating procedural standards for the identification of SLAPPs, preliminary investigation procedures, evidentiary standards, or judicial remedies.

The study also finds that Indonesian procedural law does not provide specific mechanisms for the early rejection of SLAPPs. As a result, environmental defenders continue to undergo lengthy criminal and civil proceedings, even though they invoke Article 66 of the PPLH Law. Moreover, Supreme Court Decree No. 36/KMA/SK/II/2013 serves only as an internal administrative guideline and does not have binding procedural force equivalent to Legislative Procedure Law. Empirical legal findings from several environmental disputes in regions such as Riau, Maluku, East Kalimantan, and Banyuwangi further show that investigators, prosecutors, and judges often apply general criminal law provisions without taking into account the Anti-SLAPP protection guaranteed by Article 66 of the PPLH Law.

2. Comparative Results: California and the Philippines

Comparative legal analysis shows that anti-SLAPP mechanisms in California and the Philippines are procedurally more comprehensive than those in Indonesia.

In California, anti-SLAPP protection is regulated under California Code of Civil Procedure Section 425.16. The regulation establishes a opt-out mechanism that allows defendants to request early dismissal of cases categorized as SLAPPs. The California system also uses a burden-shifting mechanism, in which plaintiffs must prove that their claims have sufficient legal basis once the defendant has proven that the disputed actions constitute protected public participation.

At the same time, the Philippines regulates Anti-SLAPP through the Rules of Procedure for Environmental Cases (RPEC) 2010. The results show that the Philippine system recognizes Anti-SLAPP protection in both criminal and civil environmental cases. The RPEC allows courts to dismiss cases at initial points when environmentally active activities are proven to constitute legitimate public participation.

The comparative study further reveals that both jurisdictions offer procedural safeguards that do not exist in Indonesia, including expedited hearings, preliminary judicial review, burden shifting, and sanctions against abusive parties.

3. Conclusions on Bangka Belitung Supreme Court Decision No. 21/PID/2021/PT BBL

The investigation shows that the Bangka Belitung Supreme Court Decision No. 21/Pid/2021/PT BBL represents the first criminal court decision in Indonesia to explicitly recognize and apply the Anti-SLAPP principle under Article 66 of the PPLH Law. The case arose from criminal charges against residents of Air Anyir Hamlet, Bangka Regcy, namely Robandi,

Muhammad Yusuf, Syamsul Effendi, Heti Rukmana and Aditama, following their protest against the activities of PT Bangka Asindo Agri. In the first instance, the Sungailiat District Court convicted the defendants. However, the Bangka Belitung Supreme Court overturned the verdict on appeal and acquitted all the defendants.

The panel of judges considered that the defendant's actions constituted legitimate public participation in environmental protection and therefore fell under the protection of Article 66 of the PPLH Law. The court further emphasized that peaceful environmental advocacy cannot be categorized as a criminal act (Peñas, 2020). The conclusions show that this decision established a new body of case-law by interpreting Article 66 substantively rather than merely declaratively. However, the investigation also finds that the application of the Anti-SLAPP principles in this case was largely based on legal interpretation, because Indonesia still lacks comprehensive procedural Anti-SLAPP rules.

Discussion

1. Paradigm shift: From legal positivism to eco-constitutionalism

Bangka Belitung Supreme Court Decision No. 21/Pid/2021/PT BBL represents a significant transformation in the paradigm of Indonesian environmental treatment, particularly with regard to the relationship between criminal law enforcement and constitutional environmental rights (Shelton, 2019). Traditionally, Indonesian courts have tended to adopt a positivist approach to legal interpretation, emphasizing the textual fulfillment of statutory elements without adequately taking into account the broader constitutional, social, and ecological contexts surrounding a legal dispute. Under this paradigm, judicial reasoning generally focuses on whether the formal elements of a criminal offence are met, while issues of public participation, environmental justice, and ecological sustainability are often marginalized (Richardson, 2023). This formalistic trend has historically contributed to the criminalization of environmental defenders, because courts often perceive acts of protest, advocacy and resistance simply as disturbances of public order or interference in the activities of companies.

The Bangka Belitung Supreme Court deviated from this conventional framework. The panel of judges did not limit its analysis to the formal aspects of criminal law, but instead interpreted Article 66 of the PPLH Law within the broader constitutional framework guaranteeing the right to a good and healthy environment under Article 28H(1) of the 1945 Constitution. In doing so, the Court effectively lifted environmental advocacy into the realm of the protection of constitutional rights. This approach reflects the theoretical concept of eco-constitutionalism, which sees environmental protection as an inseparable component of constitutional democracy and human rights. Eco-constitutionalism requires judges to place ecological sustainability and generational justice as central considerations when interpreting legal norms.

The court's reasoning also reflects Ronald Dworkin's theory of "law as integrity," which argues that judges must interpret legal norms in a morally coherent manner that is consistent with constitutional values and principles of justice. Rather than considering Article 66 merely as a symbolic declaration, the judges interpreted it substantially as a legal defence that could reject criminal liability (Dworkin, 1986). Such an interpretation shows that the law is not only a rigid collection of procedural injunctions, but also a normative instrument designed to protect substantive justice in society. In this context, the courts function not only as a mechanical enforcer of the law, but as a constitutional guardian responsible for ensuring that state power is exercised in accordance with human rights principles.

This paradigm shift has broader implications for the development of Indonesian environmental legislation. The decision indicates the emergence of a willingness to court to prioritize ecological justice over narrow procedural legality. This is particularly important in Indonesia, where environmental conflicts often involve asymmetric power relations between local communities and large corporations supported by political or economic interests. Through

this decision, the court implicitly recognised that criminal law can be misused as a strategic tool to silence environmental criticism and public participation.

The transformation towards eco-constitutionalism remains fragile because it depends to a large extent on the interpretive courage of individual judges. Without comprehensive procedural reform and institutional consolidation, similar progressive interpretations may not consistently emerge in Indonesian courts. Therefore, the Bangka Belitung decision should be understood not only as an isolated legal victory, but as an important starting point for rebuilding Indonesian environmental judgement within a constitutional and ecological justice framework.

2. Transforming the role of the judiciary in environmental protection

The results of this research show that the Bangka Belitung Supreme Court decision also marks a transformation in the role of judges in Indonesia's environmental justice system (Schlosberg, 2007). Traditionally, judges in Indonesian jurisprudence have often been positioned as passive interpreters of law, whose primary function is to mechanically apply legal provisions to factual circumstances presented in court. This formalistic orientation mirrors the classical doctrine of legal positivism, in which judges are regarded simply as "mouthpieces of the law" (*la bouche de la loi*). In such a framework, court neutrality is often interpreted narrowly as strict adherence to procedural legality without addressing broader issues of substantive justice or social impact.

Environmental conflicts often involve unequal social and political relations between local communities and economically powerful actors such as corporations or state-sponsored development projects. In such circumstances, a purely formalistic judicial approach may inadvertently perpetuate injustice by legitimizing structural inequalities embedded in the legal procedures themselves. Environmental defenders who protest against the destruction of destruction are often criminalized through common criminal law provisions regarding illegal trespassing, vandalism, defamation, or public disorder (Newell, 2022). If judges simply apply these provisions textually, without taking into account the context of the environmentalist, courts can become tools that reinforce oppression rather than protect justice.

The Bangka Belitung Supreme Court decision illustrates a break with this restrictive understanding of the court's function. The panel of judges interpreted the defendants' actions not only as conduct potentially violating penal provisions, but as expressions of constitutionally protected public participation in environmental protection. This line of reasoning is closely in line with Satjipto Rahardjo's theory of progressive law (*hukum progresif*) (Rahardjo, 2009), which emphasizes that law exists for human welfare and substantive justice rather than for rigid procedural formalism. According to progressive legal theory, judges are not passive actors, bound solely by textual interpretation, but active actors responsible for achieving justice within changing social realities.

Through this decision, the courts were given a more transformative constitutional role (Boyd, 2020). The Court recognised that environmental defenders perform an essential democratic function by monitoring ecological damage and participating in the public debate on environmental governance. Therefore, the judges positioned themselves as protectors of constitutional participation rights rather than simply being judges in criminal charges. This approach transforms the courtroom into an arena where ecological justice and human rights can be defended against the misuse of legal instruments by more powerful actors (Merrills, 2022).

The decision reflects the potential role of the courts as a counter-hegemonic institution. In many environmental conflicts, state institutions tend to align with economic development interests, especially those involving extractive industries or large plantations (Sands, 2018). The courts therefore become one of the few institutional spaces where marginalized communities can challenge dominant economic and political forces. By applying Article 66 substantially, the Bangka Belitung Supreme Court effectively opposed the introduction of criminal law to suppress environmental criticism.

The transformation of the roles of the courts in the field of environmental protection still faces significant obstacles. Progressive legal interpretation remains inconsistent across jurisdictions because there is no binding procedural framework obliging courts to apply the Anti-SLAPP principles uniformly. Judicial conservatism, limited expertise in environmental law and institutional pressure may discourage judges from applying similar approaches in future cases. Therefore, strengthening judicial training in environmental constitutional policy and codifying Anti-SLAPP procedural standards is crucial to institutionalize this transformative legal role in Indonesia's legal system.

3. Institutional weaknesses and fragmented law enforcement

Despite the progressive consequences of the Bangka Belitung Supreme Court decision, this research shows that Indonesia's anti-SLAPP protection system remains institutionally weak and fragmented. The central problem lies in the absence of comprehensive procedural rules governing how Anti-SLAPP protections should be implemented throughout the criminal justice process. Article 66 of the PPLH Law provides substantial recognition that environmental defenders should not be held accountable for criminal or civil liability for environmental advocacy, but it does not establish procedural mechanisms that allow law enforcement agencies to effectively operationalize this protection.

This institutional weakness becomes apparent from the earliest stages of law enforcement. Investigators and prosecutors often continue to process criminal complaints against environmental defenders without making any preliminary assessment of whether the reported actions constitute protected environmental participation. As a result, environmental defenders often undergo arrest, interrogation, detention, prosecution, and lengthy trials before any Anti-SLAPP reasoning is voiced by the judges. Even when the defendants are eventually acquitted, the legal process serves as a form of punishment through financial burden, psychological pressure, reputational damage, and social intimidation. This state illustrates the phenomenon commonly described as the "process as punishment," which is characteristic of SLAPP lawsuits globally.

Comparative analyses with California and the Philippines further highlight the procedural shortcomings of the Indonesian system. California's Anti-SLAPP framework allows defendants to file a request to dismiss the case at the initial stage of the lawsuit, allowing courts to dismiss unjustified claims before lengthy litigation takes place. Similarly, the Philippine Rules of Procedure for Environmental Cases provide for expedited anti-SLAPP hearings and empower judges to close the case once environmental participation is established *prima facie*. These mechanisms are specifically designed to prevent the abuse of legal processes against environmentalists.

Indonesia lacks corresponding procedural guarantees. There is no legal provision for *prima facie* investigation, burden-sharing mechanisms, rapid hearings, or compensation for victims of SLAPPs. Therefore, Article 66 remains heavily dependent on the discretion of the courts. The Bangka Belitung decision was not successful because of systemic institutional support, but because the panel of judges adopted a progressive constitutional interpretation. Such reliance on the courage of individual judges creates significant inconsistencies and uncertainties in the judicial system.

Another important institutional problem concerns the fragmentation of legal understanding among law enforcement agencies. Environmental law principles, in particular anti-SLAPP protections, are not yet fully integrated into the professional training of police investigators, prosecutors and judges. Many law enforcement agencies continue to perceive environmental conflicts primarily through conventional criminal law frameworks, without taking into account constitutional participation rights. This fragmented understanding contributes to inconsistent enforcement and repeated criminalization of environmental defenders.

Supreme Court Decree No. 36/KMA/SK/II/2013 lacks binding normative force because it merely serves as an internal administrative guideline rather than a formal procedural regulation. Therefore, courts are not legally obliged to apply Anti-SLAPP mechanisms uniformly. This institutional gap demonstrates the urgent need for reform of procedural law through either a Supreme Court Regulation (*Peraturan Mahkamah Agung/Perma*) or a legislative revision that explicitly regulates Anti-SLAPP procedures, including early dismissal mechanisms, evidentiary standards, burden-shifting rules, and compensation for SLAPP victims. Without such reforms, the protection of environmental defenders in Indonesia will remain fragile, inconsistent and dependent on individual legal interpretation rather than systemic legal certainty.

4. Socio-legal consequences for environmental defender movements

From a socio-legal perspective, the Bangka Belitung Supreme Court decision has significant implications for the development of environmental defender movements and public participation in Indonesia. Legally, the decision establishes a case law that recognizes that environmental advocacy constitutes a constitutionally protected activity rather than a criminal offense. Socially and politically, however, the decision has a broader symbolic significance because it shows that judicial institutions can potentially function as mechanisms of ecological justice rather than instruments that reinforce economic and political dominance.

Environmental conflicts in Indonesia often occur in contexts characterized by unequal power relations between local communities and corporate actors supported by state institutions. Communities that oppose environmentally harmful projects often face intimidation, criminalization, and social stigma. In many cases, environmental defenders face charges of disrupting investment, provoking public unrest, or hindering economic development. Therefore, lawsuits are often used strategically to discourage community opposition and weaken environmental activism. This reality creates a climate of fear that discourages meaningful public participation in environmental governance. In this context, the Bangka Belitung decision provides symbolic reassurance that the courts can recognise and protect environmental protection as part of democratic participation. The decision strengthens the legitimacy of environmental movements by establishing that citizens have constitutional rights to protest against ecological destruction and defend their environmental interests peacefully. Such legal recognition is crucial because environmental defenders often operate in vulnerable socio-political conditions where institutional support is limited.

The socio-legal impact of this decision also extends to the relationship between civil society and the judiciary. Historically, distrust of legal institutions has been widespread among environmental activists because the courts were often perceived as favoring corporate or state interests. By acquitting the defendants and explicitly recognizing Article 66 of the PPLH Law, the Bangka Belitung Supreme Court demonstrated the possibility of a more responsive and constitutionally oriented court. This can encourage environmental organisations and local communities to use legal mechanisms more actively to defend environmental rights. The transformative effect of this decision is limited, if not accompanied by broader structural reforms. A single progressive assessment alone cannot eliminate the systemic vulnerabilities faced by environmental defenders. Criminalization can continue if investigators, prosecutors, and lower courts maintain formalistic legal approaches. Furthermore, environmental defenders often face not only legal threats, but also financial pressures, political intimidation, and social marginalization. Therefore, anti-SLAPP protection must be understood not only as a procedural legal issue, but as part of a broader fight for democratic participation and environmental justice.

The decision also shows the importance of transforming the legal culture in Indonesia. Effective implementation of Anti-SLAPP requires a shift from seeing environmental activism as a threat to development to recognizing it as a legitimate component of democratic governance and sustainable development. Such a transformation requires collaboration between judicial institutions, academic environments, civil society organisations and policymakers.

Ultimately, the Bangka Belitung decision represents more than a legal precedent; It symbolizes the emergence of a new legal consciousness that emphasizes ecological justice, constitutional participation, and the protection of human rights. Whether this symbolic breakthrough develops into a structural transformation, however, depends on the willingness of Indonesian judicial institutions to institutionalize Anti-SLAPP protection comprehensively and consistently across the national legal system.

CONCLUSION

The normative and procedural weaknesses of Article 66 of the PPLH Law cause the Anti-SLAPP provisions in Indonesia to not function effectively as an instrument to protect environmental human rights defenders. This norm is still declaratory and lacks a clear procedural mechanism.

Comparisons with California and the Philippines show that both states already have comprehensive Anti-SLAPP systems, including early termination mechanisms, reversal of the burden of proof, and recovery for victims. This proves that Indonesia needs to immediately build a similar legal apparatus to ensure the effectiveness of public participation protection.

The Bangka Belitung High Court Decision No. 21/Pid/2021/PT BBL (May 10, 2021) is an important milestone because, for the first time, criminal courts in Indonesia have applied the Anti-SLAPP principle substantively and exempted environmental defenders from criminalization. This ruling marks a shift in the legal paradigm towards eco-constitutionalism and affirms judges' role as protectors of environmental human rights. However, implementation challenges remain significant, especially given the absence of an institutional Anti-SLAPP procedural law instrument. The Bangka Belitung verdict is still casuistic and highly depends on the judge's interpretive courage.

The long-term implication of this ruling is the formation of a new awareness that environmental protection is not a mere administrative matter, but an integral part of citizens' constitutional rights that the entire national legal system must safeguard.

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