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The Face of Ecological Justice in The Justice System Anti Eco-Slapp in Indonesia

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ABSTRACT

Environmental activists, as leading activists in fighting for the right to a healthy and conducive environment, have faced criminalization efforts when fighting for environmental recovery due to the damage that has occurred. Environmental damage is caused by the mining sector which is the most dominant. Therefore, the integration of an ecologically just justice system will be realized by revitalizing Prosecutors and Judges in the Anti-Eco-SLAPP justice system. The role of Prosecutors will be in line with Justice for the Environment (JUST-E) because Prosecutors not only prioritize the legal-formal aspect, but also ensure that legal instruments are not used to silence environmental activists as environmental critics. Therefore, Prosecutors play a strategic role as supervisors and catalysts of ecological justice. JUST-E as a means of revitalizing the role of Prosecutors in handling Eco-SLAPP cases and judges implement preventive measures through ninterlocutory decisions and judge's decisions that implement the Anti-Eco-SLAPP mechanism.

Keywords: *Ecological Justice, Judicial System, Anti Eco-SLAPP Ecological Justice, Judicial System, Anti Eco-SLAPP*

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INTRODUCTION

Human rights are always balanced with basic obligations, one of which is the right to a healthy environment as regulated in the provisions of Article 28H of the Preamble to the 1945 Constitution of the Republic of Indonesia, Article 9 paragraph (3) of the Republic of Indonesia Law Number 39 of 1999 concerning Human Rights and Article 65 paragraph (1) of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management. In fact, environmental degradation still occurs because of the massive exploitation of Natural Resources without the implementation of environmental restoration efforts. This situation is exacerbated by the practice of the (Eco-SLAPP) which is implemented disproportionately to silence public participation and criminalization efforts against well-intentioned environmental activists.

The increasingly disparate conditions are exacerbated by the practice of strategic

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lawsuits against public participation (SLAPP) in environmental cases, known as the ecological Strategic Lawsuit Against Public Participation (Eco-SLAPP) (Azuri, n.d.). The SLAPP strategy is a form of pressure that is used as a means of silencing and intimidating environmental activists and as a form of monitoring and criticism of activities that have the potential to damage the environment (Muhaling, 2025).

Indonesia has an anti-SLAPP (Strategic Lawsuit Against Public Participation) mechanism in the environmental sector as regulated by Article 66 of the Environmental Protection and Management Law (Handayani et al., 2022). The guarantee of the right to receive protection in the provisions of Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management states that anyone who fights for environmental rights cannot be prosecuted criminally or sued civilly environmental fighters or activists actually have to face lawsuits that aim to silence or intimidate them.

By 2025, mining operations will disrupt natural landscapes across a range of issues, including land degradation, water and air pollution, greenhouse gas emissions, and biodiversity loss. The growth of this industry, driven by global infrastructure and technological needs, means that environmental issues are becoming increasingly urgent and complex. The environmental impacts of mining are exacerbated by the growing demand for rare earth minerals, which are vital for electric vehicle batteries, renewable energy components, and electronics. Understanding how mining impacts water, soil, air, biodiversity, and agricultural systems is crucial for creating a sustainable path forward (Farmonaut, 2025).

The eco-SLAPP cases are dominated by the mining sector, which causes the greatest environmental damage. The irony is evident in the massive damage that is difficult to hold accountable, especially because many mining companies use the Eco-SLAPP principle to silence criticism from environmental advocates.

Guarantee of the right to community participation in the provisions of Article 28C paragraph (2), Article 28F, and Article 28G paragraph (1) of the Preamble to the 1945 Constitution of the Republic of Indonesia. The international legal instrument is the Article 19 Universal Declaration of Human Rights which guarantees that everyone has the freedom to give opinions and express themselves. Even the community is encouraged to play an active role in the decision-making process and implementation of environmental protection and management as regulated in the provisions of Article 2 letter k of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management.

Guarantees for the community's right to participate in environmental management and protection as regulated in the provisions of Article 65 paragraph (1) of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management, where the community has the right to submit proposals and objections to business plans or activities that are estimated to have an impact on the environment. In fact, guarantees of the community's right to participate are still weak in their implementation (Aulia, 2021).

The contradictory situation between "das sollen" (law of the law) and "das sein" (law of the law) creates a paradoxical situation: On the one hand, constitutional and

regulatory frameworks guarantee environmental protection. Legal regulations are used as repressive measures to silence public participation. Eco-SLAPPs are phenomenal because they not only hinder environmental protection but also degrade democratic participation, weakening the state's primary role as a protector of human rights.

This problem cannot be postponed or ignored because it can have significant and multidimensional impacts on environmental protection efforts, enforcement of human rights, and quality of democracy in Indonesia. Ongoing environmental damage caused by development projects that do not focus on sustainability principles has caused ecological losses. The use of Eco-SLAPPs further exacerbates environmental damage. There are two (2) legal issues that can be formulated in this study First, how are the regulations and mechanisms of the Anti-Eco-SLAPP judicial system in Indonesia? Second, ecological justice in judges' decisions related to Anti-Eco-SLAPPs in the Indonesian judicial system.

METHOD

This research is normative legal research with the characteristics of normative legal research related to the discussion of the Strategic Lawsuit Against Public Participation (SLAPP) mechanism (Valerie, 2025). in environmental cases and Ecological Strategic Lawsuits Against Public Participation (Eco-SLAPP) and Anti-Eco-SLAPP. The use of legal doctrine theory and existing legal materials for a comprehensive analysis of various factors to improve regulations (Mulyana, 2019). and refinement of the Anti-Eco-SLAPP mechanism in the Indonesian justice system. A conceptual approach, statutory regulations and a case approach were used. The analysis of legal materials is carried out in a prescriptive-qualitative manner in which both legal and non-legal materials are adjusted to the research focus and then formulated in the research results (Negara, 2023).

RESULTS AND DISCUSSION

Regulations and Mechanisms of the Anti-Eco-SLAPP Judicial System

Anti-Eco-SLAPP regulations in Indonesia have not been accompanied by a clear implementation mechanism; therefore, existing laws and legal policies cannot be fully assessed as effective in practical aspects. The absence of a structured operational mechanism for law enforcement officials, including prosecutors, as a legal basis for handling Eco-SLAPP cases ultimately leaves law enforcement officers without concrete guidelines for prosecuting or preventing Eco-SLAPP cases. As a result, the legal protection for environmental activists and public participants remains theoretical.

Efforts to resolve the lack of detailed regulations regarding Eco-SLAPP law enforcement in Indonesia, which has resulted in weak environmental protection, require the drafting of the Anti-Eco-SLAPP Procedural Law by investigating the appropriate concept in the long term. Agree with Lailatul Kusuma Jatri. This conveys

the formulation of the conceptualization of Justice for Environment (JUST-E) by placing the Prosecutor as a strategic actor referring to his authority to prosecute criminal cases and act in the field of Civil and State Administration (Datun) for and on behalf of the state.

In the criminal realm, prosecutors can exercise their dominus litis authority based on the principle of opportunity to dismiss cases clearly motivated by stifling public participation. Meanwhile, in the civil realm, prosecutors can provide legal protection to victims of eco-SLAPPs through their role as State Attorneys (JPN). This can be further strengthened by collaborating with the intelligence sector to implement early detection and prevention measures to prevent the threat of eco-SLAPPs.

The strategic position of the Prosecutor is such that it is capable of preventing and progressively overcoming the practice of the Eco-SLAPP if it is given a definite legal umbrella regarding the mechanism for handling Eco-SLAPP cases. Therefore, the progressive role of the Prosecutor through the implementation of the Justice for the Environment (JUST-E) concept is not only a legal requirement but also to realize environmental harmonization for the manifestation of ecological justice.

The effectiveness of environmental law enforcement through the Anti-Eco-SLAPP judicial system mechanism in several countries in handling Eco-SLAPP cases still requires integration between regulatory clarity, transparent procedural efficiency and the ongoing commitment of law enforcement officers. The instruments implemented in the United States through special motions to strike and fee shifting to filter lawsuits intended to emasculate public participation. Canada began to consistently apply the early dismissal model to reject cases without a strong legal basis from the initial stage. The Philippines emphasizes the principle of the lex specialis national which includes the phenomenon of environmental cases through civil and criminal settlements. The comparison of Anti-Eco-SLAPP law enforcement from these three countries serves as a reference for constructing an adaptive and contextual Anti-Eco-SLAPP Procedural Law for Indonesia. The conceptualization of Eco-SLAPP and the renewal of Attorney General Regulation Number 15 of 2020 concerning Case Termination Based on Restorative Justice as an effort to accommodate the settlement of Eco-SLAPP cases in the criminal field.

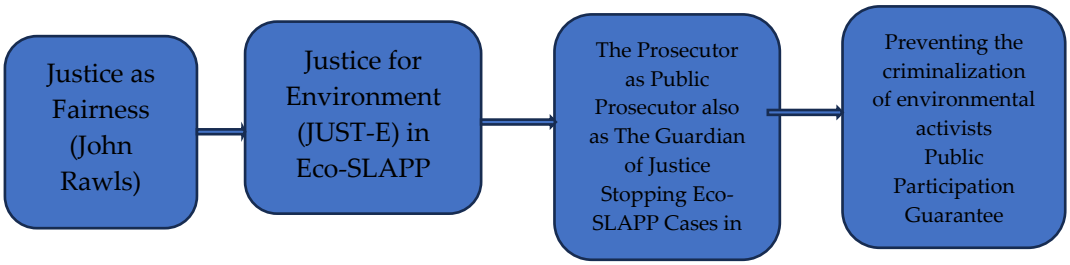
The institutional dimension is realized by realizing institutional strengthening through the establishment of the Green Attorney Guard (GARHI) as the vanguard of the Prosecutor's Office to protect environmental defenders. GARHI is under the auspices of the Deputy Attorney General for Civil and State Administrative Affairs (JAMDATUN) which synergizes with the Deputy Attorney General for General Crimes (JAMPIDUM) and Deputy Attorney General for Intelligence (JAMINTEL). The legal basis for its establishment is contained in the Draft Attorney General Regulation concerning Guidelines for Handling Eco SLAPP Cases. The implementation dimension is through the JUST-E system which is directed at strengthening the role of prosecutors in civil and criminal realms, especially in the field of handling Eco-SLAPP cases.

Support for the effectiveness of its implementation has been provided by the development of the Eco-SLAPP Complaint Information System (SIPERLA) as a means of reporting complaints related to alleged Eco-SLAPPs quickly, accurately, measurably and integrated. The implementation of the JUST-E system is a step by the

Attorney General's Office of the Republic of Indonesia which emphasizes the role of the Attorney General's Office as the guardian of public interest as well as the protector of ecological balance. The proposal of this model is a concrete manifestation of the transformation of the Attorney General within the Attorney General's Office institution with the principles of humanistic ecological justice, accountability and modernity to support the vision of Golden Indonesia in 2045 while still prioritizing the supremacy of law and a sustainable environment.

Principally referring to Rawls's theory of justice, the principle is born from the idea of the original position, namely a hypothetical condition where individuals, by acting rationally and behind the "veil of ignorance will choose the principle of justice that guarantees freedom and equality, not just the benefit of the majority. Rawls's theory of justice seeks to balance individual freedom and socio economic distribution while correcting the weaknesses of utilitarianism. He presents the concept that justice can only be achieved if everyone is basic freedoms are respected and social differences are directed to protect the interests of those who are most vulnerable.

Referring to John Rawls' theory of justice in relation to the concept of Justice for the Environment (JUST-E) as a model in the substance of the Draft Law on Anti-Eco-SLAPP Procedures in Indonesia as proposed in this Policy Study, this can be seen in the following scheme/chart:



If John Rawls's idea of justice as fairness is placed in the context of transforming the role of prosecutors in handling Eco-SLAPP cases through the design of the Anti-Eco-SLAPP Procedural Law with the concept of Justice for the Environment (JUST-E), a very close conceptual relationship will be seen. John Rawls emphasized that justice must be based on fundamental freedoms that are owned equally and the difference principle that directs that socio-economic inequality can only be justified if it provides the greatest benefit to the weakest group. In the Eco-SLAPP cases, it can be seen that the weakest group is the party fighting for the right to a good and healthy environment and often faces corporate pressure and the misuse of legal instruments.

From the perspective of Rawls's original position and veil of ignorance, every legal actor, including prosecutors, should position themselves impartially without bias from the interests of power or capital. Within this framework, progressive prosecutors are not merely enforcers of formal law but also guardians of justice, ensuring non-discriminatory legal procedures and guaranteeing fair equality of opportunity for citizens to participate in environmental advocacy. Rawls's principle of justice suggests that the legitimacy of procedural law can only be maintained if it provides fair access, protects basic rights, and prevents the criminalization of environmental defenders.

The conceptualization of Justice for the Environment (JUST-E) presents a further elaboration that expands Rawls's ideas into the realm of ecological justice. JUST-E emphasizes not only the equality of rights between individuals, but also intragenerational justice, ecosystem sustainability, and the protection of marginalized groups directly impacted by environmental damage. When linked to the revitalization of the Anti-Eco-SLAPP Procedural Law, the role of the Prosecutor will align with JUST-E because the Prosecutor not only prioritizes the legal-formal aspect but also ensures that legal instruments are not used to silence environmental criticism. Therefore, the Prosecutor plays a strategic role as a supervisor and catalyst for ecological justice, bridging Rawls's values of justice as fairness with Indonesia's contextual need for procedural law that is responsive to the threat of the Eco-SLAPP.

Holistically, the integration of Rawls' theory with JUST-E strengthens the legitimacy of the argument that justice in Eco-SLAPP cases is not solely measured by the final outcome in the form of a verdict but rather by the extent to which the legal process is conducted in a non-discriminatory manner, guarantees fundamental freedoms, and prioritizes protection for the most vulnerable parties. This concretization is a manifestation of the Prosecutor's strategic steps in positioning procedural law as an instrument of substantive justice as well as a tool for transformation towards a legal system oriented towards ecological justice.

Following recommendations for Eco-SLAPP cases in the form of criminalization where the Eco-SLAPP victim is reported to the police, GARHI will forward the recommendation to JAMPIDUM for follow-up. In this case, the termination of prosecution can be implemented based on restorative justice for the sake of justice. JUST-E should be able to guarantee fair access for Eco-SLAPP victims, including the provision of good legal services. This prevents legal mechanisms from being used as a tool by economic powers to oppress vulnerable groups while ensuring that the implementation of Anti-Eco-SLAPP procedures remains in the public interest. With a systematic, measurable, and data-based design, JUST-E can function not only as a normative framework but also as a practical instrument to protect public participation, increase the accountability of law enforcement, and strengthen ecological justice in a tangible manner.

In criminal cases involving Eco-SLAPPs and the criminalization of environmental activists, the P-16 Prosecutor (Research Prosecutor) conducting case file research must conduct an initial screening of cases containing indications of Eco-SLAPP, even if there is no complaint from the Eco-SLAPP victim. The procedure for handling Eco-SLAPP cases in the criminal field is regulated by Attorney General's Guidelines Number 8 of 2022 concerning the handling of criminal cases in Environmental protection and management.

In the criminal realm, the process of handling cases with potential Eco-SLAPPs within the Justice for the Environment (JUST-E) framework can begin upon the receipt of the Notice of Commencement of Investigation (SPDP) by the Prosecutor's Office. Upon receipt of the first stage of case files, the Investigating Prosecutor (Prosecutor P-16) must assess whether the case under investigation truly has a valid legal basis or whether it is actually an indication of the criminalization of public participation in environmental issues. This stage is known as the prosecutorial screening stage.

At the prosecutorial screening stage, the investigating prosecutor evaluates the

sufficiency of the evidence, motive of the report, and substance of the alleged act. If fundamental weaknesses or indications are found to be more intimate than a pure crime, the prosecutor can provide instructions to the investigator through P-18 and P-19, including recommending the termination of the investigation (Investigation Termination Order / SP3). If it is proven that the case is an Eco-SLAPP, the investigating prosecutor is required to notify the GARHI for verification in order to obtain a recommendation. In this case, the recommendation must be forwarded to JAMPIDUM for instructions on the steps to be followed. Referring to the instructions from JAMPIDUM, if approved, the Restorative Justice (RJ) process will be carried out in accordance with the applicable provisions.

The normative basis used is Attorney General's Guideline Number 8 of 2022 concerning the Handling of Criminal Cases in the Field of Environmental Protection and Management in Chapter VI, which regulates the protection of anyone who advocates environmental rights. The parameters used include: 1) the qualification of actions deemed to be a struggle for environmental rights, 2) the procedure for examining the results of investigations, 3) determining whether an unlawful act exists, 4) considerations regarding whether to pursue prosecution, and 5) the termination of prosecution against parties defending the environment.

If the case continues into the prosecution stage, the Head of the District Attorney's Office will appoint a Public Prosecutor through P-16A. At this stage, the Prosecutor has full authority to decide whether the case is transferred to court or discontinued based on the principle of opportunity as regulated in Article 140 paragraph (2) letter a of the Criminal Procedure Code. If the case is proven to be Eco-SLAP from the screening results and the GARHI recommendation, the Public Prosecutor will resolve the case with Restorative Justice (RJ) in accordance with applicable guidelines.

The legal policy perspective through this mechanism can be used as a recommendation to strengthen the Anti-Eco-SLAPP regulation by adding special provisions that accelerate the termination of investigations into cases that contain indications of criminalization against environmental activists who carry out environmental advocacy or public interest thus, law enforcement remains effective but does not have a repressive effect on public participation.

The primary principle is the presumption of the public interest, which assumes that every citizen's action in environmental advocacy should be considered in the public interest until proven otherwise. Within this conceptual framework, prosecutors act not merely as dominus litis but also as guardians of the public interest. Their role as prosecutors provides non-penal protection for environmental advocates, ensuring that criminal law is not used as an instrument of repression but rather as a means to safeguard democratic space and protect environmental rights. In this context, prosecutors act as gatekeepers and conduct objective filtering before cases are brought to the court.

The Supreme Court of the Republic of Indonesia has also issued Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases as a policy that also provides guidelines for protecting the public from criminal prosecution or civil lawsuits when fighting for environmental rights.

This legal protection is known as Anti-SLAPP (Anti Strategic Lawsuit Against

Public Participation), specifically the provisions of Articles 76 to 78 of Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases.

Ecological Justice in Judges' Decisions Regarding Anti-Eco-SLAPPs in the Indonesian Judicial System

The judicial system in Indonesia can be reviewed from the judge's decision regarding anti-SLAPP in Indonesia which is a precedent. First, looking at the interlocutory decision in the case of Prof. Bambang Hero Saharjo, in the Cibinong District Court which recognized the lawsuit as SLAPP and stopped it and second is the Cassation Decision at the Supreme Court of the Republic of Indonesia in the case of Daniel Frits which annulled the criminal sentence and acquitted environmental activists by applying the provisions of Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management of the Republic of Indonesia Supreme Court Regulation Number 1 of 2023 as the legal basis for Anti-Eco-SLAPP which emphasizes the protection of environmental activists from lawsuits motivated by retaliation.

The Eco-SLAPP case is seen in the interlocutory decision in case 6/Pdt. G/2024/PN.Cbi dated January 17, 2024 with plaintiff PT. Jatim Jaya Perkasa against Defendant Prof. Bambang Hero Saharjo and Prof. Basuki Wasis. The judge's ruling dismissed the civil lawsuit against the academic-turned-environmental expert, deeming it a Strategic Lawsuit Against Public Participation (SLAPP). The lawsuit refers to Article 66 of Law No. 32 of 2009 concerning Environmental Protection and Management and Supreme Court Regulation No. 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases, which expands protection for public participation in environmental issues.

Case Number: 212/Pdt.G/2025/PN.Cbi which states a lawsuit against Prof. Dr. Ir.Bambang Hero Saharjo, M.Agr. and Prof. Dr. Ir. Basuki Wasis, M.Si. in the Interlocutory Decision as a Strategic Lawsuit Against Public Participation (SLAPP) and decided that the lawsuit could not be continued. This decision became a historical record of anti-SLAPP rulingThe first in Indonesia to be imposed through an interlocutory decision mechanism based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases.

PT filed a civil lawsuit. The Kalimantan Lestari Mandiri (PT. KLM) against two academics from the Bogor Agricultural Institute (IPB) who had provided expert testimony in the peatland fire case in the PT KLM plantation area in Kapuas Regency, Central Kalimantan in 2018. Expert testimony was used as the basis for a final and binding decision (inkracht van gewijsde) which ordered PT. KLM to pay material compensation for Rp. 89.3 billion and restoration costs of Rp. 210.5 billion. The Panel of Judges' considerations emphasized that the expert testimony presented by Prof. Bambang Hero Saharjo and Prof. Basuki Wasis in the trial was a form of struggle for the right to a good and healthy environment as protected by Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management.

The panel also referred to Constitutional Court Decision No. 119/PUU-XXIII/2025

which expanded the protection of Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management to include victims, reporters, witnesses, experts and environmental activists who participate in environmental protection and management efforts. "Based on Article 48 paragraph (3) letter c of Supreme Court Regulation Number 1 of 2023 including the delivery of opinions, testimony, or statements in court including in the form of fighting for the right to a protected environment. The lawsuit that threatens this participation is a violation of Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning the Environmental Protection and Management of the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2023.

The progressiveness of the Panel of Judges' strategic steps towards protecting environmental activists is appropriate, progressive, and in line with the spirit of environmental protection. This decision demonstrates a strong understanding of the anti-SLAPP principle as stipulated in Supreme Court Regulation No. 1 of 2023 concerning the Guidelines for Adjudicating Environmental Cases. SLAPPs must be stopped at an early stage to prevent criminalization and pressure on environmental activists participating in environmental protection. The mechanism of an interlocutory decision is an effective and just step that allows for the early termination of cases without having to wait for the trial process (Prakoso, 2025).

The Anti Eco-SLAPP judicial mechanism applied to the Anti Eco-SLAPP case is seen in the Jepara District Court Decision Number: 14/Pid.Sus/2024/PN.Jpr dated April 14, 2024 in conjunction with Decision Number 374/PID.SUS/2024/PT. The SMG dated January 17, 2024 in conjunction with the Decision of the Supreme Court of the Republic of Indonesia with the Defendant Daniel Frits Maurits Tangkilisan. The appeal decision, which overturned the Jepara District Court and Semarang High Court decisions, acquitted Daniel Frits of criminal charges (dissemination of hateful information) because his actions were a struggle for the right to a good environment. The decision was based on the application of anti-SLAPP under Article 66 of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management and Article 77 of the Republic of Indonesia Supreme Court Regulation Number 1 of 2023.

The application of legal protection by judicial institutions to communities or activists who fight for the right to a decent environment (anti-SLAPP) is one example of which is demonstrated by the appeal decision of Daniel Frits' case by the Semarang High Court. Daniel Frits is an academic and environmental activist who criticized waste from shrimp farming activities in the Karimunjawa Islands, Central Java Province, through the social media channel Facebook on November 12, 2022. Daniel Frits, his post on Facebook, brought legal proceedings that received widespread public attention.

In the legal considerations of the decision of the Panel of Judges of the Semarang High Court Number 374 / PidSus / 2024 / PT Smg which examined and tried Daniel Frits. Based on the decision of the Semarang High Court which was pronounced in an open trial for the public on May 21, 2024, Daniel Frits was declared free from all legal charges (onslag van rechtsvervolging). In the first instance of the criminal trial process, the Panel of Judges of the Jepara District Court who tried and examined Daniel Frits as per case register Number 14 / Pid.Sus / 2024 / PN Jpa stated, Daniel

Frits was proven to have committed a criminal act without the right to spread information that incited hatred against certain community groups, based on SARA and was sentenced to seven months imprisonment and a fine of Rp5,000,000.00 (five million rupiah). With thise provision, if the fine is not paid it will be replaced with imprisonment for one month.

Against the Jepara District Court Decision, Daniel Frits and his Legal Counsel have filed an appeal registered at the Semarang High Court with Case Number: 374/PidSus/2024/PT Smg. The Panel of Judges at the Semarang High Court who tried Daniel Frits, chaired by Suko Priyowidodo, SH, accompanied by Prim Fahrur Razi, SH, MH and Winarto, SH, each as Member Judges, then conducted a re-examination of Daniel Frits' cases. In considering its decision, the Panel of Judges at the appellate level agreed with the Panel of Judges at the Jepara District Court who stated that Daniel Frits was an environmental activist on the Karimunjawa Islands. This is based on witness statements and the evidence that had been presented in the first level trial.

Furthermore, the Panel of Judges of the Semarang High Court considered whether the anti-SLAPP provisions could be applied to Daniel Frits. The description of the provisions of Article 66 of Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management which states "every person who fights for the right to a good and healthy environment cannot be prosecuted criminally, nor sued civilly Based on the provisions of Article 77 of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases, it explains that in the event that after examining the main case, the judge concludes that the actions accused by the public prosecutor are proven, but the defendant is also proven to be a fighter for the right to a good and healthy environment as referred to in Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management, the judge issues a verdict of acquittal from all legal charges.

The Panel of Judges at the appellate court also examined the provisions of Article 78 Paragraph 3 of Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases, which explains that “the struggle to realize the right to a good and healthy environment as referred to in Paragraphs 1 and 2 is carried out in accordance with applicable law, unless there is no other alternative or choice of action other than the actions that have been carried out and the actions are carried out in order to protect the greater legal interests of the wider community.”

Based on trial facts based on the testimony of witnesses, experts, the defendant and letters submitted by the Public Prosecutor and the Defendant's Legal Counsel (Daniel Frits) which are mutually consistent, it was found that there was damage to Cemara Beach in the Karimunjawa Islands due to the shrimp farming business. Daniel Frits is a Kawali administrator that focuses on environmental preservation. It has also been involved in various activities related to a healthy environment since 2021. Therefore, Daniel Frits post criticized the Karimunjawa community who was pro-shrimp farming when responding to his post about the condition of Cemara Beach in the Karimunjawa Islands on his Facebook account in November 2022, but did not pay attention to environmental preservation by saying "the shrimp brain community, enjoying free shrimp meals while being eaten by farmers, the essence of the shrimp brain community is like the shrimp farm itself being fed deliciously, in large quantities

& regularly for food" the Panel of Judges considered inseparable from the thoughts and attitudes of Daniel Frits as a Kawal administrator who actively carries out prevention, mitigation, and action against environmental damage.

Daniel Frits is an environmental observer who has the right to a good and healthy environment in the Karimunjawa Islands which were previously polluted by shrimp ponds according to the trial. Therefore, Daniel Frits' posts were motivated by the spirit of an environmental fighter and were a form of protest using a series of satirical sentences or sarcasm through social media and it can be concluded that it was not intended to spread hatred. In fact, the people of the Karimunjawa Islands have been divided into two groups, namely, pro and anti shrimp ponds, as Daniel Frits has also stated in a post on his Facebook account before the content of the Facebook post was legally challenged by the reporter.

However, the Panel of Judges was of the opinion that there were members of the public, in this case the complainant, who felt hatred due to Daniel Frits' post, but Daniel Frits' goal was for a greater good. To prevent widespread environmental damage to the Karimunjawa Islands, a marine tourism parasite was introduced. Likewise, he contributed to preserving the national and global environments. In the Panel of Judges' conclusion, Daniel Fritss post fulfilled the elements of a criminal act without the right to spread information that incites hatred against certain community groups based on SARA. However, Daniel Frits' activities as an environmental activist were aimed at the greater interest of maintaining a healthy environment, specifically in Karimunjawa.

Thus, the Anti-SLAPP Act according to Article 66 of the PPLH Law and Article 77 of Perma Number 1 of 2023 can be applied to Daniel Frits. Therefore, the Panel of Judges is of the opinion that the Decision of the Panel of Judges of the Jepara District Court Number 14/Pid. Sus/2024/PN.Jpa dated April 4, 2024 is annulled and releases Daniel Frits from all legal charges. The Decision of the Semarang High Court Number 374/PidSus/2024/PT Smg, which releases environmental activist Daniel Frits from all legal charges wasstrengthened by the Supreme Court of the Republic of Indonesia in the Cassation Decision Number 6459 K/Pid.Sus/2024 dated October 2, 2024, chaired by Supreme Court Justice YM. Dwiarso Budi Santiarto, SH, M.Hum. accompanied by Supreme Court Justices. Ainal Mardhiah, SHMH and YM. Sutarjo, SH, MH

The next case that has implemented the Anti Eco-SLAPP is seen in the Sungailiat District Court Decision Number: 475/Pid. Sus/2020/PN.Sgl dated April 6, 2021 in conjunction with the Appeal Decision in Bangka Belitung in the Bangka Belitung High Court Decision Number: 21/PID/2021/PT.BBL with the Defendant Robandi whose decision has overturned the first instance court decision, acquitting residents from criminal charges related to environmental pollution reports carried out by PT. BAA. This decision is based on the provisions of Article 65 paragraph (1) of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management, stating that defendants' actions cannot be prosecuted criminally because they are part of the struggle for environmental rights (Kurniawansyah, 2019).

The next legal basis is the provisionsArticle 66Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management: Protecting everyone who fights for the right to a good and healthy environment from criminal or civil prosecution.Article 77Regulation of the Supreme Court of the Republic of

Indonesia Number 1 of 2023 regulates the Anti-Eco-SLAPP mechanism in civil and criminal procedural law, providing guidance for judges to stop SLAPP lawsuits or charges at the initial stage (interlocutory decision).Constitutional Court Decision Number: 119/PUU-XXIII/2025which expands the scope of Article 66 of the Environmental Management Law to include everyone including victims, reporters, witnesses, experts and environmental activists. These decisions represent a shift in the judicial paradigm to protect public participation in environmental issues, thus creating an important precedent for environmental law enforcement in Indonesia.

CONCLUSION

The results of the research on the face of ecological justice in the implementation of the Anti Eco-SLAPP doctrine mechanism can be concluded as followslegal policies related to the protection of the right to a healthy and conducive environment can be implemented through the Anti-Eco-SLAPP judicial system mechanism supported by recommendations for strengthening Anti-Eco-SLAPP regulations through the addition of special provisions that accelerate the termination of investigations into cases containing indications of criminalization of environmental activists who advocate for the environment or public interest. Several judges' decisions that apply the Anti-Eco-SLAPP mechanism in the Indonesian judicial system still need to be optimized to prevent criminalization efforts against environmental activists from the beginning.

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