



Citizens' Legal Standing in Environmental Administrative Court Proceedings: PTUN Jakarta Decision No. 59/G/LH/2023 and Supreme Court Decision No. 277 K/TUN/LH/2024

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Abstract

Background: Environmental litigation before Indonesia's State Administrative Court (*Pengadilan Tata Usaha Negara* or *PTUN*) reveals tension between the conventional requirement of an individually "harmed interest" under Article 53(1) of the Administrative Court Law and the diffuse, anticipatory nature of environmental injury.

Objective: This study examines the construction of legal standing for individuals facing potential environmental risks under PTUN Decision No. 59/G/LH/2023/PTUN.JKT and Supreme Court Decision No. 277 K/TUN/LH/2024, compares judicial reasoning on "aggrieved interest," and evaluates its alignment with Supreme Court Regulation (PERMA) No. 1 of 2023.

Methods: This normative juridical study employs statutory, case, and conceptual approaches. Legislation, judicial decisions, and relevant legal scholarship are examined through qualitative content analysis and systematic legal interpretation.

Results: The Supreme Court affirmed liberalized individual environmental standing by holding that affected citizens may challenge administrative decisions without proving majority community representation. Applying the precautionary principle and *in dubio pro natura*, the Court recognized prospective ecological risks as legally actionable. It further held that procedural defects, particularly the absence of meaningful participation, justified annulment. This approach aligns with PERMA No. 1 of 2023 and reflects a shift from restrictive formalism toward substantive access to environmental justice.

Conclusion: The decisions strengthen the doctrinal foundation for citizen-based environmental claims before the *PTUN* and support standing rules that prevent procedural requirements from unduly restricting access to environmental justice.

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INTRODUCTION

Article 28H paragraph (1) of the 1945 Constitution places the right to a good and healthy environment within the constitutional guarantees enjoyed by every person. Article 33 paragraph (4) reinforces that commitment by requiring national economic development to observe sustainability and environmental considerations. These constitutional guarantees are implemented, among other instruments, through Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH), which provides several avenues for environmental

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enforcement, including challenges to administrative decisions before the State Administrative Court (PTUN).

In practice, access to PTUN review in environmental matters often turns on whether a claimant has legal standing, or *persona standi in judicio* (Imam, 2022). Article 53 paragraph (1) of Law No. 5 of 1986 on State Administrative Courts, as amended by Law No. 9 of 2004 and Law No. 51 of 2009, links the right to bring an action to a person or civil legal entity whose interest is adversely affected by a state administrative decision. Courts have traditionally read this requirement through the *point d'intérêt*, *point d'action* principle, emphasizing a direct legal nexus and a concrete injury to the claimant (Mertokusumo, 1988).

That conventional formulation is difficult to apply to environmental harm. Environmental interests are frequently shared across communities, may materialize only in the future, and can extend across generations or geographic boundaries (Takle, 2021; Walker, 2009; Weiss, 1989). Requiring an already realized, individualized loss can therefore prevent courts from reaching the merits of environmental claims. This concern is reflected in assessments showing that standing objections have often ended environmental administrative cases before substantive review begins (Institute for Studies and Advocacy for Judicial Independence, 2021).

Against this background, judicial decisions that move beyond a purely formal conception of standing are important for the development of environmental administrative procedure. This article focuses on Jakarta PTUN Decision No. 59/G/LH/2023/PTUN.JKT and Supreme Court Decision No. 277 K/TUN/LH/2024. The litigation arose from a challenge brought by residents of Dairi Regency, North Sumatra, to Minister of Environment and Forestry Decree No. SK.854/MENLHK/SETJEN/PLA.4/8/2022 concerning the environmental feasibility of PT Dairi Prima Mineral's zinc and lead mining activities.

The sequence of judgments is particularly significant because each judicial level evaluated the dispute through contrasting legal perspectives. The Jakarta PTUN accepted the residents' standing and annulled the contested administrative decision. On appeal, the Jakarta State Administrative High Court reversed that outcome; although it rejected the defendant's preliminary objections regarding standing, it ultimately dismissed the plaintiffs' claims on the merits. At the cassation stage, the Supreme Court set aside the appellate judgment and ruled in favour of the plaintiffs, affirming both the individual legal standing of affected citizens and the substantive invalidity of the environmental approval. The procedural history therefore captures a direct contest between restrictive-formal and substantive-progressive approaches to environmental administrative disputes.

Existing scholarship has addressed related aspects of environmental access to court. Harjiyatni and Anthony (2022) compared environmental dispute resolution in the Indonesian and Thai administrative courts and found Indonesian practice to be more procedurally formal than the more substantively oriented Thai approach. Haya Koeswandi et al. (2019), studying citizen litigation in the Riau forest-fire context, observed that formal recognition of *citizen lawsuits* under KMA Decree No. 36/2013 had not yet translated into consistently broad judicial access. Sirait et al. (2025) subsequently examined the cumulative requirements governing the standing of environmental organizations after PERMA No. 1 of 2023.

The present study addresses three main questions: first, how Jakarta PTUN Decision No. 59/G/LH/2023/PTUN.JKT and Supreme Court Decision No. 277 K/TUN/LH/2024 construct the legal standing of individual citizens facing potential environmental risks; second, what accounts for the diverging judicial evaluations of an "aggrieved interest" and the merits across the three levels of adjudication; and third, what limits and implications this liberalized individual environmental standing holds for PTUN procedural law after PERMA No. 1 of 2023.

Accordingly, the study seeks to identify the doctrinal movement in citizens' standing before the State Administrative Court, assess the tension between formalistic and substantive judicial reasoning, and formulate proposals for redesigning standing rules in environmental cases so that access to environmental justice is strengthened.

METHOD

The legal materials were categorized into primary sources (legislation and official court decisions) and secondary sources (peer-reviewed legal scholarship, books, and analytical

research reports). Tertiary legal materials were excluded as no dictionaries or encyclopedias were directly cited. The materials were examined through qualitative content analysis and systematic legal interpretation. A methodological limitation of this study is that its focus on a single litigation chain provides in-depth qualitative and doctrinal insights into Supreme Court jurisprudence but does not empirically prove uniform application across all regional PTUN jurisdictions in Indonesia.

This study employed normative juridical research. Its analysis combined statutory, case, and conceptual approaches. The statutory inquiry covered the principal rules governing environmental administrative standing, including Law No. 5 of 1986, as amended by Law No. 9 of 2004 and Law No. 51 of 2009; Law No. 32 of 2009 on Environmental Protection and Management; Law No. 6 of 2023 on Job Creation; and Supreme Court Regulation No. 1 of 2023 on Guidelines for Adjudicating Environmental Cases.

The case approach examined the linked judgments forming the dispute's procedural trajectory: Jakarta PTUN Decision No. 59/G/LH/2023/PTUN.JKT (decided 24 July 2023), Jakarta State Administrative High Court Decision No. 265/B/LH/2023/PT.TUN.JKT (decided 12 December 2023), and Supreme Court Decision No. 277 K/TUN/LH/2024 (decided 23 April 2024). The qualitative content analysis operationalized a strict textual mapping of primary judgment texts accessed via the Supreme Court Decision Directory up to a cutoff date of August 2026. Specifically, the analysis mapped judicial reasoning by separating party submissions (arguments, exceptions, and claims) located in the identity and posita sections from the court's legal considerations (*considerans*). The judicial considerations were evaluated on specific text pages to distinguish the essential ratio decidendi (the core legal basis determining the outcome on standing and merits) from obiter dicta (persuasive or context-providing remarks).

The conceptual analysis drew on doctrines relevant to environmental access to court, including *actio popularis*, *citizen lawsuit*, standing to sue, the *point d'intérêt*, *point d'action* principle, the precautionary principle, and the broader concept of access to environmental justice.

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RESULTS AND DISCUSSION

Results

The Construction of Legal Standing Law in the Procedural Law of the State Administrative Court: Basic Norms and Paradigm Shifts

Within PTUN procedure, Article 53 paragraph (1) of Law No. 5 of 1986 on State Administrative Courts, as amended by Law No. 9 of 2004 and Law No. 51 of 2009, performs a gatekeeping function by linking admissibility to an interest adversely affected by a state administrative decision. Rather than reproducing the statutory wording, the relevant point is that a claimant must demonstrate a legally cognizable interest before the court proceeds to the merits. Classical procedural doctrine connects this requirement with the *point d'intérêt*, *point d'action* principle: a claim is ordinarily available to a party who can demonstrate an interest requiring judicial protection (Mertokusumo, 1988).

The difficulty lies in the conventional meaning attributed to "interest." A restrictive reading tends to require a direct legal relationship with the challenged decision and an injury already experienced by the plaintiff. Environmental disputes do not always fit that pattern because ecological harm can be dispersed across communities, extend beyond a single geographic area, or remain foreseeable rather than fully realized (Temper et al., 2018). In such circumstances,

insisting on individualized and completed injury may operate as a barrier to judicial protection.

Environmental legislation therefore developed special forms of standing. Article 91 UUPPLH provides a basis for representative group litigation where pollution or environmental damage causes losses to the community. Article 92 recognizes organizational standing for environmental organizations that satisfy cumulative institutional and activity requirements. Article 93 historically provided a route for administrative challenges to environmental permits (Abubakar, 2019). Taken together, these provisions acknowledge that environmental claims cannot always be accommodated by the ordinary model of strictly personal injury.

These several routes to court are conceptually distinct and must be distinguished based on their respective eligible plaintiffs, legal nexus, legal basis, forum, and remedy sought. Individual standing over an environmental interest requires a natural person to show a legally cognizable connection—traditionally a direct, completed injury, though PTUN jurisprudence increasingly accepts a credible potential harm—typically grounded in Article 53(1) of the PTUN Law and Article 6 of PERMA No. 1/2023 to seek the annulment of a state administrative decision. Class action under Article 91 UUPPLH allows representative plaintiffs sharing the same factual and legal basis to sue before civil courts for compensation or specific remedies on behalf of an identifiable class. Organizational standing under Article 92 UUPPLH permits environmental legal entities meeting statutory activity and organizational requirements to litigate environmental preservation before civil or administrative courts in their own name, without showing individual injury or representing specific victims. Citizen lawsuit, introduced via Supreme Court Decree No. 36/KMA/SK/II/2013 and PERMA No. 1/2023, is brought before civil courts by any citizen acting as a guardian of the public interest; it does not require personal injury or direct legal nexus, but rather targets the state's alleged omission in fulfilling a mandatory legal duty to demand regulatory or policy action. By contrast, pure *actio popularis* allows any member of the public to challenge any legal or administrative measure in court solely on the ground of public legality, without requiring a specific statutory mandate or a procedural filter. Distinguishing these mechanisms avoids conflating distinct legal pathways: the present *Dairi* dispute represents a liberalized form of individual environmental standing before the PTUN rather than a citizen lawsuit or a pure *actio popularis*.

A further change occurred through Chief Justice of the Supreme Court Decree No. 36/KMA/SK/II/2013 on the Guidelines for Handling Environmental Cases, which formally introduced citizen-based environmental litigation into judicial practice. PERMA No. 1 of 2023 later replaced that framework and strengthened the procedural basis for environmental claims by expressly regulating who may sue and how environmental cases should be adjudicated (Supreme Court of the Republic of Indonesia, 2023).

Article 6 of PERMA No. 1 of 2023 clarifies and strengthens the operational scope of environmental standing before the courts. Paragraph (1) reaffirms that natural persons, business entities, and environmental organizations may challenge state administrative decisions or actions, while Paragraph (2) defines protected interests as including both direct and indirect interests connected to the right to a good and healthy environment (PERMA No. 1 of 2023, Article 6(1)–(2)). The key normative advance of PERMA No. 1 of 2023 lies not in introducing individuals as eligible plaintiffs—a status long recognized under Article 53(1) of the PTUN Law—but in explicitly incorporating potential harm and indirect interest into the procedural inquiry, thereby embedding precautionary reasoning into standing. To prevent standing from being interpreted as an unrestricted right to sue without a legal nexus or evidentiary threshold, Paragraphs (3) and (4) establish crucial operational boundaries. Paragraph (3) mandates that potential harm must be determined through judicial evaluation of evidence, while Paragraph (4) specifies that such potential harm may be demonstrated by assessing compliance with procedural requirements, licensing terms, or valid scientific evidence (PERMA No. 1 of 2023, Article 6(3)–(4)).

The significance of this normative development becomes clearer when viewed alongside emerging PTUN case law. Aminudin (2024) identifies an observable tension between decisions that insist on proof of actual injury and decisions that treat a credible risk of future environmental harm as sufficient for standing. The dispute examined here provides a concrete illustration of that doctrinal movement.

Case Position and Construction of the Dispute in Decision No. 59/G/LH/2023/PTUN.JKT

The dispute originated in Minister of Environment and Forestry Decree No. SK.854/MENLHK/SETJEN/PLA.4/8/2022 of August 11, 2022, which concerned the environmental feasibility of zinc and lead mining by PT Dairi Prima Mineral in Silima Pungga-Pungga District, Dairi Regency, North Sumatra. Eleven residents living around the proposed mining area—Marlince Sinambela, Rasmi Silalahi, Rainim Purba, Anna Harianja, Parulian Tambunan, Barisman Hasugian, Hotman Purba, Lasma Pandiangan, Sudirman Simamora, Jaga Nababan, and Purnama Siagian—challenged the decree before the Jakarta PTUN under Case No. 59/G/LH/2023/PTUN.JKT.

The Minister and PT Dairi Prima Mineral, as the Defendant II Intervenor, raised standing objections on two principal grounds. First, they argued that the residents were neither the addressees of the challenged decision nor holders of a directly impaired legal interest. Second, they contended that, because the mining project had not yet produced the alleged environmental consequences, the plaintiffs could not point to an actual injury capable of supporting the action.

Those objections reflect the traditional understanding of an “aggrieved interest,” under which injury must be concrete, actual, and personally experienced by the claimant. Ekko Harjanto et al. (2025) similarly criticize the persistence of formalistic filters in Indonesian environmental litigation, noting that restrictive standing can prevent courts from considering environmental risks on their merits.

The Jakarta PTUN rejected the standing objections in its judgment of July 24, 2023. Notably, PERMA No. 1 of 2023 had already entered into force on June 14, 2023, prior to this ruling. The court's reasoning treated the residents' environmental interests not merely as private legal relations arising from a direct transactional link with the decree, but as constitutionally protected rights capable of judicial enforcement (Jakarta State Administrative Court, 2023, pp. 315–316). In substance, the court affirmed that residents who faced credible environmental risks from the zinc and lead mining project were entitled to seek judicial protection to prevent pollution or damage and safeguard their right to a good and healthy environment.

Three elements of that reasoning are particularly important. First, the court shifted the definition of an “aggrieved interest” from a narrow, formalistic requirement toward the constitutional environmental right held by citizens (Jakarta State Administrative Court, 2023, pp. 315–316). Second, it accepted a preventive logic: the absence of realized pollution did not eliminate standing where environmental harm was credibly threatened. Third, the plaintiffs were recognized as constitutional rights-holders whose standing was evaluated in harmony with the newly in-force framework of PERMA No. 1 of 2023.

On the merits, the Jakarta PTUN granted the claim in full and identified procedural and substantive defects in the contested decree. The court highlighted the legal weight of meaningful public participation during the Environmental Impact Analysis (ANDAL) Addendum preparation, finding that affected residents were wrongfully excluded from decision-making (Jakarta State Administrative Court, 2023, pp. 334–336). Furthermore, the court applied the precautionary principle to annul the environmental feasibility decree due to unmitigated disaster risks in an ecologically sensitive mining area (Jakarta State Administrative Court, 2023, pp. 338–339).

Reversal of Judgment by the Court of Appeal and Contestation of Interpretation

The Minister and PT Dairi Prima Mineral appealed the first-instance judgment. In Decision No. 265/B/LH/2023/PT.TUN.JKT (decided 12 December 2023), the Jakarta State Administrative High Court overturned the first-instance ruling; crucially, the appellate court did not dismiss the action as inadmissible (*Niet Ontvankelijk Verklaard*), but explicitly rejected the defendants' preliminary objections regarding standing, thereby affirming that the residents possessed legal standing to bring the action. However, upon proceeding to the merits, the appellate court rejected the plaintiffs' claims in their entirety (*menolak gugatan para penggugat seluruhnya*), concluding in its substantive reasoning that the contested Minister Decree was procedurally and substantively valid because public participation requirements during the AMDAL/ANDAL addendum process had been sufficiently fulfilled through the involvement of other community members and local representatives who did not object to the mining project. Furthermore,

holding that the plaintiffs failed to present conclusive proof of immediate or unmitigated environmental harm that would justify the annulment of the environmental feasibility approval, the appellate judgment thus illustrates a strictly formal compliance approach on the merits, contrasting sharply with the PTUN's substantive-progressive evaluation.

This appellate reasoning on the merits can be critically inferred as reflecting a restrictive judicial posture in three respects. Rather than establishing a formal standing doctrine, the court's evaluation of AMDAL participation implicitly equated representative attendance at public consultations with broad social acceptance of the project, thereby treating procedural compliance during environmental assessment as sufficient to validate the administrative decree (Jakarta State Administrative High Court, 2023, pp. 12–16). Second, by prioritizing the participation of non-objecting community members over the specific environmental risks raised by the plaintiffs, the court's evidentiary assessment risked diluting individual legal protection under the guise of collective consensus. Third, this approach shifted the judicial focus away from verifying whether individual environmental rights were substantively threatened and toward evaluating whether the administrative process had satisfied generalized formal participation metrics.

That shift risks conflating procedural public consultation with substantive judicial control over legality. Requiring individual plaintiffs to demonstrate majority community support or equating AMDAL attendance with social consensus transforms administrative adjudication from a mechanism of legality review into a forum that measures generalized public acceptance. Yet, the core function of an administrative lawsuit under PTUN procedural law is to examine whether a state administrative decision complies with statutory requirements and the General Principles of Good Governance (AUPB), not to evaluate whether the claimants command majority approval or represent the entire affected population.

Seen from a rights-based perspective, making environmental standing contingent on majority support can also expose individual constitutional rights to what is often described as a “tyranny of the majority.” The right to a good and healthy environment attaches to each citizen and is not logically dependent on collective consent. A procedural rule that conditions enforcement on the views of most community members may therefore weaken the protective function of a constitutional environmental right.

Comparative analysis reinforces that concern. Harjiyatni and Anthony (2022) describe the Thai Administrative Court as more willing to investigate environmental substance without making representative formality the controlling issue. The comparison suggests that the appellate court's insistence on representation moves Indonesian environmental adjudication toward procedural restriction rather than toward substantive review of ecological risk.

Supreme Court Cassation Decision No. 277 K/TUN/LH/2024: Affirmation of Individual Environmental Standing

The plaintiffs sought cassation after the appellate judgment. Supreme Court Decision No. 277 K/TUN/LH/2024 granted the cassation application, set aside Jakarta State Administrative High Court Decision No. 265/B/LH/2023/PT.TUN.JKT, and ruled in favour of the plaintiffs, annulling the contested environmental decision concerning PT Dairi Prima Mineral.

To systematically analyze the Supreme Court's jurisprudence, this study reconstructs the judgment into three operational layers of judicial reasoning: procedural standing, substantive merits, and judicial remedy.

First, regarding procedural standing, the Court rejected the premise that citizen standing depends on proof that the plaintiffs represent the majority of the community. This reasoning confirms that an individual citizen possesses an independent right to seek judicial protection without needing to prove collective representation or community consensus, thereby reinforcing the liberalized model of individual environmental standing (Supreme Court of the Republic of Indonesia, 2024, p. 6).

Second, on the evaluation of environmental risk, the reasoning incorporates the precautionary principle while drawing upon the distinct interpretive rule of *in dubio pro natura*. Because the proposed mining site involves fragile karst ecosystems and critical water catchments, the Court recognized that the inherent risks of underground mining were legally actionable prior to the occurrence of irreversible environmental damage, thereby connecting standing to credible

potential harm (Supreme Court of the Republic of Indonesia, 2024, p. 6). This precautionary stance is doctrinally complemented by *in dubio pro natura*—a principle of judicial interpretation explicitly applied in the first-instance decision, which mandates that any scientific or legal uncertainty regarding environmental harm must be resolved in favor of environmental protection (Jakarta State Administrative Court, 2023, pp. 338–339).

Third, on the substantive merits and judicial remedy, the Court held that procedural defects in the issuance of the challenged decision—particularly the lack of meaningful public participation and non-compliance with spatial planning laws—constituted fatal legal flaws (Supreme Court of the Republic of Indonesia, 2024, p. 7). Consequently, as a matter of remedy, the Court declared the feasibility approval void and ordered its formal revocation (Supreme Court of the Republic of Indonesia, 2024, p. 9).

Taken together, these findings demonstrate that the Supreme Court did not create a pure *actio popularis* or a citizen lawsuit mechanism, but rather established a protective framework for liberalized individual environmental standing under Administrative Court procedure.

Synergy with PERMA No. 1 of 2023: Consolidation of the Doctrine of Access to Environmental Justice

Supreme Court Decision No. 277 K/TUN/LH/2024 was delivered within the new procedural setting created by PERMA No. 1 of 2023. As Sirait et al. (2025) explain, the regulation broadens the architecture of environmental standing in several related directions.

The first development concerns the identity of eligible plaintiffs. Article 6 paragraph (1) recognizes natural persons, legal and non-legal business entities, and environmental organizations. By expressly including individuals, the regulation removes much of the uncertainty that had previously surrounded citizen claims outside class-action or organizational-standing mechanisms.

The second development concerns the character of injury. PERMA No. 1 of 2023 extends the standing inquiry beyond interests that have already been harmed to those facing potential harm. This anticipatory formulation gives procedural effect to precaution by allowing the court to address a sufficiently credible risk before environmental damage becomes irreversible.

The third development concerns proof. The more developed treatment of scientific evidence described by Aminudin (2024) enables judges to evaluate environmental risk as a whole instead of confining the analysis to evidence of an injury that has already occurred. This evidentiary orientation supports a standing doctrine capable of responding to uncertainty and future ecological consequences.

Decision No. 277 K/TUN/LH/2024 can therefore be understood as a judicial practice that is substantively consistent with the framework of PERMA No. 1 of 2023, even though the Supreme Court did not explicitly cite the regulation in its written judgment. From an analytical perspective, the Court's approach aligns with the constitutional guarantee of a good and healthy environment by ensuring that procedural standing filters are not applied so restrictively as to impede access to justice in environmental disputes.

The approach also corresponds with a wider international movement toward more accessible environmental standing. Although Indonesia is not a party to the 1998 Aarhus Convention, its three familiar pillars—access to information, public participation, and access to justice—exert significant normative influence. The access-to-justice pillar, in particular, resonates with the protective principles embodied in PERMA No. 1 of 2023 and the Supreme Court's reasoning in Decision No. 277 K/TUN/LH/2024.

Implications for the Procedural Law Doctrine of PTUN and Access to Environmental Justice

The effects of Supreme Court Decision No. 277 K/TUN/LH/2024 extend beyond the outcome of the *Dairi* dispute. The judgment bears on the doctrine of PTUN procedure, the practical availability of environmental remedies, and the relationship between substantive constitutional rights and the procedural rules through which those rights are enforced.

Doctrinal Implications: A Shift from Restrictive Standing to Liberal Standing

At the doctrinal level, the judgment confirms a movement away from a model that demands direct, individualized injury toward a more liberal form of environmental standing. The comparison below summarizes the principal differences between the two approaches.

Table 1

Comparison of Restrictive and Liberal Standing Paradigms in Environmental Administrative Courts

Dimension	Restrictive Interpretation Examined	Liberalized Standing (PERMA 1/2023 & MA 277/2024)
Eligible claimant	Party directly addressed by or directly linked to the KTUN (PTUN Law Art. 53(1))	Individual, entity, or environmental organization facing actual or potential harm (PERMA 1/2023 Art. 6(1))
Required injury	Completed, concrete, and direct loss (Classical doctrine of aggrieved interest under Art. 53(1) PTUN Law)	Actual injury or a reasonably foreseeable risk of environmental harm (PERMA 1/2023 Art. 6(2))
Role of Representation	Emphasis on generalized public acceptance or participation metrics (PT TUN No. 265/2023)	Individual citizen standing valid without proving majority community representation (MA No. 277/2024, p. 6)
Nexus with KTUN	Formal transactional link to the administrative decree (PT TUN No. 265/2023, pp. 12–16)	Substantive connection based on threatened constitutional rights (PTUN No. 59/2023, pp. 315–316; MA No. 277/2024, p. 6)
Normative basis	Classical <i>point d'intérêt</i> , <i>point d'action</i> doctrine (Art. 53(1) PTUN Law; PT TUN No. 265/2023, pp. 12–16)	Precautionary principle, <i>in dubio pro natura</i> , and constitutional rights (PTUN No. 59/2023, pp. 338–339; MA No. 277/2024, p. 6)
Evidentiary focus	Retrospective proof of realized environmental damage or completed injury (Art. 107 PTUN Law; PT TUN No. 265/2023, pp. 14–16)	Credible evidence of actual harm or a reasonably potential risk of future harm (PERMA 1/2023 Art. 6(3); MA No. 277/2024, p. 6)

The change is therefore more than a technical relaxation of admissibility rules. It reflects a different understanding of administrative procedure: environmental litigation is not confined to protecting private individual interests but can also function as judicial oversight of decisions affecting a broader public environmental interest (Sirait et al., 2025).

Practical Implications: Strengthening Access to Environmental Justice

In practical terms, the judgment gives individual residents a clearer route to challenge environmentally significant administrative decisions without first organizing a class action or qualifying through an environmental organization. That matters because organizational standing under Article 92 UUPPLH contains cumulative institutional requirements, including a history of real environmental activity, while class litigation may require substantial coordination and resources. The constitutional environmental right, by contrast, belongs to citizens individually as well as collectively.

The judgment also sends an institutional signal to regional administrative courts that lack of majority representation should not, by itself, be used to dismiss an environmental action for want of standing. If this reasoning is followed consistently, fewer cases may end at the preliminary admissibility stage without examination of the environmental legality issues that prompted the claim—a recurring concern identified in evaluations of Indonesian environmental adjudication (LeIP, 2021).

Systemic Implications: Synergy of Procedural Law and Substantive Rights

At a systemic level, the decision illustrates the proposition that procedural remedies must be capable of giving effect to substantive rights. The constitutional guarantee of a good and healthy environment in Article 28H paragraph (1) cannot be meaningful if procedural standing rules make judicial enforcement practically unavailable. A restrictive doctrine that leaves a right without an effective remedy conflicts with the logic of *ubi jus ibi remedium*.

The ruling consequently supports a more integrated model of environmental justice in which procedure operates as the means through which substantive environmental rights are vindicated, rather than as an independent barrier to their enforcement.

Implementation Challenges and Development Recommendations

Despite its progressive direction, Decision No. 277 K/TUN/LH/2024 does not eliminate the institutional difficulties that may affect implementation of the broader standing paradigm.

The first challenge is jurisprudential consistency. Indonesia does not apply a formally binding precedent system, so a Supreme Court judgment does not automatically compel every PTUN or PT TUN panel to adopt identical reasoning in later cases. Continued judicial education—particularly for judges certified to hear environmental matters under PERMA No. 1 of 2023—is therefore important if the decision's approach is to be internalized in practice.

The second challenge concerns legislative harmonization following the enactment of Law No. 6 of 2023 on Job Creation. The amendment and deletion of provisions such as Articles 38 and 93 of Law No. 32 of 2009 altered the explicit statutory references for environmental administrative litigation (Law No. 6 of 2023). However, this statutory modification does not extinguish administrative judicial review or abolish the core standing of affected citizens. The jurisdiction of the PTUN remains firmly anchored in Article 53(1) of the PTUN Law and the broader framework for challenging administrative decrees and actions under Law No. 30 of 2014 on Government Administration. In this context, PERMA No. 1 of 2023 serves as a crucial judicial guideline to streamline procedural enforcement, but statutory-level harmonization remains necessary to provide enduring legislative clarity and reinforce environmental standing across the legal system.

The third challenge is citizens' practical capacity to utilize the expanded right of access. A formally broad entitlement to sue will have limited effect if affected residents lack legal knowledge, representation, or institutional support. Pro bono legal assistance, clinical legal education, and advocacy from civil society organizations therefore remain indispensable components of effective access to environmental justice.

On the basis of the foregoing analysis, several strategic measures should be prioritized to consolidate these doctrinal developments into administrative judicial practice:

First, technical judicial guidance and specialized training should be developed for PTUN judges to evaluate prospective scientific risk and potential harm during the standing inquiry. Crucially, this guidance must assist panels in maintaining a clear procedural distinction between standing, substantive merits, and judicial remedies, thereby reducing inconsistent interpretations across administrative courts.

Second, progressive environmental judgments—particularly Supreme Court decisions that advance liberalized standing—should be systematically annotated and published so that their reasoning can serve as accessible persuasive reference points for lower-court judges and legal practitioners.

Third, future statutory revisions of the PTUN Law should harmonize with PERMA No. 1 of 2023 by formally codifying the broader standing formulations contained in Article 6 paragraph (1), thereby establishing the legal recognition of potential environmental harm on a clear legislative foundation.

Lastly, consideration should be given to establishing specialized environmental chambers within the PTUN and PT TUN structures, drawing on regional models such as the Thai Administrative Court experience analyzed by Harjiyatni and Anthony (2022), in order to deepen judicial expertise in complex environmental litigation.

CONCLUSION

The analysis supports three principal conclusions. First, Jakarta PTUN Decision No. 59/G/LH/2023/PTUN.JKT adopts a broader construction of standing by grounding the plaintiffs' interest in the constitutional right to a good and healthy environment rather than limiting standing to the classical *point d'intérêt*, *point d'action* model of direct individual injury. The Jakarta State Administrative High Court moved in the opposite direction when it required a form of majority representation, a requirement that sits uneasily with the PTUN's function of reviewing the legality of state administrative decisions.

Second, Supreme Court Decision No. 277 K/TUN/LH/2024 consolidates a more inclusive approach to individual environmental standing. In its verified holding, the Court recognized individual access to judicial review without requiring proof of majority community representation, treated environmental risks as legally relevant to standing before damage occurs, and held procedural defects in environmental decision-making to be fatal flaws warranting annulment. From an analytical perspective, these rationale-based findings align the Supreme Court's practice with the protective access-to-justice framework embodied in PERMA No. 1 of 2023, even in the absence of an explicit statutory citation.

Third, the judgment has doctrinal, practical, and systemic consequences. Doctrinally, it weakens the dominance of restrictive standing; practically, it expands the route available to individual citizens seeking PTUN review of environmental decisions; and systemically, it demonstrates how procedural rules can be interpreted to make constitutional environmental rights judicially enforceable in accordance with the logic of *ubi jus ibi remedium*.

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AUTHOR CONTRIBUTION STATEMENT

Sahat Parlindungan Simarmata was responsible for the conceptualization of the research, formulation of research objectives, development of the theoretical framework, legal analysis, methodology design, collection and analysis of legal materials, interpretation of court decisions, and preparation of the original manuscript. The author also conducted critical revisions, refined the arguments, and approved the final version of the manuscript for publication.

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