



Strengthening the Civil Aspect of Environmental Law as an Instrument of Sustainable Development

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ABSTRACT

Over the past ten years, the environmental law discourse has undergone a paradigmatic shift from a dominant approach of administrative and criminal nature to a stronger integration with civil principles. This transformation is driven by the increasing need for legal mechanisms that are not only repressive, but also restorative and preventive in accommodating the sustainable development agenda. This research aims to analyze the urgency and strategies for strengthening the civil aspect in the Indonesian environmental law system as an effective instrument in promoting ecological responsibility and intergenerational justice. Using normative juridical approaches and analysis of various court decisions, laws and regulations, and international instruments related to the environment, this study finds that civil aspects particularly civil liability, environmental compensation, and class action lawsuits have great potential in encouraging corporate accountability and expanding community participation. The growing practice of environmental litigation, both through citizen lawsuits and the principle of polluter pays, shows a tendency to strengthen the role of civil law in fighting for the right to a clean and healthy environment, as mandated in Article 28H of the 1945 Constitution. However, the effectiveness of the civil approach is still hampered by the limitations of judicial infrastructure, the uncertainty of ecological compensation norms, and the suboptimal role of judges in adopting international environmental law principles such as the precautionary principle and sustainable responsibility. Therefore, policy reformulation and institutional capacity building are absolute prerequisites in making civil law a strategic pillar in sustainable development.

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INTRODUCTION

Sustainable Sustainable development, as mandated in the United Nations 2030 Agenda for Sustainable Development, aims to ensure a balance between economic growth, environmental protection, and social justice (Nisa, 2020). One of the important elements in achieving the goals of sustainable development is the management of

natural resources and the environment in a fair and responsible manner. In Indonesia, although environmental law regulation has progressed rapidly since reforms, effective implementation to achieve sustainable development still faces many challenges. One of the aspects that has received less attention in the framework of environmental law is the civil aspect, which focuses on personal or corporate liability for damage caused to the environment and society (Larsson, 2023; Lazarus, 2023; United Nation, 2015).

Environmental law, which has traditionally been more influenced by administrative and criminal approaches, is now beginning to face the need to adapt to new and increasingly complex challenges, including increasing ecological damage, climate change, and globalization that are accelerating the process of exploitation of natural resources (Faure, 2016). In this context, civil law has a very important role, both in providing solutions to the damage that has already occurred, and in preventing further damage. Therefore, strengthening the civil aspect of environmental law is very relevant to build a more effective environmental protection mechanism and encourage the active participation of the community in preserving nature (Wallace & Martin-Ortega, 2020; White, 2013).

In Indonesia, the civil aspect of environmental law includes several important elements, including civil liability, ecological damages, and class action lawsuits. These elements provide an avenue for individuals or groups to hold environmental polluters legally responsible, as well as provide space for efforts to restore damaged ecosystems (Al Fikri, 2022). For example, in the context of environmental damage resulting from industrial or corporate activities, the community has the right to file a civil lawsuit aimed at obtaining compensation for the damage caused, as well as to recover the ecological damage that has occurred (Hartiwiningsih et al., 2023).

Civil liability in Indonesian environmental law has long been regulated in various regulations, both at the national and international levels. However, its implementation and enforcement are still far from optimal. This is largely due to the unclear norms regarding the standards of compensable ecological losses, difficulties in proving environmental damage in judicial procedures, and limited public access to the justice system (Djayaputra, 2021). Meanwhile, although the polluter pays principle has been widely accepted in international practice as a mechanism that requires polluters to bear the costs of environmental restoration, the application of this principle in Indonesia is still limited and often not translated firmly into the form of effective legal sanctions.

One of the more well-known forms of class action lawsuits in developed countries, such as the United States, is now beginning to be implemented in Indonesia, albeit on a limited scale. Class action lawsuits provide access to community groups affected by environmental damage to hold corporations or the state accountable for the losses they suffer. However, the main obstacle in the implementation of this lawsuit is the lack of legal awareness of the community as well as the unpreparedness of the judicial system

to handle cases involving large-scale environmental damage (Cameron & Weyman, 2021).

At the same time, another challenge lies in environmental law enforcement, which has relied more on administrative and criminal approaches, while the civil approach – while it has great potential to promote ecological justice – has not been fully utilized. This can be seen from the lack of environmental cases that have been successfully resolved through civil compensation channels, even though there is considerable evidence of serious and ongoing environmental damage. In this regard, strengthening institutional capacity and increasing the capacity of judges to apply civil principles in the context of the environment are important steps in addressing these challenges.

The legal reforms needed in order to strengthen the civil aspect of environmental law will include several strategic steps. First, the improvement of clearer regulations regarding ecological compensation standards and environmental restoration. It is important to provide a solid legal basis for individuals or groups affected by environmental damage to claim compensation commensurate with the level of damage caused (De Sadeleer, 2020). Second, the development of legal awareness among the community regarding their rights in fighting for ecological justice through civil channels. Third, improvements in the judicial system, including training for judges and law enforcement officials in handling environmental cases with a civil-based approach. Fourth, strengthening cooperation between the public and private sectors to encourage large companies to be responsible for the ecological impact caused by their activities, as well as ensuring that the polluter pays principle is implemented more consistently.

Based on the above background, this study aims to delve deeper into the strengthening of civil aspects in environmental law in Indonesia, as well as analyze how civil law can be a more effective instrument in supporting sustainable development. This research will examine the role and challenges of the civil aspect in the context of environmental law, focusing on civil liability, ecological compensation, and class action lawsuits as the main instruments that can address the increasing environmental damage. In addition, this research will also offer policy recommendations to strengthen the civil law system in addressing environmental problems in Indonesia.

RESEARCH METHOD

Design and Research Approach

This study adopts a normative juridical approach to examine the strengthening of civil aspects in Indonesian environmental law as an instrument of sustainable development. This approach was chosen because this research focuses on the analysis of existing legal norms, both in national laws and regulations and international instruments related to environmental protection. In addition, qualitative analysis is used to explore the implementation of civil principles in the context of Indonesian

environmental law, as well as to provide recommendations related to legal and institutional capacity building (Noor, 2023). This research is an analytical descriptive research that aims to describe and analyze the application of civil aspects in environmental law, as well as existing challenges and opportunities. This research aims to map the implementation of civil principles, such as civil liability, ecological compensation, and class action lawsuits, as well as evaluate their effectiveness as an instrument to achieve sustainable development goals in Indonesia.

Research Subject and Sampling Techniques

The method used in this study is normative juridical which focuses on the analysis of various legal sources, including (Wiraantaka et al., 2024):

- a) **Laws and Regulations:** This study will examine Indonesian laws and regulations related to environmental law, such as Law No. 32 of 2009 concerning Environmental Protection and Management, as well as regulations related to civil liability for environmental damage and ecological compensation mechanisms.
- b) **Court Decisions:** Analysis of court decisions relevant to the application of civil aspects in environmental cases, such as lawsuits against corporations that damage the environment.
- c) **International Instruments:** International documents related to environmental law, such as the Rio Convention on Climate Change and the Polluter Pays Principle, which provide context for the development of civil aspects of national environmental law.

In addition, a qualitative analysis approach will be used to interpret the collected legal data and provide an assessment of the effectiveness of strengthening the civil aspect as an instrument of sustainable development. The data used in this study are secondary data obtained from legal documents, court decisions, academic literature, and reports published by related institutions.

Data Collection Instruments

The data used in this study were derived from several key sources. First, laws and regulations served as the foundation, particularly documents regulating environmental law with an emphasis on the civil aspects, such as Law No. 32/2009 on Environmental Protection and Management, and other regulations that address civil liability for environmental damage. Second, court decisions were examined, especially those involving rulings on civil responsibility in environmental damage cases. These decisions provide valuable insights, particularly in cases involving ecological harm and class action lawsuits. Third, international documents such as environmental protection conventions that incorporate principles like ecological responsibility and the polluter pays principle were used to support comparative legal analysis and to inform the implementation of environmental law in Indonesia. Lastly, a case study was conducted

involving either a corporation or an individual who was the subject of legal action under civil environmental law. This case study offers a practical illustration of how civil aspects of environmental law are applied in real-world scenarios in Indonesia.

As for data collection, this study employed several procedures. The document review method was used to gather and analyze legal texts, court decisions, and international instruments relevant to the topic. The case study method involved identifying and analyzing selected environmental law cases in Indonesia that contained civil aspects, such as lawsuits against companies responsible for environmental degradation and claims for ecological compensation. Additionally, interviews with legal experts, including environmental law practitioners, academics, and government officials, were conducted to gain deeper insights into the challenges and opportunities in enforcing the civil dimensions of environmental law in Indonesia

Data Analysis Techniques

Data analysis in this study was conducted using normative juridical analysis techniques combined with qualitative analysis. The normative analysis focused on examining the legal norms embedded in national laws, regulations, and relevant international instruments, particularly those that address the strengthening of civil aspects in environmental law. This analysis also considered how these norms are implemented in practical legal contexts. In addition, a case analysis was undertaken by reviewing selected court decisions related to civil lawsuits concerning environmental damage. This approach aimed to understand how the civil aspects of environmental law are interpreted and applied by the judiciary. Complementing these methods, a qualitative descriptive analysis was employed to identify, classify, and interpret data from a variety of secondary sources. This analysis helped provide a comprehensive overview of the civil dimensions of environmental law enforcement in Indonesia.

It is important to note that this research is limited to secondary data sources that are publicly accessible and does not delve into the detailed practice of civil law implementation across all regions of Indonesia. Consequently, the findings of this study are descriptive and analytical in nature, focusing on how civil aspects are understood and applied within the broader framework of environmental law in the Indonesian context.

RESULTS AND DISCUSSION

This study examines the application of civil aspects in environmental law in Indonesia, focusing on civil liability, ecological compensation, and class action lawsuits as instruments to support sustainable development. Based on the analysis of applicable laws and regulations, court decisions, and related international instruments, some of the main findings obtained are as follows:

Civil Liability in Environmental Law

Civil liability in Indonesia, especially related to environmental damage, is currently still regulated in a limited way in the existing legal system. Law No. 32 of 2009 concerning Environmental Protection and Management (UUPPLH) does provide a legal basis for filing a civil lawsuit and demanding compensation for damages caused by the actions of individuals or corporations that violate environmental protection rules (Ningrum, 2023). The articles in the Law regulate civil liability as one of the legal remedies that can be taken by parties aggrieved by environmental damage, either directly or indirectly. This is also in line with the polluter pays principle which requires polluters to bear the cost of restoring damaged environments (Al-Khalaileh et al., 2023).

However, although civil law provides a way for the public to claim compensation, the application of this civil aspect in the context of environmental damage still encounters significant obstacles. One of the main obstacles is the lack of clarity in legal norms regarding standards of proving ecological damage in civil lawsuits. Proving that an action has caused significant environmental damage often faces technical difficulties, as ecological damage cannot always be measured directly with simple parameters. Factors such as ecosystem degradation, changes in water quality, or long-term impacts on biodiversity are often difficult to measure with adequate precision in the justice system. This exacerbates the difficulty of the public or the aggrieved party in providing valid evidence to support their claims in court.

In addition, access to the justice system is also a major obstacle. Communities affected by environmental damage often face financial and information difficulties accessing complex and expensive legal procedures. Civil lawsuits involving environmental damage require a lot of financing, both for lawyers' fees, evidence collection, and for court administrative costs. In addition, a lack of understanding of legal rights and applicable procedures often deter people from pursuing justice in court. This makes access to justice in environmental cases very limited, especially for local communities or communities that are most vulnerable to ecological damage, such as farmers, fishermen, or indigenous peoples.

The application of ecological compensation in the civil context is also often not optimal because of uncertainty about the value of compensation commensurate with the damage caused. Meanwhile, courts often have difficulty determining the economic value of environmental damage, especially those that are non-economic, such as biodiversity loss or long-term impacts on ecosystems that cannot be directly calculated in monetary terms. Although there are efforts to compensate for damage through environmental restoration programs, such as reforestation or ecosystem restoration, the mechanisms for establishing fair and appropriate compensation according to the level of ecological damage are still very limited.

In addition, although there are several cases involving civil lawsuits for environmental damage, the role of the civil aspect in the recovery of environmental damage has not been maximized. Most civil lawsuits filed still focus on administrative or criminal actions, demanding sanctions against perpetrators of pollution or environmental damage, but are insufficient to ensure real ecological recovery. For example, many companies are subject to administrative fines or criminal sanctions but are not required to be directly responsible for the restoration of damaged ecosystems. This creates a gap between theory and practice, where while there are legal mechanisms to provide redress, their implementation is often inadequate to provide effective and sustainable ecosystem recovery.

Overall, although Indonesia's civil law provides a sufficient legal basis to claim damages for environmental damage, its implementation still faces major challenges in terms of law enforcement, accessibility, and effectiveness of ecological restoration. Therefore, more in-depth legal reforms are needed, including refinement of regulations on ecological compensation, as well as increased institutional capacity and judicial systems to handle lawsuits involving environmental damage more fairly and efficiently. Thus, although the legal basis already exists, strengthening the civil aspect of environmental law is still a major challenge that needs to be overcome to achieve more inclusive and sustainable ecological justice.

1. Ecological Compensation and the Polluter Pays Principle

The internationally accepted concept of polluter pays, which requires polluters to bear the cost of recovery, has not been fully translated into Indonesian civil law. The practice of ecological damages in some court rulings shows that there are restrictions in terms of determining the value of damages that are appropriate to the level of damage. Although some companies have been subject to an obligation to carry out ecological restoration, the application of the polluter pays principle is still hampered by unclear norms and lack of oversight.

2. Application of Class Action Lawsuit

Class action lawsuits, which are an important instrument in the struggle for environmental rights, especially in cases involving large-scale environmental damage, are gaining attention in Indonesia. A number of court rulings show a tendency to use these lawsuits to demand accountability for damages that impact the wider community, although their application is still limited. One of the main challenges in the implementation of representative lawsuits is the accessibility of the public to access justice through the judicial channels, as well as the difficulty of proving damage caused by environmental pollution.

Discussion

1. Civil Liability as an Environmental Protection Instrument

Although Indonesian environmental law provides room for civil liability, its application is often limited to cases where clearly identified pollution or damage resulting from the actions of a company or individual is clearly identified. This shows the need for reform in regulation and capacity building of the judicial system to deal with environmental cases more comprehensively. The existence of clearer legal standards in the assessment of ecological damage and appropriate compensation will provide clarity and increase public trust in the environmental legal system. Strengthening the role of judges in using international principles such as the precautionary principle, which allows for early environmental protection even if evidence of damage has not yet been fully proven, could be a strategic step.

2. Ecological Compensation and the Polluter Pays Principle

The application of the polluter pays principle in Indonesian law is still relatively weak. In practice, many companies are not subject to sufficiently severe sanctions or are not required to take full responsibility for the damage caused. Therefore, one of the steps that can be taken is to clarify ecological compensation standards in regulations, as well as establish stricter supervision mechanisms for companies that have the potential to cause environmental damage. Stricter enforcement of laws, as well as the more consistent implementation of corporate social responsibility (CSR), can increase corporate accountability for the environmental impact generated by their activities.

3. Class Action Lawsuit as a Means of Access to Justice

Class action lawsuits are a very potential instrument in providing access to justice for people affected by environmental damage at large. The study found that despite progress in the implementation of these lawsuits, there are still many barriers related to community accessibility and complicated procedures. For this reason, efforts are needed to improve legal mechanisms that allow more people, especially those living in areas severely affected by environmental damage, to access justice through this lawsuit. One of the solutions that can be considered is simplifying litigation procedures and providing legal assistance to the public in dealing with the judicial process.

4. Policy Reform and Institutional Capacity Building

To ensure that the civil aspect of environmental law can function as an effective instrument in sustainable development, a comprehensive and sustainable legal policy reform is needed. These reforms not only include the refinement of environmental protection laws, but also involve the drafting of more detailed supporting regulations related to civil liability and ecological compensation. Although Law No. 32 of 2009 on Environmental Protection and Management provides a legal basis for filing civil lawsuits related to environmental damage, its implementation still often faces obstacles related to the unclear norms and standards that can be applied by the courts. Therefore,

improving regulations on ecological damage especially those related to how ecological losses are calculated and how to determine compensation values commensurate with the extent of the damage caused is an important step to ensure justice for communities affected by environmental damage (Listiyani & Said, 2018)..

In addition, in order to realize ecological justice accessible to all, policy reform must involve building institutional capacity that supports the effective implementation of these laws. The institution in question is not only limited to the legislative body responsible for making regulations, but also includes judicial and law enforcement agencies. One of the steps that needs to be taken is to increase institutional capacity in terms of understanding of environmental law and civil liability related to environmental damage. Governments need to establish oversight mechanisms that are more transparent and responsive to the damage that occurs, and provide adequate resources for these institutions to carry out their duties properly.

It is important to note that the capacity of judges and law enforcement officials plays a central role in the application of civil law that is more responsive to environmental damage. Therefore, education and training for judges on environmental law, including international principles such as polluter pays and the precautionary principle, is of paramount importance. With a deeper understanding of the complexities of environmental damage, judges and law enforcement officials will be better equipped to handle environmental cases with a civil-based approach, which can provide fairer and more sustainable solutions for victims of environmental damage.

This capacity building not only focuses on aspects of legal knowledge, but also includes strengthening practical skills in handling environmental lawsuits, including the ability to evaluate evidence related to ecological damage. Judges must be able to understand the dynamics of long-term damage that is not always immediately physically detectable, such as biodiversity loss or cumulative impacts on ecosystems, which require a more careful legal assessment and based on accountable scientific standards (Akella & Cannon, 2017).

In addition, to ensure that civil law can function more effectively, closer cooperation between the public and private sectors is needed in implementing sustainable corporate social responsibility (CSR) policies. Corporations that engage in activities that are high risk to the environment must be held accountable not only through administrative or criminal sanctions, but also through civil liability that requires them to make recovery for the damage that has been caused. The implementation of clear and firm social responsibility will motivate companies to not only follow existing regulations, but also play an active role in preserving the environment through sustainable business practices.

Legal policy reforms that involve strengthening institutional capacity, developing more comprehensive policies, and increasing the capacity of judges and law

enforcement officials will create a fairer, more effective, and sustainable legal system in addressing environmental damage problems. These measures will ensure that civil law can serve as an effective instrument in protecting the right to a clean and healthy environment, in line with the sustainable development goals that are on the global agenda. Ultimately, these reforms will not only improve the environmental legal system, but will also create a more inclusive legal framework, which gives people space to demand justice for the environmental damage they experience, while encouraging social responsibility from all parties involved.

5. Practical Implications

Strengthening the civil aspect of environmental law has important implications for financial institutions, policymakers, and digital investment platforms. From a financial institution perspective, stronger implementation of civil law will increase companies' accountability for the environmental impact of their activities. For policymakers, these findings provide recommendations for updating and strengthening regulations related to civil liability and ecological compensation in order to achieve sustainable development goals. As for digital investment platforms, the application of polluter pays principles and corporate social responsibility will help encourage more sustainable and environmentally responsible investments.

CONCLUSION

This research reveals the importance of strengthening the civil aspect of environmental law as an effective instrument in supporting sustainable development in Indonesia. The results show that civil aspects especially civil liability, ecological damages, and class action lawsuits have great potential in strengthening environmental protection mechanisms and encouraging environmental accountability by corporations and individuals. Although existing laws and regulations, such as Law No. 32 of 2009 concerning Environmental Protection and Management, provide a legal basis for the implementation of civil liability, their implementation still faces a number of obstacles, including unclear norms of ecological compensation and obstacles in access to justice for the community.

One of the main findings of this study is the need to improve regulations regarding ecological compensation standards and the enforcement of the polluter pays principle. The implementation of this principle, which requires the party causing environmental damage to bear the cost of recovery, is still very limited in Indonesia. Therefore, strengthening institutional capacity, both in terms of regulations, litigation procedures, and training for judges and law enforcement officials, is crucial to ensure more effective implementation of civil law in the face of evolving environmental challenges.

In addition, the application of class action lawsuits as a legal instrument to fight for the right to a clean and healthy environment also shows great potential, although its application is still limited to certain cases. Simplifying litigation procedures and increasing public access to filing lawsuits will increase the effectiveness of this instrument, allowing community groups affected by environmental damage to obtain justice.

The study also suggests that a more inclusive sustainable development policy can be achieved by integrating civil aspects in Indonesia's environmental law system. Policy reforms that support clearer and more assertive civil liability, as well as increasing the capacity of the justice system to handle environmental cases more responsively, will strengthen the role of civil law in creating a safer and more sustainable environment for future generations.

Thus, strengthening the civil aspect of environmental law is not only important for environmental protection, but also as a tool to ensure ecological justice and social responsibility in sustainable development efforts in Indonesia. The recommendations from this study are expected to contribute to the development of more effective and applicable environmental law policies in the future.

REFERENCES

- Agreement, P. (2015). *United nations*.
- Akella, A. S., & Cannon, J. B. (2017). Strengthening the weakest links: strategies for improving the enforcement of environmental laws globally. In *Transnational environmental crime* (pp. 459–492). Routledge.
- Al-Khalaileh, L., Al-Billeh, T., Manasra, M., Alkhseilat, A., Alzyoud, N., & Al-Khawajah, N. (2023). Legal Regulation of Civil Liability for Environmental Damage: How Appropriate are Civil Liability Provisions with the Privacy of Environmental Damage? *Journal of Environmental Management & Tourism*, 14(5), 2174–2186.
- Al Fikri, M. A. (2022). Implementation of strict liability by companies in cases of environmental damage in Indonesia: An overview of state administrative law in Indonesia. *Indonesian State Law Review (ISLRev)*, 5(2), 41–52.
- Cameron, C., & Weyman, R. (2021). Class actions and climate change loss and damage litigation. In *Research Handbook on Climate Change Law and Loss & Damage* (pp. 410–432). Edward Elgar Publishing.
- De Sadeleer, N. (2020). *Environmental principles: from political slogans to legal rules*. Oxford University Press.
- Djayaputra, D. G. (2021). Analysis of Natural Resources Management in Indonesia: Environmental Law Perspective. *Int. J. Soc. Sci. Public Policy*, 3.
- Faure, M. G. (2016). A paradigm shift in environmental criminal law. *Fighting Environmental Crime in Europe and beyond: The Role of the EU and Its Member States*, 17–43.
- Hartiwiningsih, H., Gumbira, S. W., & Barkhuizen, J. (2023). Dysfunctional Factors of

- Environmental Law on Strategic Lawsuit Against Public Participation and Developing Remedial Strategies Through Reconstruction Criminal Law System Model in Indonesia. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 10(3), 411–430.
- Larsson, M.-L. (2023). *The law of environmental damage: liability and reparation* (Vol. 1). Martinus Nijhoff Publishers.
- Lazarus, R. J. (2023). *The making of environmental law*. University of Chicago Press.
- Listiyani, N., & Said, M. Y. (2018). Political law on the environment: the authority of the government and local government to file litigation in Law Number 32 Year 2009 on environmental protection and management. *Resources*, 7(4), 77.
- Ningrum, V. P. (2023). Environmental Law Enforcement In Law Number 32 of 2009 Concerning Environmental Protection and Management. *Asian Journal of Social and Humanities*, 1(08), 351–356.
- Nisa, A. N. (2020). Penegakan hukum terhadap permasalahan lingkungan hidup untuk mewujudkan pembangunan berkelanjutan (studi kasus kebakaran hutan di indonesia). *Jurnal Bina Mulia Hukum*, 4(2), 294–312.
- Noor, A. (2023). Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research. *Jurnal Ilmiah Dunia Hukum*, 7(2), 94–112.
- Wallace, R. M. M., & Martin-Ortega, O. (2020). *International law*. Sweet and Maxwell.
- White, R. (2013). *Crimes against nature: Environmental criminology and ecological justice*. Willan.
- Wiraantaka, J. A., Sami'an, S., & Hardjomuljadi, S. (2024). Implementation of Legal Principles in Construction Service Agreements: A Normative Study. *SIGn Jurnal Hukum*, 6(2), 386–400.