

LEGAL PROTECTION OF CIBETUS SERANG BANTEN RESIDENTS AS ENVIRONMENTAL WARRIORS WHO ARE CRIMINALIZED BY CORPORATIONS (ANALYSIS OF DECISION NO.228/Pid.B/2025/PN SRG)

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ABSTRACT

This study aims to analyze the legal protections available to residents of Cibetus, Serang Regency, Banten, as environmental activists who have been criminalized by corporations, as well as to examine the legal considerations in Judgment No. 228/Pid.B/2025/PN SRG. The issues addressed include the forms of criminalization against residents, the implementation of legal protection under Law No. 32 of 2009 on Environmental Protection and Management, and an analysis of the application of the Anti-Strategic Lawsuit Against Public Participation (Anti-SLAPP) principle in the aforementioned judgment.

This study employs a normative legal research method using both a statutory approach and a case-based approach. The data sources include primary legal materials such as statutes and court decisions, as well as secondary legal materials such as books, journals, and relevant legal literature. The data were analyzed qualitatively to arrive at systematic and comprehensive conclusions.

The research findings indicate that the actions taken against the residents of Cibetus suggest a potential for the criminalization of public participation in advocating for the right to a good and healthy environment. Normatively, Article 66 of the Environmental Protection and Management Law (UUPPLH) guarantees legal protection to anyone advocating for the right to a healthy environment, ensuring they cannot be prosecuted criminally or sued in civil court. However, in practice, the application of the Anti-SLAPP principle in Judgment No. 228/Pid.B/2025/PN SRG has not yet fully reflected optimal protection for environmental advocates. Therefore, it is necessary to strengthen the implementation of legal protection norms and ensure consistency among law enforcement officials in guaranteeing the public's right to participate in environmental management and protection.

Keywords: Legal Protection, Environmental Activists, Criminalization.

A. Introduction

Indonesia is known as a country of law. This statement is stated expressly and broadly in the provisions of the 1945 Constitution of the Republic of Indonesia. As a country of law, it certainly has its own legal system that is the driving force of the law in Indonesia that should be obeyed by the community. The elements of territory, nation and government are factors that determine the existence of a country, in addition to the recognition of other countries. In social life, there must be a relationship with each other based on interests, between these interests are opposite or opposite to each other and do not rule out the possibility of disputes and conflicts.

Interests are an individual or group demand that is expected to be fulfilled. This is where the role of the law regulates the interests of these interests so that the interests of each legal subject can be protected, so that each can know the rights and obligations. This is in accordance with the Latin adagium known as "ubi societas ibi ius" which can be interpreted as "where there is a society there is a law." The law has existed since society existed. It can be understood here that law is actually an authentic product of society itself which is a crystallization, of the instincts, feelings, consciousness, attitudes, behaviors, habits, customs, values, or culture that live in society.¹

Environmental protection and management is a systematic, integrated effort carried out to preserve environmental functions to prevent environmental damage which includes planning, utilization, control, maintenance, supervision, and enforcement of applicable laws. The environment is the main thing for all components in it, including humans because its conditions are the determinants of survival. Furthermore, everyone has the fundamental right to a good and healthy environment like the Indonesian people guaranteed by Article 28 of the 1945 Constitution. The law explains that utilizing the environment is also one way for humans to achieve life welfare, but it is not uncommon for a group of people to cause losses or even only benefit a few people. Therefore, the law plays an important role in providing certainty that there is protection for the environment and the people in the environment.²

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is a logical consequence of the basic principles of environmental protection and management. The state has a responsibility by granting the right to control the state over all the natural resources that

¹ Ellyne Dwi Poespasari, et al., 2023, Introduction to Indonesian law, Jakarta: Kencana, pages 1-2.

² Harry Setiawan & Tundjung Herning Sitabuana, 2021, "Legal Protection of Environmental Warriors Guaranteed in Law Number 32 of 2009 concerning Environmental Protection and Management". The Legal Era: Scientific Journal of Legal Science, Vol.19, No. 1, pages 145-146.

exist in Indonesia. Domination by the state is directed in the use of natural resources for the greatest prosperity of the people.³

In exercising these rights, the UUPPLH provides protection for everyone who participates in environmental protection efforts. This is as stated in Article 66 of the UUPPLH which states that "Everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly". Explicitly, the article provides legal protection for environmental fighters so that they can carry out their duties to supervise environmental management. Article 66 of the UUPPLH is a form of participation in the form of control carried out by the community. The importance of control by the community is based on the many environmental cases that are not balanced with the capacity of good environmental managers, thus making efforts to preserve and restore the environment not optimal. The concept of Article 66 is known as Anti Strategic Lawsuit Against Public Participation (hereinafter referred to as Anti SLAPP). In simple terms, SLAPP can be interpreted as a strategic action through the courts to eliminate public participation.⁴

This phenomenon shows the weak relationship between the two. Legal protection is the right step to provide protection or assistance to legal subjects by utilizing the applicable legal tools. Seeing the existence of the Serang District Court imposing criminal sentences on 4 defendants who protested PT Sinar Ternak Sejahtera's chicken farm on July 9, 2025. Civil society also regretted that the judge did not consider the anti-Strategic Lawsuit Against Public Participation (SLAPP) in this case. Based on the above problems, it is necessary to conduct research to examine the responsibility of legal protection for citizens who fight for their rights due to the criminalization of the Corporation's actions against the Residents of Cibetus Serang Banten.

B. Research Methods

A study cannot be called research if it does not have a research method.⁵ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The

³ Indah Nur Shanty Saleh & Bitu Gadsia Spaltani, 2022, "Reformulation of Legal Protection for Defenders of the Right to a Good and Healthy Environment". *Jatiswara*, Vol.37, Number 2, page 164.

⁴ Dhicha Ayudiah Hernanda & Emmilia Rusdiana, 2021, "Legal Problems of Environmental Fighters in Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management. *Novum: Legal Journal*, Vol.8, No. 4, page 2.

⁵ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁶

C. Discussion

1. Forms of Criminalization of Cibus Residents Serang Banten as Environmental Warriors

The discussion began with the definition of criminalization as the use of criminal law to punish people who fight for environmental rights. Criminalization does not only mean criminalization, but also the use of various legal strategies that curb public participation in environmental issues. This concept is closely related to the SLAPP (Strategic Lawsuit Against Public Participation) phenomenon which aims to silence public resistance to practices that damage the environment. In environmental conflicts, the law is often used as a tool to "target environmental defenders", where legal proceedings are used as a weapon against those who defend the right to a healthy and clean environment. Procedurally, the arrest of Cibus residents by the authorities may have a basis (e.g. reports of burning cages or vandalism). However, substantively, the law fails to see the root of the problem, namely that residents are fighting for the right to a clean environment (because of the bad smell, flies, and polluted water from PT STS's farms). Substantive justice should protect citizens who defend their human rights, not imprison them for reacting to environmental injustice.⁷

The factors that cause the criminalization of environmental fighters are the power imbalance between corporations, the government and civil society as well as the lack of understanding of the law enforcement on the principles of public participation and Anti-SLAPP. Empirical studies show that there is still low legal protection for environmental defenders even though there is already an article on protection in the Environmental Protection and Management Law. As stipulated in Article 66 of the UUPPLH (Environmental Protection and Management Law), environmental fighters have "immunity" so that they focus on the substance of environmental problems, not preoccupied with green table affairs.⁸

⁶ Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

⁷ Irvan Muwardi, 2021, *Electoral Justice Substantive Justice in the Testing of TSM Achieving Justice at the Supreme Court*, Jakarta: Pustaka Ilmu, pages 13-15.

⁸ Nani Indrawati, 2023, *Anti-Slapp Policy & Environmental Management*, Jakarta: Gramedia Pustaka, pages 1-5

Therefore, the actions of citizens who fight for the environment should be seen as a form of exercising constitutional rights, not as a criminal act. Furthermore, the criminalization of environmental activists is often associated with the concept of Strategic Lawsuit Against Public Participation (SLAPP), which is a lawsuit or legal action that aims to weaken or stop public participation. In this context, Cibetus residents who protest against alleged environmental pollution can be categorized as environmental fighters exercising their constitutional rights. This provision is a form of legal protection for environmental fighters. However, in practice, this provision is often not implemented optimally as seen in the case of Cibetus residents. This shows that there is a gap between legal norms and law enforcement practices. In addition, the criminalization of Cibetus residents can also be seen as a form of power imbalance between corporations and society. Corporations have greater resources, including access to law enforcement officials, while communities are in a weaker position. This condition causes criminal law to potentially be used as a tool to protect corporate interests, not to uphold environmental justice, thus, criminalization of Cibetus residents is not only a criminal law issue, but also a matter of human rights protection and environmental justice.

2. Legal Protection of Cibetus Residents as Environmental Warriors

Legal protection of environmental fighters is part of the protection of human rights, especially the right to a good and healthy environment as guaranteed in Article 28H paragraph (1) of the 1945 Constitution. This protection aims to ensure that communities can participate in environmental protection without fear of the threat of criminalization. Law Number 32 of 2009 specifically regulates the protection of environmental fighters through Article 66 which states that everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly. This provision is known as the Anti-SLAPP principle, which aims to protect public participation in environmental protection. In addition, Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases provides guidelines for judges to consider the protection of environmental defenders in the judicial process. This regulation emphasizes that judges must consider aspects of protecting people's rights in environmental cases, including the potential criminalization of environmental fighters. Furthermore, Regulation of the Minister of Environment and Forestry Number 10 of 2024 also provides legal protection for environmental fighters, including protection from

threats, intimidation, and criminalization. This regulation shows the government's commitment to protecting people who fight for the environment. However, based on an analysis of the case of Cibetus residents, the legal protection has not been fully effective. This can be seen from the fact that residents are still criminally processed even though they fight for the environment. This condition shows a weakness in the implementation of legal protection for environmental fighters. Thus, legal protection of Cibetus residents as environmental warriors has been normatively regulated in various laws and regulations, but in practice it is still not optimal. Therefore, a stronger commitment is needed from law enforcement officials to protect environmental fighters from criminalization. The Constitutional Protection Instrument is the highest legal instrument that guarantees the fundamental rights of every citizen, including in terms of environmental conservation. In the context of the struggle of the Cibetus people, this protection is not just a static norm, but a legal shield that gives legitimacy to their actions in protecting the ecosystem of their territory. The state guarantees the right to the environment as part of human rights that cannot be criminalized, as stipulated in Article 28H of the 1945 Constitution. This constitutional protection is an important basis for interpreting every action of society that fights for the right to a healthy life as part of the implementation of human rights. The Right to the Environment as a Constitutional Right The Indonesian Constitution expressly places the right to a good and healthy environment as part of human rights that cannot be reduced. As described in the book, this guarantee provides a basis for any individual or group, such as the Cibetus community, to advocate without fear. This is rooted in Article 28H paragraph (1) of the 1945 Constitution, which states that everyone has the right to a good and healthy living environment as a supporter of physical and mental well-being.⁹

Implementation of Article 66 of the UUPPLH (Anti-SLAPP) The main instrument of protection for environmental fighters in Indonesia is Article 66 of Law Number 32 of 2009 (UUPPLH). This article emphasizes that everyone who fights for the right to the environment cannot be criminally prosecuted or sued civilly. This concept is known internationally as Anti-Strategic Lawsuit Against Public Participation (Anti-SLAPP). For Cibetus residents, this article should serve as a legal shield when they protest or complain about environmental destruction. The problem of "Legal Methods" in the Explanation of Article 66 regarding the major obstacle in legal protection, namely the reduction of meaning in the Explanation of

⁹ Renaldi Eka Putra, et.al, 2026, When the Constitution Talks Human Rights: The Dynamics of Indonesian Constitutional Law, Yogyakarta: CV Edu Akademi, page 3.

Article 66 of the UUPPLH. The explanation states that protection is only given to those who take the "legal way".

This has the potential to harm the citizens of Cibetus if their actions of struggle (such as demonstrations or field protests) are considered not "legal means", so they remain vulnerable to arrest or retaliation. Supposedly, the phrase "everyone" in the article should be interpreted broadly, encompassing all forms of public participation in protecting nature. The fundamental obstacle in providing security guarantees for Cibetus residents is rooted in the reduction in meaning contained in the Explanation of Article 66 of the UUPPLH. Normatively, the article promises protection, but the explanatory part narrows the scope only to parties who have taken the "legal route" or the formal litigation route.

These restrictions create a dangerous legal loophole, as often spontaneous villager activists such as peaceful actions on the ground or blocking access to environmental destruction can easily be categorized as non-legal or illegal acts. If the struggle of Cibetus residents is considered to be outside the corridor of formal "legal means", they lose their shield against criminalization efforts and civil lawsuits for revenge (Anti-SLAPP). This condition puts the community in a very vulnerable position. Those who have good intentions to protect the ecosystem can actually be charged with defamation, incitement, or unlawful acts just because the method of struggle did not go through the green table in the first place. In fact, SLAPP actions often occur just before the public has had time to take formal legal action as an initial form of intimidation so that their voices are silenced. Substantially, the phrase "everyone" in Article 66 should be interpreted progressively and inclusively, covering all levels of society without exception.

Protection should not be sorted by the type of action taken, as long as the goal is to defend the constitutional right to a healthy environment. For the residents of Cibetus, this broad interpretation is very crucial so that every form of public participation, be it demonstrations, administrative reports, or social protests, is recognized as part of a legitimate environmental struggle and deserves full protection from the state. There is a gap between the spirit of the constitution (Article 28H of the 1945 Constitution) which guarantees environmental rights and the technical implementation of restrictive legal explanations.

The current explanation of Article 66 is considered inconsistent with the facts on the ground and actually hinders the realization of comprehensive environmental justice. It takes courage from law enforcement officials to set aside this narrow interpretation in order to

prioritize protection for environmental fighters such as Cibetus residents who are fighting on the front lines.

The Subject Protected by Anti-SLAPP is not limited to specific professions such as activists or lawyers, but rather applies to anyone, including farmers, fishermen, or village communities such as Cibetus residents. As long as the participation is aimed at defending the interests of the environment, the Anti-SLAPP instrument must be applied to prevent acts of retaliation (such as accusations of defamation or insult) from parties with capital power or positions. Inclusivity of Legal Subjects of Environmental Fighters Legal Protection mandated by the Anti-SLAPP principle should not be interpreted discriminatorily or limited only to formal professions such as activists, environmental organizations or legal practitioners. This coverage is inclusive and universal, which means that it applies to any individual or community group that takes a role in preserving the ecosystem.

In this context, Cibetus residents, both those who work as farmers, fishermen, and ordinary villagers, have an equal legal status as environmental fighters who are entitled to full protection from the state. Participation as a Protection Parameter The main criterion in the application of the Anti-SLAPP instrument is not a person's educational background or social status, but rather the purpose of the participation carried out. As long as the actions taken by Cibetus residents are based on good faith to defend the right to a healthy environment, then any form of legal remedy directed at them must be declared as a prohibited act of silencing public participation.

This includes the protection of individuals, non-governmental legal entities, and passive parties such as activist families who are often targeted for intimidation. Resistance to Power Inequality (Legal Retaliation) The mandatory implementation of Anti-SLAPP aims to balance the inequality of bargaining positions between village communities and parties with large capital power or political positions. Without firm protection, Cibetus residents will continue to be easy targets for legal retaliation in the form of accusations of defamation, insults, or unpleasant acts.

The Anti-SLAPP instrument is here to ensure that the courts are not used as a tool for capital owners to silence the critical voices of the people who are fighting for their constitutional rights. Anti-SLAPP as a Constitutional Right of Every Citizen Considering that the right to the environment is a fundamental right guaranteed by Article 28H paragraph (1) of the 1945 Constitution, everyone who fights for it must be seen as a partner of the state in

enforcing environmental laws. Therefore, law enforcement officials should not limit the subject of protection to only prominent figures. Cibetus residents who struggle at the site level are the most vulnerable subjects who need the real implementation of Article 66 of the UUPPLH in order to realize comprehensive environmental justice.

The Challenges of Legal Protection Implementation for environmental activists such as Cibetus residents face complex structural and practical obstacles. Although normative legal instruments are available, their implementation on the ground is often not in line with the spirit of human rights and environmental protection. Although a pro-participation legal framework exists, empirical studies show that its implementation has not been effective. The weakness of procedural norms, the burden of proof, and the lack of a rejection mechanism against allegations that are entirely intimidating are important challenges in the practical legal protection of environmental defenders. The Gap between Regulation and Reality (Das Sollen vs Das Sein) highlights that one of the biggest challenges is the gap between the text of the law and the practice of law enforcement.

For Cibetus residents, although Article 66 of the UUPPLH guarantees their right not to be prosecuted, in practice law enforcement officials often prioritize the aspect of criminal or civil formalities rather than the substance of environmental protection. This leaves environmental fighters vulnerable to legal intimidation. The weak understanding of law enforcement officials is rooted in a non-uniform understanding at the level of investigators, prosecutors, and judges regarding the concept of Anti-SLAPP. Law enforcement is often reactive to reports from corporations, so residents who protest to preserve the environment are considered to disturb public order or defame.

This challenge requires intellectual capacity and clear legal alignment with the rights of local communities. Bureaucratic Barriers and Access to Justice are often hampered by lengthy bureaucratic processes and high litigation costs. Villagers such as in Cibetus often have limited access to qualified legal aid to deal with major economic forces. This challenge shows that legal protection is not only about articles, but also about accessibility and ease for citizens to get justice without fear of legal reprisals. The pressure of Global and Local Economic Interests often the legal protection policies clash with the interests of aggressive investment and economic development.

In the context of wetlands or the environment, this pressure makes the bargaining position of environmental fighters weak. Countries are often caught in a dilemma between

preserving investment or protecting their citizens who are struggling to preserve ecosystems, where legal protection for environmental activists is often defeated by the pretext of economic growth.¹⁰

3. Analysis of Decision Number 228/Pid.B/2025/PN SRG on the Criminalization of Environmental Fighters

The analysis of Decision Number 228/Pid.B/2025/PN SRG which was examined and decided by the Serang District Court is an important part in assessing the extent to which legal protection for environmental fighters has been implemented in real practice in judicial practice. The formulation of the third problem in this study focuses on the assessment of the judge's legal considerations and their relevance to the principle of environmental defender protection as stipulated in Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH).

Based on the analysis of Decision Number 228/Pid.B/2025/PN SRG, it can be seen that the judge in deciding the case focuses more on the formal aspects of criminal law than on aspects of environmental protection and human rights. Judges tend to assess the defendant's actions based on criminal elements without deeply considering the context of the environmental struggle carried out by residents. From the perspective of environmental law, the judge should consider Article 66 of Law Number 32 of 2009 which provides protection for environmental fighters.

However, if the judge does not consider these provisions optimally, then the decision can be considered not to fully reflect the legal protection of environmental fighters. Thus, Decision Number 228/Pid.B/2025/PN SRG shows that legal protection for environmental fighters still faces various challenges, especially in the implementation of the Anti-SLAPP principle. Therefore, reforms in environmental law enforcement are needed to ensure more effective protection of environmental defenders. The Position of Cibus Residents as Hdup Environmental Warriors Based on the chronology of the case, Cibus residents protested against chicken farming activities that allegedly caused environmental pollution and health problems.

The action is a form of public participation in environmental monitoring. Environmental conflict in the verdict explained that the conflict occurred due to the activities of chicken

¹⁰ Muddatstir Idris, et.al,2025, Wetland Dynamics.Health.Education.and Policy, East Java: Uwais Inspiration Indonesia, pages 142-148

farming owned by PT Sinar Ternak Sejahtera which caused an environmental impact on residents. Several facts that emerged in the chicken farming trial caused air pollution in the form of the smell of feces and many flies. Cibetus residents were disturbed by the smell from the chicken coop.

Residents then demanded that the company stop farming activities. This shows that the residents' actions were initially a reaction to the alleged environmental pollution.

It is expressly stated that everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly. This norm is known as the Anti-SLAPP (Strategic Lawsuit Against Public Participation) principle. Thus, before assessing the criminal element, the judge should first consider whether the defendants' actions constitute a form of public participation protected by law or actually meet the elements of a pure criminal act.

Juridical Analysis of the Judge's Considerations In the decision, the panel of judges sentenced several citizens to several citizens on the basis of the fulfillment of the elements of the article charged by the public prosecutor.

Based on the analysis of the decision NUMBER 228/Pid.B/2025/PN SRG on the Criminalization of Citizens. In the Decision If analyzed from environmental and human rights law, there are several indications of criminalization of citizens who fight for the environment: The root of environmental problems is not the object of examination In the decision, it is clearly stated that the smell of chicken and fly droppings from the farm is a complaint of residents, the Corporation is not processed as a perpetrator of environmental crimes In the verdict: PT Sinar Ternak Sejahtera is only positioned as an aggrieved party. There is no examination faced environmental pollution air pollution corporate responsibility Even though in environmental law corporations can be punished (Article 116 of the Environmental Law), the right of the community to fight for the environment is not considered The panel of judges stated that the actions of citizens are purely criminal acts. The judge argued that citizens should convey their aspirations through formal channels such as the government or the House of Representatives.

However, the judge did not consider the legal protection for environmental fighters who are actually protected by: Article 66 of the Environmental Law: "Everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly.

From the juridical analysis of the construction of legal considerations, there are several things that need to be studied critically. The analysis of the decision must assess whether the

judge has considered relevant aspects of legal protection, including Article 66 of Law Number 32/2009 as well as the need to respect the right to public participation.

Decisions that see protests as mere criminal acts without considering the environmental context are often inconsistent with the principle of legal protection for environmental activists. Transformative Judge's Consideration (Prophetic Law) emphasizes that in cases involving the lives of the public and the environment, judges need to apply a legal paradigm that goes beyond written texts.

In the case of Cibetus residents, the judge's consideration should consider the ethical and humanitarian dimension (prophetic), where the actions of citizens to protect the environment are the embodiment of higher divine and humanitarian values rather than just administrative or technical violations of the law.

Failure to Understand the Anti-SLAPP Context in Juridical Considerations of Environmental Criminal Judgments often indicates a failure of judges to identify the existence of Strategic Lawsuit Against Public Participation.

If the judge in Decision Number 228/Pid.B/2025/PN SRG is only fixated on general criminal offenses without linking it to the defendant's status as an environmental fighter, then the judge has ignored the special protection guaranteed by the constitution and the UUPPLH. The Burden of Proof and the Judge's Conviction in this case outlines that, in a juridical analysis, the judge's conviction must be based on intact evidence.

In prosecuting environmental fighters, judges are required to be observant to see whether the facts at the trial are purely criminal acts or are reactions to environmental destruction. Fair consideration should acquit the defendant if it is proven that his actions were carried out in order to defend the right to a healthy environment. Substantive Justice Formal Legal Certainty Often judges are trapped in rigid legal certainties that ignore justice for small struggling communities.

The analysis of environmental criminal rulings in this book suggests that judges use their authority to make legal discoveries (*rechtsvinding*) that favor ecosystem sustainability and the protection of citizens from criminalization.¹¹

¹¹ Ilham Dwi Rafiqi, 2024, *The Development of Prophetic Law in the Decision of the Judge of Environmental Cases*, Malang: University of Muhammadiyah Malang, pages 45-138.

Decision Number 228/Pid.B/2025/PN SRG is not only a matter of winning or losing in court, but also a benchmark for whether the state through the courts still appreciates the participation of Cibetus residents in protecting nature.

If the verdict is inconsistent with criminal penalties, then it sets a bad precedent that paralyzes the environmental movement in the future. Based on the analysis of legal considerations in Decision Number 228/Pid.B/2025/PN SRG, it can be concluded that the panel of judges focused more on the formal approach to the fulfillment of the elements of the criminal act as indicted by the Public Prosecutor. However, these considerations have not fully integrated the special protection norms stipulated in Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management. Normatively, Article 66 of the UUPPLH provides a guarantee that everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly.

This norm is a form of protection for public participation and is an embodiment of the principle of Anti-SLAPP (Strategic Lawsuit Against Public Participation). In the context of this case, the actions of Cibetus residents were born from allegations of pollution and environmental impacts due to livestock activities. Therefore, before assessing the fulfillment of the elements of criminal offenses, a test should be carried out first on the motive and context of the act, whether it is an expression of public participation protected by law or a pure criminal act. The absence of explicit considerations regarding the application of Article 66 of the UUPPLH shows that the judge has not made the protection norm the main analytical instrument.

This has implications for the lack of optimal repressive protection for environmental fighters in judicial practice. Thus, although formally the elements of the criminal act were declared, substantively this decision did not fully reflect the principle of protection of environmental fighters as mandated by law and consistency in the enforcement of the Anti-SLAPP principle is needed so that criminal law is not used as an instrument to silence community participation in environmental protection.

If examined more deeply, the ratio decidendi of the panel of judges in Decision Number 228/Pid.B/2025/PN SRG focuses on proving the elements of the crime as formulated in the indictment. The judge assessed the fulfillment of the elements of acts, mistakes, and criminal liability based on the evidence submitted at the trial. However, this approach shows a

positivistic tendency, which places law solely as a normative text without exploring the social and ecological context behind the occurrence of legal events.

In environmental matters, such an approach is actually inadequate. This is because environmental disputes cannot be separated from the power relationship between the affected communities and business actors. Therefore, the judge should not only stop at proving the elements of delicacy, but also assess whether the legal process has the potential to hinder public participation in environmental protection.

In the absence of explicit consideration of the defendants' status as environmental warriors, the fundamental question that arises is whether the panel of judges has conducted a preliminary test of the possibility of SLAPP. If such testing is not carried out, then there is a substantial void of consideration in the legal construction of the verdict. Article 66 of the UUPPLH expressly states that everyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly. This norm is imperative and intended as an instrument of preventive and repressive legal protection.

Based on the overall analysis, it can be emphasized that the main problem in this decision is not solely the fulfillment or not of the delicacy element, but in the absence of an approach to protecting environmental rights as part of human rights. Conceptually, criminal law should be the ultimate remedium, not the main instrument in responding to environmental conflicts. If criminal law is used without first ensuring that citizens' actions are not a protected form of public participation, then there is a risk of using the law as a tool of silence.

Judicial guidelines that require judges to test the potential of SLAPP before examining the subject matter, affirmation in judicial practice that article 66 of the UUPPLH is *lex specialis* that must be prioritized, and a more progressive and contextual judicial approach in environmental cases.

Thus, Decision Number 228/Pid.B/2025/PN SRG is a reflection that the protection of environmental fighters has not been fully implemented optimally in judicial practice.

D. Conclusion

Forms of Criminalization of Cibetus Residents as Environmental Warriors who protest against alleged pollution and environmental impacts caused by corporate activities. The actions of the authorities in the form of arrests, investigation processes, and prosecutions show a tendency to use criminal law instruments as a tool to reduce public participation. The criminalization in this

case shows indications of the practice of Strategic Lawsuit Against Public Participation (SLAPP), where the legal process is used to weaken the people's struggle.

legal protection for environmental fighters has been guaranteed in Article 66 of Law Number 32 of 2009 and other implementing regulations.

In its implementation, it has not run optimally. There is inconsistency among law enforcement officials in applying the principle of protection for environmental fighters caused by a lack of understanding of the Anti-SLAPP concept, weak coordination between institutions, and the influence of economic interests that are more dominant than the protection of people's rights. As a result, citizens who should be protected become objects of criminalization.

The panel of judges focused more on proving the elements of the criminal act as charged by the prosecutor, without comprehensively exploring the social and environmental context behind the actions of the citizens. In fact, in environmental cases, judges should use a progressive approach and have a perspective of human rights protection and the principles of sustainable development. The ruling shows that the protection of environmental fighters has not been fully internalized in judicial considerations. Thus, this decision is a reflection that the application of the Anti-SLAPP principle still needs to be strengthened in judicial practice in Indonesia.

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