

## DOUBLE TRACK AND ANTI-SLAPP: INDONESIAN JUDICIAL REASONING IN ENVIRONMENTAL CASES

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**Abstract:** This study examines the application of the double track system and the anti-SLAPP principle in Indonesian criminal law, with a focus on Decision Number 374/Pid.Sus/2024/PT SMG. The research addresses two questions: how the double track system operates in cases involving environmental defenders, and to what extent the anti-SLAPP principle influences judicial reasoning. A normative juridical approach is employed using statutory, conceptual, and case-based analysis of relevant legal instruments, doctrines, and court decisions. The findings show that the court may acknowledge the formal fulfillment of criminal elements while refraining from imposing punishment when the act is closely linked to environmental advocacy and public interest. The integration of the double-track system and the anti-SLAPP principle supports a more proportional and context-sensitive approach to criminal adjudication. The case analysis also reveals limitations, including the absence of clear procedural standards and the risk of inconsistent application across similar cases. Additionally, the protection of environmental defenders is not absolute and must be balanced with the rights of affected individuals. This study proposes a more structured integration of both principles to strengthen legal certainty, ensure proportionality, and support the protection of environmental defenders within a balanced framework of criminal justice.

*Studi ini meneliti penerapan sistem jalur ganda dan prinsip anti-SLAPP dalam hukum pidana Indonesia, dengan fokus pada Keputusan Nomor 374/Pid.Sus/2024/PT SMG. Penelitian ini membahas dua pertanyaan: bagaimana sistem jalur ganda beroperasi dalam kasus-kasus yang melibatkan pembela lingkungan, dan sejauh mana prinsip anti-SLAPP memengaruhi penalaran yudisial. Pendekatan yuridis normatif digunakan dengan menggunakan analisis hukum, konseptual, dan berbasis kasus dari instrumen hukum, doktrin, dan keputusan pengadilan yang relevan. Temuan menunjukkan bahwa pengadilan dapat mengakui pemenuhan formal unsur-unsur pidana sambil menahan diri dari menjatuhkan hukuman ketika tindakan tersebut*

*terkait erat dengan advokasi lingkungan dan kepentingan umum. Integrasi sistem jalur ganda dan prinsip anti-SLAPP mendukung pendekatan yang lebih proporsional dan peka konteks terhadap peradilan pidana. Analisis kasus juga mengungkapkan keterbatasan, termasuk tidak adanya standar prosedural yang jelas dan risiko penerapan yang tidak konsisten di berbagai kasus serupa. Selain itu, perlindungan pembela lingkungan tidak bersifat mutlak dan harus diseimbangkan dengan hak-hak individu yang terdampak. Studi ini mengusulkan integrasi yang lebih terstruktur dari kedua prinsip tersebut untuk memperkuat kepastian hukum, memastikan proporsionalitas, dan mendukung perlindungan para pembela lingkungan dalam kerangka peradilan pidana yang seimbang.*

**Keywords:** Environmental Defender; Double Track System; Anti-SLAPP; Criminal Sanction; Judicial Decision.

## INTRODUCTION

The environment constitutes a fundamental aspect of human life and is widely recognized as a human right within various national and international legal framework (Ardinata, 2020). In Indonesia, the right to a good and healthy environment is constitutionally guaranteed under Article 28H paragraph (1) of the 1945 Constitution, which affirms that every individual is entitled to environmental well-being as part of human rights (Yusa and Hermanto 2018). Despite this normative guarantee, its implementation remains inconsistent, especially in cases involving individuals who advocate for environmental protection.

This study starts from the view that Indonesian criminal law still shows a strong tendency toward formalistic reasoning. Legal enforcement often focuses on the formal elements of an offense while overlooking the broader social and ecological context. Citizens who defend environmental interests frequently face structural pressures, including intimidation, social exclusion, and criminal prosecution initiated by actors with economic or political interests (Saputra, 2023). These conditions indicate a gap between constitutional protection and its actual enforcement.

The criminalization of environmental defenders is often pursued through legal instruments such as the Electronic Information and Transactions Law (ITE Law) and the Criminal Code. In many cases, such actions are linked to Strategic Lawsuit Against Public Participation (SLAPP), where legal mechanisms are used to suppress public participation and criticism (Prakoso, 2023). Empirical findings show that expressions of environmental concern, particularly those conveyed through digital platforms, are frequently treated as criminal conduct even when they are directed at protecting public interests. Article 66 of Law No. 32 of 2009 on Environmental Protection and Management introduces the anti-SLAPP principle by stating that individuals advocating for environmental rights cannot be subjected

to criminal or civil liability. Existing studies show that this provision has not been applied consistently due to the absence of clear procedural standards within the criminal justice system (Dhiaulhaq, 2024). As a result, environmental defenders continue to face criminal sanctions, which indicates that legal protection has not yet been fully institutionalized.

Supreme Court Regulation (Perma) No. 1 of 2023 provides guidance for judges in handling cases involving environmental defenders by incorporating the anti-SLAPP principle into judicial reasoning (Rachmawaty, 2024). At the same time, developments in criminal law theory introduce the double track system, which distinguishes between penal sanctions and non-penal measures (Epps, 2021). Penal sanctions focus on punishment, while measures emphasize prevention and rehabilitation, allowing a more proportional response to conduct that is not entirely blameworthy.

The double track system becomes relevant in situations where an act fulfills the formal elements of a criminal offense but is closely related to public interest protection. Judicial practice still shows a tendency to interpret such cases formally, especially when statements linked to environmental advocacy are processed as criminal acts without sufficient contextual assessment (Saputra, 2023). This raises concerns about legal consistency, protection of environmental defenders, and the balance between freedom of expression and the rights of affected communities. The decision of the Semarang High Court in Case Number 374/Pid.Sus/2024/PT SMG illustrates this issue. The defendant was initially convicted under the ITE Law for statements considered insulting to a community. At the appellate level, the court overturned the conviction after examining the context of environmental advocacy in Karimunjava. The court acknowledged that the formal elements of the offense were fulfilled but concluded that criminal punishment was not appropriate. The defendant was released from liability (onslag). This decision shows a move toward contextual judicial reasoning (Pratama, 2024) and reflects the use of corrective justice, which emphasizes proportionality and social balance (Rohman, 2023)

This approach raises several issues. Context-based interpretation may lead to inconsistent outcomes if clear standards are not available. The application of the anti-SLAPP principle may also create uncertainty in distinguishing legitimate environmental advocacy from harmful expressions. The protection of environmental defenders must also be balanced with the rights of individuals or communities who feel harmed by certain statements. Previous studies tend to examine the anti-SLAPP principle and the double track system separately. Their interaction within judicial decisions has not been explored in depth. This study addresses that gap by focusing on how both concepts operate within judicial reasoning. The research is guided by two questions: (1) how does the double track system function in cases involving environmental defenders, and (2) to what extent does the anti-SLAPP principle influence judicial reasoning?

This study aims to develop an integrated analytical framework that connects the anti-SLAPP principle with the double track system in Indonesian criminal law. The novelty lies in positioning intent, public interest, and constitutional protection as key elements in assessing

criminal liability. The study also highlights potential risks, including legal uncertainty, over-protection of activists, and possible conflicts with victims' rights.

## **RESEARCH METHOD**

This study employs a normative juridical (doctrinal) approach to examine the application of the anti-SLAPP principle and the double track system in Indonesian criminal law. The analysis is conducted through three approaches: statutory, conceptual, and case-based analysis. The statutory approach focuses on relevant legal instruments, including the 1945 Constitution, the Criminal Code, Law No. 32 of 2009 on Environmental Protection and Management, and Supreme Court Regulation No. 1 of 2023. The conceptual approach examines legal doctrines related to the double track system, anti-SLAPP, and corrective justice as analytical frameworks. The case approach centers on Decision Number 374/Pid.Sus/2024/PT SMG as the primary object of analysis. The selected case represents a significant judicial development, as it reflects a shift from formal legal reasoning toward a more context-sensitive approach in assessing criminal liability. It also provides a concrete example of how environmental advocacy is positioned within criminal adjudication, making it relevant for examining the interaction between legal norms and judicial reasoning.

The data used consists of secondary legal materials. Primary legal materials include statutory regulations and court decisions, while secondary materials consist of legal doctrines, academic literature, and prior research relevant to environmental law and criminal law theory. These materials are used to construct a comprehensive understanding of both normative frameworks and their application in practice. Data collection is carried out through document study, focusing on legislation, scholarly works, and the selected court decision. The analysis is conducted qualitatively through legal interpretation, with emphasis on systematic and teleological methods. The systematic interpretation is used to understand the coherence between legal provisions, while teleological interpretation is applied to assess the purpose and objectives underlying the norms.

The analysis of the court decision focuses on identifying the *ratio decidendi*, examining how judges interpret legal norms, and assessing how contextual factors influence judicial reasoning. This approach allows a more structured evaluation of how the anti-SLAPP principle and the double track system operate within the decision. The results of this analysis are used to formulate an integrated conceptual framework for understanding the relationship between both principles in Indonesian criminal law practice.

## **RESULT AND DISCUSSION**

### **Context of the Criminalization of Environmental Defenders**

This case originated from a social media post made by the defendant, Daniel Frits Maurits Tangkilisan, on Facebook, in which he referred to the people of Karimunjawa as having "shrimp brains." The post was made in the context of criticism against shrimp farming practices in the Karimunjawa area, which were perceived as damaging marine ecosystems and

harming local communities. A segment of the community felt offended by the statement and reported it to law enforcement authorities. The report was processed as an alleged violation of Article 28 paragraph (2) of the Electronic Information and Transactions Law (UU ITE) concerning hate speech. From this point onward, criminal proceedings against the defendant commenced. This factual background already reflects a recurring pattern in environmental cases, where expressions linked to public interest advocacy are reinterpreted as criminal acts, raising questions about the boundary between criticism and punishable speech.

The Jepara District Court, in Decision No. 14/Pid.Sus/2024/PN Jpa, found the defendant guilty of disseminating hate speech through electronic media. The court of first instance imposed a sentence of seven months' imprisonment and a fine of five million rupiah, with subsidiary confinement in the event of non-payment. The panel of judges based its decision on the fulfillment of the elements of the charged offense, namely the presence of an insulting statement with the potential to incite hostility among social groups. The defendant's intention to defend environmental interests was not treated as a central consideration in the ruling. Instead, the decision emphasized formal legal certainty over substantive justice. This approach illustrates a rigid application of legal norms, which may ensure consistency at the formal level but risks neglecting the broader context in which the statement was made.

The defendant filed an appeal with the Semarang High Court. In the appellate brief, defense counsel argued that the case was not merely one of defamation, but rather constituted a form of criminalization of an environmental defender. The criticism expressed by the defendant was directed at environmentally destructive shrimp farming practices, rather than at degrading the dignity of the Karimunjawa community *per se*. The appeal further emphasized Article 66 of the Environmental Protection and Management Law (UU PPLH), which provides protection for environmental defenders against criminal prosecution and civil lawsuits. This argument formed the core of the defense strategy at the appellate level, while also raising a broader issue regarding the extent to which anti-SLAPP protection can be applied in cases involving offensive language.

The panel of judges of the Semarang High Court conducted a comprehensive review of the case file, including the factual findings established at the trial stage. The judges acknowledged that although the defendant's statement carried an insulting tone, its context could not be separated from environmental advocacy efforts. The court took into account the defendant's longstanding reputation as an activist consistently engaged in ecological advocacy in Karimunjawa. The statement in question was deemed to have arisen from an intention to warn the public about the environmental risks posed by shrimp farming. This consideration proved decisive in altering the direction of the judgment at the appellate level, although it also introduces interpretive flexibility that may not always be applied consistently in similar cases.

The Semarang High Court granted the defendant's appeal in Decision No. 374/Pid.Sus/2024/PT SMG. The panel of judges declared that although the criminal elements of the charge had been formally established, the defendant did not deserve to be

subjected to criminal punishment. The legal reasoning emphasized that the defendant’s actions constituted a form of public participation aimed at protecting societal and environmental interests. Accordingly, the court released the defendant from all criminal liability. This decision reflects a more progressive approach to cases involving environmental defenders, yet it also raises concerns about how such reasoning can be standardized without creating uncertainty in future judicial decisions (Putra and Ahyani, 2022).

In criminal law analysis, the fulfillment of the elements of a criminal offense cannot be separated from the factual construction revealed during the trial. The elements of “intent” and “dissemination of information inciting hatred” must be examined not only normatively but also contextually by considering the background of the defendant’s actions. In this case, the Panel of Judges faced a fundamental tension between the formal fulfillment of legal elements and the social reality underlying the act. This tension highlights the need for clear criteria in distinguishing between protected environmental advocacy and expressions that may legitimately harm others. To clarify the factual structure forming the basis of judicial consideration, the following data are presented:

Table 1. Factual Construction of the Case

Aspect	Description
Platform	Facebook
Statement content	Shrimp farming criticism + “otak udang” phrase
Purpose	Environmental criticism
Impact	Reported to law enforcement
Context	Environmental damage in Karimunjawa

Source: Decision No. 374/Pid.Sus/2024/PT SMG

Based on the data above, it is evident that the defendant’s statement did not occur in a vacuum but rather constituted part of a broader environmental critique. A purely textual approach to the elements of the offense risks neglecting the substantive dimension of the act. At the same time, an overly contextual approach may blur the boundary between legitimate criticism and harmful expression, which could lead to inconsistent legal interpretations. The judges further underscored the importance of positioning the defendant as an environmental advocate rather than merely as a criminal offender. The ruling affirms that social and ecological contexts carry significant weight in judicial assessment. The panel reasoned that imposing a custodial sentence on the defendant would, in fact, undermine the Karimunjawa community’s interest in enjoying a healthy environment. This reasoning strengthens constitutional protection of environmental rights, yet it also raises questions about whether similar reasoning would be applied in cases where the social context is less clearly defined.

The position of the victims in this case was not disregarded. The panel acknowledged that certain members of the community felt offended by the defendant’s remarks. However, the judges concluded that imprisonment was not the most appropriate mechanism for

restoring the victims' dignity. This decision signals a shift in Indonesian criminal law enforcement, where punishment is not treated as the only response to legal violations. At the same time, the absence of a clear restorative mechanism leaves unresolved questions regarding how victims' rights should be protected in similar cases. The ruling reflects a more responsive judicial approach to social and environmental issues, while also revealing the need for clearer standards to balance the protection of environmental defenders with the rights of affected communities.

### **Anti-SLAPP Ruling 374/Pid.Sus/2024 and Double Track Justice**

The double track system is a modern criminal law concept that distinguishes between repressive penal sanctions and measures that are preventive, educational, and rehabilitative in nature (Pifferi, 2024). Ancel (1998) in *Social Defence: A Modern Approach to Criminal Problems*, rejects the classical view that emphasizes punishment alone and instead proposes an approach that accounts for the social dimensions of legal violations (Heath-Kelly and Shanaáh, 2022) (Albert, 2021). In the Indonesian judicial context, this approach is particularly relevant, as legal disputes often intersect with conflicts involving public interests, especially in cases concerning environmental defenders. At the same time, the adoption of this system requires careful limitation, as an overly flexible approach may reduce the predictability of criminal law enforcement.

The right to a good and healthy environment is constitutionally guaranteed under Article 28H paragraph (1) of the 1945 Constitution, which affirms that "every person has the right to a good and healthy environment." As a fundamental right, environmental protection efforts undertaken by citizens must be regarded as an exercise of constitutional rights. Retributive criminal punishment imposed on environmental defenders may potentially conflict with the foundational principles of the Constitution (Ramada, 2025). However, this protection cannot be interpreted as absolute immunity, particularly in situations where expressions may directly harm the dignity or rights of others.

Cases involving environmental defenders frequently generate tension between positive legal norms and substantive justice. For instance, environmental defenders may be deemed to violate Article 27 paragraph (3) or Article 28 paragraph (2) of the UU ITE when their strong criticisms are construed as defamation or hate speech, as occurred in Decision No. 374/Pid.Sus/2024/PT SMG. Yet, the substance of such criticism is often aimed at protecting broader public interests. It is precisely at this juncture that the double track system offers a solution by acknowledging the existence of a legal violation while imposing action-based sanctions rather than criminal punishment. Even so, the absence of clear parameters may create uncertainty in determining when such a substitution is justified.

This concept is also consistent with Article 66 of Law No. 32 of 2009 on Environmental Protection and Management, which stipulates that "any person who fights for the right to a good and healthy environment cannot be prosecuted criminally or sued civilly." The anti-SLAPP principle embedded in this provision serves to protect environmental defenders from

undue criminalization through penal instruments. Its application, however, depends heavily on judicial interpretation, which may vary across cases and potentially lead to inconsistent protection.

Article 66 of the UU PPLH has often been treated as a purely normative declaration, lacking technical mechanisms for practical implementation. Supreme Court Regulation (Perma) No. 1 of 2023 therefore plays a crucial role, as it emphasizes that environmental defenders must be viewed within the framework of public participation rather than merely as law violators. This regulation further instructs judges to assess whether the actions of environmental defenders are undertaken in pursuit of broader legal interests. Even so, the regulation does not fully resolve the issue of how to distinguish good faith advocacy from expressions that may be considered excessive or harmful.

Within the double track system, actions such as disseminating information via social media or engaging in public criticism may formally satisfy the elements of a criminal offense, yet substantively aim to protect societal interests. Judges may therefore opt to impose action-based sanctions such as public education measures, apologies, or moral rehabilitation instead of custodial sentences. This flexibility allows a more humane approach, although it may also open space for subjective judicial assessments that differ from one case to another.

The application of this system does not negate legal accountability for environmental defenders. On the contrary, it ensures that the law continues to be enforced in a proportional manner oriented toward social justice. This approach aligns with the principle of corrective justice, which seeks to restore equilibrium without undermining the social rights of offenders as citizens (Bronsther, 2021). At the same time, proportionality must be carefully maintained so that the rights of victims are not marginalized in the process.

When criminal sanctions are imposed without due consideration of public interest contexts, the law risks becoming an instrument of repression (Bogdanova, 2022). The separation of sanctions under the double track system allows judges to balance the interests of victims, offenders, and society at large. In this way, the law not only safeguards formal order but also guarantees substantive justice. However, this balancing process requires clear benchmarks to avoid arbitrary or inconsistent judicial outcomes. Fritz Heider's Balance Theory may be employed as an analytical tool to reinforce the relevance of the double track system (Yisheng, 2025) (Heider, 2013). This theory emphasizes maintaining equilibrium among three elements: the offender, the victim, and society (Berg and Schreck, 2022). If severe criminal sanctions are imposed on environmental defenders, this balance is disrupted, as society's broader interest in a healthy environment is neglected. If offenders are not held accountable at all, justice for victims is compromised. Hence, a new system capable of accommodating justice for all parties such as the double track system is required, provided that its application remains guided by consistent legal standards.

The separation of sanctions under the double track system enables courts to acknowledge that an act constitutes a legal violation while selecting a more constructive form of punishment. For example, in defamation cases, offenders may be required to issue public

apologies rather than be imprisoned. This approach preserves victims' rights while ensuring that the offender's good faith in defending the environment is not extinguished through criminalization. Even so, questions remain regarding the enforceability and effectiveness of such non-penal measures in restoring harm experienced by victims.

Within the development of environmental law, the Anti-SLAPP doctrine functions as a critical mechanism to protect individuals advocating for public interest from criminalization. In the present case, the defendant was positioned as an environmental activist raising concerns over ecological damage caused by shrimp farming activities. Consequently, the application of Article 66 of Law No. 32 of 2009 becomes essential in determining whether the act should incur criminal liability. This determination requires careful assessment to ensure that the doctrine is not used to justify expressions that fall outside legitimate advocacy. The juridical construction employed by the Panel of Judges can be summarized as follows:

Table 2. Juridical Framework Applied by the Court

Aspect	Description
Status	Environmental activist
Legal basis	Article 66 Law No. 32/2009
Judicial guideline	Supreme Court Regulation No. 1/2023
Doctrine	Anti-SLAPP
Verdict	Released from all legal charges

Source: Decision No. 374/Pid.Sus/2024/PT SMG

Referring to the data presented, it can be observed that the Panel of Judges did not merely rely on the formal fulfillment of criminal elements but also considered the social purpose of the defendant's conduct. This reflects a shift from rigid legal positivism toward a more substantive justice-oriented approach in environmental criminal law. Such a shift is significant, although it also requires clearer doctrinal limits to maintain consistency across similar cases. The application of the double track system reinforces the notion that criminal law is not merely an instrument of power, but a mechanism for constitutional protection. The system signals state support for environmental defenders as part of civil society tasked with overseeing development to ensure sustainability. By distinguishing between penal sanctions and corrective measures, Indonesian law has the potential to become more responsive to cases involving environmental defenders, preventing disproportionate criminalization while maintaining accountability. At the same time, this approach must ensure that legal certainty and victims' rights are not weakened in the pursuit of broader social objectives.

### **Double Track System's Normative Impact on Environmental Defender Protection**

The application of the double track system in environmental criminal cases carries significant normative implications for the development of Indonesian criminal law. This model redefines the relationship between legality, morality, and social justice by acknowledging that not all unlawful acts warrant punitive responses (Kärner, 2022). In

environmental protection, legal violations may arise from acts motivated by collective ecological interests rather than personal gain. Such circumstances require a legal framework capable of distinguishing moral culpability from technical illegality, as reflected in contemporary criminal law theory (Pifferi, 2024). At the same time, the absence of clear operational standards may create uncertainty in determining when such distinctions should be applied.

The recognition of this distinction aligns with the evolving understanding of criminal liability that emphasizes proportionality and contextual assessment. The classical retributive paradigm, which equates wrongdoing with punishment, proves inadequate when applied to cases involving environmental advocacy. Legal scholars have long argued that criminal sanctions must be calibrated to the social harm caused, rather than applied mechanically based on formal statutory violations (Bronsther, 2021). In environmental cases, harm often arises not from the actions of defenders but from structural exploitation of natural resources. Even so, this perspective must be balanced carefully to avoid diminishing accountability in situations where advocacy involves harmful expressions.

The double track system accommodates this complexity by separating punitive sanctions from corrective or educative measures. This separation allows the judiciary to acknowledge the formal existence of an offense while simultaneously recognizing the legitimacy of the underlying intent. Such an approach resonates with the principle of material legality, which prioritizes substantive justice over rigid formalism in criminal adjudication (Kurniawan, 2023). However, the flexibility inherent in this system also opens the possibility of inconsistent application if judges rely too heavily on subjective interpretation.

From a constitutional perspective, the adoption of this system strengthens the protection of fundamental rights enshrined in Article 28H paragraph (1) of the 1945 Constitution. Environmental defenders act as extensions of constitutional guarantees by safeguarding collective interests that the state may be unable or unwilling to protect directly. When courts recognize this role, they reinforce the Constitution as a dynamic instrument capable of responding to social realities (Yusa and Hermanto, 2018). This recognition, however, must be accompanied by clear limitations to prevent the expansion of protection beyond its intended scope.

The normative relevance of the double track system is also reflected in its capacity to prevent the misuse of criminal law as a means of silencing dissent. Strategic lawsuits against public participation often rely on procedural legality to suppress criticism, thereby narrowing democratic space. By adopting a differentiated approach to sanctions, courts can reduce the impact of such practices while preserving the legitimacy of legal processes (Saputra, 2023). Still, the effectiveness of this approach depends on consistent judicial application and the availability of clear procedural guidelines.

The application of this system aligns with international trends emphasizing proportionality and restorative justice. Comparative legal scholarship shows a shift away from punitive excess toward models that integrate social rehabilitation and conflict resolution

(Heath-Kelly and Shanaáh, 2022). In this respect, Indonesian judicial practice, as reflected in Decision No. 374/Pid.Sus/2024/PT SMG, demonstrates convergence with broader developments in criminal justice reform. Differences in legal culture and institutional capacity may still influence how such models are applied in practice.

The tension between the fulfillment of criminal elements and the protection of public interest constitutes the central issue in this case. On one hand, the defendant's statement contains expressions that may normatively qualify as hate speech. On the other hand, the statement represents criticism directed at environmentally harmful practices. This normative conflict can be mapped as follows:

Table 3. Conflict Between Criminal Elements and Public Interest

Dimension	Legal Assessment
Criminal elements	Formally fulfilled
Intent (mens rea)	Criticism, not hatred
Impact	Public reaction and report
Interest	Environmental protection
Final ruling	Onslag (release from all charges)

Source: Decision No. 374/Pid.Sus/2024/PT SMG

Through this approach, the Panel of Judges prioritized the purpose of the act over its formal characteristics. This confirms that criminal law should not be used as an instrument to suppress public criticism, particularly in environmental contexts. At the same time, reliance on purposive interpretation requires clear limits to ensure that similar cases are treated consistently across different courts. The normative value of the double track system also lies in its capacity to balance competing rights within a pluralistic society. Environmental conflicts often involve multiple stakeholders whose interests intersect and sometimes collide. By allowing judges to tailor responses that acknowledge both harm and intent, the system supports a more equitable distribution of justice. This balancing function is essential, although it remains vulnerable to subjective judicial preferences if not guided by standardized criteria.

The integration of the double track system into environmental adjudication reflects an evolution in Indonesian criminal law. Legal certainty and moral reasoning are no longer treated as opposing forces but as elements that must be reconciled within judicial practice. Through this framework, criminal law develops into a system capable of responding to complex socio-environmental disputes. Even so, its long-term effectiveness depends on the establishment of clearer doctrinal boundaries and consistent application across cases.

### **Reconceptualizing Judicial Responsibility in Environmental Justice Adjudication**

Judicial responsibility in environmental cases extends beyond the mechanical application of statutory provisions and enters the realm of ethical and societal stewardship. Judges are increasingly required to interpret legal norms in light of broader ecological and social consequences. This expanded role demands a nuanced understanding of

environmental governance and the socio-political dynamics surrounding natural resource management. The decision in Case No. 374/Pid.Sus/2024/PT SMG exemplifies this evolving judicial consciousness, although such an approach also raises questions regarding the limits of judicial discretion in interpreting legal norms.

The judiciary's interpretive function becomes particularly significant in cases involving environmental defenders, whose actions often blur the boundary between legal transgression and civic responsibility. Traditional legal reasoning may inadequately capture the moral dimension of such conduct, thereby necessitating a more holistic evaluative framework. Scholars have emphasized that judicial discretion, when exercised responsibly, serves as a corrective mechanism against the rigidity of formal law (Glicksman and Levy, 2022). At the same time, excessive reliance on discretion without clear standards may lead to unpredictability in judicial outcomes.

In exercising this discretion, judges must navigate the tension between enforcing legal norms and preserving democratic freedoms. Environmental advocacy frequently operates at the intersection of legality and legitimacy, where actions deemed unlawful may nevertheless serve the public interest. Failure to recognize this tension risks criminalizing civic engagement and discouraging public participation in environmental governance (Pratama, 2024). However, an overly permissive approach may also legitimize expressions that harm individuals or communities, which requires careful judicial balancing.

The concept of corrective justice offers a valuable framework for addressing this tension. By focusing on restoring equilibrium rather than imposing retribution, corrective justice aligns judicial outcomes with broader social objectives. This approach resonates with the foundations of the double track system, which seeks to reconcile accountability with fairness (Bronsther, 2021). In environmental cases, such an approach acknowledges the legitimacy of advocacy while addressing any resulting harm. Its application, however, depends on the availability of clear mechanisms to ensure that restoration is not merely symbolic. The judicial role in environmental cases extends to shaping normative expectations within society. Court decisions function not only as instruments for resolving disputes but also as signals that influence public behavior. When courts recognize the legitimacy of environmental advocacy, they contribute to strengthening ecological awareness and civic engagement. This signaling function supports the preventive dimension of environmental law, although its effectiveness depends on consistency in judicial reasoning across cases.

The Indonesian judiciary's gradual adoption of this perspective reflects broader developments in legal thought. Law is no longer treated as a static system of commands but as a dynamic framework responsive to social change. This perspective aligns with contemporary legal theories that emphasize adaptability, inclusivity, and justice-oriented interpretation (Khan and Jiliani, 2023). Differences in institutional capacity and legal culture may still affect how such approaches are implemented in practice. In practical terms, the integration of corrective and preventive considerations into judicial reasoning enhances the legitimacy of court decisions. Decisions perceived as fair and context-sensitive tend to

strengthen public trust in the legal system. This legitimacy is crucial for ensuring compliance and reinforcing the authority of the judiciary. At the same time, legitimacy may be weakened if similar cases produce significantly different outcomes due to varying judicial interpretations.

The reconceptualization of judicial responsibility in environmental cases highlights the judiciary's role in maintaining both legal order and ecological integrity. By adopting an approach grounded in constitutional values and social realities, courts can contribute to sustainable development. The shift reflected in Decision No. 374/Pid.Sus/2024/PT SMG represents not only a case-specific outcome but also a broader transformation in Indonesian legal reasoning. Even so, the sustainability of this transformation depends on the development of clearer doctrinal guidelines. The evolving role of judges in environmental adjudication also requires awareness of asymmetrical power relations that often characterize environmental disputes. Corporations and economic actors usually possess greater access to legal resources and political influence, while environmental defenders often operate from more vulnerable positions. Judicial neutrality in this context cannot be understood as passive detachment but must reflect an active commitment to ensuring substantive equality before the law. Without such awareness, the legal system risks reinforcing structural imbalances.

The obligation of judges to uphold constitutional values becomes especially important when statutory provisions are open to restrictive interpretation. Environmental cases often reveal the limitations of strictly positivistic reasoning that prioritizes textual compliance over substantive justice. By adopting a purposive and contextual approach, judges can align legal interpretation with constitutional mandates on environmental protection and human rights. This approach strengthens the role of the judiciary in bridging the gap between formal law and social realities, although it requires consistent application to maintain legal certainty.

Judicial sensitivity to environmental issues also strengthens the preventive function of law. When courts demonstrate awareness of ecological risks and social vulnerability, their decisions can deter future environmental harm. At the same time, such decisions encourage responsible civic participation by affirming that environmental advocacy is a legitimate activity. This dual function contributes to shaping legal culture, although its impact depends on the coherence of judicial practice over time. The integration of environmental considerations into judicial reasoning also reflects the judiciary's role in upholding intergenerational justice. Environmental harm often produces long-term consequences that extend beyond the immediate parties. Courts that recognize this dimension acknowledge their responsibility toward future generations. This perspective aligns with contemporary legal thought that places environmental protection within the broader framework of human rights and intergenerational equity.

The application of the double track system within this framework provides a practical mechanism for addressing complex environmental disputes. By distinguishing between culpable conduct and socially motivated actions, the system offers flexibility without eliminating accountability. It allows courts to respond to harm while preserving the legitimacy

of environmental advocacy. This flexibility is important, although it must be accompanied by clear criteria to prevent inconsistent application. The judicial adoption of this approach contributes to the emergence of a more dialogical model of justice. Courts are no longer viewed solely as institutions that determine guilt but also as forums for negotiating competing social values. This perspective enhances the democratic quality of adjudication by recognizing the plurality of interests involved in environmental disputes. Even so, this model requires strong judicial reasoning to ensure that decisions remain grounded in legal principles.

The cumulative effect of these developments is a gradual transformation of environmental law into a more proactive system of governance. Courts play a role in encouraging institutional accountability and legal reform. Judicial decisions extend beyond individual cases and influence policy and public discourse. This interaction strengthens the broader legal framework for environmental protection, although its success depends on coordination with legislative and executive institutions (Sitompul and Sitompul, 2022). The evolving role of the judiciary in environmental adjudication reflects a shift toward value-oriented legal reasoning. Principles such as proportionality, contextual interpretation, and social responsibility increasingly shape judicial decisions. Through this approach, courts contribute to a more responsive and balanced legal system. The integration of these principles affirms that justice is not limited to formal legality but includes broader social and environmental considerations.

## CONCLUSION

This study finds that the application of the double track system, when combined with the anti-SLAPP principle, offers a viable framework for addressing the criminalization of environmental defenders in Indonesian criminal law. The analysis of Decision No. 374/Pid.Sus/2024/PT SMG shows that courts may acknowledge the formal fulfillment of criminal elements while refraining from imposing punishment when the act is closely linked to public interest advocacy. The double track system operates by allowing a differentiated legal response, whereas the anti-SLAPP principle functions as a normative filter that limits the use of criminal law against environmental defenders. The findings indicate that this combination supports a shift toward contextual judicial reasoning. At the same time, its application remains dependent on judicial interpretation, which creates a risk of inconsistency and requires clearer standards. The study also confirms that the protection of environmental defenders cannot be treated as absolute, since it must be balanced with the rights of individuals or communities affected by potentially harmful expressions.

The study contributes theoretically by integrating the anti-SLAPP principle and the double track system into a single analytical framework that emphasizes intent, public interest, and constitutional protection in assessing criminal responsibility. This framework clarifies the boundary between protected environmental advocacy and punishable conduct. In practical terms, the findings highlight the need for clearer judicial guidelines in applying Article 66 of Law No. 32 of 2009 and Supreme Court Regulation No. 1 of 2023, along with the integration

of restorative approaches to address the position of victims. The study also acknowledges its limitation in focusing on a single case, which may not fully represent broader judicial practice. Future research may expand the analysis by examining multiple decisions to evaluate consistency across cases. Strengthening doctrinal clarity and procedural standards will be essential to ensure that the protection of environmental defenders develops alongside legal certainty and balanced law enforcement. [W]

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