

Judicial Perspectives on the Equitable Resolution of Anti-SLAPP Cases: Insights from Indonesia



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Abstract

This research examines Indonesian judges' views on Anti-SLAPP case settlement and their philosophical approach. This research prescribes doctrine. The research shows that the judge's Pancasila-based Anti-SLAPP judgement needs to be revised. When the community raises environmental concerns, the practice repeats. The community will be punished in whatever way is necessary to eliminate participation. Development that harms the environment but enriches the government and corporations will continue. Based on these facts, it is known that the regulation and application of Anti-Slap in Indonesia are still being made to provide justice for all elements due to limited regulation. The lack of legal protection for environmental fighters in Indonesia shows why judges' rulings are not founded on Pancasila justice. The five Pancasila precepts guide courts' anti-SLAPP dispute resolution. A judge's ruling that exhibits legal certainty helps find the proper law while resolving court matters. Judges must consider customary and unwritten social laws when making decisions because the law may not regulate.

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1. Introduction

Appointing judges is a critical and strategic action aimed at improving their efficiency in achieving the goals and objectives of the overseeing institution. The responsibility of a judge cannot be equated to that of a mere "advocate of laws".¹ It is commonly held that a judge should serve as a dynamic interpreter of justice, aligning with the societal perspective. Judges embody and reflect the fundamental ideals of justice. The judge is the main constituent of the court. Undoubtedly, judges are closely linked to the court itself. The effectiveness of law enforcement and the functioning of the justice system rely on the judges' ability and wisdom in formulating decisions that reflect the ideals of fairness and

¹ Iza Rumeste RS, 'Model Ideal Partisipasi Masyarakat Dalam Pembentukan Peraturan Daerah', *Jurnal Dinamika Hukum*, 12.1 (2012), 135–48 <<https://doi.org/10.20884/1.jdh.2012.12.1.111>>.

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equity. Judges guarantee the correct and fair enforcement of laws and regulations. Should implementing these laws and regulations lead to an inequitable result, judges are duty-bound to give precedence to moral equity and override the law or legislation.² An effective law conforms to the dominant legal standards in society, generally referred to as the living law. Moreover, it should additionally embody and maintain the societal principles pertaining to social equity. The justice mentioned is not procedural but substantive justice derived from the judge's conscience.

Judges have a crucial role in the legal system in Indonesia and elsewhere. They perform functions that successfully complement the provisions of written law through legal discovery (*rechtvinding*), which leads to the creation of new laws. The function aims to interpret the law to resolve any legal ambiguities or gaps and avoid dismissing a case due to unclear or non-existent legislation.³ In essence, judges participate in discerning law by scrutinising particular legal incidents on which they are required to make decisions. The judge's ruling must adhere to fairness, legal certainty, and societal welfare. Understanding the three functions of judges in reaching a verdict can be difficult, resulting in situations where their conclusions are attacked as unfair or not in line with the community's concept of justice, among other terms.⁴

It is reasonable to expect that judges' rulings will be truly accountable, independent, and free from any interference. Judges have a vital role in administering justice to those seeking it, ensuring that every part of their rulings conforms to the principles of justice described by God. It is essential to provide autonomy and liberty in making decisions for each case, as many of these decisions frequently generate societal controversy.⁵ The final result of this legal reasoning process is ultimately determined by the judge's decision-making in his ruling. In addition to issuing a sentence, a judge has the task of evaluating the appropriateness of the punishment in a case.⁶

The PPLH Law mandates include anti-SLAPP measures in Indonesia, also known as Law Number 32 of 2009 on environmental protection and management. The lawmakers

² Uthej Vattipalli, 'Aviation Laws and Air Carrier Liabilities in India', *Transportation Research Procedia*, 48.2018 (2020), 60–73 <<https://doi.org/10.1016/j.trpro.2020.08.006>>.

³ David U. Enweremadu, 'Nigeria's Quest to Recover Looted Assets: The Abacha Affair', *Africa Spectrum*, 48.2 (2013), 51–70 <<https://doi.org/10.1177/000203971304800203>>.

⁴ Rini Astuti, 'Governing the Ungovernable: The Politics of Disciplining Pulpwood and Palm Oil Plantations in Indonesia's Tropical Peatland', *Geoforum*, 124.May 2019 (2021), 381–91 <<https://doi.org/10.1016/j.geoforum.2021.03.004>>.

⁵ Z. Miao and R. Marrs, 'Ecological Restoration and Land Reclamation in Open-Cast Mines in Shanxi Province, China', *Journal of Environmental Management*, 59.3 (2000), 205–15 <<https://doi.org/10.1006/jema.2000.0353>>.

⁶ Jiaxin Guo, Zhenqi Hu, and Yusheng Liang, 'Causes and Countermeasures for the Failure of Mining Land Use Policy Reform: Practice Analysis from China', *Land*, 11.9 (2022), 1–19 <<https://doi.org/10.3390/land11091391>>.

consider this proposal crucial to protect those involved in developing a sustainable environment. An Anti-SLAPP (Strategic Litigation Against Public Participation) litigation has occurred in Indonesia, namely in the case of H. Rudy v. Willy Suhartanto. Rudy employed an Anti-SLAPP defence but without explicitly specifying it. The Anti-SLAPP concept plays a vital role in protecting persons who express their opinions, ideas, or grievances regarding environmental issues in the case of Heru Budiawan v. Willy Suhartanto.

According to data provided by the Indonesian Forum for the Environment (WALHI), there were 146 occurrences of criminalisation against environmental activists between 2014 and 2019. These cases occurred specifically in the Jakarta, West Java, Central Java, and East Java regions on the island of Java. Between January 2020 and April 2020, the Institute for Community Studies and Advocacy (ELSAM) recorded 22 incidents involving attacks on environmental activists.⁷ In 2019, the Institute for Community Studies and Advocacy (ELSAM) observed 27 instances when environmental activists were subjected to criminalisation. As a consequence, 128 individuals and 50 community organisations pursued legal recourse. ELSAM's research revealed that in 2020, there were a total of 22 incidents of violence targeting advocates of environmental human rights.⁸

An example of the community being silenced may be seen in the instance of three Indramayu agricultural labourers who organised a demonstration against the construction of the PLTU project by displaying a banner beside the national flag. On the following day, the flag's location underwent an inversion. Based on this false information, the inhabitants were wrongly identified as suspects. They were held responsible for actions they did not do by the criminal provisions of the State Emblem Law. This case unequivocally demonstrates the inadequacy of the regulation and enforcement of Anti-SLAPP in Indonesia. When individuals bring up environmental concerns, a consistent pattern emerges. The public will face penalties or restrictions to ensure the elimination of public engagement.⁹

Indrawati's research has demonstrated the limited efficacy of Article 66 of Law No. 32/2009 on Environmental Protection and Management in providing enough legal safeguards for environmental activists. The article's lack of effectiveness in addressing legal threats against environmental activists might be attributed to several issues. In his work, Reynaldo Sembiring (2019) identified four specific aspects that must be regulated to address and overcome obstacles and challenges related to environmental issues. These aspects are outlined in Article 66 of Law Number 32 of 2009, which pertains to

⁷ Hilaire Tegnau and others, 'Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues', *Bestuur*, 9.2 (2021), 90–100 <<https://doi.org/10.20961/bestuur.v9i2.55219>>.

⁸ Rahadi Wasi Bintoro, 'Implementasi Mediasi Litigasi Di Lingkungan Yurisdiksi Pengadilan Negeri Purwokerto', *Jurnal Dinamika Hukum*, 14 No. 1.1 (2014), 13–24.

⁹ Miriam Matejova, 'Silver Linings: Environmental Disasters as Critical Junctures in Global Governance', *Environment*, 65.1 (2023), 4–14 <<https://doi.org/10.1080/00139157.2023.2146943>>.

Environmental Protection and Management. They include the identification of protected subjects, the classification of SLAPP actions, the establishment of protection requirements, and the criteria for determining SLAPP cases.¹⁰

According to Harry Setiawan & Tundjung Herning Sitabuana, Article 66 of Law Number 32 Year 2009 on Environmental Protection and Management must safeguard individuals who advocate for the environment. The occurrence of Eco-SLAPP cases in Indonesia both prior to and during the implementation of the PPLH Law, such as the case involving Yani Saragoa and PT Newmont Nusa Tenggara, as well as the case involving Heri Budiawan (Budi Pego) et al. and PT Merdeka Copper Gold Tbk, serve as evidence. Activist Heru Budiawan, also known as Budi Pego, was prosecuted for his efforts to protect the Banyuwangi forest from being transformed into a gold mine. Budi Pego faced allegations of disseminating communist ideology and was formally charged under Article 107 letter of Law Number 27 the Year 1999, which pertains to offences against national security. The decision above, 559/Pid.B/2017/PN.Byw clearly states that the Defendant, HERI BUDI AWAN alias BUDI PEGO, has been proven guilty beyond a reasonable doubt of unlawfully spreading communist teachings in various forms and manifestations through written means in public. Consequently, the Defendant has been sentenced to a 10-month imprisonment.

The Court of Appeal Decision Number: 174/PID/2018/PT SBY has determined that the Defendant HERI BUDI AWAN, also known as BUDI PEGO, has been legally and convincingly proven guilty of unlawfully spreading communist teachings in all its forms and manifestations through written means in public. Consequently, the Defendant has been sentenced to a 10-month imprisonment. The Cassation Decision Number: 1567 K/Pid.Sus/2018 rectifies the ruling of the High Court of East Java Number 174/PID/2018/PT.SBY, issued on 16 March 2018, modifies the ruling of the Banyuwangi District Court Number 559/Pid.B/2017/PN.Byw, issued on 23 January 2018, concerning the Defendant's imprisonment. - Imposing a 4-year prison sentence on the Defendant.

Upon closer examination, Budi Pego's acts can be categorised as advocating for the right to a favourable and sustainable environment. However, the community needs to engage in the decision-making process actively.¹¹ Numerous environmental issues in Indonesia have led to the failure to achieve environmental justice. Parties with vested interests hindered the endeavour. Hence, it can be concluded that Budi Pego's activities directly oppose the interpretation made by law enforcement officials regarding the anti-SLAPP concept expressed in the Article above. This scenario can stimulate and prompt

¹⁰ Deise Tatiane Bueno Miola and others, 'Silent Loss: Misapplication of an Environmental Law Compromises Conservation in a Brazilian Biodiversity Hotspot', *Perspectives in Ecology and Conservation*, 17.2 (2019), 84–89 <<https://doi.org/10.1016/j.pecon.2019.04.001>>.

¹¹ Dietrich Earnhart and Sandra Rousseau, 'Are Lawyers Worth the Cost? Legal Counsel in Environmental Criminal Court Cases', *International Review of Law and Economics*, 60 (2019), 105857 <<https://doi.org/https://doi.org/10.1016/j.irle.2019.105857>>.

judges to interpret the law by making forward-thinking decisions, aiming to assist the nation and state in overcoming a period of decline. Additionally, it enables judges to comprehend the desires and requirements of the populace while ensuring justice, well-being, and equitable treatment for all citizens of the nation.¹² In order to improve law enforcement and enhance the well-being of all Indonesian citizens, it is necessary to implement progressive legal measures based on the existing methods of legal discovery. This entails judges making new legal discoveries to produce progressive judicial rulings through their decisions.

One legal discovery made by criminal judges is the application of progressive legal reasoning, which can be further examined from a progressive penological perspective. The term "penological perspective" refers to examining and applying the principles and knowledge of penological science.¹³ In this scenario, the scope of penology includes the specific form of punishment, the intended objective of punishment, the efficacy of punishment, and the consequences of punishment. From a penological perspective, the progressive judge's decision centres on legal reasoning and its implications for the nature of the punishment to be administered.¹⁴ This includes considering the effectiveness of punishment as a specific deterrent and preventive measure against the offender and its role as a general deterrent and preventive measure for the community. The judge also considers the punishment's impact on both the offender and the victim (community).

Given the complexity of environmental disputes and abundant scientific information, judges handling such cases should demonstrate a progressive approach. Environmental cases possess distinct characteristics compared to other types of cases.¹⁵ Environmental lawsuits can also be classified as structural cases that include disputes between parties with significant resources and those with limited resources. More stringent legislation is required to ensure the practical application of anti-SLAPP measures in Indonesia. Regrettably, the legislative framework has yet to incorporate the Anti-SLAPP

¹² Paul Ekblom and others, 'Crime Prevention through Environmental Design in the United Arab Emirates: A Suitable Case for Reorientation?', *Built Environment*, 39.1 (2013), 92 – 113 <<https://doi.org/10.2148/benv.39.1.92>>.

¹³ Vinicius B.F. Costa and others, 'Socioeconomic and Environmental Consequences of a New Law for Regulating Distributed Generation in Brazil: A Holistic Assessment', *Energy Policy*, 169.July (2022) <<https://doi.org/10.1016/j.enpol.2022.113176>>.

¹⁴ Alexandra Mallett and others, 'Environmental Impacts of Mining in Brazil and the Environmental Licensing Process: Changes Needed for Changing Times?', *Extractive Industries and Society*, 8.3 (2021) <<https://doi.org/10.1016/j.exis.2021.100952>>.

¹⁵ Marulak Pardede and others, 'Perspectives of Sustainable Development vs. Law Enforcement on Damage, Pollution and Environmental Conservation Management in Indonesia', *Journal of Water and Climate Change*, 14.10 (2023), 3770–90 <<https://doi.org/10.2166/wcc.2023.417>>.

mechanism.¹⁶ Hence, it is imperative to examine the Anti-SLAPP rules and mechanisms in Indonesia and the challenges they face to determine the most effective measures to enhance their implementation.

To address the concerns above, the Supreme Court issued a Decree of the Chief Justice of the Supreme Court Number 36/KMA/SK/II/2013. This decree pertains to implementing guidelines for handling environmental cases about Article 66 of Law Number 32 of 2009, which concerns environmental protection and management. Specifically, it establishes "Anti SLAPP" as a legal safeguard for individuals advocating for the environment... The Supreme Court inferred that SLAPP (Strategic Lawsuit Against Public Participation) can exist even without legal action initiated by the community. Furthermore, according to the same regulation, it is specified that the plaintiff's claim in a civil case that is considered a Strategic Lawsuit Against Public Participation (SLAPP) might be submitted as a provision, exception, or counterclaim. However, the applicant's reporting of a criminal offence can be considered a SLAPP (Strategic Lawsuit Against Public Participation) and can be legally defended. Both of these legal remedies must be determined initially through an interlocutory ruling.

In civil proceedings, the Supreme Court allows the defendant to pursue three legal remedies. Nevertheless, there are constraints in managing SLAPPs in criminal proceedings that solely safeguard SLAPP suspects/defendants once the matter has been adjudicated.¹⁷ Therefore, the legislation regulating the anti-SLAPP concept needs to be revised and expanded to ensure legal certainty for all involved parties. The legal settlement for Anti-SLAPP fighters has yet to be fully achieved. Inclusive environmental justice realises the community's entitlement to a favourable and salubrious environment, achieved via active involvement and engagement. This situation engenders public mistrust over environmental law enforcement's efficacy in safeguarding individuals' rights to advocate for the environment.¹⁸ This aligns with the viewpoint of Arcioni and Mitchell, who argue that environmental justice is connected to the public's ability to engage in decision-making processes about environmental management.

According to the information provided, the legal problem addressed in this paper is that the Anti-SLAPP mechanism in Indonesia needs to meet the four essential criteria for an efficient Anti-SLAPP. The Anti-SLAPP mechanism in Indonesia continues to exhibit procedural and substantive deficiencies. Procedural vulnerabilities arise when the

¹⁶ Rika Fajrini, 'Environmental Harm and Decriminalization of Traditional Slash-and-Burn Practices in Indonesia', *International Journal for Crime, Justice and Social Democracy*, 11.1 (2022), 28–43 <<https://doi.org/10.5204/ijcsd.2034>>.

¹⁷ Indah Nur Shanty Saleh and Bitu Gadsia Spaltani, 'Environmental Judge Certification in an Effort to Realize the Green Legislation Concept in Indonesia', *Law and Justice*, 6.1 (2021), 1–18 <<https://doi.org/10.23917/laj.v6i1.13695>>.

¹⁸ Suwari Akhmaddhian, 'Discourse on Creating a Special Environmental Court in Indonesia to Resolve Environmental Disputes', *Bestuur*, 8.2 (2020), 129 <<https://doi.org/10.20961/bestuur.v8i2.42774>>.

current process lacks regulations about procedural law. The sole procedure for submitting an Anti-SLAPP is governed by the Decree of the Supreme Court Chief Justice No. 36/KMA/SK/II/2013 (SK KMA 36/2013) about the Implementation of Guidelines for Dealing with Environmental Cases. Twenty-one SK KMA 36/2013 offers instructions for individuals targeted by SLAPPs to initiate Anti-SLAPPs by presenting provisions, exceptions, and counterclaims in civil proceedings or defences in criminal cases. Additionally, it guides judges to make decisions about SLAPPs in interim rulings.

Implementing Anti-SLAPP in interlocutory rulings is a forward-thinking measure as it involves applying the Anti-SLAPP mechanism to reject cases at the earliest feasible stage. This early case dismissal procedure aims to prevent the ongoing suppression of participation caused by SLAPPs. The lack of comprehensive regulations has resulted in perplexity among judges. Consequently, numerous individuals are prosecuted and brought before the Criminal Court during its execution. The author aims to comprehensively investigate the philosophical beliefs of judges involved in resolving disputes for Anti-SLAPP (Strategic Lawsuit Against Public Participation) advocates, focusing on Pancasila justice.

2. Research Methods

This study employs normative legal research methodology, utilising a case-based approach, conceptual analysis, and a foundation in legal philosophy.¹⁹ The research is carried out through the examination of instances and legal rules in Indonesia that pertain to the stated legal issues. The purpose of the review is to examine the prevailing mindset of judges in Indonesia when dealing with different cases of environmental crimes.²⁰ This will allow us to conclude how judges in Indonesia perceive and handle each case involving environmental crimes. Ultimately, the author presents pertinent legal principles and arguments to address and overcome them in order to foster the advancement of sound legislation in the future.

3. Results and Discussion

Anti-SLAPP law protects Indonesians' right to a healthy environment

Enhancing the Anti-SLAPP system in Indonesia can be achieved by formulating and implementing rules and bolstering institutional capacity. When implementing regulations, it is necessary to establish transparent and efficient procedures for promptly dismissing SLAPP

¹⁹ Fx Hastowo and Broto Laksito, 'Policy Discrimination against the Minority Group of Flows of Believers Citizens in Indonesia : An Administrative Justice Perspective', *Journal of Law, Environmental and Justice*, 1.1 (2023), 36–49.

²⁰ Dora Kusumastuti and Hussein Gibreel, 'Enhancing Local Revenue via Tax Incentives : A Strategy to Establish Fair and Balanced Taxes', *Journal of Law, Environmental and Justice*, 1.3 (2023), 170–84 <<https://doi.org/10.62264/jlej.v1i3.11>>.

cases by the Anti-SLAPP provisions. It is necessary to clarify when the Anti-SLAPP mechanism can be utilised,²¹ either during the pre-adjudication stage or at the beginning of the court proceedings. The author believes that the Anti-SLAPP mechanism should be implemented in the criminal justice process, starting from the pre-adjudication stage, to prevent the extended period of coercion endured by victims of SLAPP. In order to facilitate this arrangement, the Anti-SLAPP procedural provisions in the criminal domain can utilise the pretrial mechanism outlined in the Criminal Procedure Code or its alternative, the Preliminary Examining Judge (HPP), to carry out efficient and succinct Anti-SLAPP procedures prior to the commencement of the trial process.²²

Furthermore, it is crucial to extend the use of pretrial abortions to civil proceedings, specifically through mediation. This is particularly relevant in cases involving Strategic Lawsuits Against Public Participation (SLAPP), as these cases tend to be lengthy and drain the victims' time, effort, and financial means.²³ The Anti-SLAPP procedural requirements should further emphasise the evidentiary process, including the potential for shifting the burden of evidence. Furthermore, it is imperative to establish a definitive compensation mechanism for victims of SLAPP, which should encompass the specific format and quantum of compensation that can be sought through legal channels, as well as the admissible evidence required to support such claims.²⁴

Before the anti-SLAPP mechanism is put into effect during the pre-adjudication process, the Supreme Court has the authority to establish rules for implementing the anti-SLAPP provisions in the PPLH Law. These rules, in the form of Supreme Court Regulations, would highlight the procedures for anti-SLAPP that can be conducted at the initial stages of the trial, ensuring that the trial does not prolong until the final decision.²⁵ To enhance the implementation of the PPLH Law, it is important to take into account provisions related to specific time periods, shifting the burden of proof, rigorous standards of proof, and the

²¹ L. Aldieri and others, 'Waste Recycling Patents and Environmental Innovations: An Economic Analysis of Policy Instruments in the USA, Japan and Europe', *Waste Management*, 95 (2019), 612–19 <<https://doi.org/10.1016/j.wasman.2019.06.045>>.

²² Haitao Wu and others, 'Does Environmental Pollution Promote China's Crime Rate? A New Perspective through Government Official Corruption', *Structural Change and Economic Dynamics*, 57 (2021), 292–307 <<https://doi.org/https://doi.org/10.1016/j.strueco.2021.04.006>>.

²³ Thiago Lima Klautau de Araújo and others, 'Brazilian Amazônia, Deforestation and Environmental Degradation: Analyzing the Process Using Game, Deterrence and Rational Choice Theories', *Environmental Science and Policy*, 117, January (2021), 46–51 <<https://doi.org/10.1016/j.envsci.2020.12.010>>.

²⁴ T Kortetmäki, *Justice in and to Nature: An Application of the Broad Framework of Environmental and Ecological Justice*, *Disertasi*, 2017 <<https://doi.org/10.13140/RG.2.2.34395.05926>>.

²⁵ Mara Tignino and Christian Bréthaut, 'The Role of International Case Law in Implementing the Obligation Not to Cause Significant Harm', *International Environmental Agreements: Politics, Law and Economics*, 20.4 (2020), 631–48 <<https://doi.org/10.1007/s10784-020-09503-6>>.

potential for compensating victims of SLAPP.

While the Supreme Court Decree 36/2013 briefly mentions the Anti-SLAPP procedural elements, it is primarily focused on internal matters and has a narrow reach. Supreme Court Regulations can impose restrictions that extend more widely in cases where the rules created violate other state institutions. Furthermore, a decree is a singular occurrence, but a rule remains in force continuously. In addition, to facilitate the integration of the anti-SLAPP mechanism into the judicial process, each law enforcement organisation must establish internal procedures that specifically address the identification and handling of SLAPP cases.²⁶ Furthermore, the Ministry of Environment and Forestry (MoEF) must issue a Ministerial Regulation about Anti-SLAPP. This regulation serves as a foundation for identifying SLAPPs, implementing Anti-SLAPP procedures to provide legal protection for the early termination of cases, safeguarding forms of environmental struggles that Anti-SLAPP protects, and facilitating coordination among law enforcement agencies in resolving SLAPP cases.²⁷

Establishing legal protections for individuals who actively promote environmental justice is essential to effectively enforcing laws in Indonesia. The data indicates that several shortcomings accompany a country's growth areas for improvement in governance, administration, and frameworks for sustainable development planning. The formation of a state arises from the collective goals and wants to protect its citizens. This relationship is founded on the premise that the state's power is derived from the citizens, who possess the ultimate authority. Therefore, the state must ensure and protect the human rights of its inhabitants.²⁸ The UN General Assembly's endorsement of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms in 1998 establishes a declaration that morally compels member states to protect individuals who advocate for human rights.²⁹ In addition, Article 1 of the Declaration states that everyone, alone and along with others, has the right to promote and actively work towards protecting and achieving human rights and fundamental freedoms at both national and international levels. According to this concept, a government must guarantee that the rights of all individuals, including those

²⁶ Pedi Obani and Joyeeta Gupta, 'Legal Pluralism in the Area of Human Rights: Water and Sanitation', *Current Opinion in Environmental Sustainability*, 11 (2014), 63–70 <<https://doi.org/https://doi.org/10.1016/j.cosust.2014.09.014>>.

²⁷ Miao and Marrs.

²⁸ Kendyl Salcito and others, 'Assessing Corporate Project Impacts in Changeable Contexts: A Human Rights Perspective', *Environmental Impact Assessment Review*, 47 (2014), 36–46 <<https://doi.org/https://doi.org/10.1016/j.eiar.2014.03.004>>.

²⁹ Bagus Setiabudi Wiwoho, Neil McIntyre, and Stuart Phinn, 'Assessing Future Land-Uses under Planning Scenarios: A Case Study of The Brantas River Basin, Indonesia', *Environmental Challenges*, 15 (2024), 100873 <<https://doi.org/https://doi.org/10.1016/j.envc.2024.100873>>.

who support environmental justice and the sustainability of their homes, are met.

It is crucial to prioritise establishing more regulations to protect the legal rights of activists for a clean and healthy environment. The purpose of these laws should be to safeguard them from possible legal impediments imposed by parties with vested interests. Implementing such measures is essential for ensuring the efficient implementation of environmental legislation. The government should prioritise this issue, as legal protection for environmental defenders involves the interaction between humans and the environment and the aspect of human rights. The community eagerly awaits the prompt and essential implementation recommendations for Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management. These standards are essential for maintaining the integrity of the legal system.³⁰

Enacting rules to regulate Anti-Strategic Lawsuit Against Public Participation (SLAPP) offers legal protection to environmental activists, safeguarding them against legal intimidation and criminal charges. The rationale for pursuing legal positivization regarding rules on SLAPP is grounded in the social aspect and Law Number 32 of 2009, which pertains to Environmental Protection and Management. This legislation incorporates the fundamental concept of environmental rights, which encompasses a facet of human rights.³¹ The primary aim of Law Number 32 of 2009 on Environmental Protection and Management is to establish regulations that ensure protection for three fundamental elements: the environment, the right to a favourable and sound environment, and the right to advocate for a favourable and sound environment. Law No. 32/2009 on Environmental Protection and Management addresses the interconnectedness of persons and the environment by considering environmental and human rights aspects.³²

Article 66 of Law No. 32/2009 on Environmental Protection and Management is a crucial legislative provision that offers legal protection to persons who advocate for environmental rights. This provision is vital in protecting them from criminal and civil responsibilities.³³ This

³⁰ C R Twidale, 'The Field, the First, and Latest Court of Appeal: An Australian Cratonic Landscape and Its Wider Relevance', in *Reference Module in Earth Systems and Environmental Sciences* (Elsevier, 2019) <<https://doi.org/https://doi.org/10.1016/B978-0-12-409548-9.11612-4>>.

³¹ Keishiro Hara and others, 'Historical Development of Wastewater and Sewage Sludge Treatment Technologies in Japan – An Analysis of Patent Data from the Past 50 Years', *Environmental Development*, 19 (2016), 59–69 <<https://doi.org/10.1016/j.envdev.2016.05.001>>.

³² Matthew Marcellino and M Yazid Fathoni, 'The Establishment of Simple Lawsuit Rules in Business Disputes in Indonesia : An Challenge to Achieve Fair Legal Certainty', *Journal of Law, Environmental and Justice*, 1.1 (2023), 19–35.

³³ Rian Saputra, M Zaid, and Devi Triasari, 'Executability of the Constitutional Court ' s Formal Testing Decision : Indonesia ' s Omnibus Law Review', *Journal of Law, Environmental and Justice*, 1.3 (2023), 244–58 <<https://doi.org/10.62264/jlej.v1i3.18>>.

is a result of previous occurrences that ensnared environmental activists. The submitted reports were related to accusations of environmental pollution and destruction. Confronting legal consequences, either through a civil lawsuit or criminal charges, for making false statements that undermine the reputation of a company accused of creating pollution or environmental damage. The term "Anti-SLAPP" in both the legal systems of the United States and the Philippines pertains to a legal safeguard that ensures protection against Strategic Lawsuits Against Public Participation. It refers to a scenario in which a firm accused of contaminating or causing environmental damage responds by initiating legal action against the person who brought attention to the misconduct. The company's objective in filing this action is to intimidate or cause financial damage to the whistleblower.³⁴

Article 66 of Law Number 32 of 2009 on Environmental Protection and Management has established legal immunity to support the community's endeavours to advocate for their environmental rights. Nevertheless, this safeguard needs to be effectively employed due to insufficient law enforcement.³⁵ The protection law in Indonesia is formulated based on Pancasila, which acts as the ideological and philosophical bedrock of the state. The legal protections for persons in Western nations are established on the principles of Rechtsstaat and the "Rule of Law". Integrating Western ideals into conceptual thinking, particularly regarding establishing Pancasila, forms the basis for legal protection in Indonesia as a vital measure and recognition of human dignity, firmly rooted in Pancasila.³⁶

The concepts contained in Pancasila, specifically from Precept I to Precept V, which must be applied or elaborated upon in all environmental management efforts, are as follows: The Precept of God Almighty incorporates a multitude of religious principles, which include The belief in the existence of God Almighty as the creator of all things, characterised by attributes like as omnipotence, ultimate compassion, absolute justice, and profound wisdom.³⁷ The Indonesian environment, bestowed upon the Indonesian people and nation, is a valuable asset that should be preserved and improved. It provides crucial nourishment for individuals, society, and other living beings and significantly improves the quality of life.³⁸

³⁴ Januar Rahadian and Silas Oghenemaro, 'Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform: Lessons from Indonesia', *Journal of Law, Environmental and Justice*, 1.3 (2023), 225–43 <<https://doi.org/10.62264/jlej.v1i3.17>>.

³⁵ Saralavandanam Sattenpalli and Surya Parkash, 'Landslides, Land Use Systems and Food Security', in *Landslide Science and Practice: Global Environmental Change*, 2013, IV, 151 – 161 <https://doi.org/10.1007/978-3-642-31337-0_20>.

³⁶ Margaret A. Goralski and Tay Keong Tan, 'Artificial Intelligence and Sustainable Development', *International Journal of Management Education*, 18.1 (2020) <<https://doi.org/10.1016/j.ijme.2019.100330>>.

³⁷ Astuti.

³⁸ Eric Rahmanul Hakim, 'Penegakan Hukum Lingkungan Indonesia Dalam Aspek Kepidanaan', *Media Keadilan: Jurnal Ilmu Hukum*, 11.1 (2020), 43 <<https://doi.org/10.31764/jmk.v11i1.1615>>.

The Precepts of Fair and Civilised Humanity embody fundamental principles of human conduct that should be considered in our everyday existence. In this specific case, among others, the situation can be characterised as follows: Recognition of each person's intrinsic value and rights, as well as their related obligations.³⁹ The practical application of this principle in daily life is demonstrated by expressing concern for the universal right to a favourable and healthy environment, the universal right to access environmental information related to their involvement in environmental decision-making, and the universal right to participate in environmental decision-making within the boundaries of relevant laws and regulations.⁴⁰ The community can adopt several measures to comply with this principle in this situation. They can control the level of air pollution to maintain the quality of the air we breathe. In addition, they can preserve the vegetation in the surrounding area and coordinate a greening campaign, among other actions. The norms of fair and civilised conduct are outlined in Law No. 23 of 1997, namely in Article 5, paragraphs (1) to (3); Article 6, paragraphs (1) to (2); and Article 7, paragraphs (1) to (2).

As per Article 5, paragraph (1) of the treaty, every person has the right to a fair and healthy environment. Paragraph (2) stipulates that individuals are entitled to environmental information relevant to their participation in environmental governance. Furthermore, paragraph (3) states that every individual is entitled to engage in environmental management activities in line with pertinent laws and regulations. Article 6, paragraph (1) requires individuals to maintain environmental functions and implement actions to prevent and mitigate environmental pollution and destruction. Paragraph (2) mandates that individuals involved in business or activities must furnish precise and honest details regarding their environmental management procedures. According to Article 7, paragraph (1), the community is provided an equal and comprehensive opportunity to engage in environmental management. Paragraph (2) confirms that the provisions specified in paragraph (1) are implemented by: Our goals are to foster independence, enable individuals to take control of their own lives, and promote cooperation within the community. We want to develop the community's ability to generate new ideas and take charge while encouraging community involvement in monitoring social issues. Additionally, we provide suggestions and contribute to discussions. Sharing information and/or documenting reports.

The Precept of Indonesian Unity incorporates the notion of national cohesion, highlighting the importance of considering specific attributes when handling issues about national unity: Indonesian unity pertains to the strong connection among the persons living inside the

³⁹ I Gede Yusa and Bagus Hermanto, 'Implementasi Green Constitution Di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan', *Jurnal Konstitusi*, 15.2 (2018), 306 <<https://doi.org/10.31078/jk1524>>.

⁴⁰ Sudharto P Hadi, Rizkiana S Hamdani, and Ali Roziqin, 'A Sustainability Review on the Indonesian Job Creation Law', *Heliyon*, 9.2 (2023), e13431 <<https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e13431>>.

physical borders of Indonesia, who must protect and enhance their affection and allegiance towards their nation (patriotism).⁴¹ Recognising the simultaneous existence of various ethnicities and national cultures and understanding their fundamental unity acts as a guiding concept in fostering national unity. This entails fostering a sentiment of fondness and admiration towards the country and the Indonesian government, also known as nationalism.⁴²

This idea is used in daily life by conducting an inventory of traditional values to guarantee efficient policy making and control of environmental development in the region. These principles should be enhanced through education, training, and supervision. Furthermore, it is crucial to advocate for traditional and religious principles that foster conscientious human conduct about preserving resources and safeguarding the environment.⁴³ There are specific locations where many people get teachings passed down through generations. These teachings highlight the significance of following ancestral values and avoiding activities prohibited by local norms. Engaging in the act of down particular trees without the approval of traditional authorities is categorically forbidden, just as partaking in the consumption of specific animals that carry significant importance within the community is also prohibited. The teachings of these predecessors indirectly contribute to the active conservation of nature and the environment in the region. Doesn't this already involve the incorporation of Pancasila into the daily lives of the relevant community?

The principle of democratic governance guided by sagacity in representative deliberation embraces the ideals of populism. It is essential to consider the following aspects in this scenario: improving the knowledge, fostering growth, and increasing the awareness and responsibility of decision makers in environmental management; increasing the awareness of the community about their rights and responsibilities in environmental management; and promoting and strengthening collaborations among communities, businesses, and governments to protect the environment's ability to sustain and support.⁴⁴

The Precept of Social Justice for All Indonesian People guarantees fair and equal treatment and opportunities for every individual in Indonesian society. When analysing this circumstance, it is crucial to consider multiple elements, including but not limited to the

⁴¹ Sonja Kivinen, 'Sustainable Post-Mining Land Use: Are Closed Metal Mines Abandoned or Re-Used Space?', *Sustainability (Switzerland)*, 9.10 (2017), 29–33 <<https://doi.org/10.3390/su9101705>>.

⁴² Diana Yusyanti, 'Aspek Perizinan Di Bidang Hukum Pertambangan Mineral Dan Batubara Pada Era Otonomi Daerah', *Jurnal Penelitian Hukum De Jure*, 16.3 (2016), 309–21.

⁴³ Markus Gastauer and others, 'Mine Land Rehabilitation in Brazil: Goals and Techniques in the Context of Legal Requirements', *Ambio*, 48.1 (2019), 74–88 <<https://doi.org/10.1007/s13280-018-1053-8>>.

⁴⁴ Rene Abcede and Weena Gera, 'Examining the Coherence of Legal Frameworks for Ecosystem Services toward Sustainable Mineral Development in the Association of Southeast Asian Nations', *Ecosystem Services*, 29 (2018), 228–39 <<https://doi.org/https://doi.org/10.1016/j.ecoser.2017.04.003>>.

following: The application of this principle is seen in the legal statutes that control environmental affairs. MPR Decree No. IV/MPR/1999 serves as an example by providing specific instructions for State Policy (GBHN), particularly in Section H, which pertains to regulating environmental management and utilising natural resources.

This MPR edict sets forth the following regulations: Ensuring the long-term and responsible management of natural resources while preserving their capacity to support human well-being for future generations. Improve the effectiveness of using natural resources and protecting the environment by adopting eco-friendly technologies to conserve, restore, and sustainably utilise these resources.⁴⁵ Efficiently decentralise the central government's authority to local governments to implement focused control over natural resources and environmental maintenance, guaranteeing adherence to legislative provisions to safeguard the integrity of the ecosystem. Optimising the utilisation of natural resources to enhance the well-being of individuals while simultaneously considering the imperative of conserving environmental processes and equilibrium, fostering sustainable progress, safeguarding the economic and cultural concerns of local communities, and adhering to regulatory guidelines for spatial planning.⁴⁶

The advancement of management at a national level plays a crucial role in promoting economic development by causing a transformation in the utilisation of natural resources and the environment. In addition to their primary role as suppliers of raw materials for industry, ecosystems also fulfil other essential tasks, such as offering recreational opportunities and serving as sinks for trash and harmful substances, frequently disposed of in untouched and picturesque locations. The economic system and management are intrinsically interconnected with utilising natural resources and the environmental impact in contemporary organisations. Unrestrained economic expansion, without considering the environment's capacity to handle waste and pollutants, presents a substantial peril to the survival of present and future generations.

Indonesian anti-slapp environmental court decisions' philosophical orientation.

Future environmental degradation will reduce productive capacity and directly impact human well-being by decreasing environmental quality. Implementing natural resource management guided by Pancasila principles is evident in improving Indonesia's agricultural

⁴⁵ Sekar Anggun Gading Pinilih, 'The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 30.1 (2018), 200 <<https://doi.org/10.22146/jmh.28684>>.

⁴⁶ Indah Dwi Qurbani, Ilham Dwi Rafiqi, and Ilham Dwi Rafiqi, 'Prospective Green Constitution in New and Renewable Energy Regulation', *Legality: Jurnal Ilmiah Hukum*, 30.1 (2022), 68–87 <<https://doi.org/10.22219/ljih.v30i1.18289>>.

production while prioritizing preserving natural resources.⁴⁷ This can be accomplished by implementing chemical fertilizers in limited amounts to mitigate soil degradation and water contamination, developing and utilizing insecticides that do not pollute the food chain, and avoiding any decrease in production capacity or other environmental concerns. Therefore, it is essential to effectively utilize natural resources to achieve self-sufficiency and ensure food production security.⁴⁸ This requires the practice of ethical principles established in Pancasila to manage these resources. Efficient management of natural resources requires the government and the local community to collaborate. The involvement of local communities or indigenous peoples is essential because of their profound understanding of the patterns that occur in the surrounding environment.

In order to better understand the patterns and aspects of the Pancasila ideology, Siswanto argues that the reality dimension can be seen as a representation of the ideals inherent in the ideology and actively present in society.⁴⁹ These principles are fundamental to Indonesian society and cannot be separated. Consequently, utilizing natural resources is intrinsically linked to the ethical values of society, as outlined by Pancasila. These two elements are interdependent and mutually reliant, similar to the two sides of a coin. Furthermore, the ideal dimension abstractly depicts the fundamental ideas and values incorporated inside an ideology. Upon close examination of Pancasila, it becomes apparent that the fifth principle strongly supports ensuring social justice for every individual in Indonesia. The Indonesian nation is committed to achieving social justice as its core concept. Concerning the significance of social justice for all Indonesians, the degree of support is almost equal and consistent. The third dimension, characterized by flexibility, refers to the ability to be sensitive and adaptable to the present expectations and needs. Pancasila, being an all-encompassing ideology, permits adaptable interpretations that correspond to the changing social dynamics of the current era. An outstanding characteristic of Pancasila is its capacity to adapt and react efficiently to changing conditions.⁵⁰

The management's utilization of the Pancasila worldview is essential for comprehending the procedures and principles involved in maintaining the balance observed in nature. MPR

⁴⁷ Rini Astuti and others, 'Making Illegality Visible: The Governance Dilemmas Created by Visualising Illegal Palm Oil Plantations in Central Kalimantan, Indonesia', *Land Use Policy*, 114 (2022), 105942 <<https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105942>>.

⁴⁸ Nur Aripkah, 'Persoalan Kriteria Batasan Pertanggungjawaban Pidana Korporasi: Tinjauan Terhadap Peraturan Mahkamah Agung Nomor 13 Tahun 2016', *Jurnal Hukum Ius Quia Iustum*, 27.2 (2020), 367–87 <<https://doi.org/10.20885/iustum.vol27.iss2.art8>>.

⁴⁹ Brian Z. Tamanaha, *A Realistic Theory of Law, A Realistic Theory of Law*, 2017 <<https://doi.org/10.1017/9781316979778>>.

⁵⁰ Lita Tyesta Addy Listya Wardhani, Muhammad Dzikirullah H. Noho, and Aga Natalis, 'The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems', *Cogent Social Sciences*, 8.1 (2022) <<https://doi.org/10.1080/23311886.2022.2104710>>.

Chairman Zulfikli Hasan asserts that Pancasila's impact is substantial. During the Barisan Patriot Bela Negara rally, he proclaimed that if all Indonesians wholeheartedly adopt Pancasila, Indonesia will undoubtedly attain the status of a developed nation. Unfortunately, most of us have abandoned Pancasila.⁵¹ Zulfikli reiterated that in case of a disagreement, Pancasila promotes deliberation to achieve a consensus. Pancasila mandates the provision of social justice in situations where persons encounter adversity, sickness, famine, or cannot access education. Zulkifli suggested that in order to advance, we should embrace Pancasila as our guiding principles, incorporating them into both our national and social behaviour daily. Indonesia is anticipated to surpass other nations by the divine will of Allah. The Indonesian populace has acknowledged the main features incorporated in Pancasila through concise communication. However, there needs to be more solidarity among individuals regarding their treatment of fellow humans, animals and plants, which is a significant obstacle to attaining this goal.⁵²

The Judge's conceptual approach to resolving anti-slapp issues is based on applying Pancasila justice, which encompasses the five fundamental principles of Pancasila. The Judge's verdict, which provides legal certainty, is essential in resolving court cases by establishing the accurate interpretation and application of the law.⁵³ Courts only partially depend on the law when making decisions. This is due to the possibility of encountering scenarios where the legal framework lacks explicit guidelines. Hence, judges are obligated to consider legal principles such as customary law and implicit regulations present in society.⁵⁴

Pancasila is Indonesia's fundamental ideology. Precept 1, which affirms "Belief in God Almighty," incorporates religious doctrines. When humans fully utilize the power granted to them by a supernatural entity, they must recognize that everything and every living being in their environment is a divine command that necessitates responsible caretaking. It is crucial to prioritize preserving the environment and preventing any harm while also considering the

⁵¹ Diya Ul Akmal, 'Penataan Peraturan Perundang-Undangan Sebagai Upaya Penguatan Sistem Hukum Di Indonesia', *Jurnal Legislasi Indonesia*, 18.3 (2021), 296 <<https://doi.org/10.54629/jli.v18i3.761>>.

⁵² E. Fernando M. Manullang, 'Mempertanyakan Pancasila Sebagai Grundnorm: Suatu Refleksi Kritis Dalam Perspektif Fondasionalisme', *Jurnal Hukum & Pembangunan*, 50.2 (2020), 284 <<https://doi.org/10.21143/jhp.vol50.no2.2584>>.

⁵³ Ira Alia Maerani, 'Implementasi Ide Keseimbangan Dalam Pembangunan Hukum Pidana Indonesia Berbasis Nilai-Nilai Pancasila', *Jurnal Pembaharuan Hukum*, 11.2 (2015), 329–38 <<http://jurnal.unissula.ac.id/index.php/PH/article/view/1364>>.

⁵⁴ Sekar Anggun Gading Pinilih, 'Aktualisasi Nilai-Nilai Pancasila Terhadap Hak Atas Kebebasan Beragama Dan Beribadah Di Indonesia', *Masalah-Masalah Hukum*, 47.1 (2018), 40 <<https://doi.org/10.14710/mmh.47.1.2018.40-46>>.

well-being of humans and other animals created by a higher power.⁵⁵ The ideals of a just and cultured society comprise essential human values that should be considered in our everyday existence. The application of this principle in daily life can be exemplified by respecting everyone's right to a favourable and healthy environment, everyone is suitable to access environmental information related to their involvement in environmental management, and everyone is suitable to participate in environmental management within the boundaries of relevant legal regulations, among other factors.⁵⁶

The Precept of Indonesian Unity embodies the concept of national solidarity, particularly regarding issues concerning national cohesiveness. This idea can be executed using several approaches, such as evaluating traditional values that must always be considered when creating legislation and overseeing environmental progress in different areas.⁵⁷ This can be achieved through educational and training programmes and through enlightening and counselling initiatives that promote the integration of traditional and religious values. These values, in turn, encourage responsible human behaviour towards conserving resources and protecting the environment. The premise of Democracy, led by the wisdom of representatives in their discussions, includes populist aspirations. Implementing this notion involves broadening and improving knowledge of the community's rights and responsibilities in environmental management.⁵⁸

Social justice in Indonesia is based on providing fair treatment and equal opportunity to all individuals, guaranteeing that every individual in Indonesian society is treated fairly and has the same chances for success. The Judge must uphold justice in accordance with the Torah-irah mentioned at the start of the ruling, which declares, "For the Sake of Justice Based on God Almighty".⁵⁹ The Judge's ruling seeks unbiased justice, recognizing the equitable rights and obligations of both parties implicated in the case. When issuing a decision, the

⁵⁵ Rocky Marbun, 'Grand Design Politik Hukum Pidana Dan Sistem Hukum Pidana Indonesia Berdasarkan Pancasila Dan Undang-Undang Dasar Negara Republik Indonesia 1945', *Padjadjaran Jurnal Ilmu Hukum*, 1.3 (2014), 558–77.

⁵⁶ Indra Rahmatullah and Dan Ika Atikah, 'Ilmu Hukum Berparadigma Pancasila Di Era Globalisasi: Sebuah Tantangan Liberalisasi Ekonomi Dan Teknologi', *Wajah Hukum*, 6.2 (2022), 386–400 <<https://doi.org/10.33087/wjh.v6i2.989>>.

⁵⁷ Sarip Arip Arip, 'Kemajemukan Visi Negara Hukum Pancasila Dalam Misi Hukum Negara Indonesia', *Refleksi Hukum: Jurnal Ilmu Hukum*, 2.2 (2018), 109–24 <<https://doi.org/10.24246/jrh.2018.v2.i2.p109-124>>.

⁵⁸ Laurence L. Delina, 'Indigenous Environmental Defenders and the Legacy of Macli-Ing Dulag: Anti-Dam Dissent, Assassinations, and Protests in the Making of Philippine Energyscape', *Energy Research and Social Science*, 65.September 2019 (2020), 101463 <<https://doi.org/10.1016/j.erss.2020.101463>>.

⁵⁹ Nugroho Agung Pambudi and Desita Kamila Ulfa, 'The Geothermal Energy Landscape in Indonesia: A Comprehensive 2023 Update on Power Generation, Policies, Risks, Phase and the Role of Education', *Renewable and Sustainable Energy Reviews*, 189 (2024), 114008 <<https://doi.org/https://doi.org/10.1016/j.rser.2023.114008>>.

Judge must comply with the existing regulations to guarantee that the verdict is in accordance with society's desired ideals of justice. The prevailing side possesses the prerogative to demand or acquire what they are lawfully entitled to, while the vanquished party is compelled to fulfil their obligations. In order to uphold justice, the Judge's decision in court must be by its primary goal, which is to guarantee fair opportunities for all parties participating in the legal proceedings. Justice is enhanced when resolving a lawsuit is accelerated, simplified, and cost-efficient, as any postponement in case settlement is a kind of injustice.⁶⁰

According to Article 24, paragraph (1) of the 1945 Constitution, judges must possess independence and be unaffected by external influences. It guarantees that the judiciary is a separate and autonomous body entrusted with dispensing justice and preserving the tenets of law and fairness. In a society that adheres strictly to the law, the judicial power is an institution that sets and enforces the fundamental and authoritative legal principles set down in statutes. The exercise of judicial power is manifested by the examination, assessment, and determination of the significance of particular human activities, as well as the evaluation of the importance of specific circumstances and the resolution of difficulties or conflicts in an impartial manner, employing the law as an objective criterion.

4. Conclusion

The findings indicate that there is a requirement to enhance the Anti-SLAPP system in Indonesia through the development and enforcement of rules, as well as the reinforcement of institutional capacity. In order to effectively enforce rules, it is imperative to develop clear and streamlined procedures to address SLAPP instances in compliance with the Anti-SLAPP requirements rapidly. It is necessary to specify the circumstances under which the Anti-SLAPP mechanism can be employed, whether it is during the pre-adjudication phase or at the commencement of court proceedings. The author advocates for the implementation of the Anti-SLAPP mechanism in the criminal justice process, namely at the pre-adjudication stage, to mitigate the prolonged coercion endured by victims of SLAPP. In order to streamline this arrangement, the Anti-SLAPP procedural provisions in the criminal domain could make use of either the pre-trial mechanism outlined in KUHAP or the Preliminary Examining Judge (HPP) to conduct efficient and concise Anti-SLAPP procedures before the judicial process begins. Moreover, the judge's decision in each Anti-SLAPP case should be impartial and uninfluenced by extraneous factors. This guarantees the independence and self-governance of the judiciary, which is responsible for dispensing justice and upholding the norms of legality and fairness. In a society that adheres to the law, the judicial power is the entity

⁶⁰ Ida Aju Pradnja Resosudarmo, Luca Tacconi, and Efendi Agus Waluyo, 'Enforcement and Compliance with the No-Burning Policy on Villagers in Indonesia', *Forest Policy and Economics*, 151 (2023), 102968 <<https://doi.org/https://doi.org/10.1016/j.forpol.2023.102968>>.

responsible for establishing and enforcing the fundamental and authoritative legal principles outlined in legislation. The exercise of judicial power involves the analysis, evaluation, and resolution of specific human actions, as well as the assessment of relevant circumstances and the resolution of conflicts in a fair and unbiased manner based on the law as an objective standard.

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