

Climate Change Litigation in the Anthropocene Era: Urgency and Challenges

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ABSTRACT

Human activities have caused changes in Earth's systems, indicating that the planet has entered the Anthropocene era. One of the environmental issues arising in this era is climate change. The judiciary plays a crucial role in addressing this issue through climate change litigation mechanisms. This research aims to analyze the urgency of climate change litigation in the Anthropocene era and to examine the prospects and challenges of climate change litigation in Indonesia. The research method used in this article is doctrinal legal research. The findings of this study indicate that climate change litigation in the Anthropocene era holds urgency and significance. The active role of the judiciary is essential given the fact that other branches of power are less effective in handling climate change issues. In Indonesia, effective climate change litigation has occurred in cases related to illegal logging and peatland fires as well as one case related to a lawsuit against an environmental permit. However, these successes demonstrate that there are prospects for climate change litigation in Indonesia in the future. Challenges for climate change litigation in Indonesia include: first, when climate change is strictly framed as a primary issue in lawsuits, there are barriers in proving causality. Second, when litigation uses human rights arguments, based on existing practices, human rights-based claims in climate change litigation are still difficult to accept, and human rights considerations are often overlooked by the judges. Finally, there are challenges in constructing national legal norms as well as existing international law related to climate change, both for plaintiffs and the judiciary.

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PRELIMINARY

Human actions have triggered one of the most serious environmental issues: climate change. In simple terms, this problem refers to long-term changes in temperature and weather patterns. These changes can naturally occur due to solar activity or significant volcanic eruptions. However, since the 1800s, human activities, particularly the use of fossil fuels, have been the primary drivers of climate change.¹ The consequence of this activity is

¹ United Nations, "What Is Climate Change?" (United Nations, 2024), <https://www.un.org/en/climatechange/what-is-climate-change>.

an increase in the Earth's surface temperature (global warming), triggered by the rise in the concentration of Greenhouse Gases (GHGs) in the atmosphere. An excessively high concentration of GHGs poses a problem for humanity, as the Earth's surface temperature becomes increasingly hotter. The most rapid increase in GHG concentration occurred after the Industrial Revolution.²

In general, changes in the Earth's system caused by human activities can be explained by referring to the views of experts who argue that the Earth has now entered a new geological epoch called the Anthropocene. Humans have caused changes that are not only on a national or global scale but have also impacted the planetary scale, affecting the Earth's system and geology, Earth's composition, climate patterns, as well as the surface of the Earth and the oceans.³ The occurrence of climate change as one of its impacts indicates that there is a significant challenge to environmental law and necessitates its reconstruction to provide protection against these large-scale negative effects.⁴

Despite the establishment of various legal instruments at both national and international levels, there are still numerous issues related to climate change experienced by communities. The National Disaster Management Agency recorded that in the past 10 years, there have been 28,471 weather- and climate-related disasters. According to available data, 38,533,892 people have suffered, over 12,000 people have died, gone missing, or been injured, and more than 3.5 million people have been displaced. There are also indications of the Indonesian government's failure in climate change mitigation and adaptation, evidenced by public complaints related to climate change submitted to the National Human Rights Commission in 2022. Complainants argued that existing climate actions are not substantial as emission reduction targets are still weak, there are issues of maladaptation, and there is a lack of synchronization between emission reduction policies and fossil energy use policies.⁵ Communities living in coastal areas are also highly vulnerable to the socio-ecological impacts of climate change. Furthermore, there are still barriers for them in utilizing procedural rights to voice their interests. This ultimately leads to the creation of environmental injustice.⁶

One alternative to encourage the state to engage in climate change adaptation and mitigation is the mechanism of climate change litigation. It should be emphasized that there is no single definition of climate change litigation.⁷ Climate change litigation practices have emerged in various countries. There are at least 2,341 recorded cases of climate change litigation in the Sabin Center for Climate Change Law database, 120 of which occurred between June 2022 and May 2023.⁸ Given that climate change in the Anthropocene era poses dangerous impacts on human life, the role of courts as a means of delivering justice to communities within the framework of climate change litigation is urgent to examine. Additionally, courts are also expected to contribute to supporting climate change mitigation and adaptation efforts in Indonesia through their rulings.

² Laode M Syarif and Andri G Wibisana, *Hukum Lingkungan: Teori, Legislasi, dan Studi Kasus* (Jakarta: Kemitraan Partnerhip, 2015), p. 420.

³ Agung Wardana, "A Quest for Agency in the Anthropocene: Law and Environmental Movements in Southeast Asia," *Review of European, Comparative & International Environmental Law* 32, no. 1 (April 2023): p. 57, <https://doi.org/10.1111/reel.12467>.

⁴ Nicholas A. Robinson, "Fundamental Principles of Law for the Anthropocene?," *Environmental Policy and Law* 44, no. 1-2 (2014): p. 13.

⁵ ICEL, 2023, *Kertas Posisi: Koalisi Keadilan Iklim Mendesak Negara Segera Menyusun UU Keadilan Iklim*, p. 5. <https://icel.or.id/id-id/kerja-kami/publikasi/kertas-kebijakan/v/koalisi-keadilan-iklim-mendesak-negara-segera-menyusun-uu-keadilan-iklim>

⁶ Muhamad Agil Aufa Afinnas, "Problematisasi Ketidakadilan Lingkungan dalam Pengelolaan Wilayah Pesisir di Indonesia," *Mimbar Hukum* 35, no. 1 (27 Juni 2023): pp. 11-3.

⁷ Jacqueline Peel and Hari M Osofsky, "Climate Change Litigation: Lessons and Pathways," *Judicial Commission of NSW* 29, no. 11 (2017): p. 100.

⁸ Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2023 Snapshot* (London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, 2023), p. 2.

The research will focus on answering the questions of how urgent climate change litigation is in the Anthropocene era and what the prospects and challenges of climate change litigation in Indonesia are. To answer these research questions, following this section and the research methodology, the discussion section will contain three sub-chapters: a brief review of the concept of climate change litigation, the urgency of climate change litigation in the Anthropocene era, and the prospects and challenges of climate change litigation in Indonesia. The final section will contain the conclusion.

METHOD

This research is doctrinal legal research.⁹ The approaches used in this study are the conceptual approach and case study. The data used in this research is secondary data, specifically court decisions related to climate change litigation, both in Indonesia and another country, as well as legal literature discussing climate change litigation. This data was collected through a literature study. The data collected during the research will be analyzed qualitatively, and the results of the analysis will be presented in textual descriptions.

RESULT AND DISCUSSION

A Brief Review of the Concept of Climate Change Litigation

There are various expert views on the concept and definition of climate change litigation. This is understandable, given that climate change litigation is an emerging phenomenon in many countries around the world. One definition of climate change litigation by Markell & Ruhl is, "*climate change litigation as any piece of federal, state, tribal, or local administrative or judicial litigation in which the party filings or tribunal decisions directly and expressly raise an issue of fact or law regarding the substance or policy of climate change causes and impacts.*"¹⁰ Additionally, Hilson provides a definition stating that, from the broadest perspective, all types of litigation can be categorized as climate change litigation, as climate change fundamentally results from human daily activities.¹¹

Another concept is provided by Peel & Osofsky. According to them, climate change litigation does not always place climate change issues as the basis for the lawsuit or the main argument. Furthermore, they conceptualize climate change litigation within a concentric circle as follows:

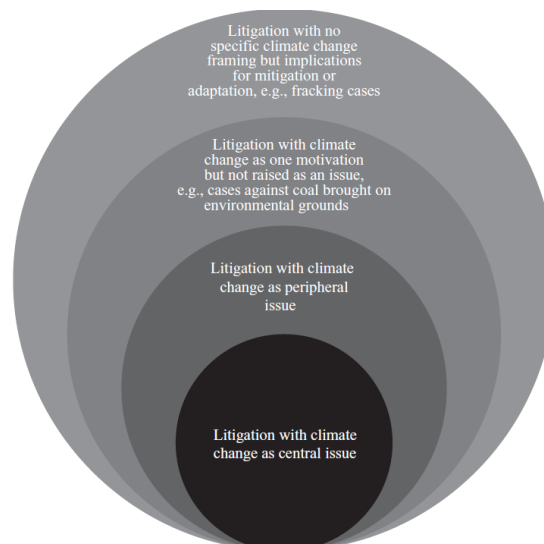


Figure 1. Concept of Climate Change Litigation (Peel & Osofsky, 2015)

⁹ Soetandyo Wignjosebroto, *Ragam-ragam Penelitian Hukum*. In Sulistyowati Irianto and Shidarta, ed., *Metode Penelitian Hukum: Konstelasi dan Refleksi*, Ed. 1 (Jakarta: Yayasan Obor Indonesia, 2009), p. 121.

¹⁰ David Markell and J.B. Ruhl, "An Empirical Survey of Climate Change Litigation in the United States," *Environmental Law Reporter* 40 (2010): p. 10647.

¹¹ Jiangfeng Li, "Climate Change Litigation: A Promising Pathway to Climate Justice in China?," *Virginia Environmental Law Journal* 37, no. 2 (2019): p. 135.

Based on the figure above, the smallest circle represents the concept of climate change litigation where climate change is the primary issue. This circle is the core part of the concept of climate change litigation. Beyond the core, there is litigation that uses climate change as an issue but does not make it the main issue, rather it is a peripheral issue. In this case, climate change is presented alongside other issues. In the next layer, climate change is only a motivation and is not explicitly addressed in the claims. Finally, in the outermost layer, climate change is not addressed at all, but the litigation has an impact on climate change mitigation and adaptation efforts.¹²

There is also the concept of strategic climate litigation, which is divided into two categories: *strategic public climate litigation* and *strategic private climate litigation*. Strategic public climate litigation aims to influence public policy or decisions with implications for climate change, while strategic private climate litigation targets private legal subjects as defendants and seeks to influence corporate behavior in relation to climate change.¹³ This explanation also relates to climate change litigation practices in the United States and Australia, which directly intersect with efforts to mitigate and adapt to climate change. In these cases, there are two types based on the objectives of the plaintiffs: *proactive litigation*, where plaintiffs aim to promote climate change regulations, and *antiregulatory litigation*, where plaintiffs oppose existing regulations as well as those being developed.¹⁴

Furthermore, based on climate change litigation practices in various countries, there is also human rights-based climate change litigation, which either places human rights as the main issue or as an additional issue. Cases that place human rights as the main issue use human rights as the basis for the lawsuit, while cases that treat human rights as an additional issue do not make human rights the basis for the lawsuit, even though it is explicitly mentioned.¹⁵ Moreover, in practice, there are cases that directly address human rights, as well as cases that do not explicitly mention human rights terminology but still have a significant impact on the protection of those rights.¹⁶

One case that uses human rights in climate change litigation is *Future Generations v. Ministry of Environment Colombia and Others*. In this case, twenty-five young people sued the Colombian government and three companies operating in the Amazon rainforest, which caused deforestation in the area.¹⁷ With the deforestation, the plaintiffs claim that the Colombian government has breached its obligations. They argue that deforestation in the Amazon region causes climate change, threatening the right to a healthy environment, the right to life, the right to health, the right to food, and the right to water. These rights are enshrined in the Colombian Constitution and international human rights instruments ratified by Colombia. Intergenerational justice is also addressed in this case.¹⁸

Initially, the litigation was deemed inadmissible due to procedural reasons. However, the Supreme Court eventually overturned the lower court's decision and accepted the plaintiffs' claims, stating that the increase in temperature due to greenhouse gas emissions

¹² Jacqueline Peel and Hari M. Osofsky, *Climate Change Litigation: Regulatory Pathways to Cleaner Energy*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2015), pp. 8-9.

¹³ Geetanjali Ganguly, Joana Setzer, and Veerle Heyvaert, "If at First You Don't Succeed: Suing Corporations for Climate Change," *Oxford Journal of Legal Studies* 38, no. 4, (2018): pp. 843-44, <https://doi.org/10.1093/ojls/gqy029>.

¹⁴ Peel dan Osofsky, *Climate Change Litigation*, p. 5.

¹⁵ Fairuziah Putri Adristi, Graciella Annette, and Saffanah Rezky Azzahrah Andrian, "Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia," *Jurnal Hukum Lingkungan Indonesia* 9, no. 2 (2023): p. 216, <https://doi.org/10.38011/jhli.v9i2.544>.

¹⁶ Marilyn Averill, "Linking Climate Litigation and Human Rights," *Review of European, Comparative & International Environmental Law* 18, no. 2 (2009): p. 143.

¹⁷ UNEP, "Future Generations vs. Ministry of Environment and Others," 2018, <https://leap.unep.org/en/countries/co/national-case-law/future-generations-vs-ministry-environment-and-others>.

¹⁸ Annalisa Savaresi and Juan Auz, "Climate Change Litigation and Human Rights: Pushing the Boundaries," *Climate Law* 9, no. 3 (26 Juni 2019): pp. 251-2, <https://doi.org/10.1163/18786561-00903006>.

from deforestation in the Amazon violated the human rights of future generations. Additionally, the court recognized that the Amazon rainforest is a subject of rights. Thus, in 2018, the Colombian Supreme Court issued a landmark ruling acknowledging the link between deforestation, climate change, and the violation of human rights for both current and future generations. It is also noteworthy that the court based its decision not only on national law but also on international law (International Covenant on Economic, Social and Cultural Rights, Stockholm and Rio Declarations, and the Paris Agreement). The court ordered the Colombian government to take action to address deforestation in the Amazon and required the government to involve the plaintiffs in decision-making processes related to the issue.¹⁹

The Urgency of Climate Change Litigation in the Anthropocene Era

In the introduction chapter, it was mentioned that human activities have caused changes in the Earth's system. This indicates that the planet Earth has entered a new geological epoch known as the Anthropocene. In this era, changes caused by human activities have reached a planetary scale. The Anthropocene began around the 1800s, marked by the start of industrialization. Its main feature is the massive expansion in the use of fossil fuels. The term Anthropocene signifies that Earth has now moved beyond its natural geological epoch, the Holocene. Human activities have become so extensive and profound that they rival the forces of nature. The Earth is rapidly moving towards conditions of reduced biodiversity, fewer forests, higher temperatures, and increased storm intensity.²⁰

One of the environmental issues in the Anthropocene era is the climate crisis. Currently, countries around the world are grappling with the challenge of addressing climate change, which is the greatest threat to collective survival ever posed by humanity. Without radical and swift transformations in energy, food, transportation, manufacturing, and other key systems supporting human development, the world will soon reach levels of greenhouse gas concentrations in the atmosphere not seen since previous mass extinction events. To address this issue, synergy among all parties is essential, including the courts.²¹

Indonesia is one of the countries that is, inevitably, vulnerable to the impacts of climate change. The judiciary in Indonesia plays a crucial role in addressing the climate crisis. In this context, climate change litigation is one of the tools that courts can use in fulfilling their role. Currently, many judges around the world have courageously concluded that governments have failed to protect their citizens from the growing dangers posed by climate change.²² Climate change litigation also plays a crucial role in addressing the shortcomings of other branches of government if they are deemed to have failed in their obligations regarding climate change mitigation and adaptation. Therefore, considering that in the Anthropocene era human actions have caused extensive environmental damage and issues, the judiciary as the last line of defense has a very vital role. In other words, there is a demand to enhance the effectiveness of climate change litigation in Indonesia.

Prospects and Challenges of Climate Change Litigation in Indonesia

Before analyzing the prospects and challenges of climate change litigation in Indonesia, a brief overview of some existing climate change litigation practices in Indonesia will be provided. Wibisana & Cornelius classify climate change litigation in Indonesia into three types: lawsuits against the government for failing to meet climate-related obligations; lawsuits due to the failure of an Environmental Impact Assessment (Amdal) document to

¹⁹ Savaresi and Auz, pp. 252-3.

²⁰ Will Steffen, Paul J. Crutzen, and John R. McNeill, "The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?," *Ambio* 36, no. 8 (2007): p. 614.

²¹ Joshua Ulan Galperin and Douglas A. Kysar. *Uncommon Law: Judging in the Anthropocene*. In Jolene Lin and Douglas A. Kysar, ed., *Climate Change Litigation in the Asia Pasific* (Cambridge: Cambridge University Press, 2020), pp. 16-7.

²² Robert V. Percival, "The 'Greening' of The Global Judiciary," *Journal of Land Use & Environmental Law* 32, no. 2 (2017): p. 345.

account for potential climate-related impacts; and lawsuits related to cases of illegal logging and peatland fires.²³

An example of the first type is the citizen lawsuit filed by Komari along with 19 residents of Samarinda against the Central Government, et al. The plaintiffs claim that they represent the public interest in obtaining a good and healthy environment. They also allege that the defendants have committed unlawful acts by failing to meet their legal obligations as stipulated by law, specifically concerning Indonesia's and the Samarinda City Government's commitment to reducing greenhouse gas emissions contributing to climate change (such as the issuance of coal mining permits and the lack of effective government programs for climate change adaptation and mitigation in Samarinda). Given these facts, the plaintiffs claim that there has been harm due to climate change, including a decline in environmental quality in Samarinda, and a loss in terms of basic rights, including the right to a good and healthy environment, the right to life and livelihood, and other rights guaranteed by human rights laws and Article 65 (1) of the Environmental Protection and Management Law (UU PPLH).²⁴ The plaintiffs succeeded at both the first instance and the appeal level, but the Supreme Court overturned the previous decisions at the cassation level. According to the concept by Peel & Osofsky, this case actually falls into the first layer, where climate change is raised as the central issue.

Next, the second type of case is exemplified by the Decision of the Denpasar Administrative Court No. 2/G/LH/2018/PTUN.DPS. This case can be considered the first in Indonesia to incorporate climate change issues into a lawsuit against an Environmental Impact Assessment (AMDAL). In this case, a lawsuit was filed by a group of citizens and Greenpeace Indonesia against the environmental permit issued by the Governor of Bali for the Celukan Bawang coal-fired power plant. The plaintiffs claimed that there was no public participation and that the AMDAL was inadequate, and that the AMDAL was prepared without considering the potential greenhouse gas emissions from the project. The plaintiffs lost the case at the first instance, the appeal, and the cassation level.²⁵ This case can be categorized into the second layer according to Peel & Osofsky's concept, where climate change issues are addressed alongside other issues, specifically related to permitting.

Still related to climate change litigation in Environmental Impact Assessment (EIA) lawsuits, there are also important lessons to be learned from the case in Decision Number 52/G/LH/2022/PTUN.Bdg. In that case, WALHI, as the plaintiff, challenged the issuance of the environmental permit for the construction of the Tanjung Jati A Power Plant and its supporting facilities in Cirebon Regency. The defendant in this case was the Head of the Investment and One-Stop Integrated Services Agency (DPMPTSP) of West Java Province. A key aspect of this case was the plaintiff's claim that the EIA document did not include considerations and calculations of CO² emissions per year, as well as over its thirty-year operation. The plaintiff also argued about Indonesia's vulnerability to the impacts of climate change and the ratification of international legal instruments on climate change by Indonesia.²⁶ One of the important considerations by the court in this case was the obligation to include climate change analysis in the preparation of the EIA. The court ultimately ruled in favor of the plaintiff and annulled the environmental permit. In its considerations, the court not only applied the formal provisions, typically used in administrative disputes, but also was able to interpret environmental legal principles, namely the precautionary principle and sustainable development.²⁷

Next, an example of the third type of case is the *KLHK (Ministry of Environment and Forestry) vs. PT Merbau Pelalawan Lestari*. In this case, the government alleged that the

²³ Andri G. Wibisana and Conrado M. Cornelius. *Climate Change Litigation in Indonesia*. In Lin and Kysar, *Climate Change Litigation in the Asia Pasific*, p. 234.

²⁴ Court of Appeal Decision Samarinda High Court No. 138/PDT/2015/PT.SMR, pp. 1-6.

²⁵ Andri Gunawan Wibisana and Fajri Fadhillah, "Buka Siapa Sambelin Injin: Komentar Atas Putusan Tentang Izin Lingkungan PLTU Celukan Bawang," *Jurnal Hukum & Pembangunan* 52, no. 1 (2022): pp. 254-5.

²⁶ Bandung Administrative Court Decision Number 52/G/LH/2022/PTUN.Bdg, pp. 20-7.

²⁷ Bandung Administrative Court Decision Number 52/G/LH/2022/PTUN.Bdg, pp. 191-4.

company had engaged in illegal logging, which resulted in various environmental damages and economic losses, including losses from carbon emissions. The government requested the court to declare the defendant guilty of unlawful acts, specifically illegal logging, and to order the defendant to pay compensation amounting to IDR 16.2 trillion. At the first instance and appellate levels, the defendant was victorious. However, the Supreme Court at the cassation level overturned the previous decisions and declared the defendant clearly guilty of unlawful acts related to illegal logging outside its concession area, and ordered the defendant to pay the compensation as requested by the government.²⁸ Although climate change was not raised as the main issue in this case, according to Peel & Osofsky's concept, this case can be categorized into the third layer.

When observing the practice in Indonesia, climate change litigation is no longer unfamiliar. However, based on the cases above, successful climate change litigation is limited to the third type and one case related to an Environmental Impact Assessment (EIA) lawsuit (Environmental Permit for Tanjung Jati A Power Plant). Nevertheless, any success in climate change litigation should be appreciated, as it demonstrates that the judiciary, as the last line of defense in addressing climate change issues, has made efforts to play its role effectively. With these examples of success, there is potential for climate change litigation to develop further in Indonesia.

Nevertheless, it is important to note that there are still challenges for climate change litigation in Indonesia. First, when strictly placing climate change as the main issue of the lawsuit and using negligence as the basis for liability, plaintiffs face difficulties in proving that the defendant's actions have contributed to climate change. Additionally, plaintiffs will also struggle to establish a causal link between the harm suffered and the defendant's activities. This potential difficulty in proving causation will also be encountered by plaintiffs when using strict liability as the basis for liability.²⁹

Second, when using human rights arguments, based on existing practices, human rights issues are still often treated as peripheral. Furthermore, climate change litigation based on human rights is still difficult to accept, and human rights considerations are often insufficiently addressed by judges.³⁰ It is also important to emphasize that when human rights claims are used in climate change litigation, the following considerations should be made: first, a clear link between human rights and climate change (e.g., the right to life) must be established; second, decisions impacting climate change should be deemed inconsistent with human rights protection; and third, to bring a human rights claim related to specific violations, there must be other legal actions that can serve as the basis for the claim.³¹

Lastly, there are challenges regarding the ability and willingness of the courts to go further, especially in constructing both national and international legal norms when handling climate change cases. This also applies to plaintiffs when preparing their lawsuits. Considering both national and international legal instruments is crucial for making climate change litigation more effective. As seen in the case of *Future Generations v. Ministry of Environment Columbia* and others discussed earlier, the arguments in that case were not solely based on national legal instruments (Colombian constitution) but also included the International Covenant on Economic, Social and Cultural Rights, the Stockholm Declaration, the Rio Declaration, and the Paris Agreement.

The inclusion of climate change issues in litigation plays a crucial role in climate governance. First, climate change litigation can drive changes in the behavior of both governments and companies, and can influence public perception of climate change as an

²⁸ Wibisana and Cornelius, p. 242.

²⁹ Zefanya Albrena Sembiring and Audi Gusti Baihaqie, "Litigasi Perubahan Iklim Privat di Indonesia: Prospek dan Permasalahannya," *Jurnal Hukum Lingkungan Indonesia* 7, no. 1 (22 Desember 2020): pp. 134-6, <https://doi.org/10.38011/jhli.v7i1.215>.

³⁰ Adristi, Annette, and Andrian, "Posisi Hak Asasi Manusia sebagai Dasar Gugatan dalam Litigasi Perubahan Iklim Indonesia," pp. 230-1.

³¹ Justine Bell-James and Briana Collins, "Queensland's Human Rights Act: A New Frontier for Australian Climate Change Litigation?," *University of New South Wales Law Journal* 43, no. 1 (2020): p. 15.

urgent issue. Second, it can address gaps in existing legal regulations. Third, climate change litigation can also encourage government decision-making on both large and small scales, taking climate change into account.³² Moreover, climate change litigation in Indonesia holds significant potential, considering that Indonesia is one of the largest greenhouse gas emitters and the government's legal and political approach to addressing the climate crisis has not been consistent.

CLOSING

Based on the above discussion, it can be concluded that climate change litigation in the Anthropocene era holds urgency and significance. Amid numerous environmental issues caused by human activities, an active role from the judiciary in supporting climate change mitigation and adaptation efforts is crucial, especially given that other branches of power have been less effective in addressing climate change issues. The judiciary, as the last line of defense, is tasked with ensuring environmental sustainability and justice. In Indonesia, there have been practices of climate change litigation. Among these cases, effective climate change litigation has only occurred in cases related to illegal logging and peatland fires and one case related to an Environmental Impact Assessment (EIA) lawsuit (Environmental Permit for Tanjung Jati A Power Plant).

Although there are instances of climate change litigation that can be considered effective and successful, several challenges remain for climate change litigation in Indonesia. First, when climate change is strictly framed as the main issue of a lawsuit, there are obstacles related to proving causation. Second, when such litigation relies on human rights arguments, based on current practices, human rights-based claims in climate change litigation are still difficult to accept, and human rights considerations are often overlooked by judges. Finally, there are challenges in efforts to construct both national and international legal norms related to climate change, for both plaintiffs and the courts.

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³² Hari M Osofsky, "The Continuing Importance of Climate Change Litigation," *Climate Law* 1 (2010): p. 5.

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