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Judicial Paradigm Clash: Comparative Analysis of the Application of the Anti-SLAPP Doctrine in the Protection of Environmental Activists

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ABSTRACT

The criminalization of environmental activists utilizing social media through Law Number 11 of 2008 has become a serious threat to public participation, demonstrably triggering inconsistencies in law enforcement. This research focuses on a critical analysis of the decisional disparity in the case of environmental activist Daniel Frits. Decision Number 14/Pid.Sus/2024/PN Jpa issued a criminal conviction, which was subsequently annulled entirely by Decision Number 374/Pid.Sus/2024/PT Smg, dismissing all charges against the defendant. Using a normative legal research method that integrates a statute approach and a case approach, this study performs an in-depth deconstruction and comparison of the legal reasoning (ratio decidendi) of both decisions. The results indicate that this decisional disparity stems from a fundamental clash between two conflicting judicial paradigms. The formalistic-positivistic paradigm adopted by the lower court was proven to have failed in applying the Anti-SLAPP doctrine. Conversely, the progressive-substantive paradigm embraced by the appellate court correctly affirmed the supremacy of activist immunity by applying Article 66 of Law Number 32 of 2009 as a justification defense, which nullified the criminal nature of the act. This finding indicates a fragility in the legal certainty for environmental activists, which is highly dependent on judges' insight and courage. Therefore, it is necessary to formulate an ideal legal protection framework that does not merely rely on normative strength. This formulation also demands harmonization through the strengthening of institutional capacity and a cultural shift in law enforcement toward a greater orientation on substantive and ecological justice.

Keywords: *Anti-SLAPP; Decisional Disparity; Environmental Activists; Freedom of Expression; Progressive Law.*

INTRODUCTION

The phenomenon of criminalizing public participation through digital legal instruments has become a fundamental challenge to democracy and the protection of human rights in Indonesia. Specifically, Law Number 11 of 2008¹, along with its amendments, is often interpreted extensively and used as a tool to silence critical voices under the pretext of enforcing laws against hate speech or disinformation (Valerie, 2025). Reports from various civil society organizations consistently show a worrying trend. Amnesty International Indonesia recorded at least 316 cases of criminalization using this Law between 2019 and 2022 (Sadya, 2022). These cases have affected various professions, from journalists and academics to ordinary citizens. Iconic cases, such as those experienced by Baiq Nuril and Gencar Jarot, as well as other cases involving critical citizens, have set precedents. It demonstrates how vulnerable citizens are when exercising their right to freedom of expression in the digital space. The intent to reveal the truth has paradoxically led to criminal liability (Wiguna, 2021; ICJR, 2023; Bimoribowo & Azis, 2025).

This vulnerability becomes increasingly complex and multi-layered when it intersects with crucial issues, such as environmental advocacy. Activists at the forefront of the struggle against ecological destruction often find themselves in confrontation with influential stakeholders. These stakeholders frequently use legal

¹Law Number 11 of 2008, as amended several times, lastly by Law Number 1 of 2024.

instruments to launch strategic counterattacks, known as Strategic Lawsuits Against Public Participation (SLAPPs). This SLAPP practice becomes an irony within a rule-of-law system. A mechanism intended to seek justice is instead repurposed to intimidate, drain resources, and ultimately halt legitimate public participation (Pring & Canan, 1996). The implications of this practice are profoundly damaging, as SLAPP not only silences one individual but also creates a chilling effect in the broader public, discouraging them from speaking out. Consequently, environmental activists face a serious juridical dilemma. On the one hand, they possess the constitutional right to speak out; on the other hand, they face criminal charges under Law Number 11 of 2008.

This problematic issue reached its culmination in the case involving environmental activist Daniel Frits. His persistent struggle against alleged environmental pollution from illegal shrimp ponds in Karimunjawa National Park was expressed on social media. Unfortunately, this led to a long and arduous criminal legal process. The culmination of this process was the Panel of Judges of the Jepara District Court issuing a guilty verdict in Decision Number 14/Pid.Sus/2024/PN Jpa. This decision immediately triggered widespread public and academic debate. The ruling was seen as a failure of the judicial system to protect a citizen fighting for the right to a good, healthy environment. This right is fundamentally guaranteed by Article 28H section (1) of the 1945 Constitution.

The juridical anomaly in this case became sharper when Decision Number 14/Pid.Sus/2024/PN Jpa was confronted with the prevailing legal framework for environmental protection. Specifically, the decision appeared to disregard the immunity doctrine for environmental activists, as explicitly stipulated in Article 66 of Law Number 32 of 2009². This provision functions as an anti-SLAPP mechanism, stating that any person fighting for the right to a good and healthy environment cannot be criminally prosecuted or civilly sued. The disregard for this crucial norm, which has a special-law status (*lex specialis*), raises fundamental questions about law enforcement officials' understanding, alignment, and even their courage. It is evident in their application of ecological justice principles amidst pressure from other interests.

This issue grew more complex with significant legal developments at the appellate level. The Panel of Judges of the Semarang High Court, through Decision Number 374/Pid.Sus/2024/PT Smg completely annulled the lower court's decision. The Panel also acquitted Daniel Frits of all charges. The existence of two contradictory decisions in the same case created a striking disparity of sentences. This phenomenon not only demonstrates inconsistency in legal application but also reveals a profound clash of paradigms among the judges. This clash arose in the interpretation and application of the Anti-SLAPP doctrine in light of Law Number 11 of 2008.

²Law Number 32 of 2009, as amended by Article 22 of Government Regulation in Lieu of Law Number 2 of 2022.

The research gap this study seeks to fill is an in-depth comparative analysis of the disparity between these two decisions. Several previous studies have highlighted the Daniel Frits case from various perspectives. [Azmi and Nurhilmayah \(2024\)](#) and [Nurlaili and Prayoga \(2024\)](#) have discussed this case from the viewpoints of activist vulnerability and freedom of opinion. Meanwhile, [Missleini and Fatmawati \(2025\)](#) analyzed it as an inadequate implementation of the Anti-SLAPP policy. However, no research has yet specifically deconstructed and compared the legal reasoning (*ratio decidendi*) of these two contradictory decisions. It is done to dissect the root of the paradigmatic differences between them. This analysis is crucial, especially following the appellate decision that completely altered the case's legal landscape ([Situmorang et al., 2025](#)). This research will fill this void by positioning both decisions as the primary objects of study.

The novelty offered in this research lies in three main aspects. *First*, it comparatively dissects Decision Number 14/Pid.Sus/2024/PN Jpa and Decision Number 374/Pid.Sus/2024/PT Smg, making it the most current and relevant study responding to recent legal dynamics. *Second*, the research also deeply analyzes how the Anti-SLAPP doctrine should ideally be operationalized within the judicial system. This analysis refers to the technical guidelines in Supreme Court Regulation Number 1 of 2023 and Ministerial Regulation Number 10 of 2024, as a newer legal protection framework. *Third*, this analysis will be situated within a broader discussion of the clash between the formalistic-positivist and progressive-substantive legal paradigms. It represents an ongoing intellectual discourse within the Indonesian criminal justice system.

Based on the background, problem identification, and novelty described, this research has two primary objectives. *First*, it aims to analyze the disparity between Decision Number 14/Pid.Sus/2024/PN Jpa and Decision Number 374/Pid.Sus/2024/PT Smg, in order to identify the root of the judicial paradigm difference in applying the Anti-SLAPP doctrine. *Second*, it aims to formulate an ideal legal protection framework for environmental activists in the digital space. This is achieved by harmonizing guarantees of freedom of expression with the effective implementation of Anti-SLAPP mechanisms. The practical benefit of this research is to provide input and policy recommendations to stakeholders, especially the Supreme Court, the Attorney General, and the Indonesian National Police. It aims to build a uniform and progressive understanding of handling cases involving public participation. The goal is to prevent the recurrence of improper criminalization.

METHOD

This research utilizes a normative legal research methodology. It is also known as doctrinal or library-based legal research. This choice is based on the study's

primary focus: analyzing and interpreting legal norms, court decisions, and relevant legal doctrines (Qamar & Rezah, 2020). The object of study in this research is law in books and judicial products, rather than law in action (social phenomena). This approach is deemed most appropriate for dissecting the disparity between the two court decisions and formulating an ideal legal protection framework. This constitutes the core objective of this research. Its doctrinal nature permits an in-depth analysis of the logic and legal reasoning employed by the judges.

To comprehensively address the research questions, this study simultaneously integrates two primary approaches. *First*, the statute approach is used to systematically examine and analyze the hierarchy and synchronization of relevant laws and regulations. This approach will dissect the norms contained within the 1945 Constitution, Law Number 11 of 2008, Law Number 32 of 2009, Supreme Court Regulation Number 1 of 2023, and Ministerial Regulation Number 10 of 2024. The objective is to map the normative landscape that should guide judges thoroughly and to identify potential conflicts or harmony among these norms.

Second, the case approach forms the backbone of this research. This approach is applied by conducting an in-depth analysis of two primary legal documents: Decision Number 14/Pid.Sus/2024/PN Jpa and Decision Number 374/Pid.Sus/2024/PT Smg. The analysis is not merely limited to the final verdict. It critically dissects the legal reasoning (*ratio decidendi*) constructed by each judicial panel. This process involves identifying legal premises, interpreting the facts, and tracing the reasoning path to the conclusion. This approach allows the researcher to deconstruct the arguments. Furthermore, it can precisely identify the locus of the paradigmatic difference that caused the disparity in the decisions.

The data sources used in this research consist entirely of secondary data. These data were collected through library research techniques. The data are classified into three categories of legal materials (Sampara & Husen, 2016). Primary legal materials consist of all the previously mentioned laws and regulations, as well as the two court decisions under study. Secondary legal materials include sources that explain and analyze primary legal materials, such as textbooks, scholarly journals (both national and international), research reports, and academic articles. These articles are relevant to SLAPPs, Anti-SLAPP laws, freedom of expression, and environmental law. Tertiary legal materials are used to support the primary and secondary legal materials. These materials include legal dictionaries, encyclopedias, and article indices.

The data analysis technique employed is qualitative, utilizing a deductive reasoning framework (Irwansyah, 2020). The analysis process will proceed in several systematic stages. The first stage is the inventory and classification of all collected legal materials. The second stage is the deconstruction and comparison

of the *ratio decidendi* from both decisions. This is done to identify the root of the judges' paradigmatic differences in applying the Anti-SLAPP doctrine. The third stage involves interpretation and synthesis. In this stage, the findings from the case analysis will be linked to the theoretical framework of SLAPP, relevant legal doctrines, and statutory regulations. This is done to formulate an ideal legal protection framework. During this synthesis, the arguments from both decisions will be evaluated for validity against existing normative and theoretical standards. From this series of analyses, a conclusion will be drawn (deductive reasoning). This conclusion will thoroughly address the research problems and objectives formulated.

RESULTS AND DISCUSSION

A. Deconstructing the Formalistic Paradigm: A Critical Analysis of the Failure to Apply the Anti-SLAPP Doctrine in Jepara District Court Decision Number 14/Pid.Sus/2024/PN Jpa

Decision Number 14/Pid.Sus/2024/PN Jpa, which resulted in a criminal conviction against the environmental activist, exemplifies a formalistic-positivist legal paradigm. In its reasoning, the Panel of Judges primarily focused its analysis on the fulfillment of the elements of the offense as formulated in Article 45A section (2) juncto Article 28 section (2) of Law Number 19 of 2016. The judges' legal logic essentially isolated the phrase "shrimp-brained society" from its socio-historical context. The judges treated it as a standalone criminal act. This approach assumes that as long as the formal elements within the article are met, the act automatically qualifies as a crime. The elements in question are intentionally and without right disseminating information aimed at inciting hatred or hostility toward specific individuals and/or community groups based on ethnicity, religion, race, and intergroup relations. It was applied without any need to consider the motive, purpose, or broader impact of the act.

The first fundamental weakness of Decision Number 14/Pid.Sus/2024/PN Jpa lies in the judges' failure to perform contextualization. The Jepara District Court's Panel of Judges demonstrably ignored a series of trial facts. These facts indicated that the Defendant's comment was not an impulsive act emerging from a vacuum. The comment was the culmination of accumulated frustration from a long and systematic environmental advocacy struggle. This struggle began with socialization, hearings, and even demonstrations that yielded no significant results. By separating the comment from the central theme of his advocacy, the judges oversimplified, distorting justice. This decision failed to recognize that, in many public-interest advocacy cases, the use of provocative language is often a last resort. This strategy is used to attract public attention and pressure stakeholders

when conventional channels have reached an impasse. This disregard for context effectively delegitimized the defendant's entire history of activism.

Furthermore, the second error lies in the judges' overly rigid interpretation of the concept of hate speech. It occurred without considering the stylistic elements and the intent behind it. The phrase "shrimp-brained society," though harsh, was essentially a form of criticism using sarcasm. Sarcasm, as defined by [Kridalaksana \(2007\)](#), is a figure of speech intended to taunt harshly. However, in the context of political and social communication, sarcasm often serves as a rhetorical tool to raise awareness or express sharp criticism. Decision Number 14/Pid.Sus/2024/PN Jpa failed to distinguish between speech that inherently intends to spread hostility based on ethnicity, religion, race, and intergroup relations—which is the core of the offense in Article 28 section (2) of Law Number 19 of 2016—and social criticism. Social criticism, even if delivered impolitely, aims to challenge ecological injustice. This failure aligns with the findings of [Azmi and Nurhilmiah \(2024\)](#), who concluded that Daniel Frits's post was far from having the malicious intent of incitement to hatred against a specific group.

The sharpest criticism of this decision is its blatant normative contradiction with a more specific regulation. The Jepara District Court Panel of Judges, despite acknowledging Daniel Frits's status as an environmental activist in some parts of its reasoning, ultimately set aside the mandate of immunity. This immunity is explicitly stipulated in Article 66 of Law Number 32 of 2009. This article embodies the Anti-SLAPP doctrine, which firmly holds that *"every person who fights for the right to a good and healthy environment cannot be criminally prosecuted or civilly sued."*

The disregard for Article 66 of Law Number 32 of 2009 constitutes a fatal error in the application of the legal principle that a special law supersedes a general law (*lex specialis derogat legi generali*). When faced with a case involving an environmental activist, the judge should have been obligated to apply Article 66 of Law Number 32 of 2009 in assessing the case. It must be done before proceeding to the proof of other general criminal elements. By ignoring this article, Decision Number 14/Pid.Sus/2024/PN Jpa not only failed to provide legal protection, but also failed to provide legal protection. The decision also had a chilling effect on other activists, signaling that their struggles would not receive juridical immunity before the law. The subsequent impact of such a ruling is the creation of public apathy and the erosion of society's critical faculties.

This paradigmatic failure has not only been a focal point of this research but has also been widely criticized by legal experts who joined as friends of the court (*amici curiae*) in the case. The Institute for Policy Research and Advocacy

(ELSAM) argued that the judges should have considered the systemic impact of this decision on freedom of expression and public oversight (ELSAM, 2024). This view underscores that judicial decisions do not exist in a vacuum; they have broad socio-political consequences. Similarly, the Center for Law and Social Justice (LSJ) at the Faculty of Law, UGM, recommended that the panel of judges avoid a miscarriage of justice. This is done by formally applying rules without understanding the legal doctrines that protect environmental defenders (LSJ, 2024). Likewise, the Indonesian Judicial Monitoring Society (MaPPI) Faculty of Law UI emphasized that guarantees of freedom of opinion are only relevant if unpopular forms of expression are also protected (MaPPI, 2024). This collection of views confirms that Decision Number 14/Pid.Sus/2024/PN Jpa is, by academic consensus, considered a dangerous anomaly for the rule of law and environmental sustainability.

Overall, the deconstruction of Decision Number 14/Pid.Sus/2024/PN Jpa reveals a multi-layered judicial failure. This failure stems from a formalistic viewpoint, the decontextualization of facts, a rigid interpretation of the hate speech offense, and a fatal disregard for the special legal norm in Law Number 32 of 2009. This decision becomes a concrete example of how a judicial process can shift its function from a tool for seeking truth to an instrument for legitimizing the silencing of public participation. It occurs when the process lacks insight into substantive and ecological justice.

B. Affirming Activist Immunity: A Juridical Analysis of the Anti-SLAPP Doctrine's Application in Semarang High Court Decision Number 374/Pid. Sus/2024/PT Smg

In a 180-degree departure from the formalistic approach adopted by the lower court, Decision Number 374/Pid.Sus/2024/PT Smg represents a paradigmatic breakthrough. It is evident in the legal protection for environmental activists in Indonesia. This decision serves as a direct antithesis to Decision Number 14/Pid. Sus/2024/PN Jpa. This is true not only because it annulled the verdict, but also because it is fundamentally different in its philosophical foundations and in its method of legal discovery. The Appellate Panel of Judges consciously shifted from the blinders of legal positivism. The judges moved toward a more progressive, substantive, and contextual approach in reading the facts and applying the law.

The most fundamental point of departure lies in the Appellate Panel of Judges' key reasoning. The judges explicitly stated that *"there is a common thread between the Defendant's statement... and the Defendant's activities as an environmental activist."* This statement is simple, yet it carries profound juridical implications. By identifying this "common thread," the appellate judges effectively

refused to isolate the charged act from the long series of advocacy struggles that formed its background. This is a judicial recognition that the motive and intent (*mens rea*) behind a statement cannot be separated from the act itself (*actus reus*). This is especially true in cases concerning the public interest.

The discovery of this “common thread” subsequently became the primary justification for the appellate judges. This justification was used to apply the Anti-SLAPP doctrine fully. Precisely, the Appellate Panel of Judges applied Article 66 of Law Number 32 of 2009. In its reasoning, the court stated that although the Defendant’s act satisfied the elements of the indictment, it could not be prosecuted. It was because the act was committed in the context of fighting for a healthy environment. Herein lies the judicial intelligence of the appellate judges. They did not deny the fact that the act occurred. The judges held that the act lost its unlawful character because it was protected by a justification defense provided by a special law.

This application of Article 66 of Law Number 32 of 2009 as a justification defense is the implementation of the Anti-SLAPP doctrine in its purest and most effective form. It directly resolves the doubts and multiple interpretations that have often confronted this article. Decision Number 374/Pid.Sus/2024/PT Smg has become an important jurisprudence, demonstrating that the immunity granted by Article 66 of Law Number 32 of 2009 is not merely an advisory norm. This immunity is an active, material legal provision that can negate a criminal charge. This analysis aligns with the view of [Kalalo et al. \(2024\)](#), who argue that the primary role of Article 66 of Law Number 32 of 2009 is to enforce stronger protection for the right to the environment by viewing that struggle as an effort to protect a greater legal interest.

Furthermore, Decision Number 374/Pid.Sus/2024/PT Smg also demonstrates high compliance with the Supreme Court’s technical trial guidelines. The Appellate Panel of Judges explicitly referred to and implemented Article 77 of Supreme Court Regulation Number 1 of 2023. This article technically guides judges to dismiss all legal charges (*onslag van rechvervolging*) if the defendant is proven to be a defender of environmental rights. By using this Supreme Court Regulation as a basis for their operation, the appellate judges demonstrated a profound understanding of procedural law developments. They also provided strong legitimacy for their decision.

The verdict issuing a dismissal of all legal charges (*onslag van rechvervolging*) rather than a full acquittal (*vrijspraak*) was also an exact choice of legal diction. An *onslag* decision implicitly acknowledges that the charged act occurred. However, the act was not unlawful because a justification defense existed. This choice

accurately reflects the essence of Anti-SLAPP protection. In it, the state recognizes that an activist's action, which might constitute an offense if viewed in isolation, becomes justifiable when undertaken for a higher purpose and is protected by law. The philosophy behind this decision is the recognition that criminal law must be the last resort (*ultimum remedium*).

The comparative analysis between these two decisions, as also highlighted by [Situmorang et al. \(2025\)](#), reveals a fundamental difference in judicial perspective. The Jepara District Court was trapped in a formal approach emphasizing textual legal certainty. Meanwhile, the Semarang High Court successfully transcended it by adopting a substantive approach that took into account context, purpose, and the community's sense of justice. Decision Number 374/Pid.Sus/2024/PT Smg becomes a crucial judicial precedent. The decision affirms that in a clash between offenses under Law Number 11 of 2008 and the right to fight for the environment, the immunity guaranteed by Law Number 32 of 2009 must prevail.

Thus, Decision Number 374/Pid.Sus/2024/PT Smg not only functions as a correction to the lower court's error. This decision also reaffirms the Indonesian judicial system's commitment to protecting public participation. This ruling becomes a beacon for judges throughout Indonesia. It provides clear guidance on how to balance criminal law enforcement with the protection of citizens' constitutional rights in the preservation of the environment. This decision effectively builds a jurisprudential fortress for environmental activists.

C. Formulating the Ideal Legal Protection Framework: Harmonizing Freedom of Expression and the Anti-SLAPP Doctrine in the Digital Space

The disparity in decisions between the Jepara District Court and the Semarang High Court in the Daniel Frits case is not merely a technical anomaly. This disparity is a symptom of a more fundamental problem: the absence of a uniform legal protection framework that is uniformly understood by law enforcement officials, an issue broadly identified in various studies on judicial perspectives in handling environmental cases ([Rachmawaty et al., 2024](#); [Sariroh & Ali, 2024](#)). The findings from the comparative analysis of the two decisions provide a crucial lesson. The existence of a material legal norm, such as Article 66 of Law Number 32 of 2009, is insufficient without a progressive law enforcement paradigm and effective procedural mechanisms. Therefore, the formulation of an ideal legal protection framework requires harmonization at three levels: conceptual, normative, and implementative.

Conceptually, a profound understanding of the nature of SLAPP must be the foundation for all law enforcement officials. As formulated by [Pring and Canan \(1996\)](#) in their seminal work, SLAPP has three primary characteristics. *First*, it

is retaliatory. *Second*, SLAPP uses the legal process as camouflage for non-legal objectives. *Third*, SLAPP aims to exhaust its target's resources. In Indonesia, the practice of SLAPP has become a tangible threat. Criminal reports or civil lawsuits are often used to halt public opposition to potentially environmentally damaging activities, a phenomenon that has been extensively documented ([Sembiring, 2017](#); [Aulia et al., 2021](#); [Handayani & Wongkar, 2021](#); [Indrawati, 2022](#); [Ahmad, 2024](#)). This conceptual understanding is crucial so that law enforcement officials can identify the "intent" behind a report or lawsuit. Furthermore, law enforcement must not be solely fixated on the formal aspects of the alleged offense.

Normatively, although Indonesia already possesses a strong Anti-SLAPP instrument in Article 66 of Law Number 32 of 2009, its main challenge lies in harmonization with other regulations, especially Law Number 11 of 2008. The Daniel Frits case demonstrates how easily the articles in Law Number 19 of 2016 can be exploited to criminalize expression that should be protected. The spirit of legal reform embodied in Constitutional Court Decision Number 105/PUU-XXII/2024, which transformed the defamation offense into a pure, absolute complaint-based offense, should inform digital law enforcement ([Chariansyah, 2025](#)). This harmonization means law enforcement officials must read Law Number 11 of 2008 through the lens of human rights and special protection provisions, such as Anti-SLAPP. They must not do the reverse.

An ideal protection framework also requires the strengthening of implementing regulations. The presence of Supreme Court Regulation Number 1 of 2023 and Ministerial Regulation Number 10 of 2024 is a significant step forward. Supreme Court Regulation Number 1 of 2023 has provided technical guidance for judges to issue an *onslag* decision, as evidenced by the appellate ruling in the Daniel Frits case. Meanwhile, Ministerial Regulation Number 10 of 2024 clarifies the definition of "Person Fighting for the Environment" and the forms of "SLAPP". However, these regulations need to be widely socialized and internalized by all ranks of law enforcement, from the police to the courts.

However, protection at the court level is often too late. Many activists have already exhausted their energy and resources long before reaching the final decision stage. Therefore, a practical protection framework must halt the criminalization process at an early stage. The failure of judges in various cases, such as those in Sungaliat ([Fitri et al., 2025](#)) and Jepara, shows that relying on judges' individual understandings is insufficient. A screening mechanism is required at the preliminary investigation and investigation stages. This is to identify and halt reports with strong indications of being SLAPP. This mechanism could take the form of an ethics council or an independent expert panel. This body would provide recommendations to investigators.

The harmonization of this protection framework must ultimately culminate in the recognition that freedom of expression and the right to participate in environmental management are fundamental constitutional rights. As guaranteed in Article 28, Article 28E section (2) and section (3), and Article 28F of the 1945 Constitution, these rights are pillars of democracy. Limitations on these rights can only be justified if they are truly proportional and necessary in a democratic society. These limitations are not meant to protect narrow economic interests that damage the environment.

Therefore, an ideal legal protection framework must be multidimensional (Hartiwiningsih et al., 2023). This framework combines the strength of material norms (such as Article 66 of Law Number 32 of 2009), the clarity of procedural guidelines (such as Supreme Court Regulation Number 1 of 2023 and Ministerial Regulation Number 10 of 2024), a progressive and human rights-oriented law enforcement paradigm (Siagian et al., 2024), and institutional mechanisms capable of preventing the abuse of legal process from the outset (Muhni et al., 2025). This protection must move from being reactive to proactive. Without this comprehensive harmonization, protection for environmental activists will remain sporadic. This protection will depend on the good fortune of finding a progressive-minded judge like the Semarang High Court Panel. The formulated ideal framework must transform legal protection from an anomaly into a systemic necessity within the Indonesian rule of law.

The lesson from this decisional disparity is crystal clear. Law does not exist in a vacuum. The proper application of law demands the judiciary's ability to read the text, its context, and its consequences. Decision Number 374/Pid.Sus/2024/PT Smg has shown the path forward. The rule of law is upheld not by stifling criticism. The rule of law is upheld by protecting those who dare to speak out for the planet and future generations. This ideal framework is ultimately about ensuring that the law functions as it is intended. The law must function as a shield for the weak and vulnerable, not as a sword for the powerful. Only in this way can public participation, the lifeblood of democracy, flourish. Consequently, the right to a good and healthy environment can be realized in practice for all Indonesian people.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the legal protection for environmental activists who use social media as a medium of expression in Indonesia is normatively well-founded. However, its implementation at the judicial level exhibits a fundamental paradigmatic inconsistency. The case study of the decisional disparity involving Daniel Frits provides clear empirical evidence. On one

hand, the formalistic-positivistic paradigm, as reflected in Decision Number 14/Pid. Sus/2024/PN Jpa, demonstrably failed to apply the Anti-SLAPP doctrine. It occurred due to a disregard for the context and spirit of environmental law. On the other hand, the progressive-substantive paradigm adopted by the Semarang High Court Panel of Judges in Decision Number 374/Pid.Sus/2024/PT Smg, correctly affirmed the supremacy of activist immunity. It was achieved by invoking Article 66 of Law Number 32 of 2009 as a justification defense, thereby nullifying the criminal nature of the charged act. Consequently, legal certainty for environmental activists remains fragile. This certainty depends heavily on judges' insight and judicial courage in distinguishing between a pure criminal offense and legitimate public participation, even when the distinction is controversial.

Stemming from this conclusion, efforts to strengthen the legal protection ecosystem for environmental activists demand an intervention that is not only normative but also institutional and cultural. Therefore, several suggestions are formulated. *First*, at the institutional level, a structured early detection mechanism is needed at the police and prosecutorial levels. This is to filter cases that indicate SLAPP. This is crucial to prevent activists from becoming exhausted by a lengthy legal process. This exhaustion occurs before they have the chance to obtain protection in court. This mechanism can be realized through the issuance of a Joint Regulation among the Indonesian National Police, the Attorney General, and the Ministry of Environment and Forestry. This regulation would contain guidelines or a checklist for identifying SLAPP cases at the preliminary investigation and investigation stages.

Second, at the paradigmatic level, capacity-building for law enforcement officials—especially judges, prosecutors, and police—must be a priority. Legal education must not stop at a literal understanding of regulatory texts. It must be deepened to address the philosophy and teleology underlying the Anti-SLAPP doctrine and ecological justice principles. The Supreme Court and related institutions need to conduct training and continuously disseminate jurisprudence, for example, Decision Number 374/Pid.Sus/2024/PT Smg in this case. This is to be used as a learning material to shape a judicial mindset that is progressive, contextual, and aligned with the protection of citizens' constitutional rights. The citizen participation referred to is for environmental management. This training must emphasize the ability for contextual analysis and legal discovery (*rechtsvinding*).

Third, for a more fundamental and systemic long-term solution, this research's findings indicate that protection for public participation should no longer be sectoral or partial. Therefore, it is recommended that the legislature and the government comprehensively and non-sectorally integrate Anti-SLAPP mechanisms into the Criminal Procedure Law Bill. This integration would create a solid procedural enforcement instrument. This instrument would be used to protect all forms of public

participation and human rights defense activities, not only in the environmental field. This step is an essential prerequisite. It is necessary to transform legal protection from mere reactive immunity into a preventive structural guarantee within the Indonesian criminal justice system. It will ensure that protection is no longer an exception. Protection will become the norm within the legal process.

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