Lex Publica
Jurnal Ilmu Hukum Asosiasi Pimpinan Perguruan Tinggi Hukum Indonesia
e-ISSN: 2579-8855
p-ISSN: 2354-9181
https://journal.appthi.org/index.php/lexpublica

Strategic Lawsuit Against Public Participation (SLAPP) From Indonesian Law Perspective

Sambhawa Dharma[1*], R. Samaya Dharma[1], M. Putri Mayessa. V. S[1], Yunia Estisari[1]

[1] Universitas Wahid Hasyim, Semarang, Indonesia

**Corresponding author: shambawadharma.unwahas@gmail.com*

Abstract. This study analyzes the practice of Strategic Lawsuits Against Public Participation (SLAPP) in Indonesia, highlighting national legal loopholes that enable strategic litigation to suppress public participation. The research's novelty lies in a comprehensive evaluation of Indonesian legal provisions and the proposal of innovative legal strategies for prevention, including the integration of anti-SLAPP principles into non-sectoral procedural reforms. A normative juridical approach is combined with comparative methods, comparing anti-SLAPP practices in the United States and the United Kingdom to identify effective models of legal protection. Qualitative-descriptive data analysis, including the Bangka Belitung High Court decision Number 21/Pid/2021/PT BBL and PT KLM's lawsuit against IPB academics, demonstrates that SLAPPs impose financial, psychological, and social burdens on activists, journalists, and civil society organizations. The strategy for preventing and handling SLAPPs must be holistic, encompassing the development of an anti-SLAPP bill, revisions to the criminal procedure code, strengthening the ITE Law and the public information disclosure law, and training judges to recognize indicators of strategic lawsuits.

Keywords: Constitutional Rights, Legal Protection, Public Participation, Strategic Litigation.

Abstrak. *Studi ini menganalisis praktik Gugatan Strategis terhadap Partisipasi Publik (Strategic Lawsuits Against Public Participation or SLAPP) di Indonesia, dengan menyoroti celah hukum nasional yang memungkinkan litigasi strategis menekan partisipasi publik. Kebaruan penelitian ini terletak pada evaluasi komprehensif terhadap ketentuan hukum Indonesia, serta usulan strategi hukum inovatif untuk pencegahan, termasuk integrasi prinsip-prinsip anti-SLAPP ke dalam reformasi prosedural non-sektoral. Pendekatan yuridis normatif dikombinasikan dengan metode komparatif, membandingkan praktik anti-SLAPP di Amerika Serikat dan Inggris untuk mengidentifikasi model perlindungan hukum yang efektif. Analisis data kualitatif-deskriptif, termasuk putusan Pengadilan Tinggi Bangka Belitung Nomor 21/Pid/2021/PT BBL dan gugatan PT KLM terhadap akademisi IPB, menunjukkan bahwa SLAPP memberikan beban finansial, psikologis, dan sosial bagi aktivis, jurnalis, dan organisasi masyarakat sipil. Strategi pencegahan dan penanganan SLAPP harus bersifat holistik, meliputi penyusunan Rancangan Undang-Undang anti-SLAPP, revisi Kitab Undang-Undang Hukum Acara Pidana (KUHAP), penguatan Undang-Undang ITE dan Undang-Undang Keterbukaan Informasi Publik, serta pelatihan hakim untuk mengenali indikator gugatan strategis.*

Kata kunci: *Hak Konstitusional, Perlindungan Hukum, Partisipasi Publik, Litigasi Strategis.*

1. Introduction

Strategic Lawsuits Against Public Participation (SLAPPs) are a form of lawsuit designed to suppress and silence public participation in social, political, and environmental issues. Descriptively, SLAPPs are often filed by powerful parties such as corporations, influential individuals, or governments, not to seek genuine justice, but rather to create heavy financial, psychological, and social burdens for activists or complainants. This phenomenon threatens the foundations of democracy by hampering freedom of expression and the right to public participation, which are essential for transparency and accountability.[1] Globally, SLAPPs have evolved as a tool of intimidation against journalists, environmental activists, and civil society organizations, often exploiting legal loopholes to divert attention from the underlying issue to the tedious litigation process.[2] For example, in the European and United States contexts, SLAPPs are often based on allegations of defamation or invasion of privacy, exploiting jurisdictional differences for forum shopping, thus exacerbating the chilling effect on freedom of expression.[3]

In Indonesia, SLAPPs have become increasingly prominent amidst public demands for sustainable business practices, government transparency, and environmental advocacy. This phenomenon manifests itself in civil or criminal

[1] Eko Riyadi, and Sahid Hadi, "Strategic Lawsuit against public participation (SLAPP): A legal based threat to freedom of expression," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 8, no. 1 (2021): 145. See also, Sorin-Alexandru Vernea, "Strategic lawsuits against journalists–an unconventional way to enact civil liability," *Lesij-Lex et Scientia International Journal* 31, no. 2 (2024): 29; Davide Castagno, "Strategic Lawsuits Against Public Participation (SLAPPs) and Forum Shopping in the Digital and Social Media Era. A Comparison of US and EU Anti-SLAPPs Procedural Remedies," *Judicium* (2025): 4.

[2] Judit Bayer, "Strategic Lawsuits Against Public Participation (SLAPP) in the European Union. A Comparative Study," *A Comparative Study* 3, no. 2 (2021): 34. See also, Judith van Erp, and Tess Van der Linden, "Silencing those who speak up against corporate power: Strategic Lawsuits against Public Participation (SLAPPs) in Europe," In *European white-collar crime*, (Bristol: Bristol University Press, 2021), 203; Francesca Maoli, "Strategic lawsuits against public participation and their global relevance: Recent developments and persisting gaps in human rights law and in (EU) PIL," *Freedom, Security & Justice: European Legal Studies* 2, no. 3 (2024): 191.

[3] Sorin-Alexandru Vernea, "Strategic Litigation Against Public Participation (SLAPP)–Determination Criteria And Current Remedies In Romanian Legislation In The Event Of Actions Directed Against Journalists," *Conferința Internațională de Drept, Studii Europene și Relații Internaționale* 12, no. 7 (2024): 94. See also, Justė Kavaliauskaitė, "Silenced for Participation: A Comparative Analysis of Anti-SLAPP Regulations in the European Union and United States," *Studia Prawno-Ekonomiczne* 134, no. 13 (2025): 35; Melinda Rucz, "SLAPPed by the GDPR: protecting public interest journalism in the face of GDPR-based strategic litigation against public participation," *Journal of Media Law* 14, no. 2 (2022): 379.

lawsuits, such as defamation under the Electronic Information and Transactions Law (UU ITE), which are often misused to silence criticism.[4]

The phenomenon of Strategic Lawsuits Against Public Participation (SLAPPs) in Indonesia is increasingly prevalent as a tool of intimidation by corporations against public participation, particularly on environmental issues. SLAPPs are not simply lawsuits, but rather a strategy to silence criticism through expensive and exhausting litigation, often baseless.[5] A clear example is PT Kalimantan Lestari Mandiri (KLM)'s lawsuit against two IPB University professors, Prof. Bambang Hero Saharjo and Prof. Basuki Wasis, for Rp. 363 billion (approximately US$26 million) for their expert testimony in the 2018 forest and land fires case, which was considered a form of retaliation.[6] This case highlights the environmental sector as a vulnerable area, where palm oil companies often use SLAPPs to avoid responsibility for ecosystem damage. Although regulations such as Article 66 of the 2009 Environmental Management Law and Supreme Court Regulation Number 1/2023 provide for anti-SLAPPs, their implementation is weak, as in the first anti-SLAPP criminal case in the Bangka Belitung High Court that acquitted environmental activists.[7] The latest update shows that the Cibinong District Court dismissed PT KLM's lawsuit in October 2025, strengthening the anti-SLAPP precedent.[8]

---

[4] Rina Fitri et al., "Application of Anti-SLAPP (Strategic Lawsuit Against Public Participation) Principles in Environmental Case Solutions in Indonesia," *International Journal of Law, Social Science, and Humanities* 2, no. 2 (2025): 268. See also, Ricki Rahmad Aulia Nasution et al., "Analisis Dampak Strategic Lawsuit Against Public Participation (SLAPP) Terhadap Perlindungan Lingkungan di Indonesia," *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi* 1, no. 4 (2024): 96; Naufal Sebastian, and Ali Masyhar, "Implementasi anti-SLAPP (strategic lawsuit action against public participation) dalam pengelolaan dan perlindungan lingkungan hidup," *KREASI: Jurnal Inovasi dan Pengabdian kepada Masyarakat* 3, no. 1 (2023): 9.

[5] Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), "Hentikan proses hukum (SLAPP) terhadap ahli/akademisi lingkungan Prof Bambang & Prof Basuki, !!" *YLBHI*, July 1, 2025. Retrieved on October 24, 2025 from https://ylbhi.or.id/informasi/siaran-pers/hentikan-proses-hukum-slapp-terhadap-ahli-akademisi-lingkungan-prof-bambang-prof-basuki/.

[6] Pradipta Pandu Mustika, "Awal mula dua guru besar IPB University menghadapi SLAPP dan digugat Rp 363 miliar," *Kompas*, July 10, 2025. Retrieved on October 24, 2025, from https://www.kompas.id/artikel/awal-mula-dua-guru-besar-ipb-university-menghadapi-slapp-dan-digugat-rp-363-miliar.

[7] Komang Ardika, "Tonggak sejarah: Putusan pidana anti-SLAPP pertama di Indonesia," *MariNews*, July 9, 2025. Retrieved on May 22, 2025, from https://marinews.mahkamahagung.go.id/artikel/tonggak-sejarah-putusan-pidana-anti-slapp-pertama-di-ri-0oi.

[8] Mongabay, "Bambang Hero dan Basuki Wasis menang dari gugatan perusahaan sawit," *Mongabay*, October 13, 2025. Retrieved on October 24, 2025 from https://mongabay.co.id/2025/10/13/bambang-hero-dan-basuki-wasis-menang-dari-gugatan-perusahaan-sawit/.

Descriptively, cases such as those involving environmental activists demonstrate how SLAPPs shift the focus from human rights violations to the high-risk victims, draining resources, and delaying the resolution of core issues.[9] Indonesia's legal framework, despite including Article 28E paragraph (3) of the 1945 Constitution, which guarantees freedom of expression, and the Public Information Disclosure Law, which supports access to information, still lacks specific anti-SLAPP regulations. The Criminal Code and the Civil Code often serve as a means of intimidation, while the ITE Law exacerbates the situation with ambiguous interpretations.[10] The impacts include restrictions on public participation, emotional distress on critical individuals, and disruption of the principle of accountability, ultimately weakening democracy.[11]

The literature on SLAPPs has grown, but there are significant gaps in research, particularly in the Indonesian context. International studies often focus on procedural remediation in Europe and the US, such as the EU's anti-SLAPP directive that emphasizes shifting the burden of proof and early dismissal, but less attention is paid to adaptation in developing countries like Indonesia where the legal system still relies on colonial norms.[12] In Indonesia, studies such as Riyadi and

[9] Nynda Fatmawati, "Juridical Review of the Implementation of Anti-SLAPP Policy in Indonesia (Analysis of Decision No. 14. Pid. Sus/2024/PN JPA)," *Journal of Law, Politic and Humanities* 5, no. 4 (2025): 2345. See also, Rachmawaty et al., "Judicial Perspectives on the Equitable Resolution of Anti-SLAPP Cases: Insights from Indonesia," *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 20; Riyadi, and Hadi, "Strategic Lawsuit against public," 145.

[10] Mia Banulita, and Titik Utami, "Legal construction of anti-eco-SLAPP reinforcement in Indonesia," *Yuridika* 36, no. 3 (2021): 721. See also, Gelar Ali Ahmad, "Critical Analysis of Anti-Slapp Regulations in The Field of Criminal Law in Indonesia," *Golden Ratio of Law and Social Policy Review* 4, no. 1 (2024): 33; Fitri et al., "Application of Anti-SLAPP," 269.

[11] Afif Muhni et al., "Integration of Anti-SLAPP in the Reform of the Indonesian Criminal Procedure Code in an Effort to Protect Human Rights," *SIGn Jurnal Hukum* 7, no. 1 (2025): 440. See also, Lisa Chamberlain, "Growing Threats to Environmental Human Rights Defenders: The Latest Slapp Suit Developments In South Africa," *South African Journal of Environmental Law and Policy-latest Issue* 26, no. 1 (2020): 10; Nasution et al., "Analisis Dampak Strategic Lawsuit," 97.

[12] Jennifer Safstrom, "Time to SLAPP Back: Advocating Against the Adverse Civil Liberties Implications of Litigation that Undermines Public Participation," *LSU Journal for Social Justice & Policy* 3, no. 4 (2023): 10. See also, Adam Bodnar, and Aleksandra Gliszczyńska-Grabias, "Strategic Lawsuits against Public Participation (SLAPPs), the Governance of Historical Memory in the Rule of Law Crisis, and the EU Anti-SLAPP Directive," *European Constitutional Law Review* 19, no. 4 (2023): 650; Henry Valentine, "A Matter of Public Concern: Wright v. Dorsey and the Need For Speech Protections Beyond Anti-SLAPP Law," (2025): 137; Justin Borg-Barthet, and Francesca Farrington, "The EU's Anti-SLAPP Directive: A Partial Victory for Rule of Law Advocacy in Europe," *German Law Journal* 25, no. 6 (2024): 847; Zeenat Emmamally, "Slapping Down SLAPP Suits in South Africa: The Need for Legislative Protection and Civil Society Action," *South African Law Journal* 139, no. 1 (2022): 23; Tanja Kerševan, and Melita Poler, "Silencing journalists in matters of public interest: Journalists and editors assessments of the impact of SLAPPs on journalism," *Journalism* 25, no. 12 (2024): 2485; Christopher J. Hilson, "Environmental SLAPPs in the UK: threat or opportunity?," *Environmental Politics* 25, no. 2 (2016): 252; Jacob Dryer, "SLAPP-

Hadi[13] and Fitri et al.[14] analyze specific cases but fail to comprehensively explore vulnerable sectors, such as the environment and digital, and the integration of anti-SLAPPs into the Criminal Procedure Code reform.[15]

These gaps include the lack of in-depth evaluation of the disharmony between the ITE Law, the Public Information Disclosure Act, and the constitution, as well as non-sectoral prevention strategies that protect digital participation.[16] Furthermore, research rarely addresses the long-term psychosocial impacts on activists, or compares them with countries like Romania and South Africa where anti-SLAPP laws are still partial.[17] The novelty of this research lies in filling this gap through a legal analysis of SLAPP practices in Indonesia, an evaluation of national legal provisions, and the proposal of innovative legal strategies for prevention, including the integration of anti-SLAPP laws into non-sectoral procedural reforms. This gap is addressed with a descriptive-normative approach that supports constitutional protection of public participation, thereby contributing to strengthening democracy and human rights amidst the threat of strategic litigation. Based on the above description, this research formulates three main questions:

1. How has the practice of SLAPPs developed in Indonesia, and which sectors are most vulnerable to strategic lawsuits against public participation?
2. How do national legal provisions, including the ITE Law, the Civil Code, the Criminal Code, and the Public Information Disclosure Law, regulate or lack thereof, the protection of SLAPP victims?

---

ed Around: Examining the Use of State Anti-SLAPP Laws in Federal Courts," *Helms School of Government Undergraduate Law Review* 3, no. 1 (2024): 62; Christian Armstrong, "Freedom of information and expression in the private international law of the European Union. The Anti-SLAPP Directive and evolution of the right of public participation," *YEUCL* 3 (2024): 121; Zuzanna Nowicka, "SLAPP vs. Mutual Trust: Protecting the Public Debate Through Public Policy Considerations," *German Law Journal* 26, no. 4 (2025): 570; Vernea, "Strategic lawsuits against," 30; Kavaliauskaitė, "Silenced for Participation," 37; Castagno, "Strategic Lawsuits Against Public," 5; Rucz, "SLAPPed by the GDPR," 380.

[13] Riyadi, and Hadi, "Strategic Lawsuit against public," 144.

[14] Fitri et al., "Application of Anti-SLAPP," 270.

[15] Fatmawati, "Juridical Review of the Implementation," 2345. See also, Nasution et al., "Analisis Dampak Strategic Lawsuit," 98; Sebastian, and Masyhar, "Implementasi anti-SLAPP," 10; Rachmawaty et al., "Judicial Perspectives on the Equitable," 20; Banulita, and Utami, "Legal construction of anti," 723; Ahmad, "Critical Analysis of Anti," 34; Muhni et al., "Integration of Anti-SLAPP," 441.

[16] Jimmy Lee et al., "Freedom of Expression Protection and Corporate Concealment of Bad News: Evidence from State Anti-SLAPP Laws," *Journal of Accounting Research* 8, no. 3 (2025): 41. See also, Bayer, "Strategic Lawsuits Against," 35; Maoli, "Strategic lawsuits against," 193; Chamberlain, "Growing Threats to Environmental," 11.

[17] Vernea, "Strategic lawsuits against," 32. See also, Emmamally, "Slapping Down," 23.

3. What legal strategies can be implemented to prevent or address SLAPPs in the context of protecting the public's constitutional right to participate in public affairs?

2. Method

This research uses a normative juridical approach with a comparative method to analyze the practice of Strategic Lawsuits Against Public Participation (SLAPP) in the context of national and international law. The normative juridical approach is used to examine Indonesian positive legal norms, such as Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management, Supreme Court Regulation Number 1 of 2023, as well as the Criminal Code and the ITE Law, in relation to the protection of public participation rights. Meanwhile, a comparative approach is used by comparing the application of anti-SLAPP principles in several countries, such as the United States and the United Kingdom, to identify effective models of legal protection.

The research data was obtained through a literature review of laws and regulations, court decisions, scientific journals, legal aid reports, and official reports. The analysis was conducted qualitatively and descriptively, with an emphasis on legal interpretation and the relevance of its application to actual cases, such as the Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL, PT KLM's lawsuit against IPB professors, and the 2025 Cibinong District Court decision. Through this method, the research aims to identify normative gaps and formulate recommendations for the formation of comprehensive anti-SLAPP regulations in Indonesia.

3. Results and Discussion

3.1. SLAPPs in Indonesia: Practices and Sectors Most Vulnerable to Strategic Public Lawsuits

Globally, Strategic Lawsuits Against Public Participation (SLAPPs) have become one of the most effective legal instruments for silencing public criticism of dominant political and economic interests.[18] The pattern is consistent: powerful parties or corporations sue activists, journalists, or civil society organizations on charges such as defamation, invasion of privacy, or unlawful conduct. The primary

[18] Hartiwiningsih et al., "Dysfunctional Factors of Environmental Law on Strategic Lawsuit Against Public Participation and Developing Remedial Strategies Through Reconstruction Criminal Law System Model in Indonesia," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 10, no. 3 (2023): 4.

goal is not to obtain a substantive victory in court, but rather to create a heavy financial and psychological burden for the opposing party, thus causing a chilling effect on public participation.[19] The Greenpeace vs Energy Transfer (US) case illustrates a classic SLAPP pattern in the environmental context. Energy Transfer, a major US energy company, sued Greenpeace for USD 300 million for alleged reputational damage related to the campaign against the Dakota Access Pipeline project. This lawsuit was later viewed by many observers as a systematic attempt to intimidate environmental organizations into stopping protests.[20] This phenomenon reflects a global pattern where corporations such as Resolute Forest Products also sued Greenpeace over environmental campaigns, alleging racketeering to maximize fake donations, although the court ultimately dismissed the case.[21] In response, Greenpeace filed an anti-SLAPP motion in the Netherlands, basing its argument on the EU Directive on the Protection of Public Participation, which allows courts to reject lawsuits motivated by stifling public participation. This case confirms The European Union's policy direction is beginning to shift from simply protecting reputational rights to protecting democratic participation in environmental issues.[22]

A similar trend was seen in Shell vs. Greenpeace (UK). Shell sued Greenpeace for £2.1 million after its activists protested on an oil rig in the North Sea. Although the case was ultimately settled through mediation and awarded £300,000 in compensation without any admission of wrongdoing, the case sparked public debate about the ethics of corporate lawsuits to restrict environmental advocacy.[23] Both cases illustrate how SLAPPs are used to divert the underlying issue corporate responsibility for climate change into a tedious administrative legal dispute.

In the realm of press freedom, Steve Wynn vs. Associated Press (Nevada, USA) demonstrated the effectiveness of anti-SLAPP laws in protecting the media from intimidating litigation. Casino billionaire Steve Wynn's lawsuit over sexual harassment was dismissed by the Nevada Supreme Court based on Nevada's Anti-SLAPP Law, which affirms that journalists' reporting constitutes a form of

[19] Riyadi, and Hadi, "Strategic Lawsuit against public," 147.

[20] Molly Quell, "EU court case: Greenpeace challenges energy company over environmental concerns," *AP News*, February 11, 2025. Retrieved on October 24, 2025 from https://apnews.com/article/eu-greenpeace-court-case-enengy-company-bdab76fe6014e4d680b6af6d273e5420.

[21] van Erp, and Van der Linden, "Silencing those who speak," 205.

[22] Vernea, "Strategic Litigation Against Public," 95.

[23] Jillian Ambrose, "Shell settles lawsuit over Greenpeace protest," *The Guardian*, December 10, 2024. Retrieved on May 24, 2025, from https://www.theguardian.com/business/2024/dec/10/shell-settle-lawsuit-greenpeace-protest-oil-gas-slapp.

protected public participation.[24] Meanwhile, the case of Yevgeny Prigozhin vs. Eliot Higgins (UK) shows the opposite: without a strong anti-SLAPP mechanism, investigative journalists like Higgins can be the target of cross-jurisdictional defamation lawsuits, especially when dealing with oligarchs who have the resources to manipulate the legal system (forum shopping).[25]

This global trend indicates that SLAPPs pose not only a threat to freedom of expression but also to the integrity of the legal system itself, including in Indonesia. SLAPPs transform the public sphere into an arena of legal fear. Even in the context of liberal democracies, this phenomenon demonstrates the need for clear legal safeguards to balance the right to personal reputation and the right to public participation in the public interest.[26]

In Indonesia, the SLAPP phenomenon emerged with increasing public awareness of environmental issues, transparency, and public accountability. However, unlike Europe or the United States, which already have anti-SLAPP statutes, the Indonesian legal system still faces a regulatory vacuum. Lawsuits or criminal reports against activists are often filed using the loose provisions of the Electronic Information and Transactions Law (UU ITE), the Criminal Code, and the Civil Code.[27]

The case of Robandi and his colleagues vs. PT Bangka Asindo Agri (Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL) marked a significant milestone in Indonesian legal history as it was the first decision to apply the anti-SLAPP principle to a criminal case. The defendants were residents who reported alleged environmental pollution by a tapioca company in Bangka Belitung. After filing a class action lawsuit, they were instead reported on charges of document falsification and abuse of office. The Sungailiat District Court initially imposed probation, but the High Court overturned the decision based on a progressive interpretation of Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management.

The panel of judges interpreted that "fighting for the right to a good and healthy environment" constitutes a form of public participation protected by law.

---

[24] Ken Ritter, "Steve Wynn defamation lawsuit in Nevada," *AP News*, February 9, 2024. Retrieved on October 24, 2025 from https://www.apnews.com/article/steve-wynn-associated-press-defamation-lawsuit-nevada-aae0cda55a4fb7dcf1f30d8d63aafd6f.

[25] Johnson, and Ring, "London lawyers for Wagner founder Prigozhin to face no action," *Financial Times*. January 28, 2024. Retrieved on May 24, 2025, from https://www.ft.com/content/571b734e-c178-497e-8509-7674db04b59c.

[26] American Civil Liberties Union of Pennsylvania, "ACLU-PA sues Upper Pottsgrove Township over meritless "SLAPP" lawsuit, *ACLU Pennsylvania*. July 15, 2025. Retrieved on May 21, 2025, from https://www.aclupa.org/press-re/leases/aclu-pa-sues-upper-pottsgrove-township-over-meritless-slapp-lawsuit/.

[27] Marchethy Riwani Diaz et al., "Penguatan Kebijakan Anti-SLAPP dalam Mewujudkan Keadilan Lingkungan di Indonesia," *Jurnal Magister Hukum ARGUMENTUM* 7, no. 2 (2021): 67.

Therefore, Robandi and his colleagues' actions in signing the invitation letter to socialize the lawsuit cannot be considered a criminal offense, as it is part of the constitutional right to participate in environmental matters. This decision also sets the first precedent in the application of the anti-SLAPP principle in Indonesia, broadening the interpretation of legal protection for communities fighting in the environmental sector.

However, this ruling also highlights the weakness of the national legal protection system. Outside of the environmental context, there are no regulations providing similar protections for journalists, academics, or digital activists. The ITE Law, for example, is still frequently used to ensnare those who criticize the government or corporations, under the pretext of defamation. This demonstrates that without a comprehensive anti-SLAPP legal basis, law enforcement in Indonesia has the potential to be misused to hinder citizen participation in oversight of power.

Furthermore, the Robandi and his colleagues case emphasizes that a progressive judicial approach can be a temporary solution in the absence of specific regulations. The panel of judges boldly linked the ratio legis of Article 66 of the Environmental Management Law with the principle of public participation contained in Article 28E paragraph (3) of the 1945 Constitution, thereby expanding the scope of legal protection for environmental defenders. This approach is an early indication that anti-SLAPP jurisprudence can emerge from within the Indonesian legal system, through interpretative innovation and judicial courage.

The phenomenon of Strategic Lawsuits Against Public Participation (SLAPPs) in Indonesia is increasingly prevalent as a tool of intimidation against public participation, particularly on environmental issues. SLAPPs are not simply lawsuits, but rather a systematic strategy to silence public criticism through expensive and exhausting, often baseless, litigation.[28] This pattern demonstrates how corporations exploit loopholes in civil and criminal law to undermine the legitimacy of scientists, activists, and communities fighting for the right to a healthy environment.[29]

A prominent case is the lawsuit filed by PT Kalimantan Lestari Mandiri (KLM) against two professors at IPB University, Prof. Bambang Hero Saharjo and Prof. Basuki Wasis, for Rp. 363 billion. This lawsuit arose from their scientific testimony as experts in the 2018 forest fires. This effort was widely viewed as a form of corporate retaliation against academics who support environmental law

[28] Michaelin Scott, and Chris Tollefson, "Strategic lawsuits against public participation: The British Columbia experience," *Review of European Community & International Environmental Law* 19, no. 1 (2010): 48.

[29] Christo Imanuel Moningka, "Tinjauan yuridis terhadap pertanggungjawaban pidana korporasi dalam konteks pelanggaran lingkungan hidup," *Lex Crimen* 12, no. 4 (2024): 45.

enforcement.[30] Although the Cibinong District Court dismissed PT KLM's lawsuit in October 2025, this case underscores the vulnerability of scientists and expert witnesses to strategic lawsuit-based criminalization.[31]

A similar practice was also seen in the case of Robandi and his colleagues vs. PT Bangka Asindo Agri (PT BAA), which resulted in the Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL, and became a milestone in the application of the anti-SLAPP principle in criminal cases.[32] In this case, environmental activists and residents who reported alleged pollution from a tapioca factory were criminalized on charges of document falsification. The Sungailiat District Court had previously sentenced them to one month in prison, but the High Court overturned the decision and emphasized that the defendants' actions constituted public participation in fighting for the right to a healthy environment as guaranteed by Article 66 of Law Number 32 of 2009. The High Court interpreted progressively that fighting for a healthy environment includes elements of public participation and the expression of public interest, so it cannot be prosecuted under criminal or civil law.[33]

This ruling sets an important judicial precedent, demonstrating that Indonesian courts are beginning to recognize public participation as a constitutional right that must be protected from criminalization.[34] This is further reinforced by Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases, which provides guidance for judges in applying the anti-SLAPP principle under Article 66 of the Environmental Management and Management Law. However, the effectiveness of this regulation's implementation remains limited. Most law enforcement officials do not yet understand the essence of anti-SLAPP, resulting in numerous cases of counter-reporting against activists and academics advocating for public interests.[35]

From a legal and political perspective, the weak protection of SLAPP victims reflects a lack of substantive norms outside the environmental context. There are no comprehensive regulations in the Criminal Procedure Code, the Indonesian Criminal Code, or the Electronic Information and Transactions Law (ITE) that

[30] Mustika, "Awal mula dua guru besar," *Kompas*, July 10, 2025. See also, Yayasan Lembaga Bantuan Hukum Indonesia, "Hentikan proses hukum (SLAPP)," *YLBHI*, July 1, 2025.

[31] Mongabay, "Bambang Hero dan Basuki," *Mongabay*, October 13, 2025.

[32] Ardika, "Tonggak sejarah: Putusan," *MariNews*, July 9, 2025.

[33] Raynaldo Sembiring, "Merumuskan Peraturan Anti Strategic Lawsuit Against Public Participation di Indonesia," *Bina Hukum Lingkungan* 3, no. 2 (2019): 190.

[34] Dodi Jaya Wardana et al., "Public participation in the law-making process in indonesia," *Jurnal Media Hukum* 30, no. 1 (2023): 69.

[35] Yayasan Lembaga Bantuan Hukum Indonesia, "Hentikan proses hukum (SLAPP)," *YLBHI*, July 1, 2025, *YLBHI*, July 1, 2025.

explicitly recognize the right to public participation as a justification.[36] Therefore, judicial courage, such as in the Bangka Belitung and Cibinong District Court cases, represents a progressive oasis amidst a still-formalistic legal structure.

This dynamic demonstrates that although Indonesia already has initial normative instruments through Article 66 of the Environmental Management Law and Supreme Court Regulation Number 1/2023, the implementation of anti-SLAPP principles still relies on judicial interpretation. Therefore, more systematic legal reform is needed so that the right to public participation is not merely declarative, but effectively protects every citizen who speaks out for environmental and humanitarian interests. In Indonesia, anti-SLAPP applications still face regulatory and law enforcement capacity challenges, as seen in the Robandi and his colleagues' case, which required strengthening norms to protect activists from criminalization.[37]

Comparative studies show that EU Directive 2024/1069/EU and the US anti-SLAPP law have successfully reduced forum shopping by shifting the burden of proof to the plaintiff, addressing the chilling effect on journalism and advocacy.[38] In Indonesia, without similar reforms, SLAPPs continue to threaten freedom of expression, with defamation lawsuits often misused to silence public criticism.[39]

3.2. National Legal Framework for SLAPPs: ITE Law, Civil Code, Criminal Code, and Public Information Disclosure Law

An analysis of the national legal framework shows that the practice of Strategic Lawsuits Against Public Participation (SLAPPs) in Indonesia interacts complexly with various legal instruments, although to date there is no specific regulation explicitly rejecting or suppressing such strategic lawsuits.[40] Constitutionally, Article 28E paragraph (3) of the 1945 Constitution affirms that "Everyone has the right to freedom of association, assembly, and expression," which serves as a fundamental legal basis for public participation and freedom of expression. This principle provides the basis for the public to criticize public policies, express

[36] Lidya Nelisa, "Urgensi penguatan ketentuan prosedural anti-SLAPP di Indonesia untuk melindungi pembela HAM lingkungan dari serangan litigasi," *Jurnal Hukum Lingkungan Indonesia* 8, no. 1 (2021): 132.

[37] Fitri et al., "Application of Anti-SLAPP," 271.

[38] Castagno, "Strategic Lawsuits Against Public," 7. See also, Maoli, "Strategic lawsuits against," 196; Kavaliauskaitė, "Silenced for Participation," 38.

[39] Bayer, "Strategic Lawsuits Against," 37. See also, Safstrom, "Time to SLAPP Back," 10.

[40] Marco Pasqua, "The Proposed EU Directive on SLAPPs: A (First) Tool for Preserving, Strengthening and Advancing Democracy," *Athena: Critical Inquiries L. Phil. & Globalization* 3 (2023): 209.

environmental concerns, and access information without fear of intimidation, a characteristic of SLAPPs.[41]

In addition to Article 28E, several other articles in the 1945 Constitution strengthen the protection of public participation. Article 28C paragraph (2) guarantees the right of every person to advance themselves by collectively fighting for their rights.[42] Article 28F provides the right to communicate and convey information through all available channels, while Article 28G paragraph (1) guarantees a sense of security and protection from threats or pressure that hinder human rights. This instrument is accompanied by Article 20 of the 1998 Indonesian Charter of Human Rights, which emphasizes the right of every person to communicate and obtain information for the development of themselves and their social environment. Law Number 39 of 1999 concerning Human Rights, Article 44, also guarantees citizens the right to express opinions, complaints, or proposals to the government for the purpose of clean and effective governance.[43] Meanwhile, Law Number 9 of 1998 concerning Freedom of Expression in Public, Article 2 paragraph (1), affirms the right of citizens, both individually and in groups, to express their opinions as part of their democratic responsibilities.

In civil practice, the Civil Code is often used as an instrument for defamation lawsuits as a form of SLAPP. Article 1365 of the Civil Code states that "Every unlawful act that causes harm to another person requires the perpetrator to compensate for such harm." Lawsuits based on this article are often filed by parties with economic or political interests to pressure activists or public complainants. For example, the large demands for damages against public criticism suggest that this article could be abused to create financial pressure, rather than to uphold substantive justice.[44]

In addition to civil law, criminal law also presents the potential for abuse as a means of SLAPPs, particularly through Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law).[45] Article 27 paragraph (3) states that "Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic

[41] Zuzanna Nowicka, "SLAPP vs. Mutual Trust: Protecting the Public Debate Through Public Policy Considerations," *German Law Journal* 26, no. 4 (2025): 574.

[42] Justė Kavaliauskaitė, "Strategic Lawsuits Against Public Participation (SLAPP)," *Teisė* 132 (2024): 98.

[43] Yang Meliana, "Kajian yuridis tentang perlindungan hak asasi manusia dalam kehidupan bernegara di Indonesia ditinjau dari Undang-Undang Nomor 39 Tahun 1999 tentang hak asasi manusia," *Justici* 14, no. 1 (2021): 71.

[44] Maria Diaz Crego, and Micaela Del Monte, "Strategic Lawsuits Against Public Participation (SLAPPs)," *EU Parliament Briefing PE* 733, no. 8 (2023): 356.

[45] Achmadudin Rajab, "Urgensi undang-undang nomor 19 Tahun 2016 tentang perubahan atas undang-undang nomor 11 tahun 2008 tentang informasi dan transaksi elektronik sebagai solusi guna membangun etika bagi pengguna media," *Jurnal Legislasi Indonesia* 14, no. 4 (2018): 469.

Documents containing defamatory content," while Article 28 paragraph (2) prohibits the transmission of information containing insults or defamation through electronic media. The ambiguity of the terms "without authority" and "defamatory content" opens the door for certain parties to sue individuals or organizations that highlight the public interest, making the ITE Law a potential tool of legal intimidation.[46]

Law Number 14 of 2008 concerning Public Information Disclosure is also relevant. Article 1, number 1, defines public information as "any information under the control of a public body and related to the administration of the state and/or public body," while Article 28 stipulates the obligation of public bodies to provide information in a timely and easily accessible manner. However, the public information disclosure law does not yet have a specific mechanism to protect individuals or groups who fall victim to strategic lawsuits related to the disclosure of public information, thus allowing SLAPPs to still occur.[47]

In the Criminal Code, articles related to defamation are frequently used in strategic lawsuits. Article 310 of the Criminal Code states: "Anyone who accuses someone of committing an act that could harm their honor or reputation, which, if the accusation is true, cannot be proven, shall be punished by a maximum imprisonment of nine months or a maximum fine of Rp. 4,500." Article 311 adds that if the defamation is committed through writing or other media, the criminal penalties can be more severe. Although intended to protect individual honor, these articles are often used to silence public criticism, inflicting psychological and financial pressure, thus aligning with the nature of SLAPPs.[48]

Anti-SLAPP provisions specifically exist in the environmental sphere. Article 66 of the Environmental Management and Management Law guarantees the right of every person who advocates for the right to a good and healthy environment to be free from criminal prosecution or civil lawsuits.[49] Decision of the Chief Justice of the Supreme Court Decree Number 36 of 2013 concerning the Implementation of Guidelines for Handling Environmental Cases Affirms That anti-SLAPP principles can be applied to civil lawsuits, both ordinary and counterclaims, as well as to criminal lawsuits, such as criminal reporting or criminalization. This

[46] Nur Hadiyati, and Hayllen Stathany, "Analisis Undang-Undang ITE Berdasarkan Asas Pembentukan Peraturan Perundang-Undangan Di Indonesia," *Mizan: Jurnal Ilmu Hukum* 10, no. 2 (2021): 149.

[47] T. R. P. Jumantoro, and A. D. Novemyanto, "Anti-SLAPP Policy Conceptualization as a Strategic Effort to Protect Indigenous Peoples' Environmental Rights from Judicial Harassment," *Journal of Progressive Law and Legal Studies Употребление: PT. Riset Press International* 3, no. 01 (2025): 41-54.

[48] Peter Coe et al., "Addressing strategic lawsuits against public participation (SLAPPs): a critical interrogation of legislative, and judicial responses," *Journal of Media Law* 4, no. 3 (2025): 16.

[49] Arsafina Paka, and Fatma Ulfatun Najicha, "Urgensi Kaji Ulang Regulasi Anti SLAPP terhadap Pejuang Keadilan Lingkungan Hidup," *Yustitia* 9, no. 1 (2023): 104.

regulation serves as a concrete example of the harmonization of the principle of public participation rights with substantive legal protection in Indonesia.[50]

The national legal framework for SLAPPs demonstrates the interaction between constitutional rights, civil and criminal protection, and sectoral regulations such as the Environmental Management Law and the Decision of the Chief Justice of the Supreme Court Decree.[51] Although there is no specific law comprehensively regulating anti-SLAPPs, the existence of Articles 28E, 28C, 28F, and 28G of the 1945 Constitution, the Civil Code, the Criminal Code, the Electronic Information and Transactions Law, the Public Information and Public Information Disclosure Law, the Human Rights Law, the Freedom of Expression Law, and the Environmental Management Law provide a foundation for developing a more integrated legal protection mechanism, ensuring public participation and preventing the misuse of litigation as a tool of intimidation.[52]

However, these provisions, while intended to protect individual dignity, are often exploited in the context of SLAPPs to silence public criticism and inflict psychological and financial pressure.[53] There is significant disharmony in the protection of SLAPP victims. Article 28E paragraph (3) of the 1945 Constitution and the Public Information Disclosure Law provide the fundamental right to freedom of expression and access to information, while the Civil Code, the Criminal Code, and the Electronic Information and Transactions Law provide legal instruments that can be abused to suppress public participation.[54] This phenomenon demonstrates the need for regulatory reform that integrates anti-SLAPP principles, for example through: (1) affirming that the expression of truthful and responsible public opinion and information cannot be strategically challenged; (2) a mechanism for early dismissal in court of clearly intimidating lawsuits; and (3) compensation for legal costs for parties who fall victim to baseless lawsuits.[55]

To strengthen the national legal framework against SLAPPs, Indonesia has begun to lay the foundation through several sectoral regulations and procedural

[50] Irawan Harahap, and Riantika Pratiwi, "Perkembangan pengaturan anti-SLAPP di bidang lingkungan hidup menurut hukum Indonesia," *Jotika Research in Business Law* 2, no. 2 (2023): 85.

[51] Ricki Rahmad Aulia Nasution et al., "Analisis Dampak Strategic Lawsuit Against Public Participation (SLAPP) Terhadap Perlindungan Lingkungan di Indonesia," *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi* 1, no. 4 (2024): 99.

[52] Kavaliauskaitė, "Strategic Lawsuits Against," 99. See also, Meliana, "Kajian yuridis tentang perlindungan," 74; Diaz Crego, and Del Monte, "Strategic Lawsuits Against," 356.

[53] Nani Indrawati, "Perlindungan Hukum terhadap Partisipasi Masyarakat (Anti SLAPP) dalam Penegakan Hukum Lingkungan Hidup di Indonesia," *Media Iuris* 5, no. 1 (2022): 116.

[54] Hilary Young, "Canadian Anti-SLAPP laws in action," *Can. B. Rev.* 10, no. 3 (2022): 186.

[55] Felife Joelton Muhaling et al., "Regulasi anti strategic lawsuit against public participation sebagai bentuk perlindungan hukum bagi aktivis lingkungan di indonesia," *lex privatum* 15, no. 5 (2025): 531.

guidelines.[56] One of the key milestones was Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), which pioneered legal protection for environmental defenders.[57] Article 66 of the PPLH Law explicitly grants immunity to individuals or groups fighting for the right to a good and healthy environment, stating that they cannot be sued, either criminally or civilly, for actions taken to protect the environment.[58] This principle theoretically places the right to public participation on the national legal agenda, but its implementation faces various challenges, particularly related to the interpretation of norms and the consistency of court decisions.[59] On the procedural side, Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases strengthens anti-SLAPP protections by providing guidance for judges in assessing evidence and arguments presented by environmental advocates.[60] Article 48 paragraph (3) letter c of Supreme Court Regulation states that testimony, opinions, or public participation in court forums can be considered forms of advocacy for environmental rights and therefore cannot be used as the basis for lawsuits intended to suppress.[61] Thus, Supreme Court Regulation serves as a technical instrument supporting the implementation of Article 66 of the Environmental Management and Management Law, bridging the gap between written norms and court practice.[62]

In addition to environmental regulations, reform of the Criminal Procedure Code has been proposed as a comprehensive strategy to integrate anti-SLAPP mechanisms across sectors.[63] This proposal encompasses several important aspects, including the implementation of initial screening for potential SLAPP lawsuits, shifting the burden of proof in cases involving public interest, and

[56] Greg Ogle, "Anti-SLAPP Law Reform in Australia," *Review of European Community & International Environmental Law* 19, no. 1 (2010): 39.

[57] Sri Yuliana et al., "Pelanggaran Hak Manusia Dalam Mempertahankan Lingkungan Hidup Menurut Undang â€"Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup," *Justicia Sains: Jurnal Ilmu Hukum* 7, no. 1 (2022): 53.

[58] Fatmawati, "Juridical Review of the Implementation," 2345. See also, Sebastian, and Masyhar, "Implementasi anti-SLAPP," 11; Banulita, and Utami, "Legal construction of anti," 725.

[59] Fitri et al., "Application of Anti-SLAPP," 272. See also, Ahmad, "Critical Analysis of Anti," 35; Muhni et al., "Integration of Anti-SLAPP," 442.

[60] Nadya Zahra Aulia et al., "Anti-SLAPP: Meninjau kembali mekanisme perlindungan pejuang lingkungan hidup," *Jurnal Legislatif* 2, no. 5 (2021): 1-15.

[61] Riyadi, and Hadi, "Strategic Lawsuit against public," 146. See also, Nasution et al., "Analisis Dampak Strategic Lawsuit," 99; Rachmawaty et al., "Judicial Perspectives on the Equitable," 21.

[62] Dhicha Ayudiah Hernanda, and Emmilia Rusdiana, "Problematika Hukum Pejuang Lingkungan Hidup dalam Pasal 66 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup," *Novum: Jurnal Hukum* 8, no. 4 (2021): 55.

[63] Marsya Mutmainah Handayani et al., "Berbagai Wajah Fenomena SLAPP di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 8, no. 1 (2021): 162.

providing special defense for victims of legal intimidation.[64] These steps aim to close the procedural vacuum created by Law Number 8 of 1981 concerning the Criminal Procedure Code, while simultaneously aligning judicial practices with the principles of human rights guaranteed by Article 28E of the 1945 Constitution. This harmonization is also intended to prevent the frequent misuse of the flexible provisions of the ITE Law and the Criminal Code, which are often used as tools to suppress critical voices from the public and public organizations.[65]

Concrete cases, such as those involving Budi Pego and Basuki Wasis, demonstrate how the SLAPP pattern can divert legal attention from the primary perpetrator to victims who dare to report illegal practices.[66] This phenomenon emphasizes the need to strengthen the capacity of judges and prosecutors to recognize the characteristics of SLAPPs and implement anti-SLAPP procedures effectively.[67] Proposed strategies include the implementation of SLAPP-back, a legal mechanism that allows victims to obtain compensation or additional legal protection, while also serving as a deterrent against parties who attempt to use litigation to silence public participation.[68]

Thus, harmonizing national regulations through the revision of the Criminal Procedure Code and strengthening the Environmental Management Law not only limits the practice of SLAPPs but also creates a legal framework that emphasizes the protection of public participation.[69] Implementation of these principles is crucial. to balance private reputation rights with public rights, ensure legal certainty, and promote a healthy democracy in managing environmental issues.[70] Furthermore, a clear legal framework signals to corporations, individuals, and government agencies that intimidatory litigation against environmental actors or critical journalists will not be accepted by the national justice system.[71]

---

[64] Banulita, and Utami, "Legal construction of anti," 726. See also, Ahmad, "Critical Analysis of Anti," 36; Muhni et al., "Integration of Anti-SLAPP," 443.

[65] Riyadi, and Hadi, "Strategic Lawsuit against public," 145. See also, Sebastian, and Masyhar, "Implementasi anti-SLAPP," 12; Fatmawati, "Juridical Review of the Implementation," 2345.

[66] BBC Indonesia, "Aktivis menolak tambang emas di Banyuwangi 'dicap komunis', dipenjara setelah kasusnya 'digantung' empat tahun - mengapa pegiat lingkungan 'harus dilindungi,"? *BBC Indonesia*, Maret 28, 2023. Retrieved on May 24, 2025 from https://www.bbc.com/indonesia/articles/cv290lyn293o.

[67] Riyadi, and Hadi, "Strategic Lawsuit against public," 147. See also, Nasution et al., "Analisis Dampak Strategic Lawsuit," 100; Rachmawaty et al., "Judicial Perspectives on the Equitable," 23.

[68] Fitri et al., "Application of Anti-SLAPP," 274. See also, Banulita, and Utami, "Legal construction of anti," 726; Ahmad, "Critical Analysis of Anti," 37.

[69] Scott, and Tollefson, "Strategic lawsuits against," 49.

[70] Sembiring, "Merumuskan Peraturan Anti," 192. See also, Wardana et al., "Public participation in the law," 69; Nelisa, "Urgensi penguatan ketentuan procedural," 134; Handayani et al., "Berbagai Wajah Fenomena SLAPP," 164.

[71] Nasution et al., "Analisis Dampak Strategic Lawsuit," 101. See also, Sebastian, and Masyhar, "Implementasi anti-SLAPP," 15; Muhni et al., "Integration of Anti-SLAPP," 444.

3.3. Legal Strategies to Prevent and Handle SLAPPs in Protecting Public Participation Rights

The practice of Strategic Lawsuits Against Public Participation (SLAPPs) has serious implications for the Indonesian legal system. First, SLAPPs undermine the effectiveness of freedom of expression and the right to public participation, as the threat of litigation can have a chilling effect, discouraging people from criticizing government policies or voicing environmental concerns.[72] Second, unequal access to justice arises when parties with financial resources and power use high-value lawsuits to pressure individuals or groups with limited resources.[73] Third, SLAPPs create a social deterrent effect that hinders advocacy innovation and weakens community solidarity, particularly in the environmental sector, where activists face polarization and the risk of isolation.[74]

To address this issue, lessons from other jurisdictions can be inspiring. In the United States, the case of ACLU-PA v. Upper Pottsgrove Township (Pennsylvania) demonstrates the successful implementation of anti-SLAPP laws at the state level. The law allows courts to early dismiss baseless lawsuits and award compensation for legal costs to victims. This approach prevents abuse of the judicial process while creating an economic disincentive for plaintiffs motivated by silencing critics.[75] A similar mechanism could be adapted in the Indonesian context through revisions to the Criminal Procedure Code, by adding provisions allowing judges to dismiss lawsuits at an early stage if they are suspected of being SLAPPs. Furthermore, shifting the burden of proof to the plaintiff to prove that the lawsuit was not abusive, and providing compensation for legal costs and damages to SLAPP victims, would enhance protection for public participation.[76]

From a legislative perspective, anti-SLAPP strategies need to be integrated across sectors to provide comprehensive protection for public participation. The ITE Law, particularly Article 27 paragraph (3), which prohibits the dissemination of electronic information containing defamation, is often misused to pressure

[72] Riyadi, and Hadi, "Strategic Lawsuit against public," 148. See also, Ahmad, "Critical Analysis of Anti," 37.

[73] Rachmawaty et al., "Judicial Perspectives on the Equitable," 23. See also, Muhni et al., "Integration of Anti-SLAPP," 445.

[74] Nasution et al., "Analisis Dampak Strategic Lawsuit," 102. See also, Fatmawati, "Juridical Review of the Implementation," 2347; Banulita, and Utami, "Legal construction of anti," 725; Ahmad, "Critical Analysis of Anti," 38.

[75] Vernea, "Strategic lawsuits against," 33. See also, Castagno, "Strategic Lawsuits Against Public," 8; Safstrom, "Time to SLAPP Back," 12.

[76] Banulita, and Utami, "Legal construction of anti," 727. See also, Ahmad, "Critical Analysis of Anti," 39; Muhni et al., "Integration of Anti-SLAPP," 446.

journalists, online activists, and individuals who criticize public policy.[77] Therefore, the revised ITE Law must include a clause that clearly guarantees protection for fact-based criticism, including a clear definition of the line between legitimate criticism and defamation, so that the legal process cannot be used as a tool to intimidate public participation.[78]

Furthermore, the Public Information Disclosure Law needs to be strengthened to ensure that citizens have the right to securely access and disseminate public information relevant to the public interest, without the risk of being entangled in strategic lawsuits.[79] This legislative approach not only closes the legal loopholes that have facilitated SLAPP practices but also encourages transparency, accountability, and more active public participation in government and public decision-making. Thus, legal protection for public participation can be systematically strengthened, creating a conducive environment for advocacy and constructive criticism without fear of legal repercussions.

In the judicial context, the Supreme Court plays a crucial role in building judicial awareness of SLAPPs. Decision of the Chief Justice of the Supreme Court Decree Number 36/KMA/SK/II/2013 concerning Guidelines for Handling Environmental Cases can be expanded into cross-sector anti-SLAPP guidelines, encompassing media, academia, and the digital realm.[80] These guidelines should emphasize a progressive interpretation of Article 66 of the Environmental Management Law, which grants environmental defenders' immunity from criminal and civil prosecution. The Bangka Belitung High Court Decision Number 21/Pid/2021/PT BBL affirms the recognition of public participation as a legal justification, which can serve as a reference for judges in assessing the potential for SLAPPs.[81] Training judges to recognize SLAPP indicators, such as disproportionate lawsuit amounts or retaliatory motives, is crucial. Indrawati[82] emphasized the importance of judges' caution in assessing lawsuits that have the potential to stifle freedom of expression, in line with the principle of Supreme

[77] M. Nanda Setiawan, "Mengkritisi Undang-Undang ITE Pasal 27 Ayat (3) dilihat dari Sosio-Politik Hukum Pidana Indonesia," *DATIN Law Jurnal* 2, no. 1 (2021): 7.

[78] Riyadi, and Hadi, "Strategic Lawsuit against public," 149. See also, Fitri et al., "Application of Anti-SLAPP," 275; Rachmawaty et al., "Judicial Perspectives on the Equitable," 24.

[79] Banulita, and Utami, "Legal construction of anti," 728. See also, Ahmad, "Critical Analysis of Anti," 40; Muhni et al., "Integration of Anti-SLAPP," 447.

[80] Sebastian, and Masyhar, "Implementasi anti-SLAPP," 17. See also, Fatmawati, "Juridical Review of the Implementation," 2348; Rachmawaty et al., "Judicial Perspectives on the Equitable," 26.

[81] Fitri et al., "Application of Anti-SLAPP," 275. See also, Nasution et al., "Analisis Dampak Strategic Lawsuit," 103; Muhni et al., "Integration of Anti-SLAPP," 448.

[82] Nani Indrawati, S. H. *Kebijakan Anti-Slapp & Pengelolaan Lingkungan Hidup*, (Jakarta: Gramedia Pustaka Utama, 2023), 34.

Court Regulation Number 1 of 2023, which allows for an interim decision to dismiss abusive lawsuits early.[83]

From a social perspective, the role of civil society is equally important. Non-governmental organization coalitions such as *Yayasan Lembaga Bantuan Hukum Indonesia* (YLBHI), Indonesian Center for Environmental Law (ICEL), and *Wahana Lingkungan Hidup Indonesia* (WALHI) can build legal solidarity through victim assistance, educational campaigns, and advocacy to strengthen public awareness of the right to participate.[84] The SLAPP-back mechanism, where victims can file counterclaims for abuse of legal process, is also an effective strategy to prevent litigation intimidation.[85] This social strategy aligns with the Pancasila principle of social justice and integrates customary law norms and local social values, allowing judges to consider the cultural context in assessing claims.

In addition to legislative, judicial, and social aspects, anti-SLAPP strategies must be firmly linked to the principles of the rule of law and respect for human rights.[86] A rule-of-law-based approach emphasizes that all parties, including individuals, corporations, and public officials, must comply with fair and transparent laws and must not use legal instruments to suppress public criticism or participation.[87] Therefore, integrating these principles ensures that the right to public participation, as guaranteed by Article 28E paragraph (3) and Article 28F of the 1945 Constitution, is protected from strategic lawsuits that are intimidating and detrimental to the public.

Furthermore, implementing the rule of law also requires a responsive and proportionate judicial mechanism, including the ability of judges to assess the motives of lawsuits from the outset and to impose sanctions or compensation on SLAPP victims.[88] This prevents abuse of the legal process and strengthens public confidence in the judicial system. Furthermore, the principle of the rule of law affirms that freedom of expression and public participation are not merely

[83] Riyadi, and Hadi, "Strategic Lawsuit against public," 150. See also, Sebastian, and Masyhar, "Implementasi anti-SLAPP," 18; Fatmawati, "Juridical Review of the Implementation," 2349; Banulita, and Utami, "Legal construction of anti," 729; Ahmad, "Critical Analysis of Anti," 41.

[84] Nasution et al., "Analisis Dampak Strategic Lawsuit," 104. See also, Mustika, "Awal mula dua guru besar," *Kompas*, July 10, 2025.; Mongabay, "Bambang Hero dan Basuki," *Mongabay*, October 13, 2025; Chamberlain, "Growing Threats to Environmental," 13; Emmamally, "Slapping Down," 25.

[85] Rachmawaty et al., "Judicial Perspectives on the Equitable," 28. See also, Banulita, and Utami, "Legal construction of anti," 730.

[86] Coe et al., "Addressing strategic lawsuits," 16. See also, Paka, and Najicha, "Urgensi Kaji Ulang Regulasi," 107; Harahap, and Pratiwi, "Perkembangan pengaturan anti-SLAPP," 85.

[87] Pasqua, "The Proposed EU Directive," 210. See also, Nowicka, "SLAPP vs. Mutual Trust, 575.

[88] Nasution et al., "Analisis Dampak Strategic Lawsuit," 100.

normative rights, but part of the substantive structure of democracy.[89] Thus, SLAPPs are no longer viewed merely as technical litigation issues, but as a real threat to the democratic and constitutional order of the rule of law, which must be addressed systematically and multidimensionally.[90]

In the legislative realm, several strategic steps can be implemented to systematically address SLAPP practices.[91] First, the development of an Anti-SLAPP Bill should be a top priority, with a clear definition of strategic lawsuits, namely legal efforts intended to silence public participation through intimidation or legal pressure.[92] This definition will provide a strong legal basis for judges and relevant parties to distinguish between legitimate lawsuits and abusive ones.[93] Second, the integration of an early dismissal mechanism allows judges to assess the motives of lawsuits early on, allowing claims proven to be strategic to be dismissed more quickly before they cause disproportionate costs and stress to the affected parties. This mechanism is crucial for preventing a deterrent effect that suppresses public participation while maintaining the efficiency of the judicial process.[94] Third, shifting the burden of proof to the plaintiff to prove that the lawsuit was not abusive would create a disincentive against filing intimidation lawsuits. Fourth, providing legal fees and damages to SLAPP victims would protect citizens from disproportionate financial losses and increase their sense of security in expressing their opinions.[95] This approach mimics the practice in Pennsylvania, USA, which has proven effective in suppressing intimidation-motivated litigation, while also providing an adaptive model for the Indonesian legal context.

In the digital realm, legal protection for public participation must be strengthened through revisions to the ITE Law, particularly Article 27 paragraph (3), to clarify the line between fact-based criticism and defamation. This step is crucial to prevent the misuse of this provision as a tool to silence journalists, online activists, and members of the public who raise public issues. The revisions must

[89] Bintang Mandala Karyudi, and Nuril Firdausiah, "Implementasi supremasi hukum dalam penegakan hukum di Indonesia," *Lex Et Lustitia* 1, no. 2 (2024): 89.

[90] Castagno, "Strategic Lawsuits Against Public," 9. See also, Kavaliauskaitė, "Silenced for Participation," 40; Safstrom, "Time to SLAPP Back," 15.

[91] Jody Simandjuntak er al., "Dilema dan perkembangan anti-slapp di indonesia: implikasi PERMA 1/2023 dan komparasi dengan negara lain," *Jurnal Legislatif* 5, no. 3 (2024): 117.

[92] Muhamad Fikrl Haikal, "Optimalisasi Perlindungan Hukum Berbasis Anti-SLAPP Terhadap Kriminalisasi Aktivis Lingkungan Hidup," *Unizar Law Review* 7, no. 2 (2024): 105.

[93] Sebastian, and Masyhar, "Implementasi anti-SLAPP," 14. See also, Banulita, and Utami, "Legal construction of anti," 731; Muhni et al., "Integration of Anti-SLAPP," 449.

[94] Castagno, "Strategic Lawsuits Against Public," 10. See also, Safstrom, "Time to SLAPP Back," 16.

[95] Vernea, "Strategic lawsuits against," 34. See also, Rachmawaty et al., "Judicial Perspectives on the Equitable," 30; Banulita, and Utami, "Legal construction of anti," 732; Muhni et al., "Integration of Anti-SLAPP," 450.

also provide legal certainty regarding individuals' rights to express opinions or constructive criticism, so that online participation can take place without the threat of disproportionate litigation.[96]

Furthermore, the public information disclosure law needs to be strengthened to ensure that the collection, dissemination, and publication of legitimate public information cannot be used as the basis for strategic lawsuits. This protection will promote transparency and accountability of state officials, while strengthening the position of civil society in accessing and disseminating information relevant to the public interest.[97]

From a judicial perspective, the supreme court's implementation of anti-SLAPP guidelines across sectors, including the environment, media, academia, and the digital realm, must be supported by intensive training for judges to recognize SLAPP indicators, such as retaliatory motives or disproportionate lawsuit amounts.[98] This approach will foster judicial awareness, which is essential for substantive law enforcement and the protection of public participation, ensuring that the judicial process is not used as a tool of intimidation.[99]

This holistic strategy must also involve ongoing monitoring through an independent commission involving the Supreme Court, the Ministry of Law and Human Rights, and civil society. While inspired by European and US models, this step must be adapted to local dynamics, such as the rise in environmental cases in Kalimantan and Sumatra, so that the threat of SLAPPs can be transformed into an opportunity to strengthen human rights and citizen participation.[100]

Preventing and addressing SLAPPs in Indonesia requires a combination of legislative, judicial, and social approaches. The Anti-SLAPP Bill must establish definitions, early dismissal procedures, and compensation for victims; judges must be bold in interpreting the law progressively; and civil society must be strengthened in building legal solidarity. By implementing this strategy, Indonesia will not only close legal loopholes but also strengthen substantive democratic legitimacy,

[96] Fitri et al., "Application of Anti-SLAPP," 279.

[97] Banulita, and Utami, "Legal construction of anti," 734. See also, Ahmad, "Critical Analysis of Anti," 43; Muhni et al., "Integration of Anti-SLAPP," 451.

[98] Donita Nadia Elsanda, "Perlindungan Hukum Terhadap Masyarakat Yang Berpartisipasi Di Bidang Lingkungan Hidup Melalui Implementasi Anti-Slapp (Studi Kasus Putusan Pengadilan Tinggi Bangka Belitung Nomor 21/PID/2021/PT BBL)," *Dinamika* 30, no. 2 (2024): 10511.

[99] Sebastian, and Masyhar, "Implementasi anti-SLAPP," 19. See also, Fatmawati, "Juridical Review of the Implementation," 2350. See also, Rachmawaty et al., "Judicial Perspectives on the Equitable," 32.

[100] Riyadi, and Hadi, "Strategic Lawsuit against public," 153. See also, Castagno, "Strategic Lawsuits Against Public," 11; Kavaliauskaitė, "Silenced for Participation," 41; Fatmawati, "Juridical Review of the Implementation," 2353; Muhni et al., "Integration of Anti-SLAPP," 453; Chamberlain, "Growing Threats to Environmental," 14.

ensuring that public participation cannot be silenced through intimidatory litigation.[101]

4. Conclusion

The phenomenon of Strategic Lawsuits Against Public Participation (SLAPPs) in Indonesia demonstrates how litigation can be misused as a tool of intimidation against individuals advocating for public interests, including activists, journalists, academics, and civil society organizations. This practice imposes financial, psychological, and social burdens, hampering freedom of expression, public participation, and environmental advocacy. Despite the legal basis established through Article 28E of the 1945 Constitution, the Environmental Management Law, and the procedural guidelines of Supreme Court Regulation Number 1 of 2023, SLAPPs persist because several provisions in the Criminal Code, Civil Code, and the Electronic Information and Transactions Law (UU ITE) can be exploited to ensnare critical voices. This concrete case demonstrates the need for more effective and integrated legal protection so that the right to public participation is not merely declaratory but protected from strategic litigation.

The current national legal framework demonstrates a complex interplay between constitutional rights, civil and criminal protections, and sectoral regulations. The Public Information Disclosure Law, the Human Rights Law, the Freedom of Expression Law (FPA), and the Environmental Management Law provide basic protection, particularly for environmental defenders. However, loopholes remain that allow strategic lawsuits to arise. Legal reforms are needed to implement early screening mechanisms, shift the burden of proof, and provide compensation for litigation victims, so that anti-SLAPP principles can balance individual reputational rights and the public interest.

Strategies for preventing and addressing SLAPPs require a holistic approach involving the legislative, judicial, and social sectors. The development of an anti-SLAPP bill, revision of the Criminal Procedure Code, strengthening the ITE Law and the Public Information Disclosure Law, and training judges to recognize indicators of strategic lawsuits are crucial steps. Civil society, non-governmental organization, and advocacy coalitions have a strategic role in building legal solidarity, public education, and ongoing monitoring. By integrating these strategies, Indonesia can close legal loopholes that facilitate SLAPPs, strengthen the rule of law, and ensure public participation in policy and environmental

[101] Vernea, "Strategic Litigation Against Public," 96. See also, Castagno, "Strategic Lawsuits Against Public," 5; Banulita, and Utami, "Legal construction of anti," 735; Ahmad, "Critical Analysis of Anti," 45; Muhni et al., "Integration of Anti-SLAPP," 454; Safstrom, "Time to SLAPP Back," 18.

oversight is protected from disproportionate legal pressure, while simultaneously strengthening substantive democratic legitimacy.

References

Ahmad, Gelar Ali. "Critical Analysis of Anti-Slapp Regulations in The Field of Criminal Law in Indonesia." *Golden Ratio of Law and Social Policy Review* 4, no. 1 (2024): 32-37.

Ambrose, Jillian. (2024, December 10). "Shell settles lawsuit over Greenpeace protest." *The Guardian*. Retrieved on May 24, 2025, from https://www.theguardian.com/business/2024/dec/10/shell-settle-lawsuit-greenpeace-protest-oil-gas-slapp.

American Civil Liberties Union of Pennsylvania. (2025, July 15). "ACLU-PA sues Upper Pottsgrove Township over meritless "SLAPP" lawsuit." *ACLU Pennsylvania*. Retrieved on May 21, 2025, from https://www.aclupa.org/press-releases/aclu-pa-sues-upper-pottsgrove-township-over-meritless-slapp-lawsuit/.

Ardika, Komang. (2025, July 9). "Tonggak sejarah: Putusan pidana anti-SLAPP pertama di Indonesia." *MariNews*. Retrieved on May 22, 2025, from https://marinews.mahkamahagung.go.id/artikel/tonggak-sejarah-putusan-pidana-anti-slapp-pertama-di-ri-0oi.

Armstrong, Christian. "Freedom of information and expression in the private international law of the European Union. The Anti-SLAPP Directive and evolution of the right of public participation." *YEUCL* 3 (2024): 104-175.

Aulia, Nadya Zahra, Alya Zafira, and Regina Margarettha. "Anti-SLAPP: Meninjau kembali mekanisme perlindungan pejuang lingkungan hidup." *Jurnal Legislatif* 2, no. 5 (2021): 1-15.

Banulita, Mia, and Titik Utami. "Legal construction of anti-eco-SLAPP reinforcement in Indonesia." *Yuridika* 36, no. 3 (2021): 721-752.

Bayer, Judit, Petra Bárd, Lina Vosyliūtė, and Chun Luk. "Strategic Lawsuits Against Public Participation (SLAPP) in the European Union. A Comparative Study." *A Comparative Study* 30, no. 2 (2021): 34-55.

BBC Indonesia. (2023, Maret 28). "Aktivis menolak tambang emas di Banyuwangi 'dicap komunis', dipenjara setelah kasusnya 'digantung' empat tahun - mengapa pegiat lingkungan 'harus dilindungi?" *BBC Indonesia*. Retrieved on May 24, 2025, from https://www.bbc.com/indonesia/articles/cv290lyn293o.

Bodnar, Adam, and Aleksandra Gliszczyńska-Grabias. "Strategic Lawsuits against Public Participation (SLAPPs), the Governance of Historical Memory in the Rule of Law Crisis, and the EU Anti-SLAPP Directive." *European Constitutional Law Review* 19, no. 4 (2023): 642-663.

Borg-Barthet, Justin, and Francesca Farrington. "The EU's Anti-SLAPP Directive: A Partial Victory for Rule of Law Advocacy in Europe." *German Law Journal* 25, no. 6 (2024): 840-855.

Castagno, Davide. "Strategic Lawsuits Against Public Participation (SLAPPs) and Forum Shopping in the Digital and Social Media Era. A Comparison of US and EU Anti-SLAPPs Procedural Remedies." *JUDICIUM* 6, no. 3 (2025): 1-17.

Chamberlain, Lisa. "Growing Threats to Environmental Human Rights Defenders: The Latest Slapp Suit Developments In South Africa." *South African Journal of Environmental Law and Policy-latest Issue* 26, no. 1 (2020): 5-38.

Coe, Peter, Rebecca Moosavian, and Paul Wragg. "Addressing strategic lawsuits against public participation (SLAPPs): a critical interrogation of legislative, and judicial responses." *Journal of Media Law* 4, no. 3 (2025): 1-40.

Crego, Maria Diaz, and Micaela Del Monte. "Strategic Lawsuits Against Public Participation (SLAPPs)." *EU Parliament Briefing PE* 733, no. 8 (2023): 355-378.

Diaz, Marchethy Riwani, Jennifer Kurnia Putri, and Jovita Bunga Jegiantho. "Penguatan Kebijakan Anti-SLAPP dalam Mewujudkan Keadilan Lingkungan di Indonesia." *Jurnal Magister Hukum ARGUMENTUM* 7, no. 2 (2021): 63-71.

Dryer, Jacob. "SLAPP-ed Around: Examining the Use of State Anti-SLAPP Laws in Federal Courts." *Helms School of Government Undergraduate Law Review* 3, no. 1 (2024): 56-82.

Elsanda, Donita Nadia. "Perlindungan Hukum Terhadap Masyarakat Yang Berpartisipasi Di Bidang Lingkungan Hidup Melalui Implementasi Anti-Slapp (Studi Kasus Putusan Pengadilan Tinggi Bangka Belitung Nomor 21/PID/2021/PT BBL)." *Dinamika* 30, no. 2 (2024): 10506-10521.

Emmamally, Zeenat. "Slapping Down SLAPP Suits in South Africa: The Need for Legislative Protection and Civil Society Action." *South African Law Journal* 139, no. 1 (2022): 1-31.

Farrington, Francesca, and Magdalena Zabrocka. "Punishment by Process: The Development of Anti-SLAPP legislation in the European Union." In *ERA Forum*, vol. 24, no. 4, pp. 519-534. Berlin/Heidelberg: Springer Berlin Heidelberg, 2023.

Fatmawati, Nynda. "Juridical Review of the Implementation of Anti-SLAPP Policy in Indonesia (Analysis of Decision No. 14. Pid. Sus/2024/PN JPA)." *Journal of Law, Politic and Humanities* 5, no. 4 (2025): 2343-2348.

Fitri, Rina, Muhammad Chairullah, Dian Primadara, and Hazimi Abdullah Cut Agam. "Application of Anti-SLAPP (Strategic Lawsuit Against Public Participation) Principles in Environmental Case Solutions in Indonesia." *International Journal of Law, Social Science, and Humanities* 2, no. 2 (2025): 266-274.

Hadiyati, Nur, and Hayllen Stathany. "Analisis Undang-Undang ITE Berdasarkan Asas Pembentukan Peraturan Perundang-Undangan Di Indonesia." *Mizan: Jurnal Ilmu Hukum* 10, no. 2 (2021): 146-156.

Haikal, Muhamad Fikrl. "Optimalisasi Perlindungan Hukum Berbasis Anti-SLAPP Terhadap Kriminalisasi Aktivis Lingkungan Hidup." *Unizar Law Review* 7, no. 2 (2024): 103-113.

Handayani, Marsya Mutmainah, Julio Castor Achmadi, and Prilia Kartika Apsari. "Berbagai Wajah Fenomena SLAPP di Indonesia." *Jurnal Hukum Lingkungan Indonesia* 8, no. 1 (2021): 152-192.

Harahap, Irawan, and Riantika Pratiwi. "Perkembangan pengaturan anti-SLAPP di bidang lingkungan hidup menurut hukum Indonesia." *Jotika Research in Business Law* 2, no. 2 (2023): 83-89.

Hartiwiningsih, Hartiwiningsih, Seno Wibowo Gumbira, and Jaco Barkhuizen. "Dysfunctional Factors of Environmental Law on Strategic Lawsuit Against Public Participation and Developing Remedial Strategies Through Reconstruction Criminal Law System Model in Indonesia." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 10, no. 3 (2023): 2-34.

Hernanda, Dhicha Ayudiah, and Emmilia Rusdiana. "Problematika Hukum Pejuang Lingkungan Hidup dalam Pasal 66 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup." *Novum: Jurnal Hukum* 8, no. 4 (2021): 51-60.

Hilson, Christopher J. "Environmental SLAPPs in the UK: Threat or opportunity?." *Environmental Politics* 25, No. 2 (2016): 248-267.

Indrawati, Nani. "Perlindungan Hukum terhadap Partisipasi Masyarakat (Anti SLAPP) dalam Penegakan Hukum Lingkungan Hidup di Indonesia." *Media Iuris* 5, no. 1 (2022): 116.

Johnson, M., & Ring, S. (2025, January 28). "London lawyers for Wagner founder Prigozhin to face no action." *Financial Times*. Retrieved on May 24, 2025, from https://www.ft.com/content/571b734e-c178-497e-8509-7674db04b59c.

Jumantoro, T. R. P., and A. D. Novemyanto. "Anti-SLAPP Policy Conceptualization as a Strategic Effort to Protect Indigenous Peoples' Environmental Rights from Judicial

Harassment." *Journal of Progressive Law and Legal Studies Учредители: PT. Riset Press International* 3, no. 01 (2025): 41-54.

Karyudi, Bintang Mandala, and Nuril Firdausiah. "Implementasi supremasi hukum dalam penegakan hukum di Indonesia." *Lex Et Lustitia* 1, no. 2 (2024): 86-98.

Kavaliauskaitė, Justė. "Silenced for Participation: A Comparative Analysis of Anti-SLAPP Regulations in the European Union and United States." *Studia Prawno-Ekonomiczne* 134 (2025): 31-52.

Kavaliauskaitė, Justė. "Strategic Lawsuits Against Public Participation (SLAPP)." *Teisė* 132 (2024): 94-106.

Kerševan, Tanja, and Melita Poler. "Silencing journalists in matters of public interest: Journalists and editors assessments of the impact of SLAPPs on journalism." *Journalism* 25, No. 12 (2024): 2485-2503.

Lee, Jimmy, Shaphan Ng, Il Sun Yoo, and Liandong Zhang. "Freedom of Expression Protection and Corporate Concealment of Bad News: Evidence from State Anti-SLAPP Laws." *Journal of Accounting Research* 8, no. 3 (2025): 34-57.

Maoli, Francesca. "Strategic lawsuits against public participation and their global relevance: Recent developments and persisting gaps in human rights law and in (EU) PIL." *Freedom, Security & Justice: European Legal Studies* 2, no. 3 (2024): 289-321.

Meliana, Yang. "Kajian yuridis tentang perlindungan hak asasi manusia dalam kehidupan bernegara di Indonesia ditinjau dari Undang-Undang Nomor 39 Tahun 1999 tentang hak asasi manusia." *Justici* 14, no. 1 (2021): 67-91.

Mongabay. (2025, October 13). "Bambang Hero dan Basuki Wasis menang dari gugatan perusahaan sawit." *Mongabay*. Retrieved on October 24, 2025, from https://mongabay.co.id/2025/10/13/bambang-hero-dan-basuki-wasis-menang-dari-gugatan-perusahaan-sawit/.

Moningka, Christo Imanuel. "Tinjauan yuridis terhadap pertanggungjawaban pidana korporasi dalam konteks pelanggaran lingkungan hidup." *Lex Crimen* 12, no. 4 (2024).

Muhaling, Felife Joelton, Ronny A. Maramis, and Grace H. Tampongangoy. "Regulasi anti strategic lawsuit against public participation sebagai bentuk perlindungan hukum bagi aktivis lingkungan di indonesia." *lex privatum* 15, no. 5 (2025): 530-532.

Muhni, Afif, Muhammad Basri, Syarif Saddam Rivanie, Ismail Iskandar, Audyna Mayasari Muin, and Hijrah Adhyanti Mirzana. "Integration of Anti-SLAPP in the Reform of the Indonesian Criminal Procedure Code in an Effort to Protect Human Rights." *SIGn Jurnal Hukum* 7, no. 1 (2025): 437-453.

Mustika, Pradipta Pandu. (2025, July 10). "Awal mula dua guru besar IPB University menghadapi SLAPP dan digugat Rp 363 miliar." *Kompas*. Retrieved on October 24, 2025, from https://www.kompas.id/artikel/awal-mula-dua-guru-besar-ipb-university-menghadapi-slapp-dan-digugat-rp-363-miliar.

Nani Indrawati, S. H. *Kebijakan Anti-Slapp & Pengelolaan Lingkungan Hidup*. Jakarta: Gramedia Pustaka Utama, 2023.

Nasution, Ricki Rahmad Aulia, Adnan Hasanudin, Muhammad Rausyan Fikry, and Irwan Triadi. "Analisis Dampak Strategic Lawsuit Against Public Participation (SLAPP) Terhadap Perlindungan Lingkungan di Indonesia." *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi* 1, no. 4 (2024): 94-103.

Nasution, Ricki Rahmad Aulia, Adnan Hasanudin, Muhammad Rausyan Fikry, and Irwan Triadi. "Analisis Dampak Strategic Lawsuit Against Public Participation (SLAPP) Terhadap Perlindungan Lingkungan di Indonesia." *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi* 1, no. 4 (2024): 94-103.

Nelisa, Lidya. "Urgensi penguatan ketentuan prosedural anti-SLAPP di Indonesia untuk melindungi pembela HAM lingkungan dari serangan litigasi." *Jurnal Hukum Lingkungan Indonesia* 8, no. 1 (2021): 118-151.

Nowicka, Zuzanna. "SLAPP vs. Mutual Trust: Protecting the Public Debate Through Public Policy Considerations." *German Law Journal* 26, no. 4 (2025): 568-585.

Nowicka, Zuzanna. "SLAPP vs. Mutual Trust: Protecting the Public Debate Through Public Policy Considerations." *German Law Journal* 26, no. 4 (2025): 568-585.

Ogle, Greg. "Anti-SLAPP Law Reform in Australia." *Review of European Community & International Environmental Law* 19, no. 1 (2010): 35-44.

Paka, Arsafina, and Fatma Ulfatun Najicha. "Urgensi Kaji Ulang Regulasi Anti SLAPP terhadap Pejuang Keadilan Lingkungan Hidup." *Yustitia* 9, no. 1 (2023): 100-107.

Pasqua, Marco. "The Proposed EU Directive on SLAPPs: A (First) Tool for Preserving, Strengthening and Advancing Democracy." *Athena: Critical Inquiries L. Phil. & Globalization* 3 (2023): 209.

Quell, Molly. (2025, February 11). "EU court case: Greenpeace challenges energy company over environmental concerns." *AP News*. Retrieved on October 24, 2025, from https://apnews.com/article/eu-greenpeace-court-case-enengy-company-bdab76fe6014e4d680b6af6d273e5420.

Rachmawaty, Matthew Marcellinno Gunawan, and Novi Nurviani. "Judicial Perspectives on the Equitable Resolution of Anti-SLAPP Cases: Insights from Indonesia." *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 18-41.

Rajab, Achmadudin. "Urgensi undang-undang nomor 19 Tahun 2016 tentang perubahan atas undang-undang nomor 11 tahun 2008 tentang informasi dan transaksi elektronik sebagai solusi guna membangun etika bagi pengguna media." *Jurnal Legislasi Indonesia* 14, no. 4 (2018): 463-471.

Ritter, Ken. (2024, February 9). "Steve Wynn defamation lawsuit in Nevada." *AP News*. Retrieved on October 24, 2025, from https://www.apnews.com/article/steve-wynn-associated-press-defamation-lawsuit-nevada-aae0cda55a4fb7dcf1f30d8d63aafd6f.

Riyadi, Eko, and Sahid Hadi. "Strategic Lawsuit against public participation (SLAPP): A legal based threat to freedom of expression." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 8, no. 1 (2021): 141-162.

Rucz, Melinda. "SLAPPed by the GDPR: protecting public interest journalism in the face of GDPR-based strategic litigation against public participation." *Journal of Media Law* 14, no. 2 (2022): 378-405.

Safstrom, Jennifer. "Time to SLAPP Back: Advocating Against the Adverse Civil Liberties Implications of Litigation that Undermines Public Participation." *LSU Journal for Social Justice & Policy* 3 (2023): 10-34.

Scott, Michaelin, and Chris Tollefson. "Strategic lawsuits against public participation: The British Columbia experience." *Review of European Community & International Environmental Law* 19, no. 1 (2010): 45-57.

Sebastian, Naufal, and Ali Masyhar. "Implementasi anti-SLAPP (strategic lawsuit action against public participation) dalam pengelolaan dan perlindungan lingkungan hidup." *KREASI: Jurnal Inovasi dan Pengabdian kepada Masyarakat* 3, no. 1 (2023): 8-18.

Sembiring, Raynaldo. "Merumuskan Peraturan Anti Strategic Lawsuit Against Public Participation di Indonesia." *Bina Hukum Lingkungan* 3, no. 2 (2019): 186-203.

Setiawan, M. Nanda. "Mengkritisi Undang-Undang ITE Pasal 27 Ayat (3) dilihat dari Sosio-Politik Hukum Pidana Indonesia." *DATIN Law Jurnal* 2, no. 1 (2021): 1-21.

Simandjuntak, Jody, Arauna Bianca Gomulia, Falindevrie Yusuf Riyadi, Gladys Jennifer Nadila Zebua, and Yolanda Amorita Virginia Hartawan. "Dilema dan perkembangan anti-slapp di

indonesia: implikasi PERMA 1/2023 dan komparasi dengan negara lain." *Jurnal Legislatif* (2024): 113-130.

Valentine, Henry. "A Matter of Public Concern: Wright v. Dorsey and the Need for Speech Protections Beyond Anti-SLAPP Law." (2025): 137-167.

van Erp, Judith, and Tess Van der Linden. "Silencing those who speak up against corporate power: Strategic Lawsuits against Public Participation (SLAPPs) in Europe." In *European white-collar crime*, pp. 207-220. Bristol: Bristol University Press, 2021.

Vernea, Sorin-Alexandru. "Strategic lawsuits against journalists–an unconventional way to enact civil liability." *Lesij-Lex et Scientia International Journal* 31, no. 2 (2024): 28-35.

Vernea, Sorin-Alexandru. "Strategic Litigation Against Public Participation (Slapp)–Determination Criteria and Current Remedies in Romanian Legislation in the Event of Actions Directed Against Journalists." *Conferința Internațională de Drept, Studii Europene și Relații Internaționale* 12, no. XII (2024): 93-100.

Wardana, Dodi Jaya, Sukardi Sukardi, and Radian Salman. "Public participation in the law-making process in indonesia." *Jurnal Media Hukum* 30, no. 1 (2023): 66-77.

Yayasan Lembaga Bantuan Hukum Indonesia. (2025, July 1). "Hentikan proses hukum (SLAPP) terhadap ahli/akademisi lingkungan Prof Bambang & Prof Basuki!! *YLBHI*." Retrieved on October 24, 2025, from https://ylbhi.or.id/informasi/siaran-pers/hentikan-proses-hukum-slapp-terhadap-ahli-akademisi-lingkungan-prof-bambang-prof-basuki/.

Young, Hilary. "Canadian Anti-SLAPP laws in action." *Can. B. Rev.* 10, no. 3 (2022): 186-210.

Yuliana, Sri, Raja Agung Kesuma Arc, and Jonli Oswan. "Pelanggaran Hak Manusia Dalam Mempertahankan Lingkungan Hidup Menurut Undang â€"Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup." *Justicia Sains: Jurnal Ilmu Hukum* 7, no. 1 (2022): 41-62.