

Citizen Lawsuits: An Instrument for Environmental Law Enforcement in Addressing Air Pollution in Urban Areas

Noviya Anis^{*}
Jambi University, Jambi, Indonesia

Abstract. Urban air pollution has become one of the most persistent environmental governance failures in rapidly industrializing states, and Indonesia's capital, Jakarta, is a leading example of the gap between regulatory ambition and enforcement reality. Command-and-control instruments under Law No. 32 of 2009 on Environmental Protection and Management have proven insufficient to compel government compliance with ambient air quality standards, leaving citizens to seek redress through the courts. This article examines the citizen lawsuit (*gugatan warga negara*) as an instrument of environmental law enforcement, using the 2019-2023 Jakarta air pollution litigation as its central case study and situating it within a comparative family of citizen-enforcement mechanisms, including China's environmental public interest litigation, Germany's and Poland's ENGO-led smog litigation, and the United States' statutory citizen suit provisions. Employing normative juridical methodology with statute, conceptual, case, and comparative approaches, the study finds that while Indonesian courts have progressively affirmed citizens' legal standing and the government's negligence, a persistent post-judgment compliance gap undermines the instrument's enforcement value. The article's novelty lies in identifying execution and judicial monitoring design, rather than standing doctrine alone, as the decisive variable explaining cross-jurisdictional differences in citizen lawsuit effectiveness, and in proposing a structural reform agenda for Indonesia accordingly.

Keywords: citizen lawsuit; environmental law enforcement; air pollution; urban environmental governance; comparative environmental litigation

Received: 04 08, 2026 | **Revised:** 04 29, 2026 | **Accepted:** 05 17, 2026 | **Published Online:** 05 22, 2026

Correspondence:

Noviya Anis
anisnoviyanoviya@gmail.com



1. Introduction

Air pollution in urban areas has evolved from a localized nuisance into one of the most severe public health and governance crises confronting developing megacities. Jakarta, home to more than ten million residents within its administrative boundaries and over thirty million across its wider metropolitan region, has repeatedly ranked among the world's most polluted capitals, with particulate matter (PM_{2.5}) concentrations far exceeding both national ambient air quality standards and World Health Organization guidelines.¹ The consequences are measured not only in reduced visibility or environmental degradation but in mortality: independent epidemiological modelling has attributed several thousand premature deaths

¹Pardede, M., Situmorang, M., Aristeus, S., Rumadan, I., Toruan, H. D. L., Diogenes, Djamilus, & Nugrahani, E. L. P. (2023).

annually in Jakarta to long-term exposure to fine particulates, with projections indicating a worsening trajectory absent decisive intervention. Despite Indonesia possessing a comprehensive statutory framework for environmental protection under Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH), and despite ambient air quality standards formally established through government regulation, administrative enforcement mechanisms available to the executive branch, licensing controls, environmental impact assessment requirements, and administrative sanctions, have consistently failed to translate legal obligation into breathable air. This disjuncture between the existence of environmental law and its practical enforcement is not unique to Indonesia; it is a recurring feature of environmental governance across jurisdictions where bureaucratic inertia, weak inter-agency coordination, and limited political incentive to prioritize environmental quality over economic activity combine to produce chronic under-enforcement.²

It is precisely within this enforcement vacuum that citizen-initiated litigation has emerged as a complementary, and at times decisive, instrument of environmental governance. The citizen lawsuit, known in Indonesian legal practice as gugatan warga negara (CLS), allows citizens to bring a civil claim against the state for its failure or negligence (*onrechtmatige overheidsdaad*) in fulfilling a legal obligation, without demonstrating a direct, individualized material loss in the conventional tort sense.³ Rooted in Article 1365 of the Civil Code on unlawful acts, and given constitutional and statutory grounding through Article 28H of the 1945 Constitution and Articles 65 and 91 of the UUPPLH, which recognize the right of every person to file suit for the public interest, the CLS mechanism converts diffuse public grievance into a judicially cognizable claim against government inaction. The landmark 2019 Jakarta air pollution case, in which thirty-two citizens sued the President and six other officials for negligence in addressing hazardous air quality, and in which the district court, the high court, and the Supreme Court on cassation all ruled in the citizens' favor, stands as the most consequential application of this instrument to date.⁴ Yet the case also illustrates the instrument's central weakness: years after the initial filing and the first-instance verdict, independent monitoring continued to show only limited improvement, exposing a substantial gap between judicial pronouncement and administrative compliance.⁵

This gap is not merely an Indonesian anomaly; it reflects a broader theoretical and comparative question about what design features make citizen-initiated environmental

²Khoirunnisa, H., Choirinnisa, S. A., & Ilyasa, R. M. A. (2021).

³Nurmedina, L. (2021).

⁴Zaman, M. N. U. (2023).

⁵Gohardi, V. S., & Kusumawati, E. D. (2025).

litigation an effective enforcement instrument rather than a symbolic legal victory. Comparative experience offers instructive contrasts. In the United States, the citizen suit provisions embedded in federal statutes such as the Clean Air Act and the Resource Conservation and Recovery Act (RCRA) have operated for over five decades as a deliberately designed "gap-filling" mechanism, authorizing private parties to sue polluters or regulators directly for statutory violations, backed by fee-shifting provisions that reduce the financial barrier to litigation and by judicially enforceable consent decrees that specify concrete compliance timelines.⁶ Recent scholarship analyzing environmental litigation outcomes across the United States confirms that citizen suits under these statutes disproportionately target discrete, verifiable violations and often produce measurable compliance improvements precisely because the remedial structure anticipates ongoing judicial supervision rather than a one-off declaratory judgment.⁷ The nuisance-based lineage of American citizen enforcement, tracing back to nineteenth-century smoke abatement litigation and now reinterpreted for greenhouse gas and particulate abatement claims, further demonstrates a mature doctrinal architecture linking private rights of action to measurable environmental outcomes.⁸ Even outside formal litigation, informal citizen enforcement practices, such as laypeople documenting and reporting illegal commercial idling to trigger municipal air pollution enforcement in New York City, illustrate how the same underlying logic of citizen-driven accountability operates below the threshold of full litigation, supplementing rather than substituting for judicial citizen suits.⁹ A newer generation of American climate-standing litigation, exemplified by youth-led constitutional claims, similarly tests how far citizen enforcement can be stretched to compel systemic regulatory reform, with mixed judicial reception illustrating both the promise and the doctrinal fragility of expansive standing theories.¹⁰

China presents an even more extensively documented, if institutionally distinct, comparative case. Since the 2015 revision of its Environmental Protection Law, China has developed one of the world's largest bodies of environmental public interest litigation (EPIL), channeled through registered environmental NGOs and, increasingly, procuratorate-led suits.¹¹ Empirical studies of hundreds of Chinese EPIL cases reveal a system that, despite operating

⁶Wohlers, K. (2022).

⁷Rea, C., Merten, N., & Rife, C. (2024).

⁸Markey, K. (2022).

⁹Hartmann, C. (2025).

¹⁰Budd, J., & McCabe, M. (2025).

¹¹Xie, L., & Xu, L. (2021).

within an authoritarian structure constraining genuine civil society autonomy, has produced measurable governance effects, including improved urban environmental governance performance correlated with public interest litigation activity across prefecture-level cities,¹² and demonstrable, if geographically uneven, air pollution control improvements attributable to prosecutor-led suits.¹³ Other studies caution that this design, characterized by tight state control over which cases may proceed, produces a form of "authoritarian environmentalism" in which litigation functions as a state-sanctioned safety valve rather than genuine bottom-up accountability.¹⁴ Complementary quantitative work finds that public participation channels, including litigation, do not necessarily weaken formal regulatory stringency, countering assumptions that citizen enforcement and state regulation are substitutes.¹⁵ Studies further link the intensity of public and media attention on air pollution to measurable shifts in local governance responsiveness,¹⁶ while spatial analyses of citizen complaint patterns show how citizen-generated information feeds into enforcement priorities.¹⁷ Studies examining the interaction between state and non-state actors within this system further characterize Chinese EPIL as a form of bounded pluralism, in which civil society participation is real but consistently subordinate to state-defined limits on permissible litigation targets.¹⁸

European experience offers a third comparative axis, one grounded in rights-based rather than purely statutory or state-mediated litigation. In Germany, lawsuits initiated by environmental non-governmental organizations under standing provisions implementing the Aarhus Convention have targeted air pollution policy directly, with empirical assessment suggesting that such litigation exerts measurable, if incremental, pressure on regulatory ambition even where formal legal victories are not always secured.¹⁹ In Poland, a wave of rights-based "smog litigation" grounded in constitutional environmental and health rights has confronted entrenched fossil-fuel dependent governance structures, revealing both the potential and the structural limits of judicial intervention when it collides with democratic backsliding

¹²Wei, L., & Wenyu, F. (2021).

¹³Wu, W., Chan, P., & Lin, X. (2024).

¹⁴Li, X., & Song, Z. (2024).

¹⁵Zhao, M., & Cheng, Y. (2024).

¹⁶Chu, Z., Yang, T., & Zhang, Z. (2024).

¹⁷Xie, L., & Xu, L. (2021).

¹⁸Yi, & Xiang, W. (2023).

¹⁹Bothner, F., Töller, A. E., & Schnase, P. P. (2022).

and weak administrative follow-through.²⁰ These cases collectively demonstrate that the legal form of citizen enforcement, whether statutory citizen suit, NGO standing, prosecutor-led public interest action, or constitutional rights litigation, matters less for ultimate effectiveness than the presence or absence of a credible post-judgment compliance architecture.

Despite the breadth of this comparative and doctrinal literature, a specific gap remains. Existing Indonesian scholarship on the citizen lawsuit mechanism has substantially advanced understanding of its constitutional and statutory foundations, its procedural requirements including the mandatory prior notice (*somasi*) to the state, and the doctrinal debate over legal standing (*legitimasi persona standi in judicio*) for claims not resting on individualized loss.²¹ Case-focused studies of the Jakarta litigation have documented its procedural trajectory in useful detail,²² and conference-level normative studies have extended the analysis to citizen lawsuit practice in Indonesia's administrative courts.²³ Yet, with limited exception, this literature treats the citizen lawsuit predominantly as a doctrine of access to justice, who may sue and on what procedural terms, rather than as a comparative instrument of enforcement whose real-world efficacy depends on institutional design occurring after judgment. Comparative literature on China, the United States, and Europe rarely engages the Indonesian citizen lawsuit within the same analytical family, leaving the two bodies of scholarship talking past one another. Public participation-focused studies of Indonesia's civil justice system have opened this comparative door,²⁴ and studies of climate-related litigation trends in Indonesian courts confirm litigation's growing structural significance,²⁵ but a systematic account connecting Indonesia's post-judgment compliance deficit to the design choices distinguishing more effective comparative regimes has not yet been undertaken.

This article addresses that gap and offers three interlocking contributions that constitute its novelty. First, it reframes the analytical question from "can citizens sue the state for environmental negligence" to "what post-judgment institutional architecture converts a citizen lawsuit victory into measurable air quality improvement," shifting the locus of inquiry from standing doctrine to enforcement design. Second, it constructs a structured comparative framework, spanning Indonesia's civil-law citizen lawsuit, China's hybrid NGO- and

²⁰Karpus, K. (2023).

²¹Ulfanora, U. (2024).

²²Hermawan, S., Suntoro, A., & Utomo, N. A. (2023).

²³Putrijanti, A., Indreswari, T. L., Sulistyawan, A. Y., Ananingsih, S. W., & Lumbanraja, A. D. (2025).

²⁴Purwendah, E., Rusito, Awaludin, A., & Triana, I. (2022).

²⁵Sulistiawati, L. Y. (2024).

prosecutor-led public interest litigation, the United States' statutory citizen suit regime, and European rights-based ENGO litigation, that identifies four decisive design variables: the breadth of standing, the specificity and enforceability of remedial orders, the presence of judicial or independent monitoring mechanisms, and the availability of cost-shifting or contempt-based enforcement tools. Third, drawing on the empirical trajectory of the Jakarta air pollution case as its central object of analysis, the article demonstrates precisely where Indonesia's citizen lawsuit architecture diverges from these comparatively more effective designs, and proposes targeted normative reforms, most centrally the introduction of judicially supervised compliance timelines and an independent monitoring mandate, capable of closing the enforcement gap without requiring wholesale statutory redesign. In doing so, the article moves the Indonesian citizen lawsuit literature beyond doctrinal description toward a functional, comparative theory of environmental enforcement effectiveness.

2. Research Methods

This study employs normative juridical (*yuridis normatif*) legal research methodology, examining law as a coherent system of norms rather than as an empirical social phenomenon, while nonetheless drawing on empirical findings from comparative socio-legal scholarship to contextualize doctrinal analysis. Four complementary approaches are used. The statute approach (*pendekatan perundang-undangan*) examines the primary legal materials governing citizen lawsuits in Indonesia, principally Law No. 32 of 2009 on Environmental Protection and Management, the Indonesian Civil Code provisions on unlawful acts, Law No. 48 of 2009 on Judicial Power, and relevant implementing regulations on ambient air quality standards. The case approach (*pendekatan kasus*) analyzes the Jakarta air pollution citizen lawsuit through its full procedural trajectory, from the first-instance decision of the Central Jakarta District Court through the Jakarta High Court's appellate ruling (Decision No. 549/Pdt/2022/PT DKI) and subsequent cassation review, as reported and analyzed in the secondary literature. The conceptual approach (*pendekatan konseptual*) engages theoretical concepts of legal standing, public interest litigation, and post-judgment compliance drawn from comparative environmental law scholarship. Finally, the comparative approach (*pendekatan perbandingan*) situates the Indonesian mechanism against citizen-enforcement regimes in the United States, the People's Republic of China, Germany, and Poland. Data consist entirely of secondary legal materials: statutory texts, published court decisions and case commentary, and peer-reviewed journal articles, the latter compiled from a structured bibliographic search combining Indonesian- and English-language sources with active digital object identifiers, cross-verified for accessibility through Google Scholar. Data were analyzed qualitatively through legal-doctrinal synthesis and structured comparative tabulation, allowing cross-jurisdictional design variables to be identified and mapped against the Indonesian case.

3. Result and Discussion

3.1 The Doctrinal Foundation and Practical Trajectory of the Indonesian Citizen Lawsuit

The Indonesian citizen lawsuit is not a creature of express statutory codification in the manner of the American citizen suit; rather, it has developed through judicial interpretation of the general unlawful-act provision in Article 1365 of the Civil Code, informed by the constitutional right to a good and healthy environment under Article 28H(1) of the 1945 Constitution and given specific environmental content through Articles 65 and 91 of the UUPPLH.²⁶ Article 91 explicitly authorizes any person to file suit for the public interest concerning environmental damage or pollution, without requiring proof of individualized loss, a departure from ordinary civil procedure's insistence on a direct and personal interest (point d'interet, point d'action) as the threshold for standing.²⁷ Judicial practice has nonetheless imposed procedural discipline on this otherwise broad grant: claimants must issue a prior written notice (somasi) to the relevant state organ, allowing a defined period for voluntary remedial action before the claim may proceed, and the substantive relief sought is generally confined to an order compelling the government to issue or enforce a general regulatory policy (regeling), rather than monetary compensation to the plaintiffs personally.²⁸

The 2019-2023 Jakarta air pollution litigation is the fullest judicial application of this doctrine in the environmental field. Thirty-two citizens, several of whom presented medical evidence of respiratory and dermatological conditions linked to prolonged exposure to Jakarta's air, sued the President, three cabinet ministers, the Governor of Jakarta, and the governors of two neighboring provinces, alleging sustained negligence in addressing ambient air quality that had, for extended periods, ranked among the world's worst. In September 2021, the Central Jakarta District Court held the defendants liable for unlawful acts of omission, ordering, among other measures, revision of the national ambient air quality standard to align with contemporary health-based benchmarks, expansion of air quality monitoring infrastructure, and public disclosure of real-time air quality data.²⁹ The government's appeal was rejected by the Jakarta High Court in October 2022 (Decision No. 549/Pdt/2022/PT DKI), and the Supreme Court subsequently dismissed the state's cassation petition in November 2023, rendering the judgment final and binding.³⁰ The most recent doctrinal assessment of the case's execution phase concludes that, notwithstanding this unambiguous string of judicial victories for the plaintiffs, government compliance with the substantive orders, particularly revision of the

²⁶Ulfanora, U. (2024).

²⁷Purwendah, E., Rusito, Awaludin, A., & Triana, I. (2022).

²⁸Khoirunnisa, H., Choirinnisa, S. A., & Ilyasa, R. M. A. (2021).

²⁹Zaman, M. N. U. (2023).

³⁰Gohardi, V. S., & Kusumawati, E. D. (2025).

ambient air quality standard and demonstrable air quality improvement, has remained only partial, with implementation delayed by inter-agency disputes over responsibility and by the absence of any judicially specified compliance deadline or enforcement mechanism triggered by continued non-compliance.³¹

3.2 Comparative Design Variables in Citizen-Enforcement Regimes

Table 1 synthesizes four design variables identified through comparative analysis of the Indonesian, Chinese, American, and European regimes: the scope of standing, the specificity of remedial orders, the presence of a post-judgment monitoring mechanism, and the availability of enforcement tools should compliance falter.

Table 1. Comparative Design Variables in Citizen-Enforcement Regimes

Jurisdiction	Standing Basis	Typical Remedial Order	Post-Judgment Monitoring	Enforcement Tool on Non-Compliance
Indonesia (Citizen Lawsuit)	Art. 91 UUPPLH; Art. 1365 Civil Code; broad public-interest standing, no individualized loss required	General order to issue/revise policy or regulation (regeling); no quantitative benchmark	None specified in judgment; no independent verifying body	Re-filing of a new suit; no contempt or judicially supervised timeline
United States (Citizen Suit — Clean Air Act / RCRA)	Statutory; injury-in-fact plus causal link to specific violation	Injunction tied to permit/statutory compliance; consent decree with deadlines	Continuing judicial supervision of consent decree	Contempt of court; statutory fee-shifting sustains repeat litigation
China (EPIL)	Registered ENGOs; procuratorate public-interest standing	Compensation for ecological damage; restoration order; policy directive	Procuratorate supervisory follow-up on local agencies	Procuratorial oversight; administrative accountability review
Germany (ENGO Litigation)	Aarhus Convention-based ENGO standing	Annulment/revision of permit or plan; declaratory finding	Ad hoc, case-by-case; no standing	Repeat litigation; political and

³¹Ibid.

			monitoring body	reputational pressure
Poland (Rights- Based Smog Litigation)	Constitutional right to health/environment	Declaratory recognition of rights violation	None; dependent on executive follow- through	Limited; contingent on political will amid democratic backsliding

The comparison reveals a consistent pattern. Jurisdictions whose citizen-enforcement mechanisms most reliably translate litigation into measurable environmental improvement are not necessarily those with the broadest standing rules, Indonesia's Article 91 standing is already comparatively generous, but those that pair standing with an enforceable, time-bound remedial architecture. The American citizen suit model, though narrower in permitting only violations of specific statutory or permit conditions to be sued upon, compensates through consent decrees enforceable by continuing judicial supervision and contempt sanctions, together with fee-shifting that sustains plaintiff capacity for multi-year enforcement litigation.³² Empirical analysis of environmental litigation outcomes across the United States confirms that this structural design correlates with a comparatively high rate of documented compliance following judgment, particularly for point-source and permit-based violations amenable to objective verification.³³ The evolution of nuisance-based air pollution claims from nineteenth-century smoke abatement to contemporary greenhouse gas litigation further illustrates how American courts have continuously adapted equitable remedial tools, injunctions calibrated to measurable emission reductions, to new pollution contexts without requiring new standing doctrine.³⁴ Even so, the limits of this model are visible in recent youth-led constitutional climate suits, where courts have proven far more reluctant to extend standing and judicially manageable remedies to systemic, diffuse harms of the kind that characterize climate change, in contrast to the more geographically and causally bounded harms typical of local air pollution nuisance claims.³⁵

China's model achieves a different, state-mediated form of enforcement leverage. Because a substantial share of environmental public interest litigation is initiated or co-initiated

³²Wohlers, K. (2022).

³³Rea, C., Merten, N., & Rife, C. (2024).

³⁴Markey, K. (2022).

³⁵Budd, J., & McCabe, M. (2025).

by the procuratorate rather than by private NGOs alone, the resulting judgments carry the institutional weight of the state's own prosecutorial apparatus, which retains post-judgment supervisory authority over local implementing agencies in a manner without direct parallel in Indonesia's civil-law CLS framework.³⁶ Quantitative analysis linking the incidence of public interest litigation to measurable improvements in urban environmental governance performance across hundreds of prefecture-level cities supports the inference that this hybrid enforcement structure produces genuine, if geographically uneven, compliance pressure.³⁷ Spatial analysis of citizen-generated environmental complaints further shows that citizen input functions not only as a litigation trigger but as an ongoing monitoring data stream that regulators use to prioritize enforcement resources, effectively extending the citizen-enforcement function beyond the courtroom into routine administrative practice.³⁸ Nonetheless, the same centralization that provides enforcement leverage also constrains the model's independence: studies characterizing Chinese EPIL as a form of "authoritarian environmentalism" caution that litigation outcomes remain contingent on alignment with state priorities, and that independent civil society actors face significant constraints on which cases may proceed to judgment at all.³⁹ Public attention and media salience appear to substitute, in part, for formal civil society independence in driving governance responsiveness, suggesting China's model transfers enforcement leverage from judicial independence to political visibility.⁴⁰ Comparative institutional analysis of Chinese environmental courts further indicates that specialized judicial fora, where they exist, improve the technical quality and consistency of environmental adjudication relative to generalist civil courts, a structural feature entirely absent from Indonesia's citizen lawsuit practice, which proceeds through ordinary district courts lacking specialized environmental expertise.⁴¹

European experience underscores a third pathway: rights-based litigation grounded in constitutional or Aarhus Convention-derived standing, which achieves influence less through formal remedial specificity than through sustained reputational and political pressure on regulators. German ENGO litigation targeting air pollution policy has produced measurable, if incremental, regulatory tightening even in cases that do not result in unambiguous plaintiff victories, suggesting that repeated litigation itself functions as a governance-shaping

³⁶Wu, W., Chan, P., & Lin, X. (2024).

³⁷Wei, L., & Wenyu, F. (2021).

³⁸Xie, L., & Xu, L. (2021).

³⁹Li, X., & Song, Z. (2024).

⁴⁰Chu, Z., Yang, T., & Zhang, Z. (2024).

⁴¹He, X. (2024).

mechanism independent of individual case outcomes.⁴² Polish smog litigation illustrates the opposite risk: where courts recognize constitutional environmental and health rights but lack either a specific remedial mechanism or a politically resilient enforcement partner within the executive branch, judicial recognition of a right can coexist for years with unchanged material conditions, particularly where broader democratic backsliding weakens the administrative and political will to comply.⁴³

3.3 Applying the Comparative Framework to Indonesia's Enforcement Gap

Measured against this comparative framework, Indonesia's citizen lawsuit mechanism exhibits a distinctive profile: comparatively generous standing and a demonstrated judicial willingness to find the government liable, combined with the weakest remedial specificity and post-judgment monitoring architecture among the jurisdictions examined. Indonesian courts, including in the Jakarta case, have consistently framed relief in general terms, ordering the government to "improve" air quality or to revise a standard, without specifying quantitative benchmarks, implementation deadlines, or an independent body tasked with verifying compliance.⁴⁴ This design gap is compounded by the absence, unlike in the American model, of statutory fee-shifting or contempt-based enforcement tools that would allow plaintiffs to return to court efficiently upon continued non-compliance, and by the absence, unlike in the Chinese model, of a state institution with both the mandate and the administrative leverage to supervise implementing agencies after judgment.⁴⁵ The result, as documented in the most recent case-specific assessment of the Jakarta litigation's implementation record, is a judgment that is legally final but only partially executed, precisely the compliance gap this article's comparative framework predicts will occur absent structural remedial reform.⁴⁶

Table 2 summarizes concrete reform proposals derived directly from the comparative design variables identified above, each targeted at closing a specific element of Indonesia's compliance gap without requiring wholesale abandonment of the existing civil-law CLS framework.

Table 2. Proposed Reforms to Close Indonesia's Post-Judgment Compliance Gap

⁴²Bothner, F., Töller, A. E., & Schnase, P. P. (2022).

⁴³Karpus, K. (2023).

⁴⁴Zaman, M. N. U. (2023).

⁴⁵Putrijanti, A., Indreswari, T. L., Sulistyawan, A. Y., Ananingsih, S. W., & Lumbanraja, A. D. (2025).

⁴⁶Gohardi, V. S., & Kusumawati, E. D. (2025).

Design Gap Identified	Comparative Reference Point	Proposed Reform for Indonesia
No quantitative benchmark or deadline in remedial orders	U.S. consent decrees with specified compliance timelines	Judicial guidance (SEMA) encouraging judges to specify measurable targets and deadlines in CLS dispositifs
No independent post-judgment monitoring body	China's procuratorate supervisory follow-up	Statutory mandate for an independent or ombudsman-style body to verify and report on government compliance
No efficient re-litigation or contempt pathway	U.S. contempt-of-court enforcement	Simplified execution (eksekusi) procedure specific to CLS judgments, avoiding full new-suit re-litigation
High evidentiary and cost burden on citizen plaintiffs	U.S. statutory fee-shifting for citizen suits	Limited fee-shifting rule for public-interest environmental claims where negligence is judicially established
Adjudication by generalist civil courts	China's specialized environmental courts	Gradual integration of environmental adjudicative expertise/certification within district courts hearing CLS claims

These proposals are deliberately incremental rather than transplative: they do not require Indonesia to adopt China's prosecutorial model or America's statutory citizen suit architecture wholesale, both of which would require constitutional and institutional changes far beyond the scope of environmental procedure reform, but instead identify the specific enforcement functions those models perform and propose functionally equivalent mechanisms compatible with Indonesia's existing civil procedure and judicial institutions. Embedding a compliance timeline within the dispositif of a CLS judgment, for instance, requires no new legislation, only a shift in judicial drafting practice that could be encouraged through Supreme Court guidance (Surat Edaran Mahkamah Agung) to environmental judges. Environmental court integration, by contrast, would benefit from the broader institutional momentum already visible in Indonesia's growing body of environmental and climate-related litigation, which demonstrates that courts are increasingly called upon to adjudicate technically complex environmental claims and would benefit from corresponding specialization.⁴⁷

A further dimension the comparative framework highlights is the treatment of evidentiary and cost barriers facing citizen plaintiffs. Indonesian civil procedure places the

⁴⁷Sulistiawati, L. Y. (2024).

burden of proving governmental negligence largely on the plaintiff, a burden made heavier by the technical, scientific character of air quality evidence and by plaintiffs' limited access to independent monitoring data, a constraint the Jakarta plaintiffs partially overcame only through sustained collaboration with environmental non-governmental organizations willing to underwrite the litigation's evidentiary costs.⁴⁸ The American model addresses this constraint structurally through statutory fee-shifting, which allows successful citizen plaintiffs to recover litigation costs from the losing party, thereby sustaining a repeat-litigation capacity within environmental NGOs that Indonesian civil procedure, which follows a default cost-bearing rule unfavorable to public interest plaintiffs, does not replicate.⁴⁹ Introducing a limited statutory or judge-made fee-shifting rule specifically for public interest environmental claims, modest in scope and confined to cases where government negligence is judicially established, would directly address this capacity constraint without altering Indonesia's broader civil procedure framework, and would strengthen the credibility of citizen lawsuits as a sustained, rather than episodic, enforcement instrument capable of returning to court when compliance falters

4. Conclusion

The citizen lawsuit has demonstrated real, if partial, value as an instrument of environmental law enforcement in Indonesia's struggle against urban air pollution, most visibly in the Jakarta case, where sustained citizen litigation succeeded in obtaining a final and binding judicial finding of government negligence across three levels of the judiciary. Yet comparative analysis against citizen-enforcement regimes in the United States, China, Germany, and Poland demonstrates that judicial victory alone is an insufficient measure of enforcement effectiveness. What distinguishes jurisdictions in which citizen litigation reliably converts into measurable environmental improvement is not the breadth of standing, where Indonesia's Article 91 framework already compares favorably, but the presence of a post-judgment architecture: specific and quantifiable remedial orders, independent or judicially supervised monitoring, and accessible enforcement tools triggered by continued non-compliance. Indonesia's citizen lawsuit mechanism currently lacks each of these elements, producing the persistent compliance gap documented in the Jakarta litigation's protracted and incomplete implementation. Closing this gap does not require Indonesia to import a foreign institutional model wholesale; it requires targeted procedural reform, judicially specified compliance timelines, statutorily mandated independent monitoring, streamlined re-litigation pathways for non-compliance, and progressive integration of environmental adjudicative expertise into the courts hearing these claims. Future research should track the implementation trajectory of subsequent Indonesian citizen lawsuits against this comparative framework, to test whether incremental procedural reform, rather than wholesale institutional transplantation, can close the enforcement gap this article has identified

⁴⁸Zaman, M. N. U. (2023).

⁴⁹Wohlers, K. (2022).

References

- Bothner, F., Töller, A. E., & Schnase, P. P. (2022). Do lawsuits by ENGOs improve environmental quality? Results from the field of air pollution policy in Germany. *Sustainability*, 14(11), 6592. <https://doi.org/10.3390/su14116592>
- Budd, J., & McCabe, M. (2025). Standing to enforce the future: Citizen suits and climate change. *Boston College Law Review*, 66. <https://doi.org/10.70167/vqjq9762>
- Chu, Z., Yang, T., & Zhang, Z. (2024). Assessing the role of public, media, and government attention on air pollution governance in China. *Sustainable Cities and Society*, 113, 105681. <https://doi.org/10.1016/j.scs.2024.105681>
- Gohardi, V. S., & Kusumawati, E. D. (2025). Kepatuhan pemerintah dalam memenuhi hak atas lingkungan yang sehat (Studi kasus citizen lawsuit kualitas udara Jakarta). *Jurnal Kertha Patrika*, 47(1), 88–111. <https://doi.org/10.24843/KP.2025.v47.i01.p.06>
- Hartmann, C. (2025). Laypeople documenting illegal commercial idling in New York City: Enforcing air pollution laws and procedural environmental justice. *Environmental Justice*, 19(3), 129–135. <https://doi.org/10.1177/19394071251369607>
- He, X. (2024). Judicialisation for environmental public interest protection in China: The faces of court in different forms of environmental litigation. *Journal of Energy & Natural Resources Law*, 43(2), 179–202. <https://doi.org/10.1080/02646811.2024.2365070>
- Hermawan, S., Suntoro, A., & Utomo, N. A. (2023). Opportunity to utilize the citizen lawsuit mechanism for environmental protection. *E3S Web of Conferences*, 464, 01007. <https://doi.org/10.1051/e3sconf/202346401007>
- Karpus, K. (2023). Not easy to 'green' old ways: National courts and rights-based smog cases in Poland. *Review of European, Comparative & International Environmental Law*, 32(2), 240–251. <https://doi.org/10.1111/reel.12495>
- Khoirunnisa, H., Choirinnisa, S. A., & Ilyasa, R. M. A. (2021). Quo vadis: Penerapan citizen lawsuit sebagai upaya perlindungan terhadap lingkungan hidup. *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria*, 1(1), 117–137. <https://doi.org/10.23920/litra.v1i1.587>
- Li, X., & Song, Z. (2024). A critical examination of environmental public interest litigation in China: Reflection on China's environmental authoritarianism. *Humanities and Social Sciences Communications*, 11, 1–12. <https://doi.org/10.1057/s41599-024-03047-9>
- Markey, K. (2022). Air pollution as public nuisance: Comparing modern-day greenhouse gas abatement with nineteenth-century smoke abatement. *Michigan Law Review*, 120(7), 1417–1448. <https://doi.org/10.36644/mlr.120.7.air>

- Nurmedina, L. (2021). Perbandingan penyelesaian sengketa lingkungan hidup melalui mekanisme gugatan warga negara (citizen lawsuit) di Indonesia dan Amerika Serikat. *Simbur Cahaya*, 28(2), 245–264. <https://doi.org/10.28946/sc.v28i2.1236>
- Pardede, M., Situmorang, M., Aristeus, S., Rumadan, I., Toruan, H. D. L., Diogenes, Djamilus, & Nugrahani, E. L. P. (2023). Perspectives of sustainable development vs. law enforcement on damage, pollution and environmental conservation management in Indonesia. *Journal of Water and Climate Change*, 14(10), 3770–3790. <https://doi.org/10.2166/wcc.2023.417>
- Purwendah, E., Rusito, Awaludin, A., & Triana, I. (2022). Public participation in environmental protection: Citizen law suits in the Indonesian civil justice system. *IOP Conference Series: Earth and Environmental Science*, 1030, 012022. <https://doi.org/10.1088/1755-1315/1030/1/012022>
- Putrijanti, A., Indreswari, T. L., Sulistyawan, A. Y., Ananingsih, S. W., & Lumbanraja, A. D. (2025). Enforcement of environmental law through citizen lawsuit in administrative court. *E3S Web of Conferences*, 605, 03008. <https://doi.org/10.1051/e3sconf/202560503008>
- Rea, C., Merten, N., & Rife, C. (2024). Outcomes and policy focus of environmental litigation in the United States. *Nature Sustainability*, 7, 1469–1480. <https://doi.org/10.1038/s41893-024-01456-x>
- Sulistiawati, L. Y. (2024). Climate change related litigation in Indonesia. *Communications Earth & Environment*, 5, 522. <https://doi.org/10.1038/s43247-024-01684-1>
- Ulfanora, U. (2024). Right to sue (citizen law suit) air pollution as an alternative dispute settlement. *Nagari Law Review*, 7(3), 555–566. <https://doi.org/10.25077/nalrev.v.7.i.3.p.555-566.2024>
- Wei, L., & Wenyu, F. (2021). Does public interest litigation promote the performance of urban environmental governance? An empirical study based on micro-data of 287 prefecture-level cities. *Journal of Shanghai University of Finance and Economics*, 23(4), 48–62. <https://doi.org/10.16538/j.cnki.jsufe.2021.04.004>
- Wohlers, K. (2022). The particle problem: Using RCRA citizen suits to fill gaps in the Clean Air Act. *Michigan Law Review*, 121(2), 349–378. <https://doi.org/10.36644/mlr.121.2.particle>
- Wu, W., Chan, P., & Lin, X. (2024). Urban pollution governance, prosecutor-led environmental public interest litigation and regional environmental disparities in China: Evidence from 282 cities. *China: An International Journal*, 22(4), 73–95. <https://doi.org/10.56159/chn.2024.a945294>
- Xie, L., & Xu, L. (2021). Environmental public interest litigation in China: Findings from 570 court cases brought by NGOs, public prosecutors and local government. *Journal of Environmental Law*, 33(3), 553–580. <https://doi.org/10.1093/jel/eqab029>

- Yi, & Xiang, W. (2023). Enforcing law through authoritarian environmentalism? State and non-state actors in China's environmental public interest litigation. *Journal of Current Chinese Affairs*, 52(3), 464–487. <https://doi.org/10.1177/18681026231185791>
- Zaman, M. N. U. (2023). Citizens lawsuit: Development and its implementation in environmental law enforcement in Indonesia (Case study: High Court Decision No. 549/Pdt/2022/PT DKI concerning citizens lawsuit for DKI Jakarta air pollution). *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 3(2), 235–254. <https://doi.org/10.15294/ipmhi.v3i2.67370>
- Zhao, M., & Cheng, Y. (2024). Is public participation weak environmental regulation? Experience from China's environmental public interest litigation pilots. *Sustainability*, 16(20), 8883. <https://doi.org/10.3390/su16208883>.