



Environmental Defenders Under Threat: Violence, Criminalization, and the Shrinking Space for Ecological Democracy in Indonesia

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Abstract

Environmental defenders play a crucial role in challenging ecological destruction, documenting environmental harm, and representing community interests in conflicts over land and natural resources. Yet in Indonesia, individuals and communities defending environmental rights may face intimidation, criminalization, violence, and other forms of pressure. This article examines the conditions confronting environmental defenders and analyzes what these patterns reveal about the state of ecological democracy. Drawing on environmental-justice and human-rights perspectives, the study explores how conflicts surrounding extractive activities can escalate when communities challenge powerful economic and political interests. The case of Koto Rambah in Solok Selatan provides an entry point for examining the relationship between environmental conflict, threats against defenders, and access to justice. The article argues that the protection of environmental defenders is not a peripheral human-rights concern but a fundamental requirement for democratic environmental governance. When citizens are discouraged or punished for raising concerns about pollution, land degradation, or resource extraction, public participation in environmental decision-making is weakened. The resulting democratic deficit can facilitate the continuation of environmentally harmful practices without effective social oversight. The article therefore calls for stronger institutional protection, legal safeguards, accountability mechanisms, and recognition of environmental defense as a legitimate democratic activity. Protecting environmental defenders is ultimately inseparable from protecting communities' rights to participate in decisions affecting their territories and environments.

[Para pembela lingkungan memainkan peran penting dalam menentang kerusakan ekologis, mendokumentasikan kerusakan lingkungan, dan mewakili kepentingan masyarakat dalam konflik terkait lahan dan sumber



daya alam. Namun di Indonesia, individu dan masyarakat yang membela hak-hak lingkungan dapat menghadapi intimidasi, kriminalisasi, kekerasan, dan bentuk tekanan lainnya. Artikel ini mengkaji kondisi yang dihadapi para pembela lingkungan dan menganalisis apa yang diungkapkan pola-pola ini tentang keadaan demokrasi ekologis. Dengan mengacu pada perspektif keadilan lingkungan dan hak asasi manusia, studi ini mengeksplorasi bagaimana konflik seputar kegiatan ekstraktif dapat meningkat ketika masyarakat menantang kepentingan ekonomi dan politik yang kuat. Kasus Koto Rambah di Solok Selatan memberikan titik masuk untuk mengkaji hubungan antara konflik lingkungan, ancaman terhadap para pembela, dan akses terhadap keadilan. Artikel ini berpendapat bahwa perlindungan para pembela lingkungan bukanlah masalah hak asasi manusia yang bersifat perifer, melainkan persyaratan mendasar untuk tata kelola lingkungan yang demokratis. Ketika warga negara dihalangi atau dihukum karena menyuarakan keprihatinan tentang polusi, degradasi lahan, atau ekstraksi sumber daya, partisipasi publik dalam pengambilan keputusan lingkungan melemah. Defisit demokrasi yang dihasilkan dapat memfasilitasi kelanjutan praktik-praktik yang merusak lingkungan tanpa pengawasan sosial yang efektif. Oleh karena itu, artikel ini menyerukan perlindungan kelembagaan yang lebih kuat, jaminan hukum, mekanisme akuntabilitas, dan pengakuan pembelaan lingkungan sebagai aktivitas demokratis yang sah. Melindungi para pembela lingkungan pada akhirnya tidak dapat dipisahkan dari melindungi hak masyarakat untuk berpartisipasi dalam keputusan yang memengaruhi wilayah dan lingkungan mereka.]

Keywords: environmental defenders, criminalization, ecological democracy, human rights, environmental justice

Introduction

Environmental conflicts are rarely disputes over nature alone. They are fundamentally disputes over land, authority, livelihood, knowledge, and the distribution of environmental risks and economic benefits. Mining, plantations, infrastructure development, forestry concessions, and other extractive activities transform not only ecosystems but also the political relationships through which communities exercise control over their territories. In this context, environmental defenders occupy a particularly important position because they challenge the assumption that resource extraction represents an uncontested form of development. Global research based on the Environmental Justice Atlas demonstrates that environmental defenders frequently emerge from communities directly affected by environmental conflicts and generally employ non-violent forms of mobilization. Yet these defenders also face substantial risks: criminalization, physical violence, and assassination occur across environmental

conflicts, with Indigenous defenders experiencing particularly high levels of repression (Scheidel et al. 2020; Temper et al. 2020).

The significance of environmental defenders therefore extends beyond individual activism. Their activities perform an important democratic function by introducing local knowledge, ecological evidence, and community interests into decisions that may otherwise be dominated by state agencies and economically powerful actors. Environmental defenders can document pollution, challenge permits, monitor ecological degradation, mobilize affected residents, and initiate litigation. Their interventions consequently create forms of social oversight over decisions concerning natural resources. Research on environmental conflicts shows that grassroots mobilization can contribute to stopping environmentally destructive projects and that combinations of preventive mobilization, diversified protest, and litigation can substantially improve the likelihood of successful resistance (Scheidel et al. 2020). More recent research similarly demonstrates that defender-led knowledge production—such as community health studies and ecological assessments—can become an important pathway through which marginalized communities strengthen legal claims and build broader coalitions (Temper et al. 2025).

The democratic significance of environmental defense becomes particularly visible when environmental conflicts involve unequal relations of power. Communities confronting mining corporations or other extractive interests rarely negotiate from positions of equal institutional capacity. Corporations may possess financial resources, technical expertise, legal representation, and political connections, while communities may depend primarily on customary knowledge, collective organization, and public advocacy. This asymmetry means that formal recognition of participation does not necessarily produce meaningful participation. A community may technically have an opportunity to object to a project while lacking the resources necessary to challenge its scientific assessments, licensing procedures, or legal representation. Environmental conflict thus reveals a deeper question concerning who has the practical capacity to participate in environmental governance. Erb's study of mining conflicts in eastern Indonesia demonstrates that struggles over extraction are simultaneously struggles over justice, democracy, sustainability, conservation, and competing conceptions of development (Erb 2016).

In Indonesia, these tensions are reinforced by the country's dependence on extractive development. Mining has long been incorporated into national and regional development strategies, while decentralization has created additional opportunities for local governments and political actors to participate in the allocation of resource concessions. Such arrangements can create conflicts when community claims over land and natural resources collide with state-issued licenses or corporate projects. Research on Indonesia's resource conflicts indicates that local communities may understand extractive projects not merely as economic activities but as threats to livelihoods, cultural identity, territorial authority, and ecological

security. In some circumstances, these conflicts become prolonged because legal institutions do not adequately resolve competing claims. A recent study of land conflict in Indonesia shows how the weak legal position of customary claims and corporate strategies of land control can generate profound perceptions of injustice and contribute to escalating tensions (Siscawati 2023).

The relationship between extraction and repression is therefore not necessarily accidental. International comparative research indicates that killings of environmental and land defenders are disproportionately associated with mining and agro-industrial projects. Between 2002 and 2018, at least 1,734 environmental and land defenders were killed globally, while Indigenous peoples accounted for approximately one-third of those killed. The probability of repression is associated with broader structural factors including mineral dependence, foreign investment, income levels, and political institutions (Scheidel et al. 2020). This evidence suggests that violence against environmental defenders should not be conceptualized merely as isolated criminal conduct committed by individual perpetrators. It can also emerge within political economies where access to land and resources generates high economic stakes and where institutions are unable or unwilling to protect those challenging established interests.

Criminalization constitutes another mechanism through which environmental conflicts can suppress democratic participation without necessarily resorting to physical violence. Criminalization occurs when legal institutions are used to impose disproportionate penalties or burdens on individuals whose activities primarily involve defending environmental rights, opposing environmentally harmful projects, or mobilizing communities. Such practices can include arrest, prosecution, strategic lawsuits, defamation, or the use of regulatory violations against activists. The global evidence is significant: environmental defenders have been subjected to criminalization in approximately one-fifth of the environmental conflicts analyzed by Scheidel et al. (2020). Criminalization is politically consequential because its effects extend beyond the individual defendant. When one community leader is prosecuted, other residents may interpret the prosecution as a warning and become less willing to participate in environmental advocacy. The result is a chilling effect that can shrink civic space without requiring the systematic prohibition of protest.

This dynamic raises an important distinction between law enforcement and legal repression. Not every prosecution involving an environmental activist constitutes criminalization, because environmental defenders, like any other citizens, remain subject to generally applicable laws. The analytical problem arises when legal mechanisms are selectively or disproportionately deployed in response to legitimate environmental advocacy, particularly where defendants are targeted because they challenge powerful economic interests. A justice-oriented legal system must therefore distinguish between genuine accountability for unlawful conduct and the instrumentalization of law to silence participation. This distinction is increasingly recognized in Indonesian environmental law. Article 66 of Law No.

32 of 2009 on Environmental Protection and Management provides protection for persons fighting for the right to a good and healthy environment. Importantly, the Constitutional Court's 2025 decision in Case No. 119/PUU-XXIII/2025 clarified the scope of this protection, emphasizing that Article 66 covers victims, complainants, witnesses, experts, and environmental activists participating in environmental protection or pursuing legal remedies and aims to prevent retaliatory criminal, civil, or other legal action.

The constitutional foundation for such protection is equally important. Article 28H(1) of the 1945 Constitution recognizes the right of every person to live in prosperity, reside, and obtain a good and healthy environment, while Article 28G protects individuals against threats and fear. These provisions mean that environmental participation cannot be separated from fundamental rights to security and a healthy environment. Law No. 39 of 1999 on Human Rights reinforces this framework, including recognition of the right to a good and healthy environment under Article 9(3). The Indonesian legal framework therefore does not merely tolerate environmental advocacy as an ordinary form of political expression; it provides a normative basis for understanding environmental defense as connected to constitutional and human-rights protections.

Indonesia has also strengthened the procedural framework for environmental litigation through Supreme Court Regulation No. 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases (PERMA No. 1/2023). The regulation is significant because it expressly seeks to ensure environmental justice and climate justice and provides guidance for environmental cases across administrative, civil, and criminal proceedings. Particularly relevant to environmental defenders, the regulation establishes procedures for dealing with Strategic Lawsuits Against Public Participation (SLAPP) and requires courts to consider environmental rights, access to information, participation, and access to justice. This development suggests that Indonesian law increasingly recognizes that environmental litigation has a democratic dimension: courts are not merely venues for resolving private disputes but can also function as institutional safeguards for environmental participation.

Nevertheless, the existence of legal protections does not automatically guarantee effective protection in practice. The gap between law on the books and law in action is particularly important in environmental conflicts because enforcement institutions themselves operate within political and economic contexts. Recent research on Indonesian forest governance identifies political intervention, weak enforcement, ineffective sanctions, and alleged manipulation of judicial processes as obstacles to ecological justice (Rohmy and Nihayaty 2024). Such findings demonstrate that environmental defenders may confront not simply an absence of law but a more complex institutional problem in which environmental regulations, criminal law, administrative authority, and political-economic interests interact. The result can be selective enforcement: environmental destruction may remain inadequately addressed while individuals challenging it encounter substantial legal or institutional pressure.

The case of Koto Rambah, Solok Selatan, illustrates why this issue deserves contemporary attention. In early 2026, residents in Jorong Koto Rambah, Nagari Lubuk Gadang Utara, opposed illegal gold-mining activity involving heavy machinery along the Kunit River. According to WALHI West Sumatra, community members attempted to stop the mining activity on March 30, 2026, after which a physical confrontation occurred and one resident was seriously injured. WALHI subsequently framed the incident as violence against environmental defenders and linked it to wider ecological damage associated with illegal gold mining in the upper Batang Hari watershed. These allegations should be distinguished from judicially established facts; nevertheless, the incident provides a valuable empirical entry point for examining how environmental defense can become dangerous when communities challenge extractive activities with significant economic interests.

Koto Rambah is analytically significant because it demonstrates that environmental democracy can deteriorate through the interaction of ecological harm, weak enforcement, community resistance, and violence. The central issue is not simply whether illegal mining violates environmental and mining regulations. The deeper question is why citizens who attempt to prevent ecological destruction may themselves become exposed to violence and insecurity. This question shifts the analytical focus from individual conflict to institutional responsibility. If communities must personally confront environmentally destructive activities because regulatory enforcement is ineffective, the burden of environmental governance is effectively transferred from the state to citizens. Such a situation represents a democratic failure because participation becomes risky precisely for those who exercise it most actively.

The problem is also gendered. Environmental conflicts do not affect all defenders in identical ways. Women environmental defenders may encounter specific forms of intimidation and violence because environmental activism challenges both extractive power and gendered expectations concerning women's social roles. Tran's comparative study of women environmental defenders shows that women face distinct forms of violence and constraints while developing strategies that can transform environmental movements into broader forms of social emancipation (Tran 2021). This dimension is important for Indonesia because environmental conflicts often occur in rural communities where gender relations shape access to land, public authority, and political participation. A framework that treats "the community" as a homogeneous actor may therefore conceal significant differences in vulnerability and political voice.

Against this background, this article asks: How do violence and criminalization against environmental defenders affect ecological democracy in Indonesia, and what does the Koto Rambah case reveal about the relationship between environmental conflict, legal protection, and access to justice? The article argues that the protection of environmental defenders should be understood as an institutional test of ecological democracy. Where citizens can safely obtain information, participate in environmental decision-making, challenge harmful

activities, access courts, and criticize state or corporate decisions without retaliation, environmental governance becomes more accountable. Conversely, where environmental participation produces intimidation, criminalization, or violence, the formal existence of environmental rights may coexist with a substantive democratic deficit. The article therefore approaches environmental defense not as an exceptional form of activism but as a necessary mechanism through which communities exercise environmental citizenship.

The analysis combines environmental justice, political ecology, and ecological-democracy perspectives. Environmental justice draws attention to the unequal distribution of environmental harms and benefits, while political ecology examines the power relations through which access to land and resources is constructed. Ecological democracy extends the analysis by asking whether affected communities possess meaningful opportunities to participate in decisions concerning ecological systems on which their lives depend. These perspectives are complementary. Together, they allow environmental defender repression to be understood not merely as a human-rights problem but as a manifestation of unequal environmental governance. The article consequently contends that protecting defenders requires more than protecting individuals after violence occurs. It requires restructuring the institutional conditions that make environmental advocacy dangerous in the first place.

Environmental Defenders, Extractive Conflict, and the Politics of Criminalization

Environmental defense emerges most visibly where the costs of resource extraction become concentrated in particular territories while the economic benefits are distributed more broadly. Mining projects, for example, can generate employment, fiscal revenues, and commercial opportunities, but they may simultaneously alter water systems, land access, agricultural livelihoods, and community health. Environmental defenders intervene in this unequal distribution by challenging the legitimacy of projects or demanding stronger environmental safeguards. This makes environmental conflict inherently political rather than merely technical. A global analysis of 2,743 socio-environmental conflicts found that environmental defenders were frequently drawn from vulnerable communities and relied predominantly on non-violent forms of mobilization. Yet criminalization occurred in approximately 20 percent of conflicts, physical violence in 18 percent, and assassinations in 13 percent, with significantly higher risks where Indigenous peoples were involved (Scheidel et al. 2020a).

The repression of environmental defenders is particularly significant in extractive economies because defenders challenge relationships involving substantial material interests. Scheidel et al. (2020b) found that at least 1,734 environmental and land defenders were killed in 53 countries between 2002 and 2018, with killings most frequently associated with agro-industrial and mining projects. Their analysis also identifies mineral dependence, foreign direct investment, political regime characteristics, and the size of Indigenous populations

among factors associated with the risk of killings. These findings challenge explanations that portray violence as an accidental consequence of local disputes. Rather, repression can emerge from structural conditions in which land and natural resources acquire high economic value while affected populations possess comparatively limited institutional power. Environmental defense consequently becomes a direct challenge to the political economy of extraction.

The relationship between environmental conflict and repression is further illuminated by research on water and mining conflicts. A meta-study of 53 conflicts demonstrates that high-intensity conflicts are particularly likely when communities depend heavily upon water for livelihoods or cultural purposes, while meaningful participation in decision-making is absent. The study also identifies coercion—including physical, judicial, economic, and discursive pressure—as an important component of conflict escalation (Schoderer et al. 2022). This finding is particularly relevant to Indonesia, where mining conflicts frequently involve rivers, agricultural land, forests, and other ecological systems that are simultaneously economic resources and foundations of community life. When affected communities are excluded from decisions concerning those resources, environmental defense becomes more confrontational because formal governance mechanisms fail to absorb competing interests.

Criminalization should therefore be understood as more than the simple application of criminal law to protesters. It becomes problematic when legal mechanisms are selectively used to increase the costs of environmental opposition, discourage collective action, or shift public attention away from the environmental harm under dispute. In mining conflicts, repression can take multiple forms, ranging from stigmatizing protesters and issuing threats to arrest, prosecution, and physical violence. Research on mining resistance demonstrates that governments and companies may respond to environmental-justice claims through regulatory changes and negotiation, but they may also resort to repression and criminalization of protest (Scheidel et al. 2020a). The critical issue is thus not whether environmental defenders are completely exempt from ordinary law, but whether the legal system operates impartially or becomes an instrument for protecting extractive interests from legitimate public scrutiny.

This distinction becomes especially important in Indonesia because the country's extractive sector has historically been characterized by complex and overlapping systems of authority. Research on informal mining governance in Indonesia shows that mineral governance has been shaped by decentralization, competing institutional interests, unclear rights regimes, and unequal recognition of small-scale miners and local communities. In Central Kalimantan, for example, regulatory ambiguity and competition over resource ownership complicated efforts to establish socially and environmentally equitable mining governance (McCarthy 2011). The implication is significant for environmental defenders: when formal institutions themselves provide uncertain or contradictory signals concerning

resource rights, community resistance can be reframed as unlawful interference rather than recognized as a legitimate response to contested governance.

This institutional ambiguity can generate what may be termed asymmetrical legality. Corporations and state institutions often operate through formal licenses, permits, concessions, and administrative procedures, while communities may rely on customary practices, historical occupation, collective claims, or environmental rights that are less easily translated into bureaucratic documentation. The result is that legality may appear neutral while actually reflecting unequal institutional capacities. Environmental defenders who challenge a project may therefore be required to prove rights within legal structures that were not designed around their forms of territorial knowledge or ownership. Political ecology is useful here because it demonstrates that environmental conflicts concern not simply access to resources but also the authority to define legitimate resource use. Criminalization can consequently function as a mechanism through which one conception of legality is imposed over competing claims to environmental authority.

The democratic implications are substantial. Environmental participation has little practical meaning if individuals must anticipate prosecution or violence when they exercise it. The Environmental Justice Atlas research demonstrates that environmental defenders can successfully prevent destructive projects, particularly when they combine preventive mobilization, diverse protest strategies, and litigation (Scheidel et al. 2020a). This suggests that environmental defense is not inherently anti-development or anti-state. On the contrary, it can improve environmental governance by forcing authorities and companies to reconsider projects, correct deficiencies, and account for social and ecological costs. Criminalizing such participation therefore risks eliminating precisely the social mechanisms capable of identifying environmental problems before they become irreversible.

The Indonesian legal framework formally recognizes this democratic function. Article 65 of Law No. 32 of 2009 on Environmental Protection and Management recognizes rights relating to environmental information, participation, access to justice, and the opportunity to submit proposals or objections concerning planned activities that may affect the environment. Article 66 further provides protection for persons who fight for the right to a good and healthy environment. The Constitutional Court's Decision No. 119/PUU-XXIII/2025 significantly broadened the interpretive understanding of this protection. The Court held that the protected category should not be narrowly restricted to victims or complainants but can include individuals, groups, environmental organizations, witnesses, and experts involved in environmental protection and legal or administrative processes. This interpretation strengthens the connection between environmental defense and participatory environmental rights.

The significance of Article 66 is therefore not merely procedural. It represents a recognition that environmental law can be undermined if citizens are exposed to retaliatory legal action for exercising environmental rights. The Constitutional

Court's reasoning is particularly important because it connects Article 66 with the constitutional right to a good and healthy environment under Article 28H(1) of the 1945 Constitution and with the participation principle embedded in Law No. 32 of 2009. From a democratic perspective, the protection is justified because environmental rights cannot be meaningfully exercised without some protection for the people who defend them. A right without a corresponding institutional capacity to protect its exercise risks becoming formally recognized but practically ineffective.

The anti-SLAPP framework represents another important development. Supreme Court Regulation No. 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases provides courts with specific guidance for handling environmental disputes and includes mechanisms addressing Strategic Lawsuits Against Public Participation. Its provisions require judges to consider environmental rights, including access to information, participation, and justice, while Article 77 provides that where an accused person is proven to have committed the charged act but is also established as a defender of the right to a good and healthy environment within the meaning of Article 66, the court may render a judgment releasing the defendant from all legal claims. This represents a significant shift from viewing environmental litigation exclusively through the lens of individual criminal responsibility toward recognizing the broader democratic context in which environmental disputes occur.

Nevertheless, the existence of Article 66 and PERMA No. 1/2023 does not eliminate the possibility of intimidation or criminalization. Legal protection is meaningful only if police, prosecutors, courts, and administrative authorities consistently recognize environmental defense as legitimate democratic participation. Recent Indonesian legal scholarship has identified continuing difficulties in the implementation of anti-SLAPP protection, including limitations in the scope and procedural clarity of existing mechanisms (Simandjuntak et al. 2024). This reveals an important institutional paradox: Indonesia increasingly possesses legal instruments designed to protect environmental participation, yet environmental defenders may remain vulnerable before those protections become operational. The problem is therefore partly one of implementation capacity and institutional interpretation, rather than simply legislative absence.

The problem becomes even more serious where state and private interests become difficult to distinguish. Research on mining conflicts shows that coercion may be exercised directly by state actors, through private security arrangements, or through legal and discursive mechanisms that stigmatize environmental resistance. A comparative study of more than 1,000 mining sites in Latin America found that state coercive responses can include physical violence, threats, intimidation, and criminalization of dissent, particularly where governments have strong incentives to facilitate mining expansion (Conde and Le Billon 2023). Although this research concerns Latin America rather than Indonesia, its theoretical relevance is considerable: where governments perceive extraction as strategically important, the

neutrality of the state as an environmental-conflict arbiter becomes crucial. If state institutions appear aligned with extractive interests, communities may lose confidence in formal dispute-resolution mechanisms and resort to increasingly confrontational forms of mobilization.

This pattern also explains why coercion can paradoxically intensify rather than suppress environmental resistance. The comparative literature on mining conflicts finds that when communities perceive meaningful participation to be absent and coercion to be present, conflicts are more likely to escalate toward mass mobilization and higher-risk forms of protest (Schoderer et al. 2022). The implication is theoretically important: repression does not necessarily eliminate environmental conflict; it can transform a potentially negotiable dispute into a struggle over political legitimacy. Once communities conclude that institutional channels are inaccessible or biased, legal authority itself can become contested. Protecting environmental defenders is therefore not simply a matter of protecting individual activists. It can also serve as a conflict-prevention mechanism by preserving institutional avenues for negotiation.

The Koto Rambah case provides a contemporary Indonesian illustration of these dynamics. According to a 4 April 2026 statement by WALHI West Sumatra, illegal gold mining using excavators had operated in Jorong Koto Rambah, Nagari Lubuk Gadang Utara, Solok Selatan, since February 2026. WALHI reported that community members attempted to stop the activity on 30 March and that a confrontation subsequently resulted in serious injury to one resident. The organization characterized the incident as violence against environmental defenders and connected it to concerns about illegal gold mining in the area. These claims should be treated as allegations reported by a civil-society organization rather than as judicially established facts. Nevertheless, the case provides a valuable empirical setting for examining how environmental defense becomes dangerous when communities confront activities that they perceive as threatening their environment and livelihoods.

Koto Rambah also demonstrates why environmental defenders should not be conceptualized solely as activists operating outside formal governance. Community members attempting to prevent illegal mining may effectively perform regulatory functions when state enforcement is perceived as insufficient. This creates a troubling redistribution of responsibility: citizens assume risks that should ordinarily be managed through environmental and mining enforcement institutions. If community members must physically confront illegal operations to protect rivers, agricultural land, or settlements, environmental governance has effectively shifted from public institutions toward vulnerable populations. The democratic problem is therefore deeper than the occurrence of violence itself. It concerns whether the state is fulfilling its institutional obligation to create conditions in which citizens can defend environmental rights without exposing themselves to retaliation.

Finally, the shrinking civic space surrounding environmental defense should be understood as a democratic environmental deficit. Environmental democracy

requires more than environmental regulations and elections; it requires the continuous capacity of citizens to obtain information, express objections, organize collectively, challenge governmental decisions, and seek judicial remedies. When these activities are met with intimidation, criminalization, or violence, environmental governance becomes increasingly insulated from public scrutiny. Global evidence shows that environmental defenders can contribute materially to stopping environmentally destructive projects and improving sustainability outcomes, while repression undermines these participatory mechanisms (Scheidel et al. 2020a). In Indonesia, therefore, protecting environmental defenders should be regarded not as a special privilege for activists but as an essential condition of ecological democracy. The effectiveness of environmental law should ultimately be measured not only by the number of permits issued or violations prosecuted, but also by whether citizens can safely participate in determining the environmental future of their own communities.

Koto Rambah as a Case of Environmental Conflict, Community Defense, and Institutional Failure

The Koto Rambah case is analytically important because it places environmental defense within a concrete conflict over illegal gold mining, ecological protection, and state authority. According to WALHI West Sumatra, mining activities using heavy equipment had been operating in Jorong Koto Rambah, Nagari Lubuk Gadang Utara, Solok Selatan, and residents subsequently attempted to stop the activities because of concerns regarding environmental degradation and the use of the Kunyit River. WALHI reported that a confrontation occurred on 30 March 2026 and that one resident suffered serious injuries. These claims should be distinguished from facts established through judicial proceedings. Nevertheless, the incident provides a useful case through which to examine a broader institutional question: what happens when citizens attempt to perform environmental-protection functions in circumstances where state enforcement is perceived as inadequate?

The importance of the case becomes clearer when viewed against the established literature on mining conflict in Indonesia. Mining disputes frequently arise because communities perceive extraction as threatening land, water, livelihoods, and territorial authority. Erb's analysis of mining conflicts in eastern Indonesia demonstrates that mining is not simply an economic activity but a field in which competing values concerning justice, democracy, sustainability, conservation, and cultural identity are negotiated (Erb 2016). In this perspective, resistance to mining cannot automatically be interpreted as opposition to development. Communities may instead be contesting the terms under which development is defined and demanding recognition of environmental and social costs that are inadequately represented in formal economic calculations.

The broader literature confirms that communities resist mining for multiple and interconnected reasons. Conde and Le Billon (2017), reviewing extensive literature

on mining resistance, identify environmental impacts, lack of participation, displacement, inadequate compensation, and distrust of governments and companies as important factors encouraging resistance, while political marginalization and economic dependency may inhibit it. This framework is particularly relevant to Koto Rambah because opposition to illegal mining can simultaneously represent an environmental claim, a livelihood claim, and a claim concerning the state's responsibility to enforce its own regulatory framework. The central issue is therefore not simply whether residents “support” or “oppose” mining, but whether they possess meaningful institutional channels through which their environmental concerns can be heard and acted upon.

The Koto Rambah confrontation should consequently be read within a larger political ecology of illegal and informal extraction. Informal mining does not exist outside governance; rather, it often develops precisely within gaps, contradictions, and competing interpretations of governance. McCarthy (2011), examining informal mining in Indonesia, demonstrates that changing governance regimes and competing institutional interests have complicated the recognition of resource rights among poorer mining communities. The consequences extend beyond legality because uncertainty concerning resource rights can also produce conflicts over environmental management, livelihoods, and political authority. Thus, illegal mining cannot be reduced to an enforcement problem in which the only appropriate response is arresting miners. A deeper analysis must ask why illegal extraction persists, who benefits from it, why regulatory institutions fail to prevent it, and why affected communities may ultimately bear the risks of confronting it.

This distinction is crucial for understanding environmental defenders. If illegal mining persists despite its ecological consequences, community members who attempt to stop it may occupy an unusual position: they become defenders of environmental law without possessing the coercive authority of the state. Their actions can include monitoring mining locations, documenting environmental damage, reporting violations, communicating with authorities, organizing residents, or physically preventing machinery from entering community territory. None of these activities should automatically be classified as lawful or unlawful without examining the specific circumstances. The analytical point is that environmental governance becomes structurally fragile when citizens are forced to perform functions that should ordinarily be undertaken by regulatory and law-enforcement institutions.

Research from Central Sulawesi illustrates the consequences of such institutional fragility. Hudayana, Suharko, and Widyanta (2020), studying conflicts surrounding nickel mining in Bahodopi, found that environmental damage and land seizure contributed to repeated episodes of communal violence. Their study demonstrates how village activists could become important intermediaries between communities, companies, and government institutions, while negotiations sometimes occurred through conflict rather than through effective formal justice mechanisms. Although the Bahodopi case is not identical to Koto Rambah, the

comparison is analytically valuable: where environmental grievances are inadequately addressed through ordinary institutional channels, local actors may increasingly perceive direct confrontation as the only mechanism capable of generating a governmental or corporate response.

This does not mean that violence should be interpreted as an inevitable or legitimate form of environmental defense. On the contrary, the emergence of violence indicates that peaceful institutional mechanisms have failed to resolve underlying grievances. The proper democratic response is therefore not to criminalize the existence of conflict but to strengthen the mechanisms that allow conflict to be expressed peacefully. The mining-resistance literature demonstrates that legal action, activist-scientist cooperation, community mobilization, and cross-scalar alliances can provide alternative forms of resistance and increase the capacity of communities to challenge environmentally harmful projects (Scheidel et al. 2020; Temper et al. 2020). The availability of such mechanisms is particularly important in Indonesia because environmental defenders should not be required to choose between remaining silent and engaging in increasingly risky confrontation.

The problem is further complicated by the fact that community responses to mining are rarely homogeneous. Recent research from Belitung demonstrates that communities may simultaneously depend upon, oppose, and negotiate with extractive industries. Erkan, Warsilah, and Cahyarini (2025) show that community responses to tin mining were shaped by occupational distance, economic dependency, perceived environmental harm, and asymmetrical power relations. Importantly, participation or lack of resistance cannot automatically be interpreted as genuine approval of mining. This insight is relevant to Koto Rambah because the existence of miners or residents who may economically benefit from mining does not invalidate the environmental claims of residents who oppose it. Environmental democracy must accommodate disagreement within communities rather than constructing an artificial binary between “pro-mining” and “anti-mining” populations.

The legal character of illegal gold mining, however, remains unequivocal in one important respect: mining activities cannot simply be justified by community economic dependence when they occur outside the applicable licensing and environmental framework. Indonesia's mining regime regulates mineral exploitation through licensing and establishes requirements concerning environmental management, reclamation, community empowerment, supervision, and post-mining obligations. Law No. 3 of 2020 strengthened the regulatory framework for mineral and coal mining, including provisions concerning people's mining, environmental management, reclamation, post-mining activities, supervision, and community empowerment. The framework was subsequently amended by Law No. 2 of 2025, which remains in force and constitutes the fourth amendment to Law No. 4 of 2009.

The 2025 amendment is significant because it demonstrates that Indonesia continues to treat mineral extraction as an important component of national

economic policy while simultaneously emphasizing environmental sustainability and regulatory control. Law No. 2 of 2025 expressly modifies the mineral-and-coal mining framework and introduces, among other things, new arrangements for the allocation of mining areas and further provisions concerning resource governance. This creates an important analytical tension for environmental justice. The state has legitimate interests in promoting mineral development, economic growth, employment, and fiscal revenue; however, those objectives cannot logically displace the state's obligation to enforce environmental law and protect citizens who participate in environmental governance. Development policy and environmental democracy must therefore be institutionally reconciled rather than treated as mutually exclusive objectives.

The environmental legal framework reinforces this obligation. Article 66 of Law No. 32 of 2009 provides that persons fighting for the right to a good and healthy environment cannot be subjected to criminal prosecution or civil litigation. The provision is particularly important in a case such as Koto Rambah because residents reporting or opposing environmentally harmful activities may potentially become exposed to legal retaliation. Article 66 should therefore be interpreted together with the broader participatory rights contained in the same statute. Environmental protection is not conceived exclusively as a governmental function; individuals are also recognized as participants in maintaining environmental quality. The protection of defenders is thus an institutional condition for making these participatory rights meaningful rather than merely symbolic.

The human-rights dimension strengthens this interpretation. Law No. 39 of 1999 concerning Human Rights remains in force and provides the broader statutory framework for human-rights protection in Indonesia. When environmental defense involves threats to physical security, freedom of expression, participation, and access to justice, the issue cannot be isolated within environmental regulation. It becomes a question of whether state institutions adequately protect citizens who exercise rights connected to environmental quality. From this perspective, violence against an environmental defender is not merely a local criminal incident; it potentially reflects a failure to protect the conditions necessary for exercising environmental citizenship.

The relationship between environmental rights and legal protection has become even more explicit through Indonesia's anti-SLAPP framework. Supreme Court Regulation No. 1 of 2023 provides judicial guidelines for environmental cases and recognizes the need to protect public participation in environmental protection. This is significant because environmental conflicts frequently involve asymmetrical litigation capacity. Companies may possess substantial financial and legal resources, while community defenders may depend on volunteer organizations or public-interest lawyers. Without procedural safeguards, litigation itself can become a mechanism through which participation is discouraged. Anti-SLAPP protection therefore performs a democratic function by preventing legal proceedings from being transformed into instruments of intimidation.

The Supreme Court framework also changes how environmental cases should be understood by courts. The relevant question is not exclusively whether a defendant technically committed an act alleged by the prosecution, but whether the alleged conduct occurred within the context of legitimate environmental defense and whether legal action is being used to retaliate against environmental participation. This is particularly important because the existence of a criminal charge does not automatically establish that the underlying prosecution is legitimate from an environmental-justice perspective. A defender may commit a legally relevant act in the course of a protest while still being protected against retaliatory litigation under the circumstances contemplated by environmental law and anti-SLAPP principles. The legal analysis must therefore examine context, proportionality, purpose, and retaliation, rather than relying exclusively on formal classification.

The Koto Rambah case consequently reveals a deeper institutional contradiction. On one side, Indonesian law recognizes the right to a good and healthy environment, participation, environmental complaints, and protection for those defending environmental rights. On the other, when illegal mining becomes sufficiently entrenched that residents feel compelled to intervene directly, the practical capacity of these legal guarantees becomes questionable. If environmental defenders must physically confront mining operations because enforcement institutions do not respond effectively, then the legal system has effectively externalized enforcement costs onto citizens. This creates a form of institutionalized vulnerability: the state retains formal regulatory authority, while communities bear some of the physical and social risks associated with enforcing environmental norms.

This institutional vulnerability also affects the legitimacy of environmental governance. Erkan, Warsilah, and Cahyarini (2025) demonstrate that community perceptions of extractive legitimacy are shaped by everyday experiences of harm, dependency, and governance failure rather than simply by formal participation mechanisms. Similarly, Conde and Le Billon (2017) emphasize that distrust toward government and companies can increase resistance, while meaningful participation can alter the dynamics of mining conflict. The implication for Koto Rambah is straightforward: effective enforcement against illegal mining is necessary not only to protect the environment but also to prevent the erosion of public trust. Where residents believe that illegal extraction can continue without meaningful intervention, institutional legitimacy deteriorates and direct confrontation becomes more likely.

The experience of Kalimantan further demonstrates that environmental activism can operate through formal democratic mechanisms rather than outside them. Toumbourou et al. (2020) show how activists in East Kalimantan used advocacy and litigation to challenge abandoned coal-mining landscapes and contributed to the adoption of a provincial regulation strengthening reclamation and post-mining obligations. This example is significant because it demonstrates the constructive

potential of environmental defenders. Activists can function as institutional correctives by identifying regulatory failures, generating public pressure, initiating litigation, and demanding enforcement. Their role is therefore compatible with democratic governance and can actually strengthen the state's environmental capacity.

The broader evidence also indicates that successful environmental defense is more likely when communities mobilize early and can access institutional and translocal networks. Research on mining conflicts finds that early mobilization and the ability to halt projects are associated with perceptions of environmental-justice success, while legal struggles and alliances can increase community capacity (Temper et al. 2021). This has direct implications for Indonesia. Environmental governance should not wait until violence occurs before recognizing community concerns. Effective early-warning mechanisms, accessible complaint procedures, independent environmental monitoring, rapid government response, and protected channels for community reporting could prevent environmental disputes from escalating into physical confrontation.

Ultimately, Koto Rambah should therefore be understood not simply as a case of conflict between residents and illegal miners but as a test of the state's capacity to transform environmental rights into effective institutional protection. The crucial democratic question is whether citizens can report environmental violations, organize against ecological harm, and demand enforcement without becoming targets of retaliation. Indonesian law increasingly provides the normative basis for such protection, while international research demonstrates the importance of environmental defenders in challenging destructive extraction. Yet the persistence of conflict suggests that legal recognition alone is insufficient. Ecological democracy requires institutions capable of converting environmental rights into safe participation, credible enforcement, accessible justice, and accountability. Without these conditions, the formal protection of environmental defenders risks remaining reactive—available only after intimidation, criminalization, or violence has already occurred—rather than preventive enough to protect citizens before environmental conflict becomes dangerous.

Legal Protection, Anti-SLAPP, and Institutional Reform for Environmental Defenders

The protection of environmental defenders in Indonesia must begin with recognition that environmental participation is a legally protected dimension of citizenship rather than a discretionary activity tolerated by government. The constitutional basis is found principally in Article 28H(1) of the 1945 Constitution, which guarantees the right to a good and healthy environment, and Article 28G(1), which protects individuals from threats and fear. These provisions become particularly important in environmental conflicts because the exercise of environmental rights can expose citizens to retaliation. Environmental defenders therefore occupy a distinctive position at the intersection of environmental rights,

civil liberties, and democratic participation. International research reinforces this connection: environmental defenders are frequently targeted precisely because they challenge unequal power relations surrounding land and natural-resource development (Scheidel et al. 2020).

Indonesia's principal statutory protection is Article 66 of Law No. 32 of 2009 on Environmental Protection and Management (UU PPLH). The provision establishes that persons fighting for the right to a good and healthy environment may not be prosecuted criminally or sued civilly. Its significance lies in the recognition that environmental rights would be difficult to exercise if individuals could be punished merely because they challenged pollution or ecological destruction. Article 66 therefore performs a function similar to an anti-retaliation provision: it seeks to prevent legal proceedings from becoming instruments for suppressing legitimate environmental participation. This is especially important in extractive conflicts, where communities often confront actors with considerably greater financial, political, and institutional resources. The legal protection is consequently not an exemption from the law but a safeguard against the misuse of law in environmental disputes.

The interpretation of Article 66 has become considerably stronger following Constitutional Court Decision No. 119/PUU-XXIII/2025. On 28 August 2025, the Constitutional Court partially granted the petition and declared the Explanation to Article 66 unconstitutional and conditionally invalid unless it is interpreted as protecting every person, including victims, complainants, witnesses, experts, and environmental activists who participate in environmental protection and management or pursue legal remedies arising from pollution or environmental destruction. The Court further clarified that the protection is intended to prevent retaliation through criminal prosecution, civil litigation, or other legal measures, while preserving judicial independence.

This decision is significant because it transforms the conceptual scope of environmental-defender protection. Previously, the ambiguity surrounding the expression “persons fighting for the right to a good and healthy environment” could permit a narrow interpretation that restricted protection to particular categories of environmental actors. The Constitutional Court's interpretation instead emphasizes the function performed by the individual—participating in environmental protection or pursuing legal remedies—rather than formal status. This is normatively important because environmental defense frequently involves ordinary residents rather than professional activists. A villager reporting illegal mining, a witness providing evidence of pollution, a scientist documenting ecological damage, or a community member participating in litigation can all contribute to environmental protection. Protection that is limited to formally recognized activists would therefore fail to reflect how environmental defense actually operates.

The decision also addresses the relationship between environmental protection and the constitutional right to security. The constitutional challenge to Article 66 was connected to concerns that a narrow interpretation could create fear among

citizens wishing to exercise environmental rights. The Constitutional Court's reasoning consequently situates protection from retaliation within the broader constitutional architecture of environmental and personal security rights. This is particularly important for cases such as Koto Rambah because intimidation does not need to result in formal prosecution to undermine environmental participation. The possibility of being threatened, reported, sued, or physically attacked can itself discourage participation. Environmental democracy is therefore weakened not only when defenders are actually punished, but also when institutional conditions create a credible expectation that participation may carry serious personal costs.

The second major legal development is Supreme Court Regulation No. 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases (PERMA No. 1/2023). The regulation integrates environmental cases across administrative, civil, and criminal proceedings and was explicitly developed to strengthen environmental justice and climate justice. It also provides more detailed guidance concerning scientific evidence, environmental litigation, corporate criminal responsibility, environmental restoration, and Strategic Lawsuits Against Public Participation (SLAPP). This is important because environmental disputes are rarely confined to a single branch of law. A mining conflict can simultaneously involve administrative permits, criminal violations, civil environmental damage, land rights, public participation, and constitutional rights. A fragmented legal response can therefore obscure the underlying environmental conflict.

The anti-SLAPP dimension is particularly relevant to environmental defenders. A Strategic Lawsuit Against Public Participation does not necessarily depend upon the claimant ultimately winning the case. Its effectiveness can derive from the burden that litigation imposes: legal fees, repeated court appearances, reputational damage, psychological pressure, and disruption of organizing activities. In environmental conflicts, these burdens can be particularly unequal because corporations and government-linked actors often possess greater institutional resources than individual defenders. The objective of anti-SLAPP protection is consequently not to immunize activists from legitimate accountability but to ensure that litigation does not become a mechanism for suppressing participation. PERMA No. 1/2023's inclusion of SLAPP procedures represents an important institutional acknowledgment of this problem.

The legal framework, however, should not be evaluated only by its formal provisions. The central challenge is implementation. Research on Indonesian environmental governance has repeatedly identified gaps between legal norms and enforcement. Rohmy and Nihayaty (2024), for example, identify political intervention, weak enforcement, ineffective sanctions, and interference with judicial processes as obstacles to ecological justice in Indonesian forest governance. These findings have broader implications for environmental defenders. If institutions responsible for enforcing environmental law are themselves affected by political and economic interests, then legal protections may exist formally while

remaining difficult to activate in practice. The resulting problem is not simply “weak law” but weak institutional independence.

This problem can be understood through the concept of regulatory asymmetry. Environmental defenders often operate at the local level, while decisions concerning extraction can involve provincial governments, central ministries, corporations, contractors, financial institutions, and political networks. The institutional resources available to each side are therefore unequal. Research on Indonesian land conflicts similarly demonstrates how corporate land-control strategies and the limited legal recognition of customary claims can generate persistent feelings of injustice and, in some cases, violent mobilization (Siscawati 2023). The protection of defenders must therefore be accompanied by institutional mechanisms capable of reducing this asymmetry. Otherwise, Article 66 and anti-SLAPP provisions risk protecting citizens only after they have already entered an unequal legal contest.

Meaningful protection also requires a clear separation between legitimate environmental defense and unlawful violence. Environmental justice cannot justify assault, destruction of property, or other criminal conduct simply because the actor claims to be defending the environment. At the same time, an environmental defender should not automatically lose legal protection merely because a conflict involves allegations of unlawful conduct. The appropriate approach is contextual and proportional. Courts and law-enforcement agencies must determine whether the alleged conduct occurred within a legitimate environmental-defense activity, whether legal action is retaliatory, and whether less restrictive alternatives were available. This approach is consistent with the logic of anti-SLAPP protection, which seeks to prevent retaliation while preserving judicial independence. The Constitutional Court itself expressly retained this qualification in Decision No. 119/PUU-XXIII/2025.

Institutional reform should therefore begin with early identification of environmental conflicts. Research on water and mining conflicts shows that meaningful participation can reduce conflict intensity, whereas coercion and exclusion can contribute to escalation. Schoderer et al. (2022) conclude that states have a duty to protect environmental defenders and should remain neutral in resource conflicts rather than appearing to function as allies of extractive interests. This finding has direct relevance for Indonesia. Environmental complaints should trigger an institutional response before communities are forced into direct confrontation with mining operators. Environmental agencies, police, local governments, and mining regulators should possess coordinated procedures for responding to community reports, inspecting contested sites, securing evidence, and protecting complainants.

The state should also strengthen independent environmental monitoring. One of the recurring weaknesses in extractive conflicts is the imbalance of knowledge between communities and project operators. Companies may possess geological data, environmental assessments, lawyers, and technical consultants, while affected

residents often depend on experiential knowledge of rivers, forests, agricultural systems, and historical land use. This does not mean that local knowledge should replace scientific evidence; rather, both forms of knowledge should be institutionally recognized. PERMA No. 1/2023 already places greater emphasis on scientific evidence and expert testimony in environmental proceedings. The next step is ensuring that communities can access independent expertise before disputes reach court, thereby reducing the epistemic inequality that often accompanies environmental conflicts.

The Koto Rambah case demonstrates why this institutional architecture matters. If residents' reports concerning illegal mining are not promptly investigated, they may conclude that formal channels are ineffective. If they then attempt to stop mining directly and become involved in confrontation, the state may subsequently approach the conflict primarily as a public-order problem. Such sequencing is problematic because it shifts attention from the original environmental violation toward the conduct of those who resisted it. A justice-oriented approach would reverse the sequence: authorities should first investigate the alleged illegal mining, assess environmental damage, protect residents who report violations, and only then address any independently established unlawful conduct by community members. This would preserve both environmental law enforcement and due process.

Protection must also extend beyond individual legal cases. Environmental defenders often require physical security, access to legal representation, emergency reporting mechanisms, and institutional guarantees against retaliation. The global literature shows that environmental defenders face not only criminalization but also defamation, intimidation, and assassination (Scheidel et al. 2020). Accordingly, a narrow conception of protection that activates only when an arrest occurs is inadequate. Protection should be preventive. Where authorities receive credible information concerning threats against environmental defenders, they should conduct risk assessments, investigate intimidation, and ensure that law-enforcement personnel do not become sources of additional pressure.

Another essential reform concerns accountability for perpetrators of violence. Environmental justice loses credibility when communities perceive that environmental defenders are prosecuted more aggressively than those responsible for environmental destruction or physical intimidation. This does not require assuming that every allegation against a defender is fabricated. Rather, it requires consistent enforcement according to the same legal standards. The state should investigate environmental violations and violence independently of political or corporate interests. Where evidence demonstrates that a defender has been attacked because of environmental advocacy, the environmental context should be recognized as relevant to the investigation and prosecution. Conversely, where defenders themselves commit offenses, the law should remain applicable, but enforcement should not be selectively intensified because of their environmental position.

The institutional problem is therefore ultimately one of state neutrality. In resource conflicts, the state occupies multiple roles: regulator, licensing authority, law enforcer, economic-development promoter, and sometimes partner in strategic investment projects. These overlapping functions can create perceptions—or realities—of institutional bias. Schoderer et al. (2022) emphasize that states should maintain neutrality when arbitrating conflicts over resources because perceived alignment with extractive interests can intensify conflict. ([ScienceDirect](#)) In Indonesia, strengthening independent environmental oversight is consequently essential. Environmental disputes should not be resolved solely by institutions whose economic or political interests are connected to the disputed activity.

Finally, the protection of environmental defenders should be incorporated into Indonesia's broader conception of environmental governance rather than treated as an exceptional human-rights issue. Environmental defenders contribute to monitoring, accountability, information production, legal mobilization, and public participation. Their activities can reveal environmental violations that formal regulatory systems fail to detect. Comparative research confirms that environmental movements can contribute to preventing environmentally destructive projects, particularly when communities combine mobilization, litigation, scientific knowledge, and broader alliances (Scheidel et al. 2020). Their protection therefore generates a collective public benefit: it preserves an additional layer of social oversight over environmental decision-making.

The principal lesson from Koto Rambah is consequently that protecting environmental defenders is inseparable from enforcing environmental law. If illegal mining is allowed to continue while residents who challenge it face intimidation or violence, the state has failed at two interconnected levels: it has failed to protect the environment and failed to protect democratic participation. Indonesia's current legal framework—especially Article 66 of Law No. 32 of 2009, Constitutional Court Decision No. 119/PUU-XXIII/2025, and PERMA No. 1/2023—provides a considerably stronger normative foundation than in the past. The remaining challenge is institutional: ensuring that police, prosecutors, courts, environmental agencies, and local governments apply these protections consistently, independently, and preventively. Only then can environmental defense become a secure component of ecological democracy rather than an activity undertaken at significant personal risk.

Conclusion

The Koto Rambah case demonstrates that violence and criminalization against environmental defenders should not be understood as isolated incidents occurring at the margins of environmental governance. They are closely connected to the unequal distribution of power surrounding natural-resource extraction and to the institutional capacity of the state to enforce environmental law. International research demonstrates that environmental defenders frequently emerge where communities experience the environmental costs of mining and other extractive

activities, while the economic benefits are distributed elsewhere. Where participation is weak and institutional responses are inadequate, environmental conflicts can escalate from disagreement to intimidation, criminalization, and physical violence (Scheidel et al. 2020; Schoderer et al. 2022). The Koto Rambah case illustrates this broader problem: when residents become involved in resisting allegedly illegal gold-mining activities, their environmental concerns cannot be separated from questions of livelihood security, access to justice, and the state's responsibility to enforce environmental and mining regulations. The central democratic problem arises when citizens must assume personal risks to perform environmental-protection functions that should principally be guaranteed through public institutions.

Indonesia nevertheless possesses an increasingly substantial legal framework for protecting environmental participation. Article 28H(1) of the 1945 Constitution establishes the constitutional right to a good and healthy environment, while Law No. 32 of 2009 recognizes environmental participation and provides protection under Article 66 for persons defending environmental rights. This protection has been strengthened significantly by Constitutional Court Decision No. 119/PUU-XXIII/2025, which clarified that protection can extend to victims, complainants, witnesses, experts, and environmental activists participating in environmental protection and legal remedies. PERMA No. 1 of 2023 further strengthens the judicial framework by addressing environmental cases and Strategic Lawsuits Against Public Participation. These developments demonstrate that Indonesian environmental law increasingly recognizes environmental defense as a legitimate component of democratic governance. However, legal recognition alone cannot guarantee safety. The persistent gap between formal rules and institutional practice means that environmental defenders may remain vulnerable when enforcement agencies fail to respond impartially, promptly, and independently to environmental violations and threats.

Ultimately, protecting environmental defenders should be treated as a condition of ecological democracy rather than as a special concession to environmental activists. Environmental defenders provide an essential social mechanism for monitoring environmental destruction, challenging unlawful extraction, generating community knowledge, and demanding governmental accountability. Their protection therefore benefits society as a whole because it preserves channels through which environmental problems can be identified and contested before they become irreversible. Indonesia should strengthen the implementation of Article 66, operationalize anti-SLAPP mechanisms, establish rapid-response and risk-assessment procedures for threatened defenders, improve coordination between environmental and law-enforcement agencies, and ensure independent investigation of both environmental violations and violence against community members. The state must also ensure that enforcement against illegal mining does not become displaced by the prosecution of those who report or resist it. The fundamental test of ecological democracy is consequently not merely

whether environmental rights exist in legislation, but whether citizens can exercise those rights without fear of retaliation. Where environmental defense is safe, meaningful, and institutionally protected, environmental governance becomes more accountable; where environmental defenders are silenced, ecological degradation and democratic exclusion reinforce one another.

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