

Government's Role After the 374/PDT.G/LH/2019/PN.JKT.PST Decision concerning Jakarta's Air Pollution in the Context of Environmental Recovery

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ABSTRACT

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Purpose of the study: This study aims to realize state responsibility through implementing government authority to court decisions in restoring the right to a good and healthy environment.

Method: This study utilized a normative juridical method with a statutory approach and decision analysis.

Results: In the settlement of environmental disputes, the error-based recovery approach aims to create fair law enforcement.

Applications of this study: This research serves as a reference for the government in making policies and dispute resolution. Hence, the settlement of environmental disputes is not only based on errors but also risk.

Novelty/ Originality: Mechanisms for resolving environmental issues will be discovered through environmental recovery, allowing the law to work for the benefit of humankind. Thus, the law is not solely anthropocentric but also ecocentric following the environmental recovery approach.

Keywords: State Responsibility, Government Authority, Environmental Recovery.

INTRODUCTION

In 2018, Jakarta had the worst air quality in Southeast Asia, and Indonesia belonged to the top ten nations with the worst air quality worldwide (Green Peace Indonesia, 2018, p. 3). The influence of air quality on health is highly susceptible, especially for children and the elderly. Due to the effects of air pollution, 32 people filed a Citizen Lawsuit (CLS) to the Central Jakarta District Court on 4 July 2019, with several state officials as defendants, including the President, the Minister of Environment and Forestry, the Minister of Home Affairs, the Minister of Health, and the Governors of Jakarta and Banten.

Following Article 65 of Law No. 32 of 2009 on Environmental Protection and Management, people who have paid taxes have the right to demand the government's commitment to preserving human rights for a good and healthy environment. It is known as a civil lawsuit. In short, the purpose of this case is not to seek money but to change the regulatory structure for the execution of air pollution management as a form of political will to safeguard the right to a good and healthy environment.

The exponential degradation in environmental quality continues to have detrimental effects on the environment. According to Pollin, the selfish nature of the political system and capitalism, along with the exploitation of natural resources by industry, is the origin of the climatic issue (Noam Chomsky dan Robert Polin, 2020). As required by Article 54 (1) of the UUPPLH, efforts to mitigate the adverse effects of climate change include the application of a recovery approach to resolving various problems in the environmental law enforcement system, judicial processes, and the outcomes of inkracht decisions that tend to have insignificant recovery effects on the damaged and polluted environment.

Research on the application of recovery in environmental cases is urgently required (Yeni Widowaty, 2014, p. 5). When the parties (stakeholders) agree to the efforts to restore the damaged and polluted environment to provide ecological benefits that do not merely carry out compensation and deterrent effects, the recovery model can be applied. Recovery is the objective of settling cases to produce fair law enforcement that advances the type of progressive legislation that considers not only the law but also its usefulness and justice (Heru Dwi Pratondo, 2022).

One of the recent developments in environmental law is the connection between incorporating human rights considerations and corporations (Triwijaya, Fajrin, & Meilany Nurrahma, 2020, p. 416). According to John Ruggie, there is a relationship between stakeholders and the state's role with corporations and the community to create protection against the impact of business activities by protecting, respecting, and remedying (Genugten & Jägers, 2011) in the development process, based on the UN Guidelines on Business and Human Rights.

The notion of a green constitution assures accountability for every act of environmental pollution or destruction (Asep, 2021, Webinar). Therefore, this study aims to reveal the government's involvement after the CLS against Jakarta's air pollution in the context of environmental recovery. This study focuses on the government's efforts to restore Jakarta's air quality by highlighting changes to the current regulatory system to be revised by reviewing good and healthy air quality standards through a sustainable holistic approach.

METHOD

This research focuses on library materials. Normative research is often called doctrinal or library research. The statute approach is part of normative legal research (Soekanto, 2009, p. 56). The statutory approach of the Constitution of 1945 and UUPPLH was employed to review statutory rules which, notwithstanding their normalization, nevertheless include deficiencies on the technical level or in their field application.

Using a comparative law approach (Irwansyah, 2020, p. 133), this research attempted to construct a legal argument by comparing the Urgenda case regarding the lawsuit against the gas emission reduction policy on climate change issues in the Netherlands and the CLS case, the problem of air pollution in Jakarta. This study utilized secondary data derived from secondary, tertiary primary law materials and a qualitative method. Descriptive analysis was performed to uncover environmental law enforcement realities.

RESULTS AND DISCUSSION

Every Indonesian citizen has a human and constitutional right to a good and healthy environment. For the environment in Indonesia to remain a source of life and support for its people and all living things, the state, government, and other stakeholders must conserve and

manage the environment through sustainable development. One of the steps in a nation's public policy process is executing government policy to ensure the fulfillment of people's rights. After being created with specific objectives, including short-, medium-, and long-term goals, the policy is implemented.

A. Decision on CLS concerning Air Pollution in Jakarta

The CLS on air pollution in Jakarta with Case No. 374/PDT.G/LH/2019/PN.JKT.PST by 32 Indonesian citizens sued the President, Minister of Environment and Forestry, Minister of Home Affairs, Minister of Health, and Governors of Jakarta, West Java, and Banten. On 6 September 2021, the CLS was finally partially accepted. The judge granted most of the plaintiffs' demands; only the demand to decide that the defendants committed human rights violations was not granted (Bella Nathania, Fajri Fadhillah, 2019, p. 32). As citizens of a country with a common law system, these 32 people, through the CLS, sued state administrators for negligence in controlling air pollution, causing losses to the community.

The following explains how the judge decided the lawsuit by considering several main points.

1. The claim is granted in part in the form of the following.

Punishing the Governor of Jakarta, contained in petite numbers 8 and 9, for the following (Pengadilan Negeri Jakarta Pusat, 2021)

- a. Supervising everyone's compliance with the provisions of laws concerning air pollution control and environmental documents
 - i. Conducting periodic emission tests on old-type vehicles
 - ii. Reporting the evaluation of the arrangement of exhaust emission thresholds for old motorized vehicles
 - iii. Compiling a recapitulation of immovable pollution sources (STB), of which the "business activities emit emissions" and have environmental and emission disposal permits from the Governor of Jakarta
 - iv. Supervising compliance with the standards and specifications of the fuel applied
 - v. Supervising the observance of the prohibition of burning garbage in open spaces that cause air pollution

The meaning of “everyone” is not clarified because it does not have an emphasis on anyone. The focus on the “everyone” aspect should be placed on those who contribute the most to carbon emissions that cause air pollution since “everyone” in this context includes both individuals (natuurlijk person) and legal entities (rechts person). However, the indications to determine it require a scientific analysis that can supply the necessary knowledge. It must be highlighted since industrial operations are primarily responsible for the deterioration in air quality that exceeds the ambient air quality limit. In contrast, the most influential individuals are cumulative.

- b. Imposing sanctions on everyone who violates the provisions of the legislation of air pollution control and the environmental documents, including the following.
 - i. Motor vehicle drivers who do not comply with the old type of mobile source emission quality standards
 - ii. Businesses and activities that do not meet the emission quality standards for immovable sources
 - c. Disseminating information on supervision and imposition of sanctions concerning air pollution control to the public
 - d. Tightening the Regional Ambient Air Quality Standards for Jakarta, sufficient to protect human health, the environment, and ecosystems, including the health of sensitive populations, based on the development of science and technology
2. Declaring that the President, Minister of Environment and Forestry, Minister of Home Affairs, Minister of Health, and Governor of Jakarta as defendants have been proven to have committed the following unlawful acts
- a. “The defendants committed an act against the law. They failed to fulfill their obligations in fulfilling the right to a good and healthy environment” (Article 28 H paragraph 1 of the 1945 Constitution and Article 65 paragraphs 1 and 2 of the UUPPLH).

The plaintiffs stated that Jakarta’s polluted air caused people’s unfulfilled right to have a good and healthy environment. Thus, they wanted the implementation of an integrated, effective, measurable, and complete air pollution control policy with one

indicator of success. Jakarta did not meet the National and Regional Ambient Air Quality Standards for the average Ozone (O₃), PM 10, and PM 2.5.

- b. The Minister of Environment and Forestry was proven to have carried out an action against the law on the performance of the Governor of Jakarta, co-defendant, in controlling air pollution, especially in the emission test of motorized vehicles. The petition requested that the Minister of Environment and Forestry be punished for supervising the Governors of Jakarta, Banten, and West Java in conducting an emission inventory in cross-border provinces.
 - c. The Minister of Home Affairs neglected to supervise and guide the performance of the Governor of Jakarta.
 - d. The Governor of Jakarta did not implement Law Enforcement regarding the emission test of motorized vehicles and immovable source emissions. It proves that the Governor of Jakarta did not carry out the legal obligation to perform an emission inventory to control Jakarta's air pollution.
 - e. The Governor of Jakarta did not conduct the legal obligation to develop strategies and action plans for the status of polluted air quality as stipulated in Government Regulation No. 41 of 1999 and Regulation of the Minister of Environment and Forestry No. 12 of 2010. It is carried out in the framework of prevention instruments as stipulated in Article 14 UUPPLH point I: environmentally-based law.
This rule still refers to Law No. 23 of 1997, while the applicable one is Law No. 32 of 2009, where climate change is considered a global issue today. To implement the rules revised later, the technical rules should be adjusted. Hence, it is necessary to revise the two rules.
3. Punishing the President for tightening the National Ambient Air Quality Standards that can protect human health, the environment, and ecosystems, including sensitive population health based on the development of science and technology; as well as punishing the Minister of Environment and Forestry for supervising the relevant Governors in conducting an inventory of cross-border emissions of Jakarta, Banten, and West Java Provinces
 4. Punishing the Minister of Home Affairs for conducting Supervision and Guidance on the performance of the Governor of Jakarta in controlling air pollution

5. Punishing the Minister of Health for calculating the reduction of health impacts due to air pollution in achieving the primary considerations in preparing the air pollution control strategy and action plan

In his decision, the judge considered human rights as a consideration, not giving public attention to ensure that air pollution will recover in an indefinite period. However, despite proving that the right to a good and healthy environment was violated, the judge rejected the declarative dictum, stating a violation of the right to a good and healthy environment. The decision of the Central Jakarta District Court judge can be a good start in fulfilling the right to a good and healthy environment. Hence, the Central Jakarta District Court judge missed an excellent opportunity to provide further weight to the air pollution CLS decision in Jakarta, declaring human rights violations (Bella Nathania, Fajri Fadhillah, 2019, p. 27).

The CLS can be applied as a guideline for handling environmental cases as long as it is in the name of the public interest (*probono publico*), as stated in the Decree of the Chairman of the Supreme Court No. 36/KMA/SKII/2013. The aim is to protect the interests of citizens as a result of losses from “actions” or omissions” or “negligence” of state administrators or authorities implementing the law (Harahap, 2017, pp. 160–161). Moreover, the judge’s considerations signify that the state did not implement measures to fulfill the right to a good and healthy environment in the air context, such as the following (Pengadilan Negeri Jakarta Pusat, 2021, p. 8).

- a. Monitoring air quality and its impact on health
- b. Reviewing sources of air pollution
- c. Making information publicly available, including on health issues
- d. Developing regulations, standards, and policies concerning air quality
- e. Creating air quality action plans at the local, national, and regional levels
- f. Implementing the air quality action plans and ensuring the established standards are implemented
- g. Conducting evaluations and, if necessary, strengthening the action plans to ensure standard achievement.

The judge determined that the Governor of Jakarta did not provide sufficient monitoring stations for air quality. In addition, the judge decided that the Minister of Environment and Forestry failed to provide direction and that the President was negligent in updating

Government Regulation No. 41 of 1999 regarding Air Pollution Control, which was ten years past the mandate of Law No. 32 of 2009 regarding Environmental Protection and Management. As a result of not updating and assessing the Air Quality Criteria after 21 years, the state failed to enforce the set standards and imposed no penalties for violations of emission quality standards. Moreover, action plans that can be adopted have not yet been developed.

In case No. 372/PDT.G/LH/2019 PN.JKT.PST, the judge determined that not only was Jakarta's air contaminated, but the defendants also failed to take the required steps to protect the right to a clean and healthy environment. The judge considered that there had been a breach of human rights, but he did not accept this in the decision because he believed that further evidence was necessary.

If the present regulations to combat air pollution in Jakarta are considered insufficient, the community's right to a good and healthy life is violated. Based on the idea of state responsibility as the foundation for implementing environmental protection and management, the state is obligated to preserve the rights of its citizens to a good and healthy environment.

The air pollution CLS in Jakarta is the first lawsuit in which the plaintiffs sought a declaration that the defendants violated human rights; the right to a clean and healthy environment. A declaratory ruling can be construed as a legal confirmation of a legal circumstance. The dicta of the judgment are distinct from the application for a condemnatory judgment, which orders the losing party to perform specific steps (Apdina Arzani, 2018, p. 251) as the court has demonstrated in its ruling that the right to a clean and healthy environment has been violated. Even if the court approves the request to create a dictum of the judgment declaring that the defendants breached human rights, there will be no further penalty for the defendants in the form of specific responsibilities to carry out the ruling. The dictum is declaratory, which helps to describe the legal situation. Without the addition of a condemnatory dictum, the defendants are required to conduct the same action.

On the other hand, a dictum of a declaration on a breach of the right to a good and healthy environment might provide credibility to the verdict of the air pollution CLS in Jakarta. Doing so unmistakably declares that the defendants violated constitutional and international human rights. It is a powerful message of a legal situation in which the defendants violated the highest law and must change their behavior.

Similarly, the Urgenda Foundation vs. The State of the Netherlands is one of the climate change cases in which the Dutch Government was successfully sued to cut greenhouse gas

emissions by 25% (Supreme Court Netherlands, 2019, p. 1). The court fulfilled its role as a facilitator by facilitating the execution of legal remedies. However, it did not require the government to alter its policies to meet policy objectives.

Legal remedies for climate change include the availability of regional and central facilities and infrastructure, the challenges the court encounters in climate change cases, and the court's connection with other institutions and stakeholders. It is challenging to handle climate change issues since they involve human rights. Thus, basic requirements are required for the court and government to decide if a policy remains relevant and responsible. The court is responsible for handling climate change disputes but requires cooperation from policymakers, governments, and communities.

The court is an institution with the authority to assess and state whether the government has implemented a law established by the legislature and whether there is a violation of rights in enforcing the law. It is what Jolene Lin later stated as "regulating the regulatory response" (Jolene Lin, 2018). That statement implies that the court needs to review the extent to which the state carries out its functions based on the public trust doctrine. The public trust doctrine states that all natural resources are controlled by the state and used for welfare to benefit society, and every generation has rights to these resources; thus, the interests of future generations should also be considered (Rahmawan & Cetera, 2020, p. 29).

Legal systems and legislation can complement each other simultaneously in filling legal voids and creating benefits when these instruments are available at the same time (Galperin; & Kysar, 2020, p. 15). However, how to coordinate the legal and regulatory systems to protect against the hazards of policies and procedures in the environment without overlapping? Each system has a focus on its functions and institutional characteristics. The legal system focuses on interpersonal relationships and, therefore, on remediation rather than prevention, determining liability based on the actual occurrence of the harm and the reasonableness of the underlying activity. Implementation of the legal system, focusing on dealing with environmental damage that, from the start, did not see the dangers of the risks of specific activities and was applied to the broader community level. Apart from the legal idea, both can work simultaneously in an institution. Through the influence of human activities on increasing GHG concentrations, it is stated that there is no natural system that will be free from the impact of significant human activities. One of the uniqueness of common law is that it does not only

build environmental management as in laws and regulations in general. It focuses on relationships between individuals where the environment is in place.

Three aspects of the CLS on air pollution in Jakarta need to be considered. To begin with, regarding the legal substance, it is necessary to improve Government Regulation No. 41 of 1999 and the Minister of Environment Regulation No. 12 of 2010 based on WHO standards and the Paris Agreement. It is intended to overcome the problem of air quality standards and include climate change as consideration for determining air quality standards. Policies established to regulate the implementation of rights and obligations must run well. Regulations enforced by the state must be obeyed and implemented by the government, both at the central and regional levels. If it is not made or already exists but is not implemented as it should, the state is considered not to carry out its obligations. The Urgenda Case and the air pollution CLS in Jakarta demonstrate the government's not optimal role in setting air quality standards through regulations and policies through the source of authority held as the holder of responsibility for protecting the rights to the environment as stipulated in Article 65 UUPPLH.

Furthermore, concerning the legal structure, institutions, or agencies related to state administration carried out by the central and regional governments, it is hoped that the legal products produced by the central government (President and the Ministry of Environment and Forestry) can be used as a reference for the formation of legal products implemented in the regions (Regional and Governor Regulations) to create legal harmonization.

Moreover, in this case, the legal culture is related to implementing the rules by the relevant institutions. This study focuses on the supervision problem, requiring communication and coordination between the center and the regions and between regions. Supervision should be carried out through an administrative approach emphasizing territorial aspects and a regional approach integrating environmental and administrative elements. In environmental law, the term is integral comprehensive (holistic).

B. The Role of the Government in the Settlement of Air Pollution CLS in Jakarta

In 2015, the Urgenda Foundation successfully sued the Dutch Government over its policy to reduce greenhouse gas emissions. In the 2015 national order, a Dutch organization successfully sued the Dutch Government over its strategy to reduce greenhouse gas emissions. In 2019, the CLS was filed against air pollution in Jakarta. The judge of the Central Jakarta District Court determined that the plaintiff's right to a good and healthy environment was violated by poor air quality, particularly in Jakarta.

These cases indicate that it is possible to use court institutions to fight for constitutional rights that the government violates because their policies do not follow international climate change provisions. They also demonstrate that climate change cases are real and urgent, thereby giving the court a critical role in developing policies about climate change. As a manifestation of the principle of state responsibility, Article 63 of the UUPPLH assigns duties and authorities to the government and local governments in environmental protection and management. Consequently, Law No. 32 of 2009 enacts all of its wishes as the legal basis for environmental protection and management.

“If governments can not set a course, courts may have to do it for them”. In other words, if the government is unable to create relevant laws or administer current rules, it is the responsibility of the court to ensure compliance (Government Legal Department, 2018, p. 33). The difficulties the court faces in achieving it relate to the burden-sharing aspect of duties and obligations concerning climate change policies. In contrast to the government (executive power), which can exert pressure on other countries to compel them to adopt adequate provisions in addressing climate change, the court can only hope that other countries will follow their lead in climate change cases under their decision. However, the court's role is crucial in constructing a transparent and accountable democracy based on the process of legitimizing the formation of a norm through community participation. The court is an institution with the authority to handle community-submitted cases if the government is unable to formulate policies based on the principle of openness involving diverse interests.

The Urgenda case in the Netherlands and the air pollution CLS case in Jakarta demonstrate the government's engagement in the environmental sector through legislation and

programs. In this capacity, the government is accountable to the state and must facilitate the adoption of appropriate legal remedies for the government to adjust its policies to attain good and healthy air quality requirements. In this case, the court ruled that the government had discretion over how to comply with the reduction of greenhouse gas emissions.

In this instance, the government must apply the Ambient Air Quality Standards to the level of air pollution claimed by the citizen by achieving the WHO standard, which will result in a study indicating that the benefits of establishing a clean air policy will outweigh the costs incurred (World Health Organization, 2021, p. 173). The Indonesian Government could follow WHO recommendations regarding the determination of the Ambient Air Quality Standards: considering existing scientific literature, taking public health into account, and conducting in-depth cost-benefit research that includes not only the benefits derived from the development of looser Ambient Air Quality Standards but also the community's health costs and immaterial losses. In addition, the Paris Agreement could be utilized as a basis for enhancing government rules and their implementation regulations, as the quality of air quality standards is also linked to climate change issues.¹

In addition, based on the circumstances of the case, the plaintiff sought that the court gives information on the steps taken by the government to execute public information disclosure. However, the court noted that the government had the discretion to do so. On the other hand, managing climate change matters tends to drive conflict settlement through administrative law rather than considering the human rights provisions of the constitution. Court understanding of climate change cases is limited to whether formal requirements through procedural mechanisms have been met and whether the implementation follows the source of authority possessed by the institution or the scope of the position. Implementing existing legal instruments (administrative, civil, criminal) is not integrated, resulting in ineffective, inefficient, and suboptimal law enforcement.

Integrating the environment into sustainable development is, in essence, the conceptual foundation for national progress, despite the intensity of damage and pollution constantly threatening life. From a legal standpoint, the principle of sustainable development is a deliberate and planned effort to integrate the environment, including its resources, into the development

¹ Paris Agreement states that climate change control is carried out by making policies by each country. Thus, there is an increase in temperature of 1.5 °C. If it cannot be implemented, the temperature increase should not exceed 2 °C.

process to ensure the ability, welfare, and quality of life of present and future generations following the principles of state responsibility, sustainability, and benefit. Even if legislative instruments such as UUPPLH have developed preventative and punitive measures against environmental sustainability from threats and disruptions by the community and corporate actors in economic operations, environmental pollution and destruction are inevitable.

A rise in development activities increases the danger of environmental degradation and pollution, threatening the basic structures and functions of life-sustaining ecosystems. Everyone is obligated under the concept of conserving environmental functions to preserve environmental functions and prevent and overcome environmental devastation and pollution. Faced with the dynamics of economic expansion activities, the principle of environmental preservation must be the basis of commitment for industrial enterprises in conducting their economic operations, with the preservation of this environmental function seen as an unavoidable legal tool.

Supervision is also essential to development, as stated in Article 70 of the UUPPLH. Participation of the community in environmental decisions allows them to gain access to justice both in executive power through legal instruments of state administration and judicial authority through the state administrative court (PTUN) and the constitutional court (MK) as an acknowledgment of constitutional rights. Ecological (environmental), economic (business and business), and social (community) aspects are grouped into stakeholders.

In running the government, democracy is indispensable because the government (both in the broad and narrow sense) has a role as a stabilizer and regulator in fulfilling human rights (to serve, to protect, to fulfill) (Recommendations of the Council of Ministers, 2018). In carrying out development, the government bases it on the concept of the rule of law implemented through a system. Lawrence Friedman revealed that the legal system contains legal substance (source of law), which is the formation of law as the basis for regulation, as well as legal structure (agency) related to sources of authority (attribution, delegation, mandate) to enforce the law (Lawrence M. Friedman, 2001, pp. 6–8).

Article 54 of the UUPPLH is a provision stating that everyone who causes pollution and damage is obliged to restore environmental functions. In the case described, the element of “everyone” is addressed to the central and regional governments, considered negligent in making policies related to the Ambient Air Quality Standards. This negligence has resulted in poor air quality in Jakarta because the existing policies still refer to the old provisions. In contrast, the standards should refer to the indicators issued by the WHO and the Paris

Agreement. As a result of this negligence, the government must restore environmental functions, one of which is by calculating the reduction in health impacts due to air pollution in Jakarta, which can be performed using a cost-benefit analysis approach. Furthermore, integrating it with improvements to existing regulations can be conducted through the Regulatory Impact Assessment (RIA) approach.

Thus, developing it to become a legal breakthrough to overcome existing obstacles and limitations is possible. Constraints in climate change are related to errors and causality between actions and the resulting consequences, as contained in Article 1365 of the Civil Code. Thus, progressive thinking breakthroughs are required in fulfilling access to justice to support sustainable development. The criteria for filing a lawsuit against the law are: suffering a particularized injury, the injury is fairly traceable to the defendant's actions, and the court can award relief that will redress the plaintiff's injury (Pidot, 2006, p. 3).

The environment as a legal subject has interests and needs assistance and the role of other legal issues. Suppose their rights are violated, and their interests are related to legal matters that do not yet exist, but the interests have existed (right to a good and healthy environment and use of natural resources for future generations). In that case, it is not easy because the impact of climate change is not immediately visible but can be seen in the future. In addition, short-term (countermeasures), medium-term (compensation), and long-term actions are required for recovery from environmental pollution or destruction.

CONCLUSION

The concept of recovery is a legal breakthrough, especially in settling environmental law disputes, where the law not only functions to regulate humans but also concerns the interests of the environment and future generations. Legal construction based on Article 1365 of the Civil Code can be submitted through a class action, environmental organizations' rights and CLS, as in the air pollution case in Jakarta. CLS against air pollution in Jakarta demonstrates that the government has been negligent in setting the Ambient Air Quality Standards. It is the basis for the lawsuit in this decision. This case has challenged Government Regulation No. 41 of 1999 and the Minister of Environment Regulation No. 12 of 2010, considered to still refer to the old rules (Law No. 23 of 1997).

Meanwhile, the current rule is Law No. 32 of 2009, where climate change has become one of the considerations of current global issues. Poor air quality can impact climate change.

Hence, the indicators used must refer to WHO standards and the provisions of the results of the Paris Agreement. The results of the lawsuit decision were partially accepted, requiring the central and regional governments to make improvements, which include the following.

First, regarding the legal substance, it is necessary to improve Government Regulation No. 41 of 1999 and the Minister of Environment Regulation No. 12 of 2010. Second, related to legal structures, institutions, or agencies that have a relationship with state administration by the central and regional governments, the legal products produced by the central government (President and Ministry of Environment and Forestry) can be a reference for forming legal products implemented in Indonesia (Regional and Governor Regulations) to create legal harmonization through the Regulatory Impact Assessment (RIA) method with a cost-benefit analysis approach. Third, legal culture related to gas emission control in the context of the Ambient Air Quality Standard arrangement. Supervision requires communication and coordination between the central and the regions as well as between regions. Supervision should be carried out through an administrative approach that emphasizes territorial aspects and a regional approach that integrates environmental and administrative elements. The term in environmental law is integral comprehensive (holistic).

The 374/PDT.G/LH/2019/PN.JKT.PST decision exhibits that the government's efforts to restore air pollution fulfilled not only the claims made by some people but also the whole community. Although the lawsuit was partially granted, it focused on the Governor of Jakarta to change the system in the regulations governing air pollution prevention instruments in Jakarta. Technically, this ruling has guaranteed the fulfillment of good and healthy environmental rights.

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