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Concept of Resolving State Administrative Disputes Related to Environmental Issues from the Perspective of Substantive Justice

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The resolution of administrative disputes related to environmental issues has increasingly demonstrated responsiveness towards ensuring ecological justice. Efforts to fulfill ecological justice within the State Administrative Court (PTUN) have started to be reflected in the judges' considerations, which weigh the interests of sustainability and the balance between human and environmental interests, both in the present and in the future. This paper will explore two main issues: (1) whether the practice of resolving state administrative disputes related to environmental issues in Indonesia reflects substantive justice, and (2) how the concept of state administrative dispute resolution related to environmental issues can guarantee the achievement of substantive justice in the future. The findings of this study indicate that (1) several PTUN rulings have taken environmental justice into account as the core of their reasoning, by considering three key principles of environmental justice, such as intergenerational equity, sustainable environment, and the polluter pays principle; (2) there is a need for the internalization of environmental protection principles in state administrative disputes, similar to the position of the principles of AUPB (Administrative Principles of Good Governance) as a benchmark for assessing government actions. The internalization of environmental principles can be implemented through several steps: first, reformulating positive law by revising the PTUN Law to explicitly grant judges the authority to examine the ecological substance of cases; second, enhancing judges' capacity through environmental education; and third, shifting the legal enforcement paradigm to recognize the environment as a legal subject with rights to be protected.
Keywords: State Administrative Court, Substantive Justice, Ecological Justice

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1. Introduction

The settlement of State Administrative (Administrative Law) disputes plays a crucial role in ensuring the accountability of governmental administrative actions, including in the environmental sector. In practice, policies and administrative decisions such as the issuance of business permits, environmental impact assessments (AMDAL), or land-use rights often trigger disputes between the government and communities or environmental organizations. However, within the Indonesian legal context, the resolution of administrative disputes continues to exhibit serious weaknesses in ensuring substantive justice and ecological justice, largely due to its excessively technocratic and procedural orientation. This situation indicates an urgent need to reconstruct the approach to state administrative law so that it prioritizes the substance of justice rather than mere compliance with narrow legal procedures.

Procedural justice and substantive justice are two essential dimensions of modern law enforcement. Procedural justice emphasizes fair, transparent, participatory, and non-discriminatory legal processes, while substantive justice evaluates whether the final outcomes of legal processes are genuinely fair in moral, social, and ecological terms. In the context of environmental disputes, procedural justice alone often fails to guarantee substantive justice. Court decisions that are procedurally correct but substantively harmful to the environment and vulnerable communities leave behind profound injustice.

David Schlosberg, in his work Defining Environmental Justice: Theories, Movements, and Nature (2007), argues that environmental justice cannot be based solely on the distribution of benefits and burdens. He introduces other crucial elements such as recognition, capabilities, and participation (Hardi, 2023). This perspective broadens the scope of environmental justice toward what is referred to as ecological justice, a form of justice that views the relationship between humans and nature as an ethical unity. From this standpoint, the environment is not protected merely for its instrumental value to humans, but because it possesses intrinsic value as an integral part of life on Earth. This idea has not yet been fully adopted within Indonesia's state administrative justice system, particularly in Administrative Courts (PTUN).

Empirical studies demonstrate that the PTUN system remains oriented toward a narrow and rigid framework of positive law. In the case of the Awyu Indigenous community in Papua, which challenged the issuance of oil palm plantation permits by the local government, the Administrative Court rejected the lawsuit on the grounds that the elements of direct, personal, and actual harm were not fulfilled. Such legal reasoning fails to consider substantive aspects such as long-term ecological damage, the loss of customary land, and the systemic impacts of climate change. Formalistic logic in evidentiary standards effectively marginalizes the rights of vulnerable communities that should be constitutionally protected. This illustrates that procedural justice does not automatically lead to substantive justice and often becomes an exclusionary tool against structurally disadvantaged groups.

Similar criticism has been articulated by Elizabeth Fisher, who argues that traditional administrative law approaches are overly focused on procedural legality and tend to neglect dimensions of social and environmental justice (Fisher, 2025). She emphasizes the need for a new approach to environmental administrative law that integrates the precautionary principle, public participation, and ecological responsibility. Fisher advocates for courts to function not merely as interpreters of law, but as active actors in strengthening environmental governance.

In line with this perspective, Indian Supreme Court Justice Dhananjaya Y. Chandrachud has emphasized in several of his judgments that courts should not merely act as guardians of procedure, but also as protectors of constitutional and ecological values. In cases concerning the preservation of the Zudpi forest areas, the Supreme Court of India recognized environmental protection as an integral part of the right to live with dignity as guaranteed under Article 21 of the Indian Constitution. Chandrachud highlighted the importance of transformative constitutionalism as a jurisprudential approach that enables constitutions to transform relationships between the state, society, and nature in a more just manner. Such an approach has not been explicitly reflected in Indonesian Administrative Court decisions, despite the Indonesian Constitution recognizing the right to a good and healthy environment as a human right (Article 28H paragraph (1) of the 1945 Constitution).

At the international level, environmental justice approaches have been enriched through conventions such as the Aarhus Convention (1998), which emphasizes three core pillars: access to environmental information, public participation in decision-making, and access to environmental justice (Koster, 2007). This convention underscores that public participation is essential to ensuring meaningful procedural justice. Unfortunately, Indonesia is not a party to this convention, and Aarhus principles have not been fully internalized within the national administrative legal system. In practice, access to information and public involvement in environmental administrative processes remain severely limited.

In this context, Indonesia's environmental legal system and state administrative judiciary face an urgent need for transformation. It is no longer sufficient to merely improve formal procedures; there must also be a fundamental shift in how judges, legislators, and bureaucrats perceive the relationship between law, society, and the environment. The precautionary principle, anticipatory principle, meaningful participation,

and ecological justice must be internalized as part of legal reasoning rather than treated as abstract, declarative norms. Furthermore, legal space must be opened to recognize the environment as a legal subject, as developed in the rights of nature doctrine in several Latin American countries, such as Ecuador and Bolivia. This urgency is heightened by the escalation of environmental conflicts, the state's role as a policy issuer, and the lack of legal institutions capable of bridging social and ecological justice. Therefore, this study aims to critically analyze the weaknesses of the PTUN system ranging from excessive formalism and limited legal standing to inadequate protection of ecological entities while exploring the concept of ecological justice from Schlosberg's perspective (distribution, recognition, capabilities, and participation) and assessing how comparative legal approaches, such as Chandrachud's jurisprudence and restorative ADR mechanisms, may inspire reform.

Considering these various shortcomings, this research is both important and relevant in addressing the question of the extent to which the state administrative dispute resolution system through both judicial and non-litigation mechanisms can ensure substantive justice and ecological justice in environmental cases. This study also examines whether the construction of procedural justice within PTUN sufficiently facilitates public participation and recognition of vulnerable communities, and how principles of ecological justice can be integrated into adjudicative processes and reforms of environmental administrative law in Indonesia.

This study focuses on examining the role of the state administrative judiciary in upholding substantive justice in the field of environmental protection. Accordingly, this paper formulates the focus and direction of the research into two research questions as follows: How is the practice of resolving state administrative disputes related to environmental issues viewed from the perspective of substantive justice?. What concept of resolving state administrative disputes related to environmental issues can ensure the achievement of substantive justice?

2. Method

The research method employed in this study is normative legal research. According to Bahder Johan Nasution, normative legal research or legal analysis is essentially conducted "to explain the law or to seek the meaning and sources of legal values, using only legal concepts, with the steps undertaken being normative in nature" (Koenlius Benuf, 2019). Normative juridical legal research conceptualizes law as what is written in statutory regulations (law in books) or as rules or norms that serve as standards of appropriate human behavior. This study adopts three approaches, namely: the statutory approach, the conceptual approach, and the comparative approach.

3. Results and Disccusion

The Practice of Resolving Administrative Disputes Related to Environmental Issues in Indonesia from the Perspective of Substantive Justice

a. Transformation of the Administrative Court Paradigm in the Context of the Environment

Fundamental changes in Indonesia's legal system over the past decade indicate a significant new direction in the governance of state administrative law. This development is reflected in the revision of the State Administrative Court Law (Law on PTUN) and the enactment of the Government Administration Law (UU AP), both of which not only expand judicial authority but also provide greater space for the public to demand state accountability for policies with environmental implications (Sabda Ramadhani, 2024). The Administrative Court (PTUN), previously characterized as a "court for officials," is now increasingly positioned as an important forum for environmental protection, particularly through the resolution of administrative disputes with ecological impacts.

Historically, the PTUN was established with the primary mandate of reviewing the legality of state administrative decisions, limited mainly to formal aspects such as procedural compliance and official authority. However, with the enactment of Law No. 30 of 2014 on Government Administration (UU AP), the jurisdiction of the PTUN has been significantly expanded. This expansion includes the authority to review factual actions of government officials (factual actions), material acts of administration, and an extended concept of State Administrative Decisions (KTUN). These changes enable a more substantive review of environmental policies, which often manifest not only in written administrative decisions but also in concrete actions with ecological consequences. Examples include official inaction in response to forest destruction or problematic administrative actions such as the issuance of environmentally unsound permits.

These developments were further reinforced by the issuance of Supreme Court Regulation (Perma) No. 1 of 2023 on Procedures for the Settlement of Environmental Cases, which serves as a technical judicial instrument (Jumas, 2024). This regulation represents an important breakthrough, as it provides specific guidelines for judges, advocates, and the public in processing environmental disputes before the PTUN. Its enactment signals that national legal policy is moving toward a new paradigm: a judiciary that is more responsive to the ecological crisis and aligned with the principles of ecological justice. Through this regulation, judges are expected not merely to adhere to the formal text of legal rules, but also to consider broader ecological impacts, in accordance with the constitutional mandate to protect the environment for present and future generations (M. Rahmayanti, 2024).

At this point, it is evident that the legal policy underlying the paradigm shift of the PTUN demands greater alignment with environmental protection. This development is consistent with the doctrine of living law, which views law as dynamic rather than static, evolving in response to social changes, including the ecological crisis that has become a global concern. The PTUN can no longer be regarded solely as an institution for resolving narrow administrative disputes, but must instead function as an ecological safeguard capable of providing substantive protection for environmental rights. Accordingly, this transformation of the PTUN paradigm reflects a legal policy direction that is responsive both to societal needs and to the increasingly tangible planetary crisis.

This transformation finds normative legitimacy in the concept of the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik – AUPB). As affirmed in the Government Administration Law, the AUPB encompass principles such as legal certainty, due care, openness, accountability, and proportionality. In the environmental context, these principles serve a dual function: as a normative basis for PTUN judges in evaluating administrative policies, and as parameters of ecological justice. For instance, the principle of due care requires that environmental permits be issued based on comprehensive environmental impact assessments (AMDAL); the principle of openness demands public participation; and the principle of proportionality requires a balance between development interests and environmental sustainability. Thus, the AUPB are not merely administrative instruments, but constitute an entry point toward ecological justice within the PTUN framework.

Nevertheless, these developments are not without challenges. The current PTUN system still faces structural and substantive deficiencies in advancing environmental justice. First, there remains a limited understanding among judges in internalizing ecological principles within legal reasoning (Hudali Mukhti, 2023). Many judicial decisions continue to focus on formal procedural aspects rather than engaging with the substantive environmental impacts. Second, public access to the PTUN in environmental cases remains constrained by issues of cost, access to information, and limited legal standing, despite the growing recognition of mechanisms such as class actions and citizen lawsuits. Third, resistance persists among bureaucratic institutions and business actors who perceive the PTUN as an obstacle to development and therefore seek to restrict the scope of its intervention (Afandi, 2023).

b. The Urgency of Ecological Justice in Administrative Courts Between Normativity and Practical Challenges

The concept of ecological justice emerges from the awareness that law has long been overly anthropocentric, placing humans at the center while neglecting the rights of the environment. This paradigm has gradually shifted toward ecocentrism , which emphasizes that the environment possesses intrinsic value and therefore deserves legal protection. Within the context of the State Administrative Court (PTUN), the urgency of ecological justice becomes increasingly apparent, as many environmental problems originate from administrative decisions made by state officials, such as mining permits, forestry licenses, and infrastructure development approvals (Wahyuni, 2021).

The urgency of ecological justice in PTUN adjudication can be understood through three dimensions. First, the philosophical dimension, which recognizes that the environment is not merely an instrument for human use but an integral component of the continuity of life. This aligns with Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which affirms the right to a good and healthy environment as a constitutional right of citizens (Andang Binawan, 2024). Second, the normative dimension , reflected in the incorporation of the General Principles of Good Governance (AUPB) under the Government Administration Law and environmental Supreme Court Regulations (Perma), which provide legal legitimacy for judges to use ecological principles as a basis for judicial reasoning (Fauzi Syam; Sukamto Satoto, 2023). Third, the practical dimension , namely how these principles are genuinely applied in PTUN judgments that favor environmental preservation.

In practice, progressive judges play a crucial role in realizing ecological justice. Judges do not merely interpret legal rules rigidly but place the ecological crisis at the core of their judicial reasoning. For example, judges may annul environmental permits even when procedural requirements have been formally fulfilled, if such permits are found to pose a significant risk of ecological damage. This form of reasoning is not purely legal-formal but also moral and philosophical, in line with constitutional mandates (Aju Putrianti, 2023). In this sense, PTUN judges become "actors of legal policy," shifting judicial orientation away from bureaucratic interests toward ecological protection.

The practice of Indonesia's State Administrative Courts in environmental cases operates between two poles. On one side is a tendency toward formalism , which assesses the legality (rechtmatigheid) of administrative decisions or actions primarily through procedural compliance. On the other side is a growing movement toward substantive justice , which incorporates ecological values as autonomous legal considerations. This tension is evident in PTUN rulings concerning environmental permits, forest area utilization licenses, and reclamation policies, as well as in the Supreme Court's efforts to restructure procedural law through Supreme Court Regulation (Perma) No. 1 of 2023 on Guidelines for Adjudicating Environmental Cases, preceded by Supreme Court Decree No. 36/KMA/SK/II/2013. These instruments encourage judges to internalize the precautionary principle, in dubio pro natura, the polluter pays principle, and sustainability as judicial guidelines, so that judicial review moves beyond formal legality toward environmental prevention and restoration (preventive–remedial).

Within the progressive (substantive) trajectory , at least three patterns of judicial reasoning can be identified. First, judges examine not only procedural legality but also the substantive content of the AUPB as directly related to ecological interests, such as transparency in environmental impact assessments (AMDAL), the accuracy of impact analysis, and proportionality between risks and benefits. In this context, the AUPB functions as a "bridge" toward ecological standards of due care (Abdul, 2023). Second, judges apply the principle of in dubio pro natura when dealing with scientific uncertainty, allowing the potential for serious environmental risk to justify the annulment or tightening of permits signaling an epistemic shift from

proof of actual harm to the prevention of material risk (Endri, 2022). Third, judges assign substantial weight to the constitutional right to a good and healthy environment as a benchmark for the legitimacy of administrative actions.

A frequently cited example illustrating this substantive approach is the Jakarta Bay reclamation case, Island G (Decision No. 193/G/LH/2015/PTUN-JKT). Academic analyses published in the Indonesian Journal of Environmental Law highlight how the panel scrutinized spatial planning compliance, the quality of public participation, and the potential ecological impacts insufficiently addressed in the AMDAL, concluding that administrative justifications were inadequate to offset environmental risks. The first-instance ruling was widely perceived as affirming that environmental and reclamation permits are not "immune licenses," but remain subject to intensive judicial review of their ecological rationality.

A similar approach is evident in PTUN Banda Aceh Decision No. 7/G/LH/2019/PTUN.BNA concerning the Forest Area Borrow-and-Use Permit (IPPKH) for the Tampur-I Hydropower Plant. Academic annotations note that the court granted WALHI's claim, assessed potential ecological damage within forest areas, and corrected deficiencies in administrative authority and due care exercised by the licensing body. The court linked administrative instruments (IPPKH and AMDAL) with environmental due diligence and public participation, operationalizing the precautionary principle at the evidentiary stage. Procedural legality was examined, but within a broader horizon of ecological propriety representing the essence of substantive environmental review in PTUN.

Conversely, judicial practice also reflects decisions that strongly reinforce formalism and the doctrine of absolute competence, particularly when panels determine that the disputed object does not constitute a State Administrative Decision (KTUN), that claims are filed beyond the 90-day limitation period, or that plaintiffs lack sufficient legal standing. The series of cases related to the Cirebon coal-fired power plant (PLTU Cirebon) exemplifies this trend. In 2018, PTUN Bandung dismissed claims brought by WALHI and residents against the environmental permit for a 1×1000 MW power plant, emphasizing issues of jurisdiction and/or the characterization of the permit as a non-reviewable object. Substantive concerns such as emissions, spatial planning, and public participation were largely absent from the court's reasoning.

Academic cross-case studies reveal inconsistencies in the application of pro-nature principles within PTUN jurisprudence. While some cases demonstrate progressive ecological reasoning, others regress due to procedural barriers or narrow interpretations of disputed objects. Some scholars argue that such inconsistency undermines legal certainty in environmental enforcement, while others view it as a transitional phase in which courts gradually develop doctrine through case-by-case experimentation. This transition is influenced by evolving norms, from Supreme Court Decree No. 36/2013 to Perma No. 1/2023, which standardizes evidentiary techniques and judicial guidelines to prevent environmental cases from being trapped in procedural technicalities.

Three factors frequently explain why many decisions remain highly formalistic. First is the classic procedural problem of administrative litigation: disputes over the nature of the contested object (KTUN or not), the 90-day limitation period, the obligation to exhaust administrative remedies, and the adequacy of legal standing. Many environmental cases end at this threshold, preventing courts from addressing substantive ecological issues. Second is the fluctuating judicial understanding of environmental permits as objects of administrative review, particularly regarding their relationship with the Environmental Protection and Management Law (UUPPLH). Studies by the Indonesian Legal Reform Institute (LEIP) show that several first-instance rulings denying jurisdiction were later corrected at the cassation level, where the Supreme Court clarified that administrative objects "related to" environmental protection may be reviewed to safeguard environmental interests (Fransisca Romana Harjiyatni, 2022). Third is epistemic readiness :

environmental cases require expertise in ecology, hydrology, toxicology, spatial planning, and risk assessment. When scientific evidence is weak or expert panels lack independence, judges tend to retreat to the safest ground procedural formalism. Perma No. 1 of 2023 seeks to address this by emphasizing the precautionary principle, proactive evidentiary approaches, independent expert testimony, and the institutionalization of "environmental judges" capable of handling complex ecological disputes (Kartikasari, 2020).

From a green judiciary perspective, progressive decisions such as those issued by PTUN Banda Aceh and PTUN Jakarta in reclamation cases demonstrate a willingness to weigh spatial planning, ecological impacts, and public participation as substantive requirements of permit legality. Compilations of selected environmental judgments by ICEL further show how environmental litigation has served as a catalyst for reform, including the strengthening of environmental organizations' legal standing and the reinterpretation of administrative law toward ecological and human rights protection.

In contrast, the PLTU Cirebon litigation cluster represents a formalistic counterpoint, where courts emphasized jurisdictional competence and object characterization, avoiding substantive evaluation of emissions, air quality, spatial planning, and public health risks. Methodologically, this reflects not merely judicial reluctance, but the gravitational pull of procedural law in the absence of specialized guidelines an imbalance that Perma No. 1 of 2023 attempts to correct.

Overall, PTUN practice is moving toward substantive justice, but not yet consistently. Progress is most evident when judges: (i) interpret the AUPB as ecological standards of reasonableness; (ii) treat environmental permits as KTUN subject to ecological rationality review; (iii) shift the argumentative burden toward permit issuers to demonstrate risk control; and (iv) provide meaningful remedial measures such as permit annulment, corrective actions, or AMDAL revision. These approaches now find normative grounding in Perma No. 1 of 2023, which standardizes judicial roles and evidentiary techniques while reinforcing a preventive orientation.

Ultimately, consistency in achieving substantive ecological justice depends on three key levers: comprehensive internalization of Supreme Court guidelines across PTUN chambers; clearer mapping of environmental dispute objects post-cassation practice; and the cultivation of ecological legal reasoning that integrates AUPB, precautionary principles, spatial planning, environmental rights, and climate risk into persuasive judicial precedents. In this way, the green judiciary becomes not merely rhetorical, but a lived judicial practice that unites legality with environmental sustainability.

The Concept of Resolving Administrative Disputes Related to Environmental Issues that can Guarantee Substantive Justice

Since its establishment through Law No. 5 of 1986 on the State Administrative Court (PTUN), subsequently amended by Law No. 9 of 2004 and most recently Law No. 51 of 2009, the State Administrative Court has fundamentally been designed to resolve disputes between citizens and state administrative officials concerning state administrative decisions (beschikking). The original function of the PTUN was closely tied to the concept of the rule of law, which emphasizes limiting administrative power through judicial control. However, within the development of modern legal systems particularly as environmental issues increasingly demand recognition the role of the PTUN faces fundamental challenges. The PTUN is no longer expected merely to function as a procedural supervisor of state administration, but also as an instrument for enforcing ecological justice oriented toward substance rather than mere legal formalities.

Ecological justice itself arises from the awareness that the relationship between humans and the environment cannot be reduced solely to economic interests or procedural administrative legality.

Christopher D. Stone's seminal idea that the environment should be regarded as a legal subject represents a major breakthrough in protecting ecological interests that are often marginalized by anthropocentric legal systems. In Indonesia, although Law No. 32 of 2009 on Environmental Protection and Management has introduced the precautionary principle, participatory principles, and recognition of the public's right to a good and healthy environment (Article 65), their implementation in PTUN practice still faces significant weaknesses. PTUN adjudication often focuses only on procedural aspects of administrative decisions such as whether environmental permits were issued in accordance with administrative procedures while rarely examining whether such permits substantively violate principles of environmental sustainability.

A fundamental weakness of the Indonesian PTUN lies in its dominant procedural–formalist orientation. PTUN judges frequently confine their review to formal aspects, such as official authority, the form of decisions, or licensing procedures, without conducting an in-depth assessment of actual ecological impacts. This tendency can be observed in various disputes involving mining permits or environmental licenses, where courts emphasize procedural compliance rather than evaluating tangible environmental damage. From the perspective of substantive justice, however, courts should not stop at formal procedures but must ensure that judicial decisions genuinely reflect justice, including ecological justice. Gustav Radbruch's theory of the three fundamental values of law legal certainty, utility, and justice further suggests that when positive law conflicts with justice, justice must prevail. In the PTUN context, this implies that judges should not shelter behind procedural formalism, but must courageously interpret the law by placing environmental protection at the center of legal reasoning (Bukulu, 2023). More pointed criticism emerges from the doctrine of substantive justice in environmental adjudication (SUMMIT, 1991), which underlines that Indonesia's legal system still prioritizes administrative certainty over environmental protection.

This situation gives rise to a "justice paradox": normatively, Indonesia possesses progressive environmental legal instruments such as Law No. 32 of 2009, the polluter pays principle, public participation, and environmental NGO standing yet in practice, PTUN decisions often emphasize administrative control without addressing ecological dimensions. Environmental permit disputes affecting communities frequently fail because plaintiffs cannot prove procedural administrative errors, even where environmental damage is factually evident. Consequently, the PTUN fails to realize ecological justice, which demands that courts act as substantive safeguards against environmental degradation.

From a regulatory perspective, neither Law No. 5 of 1986 on the PTUN nor its subsequent amendments explicitly obligate PTUN judges to consider environmental aspects in adjudicating disputes. Likewise, although Law No. 32 of 2009 provides mechanisms for environmental litigation by communities and organizations, its implementation before the PTUN remains constrained by judges' narrow focus on formal legality. This condition stands in contrast to the core premise of ecological justice, which requires recognition of environmental values as substantive foundations of judicial decision-making.

The limitations of PTUN adjudication can also be examined through legal theories emphasizing the balance between legal certainty, justice, and utility, as articulated by Gustav Radbruch. In PTUN practice, procedural legal certainty often dominates at the expense of substantive justice, thereby undermining the law's objective of environmental protection. Similarly, Satjipto Rahardjo's progressive legal theory warns against excessive formalism and calls for legal breakthroughs responsive to societal needs and ecological protection. If the PTUN is to transform, it must adopt this progressive approach by recognizing the environment as an entity with legitimate legal interests.

Within modern administrative law literature, one doctrinal foundation capable of supporting PTUN transformation is the public trust doctrine. Originating in Anglo-Saxon legal traditions, particularly in the United States, this doctrine posits that the state, as sovereign, holds natural resources in trust for the public

and must manage them for collective benefit rather than private interests. Accordingly, the state may not relinquish or misuse control over common resources, as it acts as a trustee for the people (Baihaki, 2021). In the PTUN context, the public trust doctrine can serve as a normative basis for judges to assess whether administrative decisions violate public trust in environmental governance.

The relevance of the public trust doctrine to PTUN adjudication becomes evident when administrative decisions such as mining licenses, environmental permits, or infrastructure approvals result in ecological harm. PTUN judges should evaluate not only procedural legality but also whether such decisions breach public trust in environmental protection. This doctrine encourages a shift in PTUN orientation from a forum of formal legality to one of substantive ecological justice. Indonesia possesses a constitutional basis for adopting this doctrine through Article 33(3) of the 1945 Constitution, which declares that land, water, and natural resources are controlled by the state for the greatest benefit of the people. Nevertheless, the doctrine has not yet been explicitly internalized in PTUN practice.

Comparative legal perspectives offer valuable inspiration for PTUN reform. In India, the Supreme Court has adopted the public trust doctrine in landmark cases such as M.C. Mehta v. Kamal Nath (1997), holding that the government may not transfer natural resources to private parties in violation of public interests. Similarly, in the United States, the doctrine has been widely applied to protect coastal areas, lakes, and other public resources from privatization. These examples illustrate how courts can act as primary guardians of ecological protection.

In Europe, environmental rights have been further strengthened through regional instruments such as the Aarhus Convention (1998), which guarantees public participation, access to information, and access to justice in environmental matters (Hester, 2017). European countries increasingly internalize ecological justice principles in administrative law and adjudication. In the Netherlands, for instance, the Urgenda Foundation v. Netherlands (2015) case compelled the government to strengthen carbon emission reduction targets, demonstrating how administrative courts can actively safeguard environmental sustainability rather than merely review formal legality.

Compared to these jurisdictions, PTUN practice in Indonesia still exhibits fundamental shortcomings. First, PTUN judges tend to confine themselves to formal legality, neglecting substantive environmental dimensions. This results in unresolved environmental disputes that substantively harm ecosystems, creating a gap between legal justice and ecological justice. Internalizing ecological justice principles could address this deficiency by reinterpreting PTUN judicial authority, including the application of in dubio pro natura, whereby uncertainty regarding ecological impacts must be resolved in favor of environmental protection.

Second, PTUN-related legislation does not explicitly mandate judges to substantively assess environmental impacts. Third, a positivistic legal culture within the judiciary discourages bold judicial innovation in favor of ecological justice. Consequently, communities seeking environmental justice through PTUN often fail to obtain genuine redress, indicating that Indonesia's PTUN system remains far from a progressive ecological justice model.

To overcome these weaknesses, normative and doctrinal reforms are required. First, revisions to PTUN legislation should impose explicit obligations on judges to consider ecological substance in every decision. Second, progressive legal doctrines such as the public trust doctrine must be internalized through judicial education, Supreme Court guidelines, and jurisprudence. Third, civil society participation should be strengthened through environmental standing mechanisms. Fourth, PTUN should embrace comparative legal practices from jurisdictions that have advanced in protecting ecological justice.

Accordingly, integrating the public trust doctrine with ecological justice principles, progressive legal theory, and comparative legal insights is essential to transform Indonesia's PTUN. Such transformation is vital not only for achieving fairness in administrative law, but also for ensuring environmental sustainability as a component of human rights and the state's responsibility toward future generations.

Ecological justice presupposes a shift from classical justice concepts focused on human relations toward justice that recognizes the rights of non-human entities nature, ecosystems, flora, fauna, and the environment as a whole. This theory gains academic legitimacy from Christopher D. Stone's argument that the environment should hold legal subjectivity (Hannah Graham, 2020). In Indonesia, although this concept has not been explicitly adopted in positive law, its trajectory is reflected in Law No. 32 of 2009, which emphasizes sustainability and intergenerational justice (Christianti, 2022). Nevertheless, translating these norms into PTUN practice remains a serious challenge (Wiraganti, 2024).

Normatively, PTUN legislation authorizes judges to review the legality of administrative decisions. However, the persistent weakness in environmental adjudication lies in the narrow interpretation of judicial authority, limited to formal administrative legality without regard to ecological implications. If ecological justice principles were internalized, judges would examine not only procedures but also the substantive sustainability and environmental protection aspects of governmental policies. Such internalization would bridge the gap between procedural justice and substantive environmental justice (Nur Sulistiyaningsih, 2023).

Ultimately, ecological justice aligns closely with the public trust doctrine, reinforcing the notion that the state holds natural resources in trust for both present and future generations. Internalizing this doctrine would enable PTUN judges to more boldly evaluate administrative decisions against constitutional mandates under Articles 28H(1) and 33 of the 1945 Constitution (M. Hapsari, 2024). Combined with Radbruch's theory of justice, utility, and legal certainty, and implemented through progressive judicial reasoning, ecological justice becomes not judicial activism, but a constitutional obligation.

Given the growing complexity of environmental disputes in Indonesia, PTUN must evolve into a forum capable of delivering substantive justice. Without such transformation, PTUN risks remaining trapped in procedural legalism, indifferent to irreversible environmental damage. Therefore, the future orientation of PTUN must prioritize ecosystem protection as the core of ecological justice, rather than treating it as a peripheral concern of administrative legality.

4. Conclusion

Based on the discussion and analysis of substantive justice in the enforcement of environmental law within the State Administrative Court (Peradilan Tata Usaha Negara / PTUN), two main conclusions can be drawn. First, the practice of resolving state administrative disputes related to environmental issues in Indonesia continues to reflect a tension between procedural formalism and efforts to achieve substantive justice. On the one hand, PTUN proceedings often remain confined within a positivistic framework that emphasizes procedural aspects such as limitation periods, objects of dispute, and legal standing. As a result, many environmental cases are resolved without addressing the substantive issue of ecological damage. On the other hand, several progressive judicial decisions demonstrate judges' willingness to internalize the principles of ecological justice (ecological justice), as articulated by David Schlosberg, namely distribution, recognition, capabilities, and participation. The principles of in dubio pro natura and the precautionary principle have also begun to be applied as judicial instruments to prevent environmental harm, even when actual damage has not yet materialized. This development aligns with Gustav Radbruch's theory, which emphasizes that when legal certainty conflicts with justice, justice must prevail. Therefore, although PTUN

practice remains inconsistent, there is a discernible transformative trajectory toward a judiciary that is more responsive to environmental protection and the constitutional right of citizens to a good and healthy environment. Second, the concept of resolving state administrative disputes that can ensure the realization of substantive justice must be grounded in the internalization of ecological justice principles within judicial practice. The public trust doctrine, which affirms the state's obligation as a trustee to protect natural resources for the public interest, provides a crucial normative foundation. Referring to Satjipto Rahardjo's theory of progressive law, PTUN is required to function not merely as a forum for reviewing procedural legality, but also as an institution that enforces ecological justice as a substantive dimension of law. This concept can be realized through normative reform by revising the PTUN Law to explicitly grant judges the authority to assess the substantive ecological impacts of administrative decisions, enhancing judicial capacity through environmental law education, and fostering a paradigm shift that recognizes the environment as a subject of legal protection. The integration of Radbruch's theory concerning the balance between legal certainty, utility, and justice further legitimizes the position that ecological protection must be placed at the core of substantive justice. Accordingly, PTUN in the future should be oriented toward becoming a green judiciary one that adjudicates not only the formal aspects of administrative decisions but also ensures ecosystem sustainability as an integral component of intergenerational justice.

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