

Environmental Rights And Access To Justice: Comparing Citizen-Led Environmental Litigation In Indonesia And Timor-Leste

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ABSTRACT

This study examines the comparative legal capacity and judicial access for citizen-led environmental litigation in Indonesia and Timor-Leste. Using a normative juridical method with comparative, statutory, conceptual, and case approaches, the study analyzes environmental rights, citizen standing, procedural access, judicial reasoning, state accountability, and remedies. The findings demonstrate that both countries possess normative foundations for environmental protection, but their capacity to transform environmental rights into accessible judicial claims differs. Indonesia has a more developed litigation framework through constitutional recognition of the right to a good and healthy environment, statutory environmental protection, the citizen lawsuit mechanism, and emerging judicial practices concerning environmental and climate justice. Nevertheless, procedural uncertainty, inconsistent climate-related judicial reasoning, limited scientific evidence, and weak administrative compliance with court decisions remain challenges. Timor-Leste has constitutional and institutional foundations for environmental protection, but limited evidence of established citizen-led environmental litigation. Environmental protection is more frequently addressed through regulatory governance, institutional mechanisms, community participation, and international environmental commitments. The study identifies a litigation capacity gap between the two countries. Indonesia has moved further toward judicializing environmental accountability, while Timor-Leste requires stronger mechanisms connecting constitutional rights, citizen standing, judicial access, and effective remedies.

Keywords: *Citizen Lawsuit, Environmental Litigation, Environmental Rights, Judicial Access, Indonesia Timor-Leste.*

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1. | INTRODUCTION

Climate change, pollution, ecosystem degradation, and the exploitation of natural resources have evolved into legal issues closely linked to the protection of human rights and intergenerational justice. Contemporary developments in environmental law reflect a shift from a purely administrative regulatory approach toward recognizing that the public has a right to a quality environment and access to legal mechanisms when the state or project operators fail to meet environmental obligations. Within this context, citizen-led environmental litigation has emerged as a crucial instrument for strengthening public participation, scrutinizing government actions or omissions, and compelling the state to fulfill its environmental protection obligations (Fatah, 2019; Savaresi & Setzer, 2022; Steinkamp, 2023).

Indonesia offers a significant example of the evolution of citizen-initiated environmental litigation in Southeast Asia. The right to a good and healthy environment is constitutionally grounded in Article 28H(1) of the 1945 Constitution and reinforced by the environmental regulatory framework specifically Law Number 32 of 2009 concerning Environmental Protection and Management. The constitutionalization of this environmental right has further evolved through the “green constitution” concept, which positions environmental protection as an integral part of state obligations and the realization of the rule of law (Aspan & Yunus, 2019; Dananjaya & Fuchikawa, 2020; Nur Amalia & Rahayu, 2021). In the realm of litigation, citizen lawsuits provide a venue for individuals to pursue claims in the public interest and broaden community participation in environmental protection (Fatah, 2019; Purwendah et al., 2022; Qurbani & Rafiqi, 2022). A human rights-based approach is also increasingly employed to link environmental protection with state obligations, including within the development of climate change litigation (Pinilih & Rahmansyah, 2023; Prasetyoningsih & Kusmayanti, 2025; Uz Zaman & Farida, 2025).

Nevertheless, the existence of this legal framework has not yet fully resulted in a well-established doctrine of climate litigation. Literature indicates that Indonesian courts still face challenges in treating climate-related harm as a standalone basis for litigation, as most cases continue to be framed as conventional environmental disputes (Cornelius, 2024; Sulistiawati, 2024; Suparto & Santos, 2024; Wartini & Dewi, 2026). Judicial reasoning also encounters difficulties in integrating climate science, the precautionary principle, and climate justice into court rulings (Hooper et al., 2005; Indreswari et al., 2024; Indreswari & Natalis, 2025).

Furthermore, an anthropocentric tendency in reasoning can limit the articulation of ecological interests within judicial proceedings (Sulistyawan et al., 2025). These conditions demonstrate that legal capacity is determined not only by the existence of rights and regulations but also by legal standing, procedures for accessing the courts, the quality of judicial reasoning, and the effectiveness of judgment enforcement. The issue becomes particularly compelling when compared with Timor-Leste. The country faces various environmental challenges including climate change, limited access to

water, sanitation, and hygiene, and marine pollution linked, among other things, to the Montara Oil Spill (Francis & Nguyen, 2025; Mahendra et al., 2024; Belo et al., 2026). Furthermore, the management of conservation areas and sustainable tourism has largely evolved through community participation mechanisms, collaborative governance, and the involvement of international organizations, rather than through citizen litigation (da Silva & Bui, 2021). Simultaneously, land and environmental issues within the context of transitional justice reveal the limitations of legal mechanisms in addressing complex disputes rooted in a history of conflict (Almeida, 2021).

However, the limitations of citizen litigation in Timor-Leste cannot be attributed solely to the absence of environmental rights. Literature on the development of “green constitutionalism” in Timor-Leste indicates that environmental protection has garnered constitutional attention, even as its conceptualization and implementation continue to evolve. Santos et al. (2026) demonstrate that environmental protection within Timor-Leste’s constitutional framework has developed through institutional mechanisms, including the exercise of presidential veto power. Meanwhile, Grenfell (2015) points out that while Timor-Leste possesses a constitution rich in rights recognition, a critical challenge remains regarding the ability of the public particularly vulnerable groups to access legal institutions and effectively realize those rights. Thus, the core issue is not merely whether environmental rights are recognized, but the extent to which they can be translated into judicial access and citizen-led litigation. Addressing this gap, this study conducts a comparative analysis of legal capacity and judicial access regarding citizen-led environmental litigation in Indonesia and Timor-Leste.

The comparison focuses on five aspects: constitutional recognition of environmental rights, citizen legal standing, the availability of procedural mechanisms, judicial reasoning, and the effectiveness of remedies. Indonesia serves as a comparative context due to its more established developments regarding citizen lawsuits and environmental litigation, whereas Timor-Leste offers a crucial context for understanding how environmental rights and access to justice evolve within a relatively younger legal system. Through this approach, the study goes beyond merely comparing the presence or absence of citizen lawsuits; it elucidates how constitutional design, institutional capacity, and judicial practices shape the opportunities for the public to utilize the courts as instruments for environmental justice and, subsequently, climate justice.

2. | RESEARCH METHOD

This study employs a normative-juridical method with a comparative approach, aiming to analyze and compare legal capacity and access to courts in citizen-led environmental litigation in Indonesia and Timor-Leste. The normative-juridical approach is utilized because the research focuses on constitutional norms, statutory regulations, environmental law principles, citizen legal standing, and the evolution of judicial reasoning and mechanisms regarding environmental protection.

The analysis is conducted through three primary approaches: the statute approach, the conceptual approach, and the comparative approach. The statute approach is used to identify the constitutional foundations and regulations supporting environmental protection and public access to courts. The conceptual approach is employed to analyze concepts such as citizen lawsuits, citizen standing, access to justice, green constitutionalism, environmental justice, and climate justice. A case-based approach is used to examine how courts construct legal reasoning, determine legal standing, and grant remedies in environmental cases. Meanwhile, the comparative approach is used to identify similarities and differences between Indonesia and Timor-Leste.

Legal materials consist of primary sources specifically constitutions, environmental regulations, and related legal documents and secondary sources, such as relevant journal articles, books, and academic publications. The analysis is qualitative-descriptive and comparative, utilizing several indicators: constitutional environmental rights, citizen standing, procedural access, judicial reasoning, state accountability, and judicial remedies. The results of the comparison are then used to identify disparities in environmental litigation capacity between the two countries.

3. | RESULTS AND DISCUSSION

Legal Capacity, Access to Justice, and Citizen Standing for Citizen-Led Environmental Litigation

Indonesia and Timor-Leste both possess constitutional and legal foundations supporting environmental protection, yet they differ regarding the institutional and procedural mechanisms available to translate environmental rights into actionable legal claims. Indonesia demonstrates a relatively more developed litigation pathway, driven by a combination of the constitutional right to a good and healthy environment, environmental legislation, “citizen lawsuit” mechanisms, and evolving judicial practices. Conversely, while Timor-Leste has relevant constitutional and legal provisions, it has not yet seen a comparable level of development regarding citizen-initiated environmental litigation or judicial doctrines concerning public interest environmental lawsuits.

In Indonesia, the right to a good and healthy environment serves as a crucial normative basis for environmental litigation. This right is reinforced by the state's responsibility to maintain environmental quality and the concept of a “green constitution.” Academic literature positions environmental protection as an integral part of constitutional rights, sustainable development, and the rule of law (Aspan & Yunus, 2019; Dananjaya & Fuchikawa, 2020; Nur Amalia & Rahayu, 2021). The legislative framework most notably Law No. 32 of 2009 concerning Environmental Protection and Management operationalizes these principles and provides the legal basis for environmental law enforcement (Haryadi et al., 2021; Salim & Palullungan, 2021).

Indonesia’s legal framework is further distinguished by the recognition and development of the citizen lawsuit mechanism. This mechanism enables citizens to

challenge government actions or omissions that affect the public environmental interest. The principle of *legitimatio standi in judicio* expands the scope for public participation in environmental cases, particularly when environmental harm extends beyond individual injury to affect broader public interests (Fatah, 2019; Purwendah et al., 2022). A human rights-based approach also strengthens the normative basis of such litigation by linking environmental claims to constitutional rights and state obligations (Uz Zaman & Farida, 2025). Timor-Leste presents a different pattern.

Available literature indicates the existence of environmental rights and principles within the constitutional framework but offers far more limited evidence regarding the development of citizen-led environmental litigation as an established judicial practice. Environmental issues in Timor-Leste are primarily examined through the lenses of regulatory governance, international environmental obligations, public participation, land tenure issues, and institutional mechanisms. Problems concerning marine pollution, climate change, water and sanitation, and protected area management demonstrate that the environment is a significant legal and policy issue in Timor-Leste (Mahendra et al., 2024; Belo et al., 2026; Francis & Nguyen, 2025; da Silva & Bui, 2021). However, existing literature does not yet show a body of citizen lawsuits or public-interest climate litigation comparable to developments in Indonesia.

This disparity does not imply that Timor-Leste entirely lacks a legal basis for citizen-initiated environmental lawsuits. Rather, the findings highlight a distinction between formal legal capacity and litigation capacity demonstrated in practice. Timor-Leste possesses constitutional and legal foundations capable of supporting environmental protection, yet these foundations have not yielded a visible or established body of jurisprudence regarding citizen litigation. Studies on the realization of rights in Timor-Leste also indicate that the existence of constitutional rights does not automatically guarantee effective access to judicial institutions, particularly for vulnerable groups (Grenfell, 2015).

A second finding relates to access to justice. Indonesia offers broader opportunities for citizen participation through mechanisms such as citizen lawsuits and environmental litigation. The concept of *legitimatio standi in judicio* is linked to the expansion of public participation in environmental disputes, enabling citizens to file lawsuits to protect the public interest (Fatah, 2019; Purwendah et al., 2022). Consequently, there is a relatively clearer pathway:

environmental damage → public interest → citizen legal standing → court lawsuit → state accountability.

However, this pathway is not yet fully perfected. Literature indicates that citizen lawsuits lack a fully consolidated procedural framework, while climate litigation raises additional issues regarding standing, causation, court competence, and appropriate forms of redress (Fatah, 2019; Cornelius, 2024; Wartini & Dewi, 2026). Thus, while Indonesia possesses more developed practical access to environmental litigation than Timor-Leste, such access still faces doctrinal and procedural uncertainties.

In Timor-Leste, the issues are of a different nature. Literature reveals a constitutional framework rich in rights, yet the link between constitutional rights and their mobilization through the courts remains relatively weak. Grenfell (2015) highlights broader issues concerning the realization of constitutional rights through legal institutions, whereas Almeida (2021) demonstrates the limitations of legal mechanisms in resolving complex issues regarding land conflicts and grievances within the context of transitional justice. Studies on environmental governance also tend to emphasize public participation and institutional management rather than citizen-initiated litigation (da Silva & Bui, 2021). The findings reveal a gap in access to justice, rather than a mere absence of environmental rights. Indonesia has developed relatively stronger mechanisms for translating environmental interests into legal claims, whereas Timor-Leste's primary challenge lies in transforming formal rights and environmental governance commitments into judicial mechanisms that are accessible and sustainably usable by the public.

A Comparison of Judicial Reasoning in Citizen-Led Environmental Litigation in Indonesia and Timor-Leste

Further findings reveal differences in the evolution of judicial reasoning regarding environmental protection in Indonesia and Timor-Leste. These differences are particularly evident in the level of doctrinal development, the manner in which courts link environmental rights to state obligations, and the extent to which environmental and climate change issues have been translated into legal arguments within the courtroom.

In Indonesia, judicial reasoning in environmental cases has evolved alongside the growing recognition of the right to a good and healthy environment. This right provides a normative basis for courts to evaluate state actions—or omissions—regarding environmental management. The emergence of the “green constitution” concept has also broadened the understanding that environmental protection is an integral part of constitutional principles and the rule of law, rather than merely a matter of administrative policy (Aspan & Yunus, 2019; Dananjaya & Fuchikawa, 2020; Nur Amalia & Rahayu, 2021). In this context, judicial reasoning allows judges to link environmental protection with constitutional rights, state obligations, sustainability, and the public interest.

This evolution is also reflected in citizen litigation. Citizen lawsuits provide a venue for the public to bring matters of public interest before the courts. Purwendah et al. (2022) highlight the importance of public participation through the citizen lawsuit mechanism in environmental protection, while Fatah (2019) demonstrates that this mechanism can be employed to challenge government actions or omissions in environmental cases. Consequently, judicial reasoning in Indonesian environmental cases operates within a broader context, as courts address not only disputes involving parties who have suffered direct harm but also claims concerning the public environmental interest and government accountability. However, the development of

this reasoning has not been entirely consistent. In climate change cases, judges still face challenges in integrating scientific evidence, the precautionary principle, and the concept of climate justice into their legal deliberations (Indreswari et al., 2024; Indreswari & Natalis, 2025). This issue is significant because climate change differs in nature from conventional environmental damage, particularly regarding causation, the scale of impact, temporal dimensions, and risk distribution. Cornelius (2024), Sulistiawati (2024), and Wartini and Dewi (2026) indicate that climate change litigation in Indonesia is still evolving and has not yet fully established a distinct legal doctrine.

Limitations are also evident in the consistency and depth of judicial argumentation. Butt (2019) identifies broader issues within Indonesian judicial reasoning, including limitations in addressing complex legal questions. In environmental cases, such issues can affect the courts' ability to balance economic interests, development needs, and ecological protection. Sulistyawan et al. (2025) demonstrate that an overly anthropocentric approach can prioritize human and developmental interests over ecological ones, potentially hindering the achievement of environmental justice.

At the same time, there is a trend toward judicial activism in environmental and climate cases. Courts are increasingly viewed as institutions capable of reinforcing the fulfillment of environmental obligations when government policies or actions prove inadequate. Masyitoh (2021) highlights the importance of judicial activism in environmental dispute resolution, while Hussein et al. (2026) position judicial activism as a component of the evolution of climate litigation. These developments suggest that judicial reasoning has the potential to shift from a purely dispute-resolution approach toward one more oriented around the protection of rights, public interests, and state accountability. Rights-based reasoning is also becoming increasingly relevant. Uz Zaman and Farida (2025) demonstrate that human rights-based litigation can link citizen lawsuits with the protection of human rights and state obligations. Within this framework, the environment is viewed not merely as an object of administrative protection but as part of the public's fundamental rights. Triyana (2015) also highlights the crucial role of the constitutional court in ensuring effective judicial protection for economic, social, and cultural rights. This framework reinforces the potential for the development of judicial reasoning that positions environmental rights as part of the state's constitutional obligations.

Timor-Leste presents a different pattern. Existing literature indicates that environmental reasoning has evolved primarily through constitutional interpretation and institutional mechanisms rather than through a series of citizen-led environmental lawsuits. Santos et al. (2026), for instance, show that environmental protection in Timor-Leste can be understood through constitutional interpretation and the exercise of the presidential veto power. Consequently, the development of “green constitutionalism” in Timor-Leste remains more evident in institutional processes than in the creation of environmental jurisprudence derived from citizen litigation.

This situation does not imply that Timor-Leste lacks environmental issues or a legal basis for environmental protection. Literature highlights concerns regarding climate change, marine pollution, water and sanitation, and the management of protected areas (Belo et al., 2026; Mahendra et al., 2024; Francis & Nguyen, 2025; da Silva & Bui, 2021). However, these issues are discussed largely within the frameworks of policy, regulation, governance, public participation, and international obligations, rather than as environmental cases that directly shape judicial doctrine through citizen lawsuits.

This distinction is also linked to the issue of rights realization. Grenfell (2015) points out that the inclusion of rights within Timor-Leste's constitutional framework does not automatically guarantee that the public can utilize legal institutions to realize those rights. In an environmental context, this condition is significant because the existence of environmental rights requires support through legal standing, case-filing procedures, access to the courts, and the courts' capacity to provide effective remedies. Almeida (2021) also demonstrates that legal mechanisms face limitations when addressing complex land issues within the context of transitional justice.

Thus, a comparison reveals that Indonesia has demonstrated more visible and well-documented developments in environmental judicial reasoning, driven largely by experiences with citizen lawsuits, environmental litigation, and the emergence of climate litigation. However, this reasoning still faces challenges regarding doctrinal consistency, the integration of scientific knowledge, anthropocentric approaches, and the development of a specific framework for climate justice. Conversely, while Timor-Leste possesses a constitutional foundation and faces significant environmental issues, its environmental judicial reasoning particularly that stemming from citizen litigation has not developed to a comparable extent. Environmental protection there has advanced primarily through constitutional mechanisms, regulations, institutional frameworks, and public participation.

Overall, these differences indicate that the capacity for judicial reasoning depends not only on the normative recognition of environmental rights but also on litigation experience, citizen access to the courts, and the judiciary's ability to formulate doctrine based on concrete cases. Indonesia has demonstrated a more advanced process of the “judicialization of environmental accountability,” whereas Timor-Leste remains at a stage of developing the interplay between constitutional environmental protection, judicial access, and citizen-led litigation.

Table 1. Comparative Analysis of Citizen-Led Environmental Litigation in Indonesia and Timor-Leste

Dimensions	Indonesia	Timor-Leste	Comparative Findings
Constitutional right to the environment	Strong recognition of the right to a good and healthy environment.	Environmental protection and environment-related rights are enshrined in	Both have a normative basis.

Dimensions	Indonesia	Timor-Leste	Comparative Findings
		the constitutional framework.	
<i>Green constitutionalism</i>	It has evolved relatively through constitutional interpretation and the study of environmental law.	It continues to evolve through constitutional interpretation and institutional mechanisms.	Indonesia is demonstrating stronger doctrinal development.
<i>Citizen standing</i>	Citizen lawsuits and public participation have evolved within environmental litigation.	Formal rights exist, but evidence of environmental litigation by citizens remains limited.	Indonesia possesses a more proven litigation capacity.
Procedural access	Litigation mechanisms are available, but procedural uncertainty remains.	Access to justice exists within a rights framework, but practical mobilization has not yet developed.	Indonesia has a more visible litigation pathway.
Judicial reasoning	Environmental/climate reasoning is developing but is not yet consistent.	Environmental litigation jurisprudence is more limited; constitutional and institutional mechanisms are more dominant.	Doctrinal development is stronger in Indonesia
Climate justice	Beginning to develop through climate litigation and constitutional environmental rights.	Climate vulnerability is well-documented, but climate litigation by citizens has not yet clearly developed.	There is a disparity in the development of litigation.
State accountability	The courts can review government actions or omissions, but the enforcement of judgments remains problematic.	Relies more on regulatory, institutional, and governance mechanisms.	Indonesia has a more developed judicial accountability mechanism.
Legal redress	Judicial remedies are available, but their implementation can be weak.	Evidence of remediation achieved through citizen environmental litigation remains limited.	Indonesia's practical litigation experience is stronger.

Judicial Remedies and State Accountability in Citizen-Led Environmental Litigation

Research findings indicate that the effectiveness of judicial remedies in environmental litigation is determined not only by the existence of environmental rights

but also by citizens' ability to access the courts, obtain effective rulings, and ensure government implementation of those rulings. Consequently, legal remedies must be understood as a continuum encompassing access to courts, citizen legal standing, judicial authority, the quality of rulings, and administrative compliance. A comparison between Indonesia and Timor-Leste reveals distinct differences in these capacities.

In Indonesia, citizen lawsuits and environmental litigation have provided institutional avenues for the public to hold the government accountable. These mechanisms allow citizens to challenge government actions or omissions that affect the public interest, including environmental protection (Fatah, 2019; Purwendah et al., 2022). Hermawan et al. (2023) also highlight the potential to utilize citizen lawsuit mechanisms as instruments for environmental protection. Thus, citizen litigation is not merely oriented toward compensation for individual losses; it can also be directed at compelling the state to fulfill its environmental obligations and improve public policy.

This capacity is reinforced by the constitutional basis for environmental protection in Indonesia. The right to a good and healthy environment is established as a constitutional right of citizens, while the state bears the responsibility of ensuring environmental protection and sustainability. The concept of a “green constitution” strengthens the nexus between environmental rights, state obligations, and the principles of the rule of law (Aspan & Yunus, 2019; Dananjaya & Fuchikawa, 2020; Suryawan & Aris, 2020). Al-Fatih and Bekov (2026) further demonstrate that the green constitution plays a pivotal role in the discourse on strengthening environmental protection through a constitutional framework.

Consequently, courts can function as institutions of state accountability. In climate change litigation, for instance, courts can potentially be used to examine whether government policies align with environmental obligations and human rights. Ariani (2019) positions climate change litigation as a means to enforce state obligations, while Mayer (2021) links climate change mitigation obligations to state duties under human rights instruments. These perspectives expand the function of environmental litigation from individual dispute resolution to the scrutiny of state responsibility regarding structural ecological issues.

However, findings indicate that Indonesia's litigation capacity has not yet fully resulted in effective remediation. A primary issue is the enforcement of judgments. Pambudi (2026) highlights the importance of monitoring government non-compliance with environmental court rulings. This suggests a potential gap between judicial accountability and administrative compliance. Rulings that normatively favor environmental protection may lose their effectiveness if government officials or agencies fail to carry out court-ordered obligations.

Remediation issues are also linked to the complexity of the legal regimes involved in environmental litigation. Julianto and Arifin (2023) point to the intersection of administrative law and private law in the resolution of environmental disputes in Indonesia. Environmental damage can simultaneously involve government

administrative decisions, corporate actions, and harm to the community. Therefore, effective remediation requires an approach that bridges government accountability, the protection of community rights, and ecological restoration. Hendriana et al. (2025) emphasize that remedying environmental damage should not stop at compensation but must also consider environmental restoration, green victimology, and a more ecological legal perspective.

These conditions demonstrate that strengthening environmental litigation in Indonesia must be accompanied by enhanced law enforcement capacity. Helmi et al. (2019), for instance, highlight the importance of progressive law enforcement in addressing land-burning issues. In the context of climate change, Hulwanullah et al. (2025) frame environmental protection within the perspective of ecological democracy, while Alobaidi et al. (2025) stress the importance of judicial activism in bolstering environmental protection through litigation. Thus, courts have the potential not only to resolve disputes but also to strengthen accountability regarding environmental policy.

In contrast to Indonesia, Timor-Leste shows far more limited evidence regarding environmental remediation through citizen-initiated litigation. Issues such as marine pollution, climate change, water and sanitation, and land conflicts have been documented; however, existing literature does not yet show that these issues have systematically led to citizen-led environmental litigation and remediation through court rulings (Mahendra et al., 2024; Belo et al., 2026; Francis & Nguyen, 2025; Almeida, 2021). Thus, the primary issue for Timor-Leste concerns not merely the effectiveness of court rulings but, more fundamentally, the limited evidence regarding citizens' use of the courts as an instrument for environmental remediation.

These findings align with Grenfell (2015), indicating that the inclusion of rights in Timor-Leste's constitution does not automatically guarantee the public's ability to realize those rights through legal institutions. Issues of access are further complicated for vulnerable groups facing limitations regarding resources, legal capacity, and access to judicial institutions. Almeida (2021) also highlights the limitations of legal mechanisms in addressing complex land issues within a transitional justice context. This demonstrates that formal law is not always capable of delivering substantive redress for issues possessing social, ecological, and historical dimensions. At the same time, environmental governance in Timor-Leste has largely evolved through regulatory and institutional mechanisms, public participation, and international cooperation. For instance, the management of protected areas and community-based tourism places greater emphasis on stakeholder collaboration than on citizen litigation (da Silva & Bui, 2021). Regarding marine pollution, international legal frameworks have served as crucial instruments in addressing incidents such as the Montara Oil Spill (Mahendra et al., 2024). Santos et al. (2026) further demonstrate that environmental protection in Timor-Leste has developed through constitutional interpretation and institutional mechanisms, including the presidential veto power. This pattern reflects a predominance of regulatory and institutional accountability over citizen-driven judicial

accountability. A comparative analysis reveals a “litigation capacity gap” between Indonesia and Timor-Leste. Indonesia has established a relatively clearer chain of progression: constitutional environmental rights → citizen standing → procedural access → court rulings → state accountability. However, this capacity still faces challenges such as procedural ambiguity, the need to integrate scientific knowledge into judicial reasoning, the evolution of climate doctrines, and weak compliance with court rulings (Indreswari et al., 2024; Wartini & Dewi, 2026; Pambudi, 2026).

Timor-Leste is at a different stage. Environmental rights and issues have garnered attention at the constitutional, regulatory, and policy levels, yet there has been no comparable development in citizen-led environmental litigation. Consequently, Timor-Leste’s challenge lies not merely in strengthening the enforcement of judgments, but—more fundamentally—in forging stronger links between environmental rights, access to justice, citizen standing, judicial remedies, and state accountability. This comparison underscores that the effectiveness of environmental protection depends not only on the existence of rights but also on the legal system’s capacity to translate those rights into judicial claims that are accessible, adjudicable, and effectively enforceable.

4. | CONCLUSION

This study demonstrates that the primary difference between Indonesia and Timor-Leste regarding citizen-led environmental litigation lies not in the existence of a normative basis for environmental protection, but rather in the capacity of each country’s legal system to translate environmental rights into effective access to justice. Indonesia possesses relatively more developed legal and institutional capacities, evidenced by the constitutional recognition of the right to a good and healthy environment, environmental protection regulations, citizen lawsuit mechanisms, and evolving judicial reasoning in environmental and climate cases. However, this capacity is still hampered by issues such as procedural ambiguity, inconsistent reasoning regarding climate justice, limited integration of scientific evidence into rulings, and weak administrative compliance with court decisions.

While Timor-Leste possesses a constitutional and policy foundation supporting environmental protection, its capacity for citizen-led litigation remains relatively limited. Existing literature highlights a greater reliance on regulatory and institutional mechanisms, public participation, and international commitments rather than on litigation directly initiated by citizens. Consequently, Timor-Leste’s challenge lies not merely in expanding the recognition of environmental rights, but primarily in establishing procedural pathways that enable citizens to access the courts and hold the state accountable for environmental damage.

A comparative analysis reveals a “litigation capacity gap” between the two nations. Indonesia has moved toward institutionalizing environmental accountability through the courts, whereas Timor-Leste remains at the stage of strengthening the linkages between constitutional rights, legal standing, access to justice, and legal remedies. Therefore, enhancing judicial capacity, clarifying citizen lawsuit procedures, and

developing reasoning grounded in rights, science, and intergenerational justice constitute critical agendas for both countries.

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The data that support the findings of this study are available from the corresponding author upon reasonable request.

REFERENCES

- Al-Fatih, S., & Bekov, I. R. (2026). Proposing green constitution, is it necessary? *Journal of Law, Environmental and Justice*.
- Almeida, B. (2021). The law and its limits: Land grievances, wicked problems, and transitional justice in Timor-Leste. *International Journal of Transitional Justice*.
- Alobaidi, H. A., Jasim, A. K., Hadi, A. K. M., et al. (2025). Climate litigation and judicial activism in environmental protection. *Water and Soil Management and Modeling*.
- Ariani, D. (2019). The effectiveness of climate change litigation as a venue to uphold state climate change obligations in Indonesia. *Indonesian Journal of International Law*.
- Aspan, Z., & Yunus, A. (2019). The right to a good and healthy environment: Revitalizing green constitution. *IOP Conference Series: Earth and Environmental Science*.
- Belo, J. C., Calheiros, T., & Pereira, M. G. (2026). Climate change in Timor-Leste: A systematic review and meta-analysis through a multi-scale regional lens. *Climate*.
- Butt, S. (2019). Judicial reasoning and review in the Indonesian Supreme Court. *Asian Journal of Law and Society*.
- Cornelius, C. M. (2024). What might future rights-based climate litigation look like in Indonesia? A preliminary analysis. *Journal of Human Rights Practice*.
- da Silva, A., & Bui, H. T. (2021). Collaborative management of protected areas in Timor-Leste: Stakeholder participation in community-based tourism in Mount Ramelau. *Geographies of Tourism and Global Change*.
- Dananjaya, N. S., & Fuchikawa, K. (2020). Citizens' constitutional rights regarding habitable and wholesome environment: Towards a law state that protects the environment. *Udayana Journal of Law and Culture*.
- Fatah, A. (2019). Citizen lawsuit in environmental cases. *Lentera Hukum*.
- Francis, N., & Nguyen, T. T. P. T. (2025). Realising the right to water, sanitation, and hygiene in Southeast Asia's youngest sovereign state: Timor-Leste. In *Routledge Handbook of Human Rights in Southeast Asia*.
- Grenfell, L. (2015). Realising rights in Timor-Leste. *Asian Studies Review*.
- Haryadi, D., Ibrahim, I., & Darwance, D. (2021). Environmental regulations (its identification and downstream implementation in Bangka Belitung). *E3S Web of Conferences*.
- Helmi, H., Hartati, H., Hafrida, H., et al. (2019). Documenting land-combustion and progressive law enforcement in Indonesia. *Library Philosophy and Practice*.
- Hendriana, R., Raharjo, A., Jati, B. K. H., et al. (2025). A critical reflection on environmental damage restoration and recompense: An approach through local wisdom, green victimology, and comparative law. *Krytyka Prawa*.
- Hermawan, S., Suntoro, A., & Utomo, N. A. (2023). Opportunity to utilize the citizen lawsuit mechanism for environmental protection. *E3S Web of Conferences*.
- Hooper, D. U., Chapin, F. S., Ewel, J. J., et al. (2005). Effects of biodiversity on ecosystem functioning: A consensus of current knowledge. *Ecological Monographs*.

- Hulwanullah, H., Widodo, H., Ali Masnun, M., et al. (2025). Indonesian constitutional policies to overcome climate crisis from ecological democracy perspectives. *E3S Web of Conferences*.
- Hussein, M. A., Hanna, H. W., Dawood, S. K. M., et al. (2026). Judicial activism and climate litigation: A comparative doctrinal and quantitative legal analysis (2015–2024). *Communications in Computer and Information Science*.
- Indreswari, T. L., & Natalis, A. (2025). Legal reasoning in the era of climate change: Overcoming challenges in integrating science into judicial decision-making. *E3S Web of Conferences*.
- Indreswari, T. L., Lumbanraja, A. D., & Natalis, A. (2024). Enhancing environmental law enforcement in Indonesia: Integrating climate justice into judicial legal reasoning. *Pakistan Journal of Life and Social Sciences*.
- Julianto, R., & Arifin, R. (2023). Intersection between administrative law and private law on environmental law litigation in Indonesia legal system. *Indonesian Journal of Environmental Law and Sustainable Development*.
- Mahendra, B. M., Lien, P. T., & Myat, C. K. (2024). Legal framework for addressing sea environmental pollution: A case study of the Montara oil spill in East Timor. *International Law Discourse in Southeast Asia*.
- Masyitoh, A. (2021). Role of judicial activism in environmental dispute resolution before the State Administrative Court. *Prophetic Law Review*.
- Mayer, B. (2021). Climate change mitigation as an obligation under human rights treaties? *American Journal of International Law*.
- Nur Amalia, A., & Rahayu. (2021). Environmental management and protection based on the green constitution concept. *Jurnal IUS Kajian Hukum dan Keadilan*.
- Pambudi, L. A. (2026). Strengthening the Ombudsman's authority in overseeing government non-compliance with environmental court decisions. *Administrative and Environmental Law Review*.
- Pinilih, S. A. G., & Rahmansyah, A. (2023). Climate change and environmental justice in constitutional law. *IOP Conference Series: Earth and Environmental Science*.
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