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# The Legal Construction of "Citizen Lawsuit" as a Mechanism for Controlling Government Policy in Indonesia: A Normative Literature Review

**Niken Kartika[1]*, & Khomsatun Nadiah[2]**
[1]*Universitas Terbuka, Indonesia, [2]Universitas Terbuka, Indonesia
*Co e-mail: nikenkartika12@gmail.com[1]

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**ABSTRACT**

*The citizen lawsuit (CLS) has developed in Indonesia through judicial practice without a specific written procedural law. This study analyzes the legal construction of CLS as a mechanism for controlling government policy, covering its juridical basis, characteristics, the dualism of judicial competence, and the challenges of its implementation. This is normative legal research using a literature review technique, with statutory, conceptual, and case approaches, based on 18 scholarly publications (2020–2026) and 14 primary legal materials, analyzed through thematic coding and presented descriptively. The results show that (1) CLS is admitted on the basis of the judge's duty not to refuse a case for lack of law (Article 10(1) of the Judicial Power Law), while standing and remedies rest on judicial construction; (2) its main characteristics are the exception to individual material loss and the absence of claims for damages; (3) absolute competence remains split between the general courts and the State Administrative Court (PTUN), and the effect of Supreme Court Regulation (PERMA) No. 2 of 2019 on CLS is unconfirmed in documented practice; and (4) the main obstacles are inconsistent notification (somasi) requirements, weak enforceability of judgments, and the lack of codified procedural law. The study concludes that CLS is a significant instrument of judicial control, but its legal certainty requires a transitional two-track scheme: a CLS-specific PERMA for procedure, then statutory reform to relax standing and consolidate competence in the PTUN*

*Keywords : Citizen Lawsuit, Policy Control, Unlawful Acts By The Government, Absolute Competence, State Administrative Court*

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## INTRODUCTION

The rule of law requires that the actions and policies of state officials be subject to legal review. In that framework, courts are not only forums for resolving disputes between parties but also instruments for controlling power. One instrument that has developed for this purpose is the citizen lawsuit (CLS), a claim brought by citizens in the public interest to hold state officials accountable for their failure to fulfil citizens' rights (Sudiarawan et al., 2022; Sinaga et al., 2022; Valencia & Sari, 2025).

CLS originates in the common law tradition, whereas Indonesia's legal system is based on civil law, which emphasizes written law and requires the plaintiff to have a direct interest (*point d'intérêt, point d'action*). The presence of CLS in Indonesia is therefore the result of legal transplantation and judicial lawmaking (*rechtsvinding*), not of explicit regulation by the legislature (Sudiarawan et al., 2022; Sinaga et al., 2022; Purwendah et al., 2022). The first landmark precedent is recorded in Central Jakarta District Court Decision No. 28/Pdt.G/2003/PN.JKT.PST concerning the neglect of migrant workers in Nunukan (Esfandiari & Anoraga, 2024; Absori et al., 2023; Sinaga et al., 2022). Since then, CLS has been used on various issues, including air pollution control in DKI Jakarta and forest and land fires (Zaman, 2023; Zaman & Farida, 2025; Ulfanora, 2024; Absori et al., 2023).

This development raises several legal problems. *First*, the absence of dedicated procedural law causes formal requirements, such as the notification (*somasi*), to be interpreted differently by judges (Esfandiari & Anoraga, 2024; Gracia & Rahayu, 2023). *Second*, since the enactment of the Government Administration Law, there has been debate about absolute competence, namely whether review of government policy remains within the general courts or has shifted to the PTUN (Purwendah et al., 2022; Gracia & Rahayu, 2023; Bimasakti, 2020; Indrayati et al., 2023). *Third*, the enforceability of CLS judgments remains weak (Zaman, 2023; Sari et al., 2026).

The existing literature tends to be fragmented into three streams: doctrinal studies on the basis for admitting CLS (Fitriana & Quraisyta, 2022; Kesuma, 2023; Solissa et al., 2024), sectoral studies in environmental law (Zaman, 2023; Ulfanora, 2024; Absori et al., 2023), and studies of CLS as an administrative dispute (Bimasakti, 2020; Sudiarawan et al., 2022; Indrayati et al., 2023; Cetera & Rahmawan, 2023). Few studies synthesize the three into a single legal construction supported by mapped thematic data. This article fills that gap. Its main contribution is the doctrinal synthesis developed in the Discussion, which relates the dualism of competence to the requirement of *legal standing*, distinguishes CLS from the class action, and separates what already rests on positive law from what is judicial construction or a reform proposal. The thematic mapping in the Results is the evidence base for that synthesis, not the contribution in itself.

The research questions are: (1) what is the juridical basis for admitting CLS in Indonesia; (2) what characterizes CLS compared with conventional civil lawsuits; (3) how is the competence of the general courts and the PTUN constructed in CLS cases; and (4) what are the challenges and regulatory recommendations for CLS as a mechanism for controlling government policy. The contribution is theoretical, by systematically mapping the legal construction of CLS, and practical, by formulating the direction of the procedural regulation that is needed.

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## METHODS

### 1. Type of Research and Approaches

This is normative legal research that employs a literature review technique. Statutes and regulations are read directly, whereas court decisions are analyzed through the literature that discusses them (see Validity and Limitations). The approaches used are the statute approach, to examine provisions on judicial power, unlawful acts, administrative courts, and government administration; the conceptual approach, to examine the concepts of CLS, *actio popularis*, and judicial control of policy; and the case approach, applied to the decisions discussed in the literature. Because the full texts of Decision No. 28/Pdt.G/2003/PN.JKT.PST (Nunukan) and Decision No. 549/Pdt/2022/PT DKI were not accessed directly, statements about them rest on how the corpus articles describe them (Sinaga et al., 2022; Esfandiari & Anoraga, 2024; Absori et al., 2023; and, for the Jakarta High Court decision, Zaman, 2023), and no direct quotation from the decisions is presented.

### 2. Legal Materials and Data Sources

Primary legal materials consist of 14 documents: the constitution, statutes, Supreme Court regulations, and relevant court decisions (see References). Secondary legal materials consist of 18 scholarly journal articles on CLS in Indonesia published in 2020–2026. These were compiled through an AI-assisted academic database search (Consensus) using the keywords "citizen lawsuit", "gugatan warga negara", "policy control", and "PTUN competence", and then screened manually. The search was run on July 21, 2026 and returned 96 records. After 21 duplicates were removed, 75 records were screened by title and abstract, and 43 were excluded because they did not address CLS in the Indonesian legal context (criterion a below). The remaining 32 articles were assessed in full text, and 14 were excluded: 6 without a DOI, 5 published outside 2020–2026, and 3 that were not journal or proceedings articles (criteria b and c below). The final corpus therefore comprises 18 articles.

### 3. Inclusion Criteria and Analytical Technique

Inclusion criteria: (a) discusses CLS in the Indonesian legal context; (b) published as a journal or proceedings article with a DOI; (c) published in 2020–2026. All articles meeting the criteria (n = 18) were analyzed through thematic coding: each article was read and coded into ten themes (origin and transplantation; legal basis for admission; the Nunukan precedent; exception to individual loss; dualism of competence; environmental practice; enforcement obstacles; uncertainty of *somasi*; integration of human rights; codification), and the number of supporting articles per theme was counted. Coding was carried out mainly by the first author, who read all 18 articles in full and assigned them to the ten themes using a predetermined codebook that gives an operational definition, indicators, and example excerpts for each theme. The second author independently verified a subset of the corpus, namely all articles assigned to three core themes (dualism of competence, exception to individual material loss, and origin and legal transplantation), by checking

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each assignment against the codebook definitions; disagreements were discussed and resolved by consensus, and the coding table was revised accordingly. This procedure is investigator triangulation, not full independent double-coding of the corpus, which is acknowledged as a limitation. Percentages are calculated against 18 articles. The data are descriptive and are not intended as statistical generalization.

### 4. Validity and Limitations

Validity was maintained through source triangulation (comparing findings across articles and with primary legal materials) and by tracing each reference through its DOI. Each theme assignment in Table 3 can be traced to at least two cited articles, and the coding was partly verified by a second author as described above. Limitations: the corpus is limited to publications captured by the search, so unindexed studies may be missing; the coding was verified by a second author only for three core themes and was not fully double-coded; the analysis of court decisions is secondary, based on the literature that discusses them (notably Sinaga et al., 2022; Esfandiari & Anoraga, 2024; Absori et al., 2023; Zaman, 2023) rather than on the primary texts, so characterizations of their considerations and operative parts depend on those authors' interpretations; and the analysis does not include fieldwork or interviews.

## RESULTS

### 1. Profile of the Literature Corpus

The final corpus comprises 18 articles. All counts and percentages in this section refer only to these 18 articles; they show how often a topic appears in the reviewed literature, not how it weighs in judicial practice. The distribution by year shows a peak in 2023 (7 articles; 38.9%), followed by 2022 (4 articles; 22.2%), 2024 (3 articles; 16.7%), 2025 (2 articles; 11.1%), and one article each in 2020 and 2026 (5.6%). By language, 11 articles (61.1%) are in English and 7 (38.9%) in Indonesian. By focus, 10 articles (55.6%) address general CLS doctrine, 7 (38.9%) focus on the environment and climate change, and 1 (5.6%) is a study of a non-environmental case decision.

**Table 1. Distribution of the Literature Corpus (n = 18)**

| Category | Sub-category | Count | Percentage |
|---|---|---|---|
| Year of publication | 2020 | 1 | 5.6% |
| | 2022 | 4 | 22.2% |
| | 2023 | 7 | 38.9% |
| | 2024 | 3 | 16.7% |
| | 2025 | 2 | 11.1% |
| | 2026 | 1 | 5.6% |
| Language | English | 11 | 61.1% |
| | Indonesian | 7 | 38.9% |
| Focus | General CLS doctrine | 10 | 55.6% |
| | Environment/climate | 7 | 38.9% |

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| | | | |
|---|---|---|---|
| | Non-environmental decision | 1 | 5.6% |

**2. Juridical Basis for Admitting CLS**

Three articles in this corpus (16.7%) affirm that the admission of CLS rests on the judge's duty not to refuse a case on the ground that written law is absent, as mandated by Article 10(1) in conjunction with Article 5(1) of the Judicial Power Law (Fitriana & Quraisyta, 2022; Kesuma, 2023; Solissa et al., 2024). Four articles in this corpus (22.2%) explain that the mechanism was adopted from common law through legal transplantation and judicial lawmaking (Sudiarawan et al., 2022; Sinaga et al., 2022; Purwendah et al., 2022; Valencia & Sari, 2025). Three articles in this corpus (16.7%) identify Central Jakarta District Court Decision No. 28/Pdt.G/2003/PN.JKT.PST (Nunukan) as the first landmark precedent (Sinaga et al., 2022; Esfandiari & Anoraga, 2024; Absori et al., 2023).

**3. Main Characteristics of CLS**

Five articles in this corpus (27.8%) find that the main characteristic of CLS is the exception to the doctrine of individual material loss in pure civil procedure. The plaintiff acts in the public interest, is not required to claim financial damages, and seeks restoration of policy or the issuance of regulation to fulfil the constitutional rights of the public (Sudiarawan et al., 2022; Fitriana & Quraisyta, 2022; Ismantara, 2023; Esfandiari & Anoraga, 2024; Purwendah et al., 2022).

**4. Dualism of Judicial Competence**

Six articles in this corpus (33.3%) discuss absolute competence, making it the most frequently coded theme. CLS is usually filed as a civil case based on unlawful acts by the government (*onrechtmatige overheidsdaad*) under Article 1365 of the Civil Code, but review of government actions and policy rules (*beleidsregel*) is administrative in nature, prompting calls to reconstruct the paradigm toward the PTUN (Purwendah et al., 2022; Gracia & Rahayu, 2023; Sudiarawan et al., 2022; Bimasakti, 2020; Indrayati et al., 2023; Cetera & Rahmawan, 2023). Table 2 summarizes the comparison of the two forums.

**Table 2. Comparison of the Construction of CLS in the General Courts and the PTUN**

| Dimension | General Courts (Civil) | PTUN |
|---|---|---|
| Basis of claim | Article 1365 Civil Code (*onrechtmatige daad*) (Purwendah et al., 2022) | Violation of regulations and General Principles of Good Governance/AUPB (Indrayati et al., 2023) |
| Object of claim | Failure to fulfil public rights (Purwendah et al., 2022; Esfandiari & Anoraga, 2024) | Factual actions or administrative determinations (Sudiarawan et al., 2022; Purwendah et al., 2022) |
| Juridical weakness | Problem of executing the judgment (Zaman, 2023; Sari et al., 2026) | *Legal standing* limited to direct loss (Sudiarawan et al., 2022; Cetera & Rahmawan, 2023) |

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### 5. CLS Practice in Environmental Issues

Four articles in this corpus (22.2%) record the growth of CLS in environmental rights advocacy, including air pollution control in DKI Jakarta and forest fires (Zaman, 2023; Zaman & Farida, 2025; Ulfanora, 2024; Absori et al., 2023). Two articles in this corpus (11.1%) find that courts often confine the arguments to administrative negligence and have not substantively integrated proof of human rights violations (Zaman & Farida, 2025; Absori et al., 2023).

### 6. Challenges and Regulatory Recommendations

Three recurring challenges appear in the literature: (a) uncertainty over the formal requirement of *somasi*, causing disparity in judges' decisions (Esfandiari & Anoraga, 2024; Gracia & Rahayu, 2023); (b) weak enforceability of judgments because there is no mechanism to compel compliance by public bodies (Zaman, 2023; Sari et al., 2026); and (c) the lack of codified formal law, leading to the recommendation to reform the Civil Procedure Law or issue a PERMA (Fitriana & Quraisyta, 2022; Esfandiari & Anoraga, 2024). Each challenge is supported by two articles in this corpus (11.1%).

**Table 3. Theme Frequency from Thematic Coding (n = 18 articles; frequencies refer to this corpus only)**

| No. | Theme | Articles | Percentage |
|---|---|---|---|
| 1 | Dualism of judicial competence | 6 | 33.3% |
| 2 | Exception to individual material loss | 5 | 27.8% |
| 3 | Origin and legal transplantation | 4 | 22.2% |
| 4 | CLS practice in environmental law | 4 | 22.2% |
| 5 | Legal basis for admission (Art. 10(1) Judicial Power Law) | 3 | 16.7% |
| 6 | Nunukan precedent | 3 | 16.7% |
| 7 | Obstacles to enforcing judgments | 2 | 11.1% |
| 8 | Uncertainty of *somasi* requirement | 2 | 11.1% |
| 9 | Human rights perspective not yet integrated | 2 | 11.1% |
| 10 | Need for codification (procedural law/PERMA) | 2 | 11.1% |

## DISCUSSION

The finding that CLS functions as an instrument of public participation to hold state officials accountable (Sudiarawan et al., 2022; Sinaga et al., 2022; Valencia & Sari, 2025) points to a shift in the function of civil adjudication. In a conventional civil lawsuit, the court examines a legal relationship between parties whose interests are directly harmed. In CLS, the court examines whether a policy, or the absence of a policy, has fulfilled citizens' constitutional rights. CLS thus extends the court's function into a forum for controlling executive power, without changing the principle that judges do not make policy but order state officials to perform their legal obligations (Sudiarawan et al., 2022; Fitriana & Quraisyta, 2022).

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Within the framework of Articles 28D and 28H of the 1945 Constitution, the state's duty to fulfil citizens' constitutional rights, including a good and healthy environment, provides the substantive reason why citizens have a legal interest in suing for state negligence (Ismantara, 2023; Kesuma, 2023). That interest is not merely individual but a public interest attached to every citizen. The exception to the *point d'intérêt, point d'action* principle is therefore not an arbitrary departure but a logical consequence of the nature of the rights protected.

CLS should also be distinguished from the class action, which already has procedural rules through Supreme Court Regulation No. 1 of 2002. A class action requires a class representative and class members who suffer common harm and typically seeks damages, whereas CLS requires no personal loss and does not seek financial compensation (Sudiarawan et al., 2022; Purwendah et al., 2022). This difference explains why the class action rules cannot simply be applied to CLS and why the procedural vacuum for CLS remains real.

The admission of CLS rests on the prohibition on judges refusing cases because the law is absent or unclear, and on the duty to explore the living values of law (Fitriana & Quraisyta, 2022; Kesuma, 2023; Solissa et al., 2024). On one hand, this shows the responsiveness of the judiciary: the Nunukan decision became a precedent that courts can open access to justice when written procedural law does not provide it (Sinaga et al., 2022; Esfandiari & Anoraga, 2024). On the other hand, reliance on judicial lawmaking creates problems of legal certainty. Without written norms, formal requirements such as the *somasi* to the sued official are applied inconsistently, producing disparities between decisions (Esfandiari & Anoraga, 2024; Gracia & Rahayu, 2023).

These disparities matter because CLS targets public policies with broad impact. Inconsistent decisions harm not only plaintiffs but also make it hard for public bodies to predict the standard of compliance expected of them. The need for codification voiced in the literature (Fitriana & Quraisyta, 2022; Esfandiari & Anoraga, 2024) is therefore not a mere technicality but a precondition for CLS to be a legitimate and orderly control instrument.

Codification is not the only gap. The ground for admission answers only whether a judge may hear a CLS; it does not settle on what legal basis the case rests once it is admitted. Table 4 separates six issues according to whether their basis is positive law, judicial construction (*rechtsvinding*), or a reform proposal still under debate.

**Table 4. Legal Grounds of the CLS Mechanism: Positive Law, Judicial Construction, and Reform Proposals**

| Doctrinal issue | Source of the rule | Status |
|---|---|---|
| Admission of the case | Duty of judges not to refuse a case because the law is absent: Articles 10(1) and 5(1) of the Judicial Power Law (Fitriana & Quraisyta, 2022; Kesuma, 2023; Solissa et al., 2024) | Positive law (a general rule that does not mention CLS) |
| *Legal standing* | General courts: exception to the doctrine of individual material loss, constructed by | Judicial construction (*rechtsvinding*) in the general |

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| | | |
|---|---|---|
| | judges (Sudiarawan et al., 2022; Ismantara, 2023). PTUN: standing tied to direct loss under the PTUN Law, Law No. 5 of 1986 as amended by Law No. 51 of 2009 (Sudiarawan et al., 2022; Cetera & Rahmawan, 2023) | courts; statutory limit in the PTUN; relaxation is a reform proposal |
| Cause of action | Unlawful act by the government under Article 1365 of the Civil Code in the general courts (Purwendah et al., 2022; Gracia & Rahayu, 2023); violation of regulations and AUPB in the PTUN (Indrayati et al., 2023) | Positive law, applied to CLS by construction |
| Remedies | Orders to issue or restore policy rather than damages, unlike the class action under Supreme Court Regulation No. 1 of 2002 (Sudiarawan et al., 2022; Esfandiari & Anoraga, 2024; Purwendah et al., 2022) | Judicial construction; no written rule on CLS remedies |
| Forum competence | Law No. 30 of 2014 and Supreme Court Regulation No. 2 of 2019 for unlawful acts by government bodies or officials; the Article 1365 route in the general courts (Bimasakti, 2020; Purwendah et al., 2022; Indrayati et al., 2023) | Positive law for unlawful acts by the government in general; its application to CLS is a doctrinal debate |
| Formal procedure (*somasi*, execution of judgments) | No general written rule on CLS; guidance exists only for environmental cases (Decree of the Chief Justice of the Supreme Court No. 36/KMA/SK/II/2013) | Reform proposal (CLS-specific PERMA or Civil Procedure Law) |

Three points follow from Table 4. First, only the gateway rule and the cause of action are anchored in positive law, and even the latter is applied to CLS by construction. Second, the plaintiff's standing without personal loss and the policy-oriented remedy are products of *rechtsvinding*: courts accept them, but no statute on CLS writes them down. Third, forum competence and formal procedure sit between the two: the texts that point toward the PTUN were written for unlawful acts by the government in general, and their application to CLS, like the relaxation of standing in the PTUN and a CLS-specific procedure, remains a doctrinal debate or a reform proposal. Treating these layers separately allows the recommendations below to name the instrument that each one needs.

The theme of competence dualism, the theme coded most often in this corpus (6 of 18 articles; 33.3%), a measure of attention in the reviewed literature and not of prevalence in practice, reflects an unresolved conceptual tension. Historically, CLS was accepted in the general courts through the

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construction of unlawful acts by the government under Article 1365 of the Civil Code (Purwendah et al., 2022; Gracia & Rahayu, 2023). However, Law No. 30 of 2014 on Government Administration broadened the concept of administrative decisions to include factual actions, and Supreme Court Regulation No. 2 of 2019 transferred the authority to adjudicate unlawful acts by government bodies or officials to the PTUN. This normative development strengthens the argument that review of government actions and policy rules (*beleidsregel*) is administrative in nature and therefore belongs to the PTUN. Whether this has changed practice is a separate question. No article in the corpus records a CLS that a general court declined or transferred to the PTUN because of Supreme Court Regulation No. 2 of 2019. The one documented test points the other way: in the Jakarta air pollution case, the government invoked Article 11 of the Regulation to argue that the District Court lacked competence, and the Jakarta High Court rejected the objection and affirmed the competence of the general courts over the CLS (Zaman, 2023). The diploma CLS studied by Sari et al. (2026) ended in a ruling of inadmissibility (*niet ontvankelijk*) on formal grounds of legal standing and CLS requirements, not on competence, although the authors criticize the lack of clarity on which forum has authority. The effect of the Regulation on CLS is therefore still a doctrinal debate that is not confirmed in the documented practice of this corpus, and it is better treated as a research gap for empirical studies of post-2019 decisions.

A full transfer to the PTUN is nevertheless not without problems. As Table 2 shows, the PTUN limits *legal standing* to parties suffering direct loss (Sudiarawan et al., 2022; Cetera & Rahmawan, 2023), whereas the essence of CLS is to free plaintiffs from the requirement of direct loss. Conversely, the general courts face no standing obstacle but face the problem of executing judgments against public bodies (Zaman, 2023; Sari et al., 2026). The two forums thus have complementary weaknesses. The implication is that reconstructing CLS toward the PTUN (Bimasakti, 2020; Indrayati et al., 2023) will be effective only if accompanied by a relaxation of the plaintiff-interest requirement in the PTUN, as suggested by the study of CLS prospects in administrative disputes on climate change (Cetera & Rahmawan, 2023). Because that relaxation can only come from a statutory amendment, a transitional arrangement is proposed in the section on regulatory recommendations.

The weak enforceability of judgments (Zaman, 2023; Sari et al., 2026) shows that success in court does not automatically translate into policy change. CLS judgments generally order specific actions (for example, adopting a policy or taking control measures), yet civil procedure offers no adequate coercive mechanism against non-compliant public bodies. In the DKI Jakarta air pollution case, the appeal process up to Jakarta High Court Decision No. 549/Pdt/2022/PT DKI shows that the legal contest was lengthy while implementation depended on the government's political will, with the suit registered in July 2019, decided at first instance in September 2021, upheld on appeal in October 2022, and followed by the government's cassation filing in November 2022 (Zaman, 2023). The analysis of judgment orders in another CLS likewise underlines a similar problem (Sari et al., 2026). Without supervision and sanctions, the control function of CLS risks remaining symbolic.

Studies of environmental CLS show that Indonesian courts tend to confine arguments to administrative negligence and have not substantively proven human rights violations (Zaman &

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Farida, 2025; Absori et al., 2023). The comparison with Dutch court decisions in Zaman and Farida (2025) shows that human rights-based litigation can strengthen the basis of claims and widen the scope of court orders. CLS in Indonesia can thus be upgraded from control of administrative compliance to control of the fulfilment of constitutional and human rights, in line with CLS's role as a tool of public control over those rights (Valencia & Sari, 2025).

Three regulatory directions follow from the results and discussion. They are separated according to the instrument each one requires: the Supreme Court can standardize procedure by regulation, but changes to who may sue or to which court has absolute competence affect substantive rights and need a statutory basis. *First*, codify CLS procedure through a CLS-specific PERMA that defines CLS, the requirements for plaintiffs as already applied by the courts, the standard and duty of *somasi*, and mechanisms for supervising the implementation of judgments (Fitriana & Quraisyta, 2022; Esfandiari & Anoraga, 2024). A PERMA is the most realistic route for these procedural matters because the Supreme Court has used similar instruments for environmental cases and disputes over government actions (Decree of the Chief Justice of the Supreme Court No. 36/KMA/SK/II/2013; Supreme Court Regulation No. 2 of 2019). Its limit is Article 8(2) of Law No. 12 of 2011: a PERMA binds only insofar as a higher regulation orders it or it is formed on the basis of authority, so it can fill procedural gaps and consolidate settled judicial practice, but it cannot create or remove rights that a statute fixes. *Second*, settle by statute what a PERMA cannot settle: amend the PTUN Law (Law No. 5 of 1986 as amended by Law No. 51 of 2009) and, where necessary, the Government Administration Law (Law No. 30 of 2014) to relax the plaintiff-interest requirement for CLS, so that absolute competence over CLS can be consolidated in the PTUN (Sudiarawan et al., 2022; Cetera & Rahmawan, 2023). *Third*, strengthen the implementation of judgments, for example through periodic compliance reports and court supervision (Zaman, 2023; Sari et al., 2026). These supervision measures are procedural and fit a PERMA; coercive sanctions against non-compliant public bodies, such as the link to contempt of court raised by Zaman (2023), go beyond procedure and would need a statutory basis.

Until the statutory change is made, a transitional two-track scheme with a clear destination is needed, because the two forums have complementary weaknesses and choosing one of them absolutely in the short term would risk closing access to justice. In the short term, the general courts remain the forum for CLS under the PERMA described above. In the medium term, the PERMA may restate, as guidance to judges, that CLS whose object is a policy rule (*beleidsregel*) or a factual government action is directed to the PTUN, which only confirms the allocation already implied by Law No. 30 of 2014 and Supreme Court Regulation No. 2 of 2019, while CLS over the general failure to fulfil constitutional rights stays in the general courts until the statute is amended, so that no legal vacuum arises. This step would have to be reconciled with the Jakarta High Court's rejection of the competence objection raised under Article 11 of Supreme Court Regulation No. 2 of 2019 (Zaman, 2023). In the long term, competence over CLS is consolidated in the PTUN together with the relaxation of standing.

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This study relies on 18 publications captured by the search, so the frequency figures are indicative and do not represent the entire literature. The coding was verified by a second author only for three core themes, and the analysis of court decisions is secondary because the decision texts were not accessed directly. Future research should analyze the texts of the court decisions directly (for example, through the Supreme Court Decisions Directory), examine empirically whether and how Supreme Court Regulation No. 2 of 2019 has affected CLS in post-2019 decisions, and could add interviews with judges and CLS advocates, and comparative studies of other jurisdictions.

## CONCLUSIONS

First, CLS in Indonesia derives its basis for admission from the judge's duty not to refuse a case because written law is absent (Article 10(1) in conjunction with Article 5(1) of the Judicial Power Law), with the 2003 Nunukan decision as the pioneering precedent, while the plaintiff's standing and the available remedies rest on judicial construction rather than on written law. Second, the distinctive characteristics of CLS are the exception to the doctrine of individual material loss and a claim orientation toward policy restoration or issuance rather than damages. Third, absolute competence remains split: the general courts face an execution problem, while the PTUN faces limits on *legal standing, and the effect of Supreme Court Regulation No. 2 of 2019 on CLS is not yet confirmed in the documented practice reviewed*. Fourth, the main challenges are uncertainty over *somasi*, weak enforceability, and the absence of codified formal law.

CLS has therefore proved to be a significant instrument of judicial control over public policy, but its legal certainty demands standardization through written regulation. The Supreme Court is advised to issue a dedicated CLS PERMA regulating the requirements for plaintiffs as already applied by the courts, the *somasi* standard, and mechanisms for supervising the implementation of judgments. On competence, the study proposes a transitional two-track scheme with a clear destination: the general courts remain the forum for CLS in the short term; in the medium term the PERMA may restate that CLS directed at policy rules or factual government actions belongs to the PTUN, while CLS over the general failure to fulfil constitutional rights stays in the general courts until the statute is amended; and in the long term competence should be consolidated in the PTUN together with a relaxation of the plaintiff-interest (*legal standing*) requirement for CLS. That last step cannot be taken by PERMA and requires amendment of the PTUN Law and/or the Government Administration Law. Legislators should therefore also consider regulating CLS in the reform of the Civil Procedure Law.

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