

# Integral Ecology and Unlawful Acts/PMH: Integrating Laudato Si' into the Interpretation of PMH and Strict Liability in Environmental Disputes in Indonesia

Roberto Reno Sitepu<sup>1</sup>, Etty Indrawati<sup>2</sup>, Florensya Eunike Sipota<sup>3</sup>

<sup>1-3</sup> Universitas Atma Jaya Yogyakarta, Indonesia

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## ABSTRACT

The level of environmental degradation in Indonesia is on the rise, causing various damages to ecosystems and human livelihoods. From a legal perspective, Tort (PMH) and the principle of strict liability serve as crucial tools for holding parties accountable for environmental damages. However, this approach remains focused on material aspects and has not yet fully encompassed ecological damages as a whole. This study aims to address the application of PMH and strict liability in environmental dispute cases in Indonesia and to examine the concept of integral ecology in Laudato Si' as a perspective for legal interpretation. The method used is normative legal analysis with a qualitative approach through a literature review, supported by field data. The results of the study indicate that integral ecology provides a more comprehensive approach by expanding the meaning of "unlawful act" to include ecosystem damage. The integration of this concept also strengthens the principle of strict liability based on ecological risk, thereby fostering a responsive, fair, and sustainable legal system for environmental disputes.

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## Corresponding Author:

Name: Roberto Reno Sitepu

Institution Address: Universitas Atma Jaya Yogyakarta, Indonesia

e-mail: [roberto.sitepu@uajy.ac.id](mailto:roberto.sitepu@uajy.ac.id)

## 1. INTRODUCTION

Environmental degradation in Indonesia is becoming increasingly alarming, including pollution, the exploitation of natural resources, and ecosystem damage. This degradation has adverse effects on environmental quality and communities, leading to flooding, water pollution, and a decline in the ecosystem's ability to support life [1]. There is a need for legal mechanisms, such as the concept of "Unlawful Acts" (PMH) as regulated in Article 1365 of the Civil

Code (KUHPperdata), to hold parties accountable for damages.

One significant development in the past three years was the decision of the Supreme Court of the Republic of Indonesia No. 2560 K/Pdt/2023 in a case involving a citizen's lawsuit regarding air pollution in Jakarta. This ruling stemmed from the Central Jakarta District Court Decision No. 374/Pdt.G/LH/2019/PN Jkt.Pst, which reaffirmed the recognition of an "Unlawful Act" (PMH) by the state and mandated concrete measures to control air pollution. This situation demonstrates that legal

instruments have evolved, although their implementation still faces challenges, particularly in comprehensively addressing ecological harm. Legal approaches tend to focus on material damages; therefore, a new perspective is needed that emphasizes the interconnection between the environment, humanity, and social justice such as the concept of integral ecology in *Laudato Si'*.

Unlawful Acts (PMH) is a principle of Indonesian civil law stating that acts that violate the law and cause harm to others obligate the perpetrator to pay compensation [4]. In environmental matters, proving fault poses a challenge; therefore, there is a need for a concept that emphasizes liability without requiring proof of fault particularly for activities posing high risks to environmental balance namely *strict liability*. This principle facilitates victims in seeking protection and holding perpetrators of environmental pollution accountable [2]. *Strict liability* has been explored in numerous studies regarding waste disposal cases that impact the environment and surrounding communities. [3] state that a legal approach not only has the potential to lead to errors but also poses risks.

Such a positive law approach tends to focus solely on economic losses and does not fully address ecological damages. The concept of "integral" was subsequently introduced by *Laudato Si'*, offering a new perspective to emphasize the interconnectedness of the environment, humanity, and social justice [4]. In the context of environmental torts and *strict liability*, this concept broadens the meaning of "unlawful" to include damage to the integrity of ecosystems and promotes more comprehensive restoration.

## 2. LITERATURE REVIEW

Each Unlawful Acts (PMH) are actions that violate legal provisions, cause harm to another party, and obligate the perpetrator to provide compensation. The elements constituting an Unlawful Act include the existence of an act, an unlawful element, harm, a causal relationship, and fault on the part of the perpetrator. In a legal context, an unlawful act serves as the basis for

civil liability to claim compensation for damages resulting from such actions [5]. The concept of an unlawful act cannot stand alone; it requires a principle capable of establishing liability without the need to prove fault, namely strict liability.

The principle of strict liability in environmental law means that liability is absolute without the need to prove the perpetrator's fault. The implementation of strict liability is regulated in Law No. 32 of 2009 on Environmental Protection and Management, specifically Article 88, which facilitates the enforcement of the law against perpetrators of environmental pollution and environmental damage by placing a significantly lighter burden of proof on the victims [6]. This principle is highly relevant in pollution cases, as it allows for accelerated law enforcement and provides more effective protection for affected communities who have suffered losses [7]. However, this approach still tends to focus primarily on material losses and thus does not yet adequately address ecological aspects. This situation creates an opportunity to incorporate integral ecological considerations into a more comprehensive approach.

The concept of integral ecology refers to a holistic approach that bridges the environment, human responsibility, and social justice. The concept of integral ecology is grounded in the principle that humans and nature are interconnected entities; therefore, efforts to maintain the sustainability of environmental ecosystems cannot be separated from the fulfillment of social justice, respect for human dignity, and shared responsibility in caring for the Earth as our common home [8]. Integral ecology aims to foster a paradigm shift in legal and social frameworks toward harmony between humanity and nature; thus, this concept views environmental degradation not merely as an environmental issue but as a moral and relational one. This concept is developed in the teachings of *Laudato Si'*, which emphasizes the importance of shared responsibility for our Earth.

From the perspective of *Laudato Si'*, integral ecology is described as an idea that

integrates environmental, social, and spiritual aspects. The environmental crisis cannot be separated from moral and social crises; therefore, collective responsibility is necessary to ensure the sustainability of life across generations. The law functions not only as a regulator but also as a means of fair protection [9]

Currently, there are still several challenges in implementing the principle of *strict liability*, particularly in environmental disputes in Indonesia. Previous research conducted by [4] indicates that although the principle of liability is explicitly regulated in legislation, its implementation still faces obstacles in proving liability, as well as issues regarding effective law enforcement. Another study by [3] indicates that business operators' liability for environmental pollution has not yet been fully optimized, particularly given the limited enforcement practices observed in the field. Research conducted by [4] on integral ecology emphasizes the importance of integrating ecological, social, and moral perspectives when comprehensively understanding environmental crises. Research examining integral ecology in the interpretation of Unlawful Acts (PMH) and *strict liability* within the context of environmental law in Indonesia remains limited; thus, this study aims to address this gap and strengthen more comprehensive and sustainable environmental protection.

### 3. METHODS

#### 3.1 Research Object

In this study, the material objects of investigation are the legal norms, principles, and doctrines related to Unlawful Acts (PMH) as well as the principle of strict liability in environmental disputes in Indonesia. This study also examines the concept of integral ecology as contained in the encyclical *Laudato Si'*. The formal focus of this study includes legal perspectives and the philosophy of law, particularly in examining the integration of the concept of integral ecology into the interpretation of unlawful acts and strict liability in environmental disputes. This study employs a normative legal research method

supported by a qualitative approach to understand the meaning of the legal materials under examination.

#### 3.2 Data Sources

In this study, two data sources were used:

##### 3.2.1 Literature Data

Literature data were obtained from primary and secondary sources. Primary sources include the Civil Code (KUHPerdata), laws and regulations related to environmental protection and management, as well as court decisions regarding environmental disputes. This study specifically examines three environmental case rulings from 2019 to 2024, including the 2023 Supreme Court ruling on a citizen's lawsuit regarding air pollution in Jakarta, which affirmed the existence of an unlawful act by the state.

Secondary sources include books, academic journals, the encyclical *Laudato Si'* as well as other relevant literature.

##### 3.2.2 Field data

Field data was obtained through interviews with experts in environmental law to support and develop the research analysis. The experts to be interviewed are professors specializing in environmental law: Dr. Hyronimus Rhiti, S.H., LL.M., and Endro Susilo, S.H., LL.M. The questions posed during the interviews are as follows:

- 1) How do you view the main issues of environmental damage in Indonesia, as well as the factors causing the weak effectiveness of resolution through legal mechanisms?
- 2) To what extent does the doctrine of Unlawful Acts (PMH) in environmental disputes still focus on material damages, and what are the implications for ecosystem protection?
- 3) How is the element of "unlawful" interpreted in environmental PMH is it limited to violations of written norms, or does it encompass the principle

- of due diligence and ecosystem protection?
- 4) What standard of fault is most appropriate to apply in environmental PMH, and what is the basis for its justification?
  - 5) What are the main obstacles to proving causation in environmental cases, and what is the most realistic approach to overcoming them?
  - 6) How are the application of strict liability in Indonesian environmental law justified and limited, and what are the main problems in its practice?
  - 7) How should the concept of ecological harm be defined and recognized by the courts, and what are the ideal methods for proving and measuring it?
  - 8) In environmental disputes, which remedy should be prioritized (compensation, ecosystem restoration, or an order to take specific actions) to ensure that the ruling is effective and sustainable?
  - 9) What is the relevance of the concept of integral ecology (Laudato Si') to the interpretation of PMH and strict liability, and how can it be integrated into positive law without a sectarian approach?
  - 10) What are your main recommendations for updating legal doctrine or judicial practice so that tort liability and strict liability are more responsive to ecosystem protection and restoration?

### 3.3 Research Location

This research was conducted at Atma Jaya University in Yogyakarta.

### 3.4 Research Steps

This research was conducted through the following stages:

- 1) Compiling and reviewing primary and secondary legal materials relevant to the research topic;
- 2) Identifying and analyzing environmental dispute cases, including the Jakarta air pollution case decided by the Supreme Court in 2023;
- 3) Conducting interviews with informants to obtain supporting data;
- 4) Classifying and systematizing the legal materials obtained;
- 5) Analyzing the relationship between the concept of integral ecology and PMH and strict liability in environmental dispute cases;
- 6) Drawing conclusions based on the analysis results to answer the research questions.

### 3.5 Analysis of Results

Data analysis in this study was conducted qualitatively using a descriptive-analytical approach. The analysis was carried out by interpreting the collected legal materials and examining their relationship with the concept of integral ecology. The analysis of this study was deepened using the following philosophical methods:

#### 1) Heuristics

This method is used to gain new insights and perspectives on the concepts of PMH and strict liability in environmental disputes through the integration of the concept of Integral Ecology as outlined in the encyclical *Laudato Si'*. [10].

#### 2) Holistic Approach

The collected data will be viewed within a holistic framework that connects humanity, fellow human beings, the world, and God. The analysis of PMH and strict liability is not based solely on legal aspects but encompasses all aspects of this approach.

#### 3) Internal Coherence

All collected data will be analyzed, particularly to examine the correlation and

consistency among legal aspects, doctrine, court rulings, interview results, and the concept of Integral Ecology.

4) Interpretation

Accurately interpreting literature and field data.

## 4. RESULTS AND DISCUSSION

### 4.1 The Interpretation of Unlawful Acts in Environmental Disputes in Indonesia

Environmental protection is one of the key achievements in the development of environmental law in Indonesia. The existence of legal instruments whether preventive or repressive in nature is fundamentally intended to ensure that all activities involving the utilization of natural resources adhere to the principle of sustainability and do not cause damage to the environment. In the context of civil law, this protection is implemented through the mechanism of a tort action (PMH) as regulated in Article 1365 of the Civil Code (KUHPperdata), which grants the aggrieved party the right to seek damages for any unlawful act. Developments in environmental law indicate that the concept of "tort" is no longer understood solely as an instrument for resolving disputes between individuals, but also as a means to protect the public interest and environmental sustainability [11]

This development stemmed from the broadening of the meaning of the element "unlawful" following the 1919 decision in *Lindenbaum v. Cohen*, which shifted the interpretation from a formalistic approach to a broader one. Since that ruling, an act has been considered unlawful not only if it violates laws and regulations, but also if it infringes upon another person's subjective rights, the perpetrator's legal obligations, public morality, or societal standards of propriety. This is consistent with [12] assertion that this expanded interpretation provides judges with the flexibility to interpret the law more progressively, particularly in cases environmental cases where the nature of the harm cannot always

be proven solely through a violation of written norms.

The research findings indicate that the characteristics of tort liability in environmental disputes exhibit a different level of complexity compared to general civil disputes. The results of an interview with Endro Susilo reveal that the elements of a tort remain fundamentally the same: the existence of an unlawful act, the occurrence of loss or damage, the presence of a *causal verband* (causal relationship), and the fault of the perpetrator. Applying these elements in environmental cases is far more complex because the impact of the damage caused is not limited to the economic losses suffered by individuals; such damage also includes ecosystem damage, environmental restoration costs, pollution remediation costs, and losses experienced by the broader community. This complexity requires a different approach to the burden of proof in environmental disputes than that used in conventional civil cases.

According to Endro Susilo, the element of fault in an unlawful act remains a crucial aspect that must be considered. Fault can take the form of intent or negligence. Intent occurs when the perpetrator is aware of and intends the consequences of their actions for example, deliberately burning a forest to clear land for a plantation. Negligence occurs when the perpetrator does not intend to cause harm but fails to exercise the due duty of care, thereby resulting in environmental damage. This perspective indicates that in environmental disputes, the assessment of fault focuses not only on the perpetrator's intent but also on the duty to prevent environmental damage.

The interview findings indicate that the aggrieved party in environmental disputes is not always a specific individual. Endro Susilo explains that environmental damage can cause harm to the government as the holder of rights to natural resources, to communities directly affected, and to the environment itself as an integrated ecosystem. This results in the scope of damages in environmental disputes being far broader than the concept of damages in general civil

disputes. This finding indicates that the approach to environmental law has evolved toward the protection of the public interest, going beyond individual interests.

These findings are consistent with the provisions of Minister of Environment Regulation No. 7 of 2014, which governs the mechanism for calculating damages resulting from environmental pollution and damage. In an interview, Endro Susilo emphasized that environmental damages are not calculated solely based on the physical value of the damaged natural resources; the calculation also includes mitigation costs, restoration costs, dispute resolution costs, as well as the social losses suffered by the community due to the disruption of environmental functions. The calculation of ecological damages cannot be done simplistically but requires the application of scientific methods by authorized institutions in accordance with applicable laws and regulations.

Research findings clearly show that the concept of PMH in environmental disputes has evolved significantly compared to its classical form. While the original concept of PMH focused more on the protection of individual rights, the orientation of protection in environmental disputes has now shifted toward efforts to preserve environmental functions as part of the public interest. This shift indicates that the primary objective of resolving environmental disputes is not merely to provide compensation to the aggrieved party, but also to ensure the restoration of environmental conditions so that ecological functions can once again operate optimally.

This study also shows that the orientation of environmental law enforcement in Indonesia still tends to prioritize human losses as the central focus. Environmental damage generally only receives legal attention if it is proven to cause harm to the state or society. From the perspective of Integral Ecology, as outlined in the encyclical *Laudato Si'*, nature possesses intrinsic value that does not depend solely on its utility to humans. The concept of Integral Ecology emphasizes that humanity, society, and the environment form an interdependent whole,

such that damage to any one element will impact the entire system of life [13].

#### **4.2 Analysis of the 2023 Supreme Court Ruling on a Citizen Lawsuit Regarding Air Pollution in Jakarta**

One court decision that is particularly relevant to the advancement of environmental law in Indonesia is the 2023 Supreme Court ruling regarding a citizen lawsuit against air pollution in Jakarta. This case was filed by several citizens against the President of the Republic of Indonesia, the Minister of Environment and Forestry, the Minister of Health, and several other government officials who were deemed to have neglected their duty to maintain healthy air quality for the public. The core of this issue stems from the increasingly high levels of air pollution in the Jakarta area, a problem that has persisted for a considerable period of time. Consequently, the plaintiffs argued that the government had failed to properly and effectively carry out its duties and obligations, thereby depriving the public of their full rights as guaranteed under Law No. 32 of 2009 on the Protection and Management of the Environment.

The legal evaluation concluded that the panel of judges determined the government has a legal obligation to effectively implement environmental protection and management. This obligation stems not only from Law No. 32 of 2009 but is also part of the state's responsibility to ensure that citizens' rights to a healthy environment are fully and optimally realized. The panel of judges further stated that the government's negligence in fulfilling its obligations to control air pollution constitutes an unlawful act. This is because it violates the government's legal obligations. In light of this, the government is urged to take concrete action to improve air quality through the formulation of more effective policies. This ratio decidendi demonstrates that unlawful acts in environmental cases are not merely understood as violations of written norms but also encompass the fulfillment of legal

responsibilities inherent to every state authority.

This ruling demonstrates that the elements of a tort have been satisfied when the tort is analyzed in accordance with Article 1365 of the Civil Code. The first element of a tort is the existence of an act in a case, manifested as the government's negligence in fulfilling its obligations and duties to control air pollution. Even if this takes the form of an *omission* that is, a failure to act such negligence is still considered an act within the concept of an unlawful act.

The second element an unlawful act is evident in the government's failure to fulfill its obligations and duties to protect the environment and safeguard the rights of the public. The element of harm is also established in a case; this refers not only to material harm but also to non-material harm, namely the disruption of public health, a decline in quality of life, and the loss of citizens' rights to enjoy a decent environment. This relationship takes the form of causation, as seen in the link between the government's negligence in controlling air pollution and the deterioration of air quality in the Jakarta area. Although air pollution stems from many factors, the judge still ruled that the government bears responsibility for controlling these sources by effectively regulating policies and oversight.

This ruling highlights a distinction between the principle of *strict liability* as stipulated in Article 88 of Law No. 32 of 2009 and its application in certain environmental pollution cases, as the basis for the ruling was the concept of an "Unlawful Act" (PMH). The government's duties and responsibilities are grounded in negligence in fulfilling legal obligations, so the element of fault remains a factor in the judge's deliberations. The principle of *strict liability* has not yet become the primary basis for liability in this case; this is understandable because the subject of the lawsuit does not pertain to business operations or activities deemed high-risk as described in Article 88 of the Environmental Protection and Management Law (UUPPLH), but rather relates to the government's role as both regulator and administrator of the state.

This case demonstrates that the burden of proof in environmental disputes still faces complex challenges, particularly regarding the causal relationship between the damages and the pollution directly experienced by the community. The principle of *strict liability* remains relevant in strengthening legal protection, particularly for victims of environmental pollution.

#### 4.3 Interpretation of the "Unlawful Act" Element in Environmental Disputes Based on Integral Ecology

The element of "unlawful" is fundamental in lawsuits based on Unlawful Acts (PMH), as stipulated in Article 1365 of the Civil Code (KUHPperdata). This element was initially interpreted narrowly as an act contrary to statutory provisions *onrechtmatige daad* in the formal sense. Following the 1919 ruling in *Lindenbaum v. Cohen*, the interpretation of "unlawful" underwent a significant evolution. An act is no longer considered unlawful merely because it violates a written regulation; it is also considered unlawful if it infringes upon another person's subjective rights, violates the perpetrator's legal obligations, or conflicts with public morality or the principles of propriety prevailing in society (Kamagi, 2018). This development provides judges with the flexibility to adopt a more progressive approach in resolving disputes, including environmental disputes, which have distinct characteristics compared to general civil disputes.

The interpretation of the element "unlawful" in the context of environmental protection cannot rely solely on the presence or absence of a violation of administrative norms or statutory regulations. The complex nature of environmental damage characterized by long-term impacts and implications for the public interest demands a broader interpretation of the concept of "unlawful." An activity that holds an is not necessarily justified if the activity causes pollution or environmental damage that destroys the ecological functions of an area. Such an approach demonstrates that

administrative legality is not always synonymous with ecological legitimacy.

The research findings indicate that the informants' views align with the development of the relevant legal doctrine. Endro Susilo explains that the element of "unlawful" in environmental disputes must essentially meet the criteria for a tort as recognized in civil law namely, the existence of an act, damage, a causal relationship, and the element of fault. In the practice of resolving environmental disputes, these elements can no longer be understood in isolation because they are closely interrelated. He notes that when an action causes environmental damage, it simultaneously gives rise to an aggrieved party, a causal relationship between the action and the damage, and legal liability for the perpetrator. This indicates that interpreting the element of unlawfulness in environmental cases requires consideration of the overall impacts caused by an activity, both on the environment and on society.

Endro Susilo explains that the losses resulting from environmental disputes are borne not only by specific individuals but also by the government as the entity that controls natural resources and by the community, which loses ecological benefits due to environmental damage. This perspective indicates that the scope of protection regarding unlawful acts (PMH) in the environmental field has evolved from merely protecting individual interests to protecting the public interest and the sustainability of environmental functions. The criteria for determining "tortious acts" are no longer based solely on the violation of individual rights but must also consider whether an action has disrupted ecological functions that serve the common good.

These findings align with the concept of Integral Ecology formulated by Pope Francis in the encyclical *Laudato Si'*. Pope Francis emphasizes that the environmental crisis cannot be separated from the social crisis, as all elements of life are interconnected (Francis, 2015, no. 138). Environmental damage is viewed not merely as the loss of the economic value of natural, but as a disruption to the balance of ecosystems that sustain human life and that of other living beings.

This paradigm positions the environment not merely as an object of exploitation, but as part of the community of life that possesses intrinsic value and deserves legal protection.

The meaning of the element "unlawful" extends beyond a mere violation of positive legal norms when this concept is integrated into the interpretation of PMH. An act may be considered unlawful if it disrupts the integrity of an ecosystem, reduces the environment's carrying capacity, or damages the ecological functions that sustain human life. Such an interpretation aligns with the objectives of Law No. 32 of 2009 on Environmental Protection and Management, which positions environmental protection as part of the effort to ensure the sustainability of life for both present and future generations.

Several research findings indicate that law enforcement practices in Indonesia still tend to adopt an anthropocentric approach. Environmental damage generally only receives legal attention when it causes tangible impacts on humans whether in the form of economic losses, health hazards, or violations of national interests. Damage to ecological functions that does not directly affect humans is often not considered a sufficient basis for holding the relevant parties legally accountable. This situation demonstrates that environmental protection remains instrumental in nature; the environment is protected for its utility to humans, not because it possesses intrinsic value worthy of respect.

This approach needs to be reconstructed by integrating the concept of Integral Ecology into the interpretation of the element of "unlawful act." This reconstruction is not intended to alter the elements of an unlawful act as developed in civil law doctrine, but rather to broaden the judge's perspective when assessing an act. By adopting ecosystem sustainability as an assessment parameter, judges will not only consider whether a written norm has been violated but also the ecological impact of an activity on environmental balance. Such an approach is expected to strengthen the preventive function of environmental law while realizing the ecological justice mandated by the concept of Integral Ecology.

#### 4.4 Reconstructing the Interpretation of the “Unlawful” Element Based on the Concept of Integral Ecology

The preceding discussion shows that the evolution of the doctrine of Unlawful Acts (PMH) has already undergone a significant expansion of meaning. The element of unlawfulness is now understood not only as a violation of statutory provisions but also encompasses violations of another person's subjective rights, legal obligations, acts contrary to public morality, and the principles of propriety that have emerged in society. This expansion provides judges with the flexibility to interpret the law progressively, particularly in resolving environmental disputes, which differ in nature from civil disputes in general.

The research findings indicate that this evolution in meaning has established a foundation for environmental protection through the tort liability framework. An interview with Endro Susilo revealed that in environmental disputes, the elements of tort liability consist of an unlawful act, damage, a causal relationship, and fault; however, proving these elements becomes more complex because the harm suffered is not merely material but also includes ecosystem damage, pollution remediation costs, and the loss of ecological functions that impact the community. This indicates that legal protection for the environment has expanded compared to the general concept of tort law.

On the other hand, this study also shows that this development has not been fully accompanied by a paradigm shift in the interpretation of the law. Hyronimus Rhati states that environmental law in Indonesia is still influenced by an anthropocentric paradigm that places humans at the center of legal protection. As a result, environmental damage often receives attention only if it is proven to cause harm to society or the state. Damage to ecological functions that has not yet directly impacted humans is not yet considered sufficient grounds to seek legal accountability. This situation indicates that the environment is still positioned as an object to be protected for its benefits to humans, not as an integral part of the ecosystem.

This perspective underlies the concept of Integral Ecology introduced by Pope Francis in the encyclical *Laudato Si'*,

which emphasizes the interconnectedness of all things in the universe; this concept affirms that addressing environmental issues requires a comprehensive approach that cannot be separated from social, economic, cultural, or moral dimensions (Pope Francis, 2015, nos. 137–139). Legal protection is not only focused on compensating for individual losses but is more comprehensive in nature namely, safeguarding the sustainability of the environment as a legal interest. This reconstruction does not alter the elements of tort as stipulated in Article 1365 of the Civil Code, but it does broaden the perspective in interpreting the element of unlawfulness. This expansion is grounded in the ecological dimension, which is incorporated as a parameter in assessing the unlawfulness of an act. This approach aligns with the objectives of Law No. 32 of 2009 on Environmental Protection and Management, which establishes environmental protection and restoration as its primary goals. The integration of the concept of Integral Ecology into the interpretation of tort law provides a philosophical foundation for strengthening environmental protection, while simultaneously broadening the legal orientation which previously focused solely on human interests to now consider the entire ecosystem.

#### 4.5 Strengthening Strict Liability in Environmental Disputes through the Lens of Integral Ecology

As one of the liability mechanisms in environmental law, strict liability emerged as a response to the shortcomings of fault-based liability mechanisms. In environmental disputes, proving the element of fault is often difficult; therefore, environmental law must develop liability mechanisms that do not require proof of fault to provide more effective protection. This principle aligns with Article 88 of Law No. 32 of 2009 on Environmental Protection and Management, which establishes a basis for holding business entities accountable when they engage in high-risk activities.

An analysis of rulings related to *strict liability* tends to focus solely on the normative aspect namely, as a system to facilitate proving civil liability. Judges' reasoning generally remains focused on the fulfillment

of the elements stipulated in Article 88 of the Environmental Protection and Management Law (UUPPLH), whereas ecological functions have not yet been explicitly reflected in legal reasoning. *Strict liability* is understood merely as a dispute resolution tool rather than as a comprehensive instrument for environmental legal protection. An interview with Endro Susilo revealed that *strict liability* in environmental disputes is considered capable of overcoming the evidentiary difficulties frequently faced by victims. Imposing liability without requiring proof of fault provides effective legal protection regarding environmental damage, which often involves complex activities and requires scientific evidence. This view demonstrates that *strict liability* serves both preventive and repressive functions namely, encouraging business operators to exercise greater caution in carrying out activities that cause environmental damage.

This statement is reinforced by the perspective of Hyronimus Rhiti, who emphasizes that the effectiveness of strict liability is determined not only by legal norms but also by the paradigm underpinning its interpretation. If the law remains oriented toward an anthropocentric paradigm, then *strict liability* is understood merely as a mechanism for compensating humans. If the environment is viewed as a system with intrinsic value, then *strict liability* must be understood as a tool for safeguarding the continuity of ecological functions. The application of *strict liability* requires a philosophical foundation that clarifies why liability must be imposed without proof of fault. This aligns with the concept of Integral Ecology, as explained in the encyclical *Laudato Si'*, that all of creation is interconnected. In this context, *strict liability* is no longer understood as an exception to the principle of liability based solely on fault, but rather as a consequence for which one must be held accountable.

#### 4.6 Integrating Integral Ecology into the Strengthening of Strict Liability

In environmental disputes, the existence of strict liability is crucial and necessary; this demonstrates that liability does not merely serve as a burden of responsibility on the perpetrator for

environmental damage but also fulfills another function a preventive function by encouraging caution in activities that carry a risk of environmental harm. From the perspective of Integral Ecology, this function is supported by protection that forms an inseparable part of human life. The inclusion of the principles of Integral Ecology in strict liability is not intended to overhaul the law entirely but to broaden the scope and objectives of liability.

There are three functions of *strict liability*: preventive, repressive, and restorative. The preventive function relates to efforts to urge perpetrators to apply the principle of due care when undertaking actions that may pose a risk to the environment. The repressive function aims to impose liability when environmental damage occurs without the need to prove fault under the law. Finally, the restorative function involves making the restoration of ecological functions an aspect of liability, so that dispute resolution does not end merely with the provision of compensation to victims. The Principle of Integral Ecology offers a distinct contribution to *strict liability* compared to the concept of Unlawful Acts.

Within the concept of tort law, Integral Ecology aims to expand the interpretation of the "unlawful" element by incorporating ecological interests and integrity as part of the law. Furthermore, *strict liability* under the concept of Integral Ecology seeks to reinforce the view that liability should be applied not only in a punitive manner but also in a preventive and restorative one, taking into account the protection and restoration of ecological functions.

## 5. CONCLUSION

- 1) The concept of Integral Ecology in *Laudato Si'* can serve as a philosophical perspective for broadening the interpretation of the "unlawful" element in tort law (PMH) in environmental disputes in Indonesia. The research indicates that the elements of PMH as recognized in civil law remain intact, but their interpretation must account for the ecological impacts of an

act on ecosystem sustainability, in addition to the harm suffered by individuals or communities. The integration of Integral Ecology shifts the interpretive orientation of PMH from a purely anthropocentric paradigm toward one that views humans, society, and the environment as an interconnected whole. From this perspective, an act can be deemed unlawful not only when it violates written norms or causes individual harm, but also when it disrupts ecosystem integrity, reduces environmental carrying capacity, or damages the ecological functions that sustain life. This reconstruction does not alter the elements of tort liability under Article 1365 of the Civil Code, but rather broadens the interpretive perspective so that legal protection also encompasses ecological interests and environmental sustainability for both present and future generations.

- 2) The integration of the values of *Laudato Si'* can also strengthen the application of strict liability in the resolution of environmental disputes by providing a philosophical foundation that responsibility for risky activities is not solely intended to provide compensation to humans, but also to prevent and restore damage to ecological functions. Strict liability continues to function as a mechanism of

accountability without proof of fault within the limits defined by positive law, particularly Article 88 of Law No. 32 of 2009; however, its application must be interpreted by taking into account the intrinsic value of the environment and the interconnection between ecological damage, human life, and social interests. Thus, the integration of Integral Ecology can strengthen the preventive and repressive functions of strict liability, encourage caution among those engaged in high-risk activities, and direct dispute resolution not only toward the provision of compensation but also toward ecosystem restoration and environmental sustainability. This perspective simultaneously reinforces the direction of Indonesia's environmental law development toward a more comprehensive, ecologically just, and sustainable liability system.

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## BIOGRAPHIES OF AUTHORS

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Roberto Reno Sitepu    Lecturer at Faculty of Technobiology of Universitas Atma Jaya Yogyakarta (2022-present). Undergraduate program: Faculty of Philosophy of Universitas Parahyangan Bandung (2013 – 2017). Master program: Faculty of Philosophy of Universitas Parahyangan Bandung (2018-2020). Areas of expertise and interest: Philosophy, Theology, Roman Catholic Liturgy. Email: <a href="mailto:roberto.sitepu@uajy.ac.id">roberto.sitepu@uajy.ac.id</a></p>                      |
|  | <p>Etty Indrawati    Lecturer at Faculty of Law of Universitas Atma Jaya Yogyakarta (2021- present). Undergraduate program: Faculty of Law of Universitas Atma Jaya Yogyakarta (majoring in Court and Conflict Resolution: 2006-2009). Master program: Faculty of Law of Universitas Gadjah Mada (majoring in Business Law: 2018-2020). Areas of expertise and interest: Civil Law, Property Law, Contract. Email: <a href="mailto:etty.indrawati@uajy.ac.id">etty.indrawati@uajy.ac.id</a></p> |
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|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Florensy Eunique Sipota. 7th-semester student, Faculty of Technobiology, Atma Jaya University Yogyakarta (2023–present).<br/>Email: <a href="mailto:231902407@students.uajy.ac.id">231902407@students.uajy.ac.id</a></p> |
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