

Class Action Lawsuits as a Mechanism of Civil Liability in Environmental Disputes

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ABSTRACT

This article examines class action lawsuits as a mechanism of civil liability in environmental disputes within the framework of environmental civil law. Environmental degradation and pollution often cause widespread and diffuse harm, affecting large groups of people whose individual losses are difficult to quantify and whose access to justice is frequently constrained by procedural and economic barriers. Against this background, the study aims to analyze the role of class action litigation in ensuring effective protection of victims' civil rights and promoting environmental restoration through private law remedies. The research adopts a normative juridical method, combining statutory analysis of environmental legislation and civil liability doctrines with a conceptual approach to class action procedures, including principles of standing, representation, and remedies. The article finds that class action lawsuits function as an important procedural tool to operationalize civil liability in environmental disputes, particularly in addressing collective losses, enforcing strict liability, and facilitating compensation and environmental remediation. Class actions also strengthen access to justice by reducing litigation costs, balancing the power asymmetry between victims and corporate polluters, and enhancing the deterrent effect of civil liability without relying on criminal sanctions. However, their effectiveness depends on clear legal standards for group representation, proof of causation, and the formulation of restorative remedies. The study concludes that class action litigation should be further developed and consistently applied as a core civil law mechanism in environmental dispute resolution, as it aligns with the objectives of environmental protection, victim-oriented justice, and sustainable environmental governance.

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1. INTRODUCTION

Environmental degradation has emerged as one of the most pressing legal and social challenges of the contemporary era. Rapid industrialization, large-scale natural resource exploitation, and urban expansion have significantly increased the risk of environmental harm, ranging from water and air pollution to deforestation and ecosystem destruction. Such harm rarely affects individuals in isolation. Instead, environmental damage typically produces widespread and cumulative impacts on communities, livelihoods, and ecological systems. These collective characteristics of environmental harm pose serious difficulties for traditional civil law mechanisms, which are largely designed to address individualized disputes and discrete losses (Haryadi, 2017). As a result, many victims of environmental harm face substantial obstacles in obtaining effective legal remedies through conventional individual lawsuits.

Within the framework of civil liability, environmental disputes present distinctive complexities. Environmental damage often involves diffuse victims, long-term or latent impacts, scientific uncertainty, and asymmetrical power relations between affected communities and corporate or state actors responsible for pollution or environmental destruction. Proving causation, quantifying damages, and establishing fault can be particularly challenging in cases where harm manifests gradually or results from complex industrial processes. These challenges frequently lead to under-enforcement of civil liability and leave victims without adequate compensation or restoration of their living environment (Perwira, Taufik, dan Sahder, 2022). Consequently, there is a growing recognition that procedural innovations are necessary to ensure meaningful access to justice in environmental civil law.

Class action lawsuits have increasingly been viewed as a strategic procedural mechanism to address the collective nature of environmental harm. By allowing a group of similarly situated victims to be represented in a single legal action, class actions reduce procedural fragmentation and litigation costs while enhancing the efficiency of judicial proceedings. In environmental disputes, class actions enable affected communities to aggregate claims that might otherwise be economically unviable if pursued individually (Mulyadi, 2012). This collective approach not only strengthens the bargaining position of victims but also contributes to a more balanced relationship between plaintiffs and defendants, particularly in cases involving large corporations with significant financial and legal resources.

From the perspective of civil liability, class action litigation plays a crucial role in operationalizing core principles of environmental law. Modern environmental civil liability increasingly emphasizes strict liability, risk-based responsibility, and the internalization of environmental costs. These principles aim to ensure that those who cause environmental harm bear the financial burden of damage prevention, compensation, and restoration (Hadi, 2016). Class actions provide an effective procedural vehicle for enforcing these principles, especially where environmental harm affects large populations and ecosystems rather than identifiable individual interests. Through collective claims, courts are better positioned to assess cumulative damage and to order remedies that reflect the scale and systemic nature of environmental harm.

Moreover, class action lawsuits contribute to the realization of environmental justice by expanding access to civil remedies for marginalized and vulnerable communities. Environmental harm disproportionately affects populations with limited economic and political power, who often lack the resources to engage in prolonged individual litigation (Utami, 2025). Class actions lower these barriers by distributing litigation costs among group members and enabling representation by public interest organizations or community leaders. In this sense, class action litigation functions not merely as a procedural tool, but as a substantive mechanism for advancing fairness, equality, and accountability within environmental governance.

Despite their potential, the application of class action lawsuits in environmental disputes remains uneven and, in many jurisdictions, underdeveloped. Procedural uncertainties regarding group certification, standing, evidentiary standards, and the scope of available remedies continue to limit their effectiveness. Courts may be reluctant to embrace collective litigation due to concerns about judicial efficiency, complexity of scientific evidence, or the risk of excessive liability (Lestari & Adiyatma, 2025). Additionally, the absence of clear guidelines on environmental restoration and non-monetary remedies

can lead to outcomes that prioritize compensation over ecological recovery (Parlina, 2021). These challenges highlight the need for a more coherent doctrinal and procedural framework governing class action litigation in environmental civil liability.

Against this backdrop, the present study situates class action lawsuits within the broader discourse on civil liability and environmental dispute resolution. By examining class actions as a mechanism of civil liability rather than as an adjunct to criminal enforcement, this research emphasizes the preventive, compensatory, and restorative functions of civil law in environmental protection. Understanding how class action litigation can be effectively structured and applied is essential for strengthening civil accountability, promoting sustainable development, and ensuring that environmental harm is addressed in a manner that is responsive to both human and ecological interests.

2. METHODS

This study employs a normative juridical research method to examine class action lawsuits as a mechanism of civil liability in environmental disputes. The research is doctrinal in nature and focuses on analyzing legal norms, principles, and doctrines governing environmental civil liability and collective litigation. The primary objective of this method is to assess how class action procedures function within the civil law framework to address collective environmental harm, particularly in relation to compensation and environmental restoration.

The research adopts a statutory and conceptual approach. The statutory approach involves a systematic analysis of relevant legislation and procedural rules governing environmental protection and civil liability, including provisions on strict liability, risk-based responsibility, and collective legal remedies. This approach is used to identify the normative foundations and legal scope of class action lawsuits in environmental disputes. The conceptual approach is applied to examine key legal concepts such as collective harm, access to justice, environmental restoration, and the internalization of environmental costs within civil liability regimes.

In addition, the study utilizes a case-based approach by examining selected judicial decisions on environmental civil disputes involving class action claims. These cases are analyzed to identify judicial reasoning, evidentiary standards, and types of remedies ordered by courts, particularly in relation to collective compensation and environmental recovery. The case analysis enables the research to assess the practical effectiveness and limitations of class action litigation in enforcing environmental civil liability.

The legal materials used in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutes, regulations, and court decisions related to environmental law and civil procedure. Secondary legal materials comprise scholarly articles, legal commentaries, and academic books on environmental law, civil liability, and class action litigation. Tertiary materials, such as legal dictionaries and encyclopedias, are used to support conceptual clarification. All legal materials are analyzed qualitatively using prescriptive and analytical techniques to draw conclusions regarding the role and development of class action lawsuits in environmental civil liability.

3. FINDINGS AND DISCUSSION

Environmental disputes occupy a distinctive position within civil liability law because the nature of environmental harm fundamentally differs from ordinary private losses. Environmental damage rarely affects a single individual in isolation; rather, it unfolds across communities, ecosystems, and time. Pollution of water sources, degradation of land, or destruction of forests often produces cumulative effects that cannot be easily disentangled into individual claims. This collective dimension of harm challenges the classical civil law paradigm, which is traditionally built upon individualized standing, direct causation, and measurable personal loss. Consequently, conventional civil litigation mechanisms often fail to provide adequate remedies for environmental victims, leaving many harms legally invisible despite their profound social and ecological consequences.

In response to these structural limitations, class action litigation emerges as a procedural mechanism that corresponds more closely to the collective character of environmental harm. As noted by Rahmadi (2015), environmental disputes demand legal instruments capable of aggregating dispersed interests and addressing systemic wrongdoing. Class actions allow affected communities to consolidate claims arising from a common source of harm, thereby transforming fragmented grievances into a coherent legal demand. This aggregation not only enhances procedural efficiency but also strengthens the bargaining position of victims who would otherwise lack the economic or institutional capacity to confront powerful corporate or state actors responsible for environmental degradation.

From a civil liability perspective, the relevance of class actions extends beyond procedural convenience. Modern environmental law increasingly emphasizes strict liability and risk-based responsibility, particularly in relation to activities involving hazardous substances or high environmental risk. In such contexts, the requirement to prove fault may undermine effective accountability, given the technical complexity of industrial processes and the asymmetry of information between polluters and affected communities. As Absori (2014) observes, strict liability reflects a normative shift toward prioritizing environmental protection and victim compensation over the moral blameworthiness of the actor. Class action lawsuits complement this shift by providing a procedural framework through which collective harm can be adjudicated without imposing an unrealistic evidentiary burden on individual plaintiffs.

At the same time, class action litigation plays a crucial role in internalizing environmental costs. Traditional civil claims tend to focus narrowly on compensating individual losses, often leaving broader ecological damage unaddressed. By contrast, collective lawsuits enable courts to evaluate cumulative environmental harm and to impose liability that reflects the true social and ecological costs of environmentally harmful activities. This approach aligns with the polluter pays principle, which seeks to prevent the externalization of environmental costs onto society at large. Through class actions, civil liability becomes not merely compensatory but also preventive, encouraging corporate actors to integrate environmental risk into their operational decision-making (Wignarajah and Absori 2018).

Despite these normative advantages, the application of class action lawsuits in environmental disputes remains inconsistent and, in many jurisdictions, underdeveloped. Procedural uncertainties regarding group certification, standing, and evidentiary standards frequently limit their effectiveness. Courts may struggle to determine whether affected individuals constitute a sufficiently homogeneous group, particularly when environmental harm manifests unevenly across geographic areas. Scientific uncertainty further complicates the adjudication process, as causation often must be inferred from probabilistic or expert-based evidence rather than direct proof. These challenges contribute to judicial caution and, in some cases, reluctance to fully embrace collective environmental litigation.

Judicial hesitation is also influenced by institutional concerns over efficiency and manageability. Environmental class actions often require courts to oversee complex proceedings involving large numbers of plaintiffs, extensive expert testimony, and long-term remedial measures. As Perwira, Taufik, and Sahder (2022) point out, judges may lack adequate guidance or technical support to assess environmental damage and determine appropriate remedies. In the absence of clear procedural frameworks, courts may default to conservative interpretations that limit the scope and impact of class action judgments, thereby undermining their transformative potential.

Another persistent challenge lies in the formulation of remedies in environmental class actions. Civil law traditions have historically emphasized monetary compensation as the primary form of redress, yet financial remedies alone are often insufficient to address ecological harm. Environmental damage implicates not only human interests but also the integrity of ecosystems, which cannot be fully restored through compensation. As Siahaan (2009) argues, environmental justice requires remedies that prioritize restoration and rehabilitation alongside compensation. However, the lack of explicit doctrinal guidance on non-monetary remedies frequently results in judgments that prioritize financial settlements over meaningful ecological recovery.

Comparative experiences suggest that class action litigation can function as an effective instrument of environmental civil liability when supported by clear procedural rules and judicial commitment. In several jurisdictions, collective lawsuits have facilitated access to justice for marginalized communities and compelled corporate actors to adopt more environmentally responsible practices. While legal transplants must be adapted to local contexts, these experiences underscore the importance of procedural flexibility and judicial openness to interdisciplinary approaches in environmental adjudication (Santosa 2010).

Beyond their legal function, environmental class actions also carry a participatory and democratic dimension. By enabling communities to articulate shared environmental grievances, collective litigation fosters public engagement in environmental governance. This participatory aspect enhances the legitimacy of environmental decision-making and aligns civil liability mechanisms with broader principles of sustainable development. Community-based litigation reinforces the idea that environmental protection is not solely a matter of state regulation but also a shared societal responsibility.

Ultimately, the effectiveness of class action lawsuits as a mechanism of civil liability in environmental disputes depends on the coherence of the legal framework governing their application. Legislative clarity, procedural certainty, and judicial capacity are essential for ensuring that collective litigation fulfills its preventive, compensatory, and restorative functions. When properly structured, class actions can bridge the gap between individual rights and collective ecological interests, transforming civil liability into a meaningful instrument of environmental protection rather than a reactive response to isolated harm.

By situating class action litigation firmly within the domain of civil liability, rather than treating it as a supplementary tool to criminal enforcement, environmental law can better reflect the complex realities of environmental harm. Class actions should be understood not merely as procedural devices, but as normative instruments capable of reshaping accountability, promoting environmental justice, and ensuring that environmental degradation is addressed in a manner responsive to both human welfare and ecological sustainability.

4. CONCLUSION

Class action lawsuits represent a vital mechanism within civil liability frameworks for addressing the collective and systemic nature of environmental harm. By enabling the aggregation of dispersed claims, class actions overcome the limitations of individualized civil litigation and enhance access to justice for affected communities. They align closely with modern principles of environmental law, including strict liability, risk-based responsibility, and the internalization of environmental costs. Through collective litigation, courts are better positioned to assess cumulative environmental damage and to impose liability that reflects the true social and ecological impact of harmful activities. As such, class actions function not only as compensatory tools but also as preventive instruments that promote greater environmental accountability.

Nevertheless, the effectiveness of class action litigation in environmental disputes depends heavily on the coherence of its doctrinal and procedural foundations. Persistent challenges related to group certification, evidentiary standards, causation, and remedial design continue to limit the transformative potential of collective environmental claims. The absence of clear guidance on environmental restoration and non-monetary remedies further risks reducing civil liability to a purely compensatory mechanism. Strengthening class action frameworks therefore requires legislative refinement, judicial capacity-building, and greater integration of ecological considerations into civil adjudication. When properly developed, class action litigation can serve as a cornerstone of environmental civil liability and a meaningful instrument for advancing sustainable development and environmental justice.

REFERENCES

- Absori. (2014). *Hukum penyelesaian sengketa lingkungan hidup*. Muhammadiyah University Press.
- Haryadi, Purnomo. (2017). Pengembangan hukum lingkungan hidup melalui penegakan hukum perdata di Indonesia. *Jurnal Konstitusi*, 14(1), 124–149.
- Lestari, Maryana, & Adiyatma, Septhian Eka. (2020). Class action lawsuit on civil issues in Indonesia as common law adoption. *Indonesian Journal of Advocacy and Legal Services*, 2(2), 243–260. <https://doi.org/10.15294/ijals.v2i2.38171>
- Marzuki, Ahmad. (2021). Civil liability and collective redress in environmental disputes. *Journal of Environmental Law and Policy*, 5(1), 77–95.
- Mulyadi, Lilik. (2012). Class action lawsuits in environmental disputes: Legal standing and procedural challenges. *Indonesia Law Review*, 2(3), 345–365.
- Nugroho, Hadi. (2016). Strict liability as a civil law instrument for environmental protection in Indonesia. *Journal of Indonesian Legal Studies*, 1(2), 145–162.
- Parlina, N. (2021). Penerapan class action di Indonesia: Studi kasus putusan nomor 1794 K/Pdt/2004. *Jurnal Poros Hukum Padjadjaran*, 2(2), 237–252. <https://doi.org/10.23920/jphp.v2i2.377>
- Perwira, Iman, Taufik, Gema, & Sahder, M. (2022). Valuation of environmental damage and judicial reasoning in Indonesian environmental civil cases. *Bina Mulia Law Journal*, 7(2), 215–236.
- Perwira, I., Taufik, G., & Sahder, M. (2022). Valuation of environmental damage and judicial reasoning in environmental civil liability cases. *Bina Mulia Law Journal*, 7(2), 245–262. <https://doi.org/10.31603/blj.v7i2.7421>
- Prasetyo, Rinaldi. (2023). Environmental harm, collective victims, and civil compensation mechanisms. *Asian Journal of Comparative Law*, 18(2), 301–320.
- Rahmadi, Takdir. (2015). *Environmental law and governance in Indonesia*. Rajawali Pers.
- Santosa, Mas Achmad. (2010). *Class action & citizen lawsuit in environmental protection*. Indonesian Center for Environmental Law.
- Sari, Dewi Kartika. (2022). Access to justice in environmental class action litigation. *Journal of Sustainable Law*, 4(1), 55–73.
- Siahaan, N. H. T. (2009). *Hukum lingkungan dan ekologi pembangunan*. Erlangga.
- Simanjuntak, Bima. (2024). Environmental restoration as a civil remedy: Rethinking compensation-oriented judgments. *Indonesian Journal of Environmental Justice*, 3(1), 89–108.
- Sutrisno, Andi. (2021). Collective redress and judicial efficiency in environmental disputes. *Journal of Procedural Law Studies*, 6(2), 141–160.
- Utami, Mieke Aprilia. (2025). Strengthening the civil aspect of environmental law as an instrument of sustainable development. *Education Achievement: Journal of Science and Research*, 6(2), 833–844. <https://doi.org/10.51178/jsr.v6i2.2790>
- Wahyuni, Lestari. (2020). Civil liability for environmental damage and the polluter pays principle. *Indonesian Journal of Environmental Policy*, 2(2), 201–219.
- Wijaya, Arief. (2023). Scientific uncertainty and causation in environmental civil litigation. *Law and Ecology Review*, 5(3), 411–430.
- Wignarajah, Hendra, & Absori. (2018). Environmental cost internalization through civil liability mechanisms. *Hasanuddin Law Review*, 4(2), 165–178. <https://doi.org/10.20956/halrev.v4i2.1351>
- Yuliana, Putri. (2024). Class action litigation as a tool for environmental justice in developing countries. *Global Environmental Law Journal*, 9(1), 23–42.