

LEGAL CONSIDERATION TOWARDS ECO-TERRORISM AS A NEW FORM OF THE ENVIRONMENTAL LAW CRIME AND TORTS

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Abstract

The global climate action movement has gained diverse support, leading to the rise of both activists and extremists. Eco-terrorism has grown significantly and cause property damage and financial losses over two decades ago. This action concern to further environmental protection through destructive actions. However, glorifying any heroic action often leads to unintended consequences, including harm to certain subject's property right and environmental damage. This study employs qualitative research with comparative approach to investigate the impacts of eco-terrorism and the evolution of laws addressing this issue at both national and international levels. Additionally, this research intent to examine the consequences of eco-terrorism and consider to put it into a novel form of environmental crime and torts. The research found that current international regulations, such as the United Nations World Charter for Nature and the United Nations Convention on the Law of the Sea, which indirectly address eco-terrorism but lack specificity. several countries use general provision to handle eco-terrorism regarding violation against civil rights. Even though existing rules able to manage some aspect of eco-terrorism, the new form and adaptive law need to be arranged against this issue in future.

Keywords: *Eco-Terrorism; Environmental Protection; Legal Enforcement*

1. Introduction

Environmental issues are a threat to a country in realizing sustainable development. Climate change is the most important concern which is becomes the main focus of attention in recent years. Based on the report released by the Intergovernmental Panel on Climate Change (IPCC) in 2023 states that the effects of climate change do not only affect changes in earth's temperature, but also impact on multi-aspects in development, including: increased volume of sea water, forest fires, climate change migration patterns of animals, risk of drought in the agricultural sector and shifts in extreme weather intensity.¹ The study noted that the Earth has experienced a temperature rise of 1.1o Celsius and is headed for an average global temperature increase of 2.8°C in 2100, based on the commitments of countries in the Nationally Determined Contributions (NDC). This figure is almost double the target of 1.5°C set out in the Paris Agreement, which is the safe limit for

¹ United Nations Environment Programme, *Climate Change 2023: Synthesis Report* (United Nations Environment Programme, 2023).

Earth against global warming.²

Economic development based on a mass expansion and exploratory concepts that do not pay attention to the sustainability of environmental ecosystems would bring the potential to threaten the sustainable development goals (SDG's) that have been proclaimed as global-level development agreements. This condition has created a response from the environmentalist movement towards environmental crises which are increasingly critical and have very broad implications for human life. The decline of the environmental quality which has become an international issue is able to turn out a domino effect on the pattern of the economy and social order of the global community. The main concentration of the environmentalist movement is to oppose the mindset of the government and society that are mainstream orientated towards industrial development and macroeconomic growth without focusing on the balancing of environment.

Basically, The environmentalists are defined as a social and political movement aimed at preserving, restoring and improving the quality of life through public education, advocating lifestyle changes, improving community planning, changing the money economy and overhauling state policies.³ The main goal of the environmentalist movement is to create an environment that is balanced with the pace of growth and economic development, even this movement does not use persuasive methods and tends to choose radical methods in the form of violence in conveying their aspirations for government policies and corporate actions which are considered to be in conflict with environmental sustainability.

The forms of resistance carried out by the environmentalist movement include did anarchist actions by attacking groups or companies that threaten the environment and animals. But they don't attack to kill (individuals or people). They use scare tactics such as firing, property destruction and other acts of vandalism against parties who are considered to have taken destructive actions against the environment such as large companies and anti-environmentalist groups. An example is the Earth Liberation Form (ELF), which is an environmentalist organization that carries out radical actions in achieving its goal of protecting the earth from damage. This phenomenon causes this behavior to be labeled as an act of eco-terrorism by the United States Government by issuing the USA PATRIOT Act, which includes acts of violence committed by the environmentalist movement as a form of terrorism that threatens national interests.⁴ Even though eco-terrorism does

² United Nations Environment Programme, *Climate Change 2023: Synthesis Report*.

³ Yeni Sri Lestari, "Environmentalism Dan Green Politics: Pembahasan Teoretis," *Community: Pengawas Dinamika Sosial* 2, no. 2 (2016).

⁴ Loadenthal dan Michael, "Eco-Terrorism? Countering Dominant Narratives of Securitisation: a Critical, Quantitative History of the Earth Liberation Front (1996-2009)," *Perspectives on Terrorism* 8, no. 3 (2014): 16–

not aim to assassinate the subjects, but this action causes losses to certain parties. Environmentalist movement activities that carry out terror and violence based on environmental concern. Not much different from what is done by political or religious motivated terrorism. This research will discuss legal considerations placing eco-terrorism as a form of a new model of Environmental Crime by contextually examining the definition of the act and the application of the model for handling eco-terrorism in other countries. Furthermore, the results of the study will be used as an academic study regarding the opportunities for the Government of Indonesia in responding to eco-terrorism.

The objective of this paper is to briefly identify and analyze eco terrorism. These include developments of eco terrorism, its classification, the threat eco terrorism poses, its relation to domestic and international law which conducted by environmentalist to uphold preservation of environment through anarchy and extreme behavior like as doing vandalism, destroying and illegal confiscation toward the suspected subject property. The output of this research would check whether these action could be considered being a regular criminal, torts or need some a new regulation to punish the perpetrator. The previous research which has studied about the eco-terrorism, but they investigate different point of view as follow: firstly, the article written by Zoe Callagher with the title: *Will the Real Eco-Terrorists Please Stand Up?*,⁵ This research is examining the actions of convicted eco-terrorist and the existing eco-terrorism that led to their conviction based on United States Law. Furthermore, the context of eco-terrorism that analyzed on this study is elaborating the pollution that committed by the oil and gas company's activity which is impacted to the regions in which they operate and on global community. Secondly, the article with title: *Is there a decline in eco-terrorism?* was written by Krzysztof Izak aim to briefly explore about the basic characteristic of eco-terrorism that arise from fundamental ideology sounded by environmental activist and describe reception of the worldwide society in responding these action as an act of justification for enforcing the protection of environment.⁶

2. Result and Discussion

2.1. The Context of Eco-Terrorism and Its relevance to Environmental Crimes according to National Legal Instruments and International Law

In essence, eco-terrorism is a subset of terrorism that takes the form of violent activities that

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⁵ Zoe Gallagher, "Will the Real Eco-Terrorists Please Stand Up?," *Hastings Environmental Law Journal* 29, no. 1 (2023), https://repository.uchastings.edu/hastings_environmental_law_journal/vol29/iss1/3.

⁶ Krzysztof Izak, *Is there a decline in ecoterrorism?*, *Internal Security Review*, vol. 26, 2022.

affect both civil rights and property destruction.⁷ Naturally, these violent acts are committed against things considered harmful to the environment. Eco-terrorism encompasses not just acts that directly cause harm but also threats that go beyond violence. It is important to note that eco-terrorism does not directly attack human lives or the environment. According to David N. Pellow, Ron Arnold, an anti-environmental activist, introduced the term "eco-terrorism".⁸ They saw eco-terrorism as a crime committed to protecting the environment.⁹ The United States Federal Bureau of Investigation defines eco-terrorism as "the use or threat of use of criminal violence against innocent individuals or property for environmental-political causes, directed at an audience outside the target, frequently of a symbolic nature."¹⁰ "Eco-terrorism" is defined as "illegal extreme ways of exerting pressure by conservationists (environmentalists) on governments and industrialists to achieve certain political aims" in the Lexicon of Ecology and Environmental Protection. The primary cause of this behaviour is the warring parties' refusal to communicate.

According to Halmi Alpas, eco-terrorism primarily consists of two components: First, when groups of individuals who identify as "activists" for the environment take legal or illegal action against businesses, organizations, or even governments they believe are destroying the environment in order to draw attention to their cause. Second, is when the environment is weaponized or used to cause harm.¹¹ This description of eco-terrorism has two components. In some ways, the first component is advantageous since it encourages conservationists to preserve the environment from businesses, organizations, and authorities involved in environmental exploitation and commercialization. The second is risky since it includes manipulating and using the environment as a weapon of destruction.¹²

This act of eco-terrorism was initially inspired by the convictions of a group of individuals who want to save nature in general, including animal rights within it. As a result, this understanding becomes more deeply ingrained, tends to rule the person entirely, and gives them radical

⁷ Loadenthal dan Michael, "Eco-Terrorism? Countering Dominant Narratives of Securitisation: a Critical, Quantitative History of the Earth Liberation Front (1996-2009)."

⁸ Paola Andrea Spadaro, "Climate Change, Environmental Terrorism, Eco-Terrorism and Emerging Threats," *Journal of Strategic Security* 13, no. 4 (2020): 58–80, <http://scholarcommons.usf.edu/jss>.

⁹ Joni Adamson, William A. Gleason, dan David N. Pellow, *Keywords for Environmental Studies*, 2016, <https://www.jstor.org/stable/j.ctt15zc5kw>.

¹⁰ James F. Jarboe, *The Threat of Eco-Terrorism* (Washington DC: House Resources Committee, Subcommittee on Forests and Forest Health, 2002), <https://archives.fbi.gov/archives/news/testimony/the-threat-of-eco-terrorism>.

¹¹ Halmi Alpas, Simon M. Berkowicz, dan Irina Ermakova, ed., *Environmental Security and Ecoterrorism (NATO Science for Peace and Security Series C: Environmental Security)* (Springer International Publishing, 2011).

¹² Tushar Tyagi, "Eco-Terrorism: An Excuse for Terrorism," *International Journal of Law Management & Humanities* 2, no. 1 (2018): 1–4.

tendencies.¹³ Eco-terrorism can also be divided into pro-environmental and pro-animalism.¹⁴ Eco-terrorism stems from the conviction that destructive human activity must be stopped before the planet is destroyed and civilization is destroyed. A conviction that destructive human activity must be stopped before the Earth is destroyed and civilization is destroyed lies at the heart of environmental terrorism. Such an effort was motivated by the notion that the course of civilizational development needed to be fundamentally altered. The eco-ideology that currently dominates politics, media, and education is influenced, among other things, by the ecocentrism ideology.¹⁵

The notion of animal rights is one of ecocentrism's most prevalent yet problematic elements. Many proponents of this theory have claimed that assigning people a higher moral position necessitates containing them within their species, which they see as contradicting ontological and axiological distinctions between humans and other creatures. Like racism or sexism, they said that such "species classification" is sinful. This hazardous belief was based on the concept of animal rights.¹⁶

The first instances of eco-terrorism were intentional attacks against the people, organizations, and governments engaged in exploitation. The concept grew more inclusive as time passed and modernization gained hold. Eco-terrorism can spread in several different ways. Wildfires, reservoir toxicity, food supply source toxicity, household water body toxicity, etc., are the principal sources of terrorism using the natural environment. Additionally, international acts of eco-terrorism are possible. Cross-border eco-terrorism is the act of a nation destroying or attempting to destroy another country's environmental infrastructure using lethal weapons delivered by land, air, or sea.¹⁷

2.2. The Threat of Eco-Terrorism

The phrase "eco-terrorism" attracts and encourages misunderstanding, misapplication, and confusion. Many people often equate the term "eco-terrorism" with "environmental terrorism", even though the two are two different things. First, there is eco-terrorism, which refers to acts of violence committed against private property and civil rights to protect the environment or

¹³ Donald R. Liddick, *Eco-terrorism: radical environmental and animal liberation movements* (Westport, Conn: Praeger, 2006).

¹⁴ Izak, *Is there a decline in ecoterrorism?*, vol. 26.

¹⁵ Izak, *Is there a decline in ecoterrorism?*, vol. 26.

¹⁶ Izak, *Is there a decline in ecoterrorism?*, vol. 26.

¹⁷ Tyagi, "Eco-Terrorism: An Excuse for Terrorism."

influence changes in environmental policy. Second, there is environmental terrorism, in which the environment is destroyed through armed conflict or terrorist acts to instil fear in the populace and further organizational objectives.¹⁸

Spadaro distinguished between the two clearly; "eco- terrorism" should be understood as acts of violence against people's property committed to protect the environment or to compel changes in environmental policy.¹⁹ In contrast, "environmental terrorism" focuses on various targets and serves different goals. An "environmental terrorist," as was already mentioned, typically targets the environment rather than targets of value (such as public infrastructure or places of business). Examples of such an attempt include contaminating a natural water source, burning a sizable portion of a forest, or killing a herd of animals native to a particular area.²⁰

Additionally, an environmental terrorist, as opposed to an eco-terrorist, fights for a different cause: instead of wanting to pressure States or international organizations to adopt more environmentally friendly policies, he or she pursues fulfilling their political or religious demands (which undoubtedly do not refer to environmental protection, which is their target of the attack).²¹

The main idea of eco-terrorism is to commit terrorism for the greater good. However research finds that any acts of terrorism severely affected the environment. As terrorism is one of the hindrance of environment sustainability,²² such acts can never be the solution to save the environment. The bombing of ships or the burning of a wool factory by eco-terrorist immediately destroy the environment²³ without the certainty of pushing the environmentalist idea.

Several disastrous occurrences in the past provide evidence of actual instances of eco-terrorism. In 1976 in England, a group of activists were most active in voicing the rights of animal protection significantly. The organization was the Animal Liberation Front (ALF). This organization was founded by Ronnie Lee and began to spread to various countries, including the

¹⁸ Gregory Rose, "Environmental Terrorism: Not Yet an International Crime," *Environmental Policy and Law* 52, no. 2 (2022): 161–170.

¹⁹ Spadaro, "Climate Change, Environmental Terrorism, Eco-Terrorism and Emerging Threats."

²⁰ Mateusz Osiecki, "Fight Against Environmental Terrorism in the Light of International Law," *Journal of International Scientific Publications: Ecology and Safety* 15 (2021): 203–211.

²¹ Elizabeth L. Chalecki, "A New Vigilance: Identifying and Reducing the Risks of Environmental Terrorism," *Global Environmental Politics* 2, no. 1 (2002): 46–64.

²² Muhammad Tahir, Umar Burki, dan Toseef Azid, "Terrorism and environmental sustainability: Empirical evidence from the MENA region," *Resources, Environment and Sustainability* 8, no. December 2021 (2022): 100056, <https://doi.org/10.1016/j.resenv.2022.100056>.

²³ Melike Bildirici dan Seyit M. Gokmenoglu, "The impact of terrorism and FDI on environmental pollution: Evidence from Afghanistan, Iraq, Nigeria, Pakistan, Philippines, Syria, Somalia, Thailand and Yemen," *Environmental Impact Assessment Review* 81, no. July 2019 (2020): 106340, <https://doi.org/10.1016/j.eiar.2019.106340>.

United States, in 1979.²⁴ Over time this organization has become the most active group in the United States in voicing environmentalist and star protection movements. As of 2002, this organization has carried out its extreme actions 600 times.²⁵

The Animal Liberation Front, or ALF, has two objectives: tactical, which is to save as many animals as possible and put an end to animal exploitation, and strategic, which is to put an end to all forms of animal oppression by obstructing the operations of companies that exploit animals.²⁶ Hence, animals were saved through direct action (they were set free) or by causing financial loss to their exploiters.²⁷ These direct actions range from vandalism and forced release of animals from laboratories, farms and other places to attacks in the form of arson. Because of its effectiveness, ALF concentrates on these activities. Almost all of the actions taken by this organization are direct attacks on various forms of animal abuse, such as setting fire to an animal research facility at the University of California. Then in 1989, ALF carried out animal release actions and caused a fire at the University of Arizona. Not only that, but in 1996 this organization also carried out an act of burning down an animal fur factory which caused huge losses.²⁸

The ALF denied any involvement in radicalism, violence, or terrorism. “*I condemn violence and extremism*”, stated Robin Webb, the organization's UK representative, during a trip to the US. “*But I don't condemn the sympathetic ALF commandos, he said right away*”. ALF members held the view that as long as no one was harmed, even the destruction of property did not constitute terrorism. In addition to the Animal Liberation Front (ALF), there are other groups frequently engage in the eco-terrorist activity. The group is called Earth Liberation Front (ELF). In April 1992, ELF was founded for the first time in England. Although this group claims to want to save the planet from devastation, it often takes harmfully drastic measures.

ELF operates in several locations around North America, Europe, and South America. The fundamental concern is that this organization is not like other environmental movement groups with political objectives; instead, its primary audience is people accountable for behaviors that harm the environment. The information now available indicates that between 1996 and 2001, ELF engaged in several harmful operations, including arson and vandalism. The attack on a ski resort still being built is one of ELF's actions that has drawn public notice. Four elevators, a restaurant, a

²⁴ Liddick, *Eco-terrorism: radical environmental and animal liberation movements*.

²⁵ Sivan Hirsch-Hoefler, “‘Ecoterrorism’: Terrorist Threat or Political Ploy?,” *Studies in Conflict & Terrorism* 37, no. 7 (2014): 586–603.

²⁶ Izak, *Is there a decline in ecoterrorism?*, vol. 26.

²⁷ Izak, *Is there a decline in ecoterrorism?*, vol. 26.

²⁸ Liddick, *Eco-terrorism: radical environmental and animal liberation movements*.

park for picnics, and an equipment building were all targeted by ELF. ELF took action because they believed that the development would disrupt the lynx's habitat, one of several endangered species.

There are indications that Indonesia has experienced eco-terrorism. A significant floodstruck northern Sumatra in November 2003, and the community of Bukit Lawang, where more than 130 people died, was particularly affected. While rescuers look for bodies in the muck and debris that blanketed a large region, the eventual death toll may certainly exceed 200. The victims included six foreign nationals. Around 2,000 individuals have been left without a place to live and rely on aid from emergency services and humanitarian organizations.

According to Longgena Ginting (local official), illegal logging is to blame for 85% of flood and landslide accidents in Indonesia, although this has never happened in the Bukit Lawang region. The village of Bukit Lawang is becoming a well-known travel destination for both domestic and foreign tourists. Its picturesque forest setting along the Bohorok River offers chances for white water rafting and trekking. It is close to the Bohorok orangutan rehabilitation center and Gunung Leuser National Park. An authority from the area claimed that man caused the disaster and that significant illegal logging on the mountainside above the settlement was to blame. Syamsul Arifin, the head of Langkat district, called the situation "a calamity waiting to happen" because army-backed illegal logging operations had been unchecked there for the past ten years.

If more of the forest inside the National Park is destroyed, the leader of the EU-funded conservation and development program warned, other disasters will indeed occur. In the 2.5 million ha Leuser Ecosystem in Aceh and North Sumatra (the Park plus its buffer zone), around 25% of the forests have been destroyed or damaged. The incident is supposed to be a kind of criticism of the businesses, militaries, and governments that disrupt ecosystems. Considering that Bukit Lawang serves as a rehabilitation center for the orangutan, one of the world's most endangered primates, there is also a national park.

Meanwhile, at least a few organizations from both the past and the present engaged in or sought to engage in environmental terrorism. First, Al-Shabaab ("The Youth"), an Islamist insurgent group fighting a civil war in Somalia, also successfully attacked. When their campaign against the Somali government in 2014 had multiple setbacks, they changed their strategy and began cutting off the water supply to cities. Al-Shabaab disrupted the supplies in the southern city of Garbaharey by burying a borehole that supplied water to the area's residents. The organization made several similar initiatives in various geographical regions of the nation.

Another example of a terrorist organization that chose the natural environment as its target is the Islamic State of Iraq and Al-Sham or ISIS. ISIS frequently employed arson as a weapon in its war against "infidels," using the region's harsh climate to intimidate the populace. The gang is thought to have started large-scale agricultural burns in Syria and Iraq, devastating local communities' food supplies. ISIS employed this strategy to make local farmers pay "taxes" on their income).

2.3. Arrangement of Eco Terrorism in National Level and International Level

While there are hardly any national or international legal instrument that is specifically designed for eco-terrorism, practices by scholars and State have shown that a more general rule of law is still applicable to the issue. Laws not specified for environment related conduct has been applied for conducts of eco terrorism as it usually manifested in the same manner only with different cause, in this case environmental protection. The conducts of eco terrorism are commonly in the form of protest such as sit-ins or through means of a more serious crime such as arson, robbery, and death threats.²⁹ It is shown from practices that laws in regulating eco terrorism does not necessarily have to be related with environmental laws. Regular law would be sufficient in regulating these unlawful conducts.

In the scope of national legislation, eco-terrorism falls within the classification of terrorism and regulated by similar rules. However, distinction must be made between regular terrorism and eco-terrorism. This is due to the means and effects of eco-terrorism that concerns the danger towards nature. For instance, the 1995 attack on Tokyo by the Omu Shinrikyo sect which uses poisonous gas of Sarin, damaging air quality. The nature of this attack utilized nature to harm people making it distinguished from regular terrorism. Referring to a practice by State, Germany in its Criminal Code categorized environmental crime as actions that places other people in danger of death or serious health damage, causes death of another human being.

The US has passed specific legislations on environmental extremist, due to the rising intensity of their conduct and the threat they possessed to Civilians. The Animal Enterprise Protection Act of 1992 and the Animal Enterprise Terrorism Act of 2006 were regulated for response into the actions of extreme environmental groups which had physically disturb animal enterprises causing loss over \$10,000 to the companies.³⁰

²⁹ Alyson B. Walker, "A Field of Failed Dreams: Problems Passing Effective Ecoterrorism Legislation," *Villanova Environmental Law Journal* 18, no. 1 (2007): 99–118.

³⁰ Joseph Elliott Roeschke, "Eco-Terrorism and Piracy on the High Seas: Japanese Whaling and the Rights of Private

The issue on eco-terrorism occurred transnationally, as these conducts are also launched at open sea as well as in foreign State's territory. The cases of Attacks on Japanese whaling ship is an example of a transnational scope of eco terrorism as it happened beyond any State border and towards foreign ships.³¹ In the international spectrum several international rules can be utilized to regulate eco-terrorism. The United Nations World Charter for Nature(Charter for Nature) on its 21st section stipulates that individuals and groups shall ensure the protection of nature areas outside of national jurisdiction. The United Nations Convention on the law of the sea (UNCLOS) has a more specific provision on the conduct of eco-terrorism in high seas. Article 87 of UNCLOS stipulated that "the high seas shall be reserved for peaceful purposes". The article further emphasized that any acts of piracy as an illegal acts of violence committed by a passengers of a private vessel against another vessel. UNCLOS also regulate the jurisdiction of the conduct of eco-terrorism. It stipulates that the legal jurisdiction on the ship registered under a certain flag belongs to the same flag-state or nation.³²

The general nature of international regulation used in eco-terrorism creates a vague limitation on the protection of environment. Section 21 of the Charter of Nature regulated that every person and group shall protect the environment beyond national border. This very rule is used by "Sea Sheperd", an environmental movement group, to harass Japanese whaling ship in the high seas even further destroying them during its voyage. The absence of specific regulation of eco-terrorism creates overlaps of rule relating to prohibition of terrorism and to rule regulating protection of the environment.³³

According to Indonesia legal optic, the action of eco-terrorism is considerably belong into the context of Torts. Even tough, there are no specific rules governing this action. The scope of unlawful acts is divided into two domains, namely Unlawful Acts in Civil Law and Unlawful Acts under Criminal Law. The context of torts in Private Law field define as an action or not doing something lead to damages or loss to another subject, where both sides don't have any legal relationship previously, the liability is directed towards every subject in general and for failure to

Groups to Enforce International Conservation Law in Neutral Waters," *The Villanova Environmental Law Journal* 20, no. 1 (2009): 99–137, <https://digitalcommons.law.villanova.edu/elj/vol20/iss1/6/>.

³¹ Roeschke, "Eco-Terrorism and Piracy on the High Seas: Japanese Whaling and the Rights of Private Groups to Enforce International Conservation Law in Neutral Waters."

³² Roeschke, "Eco-Terrorism and Piracy on the High Seas: Japanese Whaling and the Rights of Private Groups to Enforce International Conservation Law in Neutral Waters."

³³ Roeschke, "Eco-Terrorism and Piracy on the High Seas: Japanese Whaling and the Rights of Private Groups to Enforce International Conservation Law in Neutral Waters."

fulfill this obligation, therefore, the compensation is able to be imposed.³⁴ The context of torts is emphasized on article 1365 Civil Code state that: “Every action that violates law and lead to loss or damage against the another subject oblige the perpetrator who caused the loss for giving the compensation.”

In regard to the component of torts above, the scope of torts in private law field including any certain legal action, mistake, damage or loss and there is found any causalities connection among the damage/ loss and those relevant action. Hereinafter, Rosa Agustina asserted that in order to meet qualification being torts, an action must be fulfilled four points such as: opposite with the legal obligation of the perpetrator, violate the subjective rights of other subject, against to morality, decency, precision and prudential aspect.³⁵

The Eco-Terrorism action committed by the environmental activist to prosecute parties suspected of committing crimes against the environment which can be qualified as civil unlawful acts, such as by attacking groups or companies or sealing property belonging to companies suspected of committing environmental violations. In relation to the elements of unlawful acts in the Civil Code, the act of confiscating and destroying company property carried out by environmental activists constitutes unlawful behavior by interfering with the subjective rights of certain legal subjects and this act is not based on the authority to act granted by Law, as consequence the act of forcibly sealing and occupying property belonging to another party is illegal. This violates and violates the authority of related parties such as the Police and/or other authorized agencies as regulated in regulations.

Although eco-terrorism is not aim to eliminate someone’s life, this movement causing a damage or harm toward another subject. The perpetrator of eco-terrorism trough anarchist maneuver by using reason do on behalf of environmental preservation is contradictory with social order and ethics. The effects of eco-terrorism is able to destroy not only business activity of suspected corporate who assumed commit environmental mischief, but also arising larger social conflict that lead to a threat against the peaceful life of surround community.

In Indonesian Criminal Law perspective, eco-terrorism is able to qualifying as the torts in criminal field. Even this movement is not putted into the criminal behavior in particular regulation and no have specific sanction to restrict and punish by written law, eco terrorism perpetrator can

³⁴ Indah Sari, “Perbuatan Melawan Hukum (Pmh) Dalam Hukum Pidana Dan Hukum Perdata,” *Jurnal Ilmiah Hukum Dirgantara* 11, no. 1 (2020): 53–70.

³⁵ Erham Amin, *Kedudukan Ahli Pidana dalam Menentukan Korporasi Sebagai Subjek Hukum dalam Kebakaran Hutan Lahan Basah* (Banjarmasin: PT Borneo Development Project, 2020).

be imposed using criminal conviction with considering general principles in general law.

2.4. Appropriate Enforcement vs. Eco terrorism

In the national spectrum there has been multiple occasions where the US government has convicted several environmental activists using laws relating the protection of property. For instance, the United States Department of Justice had indicted eleven perpetrators of eco-terrorism in the attacks on public facilities as well as power lines. The charges in these individuals were arson, use and possession of a destructive device, and destruction of an energy facility.³⁶

In a more specific case, the FBI in the late nineties launched “Operation Backfire” to investigate the Earth Liberation Front (ELF). The actions by ELF as led to damages costing up to \$45 million. In 2005 the director of FBI, Robert Mueller, started the indictment towards ELF members. Up until this day eleven members had been convicted. The investigation also shed light to the individuals launching these attacks. One of the prominent members of ELF, Joseph Mahmoud Dibee, was a Syrian national until he fled his country to escape civil war. After moving to the US, he started to grow interest in environmental protection causes. Over the years Dibee’s action became more violent as it resulted into arsons of private properties.³⁷

3. Conclusion

Eco terrorism is a new form of crime that evolve from a positive cause. As eco terrorism arises from the extreme manifestation of the ideas in environment preservation, classifications can be made from this new type of crimes and torts. Eco terrorism can be identified as crime that inflict damages to gain attention for their cause or it could be identified as using the environment to cause harm to others. The development of this crime itself has resulted to the organizations that have objectives in advancing the protection of environment through illegal actions. While eco-terrorism can occur internationally, laws and regulations that specifically address eco-terrorism are limited. Existing laws, such as those related to terrorism or environmental protection, are often applied to regulate eco- terrorism. The legal enforcement in various countries had shown that general laws can effectively address eco-terrorism, including acts of protest, arson, robbery, and death threats. Internationally, regulations such as the United Nations World Charter for Nature and the United Nations Convention on the Law of the Sea can be utilized to regulate eco- terrorism.

³⁶ Walker, “A Field od Failed Dreams: Problems Passing Effective Ecoterrorism Legislation.”

³⁷ Gallagher, “Will the Real Eco-Terrorists Please Stand Up?”

The lack of specific regulations for eco-terrorism creates overlaps with laws prohibiting terrorism and laws protecting the environment. In short term arrangement, Eco-terrorism is able to use acts of violence against private property and civil rights to protect the environment or influence environmental policy changes. However, as developments of crime will advance and the urgency of environment preservation, there should be a specific law that regulates an effort of protecting the earth through ways that harm others.

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