



Normative Challenges in Regulating Climate Litigation and Intergenerational Environmental Justice in Contemporary Legal Systems

Ahmad Zuhad Intaha^{1*}, Akbar Avicenna², Muhammad Ridho Rahman³

¹ UIN Walisongo Semarang, Indonesia

² Universitas Muhammadiyah Makassar, Indonesia

³ UIN Antasari Banjarmasin, Indonesia

email: zuhadintaha@gmail.com¹

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Abstract

This article examines the normative challenges associated with regulating climate litigation and realizing intergenerational environmental justice within contemporary legal systems. The study is motivated by the increasing reliance on climate litigation as a mechanism for addressing governmental inaction, inadequate climate policies, and the legal protection of future generations whose interests are disproportionately affected by present environmental decisions. Employing a non-empirical legal research design grounded in normative, doctrinal, and comparative legal approaches, the research analyzes international environmental law instruments, constitutional provisions, statutory regulations, judicial decisions, and authoritative legal doctrines concerning climate justice, environmental rights, and intergenerational equity. The analysis demonstrates that contemporary climate litigation is supported by a growing body of international and domestic legal norms recognizing future-oriented environmental obligations, yet its effectiveness remains constrained by doctrinal ambiguities relating to causation, standing, state responsibility, regulatory fragmentation, and judicial enforceability. Comparative examination further reveals an emerging convergence toward the recognition of intergenerational equity as a legally relevant interpretative principle in climate adjudication. The study concludes that a coherent integration of environmental constitutionalism, public trust doctrine, sustainable development, and intergenerational justice is necessary to strengthen climate governance and enhance legal accountability for long-term environmental protection.

Keywords: Climate Litigation, Intergenerational Environmental Justice, Environmental Constitutionalism, Climate Governance, Sustainable Development.



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INTRODUCTION

The accelerating proliferation of climate litigation across jurisdictions has transformed environmental adjudication from a predominantly regulatory concern into a central arena for negotiating the normative foundations of climate governance, state accountability, and distributive justice. Courts in diverse legal systems are increasingly confronted with claims that challenge governmental inaction, insufficient mitigation measures, and inadequate adaptation policies, while simultaneously being asked to recognize the interests of future generations as legally cognizable subjects within contemporary environmental governance frameworks. This development reflects a broader shift in environmental legal thought from anthropocentric regulatory models toward justice-oriented paradigms that emphasize vulnerability, sustainability, and long-term ecological stewardship. Recent scholarship has underscored that climate change cannot be adequately addressed through conventional environmental regulation alone because its impacts transcend temporal, territorial, and institutional boundaries, demanding legal responses capable of reconciling present developmental interests with obligations owed to future generations (Valentika & Putri, 2025; Achmad, 2026). The emergence of climate justice as a normative framework has consequently intensified debates concerning the legal status of intergenerational rights, the scope of judicial intervention in climate governance, and the extent to which environmental law should internalize ethical obligations toward individuals who are not yet born but whose welfare is directly affected by present environmental decisions (Bram, 2011; Wibisana, 2018).

Existing literature has generated significant insights into the conceptual architecture of climate justice and intergenerational equity, yet these contributions reveal divergent assumptions regarding the

legal mechanisms through which future-oriented environmental obligations should be operationalized. Environmental justice scholarship has developed sophisticated taxonomies distinguishing distributive, procedural, and recognition-based dimensions of justice, illustrating that environmental harms and benefits are unevenly allocated both within and across generations (Wibisana, 2017). Parallel studies have expanded the theoretical basis for recognizing future generations as legitimate beneficiaries of environmental protection by invoking doctrines such as public trust, sustainable development, and ecological stewardship (Kurniasih, 2023; Sembiring, 2022). Research examining climate governance instruments has further highlighted the necessity of integrating justice considerations into emerging regulatory frameworks, including carbon trading schemes and climate adaptation policies, in order to prevent the reproduction of structural inequalities under the guise of environmental transition (Prihatiningtyas et al., 2023). Contemporary analyses of environmental law reform similarly argue that climate governance requires a fundamental recalibration of legal epistemology, moving beyond compliance-based regulation toward normative systems explicitly oriented around climate justice and ecological sustainability (Valentika & Putri, 2025; Yoel et al., 2025). Collectively, these studies demonstrate growing scholarly consensus regarding the moral significance of intergenerational justice while simultaneously revealing persistent disagreement concerning its legal implementation.

Despite these advances, the literature remains characterized by a notable fragmentation between theoretical formulations of intergenerational environmental justice and the doctrinal realities of climate litigation. Much of the existing scholarship treats climate justice primarily as a normative aspiration rather than as a legally enforceable framework capable of guiding judicial reasoning in concrete disputes. Discussions concerning future generations frequently rely on philosophical or constitutional abstractions without sufficiently addressing the procedural and evidentiary challenges associated with representing absent interests before courts (Sembiring, 2022; Wibisana, 2018). Analyses of environmental justice often concentrate on intragenerational inequalities while devoting comparatively limited attention to the doctrinal mechanisms through which intergenerational claims can acquire juridical standing and remedial force (Wibisana, 2017). Studies advocating environmental law reform have emphasized the need for transformative legal paradigms, yet they have offered relatively limited examination of how competing judicial doctrines, institutional constraints, and separation-of-powers concerns influence the adjudication of climate-related disputes involving future-oriented rights (Yoel et al., 2025; Valentika & Putri, 2025). Existing research therefore provides substantial normative justification for intergenerational environmental protection but insufficient analytical clarity regarding the legal conditions under which such protection can be effectively enforced through climate litigation.

The persistence of these conceptual and doctrinal ambiguities has generated significant consequences for both legal theory and regulatory practice. Climate litigation increasingly functions as a mechanism through which courts are asked to resolve disputes involving long-term environmental risks, uncertain scientific projections, and obligations extending beyond the temporal horizon of current political institutions. Judicial reluctance to recognize future generations as rights-bearing stakeholders may weaken accountability structures and undermine the capacity of legal systems to address cumulative environmental harms whose most severe consequences will materialize decades into the future. Simultaneously, the absence of coherent normative standards for evaluating intergenerational claims creates uncertainty regarding the legitimacy and consistency of judicial intervention in climate governance. Debates surrounding climate justice legislation, environmental rights protection, and the legal responsibilities of states toward vulnerable populations illustrate that unresolved questions concerning intergenerational equity have become increasingly consequential for policy design, regulatory legitimacy, and institutional effectiveness (Achmad, 2026; Bram, 2011). The challenge extends beyond environmental protection itself, encompassing broader concerns regarding democratic accountability, constitutional interpretation, and the evolving role of courts in addressing complex global risks (Kurniasih, 2023; Prihatiningtyas et al., 2023).

Within this intellectual landscape, a critical need emerges for a systematic examination of the normative challenges that arise when climate litigation is employed as a vehicle for advancing intergenerational environmental justice. Rather than treating climate litigation and intergenerational justice as separate domains of inquiry, a more integrated analytical framework is required to explain why legal systems continue to struggle in translating moral obligations toward future generations into enforceable legal standards. Such an inquiry must interrogate the doctrinal assumptions embedded within contemporary environmental law, evaluate the institutional capacities of courts to adjudicate

temporally extended harms, and assess the extent to which existing legal principles can accommodate claims that transcend conventional notions of causation, standing, and remedy. Positioning climate litigation as a site where competing conceptions of justice, legality, and sustainability intersect enables a more comprehensive understanding of the structural limitations embedded within contemporary legal systems and illuminates the conditions necessary for the development of a more coherent framework of intergenerational environmental governance.

This study aims to analyze the normative challenges associated with regulating climate litigation in relation to the realization of intergenerational environmental justice within contemporary legal systems. The research seeks to develop a theoretically integrated framework capable of explaining the tensions between climate governance, judicial enforceability, and future-generational rights, while simultaneously identifying the doctrinal and institutional barriers that impede effective legal protection for long-term environmental interests. The anticipated contribution lies in advancing the conceptual refinement of intergenerational environmental justice as a legally operational principle rather than a purely ethical aspiration, as well as offering a methodological approach that bridges environmental legal theory, climate governance studies, and contemporary litigation analysis in order to generate a more coherent understanding of future-oriented environmental adjudication.

RESEARCH METHODS

This study employs a non-empirical legal research design grounded in a normative and doctrinal approach, complemented by a comparative legal perspective to examine the regulatory challenges associated with climate litigation and the realization of intergenerational environmental justice within contemporary legal systems. The research is primarily based on secondary legal materials consisting of international environmental law instruments, climate governance frameworks, constitutional provisions, judicial decisions in climate-related cases, statutory regulations, and authoritative legal doctrines concerning environmental rights, climate justice, sustainable development, and intergenerational equity. These primary legal sources are supplemented by secondary materials, including scholarly articles, monographs, policy reports, and academic commentaries addressing climate litigation, environmental constitutionalism, ecological governance, and future-generational rights. The comparative dimension of the research facilitates the examination of how different jurisdictions conceptualize and operationalize legal obligations toward future generations within climate-related adjudication and regulatory frameworks.

The analytical framework is structured around doctrinal legal analysis and interpretative legal reasoning, integrating principles of climate justice, intergenerational equity, environmental constitutionalism, and sustainability governance as the principal normative lenses. Legal materials are examined through systematic interpretation employing conceptual, statutory, and comparative methods to identify the underlying normative assumptions, doctrinal inconsistencies, and regulatory gaps that influence the adjudication of climate-related disputes involving future-generational interests. Particular attention is directed toward the interaction between judicial enforceability, state obligations, and the legal recognition of intergenerational rights, enabling a critical evaluation of the extent to which existing legal systems accommodate claims arising from long-term environmental risks. The analytical process further synthesizes doctrinal findings across jurisdictions to construct a coherent theoretical framework capable of explaining the structural and normative challenges inherent in regulating climate litigation within the broader pursuit of intergenerational environmental justice.

RESULTS AND DISCUSSION

Normative Foundations of Climate Litigation and the Legal Recognition of Intergenerational Environmental Justice

Climate litigation has evolved from a procedural mechanism for reviewing environmental compliance into a sophisticated juridical instrument through which courts increasingly evaluate the normative adequacy of state responses to climate change under constitutional, statutory, and international legal obligations. Contemporary disputes concerning greenhouse gas mitigation, adaptation governance, and ecological preservation frequently involve claims asserting that governmental omissions jeopardize not only present populations but also future generations whose interests remain structurally underrepresented within conventional democratic institutions. Article 3 of the United Nations Framework Convention on Climate Change (UNFCCC) establishes the principle of

protecting the climate system for the benefit of present and future generations, creating a foundational normative premise that transcends purely intertemporal policy preferences and acquires legal significance within environmental adjudication. Article 2 of the Paris Agreement reinforces this orientation by requiring climate action consistent with sustainable development objectives, thereby linking climate governance with enduring obligations extending beyond immediate electoral cycles. Scholarly analyses increasingly characterize these provisions as components of an emerging legal architecture of intergenerational responsibility that reshapes traditional understandings of environmental rights and state accountability (Weston & Bach, 2009; Hadjiargyrou, 2016; Bertram, 2023).

The doctrinal significance of intergenerational environmental justice derives from its capacity to transform future-oriented ethical concerns into legally cognizable standards capable of informing judicial interpretation and regulatory design. Wibisana (2018) argues that environmental protection acquires normative coherence only when legal systems acknowledge the continuity of ecological interests across generations, while Sembiring (2022) demonstrates that climate law increasingly incorporates future-generational considerations as substantive components of environmental rights protection. Constitutional jurisprudence in multiple jurisdictions has reflected this trend through interpretations connecting environmental rights with long-term ecological sustainability rather than immediate environmental quality alone. Such developments resonate with Schuppert's (2011) conception of climate mitigation as an intergenerational obligation grounded in distributive justice principles governing the allocation of environmental burdens and benefits across temporal communities. Judicial engagement with these theories illustrates an emerging convergence between environmental constitutionalism and climate justice scholarship, although the legal implications of that convergence remain contested.

A central normative difficulty arises from the absence of universally accepted legal criteria for determining the precise content and enforceability of obligations owed to future generations. International environmental law recognizes precaution, sustainability, and common but differentiated responsibilities, yet these principles frequently operate at a level of abstraction that complicates judicial application in concrete disputes. Article 191(2) of the Treaty on the Functioning of the European Union emphasizes precautionary environmental governance, while Principle 15 of the Rio Declaration similarly advocates preventive action in situations characterized by scientific uncertainty. Courts adjudicating climate claims must therefore determine whether future risks constitute legally actionable injuries despite the probabilistic character of climate projections and the temporal distance separating present conduct from future harm. The resulting interpretative challenge concerns not scientific uncertainty alone but the juridical translation of future vulnerability into recognizable legal interests capable of supporting judicial remedies (Slobodian, 2020; Drigo, 2024).

Doctrinal analysis reveals that environmental rights provisions increasingly function as interpretative gateways through which intergenerational claims enter constitutional adjudication. Article 28H paragraph (1) of the Indonesian Constitution guarantees the right to a good and healthy environment, while Article 65 paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management establishes environmental rights as fundamental legal entitlements. Teleological interpretation of these provisions suggests that environmental rights cannot be confined to contemporary beneficiaries because ecological degradation inherently generates consequences extending beyond present populations. Kurniasih (2023) demonstrates that the public trust doctrine offers a doctrinal mechanism for conceptualizing state obligations as fiduciary duties encompassing future beneficiaries, particularly regarding natural resource governance. Similar reasoning has appeared in comparative climate litigation, where courts increasingly evaluate governmental conduct through standards reflecting long-term ecological stewardship rather than short-term administrative discretion.

The relationship between climate litigation and environmental constitutionalism becomes particularly significant when courts confront conflicts between developmental policies and long-term ecological preservation. Constitutional environmental provisions often coexist with legal frameworks promoting economic growth, industrial expansion, and resource extraction, generating normative tensions that require judicial balancing. Law Number 16 of 2016 ratifying the Paris Agreement commits Indonesia to climate mitigation objectives, while Law Number 6 of 2023 concerning Job Creation introduces regulatory structures facilitating investment and development activities. Interpretative conflicts emerge when governmental measures advancing economic interests potentially undermine

long-term climate commitments and environmental rights protections. Sudiarsana, Luthfan, and Tombi (2026) identify this tension as a defining challenge for post-Job Creation environmental litigation, particularly where future-generational interests lack direct institutional representation.

Comparative jurisprudence demonstrates that courts increasingly employ intergenerational reasoning to evaluate the adequacy of governmental climate action. The German Federal Constitutional Court's climate ruling has become a prominent example because it interpreted constitutional freedoms in light of future restrictions that inadequate mitigation policies would impose upon younger and future generations. Steinkamp (2023) observes that this approach effectively transformed temporal distributional concerns into constitutional questions concerning liberty and proportionality.

Pedersen and Sulyok (2024) further argue that future-generations litigation has begun to catalyze transformative shifts in environmental governance by expanding the temporal horizon of judicial review. These developments suggest that intergenerational justice is evolving from a supplementary interpretative principle into an increasingly influential doctrinal framework within climate adjudication. The normative structure of climate litigation can be clarified through a comparative mapping of legal sources recognizing future-generational interests and corresponding state obligations.

Table 1. Normative Foundations of Intergenerational Environmental Justice in International and Domestic Environmental Law

Legal Instrument	Relevant Provision	Intergenerational Dimension	Juridical Implication
UNFCCC 1992	Article 3	Protection of present and future generations	Climate obligations acquire temporal continuity
Paris Agreement 2015	Article 2	Sustainable development orientation	Long-term mitigation responsibility
Indonesian Constitution	Article 28H(1)	Environmental rights protection	Constitutional basis for climate claims
Law No. 32/2009	Article 65(1)	Environmental rights guarantee	Justiciable environmental entitlement
Rio Declaration 1992	Principle 15	Precautionary governance	Preventive obligations under uncertainty

The normative pattern reflected in this table demonstrates that future-generational interests are not external additions to environmental law but are embedded within multiple layers of international and domestic legal frameworks. Systematic interpretation indicates that these instruments collectively establish a juridical expectation that environmental governance must account for long-term ecological consequences. Judicial reluctance to operationalize these expectations often derives from institutional concerns regarding justiciability rather than from the absence of legal foundations supporting intergenerational protection.

Another dimension of doctrinal complexity concerns the representational deficit affecting future generations within legal proceedings. Conventional standing doctrines generally require demonstrable and individualized injury, whereas climate-related harms frequently manifest cumulatively and across extended temporal horizons. Gonzalez-Ricoy and Rey (2019) argue that future-generational representation requires legal innovation because existing democratic and judicial institutions remain structurally oriented toward present constituencies. Scott and Malivel (2021) similarly contend that environmental justice cannot be achieved without reconsidering legal mechanisms governing representation and participation. Climate litigation increasingly functions as a forum through which courts experiment with broader conceptions of standing, public interest representation, and collective environmental rights.

International legal doctrine increasingly supports the proposition that intergenerational equity should influence the interpretation of state climate obligations. Díaz-Cruces, Zamora-Ledezma, and Belli (2026) argue that intergenerational equity has evolved into a relevant criterion for interpreting governmental duties under international climate law, particularly within emerging discussions

surrounding advisory opinions and climate responsibility. This development aligns with Bram's (2011) observation that climate justice principles have progressively shaped the normative content of international environmental instruments despite the absence of explicit enforcement mechanisms. Interpretative integration of intergenerational equity strengthens the argument that climate obligations encompass duties extending beyond immediate policy cycles. Judicial recognition of this principle contributes to the gradual consolidation of a future-oriented conception of environmental legality.

The doctrinal trajectory examined throughout this section reveals that climate litigation increasingly operates within a legal environment characterized by expanding recognition of intergenerational environmental justice, yet substantial uncertainty persists regarding the precise juridical status of future-generational interests and the institutional mechanisms through which those interests should be protected. Normative foundations for such protection are identifiable within constitutional law, international environmental law, statutory environmental regulation, and judicial doctrine. Interpretative disputes arise primarily from questions concerning enforceability, representation, causation, and remedial design rather than from an absence of legal principles supporting future-oriented environmental obligations. Contemporary scholarship increasingly converges around the proposition that environmental rights, climate justice, and sustainability governance are conceptually inseparable within modern legal systems (Valentika & Putri, 2025; Yoel, Priyono, & Samekto, 2025; Nurseha et al., 2026). Continued doctrinal development depends upon the capacity of courts and legal institutions to transform these normative commitments into coherent standards capable of guiding climate adjudication and environmental governance across generations.

Regulatory Inconsistencies and Doctrinal Constraints in Climate Litigation Across Contemporary Legal Systems

The rapid expansion of climate litigation has exposed a persistent tension between the increasing sophistication of climate science and the comparatively fragmented structure of legal norms governing state responsibility for long-term environmental harm. Climate-related disputes often arise within legal systems that recognize environmental rights and climate commitments while simultaneously maintaining procedural doctrines developed for conventional forms of injury and causation. Article 4 of the Paris Agreement obliges State Parties to pursue progressively ambitious mitigation efforts, yet the Agreement deliberately preserves significant flexibility regarding domestic implementation mechanisms. Regulatory flexibility contributes to political adaptability but simultaneously generates interpretative uncertainty concerning the legal consequences of inadequate governmental climate action. Contemporary climate litigation therefore occupies a juridical space in which courts must reconcile broad international commitments with domestic legal frameworks that frequently lack detailed standards for evaluating compliance (Pedersen & Sulyok, 2024; Drigo, 2024).

One of the most significant doctrinal obstacles concerns the legal construction of causation within climate disputes. Traditional principles of state liability generally require a demonstrable nexus between specific conduct and identifiable harm, whereas climate change emerges from cumulative emissions generated by multiple actors across different jurisdictions and historical periods. Article 3 of Law Number 32 of 2009 concerning Environmental Protection and Management emphasizes sustainable development and environmental preservation, yet the statute provides limited guidance regarding the attribution of climate-related harm in complex transboundary contexts. Courts confronting climate claims frequently encounter evidentiary difficulties because climate impacts often involve probabilistic relationships rather than direct and immediate causal chains. These circumstances create a doctrinal mismatch between classical liability frameworks and the systemic characteristics of climate-related environmental degradation (Motupalli, 2018; Slobodian, 2020).

Interpretative uncertainty becomes particularly visible when climate litigation seeks judicial review of governmental policy choices rather than discrete administrative decisions. Courts are frequently asked to assess the adequacy of climate mitigation targets, adaptation strategies, and regulatory measures despite the inherently political nature of many climate governance decisions. Constitutional doctrines concerning separation of powers often limit judicial willingness to prescribe detailed policy outcomes, creating uncertainty regarding the permissible scope of judicial intervention. Comparative analysis demonstrates that some courts have adopted a deferential posture emphasizing institutional competence, while others have embraced a more interventionist approach grounded in constitutional environmental obligations. Regulatory inconsistency consequently emerges not merely

from legislative fragmentation but from divergent judicial philosophies concerning the constitutional role of courts within climate governance (Steinkamp, 2023; Scott & Malivel, 2021).

The doctrinal challenge extends beyond causation and institutional competence to encompass conflicts between competing legal objectives embedded within domestic regulatory systems. Environmental legislation frequently coexists with investment laws, energy policies, infrastructure development frameworks, and industrial regulations that prioritize economic growth. Presidential Regulation Number 98 of 2021 concerning Carbon Economic Value establishes mechanisms supporting climate mitigation through market-based approaches, while national development policies continue to facilitate resource-intensive economic activities. Courts reviewing climate disputes must therefore navigate legal frameworks containing competing normative commitments rather than uniformly aligned environmental obligations. Regulatory incoherence emerges when environmental protection norms and development-oriented norms possess equivalent legal authority but produce incompatible practical consequences (Prihatiningtyas et al., 2023; Achmad, 2026).

Comparative legal developments reveal that regulatory inconsistency is not confined to developing jurisdictions but constitutes a structural characteristic of contemporary climate governance more broadly. European climate litigation frequently involves disputes concerning the adequacy of national emissions reduction strategies under regional and international obligations. North American litigation often focuses upon administrative discretion, environmental impact assessments, and the legal implications of major infrastructure projects.

The Willow Project controversy illustrates how environmental obligations, energy security considerations, and administrative law principles can generate complex normative conflicts requiring judicial resolution (Sumartini, Kholik, & Rachmawati, 2025). Similar tensions are observable across multiple jurisdictions where climate commitments coexist with policies encouraging economic expansion and resource extraction. The comparative pattern of regulatory inconsistency can be illustrated through the following doctrinal mapping of climate litigation constraints.

Table 2. Regulatory Inconsistencies and Doctrinal Constraints in Climate Litigation Frameworks

Regulatory Domain	Governing Framework	Legal Normative Objective	Principal Constraint	Doctrinal
Climate Mitigation	Paris Agreement Article 4	Emission reduction	Judicial ambiguity	enforceability
Environmental Rights	Constitution Article 28H(1)	Rights protection	Standing and barriers	causation
Sustainable Development	Law No. 32/2009 Article 3	Ecological balance	Competing priorities	economic
Carbon Governance	Presidential Regulation No. 98/2021	Market-based mitigation	Equity and concerns	distribution
Investment Regulation	Law No. 6/2023	Economic growth	Environmental conflict	rights

The table demonstrates that climate litigation frequently emerges at the intersection of multiple regulatory regimes pursuing distinct policy objectives. Systematic interpretation reveals that doctrinal conflicts often originate from structural inconsistencies embedded within legal systems rather than isolated legislative deficiencies. Judicial decision-making consequently requires balancing exercises that extend beyond conventional environmental law analysis and engage broader constitutional and governance considerations.

The emergence of carbon trading mechanisms presents a particularly significant illustration of regulatory complexity. Carbon markets are frequently justified as instruments capable of achieving climate objectives through economically efficient means, yet their distributive implications remain highly contested. Prihatiningtyas et al. (2023) argue that carbon governance frameworks may inadvertently reproduce environmental inequalities if climate benefits and economic burdens are

distributed unevenly among affected communities. Intergenerational environmental justice introduces an additional dimension to this debate because carbon market mechanisms frequently prioritize present economic efficiency while deferring substantial environmental consequences into the future. Judicial evaluation of carbon governance therefore requires consideration not only of regulatory compliance but also of substantive questions concerning fairness, sustainability, and long-term ecological responsibility.

The doctrinal significance of intergenerational equity becomes increasingly apparent when courts assess governmental compliance with climate obligations under conditions of scientific uncertainty. Future-oriented environmental harms challenge traditional legal assumptions regarding temporal proximity, measurable injury, and immediate legal interest. Bertram (2023) demonstrates that intergenerational equity has evolved through multiple conceptual stages, gradually acquiring greater juridical relevance within environmental governance discourse. Contemporary climate litigation reflects this evolution by framing future-generational interests not as abstract moral concerns but as legally relevant considerations affecting present governmental obligations. Judicial acceptance of this reasoning has the potential to reshape foundational assumptions regarding environmental responsibility and constitutional accountability.

Regional comparative analysis further highlights the diversity of regulatory approaches toward climate litigation and environmental justice. Runtuuwu (2025) identifies significant variation among ASEAN legal systems regarding environmental enforcement mechanisms, access to justice, and judicial engagement with sustainability objectives. Some jurisdictions emphasize administrative compliance and regulatory oversight, whereas others increasingly recognize rights-based approaches to environmental protection. These differences influence the procedural accessibility of climate litigation and the substantive legal standards available to claimants. Comparative doctrinal analysis indicates that stronger constitutional environmental protections generally correlate with greater judicial willingness to scrutinize governmental climate policies.

Contemporary climate litigation reveals a deeper structural challenge concerning the relationship between environmental legality and temporal justice. Existing legal frameworks frequently acknowledge future-generational interests at the level of principle while failing to provide sufficiently precise doctrinal mechanisms for translating those interests into enforceable legal claims. Regulatory fragmentation, causation barriers, institutional competence concerns, and conflicting policy objectives collectively constrain the effectiveness of climate litigation as a vehicle for advancing intergenerational environmental justice. Scholarly literature increasingly emphasizes that environmental law requires conceptual recalibration if legal systems are to respond adequately to the temporal and ecological realities of climate change (Valentika & Putri, 2025; Wibisana, 2017; Sembiring, 2022). The persistence of these doctrinal constraints demonstrates that climate litigation is not merely a forum for enforcing existing norms but a juridical arena in which the future architecture of environmental governance is actively being negotiated.

Reconstructing a Normative Framework for Intergenerational Environmental Justice in Climate Litigation

The continuing expansion of climate litigation demonstrates that existing environmental law frameworks require a more coherent normative structure capable of addressing the temporal dimensions of ecological harm and climate governance. Contemporary legal systems increasingly recognize that climate-related injuries cannot be adequately assessed through doctrinal models designed primarily for immediate and individualized harms. Climate change generates cumulative consequences extending across generations, creating legal relationships that challenge conventional assumptions regarding rights, obligations, and state responsibility. Article 2 of the Paris Agreement explicitly links climate action with sustainable development and resilience objectives, indicating that climate governance possesses an inherently future-oriented legal character. Judicial interpretation of climate obligations consequently requires normative frameworks capable of integrating environmental sustainability with long-term principles of justice and legal accountability (Weston & Bach, 2009; Schuppert, 2011).

A reconstructed framework for intergenerational environmental justice must begin with the recognition that future generations possess legally relevant interests even when they lack direct participation within contemporary political and judicial processes. Traditional legal theory frequently associates rights protection with identifiable rights holders capable of asserting claims before competent

institutions. Climate litigation reveals the limitations of this assumption because environmental degradation often affects individuals who cannot yet represent themselves within legal proceedings. Gonzalez-Ricoy and Rey (2019) argue that future-generational representation constitutes a necessary component of climate justice because democratic institutions systematically privilege present preferences over long-term environmental interests. Doctrinal adaptation is therefore required if environmental law is to maintain coherence under conditions characterized by irreversible ecological transformation.

The public trust doctrine provides one of the most significant normative foundations for reconstructing intergenerational environmental governance. Under this doctrine, natural resources are not merely objects of state regulation but are held in trust for both present and future beneficiaries. Kurniasih (2023) demonstrates that the doctrinal logic of public trusteeship extends beyond resource management and supports broader obligations concerning environmental preservation and ecological sustainability. Teleological interpretation of environmental rights provisions reinforces this perspective by emphasizing the enduring character of ecological interests protected by law. Judicial reliance upon fiduciary concepts consequently offers a doctrinal pathway through which future-generational concerns may acquire greater legal enforceability within climate litigation.

Environmental constitutionalism further strengthens the normative basis for intergenerational justice by connecting climate governance with fundamental rights protection. Article 28H paragraph (1) of the Constitution of Indonesia guarantees the right to a good and healthy environment, while Article 65 paragraph (1) of Law Number 32 of 2009 recognizes environmental rights as substantive legal entitlements. Grammatical interpretation of these provisions might suggest a focus upon contemporary beneficiaries, yet systematic interpretation within the broader constitutional framework supports a more expansive understanding. Environmental degradation occurring today frequently produces consequences extending beyond the temporal reach of present regulatory cycles. Constitutional environmental rights therefore acquire greater normative coherence when interpreted as encompassing obligations toward future generations whose welfare depends upon present ecological conditions (Wibisana, 2018; Nurseha et al., 2026).

The integration of intergenerational equity into climate litigation also requires reconsideration of prevailing approaches to state responsibility. Conventional liability frameworks generally focus upon past conduct and present injury, whereas climate disputes often concern anticipated future harm arising from ongoing policy failures. Díaz-Cruces, Zamora-Ledezma, and Belli (2026) contend that intergenerational equity increasingly functions as a criterion for interpreting state climate obligations under international law.

This interpretative development expands the legal significance of climate commitments beyond formal compliance with procedural requirements. State responsibility becomes connected not only to present environmental outcomes but also to the long-term preservation of ecological conditions necessary for future generations. The principal components of a reconstructed normative framework can be illustrated through the following doctrinal mapping.

Table 3. Reconstructed Normative Framework for Intergenerational Environmental Justice in Climate Litigation

Normative Element	Legal Source	Interpretative Function	Climate Relevance	Litigation
Intergenerational Equity	UNFCCC Article 3	Temporal principle	justice Recognition of future interests	
Sustainable Development	Paris Agreement Article 2	Long-term orientation	governance Evaluation of climate policies	
Public Doctrine	Trust Environmental jurisprudence	Fiduciary responsibility	State obligations	stewardship
Environmental Rights	Constitution Art. 28H(1); Law No. 32/2009 Art. 65(1)	Rights-based protection	Basis for claims	climate

Normative Element	Legal Source	Interpretative Function	Climate Relevance	Litigation
Precautionary Principle	Rio Declaration Principle 15	Preventive reasoning	legal Action scientific uncertainty	under

The interaction among these normative elements demonstrates that climate litigation possesses a stronger legal foundation than is often assumed by critics of judicial climate intervention. Comparative interpretation reveals substantial convergence among international, constitutional, and statutory norms concerning the protection of long-term environmental interests. Judicial reluctance to recognize future-generational claims frequently reflects institutional caution rather than doctrinal impossibility. Greater doctrinal integration would enhance the coherence of climate adjudication and strengthen legal responses to climate-related risks.

Comparative jurisprudence increasingly supports the emergence of a future-oriented model of environmental adjudication. The German constitutional climate decision demonstrated that inadequate mitigation policies may impose disproportionate burdens upon younger and future generations, thereby implicating constitutional guarantees of freedom and equality. Steinkamp (2023) observes that the ruling effectively transformed climate policy from a predominantly political issue into a constitutional matter involving intertemporal justice. Drigo (2024) similarly identifies early indications of an emerging intergenerational law grounded in judicial recognition of future-oriented environmental obligations. These developments suggest that climate litigation is gradually generating a transnational body of principles capable of influencing environmental governance across jurisdictions.

Normative reconstruction also requires attention to distributive dimensions of climate governance. Wibisana (2017) explains that environmental justice encompasses the allocation of environmental benefits and burdens among affected groups, while Bessant, Prost, and Watts (2025) emphasize that climate justice theories acquire practical significance only when translated into concrete governance mechanisms. Climate policies that achieve aggregate emissions reductions may nevertheless produce inequitable outcomes if costs are concentrated upon vulnerable communities or future populations. Carbon governance frameworks, adaptation strategies, and resource management policies must therefore be evaluated not solely according to efficiency metrics but also according to principles of fairness operating across generations. Legal systems that fail to incorporate distributive considerations risk undermining the legitimacy of climate governance initiatives.

International environmental law increasingly provides support for this broader conception of climate justice. Bram (2011) identifies a progressive incorporation of justice-oriented principles within climate-related international instruments, while Hadjiargyrou (2016) argues that intergenerational equity has matured into a significant normative component of international environmental law. Contemporary climate disputes illustrate the practical relevance of these developments because litigants increasingly invoke international principles as interpretative resources for domestic adjudication. Sumartini, Kholik, and Rachmawati (2025) demonstrate that international environmental obligations continue to influence legal debates surrounding environmentally significant development projects. Judicial engagement with these principles contributes to the gradual harmonization of climate governance standards across legal systems.

The reconstruction of intergenerational environmental justice within climate litigation ultimately requires a shift from fragmented regulatory approaches toward a more integrated conception of environmental legality. Existing legal instruments already contain substantial normative resources supporting future-oriented environmental protection, yet those resources remain dispersed across constitutional provisions, statutory frameworks, international agreements, judicial doctrines, and environmental principles. Climate litigation provides a unique institutional forum through which these diverse normative elements can be synthesized into coherent standards of legal accountability. Scholarly analyses increasingly support the proposition that environmental law must evolve beyond reactive regulatory models and embrace a more comprehensive framework grounded in climate justice, sustainability, and intergenerational responsibility (Valentika & Putri, 2025; Yoel, Priyono, & Samekto, 2025; Achmad, 2026; Sudiarsana, Luthfan, & Tombi, 2026). Such a framework strengthens the juridical legitimacy of climate litigation while simultaneously advancing the broader objective of ensuring that environmental governance remains responsive to both present needs and future ecological realities.

CONCLUSION

The normative evolution of climate litigation demonstrates a significant transformation in environmental law from a framework primarily concerned with regulatory compliance toward a juridical mechanism capable of scrutinizing the adequacy of state responses to climate change through the lens of intergenerational environmental justice. International environmental law, constitutional environmental rights, statutory environmental obligations, and comparative judicial developments collectively provide a substantial normative foundation for recognizing future-generational interests as legally relevant considerations within climate adjudication. Persistent doctrinal constraints, including uncertainties surrounding causation, standing, judicial competence, and regulatory coherence, continue to limit the practical effectiveness of climate litigation despite the growing recognition of climate justice principles. Comparative legal analysis indicates that courts increasingly employ intergenerational reasoning to interpret environmental obligations, expand state accountability, and reconcile present governance decisions with long-term ecological sustainability. A coherent reconstruction of climate litigation therefore requires the systematic integration of intergenerational equity, environmental constitutionalism, public trust doctrine, precautionary governance, and sustainable development principles into a unified framework of environmental legality capable of translating future-oriented obligations into enforceable legal standards and strengthening the protection of ecological interests across generations.

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