

KAJIAN YURIDIS *SUSTAINABLE FINANCING* DI INDONESIA DITINJAU DARI HUKUM BISNIS DAN HAK ASASI MANUSIA

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INTISARI

Penulisan Tesis ini bertujuan untuk mengetahui dan menganalisis (1) Kebijakan *sustainable financing* di Indonesia dalam hal pengadopsian dua pilar *UNGPs on Business and Human Rights*, yaitu perlindungan dan penghormatan terhadap hak asasi manusia (2) Upaya yang seharusnya ditempuh negara terhadap lembaga keuangan untuk mengembangkan konsep *sustainable financing* dan *UNGPs on Business and Human Rights* di Indonesia. Jenis penelitian ini adalah penelitian yuridis-normatif dengan cara meneliti dan mempelajari bahan hukum sekunder berupa bahan hukum primer dan sekunder serta didukung dengan wawancara kepada narasumber yang relevan dengan penelitian ini. Data yang diperoleh kemudian dikaji menggunakan metode berpikir deduktif dan dianalisis serta dijabarkan secara kualitatif.

Hasil penelitian ini memberikan dua kesimpulan: Pertama, kebijakan *sustainable financing* di Indonesia diamanatkan melalui Peraturan Otoritas Jasa Keuangan Nomor 51/POJK.03/2017 tentang Keuangan Berkelanjutan Bagi Lembaga Jasa Keuangan, Emiten, dan Perusahaan Publik. Peraturan ini dapat dinyatakan sebagai payung hukum dalam rangka melindungi dan memenuhi hak asasi manusia di bidang bisnis. Akan tetapi, apabila dilihat pada pilar-pilar yang ada pada *UNGPs on Business and Human Rights* sebagai kiblat hak asasi manusia pada sektor bisnis, peraturan ini belum memenuhi secara menyeluruh pilar pertama dan kedua. Peraturan ini hanya memenuhi pilar pertama dengan berbagai catatan kekurangan di dalamnya. Kedua, upaya yang dapat dilakukan oleh negara dalam memajukan *UNGPs on Business and Human Rights* dan konsep *sustainable financing* di Indonesia yaitu dengan cara memasukkan secara tegas dan detail perlindungan hak asasi manusia pada sektor bisnis dalam Rencana Aksi Nasional. Selain itu, perlu adanya peraturan yang terintegrasi, yang mana dapat menjunjung aspek-aspek yang terkandung dalam *sustainable financing* agar konsep ini tidak hanya formalitas belaka.

Kata Kunci: Perlindungan Hak Asasi Manusia, *UNGPs on Business and Human Rights*, *sustainable financing*.

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JURIDICAL STUDY OF SUSTAINABLE FINANCING IN INDONESIA IN THE PRESPECTIVE OF BUSINESS LAW AND HUMAN RIGHTS

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ABSTRACT

Writing this thesis aims to identify and analyze (1) the policy of sustainable financing in Indonesia in terms of the adoption of the two pillars of the UNGPs on Business and Human Rights, namely the protection and respect for human rights (2) efforts that should be taken by the state towards financial institutions to develop the concept of sustainable financing and UNGPs on Business and Human Rights in Indonesia. This type of research is juridical-normative research by researching and studying secondary legal materials in the form of primary and secondary legal materials supported by interviews with relevant sources for this research. The data obtained were then studied using deductive thinking methods and analyzed and described qualitatively.

The results of this study provide two conclusions: first, the policy of sustainable financing in Indonesia is mandated through the Financial Services Authority Regulation Number 51/POJK.03/2017 concerning Sustainable Finance for Financial Services Institutions, Issuers, and Public Companies. This regulation can be stated as a legal basis in the context of protecting and fulfilling human rights in the business sector. However, at the existing pillars of the UNGPs on Business and Human Rights as the mecca of human rights in the business sector, this regulation has not fully fulfilled the first and second pillars. This regulation only fulfills the first pillar with various notes of shortcomings in it. Second, efforts that can be made by the state in advancing the UNGPs on Business and Human Rights and the concept of sustainable financing in Indonesia are by explicitly and in detail including the protection of human rights in the business sector in the National Action Plan. In addition, there needs to be an integrated regulation, which can uphold the aspects contained in sustainable financing so that this concept is not just a mere formality.

Keywords: Protection of human rights, *UNGP's on Business and Human Rights*, *Sustainable Financing*.

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