

**IMPLIKASI HUKUM KEWAJIBAN *ABANDONMENT AND SITE RESTORATION* (ASR) PADA *OFFSHORE PLATFORM* MINYAK DAN GAS BUMI: ANALISIS KEPATUHAN DAN TANTANGAN PELAKSANAANNYA DI INDONESIA**

**INTISARI**

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Tesis ini memiliki tujuan untuk menganalisis implikasi hukum kewajiban *Abandonment and Site Restoration* (ASR) oleh Kontraktor Kontrak Kerja Sama (K3S) ditinjau dari kepatuhan K3S dalam melakukan pencadangan dana dan pelaksanaan ASR di Indonesia serta menganalisis berbagai faktor yang mempengaruhi kepatuhan ataupun ketidakpatuhan K3S terhadap kewajiban tersebut.

Penelitian ini menggunakan metode penelitian normatif-empiris, dimana akan mengkaji berbagai dokumen hukum dan menggali lebih komprehensif bagaimana implementasinya, sehingga nantinya didapatkan solusi optimasi untuk pemenuhan kewajiban pelaksanaan ASR. Hasil penelitian dianalisis kualitatif, disusun secara sistematis, dan dijabarkan secara deskriptif, lalu menarik kesimpulan secara induktif.

Penelitian ini menunjukkan dua kesimpulan. Pertama, pelaksanaan kewajiban ASR dan pencadangan dana di Indonesia belum berjalan efektif karena ketidakpatuhan K3S terhadap Permen ESDM Nomor 15 Tahun 2018 tentang Kegiatan Pasca Operasi Pada Kegiatan Usaha Hulu Minyak dan Gas Bumi dimana adanya kekaburan hukum terkait tanggung jawab K3S Eksisting yang belum mengamandemen Kontrak Kerja Sama (KKS) dan problematika pengaturan sejauh mana kewajiban K3S Eksisting dan Alih Kelola, hal ini diperparah dengan posisi pemerintah yang kesulitan dalam melakukan renegotiasi KKS, sehingga berdampak pada implementasi pelaksanaan ASR dan pencadangan dana di Indonesia. Kedua, adanya faktor penyebab ketidakpatuhan K3S dalam pelaksanaan ASR yaitu tidak adanya pencadangan dana pada 113 *platform offshore* yang sudah tidak digunakan, problematika pencadangan dana, dan potensi peningkatan biaya pelaksanaan ASR karena kurangnya data aset fasilitas migas, kurangnya kajian, keterbatasan teknologi, dan tenaga ahli. Adapun gagasan optimasi terhadap kepatuhan kewajiban ASR yaitu diperlukan amandemen Permen ESDM *a quo*, pengaturan ASR di taraf Undang-Undang, dan perlunya pengaturan Pelaksanaan ASR dengan berbagai metode.

***Kata Kunci: ASR, Pencadangan Dana, Migas, Platform Offshore***

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**LEGAL IMPLICATIONS OF ABANDONMENT AND SITE RESTORATION (ASR) OBLIGATIONS ON OFFSHORE OIL AND GAS PLATFORMS: AN ANALYSIS OF COMPLIANCE AND IMPLEMENTATION CHALLENGES IN INDONESIA**

**ABSTRACT**

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This thesis aims to analyze the legal implications of the Abandonment and Site Restoration (ASR) obligation by the Production Sharing Contract (PSC) Contractors or Kontraktor Kontrak Kerja Sama (K3S) in terms of the K3S's compliance in reserving funds and implementing ASR in Indonesia, as well as to analyze various factors that influence the compliance or non-compliance of the PSC with these obligations.

This research uses a normative-empirical research method, which will examine various legal documents and explore more comprehensively how the implementation is carried out, so that an optimization solution for fulfilling the ASR implementation obligation can be obtained. The research results are analyzed qualitatively, systematically organized, and descriptively elaborated, then conclusions are drawn inductively.

This research shows two conclusions. First, the implementation of ASR obligations and fund reserves in Indonesia has not been effective due to K3S's non-compliance with ESDM Ministerial Regulation Number 15 of 2018 concerning Post-Operation Activities in Upstream Oil and Gas Business Activities, where there is legal ambiguity regarding the responsibilities of existing K3S that have not amended the Contract (KKS) and the regulatory issues regarding the extent of obligations for existing K3S and Transfer of Management. This is exacerbated by the government's difficulty in renegotiating the KKS, which impacts the implementation of ASR and fund reserves in Indonesia. Second, there are factors causing K3S non-compliance in the implementation of ASR, namely the lack of fund reserves for 113 unused offshore platforms, issues with fund reserves, and the potential increase in ASR implementation costs due to insufficient data on oil and gas facility assets, lack of studies, technological limitations, and a shortage of experts. The idea for optimizing compliance with ASR obligations includes the need for an amendment to the ESDM Ministerial Regulation a quo, regulation of ASR at the Law level, and the necessity for regulating the Implementation of ASR using various methods.

***Keywords: ASR, Fund Reserves, Oil and Gas, Offshore Platform***

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