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Peluang dan Risiko Indonesia dalam Pengaturan Kerangka Hukum Loss and Damage Fund Pasca COP 29
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PELUANG DAN RISIKO INDONESIA DALAM PENGATURAN KERANGKA HUKUM *LOSS AND DAMAGE FUND* PASCA COP 29

Oleh:

Rizky Citra Anugrah*

Penelitian ini bertujuan untuk mengkaji kerangka hukum nasional Indonesia dalam mengimplementasikan *Loss and Damage Fund* pasca *Conference of The Parties* ke-29 sebagai instrumen pendanaan global untuk memitigasi kerugian dan kerusakan akibat perubahan iklim. *Loss and Damage Fund* merupakan capaian penting dalam rezim hukum lingkungan internasional, tetapi pelaksanaannya menimbulkan tantangan yuridis di tingkat domestik, terutama bagi Negara Berkembang seperti Indonesia yang masih belum memiliki kerangka hukum perubahan iklim.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Sumber bahan hukum terdiri atas bahan hukum primer berupa peraturan perundang-undangan di tingkat nasional dan lokal, instrumen hukum internasional, serta bahan hukum sekunder berupa literatur akademik dan laporan lembaga-lembaga internasional. Analisis data dilakukan secara kualitatif untuk menilai kesesuaian hukum positif Indonesia dengan kewajiban internasional dan prinsip-prinsip dalam hukum lingkungan internasional yang berhubungan dengan *loss and damage*.

Hasil penelitian menunjukkan bahwa Indonesia belum memiliki kerangka hukum yang memadai untuk menerima dan mengelola *Loss and Damage Fund* secara efektif dan akuntabel. Tidak terdapat peraturan khusus yang mengatur tentang *loss and damage*, baik di tingkat nasional ataupun lokal. Kerangka hukum tentang pendanaan lingkungan juga masih bersifat sektoral serta belum terintegrasi. Di sisi lain, pemanfaatan *Loss and Damage Fund* membawa peluang sekaligus risiko bagi Indonesia. Oleh karena itu, Indonesia perlu membentuk peraturan perundang-undangan di bidang perubahan iklim yang komprehensif, memperkuat kelembagaan lingkungan, dan memastikan integrasi kebijakan iklim dengan arah pembangunan nasional agar penerapan *Loss and Damage Fund* dapat berjalan secara efektif, adil, dan berkelanjutan.

Kata Kunci: *Loss and Damage Fund,* perubahan iklim, hukum lingkungan internasional

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INDONESIA'S OPPORTUNITIES AND RISKS IN SETTING THE LEGAL FRAMEWORK FOR THE LOSS AND DAMAGE FUND POST COP 29

By:

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This study aims to examine Indonesia's national legal framework for implementing the Loss and Damage Fund following the 29th Conference of the Parties (COP 29), as a global financing instrument to address losses and damages caused by climate change. The Loss and Damage Fund represents a significant achievement within the international environmental law regime. However, its implementation poses legal challenges at the domestic level, particularly for developing countries such as Indonesia, which has yet to establish a comprehensive climate change legal framework.

This research adopts a normative juridical method with a statutory and conceptual approach. The legal materials consist of primary sources, including national and local legislation and international legal instruments, as well as secondary sources such as academic literature and reports from international organisations. The data is analysed qualitatively to assess the compatibility of Indonesia's positive law with its international obligations and the principles of international environmental law related to loss and damage.

The findings indicate that Indonesia does not yet have an adequate legal framework to effectively and accountably receive and manage the Loss and Damage Fund. There are no specific regulations governing loss and damage at either the national or local levels. Moreover, the legal framework for environmental financing remains sectoral and fragmented. On the other hand, the utilisation of the Loss and Damage Fund presents both opportunities and risks for Indonesia. Therefore, Indonesia must establish comprehensive climate change legislation, strengthen environmental institutions, and ensure the integration of climate policy into the national development agenda to enable the effective, equitable, and sustainable implementation of the Loss and Damage Fund.

Keywords: *Loss and Damage Fund,* climate change, international environmental law

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