

**PENGATURAN MEKANISME *BENEFIT SHARING*
TERHADAP MASYARAKAT ADAT DAN KOMUNITAS LOKAL
DALAM KERANGKA EKONOMI KARBON DI INDONESIA**

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INTISARI

Penelitian ini bertujuan menilai ketersediaan dan koherensi pengaturan mekanisme pembagian manfaat dalam ekonomi karbon di Indonesia dari perspektif keadilan lingkungan bagi Masyarakat Adat dan Komunitas Lokal (MA/KL) serta merumuskan kerangka *ius constituendum* yang operasional. Cakupan tujuan mencakup pemetaan norma inti, identifikasi kekosongan dan disharmoni, serta perumusan model pembagian manfaat yang memuat subjek, objek, formula, FPIC, penyaluran dan pengawasan, hingga penyelesaian sengketa. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual untuk membangun argumen serta kriteria keadilan distributif bagi MA/KL. Penelitian bersifat eksploratif-preskriptif, berbasis data sekunder/bahan hukum, dan berorientasi pada rekomendasi normatif. Analisis juga menggunakan lensa empat aspek Bank Dunia atas pembagian manfaat: penerima dan jenis manfaat, kelembagaan-keuangan-tata kelola, partisipasi, serta pemantauan-evaluasi-manajemen adaptif. Hasil penelitian menunjukkan kerangka dasar telah ada melalui Perpres 98/2021 beserta Permen LHK 21/2022 dan 7/2023 yang mengoperasionalkan SRN-PPI, MRV, dan skema penyaluran via BPDLH serta menempatkan “masyarakat” termasuk MA/KL sebagai penerima manfaat. Kedudukan ini dipertegas oleh pertimbangan hukum Mahkamah Agung No. 61/P/HUM/2022. Namun keadilan bagi MA/KL masih terkendala ketimpangan tenurial dan ketiadaan pedoman Pembayaran Berbasis Kinerja yang diwajibkan Pasal 28 ayat (2) Permen LHK 21/2022. Karena itu, penelitian merekomendasikan *ius constituendum* yang menegaskan *entitlement* MA/KL sebagai penerima utama dengan porsi minimum, kombinasi manfaat moneter/non-moneter dan tahapan pembayaran berbasis kinerja terverifikasi, FPIC yang efektif, transparansi arus dana dan mekanisme pengaduan, serta basis MRV dan pencatatan menyeluruh di SRN-PPI.

Kata kunci: pembagian manfaat, masyarakat adat dan komunitas lokal, ekonomi karbon, keadilan lingkungan.

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**REGULATING BENEFIT-SHARING MECHANISMS
FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES
WITHIN THE FRAMEWORK OF ECONOMIC CARBON IN INDONESIA**

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ABSTRACT

*This study aims to assess the availability and coherence of benefit-sharing mechanisms in the carbon economy in Indonesia from the perspective of environmental justice for Indigenous Peoples and Local Communities (IPLC) and to formulate a framework to establish the right operational. The scope of the objectives includes mapping core norms, identifying gaps and disharmonies, and formulating a benefit-sharing model that includes subjects, objects, formulas, FPIC, distribution and supervision, and dispute resolution. The method used is normative legal research with a legislative approach and a conceptual approach to develop arguments and criteria for distributive justice for IPs/KLs. The research is exploratory-prescriptive, based on secondary data/legal materials, and oriented towards normative recommendations. The analysis also uses the World Bank's four-aspect lens on benefit-sharing: recipients and types of benefits, institutional-financial-governance, participation, and monitoring-evaluation-adaptive management. The results show that a basic framework is in place through Presidential Regulation 98/2021 along with Ministerial Regulations 21/2022 and 7/2023, which operationalize the SRN-PPI, MRV, and distribution scheme via BPDFLH and position "the community," including IPLCs, as beneficiaries. This position is emphasized by the Supreme Court's legal consideration No. 61/P/HUM/2022. However, justice for IPLC is still hampered by tenure inequality and the absence of Performance-Based Payment guidelines as required by Article 28 paragraph (2) of Ministerial Regulation of the Environment and Forestry 21/2022. Therefore, the study recommends a *ius constituendum* that confirms the entitlement of IPLC as the main recipient with a minimum portion, a combination of monetary/non-monetary benefits and verified performance-based payment stages, effective FPIC, transparency of fund flows and complaint mechanisms, as well as an MRV basis and comprehensive recording in the SRN-PPI.*

Keywords: *benefit sharing, IPLCs, carbon economy, environmental justice*

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