

INTISARI

Penelitian ini bertujuan untuk menganalisis bagaimana pengaturan dan mekanisme gugatan perubahan iklim (*climate litigation*) di Indonesia. Penelitian ini menerapkan jenis penelitian Normatif atau penelitian kepustakaan dengan metode pendekatan peraturan perundang-undangan (*Statutory Method*) dan metode komparatif dengan membandingkan empat kasus yang telah dipilih untuk menemukan jawaban demi mencapai tujuan penelitian.

Hasil penelitian menunjukkan bahwa konsep gugatan iklim di Indonesia memenuhi minimal satu dari lima tren litigasi perubahan iklim oleh *United Nations Environment Programme* pada Mei 2017. Selain itu, terhadap motivasi diajukannya gugatan perubahan iklim, relevan dengan minimal satu dari empat tipe motivasi gugatan perubahan iklim yang dikemukakan Peel dan Osofsky. Perkara perubahan iklim di Indonesia dapat diidentifikasi dengan ditemukannya Kata Kunci yang digunakan dalam proses penyelesaian perkara iklim. Mengenai mekanisme gugatan perubahan iklim di Indonesia saat ini diselesaikan dengan Gugatan Warga Negara, Gugatan Organisasi Lingkungan Hidup, dan Gugatan Perwakilan Kelompok tanpa melalui rekognisi khusus, sehingga perkara gugatan perubahan iklim diterima Pengadilan dan diselesaikan dengan cara yang sama dengan gugatan biasa.

Meskipun mekanisme penyelesaian perkara di Indonesia dipandang mampu mengakomodasi konsep litigasi iklim, mengingat adanya kompleksitas misi dan dimensi, maka diperlukan formulasi regulasi litigasi perubahan iklim yang mengatur lima komponen dalam substansi gugatan perubahan iklim, serta dalam konteks pelaksanaan litigasi perubahan iklim, terdapat aspek yang perlu ditransformasi demi memenuhi tiga prinsip keadilan iklim.

Kata Kunci: litigasi, gugatan, perubahan iklim.

ABSTRACT

This research aims to analyze how Climate Change Litigation is regulated and the mechanisms in Indonesia. This study uses normative research or literature research with a statutory method and a comparative method by comparing four selected cases to find answers to achieve the research objectives.

The study shows that the concept of climate litigation in Indonesia meets at least one of the five climate change litigation trends identified by the United Nations Environment Programme in May 2017. In addition, the motivations behind climate change lawsuits are relevant to at least one of the four types of motivations for climate change lawsuits identified by Peel and Osofsky. Climate change cases in Indonesia can be identified by the keywords used in the climate case resolution process. Regarding the mechanism for climate change lawsuits in Indonesia, which is currently resolved through citizen lawsuits, environmental organization lawsuits, and class action without special recognition, so that climate change lawsuits are accepted by the court and resolved in the same way as ordinary lawsuits.

Although the case settlement mechanism in Indonesia is considered capable of accommodating the concept of climate litigation, given the complexity of the missions and dimensions, it is necessary to formulate climate change litigation regulations that regulate the five components in the substance of climate change lawsuits. In the context of implementing climate change litigation, there are aspects that need to be transformed in order to fulfill the three principles of climate justice.

Keywords: *litigation, lawsuits, climate change.*