

INTISARI

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Peraturan Pemerintah No. 40/2025 tentang Kebijakan Energi Nasional (PP 40/2025), hadir dengan membawa tujuan untuk mencapai *Net-Zero Emission 2026*. Salah satu agenda yang diusung merupakan dekarbonisasi melalui program transisi energi, namun demikian, apakah asitektur hukum Kebijakan Energi Nasional (KEN) melalui PP 40/2025 telah memiliki struktur yang memadai guna mewujudkan transisi energi yang berkeadilan, khususnya dari perspektif keadilan prosedural dan keadilan distributif. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan historis, yang ditujukan guna menganalisis KEN dalam kerangka tipologi rasionalitas hukum Gunther Teubner dan prinsip-prinsip *energy justice* Raphael Heffron sebagai pisau analisis utama. Hasil penelitian menunjukkan bahwa, KEN merefleksikan konfigurasi rasionalitas hukum campuran antara formal, substantif, dan sebagian refleksif, dengan dominasi rasionalitas substantif. Melihat dari perspektif keadilan prosedural, terdapat tiga persoalan struktural utama yang muncul: 1) justifikasi normatif yang berbasis konstitusi, namun praktiknya lebih menekankan stabilitas sistem dan kepastian investasi daripada pelembagaan partisipasi publik sebagai hak prosedural yang mengikat; 2) koherensi vertikal yang teknokratis dan sentralistik, sehingga partisipasi publik tereduksi menjadi formalitas administratif, bukan mekanisme deliberatif substantif; dan 3) pergeseran menuju model *purpose-oriented* yang memperluas diskresi administratif tanpa jaminan prosedural atas prinsip keadilan. Kelemahan ini diperkuat oleh absennya desain institusional partisipatif dan mekanisme perlindungan kelompok terdampak dalam dokumen *Second Nationally Determined Contribution*. Dari perspektif keadilan distributif, PP 40/2025 bersifat ambisius secara normatif, namun secara operasional parsial, sebagaimana tercermin pada Rencana Usaha Penyediaan Tenaga Listrik 2025–2034, ketiadaan mekanisme hukum penyelesaian kontrak *Power Purchase Agreement* dalam penghentian dini PLTU batubara, dan lemahnya kerangka perlindungan pekerja sektor energi dalam proses *coal phase-out*, serta distribusi beban lingkungan yang tidak berkeadilan bagi komunitas lokal. Penelitian ini menyimpulkan bahwa KEN sebagaimana diatur pada PP 40/2025 belum sepenuhnya melembagakan dimensi keadilan prosedural dan distributif sebagai prasyarat normatif yang konstitutif bagi tercapainya transisi energi berkeadilan di Indonesia, dan bahwa tantangan normatif yang paling mendesak terletak pada penguatan dimensi refleksif dalam arsitektur hukum KEN melalui pelembagaan hak partisipasi substantif, mekanisme akuntabilitas yang terverifikasi, serta perlindungan terstruktur bagi kelompok rentan sebagai elemen yang tidak dapat dipisahkan dari legitimasi hukum transisi energi.

Kata Kunci: Kebijakan Energi Nasional; Rasionalitas Hukum; Keadilan Prosedural; Keadilan Distributif; Transisi Energi Berkeadilan.

ABSTRACT

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Title : *A Legal Analysis of National Energy Policy Towards a Just Energy Transition in Indonesia*

Government Regulation No. 40/2025 on the National Energy Policy (GR 40/2025) has been introduced with the aim of achieving net-zero emissions by 2026. One of the key initiatives is decarbonisation through an energy transition programme; however, does the legal framework of the National Energy Policy (KEN) under GR 40/2025 possess an adequate structure to realise a just energy transition, particularly from the perspectives of procedural justice and distributive justice? This study employs a normative legal methodology with legislative, conceptual, and historical approaches, aimed at analysing the KEN within the framework of Gunther Teubner's typology of legal rationality and Raphael Heffron's principles of energy justice as the primary analytical tools. The research findings indicate that the KEN reflects a mixed configuration of legal rationality comprising formal, substantive, and partly reflexive elements, with a predominance of substantive rationality. From the perspective of procedural justice, three main structural issues emerge: 1) normative justification grounded in the constitution, yet in practice placing greater emphasis on systemic stability and investment certainty rather than the institutionalisation of public participation as a binding procedural right; 2) a technocratic and centralist vertical coherence, whereby public participation is reduced to administrative formalities rather than substantive deliberative mechanisms; and 3) a shift towards a purpose-oriented model that expands administrative discretion without procedural safeguards for the principle of justice. These weaknesses are exacerbated by the absence of participatory institutional design and protection mechanisms for affected groups in the Second Nationally Determined Contribution document. From a distributive justice perspective, GR 40/2025 is normatively ambitious but operationally incomplete, as reflected in the 2025–2034 Electricity Supply Business Plan, the lack of legal mechanisms for resolving Power Purchase Agreements in the early termination of coal-fired power plants, the weak framework for protecting energy sector workers during the coal phase-out process, and the unfair distribution of environmental burdens on local communities. This study concludes that the KEN, as stipulated in GR 40/2025, has not yet fully institutionalised the dimensions of procedural and distributive justice as constitutive normative prerequisites for achieving a just energy transition in Indonesia, and that the most pressing normative challenge lies in strengthening the reflexive dimension within the KEN's legal architecture through the institutionalisation of substantive participation rights, verified accountability mechanisms, and structured protection for vulnerable groups as elements inseparable from the legal legitimacy of the energy transition.

Keywords: *National Energy Policy; Legal Rationality; Procedural Justice; Distributive Justice; Just Energy Transition.*