

**PENYELESAIAN SENGKETA LINGKUNGAN
HIDUP MELALUI MEDIASI
DI PENGADILAN
(Studi Kasus PT. Hyundai Inti Development Di Kabupaten Bekasi)**

INTISARI

Oleh : Vika Triestyana¹ dan IGAM Wardana²

Penelitian ini memiliki dua tujuan. Pertama, untuk menganalisis dan menjelaskan proses penetapan besaran ganti kerugian lingkungan hidup yang dilakukan oleh Jaksa Pengacara Negara selaku kuasa Pemerintah Daerah Kabupaten Bekasi melalui mediasi di pengadilan dengan PT. Hyundai Inti Development. Kedua, untuk menganalisis dan menjelaskan prospek penetapan ganti kerugian lingkungan hidup melalui mediasi di pengadilan di masa mendatang.

Metode penelitian yang digunakan pada penelitian ini berdasarkan fokus kajiannya termasuk dalam penelitian hukum normatif-empiris. Data primer diperoleh dari hasil wawancara semi terstruktur dengan responden. Analisis data kualitatif dengan pemaparan data bersifat preskriptif analitis.

Proses penetapan besaran ganti kerugian lingkungan hidup yang dilakukan oleh Jaksa pengacara Negara dengan PT. Hyundai Inti Development berdasarkan kesepakatan melalui mediasi di pengadilan terdapat hal-hal yang tidak sesuai dengan peraturan perundang-undangan. Sehingga menyebabkan hasil kesepakatan mengenai ganti kerugian lingkungan hidup yang diperoleh melalui mediasi di pengadilan tidak dapat dipertanggungjawabkan. Selain itu, besaran ganti kerugian lingkungan yang terlalu kecil mengakibatkan tidak adanya efek jera bagi pelaku pencemaran terbukti dengan terulangnya pencemaran/ perusakan lingkungan yang dilakukan oleh PT. Hyundai Inti Development pada tahun 2019. Prospek atau harapan penulis mengenai penetapan ganti kerugian lingkungan hidup berdasarkan kesepakatan melalui mediasi di masa mendatang, yaitu pertama, dengan melibatkan instansi yang membidangi lingkungan hidup yaitu Dinas Lingkungan Hidup Kabupaten Bekasi dalam proses mediasi di pengadilan baik itu melalui pelimpahan wewenang melalui surat kuasa atau melalui pembentukan Tim Penyelesaian Sengketa Lingkungan Hidup yang terdiri dari Bagian Hukum Daerah Kabupaten Bekasi, Jaksa Pengacara Negara, dan Dinas Lingkungan Hidup Kabupaten Bekasi. Selain itu, dengan memilih Hakim Mediator yang bersertifikat hakim lingkungan. Kedua, melibatkan ahli penghitungan ganti kerugian lingkungan hidup agar besaran ganti kerugian lingkungan sesuai dengan akibat dari pencemaran/ perusakan yang dilakukan pelaku pencemar/ perusak lingkungan.

Kata Kunci : Sengketa Lingkungan Hidup, Mediasi di Pengadilan,

¹Mahasiswa Magister Hukum Litigasi Universitas Gadjah Mada, 2017, vika.triestyana29@gmail.com

²Dosen Pembimbing Departemen Hukum Lingkungan Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

**ENVIRONMENTAL DISPUTE SETTLEMENT
THROUGH MEDIATION
IN COURT
(Case Study Of PT. Hyundai Inti Development In Bekasi Regency)**

ABSTRACT

By : Vika Triestyana¹ dan IGAM Wardana²

The research has two objectives. First, to analyse and explain the process of determination of the environmental losses that are done by the state attorney attorney as the power of local government of Bekasi regency through mediation in court with PT. Hyundai Inti Development. Secondly, to analyse and explain the prospects of environmental indemnity determination through mediation in the courts in the future.

The research methods used in this research based on their focus are included in normative law research – empirical. Primary Data is derived from semi-structured interviews with respondents. Analysis of qualitative data with data exposure is an analytical prescriptive.

The process of determination of environmental losses by state Attorney General with PT. Hyundai Inti Development based on agreement through mediation in court there are things that do not comply with laws and regulations. Thus, the result of an agreement on the change of environmental losses obtained through mediation in court is not accountable. In addition, the size of environmental losses that are too small resulted in the absence of a deterrent effect to polluted perpetrators proven by the recurrence of environmental pollution/destruction conducted by PT. Hyundai Inti Development in the year 2019. The prospect or hope of the author regarding the determination of environmental losses based on the agreement through mediation in the future, that is first, by involving the agency that has a living environment that is the Bekasi District Environmental office in the process of mediation in court either through the authority of authorization through power of attorney or through the establishment of the Environment Dispute resolution team consisting of regional legal Department of Bekasi, attorney Environment of Bekasi Regency. In addition, by choosing the judge of Mediator who is certified environmental judge. Secondly, it involves a member of the environmental compensation calculation for environmental losses in accordance with the consequences of pollution/destruction perpetrators of pollutants/environmental destroyers.

Keywords: environmental disputes, mediation in court

¹College student master of litigation law at Gadjah Mada University, 2017, vika.triestyana29@gmail.com.

²Supervisor of the Environmental Law Department, Faculty of Law, Gadjah Mada University, Yogyakarta.