

ABSTRAK

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TANGGUNG JAWAB HUKUM PERUSAHAAN TRANSNASIONAL ATAS KASUS PENCEMARAN LINGKUNGAN HIDUP DI INDONESIA BERDASARKAN HUKUM INTERNASIONAL

(xiii + 130 halaman + 2 gambar)

Pencemaran lingkungan hidup di Indonesia akibat aktifitas perusahaan transnasional merupakan masalah serius yang berdampak luas terhadap keberlanjutan ekosistem dan hak hidup masyarakat. Ketimpangan kekuatan antara korporasi global dan negara berkembang seperti Indonesia menyebabkan lemahnya penegakan hukum terhadap pelaku pencemaran lintas batas. Permasalahan utama dalam penelitian ini adalah bagaimana bentuk pertanggungjawaban hukum yang dapat dikenakan kepada perusahaan transnasional atas kerusakan lingkungan di Indonesia, serta sejauh mana prinsip-prinsip hukum internasional, khususnya *Responsible Business Conduct* (RBC) dapat diinternalisasi dalam sistem hukum nasional. Penelitian ini menggunakan pendekatan yuridis normatif dengan metode analisis terhadap peraturan perundang-undangan nasional serta instrument hukum internasional di bidang lingkungan dan tanggung jawab korporasi. Studi kasus pada PT Chevron Pacific Indonesia menunjukkan bahwa meskipun terhadap indikasi pencemaran limbah B3 di wilayah Blok Rokan, proses hukum nasional belum mampu mewujudkan akuntabilitas yang tegas terhadap perusahaan. Hal ini mencerminkan masih lemahnya struktur regulasi dan pengawasan terhadap perusahaan transnasional, khususnya dalam konteks perlindungan lingkungan. Hasil penelitian memperlihatkan bahwa prinsip RBC sebagai panduan etis dan normatif dalam mendorong perilaku korporasi yang bertanggung jawab secara sosial dan lingkungan telah mulai diadopsi dalam kebijakan nasional melalui kewajiban *Corporate Social Responsibility* (CSR) sebagaimana diatur dalam Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas. Namun, dalam praktiknya, pelaksanaan CSR di Indonesia masih bersifat deklaratif dan minim pengawasan. Tidak adanya standar baku pelaksanaan dan lemahnya sanksi terhadap ketidakpatuhan menjadikan CSR kurang efektif sebagai manifestasi operasional dari prinsip RBC. Oleh karena itu, dapat disimpulkan bahwa hingga saat ini, belum terdapat sinkronisasi yang kuat antara norma tanggung jawab global (RBC) dengan mekanisme hukum nasional (CSR), sehingga upaya penegakan akuntabilitas perusahaan transnasional atas pencemaran lingkungan masih belum optimal.

Kata Kunci: Perusahaan transnasional, pencemaran lingkungan, tanggung jawab hukum.

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ABSTRACT

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LEGAL RESPONSIBILITY OF TRANSNATIONAL CORPORATIONS FOR ENVIRONMENTAL POLLUTION CASES IN INDONESIA UNDER INTERNATIONAL LAW

(xiii + 130 pages + 2 picture)

Environmental pollution in Indonesia caused by the activities of transnational corporations constitutes a serious issue that significantly impacts ecosystem sustainability and the right to a healthy environment. The imbalance of power between global corporations and developing countries such as Indonesia has contributed to the weak enforcement of legal accountability against cross-border environmental violations. This research seeks to examine the forms of legal liability that may be imposed upon transnational corporations for environmental degradation occurring within Indonesia, as well as to analyze the extent to which international legal principles, particularly the concept of Responsible Business Conduct (RBC), can be internalized within the national legal framework. Employing a normative juridical approach, this study is based on the analysis of national legislation and relevant international legal instruments in the fields of environmental protection and corporate responsibility. A case study of PT Chevron Pacific Indonesia demonstrates that, despite strong indications of hazardous waste (B3) contamination in the Rokan Block area, national legal proceedings have failed to establish clear and enforceable corporate accountability. This reflects ongoing weaknesses in regulatory structures and supervisory mechanisms over transnational corporations, particularly in the context of environmental governance. The findings indicate that while RBC—functioning as an ethical and normative framework to guide responsible corporate behavior—has begun to be adopted into national policy through mandatory Corporate Social Responsibility (CSR) obligations under Law No. 40 of 2007 on Limited Liability Companies, its implementation remains largely declaratory and poorly monitored. The absence of standardized execution mechanisms and weak enforcement measures render CSR ineffective as an operational expression of RBC. Therefore, it may be concluded that, to date, a substantive synchronization between global norms of corporate responsibility (RBC) and the national legal regime (CSR) has yet to be achieved, resulting in suboptimal accountability enforcement against transnational environmental harm.

Keywords: Transnational corporations, environmental pollution, legal responsibility.

Reference: 80 (1979-2025)