

## ABSTRAK

Muhammad Rifky Divana, *Kajian Yuridis Perlindungan Hukum Masyarakat Adat Atas Penerbitan Izin Kelayakan Lingkungan Bagi Industri (Studi Kasus: Putusan PTUN Jayapura Nomor 6/G/LH/2023/PTUN. Jayapura)*, Skripsi. Program Studi Hukum, FH, Universitas PGRI Madiun Pembimbing (I) Nizam Zakka Arrizal, S.H., M.Kn. (II) Dimas Pramodya Dwipayana, S.H., M.H.

Penerbitan izin kelayakan lingkungan hidup bagi kegiatan industri di wilayah adat masih kerap menimbulkan konflik agraria dan lingkungan akibat lemahnya pelibatan serta perlindungan hukum terhadap masyarakat adat, sebagaimana tercermin dalam sengketa masyarakat adat Suku Awyu di Papua Selatan terhadap penerbitan izin kelayakan lingkungan hidup bagi PT Indo Asiana Lestari yang berujung pada Putusan PTUN Jayapura Nomor 6/G/LH/2023/PTUN.JPR yang menolak seluruh gugatan penggugat dan menyatakan izin tersebut sah. Penelitian ini bertujuan untuk menganalisis perlindungan hukum masyarakat adat atas penerbitan izin kelayakan lingkungan hidup serta mengkaji secara yuridis pertimbangan hakim dalam putusan tersebut. Metode penelitian yang digunakan adalah penelitian hukum yuridis normatif dengan sifat deskriptif, menggunakan pendekatan perundang-undangan (*statute approach*), pendekatan kasus (*case approach*), dan pendekatan konseptual (*conceptual approach*). Sumber data terdiri atas bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, bahan hukum sekunder berupa buku dan jurnal hukum, serta bahan hukum tersier, yang dikumpulkan melalui teknik studi kepustakaan. Analisis data dilakukan secara normatif dengan metode penalaran hukum dan interpretasi terhadap norma hukum yang berlaku. Hasil penelitian menunjukkan bahwa secara normatif perlindungan hukum terhadap masyarakat adat telah diakui dalam konstitusi dan peraturan perundang-undangan, namun dalam praktik penerbitan izin kelayakan lingkungan hidup belum sepenuhnya mencerminkan prinsip pengakuan hak ulayat, partisipasi bermakna, dan keadilan substantif, karena pertimbangan hukum hakim dalam Putusan PTUN Jayapura lebih menitikberatkan pada aspek prosedural administratif dibandingkan perlindungan hak asasi manusia dan keberlanjutan lingkungan hidup bagi masyarakat adat.

Kata Kunci: masyarakat adat, izin kelayakan lingkungan hidup, perlindungan hukum, PTUN Jayapura.

## ***ABSTRACT***

Muhammad Rifky Divana, *Legal Study on the Legal Protection of Indigenous Peoples Regarding the Issuance of Environmental Permits for Industry (Case Study: Jayapura Administrative Court Decision Number 6/G/LH/2023/PTUN.Jayapura)*, Skripsi. Law Department, Universitas PGRI Madiun Pembimbing (I) Nizam Zakka Arrizal, S.H., M.Kn. (II) Dimas Pramodya Dwipayana, S.H., M.H.

*The issuance of environmental permits for industrial activities in customary areas often causes agrarian and environmental conflicts due to weak community involvement and legal protection for indigenous peoples, as reflected in the dispute between the Awyu tribe in South Papua and PT Indo Asiana Lestari over the issuance of an environmental permit, which resulted in the Jayapura Administrative Court Decision Number 6/G/LH/2023/PTUN. The court rejected all of the plaintiff's claims and declared the permit valid. This study aims to analyze the legal protection of indigenous peoples regarding the issuance of environmental permits and to examine the legal considerations of the judges in their decision. The research method used is normative legal research with a descriptive nature, using a statute approach, a case approach, and a conceptual approach. The data sources consisted of primary legal materials in the form of legislation and court decisions, secondary legal materials in the form of books and legal journals, and tertiary legal materials, which were collected through literature study techniques. Data analysis was conducted normative using legal reasoning and interpretation of applicable legal norms. The results of the study show that, normatively, legal protection for indigenous peoples has been recognized in the constitution and legislation, but in practice, the implementation of this protection is still lacking.*

*Keywords: indigenous peoples, environmental impact assessment permits, legal protection, Jayapura Administrative Court.*