

## CHAPTER V

### CLOSING

#### A. CONCLUSION

The results of research that have been analyzed on the Decision of the Supreme Court of the Republic of Indonesia Number 4376 K/Pdt/2023 in conjunction with Decision Number 217/PDT.G-LH/2023/PT.DKI in conjunction with Decision Number 816/Pdt.G-LH/2021/PN Jkt.Pst., can be drawn as follows:

1. Settlement of environmental disputes based on Article 84 UUPPLH can be resolved through a dispute resolution mechanism outside the court (non-litigation) in the form of negotiation, mediation or arbitration and through court (litigation) by filing a lawsuit for an unlawful act with the principle of proof. *strict liability* and state administration lawsuits. Out-of-court dispute resolution must be chosen voluntarily by the parties. In case *a quo* The Ministry of Environment and Forestry chose to resolve environmental disputes through litigation procedures by filing a lawsuit on the basis of unlawful acts and demanding compensation and taking environmental restoration measures.
2. *Reason for falling* In the Decision of the Supreme Court of the Republic of Indonesia Number 4376 K/Pdt/2023 which rejected the cassation request, in its consideration stated that environmental disputes must first be resolved through dispute resolution outside of

court first, so that the KLHK lawsuit is considered *premature* and unacceptable is inappropriate. This decision is contrary to the principle of voluntarism in resolving environmental disputes as regulated in Article 84 paragraphs (1) to (3) UUPPLH and the principles of fast, simple and low-cost justice. Supreme Court decision confirming the appeal decision in the case *a quo* which stated the KLHK's lawsuit *premature* is incorrect.

## **B. SUGGESTION**

Arbitration institutions can be used as a means of resolving environmental disputes. In order to apply the voluntary principle, final and binding arbitration decisions also provide a guarantee of legal certainty in resolving environmental disputes.

