

## BAB V

### PENUTUP

#### 5.1 Kesimpulan

Berdasarkan hasil penelitian dari pembahasan di atas, maka penulis dapat menarik kesimpulan sebagai jawaban atas pokok permasalahan yang mendasari penelitian ini, antara lain:

1. Dalam tujuan untuk memberi batasan akan kegiatan negara di dalam negeri guna menjaga lingkungan pada saat ini maupun masa mendatang, baik mencegah kerugian lingkungan yang mungkin terjadi dalam negeri maupun negara lainnya. Kasus yang sering terjadi adalah pencemaran lintas batas negara. Guna mencegah hal tersebut terjadi, telah dibentuklah Prinsip-Prinsip Hukum Lingkungan Internasional. Berdasarkan dengan amanat Deklarasi Stockholm 1972 di mana amanat tersebut dilatarbelakangi oleh putusan hakim dari kasus-kasus perselisihan lingkungan internasional mengenai pencemaran lintas batas negara yang telah ada seperti *The Trail Smelter Case 1941* yang dianggap sebagai cikal bakal munculnya pertanggungjawaban negara atas kerugian lintas batas negara terkait lingkungan. Munculnya kasus-kasus terdahulu dan Deklarasi Stockholm menjadi cikal bakal terbentuknya Prinsip-Prinsip Hukum Lingkungan Internasional yang seiring waktu telah diakui sebagai Hukum Kebiasaan Internasional.
2. Pencemaran udara merupakan fenomena kerusakan lingkungan yang harus dicegah oleh setiap negara di dunia, hal ini dikarenakan pencemaran udara dapat membawa dampak buruk pada ekosistem dan manusia yang tinggal di dalamnya. Tidak sedikit masyarakat yang kehilangan nyawanya karena penyakit saluran pernapasan yang diakibatkan oleh pencemaran udara. Terlebih lagi, pencemaran udara sudah bukan menjadi masalah nasional saja melainkan masalah internasional karena munculnya permasalahan pencemaran udara lintas batas negara yang tidak mengenal jarak dan batasan negara-negara.

3. Tiongkok dalam melakukan kegiatan industrinya telah melanggar beberapa prinsip-prinsip hukum lingkungan internasional, salah satunya adalah prinsip *the good neighborliness* yang didasari oleh prinsip *Sic utere tuo alienum non laedas*. Pelanggaran Tiongkok pada prinsip ini adalah dengan melakukan kegiatan eksploitasi sumber daya dalam negeri yang telah terbukti membawa kerugian lingkungan pada negara tetangga yaitu Korea Selatan. Oleh karena itu, Tiongkok dapat dimintakan pertanggungjawaban negara dalam bentuk restitusi yaitu mengembalikan kualitas udara yang baik kembali sesuai dengan dasar gugatan dari masyarakat Korea Selatan.

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