

ABSTRAK

Prinsip strict liability merupakan salah satu instrumen penting dalam hukum lingkungan hidup yang bertujuan untuk memberikan perlindungan maksimal terhadap lingkungan serta menjamin pemulihan atas kerugian yang ditimbulkan akibat kegiatan usaha berisiko tinggi. Di Indonesia, prinsip ini secara normatif telah diatur dalam Pasal 88 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. Namun, dalam praktiknya, penerapan strict liability dalam gugatan perdata lingkungan masih menghadapi berbagai tantangan, terutama setelah adanya perubahan regulasi melalui Undang-Undang Cipta Kerja. Penelitian ini bertujuan untuk menganalisis pengaturan prinsip strict liability dalam hukum lingkungan hidup di Indonesia, mengkaji kendala serta implikasi yuridis dalam penerapannya pada gugatan perdata lingkungan, serta menelaah pertimbangan hakim dalam Putusan Nomor 20/Pdt.G/LH/2024/PN Surabaya. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan pendekatan kasus. Hasil penelitian menunjukkan bahwa meskipun prinsip strict liability telah diatur secara tegas, penerapannya di tingkat peradilan masih menghadapi kendala yuridis, khususnya dalam pembuktian kerugian lingkungan dan hubungan kausalitas, ketergantungan pada bukti ilmiah dan keterangan ahli, serta strategi pembelaan tergugat yang membuat proses persidangan menjadi kompleks. Dalam Putusan Nomor 20/Pdt.G/LH/2024/PN Surabaya, hakim telah menerapkan prinsip strict liability secara progresif dengan berlandaskan pada Pasal 88 UUPPLH, asas kehati-hatian, dan prinsip polluter pays, serta menitikberatkan pada pemulihan lingkungan hidup. Meskipun demikian, putusan tersebut masih menyisakan tantangan terkait kejelasan metode valuasi kerugian lingkungan dan mekanisme pengawasan dana pemulihan. Penelitian ini menyimpulkan bahwa penerapan prinsip strict liability dalam gugatan perdata lingkungan di Indonesia telah menunjukkan arah yang positif, namun masih memerlukan penguatan dari sisi regulasi, konsistensi penegakan hukum, serta dukungan teknis agar tujuan perlindungan dan pemulihan lingkungan hidup dapat tercapai secara optimal.

Kata Kunci: Gugatan; Lingkungan; Pencemaran; Perdata; *Strict liability*

ABSTRACT

The principle of strict liability is one of the key instruments in environmental law aimed at ensuring effective environmental protection and guaranteeing the recovery of losses caused by high-risk business activities. In Indonesia, this principle is normatively regulated under Article 88 of Law Number 32 of 2009 concerning Environmental Protection and Management. However, in practice, the implementation of strict liability in environmental civil lawsuits continues to face various challenges, particularly following regulatory changes introduced by the Job Creation Law. This study aims to analyze the regulation of the strict liability principle within Indonesian environmental law, examine the juridical obstacles and implications in its application to environmental civil claims, and review the judicial considerations in Decision Number 20/Pdt.G/LH/2024/PN Surabaya. This research employs a normative legal research method using statutory, conceptual, and case approaches. The findings indicate that although strict liability has been explicitly regulated, its application in judicial practice remains constrained by several juridical challenges, particularly difficulties in proving environmental damage and causal relationships, heavy reliance on scientific evidence and expert testimony, and defensive strategies employed by defendants that complicate court proceedings. In Decision Number 20/Pdt.G/LH/2024/PN Surabaya, the judges applied the strict liability principle in a progressive manner by referring to Article 88 of the Environmental Protection and Management Law, the precautionary principle, and the polluter pays principle, with a strong emphasis on environmental restoration. Nevertheless, the decision still reveals unresolved issues, especially regarding the transparency of environmental damage valuation methods and the supervision of environmental restoration funds. This study concludes that the application of the strict liability principle in environmental civil litigation in Indonesia has shown positive development. However, further strengthening is required in terms of regulatory clarity, consistency in law enforcement, and technical support to ensure that the objectives of environmental protection and restoration can be achieved effectively.

Keywords: Lawsuit; Environment; Pollution; Civil; Strict liability