

ABSTRAK

Pertumbuhan sektor industri di Indonesia memberikan kontribusi signifikan terhadap perekonomian nasional, namun di sisi lain juga berpotensi menimbulkan permasalahan lingkungan akibat aktivitas produksi yang menghasilkan limbah industri. Salah satu kasus yang menimbulkan konflik lingkungan adalah pencemaran yang diduga berasal dari aktivitas industri PT Rayon Utama Makmur di Kabupaten Sukoharjo. Penelitian ini bertujuan untuk menganalisis pengaturan prinsip strict liability dan polluter pays principle dalam hukum lingkungan Indonesia, mengkaji bentuk pertanggungjawaban hukum korporasi atas pencemaran limbah industri, serta menilai relevansi dan efektivitas penerapan kedua prinsip tersebut dalam menjamin perlindungan lingkungan hidup dan masyarakat terdampak. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, yang dianalisis secara kualitatif terhadap bahan hukum primer, sekunder, dan tersier. Hasil penelitian menunjukkan bahwa prinsip strict liability diatur dalam Pasal 88 Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup sebagai dasar pertanggungjawaban mutlak atas kerugian lingkungan tanpa pembuktian unsur kesalahan, sedangkan polluter pays principle menegaskan kewajiban pelaku usaha menanggung biaya pemulihan dan ganti kerugian akibat pencemaran. Dalam kasus PT Rayon Utama Makmur, penegakan hukum lebih banyak dilakukan melalui sanksi administratif dan kewajiban perbaikan pengelolaan limbah, sementara penerapan prinsip polluter pays terlihat melalui kewajiban perusahaan menanggung biaya pengendalian dan pemulihan lingkungan. Hal ini menunjukkan bahwa penerapan kedua prinsip tersebut masih memerlukan penguatan agar lebih efektif dalam menjamin perlindungan lingkungan hidup dan masyarakat.

Kata kunci: Tanggung Jawab Mutlak, Prinsip Pencemar Membayar, Pencemaran Lingkungan, Tanggung Jawab Korporasi, Hukum Lingkungan.

ABSTRACT

The growth of the industrial sector in Indonesia has contributed significantly to the national economy, but on the other hand, it also has the potential to cause environmental problems due to production activities that produce industrial waste. One case that has given rise to environmental conflict is pollution allegedly originating from the industrial activities of PT Rayon Utama Makmur in Sukoharjo Regency. This study aims to analyze the provisions of the strict liability principle and the polluter pays

principle in Indonesian environmental law, examine the forms of corporate legal liability for industrial waste pollution, and assess the relevance and effectiveness of the application of both principles in ensuring environmental protection and affected communities. The research method used is normative legal research with a statutory approach and a case approach, which is analyzed qualitatively against primary, secondary, and tertiary legal materials. The results of the study indicate that the strict liability principle is regulated in Article 88 of Law Number 32 of 2009 concerning Environmental Protection and Management as the basis for absolute liability for environmental losses without proving the element of fault, while the polluter pays principle emphasizes the obligation of business actors to bear the costs of recovery and compensation for losses due to pollution. In the case of PT Rayon Utama Makmur, law enforcement was primarily implemented through administrative sanctions and mandatory waste management improvements, while the polluter pays principle was implemented through the company's obligation to cover environmental control and restoration costs. This demonstrates that the implementation of both principles still requires strengthening to be more effective in ensuring environmental and community protection.

Keywords: Strict Liability, Polluter Pays Principle, Environmental Pollution, Corporate Liability, Environmental Law.