

ABSTRAK

Kegiatan pertambangan memiliki potensi besar dalam mendorong pertumbuhan ekonomi, namun di sisi lain juga berisiko menimbulkan pencemaran lingkungan yang berdampak pada kerugian ekonomi masyarakat sekitar wilayah pertambangan. Pencemaran lingkungan akibat aktivitas pertambangan sering kali menyebabkan penurunan kualitas lingkungan hidup, hilangnya mata pencaharian, serta terganggunya keberlanjutan ekonomi masyarakat. Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum perusahaan tambang terhadap kerugian masyarakat akibat pencemaran lingkungan, dampaknya terhadap pemulihan hak ekonomi masyarakat, serta pertimbangan hukum dalam menentukan tanggung jawab perusahaan tambang. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Data yang digunakan berupa bahan hukum primer, sekunder, dan tersier yang dianalisis secara deskriptif-analitis. Hasil penelitian menunjukkan bahwa perusahaan tambang memiliki tanggung jawab hukum yang bersifat komprehensif atas pencemaran lingkungan yang ditimbulkannya, baik melalui mekanisme ganti rugi, pemulihan lingkungan, maupun pemulihan hak ekonomi masyarakat. Namun demikian, pelaksanaan tanggung jawab tersebut belum sepenuhnya menjamin pemulihan hak ekonomi masyarakat secara berkelanjutan. Pertimbangan hukum dalam menentukan tanggung jawab perusahaan tambang harus berorientasi pada keadilan substantif dengan menerapkan prinsip kehati-hatian, prinsip pencemar membayar, dan prinsip tanggung jawab mutlak guna melindungi hak ekonomi masyarakat dan mencegah terulangnya pencemaran lingkungan di masa mendatang.

Kata kunci: pencemaran lingkungan, kerugian masyarakat, hak ekonomi.

ABSTRACT

Mining activities have significant potential to drive economic growth; however, they also pose serious risks of environmental pollution that may result in economic losses for communities surrounding mining areas. Environmental pollution caused by mining operations often leads to the degradation of environmental quality, loss of livelihoods, and disruption of the sustainability of local economies. This study aims to analyze the legal liability of mining companies for community losses resulting from environmental pollution, its impact on the recovery of the economic rights of affected communities, and the legal considerations in determining corporate liability. This research employs a normative legal research method using statutory, conceptual, and case approaches. The data consist of primary, secondary, and tertiary legal materials analyzed through descriptive-analytical methods. The results indicate that mining companies bear comprehensive legal responsibility for environmental pollution they cause, including obligations to provide compensation, conduct environmental restoration, and restore the economic rights of affected communities. However, the implementation of such responsibilities has not fully ensured the sustainable recovery of community economic rights. Legal considerations in determining mining company liability must be oriented toward substantive justice by applying the precautionary principle, the polluter pays principle, and strict liability to protect community economic rights and prevent future environmental pollution.

Keywords: environmental pollution, community losses, economic right