

ABSTRAK

Perlindungan lingkungan dari dampak negatif industri pertambangan, pemerintah Indonesia telah menetapkan undang-undang dan peraturan yang mengatur tentang penegakan hukum terhadap pelanggaran lingkungan dalam industri pertambangan. Melalui Undang-undang Lingkungan Hidup No. 32 Tahun 2009, mengatur tentang pengelolaan dan perlindungan lingkungan hidup instrumen hukum dalam penegakan hukum lingkungan, yaitu instrumen hukum administrasi, hukum perdata, dan hukum pidana. Penelitian ini menggunakan penelitian hukum normatif karena dalam menjawab masalah-masalah yang telah dirumuskan, jelas bahwa yang diteliti lebih mengutamakan bahan pustaka atau data sekunder. Pencemaran lingkungan merupakan tanggung jawab pelaku usaha, termasuk perusahaan tambang, melalui mekanisme **strict liability**, yaitu kewajiban memberikan ganti rugi tanpa perlu pembuktian kesalahan. Pelaku usaha wajib mengelola dampak, memberikan ganti rugi, serta melakukan pemulihan lingkungan (restorasi) sesuai Pasal 87 dan 90 UU PPLH, dengan biaya pemulihan ditanggung oleh mereka. Gugatan dapat diajukan oleh individu, kelompok masyarakat, organisasi lingkungan, atau pemerintah. Dalam kasus tertentu, seperti limbah berbahaya, Pasal 88 mengatur bahwa korban hanya perlu membuktikan hubungan sebab-akibat antara aktivitas perusahaan dan kerugian yang dialami. Penegakan hukum terhadap pencemaran ini mencakup sanksi administratif berupa pencabutan izin, sanksi pidana sesuai Pasal 98-120 UU PPLH, serta gugatan perdata untuk menuntut ganti rugi bagi pihak yang terdampak

Kata kunci : tanggung jawab perusahaan, hukum lingkungan ,pertambangan

ABSTRACT

*To protect the environment from the negative impacts of the mining industry, the Indonesian government has established laws and regulations governing law enforcement against environmental violations in the mining sector. Through Environmental Law No. 32 of 2009, the regulation addresses environmental management and protection, as well as legal instruments for environmental law enforcement, including administrative law, civil law, and criminal law. This study employs normative legal research, as it primarily focuses on literature and secondary data to address the formulated issues. Environmental pollution is the responsibility of business actors, including mining companies, through the **strict liability** mechanism, which requires them to provide compensation without the need to prove fault. Business actors are obliged to manage impacts, provide compensation, and carry out environmental restoration in accordance with Articles 87 and 90 of the Environmental Protection and Management Law (UU PPLH), with restoration costs borne by them. Lawsuits can be filed by individuals, community groups, environmental organizations, or the government. In specific cases, such as hazardous waste, Article 88 stipulates that victims only need to prove a causal relationship between the company's activities and the damage suffered. Law enforcement on environmental pollution includes administrative sanctions such as license revocation, criminal sanctions as regulated in Articles 98-120 of the UU PPLH, and civil lawsuits to claim compensation for affected parties.*

Keywords: corporate responsibility, environmental law, mining