

ABSTRAK

Pengelolaan limbah medis di rumah sakit swasta sering kali dilakukan melalui kerja sama dengan perusahaan outsourcing. Namun, dalam praktiknya, banyak ditemukan pelanggaran terhadap standar pengelolaan limbah bahan berbahaya dan beracun (B3), yang berdampak serius terhadap lingkungan dan kesehatan masyarakat. Penelitian ini bertujuan untuk menganalisis bentuk pertanggungjawaban pidana terhadap perusahaan outsourcing pengelola limbah medis, mengidentifikasi kendala dalam penegakan hukumnya, serta merumuskan konstruksi hukum pidana lingkungan yang ideal untuk mengatasi persoalan tersebut. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan bahwa perusahaan outsourcing belum secara eksplisit diakui sebagai subjek hukum dalam peraturan pidana lingkungan hidup yang berlaku. Selain itu, lemahnya pengawasan kontraktual oleh rumah sakit, kesulitan dalam pembuktian unsur kesalahan korporasi, serta rendahnya kapasitas aparat penegak hukum turut menjadi hambatan signifikan dalam proses penegakan hukum. Untuk itu, diperlukan konstruksi hukum pidana lingkungan yang ideal, meliputi perluasan cakupan subjek hukum mencakup pihak outsourcing, perumusan norma adaptif terhadap sistem kontraktual, penyusunan sanksi pidana yang proporsional terhadap korporasi dan pengurusnya, serta penyempurnaan regulasi teknis melalui peraturan pemerintah atau peraturan menteri. Konstruksi ini diharapkan mampu memperkuat efektivitas penegakan hukum pidana lingkungan dalam menghadapi tantangan era outsourcing, sekaligus menjadi instrumen perlindungan lingkungan yang lebih responsif terhadap perkembangan praktik layanan kesehatan modern.

Kata Kunci: Outsourcing, Limbah Medis, Hukum Pidana Lingkungan, Pertanggungjawaban Korporasi

ABSTRACT

The management of medical waste in private hospitals is often carried out through cooperation with outsourcing companies. However, in practice, numerous violations of hazardous and toxic waste (B3) management standards are frequently found, posing serious risks to the

environment and public health. This research aims to analyze the form of criminal liability imposed on outsourcing companies that manage medical waste, identify obstacles in law enforcement, and formulate an ideal construction of environmental criminal law to address these issues. The research method employed is normative juridical, using statutory and case study approaches. The findings indicate that outsourcing companies are not explicitly recognized as legal subjects under the current environmental criminal regulations. Furthermore, weak contractual oversight by hospitals, difficulties in proving corporate fault elements, and the limited capacity of law enforcement agencies have become significant barriers to legal enforcement. Therefore, an ideal construction of environmental criminal law is needed, encompassing an expanded scope of legal subjects to include outsourcing entities, the formulation of norms that are adaptive to contractual systems, the establishment of proportional criminal sanctions for corporations and their managers, and the refinement of technical regulations through government or ministerial decrees. This legal construction is expected to enhance the effectiveness of environmental criminal law enforcement in the outsourcing era and serve as a more responsive legal instrument for protecting the environment in the context of evolving healthcare service practices.

Keywords: Outsourcing, Medical Waste, Environmental Criminal Law, Corporate Liability