



Received: 06 May 2023

Revised: 02 June 2023

Accepted: 29 June 2023

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LAW & SOCIAL POLICY | RESEARCH ARTICLE

Law Enforcement Against Business Actors Who Cause Water Pollution

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Abstract: This research aims to examine law enforcement against business actors who cause water pollution in Cianjur Regency. Today's rapid development has a negative impact on the environment. Liquid waste from industry and domestic is the main cause of water pollution, which threatens the quality of water used as a source of daily needs. This research uses a normative juridical approach and descriptive analysis method. Data is obtained through literature studies by searching for primary materials and supported by secondary materials. The impacts of water pollution by business actors include: a decrease in the quality of water resources, public health problems, and losses for farmers. The implementation of law enforcement against business actors is faced with several obstacles, including the lack of awareness of the importance of the environment and the lack of effective criminal sanctions. To maintain the right to a good and healthy environment, serious environmental protection and management as well as strict law enforcement are required by all parties concerned. Obstacles in law enforcement against business actors who commit water pollution include non-optimal environmental protection and management, violations of existing regulations, and obstacles in the waste filtration process. Therefore, decisive action is needed in law enforcement, including operational requirements, waste treatment, and more effective supervision to control and prevent water pollution in Cianjur Regency.

Keywords: Water; Law; Perpetrators; Pollution; Enforcement;

1. INTRODUCTION

Humans do not live alone on earth, but live together with plants, animals and microorganisms. The relationship between humans and other living things is very close, because humans depend on them for their survival. Without the existence of plants, animals, and microorganisms, humans cannot survive. (Soemarwoto, 2004). The environment is a place where humans and other living things interact and need each other. This interaction forms an ecosystem that contains important values, so that the environment becomes an inseparable unit (Alexander, 2020; Hamid, 2004). (Alexander, 2020; Hamid, 2016; Winter, 2019).

However, today's rapid development has unwittingly brought great negative impacts on the environment. The environment is often considered only as a resource to support development, so the quality of the environment is becoming increasingly concerning. Environmental pollution occurs when materials or components that are foreign or absent from the environment initially enter and are present in a certain amount or quality due to human activities. The industrial sector, which continues to grow both on a small and large scale, contributes greatly to the decline in environmental quality through the waste it produces, both during the production process and in the use of industrial products. (Faishal, 2015; Rahmadi, 2015).

Waste is the discharge from industrial and domestic production processes, such as liquid waste which is often referred to as water pollutants. The components of water pollutants generally consist of solid waste, organic waste, and inorganic waste. The greater the number of industries in an area, the greater the amount of liquid waste generated. Generally, industrial wastewater is collected in reservoirs and then discharged into rivers or the sea. However, direct disposal of liquid waste into the water medium can cause water pollution that damages the environment, because the environment is unable to cope with the waste, causing the death of living things in the river or sea. (Faishal, 2015).

In daily life, water has a very important role and affects the quality of human life (Hargono et al., 2022; Rahmah et al., 2018). The use of water must be done wisely so as not to disturb the balance of the surrounding environment (Joni, 2019; Rochayati et al., 2020). Water pollution occurs when water cannot function properly, and humans themselves are the cause and victim of

environmental pollution. Environmental pollution and damage not only affect human life today, but also threaten human survival in the future. (Sriyanti, 2023; Uki et al., 2021). Therefore, serious environmental protection and management are required by all relevant parties, including planning, control, maintenance, supervision, and law enforcement.

In Cianjur Regency, along with the growth of community activities, the potential for pollution of rivers in the region has also increased. As said by Indrawan Mifta Prasetyanda, staff of the Directorate of the Ministry of Environment and Forestry (KLHK) conducted a survey in rivers in several sub-districts in Cianjur Regency to identify potential waste pollution from factories and household waste. The purpose of this survey is to anticipate the widening of waste that can have an adverse impact. This activity is part of the central government's programme on waste management, especially related to the Citarum River. The survey was conducted in seven sub-districts, including the river in Jalaparaya Village, Ciwalen Village. There were two teams assigned to the Cianjur area, namely the Cikundul and Cilaku Subdas. Although this activity has only been conducted twice in Cikundul and Cilaku Sub-districts, the programme has actually been running for quite some time by conducting environmental inventories. It is known that several locations in Cianjur where the Citarum River passes through have been polluted, either by household waste, factories, farms, or Islamic boarding schools. This condition makes local residents feel uncomfortable, so related parties continue to inventory existing waste. The hope is that the local government can pay more attention and jointly deal with pollution problems that can be widespread, including involving Islamic boarding schools in the region. (Jabarnews, 2018).

The decline in river water quality has a direct impact on public health, as river water is used as a source of daily needs (Chowdhary et al., 2020; Lee Goi, 2020; Li & Wu, 2019). Research shows that surface water and shallow groundwater in Cianjur Regency are unfit for consumption because they are polluted. Urban areas are a high source of pollution, with household and industrial waste containing sodium, potassium and phosphorus entering the waters. Organic waste is also a major pollutant in urban areas, characterised by reduced dissolved oxygen levels and high BOD (Biochemical Oxygen Demand) levels in surface water as well as high sodium levels in shallow groundwater. (Djuwansah et al., 2009).

The previous research conducted by 1) (Tambunan et al., 2014) entitled Criminal Acts of Water Pollution Committed by Business Actors in Kampoeng Batik Laweyan Surakarta, where this research focuses on optimising criminal law against perpetrators of criminal acts committed by batik business actors, which can be seen that the criminal sanctions given to these business actors have not been optimal, which has resulted in water pollution in the Kampoeng Batik Laweyan Surakarta area; and 2) research conducted by (Firmansyah et al., 2021) with the title Juridical Analysis of Corporate Criminal Liability in Water Pollution Cases, where this research focuses more on how legal liability is carried out by business actors or corporations in solving this problem, 2021) with the title Juridical Analysis of Corporate Criminal Liability in Water Pollution Cases, where this research focuses more on how legal liability is carried out by business actors or corporations in solving this problem. While this research focuses more on how law enforcement against business actors who commit water pollution in the Cianjur Regency area.

Clean water is a basic human need, but if it is polluted, it can cause serious problems for human health. Water pollution is caused by various factors, including violations of environmental protection and management regulations. Decisive action from the authorities is needed to control, maintain, supervise, and enforce the law against the perpetrators of activities or businesses that cause water pollution. This includes requirements such as the Letter of Eligibility for Operation, wastewater treatment, hazardous waste storage, and so on.

Environmental problems are complex and interesting problems to be studied in depth, this is what attracts the author to conduct research on Law Enforcement Against Business Actors Who Cause Water Pollution, with the aim of 1) To find out the impact caused by water pollution by business actors; 2) To find out the obstacles experienced by the government in law enforcement efforts against business actors who cause water pollution in Cianjur Regency; and 3) To find out how law enforcement against business actors who cause water pollution in Cianjur Regency.

2. Research Method and Materials

This research uses a normative juridical approach by examining and analysing legal principles related to environmental law enforcement against business actors who cause water pollution in Cianjur Regency, based on Law No. 32 of 2009 concerning Environmental Protection and Management. To collect data, this research uses descriptive analysis method that relies on primary data and secondary data. Primary data was obtained through literature study. Meanwhile, secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials relevant to the research topic. In analysing the data, this research uses a qualitative method. The analysis is

conducted by compiling related topics systematically, logically, and in detail based on relevant statutory provisions. Thus, this research aims to provide a more concrete understanding of how environmental law enforcement against water pollution in Cianjur Regency, with reference to applicable legal aspects.

3. Results and Discussion

a. The Impact of Water Pollution Caused by Business Actors

More and more development activities risk causing pollution and environmental damage, resulting in the destruction of ecosystems and improper functioning. The impact is seen in the declining quality of water resources due to pollution of waste discharged into the river. Because water has an important role, it must be utilised as well as possible for the welfare of the people in accordance with Article 33 of the 1945 Constitution. Water pollution greatly affects the health of people living around the river, they become vulnerable to diseases due to harmful substances in polluted water. (Lobo, 2022).

The disposal of liquid waste from these activities or businesses will have a negative impact on the surrounding community, such as difficulty getting clean water because some water sources are contaminated, unpleasant odours, and decreased soil fertility which is detrimental to farmers. The right to a good and healthy environment is also a Human Right as stipulated in Article 28 H Paragraph (1) of the 1945 Constitution, which guarantees the right of every person to live in prosperity, decent housing, a good and healthy environment, and health services. (Aprilia & Zunggaval, 2019).

Water pollution prevents people from obtaining their right to a good and healthy living environment, because polluted river water has an impact on health. Contaminated water can be a medium for pathogenic microbes, a nest for disease-spreading insects, insufficient water availability so that humans cannot clean themselves, and as a medium for disease life. In addition, pollutants in wastewater can also reduce dissolved oxygen levels in water, disrupt the lives of aquatic creatures that need oxygen, and damage and cause death in aquatic plants. The natural process of filtering wastewater is inhibited due to the death of bacteria, and heat from industry can also cause the death of organisms if the wastewater is not cooled first.

b. Constraints in Law Enforcement Efforts Against Business Actors Causing Water Pollution in Cianjur Regency

Environmental protection and management, as explained in Article 1 point (2) of the Law on Environmental Management (UUPPLH), is a systematic and integrated effort to maintain environmental functions and prevent pollution and environmental damage. (Marcelino et al., 2022; Mina, 2016; Risqi, 2021).. These efforts include planning, utilisation, control, maintenance, supervision, and law enforcement. Although the government has issued various related regulations, their implementation in the field is still faced with many obstacles (Rasyid et al., 2021)..

One of the obstacles in environmental law enforcement is the incompatibility of policies and regulations that are often not in line with the principles of environmental protection and management contained in the UUPPLH and other related laws. (Helmi, 2022; Okky Octavianti, Anis Dwi, Adinda Hilda Rachmania, Maria Adisti, 2021).. In addition, the role of humans in the implementation of law enforcement has a greater influence on its success than the legal factor itself.

The limited number of law enforcement officers who are professional in handling environmental cases is another obstacle in environmental law enforcement. (Firmansyah et al., 2021; Laily & Najicha, 2022; Rusydi et al., 2023).. In addition, the limited knowledge and understanding of law enforcement officials related to the broad and complex aspects of the environment, which involves various disciplines, is a challenge in achieving a common perception in handling environmental cases.

Limited facilities and infrastructure, including funds, also greatly affect the success rate of environmental law enforcement. (Rasyid et al., 2021; Yusuf et al., 2023). Handling environmental cases often involves sophisticated technology, such as laboratory equipment, which requires expert labour and high costs.

Licensing is also a problem that provides opportunities for increasing environmental problems rather than limiting them. Many actors of activities or businesses violate regulations and ignore environmental protection, so that their implementation in the field often exceeds the control of the government or authorised officials.

In practice, Environmental Impact Assessment (EIA) focuses more on fulfilling administrative requirements rather than substance. The high demand for AMDAL is often only seen as a licensing obligation in activities or businesses, or even considered as a formality to obtain a permit. Transparency and mechanisms for disclosing AMDAL documents to the public also often do not

work as expected, so that affected communities are not always aware of ongoing activities or businesses.

Public compliance with environmental law is an indicator of public legal awareness. Community participation is an important component in addition to the existence of law enforcement officers in achieving legal objectives through law enforcement. Environmental legal awareness in society stems from their view of the environment itself. If the view of the environment is negative and does not understand how important preserving the environment is for their survival, then they tend not to care about the environment. Limited public legal awareness of the environment is caused by a lack of understanding of the consequences of environmental pollution and damage.

Public views and awareness of environmental sustainability can be improved through efforts such as counselling, guidance, concrete examples, and community involvement in tackling environmental problems. Therefore, it is necessary to increase law enforcement activities that have educative, persuasive, and preventive dimensions.

c. Government Efforts in Law Enforcement Against Business Actors Causing Water Pollution in Cianjur Regency

Efforts to maintain and manage the environment are carried out with the aim of preserving the environment and preventing and reducing pollution. (Kuntari, 2022; Therik & Lino, 2021).. Environmental protection and management must be carried out in an integrated manner in all fields to maintain sustainable environmental functions, in accordance with Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH).

UUPPLH emphasises the state's responsibility in preventing water pollution. The principle of state responsibility is part of the state's role as an organisation that is obliged to protect its citizens, its territory, and its natural resources. With this principle, the state is responsible for ensuring that the utilisation of natural resources provides maximum benefits to society and a good quality of life. On the other hand, the state has the power to take preventive and repressive actions against activities that harm the environment and society.

As a state of law, Indonesia has regulated the actions of its citizens, including in terms of the environment. (Thahira, 2019, 2020). Environmental conservation efforts are one of the responsibilities of the state in protecting the future and all living things. UUPPLH was issued by the government as a step to preserve and maintain the environment. Although environmental protection and management efforts still have various problems, one of which is water pollution carried out by chicken farming companies such as PT. A and PT. B in Cianjur Regency. Therefore, law enforcement is needed in an effort to preserve the environment. This law enforcement aims to determine whether the act violates existing regulations, including regulations regarding water pollution.

Sanctions that can be given to water pollution perpetrators consist of three types, namely administrative sanctions, civil sanctions, and criminal sanctions. These sanctions are intended to provide a deterrent effect to the perpetrators of water pollution. In addition to these three sanctions, dispute resolution related to water pollution can also be done out of court in accordance with Article 84 Paragraph (1) UUPPLH.

Out-of-court settlements aim to resolve disputes quickly, cheaply and efficiently. It is based on compensation and/or certain measures to ensure that the perpetrator of water pollution does not reoffend. In this settlement, the mediator acts as a neutral third party. The mediator acts as a mediator between the disputing parties in the hope of reaching a settlement that satisfies both parties.

After supervision by the Cianjur Regency Environmental Agency based on community complaints, PT. A was found to have committed water pollution. The offences committed by PT. A include:

- a. PT A did not prepare and submit a report on the results of the implementation of environmental management and monitoring to the authorised agency every six months. This violates Article 63 letter f number 4 of Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management.
- b. PT. A does not have an Operational Feasibility Letter for wastewater disposal activities. This violates Article 17 Paragraph (1) of the Minister of Environment and Forestry Regulation Number 5 Year 2021 on Procedures for Issuing Technical Approval and Operational Feasibility Letter for Environmental Pollution Control.
- c. The outlet of PT. A's wastewater treatment plant (IPAL) is not equipped with a wastewater compliance point. This violates Article 21 paragraph (2) of the Minister of Environment and Forestry Regulation Number 5 of 2021 concerning Procedures for Issuing Technical Approval and Operational Feasibility Letter for Environmental Pollution Control.

- d. PT. A does not have a hazardous waste storage site. This violates PP No. 22 of 2021 concerning the Implementation of Environmental Protection and Management.

As an administrative sanction for the violation, the Cianjur Regency Environmental Agency gave a Written Reprimand to PT. A. PT. A was instructed to report the results of the implementation of environmental management and monitoring, process technical approval for fulfilment of water quality standards, process the letter of feasibility of operation, build a Wastewater Treatment Plant, make technical details of hazardous waste management, build hazardous waste storage facilities, direct hazardous waste to other parties who have permits, and manage domestic waste through sorting organic and inorganic waste.

Under the supervision of the Cianjur District Environment Office, it was revealed that PT B had violated regulations and caused water pollution. The violations include:

- a. Conducting land stewardship activities using the cut and fill method in the company area and installing concrete pipes in the river body, which caused significant environmental changes when the activities and business were carried out. This offence violates:
- 1) Law No. 17/2019 Article 25 on Water Resources, which prohibits anyone from carrying out activities that disrupt the condition of water systems in river basins, damage water sources and/or related infrastructure, interfere with water conservation efforts, and pollute water.
 - 2) Government Regulation No. 38/2011 Article 57 paragraph (1) on Rivers, which confirms that every person who will carry out activities in rivers must obtain a permit. Article 57 paragraph (2) explains the types of activities included in it, such as construction in rivers, changes in the flow and/or flow of rivers, utilisation of riverbanks and banks, former rivers, river water for purposes other than basic daily needs and smallholder agriculture in existing irrigation systems, use of rivers as a source of hydropower, transportation infrastructure, in forest areas, waste disposal into rivers, mining commodity extraction in rivers, and river utilisation for fisheries using cages or floating nets. This permit is granted by the Minister, Governor, or Regent/Mayor according to their authority, with technical recommendations from the water resources manager.
 - 3) Government Regulation No. 22 of 2021 Article 89 paragraph (2) letter f on the Implementation of Environmental Protection and Management, which states that significant environmental changes due to natural events or other causes must be addressed before the business and/or activities are carried out.
 - 4) Regulation of the Minister of Public Works and Public Housing No. 28/PRT/M/2015 Article 24 on the Determination of River Boundary Lines and Lake Boundary Lines, which explains that the utilisation of river and lake boundaries must be based on a permit from the Minister, Governor, or Regent/Mayor in accordance with their authority in water resources management, by considering technical recommendations from water resources managers in the relevant river area.
- b. In addition, other violations were found that were not related to environmental documents such as Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) and original environmental permits. These violations include:
- 1) Environmental documents that do not include water balance studies, chicken vaccines, clothes washing, vehicle washing, and cage washing.
 - 2) Not implementing all obligations stated in the environmental document.
 - 3) Not having a Waste Water Treatment Plant (WWTP) for residual domestic activities, residual drinking water from livestock, residual water from vehicle washing, and residual water from cage washing. This offence is a violation:
 - a) Government Regulation Number 22 of 2021 Article 89 paragraph (1) concerning the Implementation of Environmental Protection and Management, which states that the person in charge of the business and/or activity must amend the Environmental Approval if there is a plan for change after obtaining a Decree on Environmental Feasibility or Approval of Statement of Environmental Management Capability. Changes in activities and/or businesses referred to in paragraph (1) related to significant environmental changes due to natural events or other causes must be addressed before and when the business and/or activity is carried out.
 - b) Government Regulation No. 22 of 2021 Article 138 on the Implementation of Environmental Protection and Management, which explains the technical approval for the fulfilment of wastewater quality standards includes technical standards for the fulfilment of Wastewater Quality Standards, human resource competency standards, and environmental management systems.

As an administrative sanction, the Cianjur District Environmental Office imposed coercive measures on PT B, which include:

- a. Dismantling concrete pipes around residential neighbourhoods that were installed in the river.
- b. Revise the environmental document.

If PT A and PT B do not comply with the sanctions given, the Cianjur Regency Environmental Agency will impose more severe sanctions in accordance with applicable legal provisions.

4. Conclusion

Water pollution caused by businesses in Cianjur Regency has serious impacts, including degradation of water resources, harm to neighbouring communities, and threats to residents' health. Poorly managed liquid waste disposal can lead to difficulties in obtaining clean water, unpleasant odours, and decreased soil fertility. These impacts violate the right to a good and healthy environment, which is guaranteed as a human right. Obstacles in law enforcement against business actors who commit water pollution include non-optimal environmental protection and management, violations of existing regulations, and obstacles in the waste filtration process. Therefore, decisive action is needed in law enforcement, including operational requirements, waste treatment, and more effective supervision to control and prevent water pollution in Cianjur Regency.

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