

ABSTRAK

PENEGAKAN HUKUM LINGKUNGAN TERHADAP PENCEMARAN SUNGAI CIKANTOR AKIBAT PEMBUANGAN LIMBAH PERTAMBANGAN EMAS DI KABUPATEN PESAWARAN

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Usaha pertambangan emas di Kecamatan Kedondong Kabupaten Pesawaran menimbulkan masalah lingkungan berupa pencemaran Sungai Cikantor. Salah satu perusahaan yang terindikasi terlibat dalam masalah tersebut adalah PT Napal Urban Picung (NUP) dan PT. Karya Bukit Utama (KBU), sehingga perlu dilakukan penelitian mengenai penegakan hukum lingkungan terhadap pelaku usaha yang terlibat kasus pencemaran tersebut. Permasalahan dalam penelitian ini adalah: (1) Bagaimanakah bentuk penegakan hukum lingkungan terhadap pencemaran sungai cikantor akibat pembuangan limbah pertambangan emas di Kabupaten Pesawaran?;(2) Apa sajakah faktor penghambat dalam penegakan hukum lingkungan terhadap pencemaran sungai cikantor akibat pembuangan limbah pertambangan emas di Kabupaten Pesawaran?

Penelitian menggunakan pendekatan yuridis normatif dan empiris. Narasumber penelitian ini berasal dari pihak Dinas ESDM Provinsi, Dinas Lingkungan Hidup Provinsi Lampung, dan Kelurahan Desa Harapan Jaya Kabupaten Pesawaran. Pengumpulan data dilakukan dengan studi pustaka, dan studi lapangan. Metode pengolahan data dilakukan dengan pemeriksaan data kemudian dianalisis secara sistematis dan diuraikan secara deskriptif. Hasil penelitian ini menunjukkan: (1) Penegakan hukum dilakukan oleh Pemerintah Daerah Provinsi Lampung yang didelegasikan kepada Dinas ESDM dan Dinas Lingkungan Hidup Provinsi Lampung. Pemerintah daerah memberikan sanksi administrasi kepada PT. KBU akibat belum lengkapnya dokumen perizinan lingkungan milik PT. KBU. (2) Faktor penghambat dalam penegakan hukum lingkungan ini ialah peraturan perundang-undangan yang berubah-ubah menyebabkan kewenangan perizinan juga berubah, aparat penegak hukum tidak efektif dalam melakukan pengawasan, penanggungjawab usaha belum patuh dalam menaati isi perizinan dan peraturan perundang-undangan yang berlaku, kurangnya kesadaran masyarakat terhadap lingkungan, dan keterbatasan fasilitas dan sarana dalam penegakan hukum lingkungan.

Kata Kunci : Pencemaran Sungai, Pertambangan, Penegakan Hukum Lingkungan.

ABSTRACT

ENVIRONMENTAL LAW ENFORCEMENT AGAINST CIKANTOR RIVER POLLUTION DUE TO DISPOSAL OF GOLD MINING WASTE IN PESAWARAN DISTRICT

By

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Gold mining business activities in Kedondong Subdistrict, Pesawaran Regency, have caused environmental problems in the form of pollution of the Cikantor River. One of the companies indicated to be involved in the pollution problem in 2019 is PT. Karya Bukit Utama (KBU), so it is necessary to find facts and forms of environmental law enforcement to business actors involved in the pollution case. The problems in this study are: (1) What is the form of environmental law enforcement against cikantor river pollution due to the disposal of gold mining waste in Pesawaran District ?; (2) What are the inhibiting factors in environmental law enforcement against the Cikantor river pollution due to the disposal of gold mining waste in Pesawaran District?

This research uses a normative and empirical juridical approach. Research sources came from the ESDM Agency and the Lampung Province Environmental Service. Data collection was carried out by literature study, field study, and data management methods were carried out by examining the data, then systematically analyzed and described in writing. The results of this study indicate: (1) Law enforcement is carried out by the Regional Government of Lampung Province which is delegated to the Department of Energy and Mineral Resources and the Department of Environment of the Province of Lampung. The local government provides administrative sanctions to PT. KBU due to incomplete environmental permit documents belonging to PT. KBU. (2) The inhibiting factors in enforcing environmental law are changing laws and regulations causing licensing authority to also change, law enforcement officials are not effective in conducting supervision, business persons in charge have not complied with the contents of permits and applicable laws and regulations, lack of public awareness of the environment, and limited facilities and means in enforcing environmental laws.

Keywords: River Pollution, Mining, Environmental Law Enforcement