






LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

About the Journal

Lex Journal: Studies in Law and Justice (ISSN Print 2581-2033, ISSN Online 2580-9113) is a double-blind peer-reviewed legal journal and a scholarly journal with national and international outlook, published by the Faculty of Law, Dr. S.H. University. Lex Journal is a scholarly publication that explores critical issues and developments in law and justice. The journal serves as a platform for academics, legal professionals, and researchers to share rigorous analysis, contemporary perspectives, and innovative research on various topics within the field of law. Such topics include but are not limited to constitutional law, criminal justice, human rights, international law, legal theory, and jurisprudence. The journal aims to encourage scholarly dialogue on the role of law in promoting justice, protecting individual rights, and shaping public policy. Through articles, case studies, essays, and book reviews, Lex Journal seeks to contribute to the global discourse on law reform, social justice, and the rule of law, making it an essential resource for those committed to advancing legal scholarship and practical application in pursuit of a just society. Whether addressing contemporary legal challenges or historical legal frameworks, Lex Journal stands as a bridge between academic theory and practical law, encouraging readers to reflect on the evolving landscape of justice. The journal is published three times a year in March, July, and December. Another aim is to provide a systematic review of important initiatives to develop law and legal practice. The journal Lex: Law & Justice Studies publishes cutting-edge legal studies from legal academics and practitioners. Established in 2017, the Journal is rooted in the desire to propose constructive and reasoned reforms in all areas of law.

Journal Identity	Description
Submission ID: 10197	Published: 2025-05-07
Indexing	
    	

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Business Entity Responsibility for Dumping Hazardous and Toxic Waste

Angga Dimas Pratama

Faculty of Law, Social and Political Sciences, University of Mataram

Email: anggadimaspratama78@gmail.com

Muhammad Sood

Faculty of Law, Social and Political Sciences, University of Mataram

Email: muhammad_sood@yahoo.com

M. Yazid Fathoni

Faculty of Law, Social and Political Sciences, University of Mataram

Email: myazidfathoni@gmail.com

ABSTRACT

The improper management of hazardous and toxic waste (B3) poses a significant environmental threat, with serious consequences for public health and ecosystem stability. Businesses generating such waste have a legal responsibility to ensure proper disposal and management in compliance with Indonesian environmental laws, specifically the Environmental Protection and Management Act (UUPPLH) of 2009. This study explores the legal implications for businesses involved in the illegal dumping of hazardous waste, emphasizing the principle of "strict liability" under Indonesian law. The paper examines the case of PT How Are You Indonesia, which was found guilty of water pollution due to improper disposal of industrial waste, including heavy metals. Legal consequences for the company included substantial fines and the imposition of compensation for environmental restoration. The research highlights the legal framework governing environmental protection in Indonesia, focusing on the responsibilities of businesses and the penalties for non-compliance. It also discusses the role of administrative, civil, and criminal sanctions in enforcing environmental laws and ensuring corporate accountability. The findings underscore the importance of stringent regulatory enforcement and corporate responsibility in safeguarding environmental and public health.

Keywords: Hazardous Waste, Strict Liability, Environmental Protection, Corporate Responsibility, Legal Sanctions

1. INTRODUCTION

The environment is something that is most important for human life, therefore the environment must be protected and preserved and managed properly for the benefit of all mankind (Hamdani et al, 2022). According to Munadjat Danusaputro, "the environment can be explained as all objects and forces in it, including humans, nature, and their behavior, which affect the continuity of life and the welfare of humans and other living things. In a theoretical perspective, the function of the environment is expected to make a positive contribution to support human life and other living things in carrying out their respective activities.

There is a dynamic relationship between humans and their environment. Changes in the environment will cause changes in the physical and psychological conditions of humans to adjust to new conditions. Changes in the human condition will then cause changes in the environment (Soraya et al., 2025) . Thus, it can be said that not only the environment can affect humans, but humans are also the main factor that affects the environment, so it requires concern from humans for their own environment. This is done in order to obtain a good environment and in accordance with human needs, so that a dynamic relationship between humans and their environment will be maintained.

Environmental law also basically contains dimensions of environmental criminal law and civil law. When viewed from the criminal field, environmental law is related to how the government regulates and enforces rules or norms in a coercive manner intended for the natural resource environment, while the dimensions of civil environmental law include matters relating to ownership rights over natural resources, traditional rights of individuals or community groups such as customary rights, access to non-governmental organizations in terms of conducting Hazardous and Toxic Waste or often abbreviated as B3 Waste. Hazardous and toxic waste (B3) is a substance, or energy, and or other component that due to its nature, concentration and or amount

either directly or indirectly can pollute and or damage the environment, endanger the environment, health and survival of humans and other living things.

A healthy environment is a human right and is one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as stipulated in Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 28H of the 1945 Constitution of the Republic of Indonesia states that a good and healthy environment is a human right and constitutional right for every citizen.

The cause of environmental damage and pollution is caused by industrial activities, both residential industries and large sector industries that are only dominant in thinking about profitable results rather than thinking about the consequences of industrial activities on the surrounding environment. Activities carried out in business activities in the industrial sector sometimes do not pay attention to the negative impacts both in the medium and long term.

This is caused by the lack of licensing supervision where what is promised is not in accordance with what is done by business actors, law enforcement officials who are less than optimal in enforcing environmental law and weak criminal and civil sanctions or compensation for losses applied to violating business actors so that there is no deterrent effect on violating business actors (Hamdani et al., 2023).

Law enforcement will essentially be useful for restoring the security and order of society that was disturbed in order to create legal certainty. The 2009 Environment Law contains several provisions on environmental mitigation and restoration. Countermeasures against environmental pollution or damage can be carried out, for example, by providing information related to pollution or damage warnings to the public.

The implementation of administrative sanctions seems weak and has not been able to contribute optimally in environmental law enforcement. Countermeasures against environmental pollution or damage can be carried out, for example by providing

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

information related to pollution or damage warnings to the public. Dumping hazardous and toxic waste is a serious and complex environmental problem, business entities as waste producers have a great responsibility in managing the waste. However, in practice, there are often violations of applicable regulations. As is the case in the dumping case verdict of the North Jakarta District Court number 735/PDT.G-LH/2018/PN.Jkt.Utr, In this decision PT How Are You Indonesia, this case relates to the KLHK's lawsuit against PT How Are You Indonesia for alleged unlawful acts related to environmental pollution, especially hazardous and toxic waste management (B3). KLHK based its lawsuit on Law No. 32/2009 on Environmental Protection and Management (UUPPLH) and its implementing regulations. KLHK alleges that the business activities of PT How Are You Indonesia, which is engaged in the textile industry, produces B3 waste, especially sludge from wastewater treatment plants (ipal) containing heavy metals. The MoEF also stated that PT How Are You Indonesia did not manage the B3 waste in accordance with applicable regulations. Results from laboratory tests showed that the defendant's sludge contained heavy metals.

In the above decision, the Plaintiff's Provision claim is unacceptable, in compension, in the main case:

1. Grant the Plaintiff's claim in part;
2. Declare the Defendant guilty of water pollution with strict liability;
3. Punish the Defendant to pay compensation of Rp.12,013,501,184.00 (twelve billion thirteen million five hundred one thousand eighty four rupiah) in cash;
4. Punish the Defendant to pay forced money / dues in the amount of Rp.10,000,000.00 (ten million rupiah) per day of delay in implementing the decision, calculated from the date this decision becomes legally binding;
5. Deny the Plaintiff's claim for other than and the rest;

In Counterclaim

- Reject the claim in counterclaim in its entirety;

In Counterclaim and Counterclaim

- Punish the Defendant / Plaintiff in counterclaim to pay court costs in the amount of Rp.862,000, - (eight hundred sixty two thousand rupiah).

Based on the background of the problems described above, there are several problems that can be identified from these problems so that researchers are interested in conducting research with the title "Responsibility of Business Entities for Dumping Hazardous and Toxic Waste (B3)".

2. RESEARCH METHODS

The type of research used in this research is normative legal research, normative legal research is conceptualized as research on rules or norms that are a benchmark for human behavior that is considered appropriate (Amiruddin & Asikin, 2006). The source of normative legal research is only secondary data, which consists of primary legal materials, secondary legal materials and tertiary legal materials (Muhaimin, 2020).

3. DISCUSSION

Liability of Business Actors for Dumping Hazardous Toxic Waste B3

Businesses that generate hazardous and toxic waste (B3) have obligations that are regulated in Indonesian laws and regulations, particularly in Law No. 32/2009 on Environmental Protection and Management (UU PPLH) and its derivative regulations. The following are some of the main obligations of business actors regarding the disposal of B3 waste:

- a. Proper Hazardous Waste Management, Business actors are required to carry out hazardous waste management in accordance with applicable regulations. Hazardous waste management includes storage, collection, transportation, processing, and landfill of hazardous waste. Hazardous waste management must be carried out by parties who have a license in accordance with applicable regulations.
- b. Hazardous Waste Management Permit, Businesses that produce a certain amount of hazardous waste are required to have a hazardous waste management permit. This

permit is issued by the authorized agency after the business actor meets the stipulated requirements.

- c. Prevention of Environmental Pollution, Business actors are obliged to prevent environmental pollution due to hazardous waste produced. This includes preventing illegal dumping of hazardous waste into the environment.
- d. Responsibility in Pollution Abatement, In the event of environmental pollution due to hazardous waste generated, business actors shall be responsible for environmental abatement and restoration. This includes cleaning up the polluted area and restoring the environment to its original condition.
- e. Legal Sanctions, Business actors who violate the provisions of hazardous waste management may be subject to legal sanctions, both administrative sanctions and criminal sanctions. Criminal sanctions can be in the form of imprisonment and/or fines.

If we look at the explanation in accordance with legal certainty, business actors must fulfill the following conditions:

- a. Must have a valid license, Business actors must have an environmental license that covers hazardous waste disposal activities. Business actors are required to have a hazardous waste management license that covers dumping activities. Must Meet Technical and Environmental Requirements, Hazardous and toxic waste that will be dumped must meet the standards and criteria set by laws and regulations. The dumping location must meet the stipulated technical and environmental requirements, such as far from settlements and clean water sources. The dumping technology used must be environmentally friendly and meet the set standards.
- b. Business actors must have an effective pollution control system. Conducting Analysis and Monitoring, Business actors are required to periodically analyze the characteristics and amount of B3 waste. Business actors are required to periodically monitor and supervise the quality of the environment around the disposal site.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- c. The results of monitoring and supervision must be reported to the authorized agency. Have an emergency response plan, Business actors are required to have emergency response plans and procedures in the event of environmental pollution due to hazardous waste disposal. Carry out the licensing process correctly, business actors are required to prepare AMDAL or UKL-UPL documents. Business actors are required to apply for environmental permits and hazardous waste management permits. Business actors must participate in document evaluation and field verification by the authorized agency.

Legal Consequences for Business Actors Who Dump Hazardous and Toxic Waste

Dumping Hazardous and Toxic (B3) waste is an illegal act that has very serious legal consequences for business actors. Indonesian laws and regulations, particularly Law No. 32/2009 on Environmental Protection and Management (UU PPLH), strictly regulate the prohibitions and sanctions related to hazardous and toxic waste dumping.

As for Criminal Sanctions, Article 104 of the PPLH Law stipulates that any person who dumps waste and/or materials into environmental media without a permit as referred to in Article 60, shall be punished with imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah). In addition, Article 103 of the PPLH Law also regulates sanctions for business actors who produce hazardous waste and carry out management without a permit as referred to in Article 59, with a minimum imprisonment of 1 (one) year and a maximum of 3 (three) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 3,000,000,000.00 (three billion rupiah).

As for Administrative Sanctions, in addition to criminal sanctions, business actors who conduct hazardous waste dumping can also be subject to administrative sanctions, among others:

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- a. Written reprimand
- b. Government coercion
- c. Suspension of environmental license
- d. Revocation of environmental license
- e. Administrative fines

Criminal Responsibility of business actors, It should be noted that not only individuals are responsible for the criminal act of hazardous waste dumping, but also corporations or business entities. Article 116 of the PPLH Law regulates the criminal responsibility of corporations, where if a criminal offense is committed by a corporation, the punishment can be imposed on the management, controllers, or parties who give orders to commit the criminal offense.

In addition to criminal and administrative sanctions, business actors who dump hazardous and toxic waste (B3) can also be subject to civil sanctions. These civil sanctions aim to recover losses incurred due to environmental pollution caused by B3 waste dumping.

Compensation Lawsuit, Parties that are harmed by the disposal of hazardous waste, both the community and the government, can file a compensation lawsuit against the business actor. This compensation claim can be in the form of:

- a. Material damages, costs incurred to restore environmental damage, medical expenses of victims, and other economic losses.
- b. Immaterial damages, Loss that cannot be valued in money, such as loss of comfortable living, damage to reputation, and psychological impact.

Absolute Liability, In cases of environmental pollution due to hazardous waste, the principle of *strict liability* applies. This means that the business actor is responsible for the losses incurred, even though there is no element of fault or negligence on the part of the business actor. This is regulated in Article 87 of the Environmental Law,

which states that every person who generates hazardous waste is absolutely responsible for the losses caused.

Class Action, If the harm caused by hazardous waste dumping affects many people, then the affected community can file a *class action*. This class action is filed by a group representative who represents the interests of all aggrieved group members.

Businesses that operate illegally or without a license can face serious legal consequences. The following is an explanation of the legal consequences that will arise:

a. Legal Effects in the Field of Administration

Administrative law is a government or executive action or *bestuurmaatregel* or *the measurelaction of government* against violations of applicable laws and regulations and is reparatoir (returning to the original state) (Putra et al., 2024) . Such as the non-fulfillment of waste disposal requirements into the wild by a business or activity, then the business or activity can be subject to administrative law sanctions (Machmud, 2012) .

In the new UUPPLH the issue of administrative law is regulated in Articles 76-80, the regulation authorizes the Minister, Governor or Regent/Mayor to carry out government coercion (*bestuurdwang*) against the person in charge of the business or activity. The government coercion is intended to (Machmud, 2012):

- 1) Prevent and end violations;
- 2) Tackling the consequences caused by the offense as a rescue measure;
- 3) Countermeasures and environmental restoration at the expense of the person responsible.

Law No. 32/2009 on Environmental Protection and Management, regulates Supervision and Administrative Sanctions. Article 71 states in paragraph:

- 1) The minister, governor, or regent/mayor in accordance with their authority must supervise the compliance of the person in charge of the business and/or activity

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

with the provisions stipulated in the laws and regulations in the field of environmental protection and management.

- 2) The minister, governor, or regent/mayor may delegate their authority to conduct supervision to officials/technical agencies responsible for environmental protection and management.
- 3) In carrying out supervision, the Minister, governor, or regent/mayor appoints environmental supervisory officials who are functional officials.

b. Legal Effects in the Civil Sector

From a civil perspective, in addition to criminal liability, business actors who dump hazardous waste may also be subject to civil liability under Law No. 32/2009 on Environmental Protection and Management (UU PPLH).

Legal Basis This civil liability is regulated in Article 87 of the Environmental Law, which states that every person who commits an unlawful act in the form of pollution and/or destruction of the environment that causes harm to others or the environment is obliged to pay compensation and/or take certain actions.

Forms of Civil Liability include:

- 1) Compensation, Business actors who dump hazardous waste may be obliged to pay compensation to aggrieved parties, such as the affected surrounding community, the government, or other parties who suffer losses due to environmental pollution.
- 2) Certain Actions, In addition to compensation, business actors may also be required to take certain actions, such as restoration of the polluted environment, cessation of activities that pollute the environment, or other actions necessary to address the negative impacts of hazardous waste disposal.

Strict Liability In some cases, the court may apply the principle of *strict liability* to business actors that dump hazardous waste. This means that the business actor is still responsible for the losses incurred, even though there is no element of

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

fault or negligence on the part of the business actor. This can be applied if the business activity has a high risk of environmental pollution.

Class Action Communities negatively affected by hazardous waste dumping can also file a *class action* to the court. This class action allows a group of people who have similar interests to file a lawsuit jointly against a business that dumps hazardous waste.

In the civil law system in Indonesia, every act that is contrary to the law must be held accountable for the losses suffered by other parties (Praja et al., 2016) . Civil legal liability for business actors who pollute B3 waste in general has been regulated regarding compensation for unlawful acts (Jamaluddin et al., 2020) .

c. Legal Effects in the Criminal Field

From a criminal perspective, it can be in the form of imprisonment and fines. Criminal Liability In the context of illegal dumping of hazardous waste, business actors may be subject to criminal liability under Article 104 of the Environmental Law, which states that any person who dumps hazardous waste without a permit may be punished with imprisonment and an aggravated fine and under administrative sanctions may be in the form of reprimand, government compulsion, or revocation of the permit by the relevant government.

Furthermore, related to the Crime of Hazardous and Toxic Waste Management (B3), where the problem of perpetrators of criminal acts of misuse of waste management without permission from the authorized agency is regulated and punishable in Articles 102, 103, 104, 116 of Indonesian Law No.32 of 2009 concerning Environmental Protection and Management. Article 102 of Law of the Republic of Indonesia No. 32 of 2009 concerning Environmental Protection and Management which reads "Every person who carries out hazardous waste management without a permit as referred to in Article 59 paragraph (4), shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

(three) years and a fine of at least Rp. 1,000,000,000; (one billion rupiah) and a maximum of Rp. 3,000,000,000; (three billion rupiah).

Corporate criminal liability can be imposed on corporations or corporate managers who are suspected of having committed the criminal act of hazardous waste pollution. The corporate criminal liability is in the form of sanctions (threats) of imprisonment or criminal sanctions for the management and fines for the company. Thus, the principle of *strict* liability in corporate criminal liability is defined as absolute liability with the main characteristic that there is no need for proof of guilt (intent and negligence) in the perpetrator to impose the threat of imprisonment or punishment and fines. The fault remains but does not have to *be* proven "*dependant can be convicted on proff by prosecutor of actus reus only* " (Huda, 2006) . The perpetrator of hazardous waste pollution can be found guilty only by proving that a criminal offense has been committed without having to look at the motive for committing the criminal offense.

In contrast to the general criminal liability system which requires the element of fault, namely intent or negligence (culpability principle) in imposing imprisonment or criminal sanctions and fines, the principle of *strict liability* can be imposed on the perpetrator (corporation) who commits B3 waste pollution even though it does not have the required fault (*mens rea*), it is enough to prove that the perpetrator of the crime has committed actus reus (acts prohibited by criminal provisions) or did not perform the actions required by criminal provisions. The *strict liability* system in corporate criminal liability for hazardous waste pollution only requires knowledge and actions of the perpetrator. Which means that in committing the act, if the perpetrator knows or realizes about the potential harm caused to other parties (State, Community, etc.), then this situation is sufficient to demand criminal liability (Kurniawan & D, 2014). So, there is no need for an element of guilt (*mens rea*) whether it is intentional or negligent from the perpetrator, However, it is solely

the actions that have resulted in environmental pollution that cause people or corporations to be held criminally liable with the imposition of imprisonment and criminal sanctions for the management and fines for the company.

For the process of proving environmental crimes in relation to the principle of *strict liability*, Koesnadi Hardjosoemantri states explicitly that in certain cases the burden of proof can be requested by the perpetrator (suspect) in the field of criminal law either partially or wholly, which has been extended to cases of environmental destruction and or pollution.

Some examples of cases as well as decisions as examples in this research are as follows:

1) Case Example

In this case PT HOW ARE YOU INDONESIA, a limited liability company established under Indonesian Law domiciled at Jalan Mangga Dua Raya C-6/17, North Jakarta, hereinafter referred to as the defendant, after hearing the testimony of witnesses, experts of the parties in this case (Decision Number: 735/PDT.G-LH/2018/PN.Jkt.Utr.).

In the main case Considering, that the purpose and objective of the Plaintiff's lawsuit as described above; Considering, that the Plaintiff has filed a lawsuit against the Defendant, with the arguments of the lawsuit basically that the Defendant's industrial business activities which are located at Jalan Nanjung No. 206, Cibeureum Village, Cimahi District South, Cimahi City, West Java Province, carry out business activities in the field of Textile Industry and Synthetic Fabric Sheets/Hard Cloth and Textile raw material processing as well as dyeing and bleaching processes. 206, Cibeureum Village, South Cimahi Sub-district, Cimahi City, West Java Province, carries out business activities in the field of Textile Industry and Synthetic Fabric Sheets/Hard Fabrics and Processing of textile raw materials as well as dyeing and bleaching processes, weaving and refinement as

well as related business activities, garment and apparel industry, related business activities, and industry in general.... In the waste generated in the production process of the Defendant's textile industry has resulted in pollution containing Hazardous and Toxic Substances (B3), as described in the Plaintiff's lawsuit.

The state of pollution has been verified by the Ministry of Environment and Forestry 3 (three) times and the Defendant has been given administrative sanctions by the Mayor of Cimahi. And, the Defendant's textile industry waste has caused water pollution in the Cihujung River located in Cimahi, West Java. As a result of the water pollution there has been an environmental loss of Rp.12,198,942,574,- (Twelve Billion One Hundred Ninety Eight Million Nine Hundred Forty Two Thousand Five Hundred Seventy Four Rupiah). Based on this, the Plaintiff filed a lawsuit against the Defendant on the basis that the Defendant's actions resulting in water pollution were unlawful and requested that the examination of this case be applied using the principle of *Strict Liability* (absolute responsibility) and that the Defendant be burdened to pay compensation to the Plaintiff.

In the case of Decision Number: 735/PDT.G-LH/2018/PN.Jkt.Utr. this is in accordance with research on *Strict Liability*, that the defendant's actions, apart from being charged as an unlawful act that harms the environment, should also be held accountable to be prosecuted in accordance with the principle of *strict liability* adopted in the UUPPLH, where the defendant must be held absolutely responsible for environmental damage because the impacts arising from his business can pose a serious threat to the environment. This provision is a *Lex Specialis* in the Lawsuit on Unlawful Acts in general as referred to in Article 88 of UUPPLH which states as follows: "Every person whose actions, business, and/or activities use B3, produce and/or manage B3 waste, and/or pose a serious threat to

the environment is absolutely responsible for the losses incurred without the need to prove the element of fault".

Whereas, further in the explanation of Article 88 of the PPLH Law, it is explained as follows:

"What is meant by "absolute liability" or strict liability is that the element of fault does not need to be proven by the plaintiff as a basis for payment of compensation. The provision of this paragraph is a lex specialist in lawsuits concerning unlawful acts in general. The amount of compensation that can be imposed on polluters or destroyers of the environment according to this Article can be set to a certain limit."

That, based on the above explanation, it can be concluded that there is no need for the element of fault in *Strict Liability*, so that the defendant is absolutely responsible (*Strict Liability*) for environmental damage;

2) Verdict

Decision Number: 735/PDT.G-LH/2018/PN.Jkt.Utr. In the ruling, the court in the provision stated that the Plaintiff's Provision claim could not be accepted; in the compension in the main case:

1. Grant the Plaintiff's claim in part;
2. Declare the Defendant guilty of water pollution with *strict liability*;
3. Punish the Defendant to pay compensation in the amount of Rp.12,013.501,184.00 (twelve million thirteen million five hundred one thousand eighty four rupiah) in cash, in the field of Environment and Forestry;
4. Punish the Defendant to pay forced money / dues in the amount of Rp.10,000,000.00 (ten million rupiah) per day of delay in implementing the decision, calculated from the date this decision becomes legally binding;
5. Deny the Plaintiff's claim for other than and the rest.

In Counterclaim

- Reject the claim in counterclaim in its entirety;

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

In Counterclaim and Counterclaim

- Punish the Defendant / Plaintiff in counterclaim to pay court costs in the amount of Rp.862,000, - (eight hundred sixty two thousand rupiah).

4. CONCLUSION

Business actors are obliged to carry out hazardous waste management in accordance with established standards and procedures, including storage, transportation, treatment, and disposal. Hazardous and toxic waste management must be carried out by a party that has the appropriate license and competence. The main objective of the responsibility of business actors is to protect the environment from the negative impact of hazardous and toxic waste, including the impact of natural pollution around the community, including water, air soil and biodiversity. Thus, the responsibility of business actors for hazardous waste disposal is very important to preserve the environment and public health. Business actors who are only concerned with profit alone and do not pay attention to environmental recovery by ignoring the management of hazardous toxic waste (B3) can have a fatal impact on the environment later.

The legal consequences of business actors who dump Hazardous and Toxic Waste (B3) can be subject to various legal sanctions, namely:

- a. Administrative sanctions, written warnings, government coercion, suspension of environmental permits, revocation of environmental permits and administrative fines.
- b. Civil sanctions, material compensation claims (environmental restoration costs, victim treatment, economic losses), immaterial compensation claims (loss of living comfort, damage to reputation, psychological impact), *strict liability*, where the business actor is responsible for losses even though there is no element of fault, *class action* if the loss befalls many people, thus, Indonesian law is very strict in regulating and providing sanctions for business actors who carry out B3 waste dumping, both through criminal, administrative and civil sanctions. Business actors who commit violations of waste disposal should have their licenses revoked and carry out absolute responsibility (*stick liability*) for compensation for what impacts are done.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

4. LITERATURE

- Amiruddin, & Asikin, H. Z. (2006). *Introduction to Legal Research Methods*. JAKARTA: PT. Raja Grafindo Persada.
- Hamdani, F., Fauzia, A., Putra, E. A. M., Walini, E. L., Pambudi, B. A., & Akbariman, L. N. (2022). Environmental Issues in the Job Creation Law and the Direction of Its Improvement After the Constitutional Court Decision Number 91/PUU-XVIII/2020. *Journal of Empowered Indonesia*, 3(4), 977–986.
- Hamdani, F., Fauzia, A., & Wahid, D. N. (2023). Public Service System Development through Simplification of Licensing Instruments: Post-Approval Study of Job Creation Perppu as Law. *Multidisciplinary National Science*, 2(4), 365–374.
- Huda, C. (2006). *From No Punishment Without Fault to No Criminal Responsibility Without Fault (A Critical Review of the Theory of Separation of Crime and Criminal Responsibility)*. Prenada Media Group.
- Jamaluddin, Suhadi, & Marzuki. (2020). Responsibility of Business Actors Through Compensation for Environmental Pollution and Damage Due to Land Burning. *Journal of Education, Humanities and Social Sciences*, 2(3).
- Kurniawan, R., & D, S. N. I. S. (2014). Corporate Criminal Liability Based on the Principle of Strict Liability (Study of Environmental Criminal Law Reform). *Yuridis Journal*, 1(2).
- Machmud, S. (2012). *Enforcement of Indonesian Environmental Law (Enforcement of Administrative Law, Civil Law, and Criminal Law According to Law No. 32 of 2009)*. Graha Ilmu.
- Muhaimin. (2020). *Legal Research Methods*. Mataram University Press.
- Praja, C. B. E., Nurjaman, D., Fatimah, D. A., & Himawati, N. (2016). Strict Liability as an Environmental Law Enforcement Instrument. *Varia Justica*, 12(1).
- Putra, E. A. M., Hamdani, F., & Azwar, L. M. (2024). Land Use Change of Protected Forest as Mining Waste Disposal Site: Perspective of Licensing Function as an Instrument of Development Engineering. *Realism: Legal Studies*, 2(2), 102–118.
- Soraya, J., Hamdani, F., & Fauzia, A. (2025). Should trees have legal standing? Strengthening the relationship between law and ecology. *IOP Conf. Series: Earth and Environmental Sciences*, 1489, 1-9. <https://doi.org/10.1088/1755-1315/1489/1/012061>