

**TINJAUAN HUKUM PIDANA TERHADAP PENCEMARAN LUMPUR
MINYAK (*OIL SLUDGE*) OLEH KAPAL MT ARMAN 114 DI PERAIRAN
NATUNA UTARA
(STUDI PUTUSAN NOMOR 941/Pid.Sus/2023/ PN Btm)**

**Oleh
Agnes Rosalia
NIM. 2105040049**

Abstrak

Dalam penjelasan Hasil Konvensi Hukum Laut Internasional (UNCLOS atau *United Nations Convention on The Law of The Sea*) tanggal 10 Desember 1982 Indonesia dinyatakan sebagai Negara Kepulauan (*Archipelagic State*). Penelitian mengkaji Tindak Pidana Lingkungan Hidup berupa Pencemaran Minyak yang terjadi di Laut Natuna Utara diselesaikan pada Pengadilan Negeri Batam Kelas IA berdasarkan ketentuan Pasal 84 Ayat (2) KUHAP (Menjadi acuan bagi Hakim dalam memeriksa dan memutus suatu perkara atau Yurisprudensi). Adapun latarbelakang perbuatan pidana berdasarkan Putusan Nomor 941/Pid.Sus/2023/PN Btm adalah perpindahan muatan minyak yang dilakukan secara ilegal (*ship to ship transshipment*) antara Kapal MT Arman 114 (Berbendera Iran) dan Kapal MT S Tinos (Berbendera Kribi). Tujuan penelitian adalah untuk mengetahui Kewenangan Peradilan dan Peran Keyakinan Hakim dalam Pembuktian Pencemaran Minyak serta untuk mengetahui Peran Kejaksaan sebagai Pelaksana Putusan (*Executor*) dengan menggunakan Teori Pidanaan oleh Umi Rozah Aditya untuk menguraikan analisis menghasilkan argumentasi hukum. Merupakan Penelitian Hukum Normatif dan menggunakan Pendekatan Undang-Undang (*Statute Approach*) dan Pendekatan Kasus (*Case Approach*). Hasil penelitian adalah Berdasarkan Putusan Nomor 941/Pid.Sus/2023/PN Btm Tindak Pidana Lingkungan Hidup berupa Pencemaran Minyak di Laut Natuna Utara diselesaikan pada Pengadilan Negeri Batam Kelas IA 941/Pid.Sus/2023/PN Btm. Hasil Uji Laboratorium Atas Sampel Air Laut tercantum pada laporan No. 01/LAP/DPMP/VII/2023 pada Tanggal 25 Juli 2023 dari Balai Besar Pengujian Minyak Dan Gas Bumi Lemigas, Kementerian Energi Dan Sumber Daya Mineral yang disahkan oleh Muh Kurniawan, Ph.D (Ketua Tim Analitik). Tim Pengawasan RHIB Bakamla RI menyatakan kode MT-ARM-4 dinyatakan cocok dengan sampel minyak kontaminan/tumpahan berupa *Oil Sludge* (Lumpur Minyak) berasal dari *Slope Tank* Kapal MT Arman 114. Bahwa Aparatur Penegakan Hukum oleh Bakamla RI selaku Penyelidik, KLHK selaku Penyidik, dan pihak Kejaksaan Negeri Batam dan Pengadilan Negeri Batam telah melaksanakan tugas dan kewenangannya sesuai dengan hukum nasional yang berlaku.

Kata Kunci : Tindak Pidana Lingkungan Hidup, Kewenangan Pengadilan Negeri Batam, Pencemaran Minyak *Oil Sludge* (Lumpur Minyak).

**LEGAL REVIEW OF OIL SLUDGE POLLUTION
BY MT ARMAN 114 SHIP IN NORTH
NATUNA SEA
(STUDY OF DECISION NUMBER 941/Pid.Sus/2023/ PN Btm)**

**By
Agnes Rosalia
NIM. 2105040049**

Abstract

In the explanation of the results of the International Convention on the Law of the Sea (UNCLOS or United Nations Convention on the Law of the Sea) dated December 10, 1982, Indonesia was declared an Archipelagic State. Keywords : Oil Sludge Pollution, Application of Criminal Law, The Role of the Prosecutor as the Executor of the Decision. This research examines Environmental Crimes in the form of Oil Pollution that occurred in the North Natuna Sea, which was resolved at the Batam Class IA District Court based on the provisions of Article 84 Paragraph (2) of the Criminal Procedure Code (A reference for judges in examining and deciding a case Jurisprudence (non-permanent). The background to the criminal act based on Decision Number 941/Pid.Sus/2023/PN Btm is the illegal transfer of oil cargo (ship to ship transshipment) between the MT Arman 114 Ship (Iranian Flag) and the MT S Tinos Ship (Kribi Flag). The purpose of this research is to determine the Judicial Authority and the Role of Judges' Beliefs in Proving Oil Pollution and to determine the Role of the Prosecutor as the Executor of the Decision (Executor) by using the Theory of Criminalization by Umi Rozah Aditya to describe the analysis to produce legal arguments. This is a Normative Legal Research and uses the Statute Approach and Case Approach. The results of the research are Based on Decision Number 941/Pid.Sus/2023/PN Btm, the Environmental Crime in the form of Oil Pollution in the North Natuna Sea was resolved at the Batam District Court Class IA 941/Pid.Sus/2023/PN Btm. The results of the laboratory tests on seawater samples are listed in report No. 01/LAP/DPMP/VII/2023 on July 25, 2023 from the Lemigas Oil and Gas Testing Center, Ministry of Energy and Mineral Resources, which was approved by Muh Kurniawan, Ph.D (Head of the Analytical Team). The Indonesian Bakamla RHIB Supervision Team stated that the MT-ARM-4 code matched the oil contaminant/spill sample in the form of Oil Sludge originating from the Slope Tank of the MT Arman 114 Ship. That the Law Enforcement Apparatus by Bakamla RI as Investigator; KLHK as Investigator; and the Batam District Attorney's Office and Batam District Court have carried out their duties and authorities in accordance with applicable national laws.

Keywords : Environmental Crimes, Jurisdiction Of The Batam District Court, Oil Sludge Pollution.