

**ANALISIS YURIDIS TANGGUNG JAWAB PEMILIK USAHA SARANG
BURUNG WALET TERHADAP PENCEMARAN LINGKUNGAN
MENURUT UNDANG-UNDANG NOMOR 32 TAHUN 2009 TENTANG
PERLINDUNGAN DAN PENGELOLAAN LINGKUNGAN HIDUP**

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ABSTRAK

Penelitian ini dilatarbelakangi oleh berkembangnya usaha sarang burung walet yang memberikan manfaat ekonomi, namun berpotensi menimbulkan pencemaran dan gangguan lingkungan apabila tidak dikelola sesuai ketentuan hukum. Permasalahan penelitian ini meliputi pengaturan hukum mengenai tanggung jawab pemilik usaha sarang burung walet terhadap pencemaran lingkungan serta analisis yuridis mengenai bentuk tanggung jawab hukum yang timbul apabila kegiatan usaha tersebut mengakibatkan pencemaran lingkungan. Penelitian ini bertujuan untuk menganalisis pengaturan hukum dan bentuk pertanggungjawaban pemilik usaha sarang burung walet berdasarkan Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup beserta peraturan perundang-undangan terkait. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Bahan hukum yang digunakan terdiri atas bahan hukum primer dan bahan hukum sekunder yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa tanggung jawab pemilik usaha sarang burung walet diatur dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Undang-Undang Nomor 32 Tahun 2009 beserta perubahannya, Kitab Undang-Undang Hukum Perdata, serta berbagai peraturan pelaksana mengenai perlindungan lingkungan hidup dan perizinan berusaha berbasis risiko. Pemilik usaha wajib memenuhi kewajiban perlindungan dan pengelolaan lingkungan serta mencegah terjadinya pencemaran. Apabila kegiatan usaha menimbulkan pencemaran yang memenuhi unsur hukum, pemilik usaha dapat dimintai pertanggungjawaban administratif, perdata, maupun pidana sesuai ketentuan yang berlaku. Penerapan tanggung jawab tersebut harus didasarkan pada pembuktian adanya pelanggaran norma, kerugian, hubungan sebab akibat, dan tingkat risiko kegiatan usaha. Oleh karena itu, pengawasan pemerintah, kepatuhan pelaku usaha, serta penegakan hukum yang konsisten diperlukan untuk mewujudkan perlindungan lingkungan hidup dan kepastian hukum bagi masyarakat.

Kata kunci : tanggung jawab hukum, pencemaran lingkungan, UUPPLH.

**JURIDICAL ANALYSIS OF THE LIABILITY OF SWIFTLET NEST
BUSINESS OWNERS FOR ENVIRONMENTAL POLLUTION UNDER LAW
NUMBER 32 OF 2009 ON ENVIRONMENTAL PROTECTION AND
MANAGEMENT**

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ABSTRACT

This research is motivated by the rapid development of the edible bird's nest business, which provides significant economic benefits but also has the potential to cause environmental pollution and disturbance if it is not managed in accordance with applicable legal provisions. The research addresses two main issues: the legal regulation governing the responsibility of edible bird's nest business owners for environmental pollution and the juridical analysis of the forms of legal liability arising when such business activities result in environmental pollution. The objective of this research is to analyze the legal framework and the forms of liability of edible bird's nest business owners based on Law Number 32 of 2009 concerning Environmental Protection and Management and other relevant laws and regulations. This study employs normative legal research using a statutory approach and a conceptual approach. The legal materials consist of primary and secondary legal sources, which are analyzed qualitatively. The findings indicate that the liability of edible bird's nest business owners is regulated under the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2009 concerning Environmental Protection and Management and its amendments, the Indonesian Civil Code, as well as various implementing regulations concerning environmental protection and risk-based business licensing. Business owners are required to fulfill their obligations regarding environmental protection and management and to prevent environmental pollution. If business activities result in pollution that satisfies the legal elements of liability, business owners may be held administratively, civilly, and criminally liable in accordance with the applicable laws and regulations. The imposition of such liability must be based on proof of a violation of legal norms, the existence of damage, a causal relationship, and the level of risk associated with the business activities. Therefore, effective government supervision, compliance by business operators, and consistent law enforcement are essential to ensure environmental protection and legal certainty for the public.

Keywords : *legal liability, environmental pollution, Environmental Protection and Management Law.*