

RINGKASAN

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**PENEGAKAN HUKUM TERHADAP
PENCEMARAN UDARA YANG
BERSUMBER DARI AKTIVITAS
PABRIK (STUDI PENELITIAN DI
KABUPATEN TAPANULI TENGAH)
(Sumiadi, S.H., M.Hum., dan Dr.
Amrizal, S.H., LL.M.)**

Pencemaran udara akibat aktivitas pabrik merupakan permasalahan lingkungan hidup yang berdampak langsung terhadap kualitas hidup dan kesehatan masyarakat. Di Kabupaten Tapanuli Tengah, pencemaran udara telah memicu keresahan dan protes masyarakat, namun penanganannya belum memberikan perlindungan hukum yang efektif. Meskipun Undang-Undang Nomor 32 Tahun 2009 telah menyediakan instrumen penegakan hukum, termasuk sanksi pidana, praktik penegakan hukum masih didominasi oleh penegakan hukum administratif dan persuasif sehingga belum menimbulkan efek jera. Kondisi ini mencerminkan adanya kesenjangan antara ketentuan hukum dan pelaksanaannya di lapangan. Oleh karena itu, penelitian ini bertujuan menganalisis penegakan hukum terhadap pencemaran udara akibat aktivitas pabrik di Kabupaten Tapanuli Tengah serta mengidentifikasi kendala dan upaya penyelesaiannya.

Jenis penelitian yaitu yuridis empiris dengan pendekatan perundang-undangan dan pendekatan sosiologis. Data diperoleh melalui studi kepustakaan (*library reseacrh*) dan penelitian lapangan (*field research*). Analisis data dilakukan secara deskriptif (*descriptive analysis*).

Hasil penelitian menunjukkan bahwa penegakan hukum terhadap pencemaran udara di Kabupaten Tapanuli Tengah masih didominasi oleh penegakan hukum secara administratif dan persuasif. Penegakan hukum pidana tepatnya pada pasal 98 dan pasal 99 Undang-Undang Nomor 32 Tahun 2009 belum dilaksanakan secara optimal, meskipun indikasi pencemaran dan dampaknya telah dirasakan langsung oleh masyarakat. Kendala antara ketentuan normatif dan realitas penegakan hukum ini terutama disebabkan oleh keterbatasan struktur kelembagaan, khususnya ketiadaan Penyidik Pegawai Negeri Sipil Lingkungan Hidup di tingkat kabupaten sebagaimana diatur dalam pasal 95 Undang-undang Nomor 32 Tahun 2009, serta keterbatasan sarana teknis berupa laboratorium lingkungan yang memadai untuk mendukung pembuktian ilmiah.

Oleh karena itu, disarankan agar dilakukan penguatan struktur penegakan hukum lingkungan dan peningkatan koordinasi lintas instansi.

Kata Kunci : Penegakan Hukum, Pencemaran Udara, Pabrik, Tindak Pidana Lingkungan Hidup.

SUMMARY

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***LAW ENFORCEMENT AGAINST AIR
POLLUTION BY FACTORIES (A
RESEARCH STUDY IN CENTRAL
TAPANULI REGENCY)***
**(Sumiadi, S.H., M.Hum., dan Dr.
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Air pollution caused by industrial activities is an environmental problem that directly affects public health and quality of life. In Central Tapanuli Regency, such pollution has triggered social unrest and public protests, yet the responses have not provided effective legal protection. Although Law Number 32 of 2009 provides legal enforcement instruments, including criminal sanctions, enforcement in practice remains dominated by administrative and persuasive approaches, resulting in a limited deterrent effect. This condition reflects a gap between legal norms and their implementation. Therefore, this study aims to analyze the enforcement of criminal law against industrial air pollution in Central Tapanuli Regency and to identify the obstacles and possible solutions.

This research employs an empirical juridical legal research method using a statutory approach and a sociological approach. Data were obtained through library research and field research. Data analysis was conducted using descriptive analysis.

The research findings indicate that law enforcement against air pollution in Central Tapanuli Regency is still predominantly carried out through administrative and persuasive measures. Criminal law enforcement has not been implemented optimally Article 98 and article 99 of law Number 32 of 2009, even though indications of pollution and its impacts have been directly experienced by the community. The gap between normative provisions and the reality of law enforcement is mainly caused by limitations in the institutional structure, particularly the absence of Environmental Civil Servant Investigators (PPNS) at the regency level as stipulated in Article 95 of Law Number 32 of 2009, as well as limited technical facilities in the form of adequate environmental laboratories to support scientific evidence.

Therefore, it is recommended that the structure of environmental law enforcement be strengthened through enhanced inter-agency coordination, and optimization of environmental testing facilities.

Keywords: *Law Enforcement, Air Pollution, Factory, Environmental Crime.*