



Legal Protection for Citizens Affected by Waste Disposal of PT. Rayon Utama Makmur

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ABSTRACT

It started with residents' concerns who felt that the smell was not fresh, which tended to be rotten every day, which came from the waste produced by PT. Rayon Utama Makmur (PT. RUM). This unrest then gave rise to a movement from local residents to demand the dismissal of PT. Rayon Utama Makmur (PT. RUM). These demands led to quite a long road until the residents were furious and put up a blockade to close the entrance to PT. Rayon Utama Makmur (PT. RUM). Then the next action was that the residents also met with the local Regional People's Representative Council (DPRD) in the hope of resolving the problem. Not only that, residents have also met the Regent of Sukoharjo to demand the dismissal of PT. Rayon Utama Makmur (PT. RUM). This research was conducted by examining Law no. 32 of 2009 concerning Environmental Protection and Management as partially amended by Law Number 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation (UU No. 32/2009 in conjunction with Law No. 6/2023) as the legal basis for this policy. While the regulations clearly regulate them, in reality they cannot provide justice to the victims of criminalization of environmental activists. The author hopes to be able to provide an in-depth understanding regarding the policies that have been regulated in this Law and to be able to provide input regarding law enforcement in handling environmental cases in Indonesia.

INTRODUCTION

Indonesia is a rule of law country where the constitution guarantees human rights in carrying out social life in society. One of the rights guaranteed is the right to a clean and healthy living environment. The guarantee of the right to a decent living environment is stated explicitly in Article 28 H of the 1945 Constitution and Article 9 point (3) of Law no. 39 of 1999 concerning Human Rights. As is known, in this century, in every part of the world, human rights have become a written legal concept. In England it is known as Magna Carta 1215, Hobeas Corpus Act 1679, and Bill of Rights 1689, which gave rise to the view that humans have equal rights before the law (equality before the law) and also gave birth to the principle of equality. In America there is the Virgina Bill of Rights 1776 and the Declaration of Independence 1776. In Africa it is known as the African Charter of Human and People's Rights. Meanwhile, in Asia itself, it is known as the Bangkok Declaration which clearly states the protection of Asian human rights based on the social and cultural characteristics of the people themselves. The next development was marked by the emergence of The American Declaration of Independence which wrote in detail that humans have been free since they were in their mother's womb so that it cannot be justified if after birth humans have to be shackled.

As a country that recognizes human rights, Indonesia has an obligation to protect, respect and fulfill the basic rights of its citizens as stated in the 1945 Constitution of the Republic of Indonesia, namely related to education, welfare, health, employment opportunities, clothing security, as well as a good and healthy living environment. The right to a clean and healthy living environment is stated in detail in Article 65 paragraph 1 of Law 32 of 2009 concerning Environmental Protection and Management. Environmental conditions are increasingly decreasing day by day because they continue to be used to support human life, so the quality is increasingly experiencing a decline. Efforts to repair and restore the environment are less rapid than the rate of damage and pollution that is occurring. This condition indicates that environmental issues are not yet central to Indonesia's development. In this regard, every person is the key to environmental sustainability. Various kinds of businesses, from small things to structural businesses, can be carried out to preserve the environment. One of the policies in environmental conservation efforts is the issuance of Law no. 32 of 2009 concerning Environmental Protection and Management (UU PPLH).

From a legal perspective, the legislator provides a definition of the environment as regulated in Article 1 number 1 of Law 32 of 2009 concerning Environmental Protection and Management as partially amended by Law Number 6 of 2023 concerning Determination of Government Regulations Replacement of Law Number 2 of 2022 concerning Job Creation (UU No. 32/2009 jo. Law No. 6/2023) as "a unity of space with all objects, forces, conditions and living creatures, including humans and their behavior, which influence nature itself, the continuity of life and welfare of humans and other living creatures." Referring to the definition above, it can be understood that humans are only one element in the living environment, where their behavior

will influence the lives and welfare of humans themselves in the communities in the living environment.

Environmental pollution is a condition where a substance or energy is distributed into an environment caused by human activities or natural processes themselves, causing changes in conditions where the environment does not function as before, both in terms of health, welfare and biosafety. Related to the theory of interests in the environment, environmental rights arise because of human interest in a good and healthy environment. A good and healthy environment is an absolute requirement for realizing life in society. With these interests, humans create rights for the environment so that it is not polluted by irresponsible parties. Environmental management is synonymous with efforts to optimize natural resources to supply the community's basic living needs. Sustainable development is best done by paying attention to the environment, preserving the function of the surrounding ecosystem, which is done by utilizing key activities together, so as to obtain support from the wider community so that they can play an active role and can be carried out in accordance with existing procedures.

Improving city cleanliness is one of the development goals carried out by the Sukoharjo Regency Government. One of the activities carried out is related to integrated waste handling carried out by the Environmental Institution of Sukoharjo Regency. Waste is one of the problems that disturbs the people living around it, so it is not only public awareness about environmental cleanliness but also that the Government needs an important role in handling cases of environmental pollution. The forms of environmental problems are environmental pollution, land misuse and natural resource depletion.

The waste problem is an environmental pollution problem that has not been handled properly until now. One of the problems faced in handling environmental pollution is related to the enforcement of existing laws and regulations and law enforcement that have not been implemented, as well as the low level of public awareness regarding environmental pollution. PT. Rayon Utama Makmur (PT. RUM) is a subsidiary of PT. Sri Rejeki Isman Tbk (Sritex) which is located in the Plesan area, Nguter, Sukoharjo, Central Java. This company is a supplier of rayon fiber (synthetic cotton) as PT's main need. Sritex is a garment. As a company that supplies garments, during its operations it causes environmental pollution which is very detrimental to local residents. Waste produced by PT. RUM takes the form of air pollution which is quite disturbing for the people of Sukoharjo Regency as well as environmental damage caused by the waste itself.

It started with residents' concerns who felt that the smell was not fresh, which tended to be rotten every day, which came from the waste produced by PT. Rayon Utama Makmur (PT. RUM). This unrest then gave rise to a movement from local residents to demand the dismissal of PT. Rayon Utama Makmur (PT. RUM). These demands led to quite a long road until the residents were furious and put up a blockade to close the entrance to PT. Rayon Utama Makmur (PT. RUM). Then the next action was that the residents also met with the local Regional People's Representative Council (DPRD) in the hope of

resolving the problem. Not only that, residents have also met the Regent of Sukoharjo to demand the dismissal of PT. Rayon Utama Makmur (PT. RUM).

The world of environmental activism is again experiencing a bitter pill related to several cases of environmental activists fighting for environmental pollution cases by PT. Rayon Utama Makmur (PT. RUM), where several environmental activists were arrested by the police, including Muhammad Hisubun Payu (Iss), Sutarno, and Brillian Yosef Nauval who were studied by the author in Decision Number 259/Pid/2018/PT.SMG. openly and with concerted force using violence against people or property and deliberately violating the law by committing, ordering to commit and participating in acts of destroying, destroying, rendering unusable or eliminating goods which wholly or partly belong to another person.

The residents' various efforts have been carried out optimally, but they have not been able to stop PT. Rayon Utama Makmur (PT. RUM) so that on February 23 2018 tires were burned and a security guard post was damaged in the PT area. Rayon Utama Makmur (PT. RUM). This is the reason why the three environmental activists were arrested. In the author's opinion the arrest was unethical and inappropriate. This is because the three of them did this on the basis of fighting for the right to a healthy and clean environment for the community around PT. Rayon Utama Makmur (PT. RUM). Based on this, various demonstrations have been carried out by the community to demand the closure of PT. Rayon Utama Makmur (PT. RUM) Sukoharjo has produced results and impacts since February 23 2018 PT. Rayon Utama Makmur (PT. RUM) Sukoharjo has officially had its operational permit closed by the Regional Government of Sukoharjo Regency.

Law no. 32 of 2009 concerning Environmental Protection and Management basically regulates the right to immunity for everyone who fights for a good and healthy environment, in Article 66 of Law no. 32 of 2009 concerning the PPLH Law states that: "Everyone who fights for the right to a good and healthy environment cannot be prosecuted criminally or sued civilly". This article is known as the Anti-SLAPP (Anti Strategic Lawsuit Action Against Public Participation) article. This Anti-SLAPP provision is an effort to protect the community from carrying out its role in environmental protection and management.

This research was conducted by examining Law no. 32 of 2009 concerning Environmental Protection and Management as partially amended by Law Number 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation (UU No. 32/2009 in conjunction with Law No. 6/ 2023) as the legal basis for this policy. While the regulations clearly regulate them, in reality they cannot provide justice to the victims of criminalization of environmental activists. The author hopes to be able to provide an in-depth understanding regarding the policies that have been regulated in this Law and to be able to provide input regarding law enforcement in handling environmental cases in Indonesia.

The writing studied by the author here focuses on cases of criminalization of environmental activists where law enforcers, especially judges in Indonesia,

still have difficulty detecting cases indicated by SLAPP as an effort to provide legal protection to provide justice to environmental activists indicated by SLAPP in the PT Case Study. Rayon Utama Makmur (PT. RUM) as a reference and providing solutions in the form of both preventive and repressive solutions to other writers in the future in accordance with the regulations in force in Indonesia. The author is interested in conducting research in the form of legal research with the title "Study of Judges' Considerations Regarding the Criminalization of Environmental Activists to Provide Legal Protection Related to Anti-SLAPP (Study of Decision Number 259/PID/2018/PT.SMG)". Where the author hopes to find out how protection is implemented law against criminalization of environmental activists and implementation of Anti-SLAPP.

LITERATURE REVIEW

What is the legal basis for the judge's consideration of the criminalization of environmental activists in the PT case. Has Rayon Utama Makmur (PT. RUM) fulfilled the elements of justice?

METHODOLOGY

Legal writing in this research uses normative legal research (doctrinal research). This research is based on legal materials (library based) which focuses on reading materials and studying both primary and secondary legal materials. So, legal research can aim to produce new arguments, theories or concepts as prescriptions for solving a problem faced by the author, whether the answer is right or wrong.

RESULT AND DISCUSSION

Since October 2017, residents of Sukoharjo, especially the Nguter area, have begun to smell waste which is the result of PT Rayon Utama Makmur's synthetic cotton production activities. The smell disturbed local residents enough that many of them decided to evacuate because they couldn't stand the smell of the waste. Ba waste that continues to appear, especially during the rainy season, triggers local residents to hold demonstrations as a form of rejection of the factory's activities which can disturb residents' sense of smell and health. On October 28 2018, the leadership of PT Rayon Utama Makmur and local residents made an agreement to temporarily stop operations of PT Rayon Utama Makmur for one month. However, residents feel that PT has ignored this agreement, this can be seen from the fact that factory operations are still running as usual. Feeling that their agreement was not being respected by PT Rayon Utama Makmur, residents held another demonstration and experienced a peak period on February 22 2018, the masses who were members of Sukoharjo Against Racun (SAMAR) and the Environmental Concern Community (MPL) carried out factory blockades and burned tires. Administrative sanctions were given by the Regent of Sukoharjo to PT Rayon Utama Makur. This is stated in the Regent's Decree Number 660.1/207.

The content of this decree is that the government is forcing the government to temporarily stop the production activities of PT Rayon Utama

Makmur and impose an obligation to carry out waste processing improvements for 18 months, namely from 22 February 2018 to 22 August 2019. 7. Various efforts have been made by residents to obtain their rights to a healthy environment free of pollution and clean air. The efforts made by citizens to obtain this right are by reporting the case to ministries and institutions. Residents have reported this to the local government at both district and provincial levels, but residents feel that this has not been followed up seriously and has not had any effect on residents. So residents reported to the Directorate General of Gakkum, the Ministry of Environment and Forestry (KLHK), Komnas HAM, and Komnas Perempuan. Residents are urging the Ministry of Environment and Forestry for administrative sanctions in the form of freezing permits or revoking permits for PT. Rayon Utama Makmur because it has committed environmental pollution, residents also urge the Ministry of Environment and Forestry to carry out an investigation into the environmental crimes committed PT Rayon Utama Makmur.

The relevant theory for analyzing this phenomenon is Karl Marx's conflict theory. According to Karl Marx, in any society there are always two main social groups, namely the social group that controls and the social group that is dominated. Between these two social groups there is a basic conflict of interest, where the ruling group obtains power from ownership and control of the forces of production, while the group in power is exploited and oppressed. The conflict that occurred between PT Rayon Utama Makmur and the Nguter residents was an objective conflict. It is said that conflict is objective because the emergence of conflict is caused by social factors, which can be seen through the disruption of Sukoharjo residents, especially the Nguter district, due to waste from PT Rayon Utama Makmur, this is what causes local residents to take action so that their environment can recover. 10. One of the actions taken is to restoring the environment, namely by managing conflicts between residents and PT Rayon Utama Makmur. Conflict management is an effort made to resolve conflict. The conflict management steps taken to resolve the conflict between residents and PT Rayon Utama Makmur are by holding hearings with the government, reporting the case to ministries and institutions, and carrying out resistance actions by means of demonstrations.

Legal Oppression of Lower Communities

Law is a rule that is always needed in every aspect of life. The concept of law itself also depends on normative concepts and empirical concepts. Law becomes an order for human actions, where the rules themselves are a system of rules. The aim of law is justice, although there are two other aims, namely legal certainty and legal benefit. However, of the three legal objectives, justice is the most important objective. Justice is the main focus in law, and justice cannot simply be sacrificed. In fact, for humans, justice is a very important principle in their interactions with the community or state. 13 This is in accordance with John Rawls' opinion that justice should not be bargained for and sacrificed. Injustice is permissible if it is used to avoid greater injustice. Because virtue is an important thing in human life, truth and justice cannot be taken in the middle. The application of law today is not as easy as the application of law in

the past. The law seems to only apply to the weak in society and does not work for those in power, so injustice is felt in this case. Law enforcement officials are often unable to enforce the law against guilty but powerful people. Laws as part of the law are not implemented according to their aim to protect someone from obtaining justice and their rights.

In the case of PT Rayon Utama Makmur and the Nguter residents, it is very clear that there is injustice. Sukoharjo residents have made various efforts to maintain their environment. Starting from reporting to the Sukoharjo Police, which ended in a dead end because investigators did not find strong legal elements, to reporting to the ministry and several institutions. Residents who demonstrate to defend the environment are actually subject to criminal proceedings by law enforcement officials. They are Iss, Brilian, Sutarno, Sukemi, Kelvin, Bambang, and Danang. Iss was sentenced to 2 years and 3 months under Article 406 paragraph (1) of the Criminal Code, while Brilian and Sutarno were sentenced to 2 years in prison under the same bond. Likewise, Sukemi and Kevin, who were charged under Article 187 paragraph (1) of the Criminal Code, were sentenced to 2 years and 3 months in prison. Meanwhile, two other people, namely Bambang and Danang, were charged under Law No. 11 of 2018 with a sentence of 3 years in prison. Their actions which damaged PT Rayon Utama Makmur facilities and allegedly carried out provocations on social media were punished with criminal penalties. Meanwhile, PT Rayon Utama Makmur, which pollutes the environment so that it endangers the health of residents, is considered a problem that can only be resolved with compensation and treatment. From the above phenomena, weak law enforcement and injustice are very clearly visible. The cause and effect relationship in this problem should be used as a legal consideration. It would be impossible for the public to hold a demonstration if PT Rayon Utama Makmur's production activities did not disturb the residents.

In the case of PT Rayon Utama Makmur, the controlling group proved that they as holders of the economic system made as much profit as possible from the suffering of the weak and disadvantaged. In Indonesia itself, injustice often triggers conflict. In fact, eleven conflicts that have occurred in Indonesia occurred because of injustice, whether social, political or economic injustice. 16. The conflicts that often occur are conflict between social classes. This conflict is vertical in nature, involving the upper social class and the lower social class. This conflict occurs because of differences in interests between those in conflict. This is in accordance with the conflict between PT Rayon Utama Makmur and the residents of Nguter. In this case, PT Rayon Utama Makmur is positioned as the upper social class, while the Nguter residents are positioned as the lower social class. They have different interests, namely, PT Rayon Utama Makmur wants to carry out its synthetic cotton production, while the residents feel disturbed by the presence of production waste which can endanger residents' health. From this difference of opinion, where Nguter residents were impacted by synthetic cotton production waste, while PT Rayon Utama Makmur benefited from synthetic cotton production, issues of injustice and inequality emerged. However, despite the negative impact of conflict, conflict also has

several functions. According to Berghe, the function of conflict is as a tool to maintain solidarity, help create alliances with other groups, activate the role of individuals who were initially isolated, and have a communication function 17.

With the conflict between PT Rayon Utama Makmur and the residents of Nguter, solidarity among Nguter residents became stronger, apart from that, they were also able to create alliances among areas affected by factory waste to achieve a common goal, namely maintaining a clean living environment and free from air pollution. The conflict between PT Rayon Utama Makmur and Nguter residents also activated isolated individuals. The air pollution created by PT Rayon Utama Makmur encouraged Nguter residents to actively demonstrate to re-create their living environment that was clean and free of waste odors.

The Impact of Waste on the Community from the Company PT. Rayon Utama Makmur

The existence of the textile industry in Indonesia is increasing from time to time. This is accompanied by increasing demand for textile products in accordance with trends and fashion. It cannot be denied that these activities always produce waste which can pollute the environment and thus have an impact on health. Industrial waste contains a diversity of impurities. So, in processing it there needs to be certain regulations or rules. Limits on industrial waste disposal must be tightened, this is done to create protection for aquatic ecosystems. Some of the pollution caused by waste is caused by liquid waste originating from the textile industry. In the production process, industry usually uses dyes. This substance is an agent of environmental pollution in the form of liquid waste. The negative impact of the presence of this dye causes health problems such as eye and skin irritation, respiratory problems, and in the worst case it can even cause death.

Pollution caused by textile industry waste occurs in Nguter District, Sukoharjo. The stench of waste from textile production can be smelled in residential areas. As a result, residents often feel nauseous, dizzy and even experience shortness of breath when inhaling the surrounding air. Even the remaining textile waste also pollutes river flows and residents' rice fields. So, apart from causing water pollution, factory waste also causes air pollution. Apart from that, the presence of waste also harms residents because it pollutes residents' rice fields. Textile waste contains substances that are dangerous if disposed of into the environment, especially in water areas such as rivers. According to 21 textile waste has several negative impacts if it is not managed properly, these impacts include being able to contaminate water surfaces and every drop of water that will be used by humans, can kill life and aquatic ecosystems, cause odors which are the result of the decomposition of anaerobic and inorganic substances, and produces mud which can cause blockages and cause flooding. Apart from that, 22 also stated that liquid waste caused by dyeing textiles is a liquid containing synthetic compounds which have strong pollution power with high COD (Chemical Oxygen Demand) and BOD (Biological Oxygen Demand) values and other ingredients from the dyes used.

Legal Sanctions for PT. Rayon Utama Makmur

From an environmental law perspective, resolving environmental pollution cases covers three areas, namely administrative environmental law, civil environmental law, and criminal environmental law, this is the same as the field of environmental law in terms of substance. Administrative environmental law focuses on how to resolve environmental pollution issues (the polluter's actions), civil environmental law focuses on providing legal protection for victims of environmental pollution by filing an environmental dispute lawsuit with the court to obtain compensation, while criminal environmental law focuses on resolving environmental pollution by dealing with environmental pollution. Criminal sanctions for perpetrators of environmental pollution 23. Based on the Law on the Protection and Management of Life, sanctions obtained by companies that commit environmental pollution will receive sanctions in the form of administrative sanctions, civil sanctions and criminal sanctions. Administrative sanctions can take the form of written warnings, government coercion, freezing of environmental permits, etc. Civil sanctions include being sued by the company and demanding compensation and environmental restoration costs. Meanwhile, criminal sanctions are in the form of imprisonment and compensation. Based on the description above, it can be seen that the sanction received by PT Rayon Utama Makmur was the Decree of the Regent of Sukoharjo which contained coercion from the government to temporarily stop PT Rayon Utama Makmur's production activities.

The Regent's decision is included in environmental administration law enforcement actions. Law enforcement is based on efforts made to enforce and actually function norms that serve as guidelines for behavior in legal relations in social and state life. Meanwhile, environmental administrative law enforcement is a preventive effort carried out to prevent violations from occurring, or to fulfill specified requirements so that environmental pollution or damage does not occur. However, some law enforcement is repressive in nature which is carried out through the application of administrative sanctions. The nature of administrative sanctions is reparatory, namely restoring to the original state. The application of administrative sanctions has an important role in cases related to the environment, this is because these sanctions have the function of controlling, preventing and dealing with actions that violate environmental regulations. Without the application of administrative sanctions, regulations are just meaningless writings, which can be violated by anyone. The types of administrative sanctions regarding environmental law enforcement are regulated in chapter 12, second part of articles 76 to article 83 of the UUPLH, in the form of written warnings, government coercion, freezing of environmental permits, and revocation of environmental permits. Meanwhile, according to the form of sanctions in administrative law, they are bestuursdwang or government coercion, withdrawal of decisions (favorable decisions such as permits, payments, subsidies), imposition of administrative fines, and imposition of forced money by the government.

However, in the case of PT Rayon Utama Makmur, administrative sanctions are unlikely to be sufficient if used to resolve this dispute. This can be

seen when the Regent has issued a decree containing force to stop production at PT Rayon Utama Makmur temporarily until PT Rayon Utama Makmur fixes the initial source of the smell. The repairs carried out by PT Rayon Utama Makmur did not have any effect, the strong smell of factory waste still disturbed residents. The Sukoharjo Regency Government should be more firm in imposing sanctions on PT Rayon Utama Makmur, for example by revoking permits from PT Rayon Utama Makmur. Based on Heldeweg and Seerden, the suspension or revocation of a permit in this case is aimed not at correcting the violating act and returning the law to the condition before the violation occurred, but to punish the permit holder by revoking the right to carry out certain acts that he or she has.

CONCLUSIONS AND RECOMMENDATIONS

Considering the large number of legal cases in Indonesia, it is necessary to understand law enforcement for every group. This is because problems that arise due to irregularities in law enforcement are emerging in Indonesia. As shown in this research, this research shows weak law enforcement against PT Rayon Utama Makmur which has harmed residents so that the affected residents use various methods to get the justice they should get. However, everything the residents do seems to have no effect whatsoever. Residents still feel disadvantaged by the waste that arises as a result of PT Rayon Utama Makmur's production activities

FURTHER RESEARCH

This research still has limitations so further research needs to be done on this topic "Legal Protection for Citizens Affected by Waste Disposal of PT. Rayon Utama Makmur".

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