

# Juridical Analysis of The Criminal Liability of Defendants Who Jointly Without Permission Carried Out the Dumping of Waste into Environmental Media on An Ongoing Basis (Study Verdict No. 201/Pid.B/LH/2021/PN. Cbi)

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## Abstract

*Dumping manure has become a major issue in the area as time has passed, because this activity has very serious consequences for the environment, as well as the health of people and living things. As a result, the goal of this research is to recognize the regulation of crimes of contamination of living areas linked to dumping feces without excuse, as well as the responsibility of suspects of crimes of contamination of living areas without excuse for carrying out dumping of feces into living area tools, and to recognize the analysis of the setting no. 201 or Pid. B or LH or 2021 or PN. Cbi. This is a normative juridical research procedure. The basis of the information used is inferior information derived from the subject matter of law, inferior law material, and tertiary law material. In addition, the deed research equipment is research that is tried by the method of studying the content of the deed and coupled with library materials to obtain inferior information and the stages of collecting information that are tried. The form of regulating the crime of contamination of living areas linked to dumping feces without justification is a law issued by the ruler in the aspect of the area. Of course, it is intended that residents always maintain the availability of the area is always suitable and can then support residents' wishes.*

## Keywords

waste disposal; contamination;  
juridical analysis; Indonesia



## I. Introduction

Indonesia is one of the countries that is the breathing apparatus of the earth. The nation is given the ability of a very unusual area, in the form of a situation where the natural energy base of biological and non-biological diversity. The exploitation of this gift for the venting of the desires of living people must be accompanied by a great responsibility in protection and management so that it is always maintained for its sustainability (sustainability). The area of life is the gift of mercy from God Almighty which is a space for life in all views that must be developed and preserved its abilities so that it can be the basis and lifeblood for all living people, for continuity and improvement of the quality of life itself (Munadjat Danusaputro, 1985).

Alvi Syahrin's opinion entitled "Some Legal Rumors of The Area of Punishment" where there is a mandatory criminal liability first who can be accounted for, meaning that it must first be determined who is claimed as the perpetrator (Syahrin, 2009). For the Criminal Code, what can be the subject of the criminal law is only a person (natuurlijke individual) and not a legal body (Askin, 2017). The speech of the creator (performer) in the

Criminal Code which is formulated with the speech "whoever" is merely encompassing the individual interpretation of the person listed as a special interpretation or title.

The matter of liability of crimes to contamination of the area is generally tried a lot by corporations, where in the case of crimes attempted by corporations is an act of crime tried by a special person as the caretaker of the legal body which is determined to be regulated in article 46 paragraph (2) of the UUPH, the disposition of the act that produces the crime is an *onpersoonlijk*. (Syahrin, 2009) The person who presides over the corporation is liable for the crime freed from whether or not he knows about the action. The living area is a matter that is mainly for people's lives, therefore the living area must be protected and preserved and arranged properly for the needs of all people. Munadjat Danusaputro," the area of life can be explained as all goods and energy and situations, listed in its people and their actions, which exist in the space where people are located and influence the continuity of life and safety of people and other life bodies" (Asshiddiqie, 2010).

The deterrence and resolution of contamination and destruction of areas requires similar activities of area experts from various sciences to study the factors that limit or urge the development and development of areas in our country. This similar activity is needed to review cases and share their influence towards area management in a beautiful and structured way, in accordance with their expertise and knowledge for the success of prolonged development. Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

Indonesia itself regulates the rules for the method of handling B3 manure in The Ruling Regulation No. 101 of 2014 concerning the Management of Risky and Venomous Material Impurities. In practice, although this dumping practice can be tried in a legitimate way, there are not a few dumping practices that are tried in an underhand way or without excuses that can be tried from the side of the hook. In this regard, the reward of the crime that can be handed over to the perpetrator of the crime of dumping feces in a joint way to the tools of the living area without excuse in a joint way can be in accordance with Article 104 RI Number. 32 of 2009 concerning the Protection and Management of Living Areas Jo Article 60 of the Law of the Republic of Indonesia Number. 32 of 2009 concerning the Protection and Management of Living Areas Jo. Article 55 Paragraph (1) 1 of the Criminal Code jo. Article 64 Paragraph (1) of the Criminal Code.

In this preparation, the research of the problem is the Crime of Dumping Feces without excuses which is tried by the suspect in a joint way that can be good for the area or people around the event, where the dirt has B3 (Risky and Venomous Material), where the suspect carries out the dumping of feces without excuses by means of poverty and there is no insistence. For that, the Authors here is enamored to quote the head of the essay "JURIDICAL ANALYSIS OF THE CRIMINAL LIABILITY OF DEFENDANTS WHO JOINTLY WITHOUT PERMISSION CARRY OUT DUMPING OF WASTE INTO ENVIRONMENTAL MEDIA CONTINUOUSLY (Study of Judgment No. 201/Pid.B/LH/2021/PN. Cbi)". Where the perpetrator of the crime wants to account for his actions to the close residents who are burdened with good areas or people who are located near the formation of dumping dirt without excuses it is tried, as a result of the dream of being able to share his key insights related to protecting a good area of life in the days that are about to come.

## **II. Research Method**

This legal research (sah research) is tried by using normative juridical legal research procedures that are tried to be sourced from important legal material by observing theories, concepts, legal principles and laws and regulations related to this research. Normative juridical research procedures are legal research of bibliography that is tried by the method of studying bibliography materials or mere inferior information (Mahmudji, 2003).

The procedure for approaching used in the categorization of this thesis is this legal research is tried by using a case approach sourced from laws and regulations (statute approach), an abstract approach (conceptual approach) Problem approach (case approach) of statutory science. This statutory approach is tried by observing all the laws and regulations concerned with the rumors of the law being monitored, on the contrary, the abstract approach is tried by making something designed to be used as a reference in this research.

## **III. Result and Discussion**

### **3.1 Regulation of Criminal Acts of Environmental Pollution Related to Dumping Waste Without Permission**

The progress of the situation of living areas in Indonesia at this time can be said to continue to be acute in its state from duration to duration (Asshiddiqie, 2010). Along with the soaring factory zones, household or large legal bodies and want to increase the dependence of the area of waste, the waste it produces is good on the way of creation or use of objects created (Faishal, 2016). Something is classified as B3 dirt if it has risky or venomous material whose character and concentration, either directly or indirectly, can interfere or pollute the living area or kill people's health. The materials listed as B3 impurities are those that have one or more of the next characters: easy to explode, easy to burn, reactive, venomous, inflammatory, corrosive habits, etc., which when tried with toxicity can be known as B3 impurities.

The act of polluting and causing the destruction of the area is an activity that in a direct or indirect way can kill people's lives and souls. This action is an act that violates its special law in terms of the law of crime (Destiny Rahmadi, 2012). Area crimes are orders and legal taboos on the point of law that when violated are threatened with the imposition of criminal sanctions, including imprisonment and compensation, with the aim of preventing living areas by means of totality or elements in living areas such as forests, animals, land, eve, as well as water and people. Therefore, with this interpretation, the crime of the living area is not only the provisions of the crime formulated in the Law on the Protection and Management of Living Areas, but also the provisions of the crime formulated in other laws and regulations during the conclusion of the determination are aimed at preventing the area of life by means of totality or verses ( Destiny Rahmadi, 2012) . In recent advances, most notably in the economic aspects as well as the area of life, the body of law can participate in a direct or indirect way in acts, such as violations of the law of crimes special to the crimes of living areas that cause loss for the needs of the people or the State.

Each provision of crimes to the management of B3 dirt has been regulated in Law No. 32 of 2009 concerning Protection and Management of Living Areas. Feces can be made from hospital activities. In accordance with article 104 of Law No. 32 of 2009, medical feces are not allowed to be disposed of in random places. Law No. 32 of 2009 concerning Protection and Management of Living Areas.

The laws and regulations issued by the ruler in the aspect of the area, of course, are intended so that residents always maintain the availability of the area is always suitable and can then support the wishes of the residents. The stability of this area can be granted if the situation of our area is always similar, there are no circumstances or elements in the area that decrease, for example with the formation of area contamination that can cause shrinkage of factors in the area that can cause shrinkage of factors in the area (Yondia Vanensashakeh Soemantri, 2017).

Juridical Statement to Article 60 of Law No. 32 of 2009 concerning the Protection and Management of Living Areas ensures that everyone is prohibited from dumping dirt and or materials into living area tools without excuse. Coinciding in tackling crimes to living areas is also regulated by circumstances that coincide with the dumping of feces that have risky and venomous material, in this case it is medical waste which indeed in the way of disposal requires special attention.

For the philosophy of criminalizing the imposition of any crime is essentially the annulment of the rights of the underprivileged. Therefore, the use of crime as a political tool must be based on reasons that can be accounted for in philosophical, juridical and sociological ways. For that since the old days, people have been trying to find a retaliation for the case, "why and for what is the crime imposed on the person who committed the wrongdoing?" (Saleh, 1983). The Absolute Philosophy is that evil is imposed because people have done wrong. Crime as a devastating effect that must be present as a fee to the person who commits the wrongdoing. So under the justification lies in the existence of the error itself.

This legislation is used to tackle various crimes that have grown as technology grows in the modern era as it is today, as a result of which the Crime Law Book can no longer be used to trap the perpetrators of these crimes. Among the many crimes, the author attaches importance to the crime of dumping dirt and or material into the tools of the living area without excuse. The regulation for the perpetrators of the crime of dumping feces and or materials to living area tools without excuses is regulated in Law No. 32 of 2009 concerning protection and management of living areas, is in Article 60 which ensures: "Everyone is prohibited from carrying out dumping of feces and or materials to living area tools without excuses". It is not to try because of the pay or to prioritize the needs of people, but to give an impact on the suspect so as not to carry out a uniform matter after that day.

Basically, this Law is made not to cause a kapok impact for the performer always in the termination does not match the expectations in fact, very lightly because the impact caused by dumping itself is very risky for the good life of the living area or the citizen when the inner self of a person masters what is the intention of preventing a living area, when polluted an area to a very severe impact it begins to be intertwined from skin diseases to diseases at risk of appearing due to the pollution of the area to face the destruction of ecosystems in life when something of wisdom contained does not share the impact of kapok to the perpetrators of crimes the area regarding the same matter is to be intertwined many times, it seems that in this matter that I have examined, which is one of the activities that results in a very risky activity for living people let alone can cause death. The jury as the Delegate of God in checking, finishing and dropping rewards is also obliged to look at the juridical basis, the philosophical basis and the sociological basis.

### **3.2 The Responsibility of The Defendants of Criminal Acts of Environmental Pollution Together Without Permission to Dump into The Environmental Media (Study Decision No. 201/Pid.B/LH/2021/PN. Cbi)**

The liability of a crime is the responsibility of the person to the act of the crime he committed, strictly speaking the crime that the person is responsible for, the liability of the crime he committed. The accountability of the crime is referred to as the continuation of the fair ridicule contained in the crime and in an individual way that there is a fulfillment of the provisions to be able to be committed because of the act itself (Rusianto, 2016).

In this regard, it is in accordance with Article 104 jo 60 of the Law of the Republic of Indonesia Number. 32 of 2009 concerning the Protection and Management of Living Areas Jo. Article 55 Paragraph (1) of the Criminal Code jo. Article 64 Section (1) of the Penal Code if Article 104 states any person who carries out the dumping of feces and or materials into the means of living areas without excuses is also interpreted in the Article to be convicted of the crime of bui very long 3 (three) years and compensation very much 3.000.000.000.00 (3 billion), Article 60 states that any person is prohibited from carrying out dumping of feces and or materials into living area equipment without excuse, Article 55 Paragraph (1) of the Criminal Code states that if convicted as a perpetrator of a crime, those who carry out, who order to carry out, and who participate in and carry out the action, Article 64 Paragraph (1) of the Criminal Code states that If between some of the actions, though each is a mistake or an offence, there is such a relationship that it must be viewed as one continuous act, that only one provision of the crime is applied; when different, applied which contains the danger of a very severe major crime.

The law of just crime is charged with various prohibited acts, to which the acts have been formalized the danger of the crimes to the object of who carries them out. The rights and powers of the demekian state are things and are explained the basis, the basis for which they are based. The toeri- toeri thing of punishment, which in many legal literature is pronounced with the philosophy of the law of crime or strafrecht- theorien) is directly related to the legal interpretation of the subjectual crime. These theories seek and explain the underpinnings of the right of the land to bring down and carry out the crime. It is clear that crimes are threatened when they have been committed, even affecting the needs of the law and the rights of individual human beings who are actually protected by law. Of course, the right to carry out this individual crime law is very large as a result, it can only be owned by the state (Chazawi, 2014).

If you study the articles of the Criminal Code and other crime laws built by the Ruler of the Republic of Indonesia, in fact there should be no meaning regarding glare and criminal liability. Each of those legal articles outlines different elements of glaring, especially since there is a Criminal Code article that only says the qualifications of glaring. In the articles of the Criminal Code, novel II and novel III, there are elements, glaring elements and elements, the factors of criminal liability, as a result of which the experts must distinguish the elements. It is clear that the creators of the KUUHP and the law of crime adhere to monistic thinking about glaring, as a result, it can be concluded that the conditions of punishment are equated with glaring (Farid, 2014).

So the Judge in solving a problem must look at it from the philosophical field of view, the sociological view that is intertwined in the scope of life in society in termination as well as so as not to form Defense and Anti in social life because for matters the area must find more attention and supervision Because it is also the environment that is the driving force for the safety of the nation and the country. For Law No. 32 of 2009 regarding the protection and management of the environment, life does not prevent such



areas as described in the Law, only the nickname that says protection and management of living areas.

#### IV. Conclusion

Law No. 32 of 2009 concerning the Protection and Management of Living Areas is used as an umbrella act of other laws in the field of living area protection, the usual and abstract conclusions are expected to reach the act of contamination and or or melting of areas that are regulated or to be regulated in other laws. The regulation of manure dumping matters has been regulated in a deep way in the legislation. Starting from the provisions of abstinence from carrying out manure dumping as well as regulated in Article 60 of Law No. 32 of 2009 concerning Protection and Management of Living Areas to the reward of crime if the actor carries out the application of dumping B3 manure as well as regulated in Article 104 of Law No. 32 of 2009 concerning Protection and Management of Living Areas.

The retaliatory liability for the crime of dumping the filth is focused on each person who commits the crime. That is, the legal point in the Living Area Law is not only people or people but also the body of the law. The responsibility for crimes for suspects dumping feces into living area tools without excuses is to report suspects who are tested in a legal way and convince them to be guilty of committing crimes of people who dump feces into living area tools without excuses by jointly being sentenced to bui crimes every 7 (7) months and compensation of Rp. 1. 000. 000. 000 (one billion rupiah) with determination if the compensation is not paid is exchanged for the crime of confinement for 1 (one) month which is regulated in UUPPLH Number 32 of 2009 concerning Protection and Management of Living Areas. In that setting, the jury imposed a very light setting on the suspect, which did not have the impact of the kapok on the suspect, the setting imposed by the jury was less than 2 or 3 of the dangers contained, until that was not to share the impact of the kapok on the defendant.

#### References

- Askin, M. (2017). The Ins and Outs of Environmental Law. UNAS PRESS.
- Asshiddiqie, J. (2010). Green Constitution. Eagle Press.
- Chazawi, A. (2014). Criminal Law Lessons Part I. King Grafindo Persada.
- Faishal, A. (2016). Waste Regulatory Environmental Law and the Green Industry Paradigm. Yustisia Library.
- Farid, Z. A. (2014). Criminal Law I 4th printing. Ray Grafika.
- Mahmudji, S. S. and S. (2003). Normative Legal Research, A Brief Review. King Grafindo Persada.
- Munadjat Danusaputro. (1985). Environmental Law Book: I General. Bina Cipta.
- Rusianto, A. (2016). Criminal Acts and Criminal Liability. Kencana Prenada Media Group.
- Saleh, R. (1983). Stelsel Criminal Indonesia. New Script.
- Shah, M. et al. (2020). The Development Impact of PT. Medco E & P Malaka on Economic Aspects in East Aceh Regency. Budapest International Research and Critics Institute-Journal (BIRCI-Journal). P. 276-286.
- Syahrin, A. (2009). Some Issues of Criminal Environmental Law. Sofmedia.
- Rahmadi's destiny. (2012). Indonesian Environmental Law. King Grafindo Persada.
- Yondia Vanensashakeh Soemantri. (2017). Environment (Study of Waste Dumping Without Related Permits and Based on Judgment No. 61/Pid.Sus/2015/Pn. Unr. Jo. No. 162/Pid.Sus/2016/Pt. Smg.). Diponegoro Law Journal, 6(2), 6.