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Liability Without Fault in Environmental Dispute Settlement: The Per-spec-tive of Law No. 32 of 2009 Concerning Environmental Protection and Man-agement

Muhammad Yasir Azhar[1], Saddan Dintara Lubis[2]

[1,2]Program Studi Hukum; Fakultas syari'ah & hukum; Universitas Islam Negeri Sumatera Utara; Jalan Wiliam Iskandar; Ps V; Medan; Indonesia

Abstract: Environmental issues in Indonesia are becoming increasingly complex, driven by the rapid growth of industry and the exploitation of natural resources that disregard the principles of sustainability. This study aims to analyze the implementation of the principle of liability without fault in resolving environmental disputes, as stipulated in Law Number 32 of 2009 concerning Environmental Protection and Management. This principle provides a platform for injured parties to seek legal accountability without having to prove fault, in line with the polluter pays principle. The approach used in this study is a normative juridical method, relying on secondary data in the form of laws and regulations, legal literature, and previous research findings. The findings indicate that the existence of the principle of strict liability in Article 88 strengthens the legal basis for filing civil lawsuits for redress of environmental damage, even in conditions without elements of intent or negligence. Dispute resolution can be pursued through litigation or non-litigation channels such as mediation and arbitration. These findings are significant in promoting ecological justice, expanding public access to environmental justice, and strengthening legal responsibility for business actors. This study concludes that it is necessary to strengthen socialization efforts and enforce the law firmly and consistently so that the principle of liability without fault can function optimally as a preventive and corrective legal instrument.

Keywords: Liability Without Fault, Environmental Disputes, Civil Liability, Law Number 32 of 2009.

1. Introduction

Environmental issues are significant assets for the sustainability of living creatures and the surrounding ecosystems, where the environment is a place for humans to live their daily lives. With the environment, the ecosystem will continue to develop so that the ecosystem and the environment are a dynamic and encompassing unity between environmental components that influence each other. However, in the development of industry, urbanization, and massive exploitation of Natural Resources (SDA), environmental contamination and destruction are becoming increasingly complex problems. Environmental crimes often result in broad impacts on public health, ecosystem sustainability, and overall ecological balance.

Lack of awareness and knowledge about a healthy environment ultimately leads to people being indifferent to and indifferent to the integrity and sustainability of the environment. As a result, both industrialists and individuals pay little attention to the environment and often harm it.pollute or damage the environmentwhich ultimately has fatal consequences for the natural order.

Correspondence:
Name: Muhammad Yasir Azhar
Email:muhammad0206212067@uinsu.ac.id

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Taken through the framework of environmental law regulations applicable in Indonesia, provisions regarding accountability for acts of pollution and environmental destruction are contained in Law Number 32 of 2009, particularly in Article 87 paragraph (1) concerning Environmental Protection and Management (UUPPLH). This article reflects the national legal system's recognition of the principle of liability without fault, which is substantially related to the civil liability regime for handling environmental problems. This provision explicitly affirms the application of this principle in the context of enforcing Indonesian environmental law.

As intended, directed, and as intended, the mechanism of Article 87 of the Environmental Management Law (UUPPLH) aims to oblige any person or actor who causes pollution or environmental damage to restore the environment's function. This reflects the principle of absolute liability and "the polluter must pay," meaning the perpetrator remains responsible without needing to be proven guilty. Remediation is carried out through damage identification, action plans, and government oversight, with the perpetrator bearing the full cost of restoration.

The existence of these provisions indicates that environmental issues can be resolved through civil law, although the law also regulates aspects of criminal liability. Through a civil approach, the Environmental Protection and Management Law opens up opportunities for non-litigation solutions, such as through agreements and peace settlements. The application of the strict liability principle in the Environmental Protection and Management Law (UUPPLH) makes it easier for affected communities to claim compensation for environmental damage, as it does not require proof of fault from the party deemed responsible. Thus, this principle strengthens access to environmental justice and accelerates the process of redressing the damage.

Therefore, it can be concluded that with this regulation, it is clear that it makes it easier for victims to demand their rights that have been damaged and also makes it easier for perpetrators to take responsibility without having to damage their dignity and self-esteem due to violating criminal regulations, even if the damage or consequences caused by the perpetrator of the damage cannot be tolerated in the civil realm, at least there is good faith in it which can be taken into consideration in court.

There are several principles contained in environmental law, and one of the principles that regulate environmental law is strict liability or liability without fault, which means that the business actor or party that causes pollution is legally responsible without the need for proof of fault (mens rea). The application of this principle ensures that environmental recovery can be carried out quickly and effectively, and provides a deterrent effect for the polluter (Fahruddin, 2019).

It is clear that environmental pollution is a problem faced by all living things on Earth, especially with the growing human population and the development of industry to meet human needs. With this industrial development, the amount and types of industrial waste are increasing, which in turn leads to greater environmental pollution.

With the many issues surrounding environmental pollution, this problem is a shared responsibility, which is an important issue to resolve, considering that environmental pollution will impact our safety, health, and survival as living beings. Environmental education is made into education based on a love of nature and the environment

in instilling a caring character for the environment in students. The caring character for the environment is an attitude and action that always strives to prevent damage to the surrounding natural environment, and develops efforts to repair natural damage that has already occurred. (Maulidia, 2020) Everyone can participate in overcoming the problems caused by environmental pollution. Starting with the environment around us, to ourselves, and the wider environment. (Sompotan & Sinaga, 2022).

So the environment is a spatial unity that includes various elements on earth, both living and non-living, where this unity interacts with each other and influences the continuity of life of living creatures, including humans, so that this environment includes all physical, biological and social aspects that play a role in determining the quality of life on earth.

The environment consists of two main components: biotic and abiotic. Biotic factors refer to all living things, such as humans, animals, plants, and microorganisms. Meanwhile, abiotic factors include non-living elements such as soil, water, air, sunlight, and various other physical factors that play a vital role in supporting the continuity of life within an ecosystem.

Organic waste, which includes food scraps, fallen leaves, plant debris, and other green waste, is a type of household waste that plays a significant role in environmental pollution. Methane gas is a greenhouse gas, contributing significantly to global climate change. It is caused by improper organic waste management; it should be processed through composting or anaerobic processing. Plastic is one of the household wastes most responsible for environmental damage, along with organic waste. Plastic is difficult to decompose naturally, contaminating soil, water, and ecosystems. Millions of tons of plastic have polluted marine areas, posing a threat to marine ecosystems and marine flora and fauna. Furthermore, the unrestricted burning of plastic has the potential to release toxic gases and harmful particles, which can pollute and cause air pollution (Utami & Hasibuan, 2023).

Therefore, in the context of environmental law in Indonesia, the resolution of environmental disputes often faces various challenges, especially in proving the fault of the alleged party. Environmental issues are essentially about finding ways that must be implemented to ensure and make the earth and its surrounding nature a habitable space for a peaceful, peaceful, and prosperous life (Herlina, 2017). Therefore, the concept of strict liability or liability without fault is very relevant in ensuring the accountability of the perpetrator without having to prove the element of fault, so that the community will be more facilitated in resolving environmental disputes and encouragingperpetrators of environmental destruction and pollution to be more responsible and pay attention to the environment.

Law Number 32 of 2009 also provides a basis for norms to be clearer and provide stronger protection for every victim of environmental pollution. In Article 88, this Law adopts the principle of liability without fault, also known as strict liability, which stipulates that every business actor whose activities have a significant impact on the environment, has absolute responsibility for the damage or pollution that occurs, without requiring proof of fault. The application of this principle aims to strengthen protection for the environment and affected communities, as well as provide legal certainty in the

environmental dispute resolution mechanism. The success of a law can be seen from how it is implemented and enforced. If law enforcement is not running well, the law, no matter how perfect, is meaningless or less in accordance with its purpose. (Ghozali, 2023)

Although the principle of liability without fault has been explicitly explained in Law Number 32 of 2009, this concept remains relatively unknown among the public. Therefore, a more comprehensive and educational explanation is needed so that the public, especially victims of environmental damage, can understand their rights and obtain legal protection through the liability without fault mechanism.. people affected by environmental pollution will generally only try to avoid the impact of the pollution by moving away or trying not to be affected by the impact of the environmental damage or pollution so that over time the damage will become more severe and have a very bad impact on the community and the environment, whether seen from a physical, psychological, social or economic perspective.

Several forms of liability without fault in the context of environmental pollution that occurs in Indonesia a) Strict liability regarding environmental pollution and damage: This principle is applied to prevent adverse impacts on the environment and ensure the restoration of damaged ecosystems. There is no need to prove any element of fault, whether intentional or negligent, applies to businesses and activities that have a high risk to the environment, business actors are responsible for the environmental impacts that occur, including the costs of recovery and compensation to affected communities; b) Compensation liability for ecosystem damage: This concept emphasizes that damage to the ecosystem has legal and financial consequences that must be borne by the party causing the damage, not only including compensation to humans, but also including restoration of the damaged environment, compensation calculations include restoration costs, economic impacts for affected communities, and loss of sales value, can be submitted through a civil lawsuit mechanism by the government, community, or environmental organizations; c) Corporate Liability for Environmental Disasters: includes administrative, civil, and criminal liability, depending on the level of impact. Corporations may be subject to sanctions even if no intent is proven. Sanctions may include fines, license revocation, or criminal charges against company managers. The government may undertake environmental restoration at the expense of the responsible company.

The legislators have made various kinds of regulations that aim to maintain the integrity and sustainability of the environment and prevent environmental problems from occurring, so that several regulations that have been made by the legislators regulate many issues that contain Basic Provisions regarding Environmental Management.

With this regulation, the legislators of the previous period have used a principle of sustainable development with an environmental strategy, as a form of improvement to the previous law. Therefore, there is a movement of change regarding the situation and condition of this environmental problem, the government's adaptive ability in addressing environmental problems is determined by the approaches taken both by involving every component of both the community and the private sector to participate in addressing environmental problems and by optimizing government organizational units and non-governmental institutions that are committed to addressing environmental

problems. (Nahruddin, 2018). ultimately made the government look at that it is appropriate to create a new legal regulation (ius constituendum) to replace the previous law, namely by forming norms in Law Number 32 of 2009.

Thus, the provisions stipulated in Law Number 32 of 2009 can be categorized as principles of environmental protection and control, which are almost identical to the application of good governance principles in government administration. The strengthening of this principle is reflected in the formulation and implementation of various legal instruments and policies aimed at preventing the consequences of environmental pollution and damage, while simultaneously supporting effective handling and law enforcement. In its implementation, values such as transparency, public participation, accountability, and justice need to be integrated holistically to establish an environmental protection system that is sustainable, fair, and responsive to community needs (Nursya, 2023).

Based on the previous explanation of the definition, it is known that the issues to be studied are as follows: first, What is the form of dispute resolution in the environment from the perspective of Law Number 32 of 2009. Second, How is the draft liability without fault for environmental dispute resolution. Third, How is civil liability for dispute resolution of liability without fault in the environment.

2. Materials and Methods

This study employed a normative legal research method, known as doctrinal study. It is categorized as doctrinal legal research because its primary focus is on qualitative analysis of scientific research that focuses on an in-depth understanding of social phenomena, behaviors, experiences, perceptions, or meanings related to the object or subject being studied.

The form of data used in this research is secondary data, this isData obtained from official documents, law books, and applicable legal regulations. Secondary data sources are compiled through primary, secondary, and tertiary laws. Primary regulations are authoritative sources of law because they originate from relevant legal regulations.

In the context of this study, the primary legal norms used are statutory regulations that have direct relevance to the object of study, namely Law Number 32 of 2009 concerning Environmental Protection and Management. These secondary legal regulations essentially contain primary legal materials explained by secondary legal materials, which consist of legal perspectives and theories obtained through legal literature, scientific research, and websites related to secondary law. Tertiary legal materials are sources that provide additional explanations and clarify the meaning of primary and secondary laws. This includes legal dictionaries, the Great Indonesian Dictionary, and other references that function as aids in understanding legal terms or concepts in greater depth.

3. Results and Discussion

3.1. Forms of Environmental Dispute Resolution from the Perspective of Law Number 32 of 2009

Every problem requires a resolution mechanism, including in the context of environmental issues. Environmental dispute resolution, as outlined in Law Number 32 of 2009 concerning Environmental Protection, is a legal instrument designed to address conflicts arising from environmental pollution and damage. This mechanism focuses not only on resolving disputes between parties but also on environmental restoration and community protection to ensure a healthy and safe environment, as mandated by law.

Law Number 32 of 2009 emphasizes that environmental issues must be addressed through the principles of environmental justice, community participation, and the protection of human rights to the environment. This means that the resolution process must not solely consider economic or administrative interests, but must also consider the community's right to active involvement and ensure the sustainability of environmental functions (Wahyuni, 2017).

As is known, Law Number 32 of 2009 explains that environmental management can be carried out through litigation and non-litigation as explained in Article 84, namely: (a) Settlement of environmental disputes can be pursued in court or out of court (b) The choice of environmental dispute resolution is made voluntarily by the disputing parties. (c) A lawsuit through the courts can only be taken if the method of resolving the dispute outside the courts chosen is declared unsuccessful by one or more of the disputing parties.

The provisions in paragraph (1) aim to protect the civil rights of all persons involved in environmental issues, while the provisions of paragraph (3) aim to prevent conflicting decisions in similar cases. Thus, it is hoped that this regulation will be able to create legal certainty in the resolution of environmental disputes.

The procedures for handling environmental disputes arising from environmental pollution and destruction are regulated by two forms of settlement mechanisms, namely: (a) Handling environmental disputes not through the courts as stated in Article 85 explains: (b) Settlement of environmental disputes outside the courts is carried out to reach an agreement regarding: form and amount of compensation; recovery measures due to pollution and/or damage; certain actions to ensure that pollution and/or damage will not be repeated; and/or actions to prevent negative impacts on the environment. (c) Dispute resolution outside the court does not apply to environmental crimes as regulated in this Law. (d) In resolving environmental disputes outside the courts, the services of mediators and/or arbitrators can be used to help resolve environmental disputes.

The handling of environmental disputes outside the judicial system aims to reach an agreement between the parties regarding the form and amount of compensation, as well as the steps necessary to prevent the occurrence or recurrence of negative environmental impacts. This out-of-court environmental dispute resolution can then utilize a neutral third party, either with or without adjudicating authority (Maulana, 2022). These steps include efforts to restore environmental functions, which are implemented while taking into account the social and cultural aspects that exist or develop in the local community.

However, the out-of-court dispute resolution mechanism is limited to cases that are not classified as criminal acts, which have been regulated in the Law concerning Environmental Protection and Management. Or it is also said, if an act has met the requirements of a criminal act as referred to in Article 85 of Law Number 32 of 2009, then the settlement cannot be reached through the Alternative Dispute Resolution (ADR) mechanism. Alternative dispute resolution is a dispute resolution institution that involves out-of-court procedures, such as consultation, negotiation, mediation, conciliation, or expert assessment agreed upon by the parties. (Wantu et al., 2024).

However, some argue that agreements resulting from mediation or affiliation, if registered with the clerk of the District Court where the agreement was made, can be enforced in court if a violation occurs by one of the parties. However, the author believes this view is unacceptable. This is due to the absence of clear and explicit provisions in the Arbitration Law that explain the rules regarding the enforceability of agreements resulting from reconciliation or affiliation. Given the imperative and binding nature of civil procedural law, each provision should be clearly formulated in written norms. This kind of interpretation has the potential to create legal uncertainty and difficulties in its implementation in practice (Machmud, 2011).

Handling of environmental disputes through litigation or through the courts is regulated in Article 87 which explains: (a) Every person responsible for a business and/or activity who commits an unlawful act in the form of pollution and/or destruction of the environment which causes harm to other people or the environment is obliged to pay

compensation and/or take certain actions. (b) Any person who transfers, changes the nature and form of a business, and/or activities of a business entity in violation of the law does not release the legal responsibility and/or obligations of the business entity. (c) The court may determine the payment of a fine for each day of delay in implementing the court decision. (d) The amount of the fine is decided based on statutory regulations.

The explanation in paragraph (1) reflects the application of the principle of environmental law known as the polluter pays principle. This principle emphasizes that those responsible for environmental pollution or damage are not only burdened with the obligation to pay compensation, but can also be subject to additional legal responsibility through a court decision. This responsibility can take the form of an order to carry out certain actions, such as environmental restoration or rehabilitation, to restore the ecological function that has been disturbed by their actions.

In addition to the two basic provisions that provide rules for the mechanism for handling environmental disputes, there are also a number of other regulations that strengthen the legal framework in this case, one of which is stipulated in Article 88 of Law Number 32 of 2009. This article confirms that every individual who, through his actions, efforts and activities, uses hazardous and toxic materials (B3), creates or processes B3 waste, and creates serious danger to the environment, is subject to absolute responsibility (strict liability) regarding the losses incurred, without requiring the presence of proof of the element of fault.

There is also an addition that there is a form of lawsuit that is group (class action) where this is explained in article 91 of the UUPPLH which explains how to resolve environmental problems through the right to sue the community in groups. This class action institution has a strategic position because it can provide a big opportunity for the lower middle class to sue for what is their right, such as: the right to health services, the right to decent education, the right to a clean environment. (Aritonang, 2021) where the contents of article 91 contain that: (a) The public has the right to file a class action lawsuit for its own benefit and/or for the benefit of the community if it experiences losses due to environmental pollution and/or damage. (b) A lawsuit can be filed if there are similarities in facts or events, legal basis, and type of demands between group representatives and group members. (c) Provisions regarding the community's right to sue are implemented in accordance with statutory regulations.

This regulation was implemented with the aim of strengthening lawsuits and demands against perpetrators of environmental damage and also helping affected communities to resolve the same problem in one lawsuit, especially problems resulting from environmental damage and pollution, where in general this environmental damage will have a wide impact and will not only affect one person.

3.2. The Concept of Liability Without Fault in Environmental Dispute Resolution

The concept of liability without fault is an important principle in resolving environmental disputes, which emphasizes that a person or business entity can be held responsible for the pollution or environmental damage they cause, even if no direct element of fault is found, whether intentional or negligent.

This principle, also known as strict liability, is a form of absolute responsibility that does not require proof that a perpetrator acted negligently or had malicious intent. In the context of environmental issues, this approach is used as a preventive and repressive legal measure to ensure maximum environmental protection and to facilitate the public or injured parties in obtaining compensation without having to go through a complicated and lengthy evidentiary process.

It's important to understand that the concept of liability without fault originally stemmed from the principle of strict liability, which has long been established in Anglo-Saxon legal traditions, particularly in England. This principle asserts that a person can be held responsible for losses arising from their activities, even if there is no evidence of fault or negligence in their actions. (Sodikin, 2022).

The origins of the principle of liability without fault can be traced back to the classic case of Rylands v. Fletcher decided by Judge Blackburn in 1868, which became a milestone in the development of the doctrine of strict liability, where In the case, Rylands built a reservoir on his land, but unbeknownst to him, there was an old underground mine channel connected to Fletcher's mine, and without realizing it, water from the reservoir seeped through the underground channel connected to Fletcher's mine, causing damage. Although Rylands was not negligent, the court still held him liable for carrying and storing something potentially dangerous. The above case is the basis that a person can be held responsible for losses resulting from their activities that cause environmental pollution and is the origin of environmental dispute resolution, even without any element of fault.

In Indonesia, the principle of liability without fault is explicitly stated in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), specifically Article 88. This article states that any individual or business entity whose activities result in environmental pollution or damage resulting in losses to other parties or to the environment itself, is subject to absolute liability. This means that the perpetrator is obliged to pay compensation and carry out certain remedies without the need for prior proof of fault. The application of the principle of lex specialis derogat legi generali, which explains that special provisions override general provisions, reflects the state's commitment to paying more serious attention to environmental protection. This principle emphasizes that special regulations in the environmental sector have a stronger normative standing compared to other general provisions, particularly in the context of preventing and mitigating negative impacts caused by business activities. Thus, environmental laws and regulations apply as a priority to the implementation of sustainable environmental protection and management.

Law Number 32 of 2009 adheres to the principle of liability without fault, particularly for activities that use, produce, or manage hazardous and toxic materials (B3), as well as activities that pose dangers or critical risks to the environment. In this case, the perpetrator can be held legally accountable even without proof of fault, as a form of legal protection against risks posed by activities that have the potential to harm the environment. (Handayani, Arifin & Virdaus, 2019).

The application of the principle of liability without fault has several strategic objectives, namely: (a) First, it functions as a deterrent so that business actors are more careful in carrying out activities that risk causing environmental impacts. (b) Second, this principle strengthens the legal position of victims of environmental pollution, such as indigenous peoples, farmers, or residents around industrial areas, by providing easier access to justice. (c) Third, this principle also places risk responsibility on the party most capable of controlling the activity—namely the business actor—in accordance with the polluter pays principle, namely the person who pollutes is responsible for the consequences. (Birnie, Boyle & Redgwell, 2009).

In practice, this principle is often used in major cases such as river pollution by industrial waste, oil spills at sea, or forest and land fires by plantation companies. For example, even though these companies have business permits and standard operating procedures (SOPs), if their activities are proven to cause environmental damage, they are still responsible for compensating for losses without the victim needing to prove specific elements of fault. Thus, the principle of liability without fault is an effective legal instrument in upholding environmental justice, strengthening the national environmental legal system, and encouraging more responsible and sustainable business behavior.

3.3. Civil Liability for Settlement of Liability Without Fault Disputes in the Environment

Civil liability in environmental dispute resolution, which adheres to the principle of liability without fault, plays a crucial role in upholding ecological justice. This principle means that parties who cause environmental pollution or damage can be held legally accountable even if there is no evidence of fault or negligence.

The legal basis for this responsibility can be found in Article 87 of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), which expressly states that "every person responsible for a business and/or activity who commits an unlawful act in the form of environmental pollution and/or destruction that causes harm to other people or the environment, is obliged to pay compensation and carry out environmental restoration."

In this context, the focus is not on whether the perpetrator has committed a mistake, but on the impact of an activity, namely pollution and environmental damage. Therefore, responsibility is objective, and is called strict liability. (Marzuki, 2016). The plaintiff in a civil case only needs to prove that there is a causal relationship between the activities carried out by the defendant and the environmental damage that occurred. For example, if a company dumps waste into a river that causes pollution and harm to the surrounding community, then the company can still be held accountable even though it has followed standard operating procedures. (Silalahi, 2001, p. 88).

This accountability can be pursued through a civil lawsuit filed with the courts by individuals, community groups, or government agencies responsible for environmental and forestry affairs. The lawsuit can take the form of a demand for material and immaterial compensation and a demand for action to restore the environment to its original state. The court's decision can order the defendant to pay a sum of money as compensation to the victim and to restore the environment to its original condition (Wibisana, 2016). This principle aligns with the "polluter pays principle," which states that polluters must bear the consequences of their actions.

With this regulation, the civil liability system in the UUPPLH aims to provide a deterrent effect, legal guarantees for parties harmed by pollution, and encourage business actors to be more careful and responsible for the environmental impacts of their activities. The existence of liability without fault also provides a fairer space for the public to obtain justice, especially when they face large companies that have factually caused environmental damage but whose fault is difficult to prove subjectively.

The form of civil legal obligations that must be fulfilled by corporations as a result of environmental pollution or damage is part of the legal responsibility aimed at restoring environmental damage and providing compensation to the injured party, for example, in the case of a corporation PT. ATGA which manages a plantation and palm oil management where it was proven that peatland fires occurred covering an area of approximately 1,500 hectares, which resulted in serious and irreversible environmental damage (cannot be restored), health problems, and damage to the plantation ecosystem which is a source of life for the community. Therefore, the court sentenced PT. ATGA in the form of being subject to civil liability which includes the obligation to pay material compensation of Rp. 590,543,023,000.00 (five hundred and ninety billion more) to the affected residents and to carry out environmental recovery through rehabilitation and environmental cleaning. The lawsuit also demands a public apology, which is morally and socially a form of non-material responsibility for the damage caused. This responsibility does not require proof of the element of fault, because as stated in Article 88 of the UUPPLH, there is no need to prove the element of fault and environmental pollution is a direct result of corporate business activities that produce hazardous waste, so that the corporation remains absolutely responsible.

Therefore, with this civil liability, it can facilitate the handling of environmental disputes in accordance with Article 87, namely with compensation, where the parties involved, namely the victim and the perpetrator, can resolve their problems outside the court with an agreement between the parties through compensation and environmental restoration, with the agreement between the two parties, the perpetrator can benefit by avoiding the possibility of greater losses that will be faced and obtained if the perpetrator takes the court route where the victim can also resolve their environmental problems well and without having to enter and participate in the court realm to make demands on the perpetrator of environmental damage, this can happen if both parties have reached an agreement.

4. Conclusion

Based on the explanations presented, it can be concluded that environmental dispute resolution, according to Law Number 32 of 2009 concerning Environmental Protection and Management, can be achieved through two main channels: litigation and non-litigation mechanisms. Non-litigation procedures, such as mediation and arbitration, offer alternative resolutions that are more efficient and involve the active participation of the parties. However, if non-litigation efforts fail to reach an agreement, litigation remains available as a further legal step. One important approach to resolving these disputes is the application of the concept of liability without fault. This principle allows parties experiencing losses due to pollution or environmental damage to claim compensation without proving fault on the part of the perpetrator, thus facilitating access to justice for affected communities. This also reinforces the principle of "polluter pays," which places full responsibility for environmental impacts on the party carrying out the risky activity. Furthermore, civil liability based on the principle of strict liability, as stipulated in Articles 87 and 88 of the Environmental Protection and Management Law (UU PPLH), provides a solid legal basis for victims to claim compensation and encourages restoration efforts for the affected environment. This principle not only serves as a deterrent for polluters but also plays a strategic role in building awareness and accountability for businesses regarding the environmental impacts of their activities. For the effective implementation of this principle, massive outreach efforts and increased public understanding are needed, so that the community can fight for their right to a healthy environment in a fair and proportional manner. To optimize the application of the principle of liability without fault in resolving environmental disputes, more extensive outreach is needed to ensure the public understands their legal rights without needing to prove the perpetrator's fault. Law enforcement must be carried out firmly and consistently to provide a deterrent effect, while strengthening the role of environmental institutions and community advocates in assisting pollution victims. Furthermore, non-litigation settlement mechanisms need to be developed to be more adaptive and participatory so that conflict resolution is faster and more efficient. The application of the principle of strict liability must also be expanded to high-risk sectors, supported by increased capacity of law enforcement officials and regulatory updates to align with environmental developments and community needs. The ideal legal protection policy for heirs in the absence of a death certificate should be established through alternative legal mechanisms that are administrative and non-discriminatory in nature, such as the implementation of death certificates based on valid legal testimony and verified by village officials and the courts. This step can ensure legal accessibility for communities that face social or geographical barriers to accessing civil registration services, without creating loopholes for abuse by unauthorized parties. The recommendations in this article operationalize the principle of legal certainty through the proposed synchronization of the Population Administration Law and the Civil Code, uphold the principle of justice by guaranteeing the rights of heirs even without formal documents, and concretely realize the principle of utility through simplified procedures and the prevention of prolonged inheritance conflicts. This approach does not stop at the normative aspect but is directed toward systemic reform that can be implemented through technical regulations and public service policies.

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