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**Fulfillment of Rights for Victims of Environmental Pollution Study of the Bengawan Solo River,  
Kebakkramat District, Karanganyar Regency**

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**ABSTRACT**

The aim of this research is to identify the fulfillment of rights for victims of environmental pollution in the Bengawan Solo River Study, Kebakkramat District, Karanganyar Regency. An empirical juridical approach is applied in this research using qualitative methods. This research found that pollution in Kebakkramat District, Karanganyar Regency includes strong odors and agricultural production is not optimal. Apart from that, fulfilling the rights of residents around the river is also limited to assistance, for example in the form of fertilizer. Meanwhile, other needs such as health and compensation were not found.

**Keywords:** Fulfillment of Rights, Legal Remedies, Victims, Waste, Victims

**INTRODUCTION**

The Bengawan Solo River is one of the longest rivers in Indonesia, specifically on the island of Java, flowing from the Wonogiri area, Central Java, which is upstream, flowing to the Lamongan area, East Java, which is downstream. Talking about rivers, rivers are the most important component, namely providing water supply for daily needs.<sup>1</sup> From here the cleanliness of the river becomes the most important factor to support life, such as for bathing and drinking. Therefore, the author will discuss problems that have so far not been resolved by the authorities, and previously there have been many victims of pollution itself.

Garbage and waste have become a problem for the people along the Bengawan Solo river. Several sources of pollution are the cause of damage to the water quality of the Bengawan Solo River. The level of pollution is quite high, pollutant compounds that enter river water will affect the quality of river water. The level of pollution originating from domestic activities tends to increase along with the increase in population in the Bengawan Solo river basin. In contrast to the influence of domestic waste pollution, the influence of industrial pollution tends to decrease. Because there are several industries that have processed industrial liquid waste. However, pollution originating from industry needs to be considered, because its nature and large amounts certainly affect the condition of river water.

Industry growth from year to year shows a significant increase. Of course, this problem is difficult to avoid, the impact of this industrial activity is an increase in pollution resulting from the production process in the form of unused materials and applied waste from these products. The production process certainly produces desired products and unused results in the form of waste. Waste is the result of waste from production activities or processes in solid, liquid or gas form, whether it has economic value or not, and can cause a decrease in the quality of the surrounding environment. Apart from that, it can threaten the survival of humans and other living creatures.<sup>2</sup> Around the Bengawan Solo river basin, there are many industrial factories, where the remaining production activities from these factories are dumped into the Bengawan Solo River. The remainder of this production activity is in the form of liquid, solid and gas waste

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<sup>1</sup> Muhjiddin Mawardi, *Air dan Masa Depan Kehidupan*, Majelis Lingkungan Hidup PP Muhammadiyah, Jakarta, 2014<sup>1</sup>

<sup>2</sup> Alim Surya Gusti, Rizky Rahadian Wicaksono, Eko Sulistiono, Denaya Andrya Prasyda, Muhammad Hanif, *Analisis Kualitas Air Sungai Bengawan Solo Akibat Pembuangan Limbah Industri Tahu dan Tempe di Desa Laren Kecamatan Laren Kabupaten Lamongan*, *Jurnal Kesehatan*, 2021

which will later affect life around the Bengawan Solo river basin. Apart from industrial waste, domestic or household waste is one of the biggest contributors to river pollution.

This form of handling environmental problems, such as what happened in the Bengawan Solo river basin, must be carried out more seriously, where greater institutional authority is needed and supported by officials who have higher competence. In order to be able to deal with environmental problems of the Bengawan Solo River, especially in areas where the Bengawan Solo River flows, such as Karanganyar Regency, Sukoharjo and Surakarta City itself, a Regional Environmental Impact Control Agency (Bapedalda) was formed.<sup>3</sup>

The Regional Environmental Impact Control Agency (Bapedalda) will later become the Regency and City Environmental Agency along the Bengawan Solo river which is led by a Head and is under the auspices of the Regional Head. Apart from that, there is a direction from the governor of Central Java for large companies to repair waste water treatment plants or (IPAL), companies that are still caught dumping waste without prior recycling action will immediately be subject to sanctions in the form of being prohibited from carrying out all forms of production or in other words, it is temporarily closed.

<sup>4</sup>Through the courts, this can be done through administrative, civil or criminal channels. Meanwhile, outside the court, this is done by means of negotiation, mediation, conciliation or arbitration. Even though there have been many complaints from the public that have gone to court. For example, in the region there is a case of Environmental Dispute Outside the Court between PT Indo Acidatama and community members which has an impact in the Kebakkramat District, Karanganyar Regency, which until now the case has not been resolved, which was followed by a further case of the disposal of waste from the traditional alcoholic beverage industry which is usually called *ciu* in the Sukoharjo area and also pig farms around the riverbanks which further aggravate the pollution in the riverbank areas which makes the smell and color of the river water turn jet black and smell like carrion.<sup>5</sup>This matter became the focus of the Central Java Province environmental service which was handled directly by the Governor of Central Java, Ganjar Pranowo, to follow up on this case and fight for the rights of the people affected by the Bengawan Solo waste disaster, which previously had lacked follow-up from the relevant parties. such as district or city environmental services and local governments around polluted riverbanks.

Based on the problems above, the author is interested in further research on "Fulfillment of rights for victims of environmental pollution in the Bengawan Solo River Study, Kebakkramat District, Karanganyar Regency"

### Problem Formulation

- a. What is the impact of pollution in the riverbank environment, Kebakkramat District, Karanganyar Regency?
- b. How are the rights of victims of environmental pollution fulfilled on the banks of the Bengawan Solo River in the Kebakkramat District, Karanganyar Regency?

### RESEARCH METHODS

Empirical juridical<sup>6</sup>consists of 2 words, namely "juridical" which has the meaning of law and can be seen as a norm, because it discusses problems in research using legal raw materials, both written law and unwritten law in the form of primary legal materials and secondary legal materials. And it also comes from the word "empirical" which means that law is a social reality that is cultural in nature, because this research uses primary data obtained from the field or directly. So, the empirical juridical approach in research is that in searching for sources by analyzing the problem, we combine legal materials which are

<sup>3</sup> BAPPEDA kota Surakarta, Sejarah Singkat Berdirinya Bappeda Kota Surakarta, 2023

<sup>4</sup> Azam, Priyanto, Jateng Jatim Sepakat Tangani Sungai Bangawan Solo, DPRD PROV JATENG, Surakarta, 2020

<sup>5</sup> Andrian Saputro, Bau Busuk dari Menghitamnya Air Sungai Bengawan Solo, Penerbit Republik 2017

<sup>6</sup> Lexy J. Moleong, Yuridis Empiris dalam Metode Penelitian, 2006: 6

secondary data with primary data obtained in the field by taking several respondents, namely: X (farmers in Kemiri Village, Kebakkramat District) and Y (one of the sub-district employees in Kebak Village) Z (villager near the factory) interview location (Kebak Village Hall, Kebakkramat sub-district, with collection time for the period April – May 2023).

## RESULTS AND DISCUSSION

### 1. Resolving the impact of pollution in riverbank environmental areas and communities that have an impact in the Kebakkramat District, Karanganyar Regency

In recent months, there have been problems again due to one of the companies in the Kebakkramat sub-district, namely PT Indo Acidatama Tbk. in the form of pollution from liquid waste disposal and also the problem of air waste pollution or in the form of gas which causes damage to farmers' crops around the factory which is indicated by the leaves of the farmers' rice plants turning red.<sup>7</sup> PT Indo Acidatama is a company engaged in the production of chemicals and ethanol. Due to the level of air pollution and also the problem of water pollution around the factory which was quite serious, many people protested. This is characterized by disputes between farmers and the surrounding community through negotiations outside the court and inside the court.

Since 2010 until now, many factors have caused the dispute to not be resolved in terms of fulfilling its rights and obligations.<sup>8</sup> In addition, new problems arise that add to previous problems, such as recycling problems. Molasses waste loaded by trucks crossing village routes causes a pungent odor that makes the community around PT Indo Acidatama feel disturbed by this problem.<sup>9</sup>

The pollution situation in Kebakkramat District is also getting worse because it is not only PT Indo Acidatama that causes pollution, but there are other factories that also dump waste into the Bengawan Solo river. PT Indo Acidatama believes that there are other companies that also pollute the environment around Kebakkramat District, Karanganyar Regency which also play a role in pollution in Kebakkramat District. This factor is the reason for PT Indo Acidatama not to take full responsibility.

Residents of Kebakkramat District feel disadvantaged due to the impact of pollution. The results of the interview from respondent (X) explained that there was a change in the water which resulted in the farmer's rice plants turning red and the rice seeds having no contents or being hollow. There were also respondents (Y) who said the same thing because this incident had been happening for years. And he added that the lack of response from the government and factories had caused losses for years. This condition is considered normal by society. However, the impact of pollution is not good for long-term health.

From this incident, farmers have filed a protest represented by the local sub-district and community leaders. However, there has been no satisfactory solution, especially for residents and farmers in Kebakkramat District, even though the community really hopes for adequate compensation.

From this incident, the district and city governments around the river banks must be consistent with one of the Indonesian government's programs, namely sustainable development, which requires environmental preservation and the fulfillment of people's rights to a clean and healthy environment, namely development activities. carried out with an environmental perspective.<sup>10</sup> In sustainable development, conditions must be met, namely, first, environmental sustainability and second, the fulfillment of people's rights to a clean and healthy environment. Of these two conditions, of course the people around the riverbanks do not meet these criteria at all. It is necessary to create a central

<sup>7</sup> Bima Bagus Pangestu, *Penyelesaian Sengketa Lingkungan Hidup di Luar Pengadilan Studi Kasus Sengketa PT. Indo Acidatama dan Petani Desa Kemiri*, Surakarta, 2021

<sup>8</sup> Tuhana, *UPAYA PENYELESAIAN SENGKETA LINGKUNGAN (Studi Kasus di PT. Indo Acidatama Chemical Industry dengan Warga Petani Desa Sroyo)*, YUSTISIA, Surakarta, 2013

<sup>9</sup> Hasil wawancara dengan warga Z (penduduk pinggir jalan dekat dengan pabrik), pada 06 Mei 2023.

<sup>10</sup> S. Andi Sutrasno, *Model Penyelesaian Sengketa di Pengadilan*, Journal Article, Surakarta, 2014

and regional government program that specializes in riverbank areas as the first focus of progress in sustainable development in accordance with the government program.

The pollution case in Kebakkramat sub-district was not resolved through litigation. Both residents and companies prefer to resolve disputes through mediation. Because this method, apart from saving costs, mediation also saves time and makes it easier for both parties to discuss problems and find the best way to resolve these problems. This method has been used for years in almost all factories that have problems with the community.<sup>11</sup>

## 2. Fulfillment of Victims' Rights

One form of compensation that has been given by the factory is in the form of distribution of fertilizer for rice plants and also some of the compensation that is realized is in the form of compensation per plot of rice field, although not in the form of money but fertilizer and insecticides which are also made by the factory. Apart from that, when Christmas or Eid al-Fitr approaches, factories sometimes give Eid gifts<sup>12</sup>. And of course this is not enough to compensate for losses that have not been met or reimbursed by the factory for years, resulting in ongoing impacts experienced by the community around the factory.

Apart from that, there are still many people whose rights and aspirations are not fulfilled. Residents can sue through environmental legal disputes according to Law no. 11 of 2020 concerning the environment. In Article 84 paragraph 1 of UUPPLH, it is stated that environmental dispute resolution can be reached through court or outside court based on the voluntary choice of the parties to the dispute. This voluntary choice only applies to unlawful acts (*onrechtmatige daad*) of a civil nature. For environmental crimes there is no other choice but to go through court. Dispute resolution through the Courts, namely Environmental Compensation and Recovery, Absolute Liability, Government and Regional Government's Right to Suit, Community's Right to Suit, Environmental Organization's Right to Suit, Administrative Suit, and Criminal Provisions.<sup>13</sup>

Even though the community can file environmental disputes outside or inside the court, the resolution of cases in Kebakkramat Subdistrict has only ended peacefully. The previous negotiations were facilitated by Karanganyar DPRD member Mr Bagus Selo together with Kemiri village residents with representatives from PT Indo Acidatama<sup>14</sup>, again the resolution of this dispute also ended peacefully.

Apart from that, in reality the method of claiming compensation in court is less popular among entrepreneurs, even if they don't have to, entrepreneurs generally avoid resolving disputes in court.<sup>15</sup> This is most likely due to the long time used in the court process, in connection with the appeal and cassation stages that must be passed which are quite draining of money, energy and time or due to the nature of the court which is open to the public, while entrepreneurs do not like problems. The business is publicized, or because the handling of dispute resolution is not carried out by experts in certain fields chosen by the company themselves, which causes distrust in the agency.

Of course, large companies really want disputes to be resolved through channels outside the court such as Negotiation (negotiation or deliberation), Mediation (seeking mediation), Conciliation (mediation through a 3rd party), and Arbitration (submission to the court as a 3rd party).<sup>16</sup> As illustrated above, there are various ways to fight for the rights of people affected by pollution. In this case, the

<sup>11</sup> Hasil wawancara dengan warga Y (pegawai Kelurahan Kebak), pada april- Mei 2023.

<sup>12</sup> PT INDO ACIDATAMA Tbk. Tanggung Jawab Sosial Perusahaan, 2022 diakses dari <https://acidatama.com>

<sup>13</sup> Bima Bagus Pangestu, *Penyelesaian Sengketa Lingkungan Hidup di Luar Pengadilan Studi Kasus Sengketa PT. Indo Acidatama dan Petani Desa Kemiri*, Surakarta, 2021

<sup>14</sup> Bima Bagus Pangestu, *Penyelesaian Sengketa Lingkungan Hidup di Luar Pengadilan Studi Kasus Sengketa PT. Indo Acidatama dan Petani Desa Kemiri*, Surakarta, 2021

<sup>15</sup> S. Andi Sutrasno, *Model Penyelesaian Sengketa di Pengadilan*, Journal Article, Surakarta, 2014

<sup>16</sup> S. Andi Sutrasno, *Model Penyelesaian Sengketa di Pengadilan*, Journal Article, Surakarta, 2014

government's role must be clear, such as providing protection facilities for key witnesses and also providing supporting agencies such as legal aid institutions (LBH) for transparency between the government and the people in order to reveal this long-standing case.

There needs to be a further role for the government, especially in helping affected victims by ensuring the fulfillment of the rights that victims should have, such as compensation in the form of compensation for communities affected by these activities. Residents have felt the impact of pollution in their area for years, but until now the government has paid little attention to resolving this case. Not only material losses but also immaterial losses need to be considered by the community and government, especially the health and quality of clean water around the catchment area. Clean water is the main thing to pay attention to in order to maintain long-term survival.

### CONCLUSION AND SUGGESTION

The impacts of pollution in the riverbank environment and the community that have an impact in the Kebakkramat District, Karanganyar Regency include strong odors and suboptimal agricultural production.

Settlement of pollution disputes in riverbank environmental areas in Kebakkramat District, Karanganyar Regency between the community and PT Indo Acidatama Tbk is only carried out by means of deliberation. Residents prefer settlement through mediation compared to having to settle it through litigation in court considering the speed of time and costs. So far, this method is not enough to solve the problem because the impact of pollution is still there, such as strong odors and plants that cannot grow well.

Fulfilling victims' rights is not enough. This research found that PT only tried to provide assistance in the form of fertilizer. Meanwhile, other needs such as health and compensation in the form of money were not found. Further government role is needed to ensure the fulfillment of the rights of Kebakkramat District residents.

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