

Tinjauan Perumusan Kerangka Kebijakan Pemulihan Mutu Air Pasca Kasus-Kasus Pencemaran Air Di Indonesia = Review of Formulation of Water Quality Recovery Policy Framework After Water Pollution Cases in Indonesia

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Abstrak

Pencemaran air yang marak terjadi di Indonesia menyebabkan hak atas air di Indonesia terancam karena berakibat pada perubahan kualitas air dan penurunan kualitas daya guna, hasil guna, daya dukung, daya tampung sumber daya air, dan produktivitas. Pencemaran air yang dibiarkan terus menerus akan berakibat kepada kerusakan lingkungan. Maka dari itu, tindakan pemulihan sebagai salah satu bentuk pengendalian pencemaran air perlu dilaksanakan agar kualitas air dapat kembali ke kondisi semula. Pemulihan mutu air pasca kasus pencemaran air di Indonesia sudah diatur dalam berbagai peraturan perundang-undangan, termasuk dalam UUPPLHH dan PP 22/2021. Meskipun sudah diatur, pemulihan mutu air di Indonesia belum memiliki kerangka kebijakan yang optimal. Hal tersebut disebabkan belum terdapat peraturan/kebijakan yang dapat dijadikan dasar untuk penegakan pemulihan mutu air yang efektif. Sementara itu, Amerika Serikat melalui CERCLA, OPA, serta 40 dan 43 Code Federal Regulation, telah memiliki kerangka regulasi yang mengatur secara jelas ketiga aspek dalam pemulihan, yaitu Amerika Serikat telah memiliki regulasi yang jelas. Dari sisi kebijakan, baik OPA maupun CERCLA telah mengatur dokumen kebijakan yang menjadi panduan pelaksanaan pemulihan di Amerika Serikat, kelembagaan yang berwenang melaksanakan pemulihan, yaitu Trustees dan Team Respons, serta sisi prosedur pelaksanaan pemulihan yang dibagi menjadi tiga, yaitu Removal Actions, Remedial Actions, serta Restoration.. Penelitian ini merupakan penelitian yuridis normatif yang akan menguraikan analisis mengenai kerangka regulasi pemulihan mutu air di Indonesia dan di Amerika Serikat serta merefleksikan regulasi yang terdapat di Amerika Serikat dan menganalisis potensi serta tantangan apabila Indonesia akan menerapkan regulasi tersebut.

.....Water pollution that is rife in Indonesia has threatened the right to water in Indonesia because it has resulted in changes in water quality and a decrease in the quality of usability, usability, carrying capacity, the capacity of water resources, and productivity. Water pollution that is allowed to continue will result in environmental damage. Therefore, recovery measures as a form of water pollution control must be implemented so that water quality can return to its original state. Recovery of water quality after cases of water pollution in Indonesia has been regulated in various laws and regulations, including UUPPLHH and PP 22/2021. Even though it has been regulated, Indonesia's water quality restoration does not yet have an optimal policy framework. This is because no regulations/policies can be used as a basis for effective enforcement of water quality restoration. Meanwhile, through CERCLA, OPA, and Code Federal Regulations 40 and 43, the United States already has a regulatory framework that clearly regulates the three aspects of recovery; namely, the United States already has precise regulations. From a policy standpoint, both OPA and CERCLA have regulated policy documents that guide the implementation of recovery in the United States, the institutions authorized to carry out recovery, namely Trustees and Response Teams, as well as the procedure for carrying out recovery, which is divided into three, namely Removal Actions,

Remedial Actions, and Restoration. This research is a normative juridical research that will describe an analysis of the regulatory framework for restoring water quality in Indonesia and the United States, reflect on existing regulations, and analyze the potential and challenges if Indonesia implements these regulations.