

**Analisis Penerapan Asas Tanggung Jawab Negara atas
Dampak Terhadap Lingkungan Dalam Kebijakan Legalisasi
Sumur Minyak Tua**

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Abstrak

Eksplorasi minyak dan gas bumi merupakan sektor strategis bagi pembangunan nasional dan ketahanan energi, namun kegiatan reaktivasi sumur minyak tua memiliki risiko lingkungan dan sosial yang tinggi. Pengelolaan yang masih didominasi infrastruktur tua, keterbatasan teknologi, dan metode tradisional berpotensi menimbulkan pencemaran lingkungan, kerusakan ekosistem, serta ancaman kesehatan masyarakat akibat limbah B3 seperti oil sludge, air terproduksi, tumpahan minyak, dan emisi gas berbahaya. Penelitian ini bertujuan menganalisis dampak lingkungan dari reaktivasi sumur minyak tua serta menilai kebijakan legalisasinya ditinjau dari asas tanggung jawab negara. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, kasus, dan analisis, berbasis data sekunder. Hasil penelitian menunjukkan bahwa reaktivasi sumur minyak tua merupakan kegiatan berisiko tinggi yang menuntut penerapan prinsip kehati-hatian, pencegahan, dan kewajiban pemulihan lingkungan sebagaimana diamanatkan UUD NRI Tahun 1945 dan UU Perlindungan dan Pengelolaan Lingkungan Hidup. Meskipun kebijakan legalisasi melalui Permen ESDM Nomor 1 Tahun 2008 dan Permen ESDM Nomor 14 Tahun 2025 mencerminkan penguatan peran negara secara normatif, implementasinya belum optimal akibat lemahnya pengawasan dan ketidakjelasan akuntabilitas negara. Oleh karena itu, penguatan pengawasan, penegakan hukum lingkungan, dan reposisi peran negara sebagai public trustee menjadi prasyarat penting bagi perlindungan lingkungan dan pembangunan berkelanjutan.

Kata kunci: sumur minyak tua, legalisasi, dampak lingkungan, asas tanggung jawab negara.

Analysis of the Application of the Principle of State Responsibility for

Environmental Impact in the Policy of Legalizing

Old Oil Wells

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Abstract

The oil and gas sector plays a strategic role in national development and energy security; however, the reactivation of old oil wells entails significant environmental and social risks. Outdated infrastructure, limited technology, and traditional extraction practices increase the likelihood of environmental pollution, ecosystem degradation, and public health threats arising from hazardous waste, including oil sludge, produced water, oil spills, and hazardous gas emissions. This study aims to analyze the environmental impacts of old oil well reactivation and to examine the government's legalization policy from the perspective of the principle of state responsibility. The research employs a normative juridical method with statutory, case, and analytical approaches, relying on secondary data sources. The findings indicate that the reactivation of old oil wells constitutes a high-risk activity that necessitates the application of the precautionary principle, preventive measures, and environmental restoration obligations, as mandated by the 1945 Constitution of the Republic of Indonesia and the Environmental Protection and Management Law. Although the legalization policy under Ministry of Energy and Mineral Resources Regulation No. 1 of 2008, reinforced by Regulation No. 14 of 2025, normatively reflects the strengthening of the state's regulatory and supervisory role, its implementation remains suboptimal due to weak supervision and unclear state accountability for environmental protection failures. Therefore, strengthening oversight mechanisms, environmental law enforcement, and repositioning the state as a public trustee are essential to ensure that the legalization of old oil wells aligns with environmental protection, public welfare, and sustainable development.

Keywords: *old oil wells, legalization, environmental impacts, principle of state*