

Corporate Legal Liability for Environmental Pollution Caused by Processed-Food Industry Waste in Indonesia: PT Mayora Indah Tbk as a Documentary Illustration

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Received: 18 August 2026

Accepted: 17 September 2026

Published: 04 October 2026

Abstrak

Industri makanan dan minuman merupakan penyumbang terbesar PDB industri pengolahan nonmigas, tetapi limbahnya berpotensi mencemari lingkungan. Artikel ini menganalisis konstruksi pertanggungjawaban hukum korporasi atas pencemaran akibat limbah industri makanan olahan, penerapannya dengan PT Mayora Indah Tbk sebagai ilustrasi, dan strategi penguatannya. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan dan konseptual, dengan penggunaan referensi yudisial secara terbatas, dengan analisis kualitatif-preskriptif. Hasilnya menunjukkan, pertama, UUPPLH beserta perubahannya melalui rezim Cipta Kerja menyediakan jalur administratif, perdata, dan pidana, dengan prinsip pencemar membayar dan strict liability sebagai instrumen penting, meskipun strict liability hanya menjangkau kegiatan yang berkaitan dengan B3, limbah B3, atau ancaman serius. Kedua, dokumen PT Mayora Indah Tbk memperlihatkan kebijakan pengelolaan lingkungan, tetapi tidak cukup untuk menyimpulkan ada atau tidaknya pencemaran tanpa data resmi yang dapat diverifikasi. Ketiga, terdapat potensi persoalan pada kelima faktor efektivitas hukum, sehingga dirumuskan strategi penguatan yang meliputi pencegahan, pemantauan, penegakan hukum, pemulihan lingkungan, dan akuntabilitas publik. Implikasinya, penguatan pertanggungjawaban korporasi perlu bertumpu pada pemantauan yang dapat diverifikasi, bukan pada pengungkapan sukarela.

Kata Kunci: pertanggungjawaban korporasi; pencemaran lingkungan; industri makanan olahan; strict liability; limbah cair.

Abstract

This article analyzes the architecture of corporate legal liability for environmental pollution caused by processed-food industry waste in Indonesia and uses PT Mayora Indah Tbk only as a documentary illustration, not as an allegation of violation. The study applies normative legal research with statutory, conceptual, and limited judicial-reference approaches. It distinguishes administrative, civil, and criminal liability; clarifies the polluter-pays principle and Article 87 civil liability; re-examines strict liability under Article 88 after the Job Creation amendments; and separates corporate attribution from the liability of directors or persons giving orders under Articles 116–119 of the Environmental Protection and Management Law and Supreme Court Regulation Number 13 of 2016. Corporate annual and sustainability disclosures are treated as self-reported evidence whose legal weight is limited unless verified against

permits, technical approvals, monitoring data, inspections, PROPER results, or enforcement records. The article proposes a documentary-compliance matrix and an evidence-preservation model for wastewater cases. It concludes that Indonesia has multiple liability channels, but legal comprehensiveness should not be confused with enforcement effectiveness or proof of compliance by any particular company.

Keywords: *corporate liability; environmental pollution; processed-food industry; strict liability; wastewater.*

INTRODUCTION

Processed-food production generates significant economic value, but it may also produce wastewater with high organic loads, suspended solids, nutrients, fats, cleaning chemicals, and other parameters that require controlled treatment before discharge. The legal issue is therefore not whether food manufacturing is inherently unlawful, but how environmental obligations are allocated when a facility's waste causes or threatens pollution. Technical treatment performance and legal compliance are related but distinct questions: a treatment plant can exist while permit, monitoring, or discharge obligations remain unmet, and conversely a documentary report cannot by itself prove actual environmental performance.¹

Indonesia has a relatively broad architecture of administrative, civil, and criminal environmental liability. Calling that architecture 'comprehensive', however, should refer only to the existence of multiple legal channels and remedial instruments; it should not be read as a claim that enforcement is uniformly effective.² The distinction is necessary because enforcement depends on proof, institutional capacity, inspection, monitoring, access to information, and judicial interpretation.

This article uses PT Mayora Indah Tbk solely as a documentary illustration because it is a public company in the processed-food sector that publishes annual and environmental information.³ Nothing in this article should be understood as a finding that the company has violated environmental law. The company illustration is used to show what can and cannot be inferred from public corporate disclosures and what additional facility-level evidence would be required before drawing a legal conclusion about compliance, pollution, causation, or liability.

The research addresses four questions: how administrative, civil, and criminal liability interact; how the polluter-pays principle and Articles 87–88 should be distinguished; how corporate liability is attributed under Articles 116–119 and Supreme Court Regulation Number 13 of 2016; and how documentary evidence should be evaluated in processed-food wastewater cases.

RESEARCH METHOD

This is normative legal research using statutory and conceptual approaches and a limited judicial-reference method. The regulatory cut-off is 30 September 2026. Primary materials include the Environmental Protection and Management Law as

¹ Wiharyanto Oktiawan, Junaidi, and Fadhila Raziani, "Physical and Chemical Treatability Assessment for Food Industry Wastewater in Wastewater Treatment Plant Design," *Jurnal Presipitasi* 20, no. 2 (2023): 229–37, <https://doi.org/10.14710/presipitasi.v20i2.229-237>.

² Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, as amended by the Job Creation legislation, especially arts. 76, 87, 88, and 116–119.

³ PT Mayora Indah Tbk, Annual Report 2024 (Jakarta: PT Mayora Indah Tbk, 2025), and the company's environmental disclosure materials.

amended, Government Regulation Number 22 of 2021, environmental monitoring and PROPER regulations, Supreme Court Regulation Number 13 of 2016, and selected court materials only where used to illustrate legal interpretation. Secondary materials were selected from environmental-liability, strict-liability, corporate-crime, wastewater, and disclosure scholarship.

The corporate documentary component is deliberately limited. It uses publicly available company annual/environmental disclosures for the periods expressly identified in the cited documents. Self-reported corporate material is not treated as independent proof of compliance. The analysis asks whether a public document discloses a policy, programme, or performance claim and then identifies what official or facility-level evidence would still be needed—such as environmental approvals, technical approvals, monitoring data, inspection records, PROPER results, laboratory reports, or enforcement decisions.⁴

The study does not possess facility-level permits, technical approvals, raw laboratory datasets, inspection records, or enforcement files for every relevant production site. It therefore cannot determine actual compliance or causation at a particular facility. Soekanto's factors of law enforcement are used only as a normative diagnostic framework, not as empirically measured variables.

RESULTS AND DISCUSSION

Administrative Liability and the Evidentiary Infrastructure of Wastewater Compliance

Administrative law is the first compliance layer. Environmental approvals, technical wastewater requirements, discharge conditions, reporting, monitoring, supervision, and administrative sanctions create a preventive structure before civil or criminal liability is considered. Government Regulation Number 22 of 2021 places pollution control within an integrated licensing and environmental-management framework.⁵ Where a facility is subject to continuous and online wastewater monitoring, SPARING obligations can strengthen traceability, but applicability must be determined from the regulated business/activity category and facility conditions rather than assumed for every food manufacturer.⁶

PROPER is likewise an important public-disclosure and performance-evaluation instrument, but the applicable legal basis must be current. The 2021 PROPER regulation was replaced by the 2025 regulation.⁷ A PROPER rating can be legally relevant evidence of assessed performance within the programme, yet it is not a substitute for proving every element of a civil or criminal claim. Earlier empirical research shows why public environmental disclosure can influence corporate

⁴ PT Mayora Indah Tbk, Annual Report 2024 (Jakarta: PT Mayora Indah Tbk, 2025), and the company's environmental disclosure materials.

⁵ Peraturan Pemerintah Republik Indonesia Nomor 22 Tahun 2021 tentang Penyelenggaraan Perlindungan dan Pengelolaan Lingkungan Hidup.

⁶ Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P.80/MENLHK/SETJEN/KUM.1/10/2019 concerning continuous and online wastewater-quality monitoring for covered businesses/activities.

⁷ Peraturan Menteri Lingkungan Hidup/Badan Pengendalian Lingkungan Hidup Nomor 7 Tahun 2025 tentang Program Penilaian Peringkat Kinerja Pengelolaan Lingkungan Hidup (PROPER).

behaviour, but the legal meaning of a rating still depends on the issue before the decision-maker.⁸

Civil Liability, Polluter Pays, and Strict Liability after the Job Creation Amendments

Table 1. Documentary Evidence Matrix for Environmental Compliance

Legal obligation / issue	Expected evidence	Public-document inference	Limit of conclusion
Environmental approval / technical wastewater conditions	Approval, technical approval, discharge parameters, inspection record	A corporate report may state a policy or treatment system	Cannot prove facility-specific compliance without official documents
Wastewater performance	Laboratory results, flow data, sampling chain, SPARING where applicable	Reported treatment or targets may show management intent	Cannot prove continuous compliance from narrative disclosure alone
PROPER	Official current PROPER decision/rating	Rating may show programme-assessed performance	Not proof of every element of civil/criminal liability
Pollution/causation	Receiving-water data, source tracing, expert analysis	Public disclosure may identify operations	Cannot establish causation without case-specific evidence
Corporate attribution	Decision records, orders, compliance controls, benefit/interest	Governance documents may identify structure	Cannot infer personal director liability from office alone

The polluter-pays principle is a normative allocation principle: the actor responsible for pollution should bear the costs of prevention, control, and restoration rather than externalize them to the public.⁹ Article 87 is a positive-law basis for compensation and/or certain actions in environmental disputes, but it still requires attention to the statutory elements, legally cognizable loss, conduct, and causal connection. It is therefore analytically inaccurate to treat ‘polluter pays’ as if the principle itself automatically proves liability in a particular case.

Article 88 must be read in its current post-Job Creation wording. The amendment removed the explicit phrase stating that liability applies ‘without the need to prove fault’, but retained the concept of *tanggung jawab mutlak* (strict

⁸ Jorge H. García, Shakeb Afsah, and Thomas Sterner, “Which Firms Are More Sensitive to Public Disclosure Schemes for Pollution Control? Evidence from Indonesia’s PROPER Program,” *Environmental and Resource Economics* 42, no. 2 (2009): 151–68, <https://doi.org/10.1007/s10640-008-9211-2>.

⁹ Elly Kristiani Purwendah and Eti Mul Erowati, “Prinsip Pencemar Membayar (Polluter Pays Principle) dalam Sistem Hukum Indonesia,” *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, no. 2 (2021): 340–55, <https://doi.org/10.23887/jpku.v9i2.34137>.

liability) for persons whose activities use hazardous and toxic materials, produce/manage hazardous and toxic waste, and/or pose a serious threat to the environment.^{10 11} The deletion has generated interpretive debate; it should not be presented as eliminating strict liability, nor should strict liability be expanded beyond the statutory trigger.

The phrase 'and/or poses a serious threat to the environment' is independently important. It means that the Article 88 inquiry is not exhausted by asking whether the waste is classified as hazardous and toxic waste. A non-B3 organic wastewater stream could become legally relevant to strict liability if the activity satisfies the statutory serious-threat threshold. Whether that threshold is met is a fact- and evidence-sensitive legal question and cannot be presumed merely because a factory generates organic wastewater.¹²

Corporate Criminal Attribution and the Position of Directors

Corporate liability must be separated from the personal liability of directors, managers, or persons giving orders. Articles 116–119 provide the statutory corporate-criminal framework, while Supreme Court Regulation Number 13 of 2016 supplies attribution criteria used by courts when assessing whether an offence may be attributed to a corporation.^{13 14} Relevant considerations include whether the corporation benefited or acted in its interest, whether it permitted the offence, or whether it failed to take necessary steps to prevent the offence, its impact, and legal compliance.

These criteria prevent automatic attribution. A pollution event does not by itself prove that every director is criminally responsible, and the corporate form does not automatically shield an individual who gave orders or directed unlawful conduct. Prosecutors and courts must identify the relevant act or omission, the corporate decision structure, the person's authority and knowledge where required, the compliance system, and the statutory basis for sanction.¹⁵ The analysis should also distinguish principal criminal sanctions from additional corporate sanctions authorized by environmental law.

Documentary Illustration: What Public Corporate Disclosure Can and Cannot Prove

The public materials of PT Mayora Indah Tbk illustrate a common evidentiary problem. Annual or sustainability-style disclosures may describe environmental

¹⁰ Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, as amended by the Job Creation legislation, especially arts. 76, 87, 88, and 116–119.

¹¹ Andri Gunawan Wibisana, "Undang-Undang Cipta Kerja dan Strict Liability," *Bina Hukum Lingkungan* 5, no. 3 (2021): 494–522, <https://doi.org/10.24970/bhl.v5i3.216>.

¹² Diah Ayu Rachma and Aditya Mochamad Triwibowo, "Penerapan Prinsip Strict Liability dalam Penegakan Hukum Lingkungan di Indonesia," *Jurnal Yudisial* 16, no. 1 (2023): 103–20, <https://doi.org/10.29123/jy.v16i1.574>.

¹³ Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, as amended by the Job Creation legislation, especially arts. 76, 87, 88, and 116–119.

¹⁴ Peraturan Mahkamah Agung Republik Indonesia Nomor 13 Tahun 2016 tentang Tata Cara Penanganan Perkara Tindak Pidana oleh Korporasi, art. 4(2).

¹⁵ Muhammad Fatahillah Akbar, "Penerapan Pertanggungjawaban Pidana Korporasi dalam Berbagai Putusan Pengadilan," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021), <https://doi.org/10.21143/jhp.vol51.no3.3272>.

management, treatment infrastructure, resource use, or compliance commitments.¹⁶ Such statements are legally relevant as admissions or representations in an appropriate context, but they remain self-reported unless verified. They cannot, standing alone, establish that every facility complied with every permit limit on every date, nor can the absence of a detailed disclosure prove a violation.

A responsible documentary analysis should therefore use a compliance matrix. The researcher first identifies the legal obligation, then specifies the evidence expected to demonstrate compliance, notes what is publicly disclosed, identifies missing official or facility-level evidence, and limits the conclusion accordingly. This method reduces the risk of greenwashing on one side and unsupported allegations on the other.

Enforcement Design: Evidence Preservation, Public Information, and Institutional Coordination

Wastewater cases can turn on data that are transient or controlled by the regulated entity: sampling times, flow rates, online-monitoring logs, laboratory chain of custody, maintenance records, and operational changes. An enforcement-sensitive system should therefore preserve monitoring data, document sampling methodology, secure audit trails for online systems, and coordinate inspection evidence with permit and technical-approval records. Public access to non-confidential environmental information can also improve accountability, subject to lawful exceptions.

The legal architecture is strongest when administrative evidence supports later civil or criminal proof without collapsing the elements of each regime. An administrative exceedance can trigger enforcement and become relevant evidence, but a civil claimant still must establish the applicable basis for recovery, and criminal liability still requires proof of the statutory offence and attribution. This layered approach is more accurate than describing environmental liability as a single undifferentiated sanction system.

CONCLUSION

Indonesia provides multiple channels for corporate environmental accountability in the processed-food sector: preventive and corrective administrative measures, civil compensation and restoration, strict liability within Article 88's statutory triggers, and corporate criminal liability under Articles 116–119. The existence of these channels demonstrates legal breadth, not necessarily enforcement effectiveness. The polluter-pays principle must be distinguished from the elements of Article 87, and the current wording of Article 88 should be applied without either declaring strict liability abolished or extending it beyond the law.

PT Mayora Indah Tbk is used only as a documentary illustration. Public corporate reports can identify disclosed policies and claims, but actual facility compliance, pollution, causation, and liability require official and facility-level evidence such as approvals, technical conditions, monitoring data, laboratory results, inspections, PROPER records, and enforcement decisions. Future research should combine normative analysis with verified facility-level data before making company-specific conclusions.

¹⁶ PT Mayora Indah Tbk, Annual Report 2024 (Jakarta: PT Mayora Indah Tbk, 2025), and the company's environmental disclosure materials.

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