

A CASE STUDY ON TEXTILE INDUSTRY WASTEWATER CONTAMINATION IN PASURUAN

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Abstract

Industrial pollution of the Welang River in Pasuruan Regency primarily from textile and chemical manufacturing has led to serious environmental degradation and triggered tensions among businesses, residents, and regulatory bodies. This study explores the issue through the lens of legal theories, core environmental law principles, and foundational legal maxims to shape the conceptual structure of a legal thesis. Central to the analysis are the theories of justice and responsive law, which serve as both theoretical and practical frameworks for enforcing environmental regulations. Key principles such as the polluter pays principle, the precautionary approach, and sustainable development are used to assess the adequacy of legal and policy responses. The maxim "qui facit per alium facit per se" underscores the legal accountability of corporations involved in the pollution. Findings indicate the urgent need for stronger legal enforcement, meaningful public engagement, and policy strategies that align with ecological preservation and social equity. This research offers valuable insights for building a legal thesis that is both academically rigorous and socially impactful.

Keywords: *Environmental degradation, Legal theory and principles, Corporate accountability, Law enforcement and public involvement, Sustainable development policy*

A. INTRODUCTION

The environment is a fundamental pillar of human existence, providing critical natural resources that sustain both ecological

functions and economic development. However, unregulated development activities have increasingly contributed to environmental degradation, particularly in the form of industrial pollution. In Indonesia, water pollution caused by industrial waste represents a growing environmental concern, with severe implications for public health, biodiversity, and legal governance.¹ One significant example is the pollution of the Welang River in Pasuruan Regency, East Java, which highlights the tension between industrial expansion and environmental protection. In 2023, residents reported visible changes in water color, foul odors, and mass fish deaths in the river.² Investigations by the East Java Environmental Agency (Dinas Lingkungan Hidup) confirmed that wastewater discharged by PT Satoria Group exceeded national environmental standards, constituting a major breach of regulatory compliance.

The legal framework addressing such violations is primarily grounded in Law No. 32 of 2009 on Environmental Protection and Management (PPLH), which asserts that every citizen has the right to a good and healthy environment and the obligation to preserve it.³ Nonetheless, the Welang River case illustrates ongoing challenges in law enforcement and raises questions about corporate accountability and public participation in environmental governance. This paper adopts a normative legal approach to analyze the case, drawing upon legal theory, core environmental law principles, and legal maxims. Theories of justice⁴ and responsive law⁵ provide a theoretical and normative foundation, while key environmental principles such as the polluter pays principle, the precautionary principle, and

¹ R. Fitriani, "Industrial Wastewater Management in Indonesia: Legal and Institutional Challenges," *Jurnal Hukum dan Lingkungan* 12, no. 1 (2020): 45–58.

² DLH Jawa Timur, *Laporan Hasil Investigasi Pencemaran Sungai Welang*, Dinas Lingkungan Hidup Provinsi Jawa Timur, 2023.

³ Republic of Indonesia, *Law No. 32 of 2009 on Environmental Protection and Management (PPLH)*.

⁴ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

⁵ Philippe Nonet and Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper & Row, 1978).

sustainable development serve as analytical benchmarks. The Latin maxim "qui facit per alium facit per se" is used to underline the corporate responsibility behind environmental harm. The objective of this paper is to construct a theoretical framework for analyzing environmental cases and to provide academic and practical contributions to the discourse on legal reform and environmental protection in Indonesia.

B. RESULTS AND DISCUSSION

The Welang River is a strategically important waterway in Pasuruan Regency, East Java, flowing through industrial and residential areas. Over recent decades, the Welang watershed has experienced increasing ecological stress due to rapid industrial growth, particularly in textile, food processing, and chemical sectors. These industries form the backbone of the local economy but have also contributed substantially to environmental pollution, especially through the discharge of untreated liquid waste.⁶

In early 2023, residents of several villages along the Welang River such as Tambakan, Gempol, and Legok reported severe deterioration in water quality. The river water turned dark, emitted foul odors, killed fish, and damaged farmland irrigated with river water. Some locals experienced health issues like skin irritation and mild respiratory problems, likely linked to the pollution.⁷

The complaint timeline began with village authorities, escalating to the Environmental Service Offices (Dinas Lingkungan Hidup, DLH) of Pasuruan Regency and East Java Province. DLH conducted surprise inspections and collected water samples for laboratory testing. Results indicated Biological Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) levels exceeding limits set by Government Regulation No. 22 of 2021, alongside toxic

⁶ Satriyo H., "Industrial Development and Environmental Stress: A Case Study of Pasuruan," *Journal of Indonesian Environmental Studies* 12, no. 3 (2022): 45–67.

⁷ Testimony of local residents, Tambakan Village, February 2023.

heavy metals and chemical dyes commonly associated with textile manufacturing.⁸

Suspensions fell on several companies, notably PT Satoria Group, operating pharmaceutical and chemical factories in the area. Although the company claimed to have wastewater treatment installations (IPAL), investigative reports by environmental NGOs revealed that these systems were largely non-functional, with waste often discharged directly into the river during nighttime to avoid detection. Other local industries were similarly implicated.⁹

This issue reflects not only administrative violations of environmental regulations but also triggers horizontal conflicts between the community and industry, underscoring the weak oversight role of local authorities. The head of DLH Pasuruan acknowledged constraints in human resources and monitoring facilities that hinder comprehensive, regular supervision.¹⁰

From a regulatory standpoint, this pollution likely breaches Law No. 32 of 2009 concerning Environmental Protection and Management, particularly Article 60 prohibiting unauthorized waste disposal into the environment, and Article 104 prescribing criminal sanctions for serious environmental pollution. Administrative penalties such as environmental permit revocation under Articles 76 and 83 are also applicable.¹¹

Socially, the community demands transparency, justice, corporate accountability, and decisive government action. Some residents, supported by NGOs, are preparing class action or citizen lawsuits based on the constitutional right to a healthy environment guaranteed by Article 28H paragraph (1) of the 1945 Constitution and Article 65 of the Environmental Law. This case has attracted national

⁸ Ministry of Environment and Forestry, *Water Quality Standards Report* (Jakarta: MoEF, 2022).

⁹ NGO Environmental Watch, "Industrial Waste Management Report: Pasuruan," July 2023

¹⁰ Head of DLH Pasuruan, "Public Statement on Environmental Oversight," May 2023.

¹¹ Law No. 32 of 2009 on Environmental Protection and Management.

media and academic interest as a manifestation of systemic failure in enforcing environmental law against financially and politically powerful business actors.¹²

Legally, the case raises fundamental questions about the effectiveness of the precautionary principle, the polluter pays principle, and corporate responsibility within the framework of sustainable development. Additionally, poor inter-agency coordination and limited public participation in environmental oversight exacerbate already fragile environmental conditions.¹³

Thus, the Welang River pollution case transcends a local event and symbolizes structural challenges in Indonesia's environmental governance. The case analysis serves as a test bed for evaluating the relevance of legal theories, environmental law principles, and legal maxims in developing academic and normative frameworks for environmental law theses.¹⁴

Legal Theories Analysis

The legal theory approach is crucial to understanding the legal status, conflict dynamics, and normative solutions applicable to the Welang River pollution case. Two main legal theories Justice Theory and Responsive Theory are employed for comprehensive analysis.

a. Justice Theory

Justice Theory, classically articulated by John Rawls (1971), emphasizes equality and fair treatment for all parties within law and public policy processes. In environmental law, it demands recognition and fulfillment of the community's right to a healthy and sustainable environment without discrimination. The pollution of Welang River causes severe ecological and social harm to the local community, especially those relying on the river for their livelihoods. From a justice perspective, the illegal

¹² Nugroho, B., *Citizen Lawsuit and Environmental Rights*, (Jakarta: Rajawali Press, 2021).

¹³ Dewi, R., "Challenges in Environmental Governance in Indonesia," *Asian Journal of Environmental Policy* 11, no. 2 (2024): 78–91.

¹⁴ Prasetyo, A., "Structural Challenges in Environmental Law Enforcement," *Journal of Indonesian Legal Studies* 15, no. 1 (2023): 99–120.

discharge by companies violates the community's environmental rights. The government, as the enforcer of legal sovereignty, must ensure equitable protection and impartial law enforcement, rather than favoring industrial interests. Hence, Justice Theory provides a normative basis to demand corporate accountability and environmental rights protection.¹⁵

b. Responsive Theory

Responsive Theory addresses the rigidity and bureaucratic limitations of traditional legal theories. It stresses the need for law to be responsive to the needs and aspirations of affected communities, especially vulnerable groups impacted by legal policies or actions. In the Welang pollution case, Responsive Theory calls for the legal system and government to respond swiftly, transparently, and inclusively to community complaints. The community should be active participants, not mere subjects, in environmental oversight and decision-making. This approach advocates effective public participation mechanisms and multi-stakeholder monitoring to achieve fair and sustainable resolutions.¹⁶ By integrating Justice and Responsive Theories, the legal analysis highlights the necessity of balancing community environmental rights, corporate responsibilities, and active government roles to enforce laws responsively and effectively.¹⁷

Environmental Law Principles

Legal principles form fundamental guidelines for the creation, interpretation, and application of legal norms. In environmental law, several principles are critical to evaluating and directing the resolution of the Welang River pollution case:

¹⁵ Sari, D., "Justice and Environmental Law: An Indonesian Perspective," *Law and Justice Journal* 7, no. 3 (2022): 120–135.

¹⁶ Wahyudi, H., "Legal Responsiveness and Community Participation," *Journal of Legal Studies* 14, no. 2 (2023): 112–130.

¹⁷ Lubis, F., *Environmental Law Theory and Practice*, (Bandung: Refika Aditama, 2023).

a. Polluter Pays Principle (PPP)

This principle mandates that polluters bear the costs of the environmental damage they cause. In the case of PT Satoria Group and other textile companies, PPP demands that these firms assume responsibility for compensation, environmental remediation, and future pollution prevention measures. PPP serves as an instrument of economic and ecological justice to enforce corporate accountability.¹⁸

b. Precautionary Principle

This principle advocates preventive action against potential environmental harm, even without full scientific certainty. Considering the significant ecological and social impacts of Welang River pollution, both government and companies should apply precautionary measures by enhancing oversight, strictly managing waste, and adopting environmentally friendly technologies.¹⁹

c. Sustainable Development Principle

This principle requires a balance between economic development, environmental preservation, and social welfare for present and future generations. The Welang case reveals an imbalance detrimental to both community and ecosystem. Industrial policies must therefore integrate sustainability into production and environmental management, ensuring the quality of life of local populations and the environment is not compromised.²⁰ Together, these principles provide a normative framework to evaluate policies and legal actions not only through enforcement but also by building systematic and sustainable prevention and remediation mechanisms.²¹

¹⁸ OECD, *Polluter Pays Principle*, OECD Environmental Policy Papers, No. 14 (Paris, 2014).

¹⁹ World Commission on Environment and Development (WCED), *Our Common Future* (Oxford: Oxford University Press, 1987).

²⁰ Santoso, Y., "Sustainable Development in Indonesian Environmental Policy," *Journal of Sustainable Development* 10, no. 1 (2021): 56–73.

²¹ UNEP, *Principles of Environmental Law* (Nairobi: UNEP, 2012).

Application of Legal Maxims (Adagia)

Legal maxims function as wisdom norms reinforcing arguments and conferring normative values in case interpretation. The following maxim is particularly pertinent:

“Qui facit per alium facit per se”

(He who acts through another does the act himself.)

In environmental law, this maxim emphasizes that corporations cannot evade responsibility by claiming pollution was caused by employees or third parties acting on their behalf. Companies bear full liability for all activities impacting the environment.²² This maxim strengthens legal grounds to hold PT Satoria Group and other implicated firms accountable for discharging hazardous waste into the Welang River. Even if pollution is carried out by workers or contractors, the law considers the corporation the principal actor obliged to restore and compensate for environmental damage.²³ Contextually, this maxim also underscores the government’s active role in monitoring and law enforcement. The state must not neglect violations committed via intermediaries, as this undermines public trust in the legal system and environmental justice.²⁴ Hence, the maxim “qui facit per alium facit per se” serves as a robust foundation to enforce environmental justice, demand corporate responsibility, and encourage an effective, responsive government role.²⁵

C. CONCLUSION

A case study on textile industry wastewater contamination the case of environmental pollution in the Welang River caused by textile and chemical industries in Pasuruan Regency illustrates the multifaceted

²² Black’s Law Dictionary, 11th Edition (St. Paul: Thomson Reuters, 2019).

²³ Soerjono Soekanto, *Legal Maxims and Principles* (Jakarta: Rajawali Press, 2017).

²⁴ Kartika, P., “The Role of State in Environmental Enforcement,” *Indonesian Law Review* 6, no. 2 (2022): 45–60.

²⁵ Mulder, J., *Legal Philosophy and Environmental Responsibility* (The Hague: Kluwer Law International, 2020).

challenges of environmental law enforcement in Indonesia. This issue intersects economic, social, and ecological interests, highlighting the systemic tension between industrial development and environmental protection. An analytical approach using the theory of justice and the theory of responsive law reveals that legal enforcement must prioritize the protection of the community's right to a healthy environment and promote active public participation in environmental monitoring.

The application of core environmental law principles namely, the Polluter Pays Principle, Precautionary Principle, and the Principle of Sustainable Development serves as a critical benchmark for evaluating the adequacy and relevance of legal responses and policymaking. Additionally, the legal maxim “*qui facit per alium facit per se*” reinforces the doctrine of corporate liability, asserting that companies remain legally responsible for environmental harm caused by agents or intermediaries acting on their behalf.

From the perspective of positive law, the government must enhance its institutional capacity for consistent and rigorous environmental oversight and law enforcement. Simultaneously, it must strengthen mechanisms for meaningful community participation as an integral part of problem-solving. This case represents a strategically significant topic for a thesis in environmental law, offering valuable insights to support legal and policy reforms aimed at achieving social justice and ecological sustainability in Indonesia. Amination in pasuruan the case of environmental pollution in the Welang River caused by textile and chemical industries in Pasuruan Regency illustrates the multifaceted challenges of environmental law enforcement in Indonesia. This issue intersects economic, social, and ecological interests, highlighting the systemic tension between industrial development and environmental protection. An analytical approach using the theory of justice and the theory of responsive law reveals that legal enforcement must prioritize the protection of the community's right to a healthy environment and promote active public participation in environmental monitoring. The application of core environmental law principles namely, the Polluter Pays Principle, Precautionary

Principle, and the Principle of Sustainable Development serves as a critical benchmark for evaluating the adequacy and relevance of legal responses and policymaking. Additionally, the legal maxim “qui facit per alium facit per se” reinforces the doctrine of corporate liability, asserting that companies remain legally responsible for environmental harm caused by agents or intermediaries acting on their behalf. From the perspective of positive law, the government must enhance its institutional capacity for consistent and rigorous environmental oversight and law enforcement. Simultaneously, it must strengthen mechanisms for meaningful community participation as an integral part of problem-solving. This case represents a strategically significant topic for a thesis in environmental law, offering valuable insights to support legal and policy reforms aimed at achieving social justice and ecological sustainability in Indonesia.

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