

CONSTRUCTION OF LOCALITY POLICY IN WASTE MANAGEMENT FOR ENVIRONMENTAL DEGRADATION PREVENTION

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Abstract

Waste management in household industrial areas must be taken seriously, given the degradation of river environmental quality from micro, small and medium industrial waste requires a locality policy that is integrated-comprehensive-holistic, which is consistent with the enforcement of the law, namely the application of sanctions. The method used is juridical-normative approach, reviewing legal and policy norms in environmental issues. Factors of legal awareness and legal compliance become separate issues that must be found solutions, concerning technically not yet used adequate wastewater management installations, given the limitations of capital aspects and mastery of environmentally friendly based technology. A more responsive Local Government policy is needed to address licensing administration procedures, as evidence that confirms the statement of ability of businesses for environmental management and monitoring efforts, as a result of the impact of economic activities. Government policy must still refer to the provisions of the applicable law concerning the application of administrative sanctions, namely reprimand, revocation of business license and business closure, although it does not cover the possibility of use of non-litigation means taken by local governments through mediation. Efforts made through the Local Government Program, for the purpose of maintaining environmental sustainability in a sustainable manner.

Keywords: Administrative Sanctions, Environmental Preservation, Local Government Policy.

INTRODUCTION

One of the consequences of environmental pollution is the lack of public awareness in maintaining, maintaining the environment. Certainly, in any activity there is an impact especially in business activities must certainly have a business license or environmental permit. Although there are already rules governing the environment if public awareness is still not good or still not going well. Proper management of environmental resources in accordance with applicable regulations and wise has rarely been encountered because of the diminished public awareness about the importance of maintaining environmental sustainability and environmental resource management for the continuity of this life. If the environmental resources have been polluted or damaged will be disrupted public health. The source environment is essential for the survival of life. To avoid activities that can damage the environment, pollution, destruction of forests, things that can adversely affect the environment. The problem of waste caused by human activity can be the dominant factor in the degradation of environmental quality. Law No 18 of 2008 concerning waste management. Especially in Article 11 of the Law Number 18 of 2008 which states

that everyone has the right to service in good waste management and environmental insight from the government, local government, and or other parties (Winarta, 2017).

1. LITERATUR REVIEW

Nowadays garbage is a problem a very serious environment that faced by society in general (Mutaqin, 2018). But understanding about the environment and in particular waste, seems to be still in the lifestyle stage and is not a pattern of thinking for society in general. Trash is one type of waste that inevitably and consciously unconscious is part of our life (Herlambang, 2008). In order to realize an orderly urban life, orderly, comfortable, peaceful and clean is needed regulation in the field of public order that is able to protect city residents and city infrastructure and its accessories (Tapilatu). World Bank review in 2012, that 1.3 billion tons of solid waste per year comes from various parts of the city in world, and that volume is expected to increase to 2.2 billion tonnes in year 2025. (Wahyudin, 2020) The entry of waste into the water that results in the function of water down, so it is no longer able to support human activities and cause pollution problems to river water. The largest part that causes water pollution is liquid waste from industry, in addition to solid waste in the form of domestic waste. If pollution continues without improvements to waste treatment discharged, no more clean water is available, and all life forms are endangered due to contaminating toxic substance poisoning. To avoid that, strict supervision is required from the authorized agencies in environmental management. Monitoring is necessary to monitor the state and level of pollution that has occurred as well as the effectiveness of waste treatment, so that the negative effects of pollution can be avoided and anticipated before more severe pollution occurs.

The Indonesian nation is currently directed at change as a result of the transformation process towards the industrial community. The long-term development direction is economic development that rests on industrial development. In many ways, development can have an impact on the environment. Damage and environmental pollution caused by industrial waste is the most common problem. One of the most frequent places to dispose of liquid waste is the river. It is found in many rivers nearby there are industrial centres, small, medium and household industries.

Entrepreneurs must pay attention to environmental sustainability by carrying out activities that do not have the potential to cause environmental pollution. The role of the government in this case makes regulations in the form of environmental permits, one of which is the granting of permits on the disposal of liquid waste, to avoid businesses disposing of waste regardless of environmental aspects. The aspect of community participation is so important to formulate public policies that are more charged with bottom up because regional regulations must reflect the application of local values that can be used as social capital so that social arrangements can be fully agreed upon together. The aspect of community participation is part of the commitment of the Regional Government to build good governance as contained in the content of the principles of good governance.

Waste from small, medium, home industry activities can pollute the environment around the river and during the rainy season the waste will be carried away by the flow of water and can enter the rice fields when there is a flood, so that if it is rice harvest season, the waste can pollute the rice fields. During the dry season the waste is not carried away by water and settles in the river so that the river becomes polluted and discoloured because of the content of the waste. This condition then becomes the main driver for local government must be able to find the right solution to overcome the problem, through policies built, through law enforcement, in terms of the application of sanctions to be the best way out.

The policy process formulated at the local level should be able to accommodate the needs of the community as a whole, a strategic setting agenda in policy formulation becomes a keyword that must be considered. The stages of steps in formulating policy formulation, policy implementation, and policy monitoring and policy evaluation must be carried out in an integrated manner with the needs of developing interests in the community, including the interests to maintain the quality of the environment. In this case, it takes green regulation, green policy that must be really able to be realized properly. It takes commitment; it takes the government in the region to deal with it.

Public policy that is built must be able to translate the prevailing legal norms; therefore the formulation of policies and their analysis become the basis for accommodating the needs that exist in society. Public policy in the form of formulation of legal norms that are built has an important aspect to achieve policy objectives; therefore the issue of law enforcement becomes a keyword that must be considered. Law enforcement, intended to protect the interests of the community and the environment, the law must also side with environmental issues. The legal norms formulated must contain a charge of virtue values for all components involved in the process of legal work in society. The penetration of the law into such a strong society, resulting in the demand for change and development of the law itself and its relation to other social problems will also become more intensive.

Environmental law enforcement must be understood in the level of efforts to achieve legal objectives, namely not only certainty factors but also with regard to aspects of fairness for the environment and aspects of regulatory benefits, so that environmental control must be able to be realized in the direction of a firm commitment as part of maintaining environmental support capacity in the area of economic activity. The meaning of the statement gave birth to two important things, namely the legal culture refers to the existing legal provisions and law enforcement that must proceed, or for other understanding concerning the substance of the legal rules and impartial professional law enforcement officers.

Environmental destruction is dominated by humans such as environmental destruction with batik waste dumped in the river, because there is no wastewater management installation. In an effort to control the occurrence of damage to the environment, it takes policies that must be in favour of environmental interests as a preventive effort in efforts to prevent the occurrence of environmental pollution. And therefore, waste pollution can also be avoided if each party can maintain environmental sustainability; Local Government Policy has

formulated the legal order in question, only to be considered is a consistency factor in the implementation of the policy.

Due to the lack of optimal law enforcement in environmental waste management is still found communities or home industry entrepreneurs who dispose of waste around the river. Businesses must have a high social justice nature to the public at large, if starting a business such as the household industry small, micro and medium enterprises must understand the impact first, so that the licensing requirements that are business licenses and environmental permits become an absolute prerequisite that must be taken the process. Environmental problems including pollution, forest damage, and problems that occur in coastal areas certainly invite social problems, while social problems must be handled extraordinarily by the law and must work extraordinarily as well. The development and growth of a city gave a big impact to the capacity and endurance of the city from the effects of growth. Population settlement pressure, community activity, and social interaction of the population have given the problems to the city.

It is fitting that we take care of each other's environment because for the common good in life, so great is the role of the law in and in society that aims to be better, and people are obliged to obey the rules. The application of environmental law principles such as sustainability principles, protection principles, and environmental pollution principles are characteristics of fundamental problems in the dynamics of national development, the things that underlie this theory of environmental law should be the factual backing of empirical industries in carrying out their economic activities. The environment can determine the welfare of the community, the burden of the obligation of the community to protect the environment becomes a priority that must be done through its behavior to maintain the quality of the environment and the community also has the right, to obtain information. In addition to the right to the right to the environment, the community has the right and obligation to maintain and protect the environment.

In the protection and management of the environment must be balanced between the interests of economic improvement and the interests of preserving the environment. All this time, the two things seemed to be inseparable from each other. Businesspeople are seen as parties that prioritize economic interests over the interests of environmental conservation. Every business must care about the environment, must look at the environment, and maintain the environment. Every human being has a high responsibility to the environment and is obliged to comply with the laws and regulations. People should be able to change their mindset by prioritizing prioritization over environmental circumstances and the importance of protecting the environment so as not to harm natural resources that should be maintained rather than damaged.

Policy in terms of control of waste containing harmful and toxic elements, that the Ministry of Environment as a government institution responsible in the environment makes programs that encourage and accelerate industrial companies to meet waste management provisions, among others:

1. Hazardous and Toxic Material Waste Control Program (B3) (partnership in the management of hazardous and toxic waste materials) through this program is expected that the central government, local government, entrepreneurs and the public at large can understand and implement the Government Regulation on B3 waste management.
2. Hazardous and Toxic Material Waste Monitoring Program (B3) through licensing. According to the provisions of the applicable law that all waste management activities containing hazardous and toxic elements, including storage, collection, transportation, processing and utilization of hoarding, issuance of trial approvals to evaluate the technical feasibility of waste management- B3 waste, the process of requesting permits for disposal of waste into the sea and river requires a permit or recommendation from the ministry of environment

This study concerns the formulation of the policy of Local Regulation No. 6 of 2016 on Environmental Protection and Management of Cirebon District Article 18 Paragraph (1), the regulation emphasizes the importance for the control of human activities in terms of waste management, especially waste materials containing harmful and toxic elements, locality policy is needed in the region and this will concern the construction of policies that must be formulated at the locality level. Public policy at the local level is a strong foundation to realize conservation efforts and sustainable environmental management, this is a question that is how the Local Government policy in handling waste management in Cirebon Regency.

2. METHODOLOGY

This study uses qualitative methods to explore and understand the meaning that a number of individuals or groups of people derive from social or humanitarian issues (Creswell, 2014). In the study using normative juridical approach (law is seen as the norm or *das sollen*), using primary legal materials and secondary legal materials, with regard to written legal norms, concerning the environment, and also reviewing legal provisions for micro and small businesses, as well as for the locality level studied also the order relating to environmental management and legal tools concerning environmental permits. The entire regulation is reviewed through a text approach (written legal products in the form of statutory products or policies as technical legal norms).

3. CASE STUDIES

Environmental Law enforcement policy is seen from several kinds of administrative law enforcement, environmental criminal law enforcement, and environmental civil law enforcement. Environmental Law Enforcement is primarily concerned with preventive administrative aspects aimed at enforcing environmental legislation; in the enforcement of administrative law is usually a written or verbal reprimand. In contrast to the enforcement of environmental criminal law the process until there is an investigation and investigation conducted by PPLH (Investigator / Supervisor of Civil Servants) in the enforcement of environmental criminal law is formal and more to corporate crimes can be resolved through

the courts. While in the enforcement of environmental civil law can be resolved through two ways through the courts and outside the court. Law enforcement policy for environmental conservation efforts, based on the values contained in the written legal norms in the local level concerning local regulations, that there is a content of legal norms about the duties and authorities of the region, although fully realized that policy issues concern policy formulation, policy implementation, policy monitoring and policy evaluation. In the realm of monitoring / monitoring becomes a separate issue that must be solved. Many factors cause this to happen, including the issue of complaints from the public that are not communicated to the relevant stakeholders. This environmental problem arises, so the Local Government has constraints in terms of supervision to enforce the prevailing environmental law norms. Local regulation is important to be formulated and strengthened considering the position of stakeholders in the region will be directly facing the interests of the community, businesses and the interests of environmental conservation efforts.

Weaknesses in supervision related to environmental law enforcement can benefit every business actor, there can be a waiver of the prevailing legal provisions, especially concerning the established Regional Regulations and the community can be harmed as a result of environmental quality degradation in the area of economic activity. It takes an integrated effort in terms of law enforcement including community concern for the quality of the environment, including micro; small and medium enterprises must jointly have the same spirit of concern for the level of concern on maintaining environmental preservation.

Every business actor who is the average home industry should pay attention to the impact caused by the cause of their business activities, must love the environment more by maintaining and protecting the environment. Therefore, as a business actor must have a business license before opening his business. The impact of the industry is very influential to the environment, if most of the impact is liquid waste, this can pollute the water quality in the region including rice fields. It is appropriate if the businessperson has a business license and environmental permit, based on the Regional Regulation, which has been applied at the local level. On the other hand, micro, small and medium enterprises that conduct business activities related to the possibility of waste impacts should take into account the consequences. The provision must be affirmed, and of course in the technical level must also be balanced with the implementation of environmental policy programs that must be carried out by the relevant institutions in a sustainable, planned and targeted, targeted manner.

Countermeasures and control as part of the process of environmental damage prevention, including pollution problems such as water. Regulation on the environment by default has determined that efforts to prevent the occurrence of water pollution, in the context of avoiding the degradation of water quality, considering water is the source of life. The obligation of the government, including local governments to build a constructive environment for life, as well as the issue of formulating its policies in terms of realizing environmental management as mandated in environmental protection and management regulations. In some ways sometimes found bad conditions of the community such as industrial areas. Industrial areas have an influence on social order achieved through legal

values and other norms. One thing is certain that in the area of application and legal norms that have been normalized and that should be enforced are subject to constraints. There are many things that cause that to happen including the discovery of apathy towards society's perspective in various ways.

Perception of the provisions of the law, his views on the surrounding environment, the importance of maintaining sustainability and management in the environment. His argument about health, so being accepting of what happened, there is even a very deep tendency that society is more stupid. Attitudes do not care about things including the environment around where people live and depend on their safety and health for it is needed law enforcement. Attention from the government in the importance of maintaining environmental sustainability. It is not just regulations that must be enforced through rebuilding legal awareness and community legal compliance. Legal awareness is a very decisive factor in efforts to maintain environmental sustainability.

Based on locality regulations in the region has been formulated Regional Regulation No. 6 of 2016 on Environmental Protection and Management Cirebon, the norm has set firmly on the participation of the community for environmental protection and management efforts. That the community is burdened with the right to active participation in environmental matters. There are many actions that can be taken by the community in matters of supervision in the social dimension, conveying proposals, opinions, or objections. In the event of any indicated event, it may cause environmental damage or decrease degradation of environmental quality. This is intended as a constructive step to build community awareness of environmental issues. It is necessary to empower the community to build self-reliance, partnership and by staying based on the content of local wisdom values. Local wisdom in the region as a manifestation of building environmental sustainability and management.

The main factors concerning the control, management and preservation of the environment include the issue of legal awareness in terms of licensing procedures about environmental permits, for example in the local level found Regent Regulation No. 21 of 2015 Cirebon District on Environmental Permits, that the content of applicable legal norms has mandated for businesses in carrying out their economic activities charged with the obligation there must be a permit as a form of concern for environmental conservation provisions, it is intended solely that considerations of impartiality in the environment should be integrated into the consideration of decision-making in seeking profit. Not only about business and profit, but environmental issues must also be included in it, as part of business considerations.

The provision must be carefully observed and adhered to, but sometimes this will be faced with the condition of micro, small and medium enterprises that have many limitations, including capital aspects, mastery of environmentally friendly technology and limited human resource complementary capabilities. In other dimensions, there are also limitations of environmental control facilities such as the availability of Wastewater Disposal Installation and special shelters for waste, sometimes neglected, this concerns capital issues. If seen from Local Regulation No. 6 of 2016 concerning Environmental Protection and Management of

Cirebon Regency, businesses must make Statement of Ability to Manage and Monitor the Environment.

Every business actor should fulfil the obligations stated in the applicable legal provisions, especially in providing information related to the environment needed and maintaining environmental sustainability so that when conveying information the government also knows and is helped in environmental supervision and can minimize or improve the environment for the better and businesses can help protect the environment also because it is the role of the community must u to maintain environmental sustainability. In addition, the community must be more active when there is an environmental problem immediately reported to policyholders as stakeholders, so that in the enforcement of environmental law becomes faster. Businesses or communities should not commit pollution, this has been guaranteed in the provisions of environmental management legislation, actions taken that result in environmental damage should be understood as a concept of thought that can harm the sustainability of life, and therefore the approach that must be done is the approach of biocentrism in the concept of environmental law approach. The consequence is that it should be mandatory for the community to report if there are environmental problems in the form of environmental pollution, because stakeholders as policyholders know of environmental damage can be obtained through information dating from the community, for the community should be concerned and active on environmental issues.

Development activities contain the risk of pollution and environmental damage. The social reality found in the development process is a condition of environmental degradation because the burden that must be borne from the activities of community activities is increasing. The environment will accept the risks from the consequences of the policy decided, therefore considerations to construct policies and regulations based on environmental values (green policy and green regulation) become an inevitability that must be taken, from the many alternative considerations that must be decided in carrying out the development process including development in the region while having to deal with the investment component, such considerations become a priority value.

Judging from the theory of justice that justice is the right of every human being to obtain a decent life, in the efforts to control and preserve the environment must pay attention to the principle of justice means in conducting business activities, which can cause negative impacts such as about waste that pollutes the surrounding environment, must have a special shelter in the management of such waste or the waste must be managed properly. Because if the business does not pay attention to the principle of justice is the same as giving limitations of life to other communities with the existence of such waste, such as polluted air and river water.

CONCLUSSION

Law enforcement policies made to businesses in terms of environmental protection and management. Policy is carried out through the application of environmental legal norms, both in the national domain and in the locality level. Legal provisions built in the local or regional

level must be able to translate the provisions of the law. Legal provisions those are national in nature, some legal norms in the form of local regulations. For example, about environmental management and environmental permits in the construction of regent regulations. Policies that is strategic in nature to build and maintain the quality of the environment. This construction is necessary considering that there are still issues of legal awareness and weak legal compliance. Licensing procedures concerning Environmental Capability and Monitoring Statements that have not been implemented consistently. Law enforcement facilities and infrastructure concerning the availability of wastewater management installations that are not yet fully adequate. This is due to the limitations of capital aspects; mastery of environmentally based technology is still weak. Limited availability of human resources is a must-see in an effort to build policy commitments in environmental protection and management. It takes policy construction with an integrated-comprehensive-holistic approach to address environmental recovery issues.

This is very conscious considering environmental issues are a shared problem. The responsibility of the Government, including local governments and communities is at stake, so that the mandate required by the regulation of environmental law objectives can be achieved, namely control of behaviour towards discipline, fairness that is legal for common good and shared social welfare.

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