

Juridic Analysis of Waste Management Supervision System in Labuhanbatu District

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Abstract

Waste management is a systematic, comprehensive, and sustainable activity that includes waste reduction and handling. Waste management is a problem that must be faced by the local government of Labuhanbatu Regency. The increasing population will affect the pattern of use of product materials and public consumption, it will indirectly affect the type and amount of waste produced. So that there is a need for supervision and law enforcement actions, both the application of administrative sanctions and criminal sanctions, then the problem of waste management will never be resolved. This study aims to determine the waste management monitoring system in Labuhanbatu Regency and to find out about the obstacles faced in the supervision of waste management in Labuhanbatu Regency. In this study, the authors used empirical juridical methods, as well as conducting field research and conducting interviews to obtain data to support the author's research. The results of the study show that the waste management and supervision system in Labuhanbatu Regency is regulated through the Labuhanbatu Regency Regional Regulation Number 8 of 2017 concerning Waste Management with a management system that is still carried out by collecting, transporting, and disposing of. Meanwhile, it should be done by sorting, collecting, transporting, managing, and finalizing waste. Meanwhile, the monitoring system carried out is still limited to monitoring which is considered not running yet and is still not optimal.

Keywords

juridical analysis; management; waste; monitoring; barriers



I. Introduction

Garbage is like a ticking time bomb that will explode one day. The problem of waste is not a problem that can be underestimated. Garbage is the residue of human daily activities and/or natural processes in solid form (Law of the Republic of Indonesia Number 18 of 2008 concerning Waste Management). Garbage is an important issue in urban environmental problems faced in line with population growth and increased development activities (Maolani & Isaac, 2015). This will also be an important issue that must be considered in Labuhanbatu Regency, which continues to experience an increase in population. With the increase in population, it will affect the population's need for housing development for residences, offices or companies, shopping places, and tourist attractions. The high rate of population growth that is not matched by the provision of infrastructure, facilities, and standards in services in the environmental field that is not comparable has the potential to reduce environmental quality. (Manurung, nd).

Many people underestimate garbage, they throw garbage carelessly without thinking about the things it will cause. The accumulation of garbage by throwing or burning it carelessly into open areas will result in water, soil and air pollution (Good & Son, 2019). Events like this are often encountered in daily activities in the community. Lack of awareness of environmental cleanliness makes people trivial about waste that is considered small by throwing it carelessly. If the generation of waste continues to increase and its management does not run properly, it will cause damage to the environment, namely climate change, environmental pollution, causing disasters, disease outbreaks, and disrupting the sustainability of the growth of living things.

Damage to the environment has occurred for a long time without realizing the impact it will cause. Environmental destruction is the act of a person causing direct or indirect changes to the physical, chemical, and/or biological characteristics of the environment so that it exceeds the standard criteria for environmental damage. (Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management). This situation has occurred in its entirety so it is not surprising if the impact of environmental damage will occur as a whole. With the impact, in the future the problem of waste will become a serious problem. For this reason, efforts to handle it can no longer be sectoral, but must be carried out in a planned, coordinated manner, and what is equally important is to involve various parties (stakeholders) including community involvement because they are the ones who are directly or indirectly involved who will enjoy good environmental quality. and healthy and they are the ones who feel the most if there is an environmental imbalance (Revelation Rashid, 2019).

The problem of waste is not only found in regencies/cities in Indonesia, but has become a worldwide problem that must be considered for its management. To minimize the generation of waste that is increasing in the community, waste management is needed. To solve waste management problems, the House of Representatives of the Republic of Indonesia made a legal product that specifically regulates waste management problems in Indonesia, with the aim of providing legal certainty in waste management. These rules are contained in Law No. 18 of 2008 concerning Waste Management. The law explains how the waste management system as stated in Article 1 paragraph (5) Waste management is a systematic, comprehensive, and comprehensive activity.

Waste problems in Indonesia that occur are not only due to technical factors, but there are also legal problems in the regulation (Yessy Crnesia Iriant, 2020). In the waste management law, it is found that there is a legal vacuum in the handling of waste management, which is not explicitly regulated in the application of sanctions to waste management actors who violate provisions that are not in accordance with the obligations in the requirements that have been set. This makes the waste management actors do not run the waste management system optimally. In fact, the implementation of sanctions plays an important role as a form of monitoring and triggering waste management actors in handling waste properly based on the law.

To ensure the implementation of the objectives of Law Number 18 of 2008 concerning waste management, the Central Government authorizes local governments to ensure the implementation of good and environmentally sound waste management for the community in accordance with the legislation, where the purpose of waste management is to improve public health and environmental quality and make waste as a resource. To implement the provisions of article 11 paragraph (2), article 12 paragraph (2), article 17 paragraph (3), article 18 paragraph (2), article 22 paragraph (2), article 24 paragraph (3), article 25 paragraph (3), article 32 paragraph (3) of Law No. 18 of 2008 concerning Waste Management, the local government of Labuhanbatu Regency formed Labuhanbatu Regency Regional Regulation Number 8 of 2017 concerning Waste Management.

With the enactment of the Labuhanbatu Regency Regional Regulation Number 8 of 2017 concerning Waste Management, the Labuhanbatu Regency Government has special rights in making rules for managing waste. However, the rules made must not deviate from higher laws and regulations. To ensure that the Regional Regulation is implemented properly, the Labuhanbatu Regency Government must supervise the implementation of the Regional Regulation.

Labuhanbatu Regency has an area of 2,561.38 KM² or 256,138 Ha, which consists of 9 sub-districts, 23 sub-districts, and 75 villages. Of the total area, Labuhanbatu Regency has a population in 2020 of 493,889 people. Statistical data on the increase in waste generation or units of activity or process of generating waste each year is calculated based on the number of residents in a certain area multiplied by the Indonesian National Standard (SNI) 3242-2008 for a medium city with a population of 500,000 people of 0.4 kg/day/person. With a fairly large area and a fairly high population, the local government of Labuhanbatu Regency must be really serious in handling waste management problems.

From the description of the problem above, the author takes the title Juridical Analysis of the Waste Management Supervision System in Labuhanbatu Regency Based on Regional Regulation Number 8 of 2017.

III. Research Methods

The research method used in this research is juridical empirical. Empirical juridical is a study that takes primary data from the field by adjusting the applicable legal rules, and coupled with secondary data, namely the applicable laws and regulations regarding the environment and waste management. Collecting data in this study is by interviewing the authorized officials.

IV. Discussion

4.1 Partial Least Square

The waste management system in Labuhanbatu Regency currently still uses the old paradigm which is carried out by collecting, transporting, and disposing of it. The paradigm with the waste management system should be changed with a new paradigm that makes waste not only to be disposed of but can be utilized. The new paradigm views waste as a resource that has economic value and can be used, for example, for energy, compost, fertilizer or for industrial raw materials.(Damayanti, nd). Using the old paradigm in managing such waste is clearly not in accordance with the laws and regulations. In Law Number 18 of 2008 concerning waste management, it regulates how the waste management system is not carried out by collecting, transporting, and disposing of it, but by reducing waste and handling waste. Then in the Labuhanbatu Regency Regional Regulation Number 8 of 2017 concerning waste management, it is explained that the waste management system by reducing waste is carried out with 3R activities (Reduce, Reuse, and Recycle) which include activities to limit waste generation, reuse waste, and recycle waste.(Labuhanbatu Regency Regional Regulation Number 8 of 2017 concerning Waste Management). So that waste reduction means that all levels of society, both the government, the business world and the wider community, carry out activities to limit waste generation, recycle and reuse waste or better known as through intelligent, efficient and programmed efforts.(Wahyudi et al., 2020). Meanwhile, the handling of waste is carried out by selecting, collecting, transporting, managing and final processing of

waste.

From the results of observations and interviews conducted by the author, it is known that the waste management system carried out in Labuhanbatu Regency in the waste transportation service is carried out with a direct individual pattern (door to door) without sorting the types of waste and then the waste is transported using a garbage truck to the landfill. Final Disposal (TPA).Labuhanbatu Regency has a Final Disposal Site located in Perlayuan Aek Paing Village, Rantau Utara District with an area of 1.6 Ha. With an Open Dumping management system (Open System) and or without management of the waste received every day.

With an area of 2,561.38 KM² or 256,138 Ha, which consists of 9 sub-districts, 23 sub-districts, and 75 village's and With a population in 2020 of 493,889 people, every day the waste generated is transported to the Final Disposal Site of around 72 tons of waste. Statistical data on the increase in waste (organic, inorganic and specific) in the last three years (2019-2021) in Labuhanbatu Regency, it can be concluded from the type of waste generated from the source, namely household waste and similar household waste originating from commercial area activities. Industry, social facilities, public facilities, other facilities, consisting of types of organic waste, inorganic waste and specific waste. The difference between each type of waste in question.

Table 1. Statistics on the Increase in Types of Organic, Inorganic and Specific waste for the Last 3 (three) Years

TYPES OF WASTE	2018 (TON)	2019 (TON)	2020 (TON)
Organic	193.792	197,671	197,559
Inorganic	96,896	98,835	98.779
Specific	48,448	49,417	49,389

Statistics on the increase in waste generation each year are calculated based on the number of residents in a certain area multiplied by the Indonesian National Standard (SNI) 3242-2008 for a medium city with a population of 500,000 people at 0.4 kg/day/person. Regarding the management of specific waste, which is waste which due to its nature, concentration and or volume requires special management consisting of:

- a) Garbage containing hazardous and toxic materials bahan
- b) Garbage containing hazardous and toxic waste limbah
- c) Garbage caused by disasters
- d) Building demolition
- e) Waste that cannot be processed technologically
- f) Periodic waste

Specifically for the management of specific waste containing hazardous and toxic materials, the process of obtaining a management permit has so far been regulated in Government Regulation of the Republic of Indonesia Number 101 of 2014 concerning Management of Hazardous and Toxic Materials, where in this Government Regulation the Environment Agency is authorized to issue recommendations for temporary storage permits hazardous and toxic waste as a technical requirement in the issuance of a permit for temporary storage of hazardous and toxic waste by the Office of Investment and One Stop Service (PM-PTSP) of Labuhanbatu district. After the issuance of Law of the Republic of Indonesia Number 11 of 2020 concerning Job Creation.

4.2 Waste Management Implementation and Supervision

The government plays an important role in the implementation of waste management. In carrying out waste management, local governments have the authority to determine waste management policies and strategies based on national policies (Erlinda Puspitasari, 2019). For the implementation of government policies in waste management as contained in local regulations, the Labuhanbatu Regency Government gives responsibility to the Environmental Service (DLH) as the executor in order to realize waste management in accordance with statutory regulations.

With the responsibility given to the Environment Agency as the executor in waste management, in this case the Environment Agency must play an active role in establishing partnerships with the community, community groups or community organizations that observe environmental issues, and waste management business entities. The community can participate in waste management. The participation of the community in waste management as a provider of proposals, considerations and suggestions to local governments in managing waste. The community must also take part in maintaining the cleanliness of the environment as well as monitoring and expressing objections to the performance of waste management activities. Involve the community to take a more active role in waste management, The Regional Government through the Environmental Service carries out socialization activities on waste management to the community or related parties who play a role. Then publish in the form of billboards in strategic locations, hold competitions on environmental cleanliness and facilitate the formation of waste management cadres.

In the implementation of waste management, supervision must be carried out. Supervision of waste management in Labuhanbatu Regency as referred to in Article 38 of Regional Regulation Number 8 of 2017, is a process of observing rather than implementing all waste management activities to ensure that all work being carried out on waste management consisting of waste reduction and handling can proceed according to the plan. previously determined in the Regional Revenue and Expenditure Budget (APBD) for the current budget year. The implementation of the waste management monitoring system is carried out based on the type of waste as referred to in Article 5 of Regional Regulation Number 8 of 2017, namely organic waste, inorganic waste and specific waste,

Garbage collectors have a high potential risk when carrying out their work of transporting waste to the Final Disposal Site. Unhealthy workplace conditions and not using personal protective equipment can cause work accidents. Supervision of occupational safety and health standards is a determinant of the success of the waste management system. If the supervision or control of waste management is not carried out regularly and continuously, the objectives of waste management, namely to create a clean and healthy environment, improve environmental quality, improve public health and make waste a resource as referred to in Article 3 of Regional Regulation Number 8 of 2017 will not be achieved effectively optimal due to the planning,

For law enforcement actions against waste management, both the application of administrative sanctions and criminal sanctions in Labuhanbatu Regency have not been implemented properly, due to the absence of certain civil servant investigators within the Labuhanbatu Regency Government who are given special authority as investigators to conduct criminal investigations. violation of Regional Regulations in accordance with applicable laws and regulations. The results of the said investigation can be submitted to the public prosecutor through the investigating officers of the Indonesian state police.

4.3 Obstacle Factor

To suppress the increase in waste in Labuhanbatu Regency, the Labuhanbatu Regency Regent Regulation Number 9 of 2018 has been issued concerning Regional Policies and Strategies (Jaktrada) for the management of household waste and waste similar to household waste in Labuhanbatu Regency, where steps and efforts are made to reduce waste. through limiting waste generation, recycling waste and reuse of waste so that it can reduce waste reduction by 30% by 2025 in line with the National Strategic Policy (Jakstranas). In an effort to suppress the increase in waste in question, the Regional Government of Labuhanbatu Regency already has 1 package of facilities and infrastructure for the Waste Recycling Center (PDU) located in the office area of the Labuhanbatu Regency Environmental Service, there are 15 units of the largest waste bank in 9 sub-districts,

Currently, the local government of Labuhanbatu Regency has 16 units of dump trucks, 21 units of betor, 1 unit of stool truck, 1 unit of wheel loader, 4 units of garbage bins (arm roll). And has human resources (HR)/personnel, 1 Head of Division, 3 Section Heads (waste reduction section, waste handling section and hazardous and toxic waste section), 16 truck drivers, 48 truck crews (3 people/personnel) truck units), 192 cleaners, 1 wheel loader driver, 1 TPA guard, 3 betor drivers, 6 field foremen.

The implementation and supervision of the waste management system in Labuhanbatu Regency certainly has an inhibiting factor. Barriers are conditions that make things slow and not smooth for the achievement of a result from a predetermined target. So the obstacles in implementing the waste management monitoring system at the Labuhanbatu Regency Environmental Service are:

- a. Human Resources (HR) Apparatus is still low in the field of waste management so that it has a big influence on the management of waste management.
- b. Inadequate waste management facilities and infrastructure to achieve the objectives of waste management, such as Final Management Sites (TPA) for waste with sanitary landfill management methods (piling, compacting, covering with soil and recycling waste), Temporary Disposal Sites (TPS) for waste that have not been available, inadequate waste handling equipment such as dum trucks, excavators, loaders, tricycles and trash cans. Likewise, the facilities and infrastructure for reducing waste are not yet optimal, such as; Waste Recycling Centers (PDUs) have not met the real needs, HR/waste recycling officers are not yet available, waste bank empowerment is not optimal, socialization and waste reduction have not run optimally.
- c. The Labuhanbatu Regency Regional Regulation Number 8 of 2017 regarding waste management has not been enforced, which has regulated administrative sanctions, investigations, and criminal provisions for anyone who violates waste management rules.

V. Conclusion

Based on the results of the data analysis of the discussion conducted by the author regarding the waste management monitoring system in Labuhanbatu Regency, the following conclusions can be drawn:

5.1 Waste Management System

The Regional Government of Labuhanbatu Regency through the Environmental Service does not carry out waste management as regulated in Regional Regulation Number 8 of 2017 concerning Waste Management. Where the handling of waste in Labuhanbatu Regency is done by collecting, transporting, and disposing of it. Meanwhile, it should be done by sorting, collecting, transporting, managing, and finalizing waste. The transport service system with an individual pattern (door to door) without sorting is directly transported to the Final Disposal

Site with an Open Dumping management system (open system) and no waste management is carried out, resulting in waste generation. Meanwhile, the supervision system carried out is still limited to monitoring which is considered not to be running as it should be a supervision that is managed professionally, systematically, and sustainable. Meanwhile, in law enforcement actions, both the application of administrative sanctions and criminal sanctions have not been implemented as regulated in the waste management law.

5.2 Obstacle

Lack of Human Resources (HR) Apparatus is still low in the field of waste management which affects the management of the waste management system. Inadequate facilities and infrastructure, both in terms of Final Disposal Sites and/or Temporary Disposal Sites of waste as well as tools and facilities used in waste management.

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