



**Effectiveness Of The Implementation Of Regional Regulation Number: 16
Of 2016 Concerning Waste Management In Batang Hari Regency (In
Criminal Sanctions Under Article 62)**

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ABSTRACT

This study aims to determine the effectiveness of the implementation of Regional Regulation Number 16 of 2016 concerning Waste Management in Batang Hari Regency. The purpose of this research is to assess the extent to which the enforcement of criminal sanctions regulated in Article 62 of Regional Regulation Number 16 of 2016 has been effectively carried out. The background of this study is based on the increasing waste issues in Batang Hari Regency, which have grown into both national and global concerns. In addition, public awareness regarding proper waste management remains relatively low, despite the existence of clear legal provisions governing criminal sanctions for violators. This research is classified as empirical legal research and employs a qualitative approach, which aims to explain the legal issues through in-depth and comprehensive analysis of the situations and conditions being studied. The data collection methods used in this research include observation, interviews, and documentation.

Keywords: *Effectiveness, Criminal Sanctions, Regional Regulation, Waste Management*

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INTRODUCTION

Regional regulations are essential regulatory instruments for implementing the vision, mission, and program plans established by the regional head. Therefore, regional regulations essentially elaboration of a regional head's vision, mission, and program in running his or her government. Within the hierarchy of laws and regulations, regional regulations are part of the regulatory product whose existence is constitutionally recognized. As a regulatory instrument, regional regulations are a regulatory tool and, therefore, must be applicable so that they can be implemented in every step of regional government policy. Therefore, the implementation of regional regulations is a key factor in realizing regional government goals. On the other hand, regional government goals will never be achieved if these regulations cannot be implemented.

In Indonesia, there are actually several laws and regulations that are directly correlated or related to waste management, namely Law No. 32 of 2009 concerning Environmental Protection and Management; Law No. 32 of 2004 concerning Regional Government, replaced by Law No. 23 of 2014 concerning Regional Government; Law No. 18 of 2008 concerning waste management and several regional regulations established by local governments at both the district and city levels, such as Batang Hari Regency Regulation No. 16 of 2016 concerning waste management. The waste problem has become a global issue because it occurs in various places and has quite varied impacts. One of the most phenomenal waste problems concerns pollution, including land, air, and water pollution.

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states, "Everyone has the right to live in physical and spiritual prosperity, to have a home, and to enjoy a good and healthy environment, and to receive health services." According to Sony Keraf, there is a close relationship between good governance and good environmental management. Good governance influences and determines good environmental management. Therefore, good environmental management reflects the level of good governance. Therefore, it can be concluded that the government has a responsibility to ensure the creation of a good and healthy environment for its citizens, namely an environment free from various environmental problems, one of which is waste.

The environment is the habitat of all creatures on earth, especially humans. The environment is the biggest factor in influencing health levels, so protecting the environment is a community responsibility. The role of society is very important in protecting the environment, because society is required to be able to solve problems related to its environment. One of the environmental problems is cleanliness. Cleanliness is a reflection of each individual's efforts to maintain health. Cleanliness is a state free from all dirt and other contaminants that can harm all aspects of community activities and behavior. Achieving environmental

cleanliness requires public awareness of the importance of maintaining cleanliness.

The rapid development and population growth in Batang Hari Regency have had a serious impact on the increase in waste generated by the community, posing a threat to the environment. According to Statistics Indonesia (BPS) data, the population of Batang Hari Regency reached 312,279 in 2023. This increasing population density has led to increased activity and consumption levels, ultimately leading to an increase in the volume of waste generated by Batang Hari's residents. Environmental problems are becoming increasingly serious, significant, and widespread. Initially, they were merely natural problems, occurring as a natural process. These problems did not significantly impact the environmental system and could be restored naturally (homeostasis). According to Dr. Novrizal Tahar, Director of Waste Management at the Indonesian Ministry of Environment and Forestry (KLHK), national waste production reaches approximately 65.8 million tons per year, 16 percent of which is plastic waste. In Batang Hari alone, the volume of waste is approximately 27 tons per day. However, currently, waste has increased to 31 tons per day, and the total volume is dominated by domestic organic waste. With only one temporary waste disposal site per sub-district, it is not uncommon for people to dump waste on the banks of the Batang Hari River.

However, today, environmental problems can no longer be considered natural, as humans are the causal factor, acting as a variable in environmental phenomena. It cannot be denied that environmental problems that arise and develop due to human factors are far more complex and greater than those of natural factors. Humans, in several dimensions, particularly the development of mobility, reason, and cultural aspects, as well as the processes of time and the changing perspectives and character of humans, are aspects that are closely linked to environmental problems.

Environmental pollution is sometimes clearly visible in our daily lives, such as piles of garbage in markets, shallowing of rivers due to being filled with waste, or air pollution from smoke from motor vehicles and factory chimneys. However, there is also environmental pollution that is invisible, such as the release of hydrogen sulfide gas from old oil wells. Phosphate ions in factory waste are pollutants, but they are beneficial for tree litter.

According to the Indonesian Dictionary (KBBI), waste is an item or material discarded because it is no longer useful, such as dirt, leaves, and paper. Then there are several definitions of waste from several experts, as follows:

1. Environmental Dictionary: Waste is material that has no value or is worthless for ordinary or specific use in production or use, goods damaged or defective during manufacturing, or excess or discarded material.
2. Tanjung: Waste is something that is no longer useful, discarded by its owner or original user.
3. Basriyanta: Waste is an item that is considered useless and discarded by its

previous owner or user, but can still be used if managed properly.

Waste is a major environmental problem caused by human factors and has yet to be fully addressed, especially in developing countries. The impact of industrial progress and the modern human lifestyle, which consumes more industrially produced artificial goods that are not completely consumed, results in the generation of large amounts of solid waste that is very difficult to decompose. Rapid population growth has an impact on the level of consumption, thus contributing to the increase in the amount of waste produced. The increasing amount of waste produced is not in line with the increase and improvement of facilities for managing waste, causing the waste problem to become more complex, namely illegal waste disposal and uncollected waste, resulting in various diseases, flooding, unpleasant odors, environmental pollution, and a dirty environment. Waste can also be classified into two types, namely organic waste and inorganic waste. As we know, organic waste is waste that comes from living things and is easily decomposed naturally or by certain methods practiced by humans. Meanwhile, inorganic waste is waste that comes from other than living things and is very difficult to decompose either naturally or with human intervention, inorganic waste generally must go through a recycling process to become new products.

Waste is an object or material that is no longer useful to humans and therefore discarded. The societal stigma surrounding waste is that all waste is disgusting, dirty, and so on, and therefore must be burned or disposed of properly. All community activities invariably generate waste. It is not only the responsibility of local governments but also the entire community to manage waste to prevent a negative impact on the surrounding environment. The waste problem is closely related to the lifestyle and culture of the community itself. Therefore, waste management is not solely a government affair but requires broad public participation. The amount of waste continues to increase annually in line with the increasing population and quality of life of the community or its people, along with advances in science and technology, which also result in a shift in people's lifestyles towards consumerism. This soaring population growth cannot be properly controlled, resulting in worsening environmental conditions.

According to Soekidjo Notoatmodjo, waste is defined as any material or solid object that is no longer used by humans, or a solid object that is no longer used in human activities and is discarded. American health experts define waste as anything unused, unused, unloved, or discarded that originates from human activities and does not occur spontaneously.

Waste management is crucial and must be socialized throughout society. Waste management can address various waste issues that can damage the environment. Islam, as a religion of *rahmatan lil'alamin* (blessing for all nature), commands and reminds humans to protect the environment from all damage,

including damage caused by humans themselves. As stated in the words of Allah SWT in Surah Ar-Rum, verse 41:

﴿ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ ﴿٤١﴾﴾

"Corruption has appeared on land and sea because of what the hands of men have earned, so that Allah may make them taste a portion of what they have done, in order that they may return (to the right path)" (Q.S Ar-Rum [30]:41).

This verse explains that the damage on earth is partly caused by human actions. And one human behavior that can damage nature is throwing garbage in the wrong place. The issue of waste was also discussed by the Indonesian Ulema Council (MUI) in fatwa number 47 of 2014 and was one of the discussions at the National Conference of Nahdlatul Ulama (NU) last February, held at the Miftahul Huda Al Azhar Islamic Boarding School, Citangkolo Kujangsari, Lagen Sari, Banjar City, West Java. MUI fatwa number 47 of 2014 contains a law prohibiting all levels of society, both consumers and producers, from throwing garbage carelessly and requiring it to be managed first. Meanwhile, at the National Conference of Nahdlatul Ulama (NU), the issue of waste was discussed by the Waqiyah Commission, the commission that addresses contemporary issues. The National Conference resulted in two laws concerning indiscriminate waste disposal. The first is that it is forbidden (haram) if it can damage the environment, and the second is that it is reprehensible if there is a small possibility of harming the environment.

One of the regulations governing waste management in Batang Hari Regency is Regional Regulation Number 16 of 2016 concerning Waste Management. The explanation of the Regional Regulation emphasizes that: The new paradigm views waste as a resource with economic value and can be utilized, for example, for energy, compost, fertilizer, or as an industrial raw material. Waste management is carried out with a comprehensive approach, from before a product is produced, until the product is used, and then safely returned to the environment. Waste management under this new paradigm is carried out through waste reduction and handling activities. Waste reduction includes limiting, reusing, and recycling, while waste handling activities include sorting, collecting, transporting, processing, and final processing.

Articles 12 and 13 of the Batang Hari Regency Regional Regulation concerning Waste Management also stipulate that: Article 12

(1) Producers are required to limit waste generation by:

- a. Developing a waste generation limitation plan and/or program as part of their business and/or activities;
- b. Producing products using packaging that is easily decomposed by natural processes and that generates as little waste as possible;
- c. Recycling waste by:
- d. Reusing waste; and

- e. Using raw materials and packaging that are decomposable by natural processes, that generate as little waste as possible, and that can be recycled and/or reused shall be carried out in stages every ten years through a roadmap.

(2) Waste recycling as referred to in paragraph (1) letter c shall be carried out by:

- a. Developing a waste recycling program as part of their business and/or activities;
- b. Using raw materials and/or production materials that can be recycled and/or reused;
- c. Recovering waste from products and product packaging for recycling and appointing another party to carry it out.
- d. Other parties, in carrying out recycling as referred to in paragraph (2) letter c, must have a business and/or activity permit.
- e. In the case of recycling waste to produce food packaging, the recycling process must comply with the provisions of laws and regulations in the field of drug and food supervision.

(3) Reusing waste as referred to in paragraph (1) letter d shall be carried out by:

a. Preparing a plan

Article 13 (1) Business actors are required to reduce waste from their business activities.

(2) Reducing waste from business activities as referred to in paragraph (1) letter a is carried out by:

- a. Using materials, both for production and for packaging, that are likely to generate minimal waste;
- b. Using materials that can be reused, recycled, and/or materials that are easily decomposed by natural processes in their business activities;
- c. Recycling waste generated from their business using technology that is safe for health and the environment; and
- d. Assisting in efforts to reduce and reuse waste from business activities, using waste to produce products and energy;
- e. If the business produces products, optimizing the use of recycled materials as raw materials for the products; and
- f. Receiving product packaging that has been used by consumers;

Article 62 (1) Criminal provisions of Articles 12 and 13

(1) Any producer and/or business actor who violates the provisions of Articles 12 and 13 shall be subject to criminal penalties of up to 6 (six) months' imprisonment or a maximum fine of Rp. 50,000,000 (fifty million rupiah).

Of the above regulations, as stipulated by the Batang Hari Regency Government through Regional Regulation Number 16 of 2016 concerning Waste

Management, neither the government nor the community have been able to fully implement them. Building public awareness is not as easy as turning the palm of your hand. It requires cooperation from all parties, including the community, the government, and third parties as supporters. It will take a considerable amount of time to build this awareness. Positive examples and consistent leadership from policymakers in a particular region are also needed. Direct outreach activities on waste management can encourage public participation in waste management.

METHODOLOGY

Research Approach

Research methods are crucial in any research, whether empirical or normative. Without using methods, researchers will not achieve the desired results or objectives. This is because research methods are the foundation for the discovery process, in accordance with the scientific discipline established by the researcher. Based on this, a researcher must determine and select the appropriate method to optimally achieve research objectives. A research method is a method or path taken to search for, explore, process, and discuss data in a study to find solutions to problems.

The best research is based on a series of scientific activities and therefore applies scientific methods to discover and solve problems, and to obtain facts from existing reality. However, research is a valuable educational endeavor, training people to understand that there are many unknowns in this world, and that the unknown still exists. It is not absolutely true, so it still needs to be double-checked.

Referring to the background and focus of the research, this study is categorized as empirical legal research, empirical legal research, or socio-legal research, namely legal research that obtains data from primary sources. Empirical legal research focuses on the direct or real operation of law in society, examining whether existing laws and regulations are operating as intended.

The author's approach to this research is the sociology of law. This sociology of law analyzes how reactions and interactions occur when a system of norms operates within society. Furthermore, the sociology of law approach is also known. This approach contributes to stable, institutionalized, and socially legitimate societal behavior.

This research uses a qualitative approach. The researcher not only collects data for its quality but also seeks to gain a deeper understanding of the phenomena observed. This is because qualitative research is closely related to social reality and human behavior. A qualitative approach aims to explore or construct a proposition or explain the meaning behind reality.

Empirical legal research, commonly referred to as field research, is a type of research focused on collecting empirical data in the field. This research method is empirical juridical, with the researcher conducting direct research at the location to obtain and collect data. This research is empirical because the researcher describes

in detail and in-depth the situation or phenomenon of the research object by developing concepts and gathering existing facts. Field research is qualitative in nature, with data collection procedures producing descriptive data in the form of written or spoken words from individuals and observed behavior.

Research Situation and Object

The research situation is the primary focus and receives special attention. This focus lies on the conditions of the research object being studied to obtain a clear and in-depth picture of the phenomenon being studied. The research situation in this context encompasses the research area, research objectives, and various relevant aspects comprehensively. The substance or issue being studied is described and analyzed through a theoretical framework related to legal effectiveness, legal compliance, policy implementation, and criminal law. The subjects of this research consist of informants who represent elements of the Batang Hari community, the Regional Government through the Batang Hari Environmental Service, and Regional Government officials through the Batang Hari Civil Service Police Unit (Satpol PP).

RESULT AND DISCUSSION

How Criminal Sanctions Are Enforced as Regulated in Article 62 of Regional Regulation No. 16 of 2016 in Batang Hari Regency

The implementation of criminal sanctions as stipulated in Article 62 of Batang Hari Regency Regulation No. 16 of 2016 concerning Waste Management is essentially a law enforcement instrument prepared by the local government to ensure order and public compliance with environmental management. Normatively, this provision affirms the threat of imprisonment or fines for any individual or legal entity violating waste management regulations, thus theoretically positioning criminal sanctions as a coercive tool for the State to prevent and address community behavior that disobeys the law.

However, empirical research indicates that the implementation of these criminal provisions in practice has not been optimal. Based on interviews with Civil Servant investigators (PPNS) at the Batang Hari Regency Public Order Agency (Satpol PP), it was found that enforcement of criminal sanctions for violations of Regional Regulation No. 16 of 2016 has not been carried out extensively and has largely focused on administrative actions in the form of warnings, warnings, and coaching efforts.

PPNS stated that the current priority is more directed towards persuasive and preventive approaches due to the still low level of public legal understanding regarding waste management obligations, so that criminal action is considered ineffective and has not yet become the main option in the implementation stage. Regional regulation enforcement officers emphasized that "we prioritize education, because the public does not yet fully understand the rules. Criminal action is a last

resort."

These empirical findings indicate a tendency to apply the principle of *ultimum remedium*, where criminal law in the environmental sector is positioned as a last resort after administrative, social, and educational approaches are deemed ineffective. Theoretically, this aligns with the concept of modern criminal law, which views criminal punishment not merely as a repressive tool, but as part of a criminal policy oriented towards effective, sustainable public protection. Therefore, it is analyzed that the selection of a soft enforcement strategy by the Public Order Agency (Satpol PP) reflects a preference for a humanistic law enforcement policy and emphasizes the importance of developing a legal culture in society before fully implementing a repressive approach.

From the perspective of Edwards III's policy implementation theory, the success of regional regulation implementation is greatly influenced by communication, resources, disposition to implement, and bureaucratic structure. In the Batang Hari context, these factors have not been fully met. The PPNS stated that the limited number of investigative personnel, the lack of operational investigative facilities, and the lack of dedicated budget support for criminal prosecution are substantive obstacles to criminal law enforcement. These conditions reinforce elements of the theory of legal effectiveness according to Soerjono Soekanto, that the effectiveness of a legal norm is not only determined by the substance of the rule but also by the ability of the enforcement structure to exercise its authority.

Factors Causing Batang Hari Regency Regulation No. 16 of 2016 to Become Ineffective

The effectiveness of a law is measured not only by its existence in legal text, but also by the extent to which its norms can be implemented and result in changes in legal behavior within society. This also applies to Batang Hari Regency Regulation No. 16 of 2016 concerning Waste Management, which normatively establishes criminal provisions in Article 62 and emphasizes the prohibitions and obligations of citizens in waste management. However, empirical reality shows that this regulation has not been fully implemented effectively. This ineffectiveness is reflected in the continued prevalence of indiscriminate waste disposal, low public awareness, limited capacity of law enforcement institutions, inadequate infrastructure, and a weak legal culture in society.

According to the theory of legal effectiveness put forward by Soerjono Soekanto, the effectiveness of a law is influenced by five main factors: legal factors (substance), law enforcement factors (structure), facilities or infrastructure, community factors, and legal culture. Based on the theoretical framework, this study found that the obstacles to implementing Regional Regulation Number 16 of 2016 in Batang Hari Regency are closely related to the five elements that interact with each other, so that the total effectiveness of the policy has not been achieved.

Efforts to Ensure the Effectiveness of Batang Hari Regency Regulation No. 16 of 2016

The effectiveness of a regional regulation depends largely on the extent to which the regulation is implemented and complied with by the public, and the extent to which the implementing agency is able to enforce applicable legal provisions. Based on field research conducted through interviews with Public Order Agency (Satpol PP), the Environmental Agency (DLH), and the community, it was discovered that the Batang Hari Regency Government has undertaken various efforts to ensure the optimal implementation of Regional Regulation No. 16 of 2016 concerning Waste Management, particularly in enforcing criminal sanctions as referred to in Article 62.

These efforts include strengthening legal institutions, improving infrastructure, legal outreach and public education, cross-sector coordination, and public participation in waste management. However, its effectiveness still faces several challenges, both in terms of law enforcement and the legal culture of the Batang Hari community.

Strengthening the Capacity of Regional Law Enforcement Officials

The Batang Hari Regency Government, through the Public Order Agency (Satpol PP), has been working to strengthen the capacity of human resources (HR), particularly for Civil Servant Investigators (PPNS), who are authorized to investigate violations of regional regulations.

The Head of the Satpol PP Regional Regulation Enforcement Section explained that his office has conducted technical guidance (bimtek) on investigation mechanisms, the preparation of investigation reports (BAP), and investigative coordination with the Batang Hari District Attorney's Office and the Batang Hari Resort Police. Although these activities are periodic, they demonstrate the local government's commitment to improving law enforcement capacity.

However, based on researchers' observations, the number of active PPNS remains very limited, with only five PPNS. Furthermore, only a few hold investigator certification, despite the extensive scope of their oversight. This limitation has resulted in minimal legal action against violators of regional regulations, resulting in many cases being resolved administratively through reprimands or warnings.

CONCLUSION

The results of empirical research indicate that the implementation of these criminal provisions in practice has not been running optimally. Based on the results of interviews with Civil Servant investigators (PPNS) at the Batang Hari Regency Civil Service Police Unit, it is known that the enforcement of criminal sanctions for violations of Regional Regulation No. 16 of 2016 has not been carried out massively and has mostly stopped at administrative actions in the form of warnings, warnings and coaching efforts. PPNS said that the current priority is more directed at persuasive and preventive approaches because of the still low level of public legal understanding regarding waste management

obligations, so that criminal action is considered ineffective and has not been the main choice in the implementation stage. Regional regulation enforcement officers emphasized that "we prioritize education, because the public does not yet fully understand the rules. Criminal action is a last resort." These empirical findings indicate a tendency to apply the principle of *ultimum remedium*, where criminal law in the environmental sector is positioned as a last resort after administrative, social, and educational approaches are deemed ineffective. Theoretically, this aligns with the concept of modern criminal law, which views criminal punishment not merely as a repressive tool, but as part of a criminal policy oriented towards effective, sustainable public protection. Therefore, it is analyzed that the selection of a soft enforcement strategy by the Public Order Agency (Satpol PP) reflects a preference for a humanistic law enforcement policy and emphasizes the importance of developing a community legal culture before fully implementing a repressive approach.

Factors contributing to the ineffective application of criminal sanctions in Regional Regulation Number 16 of 2016 concerning Waste Management, particularly in the application of Article 62 of the Criminal Code, include: Law enforcement plays a fundamental role in determining the success of a regulation. The Batang Hari Regency Satpol PP, as the implementer of the Regional Regulation, has a mandate to provide guidance, enforcement, and legal enforcement. However, in practice, this approach Persuasive methods are more dominant than repressive ones. The next factor is the success of regional regulation enforcement, which is greatly influenced by supporting facilities. Based on data from the Batang Hari Regency Environmental Agency, the number of waste disposal sites (TPS) provided is insufficient for community needs. In several sub-districts, such as Muara Tembesi, Muara Bulian, and Batin XXIV, residents must travel considerable distances to dispose of their waste at the nearest TPS. Therefore, it is not surprising to find piles of waste in inappropriate bins, and even worse, people dump their waste in the Batanghari River. The next factor is Legal Substance. Next is Public Legal Awareness. Another influencing factor is Socioeconomic Factors.

Efforts undertaken by the Batang Hari Regency Government, particularly the Environmental Agency, include strengthening the capacity of regional law enforcement officers, improving waste management facilities and infrastructure, outreach, education, and increasing public legal awareness, strengthening coordination between government agencies, strengthening technical regulations and policies, integrating social, customary, and religious values into regional regulation enforcement, and evaluating and monitoring. Implementation of Regional Regulations

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