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# The Effectiveness of Supervision by the Environmental and Forestry Agency of Central Java Province over the Rowosari Final Disposal Site from the Perspective of Agrarian Reform

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## Abstract

This study examines the effectiveness of supervision conducted by the Environmental and Forestry Agency (DLHK) of Central Java Province over the illegal Rowosari Final Disposal Site (TPA) from the perspective of agrarian reform. The study aims to analyze the effectiveness of DLHK's supervision and to identify the structural factors contributing to the continued operation of the illegal landfill. Using a qualitative empirical legal approach, this research combines an analysis of law in books with law in action. Data were collected through interviews, observations, and document analysis of DLHK policies and agrarian reform regulations. The findings reveal that DLHK's supervision has not been effective, as indicated by the limited number of skilled human resources, insufficient operational budget, weak inter-agency coordination (between Provincial and

Regency DLHK, the Prosecutor's Office, and the Police), and the lack of firm enforcement measures. Agrarian reform factors further complicate resolution efforts due to conflicts over land ownership status between private rights and the social function of land, compounded by resistance from local communities managing the landfill who claim livelihood rights. The study concludes that integrated supervisory reform is necessary, including the establishment of a cross-agency Illegal Landfill Task Force; strengthening agrarian reform regulations that accommodate job relocation for affected communities; implementing tiered administrative and criminal sanctions; and digitalizing monitoring systems through GIS-based real-time supervision. Institutional strengthening of DLHK and a commitment to progressive agrarian reform are key to ensuring the permanent effectiveness of illegal landfill supervision.

## Keywords

Illegal Rowosari Landfill, Agrarian Reform, Effectiveness of DLHK Supervision, Social Function of Land, Environmental Law

## A. Introduction

The rapid growth of industrialization in Indonesia has contributed positively to economic development and the improvement of public welfare. However, without sufficient awareness and control, it has also brought negative environmental impacts, particularly ecological problems resulting in a significant increase in the volume of waste.<sup>1</sup> Industrial growth and urbanization activities have accelerated the expansion of urban areas and contributed to the increasing volume of waste, which has become a major issue today. To date, waste management problems have not been

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<sup>1</sup> Fuadilah Al Khumairoh, Adinda Nabila, Hartuti Purnaweni, dan Augustin Rina Herawati. "Implementasi Kebijakan Peraturan Daerah Kota Semarang Nomor 6 Tahun 2012 tentang Pengelolaan Sampah di TPA Jatibarang Kota Semarang." *Jurnal Pemerintahan dan Manajemen Reformasi* 13, no. 2 (2025). <https://doi.org/10.14710/jppmr.v13i2.43649>

optimally resolved in major cities across Indonesia.<sup>2</sup> Kota Semarang, as one of the fastest-growing cities in Jawa Tengah, has experienced significant population growth. Based on data from the Badan Pusat Statistik Kota Semarang in 2024, the city's population has reached approximately 1,080,000 people,<sup>3</sup> As one of the major cities experiencing significant population growth and shifts in community consumption patterns, Kota Semarang has faced a substantial increase in waste generation. Poorly managed waste accumulation can lead to serious environmental degradation and pose risks to public health. Therefore, appropriate and effective waste management measures are urgently needed.

The types of waste generated are diverse, ranging from packaging waste that is difficult to decompose naturally, to household waste and hazardous waste. However, society often perceives waste merely as residual material with no economic value, resulting in neglectful management practices that have the potential to cause serious environmental problems.<sup>4</sup> Waste management problems in Kota Semarang have become increasingly complex, making them difficult to resolve through purely technical approaches. As one of the rapidly developing major cities, Semarang's population has continued to grow, reaching millions of residents, yet this growth has not been accompanied by effective waste management. The increasing volume of waste has resulted in massive waste accumulation.<sup>5</sup> Under

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<sup>2</sup> Aprilina Femila, *Pengelolaan Sampah dalam Mendukung Smart Environment sebagai Bagian dari Smart City di Kota Bandar Lampung* (skripsi, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Lampung, 2025), <http://digilib.unila.ac.id/id/eprint/94741>

<sup>3</sup> Jumlah Penduduk Kota Semarang, *Badan Pusat Statistik Kota Semarang*, diakses dari

<https://semarangkota.bps.go.id/id/statisticstable/2/NzgjMg==/jumlah-penduduk-menurut-jenis-kelamin.html>, diakses pada 5 Januari 2026.

<sup>4</sup> Rizky Kustyardhi, Sri Suwitri, dan Titik Djumiarti. "Pengelolaan Sampah Terpadu di Kota Semarang." *Jurnal Serambi Hukum* 14, no. 1 (2021). <https://doi.org/10.59582/sh.v14i01.673>

<sup>5</sup> Agung Kurniawan dan Ashlikhatul Fuaddah, "Memberdayakan Rumah Tangga untuk Pengelolaan Sampah Berkelanjutan: Studi Kesadaran Masyarakat di Kota Semarang," *Journal of Urban Sociology* 7, no. 2

these conditions, an adequate and sustainable waste management system is urgently needed. However, the current reality shows that the capacity of the official landfill owned by Kota Semarang, namely the Tempat Pembuangan Akhir Jatibarang, is no longer sufficient to accommodate the volume of waste generated by the community. The Jatibarang Landfill has exceeded its capacity, resulting in suboptimal waste management.<sup>6</sup> This situation has led some members of the community and private waste operators to seek alternative solutions, one of which is disposing of waste at locations that are closer and more easily accessible.

This phenomenon has led to the emergence of an illegal landfill (TPA) in Rowosari Village, Tembalang District. The existence of this landfill has created serious problems, as it contradicts Regional Regulation of Kota Semarang Number 14 of 2011 concerning the Regional Spatial Plan (RTRW) of Semarang City for the 2011–2031 period.<sup>7</sup> Under this regulation, the Rowosari area is not designated as a waste management zone nor as a licensed location for a landfill (TPA). This means that the existence of the Rowosari landfill stands outside its legally designated spatial function as required for the establishment of a landfill. Moreover, the Rowosari landfill does not possess any official permits, neither environmental permits nor waste management permits. Consequently, its legal status is illegal. This situation is further aggravated by findings in the field showing that the landfill is located on privately owned land that is clearly not allocated for waste management purposes. As a result, the existence of the landfill in Rowosari violates spatial planning principles and simultaneously creates the potential for agrarian disputes.

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(Oktober 2024), <https://doi.org/10.30742/jus.v1i2.3494>

<sup>6</sup> Ranita Ivana Hottaruli dan Ubaidillah Kamal, "Analisa Kesesuaian Pengelolaan Sampah di TPA Jatibarang Semarang oleh DLH Kota terhadap Kewajiban Hukum Berdasarkan Peraturan Daerah Kota Semarang Nomor 6 Tahun 2012 tentang Pengelolaan Sampah," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 11 (2025), <https://jhlq.rewangrencang.com/>

<sup>7</sup> Peraturan Daerah Kota Semarang Nomor 14 Tahun 2011 tentang Rencana Tata Ruang Wilayah Kota Semarang Tahun 2011-2031

In Indonesian spatial planning law, the regulation of land use and building activities is integrated within the agrarian and spatial legal system. Article 1 paragraph (2) of Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang defines space as a territory encompassing land space, sea space, air space, and space within the earth as a unified whole. Articles 3 and 6 of the same law emphasize the importance of spatial utilization that is sustainable, orderly, efficient, and harmonious with other spatial functions. Therefore, based on this legal framework, all planning and development activities must be carried out in accordance with their designated spatial functions and must obtain clear and lawful permits.<sup>8</sup>

The absence of an environmental permit for the Rowosari landfill (TPA) constitutes a clear indication of weak compliance with existing regulations. Pursuant to the provisions of Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, every business activity that has potential environmental impacts is required to obtain environmental documents, either an Environmental Impact Assessment (AMDAL) or an Environmental Management and Monitoring Effort document (UKL-UPL).<sup>9</sup> Without such documents, waste management activities become uncontrolled, both in terms of technical implementation and their impact on surrounding communities. In the context of spatial planning, the existence of the illegal Rowosari landfill (TPA) also violates Article 69 of Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang, which stipulates that any spatial utilization must comply with the Regional Spatial Plan (RTRW). Such violations may be subject to administrative, civil, and even criminal sanctions.

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<sup>8</sup> Cristine T. Purba dan Asmarani Ramli, "Pemanfaatan Ruang atas Tanah sebagai Solusi Tata Ruang Berkelanjutan di Jakarta: Studi Kasus The Villas MOI," *Bina Hukum Lingkungan* 10, no. 1 (Oktober 2025): 138–152, <https://doi.org/10.24970/bhl.v10i1.447>

<sup>9</sup> Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup

When viewed from its potential impacts, the existence of this illegal landfill (TPA) is not merely an issue of administrative non-compliance or legal status, but also gives rise to tangible environmental and social problems. Large volumes of waste that are stockpiled and not managed according to applicable technical standards may produce foul odors that disturb the comfort of surrounding communities. In addition, air pollution may occur, posing health risks and leading to the production of hazardous methane gas. Leachate generated from waste can seep into the soil, resulting in groundwater contamination, damage to surrounding ecosystems, and threats to public health. From a social perspective, the presence of an illegal landfill also endangers the health of nearby residents and reduces their overall quality of life. Other potential consequences include conflicts between local residents and waste operators, as well as disputes with the government, which may be perceived as negligent in carrying out its supervisory functions.<sup>10</sup> From an economic perspective, land values in the surrounding area have declined due to the negative image of a polluted environment. Legally, the operation of a landfill (TPA) without proper permits may be subject to criminal sanctions under Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup and Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang. Furthermore, the use of privately owned land for purposes inconsistent with its designated spatial function may also give rise to potential agrarian disputes.

From the perspective of agrarian reform, the issue of the illegal landfill (TPA) in Rowosari holds significant relevance. Agrarian reform emphasizes the restructuring of land control, ownership, use, and utilization in order to achieve greater justice and productivity in accordance with spatial planning.

In this case, the use of privately owned land as a

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<sup>10</sup> Dian Saputra, *Pengendalian Sampah pada Tempat Penampungan Sementara (TPS) Ilegal oleh Dinas Lingkungan Hidup dan Kebersihan (DLHK) Kota Pekanbaru (Studi Kasus Kecamatan Bina Widya)* (disertasi doctoral, UIN Sultan Syarif Kasim Riau, 2025).

landfill site clearly violates the principle of the social function of land rights as stipulated in Article 6 of Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria. The proper utilization and control of space in line with its designated function present challenges, particularly in ensuring synchronization of spatial use across various activities. Effective spatial planning must be supported by coherent and harmonized regulations that do not conflict across sectors, while also taking into account sustainability and environmental carrying capacity.<sup>11</sup> Privately owned land rights must not be misused; rather, they must take into account the public interest and conformity with the applicable spatial planning framework. When private land is used as a landfill (TPA) without official designation, it constitutes an abuse of rights that results in injustice for surrounding communities. Residents who have no control over the use of the land are instead forced to bear negative impacts such as pollution, foul odors, and environmental degradation. This situation reflects weak state control over spatial utilization and highlights the importance of integrating agrarian reform policies with the enforcement of spatial planning law.

In this situation, the role of the Environmental and Forestry Agency (DLHK) of Jawa Tengah becomes crucial in the context of waste management and in reducing the volume of waste in Kota Semarang. As the institution responsible for environmental oversight, DLHK has the authority to conduct monitoring, impose administrative sanctions, and coordinate with the municipal government and law enforcement authorities in addressing environmental violations. The supervisory function carried out by DLHK is not limited to ensuring compliance with licensing requirements, but also encompasses the responsibility to prevent more severe environmental damage. Therefore, DLHK must be equipped with sufficient resources to effectively address waste management issues throughout the entire region of

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<sup>11</sup> H. M. Arba, *Hukum Tata Ruang dan Tata Guna Tanah: Prinsip-Prinsip Hukum Perencanaan Penataan Ruang dan Penatagunaan Tanah* (Jakarta: Sinar Grafika, 2022), 13-14.

Central Java.<sup>12</sup> In the case of the Rowosari landfill (TPA), the Environmental and Forestry Agency (DLHK) of Jawa Tengah should conduct regular supervision, issue formal warnings to the relevant parties, and, if necessary, order the suspension of the illegal landfill's operations. In addition, DLHK of Central Java Province also has a strategic role in providing education and outreach to the community and business actors to promote greater compliance with environmental management regulations.

However, the reality shows that the implementation of the supervisory function by the Environmental and Forestry Agency (DLHK) of Jawa Tengah has not been optimal. Limitations in human resources, minimal budget allocations following efficiency measures, and lengthy and complex bureaucratic procedures have become recurring obstacles. In addition, conflicts of interest among local government authorities, business actors, and the community have made strict supervision increasingly difficult to enforce. This condition demonstrates a gap between legal norms and their practical implementation in the field. Therefore, a comprehensive legal study is required to assess the extent to which DLHK's supervisory function has been carried out, to identify the obstacles encountered, and to formulate appropriate solutions.<sup>13</sup>

A legal analysis of the illegal landfill (TPA) case in Rowosari must encompass several key aspects. First, the conformity of supervisory policies with the Regional Regulation and the Regional Spatial Plan (RTRW) of Kota Semarang Number 14 of 2011. Second, the implementation of environmental sanctions as regulated under Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan

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<sup>12</sup> Air Langga Daffa Athallah, *Implementasi Kebijakan Pengelolaan Sampah di Kota Semarang Provinsi Jawa Tengah* (disertasi doktoral, Institut Pemerintahan Dalam Negeri, 2024), <http://eprints.ipdn.ac.id/id/eprint/17890>

<sup>13</sup> Donny Indra Setyawan, *Peran Dinas Lingkungan Hidup dalam Pengawasan Limbah Pabrik sebagai Upaya Pencegahan terhadap Pencemaran Lingkungan di Kabupaten Pati, Jawa Tengah* ( Universitas Atma Jaya Yogyakarta, 2022), <http://e-journal.uajy.ac.id/id/eprint/17095>

Lingkungan Hidup—whether such sanctions have been properly enforced in practice and what obstacles have arisen in their application. Third, the relevance of supervision in relation to agrarian reform principles, particularly in upholding the social function of land rights and preventing the misuse of privately owned land for activities detrimental to the community. Fourth, the institutional aspect of the Environmental and Forestry Agency (DLHK) of Jawa Tengah itself, including whether its organizational structure, human resource capacity, and budgetary support are sufficient to effectively carry out its supervisory functions.

From a policy perspective, the illegal Rowosari landfill (TPA) case provides an important lesson that waste management issues cannot be addressed in a partial or fragmented manner. The enforcement of environmental and spatial planning laws must go hand in hand with efforts to reform and improve the waste management system at the municipal level.<sup>14</sup> The Government of Kota Semarang needs to seek concrete solutions to address the overload at Tempat Pembuangan Akhir Jatibarang, for example by expanding its management capacity, establishing recycling facilities, or developing a more participatory community-based waste management system. Without these structural measures, illegal landfills will continue to emerge due to factors such as proximity of location and operational cost efficiency.

Gambar 1 Peta Orientasi Kecamatan Tembalang-Kota Semarang



<sup>14</sup> Wulan Ya Resahkan Warga Jateng, *Mongabay Indonesia*, 11 Agustus 2025, <https://mongabay.co.id/2025/08/11/tpa-ilegal-di-bekas-tambang-resahkan-warga>



Source: Noval Amanion, *Peta Orientasi Kecamatan Tembalang, Kota Semarang (Brown Canyon)*, Scribd, July 24, 2019.



Source: Primary data, field observations conducted by the author (2025–2026).

The map and current condition of this illegal landfill (TPA) illustrate the problems in waste management and reflect weak enforcement of spatial planning and environmental law. These facts serve as empirical data in assessing the effectiveness of the supervisory function of the Environmental and Forestry Agency (DLHK) of Jawa Tengah, particularly in relation to the principles of environmental justice and agrarian reform.

Previous studies used by the author as a conceptual framework and reference have not specifically examined the existence of the illegal landfill (TPA) in Rowosari Subdistrict, Tembalang District.

For example, the study by Agoeng Prasetya (2023), entitled *"Implementasi Kebijakan Pengelolaan Sampah Rumah Tangga di Kota Bandar Lampung"*, discusses waste management in Kota Bandar Lampung, which was found to be suboptimal. This condition was attributed to the low level of waste management performance, particularly household waste that had not been effectively managed. However, the study focused solely on the general implementation of waste management policies and did not examine the specific issue of illegal landfill (TPA) sites.

Furthermore, there is a study written by Air Langga Daffa Athallah (2024), entitled *"Implementasi Kebijakan Pengelolaan Sampah di Kota Semarang Provinsi Jawa Tengah"*. This paper explains that waste management in Kota Semarang remains suboptimal, as indicated by the low level of waste management performance, particularly household waste that has not been effectively managed. However, the study focuses on the general implementation of waste management policies and does not specifically examine the issue of illegal landfill (TPA) sites.

The existence of the illegal landfill (TPA) in Rowosari Subdistrict represents a clear illustration of the complexity of waste management problems in Kota Semarang. This case not only violates Regional Regulation on the Regional Spatial Plan (RTRW) of Semarang City Number 14 of 2011, but also contravenes environmental licensing regulations and generates broad negative impacts on both the community and the environment. From the perspective of agrarian reform, this case underscores the importance of the social function of land rights and the necessity for stricter control over spatial utilization to ensure justice in land tenure and use. The role of the Environmental and Forestry Agency (DLHK) of Jawa Tengah as the environmental supervisory institution is highly crucial; however, its implementation still faces various constraints. Therefore, solutions to this issue must be multidimensional, involving firm law enforcement, institutional strengthening of environmental supervisory bodies, integration with agrarian reform policies, and comprehensive reform of the waste management system in Semarang City. Only through such a comprehensive approach

can the problem of illegal landfills be effectively resolved, spatial planning be properly enforced, agrarian reform be realized, and environmental quality in Semarang City be sustainably maintained.

The research method used in this study is empirical legal research, employing a socio-juridical approach.<sup>15</sup> Empirical legal research is a method that examines law not only as written norms (*law in books*), but also as social behavior applied and practiced within society (*law in action*). The juridical approach is used to analyze legal norms related to waste management, the social function of land rights, and the authority of local government in supervising landfill (TPA) operations. Meanwhile, the sociological approach is employed to assess the social realities occurring in the field, particularly concerning the existence of the illegal landfill (TPA) in Rowosari Subdistrict, Tembalang District.

This study employs a qualitative approach aimed at obtaining an in-depth understanding of the implementation of legal norms in practice, the factors contributing to the emergence of illegal landfill (TPA) sites, and the role and effectiveness of the Environmental and Forestry Agency (DLHK) of Jawa Tengah. Through this approach, the research not only examines the existence of legal norms, but also analyzes the conformity between legal provisions and the factual conditions occurring within society.

## **B. Violations of Spatial Planning and Environmental Legal Norms in the Existence of the Illegal Rowosari Landfill**

The existence of an illegal landfill (TPA) in Rowosari Subdistrict constitutes a clear violation of prevailing spatial planning and environmental legal norms. From a juridical perspective, any spatial utilization must comply with the spatial plan established by the local government. This requirement is explicitly regulated in Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang concerning Regional Spatial Planning (RTRW). In principle, the authority of provincial governments in the field of spatial planning is

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<sup>15</sup> Muhaimin, *Metode Penelitian Hukum*, (Mataram: Mataram University Press, 2020), 80–100

similar to that of the central government, differing only in terms of scope and hierarchical level.<sup>16</sup> Based on Regional Regulation of Kota Semarang Number 14 of 2011 concerning the Regional Spatial Plan (RTRW) of Semarang City for 2011–2031, the Rowosari Subdistrict area is not designated as a waste management zone or as a landfill (TPA) location. Therefore, the use of this area as a large-scale waste disposal site without a lawful spatial designation constitutes a violation of spatial planning norms.

In addition to violating applicable spatial planning provisions, the existence of the illegal Rowosari landfill (TPA) also contravenes environmental legal norms. Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup requires that any activity with the potential to cause significant environmental impacts must be supported by an Environmental Impact Assessment (AMDAL) or Environmental Management and Monitoring Efforts (UKL-UPL). Therefore, the Environmental Impact Assessment (AMDAL) constitutes an essential instrument that cannot be disregarded, as it forms an integral component of planning activities that may affect the environment and natural resources.<sup>17</sup> The illegal landfill (TPA) in Rowosari does not possess any valid environmental permit or environmental documentation. As a result, waste disposal activities are carried out without proper mechanisms for environmental control, management, or impact monitoring. Under these conditions, the existence of this illegal landfill has the potential to cause air, soil, and water pollution, which may endanger public health and damage the surrounding ecosystem.

From the perspective of agrarian law, the use of privately owned land as the site of an illegal landfill (TPA)

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<sup>16</sup> Esra Fitrah Alotia, Denny B. A. Karwur, dan Mario Mangowal, "Kajian Yuridis Mengenai Peran Pemerintah Daerah dalam Penataan Ruang Menurut Undang-Undang Nomor 26 Tahun 2007," *Lex Administratum* 8, no. 3 (2020)

<sup>17</sup> Suci Delyarahmi dan Rahmi Murniwati, "Peran Serta Masyarakat dalam Penyusunan Analisis Mengenai Dampak Lingkungan Dalam Rangka Perlindungan Hak atas Lingkungan Hidup," *Unes Journal of Swara Justisia* 7, no. 3 (2023): 1063–1084, <https://doi.org/10.31933/ujsj.v7i3.424>

also contradicts the principle of the social function of land rights as stipulated in Article 6 of Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria. Land rights are not absolute in nature; they must be exercised with due regard to the public interest and in harmony with spatial planning and environmental sustainability. When private land is utilized illegally for waste disposal without considering its environmental impacts, it constitutes an abuse of land rights that harms surrounding communities. The resulting negative consequences—such as pollution and the decline in residents' quality of life—demonstrate that the social function of land has not been properly fulfilled.

Violations of spatial planning and environmental legal norms in the case of the illegal landfill (TPA) in Rowosari also reflect weak law enforcement and environmental supervision. There has been uncertainty and inconsistency in addressing spatial and environmental violations, resulting in large-scale and continuous illegal waste disposal practices that appear to be implicitly tolerated. Both Law Number 32 of 2009 on Environmental Protection and Management provide instruments in the form of administrative, civil, and criminal sanctions for such violations. However, the suboptimal enforcement of these sanctions has failed to create a deterrent effect for offenders and has consequently contributed to the worsening of environmental degradation.

Therefore, the existence of the illegal landfill (TPA) in Rowosari not only violates technical regulations on waste management, but also breaches spatial planning law, environmental law, and the principle of agrarian justice. This situation underscores the need to reaffirm the importance of supervision and law enforcement by the Environmental and Forestry Agency (DLHK) of Jawa Tengah, along with other relevant government authorities, to ensure that spatial utilization and land use are carried out in accordance with legal provisions and to guarantee the protection of the community's right to a good and healthy environment.

### ***1. Juridical Analysis of the Violation of Article 69 of Undang-Undang Nomor 26 Tahun 2007 on Spatial Planning***

Article 69 of Law Number 26 of 2007 on spatial planning stipulates a prohibition for any person from utilizing

space in a manner that is inconsistent with the established spatial plan. This provision constitutes an imperative legal norm aimed at ensuring orderly spatial utilization, legal certainty, and the protection of public interests as well as environmental sustainability. Therefore, any form of spatial utilization that deviates from the Regional Spatial Plan (RTRW) may be directly categorized as an unlawful act in the field of spatial planning.

In the context of the existence of an illegal landfill in Rowosari Village, this violation clearly violates Article 69 of the Spatial Planning Law. Based on Semarang City Regulation No. 14 of 2011 concerning the 2011-2031 Semarang City Spatial Plan (RTRW), the Rowosari sub-district is not categorized as a waste management area or a final disposal site (TPA) location. However, in reality, large-scale waste disposal practices continue to take place in this area without any legal basis for land use. The use of space that is deemed inconsistent with the Spatial Plan (RTRW) has been legally categorized as a violation under Article 69 of Law No. 26 of 2007, as there is a discrepancy between the designated function of the space and its actual use.

Violations of Article 69 of the Spatial Planning Law in the case of illegal final disposal sites (TPA) in Rowosari have also demonstrated a disregard for the principles of prudence and sustainability in spatial planning. Spatial planning not only regulates the administrative division of areas, but also takes into account the carrying capacity and capacity of the environment. The use of land as a waste disposal site without an environmental assessment and without a valid permit has the potential to cause soil, water, and air pollution, which is contrary to the objectives of spatial planning as stipulated in Article 3 of Law Number 26 of 2007, regarding the form of spatial planning that is safe, comfortable, productive, and sustainable.<sup>18</sup>

From a law enforcement perspective, violations of

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<sup>18</sup> Femilia Ramadani, *Analisis Tempat Penampungan Sampah Sementara (TPSS) Ilegal di Kecamatan Alam Barajo Kota Jambi* (S1 thesis, Universitas Jambi, 2025), diakses dari *Repository Universitas Jambi*, <https://repository.unja.ac.id/id/eprint/80238>

Article 69 of the Spatial Planning Law should be subject to administrative, civil, and criminal sanctions as stipulated in Chapter IX of Law No. 26 of 2007. These administrative sanctions can take the form of written warnings, temporary suspension of activities, demolition of buildings, or restoration of spatial functions. However, in practice, the application of sanctions for violations has not been optimally implemented. This weak law enforcement has resulted in spatial planning violations that have persisted for a long time and caused environmental and social losses for the surrounding community.

Based on this legal analysis, violations of Article 69 of the Spatial Planning Law are also related to aspects of social justice and the community's right to a good and healthy environment. Improper use of space can cause environmental damage, violate community rights, and result in the state's failure to ensure orderly spatial planning. Therefore, it is necessary for local governments and relevant agencies to enforce the law in a firm and consistent manner so that spatial planning can function in accordance with its intended purpose.

## *2. Incompatibility of the Rowosari landfill location with Semarang City Regulation No. 15/2011 concerning 2011-2031 of Spatial Plan*

Semarang City Regulation No. 14 of 2011 concerning the 2011-2031 Semarang City Spatial Plan regulates legal instruments that serve as the main guidelines for controlling land use in the Semarang City area. This regulation details the allocation of space, including residential areas, protected areas, cultivation areas, and urban infrastructure and facilities. All spatial utilization must refer to and comply with the provisions of the Spatial Plan (RTRW) in order to ensure spatial order, legal certainty, and protection of the environment.

According to Semarang City Regulation No. 14 of 2011, the Rowosari area in Tembalang Subdistrict is not designated as a waste management site or final disposal site (TPA). This area is only designated for other functions in accordance with the spatial plan, such as residential areas and other supporting activities. Therefore, the use of land in Rowosari

for a final disposal site (TPA), whether permanent or temporary, is a form of land use that is not in accordance with the designation set forth in the Regional Spatial Plan (RTRW).

The incompatibility of this area can have significant legal implications. The use of land as a final disposal site (TPA) without a valid spatial designation violates the basic principles of spatial planning as stipulated in Law No. 26 of 2007 concerning Spatial Planning. Furthermore, this incompatibility also demonstrates a disregard for the spatial utilization control mechanisms that should be implemented by local governments through licensing, supervision, and law enforcement.

Furthermore, the existence of an illegal landfill in Rowosari that is not in accordance with the Regional Spatial Plan (RTRW) has the potential to cause serious environmental and social impacts, such as environmental pollution, public health hazards, and social conflict. These impacts have been considered since the drafting stage of the Regional Spatial Plan (RTRW), so that any deviation from the spatial plan means that the technical, ecological, and social considerations that form the basis for determining land use have been ignored.

From a spatial law enforcement perspective, the incompatibility of the Rowosari Final Disposal Site (TPA) location with Semarang City Regulation No. 14 of 2011 should serve as a strong basis for local governments and related agencies to immediately take control and action. Actions that can be taken include cessation of activities, restoration of spatial functions, and the application of administrative sanctions in accordance with the provisions of applicable laws and regulations. In reality, however, weak supervision and law enforcement have allowed these spatial planning violations to continue for a considerable period of time.

The existence of illegal final disposal sites (TPA) in Rowosari is legally inconsistent with the provisions of Semarang City Regulation No. 14 of 2011-2031 concerning Spatial Planning and Regional Planning (RTRW). This non-compliance demonstrates a failure in spatial planning and

control of spatial utilization, while also emphasizing the importance of strengthening oversight and law enforcement functions so that the principles of orderly spatial planning and environmental protection can be effectively realized.

### ***3. Violation of AMDAL/UKL-UPL obligations based on Articles 22-24 of Law No. 32/2009 concerning Environmental Protection and Management***

Articles 22 to 24 of Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH) stipulate the obligation that every business and/or activity that has the potential to cause a significant impact on the environment must have an environmental document, in the form of an Environmental Impact Assessment (EIA) or Environmental Management and Monitoring Efforts (UKL-UPL). This provision is a preventive instrument in environmental law that aims to prevent pollution and/or environmental damage from the planning stage of the activity.<sup>19</sup>

Article 22 of the Environmental Protection and Management Law (PPLH) stipulates that every business and/or activity that may have a significant impact on the environment must have an Environmental Impact Assessment (EIA). Meanwhile, Articles 23 to 24 stipulate that the Environmental Impact Assessment (EIA) and Environmental Management and Monitoring Efforts (UKL-UPL) form the basis for the issuance of environmental permits and are a key requirement for any activity to be carried out legally. Therefore, the existence of environmental documents is not only for administrative purposes, but also as a form of legal responsibility for business actors and so that the government can guarantee the protection of the environment and the rights of the community to a good and healthy environment.

In the context of the existence of an illegal landfill in Rowosari, the obligations to prepare an Environmental Impact Assessment (EIA) and Environmental Management and Monitoring Efforts (UKL-UPL) have not been fulfilled. Large-

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<sup>19</sup> Dicky Ronni Martin Hutapea dan Chevinson Julka Halawa, "Analisis Bentuk Sanksi Pidana Atas Pelanggaran Penataan Ruang Perspektif Tindak Pidana Lingkungan Hidup," *DIKTUM* 2, no. 2 (2023): 65–76, <https://doi.org/10.46930/diktum.v2i2.3425>

scale waste disposal and accumulation activities have the potential to cause significant environmental impacts, such as soil, groundwater, and air pollution, as well as potential health hazards to the community. Therefore, normatively, such activities should first undergo an environmental assessment process and obtain an environmental permit based on an Environmental Impact Assessment (EIA) and Environmental Management and Monitoring Efforts (UKL-UPL). If these activities are carried out without environmental documentation, this constitutes a direct violation of Articles 22 to 24 of Law No. 32 of 2009.

Furthermore, violations of the obligations of Environmental Impact Analysis (AMDAL) and Environmental Management and Monitoring Efforts (UKL-UPL) in the case of illegal landfills in Rowosari reflect a failure to apply the precautionary principle and the preventive principle in environmental law. Activities carried out without an environmental impact assessment, such as the illegal landfill that did not take into account the carrying capacity and capacity of the environment, can lead to uncontrolled pollution and environmental damage. This situation has the potential to increase the ecological and social losses that must be borne by the surrounding community.

From a law enforcement perspective, violations of Articles 22-24 of the Environmental Protection and Management Law (PPLH) should be subject to administrative sanctions as stipulated in Article 76 of Law No. 32 of 2009, which include written warnings, government coercion, suspension of environmental permits, and revocation of environmental permits. Even if the violation has the potential to cause serious pollution and/or environmental damage, it may also be subject to criminal environmental sanctions. However, in the effort to enforce sanctions for violations of the Environmental Impact Analysis (AMDAL) and Environmental Management and Monitoring Efforts (UKL-UPL) obligations in the case of illegal final disposal sites (TPA) in Rowosari, this has not been optimally implemented, allowing these illegal activities to continue for a considerable period of time.

In addition to having an impact on the environment,

violations of the obligations of Environmental Impact Analysis (AMDAL) and Environmental Management and Monitoring Efforts (UKL-UPL) can have implications for violations of the community's rights to information and participation in environmental management. Article 26 of Law Number 32 of 2009 guarantees community involvement in the process of preparing Environmental Impact Assessments (AMDAL). The absence of an Environmental Impact Analysis (EIA) and Environmental Management and Monitoring Efforts (UKL-UPL) has caused the Rowosari community to lose their right to participation and legal protection from the environmental impacts experienced by the surrounding community.

The analysis shows that the existence of illegal landfills in Rowosari constitutes a serious violation of the obligations of the Environmental Impact Assessment (EIA) and Environmental Management and Monitoring Efforts (UKL-UPL) as stipulated in Articles 22-24 of Law Law Number 32 of 2009 concerning Environmental Protection and Management. This violation is not only administrative in nature, but also reflects the failure of the environmental monitoring system and the neglect of the basic principles of environmental protection, thus requiring firm and consistent law enforcement by the competent authorities.<sup>20</sup>

### **C. Agrarian Reform Perspective: Abuse of the Social Function of Land Riights**

Agrarian reform is a policy that aims to reorganize the structure of land ownership, use, and utilization so that its implementation is fair and sustainable. In this context, the use of private land as an illegal landfill site without a permit and without legal designation is a clear example of land rights abuse. Land that should be used in accordance with spatial planning is instead being converted into a landfill site, potentially causing widespread negative impacts on the surrounding community and the environment.

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<sup>20</sup> Gabriela Christiani Kereh, Muhammad Hero Soepeno, dan Imelda Amelia Tangkere, "Analisis Yuridis Penetapan Status Kelayakan Lingkungan dalam Rencana Kegiatan Usaha (Studi Kasus: PT. Indo Asiana Lestari di Boven Digoel, Provinsi Papua Selatan Tahun 2023)," *Lex Privatum* 13, no. 5 (2024)

The misuse of the social function of land rights in this case reflects several aspects. First, the use of land is contrary to the public interest, because the existence of this illegal landfill has the potential to cause environmental pollution, health hazards, and a decline in the quality of life of the surrounding community. Second, the use of land is not in line with the spatial plan for the city of Semarang as stipulated in Semarang City Regulation No. 14 concerning the 2011-2031 Spatial Plan. Third, these activities are carried out without upholding the principles of sustainability and environmental protection, which should be part of the social function of land in a state governed by the rule of law and oriented towards the welfare of the people.

From the perspective of agrarian justice, the existence of illegal landfills on private land reflects inequality and injustice for the surrounding community. Local residents have no control over the use of this land, yet they must bear the negative impacts of air, soil, and water pollution, without receiving any benefits. This situation shows that land rights have been exploited and are detrimental to many parties, thus contradicting the spirit of agrarian reform, which views land as a shared source of life, not merely an economic commodity.

Therefore, the existence of an illegal landfill in Rowosari is part of the misuse of the social function of land rights, which is contrary to the principles of agrarian reform. This case shows that the use of land that is not in accordance with its designation and public interest not only violates agrarian law, but also infringes on the community's right to a good and healthy environment. Therefore, the state must play an active role by strengthening, monitoring, and strictly enforcing the law, as well as integrating agrarian and environmental policies to prevent similar practices from recurring in the future.

### ***1. The social function of land according to Article 6 of the 1960 Basic Agrarian Law and the interpretation of the Constitutional Court's jurisprudence***

From the perspective of agrarian reform, the issue of illegal landfills in Rowosari cannot be separated from the fundamental principle of Indonesian agrarian law, namely the

social function of land rights. This principle is regulated in Article 6 of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), which emphasizes that every land right has a social function. This means that any use of land cannot be carried out solely for the personal interests of the rights holders, but must take into account the public interest, the welfare of the community, as well as its harmony with spatial planning and environmental sustainability.

Article 6 of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) has confirmed that “all land rights have a social function”. This provision is a fundamental principle in national agrarian law that distinguishes the Indonesian land system from the concept of absolute ownership as known in Western civil law. The principle of social function does not only place land as an object of individual ownership, but as a resource that has social, economic, and ecological dimensions that must be utilized as much as possible for the prosperity of the people.

The Constitutional Court (MK) in various decisions has interpreted the constitutionality of the social function of land rights with reference to Article 33 paragraph of the 1945 Constitution of the Republic of Indonesia, which states that the earth, water, and natural resources contained therein are controlled by the state and must be used as much as possible for the prosperity of the people. The Constitutional Court (MK) has also emphasized that the form of state control is not always in the form of direct ownership, but includes the state's authority to regulate, manage, administer, and supervise the utilization of agrarian resources, including land.

In Constitutional Court Decision Number 3/PUU-VIII/2010, it was explained that land rights are understood in an individualistic and absolute manner, because they contain a social function that must guarantee the interests of the wider community. The Constitutional Court (MK) has stated that the state has the authority to restrict, regulate, and even revoke land rights if their utilization conflicts with the public interest, social justice, and environmental sustainability. This interpretation also reinforces the position of Article 6 of the Basic Agrarian Law (UUPA) as a limiting norm on the use of

land rights that are deemed to be detrimental to the community.

Based on the interpretation of the Constitutional Court (MK), the social function of land rights is not only interpreted as a moral obligation, but also as a legal obligation that can be enforced by the state. When land is used for activities that conflict with spatial planning, do not have permits, and have the potential to cause pollution or environmental damage, then the process of its use can be classified as an abuse of land rights. The state, through agrarian, spatial planning, and environmental law instruments, has the authority to regulate, impose sanctions, and even revoke land rights.

In the context of the existence of an illegal landfill in Rowosari, the use of private land as a location for dumping waste without a permit and legal designation is a violation of the principle of the social function of land rights as stipulated in Article 6 of the Basic Agrarian Law (UUPA) and interpreted by the Constitutional Court (MK). Thus, this principle is an important basis for assessing the legality and legitimacy of land use, especially in cases that have a broad impact on the environment and society. Therefore, enforcing the social function of land rights is an integral part of efforts to realize fair and sustainable agrarian reform.

## ***2. Analysis of convert agrarian conflicts: Use of private land for public purpose (waste management) without a legal licensing mechanism***

The use of private land as an illegal landfill in Rowosari indicates the existence of a hidden agrarian conflict. This conflict is characterized by the use of land that is legally private in nature but is used for public purposes, namely waste management. However, the mechanism lacks permits, spatial zoning, and legal legitimacy.

From a normative perspective, waste management is part of the local government's responsibility as a public service. However, in the case of this illegal landfill, this public function is carried out informally on private land, creating legal uncertainty and shifting the negative impact to the surrounding environment. This condition contradicts the principle of state control over land as stipulated in Article 33 paragraph (3) of the 1945 Constitution and the principle of

social rights to land in Article 6 of the 1960 Basic Agrarian Law (UUPA).

This covert agrarian conflict is reflected in the fact that the community is not involved in decision-making regarding the use of the land. Local residents have to bear the negative impacts, such as pollution and environmental degradation, without adequate legal protection or compensation. This shows the imbalance in the relationship between landowners, waste management, and the affected communities.

From an agrarian perspective, such practices demonstrate the weakness of state control over land use for public interests. Therefore, law enforcement and land use restructuring are necessary to ensure that land use is in accordance with spatial planning, licensed, and can guarantee justice for the community and environmental sustainability.

### ***3. Impact on agrarian justice: Local residents bear the negative impacts without having any control over land use***

The existence of an illegal landfill in Rowosari has clearly had a serious impact on agrarian justice, especially for the communities living around the site. Residents in the surrounding area have to bear various negative impacts caused by waste disposal activities, such as air, soil, and water pollution, health problems, and a decline in the quality of the environment, based on interviews with Mr. Asep, Ms. Nanda, and Mr. Eko Bujo, who live near the Rowosari landfill site, on February 6, 2026. However, the community around the site has no control or authority over the use of the land used as the final disposal site (TPA), even though they are the ones directly affected.

This situation reflects an imbalance in the structure of land ownership and use. Land that is legally private land is used for activities that have a broad impact on the public interest, without involving the surrounding community in the decision-making process. The lack of community participation contradicts the principle of agrarian justice, which places the people as the main subjects in the management and utilization of agrarian resources. In this context, the community not only loses its right to a good and healthy environment, but also loses its right to participate in determining the use of space in the area where they live.

In addition to the apparent agrarian injustice, the absence of compensation or recovery mechanisms for affected residents forces the community to bear the environmental and social burdens arising from the activities of these illegal landfills, while the economic benefits or operational conveniences are only enjoyed by waste managers and certain parties. This has revealed an imbalance in the distribution of burdens and benefits, which is contrary to the objectives of agrarian reform to achieve social justice and shared prosperity.

From an agrarian reform perspective, these conditions have demonstrated the weak role of the state in controlling land use and protecting the rights of the community. In this case, the state should be present to ensure that all land use, especially that which has the potential to cause widespread impact on the public interest, is carried out through legal, transparent, and participatory mechanisms. Without strict control, the community will continue to be vulnerable to unfair land use practices. The illegal landfill in Rowosari is not only a matter of spatial planning and environmental violations, but also reflects a serious problem of agrarian justice. The surrounding community is placed in a position where they suffer negative impacts, have no control, no legal protection, and no benefits from the use of the land. Therefore, the resolution of this case must be directed towards upholding the principle of the social function of land rights, strengthening the role of the state in supervising land use, and restoring the rights of the community as part of a fair agrarian reform agenda.

In John Rawls' theory of justice in *A Theory of Justice* (1971), justice is defined as justice as fairness, which is a condition in which the basic structure of society is organized fairly so that the rights of every individual are protected and the distribution of benefits and social burdens is proportional. Rawls emphasizes that justice must be the foundation of social institutions and public policy. Rawls explains the principles of justice as participation, transparency, accountability, effectiveness, efficiency, responsiveness, and

equity.<sup>21</sup> Everyone has the same rights to the broadest possible fundamental rights as long as those freedoms are compatible with the freedoms of others. Social and economic inequality can only be justified when it provides the greatest benefit to disadvantaged groups and is based on open and fair opportunities for all parties.

In the context of the existence of illegal landfills in Rowosari, the reality shows that there is an imbalance in the distribution of burdens and benefits. The surrounding community has become victims of negative impacts in the form of pollution and health hazards. Conversely, practical and operational benefits are only enjoyed by the managers. This condition reflects Rawls' theory of justice, due to the disproportionate distribution of risks and benefits and the weak protection of vulnerable groups.<sup>22</sup>

#### **D. Institutional Barriers in the Implementation of Supervision by the Central Java Environment and Forestry Agency**

The implementation of environmental monitoring by the Central Java Provincial Environment and Forestry Agency (DLHK) of illegal landfill sites located in Rowosari cannot be separated from several institutional obstacles. These obstacles are structural, administrative, and social in nature, and directly affect the effectiveness of environmental monitoring and law enforcement at the regional level.

One of the main obstacles faced by an institution is its limited human resources, which is the case with the Central Java Provincial Environment and Forestry Agency (DLHK). The number of environmental supervisors available is not proportional to the area under supervision and the complexity of the issues that must be addressed. This situation has resulted in monitoring activities in the field not being carried out optimally and comprehensively. Monitoring tends to be reactive or only carried out when reports are received from

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<sup>21</sup> Sri Mastuti dan Pangi Syarwi, "Kebijakan Pelarangan Ekspor Bijih Nikel Indonesia dari Sudut Teori Keadilan John Rawls," *Communitarian: Jurnal Prodi Ilmu Politik* 4, no. 2 (2023).

the community. This has led to environmental violations, including the existence of illegal landfills, which cannot be detected early on and are only discovered when they have already caused significant impacts.

The obstacles encountered are exacerbated by budget constraints experienced by the Central Java Provincial Environment and Forestry Agency (DLHK). This has been the case in recent times, with the Central Java Provincial Environment and Forestry Agency (DLHK) experiencing budget cuts due to efficiency policies, which have had a direct impact on the limitations of environmental monitoring activities, such as field inspections, waste sampling and testing, and the implementation of activities related to administrative law enforcement. This situation has forced the Central Java Provincial Environment and Forestry Agency (DLHK) to prioritize its monitoring activities, resulting in the inability to optimally address all potential environmental violations.

When analyzed using Soejono Soekanto's Theory of Legal Effectiveness, this situation shows that the problem lies not only in the existence of norms, but also in factors that influence the working of the law in practice. Soerjono Soekanto explains that a law can be said to be effective if the applicable norms are truly obeyed and can achieve the desired goals in society. In other words, the existence of rules alone is not enough; what matters is how the law can work in social practice. In the context of illegal landfills in Rowosari, this theory can be used to analyze why violations continue to occur despite the existence of the Spatial Planning Law, the Environmental Law, and the Regional Spatial Planning Regulation. This ineffectiveness can be caused by weak supervision, limited budgets and human resources, overlapping authorities, and low public compliance.

The obstacles encountered in the implementation of supervision by the Environment and Forestry Agency (DLHK) regarding the existence of illegal landfills in Rowosari have shown that environmental supervision is not only related to normative aspects, but is also greatly influenced by institutional capacity and fiscal support. Therefore, strengthening the institutional capacity of the Central Java

Provincial Environment and Forestry Agency (DLHK) by fulfilling human resources, restoring and strengthening the budget after efficiency policies, improving coordination mechanisms between agencies, and strengthening reporting systems and community participation has become an urgent need so that environmental monitoring functions can run effectively and sustainably.

### *1. Limitations in human resources, budget, and inter-agency coordination*

The implementation of monitoring functions regarding the existence of illegal final disposal sites (TPA) in Rowosari has encountered various institutional obstacles that are structural and systemic in nature. These obstacles include limited human resources, budget constraints resulting from efficiency policies, and weak coordination between agencies responsible for environmental management and monitoring.

In terms of human resources, the number of officials assigned as environmental supervisors at the Central Java Provincial Environment and Forestry Agency (DLHK) is not proportional to the size of the working area and the complexity of the environmental issues that should be supervised. This situation has resulted in the lack of intensive and continuous supervision of various cases, including illegal final disposal sites (TPA). Supervision tends to be incidental or only carried out after reports and complaints from the community, so that in a number of environmental violations, there are often delays in taking action until significant environmental impacts have arisen.

This obstacle is further exacerbated by the budget constraints experienced by the Central Java Provincial Environment and Forestry Agency (DLHK). Government budget efficiency policies have had a significant impact on the lack of funding allocation for the environmental monitoring sector. This has certainly resulted in strategic activities such as routine field inspections, environmental quality monitoring, waste sampling and testing, and administrative law enforcement not being carried out optimally. These limitations have resulted in a lack of monitoring support facilities and infrastructure, thereby further limiting the effectiveness of monitoring.

In addition to these internal factors, there are serious problems that arise in terms of inter-agency coordination, particularly between the Central Java Provincial Environment and Forestry Agency (DLHK) and the Semarang City Environment and Forestry Agency (DLHK). In this situation, Rowosari Village is geographically located on the border between Semarang City and Demak Regency. This has led to uncertainty regarding administrative boundaries in environmental monitoring, especially in the handling of illegal landfills located in Rowosari. In practice, the Semarang City Environment and Forestry Agency (DLHK) tends to view the handling of this issue as the responsibility of the Central Java Province Environment and Forestry Agency (DLHK), given the location of the area on the border and the nature of the violation, which has an impact across regions.

This ambiguity and overlap of authority has resulted in weak coordination between agencies in the process of handling illegal final disposal sites (TPA). Instead of encouraging cooperation and a clear division of roles, the current situation has led to a tendency for agencies to pass the buck to each other. This situation has hampered the monitoring and enforcement of illegal final disposal sites (TPA), rendering them ineffective and allowing these illegal final disposal sites (TPA) to continue to exist without firm and comprehensive handling.

The weakening of inter-agency coordination reflects the suboptimal implementation of the principles of good governance in environmental supervision, particularly the principles of coordination, accountability, and effectiveness. Effective environmental management and supervision require integrated policies and actions between the central government, provincial governments, and district/city governments.

Thus, limitations related to human resources, budget constraints due to efficiency policies, and poor coordination between agencies, particularly between the Central Java Provincial Environment and Forestry Agency (DLHK) and the Semarang City Environment and Forestry Agency (DLHK), are major obstacles to the implementation of monitoring functions at the Rowosari Final Disposal Site (TPA). This

situation indicates that the problem of illegal final disposal sites (TPA) is not only a matter of environmental law violations, but also reflects weak institutional capacity and coordination between government agencies in exercising their supervisory authority effectively and responsibly.

### *2. Conflict of authority between the Provincial Environment and Forestry Agency, the Semarang City Environment Agency, and the Public Order Agency in handling illegal landfills*

The handling of the illegal landfill case in Rowosari cannot be separated from the conflict of authority between the Central Java Provincial Environment and Forestry Agency (DLHK), the Semarang City Environment and Forestry Agency (DLHK), and the Civil Service Police Unit (Satpol PP). This conflict of authority is one of the factors causing the handling of illegal landfills to be ineffective and unsustainable.

Normatively, authority over environmental management and supervision is divided between the central government, provincial governments, and district/city governments in accordance with Law No. 23 of 2014 on Regional Government. Provincial governments have the authority to handle environmental issues that may have an impact across regions, while district/city governments have authority over environmental issues within their administrative areas. However, in practice, this division of authority often causes problems, especially in cases of environmental violations that occur in administrative border areas.

The Rowosari sub-district is located on the border between Semarang City and Demak Regency, which has led to uncertainty regarding authority in handling illegal landfills. The Semarang City Environment and Forestry Agency (DLHK) tends to consider this issue to be outside its jurisdiction because it has cross-regional implications, so that the process of handling it is transferred to the Central Java Province Environment and Forestry Agency (DLHK). On the other hand, the Central Java Province Environment and Forestry Agency (DLHK) acts more as a coordinator and has not yet fully acted as the main executor of field operations. This situation has led to a lack of clarity regarding which party

is primarily responsible for handling this illegal landfill.

Issues related to authority are also linked to the role of the Civil Service Police Unit (Satpol PP) as the enforcer of local regulations. Normatively, the Civil Service Police Unit (Satpol PP) has the authority to enforce local regulations and maintain public order, including in waste management activities that violate legal provisions. However, in practice, the Civil Service Police Unit (Satpol PP) often waits for recommendations or coordination from technical environmental agencies before taking action. This dependence has resulted in a slow and unresponsive law enforcement process.

Lack of coordination and synchronization between institutions weakens local government governance in handling environmental violations.<sup>23</sup> Each agency has exercised its authority partially without a clear and integrated cooperation mechanism. As a result, there has been an overlap of authority and a vacuum of responsibility, which has led to the suboptimal management of illegal landfills.

This conflict of authority has direct implications for the weak enforcement of environmental laws and the continuation of illegal landfill activities in Rowosari. This situation not only causes environmental pollution and health problems for the surrounding community, but also has the potential to violate citizens' rights to a good and healthy environment. Therefore, the conflict of authority between the Central Java Provincial Environment and Forestry Agency (DLHK), the Semarang City Environment and Forestry Agency (DLHK), and the Civil Service Police Unit (Satpol PP) reflects structural problems in regional governance that require a restructuring of authority and strengthened coordination between agencies.

### *3. The dynamics of regulatory capture and conflicts of interest between local governments, waste management companies, and communities*

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<sup>23</sup> Lutfiya Yuni Rahmawati, "Inkonsistensi Peraturan Perundang-Undangan dalam Praktik Penyelenggaraan Pemerintahan Daerah di Indonesia," *E-Dusturie* 4, no. 2 (2025): 138–159, <https://doi.org/10.21154/eldusturie.v4i2.9696>

The existence of illegal landfills in Rowosari cannot be separated from the dynamics of regulatory capture and conflicts of interest involving local governments, waste management businesses, and the community. Regulatory capture is a condition in which lawmakers, who are supposed to carry out their duties in the public interest, instead act in the interests of the industries or businesses they regulate. This theory explains the significant opportunity for policymakers to act rationally by directing policy choices to meet business interests while believing that these policies are also being adopted in the public interest.<sup>24</sup> In the context of waste management, this phenomenon can be seen in how local governments do not strictly enforce supervision and law enforcement against illegal waste disposal practices.

This relationship is pragmatic between local governments and waste management entrepreneurs, which is a driving factor in regulatory capture. The limitations of official landfill facilities and the increase in waste volume have created government dependence on the private sector as an alternative solution in waste management. This dependence has the potential to lead to tolerance of legal violations, such as the use of private land without a valid permit, as this activity is considered to reduce the government's burden in urban waste management.

The economic interests of waste management companies are increasingly oriented towards cost efficiency, which often conflicts with the principles of environmental protection and spatial planning. Illegal waste disposal practices have become the preferred option because they are considered more budget-friendly and have fewer administrative requirements compared to waste management that must comply with environmental standards. When economic interests are not balanced with strict supervision, environmental violations tend to be ignored or only dealt with administratively without any deterrent effect.

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<sup>24</sup> Ekawestri Prajwalita Widiati, "Regulatory Capture: Tantangan Pembentukan Peraturan Perundang-Undangan yang Baik di Negara Demokrasi," *Proceeding APHTN-HAN 2*, no. 1 (2024): 51–76, <https://doi.org/10.55292/5ezarv67>

Meanwhile, the communities surrounding these illegal landfills are the most disadvantaged. Local residents must bear the brunt of environmental pollution, health hazards, and a decline in their quality of life, yet they have little bargaining power in the policy-making process. The aspirations of the community often do not receive an adequate response, resulting in an imbalance of power between the government, businesses, and the affected residents. This situation has intensified conflicts of interest, with economic and administrative interests taking precedence over protecting the community's right to a good and healthy environment.

The dynamics of regulatory capture and conflicts of interest have weakened the principles of good environmental governance, which require transparency, accountability, public participation, and fair law enforcement. When environmental oversight is influenced by the interests of a handful of parties, the state's function as a protector of public interests becomes distorted. This results in illegal landfill practices being able to continue without comprehensive and fair handling.

Therefore, the existence of illegal landfills in Rowosari reflects structural problems in waste management and environmental supervision. The phenomenon of regulatory capture and conflicts of interest between local governments, waste management companies, and communities demonstrate the need for institutional reform and the strengthening of independent oversight mechanisms. Without such efforts, environmental violations will continue to recur, and communities will be the ones most adversely affected.<sup>25</sup>

*Table 3 Mapping of Conflicts of Interest*

Actor	Interest	Behaviors that Indicate Regulatory	Impact on Supervision
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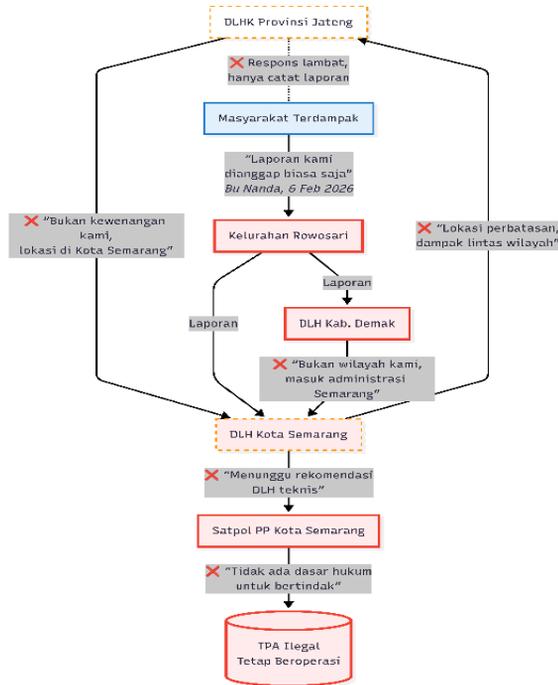
<sup>25</sup> Ambar Widaningrum, Nunuk Dwi Retnandari, dan Nurhadi Susanto, *Regulatory Impact Analysis (Analisis Dampak Regulasi): Konsep & Penerapannya* (Yogyakarta: UGM Press, 2024), 5–10.

		Capture	
Local government	Reducing the burden of waste management	Tolerance of illegal landfills (TPA) as an “emergency solution”	Weak law enforcement
Waste entrepreneurs	Operational cost efficiency	Operating in illegal locations due to minimal administrative requirements	Repeated violations
Affected communities	The right to a healthy environment	Aspirations were not heard (interview with Mrs. Nanda “Our report was not taken seriously”	Disproportionate environmental burden

*Source: Researcher Analysis*

This table shows the conflict of interest between local government, business actors, waste management, and the community in the handling of illegal landfills in Rowosari Village. The government is expected to have limited authority and oversight capacity, while businesses tend to prioritize economic interests without fulfilling their environmental legal obligations. On the other hand, the community has borne the environmental and social impacts without having adequate bargaining power, so that this conflict of interest contributes to the weak effectiveness of oversight and law enforcement.

Diagram 1 Field Reality with Failure Points



Source: Researcher's processed results, 2026

The diagram illustrates the conflict of authority between agencies in handling the illegal landfill in Rowosari, which is located in a border area. The community has filed reports, but these reports have been passed back and forth between the sub-district office and the Semarang City Environment and Forestry Agency (DLHK) and the Central Java Province Environment and Forestry Agency (DLHK) for a long time without any concrete solution. Each party claims that the issue is outside their jurisdiction, there is a lack of clarity regarding administrative boundaries, and there is no legal basis for enforcement, resulting in the Public Order Agency (Satpol PP) not taking action.

Table 1 Coordination Failure Points

<i>Point of Failure</i>	<i>Empirical</i>	<i>Impact</i>
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	<i>Evidence (Interview Quotes)</i>	
<i>Ambiguity of regional authority</i>	<i>"Lack of coordination with the Semarang City DLHK because the TPA location is in the area"</i>	<i>Passing of responsibilities between Provinces and Cities</i>
<i>Satpol PP's dependence on technical recommendations</i>	<i>"Often just waiting for orders from the relevant agencies"</i>	<i>Law enforcement was delayed for months</i>
<i>Lack of response to public reports</i>	<i>"Our report was considered normal"</i>	<i>The public is losing trust in the complaints system.</i>
<i>There is no regular coordination meeting mechanism</i>	<i>"Weak coordination between institutions"</i>	<i>There is no data synchronization and joint action plan.</i>

Source: Researcher Analysis

Table 1 illustrates the failure to manage the illegal landfill in Rowosari, which was caused by weak coordination between agencies, minimal response to community reports resulting in buck-passing, delayed law enforcement, and declining public trust. This problem can be analyzed using the principles of Good Governance, which emphasize integrity and character in leadership to improve environmental quality while also strengthening public trust in local government.<sup>26</sup>

### **E. Multidimensional Recommendations to Improve the Effectiveness of Oversight**

A multidimensional approach was proposed as a response to the complexity of the problem of monitoring

<sup>26</sup> Hanik Rosyidah, "Penerapan Prinsip Good Governance dalam Kebijakan Pengelolaan Sampah di Kabupaten Banyumas: Studi Kasus Era Achmad Husein," *Manabia* 4, no. 2 (2024), <https://doi.org/10.28918/manabia.v4i02.9254>

illegal landfill sites in Rowosari, which cannot be resolved using a single approach. This issue is not only related to weak environmental law enforcement, but also involves several other aspects such as institutions, spatial planning, control, land use, and the social and economic dynamics of the community. Therefore, it is necessary to increase the effectiveness of supervision according to a comprehensive and integrated cross-sectoral strategy.

This places environmental supervision as part of a broader governance system, in which environmental policy, spatial planning, and agrarian reform must be interconnected and reinforce each other. Within this framework, the supervision process is not understood as a repressive action through the imposition of sanctions, but rather as a preventive instrument that should be able to prevent violations from occurring at the planning and spatial utilization stages. This is important considering that the existence of these illegal landfills is often the result of systemic failures in waste management and land use control.

The multidimensional recommendations are aimed at closing the gap between legal norms and field practices. Weak inter-agency coordination, limited resources of the Central Java Provincial Environment and Forestry Agency (DLHK), and low community participation indicate that the effectiveness of supervision is not only determined by the completeness of regulations, but also by institutional capacity and implementation mechanisms. Thus, fundamental improvements in supervision are needed in both structural and procedural aspects.

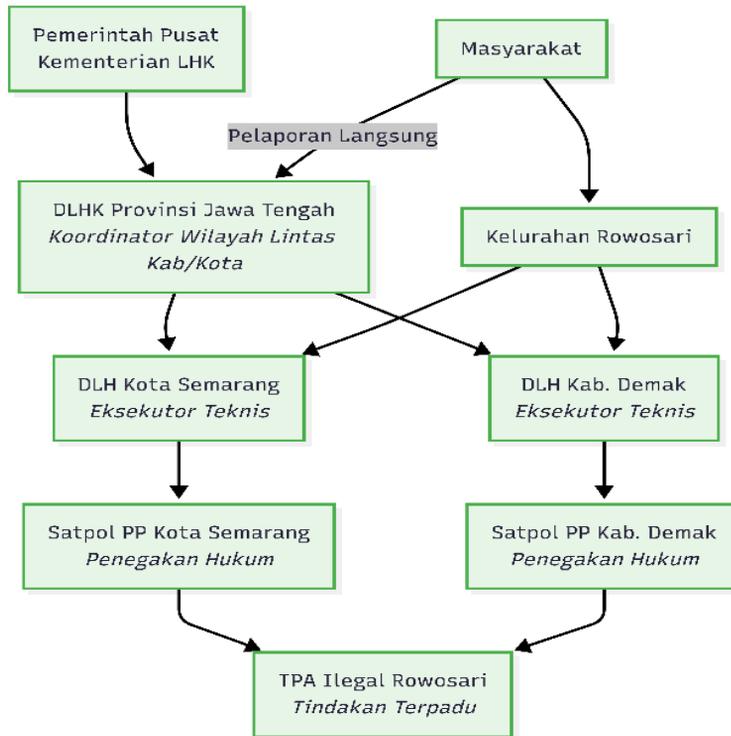
In this context, a multidimensional recommendation is expected to make a significant contribution to deepening the understanding of the importance of legal aspects in the establishment and management of business activities in Indonesia, particularly those with the potential to impact the environment and spatial utilization. This underscores the importance of environmental justice and agrarian justice. Therefore, effective oversight is required to protect the rights of affected communities, prevent the misuse of private land for public purposes without a lawful basis, and ensure that the burden of environmental pollution is not

disproportionately borne by certain groups of society. In this regard, a multidimensional recommendation serves as a policy framework to achieve sustainable and equitable environmental management, aligned with spatial planning principles and agrarian reform.<sup>27</sup>

## Diagram 2 Ideal Coordination Structure

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<sup>27</sup> Dea Amanda Putri, Gilang saka Maulana, dan Muhammad Choir Rivaldi, "Pendekatan Multidimensional terhadap Aspek Hukum dalam Studi Kelayakan Bisnis: Tinjauan Yuridis, Prosedur Perizinan, Pembentukan dan Legalitas Badan Usaha, serta Implikasinya terhadap Keberlanjutan dan Pertumbuhan Ekonomi di Indonesia," *Jurnal Ilmiah Nusantara* 2, no. 2 (2025): 557–570, <https://doi.org/10.61722/jinu.v2i2.3883>



Source: Researcher's processed results, 2026

This diagram illustrates the ideal mechanism for handling the illegal landfill (TPA) case in Rowosari, in which the Environmental and Forestry Agency (DLHK) of Central Java Province acts as an inter-regional coordinator, working in coordination with the Environmental and Forestry Agency (DLHK) of Semarang City, the Environmental and Forestry Agency (DLHK) of Demak Regency, and the Civil Service Police Unit (Satpol PP) as the field enforcement authority. Through this coordinated approach, integrated action can be achieved without overlapping institutional authority among agencies.

Table 2 Ideal Mechanism

Stage	Actor	Role	Output
Early Detection	Village + Community	Pelaporan temuan TPA ilegal	Laporan tertulis ke DLHK Kota Semarang
Verification	Semarang/Demak City Environment and Forestry Agency	Inspeksi lapangan & kajian dampak	Rekomendasi tindakan ke DLHK Provinsi Jawa Tengah
Coordination	Provincial Environment and Forestry Service	Rapat koordinasi lintas kab/kota	Surat perintah penertiban
Enforcement	City/District Satpol PP + Environmental and Forestry Service	Physical control and administrative sanctions	Cessation of illegal landfill operations
Monitoring	All parties + Society	Post-regulation monitoring	Periodic reports to the Central Java Provincial DLHK

*Source: Researcher's processed results, 2026*

The table indicates that the supervision carried out by the Environmental and Forestry Agency (DLHK) of Central Java Province has not been optimal due to the limited number of inspectors, minimal budget allocation, and weak inter-agency coordination. Budget cuts resulting from efficiency policies have led to inconsistent handling of the illegal landfill (TPA) in Rowosari, making the response largely reactive in nature. This information was conveyed by Mr. Arif Budipurwanto, S.Hut, and Mr. Ariyanto Agung Nugroho, S.Hut, M.Sc, from the Division of Waste Management, Hazardous and Toxic Substances (B3) Waste, and Environmental Pollution and Damage Control at the Environmental and Forestry Agency

(DLHK) of Central Java Province, during an interview conducted on August 22, 2025.

### ***1. Adaptive governance approach in waste management based in community participation***

The adaptive governance approach emphasizes that policies are not solely formulated by the state, but are also shaped through cross-sectoral interaction and collaboration among the government, communities, business actors, and academics.<sup>28</sup> In the context of the existence of the illegal landfill (TPA) in Rowosari, this approach becomes relevant because, in practice, illegal waste disposal is not solely caused by weak law enforcement, but also by the failure of the waste management system to actively involve community participation.

In adaptive governance-based waste management, community involvement is required, positioning the public as the primary actor in the planning, monitoring, and evaluation of environmental policies. Communities affected by the illegal landfill (TPA) have direct knowledge of the environmental conditions and the impacts caused; therefore, their participation can function as an effective mechanism of social control. Through community participation, indications of environmental violations are expected to be detected at an early stage, before more serious problems arise.

This approach has encouraged greater access to information and the establishment of reporting mechanisms that are easily accessible to the public. A community-based reporting system—whether through neighborhood forums, complaint applications, or collaboration with local governments—enables the Environmental and Forestry Agency (DLHK) of Central Java Province to obtain prompt and accurate field data. Consequently, environmental supervision does not rely solely on the limited resources of government inspectors, but is strengthened by the active role of the community.

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<sup>28</sup> Faiz Kasyfilham dan Nuruddin Al Akbar, "Evaluasi Tata Kelola Sampah Yogyakarta Pasca-Piyungan: Studi Komparatif dengan Model Ekonomi Sirkular Banyumas," *Jurnal Administrasi dan Kebijakan Publik* 10, no. 1 (2025): 152–181, <https://doi.org/10.25077/jakp.10.1.152-181.2025>

Furthermore, the adaptive governance approach emphasizes a continuous learning process in environmental management. Policies and monitoring patterns can be periodically adjusted based on evaluation results and their effectiveness in practice. In the case of the illegal landfill (TPA) in Rowosari, this approach allows the government and the Environmental and Forestry Agency (DLHK) to adapt supervision strategies and waste management practices in response to changing social, economic, and environmental conditions within the local community.

The implementation of adaptive governance based on community participation is expected not only to enhance the effectiveness of supervision over illegal landfills (TPA), but also to strengthen legal awareness and collective responsibility in environmental management. This approach aligns with the principles of good environmental governance (GEG), which evolve from the broader concept of good governance by emphasizing that environmental management should not rely solely on formal regulatory mechanisms, but also on the quality of governance that ensures decision-making processes are transparent, participatory, and accountable. Good Environmental Governance (GEG) places public participation, transparency, and accountability as key elements in achieving sustainable environmental protection and management.<sup>29</sup> This principle is consistent with Law No. 32 of 2009 on Environmental Protection and Management, which recognizes the public's rights to access information, participate in environmental decision-making, and obtain environmental justice.

## ***2. The integration of environmental policy with agrarian reform through an agrarian spatial planning mechanism***

The integration of environmental policy with agrarian reform through an agrarian spatial planning mechanism constitutes a strategic step in strengthening supervision over land use that has the potential to impact the environment. In

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<sup>29</sup> Nur Laili dan Aminullah, "Adaptive Governance dalam Pengembangan Kapasitas Perangkat Desa (Studi di Desa Kendang Dukuh Kecamatan Wonorejo)," *Pendas: Jurnal Ilmiah Pendidikan Dasar* 10, no. 02 (2025): 375–385, <https://doi.org/10.23969/jp.v10i02.27276>

the case of the illegal landfill (TPA), the use of private land for waste management without proper authorization and outside its designated spatial allocation demonstrates weak synergy between environmental policy and agrarian policy.

Agrarian spatial planning requires that land use be aligned with spatial planning, environmental carrying capacity, and the principle of the social function of land rights as stipulated in Article 6 of Undang-Undang Pokok Agraria 1960. This approach serves as an instrument to prevent the misuse of land and concealed agrarian conflicts arising from the use of private land for public purposes without a lawful legal mechanism.<sup>30</sup>

Through cross-sectoral coordination among environmental, land, and spatial planning authorities, agrarian spatial planning enables an integrated supervision process from the planning stage through to law enforcement. Thus, policy integration is not only aimed at enhancing the effectiveness of supervision by the Environmental and Forestry Agency (DLHK) of Central Java Province, but also at ensuring agrarian justice and sustainable environmental protection.<sup>31</sup>

### ***3.Strengthening the institutional capacity of the Environment and Forestry Service through budget increases, human resource training, and digitalization of the monitoring system***

Strengthening the institutional capacity of the Environmental and Forestry Agency (DLHK) of Central Java Province is a primary prerequisite for enhancing the effectiveness of supervision over illegal landfills (TPA). Budget constraints resulting from efficiency policies have had a direct impact on the limited number of field monitoring activities. Therefore, increasing budget allocation has

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<sup>30</sup> Suhadi dan Aprila Niravita, "Urban Agrarian Reform: Opportunities and Challenges for Land Rights Among Low-Income Communities," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 348–373.

<sup>31</sup> I Wayan Gede Suacana, I Wayan Sudana, I Nyoman Wiratmaja, dan Diah Rukmawati, "Urban Land Consolidation Policy in the Context of Creating a Good Environment According to Spatial Planning in Indonesia," *Journal of World Science* 3, no. 2 (2024): 238–245, <https://doi.org/10.58344/jws.v3i2.559>

become an urgent necessity to ensure that the supervisory function can be carried out consistently and sustainably.

In addition to the budgetary aspect, improving the quality of environmental supervisory personnel must be pursued through continuous training programs. Such training should not only cover technical aspects of environmental management, but also encompass environmental law, spatial planning, and techniques for collecting evidence of violations. With adequate human resource capacity, the Environmental and Forestry Agency (DLHK) of Central Java Province will be better equipped to perform its monitoring and law enforcement functions in a more professional and effective manner.

In addition, the digitalization of environmental monitoring and reporting systems serves as an important instrument to enhance the efficiency, transparency, and accountability of supervision. The utilization of information technology—such as online complaint systems, spatial mapping, and digital documentation of inspection results—enables violations to be detected more quickly and strengthens the accountability of the Environmental and Forestry Agency (DLHK). Thus, institutional strengthening through increased budget allocation, continuous human resource (HR) training, and the digitalization of monitoring systems can have a significant impact on improving the effectiveness of environmental supervision.<sup>32</sup>

#### ***4. Structural solutions: Expansion of the capacity of the Jatibarang Landfill (TPA), development of waste banks, and the provision of economic incentives for sustainable waste management***

Structural solutions are necessary to address the root causes of the emergence of illegal landfills (TPA), which cannot be resolved solely through supervision and law enforcement. The limited capacity of the Jatibarang Landfill (TPA) has driven communities and business actors to seek

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<sup>32</sup> Mohammad Rezza Fahlevvi, Kadek Agus Prasdya Indra Kusuma, dan Muhammad Wahyu Anugerah, "Integrasi Teknologi Digital dalam Pengawasan Internal Inspektorat Daerah Kabupaten Gianyar," *Jurnal Syntax Imperatif: Jurnal Ilmu Sosial dan Pendidikan* 6, no. 2 (2025): 236–249, <https://doi.org/10.54543/syntaximperatif.v6i2.687>

alternative waste disposal sites that are closer and more affordable, including through illegal dumping practices. Therefore, expanding and optimizing the capacity of the Jatibarang Landfill (TPA) constitutes a strategic measure to ensure the availability of adequate waste disposal facilities that comply with environmental standards.

In addition to increasing the capacity of official landfills (TPA), the development of waste banks and community-based waste management systems is necessary so that waste reduction can be carried out directly at its source. Waste banks function not only as instruments of waste management, but also as mechanisms for community economic empowerment, encouraging behavioral change toward more responsible waste management practices. By reducing the volume of waste entering landfills (TPA), the pressure on final disposal capacity can be minimized.

Structural solutions in addressing the illegal Rowosari landfill (TPA) case can be framed within the theory of sustainable development as formulated by the World Commission on Environment and Development (WCED), which emphasizes that development must meet the needs of the present generation without compromising the ability of future generations to meet their own needs. Although the concept of sustainable development has been incorporated into planning frameworks, its implementation in practice still requires further improvement.<sup>33</sup>

Furthermore, the provision of economic incentives for sustainable waste management practices constitutes an important factor in encouraging compliance and participation among business actors and the community. Such incentives may take the form of simplified licensing procedures, financial support, or awards for environmentally friendly waste management practices.<sup>34</sup> Through the combination of

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<sup>33</sup> Dewi Yuliana, "Peran Kajian Lingkungan Hidup Strategis (KLHS) dalam Peningkatan Tata Kelola Sampah Berbasis Pembangunan Berkelanjutan di Kota Malang," *Jurnal Ilmu Sosial dan Humaniora (Isora)* 3, no. 1 (2025): 94–103.

<sup>34</sup> Marwaji dan Bernard Hasibuan, "Peran Masyarakat dalam Pengelolaan Sampah di Bank Sampah," *AKADEMIK: Jurnal Mahasiswa Ekonomi & Bisnis* 5, no. 2 (2025): 706–712, <https://doi.org/10.37481/jmeb.v5i2.1330>

these structural solutions, waste management is expected to operate in a more sustainable manner and, at the same time, reduce dependence on illegal landfill (TPA) practices.

## Conclusion

The implementation of the supervisory function of the Environmental and Forestry Agency (DLHK) of Central Java Province over the existence of the illegal landfill (TPA) in Rowosari has not been effective. This is reflected in the continued waste disposal activities conducted without a lawful permit, the incompatibility of land use with the regional spatial plan, and the failure to fulfill environmental obligations in the form of AMDAL or UKL-UPL, thereby demonstrating a clear gap between legal norms and practices in the field.

This condition indicates that legal effectiveness, as proposed by Soerjono Soekanto, has not been optimally fulfilled, whether in terms of legal substance, law enforcement apparatus, facilities and infrastructure, public awareness, or legal culture. The suboptimal supervision is also influenced by institutional constraints, such as limited human resources and budget due to efficiency policies, weak inter-agency coordination, and overlapping authority between the DLHK of Central Java Province and the DLHK of Semarang City—particularly given that Rowosari Village is located within an administrative border area, resulting in unclear supervisory responsibilities.

From an agrarian perspective, the use of private land as the site of an illegal landfill constitutes a deviation from the social function of land rights as stipulated in Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria, since its utilization generates environmental and social impacts detrimental to the surrounding community. Therefore, a multidimensional approach is required through institutional strengthening, harmonization of environmental and agrarian policies, enhancement of supervisory capacity, and active community involvement in order to establish a sustainable and equitable environmental supervision system.

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