

Administrative Law Enforcement in Household Waste Sorting in Demak Regency

Alifa Aulia  ORCID Link:
Semarang State University, Indonesia, Semarang
Email : alifaaulia202@students.unnes.ac.id

Rofi Wahanisa
Semarang State University, Indonesia, Semarang
Email : rofiwahanisa@mail.unnes.ac.id

Abstract

Waste sorting is a process of waste management activities starting from the source starting from containers, collection, transportation, processing to disposal. One of the areas that has a waste problem is Demak Regency. The purpose of this study is to analyze related to administrative law enforcement in waste sorting in Demak Regency is carried out, so that interested parties achieve their goals or not and identify and analyze the factors that inhibit administrative law enforcement in household waste sorting in Demak Regency The research method uses a qualitative approach with the type of Empirical Juridical. Primary and secondary data sources were used in this study. Data collection was carried out through informant interviews, observations at the research site, and literature studies. The results of the study show: The implementation of administrative law enforcement in household waste sorting in Demak Regency has not been able to run optimally. The provision of administrative sanctions is the task of the Environmental Service which will be assisted by Satpol PP. The inhibiting



factors of administrative law enforcement in household waste sorting in Demak Regency include the absence of a regent regulation regulating the procedures for sanctioning, the limited number of law enforcement officials, lack of facilities and infrastructure, and the community's *mindset* that needs to be improved regarding the importance of separating waste from its source. Therefore, a Regent Regulation is needed that contains implementation instructions and technical instructions in the application of administrative sanctions in waste sorting, the existence of the Environmental Service in each district/city, improving facilities and infrastructure, and holding socialization about the importance of sorting waste from its source, namely households.

KEYWORDS

Administrative Law Enforcement; Waste Sorting; Household Waste

Introduction

One of the problems experienced by almost all regions in Indonesia is waste. Law Number 18 of 2008 concerning Waste Management explains waste as a waste sourced from daily human and natural activities that are considered no longer needed and then thrown into the environment. Basically, environmental protection and management is a systematic and integrated effort carried out to preserve environmental functions and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision, and law enforcement. The definition of environmental protection and management is so complex, it is very necessary to optimize the environment as best as possible.¹ Based on data obtained from the Demak Environmental Agency, the average amount of waste entering the Berahan Kulon Landfill per month from January to March in 2024 exceeds 2,500 tons/month. The large amount of waste

¹ Rofi Wahanisa and Septhian Eka Adiyatma, "The Conception of the Principles of Sustainability and Sustainability in Environmental Protection and Management in the Value of Pancasila," *Environmental Law Development* 6, no. 1 (2021): 94, <https://doi.org/http://dx.doi.org/10.24970/bhl.v6i1.145> CONCEPTION.

circulating in the community will have a negative impact if waste is not managed properly, including the potential for health problems such as fungal diseases, worms and diarrhea. The problem of waste and the high increase in population as well as public consumption patterns result in the emergence of problems of increasing waste production and its variations, therefore, good and correct management is needed to handle large amounts of waste. Waste management is a structured, complete, and sustainable activity that includes waste reduction and management.

To create a healthy, clean, neat and beautiful living environment in a sustainable manner, the Demak Regency government established Demak Regional Regulation Number 1 of 2023 concerning Waste Management. With the scope of waste which includes: Household waste, namely waste outside feces and specific waste. This waste is sourced from daily human activities in their households. Waste is a type of household waste, namely waste sourced from industrial environments, commercial environments, office environments, exclusive environments, public services, social services or other services. Also specific waste, namely waste that needs special management because of its concentration, nature, and volume in its handling.

The largest source of waste in Demak Regency is households. Based on data obtained from the Demak Environmental Agency, the amount of household waste reaches 40% (forty percent) of the total amount of waste disposed of in landfills. Demak Regency household waste has problems regarding waste sorting at the source. The existence of waste separation in every household has the purpose of simplifying disposal and reprocessing to divide between the disposal of organic, non-organic, and B3 waste circulating in the community, so that existing waste becomes more environmentally friendly.²

² Ministry of Health, "Let's Sort Your Waste!," Ministry of Health Directorate General of Yankes, 2023, https://yankes.kemkes.go.id/view_artikel/2830/yuk-pilah-sampahmu.

Based on the results of a previous study entitled "Evaluation of Waste Management Policies at the Kalikondang Landfill, Demak Regency" conducted by K. Hardiyanti, H. Purnaweni, and S. Sundarso, Demak Regency, not all program planning went as it should, there were several cases found in the field with the discovery that people did not sort waste, landfills/TPS *overload* and the peak of the Berahan Kulon landfill system by using an environmentally unfriendly system, namely *open dumping* and the management system in the old way, namely gathering-transporting-disposing. Based on questionnaire data conducted from 100 respondents, the average community has not implemented sustainable waste management by not sorting waste from sources, facilities and infrastructure are less supportive.³

The Demak Environmental Agency as an organization that plays a role in supervising and prosecuting violators, has the duty to enforce administrative laws. Administrative law enforcement is applied in the event of violations of the law by citizens against administrative law norms, such as violating the prohibitions that have been set in administrative law norms, so that the purpose of establishing the rule is not realized. For this reason, law enforcement must be carried out by the government so that violations of legal norms that have been set can be stopped immediately.⁴

In law enforcement, the Demak Regency Environment Agency collaborates with the Demak Regency Pamong Praja Police Unit (Satpol PP), so that public order and security can be created.

Through the implementation of these administrative sanctions, it is hoped that various obligations regarding household waste sorting that have been determined can be complied with by the community. However, currently

³ Kiki Hardiyanti, Hartuti Purnaweni, and Sundarso Sundarso, "Evaluation of Waste Management Policies at the Kalikondang Landfill, Demak Regency," *Publikauma : Journal of Public Administration of the University of Medan Area* 9, no. 1 (2023): 1–10, <https://doi.org/10.31289/publika.v9i1.4301>.

⁴ Herma Yanti, Dedy Syaputra, and Melly Susyandari, "The Role of the Jambi City Environmental Service in the Implementation of Fine Administrative Sanctions Based on Regional Regulation Number 8 of 2013 concerning Waste Management," *The Face of Law* 4, no. 2 (2020): 453–66, <https://doi.org/10.33087/wjh.v4i2.251>.

there are still many violations committed by the community. This indicates that the application of administrative sanctions for these violations has not been carried out as it should. Based on the description above, the purpose of this study is to analyze related to administrative law enforcement in waste sorting in Demak Regency to be carried out, so that interested parties achieve their goals or not and identify and analyze the factors that inhibit administrative law enforcement in household waste sorting in Demak Regency.

Methods

The research uses a qualitative approach method. According to Denzin and Lincoln quoted by Lexy J. Moleong that qualitative research is research that intends to understand the phenomenon of what the research subject experiences in the form of behavior, perception, motivation, action, etc., holistically, and by means of description in the form of words and language, in a special context that is natural and by utilizing various natural ⁵methods. This research was conducted through interviews, observations at the Demak Regency Environment Office and the Demak Regency Pamong Praja Police Unit also distributed questionnaires in Bintoro Village. Then this type of research is also carried out through an empirical juridical approach. This type of research examines the applicable legal provisions compared to the reality whose purpose is to find the truth in the research which then the data obtained will be analyzed to identify the problem, after which the right solution will be found in solving the problem.⁶

The data sources in this study are grouped into primary and secondary data. Primary data is data obtained from the research location. Primary data is the main source of data used by authors obtained from sources directly. Relevant in words and actions, written data sources, photographs, and

⁵ Lexy J Moleong, *Qualitative Research Methodology* (Bandung: PT Remaja Rosdakarya, 2017), 5.

⁶ Ilham Kamaruddin and others, *Quantitative Research Methodology* (Makassar: Arus Timur, 2017), 66.

statistics.⁷ In this case, the author will obtain primary data through interviews with the Secretary of the Demak Regency Environmental Service office and the Head of the Peace and Public Order Division of the Demak Regency Pamong Praja Police Unit. The secondary data is used as supporting data or supporting primary data. The secondary data used in this study are:

- 1) Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia.
- 2) Law Number 18 of 2008 concerning Waste Management.
- 3) Law Number 32 of 2009 concerning Environmental Protection and Management.
- 4) Government Regulation Number 81 of 2012 concerning the Management of Household Waste and Similar Household Waste.
- 5) Central Java Provincial Regulation Number 3 of 2014 concerning Waste Management in Central Java.
- 6) Demak Regency Regional Regulation Number 1 of 2023 concerning Waste Management.

Tertiary data sources are materials that provide explanations for primary and secondary data such as: documentation, in the form of photos, videos, legal dictionaries. The data analysis used in this study used qualitative data analysis. Miles and Huberman stated that qualitative data analysis is carried out actively and continuously until it is complete and the data is saturated.⁸ The flow of data analysis used in this study is from the Miles and Huberman model which includes data collection, data reduction, data presentation and drawing conclusions which will later be found a research answer related to the improvement of HT-el certificate data at the Demak Regency Land Office.

⁷ Moleong, *op. cit.* Cit., 4.

⁸ Sugiyono, *Qualitative Quantitative Research Methods and R&D* (Bandung: Alfabeta, 2019), 321.

Result and Discussion

1. Implementation of Administrative Law Enforcement in Household Waste Sorting in Demak Regency

Waste management is a matter that concerns the purpose of efforts to advance public welfare. Therefore, waste management is regulated in Demak Regional Regulation Number 1 of 2023 concerning Waste Management. Regional regulations regarding waste management have the goal of realizing a healthy and clean environment from waste, maintaining the sustainability of environmental functions and maintaining public health. In terms of legal substance contained in Demak Regional Regulation Number 1 of 2023 concerning Waste Management, waste management is a systematic, comprehensive, and sustainable activity that includes waste reduction and handling.

Demak Regional Regulation Number 1 of 2023 concerning Waste Management regulates waste management provisions, prohibitions and sanctions. There is a community obligation regulated in this Regional Regulation, namely article 16 which states that every household is obliged to sort waste at its source. Administrative sanctions will be imposed if there are households that do not sort waste at the source, administrative sanctions can be in the form of: verbal reprimands, written reprimands, government coercion and/or forced money. The application of administrative sanctions is an important part of administrative law enforcement. This is based on the idea that there is no point in including obligations or prohibitions in government legal norms, if these norms cannot be complied with by citizens, therefore it is necessary to have a government law enforcement process through the application of administrative sanctions.⁹ The

⁹ Yanti, Herma, Dedy Syaputra, and Melly Susyandari. "The Role of the Jambi City Environmental Service in the Implementation of Fine Administrative Sanctions Based on Regional Regulation Number 8 of 2013 concerning Waste Management." *The Face of Law* 4, no. 2 (2020): 453-466.

application of sanctions is carried out in the event of a violation of the law committed by community members against government legal norms.

The enforcement of government laws is mandatory or must be carried out by the government so that violations of this can be stopped immediately. As stated by Aminudin Ilmar, no matter how small the violation committed by the community, government law enforcement action must be taken immediately so that government legal norms can be properly obeyed by the community. In other words, basically it is not allowed to deviate from the rules that have been set by the government so that order in society can always be well maintained.¹⁰

The efforts of the Environment Agency in enforcing administrative laws have not been carried out optimally. There have been no reports related to the problem of household waste sorting handled by the Environment Agency, one of the things behind the lack of reports related to waste sorting based on the results of researcher interviews is because most people do not know the obligation to sort household waste from the source.

The Environment Agency's plan for the implementation of administrative sanctions in waste sorting in the future is by field analysis by the Environment Agency team of the waste section/waste subcode. The results of the identification will be coordinated to Satpol PP (as a local law enforcer) and then a team will be made to go to the field. Consisting of Satpol PP, the Environment Agency, local stakeholders (sub-district head/village head/kades).

So far, the Environment Agency has not conducted socialization or education about household waste sorting specifically. The Environment Agency only seeks education or coaching about good and correct waste management where one of the points discussed is to sort waste from its

¹⁰ Aminuddin Ilmar, S. H. M. H. *Governance law*. Prenada Media, 2014.

source, namely households. After the waste is sorted, it can be reprocessed to make crafts or compost. So that the accumulated waste can be reduced.

Law enforcers of local regulations in Demak Regency are Satpol PP. Law enforcers have positions and roles. Position is a certain position in the structure of society, which may be high, medium or low. The position is actually a container whose content is certain rights and obligations.¹¹ These rights and obligations are roles. The role of Satpol PP in enforcing Demak Regional Regulation Number 1 of 2023 concerning Waste Management is to hold control activities. Because there is no procedure for granting administrative sanctions in waste sorting regulated in the governor's regulation, the Environment Agency has never coordinated regarding Demak Regional Regulation Number 1 of 2023 concerning Waste Management with Satpol PP. This causes until now the Satpol PP of Demak Regency has still not carried out law enforcement efforts in waste sorting in Demak Regency and only focuses on controlling street vendors.

The efforts made by the Environment Agency in reducing the volume of waste in Demak Regency are to manage waste banks and 3R TPS. Without certain facilities or facilities, it is impossible for law enforcement to take place. Demak Regency has 67 waste banks and 5 3R TPS. Regulation of the Minister of Environment and Forestry Number 14 of 2021 concerning Waste Management in Waste banks means that Waste Management needs to be carried out comprehensively and integrated from upstream to downstream with a circular economy approach by the central government, local governments and the community, so as to provide economic benefits, healthy for the community, and safe for the environment.¹² Meanwhile, the implementation of the *Reduce-Reuse-Recycle* Waste Treatment Site (TPS

¹¹ Arliman, Laurensius. "Realizing good law enforcement to realize Indonesia as a country of law." *Doctrinal* 2, no. 2 (2020): 509-532.

¹² Sholikhah, Tiara Maratus, and Septin Puji Astuti. "The Economic Value of the Implementation of the Circular Economy Program Through the Community Waste Bank Before and During Covid-19 in the City of Surakarta." PhD diss., UIN Raden Mas Said Surakarta, 2022.

3R) is a pattern of waste management approach on a communal or regional scale, involving the active role of the government and the community, through a community empowerment approach, including for low-income people and/or those living in dense and slum settlements. In principle, the implementation of TPS 3R is directed at the concepts of *Reduce*, *Reuse*, and *Recycle*, where efforts are made to reduce waste from its source on a communal or regional scale, to reduce the burden of waste that must be processed directly in the landfill.¹³ Thus, it is hoped that it can help extend the life of the landfill. However, in fact, based on the results of research, the amount of waste in Demak Regency that enters the Berahan Kulon Landfill every month has not decreased significantly, even in January-February and March-April the amount of waste has increased. This means that the number of waste banks and 3R TPS owned by Demak Regency has not been able to overcome the waste problem optimally. A larger number of waste banks and 3R TPS are needed to be able to significantly reduce the volume of waste.

One of the two duties and authorities of local governments is to facilitate, develop, and carry out efforts to reduce, handle, and utilize waste. Also carry out waste management and facilitate the provision of infrastructure and waste management facilities. This is stated in Article 5 of Demak Regional Regulation Number 1 of 2023 concerning Waste Management. The Demak Regency Government has facilitated waste management facilities and infrastructure, starting from Waste banks, TPS, TPS 3R and TPA. In Article 16 paragraph 4, it is stated that the Village Government is obliged to provide household waste bin facilities, household similar waste and specific waste in public facilities owned by the Village. In reality, there are no household waste bin facilities, household waste and specific waste in village-owned public facilities. The village only provides

¹³ Lawa, Jonatan IJ, Isri R. Mangangka, and Herawaty Riogilang. "Planning of the 3R Waste Management Site (TPS) in Mapanget District, Manado City." *Tekno* 19, no. 78 (2021).

one garbage can with the condition that the collected waste will be made into one and mixed without being separated as it should be.

Growing, developing, and increasing public awareness in waste management is the task of the local government as stated in Article 5 of Demak Regional Regulation Number 1 of 2023 concerning Waste Management. The efforts made by the Environment Agency in this case are to hold socialization regarding waste selection. The target of this socialization is slum villages based on the Decree of the Regent of Demak Number 475.26/120 of 2021 concerning the Determination of the Location of Urban Slums in Demak Regency submitted by the Demak Regency Dinperkim. In 2024, the Environment Agency will conduct socialization of waste sorting at 14 different locations in Demak Regency. The Environment Agency will explain and guide the community and waste banks on how technical in waste management including good and correct waste separation, waste bank management, overcoming obstacles and finding appropriate solutions regarding waste separation. In fact, the socialization carried out by the Environment Agency is still lacking, as evidenced by 80 out of 113 respondents admitting that there has never been socialization about waste management.

The theory of legal certainty is the theory used in this study. Legal certainty is part of the basic value of law which requires the formation of a law in a definite written form. Legal certainty is the most important part of law, because it guarantees the creation of positive laws that have clarity.¹⁴ Legal products must be able to create legal certainty for the community, because legal certainty is an aspect related to law and is inseparable.¹⁵ Law without certainty will lose its meaning because it is not used as a basis for behavior for society. Gustav Radbruch gave the view that law in developing

¹⁴ Tektona, Rahmadi. "Quo Vadis: Legal Certainty of Monopoly Practices and Unfair Business Competition in Law Number 11 of 2020 concerning Job Creation." *Journal of Business Competition* 2, no. 1 (2022): 43-54.

¹⁵ Isharyanto, S. H. "Legal Theory An Introduction with a Thematic Approach." (2016).

countries has two meanings related to legal certainty, namely because of law and certainty in law or from law. Legal certainty is guaranteed because the law is the task of the law itself. The success of the law guarantees a lot of clarity in public relations is a useful law. Meanwhile, certainty is achieved in or from the law if there are no conflicting provisions from many laws.¹⁶ Then Van Apeldoorn is of the view that legal certainty includes two aspects, namely the establishment of concrete laws and the existence of legal security.¹⁷ Legal certainty is a guarantee that in its implementation the law can be realized properly, meaning that the parties who have rights have the right to get their rights according to the law. Legal certainty provides certainty for individuals, groups, and the public regarding their obligations and rights. Then Utrecht is also of the view that certainty includes two meanings, namely the existence of rules that are general in nature so that the parties concerned, starting from individuals or institutions, understand what actions can and cannot be done, and the certainty of legal security whose purpose is to protect the community from the arbitrariness of the ruling party.¹⁸ So according to this view, certainty not only includes legal certainty where the parties understand what can and cannot be done, but also related to security certainty aimed at protecting the community.

The main purpose of the law is to create an orderly social order, create order and balance. With the achievement of order in society, it is hoped that human interests will be protected. In achieving its goals, the law is tasked with dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems and maintain legal

¹⁶ Shahrullah, Rina Shahriyani, Junimart Girsang, Florianus Yudhi Priyo Amboro, and Novita Novita. "Legal Certainty of Three-Dimensional Brands and Industrial Design: A Comparative Study of Laws in Indonesia, America and Australia." *University Of Bengkulu Law Journal* 6, no. 1 (2021): 60-81.

¹⁷ Julyano, Mario, and Aditya Yuli Sulistyawan. "Understanding the principle of legal certainty through the construction of legal positivist reasoning." *Crepido* 1, no. 1 (2020): 13-22.

¹⁸ Nasriyan, Iyan. "The Principle of Legal Certainty in the Implementation of Taxation in Indonesia." *Logic: Journal of Research of the University of Kuningan* 10, no. 02 (2019): 87-93.

certainty.¹⁹ The above cannot be realized in society if law enforcement officials do not play their role optimally as law enforcers. In fact, the laws or regulations that are made do not cover all cases that arise in society, making it difficult for law enforcement to resolve these cases. In terms of administrative law enforcement in household waste separation, legal certainty still cannot be fulfilled to the maximum. The procedures/procedures for granting administrative sanctions in household waste sorting have not been regulated in the governor's regulation until now, so if it is still implemented without clear regulations, it will result in mistakes in terms of its meaning or interpretation. The decision issued must be clear to the person concerned. Certainty is interpreted as the clarity of norms so that it can be used as a guideline for people who are subject to this regulation. The applicable law must have clarity and firmness in the enforcement of the law in society. Because the procedure for granting administrative sanctions does not yet exist, the Environment Agency can only carry out preventive law enforcement efforts, namely through socialization, empowerment of waste banks and 3R TPS in Demak Regency.

2. Factors Hindering Administrative Law Enforcement in Household Waste Sorting in Demak Regency.

Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH) article 1 paragraph (2) is a systematic and integrated effort made to preserve environmental functions and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision, and law enforcement. According to the 1945 NRI Constitution in Article 28H paragraph (1) contains, "Everyone has the right to live a prosperous life inwardly, to live, and to get a good and healthy living environment and the right to receive health services." According to Reksosoebroto in Efrianof, waste management is very important to achieve

¹⁹ Mertokusumo, Sudikno. "Knowing the law: An introduction." (1999).

a clean and healthy environment, thus waste must be managed as well as possible in such a way that negative things for life do not happen.²⁰ In environmental health science, waste management is considered good if the waste does not become a breeding ground for disease seeds, and the waste does not become an intermediate medium for the spread of a disease.

The handling of the waste problem summarized in Law No. 18 of 2008 is to change the old paradigm with a new paradigm, namely changing the perspective on waste, namely viewing waste no longer as something useless, but seeing waste as something valuable and becoming an economic source in society and the state. The Demak Regency Government already has a Regional Regulation in waste management, namely Demak Regional Regulation Number 1 of 2023 concerning Waste Management. One of the things regulated in this regional regulation is the obligation of every household to sort waste from its source and administrative sanctions imposed on households that commit violations.

Law enforcement is an effective means to achieve legal goals. Therefore, it is appropriate that all personnel be mobilized so that the law is able to work to realize moral values in the law. In the context of law enforcement in Indonesia, the active role of the community is certainly impossible to separate. In Indonesia itself, the community has an important role in every effort made by the state to enforce the law. A provision of legislation if it is not supported by a society that complies with the provisions of legal norms, it will not be able to achieve the aspired goal. Therefore, in the application of this administrative sanction, it is necessary to pay attention to the balance of a job with legal certainty, which is indeed a difficult job. But on the other hand, the community always wants legal certainty that can be in their interests.²¹

²⁰ M Daeni and Husnul Rizqi, "Implementation of Waste Management Policy in Semarang City," *Public Service and Governance Journal* 2, no. 1 (2021): 5, <https://doi.org/http://dx.doi.org/10.56444/psgj.v2i01.1969>.

²¹ Flora P. Kalalo, Kathleen C. Pontoh, and Arcelinocent E. Pangemanan, "Law Enforcement Against Waste Through Household Waste Sorting and Disposal Schedule

Environmental law enforcement strategies are crucial in ensuring effectiveness in environmental protection and management efforts. Soerjono Soekanto said that effective is the degree to which a group can achieve its goals. The law can be said to be effective if there is a positive legal impact, at that time the law achieves its goal in guiding or changing human behavior so that it becomes legal behavior. In relation to the issue of legal effectiveness, the identification of the law is not only with the element of external coercion but also with the court process. The threat of coercion is also an element that absolutely exists so that a rule can be categorized as a law, so of course this element of coercion is also closely related to the effectiveness or not of a provision or rule of law.²² Talking about the effectiveness of the law means talking about the power of the law in regulating and or forcing the community to obey the law. The law can be effective if the factors that affect the law can function properly. Unfortunately, administrative sanctions that are considered insufficient in providing a deterrent effect to violators of waste management regulations are not even enough to be implemented in Demak Regency. The measure of the effectiveness or not of an applicable law and regulation can be seen from the behavior of the community. A law or regulation will be effective if the citizens of the community behave in accordance with what is expected or desired by the law or the law or regulation achieves the desired goal, then the effectiveness of the law or law has been achieved. If law enforcement is not effective, then the law will not produce results according to its purpose. The success of a rule depends on its implementation and enforcement. Law enforcement acts as a driving force or driver for laws and regulations. Law enforcement in Indonesia still has many shortcomings that need to be corrected. To meet these challenges, environmental protection and

in Indonesia," *PROGRESSIVE: Law Journal* 14, no. 1 (2020): 76–88, <https://doi.org/https://doi.org/10.33019/progresif.v14i1.1662>.

²² Surjono Soekanto, *Legal Effectiveness and Application of Sanctions* (Bandung: CV. Ramadja Karya, 1988).

management need to be supported by a strong and efficient law enforcement system.²³

Administrative law enforcement in waste sorting in Demak Regency does not have a governor's regulation regulating the procedures for sanctioning, causing the movement of law enforcement to be hampered, limited and the perception of each person can be different. Because of its general nature, it will allow for various interpretations. Other factors that hinder administrative law in household waste sorting are:

TABLE 1. Factors Hindering Administrative Law Enforcement in Waste Sorting

No.	Subject	Analysis
1.	Legal factors	<ol style="list-style-type: none"> 1. There is no regent regulation that regulates the procedure for granting administrative sanctions. 2. There has been no coordination between the Demak Regency Environmental Service and the Demak Regency Satpol PP regarding Regional Regulation Number 1 of 2023 concerning Waste Management.
2.	Non-legal factors	<ol style="list-style-type: none"> 1. Human Resources are still low, lack of law enforcement officials in the Environment Agency. 2. Waste sorting facilities and infrastructure are still lacking. 3. The socialization carried out has not been intense. 4. The mindset of people who have not been able to cultivate the behavior of sorting household waste.

²³ Dini Mulia Mutmainah, Ratu Syifa Junaedi Putri, and Ubaidillah Kamal, "Implementation of Environmental Law Enforcement in Increasing the Effectiveness of Environmental Protection and Management," *Deposition: Journal of Legal Publications* 2, no. 2 (2024): 376–88, <https://doi.org/https://doi.org/10.59581/deposisi.v2i2.3206>.

Sources: Alifa Aulia 2024

1. Factors of law enforcement

The difficulty stated by the Demak Regency Environmental Service or law enforcement officials in enforcing administrative laws in household waste sorting is the limitation of law enforcement officials. Insufficient officers will cause difficulties in proving when there is a violation. Because the violation does not sort household waste from the source. On the real evidence by the officers. The role of supervision of the Environmental Service must be implemented in every activity of its citizens. The consequence is that the role of the state is increasingly important in every policy-making and implementing decision, as a rule/limit that should be followed by business actors/business entities and community members who are in contact with the environment. Responsible officers are needed which include:

- a. In the household scope, the environmental service does not have officers in each RT/RW/village.
- b. There needs to be a joint task force from the Environment Agency, Satpol PP, and villages/sub-districts at the rt/rw/village level.

2. Facilities and infrastructure factors

One of the duties and authorities of local governments is to carry out waste management and facilitate the provision of infrastructure and waste management facilities. This is stated in Article 5 of Demak Regional Regulation Number 1 of 2023 concerning Waste Management. Facilities and infrastructure for waste management are crucial so that everything can be processed properly. Facilities and infrastructure in waste management include Temporary Shelters (TPS), Final Processing Sites (TPA), Integrated Waste Management Sites (TPST), waste banks, garbage trucks, carts, and others. Based on

interviews conducted by researchers at the Demak Regency Environmental Office, the facilities and infrastructure currently owned in Demak Regency are 1 active landfill, namely the Berahan Kulon Landfill, 67 waste banks and 5 3R TPS. The procurement of waste TPS from 14 sub-districts in Demak Regency is only 5 sub-districts where there are waste TPS, namely 28 waste TPS located in Demak District, 2 waste TPS in Wonosalam District, 1 waste TPS in Karangtengah District, 3 waste TPS in Sayung District, and 1 waste TPS in Mranggen District. The transportation fleet totals 22 which in the implementation of their duties have not been maximized, because there are still complaints about delays in transporting waste.

In the village scope, the village government only provides garbage cans in public facilities, but it is not separated between household waste, household waste and specific waste (one garbage can for all types of waste/mixed) if the waste management facilities and infrastructure in the village have been fulfilled and complete, the village community will be more encouraged to sort household waste at the source. Based on table 1.2. the amount of waste in Demak Regency that enters the Berahan Kulon Landfill every month does not decrease significantly, even in January-February and March-April the amount of waste has increased. This means that the number of waste banks and TPS 3R, which is one of the solutions to reduce the volume of waste in Demak Regency, has not been able to overcome the waste problem to the maximum. A larger number of waste banks and 3R TPS are needed to be able to significantly reduce the volume of waste. Without the support of adequate equipment availability, it will be difficult for waste management to be better.

3. Factors from the community

In Indonesia itself, the community has an important role in its participation in every effort made by the state. The community is also

the most important part of a country, because it has a role for maintenance and support to achieve the goals of a country. To create a fair law enforcement in Indonesia, it is very necessary for the sensitivity and activeness of the community in respecting the rights owned by everyone, improving ethics and morals with their own awareness, and fulfilling obligations in society.²⁴

According to the author's analysis, in this case, the obedience of the community in fulfilling their obligations to the state as stipulated by the provisions of the applicable regulations, is very closely related to habits that originate from daily behavior in society and for those who do it will raise their awareness or belief to fulfill their legal obligations. If the level of awareness from the public to fulfill an applicable legal provision is still relatively low, then this is an inhibiting factor in enforcing the law. On the other hand, if awareness of the law has been institutionalized in a society, then automatically the legal norms will be obeyed.

Based on the data that has been obtained, from table 4.4 The knowledge of the Bintoro Village community regarding waste sorting has exceeded 75% of the total number of respondents. As many as 90% of the 113 respondents knew the dangers of waste that was not processed properly and correctly. However, out of 113 respondents, only 24 respondents sorted waste from the source. To strive for fair law enforcement in Indonesia, community sensitivity and activeness are urgently needed. Also, most of the people of Bintoro Village are not aware of the provisions that regulate administrative sanctions for waste sorting and the obligation to sort household waste from its source. Based on the results of the research, although the level of public knowledge about waste sorting is quite high, it is not

²⁴ Aaron Alexander, "The Role of the Community in Law Enforcement in Indonesia," *IJOLARES: Indonesian Journal of Law Research* 1, no. 1 (2023): 11–15, <https://doi.org/https://doi.org/10.60153/ijolares.v1i1.3>.

necessarily that people apply the attitude of sorting waste in their daily lives. In this case, action is needed to change the mindset of the community by providing guidance, direction, being able to invite the community to create community awareness to actively participate in sorting waste, one of which is by holding socialization about how to manage waste properly and correctly from the source.

According to the author's observation, the efforts made to enforce administrative laws in household waste sorting are not solely pursued through the application of administrative sanctions, but also through increasing public awareness in sorting waste, namely by providing counseling both directly and through the mass media to the community. Based on the data obtained, it is known that the Demak Regency Environmental Agency plans to conduct socialization regarding waste sorting at 14 location points in 2024. However, until now, the number of people who have sorted waste from 113 respondents is only 24 respondents who have sorted waste from the source. This means that from the intensity of socialization carried out by the Environmental Service, it is not enough to change the mindset of the community about the importance of separating waste from its source.

Conclusion

Conclusion Based on the results of the research and discussion in the thesis entitled "Administrative Law Enforcement in Household Waste Sorting in Demak Regency", it can be concluded as follows:

1. The implementation of administrative law enforcement in household waste sorting in Demak Regency has not been carried out optimally, the Demak Regency Environmental Agency has not yet coordinated with Satpol PP related to Demak Regional Regulation Number 1 of 2023 concerning Waste

Management. So far, the Demak Regency Environmental Agency has resolved waste cases by means of mediation and verbal reprimands. Socialization and coaching regarding the importance of waste sorting, technicalities in waste processing including waste sorting, waste bank management, obstacles and solutions. There needs to be a Regent Regulation that regulates technical instructions on how administrative sanctions in waste selection are implemented. The procurement of the Regent Regulation must look at the characteristics of the community and listen to the aspirations of the community, so that the regulation gets inputs from the community and there is two-way communication between the government and the community. Administrative law enforcement against household waste segregation requires the support of the central government and local governments to evaluate, monitor and report on obstacles that need to be overcome to improve the performance of law enforcement officials. Socialization efforts need to be increased to increase public understanding and participation in good and correct waste management practices. Based on the results of the study, the largest number of respondents participated in housewives. The Demak Regency Environmental Agency can focus more on socialization for housewives as its target. The Environment Agency needs to improve its work patterns, such as increasing the number of staff in the agency and officers in the field by paying attention to the quality and competence of the staff, looking for other budgets, such as through assistance from the central government, as well as adding infrastructure facilities needed for the implementation of Derah Regulation Number 1 of 2023 concerning Waste Management.

2. Factors inhibiting administrative law enforcement in household

waste sorting in Demak Regency include law enforcement factors, in the event that there are limitations of law enforcement officials. Facilities and infrastructure factors in waste management are still lacking, and factors from the community. If the level of awareness from the public to fulfill an applicable legal provision is still relatively low, then this is an inhibiting factor in enforcing the law. Socialization efforts need to be carried out to increase public understanding and participation in good waste management practices. For the people of Demak Regency to further increase awareness of the importance of sorting waste from its source, namely household waste, and maintaining the quality of the environment so that pollution does not arise. It is also recommended that households in Demak Regency can apply waste management with the 3R principle so that waste can be managed properly by cleaners.

References

- Alelxaender, Aaron. "The Role of the Community in Law Enforcement in Indonesia." *IJOLARES: Indonesian Journal of Law Research* 1, no. 1 (2023): 11-15.
- Aminuddin Ilmar, S. H. M. H. *Governance law*. Prenada Media, 2014.
- Arliman, Laurensius. "Realizing good law enforcement to realize Indonesia as a country of law." *Doctrinal* 2, no. 2 (2020): 509-532.
- Daenie, M., and Husnul Rizqi. "Implementation of Waste Management Policy in Semarang City." *Public Service and Governance Journal* 2, no. 01 (2021): 96-107.
- Ilham Kamaruddin and others, *Quantitative Research Methodology* (Makassar: Arus Timur, 2017), 66.
- Isharyanto, S. H. "Legal Theory An Introduction with a Thematic Approach." (2016).
- Julyano, Mario, and Aditya Yuli Sulistyawan. "Understanding the principle of legal certainty through the construction of legal positivist reasoning." *Crepido* 1, no. 1 (2020): 13-22.
- Kalalo, Flora P., Kathleen Catherina Pontoh, and Arcelinocent E. Pangemanan. "Waste management through sorting and household

- waste disposal schedules as an effort to enforce environmental laws in Indonesia." *PROGRESSIVE: Journal of Law* 14, no. 1 (2020).
- Ministry of Health, "Let's Sort Your Waste!," Ministry of Health Directorate General of Yankes, 2023, https://yankes.kemkes.go.id/view_artikel/2830/yuk-pilah-sampahmu.
- Lawa, Jonatan IJ, Isri R. Mangangka, and Herawaty Riogilang. "Planning of the 3R Waste Management Site (TPS) in Mapanget District, Manado City." *Tekno* 19, no. 78 (2021).
- Lexy J Moleong, *Qualitative Research Methodology* (Bandung: PT Remaja Rosdakarya, 2017), 5
- Mertokusumo, Sudikno. "Knowing the law: An introduction." (1999).
- Mutmainah, Dini Mulia, Ratu Syifa Junaedi Putri, and Ubaidillah Kamal. "Implementation of Environmental Law Enforcement in Increasing the Effectiveness of Environmental Protection and Management." *Deposition: Journal of Legal Publications* 2, no. 2 (2024): 376-388.
- Nasriyan, Iyan. "The Principle of Legal Certainty in the Implementation of Taxation in Indonesia." *Logic: Journal of Research of the University of Kuningan* 10, no. 02 (2019): 87-93.
- Shahrullah, Rina Shahriyani, Junimart Girsang, Florianus Yudhi Priyo Amboro, and Novita Novita. "Legal Certainty of Three-Dimensional Brands and Industrial Design: A Comparative Study of Laws in Indonesia, America and Australia." *University Of Bengkulu Law Journal* 6, no. 1 (2021): 60-81.
- Sholikhah, Tiara Maratus, and Septin Puji Astuti. "The Economic Value of the Implementation of the Circular Economy Program Through the Community Waste Bank Before and During Covid-19 in the City of Surakarta." PhD diss., UIN Raden Mas Said Surakarta, 2022.
- Soekanto, Soerjono. "Legal Effectiveness and Application of Sanctions." *Bandung: CV. Ramadja Karya* (1988).
- Sugiyono, *Qualitative Quantitative Research Methods and R&D* (Bandung: Alfabeta, 2019), 321.
- Tektona, Rahmadi. "Quo Vadis: Legal Certainty of Monopoly Practices and Unfair Business Competition in Law Number 11 of 2020 concerning Job Creation." *Journal of Business Competition* 2, no. 1 (2022): 43-54.
- Wahanisa, Rofi, and Septhian Eka Adiyatma. "Conception of the Principles of Sustainability and Sustainability in Environmental Protection and Management in the Value of Pancasila." *Environmental Law Development* 6, no. 1 (2021): 93-118.
- Yanti, Herma, Dedy Syaputra, and Melly Susyandari. "The Role of the Jambi City Environmental Service in the Implementation of Fine Administrative Sanctions Based on Regional Regulation Number 8 of 2013 concerning Waste Management." *The Face of Law* 4, no. 2 (2020): 453-466.

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

Please provide funding information.

ACKNOWLEDGMENT

Recognize those who helped in the research, especially funding supporter of your research. Include individuals who have assisted you in your study: Advisors, Financial support, or may other parties involved on the research.

HISTORY OF ARTICLE

Submitted : January 22, 2024

Revised : March 30, 2024

Accepted : April 29, 2024

Published : May 25, 2024