

Law Enforcement By The Environmental Agency Against Environmental Pollution Due To Garbage

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ABSTRACT

aPurpose: In carrying out an effort to manage and protect the environment properly and sustainably, which needs to be supported by a strategic policy through the form of pollution control instruments and / or environmental damage. These efforts can be done through prevention, mitigation and restoration of the environment. **Methodology:** Based on the Criminal Law on environmental pollution, the system adopted is a system of criminal liability based on errors in accordance with the existence of the Criminal Code. In criminal law the concept of "accountability" is a central concept known as the teaching of guilt. The teaching of error in Latin is called *mens rea*. The doctrine of *mens rea* based on an act does not result in some person being guilty unless that person's mind is evil. Humans have a very large role of responsibility in protecting the ecosystem environment. The environment as a resource is an asset that can provide welfare to the people. **Results:** The purpose of writing this journal is to find out the basic legal arrangements related to environmental pollution, the form of responsibility carried out by actors who pollute the environment along with efforts to overcome environmental pollution. The method used is normative juridical research, which is research through a series sourced from laws and regulations, as well as books related to the title in this journal. The results showed that. The rule of law is a basis that regulates the occurrence of actions or violations that are not in accordance with applicable legal rules. Regarding pollution of the living environment, it has been regulated in a special rule or called *lex specialis* or special law. **Contributors:** For reference in the preparation of administrative sanctions, including minutes of verification of complaints and supervision of permits, documentation in the form of maps and photos, laboratory reports, other supporting data, namely permits, reports, and verification and supervision reports. Where the administrative sanction decision is "beschikking" or "determination". Determination or legal action (*rechtshandeling*) by the government of the authority and power possessed due to the reaction of non-compliance in a concrete agreement based on the special authority of the office.

Keyword: Responsibility, Pollution, Environment

1. Introduction

Environmental problems are now increasingly complex, although regarding environmental problems themselves that already exist human rhymes exist on earth. Between the environment and humans there is a close relationship, this is due to the increasing number of people in this world and the absence of unorganized environmental management, both by the government and the community itself, there are times when humans are determined by the conditions of the surrounding environment, so that their activities are largely determined by the surrounding conditions, then environmental problems have become a special problem for the government and society. The ability to be responsible can be interpreted as a normal or healthy mental condition and the ability of one's mind to distinguish good and bad or in other words, being able to realize the unlawful nature of an action and in accordance with that realization is able to determine his will. There are two factors to determine the ability to be responsible, namely the reason factor and the will factor. Intellect, that is, being able to distinguish between permissible and prohibited actions. In carrying out an effort to manage and protect the environment properly and sustainably, which needs to be supported by a strategic policy through the form of pollution control instruments and / or environmental damage. These efforts can be done through prevention, mitigation and restoration of the environment.

Based on the Criminal Law on environmental pollution, the system adopted is a system of criminal liability based on errors in accordance with the existence of the Criminal Code. In criminal law the concept of "accountability" is a central concept known as the teaching of guilt. The teaching of error in Latin is called *mens rea*. The doctrine of

mens rea based on an act does not result in some person being guilty unless that person's mind is evil. The environment is a gift from God Almighty to all living things on this earth that can provide various uses and also benefits as a place and space to live life. Humans have a very large role of responsibility in protecting the ecosystem environment. The environment as a resource is an asset that can provide welfare to the people. Based on the description above, the author feels interested in researching further where the research will be outlined in the form of a journal scientific paper entitled: "Responsibility for Perpetrators of Environmental Pollution Based on Law Number 32 of 2009". From the problems and titles described above, the formulation of the problem to be discussed is as follows:

1. What is the role of the Environmental Agency in overcoming environmental pollution due to waste?
2. What are the factors that cause environmental pollution due to waste?

2. Research methods

The research used in writing this journal is normative juridical research, namely research through a series of references based on laws and regulations and related books and journals. The research method can be described as Peter R. Senn's opinion which defines the method as "a procedure or way of knowing something by using systematic steps. Literature study is carried out through sources from secondary data, namely data that includes official documents, books, dictionaries, legal dictionaries, research results, legal journals, and comments on court decisions which contain procedures in the form of a series of methods or steps that are arranged in a directed and orderly manner.

After the data is obtained, the next step is to analyze the data so that a final conclusion is obtained in this journal research. Data collection tools are used through library materials as well as statutory regulations related to accountability for environmental pollution actors. The specification of the research used in this research is analytical descriptive, that is trying to describe or describe events and incidents without making hypotheses and statistical calculations. Analytical descriptive, namely what is stated by the respondent in writing or verbally, as well as his real behavior, which is thoroughly researched and studied.

The data analysis method used in this paper is that the data obtained in this study will be analyzed qualitatively in accordance with the specifications of the nature of the research to examine between theory and practice in carrying out the role of the police in conducting investigations of children as perpetrators of traffic accidents. The data analyzed qualitatively will be presented in the form of a systematic description as well, then all data is selected, processed and then stated descriptively so that it can provide a solution to the problem in question

3. Results and Discussion

3.1. The Role of the Environmental Agency in Overcoming Environmental Pollution Due to Waste

The Environmental Agency has the task of carrying out environmental affairs which makes the provincial authority which has four areas. These fields include the Field of General Administration, the Field of Environmental Management Assessment, the Field of Processing of Toxic Hazardous Waste Materials and Garbage, the Field of Pollution Control and Environmental Damage, as well as tasks of deconcentration and assistance. The main basis for the implementation of activities at the Environmental Agency is a concept of sustainable development that is environmentally sound which means that everyone bears obligations and responsibilities in the maintenance and sustainability of the environment, both for now and its sustainability in the future. The concept of sustainable development implies a balance in social, environmental, and economic aspects in the implementation of development. The Environmental Agency also functions to formulate a technical policy in the field of Environmental Impact Assessment and AMDAL, pollution control and waste management, environmental damage control and recovery as well as the form of environmental structuring and environmental communication.

Providing support for the implementation of local governments in the field of Environmental Management and AMDAL assessments, such as the existence of pollution control with waste management, damage control and environmental restoration as well as environmental management and environmental communication, Guidance and implementation of tasks in the field of environment, Implementation of government assistance tasks in the field of environment, implementation by the Environmental Service both in administrative services. A role related to a person's work, who is expected to carry out his obligations related to the role he holds. A role is defined as a set of expectations placed on individuals of particular social standing. Roles are determined by societal norms, meaning we are obligated to do what society expects in our work, in the family and in other roles. The existence of a waste

problem is because firstly it is closely connected to human habits or society, namely lack of discipline or discipline and lack of public awareness of managing the environment and secondly related, weak policies or solutions from the government towards environmental and waste management, which appear in a regulation or system of government institutions. Environmental problems are now increasingly complex, even though environmental problems themselves already have human rhymes on earth. Between the environment and humans there is a close relationship, because this is due to the increasing number of people in this world and the absence of unorganized environmental management. A very important factor in environmental problems is the rapid size of the human population, the need for food, fuel, shelter and other needs and domestic waste is also increasing rapidly. Environmental problems are indeed complex problems where the environment depends more on human behavior which is declining, both in quality and quantity in supporting human life. Coupled with the soaring with uncontrolled population growth, the environmental situation becomes more chaotic or unconditioned.

The current waste coordination policy tends not to use which is in accordance with waste management techniques or methods based on environmental science so that it has an adverse impact on environmental health and the community, so that environmental and waste management must be carried out in a comprehensive and systematic way in order to change the attitude of the community. Therefore, legal clarity and certainty are needed regarding the authority and role of the Government, Local Government, and the responsibility of the business world and the community towards waste management so that it can be processed in a balanced, effective and efficient manner in solving a form of waste problem, it is required to make shifts and approaches, thus, the waste must be handled starting from the upstream before the waste reaches four or there is a final waste processing container. The principles regarding other waste management in its use, be it from various regions or countries. Some of the most commonly done, namely by applying 3 M or what is called reducing the use that produces waste, reusing the waste after its usefulness runs out and recycling or reprocessing the waste), which categorizes how to manage waste as desired on the side of animalizing waste. The goal is to take maximum meaning or profit from practical products and to obtain a minimum amount of waste. In extending Extended Producer Responsibility (responsibility of the creator or producer of waste. EPR is a way designed to advertise the unification of all costs or costs associated with a product or the results of producers in all product turnover to the product price market. This strategy aims to establish accountability for all product turnover and packaging brought to market. So it means that companies that send, process and sell products or products are required to be responsible for the products they produce starting at manufacturing until the end at the time of use.

And with the concept of impurity paying, which is the concept by which the polluter pays the consequences or effects of his activities on the environment. Based on waste or waste management, it usually leads to the party who produces or creates waste to pay according to the capacity of the category of waste disposed of. In the 3M principle is a principle raised from the 3R principle (reduce, recycle and reuse), based on Sudrajat's opinion which states this principle is a principle used in some countries, about the existence of a form of waste management management. Waste management in some countries tends to start from waste management that has been in the household, namely sorting or separating organic / inorganic material waste using its own place, or the place used is that can be remade or recycled again. The concept in waste management is by according to article 1 of Law Number 18 of 2008, states that what defines waste is the rest of human daily activities and / or natural processes in solid form. Meanwhile, waste management itself is all activities carried out to deal with waste since waste is generated by final disposal. Broadly speaking, waste management activities include waste generation control, waste collection, transfer and transport, processing and final disposal. Among them are:

1. Solid waste generated

Basically the waste is not produced, but that is caused. Therefore, in determining the right handling method, the determination of the amount of waste generation is largely determined by the number of perpetrators and the type of activity. Ideally, to find out the amount of waste generation that occurs, should be done with studies. But for practical purposes, a standard has been set by the department of public works.

2. On site handling

The meaning of handling waste on the spot or at the source is all treatment of the existence of a lot of waste carried out before the waste is placed at the location of the dump. A material that has been thrown away or not needed, often waste that has economic value. On-site waste handling can have a significant influence on waste handling in the later stages. Activities at this stage vary according to the type of waste, including sorting, reuse, and recycle. The main goal is to reduce the amount of waste generation (reduce).

3. Collecting

This collection is the act of collecting waste from the source to the TPS using a wheelbarrow or a special garbage pick-up car.

4. Transport

Transportation is an effort to move waste from TPS to TPA using garbage trucks.

5. Processing (treatment)

Litter can be processed according to the type of composition

3.2. Factors Causing Environmental Pollution Due to Garbage

The waste problem becomes a serious form and because of the complexity of the problems encountered and growth with the increased mobility of the population, to the handling of waste which is often prioritized solution. Problems in the community regarding waste management, there are often attitudes and arrangements of people's life patterns that have tended to refer to the increase and speed of landfill that makes it difficult for the hygiene manager, with limited allocation of essentials, transportation facilities until the cleanliness manager is not or has not been able to respond to all waste created or generated.

Garbage is likened to a problem. Sudrajat said that waste is a very important problem, especially for people living in urban areas, and this can happen due to several factors, namely:

- 1) Limited capacity of TPS and TPA due to the large amount of waste.
- 2) Landfill land that is quite small and leads to other purposes. (iii) waste management handling technology that is not ideal, can result in increased capacity of decaying waste.
- 3) Waste that has been in the landfill for a long time or compost is not lifted out of the landfill.
- 4) Ineffective management of waste management handling.
- 5) Weak or lack of role and support for government policies.

Legal norms must be emphasized in accountability actions in order to protect society, to prevent criminal acts from occurring, to resolve problems arising as a result of criminal acts, in order to create a sense of security and peace, and to punish those who are truly guilty. To create and realizing a peaceful, safe, just and prosperous society, criminal law must be used in criminal accountability. The principle of guilt (principle of culpability) is part of criminal responsibility, which basically has a monodualistic balance that the principle of error which basically has a value of justice must be aligned in pairs with the principle of legality which is based on the value of certainty. Although the concept of criminal liability

The 1982 UUPPLH still simply regulates the provisions for environmental licensing with an explanation of the licensing mechanism that is unclear and only focuses on business permits, however the 1982 UUPPLH as the guardian of environmental regulations in Indonesia has introduced the concept of Amdal, any development plan must contain an estimate of the impact on the environment as a the basic considerations for making an Amdal, so that at that time the UUPPLH was sufficient to accommodate instruments for preventing environmental pollution and/or damage with the existence of an impact determination mechanism to carry out Amdal.

The government actually pays attention to the environment as contained in Article 28 H paragraph (1) which projects there is a balance of guarantors of welfare while still paying attention to environment. Article 33 paragraph (4) of the 1945 Constitution also provides confirmation to the national economy must be based on environmental insight indicates the responsibility of the state, that the state through the right to control can make rules and policies on the utilization of the environment and resources natural resources to ensure environmental sustainability in development situations national economy

Some of the factors that cause the accumulation of garbage are as follows:

- a. The landfill capacity is less in capacity and accompanied by a very large amount of waste.
- b. The time to transport waste is less effective due to the interval or distance between the landfill and the waste center is relatively far
- c. Waste transfer facilities or equipment that are few to limited are not able to lift all waste.
- d. The rest of the waste in the TPS (Landfill) that has the capacity or has the potential to become a mountain of garbage.

- e. Waste management handling technology that is not ideal, can result in increased capacity of decaying waste.
- f. There is an environment that does not have a disposal location or garbage collection, so it often litters.
- g. Improper waste management
- h. Lack of correctional or socialization and government support related to handling waste management.
- i. There is a lack of awareness of self-management and education about handling waste management well.

4. Conclusion

Based on discussions related to the problem, conclusions can be drawn, namely, as for the main basis in the implementation of activities at the Environmental Agency, it is a concept of sustainable development that is environmentally sound, meaning that everyone bears obligations and responsibilities in Maintenance and preservation of the environment, both for now and its sustainability in the future. The concept of sustainable development implies a balance in social, environmental, and economic aspects in the implementation of development. The Environmental Agency also functions to formulate a form of technical policy in the field of Environmental Impact Assessment and AMDAL, pollution control and waste management, environmental damage control and recovery as well as the form of environmental structuring and environmental communication. Current waste and environmental problems cannot be separated from various attitudes or human behavior as creators or producers of waste, in addition to the lack of strong regulations regarding waste and environmental problems. The reality in an environmental place proves that there are still many family members or communities who do not carry out environmental maintenance and environmental management that starts in the household realm properly, namely from sorting and separating waste, storage problems, and also disposing of waste in its disposal site, besides that the lack of strong regulations and agency systems followed plays a role in the problem.

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