

Law Enforcement Factors in Waste Management to Achieve Environmental Sustainability and Community Welfare

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ABSTRACT

Environmental issues are interesting subjects that are related to the earth's sustainability. While Garbage is basically an obstacle, it also has the potential to prevent environmental damage and increase the community's economy if it is well managed. This research aims to analyze local government policies in waste management based on the value of ecological justice to achieve natural preservation. The research method used is qualitative with primary data from interviews and observations supported by laws and regulations related to waste management. The research was conducted in Kuningan Regency and Ciamis Regency. The results showed that the Ciamis local government policy in waste management was equipped with local regulations, government officials, infrastructure, community participation, and program innovation, namely waste sorting, waste bank, maggot, and garbage alms. The conclusion is that local government policies, especially in Kuningan, still need improvement related to optimizing the role of the local government in institutional and funding of waste management and increasing public education regarding waste management. Good waste management can create environmental sustainability and community welfare.

Keywords: *Law Enforcement; Waste management; Community Welfare;*

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INTRODUCTION

A healthy and good environment is one of the goals of governance that is in line with the constitution. Waste is one of the environmental problems which has not been managed properly, especially in developing countries, while the ability of waste management is often not balanced with its production¹. According to Law Number 18 of 2008 concerning Waste Management, the definition of waste is material that is not needed or leftover from daily needs and/or natural

¹ Candrakirana, R. (2015). Penegakan hukum lingkungan dalam bidang pengelolaan sampah sebagai perwujudan prinsip good environmental governance di kota Surakarta. *Yustisia Jurnal Hukum*, 4(3), pp. 581-601, <https://doi.org/10.20961/yustisia.v4i3.8690>



processes in solid form.² The rapid growth of Indonesia's population has direct implications for environmental management. The National Development Planning Agency (Bappenas) and the Central Statistics Agency (BPS) estimate that Indonesia's population in 2035 will reach 305.65 million by 2035, of which 75 percent live in urban areas³. This condition requires stakeholders to make good spatial planning and environmental management policies. According to Law Number 18 of 2008 concerning Waste Management, the definition of waste is the remains of human daily activities and/or natural processes in solid form.⁴ Meanwhile, waste management is a systematic, comprehensive, and sustainable activity that includes waste reduction and handling. Meanwhile, household waste comes from daily activities in the household which do not include feces and specific waste. So far, waste management in urban areas is faced with quite complex problems. These problems include the high rate of waste dumping, low human behavior, and problems with final disposal activities. Waste management has become a crucial problem because regencies or cities also experience various obstacles. One of the obstacles is related to the application and enforcement of the law in waste management which is part of environmental law enforcement, especially in the application of sanctions.⁵

The management of household waste and similar waste is a challenge for the central government, local governments, businesses, and the community.⁶ Proper and environmentally friendly waste management has not been fully realized. From the various problems that exist, two important things can be identified, namely, the various laws and regulations related to waste management and the legal sanctions that have not been fully socialized and awareness and knowledge about proper and environmentally sound waste management are still low.⁷ following the intentions of the Indonesian constitution, which is to have a healthy and good environment.⁸

The problem of waste in Kuningan Regency is currently getting more serious to deal with because in a day the garbage produced by residents is almost 400 tons. Both household waste and those generated by business activities. Meanwhile, the transportation of waste at the Ciniru Final Processing Site (TPA) is hampered by an unbalanced fleet, the waste is still dominated by plastic which is very difficult to decompose. It takes a long time to break down hundreds of tons of plastic waste. Of the 400 tonnes of waste, only about 70 tonnes can be managed by the

² Akhmaddhian, S., Sunarsah, N., & Dialog, B. L. (2020, May 20). *Regional Government Policy in Environmental-Based Waste Management*. [International Conference on Law, Economics and Health] (ICLEH 2020). pp. 261-266. Atlantis Press <https://doi.org/10.2991/aebmr.k.200513.053>

³ Agustina, E. (2019). The Role of Community Empowerment Carried out by Village Government in the Regional Autonomy Era. *UNIFIKASI: Jurnal Ilmu Hukum*, 6(1), pp. 34-39. <https://doi.org/10.25134/unifikasi.v6i1.1483>

⁴ *Ibid*

⁵ Iskandar, O., & Kurniawan, R. (2019). Pengelolaan Sampah Berwawasan Lingkungan Di Kelurahan Harapan Baru, Kecamatan Bekasi Utara, Kota Bekasi. *UNES Journal of Community Service*, 4(1), pp. 16-22.

⁶ Hajkowicz, S. A., Cook, H., & Littleboy, A. (2012). Our Future World: Global megatrends that will change the way we live. The 2012 Revision. *Canberra: CSIRO*. <https://core.ac.uk/download/pdf/30678436.pdf>

⁷ *Ibid*

⁸ Akhmaddhian, S., Hartiwingsih, H., Handayani, I. G., Yuhandra, E., Rahmat, D., & Syafrudin, O. (2018, July 2-4). *The Government Policy on the Conservation of Natural Resources and Ecosystems in Kuningan, Indonesia*. [In IOP Conference Series: Earth and Environmental Science] 311(1), 012048. pp. 1-6. IOP Publishing. <https://doi.org/10.1088/1755-1315/311/1/012048>

Environment Agency, the remaining 330 tonnes of waste in Kuningan is not decomposed. This problem is something that must be addressed by local governments.⁹

Ciamis Regency is one of the districts that is prioritized as a center for the development of waste processing. The waste processing program in several regions in Indonesia, including in Ciamis Regency, is based on the high production of community waste in various groups, both industrial waste, and household domestic waste. Waste processing in Ciamis Regency is very necessary considering the limited infrastructure and waste processing facilities in the surrounding area that are unable to contain existing waste processing. Data from the Cleanliness and City Planning Office of Ciamis Regency in 2016 shows that there is a lack of waste processing facilities and the lack of knowledge of residents about sorting waste (organic and inorganic)¹⁰.

METHOD

The research specification used is descriptive-analytical research with an empirical juridical approach. The stages in this research are field research and library research. In empirical legal research, the data used are primary data¹¹. data collection instruments using interview guidelines and document study. Data analysis using descriptive analysis method. Primary data collection was carried out by conducting interview sessions with communities around Kuningan and Ciamis, with related agencies, and with several stakeholders. In addition, observations were also carried out directly to the surrounding community. Meanwhile, secondary data was obtained by conducting literature studies on the collection of related primary and secondary legal materials. Here, the main legal ingredients are the 1945 Constitution of the Republic of Indonesia, Law Number 18 of 2008 on Waste Management, and other related regulations¹². Meanwhile, secondary legal materials in the form of books, magazines, scientific papers, and articles as well as opinions from experts related to government policies in the field of waste management and conservation of natural resources and ecosystems. Then the data analysis uses descriptive analysis methods.

ANALYSIS AND DISCUSSION

Implementation of Local Government Policies in Waste Management Based on Ecological Justice Values in Ciamis Regency as one of the districts in West Java Province, located in the north bordering Majalengka and Kuningan Regencies. In the west, it is bordered by

⁹ Suwari Akhmaddhian. (2020 May 20). *Loc.Cit*

¹⁰ Mujiono, M. A., Rahmawati, A. Y., Azhari, D. N., Fitria, N. F. N., Indria, R. R., & Witarsa, R. (2019). Iptek Bagi Masyarakat Dalam Mengembangkan Kawasan Sadar Lingkungan Di Desa Sindangmukti Yang Mengalami Kendala Sarana Pengolahan Sampah. *Abdimas Siliwangi*, 1(1), pp. 9-16. <http://dx.doi.org/10.22460/as.v1i1p9-16.35>

¹¹ Puspita, L. (2019). Law Enforcement Model In Community-Based Waste Monitoring And Management As A Realization Of Good Environmental Governance Principles In West Sumatera, Indonesia. *UNIFIKASI: Jurnal Ilmu Hukum*, 6(1), pp. 1-6. <https://doi.org/10.25134/unifikasi.v6i1.1629>

¹² Akhmaddhian, S. (2016). Penegakan Hukum Lingkungan dan Pengaruhnya Terhadap Pertumbuhan Ekonomi di Indonesia (Studi Kebakaran Hutan Tahun 2015). *UNIFIKASI: Jurnal Ilmu Hukum*, 3(1). pp. 1-35. <https://doi.org/10.25134/unifikasi.v3i1.404>

Tasikmalaya Regency and Tasikmalaya City, in the east by Banjar City and Central Java Province, and in the south with Pangandaran Regency. Based on its geographical location, Ciamis Regency is in a strategic position that is traversed by the National road across West Java Province - Central Java Province and the provincial road crossing Ciamis - Cirebon - Central Java.

The Administrative Region of the Ciamis Regency Government in 2018 is divided into 27 Districts, 257 Villages, 7 Kelurahan, 1,225 Hamlets, 8,747 Rukun Warga (RW), and 2,825 Rukun Tetangga (RT). In Ciamis Regency, the highest number of villages is in Panawangan District with 18 villages and the smallest number of villages are in Cimaragas, Ciamis, and Sukamantri Districts, each with 5 villages. The number of Rukun Tetangga (RT) in Rancah Subdistrict was in the first rank of 194 RT. The number of civil servants in the Regional Government of Ciamis Regency was 10,676 people in 2018. Population projections are intended as information for future policy making to obtain population information by assuming the coming year. The population projection of Ciamis Regency from 2010 to 2019 is as follows, in 2010 the population of Ciamis Regency was 1,135,700 people, the projection results for 2019 were 1,195,200 people.¹³

The success of the Ciamis Regency Government in dealing with waste problems has become a reference material for other districts or cities in West Java, one of which is Kuningan Regency. The Kuningan Regency Government has even conducted a comparative study to Ciamis regarding its waste management. Even though Ciamis Regency is used as a location for a comparative study, it does not mean that it is free from waste problems. In fact, the waste production is large enough to be estimated at 560 tons per day. Most of the largest waste production comes from household waste. Ciamis Regency has 2 Final Processing Sites (TPA), among them:

- a. The Handapherang Final Processing Site, Cijeungjing District, which has a total area of 9 hectares, which has only been used for garbage disposal and other facilities, is only about 3 hectares. However, in 2018 the handapherang landfill was officially closed completely, this closure was the impact of the leuwikeris dam construction project, because the location of the TPA Handapherang is not far from the Citanduy river. The Sindangrasa TPA is too far to reach 40 kilometers from Ciamis City, another obstacle is the limited fleet.
- b. Sindangrasa Final Processing Site, Banjarnyar District was founded in 2017, has an area of 3.40 hectares. The amount of waste that can be managed is 34 tons per day, for the operating system used at the Sindangrasa TPA is a sanitary landfill, the Sindangrasa TPA has quite complete supporting facilities, including monitoring wells and leachate. The development of organic waste management technology is managed in collaboration with the Rumpaka Alam Farmer Group with the development of organic rice.

¹³ Satria, A. P. (2020). Environmental Quality Protection in the Period of Industrialization to Realize Environmental-Based Industry. *UNIFIKASI: Jurnal Ilmu Hukum*, 6(2), pp. 156-163. <https://doi.org/10.25134/unifikasi.v6i2.1962>

Ciamis Regency has a 2020 vision towards zero waste Ciamis. To be able to realize this vision, the Government of Ciamis Regency, especially the Public Housing, Settlement Areas and Environment Services in waste management develops the following programs:

- a. Sorting waste from home, this program is running well because most of the people of Ciamis Regency have implemented waste sorting from their homes before throwing it away, this can be seen from the absence of garbage scattered around the Ciamis City area, housing, offices, shops, and other public facilities.
- b. The Waste Bank, for non-organic waste from households is also collected and deposited into the Garbage Bank so that it becomes additional income for the community and will later be managed with the 3R principle so that it can be of economic value. The number of waste banks in Ciamis Regency is 120 and there is an addition of 1 main waste bank which was just inaugurated in June 2020, this Ciamis waste bank is located on Jalan Mr. Iwa Somantri, Ciamis Village, Ciamis District.
- c. Cultivating using the Black Soldier Fly (BSF) or Maggot, Maggot BSF (Black Soldier Fly) is a larva or commonly called a maggot from a large black fly type that looks like a wasp. Maggot BSF is a form of the first cycle (larvae) of black flies which later metamorphose into adult flies. Breeders of birds, chickens, fish, and catfish usually feed their livestock with pellets, but maggots have a high protein content which can be used as an alternative to animal feed. This maggot cultivation also uses organic waste media which can reduce the supply of organic waste which has sometimes become an environmental problem. The Public Housing Service of the Residential Area and the Environment of Ciamis Regency continues to aggressively socialize to the community about maggot cultivation because this is one way to deal with organic waste by turning it into animal feed, even several fish farmers in the Pawindan, Panumbangan, and Banjaranyar areas have started. running maggot cultivation, for the cultivation method it is quite easy, namely storing maggot egg seeds in a small pond filled with rotten organic waste, then leave it for 18 days, the maggot is ready to be harvested, if you want to cultivate it, let the maggot become a cocoon then turn into an adult fly.
- d. Alms for garbage, officers from the Community Housing Service for Residential Areas and the Environment of Ciamis Regency have provided alms baskets for garbage in several public facilities, the community will put inorganic waste such as used drink bottles, plastic cups, and so on into the alms baskets, then the officers will take the baskets. to a waste bank to be converted into money, then it will be deposited to the Amil Zakat Agency of Ciamis Regency. This program can help reduce waste because people can donate garbage while doing charity so that the surrounding environment looks clean and beautiful.

Conceptually, the essence of law enforcement lies in the activity of harmonizing the relationship of values outlined in the principles and attitudes of action as a series of defining the

final stages of value to create and maintain social peace. Based on the theory of law enforcement the factors that influence law enforcement in Kuningan District and Ciamis Regency are based on the results of field research analysis, as follows:¹⁴

- a. Legal factors, that in the regulation of legislation in Indonesia related to waste management, namely Law Number 18 of 2008 concerning Waste Management and various other supporting regulations including Kuningan Regency Regional Regulation Number 4 of 2010 concerning Waste Management and Ciamis Regency Regional Regulation Number 2 of 2018 concerning Waste Management, has maximally regulated starting from the scope of waste management, principles and objectives, duties and authorities, rights and obligations, implementation of waste management, incentives and disincentives, cooperation and partnerships, waste services, licensing provisions, community participation, guidance, supervision and control, prohibition provisions, and various other provisions relating to waste management;
- b. Law Enforcement, namely civil servant investigators, police, judges, prosecutors, and civil service police units. The Kuningan Regency Government, in this case, the Environmental Service, has not been evenly distributed in socializing rural and urban communities, both regarding Regional Regulations and regarding waste management. The Kuningan Regency Government is trying to offer a community-based waste management concept that applies the 3R principle (Recycle, Reuse and Reduce) through the Kuningan activity of forming a waste bank group to several villages or sub-districts in Kuningan Regency but it has not been evenly distributed, followed by the commitment of the Kuningan Regency Government in terms of funding the initial activities for the procurement of equipment and supplies. The socialization process before carrying out waste management activities includes the process of conveying ideas/ideas from the government to the community, represented by RT / RW administrators, environmental cadres, PKK administrators, community leaders, and religious leaders. Furthermore, socialization to community members is carried out through various forms of activities, for example, delivered in routine PKK meetings, dasawisma meetings, recitation of women, as well as incidental meetings between residents and RT / RW administrators specifically discussing technical socialization of waste management. meanwhile, the Ciamis Regency Government, in this case, the Public Housing, Settlement Areas, and Environment Services, has done its best and continues to make improvements in the waste management sector. Efforts have been made to continue socialization so that people are getting used to sorting waste from their homes or participating in waste management through waste management programs;
- c. Factors of facilities to support waste management, both in Kuningan District and Ciamis Regency, the infrastructure for waste management is insufficient, especially on the budget.

¹⁴ Soekanto, S. (2008). *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Jakarta: PT. Raja Grafindo Persada.

However, the main problem is the Final Processing Site in Ciniru, Kuningan Regency still uses the open dumping operating system, the operating system is not permitted in Indonesia based on Article 44 of Law Number 18 Year 2008 concerning Waste Management, while the Final Processing Site (TPA). Sindangrasa Ciamis Regency already uses the Sanitary Landfill operating system.

- d. Community factor, the success of regulation depends on the community. In Kuningan District, public awareness to care for the environment and manage waste is still lacking, this can be seen in the condition that the waste disposed of by the community which is collected in TPS and TPA is still mixed, so that the waste originating from the community is mixed on the way to the TPA. mixed. Meanwhile, most people in Ciamis Regency have adopted the habit of sorting waste from their homes and are actively participating with the government in waste management.
- e. Cultural factors, community culture can be seen when 3R trash bins have been provided, but many people still litter. Community participation in preserving the environment is a form of responsibility as a good citizen and a form of gratitude as a living being in harmony with nature.¹⁵ The attitude of loving the environment is a manifestation of an attitude that is following the foundation of the Indonesian state ideology, namely Pancasila.¹⁶

Based on the analysis above, there is a need for assertiveness and policies from both the regional and the central level regarding law enforcement because the paradigm of society still underestimates the problem of waste and the regulations that govern it. The public mindset thinks that they will not be punished just because of the waste problem. The weakness of the five law enforcement factors lies in the ineffective role of law enforcers in implementing existing regulations due to the lack of socialization regarding regulations regarding waste management. If the socialization of regulations and waste management can run effectively, of course, the community's paradigm will change because they feel bound by the regulations and will be afraid to make mistakes, especially in terms of waste disposal and waste management.¹⁷ The next weakness is that there are still minimal facilities and infrastructure due to budget constraints. This results in obstruction of the waste management process. In addition to the role of the community in creating a good and healthy living environment, facilities and infrastructure to support waste management must be prioritized. In short, facilities and infrastructure are weapons in fighting waste.¹⁸ The Lack of public awareness about protecting the environment is still an obstacle in law

¹⁵ Akhmaddhian, S., & Hartwiningsih, H. (2018). *Loc.Cit*

¹⁶ Junaedi, J. (2019). The Axiology of Pancasila in the Reconstruction of Legal Culture in Indonesia. *UNIFIKASI: Jurnal Ilmu Hukum*, 6(1), pp. 7-13. <https://doi.org/10.25134/unifikasi.v6i1.1815>

¹⁷ Bui, T. D., Tsai, F. M., Tseng, M. L., Wu, K. J., & Chiu, A. S. (2020). Effective municipal solid waste management capability under uncertainty in Vietnam: utilizing economic efficiency and technology to foster social mobilization and environmental integrity. *Journal of Cleaner Production*, 259, 120981. <https://doi.org/10.1016/j.jclepro.2020.120981>

¹⁸ Scotford, E. (2013). Separate Waste Stream Collection and 'Best Environmental Outcomes'. *Environmental Law Review*, 15(4), pp. 293-300. p.299. <https://doi.org/10.1350/enlr.2013.15.4.196>

enforcement. Improvements need to be made to regulatory factors, infrastructure, and community culture.

Environmental justice as social justice is functionally and empirically related to sustainable development¹⁹. Sustainable development is a development that meets the needs of the present generation without reducing the ability of future generations to meet their needs. Good environmental management aims to keep the environment sustainable. Whereas with innovation-based waste management such as waste sorting, waste banks, maggot celebration and garbage charity, it is an innovation that aims to transform waste from a burden into a source of income and a new economic source so that if waste management is carried out properly in addition to a sustainable environment, it can also improve the welfare of the community.

CONCLUSION

The regulation of waste management in Indonesia, namely the Law of the Republic of Indonesia Number 18 of 2008 concerning Waste Management, is implemented in Kuningan district through Regional Regulation Number 4 of 2010 concerning Waste Management and the Regional Environmental Service. while in Ciamis Regency it is carried out by the Public Housing Service for Settlement Areas and the Environment through Ciamis Regency Regional Regulation Number 18 of 2008 concerning Solid Waste Management. The implementation of local government policies and the development of organic waste management technology is managed in collaboration between the Rumpaka Alam Farmer Group and the development of organic rice. In addition, there are other programs such as waste sorting, waste banks, maggot, and waste alms. Waste management in Kuningan District and Ciamis Regency as comparison districts does indeed show many shortcomings, especially in the factors of supporting facilities and infrastructure for waste management. Including the lack of public awareness regarding waste handling. Innovation-based waste management such as waste sorting, waste banks, maggot celebration, and garbage alms are innovations that aim to change waste from burdens into a source of income and a new economic source so that if waste management is carried out properly in addition to a sustainable environment it can also improve the welfare of the community. As a recommendation, waste management currently does not involve the Village Government optimally, especially in relation to the institutionalization of Village-Owned Enterprises and funding for waste management, so it is necessary to improve regulations regarding the role of the Village Government in funding sourced from the Village Revenue and Expenditure Budget. Thus, waste management can be sourced from various budget sources as well as providing education to the wider community related to increasing public legal awareness in managing waste.

¹⁹ Purwendah, E. K. (2019). Konsep Keadilan Ekologi dan Keadilan Sosial dalam Sistem Hukum Indonesia Antara Idealisme Dan Realitas. *Jurnal Komunikasi Hukum (JKH)*, 5(2), pp. 139-151. <http://dx.doi.org/10.23887/jkh.v5i2.18425>

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