

# ANALYSIS OF THE IMPLEMENTATION OF ARTICLE 41 PARAGRAPH (3) BANDAR LAMPUNG CITY REGIONAL REGULATION NUMBER 1 OF 2020

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## Abstract

*Waste disposal in Bandar Lampung still uses the Open Dumping system in a predetermined location, in this case the Final Disposal Site (TPA) which is simply dumped without taking any action which results in garbage piling up and causing landslides. Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 is still considered unable to overcome problems regarding waste. Problems: Implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in Bandar Lampung City and Obstacles to the Implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in Bandar Lampung City. Research Methods: Normative and empirical juridical approaches, using secondary and primary data, obtained from literature studies and field studies by means of observation and interviews. Research results: The implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 has been implemented but not maximized because there are still several obstacles. There are 4 (four) factors inhibiting the implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020, namely limited funds, lack of public awareness, limited facilities and infrastructure, and lack of human resources (HR).*

**Keywords:** *Implementation, Dumping, Bakung Landfill Waste, Environment Agency, Bandar Lampung City.*

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## Abstrak

Pembuangan sampah di Bandar Lampung masih menggunakan sistem *Open Dumping* di lokasi yang telah ditentukan, dalam hal ini Tempat Pembuangan Akhir (TPA) yang dibuang begitu saja tanpa melakukan tindakan apapun yang mengakibatkan sampah menggunung dan mengakibatkan rawan longsor. Pada Pasal 41 ayat (3) Peraturan Daerah Kota Bandar Lampung Nomor 1 Tahun 2020 dirasa masih belum bisa mengatasi permasalahan mengenai sampah. Permasalahan: Implementasi Pasal 41 ayat (3)

Peraturan Daerah Kota Bandar Lampung Nomor 1 Tahun 2020 tentang Perlindungan dan Pengelolaan Lingkungan Hidup di Kota Bandar Lampung dan Faktor Penghambat Implementasi Pasal 41 ayat (3) Peraturan Daerah Kota Bandar Lampung Nomor 1 Tahun 2020 tentang Perlindungan dan Pengelolaan Lingkungan Hidup di Kota Bandar Lampung. Metode Penelitian: Pendekatan yuridis normatif dan empiris, dengan menggunakan data sekunder dan primer, yang diperoleh dari studi kepustakaan dan studi lapangan dengan cara observasi dan wawancara. Hasil penelitian: Implementasi Pasal 41 ayat (3) Peraturan Daerah Kota Bandar Lampung Nomor 1 Tahun 2020 sudah di Implementasikan tetapi belum maksimal karena masih ditemukan nya beberapa hambatan-hambatan. Faktor penghambat Implementasi Pasal 41 ayat (3) Peraturan Daerah Kota Bandar Lampung Nomor 1 Tahun 2020 terdapat 4 (empat) faktor yaitu keterbatasan dana, kurangnya kesadaran masyarakat, keterbatasan sarana dan prasarana, serta kurangnya sumber daya manusia (SDM).

**Kata Kunci:** *Implementasi, dumping, sampah TPA Bakung, Dinas Lingkungan Hidup, Kota Bandar Lampung.*

## INTRODUCTION

### Background

The Unitary State of the Republic of Indonesia (hereinafter abbreviated as NKRI) is a country consisting of 38 (thirty-eight) provinces where each province has its own region. This has been regulated in Article 18 paragraph (1) of the 1945 Constitution which reads: "The Unitary State of the Republic of Indonesia is divided into provincial areas and the provincial area is divided into districts and cities, each of which has a regional government regulated by law".

The system of government of the Unitary State of the Republic of Indonesia according to the 1945 Constitution gives flexibility to the regions to exercise regional autonomy. The implementation of regional autonomy prioritizes the principles of democracy, community participation, equality and justice while still paying attention to the potential and diversity of the region.

The efficiency and effectiveness of the implementation of local government need to be improved by paying more attention to aspects of the relationship between the structure of government and/or local government, the potential and diversity of regions, opportunities and challenges of global competition by giving the widest possible authority to the regions accompanied by the granting of rights and obligations to carry out regional autonomy in the unity of the state government administration system.(Muhammad Akib, 2012)

In the implementation of government in the regions, Indonesia applies one of the principles, namely the principle of decentralization. The goal of the principle of decentralization is to create efficiency in the administration of the government, expand regional autonomy, and strategies to overcome political instability(Setiawan, 2018)

The process of forming government in a region, the local government makes a regulation known as a regional regulation. Regional regulations are laws and regulations made by the Regional People's Representative Council (DPRD) together with regional heads (Governors/Regents/Mayors), made with the aim of implementing regional autonomy at the Provincial/Regency/City level in the form of auxiliary duties.(Salam, 2015)

The continuity of government in a region requires a regulation that can be used as a reference for the creation of good *governance* which is understood that *good governance* is the implementation of responsible government management in line with the principles of democracy and governance that is clean from corruption, collusion, and nepotism.(Widyawati et al., 2021)

Environmental problems that have been a concern for the public until now are related to waste. In 2019, it has been predicted that Indonesia will produce around 66-67

million tons of waste and all waste obtained is estimated to be around 60% dominated by organic waste and plastic waste reaching 15% of total waste generation.(Dadan Suwandana et al., 2022)

Regarding environmental issues, the Bandar Lampung City Regional Government pays attention, one of which is the establishment of Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management. The formation of this Regional Regulation departs from the existence of principles of environmental protection and management which are based on environmental problems that occur in the region, namely the deterioration of the carrying capacity of the environment. The cause of this environmental problem is the low awareness of some people towards environmental management and control.

Changes in land cover in Indonesia are often triggered by large-scale development in urban or district areas. One of the causes is the shift in land functions from vegetation to non-vegetation land (Zaitunah et al., 2021)

One of the environmental problems is about waste. Waste is one of the problems in the environment caused by human activities that until now has not been handled properly, especially in developing countries.

Specifically in Bandar Lampung itself, based on data obtained from one of Lampung's online news, namely [Tribunbandarlampung.com](http://Tribunbandarlampung.com), the Head of the Bandar Lampung City Government's Environmental Service, Budiman P Mega said that 800 tons of waste that are dumped every day into the Bakung Bandar Lampung Final Disposal Site (TPA) have caused an overload with an area of 14 hectares (ha), and the capacity of waste at the Bakung Bandar Lampung Final Disposal Site (TPA) is only three or five years away. Budiman said that the Bandar Lampung City Government saw this condition and

did not remain silent and was coordinating with third parties to manage Bakung waste. (Heribertus Sulis, 2023)

Final Waste Disposal Sites (TPA) throughout Indonesia, especially in Bandar Lampung, still do not meet *sanitary landfill* standards or waste management systems by disposing of waste in sunken locations, obtaining and then stockpiling it with soil. Bandar Lampung itself still uses *Open Dumping* or is simply thrown away at the Final Waste Disposal Site so that the waste mounts and can cause landslides.

The following is an example of an overview of the condition of waste in Bandar Lampung City:



Figure 1. Waste Conditions in Bandar Lampung City  
Data taken from: *lampung.tribunnews.com*

### Theoretical Studies

Legal problems that occur in the field of environmental law, especially regarding waste, need law enforcement that must be implemented. So, to analyze the problems formulated by the researcher regarding the Implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation No. 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung, the researcher will use the Legal System theory from Lawrence Meir Friedman.

According to Lawrence Meir Friedman's theory, law enforcement can run based on the following 3 (three) parts:

1. The Structure *of Law* is the rules, norms, and patterns of human behavior that exist in the system. The substance of the law concerns the applicable laws and regulations, has binding force, and is a guideline for law enforcement officials. The legal substance in this case that is discussed in this thesis is the Bandar Lampung City Regional Regulation No. 1 of 2020 concerning Environmental Protection and Management.
2. Structure *of Law* is a form of how the rule of law can be implemented in accordance with the provisions. The legal structure in this case that is discussed in this thesis is the Bandar Lampung City Environmental Agency.
3. Legal Culture is a human attitude (legal culture of law enforcement officials) towards the law and legal system. Legal culture looks at whether the structuring of the legal structure to carry out the legal rules set by the substance of the law can be applied properly and run effectively or not. In this thesis, the legal culture in question is to see how the legal structure, namely the Bandar Lampung City Environmental Agency in carrying out the legal rules stipulated by the legal substance, namely the Bandar Lampung City Regional Regulation No. 1 of 2020 concerning Environmental Protection and Management can be applied properly or not.

In addition to using the theory of Lawrence Meir Friedman, the author also uses public policy theory to see how the inhibiting factors can be present in the problems raised in this thesis, namely using the theory of Thomas R. Dye.

The public policy theory put forward by Thomas R. Dye in "*Understanding Public Policy*" states that *public policy* is whatever government chooses to do or not to do. In other words, the content *of public policy* is not only about what the government does, but

also what the government does not do, including managing conflicts. Strictly speaking, *public policy* is a series of actions and implemented or not implemented by the government that aims or is oriented towards certain goals for the benefit of the entire society. (Awan Y. Abdoellah & Yudi Rusfiana, 2016)

## RESEARCH METHODS

The research methods used are normative juridical and normative juridistic. The existing data is in the form of secondary data such as electronic media, literature, research results in the field and so on. Meanwhile, the type of data can be divided into three parts, namely primary, secondary, and tertiary data. Primary data is obtained through laws and regulations that are appropriate and relevant to the research. Secondary data is obtained through library *research* such as books, journals, research results. Tertiary data is obtained from Indonesian dictionaries, English Dictionaries, and Legal Dictionaries. (Ali, 2013)

## RESULTS AND DISCUSSION

### 1. Analysis of Article 41 paragraph (3) of Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung

Article 41 paragraph (3) reads: "dumping is only carried out at a predetermined location". In the Bandar Lampung City area itself, the existing Final Disposal Site (TPA) is the Bakung Landfill. However, the system that is still used at the Bakung Landfill still uses *the Open Dumping* system in managing its waste. *Open dumping* is a management system with the accumulation of waste to the mountains that are left unhandled and closed without soil. *Open dumping* is no longer recommended because of its condition that no longer meets the technical requirements of a waste landfill. The dangers posed by *open*



*dumping* waste management can threaten air quality which has an impact on environmental health.

The Bakung Waste Final Disposal Site (TPA) is the only landfill in Bandar Lampung City which was established in 1994. The Bakung Landfill is located on Jalan Tulung Buyut, West Telukbetung District, Bandar Lampung City. The area of land used as a garbage disposal location is 14 hectares (read as hectares of area), where the land is a type of land in the form of approximately 30% flat and the remaining 70% in the form of a valley flanked by two hills and sloping towards the south.

With this land area, currently the land used is around 90% with the volume of waste continuing to increase until it is estimated that the amount of waste entering the Bakung Landfill reaches up to 800 tons/day.



Figure 2. Condition of the Bakung Landfill

According to *the World Health Organization* (WHO), waste itself is something that is not used, not used, disliked or something that is thrown away that comes from human activities and does not occur by itself.(World Health Organization, 2022)



To find out the Implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung using the Legal System Theory from Lawrence Meir Friedman. Based on the Legal System Theory, law enforcement can run based on the following 3 (three) parts:

1. Legal Substance (*Structure of Law*) where the laws and regulations used in this matter are Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management.
2. The Legal Structure (*Substance of Law*) where the implementers of the Implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management are the Head of the Waste Management Division of the Bandar Lampung City Environmental Office, the Head of the Bakung Landfill UPT, and environmental cleanliness officers from the Bakung Landfill.
3. Legal Culture where the legal structure has not been able to carry out the substance properly and the lack of sanctions given, thus creating a culture of community behavior that always throws waste out of place and causes problems regarding this waste to continue to recur without any solution.

**2. Factors Inhibiting the Implementation of Article 41 paragraph (3) of Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung**

There are 4 (four) inhibiting factors for the implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020, namely limited funds, lack of human resources (Human Resources), limited facilities and infrastructure, and lack of public awareness in complying with legal regulations.

a. Funding Limitations

Maximum service certainly requires a supporting amount of funds. Limited funds can cause obstacles in providing public services. Until now, the budget owned by the Bandar Lampung City Environment Agency is sufficient to meet work targets in an effort to create a clean and waste-free environment.

b. Lack of Human Resources

The number of cleaners who apply as human resources who work for the fulfillment of waste services in Bandar Lampung City is considered insufficient to have an optimal value. The lack of human labor in carrying out cleaning services is one of the factors that affect the optimization of regular waste.

c. Limited Facilities and Infrastructure

The limitation of transportation facilities that are not enough such as cars to transport waste, as well as market limitations such as the final landfill which is still considered insufficient to accommodate all existing waste are one of the factors that can affect the optimization of waste.

d. Lack of public awareness in obeying legal regulations

The lack of public awareness in complying with legal regulations is an inhibiting factor for the Bandar Lampung City Environmental Agency to carry out its duties and functions, such as applying Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 because there are still many people who throw garbage carelessly, such as on the side of the road and water streams.

To find out the Inhibiting Factors of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung, use Public Policy Theory from Thomas R.

Dye. Public policy theory states that *public policy* is whatever *government chooses to do or not to do*.

Based on Public Policy Theory by Thomas R. Dye, the more dominant inhibiting factors are limited funds and limited facilities and infrastructure. *The to do* is to collect garbage, dispose of garbage at the Bakung Landfill, and carry out the waste sorting process. *The not to do* is that the land in the Bakung Landfill is *overloaded* and the area of land in the Bakung Landfill has been increased.

## CONCLUSION

The implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung has been implemented but has not been maximized because various obstacles are still found, this is in accordance with the Lawrence M. Freidman Legal System Theory.

There are 4 (four) factors inhibiting the implementation of Article 41 paragraph (3) of the Bandar Lampung City Regional Regulation Number 1 of 2020 concerning Environmental Protection and Management in the City of Bandar Lampung, namely limited funds, lack of human resources (Human Resources), limited facilities and infrastructure, and lack of public awareness in complying with legal regulations. The more dominant inhibiting factors are limited funds and limited facilities and infrastructure. *The to do* is to collect garbage, dispose of garbage at the Bakung Landfill, and carry out the waste sorting process. *The not to do* is that the land in the Bakung Landfill is *overloaded* and the area of land in the Bakung Landfill has been increased. This is in accordance with Public Policy Theory by Thomas R. Dye.

Suggestions addressed to the Bandar Lampung City Environment Agency in order to improve its main duties and functions as implementers and government responsible in the environmental sector to find the best solution related to the plan to increase the land area for the Bakung Landfill and provide counsel to the community to understand the existing and applicable rules so that the problem of waste in Bandar Lampung City can be overcome.

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