



The Legal Purpose in Implementing Article 48 of Banyuasin Regional Regulation No. 4 of 2016 on Waste Management

Article	Abstract
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INTRODUCTION

Waste has long been a major environmental problem that requires special attention from the government (Salvia et al., 2021). Improper waste management contributes to pollution, flooding, and public health degradation (Abubakar et al., 2022). In response, the Banyuasin Regency Government enacted Regional Regulation No. 22 of 2012 in conjunction with Regional Regulation No. 4 of 2016 concerning Waste Management, hereinafter referred to as "Regional Regulation No. 22/2012 Jo. No. 4/2016." The regulation aims to create a clean, beautiful, comfortable, and healthy environment for the community. However, after twelve years of its implementation, large amounts of waste are still found in public areas such as markets, green open spaces (RTH), and along roads and riverbanks, indicating a gap between regulatory intent and practical realization.

Waste management ideally encompasses the entire process from waste generation to final disposal (Yazdani & Lakzian, 2023). Ineffective and non-comprehensive management results in negative impacts on environmental quality and public

health (Bayat et al., 2023). The paradigm shift from the traditional “collect-transport-dispose” system to the modern “3R” approach reduce, reuse, and recycle is crucial to transforming waste from a nuisance into a valuable resource (Hidayatullah & Fadhliana, 2023). However, this transformation requires a change in community mindset regarding waste as an economic resource rather than a worthless by-product (Keßler et al., 2021).

The implementation of waste management policies in Banyuasin involves multiple local institutions (Aarikka-Stenroos et al., 2023), including the Environmental Agency (DLH) and the Civil Service Police Unit (Satpol PP), as the key actors responsible for enforcing Regional Regulation No. 22/2012 Jo. No. 4/2016. Despite these institutional frameworks, challenges remain in coordination, law enforcement, and public participation (Akerboom & Craig, 2022). This condition reflects what Lawrence M. Friedman (1975) calls the three interrelated components of a legal system: *structure, substance, and legal culture* (Arifin et al., 2023). The balance among these three elements determines the effectiveness of law implementation in society (Adygezalova et al., 2022).

From a public policy perspective, Thomas R. Dye defines policy as “whatever governments choose to do or not to do.” (S Endang Prasetyawati et al., 2022) This definition underscores that the effectiveness of policy implementation is not merely determined by regulatory design but also by political will and administrative commitment (Peters et al., 2022). In the context of Banyuasin Regency, the government’s choice to act or not to act in fulfilling the mandates of waste management regulation significantly affects its success or failure.

Several previous studies have addressed waste management in Banyuasin, yet most have only focused on specific articles of the regulation or evaluated its effectiveness in narrow administrative scopes. There remains a lack of comprehensive legal research that analyzes the implementation of all crucial provisions in Regional Regulation No. 22/2012 Jo. No. 4/2016 as a unified legal and policy framework. Therefore, this study aims to fill that gap by providing an integrated analysis based on the *Legal System Theory* and *Public Policy Theory* to identify the main inhibiting factors and propose practical recommendations for improvement.

Based on the description above, the legal issue in this research is formulated as follows: How is the implementation of Regional Regulation No. 22 of 2012 Jo. Regional Regulation No. 4 of 2016 concerning Waste Management by the Banyuasin Regency Government, and what are the inhibiting factors affecting its effectiveness?

RESEARCH METHODS

This study employs a combination of normative and empirical juridical methods to comprehensively analyze the implementation of Regional Regulation No. 22 of 2012 in conjunction with Regional Regulation No. 4 of 2016 concerning Waste Management in Banyuasin Regency. The normative juridical approach is used to examine legal norms, principles, and statutory provisions related to regional waste management, while the empirical juridical approach is applied to assess the factual implementation of the regulation in the field. The research location is centered in Banyuasin Regency, South Sumatra Province, with the main informants consisting of officials from the Environmental Agency (DLH), the Civil Service Police Unit (Satpol PP), and related regional apparatuses, while the respondents include community members from several

sub-districts representing various levels of public participation. The data used in this study consist of primary data obtained through field observations, interviews, and documentation, and secondary data obtained from statutory regulations, official reports, books, and scientific journals (Cheong et al., 2023). Data were collected using observation, interviews, and documentation techniques, then analyzed qualitatively through an interactive analysis model consisting of data reduction, data display, and conclusion drawing to produce analytical and systematic findings on the effectiveness of the legal and policy framework of waste management in Banyuasin Regency.

RESULTS AND DISCUSSION

1. Implementation of Regional Regulation No. 22 of 2012 Jo. Regional Regulation No. 4 of 2016 on Waste Management Based on Lawrence M. Friedman's Legal System Theory

Based on field observations, after twelve years of enforcement, Regional Regulation No. 22 of 2012 Jo. Regional Regulation No. 4 of 2016 concerning Waste Management in Banyuasin Regency has not been optimally implemented. The Satpol PP (Civil Service Police Unit) has never carried out enforcement actions, so the regulation does not provide any significant contribution to regional revenue (PAD) through fines or other sanction-based income. This weak enforcement indicates that the regulation functions more as a formal policy instrument than as an effective tool to shape community behavior and institutional performance in waste management.

In addition to enforcement weaknesses, there are serious technical problems at the Terlangu Final Waste Disposal Site (TPA) in Banyuasin III District, which still applies the open dumping method. This practice clearly demonstrates ineffective and environmentally unsound waste management. The continued use of open dumping contradicts the policy direction of the Ministry of Environment and Forestry (KLHK), which has prohibited open dumping and mandated a transition to controlled landfill or sanitary landfill systems. Such non-compliance also undermines Indonesia's broader environmental commitments under the 2015 Paris Agreement, particularly in relation to emission reduction and sustainable waste governance.

Another critical issue concerns the limited budget allocation for waste management. The Banyuasin Regency Environmental Agency's Strategic Plan (Renstra) for 2024–2026 stipulates only IDR 6,923,966,447 for waste management programs, out of a total regional expenditure of IDR 2,790,543,984,318 as stated in Regional Regulation No. 10 of 2023 on the Regional Budget. This relatively small proportion reflects the low fiscal priority given to waste management. As a result, the scope and quality of operational activities, such as collection, transportation, processing, and final disposal, are severely constrained.

The insufficiency of financial resources has direct implications for the condition of the physical environment in Banyuasin Regency. Limited funding contributes to inadequate infrastructure, insufficient personnel, and suboptimal supervision, all of which correlate with the proliferation of illegal dumping sites along public roads and in open spaces. These conditions not only degrade environmental quality and aesthetics but also pose risks to public health and potentially reduce community trust in local government performance. In the long run, such externalities may generate higher social and economic costs than the savings achieved by keeping waste management budgets low.

In accordance with Friedman's Legal System Theory (1975), the effectiveness of law enforcement is determined by three interrelated components: legal structure, legal substance, and legal culture. The problems identified in Banyuasin Regency reflect weaknesses across these three dimensions. Structurally, the relevant institutions, including Satpol PP and the Environmental Agency, have not functioned optimally in enforcing and implementing the regulations. In terms of substance, the existing regulatory framework has not been supported by adequate budgetary and technical provisions to ensure effective and environmentally sound waste management. From the perspective of legal culture, low public compliance and the persistence of illegal dumping indicate that environmental norms have not been internalized by the community. Together, these factors explain why the waste management regulations in Banyuasin Regency have not yet produced the expected outcomes.

1.1. Law Structure

The legal structure of waste management in Banyuasin Regency involves several key institutions, namely the Environmental Agency (DLH), the Civil Service Police Unit (Satpol PP), and the Indonesian National Police (Polri). The DLH holds primary responsibility for operational waste management, led by the Head of DLH and supported by the Secretary and the Head of the Waste Management Division. At the technical level, implementation is carried out through six Waste Management Technical Implementation Units (UPTDs) located in Banyuasin III, Sembawa, Betung, Talang Kelapa, Rambutan, and Banyuasin I sub-districts. This institutional design is intended to ensure that waste management services are administered in a decentralized and context-sensitive manner.

However, despite this formally adequate organizational structure, the effectiveness of waste management remains suboptimal. Ineffective coordination among DLH, Satpol PP, and Polri, as well as unclear division of roles in supervision and enforcement, has undermined the implementation of regional waste management regulations. Satpol PP's limited enforcement actions and the lack of routine joint operations with other agencies have weakened deterrent effects against violations, such as illegal dumping. Consequently, the existing legal structure has not been fully translated into consistent, disciplined, and responsive waste management practices at the community level.

1.2. Law Substance

Regional Regulation No. 22 of 2012 Jo. No. 4 of 2016 provides a relatively comprehensive regulatory framework, encompassing preventive measures, waste handling procedures, and sanction mechanisms. Article 48 explicitly stipulates criminal sanctions and fines for individuals or entities that violate waste management norms, thereby positioning the regulation as a substantive legal instrument to deter environmentally harmful practices. In normative terms, the substance of the regulation is adequate to support effective and accountable waste governance at the regional level.

However, the absence of actual enforcement renders this regulatory framework ineffective or "toothless." Field observations and interviews indicate that various violations such as illegal dumping, open burning, and improper waste disposal remain unchecked and unpunished, demonstrating a systematic lack of procedural follow-up by the competent authorities. This enforcement gap not only undermines the credibility and authority of the regulation but also signals to the public that non-compliance carries minimal or no consequences. As a result, the potential deterrent effect of the criminal sanctions and fines stipulated in Article 48 is not realized in practice, and the substantive

strength of the regulation fails to translate into tangible improvements in environmental behavior and outcomes.

1.3. Legal Culture

Public legal awareness regarding waste management regulations in Banyuasin Regency remains considerably low. Most residents exhibit apathy toward proper waste handling and do not perceive activities such as waste separation, recycling, or responsible disposal as part of their individual obligations. Waste is often viewed as solely the government's responsibility, which limits community participation in implementing environmentally sound practices. This attitude indicates a significant gap between the normative framework established by the regional regulations and the everyday behavior of the community, thereby undermining efforts to achieve sustainable waste governance.

The cultural value of *gotong royong* (mutual cooperation), which traditionally emphasizes collective responsibility and solidarity, has not yet been effectively integrated into modern waste management practices (Siradjuddin, 2023). Instead of being mobilized as a social capital to support community-based waste management initiatives, *gotong royong* remains largely ceremonial or limited to certain communal events (Koopman, 2021). As Friedman (1975) argues, the absence of an internalized legal culture among citizens weakens the overall legal system and diminishes the effectiveness of legal norms ("Future Legal Culture as an Element of the Legal System," 2023). When environmental regulations are not supported by a corresponding legal culture, their implementation becomes largely symbolic, and their capacity to shape sustainable behavior at the grassroots level is significantly reduced. (Alam, 2023)

2. Analysis of Inhibiting Factors in the Implementation of Regional Regulation No. 22 of 2012 Jo. Regional Regulation No. 4 of 2016 Based on Thomas R. Dye's Public Policy Theory

According to Thomas R. Dye, public policy can be defined as "whatever governments choose to do or not to do." (Hakim & Ainita, 2023) Based on this framework, the obstacles to the implementation of waste management policy in Banyuasin Regency can be analyzed through two dimensions: actions taken and actions neglected by the local government.

2.1. Government Actions (Whatever Government Chooses to Do)

The Banyuasin Regency Government has formulated a Regional Strategic Plan (Renstra) for the Environmental Agency for 2024–2026 and issued a Regent Regulation (Peraturan Bupati) on the Local Policy and Strategy for Waste Management (Jakstrada). In addition, it has established six Waste Management Technical Implementation Units (UPTD) tasked with operational waste management across strategically selected districts. These institutional and policy measures indicate a formal commitment to strengthening waste governance and aligning regional practices with national and international environmental agendas.

The effectiveness of these initiatives is significantly constrained by limited facilities and infrastructure. The inadequate number and condition of garbage trucks, excavators, and TPS/TPST 3R (Reduce, Reuse, Recycle) facilities have impeded the smooth operation of collection, transportation, and processing activities. As a result, the institutional commitment embodied in the Renstra, Jakstrada, and UPTD formation has not been fully translated into on-the-ground improvements in service delivery and environmental quality. This gap between policy design and implementation underscores

the need for increased investment and capacity building in waste management infrastructure.

2.2. Government Inaction (Whatever Government Chooses Not to Do)

The Banyuasin Regency Government has not yet maximally operationalized the 3R principles (reduce, reuse, recycle) within its regulatory framework and policy instruments. There are no specific local regulations mandating plastic reduction measures, such as restrictions on single-use plastics, the compulsory use of reusable containers by civil servants, or incentive schemes for industries that adopt recycled materials in their production processes. The absence of these policy instruments indicates that the 3R paradigm remains largely rhetorical rather than embedded in binding normative provisions capable of steering behavioral change among government institutions, businesses, and the general public.

Moreover, the government has failed to issue a complete set of derivative Regent Regulations (Peraturan Bupati) necessary for the technical implementation of the main waste management regulation. Of the eleven derivative regulations mandated, only one concerning the establishment and arrangement of waste management institutions has been issued, while crucial technical regulations governing procedures for waste handling, licensing, incentives, and sanctions remain absent. This regulatory vacuum creates significant ambiguity and weakens the enforceability of existing norms. In line with Dye's conception of a "policy gap," such inaction undermines the spirit and objectives of the primary regulation, resulting in a disjunction between formal policy commitments and practical implementation on the ground.

Overall, the combination of inadequate enforcement, insufficient budget allocation, lack of derivative policies, and low community participation signifies that the waste management policy in Banyuasin remains more *de jure* than *de facto*. Effective implementation requires political will, institutional strengthening, and active citizen participation to align local governance with national environmental commitments and the principles of sustainable development.

CONCLUSION

The implementation of Regional Regulation No. 22 of 2012 Jo. Regional Regulation No. 4 of 2016 on Waste Management in Banyuasin Regency has not been optimal. Based on Lawrence M. Friedman's Legal System Theory, weaknesses are found in all three components: the legal structure, where coordination and enforcement by DLH and Satpol PP remain weak; the legal substance, where several provisions, including sanctions, have not been applied; and the legal culture, where public awareness and participation in proper waste handling are still low. These conditions indicate that the regulation functions more formally than effectively in guiding local waste governance.

According to Thomas R. Dye's Public Policy Theory, the main inhibiting factors arise from government inaction in issuing derivative regulations and inadequate budget allocation. The local government has yet to fully apply the 3R principles and to provide sufficient infrastructure to support sustainable waste management. Strengthening political commitment, improving coordination among agencies, and increasing community participation are therefore essential to ensure that waste management policies in Banyuasin can operate effectively and achieve their intended environmental goals.

It is recommended that the Banyuasin Regency Government strengthen all three components of the legal system and the public policy dimension of waste management in an integrated manner. Structurally, coordination and law enforcement by the Environmental Agency, Satpol PP, and other relevant institutions need to be clarified and intensified. In terms of substance, the issuance of derivative Regent Regulations and the mainstreaming of the 3R principles should be accelerated. In the sphere of legal culture, continuous public education and the reinforcement of *gotong royong* are needed to enhance community awareness and participation. All these efforts must be supported by increased budget allocation and adequate waste management infrastructure so that the regulation becomes not merely formal, but effective and sustainable in practice.

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