



## Legal Protection For The Community Against Wastewater Pollution Of The Production Of Woven Ikat Sarongs Based On Law Number 32 Of 2009

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### Abstract

Regional economic development aims to manage existing resources and to create new jobs and help the regional economy. One way to do this is by opening industrial activities that encourage people to have the skills to produce something that can generate profits, such as the production of woven ikat sarongs. This has a positive impact, namely helping the village economy, but there is also a negative impact, namely environmental pollution. This study aims to find out how the legal protection provided by the government to the community is related to environmental pollution in areas that produce ikat sarongs, and what are the obstacles in providing legal protection. The method used in this research is normative juridical, where the law is conceptualized as what is written in the legislation. Sources of data in this study using secondary data and primary data in assisting the research process. The data collection method in this study uses a literature study, namely by collecting literature such as books, scientific journals, and primary legal materials to support research as well as identification and clarification of legal facts by asking questions to sources according to research needs. Based on the results of research and discussion, people in areas that produce ikat sarongs get a form of protection in the form of the law of making communal Wastewater Treatment (WWTP), but until now they have not received legal protection caused by several inhibiting factors, namely there is no budget for making communal WWTP and lack of vacant land. around North Wanarejan Village

Keywords: Legal Protection, Industry, Pollution

### Abstrak

Pembangunan ekonomi daerah bertujuan untuk mengelola sumber daya yang ada dan untuk menciptakan suatu lapangan kerja baru serta membantu perekonomian di daerah. Salah satu cara yang dilakukan yakni dengan membuka kegiatan industri yang sifatnya memacu masyarakat untuk memiliki keterampilan memproduksi sesuatu yang bisa menghasilkan keuntungan seperti produksi sarung tenun ikat. Penelitian ini bertujuan untuk mengetahui bagaimana perlindungan hukum yang diberikan Pemerintah terhadap masyarakat terkait pencemaran lingkungan di daerah yang memproduksi sarung tenun ikat, dan apa saja hambatan dalam memberikan perlindungan hukum tersebut. Metode yang digunakan dalam penelitian ini adalah yuridis normatif, dimana hukum dikonsepkan sebagai apa yang tertulis dalam peraturan perundang-undangan. Sumber data dalam penelitian ini menggunakan data sekunder dan data primer dalam membantu proses penelitian. Metode pengumpulan data dalam penelitian ini menggunakan studi kepustakaan yakni dengan mengumpulkan literatur seperti buku-buku, jurnal ilmiah, dan bahan hukum primer untuk mendukung penelitian serta identifikasi dan klarifikasi fakta hukum dengan cara mengajukan pertanyaan kepada narasumber sesuai dengan kebutuhan penelitian. Berdasarkan hasil penelitian dan pembahasan, masyarakat di daerah yang memproduksi sarung tenun ikat mendapatkan bentuk perlindungan hukum berupa pembuatan PAL komunal, namun sampai saat ini belum mendapatkan perlindungan hukum yang diakibatkan oleh beberapa faktor penghambat, yakni belum ada anggaran dana untuk pembuatan PAL komunal dan kurangnya lahan kosong di sekitar Desa Wanarejan Utara.

Kata kunci : Perlindungan Hukum, Industri, Pencemaran

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## I. Introduction

Regional economic development is a process of local governments and communities managing existing resources. Such development can create new jobs that stimulate the development of economic growth in the area. One way to do this is by opening up industrial activities that encourage people to have the skills to produce something that can generate

profits for themselves and the industrial economic sector. For regional development goals and efforts to be successful, local governments need to work together and take part in the development.<sup>1</sup>

Pemalang Regency is one of the regencies in Central Java that is developing in carrying out various developments. One of them is industrial development in the textile sector. Industrial development in the textile sector is one of the prioritized industries to be developed because it has a strategic role in the economy, this is because the textile industry absorbs a lot of labor or is often called a labor-intensive industry.<sup>2</sup> The existence of this industry in the village brings advantages for the village because it reduces the unemployment rate and develops the village economy. One of the industries that are currently developing is the ikat sarong industry.

The woven ikat sarong craft industry is one of the businesses being developed by business actors in the textile industry in Indonesia. This woven ikat sarong craft business has developed in the field of production and marketing from year to year.<sup>3</sup> Weaving made with Non-Machine Weaving Equipment is a traditional weaving craft in the form of cloth made with yarn by inserting the weft crosswise on the warp threads. The results of this traditional weaving are very diverse, each region has its uniqueness and decoration. Weaving entrepreneurs not only create beauty, but the motifs on the woven fabrics also give their meaning.<sup>4</sup>

Taman Subdistrict, Pemalang Regency, has many home industries for ikat sarongs spread over several areas, namely Jebed Village has 5 ikat sarong entrepreneurs, Beji Village has 7 ikat sarong entrepreneurs, Kabunan Village has 9 ikat sarong entrepreneurs, and North Wanarejan Village has the largest number is 180 entrepreneurs engaged in the weaving and marketing sector.<sup>5</sup> Based on data from the office of the Head of North Wanarejan Village, Taman District, Pemalang Regency, the production process of ikat sarongs requires a lot of textile dyes and water in each coloring process and each production can reach almost 1 bucket or approximately 10 liters of liquid waste which tends to have a pungent smell. A place of business can produce 10 liters of liquid waste a day which is disposed of around the village of North Wanarejan Village.<sup>6</sup>

Disposal of the waste resulting from the coloring results in environmental pollution around the ikat sarong business premises in North Wanarejan Village. This is because the waste has not been treated properly, that is, it is separated from other hazardous substances and there is also no WWTP in the area. The consequences are damage to sewer water due to being mixed with liquid waste, small rivers around the place of business also become cloudy because the river water has been contaminated with liquid waste from the coloring of woven sarongs and many of the ecosystems in it cannot be seen. live well like the little fish in the river. Many people around the weaving sarong business place feel restless due to environmental pollution from waste disposal, such as the lack of clean air around their homes, and some people are harmed because the water in their homes has an unpleasant odor and the taste of drinking water turns sour, not good. People think that their drinking water has changed, they are afraid that they will be polluted by the liquid waste because many people

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<sup>1</sup> Zulaikha, S, "Pelestarian Lingkungan Hidup Perspektif Hukum Islam dan Undang-undang," *AKADEMIKA Jurnal Pemikiran Islam* 19(2014) : 241-263.

<sup>2</sup> Ahmad Baeti, Adi Nugraha. Perlindungan Hukum terhadap Dunia Industri menurut Perspektif Undang-Undang Ketenagakerjaan. *Jurnal Bisnis dan Manajemen* 8, 2 (2019) : 78.

<sup>3</sup> Lulu, Alamsyah, "Kerajinan Sarung Tenun Goyor dan Pengaruhnya Terhadap Sosial Ekonomi Masyarakat Wanarejan Utara Pemalang". [http://Kerajinansarung.tenun.ikat.desaku\\_wanarejan.selatan.com](http://Kerajinansarung.tenun.ikat.desaku_wanarejan.selatan.com) (accessed 25 November 2020)

<sup>4</sup> Identification and clarification of legal facts One of the Ikat Sarong Entrepreneurs Sholeh Mudrajat on Sunday 29 November 2020 at 09:00.

<sup>5</sup> Anonim, "Home Industry Sarung Tenun Ikat Kecamatan Taman Kabupaten Pemalang", <https://headlinenews.pemalang.com> (di akses 25 November 2020 Pukul 16:00).

<sup>6</sup> Identification and clarification of legal facts Head of North Wanarejan Village Mahmud Alamin on Wednesday 25 November 2020 At 19:00.

still use well water.<sup>7</sup> Public safety and health are the most important things that must be protected. The protection in question is to create public peace, if there is no peace in the community, a dispute can occur in the community because of the waste disposal carried out by business actors.<sup>8</sup>

Under Pemalang Regency Regulation No. 15 of 2012 concerning Environmental Management in Article 6 paragraph (1), namely: "Everyone is obliged to maintain the preservation of environmental functions and prevent and overcome environmental pollution and destruction." Another thing is also mentioned in Law no. 32 of 2009 concerning Environmental Protection and Management Article 63 paragraph (3) letter i which states that "The role of the government in environmental protection and management is to provide protection related to the impact of pollution and empowerment regarding environmental management." Based on the above background, the authors are interested in researching with the title " Legal Protection For The Community Against Wastewater Pollution Of The Production Of Woven Ikat Sarongs Based On Law Number 32 Of 2009."

## II. Research Problems

1. How is the legal protection carried out by the Pemalang Regency Government to the people of North Wanarejan Village due to wastewater pollution from the production process of woven ikat sarongs based on Law Number 32 of 2009 concerning Environmental Protection and Management?
2. What are the obstacles in providing legal protection for the people of North Wanarejan Village against wastewater pollution from the production process of woven ikat sarongs?

## III. Research Methods

The research method used in this research is the normative juridical method, where the law is conceptualized as what is written in the legislation. This normative legal research is based on primary and secondary legal materials, which examines and examines library materials, or secondary data.<sup>9</sup> Secondary data is a source of data obtained from official documents, books related to the object of research.<sup>10</sup> The legal materials used consist of three types, namely primary, secondary and tertiary legal materials. The data collection methods used in this research are literature study, literature study in this research by collecting literature such as books, scientific journals, and primary legal materials to uphold the research.<sup>11</sup> In addition, primary data collection in this study uses identification and clarification of legal facts.<sup>12</sup> The data analysis method used in this study is by using qualitative data analysis methods, namely, data that cannot be measured or assessed with numbers directly.<sup>13</sup> Thus, after primary data and secondary data in the form of documents are obtained completely, then they are analyzed with regulations relating to the problem under study.<sup>14</sup>

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<sup>7</sup> Identification and clarification of legal facts with the head of RW 03 Sholeh Ismail, North Wanarejan Village

<sup>8</sup> Gede Putu Krisna, " Penegakan Hukum terhadap Pembuangan Limbah Cair," *Jurnal Konstruksi Hukum* 1 (2020): 16.

<sup>9</sup> Johny Ibrahim, *Teori dan Metode Penelitian Hukum Normatif* (Malang : Banyumedia, 2011), 296.

<sup>10</sup> Zaenudin, Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2013), 106.

<sup>11</sup> Uud Wahyudin, "Metodologi Penelitian Dasar," *Journal common law* 2 (2019): 32.

<sup>12</sup> Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi* (Bandung:Alfabeta, 2017) , 66.

<sup>13</sup> Saehudin Ali, "Metode Analisis Penelitian", *Jurnal Hukum dan penelitian karya ilmiah* 5 (2014), 4.

<sup>14</sup> Mathew, Miles dan Michel Huberman, *Analisis Data Kualitatif : Buku Sumber tentang Metode-Metode Baru* (Jakarta : UI Pres, 2014), 102.

#### IV. Research Results And Discussion

##### 1. Legal Protection carried out by the Government on the North Wanarejan Village Community due to Wastewater Pollution of the Production Process based on Law Number 32 of 2009 concerning Environmental Protection and Management

Implementation of the development process must pay attention to the environment to prevent environmental pollution. To anticipate the impact of pollution due to the wastewater disposal process, there must be accuracy and determination that can cover all aspects of pollution such as environmental aspects to determine the environmental impact caused by pollution. Although the government says that increasing development, especially in the industrial sector, should not cause environmental damage what is more concerned in the establishment of this industry is the profit from its production.<sup>15</sup>

The establishment of industry, especially the woven ikat sarong industry, must pay attention to the balance and sustainability of natural resources used in industrial processes as well as prevention of damage and environmental pollution due to wastewater in the production process.<sup>16</sup> Concerning environmental problems, the development carried out must take into account and develop environmental aspects because development does not only produce benefits but also carries risks such as environmental pollution that occurred in North Wanarejan Village which resulted in disruption of the quality of the environment and its carrying capacity. For this reason, the government has made a regulation that regulates environmental protection, namely Law Number 32 of 2009 concerning Environmental Protection and Management (*Undang-Undang Perlindungan dan Pengelolaan Lingkungan Hidup*, UUPH).<sup>17</sup>

The government's concern, in this case, is the basis for taking certain steps or actions to maintain and maintain the preservation of environmental functions. This independence and empowerment of the government is an (absolute) prerequisite to growing the ability of the community as business actors in the UUPH together with the government and other business actors.<sup>18</sup> This means that people who are responsive to the environmental problems they face are expected to be able to prevent the occurrence of impacts that can be detrimental to themselves and others. The government's participation will help and be useful in identifying problems with the impact of environmental pollution early, accurately, and completely, accommodating the aspirations and knowledge of the community which in essence are often the key to solving environmental impact problems that arise.<sup>19</sup>

According to the theory of Rafael La Porta related to legal protection is an action to protect the public from arbitrary actions by authorities who are not under the rule of law, to create order and peace to enable humans to enjoy their dignity as humans beings. The form of legal protection provided by a state has two characteristics, namely prevention (prohibition) and punishment (sanction). Based on this theory, the government can provide legal protection to communities affected by pollution and provide preventive legal protection to business actors so as not to dispose of waste products in sewers that result in environmental pollution.<sup>20</sup>

Under UUPH Article 63 paragraph (3) letter i states that "The role of the government in environmental protection and management is to provide protection related to the impact of

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<sup>15</sup> Identification and clarification of legal facts with Wanarejan Utara Village Secretary Mustofa, S.T On Wednesday 10 March 2021 at 10:00.

<sup>16</sup> Lalu Subardi, "Peran Serta Masyarakat dalam Pengelolaan Lingkungan Hidup Menurut Undang-undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup," *Jurnal Yustisia* 1 (2014)

<sup>17</sup> Azizah, "Kajian mengenai tenun ikat Sarung Goyor di Kabupaten Pematang," *Juournal sosial masyarakat* 5 (2016): 47

<sup>18</sup> Hardjasoemantri Koesnadi, *Aspek Hukum Peran Serta Masyarakat dalam Pengelolaan Lingkungan Hidup* (Yogyakarta, Gadjah Mada University, 2009).

<sup>19</sup> *Ibid*, hlm 121

<sup>20</sup> Rafael La Porta, "Investor Protection and Corporate Governance," *Journal of Financial Economic* 12 (2014).

pollution and empowerment regarding environmental management." This article emphasizes that the government is obliged to provide legal protection for the community. affected by environmental pollution as well as empowering the community related to how to manage the environment. Concerning legal protection against wastewater pollution from the production of woven ikat sarongs based on data from the Pemalang Regency Environmental Service, until now there has been no legal protection established by the Pemalang Regency Government for communities affected by environmental pollution in North Wanarejan Village because there are still inhibiting factors. The government plays an active role in providing legal protection so that the community does not feel a greater impact and can find solutions related to the existing inhibiting factors.<sup>21</sup>

## **2. Obstacles in providing legal protection for the people of North Wanarejan Village against Wastewater Pollution in the Production Process of Woven Ikat Sarongs**

The law enforcement process related to environmental problems still has several obstacles that result in the ineffectiveness of supporting factors in law enforcement. Many regulations have been issued by the competent government to preserve the environment, but their implementation in the field is still encountered obstacles.<sup>22</sup>

The development of the ikat sarong industry, especially in North Wanarejan Village, Pemalang Regency, there are still several things that cannot be carried out, this results in the development of the woven ikat sarong industry being not optimal. Industrial development does not run optimally due to several obstacles such as internal and external obstacles. Internal barriers, namely barriers that come from within the local government, especially the Pemalang Regency Environmental Service which handles environmental problems, and external obstacles, namely obstacles that come from outside in this case, namely the community itself who feels the impact of environmental pollution.

### **a. Internal Obstacles**

- 1) Weak awareness of business actors towards environmental sustainability, especially the damage to aquatic biota due to the disposal of liquid waste that is not properly decomposed. This can be seen from the disposal of waste that is still dumped into rivers near the place of business, resulting in environmental damage and pollution. However, business actors do not think about things in such a way, they only think about the benefits that the production of woven ikat sarongs can produce every day without thinking about the impact of the waste they produce.
- 2) The program for making communal WWTPs is not a priority for ikat sarong craftsmen, because they think that it has no significant impact on the economy.<sup>23</sup>

If you look at the inhibiting factors that exist in the community in legal protection efforts related to environmental pollution, business actors should have an important role which should manage the environment so as not to harm the surrounding community.<sup>24</sup> In addition, business actors are also obliged to provide comfort to the community regarding the waste they produce every day, and must also understand the impact of the waste.<sup>25</sup>

### **b. External Obstacles**

- 1) There is no budget for the build of Communal Wastewater Treatment because to build this Communal Wastewater Treatment requires a large enough cost. Meanwhile, the

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<sup>21</sup> Identification and clarification of legal facts with the Head of Waste Control and Management Agus Mukti Wibowo, S.Sos., M.Hum On Wednesday 17 March 2021 at 13:00.

<sup>22</sup> Nina, Herlina, "Permasalahan Lingkungan Hidup dan Penegakan Hukum Lingkungan di Indonesia," *Jurnal Ilmiah Galuh Justiti* 2 (2015).

<sup>23</sup> Identification and clarification of legal facts with the Head of Waste Control and Management Agus Mukti Wibowo, S.Sos., M.Hum On Thursday 8 April 2021 at 10:20 am.

<sup>24</sup> Wantu La Fransh, "Environmental Protection in The Field Of Social Law", *Journal sosial dan environmental Law* 3 (2016): 43

<sup>25</sup> Sawitri, "Perlindungan Hukum Lingkungan dan Penyelesaiannya," *Jurnal Dinamika Hukum* 2 (2016).

Pemalang Regency government itself has many development budgets that must be realized immediately.

- 2) Lack of vacant land, this can be proven that in the village of North Wanarejan which is densely populated and makes there is no vacant land around the ikat sarong business. The Pemalang Regency Government, especially the relevant agencies, has been looking for vacant land, but it doesn't exist because there are many home industries for ikat sarongs that use a lot of lands.<sup>26</sup>
- 3) 3) Lack of socialization facilities about the importance of a healthy living environment so that business actors do not understand the negative impact of the disposal of waste from the production process of ikat sarongs that can harm the environment and the surrounding community close to the place of business.<sup>27</sup>

Based on the explanation above, Article 63 paragraph (3) letter i states that "the role of the government in environmental protection and management is to provide protection related to the impact of pollution and empowerment regarding environmental management." This article emphasizes that the government is obliged to provide legal protection for communities affected by environmental pollution as well as empowering communities related to how to manage the environment.

## **V. Conclusions**

Regarding legal protection against wastewater pollution from the production of ikat sarongs, until now there has been no legal protection established by the Pemalang Regency Government for communities affected by environmental pollution. This protection has not yet been established because there are still several inhibiting factors. This is not under Article 63 paragraph (3) letter i of the UUPLH, where the government is obliged to provide legal protection for people affected by environmental pollution and empower communities related to how to manage the environment.

Furthermore, regarding the inhibiting factors for the form of Legal Protection for environmental pollution cases in North Wanarejan Village, there are 2 inhibiting factors, namely internal factors, and external factors. The internal factors such as the absence of budget funds for the manufacture of communal wastewater treatment, then the lack of vacant land around the place of business, and the lack of socialization facilities about the importance of a healthy living environment. While external factors, namely, the weak awareness of business actors towards environmental sustainability, especially the damage to aquatic biota due to the disposal of liquid waste that is not properly decomposed, and the economy which is often less stable in the activities of the ikat sarong industry which makes the business actors less positive response to the program for making woven ikat sarongs communal wastewater treatment.

## **VI. Suggestions**

1. Pemalang Regency Government is expected to be able to carry out socialization to increase awareness of business actors towards environmental sustainability and comfort.
2. The Pemalang Regency Environmental Service is expected to be able to make more budgets for the Regional Government for the build of communal wastewater treatment at the ikat weaving business premises in North Wanarejan Village and is expected to be able to find vacant land around the business premises for the build of communal wastewater treatment.

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<sup>26</sup> Identification and clarification of legal facts with the Head of Waste Control and Management Agus Mukti Wibowo, S.Sos., M.Hum On Thursday 8 April 2021 at 10:20 am.

<sup>27</sup> 2015 Pemalang District Environmental Service Status Report, <http://dlh.pemalangkab.go.id>.

3. The community is expected to be more active in reporting to related parties, namely the Pemalang Regency Environmental Service if there is environmental damage and pay more attention to problems that occur around their living environment.
4. Business actors are expected to be more concerned about the environment so that environmental pollution does not occur which causes damage to aquatic biota due to the disposal of liquid waste that is not properly decomposed.

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