



Resolution of Environmental Pollution Cases Due to Sand Mining Waste in Glandang Village, Pemalang Regency

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Abstract

Environmental problems are multidimensional problems involving various groups. Even so, humans still play an essential role in solving environmental problems; the issue of environmental problems becomes essential because problems in the environment affect the quality of life of humans and other creatures in the future. Environmental problems often occur due to activities carried out by humans in utilizing natural resources to gain profits, such as mining. This research aims to find out how to solve environmental pollution problems and the inhibiting factors for resolving environmental pollution. This research used the normative juridical method, which conceptualizes the law as what is written in the rules and regulations. The data collection method in this study uses primary and secondary legal materials to uphold research as well as identify and clarify legal facts by asking questions. to sources according to research needs. Based on the data analysis, there are efforts to resolve environmental pollution caused by sand mining, namely the creation of a shelter as a place for waste disposal, as well as covering a tarpaulin on sand vehicles so as not to cause dust, as well as inhibiting factors in resolving cases of environmental pollution. Two factors, namely from the community and the Pemalang Regency Environmental Service, from the community that the community is less active by not reporting if there is environmental damage, and from the Environmental Service the lack of personnel handling related cases to environmental pollution.

Keywords: first keyword, second keyword, third keyword

Abstrak

Permasalahan lingkungan merupakan permasalahan multidimensi yang melibatkan berbagai kalangan. Meskipun begitu manusia tetap berperan penting untuk menyelesaikan permasalahan lingkungan, isu permasalahan lingkungan menjadi penting karena permasalahan terhadap lingkungan mempengaruhi kualitas hidup manusia dan makhluk lain di masa mendatang. Permasalahan lingkungan kerap terjadi karena aktivitas yang dilakukan manusia dalam memanfaatkan sumber daya alam untuk memperoleh keuntungan seperti pertambangan. Tujuan dari penelitian ini untuk mengetahui bagaimana upaya dalam menyelesaikan permasalahan yang berkaitan dengan pencemaran lingkungan dan apa faktor penghambat upaya penyelesaian terhadap pencemaran lingkungan. Adapun metode yang digunakan dalam penelitian ini adalah yuridis normatif, dimana hukum dikonsepsikan sebagai apa yang tertulis dalam peraturan perundang-undangan, dan metode pengumpulan data dalam penelitian ini menggunakan bahan hukum primer dan sekunder untuk menjunjung penelitian serta identifikasi dan klarifikasi fakta hukum dengan cara mengajukan pertanyaan kepada narasumber sesuai dengan kebutuhan penelitian. Berdasarkan dari analisis data yang digunakan penelitian ini memperoleh upaya penyelesaian terhadap pencemaran lingkungan yang di disebabkan oleh pertambangan pasir, yaitu dibuatnya penampungan sebagai tempat pembuangan limbah, serta penutupan terpal terhadap kendaraan pasir agar tidak menimbulkan debu, adapun faktor penghambat dalam upaya penyelesaian kasus pencemaran lingkungan terdapat dua faktor yaitu dari masyarakat dan Dinas Lingkungan Hidup Kabupaten Pemalang, dari masyarakat kurang aktifnya masyarakat dengan tidak melapor apabila terjadi kerusakan lingkungan, dan dari Dinas Lingkungan Hidup kurangnya personil dalam menangani kasus terkait pencemaran lingkungan.

Kata Kunci : Penggolongan, Surat Keterangan Waris, Diskriminasi

I. Introduction

The environment is the unity of space with all objects, forces, conditions, and living things that affect the continuity of life and the welfare of humans and other living creatures. Human life is very dependent on the circumstances around it. Therefore, various efforts continue to be made to preserve the environment. The environment can generally be

interpreted as combining different physical elements, including natural resources such as flora and fauna, water, soil, minerals, and solar energy. The environment is the things humans create, including how to manage the physical environment. According to Law Number 32 of 2009 concerning Protection and Management of the Environment, it is the unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect the life and welfare of humans and other living creatures.¹ Humans, as living beings, have an essential role in maintaining environmental conditions. In addition to being a place to live for humans, natural resources around the environment can be utilized by humans, such as the use of the mining industry environment or other natural resources, which of course, have economic value for humans.

Referring to Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management Part One, paragraph (1), everyone has the right to a good and healthy environment as part of human rights. In section (2), everyone has the right to environmental life, access to information, participation, and access to justice in fulfilling the request for a healthy environment. In paragraph (3), everyone has the right to submit proposals and/or objections to the business planning and/or activities that are estimated to impact the environment. In paragraph (4), everyone has the right to play a role in protecting and managing the environment under the laws and regulations. Then in Article 52 of the Pemalang Regency Regulation Number 15 of 2012 Part Three Article 52 regarding the prohibition in paragraph (1) Letter A in the context of controlling pollution and environmental damage, every person in charge of a business and or activity is prohibited from disposing of liquid waste into environmental media without through pre-management. Environmental protection and management is a systematic and integrated effort to preserve ecological functions, including planning, utilization, control, supervision, and law enforcement. mining in Glandang Village, Pemalang Regency.²

Glandang Village is a village in Bantarbolang District, Pemalang Regency, this village has an area of 648,585 Ha, but most of the site is forestry land (458 Ha). Glandang is a village with the status of a forest village, located around a forest area. About 165 ha are agricultural land, and the rest are residential areas and public infrastructure. Glandang village has a population of 3,114 people.³ As a village with the status of a forest village, this village has mining potential where sand mining is located close to settlements. Mining in this area produces mining products in the form of backfill sand, sand, and sandstone.

Mining activities in Glandang Village, Pemalang Regency, are excavating hills and grinding stones to make sand. Mining processing utilizes river water for sand washing. Mining processing activities often cloud the river because the water used for washing the sand flows back into the river.⁴ That is undoubtedly detrimental to the local community because the river is still used for bathing, washing, and irrigation for agricultural needs, so people who use it for bathing and washing feel itchy.

Mining processing, which impacts public health, has led to protests by Glandang Village residents against mining. However, the action did not get a good response, and the miners only promised not to dispose of waste and improve the waste treatment process by washing sand. In addition to dumping sand washing waste into the river, the presence of mining products transporting vehicles makes noise, and the presence of dust generated from mining products transporting vehicles makes the condition of the community around the mining uncomfortable.⁵

¹ Zulaikha, S. "Pelestarian Lingkungan Hidup Perspektif Hukum Islam dan Undang-undang," *AKADEMIKA: Jurnal Pemikiran Islam* 19.2 (2014) : 241-263.

² Law Number 32 of 2009 concerning Environmental Protection and Management CHAPTER I, Article 2. accessed on 19 November 2020 At 18:57

³ Anonim. Retrieved from Sistem Informasi Desa di Provinsi Jawa Tengah. <https://sidesa.jatengprov.go.id>

⁴ Identification and Clarification of Legal Facts Muhamad Suntoro, Head of Glandang Village, On 23 April 2021.

⁵ Identification and Clarification of Legal Facts for the Glandang community, Sutisna Chair of RT 08, RW 01, Aji as a member of the Glandang Village Youth Organization On October 10, 2020

II. Research Problems

1. How to resolve cases of environmental pollution due to sand mining waste in Glandang Village based on Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management?
2. What are the inhibiting factors for resolving cases of environmental pollution from sand mining activities in Glandang Village, Bantarbolang District, based on Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management?

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, also called library law research. In theoretical legal analysis, thus the material studied in this study is library material or secondary data.⁶ Secondary data is a source of data obtained from official documents and books related to the research object.⁷ The legal materials used consist of three types, namely primary, secondary and tertiary legal materials. The data collection methods used in this research include literature study by collecting literature such as books, scientific journals, and primary legal materials to uphold the research. In addition, data collection in this study uses identification and clarification of legal facts using a conversation between two parties to collect resource data by asking questions to the informants according to research needs. The data analysis method used in this study uses qualitative data analysis methods, which describe the data in a quality and comprehensive manner in the form of regular, logical, non-overlapping, and effective sentences, making it easier to understand and interpret the data. The location of this research is the Library of the University of Muhammadiyah Purwokerto, the Library of the Faculty of Law of the University of Muhammadiyah Purwokerto, the Regional Library of Pemalang Regency and Glandang Village, Pemalang Regency.

IV. Research Results And Discussion

1. Settlement of environmental pollution cases from sand mining activities in Glandang Village based on Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management

Concerning the environmental pollution of sand mining in Glandang Village, there are several efforts to solve the environment, such as the formation of a unique team that is carried out to monitor and provide solutions to environmental pollution. An impressive group was formed on the orders of the local regional head. It was a form of action by the village government in dealing with cases of sand mining waste pollution. And the policy of allowing waste disposal into the river with a note that if the former sand washing shelter is complete, it is dumped together when it rains.⁸

Mining activities also often cause dusty air and noise regarding dust due to the transportation of mining products in the form of sand. The solution that is made requires the miners to use a covering device in the form of tarps and a solution regarding the noise that occurs in the form of warning the miners to stop their activities temporarily when it is time for prayer so that community activities can be carried out. While worshipping is not disturbed. Efforts to resolve the presence of dust caused by sand are reasonable. So that the community

⁶ Ishaq, H. *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi* (Bandung: Alfabeta, 2017), 66.

⁷ Ali, Zaenudin. *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2013), 106.

⁸ Identification and Clarification of Legal Facts Muhamad Suntoro, Head of Glandang Village, On 23 April 2021.

around mining can carry out activities that are not bothered by dust caused by the transportation of mining products, and other solutions related to the temporary suspension of mining activities are an effort to minimize noise caused by mining activities. Caused by mining activities are also quite good. That shows that there are efforts to resolve related to the noise that can interfere with the activities of the surrounding community when resting or doing worship. With the temporary cessation of activities when entering prayer time, the activities of the community around mining in Glandang Village when worshipping can run quietly and are not disturbed by mining activities.

The existing solutions in solving cases of sand mining waste pollution in Glandang Village are pretty good because the village government has tried to find answers related to pollution due to sand mining waste so that pollution cases can be resolved. It is evidenced by the solutions that have been carried out to solve the pollution problem of the environment. Although there is still a solution contrary to the Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management, this is regarding the proper disposal of sand washing waste into the river flow and the presence of rainwater. This policy contradicts the Pemalang Regency Regulation in Article 6 regarding environmental policy on environmental protection and management letter (b), which states that the policy on environmental protection and management aims to protect watersheds in the region to maintain the availability of clean water, and (e) that this policy seeks to protect springs and catchment areas. Regarding the solution that allows the disposal of sand waste from mining activities, this should be repaired even though it is raining, and it does not mean that it can be used for waste disposal.

With the existence of rules governing the prevention of environmental pollution, the miners should be faster in dealing with pollution caused by mining activities so that utilizing natural resources does not negatively impact the environment.

2. Factors inhibiting the settlement of cases of environmental pollution from sand mining activities in Glandang Village, Bantarbolang District, based on Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management

Efforts to resolve cases of environmental pollution have inhibiting factors such as factors from the community (internal) and external, namely the Pemalang Regency Environmental Service. For elements from the community, including Lack of community participation regarding environmental damage, this is not all people are aware of the importance of a healthy environment. In this regard, the community should participate in dealing with any damage to the environment.

The community is less active when there is environmental damage, evidenced by the absence of reports from the community to the Environmental Service, even though there is pollution that is detrimental to the surrounding community. So the need for community activity against environmental damage so that environmental damage can be adequately handled.

Furthermore, it is difficult to determine the land as a place to store sand washing waste for miners because the available land is owned by residents who are adjacent to the sand mining location ⁹. Related to this, the need for cooperation between the surrounding community and the miners so that efforts to resolve pollution due to sand waste can be fixed properly without any significant obstacles in determining environmental pollution.

Regarding external barriers to handling cases of environmental pollution, the Pemalang Regency Environmental Service lacks the personnel to supervise environmental pollution in the Pemalang Regency. They are tasked with handling cases of pollution and damage to the environment, where the number in charge of handling cases against environmental pollution

⁹ Identification and Clarification of Legal Facts Muhamad Suntoro, Head of Glandang Village, On 23 April 2021

only amounted to 3 people. It has been proven that not all environmental problems in Pemalang Regency issues can be taken immediately because of these limitations so that they can be appropriately handled when there are cases of environmental pollution.¹⁰

Furthermore, the lack of budget allocated by the Regional Government to handle cases of environmental pollution caused by environmental pollution is not resolved because the budget is insufficient to resolve all matters related to environmental pollution.

Lack of means of socialization about the importance of a healthy environment.¹¹ So, mining business actors do not understand the negative impact of the disposal of sand waste that can harm the environment and the surrounding community close to the mining site.

The resolution of cases of environmental pollution due to sand mining in Glandang Village has not been maximal, which is related to inhibiting factors in efforts to resolve environmental pollution. The inhibiting factor itself is not only in the community in Glandang Village. The obstacle is also in the Environmental Service. The inhibiting factor in efforts to resolve cases of environmental pollution is unavoidable, and improvements must be made to determine the resolution related to environmental pollution. So that efforts to resolve cases of pollution to the environment can be resolved quickly. When there are still obstacles in solving issues, it can be minimized so that existing obstacles in efforts to resolve environmental pollution are not the cause of making a case unable to be appropriately handled.

V. Conclusions

Connection with efforts to resolve cases of environmental pollution in Glandang Village is quite good, such as making sand washing waste disposal sites, providing solutions by covering the cargo of mining products with tarps so as not to cause dust in the air, and providing solutions in the form of temporary cessation of mining-related activities if entering the prayer time so that public worship is not disturbed. Although there are still conflicting policies, such as allowing waste disposal into rivers when it rains, it is contrary to Pemalang Regency Regulation Number 15 of 2012 concerning Environmental Protection and Management, Article 6 regarding environmental policies on environmental protection and management, letter (b) which states that the policy on environmental protection and management aims to protect the existing watersheds in the region to maintain the availability of clean water, and in letter (e) that this policy seeks to protect springs and catchment areas.

Furthermore, regarding the inhibiting factors for solving environmental pollution cases in Glandang Village, there are two inhibiting factors, namely the factors that exist in the village community itself and the factors originating from the Pemalang Regency Environmental Service. As for factors from the community, such as the lack of activity in the community when there is pollution to the environment, then apart from that, the lack of participation from the community in handling environmental pollution, as well as difficulties when determining waste shelters for miners. Meanwhile, the factors that exist in the Environmental Service itself are the lack of personnel in efforts to supervise and handle when there are cases of environmental pollution. Secondly, the lack of budget allocated to address environmental pollution issues and the lack of socialization facilities for a healthy environment so that mining business actors do not understand the lousy impact of disposing of waste from washing sand on the setting and the community around mining.

VI. Suggestions

1. Seeing the lack of participation and the level of activity of the Glandang Village community towards environmental damage, it is hoped that the community will be

¹⁰ Identification and Clarification of Legal Facts with Redina Restiani as Environmental Supervisor and Samiatun. Head of Section and Law Enforcement of the Environmental Service of Pemalang Regency. On April 19, 2021.

¹¹ Identification and Clarification of Legal Facts with Redina Restiani as Environmental Supervisor and Samiatun. Head of Section and Law Enforcement of the Environmental Service of Pemalang Regency. On April 19, 2021.

more concerned about their environment. The community is expected to be more active in reporting to related parties, namely the Pemalang Regency Environmental Service if there is environmental damage.

2. Given the difficulties associated with the disposal of sand washing waste, it is hoped that the mining entrepreneur in Glandang Village will rent or buy land to dispose of the trash.
3. The existence of other inhibiting factors experienced by the Environmental Service of Pemalang Regency, such as the lack of members as implementers of efforts to resolve environmental pollution, is expected to increase the number of members on duty.
4. The lack of socialization facilities related to a healthy environment is expected to be improved, such as an appeal to care for the environment through social media or YouTube channel media specially made by the Environmental Service.
5. The Pemalang Regency Environmental Office is expected to submit more budget to the Regional Government to cover the lack of funding regarding environmental pollution cases.

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