



## Enforcement of Administrative Environmental Law Against Environmental Pollution By The Flour Industry In Gumelar Village, Gumelar District

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### Abstract

The environment plays an essential role as a habitat for the survival of living things on earth. Environmental pollution is the entry or input of living things, substances, energy, and/or other components into the environment by human activities to exceed the environmental quality standards set, such as pollution from tapioca flour industrial waste in Gumelar Village. This research aims to find out how to solve problems related to environmental pollution and the inhibiting factors of efforts to solve environmental pollution. This research uses the normative juridical method, where the law is conceptualized as what is written in the legislation. The data collection method in this research uses a literature study and identification and clarification of legal facts. Based on the data analysis carried out in this study, the results showed no solution to the environmental pollution caused by tapioca flour industrial waste. The inhibiting factors in enforcing administrative law on environmental pollution cases are the first many industrial players who do not have permits. Secondly, the lack of public participation in environmental pollution, such as the absence of reports even though liquid waste has polluted the environment.

Keywords: Environmental Pollution, Industrial Waste, Administrative Enforcement

### Abstrak

Lingkungan memegang peranan penting sebagai habitat bagi keberlangsungan makhluk hidup di muka bumi. Pencemaran lingkungan hidup adalah masuk atau di masukannya makhluk hidup, zat, energi, dan/ komponen lain ke dalam lingkungan hidup oleh kegiatan manusia sehingga melampaui baku mutu lingkungan hidup yang telah ditetapkan seperti pencemaran limbah industri tepung tapioka di Desa Gumelar. Tujuan dari penelitian ini adalah untuk mengetahui bagaimana upaya penyelesaian permasalahan yang berkaitan dengan pencemaran lingkungan dan apa faktor penghambat dari 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. Metode pengumpulan data dalam penelitian ini menggunakan studi kepustakaan serta identifikasi dan klarifikasi fakta hukum. Berdasarkan analisis data yang dilakukan dalam penelitian ini diperoleh hasil, belum adanya upaya penyelesaian terhadap pencemaran lingkungan yang disebabkan oleh limbah industri tepung tapioka. Adapun faktor penghambat dalam upaya penegakan hukum administrasi kasus pencemaran lingkungan terdapat beberapa faktor pertama banyaknya pelaku industri yang belum memiliki izin, kedua kurangnya partisipasi masyarakat terhadap pencemaran lingkungan seperti tidak adanya laporan padahal limbah cair sudah sangat jelas mencemari lingkungan.

Kata kunci: Pencemaran Lingkungan, Limbah Industri, Penegakan Administrasi

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## I. Introduction

The environment is everything around humans in physical conditions that include the unity of space between living things and abiotic components of natural resources such as soil, water, minerals, solar energy, rocks, and air. The environment plays an essential role as a habitat for the survival of living things on earth. Along with the times, humans carry out

many sustainable developments, including the development of home industries. The home industry is economic development through raw materials and the transformation of resources using simple tools and takes place around the house (Home Base Production).<sup>1</sup> The existence of home industry in the village besides having an essential meaning in the framework of national development. It can also cause many environmental pollution problems if the development does not pay attention to the balance of the environment; the authors take the example of the home industry in Gumelar Village, Banyumas Regency.

Gumelar Village is a village located in Gumelar District, Banyumas Regency, and this village has an area of 1,261.67 Ha. Most of the land is dry fields and rice fields (945 Ha).<sup>2</sup> The town, located in a hilly area, makes the ground fertile for agriculture. Residents there plant many cassava trees and produce them as tapioca flour as a livelihood. Tapioca flour industry is a food processing industry made from cassava processed into flour. The number of flour industries in Indonesia is vast. In Central Java alone, the number of tapioca flour industries reaches 20 units (large scale) whose business permits are registered with the Ministry of Industry of the Republic of Indonesia in 2021.<sup>3</sup> With the increasing number of tapioca flour industries, the higher the possibility of environmental pollution. The tapioca flour industry in Gumelar Village is an industry or factory whose production scale is small to medium, but the number of industrial houses is vast. In addition to producing tapioca flour, this processing also has substantial liquid waste.<sup>4</sup> The wastewater generated from the tapioca flour industry is significant because the distance between one flour industry and another is very close.

Many tapioca flour cottage industries in Gumelar Village throw away the wastewater produced into the river without being treated first and do not consider the negative aspects that arise both on biological and non-biological natural resources useful for life. These negative roles include their impact on health and the environment, either directly or indirectly. This waste disposal causes a decrease in environmental quality, especially the aquatic environment such as river water, well water, and pond water. That causes cloudiness of river water, and if left unchecked, the long-term effects result in the death of living things in the river, such as fish & plants, as well as fish in ponds whose water flows from the river, because the wastewater is directly contaminated with river water, such as This is what happened in the flour center of the Pati area. Disposal of this wastewater also causes healthy water quality to become cloudy in people's homes near industrial areas. The pungent odor produced from the solid and liquid waste of the tapioca flour industry is a nuisance for the author and hinders the daily activities of the people of Gumelar Village, especially those close to industrial areas.<sup>5</sup>

Based on the facts that arise as a result of environmental pollution from the disposal of waste produced by the tapioca flour home industry, it is worth asking how the environmental law is enforced because the estuary of environmental management problems is the development that is carried out without paying attention to environmental balance factors which in This, in turn, will cause pollution and environmental damage. Legal action given to perpetrators of environmental pollution and destruction consists of administrative, civil, and criminal aspects. Law enforcement itself needs to be supported by several factors: legal facilities, law enforcement officers, facilities and facilities, permits, amdal systems, and public

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<sup>1</sup> Nofita Fahrodin A, 2014, *Industri Tepung Tapioka di Desa Ngemplak Kidul, Kecamatan Margoyoso, Kabupaten Pati Tahun 1990-2005*, (Skripsi dipublikasikan), Jurusan Sejarah Fakultas Ilmu Sosial Unnes

<sup>2</sup> Desa Gumelar, Available on: <https://sidesa.jatengprov.go.id>, accessed on May 6, 2021

<sup>3</sup> Available on: <https://kemenperin.go.id/direktori-perusahaan?what=Tepung+Tapioka&prov=33>; accessed on May 6, 2021

<sup>4</sup> Devi Al Fatoni & HIW Rudijanto, 2019, Studi Pengolahan Air Limbah Tapioka Di Pabrik Aci, *e-Jurnal Poltekkes*, Vol. 38, No. 3, 36, Poltekkes Kemenkes Semarang

<sup>5</sup> Identification and Clarification of Legal Facts. Abdul Aziz & Pujo Prabowo, Sie Tartibmas Gumelar District & Gumelar Village Residents, On 28 March 2021

awareness of the law on the environment.<sup>6</sup> Administrative environmental law enforcement is environmental law enforcement by government institutions (officials/agencies), which are state apparatus authorized to issue permits that function as a supervisory mechanism and apply administrative sanctions and state administrative lawsuits.<sup>7</sup> Enforcement of administrative environmental law has advantages compared to other law enforcement, such as civil law and criminal law. The function of administrative environmental law enforcement is a preventive measure or prevention before violating environmental pollution by the tapioca-flour home industry business in Gumelar Village.

Based on the background that the author has described above, this is why the author conducts more in-depth research related to the pollution carried out and associated with the flour industry's administrative aspects. Therefore this research takes the title "Enforcement Of Administrative Environmental Law Against Environmental Pollution By The Flour Industry In Gumelar Village, Gumelar District."

## II. Research Problems

1. How is administrative environmental law enforcement against environmental pollution by the tapioca flour industry in Gumelar Village based on Law Number 32 of 2009 concerning Environmental Protection and Management?
2. What are the inhibiting factors for enforcing administrative environmental laws against the tapioca flour industry in Gumelar Village that pollutes the environment?

## 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, so it is also called library law research.<sup>8</sup> Secondary data is a source of data obtained from official documents and books related to the research object.<sup>9</sup> The data collection method used in this research is like a literature study by collecting literature such as books, scientific journals, and primary legal materials to uphold the research. In addition, preliminary data collection in this study uses identification and clarification of legal facts. The data analysis method used in this research is to use qualitative data analysis methods, namely to describe the quality and comprehensive data in the form of sentences that are regular, logical, non-overlapping, and effective, making it easier to understand and interpret the data. The data presented in the preparation of this research is in the form of a description, and the method is arranged systematically, logically, and rationally. According to the results obtained from the research, problems that are closely related to this research provide a clear and targeted understanding. So it is hoped that a clear picture can be obtained.

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<sup>6</sup> Nina Herlina, 2015, *Permasalahan Lingkungan Hidup dan Penegakan Hukum Lingkungan di Indonesia*, Jurnal Galuh Justisi, Vol. 3 No. 2

<sup>7</sup> Agung Putra Muliya, 2012, *Penegakan Hukum Lingkungan Administratif dalam Kasus Pencemaran Lingkungan oleh Perusahaan Pertambangan*, (Skripsi dipublikasikan), Fakultas Hukum Universitas Jember

<sup>8</sup> H., Ishaq, 2017, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*, Bandung: Alfabeta, 66

<sup>9</sup> Ali, Zaenudin, 2013, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika, 106

#### IV. Research Results And Discussion

##### 1. Enforcement of Administrative Environmental Law against Environmental Pollution by Tapioca Flour Industry in Gumelar Village Based on Law Number 32 Of 2009 concerning Environmental Protection and Management

According to Satjipto Rahardjo is defined as a process to realize legal desires, namely the thoughts of law-making bodies formulated and stipulated in legal regulations that then become a reality.<sup>10</sup> Therefore, environmental law enforcement can be interpreted as the use or application of instruments and sanctions in administrative law, criminal law, and civil law to force legal subjects who are the target to comply with environmental laws and regulations. Administrative-legal instruments and sanctions are carried out by government agencies and citizens or civil legal entities. Meanwhile, law enforcement is a term that has a variety of meanings. In essence, the purpose of law enforcement is to realize what the law wants to achieve. The importance of the intention of the law itself lies in justice. Law enforcement is aimed at improving order and legal certainty in society. It is done, among others, by controlling the functions, duties, and authorities of the institutions tasked with enforcing the law according to the proportions of their respective scopes and based on a sound cooperation system that supports the objectives to be pursued.<sup>11</sup>

Humans are often faced with several problems; of the many difficulties encountered, environmental conditions significantly impact human life depending on the surrounding states. Environmental pollution is the entry or inclusion of living things, substances, energy, and/or other components into the environment by human activities so that they exceed the established environmental quality standards.<sup>12</sup> The industry is an economic activity that processes raw materials, semi-finished goods, and/or finished goods into goods with a higher value for their use, including industrial design and engineering activities.<sup>13</sup> Along with the times, humans carry out much sustainable development, including the development of home industries. The home industry is economic development through raw materials and the transformation of resources using simple tools and takes place around the house (Home Base Production).<sup>14</sup> Besides having an essential meaning in the framework of national development, the home industry in the village can also cause many environmental pollution problems if the result does not pay attention to the balance of the environment.

Article 1 paragraph (1) of Law Number 32 of 2009 concerning Protection and Management of the Environment explains that the environment is a unitary space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, survival, and the welfare of humans and other living creatures. Abdul Manan Hakim stated that the notion of pollution is the entry of living things or other components into the environment and a change in the environmental order by human activities or natural processes itself, and results in the quality of the environment being reduced or unable to function under its function.<sup>15</sup> Pollution can occur due to many things and cause losses, including losses that can occur due to disturbances in the balance of human life, especially in terms of the environment/ecosystem. The negative impact of declining

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<sup>10</sup> Zipora, 2017, Penegakan Hukum Pidana terhadap Pungutan Liar Juru Parkir di Kota Yogyakarta, *Jurnal Hukum Universitas Atma Jaya Yogyakarta*, 36

<sup>11</sup> Sanyoto, September 2011, Penegakan Hukum Di Indonesia, *Jurnal Dinamika Hukum*, Vol. 8, No. 3

<sup>12</sup> Amelia Monica Yurah, 2016, Pencemaran Udara Akibat Kebakaran Hutan Di Indonesia Ditinjau Dari UU No. 32 Tahun 2009, *Jurnal Lex Privatum*, Vol. IV, No. 3

<sup>13</sup> Article 1 paragraph (2) of Law no. 5 of 1984 concerning Industry

<sup>14</sup> Nofita Fahroddin A, 2014, *Industri Tepung Tapioka di Desa Ngemplak Kidul, Kecamatan Margoyoso, Kabupaten Pati Tahun 1990-2005*, (Skripsi dipublikasikan), Jurusan Sejarah Fakultas Ilmu Sosial Unnes

<sup>15</sup> Abdul Manan Hakim, 2014, Pencemaran dan Perusakan Lingkungan dalam Perspektif Hukum Islam, *Jurnal Hukum dan Peradilan*, Vol. 3 No. 3, 226

environmental quality, either due to pollution or the depletion of natural resources, is the emergence of threats or adverse effects on health, decreased aesthetic value, economic losses (economic costs), and disruption of natural systems (natural systems).

According to the Banyumas Regency Regulation Number 8 of 2018 Article 1 number 16 concerning Wastewater Management, the definition of wastewater is the residue from a business result and/or activity in the form of liquid. Meanwhile, this Regional Regulation aims to provide regulation on wastewater management, including planning, structuring, processing, maintaining, monitoring, and controlling wastewater.

Environmental pollution occurs due to human activities and industries that do not pay attention to their environment, so it is necessary to set quality standards in maintaining the environment. According to the Banyumas Regency Regulation Number 8 of 2018 Article 1 number 47, the Wastewater Quality Standard is a measure of the limit or level of pollutant elements and or the number of pollutant elements whose presence is tolerated in wastewater that will be disposed of or released into the water medium from a business and or activity. Meanwhile, Water Pollution Control, according to the Banyumas Regency Regional Regulation Number 8 of 2018 concerning Wastewater Management Article 1 number 51, is an effort to prevent and control water pollution and restore water quality to ensure water quality is underwater quality standards. The liquid waste produced by the tapioca flour home industry wasted in the river around the industrial location is environmental pollution. Article 14 of Law Number 32 of 2009 states the inclusion of living things, substances, energy, and/or other components into the environment by human activities to exceed environmental quality standards.

Based on the identification and clarification of legal facts with one of the residents of Gumelar Village, who is one of the owners of the tapioca flour home industry, almost all tapioca flour home industries in Gumelar Village were built along with the pandan river flow to facilitate the disposal of tapioca-flour home industry wastewater. By channeling it using a pipe to the Pandan River.<sup>16</sup> Thus it is clear that it pollutes the Pandan River because, according to Muhammad Reza, the function of the river other than irrigating rice fields is as a source of water that benefits human life, animals, and plants that live in it or its surroundings. So when humans throw their waste into rivers, there will be consequences, namely disrupting the ecosystem.<sup>17</sup> Junaidi also believes that if one component is disturbed, it will undoubtedly affect other elements in the river or it.

Even though water is needed by residents who use it daily needs. If mine waste is acid-generating, the impacts on fish, animals, and plants can be severe. Many streams impacted by acid mine drainage have a pH value of 4 or lower similar to battery acid. Plants, animals, and fish are unlikely to survive in streams such as this.<sup>18</sup> Based on the identification and clarification of legal facts with one of the residents of Gumelar Village, a river with normal water flow is not a problem when the liquid waste is discharged into the river, but when the river has no water, it becomes a problem for residents, because the water in the river smells terrible. Delicious and disturbing residents around the river.<sup>19</sup> Not to mention related to the solid waste left on the side of the road near residential areas so that unpleasant odors quickly enter residential areas and automatically interfere with residents' activities.

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<sup>16</sup> Identifikasi dan Klarifikasi Fakta Hukum, Ahmad Riswan, Pemilik Industri Tepun Tapioka, on June 19, 2021

<sup>17</sup> Muhammad Reza Novindri, Sri Hidayani & Elvi Zahara Lubis, 2020, Application of Law No. 32 of 2009 in Processing of Liquid Waste in Javanese Tofu Trading Enterprises (Case Study at the Factory to Know Javanese Trading Business), UNCTO: *Jurnal Ilmiah Hukum* Vol. 2 No. 1, 62

<sup>18</sup> M. Naveen Saviour, 2012, Environmental Impact Of Soil And Sand Mining: A Review, *International Journal of Science, Environment and Technology*, Vol. 1, No. 3, Page 125 - 134

<sup>19</sup> Identification and Clarification of Legal Facts, Nuraeni, Gumelar Villager, On June 19, 2021

The decrease in water quality causes pollution that impacts the environment, decreasing the level of public health and other living things. The negative impact of declining environmental quality, either due to corruption or the depletion of natural resources, is the emergence of threats or adverse effects on health, decreased aesthetic value, economic losses, and disruption of biological systems. Polluted water can be seen easily through the physical condition of the water. Environmental damage due to tapioca flour household industrial waste negatively impacts the ecosystem living in the waters and threatens human health. Disturbance to the seas is very detrimental to the quality of water quality and its benefits. The community also has the right to clean water as clearly regulated in Article 65 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management, which reads, "Everyone has the right to a good and healthy environment as part of human rights. man".

When referring to the principles of environmental protection and management, one of the principles is the principle of "state responsibility" in the explanation of UUPPLH 2009, namely.<sup>20</sup>

- a. The state guarantees that natural resources will provide the most significant benefit to the people's welfare and quality of life, both present and future generations.
- b. The state guarantees the rights of citizens to a good and healthy environment.
- c. The state prevents the use of natural resources from carrying out activities that can cause pollution and/or damage to the environment.

Referring to the "state responsibility" principle and Article 65 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management, according to the author, a legal instrument in the form of supervision is needed that can facilitate the central and regional governments in protecting the environment from the utilization of natural resources that cause environmental pollution and/or damage and guarantees every citizen to get a good and healthy living environment.

Law Number 32 of 2009 concerning Environmental Protection and Management also regulates waste generated from tapioca flour home industries. Industries and business activities that produce liquid waste usually dispose of waste into rivers, even though article 22, paragraph 1 has explained that "every business and/or activity that has an important impact on the environment must have an *amdal*." One of the EIA activities in the tapioca flour home industry is making a pond or special place to dispose of liquid waste to manage wastewater before it is discharged into water or water sources. It is also explained in Regional Regulation Number 8 of 2018, Article 6, and Article 7 regarding Wastewater Management. However, based on the facts obtained by the authors in research in the field, almost most of the tapioca flour home industries in Gumelar Village do not have permits.<sup>21</sup> Therefore, a permit is needed because issuing and supervising permits is to control the environment properly and increase the obedience of business actors in activities against environmental damage that occurs.

As an applicable law, Law Number 32 of 2009 concerning Environmental Protection and Management provides three types of law enforcement: administrative, civil, and criminal law enforcement. Among the three forms of law enforcement available, administrative law enforcement is considered an essential law enforcement effort, and this is because administrative law enforcement is more aimed at preventing pollution and environmental damage.<sup>22</sup> The regulation of environmental law enforcement through administrative sanctions is because administrative law enforcement functions as an instrument for controlling,

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<sup>20</sup> Aditia Syaprih, Oktober 2016, Penegakan Hukum Administrasi Lingkungan Melalui Instrumen Pengawasan, *Jurnal Bina Hukum Lingkungan*, Vol. 1, No. 1, 101

<sup>21</sup> Identification and Clarification of Legal Facts, Abdul Aziz, Sie Tartibmas, Gumelar District, On June 19, 2021

<sup>22</sup> Sukanda Husin, 2009, *Penegakan Hukum Lingkungan di Indonesia*, Jakarta: Sinar Grafika, 92

preventing, and overcoming acts prohibited by environmental provisions. Through administrative sanctions, it is intended that the violation act be stopped so that administrative sanctions are a preventive and non-judicial repressive juridical instrument to end or prevent violations of the provisions contained in the requirements for environmental protection and management.

In Article 76, paragraph 2 of Law Number 32 of 2009 concerning Environmental Protection and Management in that article, it is explained that administrative sanctions if business actors violate environmental permits and are caught still dumping waste into rivers are as follows.

#### Article 76 Paragraph 2

- a. written warning
- b. cessation of activity
- c. freezing of business licenses and/or
- d. revocation of business license.

In addition, Article 80 of Law Number 32 of 2009 concerning Environmental Protection and Management also explains that further actions from administrative sanctions, especially if business actors do not carry out government coercion, are as follows as referred to in Article 76 paragraph (2) letter b in the form of:

- a. temporary suspension of product activities
- b. transfer of production facilities
- c. closure of sewerage or emissions
- d. demolition
- e. confiscation of goods or equipment that has the potential to cause violations
- f. temporary suspension of all activities
- g. other actions aimed at stopping violations and restoring environmental functions.

Suppose the imposition of government coercion sanctions can also be imposed without being preceded by a warning. In that case, Article 80 paragraph 2 of Law Number 32 of 2009 concerning the Protection and Management of the Environment explains that if the violation committed causes.

- a. A severe threat to humans and the environment;
- b. The impact is more prominent and broader if the pollution and/or destruction is not immediately stopped; and
- c. If the pollution and/or destruction are not immediately stopped, there is a more significant environmental loss.

The imposition of coercive government sanctions could be imposed without being preceded by a warning if the violation is committed causes.

- a. A severe threat to humans and the environment;
- b. The impact is more significant and broader if the pollution and/or destruction is not immediately stopped; and
- c. More significant loss to the environment if the pollution and/or destruction is not immediately stopped.

Administrative law enforcement is a supervisory function, where the concept of supervision is the beginning of environmental law enforcement; weak supervision will not

indirectly support administrative environmental law enforcement. Enforcement of administrative law in the environmental field includes 2 (two) matters:<sup>23</sup>

- a. Legal efforts aimed at preventing and overcoming environmental pollution and destruction through efficient administration under the mandate given by law;
- b. Court Review of the State Administration (Tata Usaha Negara, TUN) decision in the Administrative Court. This final project is only limited to administrative law enforcement in the environmental field, the first of which is preventive in nature.

An effective monitoring system is the best means to make things work well in the State Administration, especially preventive supervision. Repressive surveillance is only valid when.<sup>24</sup>

- a. Conducted comprehensively and quite intensively;
- b. If the report is sufficiently objective and analytical;
- c. If the information is submitted quickly enough.

Furthermore, Prajudi Atmosudirdjo<sup>25</sup>, Supervision compares what is carried out, carried out, or carried out with what is desired, planned, or ordered. From this description, the author can conclude that supervision is: an activity to assess whether it is as expected, planned, and determined to prevent deviations from occurring (preventive) and take immediate action on these deviations (repressive).

Environmental law enforcement is administratively more possible or practical to be applied to cases of environmental pollution in Gumelar Village, where the function of regulating environmental law enforcement through administrative sanctions is an instrument for controlling, preventing, and overcoming acts prohibited by environmental regulations.

## **2. Factors Inhibiting Enforcement of Administrative Environmental Laws Against Tapioca Flour Industry in Gumelar Village that Contaminates the Environment**

Efforts to resolve cases of environmental pollution have inhibiting factors such as factors from the community itself (internal) and external factors (external), namely the Banyumas Regency Environmental Service. For factors from the community, including:

- a. The community is not active, such as the absence of reports to parties who can resolve environmental pollution cases, such as reports to the local RT / RW to be then forwarded to the Banyumas Regency Environmental Service. The community should have a role in environmental protection and management as described in Article 65 paragraph (4) of Law Number 32 of 2009 concerning Environmental Protection and Management. State that every person or community has the right to play a role in protecting and managing the environment under the laws and regulations.
- b. Lack of community participation regarding environmental damage. In this case, not all people are aware of the importance of a healthy environment. Most people think that God created natural resources for humans, so humans have the right to exploit them without paying attention to their sustainability<sup>26</sup>. At the same time, a healthy environment is the community's right. As regulated in Article 65 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management, everyone has the right to a good and healthy environment as part of human rights.

Based on the identification and clarification of legal facts with Abdul Aziz, a sub-district official who lives in Gumelar village, where public education is low, is usually low awareness of protecting the environment. That causes the community, especially the

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<sup>23</sup> Syaprillah, Aditia, Penegakan Hukum Administrasi Lingkungan Melalui Instrumen Pengawasan, *Jurnal Bina Hukum Lingkungan* 1,1 (2016). 106

<sup>24</sup> Prajudi Atmosudirdjo, *Hukum Administrasi Negara* (Edisi Revisi), (Jakarta: Ghalia Indonesia, 1983 ): 80

<sup>25</sup> *Ibid.*, 81

<sup>26</sup> Identification and Clarification of Legal Facts, Ahmad Riswan, Owner of Tapioca Flour Industry, On June 19, 2021



residents of the tapioca flour home industry, to have difficulty obtaining permits. They assume that as long as the local people do not mind and tend to be grateful because many residents of the surrounding community have been helped economically because they can work in the tapioca flour industry.<sup>27</sup>

Then regarding the obstacle factors from outside (external), namely the Banyumas Regency Environmental Service in handling cases of environmental pollution, including:<sup>28</sup>

- a. Lack of personnel in the supervision of environmental pollution at the Banyumas Regency Environmental Service, who is in charge of handling pollution and damage to the environment, where the amount of environmental pollution with the number of personnel tasked with handling cases of environmental pollution is not balanced. Therefore there are many cases of environmental pollution. Unresolved.
- b. Then the lack of budget allocated by the Regional Government to handle cases of environmental pollution so that in efforts to resolve environmental pollution, not all can be resolved
- c. Lack of means of socialization about the importance of a healthy living environment
- d. Lack of supporting roles, such as the role of the community who must be active in reporting if there is an act of environmental pollution/destruction
- e. It takes a relatively long time to handle a case of environmental pollution/destruction because it must involve many related parties.

## V. Conclusions

Regarding the efforts to enforce administrative environmental laws against environmental pollution in Gumelar Village due to the disposal of tapioca flour household industrial waste into the Pandan River, the surrounding community has not taken any action because most of them consider that with the tapioca flour industry, they are helped economically and work/livelihood. Thus, there is a need for education regarding environmental pollution and socialization regarding making a business permit (home industry). That is carried out by related parties, namely the Banyumas Regency Environmental Service, collaborating with local village officials. Then, to protect the environment (Pandan River) polluted by waste, including supervision and administrative sanctions. Because administrative law enforcement functions as a supervisory function, where the concept of supervision is the beginning of environmental law enforcement, weak supervision will not indirectly support administrative environmental law enforcement.

Furthermore, regarding the inhibiting factors for environmental law enforcement administrative environmental pollution in Gumelar Village, there are two factors: the community (internal) and factors from the Environmental Service (external). For factors from the community (internal) such as the lack of community participation regarding environmental damage and the absence of reports to parties who can resolve cases of environmental pollution, such as reports to the local RT / RW. While the factors from the

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<sup>27</sup> Identification and Clarification of Legal Facts, Abdul Azis, Sie Tartibmas Kecamatan Gumelar, On June 19, 2021

<sup>28</sup> Identification and Clarification of Legal Facts, Komarudin, S.Si, On June 19, 2021

Environmental Service (external) include limited personnel to handle pollution cases, lack of budget to handle pollution cases, lack of supporting roles, such as the role of the community who must be active in reporting if there are acts of pollution / environmental destruction, and it takes time. It takes a relatively long time to handle a case of environmental pollution/destruction because it must involve many related parties.

## VI. Suggestions

The authors provide constructive input and suggestions in the author's description results. It is hoped that this paper can benefit writers and the broader community. The suggestions given include:

- a. Seeing the lack of participation of the Gumelar Village community in environmental damage, it is hoped that the community will care more about their environment. The community is expected to be more active in reporting to related parties in case of environmental damage.
- b. The need to improve the quality of education aims to increase public awareness, not to be left behind by the times. For example, by deploying a lot of education personnel or by including Gumelar village into a village that is mandatory for students to carry out KKN activities.
- c. Increasing socialization facilities related to a healthy environment with regular appeals from related parties.
- d. The Environment Agency needs to increase the number of personnel in monitoring and handling cases of environmental pollution so that when solving cases of pollution can be handled properly.
- e. The Environment Agency needs to submit more budgets to the Regional Government, and this is to overcome the lack of budget, which is one of the obstacles in dealing with environmental pollution cases.

The Environment Agency needs to increase socialization about the importance of a healthy living environment so that obstacles related to the lack of socialization facilities about a healthy living environment can be overcome.

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