

LAW ENFORCEMENT BY *PAMONG PRAJA* POLICE UNIT ON POLLUTION OF COW WASTE IN NGAWI REGENCY

R. Kurniawan Bagas Wicaksono

Universitas Soerjo Ngawi

Email: kurniawan.fhoo@unsoer.ac.id

Abstract

This article aims to find out the law enforcement by the *Pamong Praja* Police Unit against environmental pollution that comes from the negative impacts caused by the management of livestock manure that is not managed properly. The type of research used is sociological juridical research. The data used are primary data and secondary data. Primary data were obtained from interviews with the *Pamong Praja* Police Unit. While secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials. Data collection techniques using interview techniques and literature study. The data analysis used descriptive analytical techniques. The conclusion in this article shows that law enforcement against livestock waste pollution in Ngawi Regency can be carried out preventively and repressively. Preventive law enforcement against livestock waste pollution is carried out by means of supervision. The repressive action taken by the *Pamong Praja* Police Unit of Ngawi Regency, namely by coming directly to the location of the cattle farm after reports from local residents related to the contamination of cattle farm waste. Furthermore, the repressive law enforcement carried out by the Ngawi Regency *Pamong Praja* Police unit is to provide sanctions in the form of a warning. If after the warning, the entrepreneur still has not taken care of cattle waste management, then technically the operation is carried out by the *Pamong Praja* Police Unit assisted with other relevant agencies to carry out the closure or revocation of cattle farming operations.

Keywords: Law enforcement, waste pollution, cattle farming.

Livestock is a business activity to increase biotic in the form of livestock by increasing livestock production which aims to meet human needs. To increase the productivity of these livestock, breeders should implement the seven livestock business which includes seeds, feed, housing, reproduction, disease control, post-harvest processing, and marketing. The seeds

selected should be superior seeds that can produce superior offspring as well. Superior seeds can be identified through a genetic selection process.

Feed ingredients should meet the nutritional needs needed by livestock. Nutrients needed by livestock include carbohydrates, protein, fat, vitamins, minerals, and water. Housing is

related to disease control. A healthy cage will affect the health of livestock. Therefore, the cage should always be in a healthy condition so that the livestock avoids diseases caused by both bacteria and viruses.

In order to get maximum results in the world of animal husbandry, reproductive factors are also very important. In addition, post-harvest processing and marketing also determine success in the livestock business. According to Manshur, maintenance management in a farm plays an important role because the success of a livestock business is strongly influenced by whether or not the maintenance management is good.¹

The number of cattle breeding companies built by entrepreneurs in Ngawi Regency is what causes anxiety and problems because not all companies that set up cattle farms have complied with the standards set by laws and regulations. There are still many cattle farms that do not pay attention to the impact of waste on the community, such as smelly waste and flies that are generated when it rains, this situation makes the surrounding community disturbed and complains to the farm. The community wants their rights which were originally promised by the livestock company to maintain the balance of the surrounding

environment that is close to the community's house. However, only a few livestock companies are able to provide their responsibilities because not all livestock companies have permits that have been stipulated in the legislation.

In fact, activities are still found that are not in accordance with the standards issued by the Government and result in losses and have a negative impact on the surrounding environment, then the party that will impose sanctions is the Environmental Agency related to the cleanliness and health of livestock and livestock. So law enforcers can impose sanctions on violations committed by entrepreneurs. Thus, the community as the party who is often harmed by the entrepreneur can fight for their rights. Environmental health is a human right and is one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in Pancasila and the 1945 Constitution of the Republic of Indonesia. And the environment are one unit that need each other. It's just that humans have the privilege, therefore the human component is placed differently from other living creatures, namely humans are placed in two positions, namely on the one hand humans are part of the environment itself, on the other hand humans are also managers of the environment.

¹ Galuh Novalina Puspita Langit, 2016, Penegakan Hukum Terhadap Izin Usaha Peternakan Ayam Yang Berada Di

Pemukiman Penduduk Di Kabupaten Deli Serdang, Thesis, Yogyakarta: Fakultas Hukum Universitas Islam Indonesia, p. 4.

Based on the description above, this article aims to determine law enforcement against environmental pollution that comes from the negative impacts caused by the management of livestock manure that is not managed properly.

RESEARCH METHODOLOGY.

The type of research used is sociological juridical research. The data used are primary data and secondary data. Primary data were obtained from interviews with the *Pamong Praja* Police Unit of Ngawi Regency. While secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials. Data collection techniques using interview techniques and literature study. The data analysis used descriptive analytical techniques.

DISCUSSION.

Overview of Law Enforcement.

Law enforcement in the realm of criminal law, according to Barda Nawawi Arief, stated that there is no meaning in changing the criminal law if it is not prepared or accompanied by changes in the knowledge of criminal law. In other words, *criminal law reform* or *legal*

substance reform must also be accompanied by the renewal of knowledge about criminal law (*legal/criminal science reform*). In fact, it must also be accompanied by the renewal of the legal culture of the community (*legal culture reform*) and the renewal of its legal structure or instrument (*legal structure reform*).² Meanwhile, according to Sudarto, a comprehensive criminal law reform must include reform of material criminal law, formal criminal law and criminal law enforcement.³

Furthermore, according to Barda Nawawi Arief, efforts to overcome criminal law are essentially part of law enforcement efforts (especially criminal law enforcement). Therefore, it is often said that legal politics or criminal law policies are part of *law enforcement policies*.⁴

Thus, law enforcement is a must in a state of law. Law enforcement is also a measure for the progress and prosperity of a country. Because, developed countries in the world are usually marked, not only for their advanced economy, but also law enforcement and the protection of human rights are running well.⁵ As a consequence of Article 1 paragraph (3) of the

² Barda Nawawi Arief, 1998, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*, Bandung: Citra Aditya Bakti, p. 133.

³ Sudarto, 1986, *Pembaharuan Hukum Pidana di Indonesia*, Jakarta: Bina Cipta, p. 27.

⁴ Barda Nawawi Arief, 2008, *Bunga Rampai Kebijakan Hukum Pidana. Perkembangan Penyusunan Konsep KUHP Baru*, Jakarta: Kencana, p. 24

⁵ Heru Susetyo, "Penegakan Hukum Yang Menciptakan Keadilan", Source: <http://herususetyo.multiply.com/journal/item/9/>, accessed on 10 February 2022.

third amendment to the 1945 Constitution (State of Law), there are 3 (three) basic principles that every citizen must uphold, namely the rule of law; equality before the law; and law enforcement in ways that do not conflict with the law. These three basic principles have always been on the agenda of the ruling government in carrying out the wheels of reform, especially legal reform.⁶

Conceptually, the meaning of law enforcement lies in the activity of harmonizing the relationship of values outlined in solid and embodied rules and attitudes of action as a series of elaboration of the final stage of values, to create, maintain and maintain peaceful social life.⁷ Barda Nawawi Arief interprets law enforcement, it seems that it departs from the formation of a system within the scope of Criminal Law. Where in the Criminal Justice System is not a combination of several laws alone, but is a series of interrelationships that are inseparable. So that they will automatically supervise each other the course of a criminal justice process. More interestingly, he also revealed that whether or not a Criminal Justice System will be highly dependent on the state's equipment in carrying out legal politics into legislation. So that it can be concluded that the

good or bad of law enforcement in the criminal realm, is very dependent on studies and the work of state organs within the scope of constitutional law.

Thus, the meaning of the notion of law enforcement can also be viewed from the point of view of the object, namely in terms of the law. In this case, the meaning also includes a broad and narrow meaning. In a broad sense, law enforcement includes the values of justice contained in the sound of formal rules and the values of justice that live in society. But in a narrow sense, law enforcement only concerns the enforcement of formal and written regulations. Therefore, the translation of the word "*law enforcement*" into Indonesian in using the word "law enforcement" in a broad sense can also be used the term "regulation enforcement" in a narrow sense.

According to Satjipto Rahardjo, in the context of the rule of law, law enforcement regulates an effort to bring ideas and concepts into reality. Law enforcement is a process to make legal wishes come true. What are referred to as legal desires here are none other than the thoughts of the legislature that are formulated in the legal regulations. The discussion about the law enforcement process also extends to the

⁶ Azmi Effendi, Perbaikan Sistem Hukum Dalam Pembangunan Hukum Di Indonesia, Jurnal Ilmu Hukum, Vol. 2, No. 2, 2013, p. 2.

⁷ Soerjono Soekanto, 2012, Faktor-Faktor Yang Mempengaruhi Penegakan Hukum, Jakarta: Raja Grafindo Persada, p. 5.

making of laws. The formulation of the minds of legislators (laws) as outlined in legal regulations will also determine how law enforcement is carried out.⁸

The operation of a law enforcement process is, in principle, identical to the operation of a criminal law system. In simple terms, Lawrence M. Friedmann describes an element that must exist in a legal system. However, indirectly, his explanation regarding the operation of the legal system characterizes the operation of the law enforcement process. Lawrence M. Friedmann describes that the legal system consists of 3 (three) components, namely structure, substance and legal culture.⁹

Waste Overview.

Waste is the residue from a business or activity that contains hazardous or toxic materials which due to their nature, concentration and quantity, either directly or indirectly can endanger the environment, health, survival of humans and other living creatures.¹⁰ Materials that are often found in waste include biodegradable organic compounds, volatile organic compounds, organic compounds that are difficult to decompose (*Recalcitrant*), toxic heavy metals,

suspended solids, nutrients, pathogenic microbes, and parasites.

According to Abdurrahman, based on the form of waste generated, waste is divided into 3 (three), namely:

1. Solid waste. Solid waste is waste that has a solid form that is dry and cannot be moved unless it is moved. This solid waste usually comes from food scraps, vegetables, pieces of wood, industrial waste, and others.
2. Liquid waste. Liquid waste is waste that has a liquid form. This liquid waste is always soluble in water and is always moving (unless it is placed in a container/tub). Examples of this liquid waste are water used for washing clothes and dishes, liquid waste from industry, and others.
3. Gas waste. Gas waste is waste in the form of gas. Gas waste can be seen in the form of smoke and is always moving so that it is widely distributed. Examples of gas waste are motor vehicle exhaust gas, gas exhaust from industrial products.¹¹

Liquid waste is a combination or mixture of water and pollutants carried by water, both in a dissolved and suspended state that is wasted from domestic sources (offices, housing, and

⁸ Muchamad Iksan, 2008, *Hukum Perlindungan Saksi*, Surakarta: Universitas Muhammadiyah Surakarta, p. 33

⁹ Lawrence M. Friedman, 2011, *The Legal System. A Social Science Perspective*, [Pent. M. Khozim], Bandung: Nusamedia, p. 16-17.

¹⁰ Mahida, 1984, *Pencemaran Air dan Pemanfaatan Limbah Industri*, Jakarta: Rajawali, p. 29.

¹¹ Abdurrahman, 2006, *Kinerja Sistem Lumpur Aktif pada Pengolahan Limbah Cair*. Surabaya, p. 18.

trade), industrial sources, and at certain times mixed with groundwater, surface water or rainwater.¹²

According to Chandra, liquid waste is one type of waste. As for waste are substances or objects that are no longer used, both from homes and the remnants of industrial processes.¹³ In general, liquid waste can be divided into:

1. Human excreta (feces and urine)
2. Sewage (waste water)
3. Industrial waste (waste material from the rest of the industrial process).

According to Soeparman and Suparmin, liquid waste comes from human activities (*human sources*) and natural sources. Some human activities that produce liquid waste include activities in the household, office, trade, industrial, agricultural and service sectors.

¹⁴According to Chandra, wastewater that does not undergo proper treatment can certainly cause unwanted impacts. These impacts include:

1. Contamination and contamination of surface water and water bodies used by humans.
2. Disrupt life in water, kill aquatic animals and plants.

3. Gives off an odor (as a result of the decomposition of anaerobic and inorganic substances).
4. Produces mud which can lead to siltation of water so that there is a blockage that can cause flooding.¹⁵

According to Suharto, the grouping of waste based on its shape or form can be divided into four, namely: liquid waste, solid waste, gas waste and sound waste. Liquid waste is classified into four groups including:

1. (*domestic wastewater*), namely liquid waste from housing (households), buildings, trade and offices. Examples are: soapy water, detergent water left over from laundry, and fecal water.
2. (*industrial wastewater*), namely liquid waste from industrial waste. Examples are: residual dyeing of fabrics/materials from the textile industry, water from the food processing industry, leftovers from washing meat, fruit, or vegetables.
3. Seepage and overflow (*infiltration and inflow*), namely liquid waste originating from various sources that enter the liquid waste disposal channel through seepage into the ground or through overflow from the surface. Wastewater can seep into sewers

¹² Suparman dan Suparmin, 2002, *Pembuangan Tinja dan Limbah Cair: Suatu Pengantar*. Jakarta: Penerbit Buku Kedokteran EGC, p. 36.

¹³ Budiman Chandra, 2007, *Pengantar Kesehatan Lingkungan*. Jakarta: Buku Kedokteran, p. 56.

¹⁴ Soeparman and Suparmin, *Op.Cit.* p. 45.

¹⁵ Budiman Chandra, *Op.Cit.* p. 62.

through broken, damaged, or leaking pipes whereas overflow can go through parts of drains that are open or connected to the surface. Examples are: waste water from roof gutters, air conditioning, trade and industrial buildings, as well as agriculture or plantations.

4. Rainwater (*storm water*) is liquid waste that comes from the flow of rainwater above the ground surface. The flow of rainwater on the ground surface can pass through and carry solid or liquid waste particles so that it can be called liquid waste.¹⁶

Liquid waste comes from factories which usually use a lot of water in the process system. In addition, there are also raw materials containing water so that in the processing process the water must be disposed of. The water involved in the treatment process is then removed, for example when it is used to wash a material before further processing. The water plus certain chemicals are then processed and then discarded. All of these types of treatment result in waste water.

Law Enforcement By The *Pamong Praja* Police Unit Against Cattle Waste Pollution In Ngawi Regency.

Livestock rearing is synonymous with negative impacts. The same thing happened in the Ngawi Regency environment. The business of fattening beef cattle must also pay attention to the principles of environmental law as regulated in the law. There are two basic principles of environmental law based on the 1945 Constitution after the amendments as stated in Article 28 paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution. The two basic principles include the principle of protecting Human Rights on the environment and affirming the principle of sustainability and environmental insight in the implementation of the national economy.¹⁷ It can be said that the protection of human rights is an important issue and becomes the main material in the constitution of a modern legal state, because in principle humans definitely need the protection of their rights as human beings and these rights are universally recognized rights as universally recognized rights. Inherent as the nature and nature of human birth.¹⁸

¹⁶ Suharto, 2010, *Limbah Kimia Dalam Pencemaran Air dan Udara*. Yogyakarta: Penerbit Andi, p. 54.

¹⁷ Yanuar Muas, *Tinjauan Hukum Islam Tentang Jual Beli Kotoran Sapi Sebagai Pupuk Kandang (Studi pada PT. Juang Jaya*

Abdi Alam) in http://repository.radenintan.ac.id/1277/4/BAB_III.pdf accessed on January 2, 2022.

¹⁸ A. Muhammad Asrun, *Hak Asasi Manusia Dalam Kerangka Cita Negara Hukum*, *Jurnal Cita Hukum*, Vol. 4, No.1, 2016, p. 137-142.

One of the human rights materials is contained in Article 28H of the 1945 Constitution which reads: "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and have the right to health services".¹⁹ So it is clear that the protection and management of the environment must have the aim of ensuring the fulfillment and protection of the right to a healthy and prosperous environment as part of human rights.²⁰

In Ngawi Regency, there are still many cattle breeding companies that do not pay attention to the impact of waste on the community, such as smelly waste that is generated when it rains, this situation makes the surrounding community disturbed and complains to the company. The community wants their rights which were originally promised by the livestock company to maintain the balance of the surrounding environment that is close to the community's house. However, only a few livestock companies are able to provide their responsibilities because not all livestock companies have permits that have been stipulated in the legislation.

In order to overcome violations committed by cattle ranchers, the Ngawi Regency Government through the *Pamong Praja* Police Unit enforces the law against the company as a step so that business actors continue to carry out their rights and obligations to avoid pollution of the surrounding environment and avoid problems with the community. One of the stages in the implementation of law enforcement is as a form of creating public awareness of the existence of regional regulations regarding the environment that apply in life. In order to always create a clean environment and away from pollution created by humans to the environment. What happened in the Karangtengah Prandon Village environment does not seem to be in line with the explanation above.

Jimly Asshiddiqie, what is meant by "law enforcement" is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in the past. cross or legal relations in the life of society and the state. Viewed from the point of view of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as an effort to enforce the law that involves all legal subjects in every legal relationship. Anyone who applies

¹⁹ The article resulting from the second amendment to the 1945 Constitution, Chapter XA on Human Rights, consists of 10 articles, namely Article 28A-Article 28J.

²⁰ Ashabul Kahpi, "Jaminan Konstitusional Terhadap Hak Atas Lingkungan Hidup Di Indonesia", *Jurnal Al-Daulah*, Vol 2 No.2, 2013, p. 148-149.

normative rules or does something or does not do something based on the norms of the applicable law, means that he is carrying out or enforcing the rule of law. In a narrow sense, in terms of the subject matter, law enforcement is only defined as the efforts of certain law enforcement officials to guarantee and ensure that the law is enforced, if necessary, law enforcement officials are allowed to use coercive power.²¹ On the other hand, according to Siti Sundari Rangkuti, law enforcement environmental protection is an effort to achieve compliance with regulations and requirements in general legal provisions and individually, through the monitoring and implementation of (or threat of) means administrative, criminal and civil.²²

Law enforcement against cattle farm waste pollution in Ngawi Regency is carried out in a preventive and repressive manner. Preventive law enforcement against livestock waste pollution is carried out by means of supervision. Supervision can be defined as a process to ensure that organizational and management objectives are achieved. This relates to ways of making activities according to the plan with the instructions that have been given and with the

principles that have been outlined. Robert J. M Ockler explained the essential elements of the monitoring process, namely a systematic effort to set implementation standards and planning objectives, designing information systems, feedback, comparing actual activities with predetermined standards.²³

The term supervision in Indonesian comes from the origin of the word "watch out", so that supervision is just an activity to supervise. Sarwoto provides a definition of supervision as a manager's activity which seeks to make the work carried out in accordance with the established plans and/or the desired results.²⁴ Based on the results of an interview with the Head of the Regional Regulation Enforcement Division of Ngawi Regency, he explained that law enforcement in the form of monitoring violations of cattle farm waste management was carried out to find solutions to the problems caused by the pig farm. Because the pig farms that do not have these permits have the potential to disrupt the activities of the local community, because the cattle breeders have not been able to take action, because the number

²¹ Jimly Asshiddiqie, Penegakan Hukum, Source: <http://www.solutionlaw.com/article/article49.php> accessed on February 15, 2022.

²² Siti Sundari Rangkuti, 2015, Hukum Lingkungan dan Kebijakan Lingkungan Nasional, Edisi keempat, Surabaya: Airlangga University Press., p. 34.

²³ Hani Handoko, 2009, Manajemen Personalia dan Sumber Daya Manusia. Jakarta: PT Rafika Aditama, p. 360

²⁴ Sarwoto, 2007, Dasar-dasar Organisasi dan Management, Jakarta: Ghalia Indonesia, p. 93

of livestock has not yet reached the number to make livestock permits.²⁵

Based on the results of interviews with Mr. Arif Setiono as Head of Law Enforcement of Ngawi Regency Regional Regulations, Repressive actions carried out by the Ngawi Regency *Pamong Praja* Police Unit, namely by coming directly to the location of the cattle farm after reports from local residents related to the contamination of cattle farm waste. The Ngawi Regency *Pamong Praja* Police Unit, in addition to carrying out supervision, also provides input to the farmers at the time of mediation and besides that the Ngawi Regency *Pamong Praja* Police Unit also came to conduct counseling related to livestock businesses established in residential areas. Actions taken if the farm are in densely populated settlements, namely to immediately carry out relocation of livestock locations, but so far it has not been implemented, because the cattle breeders ask for time to move or relocate pig farms to other places.²⁶

Furthermore, the repressive law enforcement carried out by the Ngawi Regency *Pamong Praja* Police unit is to provide sanctions in the form of a warning. The *Pamong Praja*

Police Unit has also carried out the same thing by conducting direct supervision and monitoring of cattle farm waste management activities. The reprimand sanction itself is carried out considering that the Regional Regulation in Ngawi Regency which regulates the cattle husbandry sector does not yet exist.²⁷

If the first warning is not implemented within a period of 7 x 24 (seven times twenty four) hours, it can be followed by a second warning by appropriately giving a copy to the relevant agency. Based on the data and facts that are in accordance with the violations committed and the settlement steps taken previously, actions can be taken according to the field and form of the Perda that was violated. By providing suggestions, it is concluded that the Regional Head can provide considerations as contained in the Regional Regulation including the closure or revocation of the cattle husbandry business license which is administratively submitted to the relevant agency in accordance with the field and form of the Regional Regulation that is violated and technically the operation is carried out by the Unit. The *Pamong Praja* Police are assisted with other relevant agencies in in the case of closing the cowshed.

²⁵ Interview with Mr. Arif Setiono, as Head of Law Enforcement of Ngawi Regency Regional Regulations, on March 7, 2022.

²⁶ Interview with Mr. Arif Setiono, as Head of Law Enforcement of Ngawi Regency Regional Regulations, on March 7, 2022.

²⁷ Interview with Mr. Arif Setiono, as Head of Law Enforcement of Ngawi Regency Regional Regulations, on March 7, 2022

CLOSING.

Law enforcement against Cow farm waste pollution in Ngawi Regency can be carried out preventively and repressively. Preventive law enforcement against livestock waste pollution is carried out by means of supervision. The repressive action taken by the *Pamong Praja* Police Unit of Ngawi Regency, namely by coming directly to the location of the cattle farm after reports from local residents related to the contamination of cattle farm waste. Furthermore, the repressive law enforcement carried out by the Ngawi Regency *Pamong Praja* Police unit is to provide sanctions in the form of a warning. If after the warning, the entrepreneur still has not taken care of cattle waste management, then technically the operation is carried out by the *Pamong Praja* Police Unit assisted with other relevant agencies to carry out the closure or revocation of cattle farming operations.

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Research Result.

Galuh Novalina Puspita Langit, 2016, *Penegakan Hukum Terhadap Izin Usaha Peternakan Ayam Yang Berada Di Pemukiman Penduduk Di Kabupaten Deli Serdang*, Thesis, Yogyakarta: Fakultas Hukum Universitas Islam Indonesia.

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