

LEGAL ASPECTS OF CONVECTION-BASED MSME B3 WASTE MANAGEMENT VALUES OF LEGAL JUSTICE

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Abstract: Environmental pollution which can result further because in addition to environmental damage it also poses a hazard, namely specifically the presence of known hazardous and toxic waste. in Sukaraos Village, Cikijing District, Majalengka Regency, which can result in B3 waste pollution in its business so this needs attention from the central government and local governments. The author will review this research to find out related to legal studies in B3 waste management to realize legal justice and aspects of law enforcement carried out by the Majalengka Regency Environmental Service. the analysis is qualitative analysis. Majalengka Regency Regent Regulation Number 33 of 2019 related to the management of hazardous and toxic waste does not reflect legal justice for MSME business actors Convection this is due to the absence of obligations from the local government for the allocation of B3 waste management for business actors, difficult permits and management fees waste that is charged to business actors and is expensive. The aspects of law enforcement carried out by the Majalengka Regency Environmental Service are still not effective because there are factors in law enforcement itself, including legal factors, law enforcement factors, facilities factors, community factors and legal culture factors that have not been realized by the community. The conclusion of this study is that the existing regulations in Majalengka Regency and other regulations have not created legal justice for the perpetrators themselves because environmental law enforcement and protection of business actors have not been maximized due to several law enforcement factors that do not run optimally.

Keyword: Legal Aspects, Waste Management, Legal Justice Value

I. INTRODUCTION

The development of democracy since independence until now in Indonesia as a democratic country that still applies the law as its commander (Zuhdi Arman, 2018). Environmental Law is a study of natural order, this science is relatively new to be studied, especially in Indonesia. Talking about environmental law means talking about natural resources and the legal regulations that govern them, including those covering environmental law, their protection, environmental health, and environmental disputes.

Researchers generally put forward the law on environmental pollution management which can have further consequences because apart from environmental damage it also poses dangers, namely specifically the presence of known hazardous and toxic materials. or activities that contain hazardous and toxic materials. Types of hazardous and toxic waste materials contained in convection processing, although small concentrations still cause environmental pollution. Waste of hazardous and toxic materials Health by directly or indirectly harming humans (Terry Irwansyah Putra, Nanik Setyowati, Enggar Apriyanto, 2019).

Hazardous and toxic waste materials enter the environment through water, soil, air, and biota media that affect continuously and discontinuously, gradually and instantly, regularly and irregularly (Setiono, 2019). Several laws and regulations governing the environment (protection of environmental law) starting from Law Number 4 of 1984 even to the last amendment to Law Number 32 of 2009 concerning Environmental Protection and Management (hereinafter abbreviated as UUPPLH).

Environmental law as a spatial unit of all objects, forces, living things, including humans and their behavior influences nature itself. In ecology, it means that every living thing is in a process of adjustment (adaptation) in a living system that is influenced by the principles of survival. According to Nursid Sumaatmadja, the principles of ecology can be classified into 3 (three) namely the principle of diversity, cooperation, competition, interaction and the principle of balance (Muhammad Erwin, 2011).

The existence of environmental management in accordance with environmental laws and regulations, especially in water areas which include (lakes, rivers, beaches and seas) without distinguishing between air, land and sea areas, especially in the Majalengka area and its surroundings. The government has made various efforts to overcome, environmental pollution and waste management of hazardous and toxic materials.

In Law Number 32 of 2009 concerning Protection and Management of the Environment where in Article 17 the author understands that the basic provisions are the prevention of the effects of environmental pollution and the prevention of destruction in an integral way along with several other regulations. seriously (sectorally). This has been determined from various other existing laws and regulations, including environmental law enforcement itself (Rahmadi, 2014).

Toxic and hazardous waste management permit. Permission to operate the management of toxic and hazardous waste is regulated in Government Regulation no. 18 of 1999 concerning Management of Toxic and Hazardous Waste, covering storage, collection, utilization, processing and stockpiling. This operating permit is issued by the Head of the Environment Agency. Materials which due to their nature and concentration, the amount of which can directly or indirectly pollute and damage the environment, health, survival of humans and other creatures.

Toxic and hazardous materials which are leftovers from leaf business can also pollute the environment, endanger the environment and the health of other creatures. Toxic and hazardous waste can be categorized as waste if after going through a characteristic test, the waste has characteristics or properties such as explosive, reactive and toxic and causes infection.

One of the impacts of the convection micro, medium and small business industry (industry that uses dyes) is colored waste. Waste in general requires its own technology to process it. Waste before being discharged into open waters, free air or buried, must be able to be degraded by nature or not contain materials that exceed a predetermined threshold.

Based on the results of the initial survey in Sukaraos Village, Cikijing District, Majalengka Regency, that there are 5 (five) business actors with the status of micro, small and medium enterprises that do not have an operational permit in this case related to the disposal of the convection waste management. One of them is Triyadi's micro, small and medium business industry which is located in Sukaraos Village, Cikijing District, Majalengka Regency.

The industry has been running since 1980, which was previously run by Muali as Triyadi's father. The dyeing process for jeans is colored according to demand by using chemicals. The byproduct of the jeans washing industry is physically blue or purple, with a strong smell of chlorine and colored foam. Jeans washing waste can cause disturbance to humans, biota and aesthetic disturbances.

Regarding the management of toxic and hazardous waste, the prevailing laws and regulations are Law. Number 32 of 2009 concerning Environmental Protection and Management, while the implementing regulations are Government Regulation Number 101 of 2014 concerning Hazardous and Toxic Waste Management and Ministerial

Regulation Environment and Forestry RI No. 95 of 2018 concerning Permits for Integrated Hazardous and Toxic Waste Management with Environmental Permits through electronically integrated business services (Abdul Kadir Jaelani, 2019).

In addition, regulations governing the management of toxic and hazardous waste materials in Majalengka are in the form of Regent Regulation No.33 of 2019 concerning Guidelines for the Implementation of Environmental Document Preparation and Regent's Regulation No. 4 of 2015 concerning Environmental Permits which essentially says that the management of hazardous and toxic waste is carried out by producers or business entities that process hazardous and toxic wastes of hazardous and toxic materials, in accordance with the provisions of laws and regulations and must have a permit in the environmental sector (Sitompul, 2021).

The liquid waste generated from the jeans coloring process comes from the results of coloring, rinsing and drying. Waste water that is left will flow into sewers or be absorbed into the ground and waterways around the house, polluting the environment. Pollution of water bodies is caused by the entry of harmful dyes. As a result, along the river in the area is experiencing pollution which results in the destruction of the river ecosystem and disruption of human activities, which in this case still depend on the needs of river water for their personal needs. Utilization and management of waste properly and correctly is one way to avoid or free our environment from pollution (Tia Amina Setiawati, 2019).

With the utilization of waste, it is expected that the waste formed can be used as a substitute for raw materials that have a high economy. Some companies take advantage of this utilization option only in a subterfuge. Some of them only use waste at first, then they don't use it anymore but just throw it away.

This only aims to obtain legality from the government regarding their waste management. Therefore, there is a need for an in-depth study of the utilization of hazardous and toxic waste, not only from a technical point of view but also from an economic perspective (Lego Karjoko, 2017). Nadisha Hanna Haritztin, M.M. as the Head of the Majalengka Regency Environmental

Service, said that the threshold that had been determined was the maximum allowable pH level of 6.0-9.0 mg/l. The maximum allowable level of BOD5 in wastewater is 100mg/l.

Based on the results of direct observations at the location and the results of measurements that have been carried out previously through preliminary preliminary studies, it is known that BOD5 levels that exceed the maximum level that have been set at 1098.25 mg/L will affect the quality and quality of the surrounding water.

The quality of water and waste of hazardous and toxic materials is also based on the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number: P.12/MENLHK/SETJEN/PLB.3/5/2020 concerning Storage of Hazardous and Toxic Waste, where the findings in the waste disposal environment The hazardous and toxic materials for the Convection MSMEs exceed the threshold, namely that the micro, medium and small convection industry owned by Triyadi has violated the rules that have been set, relating to the threshold for B3 waste management, which is 60 Kg per day.

In addition, there was no business operational permit which resulted in the uncontrolled process of the business, so this needs attention from the local government in this case the Department of Industry and Trade and the Department of the Environment so that monitoring and evaluation can be carried out on processed industries, especially the MSME Industry. The convection is located in Sukaraos Village, Cikijing District, Kab. Majalengka. From the explanation above, as well as taking into account previous studies, this study tries to discuss how legal studies in the management of toxic and hazardous waste materials are to realize legal justice and aspects of law enforcement carried out by the Environmental Service based on Majalengka Regent Regulation Number 33 of 2019 concerning Implementation Guidelines. Preparation of Majalengka Regency Environmental Documents.

II. RESEARCH METHODS

This study uses the positivism paradigm, namely research that has a real reality that is governed by certain universally applicable rules. Positivism can play the role of a scientific approach to environmental phenomena to be formulated into meaningful knowledge. Modern knowledge requires a just law. The research is also conducted using a normative juridical approach (Legal Research) or the emphasis of this normative legal research is doctrinal legal research which is commonly referred to as library research or document study.

III. RESULTS AND DISCUSSION

Legal Studies in Hazardous and Toxic Waste Management to Realize Legal Justice

Law enforcement in Indonesia brings us the idea that law enforcement is always by force, so there are those who argue that law enforcement is only concerned with criminal law. Enforcement of environmental law as mentioned earlier is very complicated, because environmental law occupies a cross-point of various fields of classical law. It can be enforced with one of the instruments, namely administrative, civil or criminal law instruments and can even be enforced with all three instruments at once. Therefore, in essence the law also contains values, concepts and goals. The process of realizing these ideas and goals is the essence of law enforcement (Rahardjo, 1983). In Sukaraos Village, Cikijing District, as time goes by, convection businesses are increasingly mushrooming, this is common because of the rapid population growth and the advancement of community development in Sukaraos Village, Cikijing District. However, from the many convection businesses that have arisen, one of them is about the permit for the disposal of the liquid waste. The rise of industrial development in Cikijing is an implication of the emergence of the euphoria of modernization so that industrial activities are increasingly clear in the business map of the country. Industrial activities provide positive results for the country's economy, including making a major contribution in terms of labor absorption, the industrial sector is able to increase added value in various products produced. The other side of the benefits and advantages of industry with the ability to increase the economy, industrial

activities also have a negative impact on the environment. Production carried out in industrial activities produces waste in the form of hazardous and toxic waste.

Business actors as legal subjects implementing production activities in industry have the responsibility for the management of hazardous and toxic waste. Business people also have a responsibility to support national development. The development carried out by the government is a conscious effort in processing and utilizing natural resources to increase the prosperity of the people, both to achieve physical prosperity and to achieve inner satisfaction. Therefore, the use of natural resources must be in harmony, harmonious and balanced with the function of the environment. In order to ensure that these efforts can run well, it is necessary to create and implement a management management system, especially in the activity sectors that have the potential to produce hazardous and toxic waste, such as the industrial, hospital and mining sectors. This can be implemented by enforcing environmental laws and regulations as the basis for its implementation.

With the enactment of these regulations, the rights, obligations and authorities in the management of hazardous and toxic waste by every person/business entity as well as community organizations are protected and protected by law. To support the implementation of these programs, human resources (HR) are needed who master the management of hazardous and toxic waste management, the rights and obligations of the institutions/business entities that are led and the awareness to protect the environment from pollution and destruction. (Setiyono, 2010).

The responsibility for environmental management to business actors is a form of protection for environmental sustainability. The concept of the responsibility of business actors towards environmental management and preservation, including in the form of hazardous and toxic waste management, can be observed in the provisions of the Civil Code Article 1365 paragraph (1) which stipulates that: Every unlawful act that causes harm to another person, obliges the person who because of his fault published the loss, to compensate for the loss.

Legal justice will be realized if the legal structure which in this case is law enforcers is able to take advantage of the legal substance of Article 88 of the Environmental Law to ensnare the perpetrators of polluting hazardous and toxic waste materials that are very dangerous to environmental sustainability and public health in general and are authorized to live. file a claim for compensation and certain actions against businesses and/or activities that cause environmental pollution and/or damage resulting in environmental losses. The community's right to sue is regulated in Article 91 of the Environmental Law wherein the community has the right to file a group action lawsuit for their own interests and/or for the benefit of the community if they suffer losses due to pollution and/or environmental damage. A lawsuit can be filed if there are similarities in facts or events, legal basis and types of claims between group representatives and group members. The rights of environmental organizations to sue are regulated in Article 92 of the Environmental Law, these rights are in the interest of preserving environmental functions. The right to file a lawsuit is limited to the demand to take certain actions without any claim for compensation, except for real costs or expenses.

The waste contains hazardous chemicals or materials such as dyes, if not treated first, it will have a negative impact, both on the surrounding environment and on health, and moreover, few convection businesses have permits.

Based on research at the location, it was found that the disposal of liquid waste from the dyeing of jeans should have a Waste Disposal Permit or IPAL because the impact caused by the staining can cause environmental pollutants. This is because almost all convection businesses still dispose of liquid waste directly to the ground. If the waste from jeans management is dumped into waterways without going through management, it can have a

negative impact on the environment. In the long term it can contaminate ground water. Disposal of liquid waste from the dyeing of jeans should have a waste disposal permit because the impact caused by the dyeing can cause environmental pollutants. This is because almost all convection businesses still dispose of liquid waste directly to the ground. If the waste from jeans management is dumped into waterways without going through management, it can have a negative impact on the environment. In the long term it can contaminate ground water.

Violation of the liquid waste disposal permit in Majalengka Regency. The large number of existing convection businesses, especially Sukaraos Village, Cikijing District, of course, inevitably causes environmental problems resulting from the disposal of the convection waste. Violations committed by convection business actors in Sukaraos Village, Cikijing District, in reality have become an open secret regarding the disposal of their waste. The majority of convection businesses dispose of the laundry products directly into sewers or into sewers as well as household waste disposal which ultimately goes to the river without prior management. Moreover, only a small number of convection businesses in Sukaraos Village, Cikijing District, have permits. The Majalengka Regency

Environment Agency recorded 15 (fifteen) micro, small and medium enterprises (MSMEs) for convection and industrial services.

In resolving environmental disputes by approaching environmental administrative law instruments, it is also based on several laws and regulations relating to environmental issues. Those violations that do not have a waste disposal permit will be resolved through deliberation first. But if it is not resolved by way of deliberation then it is brought to court. If there is a violation related to not having a liquid waste disposal permit, you will get administrative sanctions. Business actors who already have permits that often occur are violations of their administration, for example not extending their licenses, not having HO/Hinder Ordonantie disturbances, and the disposal of their waste is not in accordance with applicable regulations. The sanctions imposed for violations that do not have a liquid waste disposal permit are to get a warning letter. Meanwhile, those who already have a permit if the disposal of liquid waste is not appropriate, the permit will be revoked. The Majalengka Regency Environmental Service has conducted a study to examine what content is contained in convection waste.

In this study, parameters that affect the environment were tested. In supervising the convection business activities as an effort to control the environment in Majalengka Regency, it is by making a quarterly report containing the waste management data whether it is in accordance with existing regulations or not. If it is not appropriate, the party concerned will receive a warning letter, and the environmental permit will be revoked. The waste disposal permit also has a time limit of 5 years. After the expiration of the period of time, the convection business actor is obliged to extend the permit to the environmental service of Majalengka Regency.

As long as there is a change in the convection activity and/or business, both the place of waste disposal and the place of the convection business, the business actor is also obliged to make a new waste disposal permit, because the waste disposal has changed places.

Based on the results of an interview with the Head of the Law Enforcement Section of the Majalengka Regency Environmental Agency, said that the majority of convection businesses in Majalengka Regency still do not have WWTPs, both in large, medium and small priority scales, then the priority scale is only for large or small industries. tall.

The impact of a small convection business is not that big, but when there are complaints from the community, the resolution is directly in the field or at the scene of the incident, by way of deliberation with the parties concerned, both from the community and to

business actors. By way of deliberation can not be resolved then the settlement will be resolved through the courts.

In fact, the supervision carried out and law enforcement on the disposal of liquid waste without a permit carried out by the convection business has not been effective. Where the supervision carried out is not routine due to the large number of convection businesses and the limited number of Civil Service Police Units (Satpol PP) and other related agencies. The sanctions given so far have only been limited to a reprimand when checked by the Civil Service Police Unit officers. The sanction given is only a warning by the Satpol PP and the environmental service so that it does not have a deterrent effect on convection business actors whether convection has a nuisance permit/Hinder Ordonantie (HO) or not, because to establish a convection business, convection business actors must have a permit, business and nuisance permits. The supervision carried out by the environmental service is supervision of convection business actors which is carried out routinely for every 6 months whether the convection business actor commits a

violation or not. Questions regarding a nuisance permit because this convection business can pose a danger of loss and public order, if you have obtained a nuisance permit, you must also have a business license related to the nuisance permit.

The terms of the permit are explained if the convection business must use environmentally friendly dyes to reduce or avoid environmental damage that will occur in the environment around the convection business. What is meant by a nuisance permit or Hinder Ordonantie (HO) is the granting of a business place permit to an individual or entity at a certain location that may cause certain dangers, losses, or disturbances.

H The Hinder Ordonantie contains several forms of sanctions that can be imposed on violations of the provisions of the Hinder Ordonantie. The forms of sanctions are warnings, temporary revocation of permits, permanent disbursement of permits, fines or imprisonment (Rahmadi, 2014). In the old and new environmental laws, no literal meaning of law enforcement is found.

However, to provide clarity on the meaning of law enforcement, the definition as regulated in Dutch, namely handhaving will be taken. According to Notie Handhaving Milleurecht, it is stated that law enforcement is the supervision and determination (or by threat) of the use of administrative, criminal, or civil instruments to achieve the arrangement of legal provisions and regulations that are generally and individually applicable. To establish a convection business, a convection business actor must have a

business license and a nuisance permit. The question about the nuisance permit is caused apart from the fact that this convection business can cause harm and disturbance, peace and public order, also because if you have obtained a nuisance permit, you must also have a business license related to the disturbance permit.

For the convection business, in order to obtain a business license, the business actor must first have an environmental permit, because this convection business is closely related to the environment related to the waste generated from the convection activity. In law enforcement against the disposal of liquid waste without a permit carried out by this convection business, it should not only be limited to a warning. Thus, it will not cause a deterrent effect on the perpetrators of pollution business. Law enforcement that should be carried out is as regulated in the Environmental Law where there are administrative, civil and criminal sanctions. Environmental and health losses due to environmental pollution and destruction can be irreversible (Rahmadi, 2014). In order to overcome the problem of liquid waste disposal, it is necessary to return to the nature of enforcing administrative environmental laws. Therefore, it is clear that the emphasis on this legal culture is on values related to law and the legal process (Endang Sutrisno, 2017).

In the context of enforcing environmental law, administrative sanctions have been imposed as stated in the Environmental Law. This administrative sanction arrangement can be found in Articles 25 to 27 of the Environmental Law. The article gives each authority to impose administrative sanctions in the form of government coercion (*bestuursdwang*) to the person in charge of the business.

The delegation of authority to impose government coercion from the Governor to the Regent/Mayor must be carried out through a Provincial Regulation or discussed in advance with the Provincial DPRD, because such authority is not automatically based on the Environmental Law. In addition to administrative sanctions in the form of government coercion, the authorized official may also impose administrative sanctions in the form of revocation of business and/or activity licenses.

Law enforcement against the disposal of liquid waste without a permit in Sukaraos Village, Cikijing District, when viewed from the ideals of law enforcement, is carried out not only based on environmental laws and government regulations, but also based on regional regulations and regent regulations. This is due to the decentralization of government. With the decentralization of government, it means that local governments have the authority to regulate their autonomous regions. No longer centered on the central government.

Meanwhile, the criminal sanctions for the management of hazardous and toxic waste in Law Number 32 of 2009 concerning Environmental Management and Protection are:

1. TPS LB3
2. Transport of Hazardous Waste
3. Utilization of Hazardous Waste
4. Hazardous Waste Management
5. Hazardous Waste Stockpiling

The Majalengka Regency Government through the Majalengka Regency Investment and Integrated Services Office and the Majalengka Regency Environmental Service, cooperate to at least minimize environmental pollution due to convection waste. In addition to the procedures for granting permits by the Licensing Service, to carry out integrated supervision and control of convection businesses in Majalengka Regency, especially in Sukaraos Village, Cikijing District. Based on the information obtained by the author from Priya Hariyanto as the Head of Complaints, Supervision and Control of DPMPT Majalengka Regency. In carrying out its function, it is only to supervise and control convection business activities for those who already have licensing documents. This is in accordance with Regent Regulation Number 50 of 2018 concerning One-Stop Integrated Services, in Article 8 it is explained that:

1. In the administration of licensing and non-licensing services, the DPMPT is administratively responsible, while the technical responsibility rests with the regional apparatus implementing the affairs in accordance with their duties.
2. Supervision and evaluation after the issuance of licensing and nonlicensing, is carried out and becomes the responsibility of regional government affairs apparatus in accordance with their duties.
3. Furthermore, based on information obtained by the author from the Head of the Environmental Law Enforcement Division of Majalengka Regency, in carrying out its function of supervising, and controlling its relation to the implementation of liquid waste disposal, efforts have been made, among others, by providing education to the public on how to manage waste. This includes the requirement to have an environmental permit in disposing and utilizing the convection waste. The definition of licensing in a broad sense is an approval from the authorities based on the law. Licensing in a narrow sense is exemption, dispensation and concession. Broadly speaking, licensing law is a law that regulates public relations with the state in the event that there are people who apply for

permits. Permit is a single-sided State Administrative Law act which is applied in regulations based on the requirements and procedures as regulated in the provisions of the legislation.

4. The convection industry in Sukaraos Village, Cikijing District, Majalengka Regency is included in the processing industry, because this industry manages jeans material in terms of coloring so that it has high economic value. The scope stated in Law Number 32 of 2009 concerning Environmental Protection and Management must be implemented for every small industrial activity, especially the convection industry so that these activities do not have a negative impact on the surrounding environment. In addition, the efforts made by the Environmental Service of Majalengka Regency regarding these convection efforts are to carry out supervision in terms of nuisance permits. But in reality in the field there are still many convection business actors who do not have a permit to dispose of convection liquid waste, due to lack of knowledge about it.

Aspects of Law Enforcement carried out by the Environmental Service Based on Regent Regulation Number 33 of 2019 concerning Guidelines for the Implementation of Environmental Document Preparation.

Enforcement of environmental law is closely related to the ability of law enforcement agencies and the community's compliance with applicable regulations which cover 3 areas of law, namely administrative law, civil law and criminal law. Enforcement of environmental law is an effort to achieve an order or obedience to the rules and requirements in the provisions set by the central government and local governments that apply in general and individually. In fact, in the field there are still many environmental pollution factors, especially those caused by liquid waste. What is quite highlighted in water pollution in the Majalengka Regency area is pollution that comes from convection business waste which is waste that contains hazardous and toxic materials, where the convection waste contains chemicals caused by jeans dye.

Based on the above provisions, it can be stated that at any time when the business is not managed properly, the government can revoke its environmental permit. The factors for disposing of liquid waste are: First, Pollution of the environment, if the results of the convection waste disposal are not in accordance with the provisions, it can result in pollution of the surrounding environment.

Second, Disposal of waste directly into the ground, it will damage the soil surface if the convection waste is not treated first, and can cause the water to become unclean. In carrying out its functions, the Majalengka Regency Environmental Service has several factors that are weak in environmental law enforcement so that it affects the success or effectiveness of law enforcement. As Soerjono Soekanto stated, in this study the authors found there were 5 factors, including: (Soekanto, 2011)

1. Legal Factor

Law has a purpose for justice, certainty and expediency. In a practice of administering law in the field there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete and tangible, while justice is abstract, which in the end, if the judge in this case decides the case based only on the law, then there is a value of justice that is not achieved. If the law is stated as a collection of written norms and has been legalized by the competent authorities/officials, then the obligation to have AMDAL, UKL and SPPI permits is a must that must be done, but based on findings in the field that the obligations and sanctions in the law do not work. Based on information also obtained from Budi that the regulations are known, but in the

regulation, there is no obligation/responsibility/burden received by the local government to implement the MSME actors.

2. Law Enforcement Factor Enforcement of environmental law cannot be separated from the role of law enforcement agencies in Majalengka Regency to ensure justice and legal certainty that applies in Majalengka Regency as well as to ensure that the law continues to provide benefits to the community. Law enforcement agencies must not be subjective in upholding justice and must treat everyone equally in the eyes of the law, there should be no differences in the ongoing law enforcement process. However, the fact is not optimal because the Environment Agency lacks personnel to enforce it in the environmental field and it is not optimal because reports from the public cannot be processed due to lack of evidence, even though according to the complainants it should be processed because the whistleblower has a water quality standard that is at the maximum limit.

The maximum allowable pH level is 6.0 – 9.0 mg/l. The maximum allowable level of BOD5 in wastewater is 100mg/l. Based on the results of direct observations at the location and the results of measurements that have been carried out by the team of the District Environmental Office. Majalengka previously through preliminary preliminary studies, it is known that the BOD5 level exceeds the maximum level that has been set, which is 1098.25 mg/L. High BOD5 and pH levels will affect the quality and quality of the surrounding water. In general, the pH value of water describes the state of how much acidity or alkalinity a water is. Waters with a pH value = 7 means the water condition is neutral, pH <7 means the water condition is acidic, while pH > 7 means the water condition is alkaline (Effendi, 2003).

1. Facility or Facility Factor

In carrying out their duties, law enforcers must be supported by facilities and facilities. Based on information from Veni Victoruddin that business actors related to supporting facilities for B3 waste management are not yet available because the allocation for B3 waste management does not yet exist, SPPL and IPAL permits from the Head of LH Arrangement are also not available. As for that reason, all of them are good facilities for managing waste by MSME actors due to limited costs. This should be the responsibility of the local government to be able to provide these facilities or with a partnership model or assistance from large corporate responsibility funds in the form of Corporate Social Responsibility (CSR) to help the sustainability of the Convection MSME business.

2. Community Factor

The community here is the target of a rule of law, so it must be seen in terms of what kind of legal compliance in the community, if the community here is still considered to have low awareness or legal compliance, it must be encouraged by the role of law enforcers to provide insight and knowledge related to the rules. laws that are targeted in that society. So change and order are the goals of a developing society, especially at this time with a storm of crisis that never subsides, the law becomes a tool that cannot be ignored in the development process, the law occupies a strategic place in achieving development goals (Sutrisno, 1997).

3. Legal Culture Factors

Legal culture is related to community factors in law enforcement. Legal culture places more emphasis on habits related to law that have been rooted and carried out repeatedly in a community group. A good legal culture can be seen from people who are accustomed to obeying the rule of law and applying the rule of law in aspects of daily life. The law is no longer just a formality regulation, but also becomes part of the daily life of the community where the MSMEs are hereditary in nature, that is, they were established in 1980. In relation to the habits of convection waste management, business actors do not comply and do not understand the benefits of waste management and sustainability. surrounding environment.

So that the consequences of waste pollution for the surrounding environment are considered normal, especially if there are no objections from the surrounding community that are coercive and sustainable. Therefore, to be able to understand the differences that exist between one legal system and another, it is necessary to pay close attention to the legal culture factor as the background for the emergence of these differences. (Endang, Sutrisno, 2013).

IV. CONCLUSION

The legal study that the author found is that the Regent Regulation (Perbup) of Majalengka Regency Number 33 of 2019 related to the management of hazardous and toxic waste (B3) does not yet reflect legal justice for Convection MSME business actors, the environment Service and the surrounding community. It is unfair for business actors, namely due to the absence of obligations from the local government for the allocation of B3 waste management for business actors, difficult permits and waste management fees that are charged to business actors and are expensive. the permit itself, be it AMDAL, UKL-UPL, WWTP or SPPL. Although the SPPL is a musthave document for convection MSME actors and the Majalengka Regency government is still not firm in responding to waste pollution, especially in the permit for the disposal of the convection MSME liquid waste.

The aspect of law enforcement carried out by the Majalengka Regency Environmental Service is still not effective because there are factors in law enforcement itself, namely:

- a. Legal Factor The law is interpreted as a law in this case Perbup Number 33 of 2019 concerning Guidelines for the Implementation of the Preparation of Environmental Documents in Majalengka Regency does not yet reflect a sense of justice for MSME business actors so that the law is ignored by the business actors themselves.
- b. Law Enforcement Factor Because the Environmental Service lacks personnel to enforce the environment and the police are also not optimal because reports from the community cannot be processed due to lack of evidence even though according to the complainants they should be able to process because the complainants have data from water quality standards that are allowed but in reality in In the MSME environment, data found that the levels were above the maximum limit as regulated in Regent Regulation Number 5 of 2012 concerning Wastewater Quality Standards for Industrial Activities.
- c. Facility or Facility Factor Whereas business actors related to supporting facilities for the management of hazardous and toxic waste are not yet available because there is no place for the allocation for the Manager of hazardous and toxic waste. There is also no SPPL and IPAL permit from the Head of the Majalengka Environmental Management Division. As for the results of the means of waste management tools by MSME actors not yet available due to limited funds.
- d. Community Factor The community here is the target of a rule of law, so it must be seen in terms of what kind of legal compliance in the community, if the community here is still considered to have low awareness or legal compliance, it must be encouraged by the role of law enforcers to provide insight and knowledge related to the rules. In other words, there is a need for informal education here from law enforcement in order to achieve legal goals in the community later. This is because people do not understand the importance of environmental health and are antipathetic.
- e. Legal Culture Factor Legal culture places more emphasis on habits related to law that have been rooted and carried out repeatedly in a community group. Because of the large aspirations of the community towards the law, it is easy to implement law enforcement.

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