
**LEGAL ENFORCEMENT AGAINST PIG FARM WASTE POLLUTION IS REVIEWED FROM PERMITTING
LAW AND ISLAMIC LAW**

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ABSTRACT

Due to the difficulty of disposing of pig waste, the pig farming industry in Jetiswetan Pedan Village is causing environmental problems. This research aims to find out how law enforcement handles waste disposal in cases of river pollution by pig feces in Jetiswetan Village, Klaten Regency, as well as the factors that are obstacles for the Environmental Agency in dealing with river pollution by pig feces in Jetiswetan Village. In this research, the problem of law enforcement regarding the disposal of pig waste into the Jetiswetan river in Klaten Regency will be examined in accordance with licensing laws and Islamic law. This research uses qualitative legal research in the legal field. The data source is primary information collected directly from respondents or informants. The study findings show that law enforcement in Klaten Regency regarding the discharge of pig waste into the Jetiswetan river is still inadequate. The environmental agency will enforce waste disposal laws through direct observation in the field. Efforts to overcome pollution of the Jetiswetan River by pig waste have become an obstacle for environmental institutions because there are still many entrepreneurs who do not have waste disposal sites. Apart from that, there are additional obstacles, namely lack of socialization, facilities and/or facilities. This study suggests that in enforcing the law, environmental institutions must be more assertive in preventing environmental violations, and citizens and business actors in the form of pigs must better appreciate the importance of a clean and unpolluted environment.

Keywords: Pig farming, waste, river

INTRODUCTION

The current law enforcement system in Indonesia reflects the fact that our country is a state of law, as outlined in the 1945 Constitution. To create a just and prosperous society, existing laws strive to defend all individual interests and uphold justice in society. In accordance with this view, the rule of law is absolute and non-negotiable. To achieve justice which is the aim of establishing law, no individual is above the law or receives preferential treatment in law enforcement throughout this country.

This is supported by our Constitution, which functions as the foundation for all legal regulations or laws that still exist in our legal system. Article 27 paragraph 1 states that "all citizens have the same position in law and government and are obliged to obey it without exception". This article is a continuation of the author's previous explanation regarding legal equality for all Indonesian citizens. If we examine this article in more detail, we can conclude that this is a manifestation of the application of the principle of equality before the law or equality under the law in the current legal system. This is reinforced by article 28D paragraph 1 which states that "everyone has the right to fair legal recognition, guarantees, protection and certainty, as well as equal treatment before the law". So it increasingly appears that the two articles are trying to uphold the principle of legal equality.

Our country's protection of human rights is rationally influenced by the principle of equality before the law. As an Indonesian nation that upholds human rights, the protection of human rights for all its citizens is non-negotiable. The purpose of this principle is to provide a legal basis that is not discriminatory, arbitrary or selective. Apart from being utilized and recognized by Indonesia in relation to its existence, many countries recognize the principle of equality before the law, such as the rule of law principle used by Anglo-Saxon countries. The rule of law includes the supremacy of law and equality before the law,

while the foundation of the constitution is human rights.¹

Environmental pollution by pig farm waste has become a serious problem in various regions, both at the local and global levels. Pig farming that is not properly regulated can produce waste containing dangerous chemicals, nutrients and microorganisms which can pollute water sources, soil and air, and have a negative impact on human health and environmental life.

Pig farm waste pollution not only involves environmental aspects, but also has significant legal implications. In an effort to overcome pig farm waste pollution, law enforcement is a crucial factor. Effective law enforcement can help prevent, control and reduce the negative impacts of waste pollution.

However, in the context of law enforcement against pig farm waste pollution, a comprehensive approach is needed and is based on licensing aspects as well as the values and principles of Islamic law. Licensing law is closely related to the regulation of legality, standards and requirements that must be met by pig farms in managing their waste. Meanwhile, Islamic law provides guidance and guidance based on moral values, social responsibility and justice in dealing with environmental problems, including livestock waste pollution.

However, there is still a lack of understanding and awareness regarding the importance of law enforcement regarding pig farm waste pollution from the perspective of licensing law and Islamic law. Therefore, this journal aims to comprehensively analyze law enforcement regarding pig farm waste pollution, taking into account licensing laws and Islamic legal principles. This analysis is expected to provide better insight into the need for effective law enforcement in overcoming the problem of pig farm waste pollution and promoting environmental sustainability based on the legal and ethical aspects of Islamic values.

By understanding the licensing legal framework and relevant Islamic legal values, it is hoped that policy recommendations will emerge that can improve law enforcement against pig farm waste pollution. Good implementation of licensing aspects and Islamic legal principles can help create a clean, healthy and sustainable environment and maintain justice in the context of sustainable agricultural development and animal husbandry.

Global ecosystem health can be negatively impacted by environmental problems. This research aims to provide solutions to environmental pollution problems through better regulation and enforcement of licensing laws in the environmental sector. In particular, normative legal research is being used. Research finds that environmental licensing in Indonesia is regulated by various laws governing water management, mining, forestry, industry, land use, B3 waste management, marine pollution, coastal erosion, fisheries, preservation of natural resources and ecosystems, and conservation. Administrative law and criminal law are both available for use in carrying out law enforcement.

The meaning of licensing can be known through several opinions of experts in the field. The following are opinions from experts who explain the meaning of licensing:

- a. According to NM Spelt and JBJM ten Berge, permission is a form of approval based on statutory regulations or government regulations which is intended for situations that deviate from the provisions of statutory prohibitions.²
- b. According to E. Utrecht, permission is a term for a decision from state administration that allows or permits an action.³

¹ Undang-Undang Dasar 1945 28D ayat 1 “KY gelar diskusi terbatas metoda pengawasan hakim”, http://www.komisiyudisial.go.id/index.php?option=com_content&view=article&id=3635%3Aky-gelar-diskusiterbatas-metoda-pengawasan-hakim-&catid=1%3ABerita+Terakhir&Itemid=295&lang=in, 23 juni 2011

² Bagir Manan. Ketentuan-Ketentuan Mengenai Pengaturan Penyelenggaraan Hak Kemerdekaan Berkumpul Ditinjau dari Perspektif UUD 1945. Makalah ini tidak dipublikasikan. Jakarta. 1995. Hlm 8 dalam Andrian Sutedi. 2010. Hukum Perizinan Dalam Sektor Pelayanan Publik. Jakarta: Sinar Grafika. Hlm 170

³ E. Utrecht. Pengantar dalam Hukum Indonesia. (Jakarta: Ichtiar 1957), Hlm 187 dalam Andrian Sutedi. 2010. Hukum Perizinan Dalam Sektor Pelayanan Publik. Jakarta. Sinar Grafika. Hal 167

c. According to Manan, permission is an agreement from authorities or parties who have authority and are based on statutory regulations, to approve or allow certain actions that are generally not permitted.⁴

According to Ateng Syarifudin, permission is something that can remove an obstacle or obstacle, where what is prohibited becomes permitted.⁵

KH Asrorun Ni'am from the MUI Fatwa Commission explains Islam. According to him, river water is holy and purifies. Reckless disposal of rubbish and other waste products into the environment should be avoided at all costs. To avoid the spread of disease and contamination, waste must be planted.

RESEARCH METHODS

This research uses a sociological juridical method with the research location in Jetiswetan Village, Pedan District, Klaten Regency, Central Java. The sociological juridical approach itself is one way to understand and analyze law and society. To strengthen the research analysis, supporting data is also needed consisting of primary data sources obtained from observation and field research using the interview method with respondents. Therefore, this research also looks at whether applicable legal norms and the function of law enforcement officers are effective in dealing with pig farmers who pollute the environment in the middle of the Jetiswetan Village community settlement. When conducting research, a research method is needed to make it easier to conduct research:

1. Object of research

Pollution that occurred in the river in Jetiswetan Village in Klaten Regency, Central Java.

2. Research Subjects Those used for research to support implementation are:

- a. 1 group of pig farmers
- b. Head of Jetiswetan Pedan Village, Klaten Regency, Central Java

3. Data source

Research data sources consist of:

a. Primary data, namely data obtained by researchers directly from subjects in the form of interviews.

b. Secondary data, consisting of:

1) Primary legal materials in the form of laws consisting of:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Constitution 28D paragraph 1
- c. Regent Regulation Number 33 of 2016 concerning river management
- d. Other laws and regulations related to the object of this research.

2) Secondary Legal Materials

Secondary legal materials are also referred to as legal materials that complement primary legal materials, including draft laws, books by leading legal experts, legal journals, opinions of scholars, legal cases, jurisprudence, and the results of the latest symposia on related research topics.

3) Tertiary Legal Materials

Tertiary legal materials are legal information materials that are either documented or presented through the media⁶ such as legal dictionaries, encyclopedias, etc.

⁴ Helmi. 2012. *Hukum Perizinan Lingkungan Hidup*. Jakarta Sinar Grafika. Hlm 77 mengutip Philipus M. Hadjon. 1993. *Pengantar Hukum Perizinan*. Surabaya: Yuridika. Hlm 2-3

⁵ Ateng Syafrudin, *Perizinan untuk Berbagai Kegiatan*, Makalah tidak dipublikasikan, hlm. 1 dikutip pada skripsi M. Panca Kurniawan. 2016. *KEWENANGAN BADAN PENANAMAN MODAL DAN PERIZINAN (BPMP) KOTA BANDAR LAMPUNG DALAM MENGELUARKAN IZIN DI BIDANG KEPARIWISATAAN*. Universitas Lampung (<http://digilib.unila.ac.id/>)

⁶ Meray Hendrik Mezak, *Metode dan Pendekatan Penelitian Hukum*, Jakarta: Law Review Fakultas Hukum Pelita Harapan, 2006, hlm. 87.

c. Data collection technique

- 1) Interview: Questions and answers in verbal communication (oral communication), face to face between the interviewer and the respondent, namely the parties who are the subject of the research.
- 2) Literature study: By tracing and reviewing various regional regulations such as Klaten Regent Regulation NO. 33 of 2016 or Environmental Law literature related to research problems.

4. Research Location

The research location is a pig farm around the Jetiswetan river, Klaten Regency, Central Java

5. Data Analysis Method

The data analysis method used is qualitative juridical, namely by analyzing secondary data based on existing norms, principles and statutory regulations as positive legal norms and the results of field studies which are then analyzed qualitatively.

RESULTS AND DISCUSSION

The author conducted research using direct observation at a pig farming business in Klaten which has been established since 1990 and has been running for 33 years by raising Pigs of the Party type, Yorkshire, Landrace, Berkshire. Pig farming in Jetis Wetan villages shows that pig farmers are classified as productive because they were able to sell 68 pigs in 2020, 40 pigs in 2021, and 18 pigs in 2022 with profits that were able to support pig farming businesses. During the pig farming operation there were problems experienced by farmers, namely the ASF virus. The farmer also obeys the law by making and having a business license to run a pig farming business. Breeders also clean the cage twice a day, namely in the morning and evening to keep the surrounding environment clean. Efforts to deal with manure waste so that it does not cause damage and pollution, pig farming businesses process the waste to make bio gas. With a summary of the results obtained by the author above, the author then discusses the following:

Law Enforcement against Environmental Pollution

Using law for social engineering or social planning shows that law is a tool used by trusted public figures to bring about desired or planned changes in society. 'The substance is made of substantive laws and rules about how institutions should behave,' says Lawrence M. Friedman. Law as an order of behavior that regulates humans and is a compelling order requires law to be distributed so that it can be institutionalized in society to successfully change behavior and force individuals to carry out the principles inherent in the rule of law.

In the institutional aspect of law in public life, law enforcement is just one cog of a larger legal machine which includes legislation, police, courts and justice administration. The aim of law enforcement is to realize the ideals of justice, legal clarity and the benefit of society through the application of the law. Thus, enforcing the law is simply the act of putting the concept into practice. The term "law enforcement" refers to the joint efforts of the state and society to ensure that the rules of the road and the law are followed by all participants. Still on the topic of law enforcement, Soerjono Soekanto defines it as "the activity of harmonizing the relationship between values described in principles/views, values and attitudes that are strong and manifest" in order to create and maintain social harmony..

Efforts made to deal with Pig Farming Business Actors in Jetiswetan Village

Jetiswetan Village is a village located in Central Java, Indonesia. This village has several pig farming businesses, but in recent years, several problems have arisen as the number of pig farming businesses increases. These problems include health, environmental and social problems.

To overcome this problem, the Jetiswetan village government has made several efforts that focus on improving the quality of life of the community, the environment and pig farming businesses. The following are some of the efforts made to overcome the problems that arise:

1. Sensibilization and Education: The village government organizes several educational and sensibilization activities for the community and pig farming businesses. This activity aims to increase the knowledge

- of the public and pig farming business actors about the problems that arise in pig farming activities and how to overcome them.
2. Environmental Protection: The village government issued regulations that limit the location of pig rearing and regulate the disposal of livestock waste. This aims to keep the environment clean and healthy.
 3. Improving Community Quality of Life: The village government provides several public facilities such as clean water, sanitation, and a clean and healthy environment. This aims to improve the quality of life of the community and prevent the spread of disease caused by pig farming activities.
 4. Pig Farming Business Development: The village government also collaborates with various institutions to facilitate pig farming business actors in terms of improving the quality of pig farming, increasing production and increasing income.
 5. Supervision and Control: The village government ensures that all pig farming businesses comply with applicable regulations and ensure that pig farming activities are carried out well and healthily.

By carrying out these efforts, it is hoped that problems arising from pig farming activities can be resolved and the community, environment and pig farming business actors can live together in prosperity. The village government also coordinates with the district and provincial governments to ensure that the efforts made are effective and sustainable.

CONCLUSION AND SUGGESTION

Conclusion

In Klaten Regency, pig waste is thrown carelessly into the Jetiswetan river. However, the regent's regulations have not been strictly enforced. The City Government and the Klaten Regency Environmental Service have quite a big role in carrying out this control. In terms of inviting, encouraging or directing the public to participate in the environmental management process, the Klaten Regency Environmental Service is very inactive.

Suggestion

Based on the findings of this research, the Environmental Protection Agency must be more proactive in enforcing environmental laws and must be open to receiving complaints from local communities who have the right to a clean environment under Regent Regulation 33 of 2016. More pigs, both human and commercial, build or appreciate the value clean and uncontaminated habitat, free from liquid and solid waste.

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