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Legal Consequences of Negligence of the Environmental Agency in Waste Management according to Medan City Regional Regulation No. 7 of 2024

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ABSTRACT

This research employs empirical juridical methods, which involve direct field visits and the collection of accurate data from government agencies. This research aims to examine the problems and regulations of waste management procedures, which are the responsibility of the environmental service, because the regulation is from Medan City Regional Regulation No. 7 of 2024 concerning waste management, and also examines the consequences of the negligence of the Medan city environmental service (DLH), which plays an important role for local government agencies, which has been mentioned in the duties and authority in Permen LHK No. 14 of 2024. This is a joint task between the agency and the community, involving the creation and development of a beautiful and comfortable environment. This aims to foster a healthy community, reduce waste, and optimize waste management. Therefore, the importance of protecting the environment is a primary concern for the community. Sorting and choosing in waste management by distinguishing organic and inorganic waste is the first step in keeping the environment clean, and then the government can provide facilities so that waste ends up in a landfill.

KEYWORDS

Waste;
Environmental
Agency;
Medan City



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INTRODUCTION

Medan City, as the third-largest city in Indonesia, faces serious waste management challenges. This complex problem arises from a combination of factors such as rapid population growth, urbanization, changes in people's consumption patterns, and limited waste management infrastructure and facilities. This situation demands a systematic and comprehensive handling. Daily waste production in Medan City is estimated to reach 2,000 tons per day, with organic and inorganic compositions from households, traditional markets, and several other commercial activities.

The Environmental Agency (DLH) of Medan City, as an institution responsible for waste management, has duties and functions that are explicitly regulated in Medan Mayor Regulation Number 42 Year 2023 on the Details of Duties and Functions of the Environmental Agency. One of the main functions of DLH is waste management, starting from collection, transportation, to final processing. However, in practice, there are still various problems, such as the accumulation of unchanneled waste container bins, a lack of facilities and infrastructure, and non-optimal implementation of waste management policies in the field.¹

Waste management in Indonesia has been regulated in Law No. 18 of 2008 concerning waste management, making this the main foundation for our society. This law mandates local government officials to be fully responsible for ensuring the implementation of good and environmentally sound waste management. As an implementation of the regulation, the Medan City Government has issued a local regulation related to waste management that authorizes the Department of Environment (DLH). Medan City to carry out waste management functions as stipulated in the Medan City Local Regulation No. 7 Year 2024 on solid waste.

Therefore, in the context of this research, DLH Medan City has the obligation and legal authority to ensure the implementation of an effective and environmentally friendly waste management system. This responsibility includes aspects of planning, implementing, monitoring, and evaluating the waste management system from upstream to downstream. Failure to fulfill these responsibilities can have implications for the emergence of losses for the community and the environment, which has the potential to give rise to civil claims as stipulated in the provisions of Article 1365 of the Civil Code regarding unlawful acts. Problems encountered in the implementation of civil liability of DLH Medan city include budget constraints, human resources, the capacity of the final processing site (TPA), and waste management technology that is not yet optimal. The condition of the Terjun landfill, which has threatened water quality and the environment that threatens groundwater, as well as low public awareness in waste selection, are major challenges faced by DLH Medan city.

Various cases of environmental pollution due to suboptimal waste management have led to lawsuits from the community and environmental organizations. This shows the importance of an in-depth study of aspects of the civil liability of the DLH of Medan city in waste management, including the limits of responsibility, the mechanism for resolving disputes, and the form of recovery given to the aggrieved. Waste as a source of environmental pollution, if not managed

¹ Andree Axel Augusta Kembaren & Mohammad Ridwan, "Kinerja Dinas Lingkungan Hidup Kota Medan Dalam Pengelolaan Sampah" (2024) 4:6 J Soc Sci Res.



properly, will result in environmental pollution, harming the surrounding community, the development of disease seeds, and clogging waterways that cause flooding. Waste will also have positive and negative effects on the environment; one of the positive effects is that waste is used as fertilizer. The negative influence on health can cause dengue fever, diarrhea, worms, and so on.²

The study of the civil liability of DLH of Medan city in waste management is important to provide clarity on the limits of institutional responsibility, realize the principle of justice for the affected community, and encourage efforts to improve the sustainable waste management system. Through a focused understanding of the particular aspects of civil law in waste management, it is hoped that a balance can be created between the needs of economic development and environmental sustainability in Medan City. But this issue must first be returned to our chosen national development approach, which is oriented towards unlimited economic growth. This approach, as has been the case in the past, not only does not provide maximum protection to the people but also does not protect nature. The government has shown that it is willing to go in this direction by formulating an environmentally sound development policy. Various laws relating to environmental conservation efforts have also been formulated. But all of this has turned out to be inadequate, because it turns out that these policies have not been able to deal with the interests of global capitalism.³ Therefore, the development of the city will be followed by an increase in population, which will also be followed by social and environmental problems. One of the environmental problems that arises is the problem of waste.

Environmental problems that occur will cause a decrease in environmental quality. Waste has indeed become a polemic in itself; the waste case is not only a crucial problem, but has become an ingrained cultural problem. The impact of waste not only undermines a small group but has reached various aspects of life. If this problem is not handled wisely, sooner or later, waste will drown life with a variety of negative impacts that will arise. Waste will become a burden on the earth, meaning that there are risks that it will cause. Indifference to waste management issues results in the degradation of environmental quality, which does not provide comfort for living, and will reduce the quality of public health. This degradation is further triggered by environmentally unfriendly patterns of community behavior, such as throwing garbage in water bodies, so that garbage will accumulate in existing waterways and cause various other derivative problems. This condition often occurs in densely populated areas in urban areas.

Therefore, waste is one of the important problems that must be solved immediately. The government has an obligation to create a good and healthy environment for citizens. One way to create a good and healthy environment is to carry out waste management. Therefore, in order to organize waste management, a legal umbrella is needed in the form of legislation, so Law Number 18 of 2008 concerning Waste Management and Government Regulation Number 27 of 2020 concerning specific waste management were formed.⁴

² S Hadiwiyoto, *Penanganan dan Pemanfaatan Sampah* (Jakarta: Yayasan Idayu, 1983).

³ Ali Yafie, *Merintis Fiqh Lingkungan Hidup* (Jakarta: Ufuk Press, 2006).

⁴ Indra Wijaya, "Saksi Pidana Membuang Sampah Dikota Medan" (2021) 2:2 J Kaji Sos dan Huk Islam.



Regional Regulation of Medan City No. 7 Year 2024. As referred to in Article 5 of Law No. 18 of 2008, which reads “The government and local governments are tasked with ensuring the implementation of good and environmentally sound waste management by the objectives as in this Law”. It is also mentioned in Article 13, paragraph 1 of the Medan City Regional Regulation No. 7 Year 2024, which reads “The Regional Government in organizing waste management as implemented by the Department and/or can cooperate with related regional apparatus”. The environmental quality of Medan city is increasingly concerning as evidenced by the results of the Environmental Service report through data on the National Waste Management Information System (SIPSN) in 2021 submitted by the Mayor of Medan stated that waste generation in Medan city reached 2000 tons per day, only about 30 tons can be processed, the rest will increase the burden on the environment. The data on the amount of waste generation has exceeded the prediction of waste generation in Medan city per day of 1,731.37 tons consisting of organic and inorganic waste in the form of plastic waste, sources of waste from domestic and industrial waste.

The composition of waste by type in Medan city is 14.7% plastic waste from the total waste in Medan city. Therefore, the annual Medan city waste can be estimated at 632,149.41 tons/year. The direction of policies and strategies in the reduction and handling of household waste and waste similar to household waste at the provincial level that is integrated and sustainable, based on Pergub No. 3 of 2020 concerning *Jakstrada Provsu*, sets a waste reduction target of 30% and a waste handling target of 70% until 2025 in Medan city. The waste generation of Medan city is 645 million 363 thousand tons/year with a population of 2,524,511 people with a proportion of managed waste of 394 million 363 thousand tons/year and unmanaged waste of 250 million 649 thousand tons/year from this amount of waste reduction of 65,863 tons/year and waste handling of 328,500 tons/year, this means that currently the percentage of waste reduction is 10.2% and waste handling has only reached 50.9%.⁵

Waste management, especially plastic waste in Medan City, has not yet reached the target in both reducing and handling waste. Waste is a common problem; therefore, its management needs to involve cross-generations. So far, waste management has not maximally empowered people of all ages. Waste management by involving the participation of people of different age levels and different behaviors needs to be done in order to support the acceleration of achieving the target of reducing and handling household waste and similar household waste in Medan City.⁶

This data shows that waste management in Medan City still faces great challenges in accommodating and processing the waste generated every day, so it is necessary to increase management capacity and community participation to reduce environmental impacts. Therefore, according to the data I got from the Medan City Environment Agency in 2024, some of the sub-districts, namely, Medan Sunggal at 34,541.200 tons/year, Medan Denai at 21,539.415 tons/year, Medan Tuntungan at

⁵ SIPSN, “Sistem Informasi Pengolahan Sampah Nasional”, (2021), online: <<https://sipsn.menlhk.go.id/sipsn/>>.

⁶ Sri Malem Indirawati et al, “Analisis Model Intervensi Pengelolaan Sampah Plastik Pada Generasi X Di Kota Medan” (2003) 22:2 J Kesehat Lingkungan Indones.



189,287.40 tons/year, Medan Amplas at 20,154.90 tons/year, Medan Johor at 18,667.25 tons/year, Medan Area at 22,259.55 tons/year, Medan Maimun at 11,925.11 tons/year.⁷ Here are some data on sub-districts in Medan that are used as a source of comparison for 2024.

There are several ways to manage waste to create a beautiful and comfortable environment. The following are some ways to manage waste: weighing the weight of waste based on the type of waste, namely organic, recycled, and residue after the intervention. Each assisted family is conducted a final evaluation through observation, interviews, and waste control cards to see changes in waste sorting behavior and the application of 3R actions (reduce, reuse, recycle). At this stage, the community is invited to actively participate and join in every waste management program from the government, such as transportation services, and become a customer of the waste bank. Communities that consistently experience a decrease in the average weight of waste per day and implement actions to reduce waste and sort waste at home are labeled and awarded as 3R pilot families.⁸

- a. Incineration is the disposal of waste in a landfill, then burning it. Waste combustion is carried out in a closed place with special machines and equipment designed for waste combustion.
- b. Composting: Utilization of organic waste into compost material. For composting, waste must be sorted so that organic and inorganic waste are separated.
- c. Dumping is the disposal of waste by piling it up on open land. In this way, the landfill requires a large area of land, and the waste is simply piled up without any treatment. The dumping system can reduce costs, but it is rarely done because the surrounding community is very disturbed.
- d. Reduction: This is destroying waste into smaller amounts, and the results are utilized, for example, garbage reduction, which can produce fat.
- e. Recycling This means breaking down waste into smaller pieces and utilizing them, such as cans, glass, and so on. This method is hazardous to health, especially if hygiene is not taken into consideration.

Changes in an environment are largely determined by human behavior. A protected environment will benefit humans, increase the income of the State as the master of natural resources, and improve the quality of human life. However, if the environment is not maintained, it will cause disasters, pollution, and environmental damage. The existence of pollution due to environmental damage is part of the actions of humans themselves, who are basically responsible for the phenomena that occur.⁹

Apart from that, the role of the Medan City Environmental Agency in providing goods and services is still not optimal. The procurement of goods requires a larger budget, while the provision of services such as socialization and training for waste bank members is only conducted twice or thrice a month, with limited coverage. The agency has not been able to meet high standards in providing waste processing facilities and equipment due to a lack of budget. The procurement procedures that

⁷ *Waste Volume Data of the Medan City Environment Agency*, by Government of Medan City (2024).

⁸ Indirawati et al, *supra* note 6.

⁹ Moh Fadli, Mukhlis & Mustafa Lutfi, *Hukum dan Kebijakan Lingkungan* (Malang: UB Press, 2016).



must be followed also affect the speed of procurement, which has an impact on waste bank productivity. If waste banks get good facilities and equipment soon, the waste problem can be solved. The collection of community data by the environmental agency also helps to facilitate.¹⁰

Evaluation of the development of the Waste Bank, and member registration is easy and free. The regulation of the Medan City Environmental Agency for the development of waste banks is described in the Medan City Mayor Regulation No. 39 Year 2022. In this regulation, the steps to be taken by the Environmental Agency to develop the waste bank are described. Government officials understand their duties and functions well, as evidenced by their participation in activities to support waste banks with the agency conducting socialization, education, and training to the community regularly, two to three times a month. The socialization aims to provide knowledge about the importance of waste banks, while the education and training raise awareness of the importance of waste banks.¹¹ The community's eagerness to participate, and the agency also provides awards for active members, which motivates the community to get more involved.

METHOD

Legal research is a systematic process that aims to find, understand, and analyze legal rules, principles, and doctrines to answer various legal problems that arise in society. The main purpose of this research is to find the right solution to the problem at hand and provide scientific contributions in the form of relevant articles, which are expected to play a role in solving these problems in real terms.

In this scientific work, the author uses empirical juridical research methods. As explained by Ronny Hanitijo Soemitro, this approach obtains data through primary data sources collected directly from the community, or often referred to as field research.¹² Empirical legal research not only views law as written norms (law as written), but also as a social reality that lives and applies in society. In other words, this method does not merely examine legal provisions in the form of laws and regulations, but also how these provisions operate and are applied in the practice of everyday life.

To support the analysis, this research uses two approaches, namely the statutory approach and the sociological approach. The statutory approach is used to examine in depth the various regulations governing waste management in Medan City, particularly those contained in Medan City Regional Regulation No. 7 Year 2024 on Waste Management. This approach provides a normative foundation that serves as the legal basis for identifying the responsibilities and obligations of the relevant parties.

Meanwhile, the sociological approach is used to understand how legal provisions relating to the responsibilities of the Medan City Environmental Agency (DLH) in waste management are applied in social reality. This approach seeks to describe the gap between normative provisions and implementation in the field, as

¹⁰ Nathaya Christy Enya & Muhammad Arifin Nasution, "Peran Dinas Lingkungan Hidup dalam Pengembangan Bank Sampah di Kota Medan" (2023) *Public Adm Rev.*

¹¹ Fadli, Mukhlis & Lutfi, *supra* note 9.

¹² Mukti Fajar & Yulianto Achmad, *Dualisme Penelitian Normatif dan Empiris* (Yogyakarta: Pustaka Belajar, 2015).



well as public perceptions of the roles and responsibilities of DLH in realizing effective and sustainable waste management. In terms of data collection, this research uses two main types of data sources, namely primary legal materials and secondary legal materials. Primary legal materials refer to legal sources that have direct authority, which, in the context of this research, were obtained through interviews, observations, and discussions with officials of the Medan City Environmental Agency. This information provides a direct picture of the implementation of regulations at the practical level. In addition, secondary legal materials were used to complement the analysis, which included various scientific publications such as books, theses, dissertations, legal dictionaries, and scientific journals relevant to the research topic. These materials play an important role in strengthening the theoretical framework and supporting the legal arguments built in this research.

RESULT & DISCUSSION

I. Waste Management Regulation Based on Local Regulation No. 7 of 2024

According to the definition in the waste law, waste is the residue of daily human activities and/or natural processes in solid form. In general, waste is solid waste from household activities, markets, offices, lodging houses, hotels, restaurants, industries, or other human activities. Waste can come from the debris of building materials and scrap metal from motorized vehicles.¹³ Waste is a by-product of human activity, listed in SNI (Standar Nasional Indonesia) is a standard that is no longer used. Broadly speaking, the theory of waste management in Indonesia has been determined by the Indonesian Standards Agency, which applies nationally; in waste management, SNI issues its standards. The increase in population in an area will automatically reduce the carrying capacity of infrastructure facilities in that area.¹⁴

Based on Law No. 18/2008 on Waste Management, there are two main categories of waste management, namely Household Waste Management and Waste Similar to Household Waste: The management of this type of waste includes two main aspects: Waste Reduction and waste handling, This involves the process of collecting, transporting, processing, and final disposal of waste. Specific Waste Management: This category of waste is the responsibility of the government to manage. This type of specific waste usually requires special handling due to its hazardous or complex nature.

Overall, waste management in this law is defined as a series of activities carried out in a systematic, comprehensive, and sustainable manner that includes efforts to reduce and handle waste:

- a. Waste is the residue of daily human activities and/or natural processes in the form of solid matter.
- b. Household waste is waste derived from daily activities in the household that does not include feces and specific waste.

¹³ S P Nurhidayat, *Mengolah Sampah Untuk Pupuk dan Pestisida Organik* (Jakarta: Penebar Swadaya, 2010).

¹⁴ Joflius Dobiki, "Analisis Ktersedian Prasarana Persampahan di Pulau Kumo dan Pulau Kakara di Kabupaten Halmahera Utara" (2018) 5:2 J Spes.



- c. Waste similar to household waste is household waste originating from commercial areas, industrial areas, special areas, social facilities, public facilities, and/or other facilities.
- d. Residential area is a residential area in the form of clusters, apartments, condominiums, dormitories, and the like.
- e. Waste management is a systematic, comprehensive, and sustainable activity that includes waste reduction and handling.
- f. Temporary Shelter, hereinafter abbreviated as TPS, is a place before waste is transported to recycling, processing, and/or integrated waste processing sites.
- g. Integrated Waste Processing Site, hereinafter abbreviated as TPST, is a place where collection, sorting, reuse, recycling, processing, and final processing activities are carried out.
- h. Final Processing Site, hereinafter abbreviated as TPA, is a place to process and return waste to the environmental media.
- i. Compensation is a form of government accountability for waste management at the final processing site that hurts people.

Waste management referred to here is a systematic, comprehensive, and sustainable activity that includes waste reduction and waste handling. So the regulated waste includes:

- a. Household waste;
- b. Waste similar to household waste, both from commercial areas, industries, and public facilities.

It should be noted that to realize the regulation in waste management, it has been stated in Medan City Regional Regulation No. 7 of 2024 concerning waste management and Medan City Mayor Regulation No. 26 of 2019 concerning policies and strategies in household waste management. Based on data from the Department of Environment (DLH) taken in 2023, it is estimated to reach 2,000 tons per day. To follow up, Government Regulation (PP) No. 81 of 2012 concerning the management of household waste and waste similar to household waste. This regulation aims to regulate systematically, thoroughly, and continuously as the government's authority in organizing waste management in Article 7 of the regional regulation No. 7 of 2024 is as follows:

- a. Establish waste management policies and strategies by regional government policies;
- b. Organizing coordination of guidance and supervision of performance in waste management;
- c. Facilitating the settlement of waste management disputes;
- d. Establishing an institution that organizes waste management;
- e. Establishing norms, standards, procedures, and criteria for waste management, referring to the minimum service standards set by the regional government;
- f. Preparing a master plan for the development of waste facilities and infrastructure; and
- g. Supervising the control of waste development.



Based on the related waste management procedures, it is inseparable from the important role of the community and the government in this case handling waste management in Medan City. According to the direction of the Medan City Regional Regulation No.7 Year 2024, municipal waste management includes efforts to reduce waste and handle waste from the source of generation. One of the efforts that can be made is the use of waste. Waste management permits, specific waste in one of the interviews, Mr. Hery Waste and B3 Management Staff, DLH Medan City, and also appealed to maintain waste sorting. Waste sorting is the initial stage that determines the effectiveness of the waste management system in the next stage.

Waste segregation is more effective at the source level of waste generation (e.g., households) because the waste component at the source level, especially for inorganic waste types, still has a pure nature or has not been mixed and contaminated with other waste. This can also help reduce the volume of waste that must be transported to the landfill. And it was also mentioned that each sub-district consists of several TPS, which is estimated to be around 10 TPS per sub-district. The division of TPS is divided into 2 parts, namely Permanent TPS and Floating TPS. After being collected at the TPS, they are transported by the fleet to Terjun Landfill, which is located in Marelan. This is the only landfill in Medan City. In the regulation, the grouping of waste is still not maximally implemented, starting from organic, non-organic, and inorganic.

However, in this case, there are 21 sub-districts in the city of Medan, which are material, namely 3 sub-districts taken to represent the sub-districts with very bad waste volume, namely Medan Tembung Subdistrict, Medan Sunggal, and Medan Timur Medan. The effectiveness of law enforcement and the implementation of waste management policies still face various obstacles. One of the factors causing this is the negligence or less-than-optimal performance of the Environmental Agency in carrying out its duties. This can be seen from the accumulation of waste container bins at the DLH office in Medan City, even though there are many areas in Medan City that really need these facilities. This incident raises questions regarding the legal liability of the DLH of Medan City for negligence in waste management, which has an impact on environmental pollution and public losses.

Therefore, waste banks are one of the best solutions in waste management, namely by directly involving the community as well as increasing the economic value of the community. According to regional regulations, there is a 3R system, namely Reduce, Reuse, and Recycle, but the concept is still not maximally implemented due to a lack of awareness from the community and the role of the government in socializing this. And therefore, based on Law No. 18 of 2008 concerning Waste Management, community involvement in municipal waste management is to participate in the decision-making process, implementation, and supervision in the field of waste management. The role of the community in waste management includes: providing proposals, considerations, and suggestions to the government or local government; formulating waste management policies; and providing advice and opinions in dispute resolution.¹⁵

¹⁵ A S Maulina, "Identifikasi Partisipasi Masyarakat Dalam Pemilahan Sampah di Kecamatan Cimahi Utara Serta Faktor Yang Mempengaruhinya" (2012) 23:3 J Reg City Plan 177-196.



II. Legal Consequences of the Environment Agency's Negligence in Waste Management

The Department of Environment is a regional agency responsible for environmental affairs, including waste management, which is currently experiencing severe problems, namely problems in the field of waste. Therefore, the Medan City Environmental Agency (DLH) has an important role in creating comfort in the external or household environment. Therefore, it is necessary to have the responsibility and authority of DLH in terms of articles 5 and 6 of Law No. 18 of 2008, which reads "the government and local governments are tasked with ensuring the implementation of good and environmentally sound management by the objectives as intended and mentioned duties referred to in article 5 as follows:

- a. Raising Public Awareness: Educate and encourage active participation of citizens in waste management.
- b. Technology Development: Conduct research and development of new technologies to reduce and handle waste.
- c. Waste Management Facilitation: Supporting, developing, and implementing various efforts to reduce, handle, and utilize waste.
- d. Infrastructure Provision: Carrying out waste management and providing the necessary facilities and amenities.
- e. Encouraging Utilization of Results: Encourage and facilitate the development of products or benefits from the results of waste management.
- f. Application of Local Technology: Facilitate the use of specific technologies developed in local communities to reduce and handle waste.
- g. Inter-Agency Coordination: Organize integrated coordination between the government, community, and private sector in waste management.

Based on the Regulation of the Minister of Environment and Forestry (LHK) Number 14 of 2024, the Environmental Service has several main tasks and authorities, namely:

- a. Planning Supervision: preparing annual supervision plans related to environmental protection and management at the provincial or district/city level.
- b. Conducting supervision to monitor businesses and/or activities that have the potential to cause pollution or damage to the environment. Checking Compliance: Conducting inspections to ensure compliance with environmental regulations through the supervision plan that has been made.
- c. Documenting Supervision Results: Preparing official reports and supervision reports as documentation and a basis for law enforcement.
- d. Enforcing violations: Implementing preventive measures and handling environmental violations, including imposing administrative sanctions by applicable regulations.
- e. Coordinating: Coordinating with environmental supervisors and relevant local government agencies in the implementation of supervision.
- f. Providing guidance: Providing technical guidance and supervision to environmental supervisors in their respective areas.



Authority of the Environmental Agency:

- a. Appointing Environmental Supervisory Officials at the provincial or district/city level to carry out supervision.
- b. Conducting direct and indirect supervision of the implementation of environmental obligations by business actors and activities.
- c. Conducting inspections, collecting data, and information related to compliance with environmental regulations.
- d. Issuing written warnings, temporary suspension orders, demolition orders, seizure of goods that have the potential to cause violations, and other administrative actions to stop environmental violations.
- e. Setting deadlines for compliance with government enforcement based on the complexity of the violation and the corrective measures required.
- f. Taking over the implementation of pollution and environmental damage mitigation and environmental function restoration if the business/activity operator fails to comply with government enforcement.
- g. Coordinating and collaborating with ministries, local governments, and relevant agencies in the enforcement of environmental laws.¹⁶

Ministry of Environment and Forestry Regulation No. 14 of 2024 emphasizes that the Environmental Agency plays a strategic role in monitoring and enforcing administrative sanctions to ensure that businesses and activities comply with environmental protection and management regulations in order to achieve sustainable and accountable environmental governance. Intentional acts, such as those that involve a willingness to violate applicable laws, When managing waste, local governments as supervisors and environmental agencies and sanitation agencies as implementers of waste management activities should be aware that if waste management involves improperly managed waste disposal, unseparated waste will mix and form substances that are harmful to the environment at both temporary and final disposal sites.¹⁷

If the Environmental Agency fails to perform its duties, there are several forms of accountability that can be applied. Relevant institutions will take legal action to protect the public from the effects of pollution and environmental damage.¹⁸ These law enforcement efforts can be carried out in various ways. Under the Environmental Protection and Management Law (UUPPLH), there are three types of environmental law enforcement: administrative law, civil law, and criminal law.¹⁹ From these three methods of law enforcement, the Environmental Agency can proceed with further action against the provisions that have been violated. Whether the provisions violated are administrative (permits), civil (illegal acts), or can be

¹⁶ Ministry of Environment and Forestry Regulation No. 14 of 2024

¹⁷ Jennifer Alvi Syahrin, Madiasa Ablislar & Suhaidi, "Tanggung Jawab Korporasi Dinas Kebersihan Atas Pengelolaan Sampah Berdasarkan Undang-Undang No. 18 Tahun 2008 Tentang Pengelolaan Sampah" (2019) 7:2 USU Law J.

¹⁸ Muh Zafri Ramadhan, "Failure of Criminal Sanctions in Law Enforcement Environmental Crime in Indonesia" (2025) 1:1 J Verum Legis Indones 28-37, online: <<https://journal.abhinaya.co.id/index.php/jvli/article/view/31>>.

¹⁹ Syahrul Machmud, *Penegakan Hukum Lingkungan Indonesia (Penegakan Hukum Administrasi, Hukum Perdata, dan Hukum Pidana Menurut Undang-Undang No. 32 Tahun 2009)* (Yogyakarta: Graha Ilmu, 2012).



pursued through criminal law enforcement.²⁰ This is stated in Article 15 of the Medan City Regulation: “Any person or business entity that has a permit as referred to in Article 14(1) and uses it in a manner inconsistent with its intended purpose shall be subject to administrative sanctions in the form of: a. a written warning; b. temporary suspension of activities; c. temporary suspension of public services; d. closure of the location; or revocation of the permit.”

III. Analysis of Waste Management Due to Negligence by the Environmental Agency

The problem of waste management in Medan City reflects a systemic failure that is not only caused by technical factors, but also by weak institutional management at the local government level, particularly the Environmental Agency (DLH). Indications of negligence in carrying out duties and authorities by the DLH can be reviewed through several dimensions: policy failure, low operational performance, legal implications, and its impact on the environment and society.

a. Suboptimal Policy Implementation and Operational Performance

The City of Medan Environmental Agency (DLH) has a legal mandate to implement effective and sustainable waste management by the provisions of Law No. 18 of 2008 on Waste Management and the City of Medan Regulation No. 7 of 2024. However, the implementation of these regulations has proven to be suboptimal. One key indicator is the accumulation of waste at various locations, including within the DLH office premises itself. This not only highlights logistical failures but also reveals structural inadequacies in providing basic environmental services.

In addition, Mayor Regulation No. 26 of 2019 concerning the Household Waste Management Strategy has not shown any significant impact in terms of implementation. This is due to the lack of regular monitoring of the implementation of strategic programs such as waste sorting at the source, community involvement in the 3R system (Reduce, Reuse, Recycle), and the limited integration between the public and private sectors in waste management.²¹

Operationally, DLH also faces fundamental limitations in the form of a shortage of technical personnel, transport fleets, and final processing facilities. High dependence on conventional transportation systems without technological innovation has resulted in inefficient waste collection and processing. This problem is exacerbated by disproportionate budget allocations, which have prevented most waste reduction and management programs from running optimally.²²

²⁰ Andi Hamzah, *Penegakan Hukum Lingkungan* (Jakarta: Sinar Grafika, 2010).

²¹ Dwi Indrawati et al, “Upaya Meningkatkan Partisipasi Masyarakat dalam Pengelolaan Sampah Berbasis 3R di Desa Cibodas Kecamatan Pasirjambu Kabupaten Bandung” (2021) Vol.6:No.1 J-Dinamika J Pengabdian Masyarakat hlm.51-56.

²² Ranno Marlany Rachman et al, *Optimalisasi Sistem Pengelolaan Sampah Perkotaan (Strategi dan Implementasi)* (Tohar Media, 2024).



b. Failure to Achieve National Targets: Institutional Responsibility

The central government has set a target of reducing waste by 30% and managing 70% by 2025, as mandated in Presidential Regulation No. 97 of 2017 concerning the National Policy and Strategy for Household Waste Management. However, based on DLH data, Medan City has only achieved a 10.2% reduction and 50.9% for management.²³ This indicates that DLH is not performing its coordinating and executive roles optimally in achieving these national targets.

Medan City produces 2,000 tons of waste per day, putting significant pressure on the waste management system. Of this amount, plastic waste accounts for around 14.7%, most of which is not handled properly.²⁴ The massive volume of waste reflects not only the consumptive lifestyle of the community, but also the absence of data- and technology-based management strategies from the DLH. There is no digital monitoring system to detect waste production trends, nor is there a transparent public reporting system.

c. Negligence in Public Participation and Education Development

Social factors that exacerbate waste management include low public awareness of the importance of sorting and reducing waste at the source. However, this cannot be entirely blamed on the public. The negligence of the DLH in establishing a systematic and sustainable environmental education system is the root of the problem. Environmental campaigns tend to be ceremonial in nature and do not address behavioral change. The lack of active involvement from neighborhood associations, schools, communities, and the informal sector means that waste management policies remain the sole responsibility of one party without adequate social control.

Furthermore, DLH has not yet developed incentive-based strategies to encourage community involvement, such as digital waste bank programs, reduced fees for households that sort waste, or cooperation with recycling businesses. The absence of incentive-based approaches demonstrates weak institutional innovation.

d. Environmental and Social Impacts of Negligent Waste Management

The impact of this negligence is visible in the multidimensional damage to the environment. Accumulated waste not only pollutes the soil and water but also causes diseases such as diarrhea, leptospirosis, and dengue fever. The city's drainage system, which has been disrupted by waste, also increases the risk of seasonal flooding, which has a direct impact on the economic losses of residents.

The condition of the Terjun Final Processing Site (TPA) in Marelan has further exacerbated the situation. The accumulation of unsorted waste at the TPA produces methane gas, leachate (wastewater), and other hazardous compounds

²³ Frarev Robbyan Joshua Sitorus, Gina Cynthia Raphita Hasibuan & Zaid Perdana Nasution, "Kajian Kelayakan Investasi TPS 3R di Kampus USU dengan Retribusi Sampah Berdasarkan ATP-WTP Pelanggan Sampah Rumah Tinggal di Kelurahan Padang Bulan." (2025) Vol.10:No.6 J Syntax Lit.

²⁴ Jefry Ronaldo Sitanggang, *Implementasi Kebijakan Peraturan Walikota Medan Nomor 18 Tahun 2021 Tentang Pelimpahan Sebagian Kewenangan Pengelolaan Persampahan Kepada Camat di Lingkungan Pemerintah Kota Medan Provinsi Sumatera Utara (Studi Kasus di Kecamatan Medan Tuntungan)* Universitas Medan Area, (2024) [unpublished].



that seep into the soil and groundwater. This has the potential to become an ecological disaster, and if not addressed promptly, could lead to a widespread public health crisis. The TPA has already exceeded its optimal capacity, and to date, no proactive measures have been taken to build a new TPA or improve waste processing technology.

e. Legal Review: Legal Implications of Negligence by the Environmental Agency

Legally, the DLH of Medan City can be held accountable for negligence in the performance of its duties as stipulated in Articles 19 and 20 of Law No. 18 of 2008. The DLH is obliged to implement a waste management system that complies with the principles of sustainability, accountability, and transparency. Additionally, the Ministry of Environment and Forestry Regulation No. 14 of 2024 explicitly states that local governments are responsible for planning, monitoring, and controlling waste management processes.

This negligence can result in three forms of legal liability:

- 1) Administrative, in the form of internal sanctions such as warnings, performance evaluations, and revocation of management authority if the DLH fails to meet the established management indicators.
- 2) Civil, if there is proven causality between the negligence of the DLH and environmental damage or harm to public health. Citizen lawsuits may be filed by the public or environmental NGOs as a form of legal control over the government.
- 3) Criminal penalties, in certain cases where it is proven that the negligence has resulted in serious environmental pollution and damage, the institutional and individual responsible parties may be charged under Articles 98 or 99 of Law No. 32 of 2009 concerning Environmental Protection and Management, with the threat of imprisonment and heavy fines.

The aspect of intent (*dolus eventualis*) can also be drawn if it is found that the DLH was aware of the consequences of their actions but allowed them to occur. For example, the lack of sorting and management of toxic waste at the landfill had been reported previously, but was not followed up with technical policies. The negligence of the DLH of Medan City in waste management cannot be viewed as a mere administrative error, but rather as a structural failure with systemic consequences for the environment and public health. The combination of weak institutional management, ineffective policy implementation, infrastructure limitations, and a lack of social innovation indicates that waste management in Medan City is in a state of emergency requiring firm legal and policy intervention. This analysis emphasizes that the restoration of waste management governance must be carried out through: (1) institutional reform within the DLH, (2) enhancing fiscal and technological capacity, (3) strengthening community participation based on education and incentives, and (4) enforcing environmental laws firmly and without compromise.

CONCLUSION

The issue of waste management in Medan City is currently a major challenge that has not been fully addressed. Irregularities in the waste management system have had a serious impact on the environment, especially amid the continuous increase



in population every year. As the population grows, the volume of waste produced also increases significantly, requiring more serious attention and action from all parties.

In this context, the role of the government is crucial as the authority responsible for implementing and supervising the waste management system. The government is not only responsible for providing facilities and infrastructure, but also for ensuring that effective and implementable policies are in place to control this problem. However, this responsibility cannot be borne by the government alone. Active community involvement is also an important factor in creating a clean, beautiful, and comfortable environment. Collaboration between the government and the community will create synergy that can strengthen comprehensive waste management efforts. Data shows that the city of Medan produces approximately 2,000 tons of waste daily. This is certainly not a small amount, and when multiplied over a year, the total volume of waste can reach around 730,000 tons. This fact serves as a warning that awareness and participation from every individual are essential to prevent excessive waste accumulation and harm to the environment.

One of the efforts that can be made to overcome this problem is to optimize the existence of waste banks and final disposal sites (TPA) in each sub-district. Waste banks not only function as places for collecting and sorting waste, but also as a means of educating the community to be more concerned about the environment. In addition, improving human resources, especially cleaning staff, must also be a priority so that implementation in the field can run more optimally. Furthermore, the consistent implementation of the 3R program (Reduce, Reuse, Recycle) in every neighborhood is an effective strategy for reducing waste burdens. Through this program, the community is encouraged to reduce the use of single-use items, reuse items that are still usable, and recycle waste that can be reused. With the widespread and equitable application of 3R principles, it is hoped that waste management in Medan City can be carried out more effectively and sustainably, leading to the creation of a healthier and more livable urban environment for all its residents.

DECLARATION OF CONFLICTING INTERESTS

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