

Reform Regional Regulations of Malang City in Waste Management

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Abstract

The State of Indonesia is legal, as contained in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia. Consequently, every aspect of the life of the nation and state must be based on law. Moreover, Indonesia is a welfare state, so it must find solutions to every problem its people face. One of the problems that must be addressed immediately is the issue of the environment. Environmental problems are issues that are often discussed in the international world. Garbage is one of the topics of the many problems that are often discussed related to the environment, not least in Indonesia. Malang's second largest city in East Java is recorded to have a volume of waste that increases yearly, which is one of the most challenging problems to solve until now. This environmental problem, especially regarding the waste problem in Malang City, must be addressed immediately because the right to a decent living environment is a human right, as stated in Article 28 H (1) of the 1945 Republic of Indonesia Law. The article states, it is said that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and have the right to obtain health services. One of the mechanisms adopted in overcoming these problems is presenting legal products in the form of regional regulations in Malang City, which comprehensively regulates waste management. Malang City already has a legal basis regarding waste management, but after substantive analysis, it still has shortcomings and has been unable to overcome the waste management problem. This article intended to provide recommendations in the form of considerations in preparing regional regulations in Malang City regarding Waste Management in the future which is then expected to be able to overcome these problems. The research method used in this study is an empirical juridical (socio-legal) method that looks at real problems related to waste management to be accommodated and analyzed, which will ultimately provide solutions from a legal perspective regarding what things must be regulated in the law. Overcome these problems. The recommendation generated is in the form of consideration of what things must be handled in the Malang City Regional Regulation to overcome the shortcomings of the previous regulation. These include specific waste management mechanisms, household, and similar waste management mechanisms, elimination of levies on waste transportation, financing, incentives, community roles, and sanctions. With this in mind, legal certainty will be presented to resolve juridical issues related to Malang City waste management.

Keywords: Environment, Local policy, Waste management

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1. Introduction

The State of Indonesia is legal, as contained in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia. Consequently, every aspect of the life of the nation and state must be based on law. Moreover, Indonesia is a welfare state, so it must find solutions to every problem its people face. To find answers to every community problem, Indonesia, a unitary state (article 1 paragraph 1 of the 1945 Constitution of the Republic of Indonesia), shares its government affairs with regional governments. In the current context, all forms of government affairs with the people are regulated in Law Number 23 of 2014 concerning Regional Government. The law has controlled and agreed upon three types of government affairs, namely concurrent, which means experiences between the central government and the regions.

Absolute government affairs are entirely the central government's authority, and in general government affairs, which are the head of government, is the president (Wicaksono & Rahman, 2020). Specifically, related to the regional government, government affairs in the form of concurrent are handed over to the regions as the basis for the implementation of regional autonomy (Suharjono, 2014).

It is from the division of affairs between the central and regional governments that Indonesia, as a unitary state, is present to overcome every community problem. One of the problems that must be addressed immediately is the issue of the environment. Environmental management and protection are currently implemented through law enforcement mechanisms. According to Listiyani & Said (2018), law enforcement is a desire to realize the law through the legislature's formulation and stipulation of legislation by the parliament, which is then implemented. The state is the central point in managing and protecting the environment (Amelia, 2021). The state's responsibility is contained in Law Number 32 of 2009 concerning Environmental Protection and Management, which is the main guideline and principle in regulating government rights through environmental management. The state, through the local government in charge of the environment specifically, has the authority to deal with activities that cause environmental pollution or damage (Hadita, 2020). Environmental pollution has a broad impact on human life. This assumption is guided by the notion of the environment as regulated in Article 1 (1) of the UUPPKH, which states that the environment is all objects, power, and living things (humans and their behavior) that affect the survival and welfare of humans in nature itself. Therefore, the government needs to implement the authority given by UUPPLH to address environmental pollution problems and by providing control to stakeholders (ministers, mayors, and regents) to closely supervise activities related to the environment.

One of the environmental problems is related to waste. Garbage is one of the topics of many issues related to the environment. Garbage is an object that is no longer useful, so the owner throws it away. From this understanding, it can be seen that waste is the result of human activities. Garbage is an issue for all countries in the world, including Indonesia. The world's attention to waste is manifested concretely in the 2030 SDGs, where of the 17 goals in the SDGs, three of them are related to the environment, especially waste. In the SDGs, the objectives related to the environment, especially waste, are as follows (Opoku, 2019): (1) The first point is contained in the 3rd goal, which states "Good health and well-being," which is translated as a healthy and prosperous life; (2) The second point contained in the 14th goal mentions "Life below water," which is translated as life under the sea; (3) The third point is contained in the 15th goal, which mentions "Life on land," translated as life on land.

The three goals to be realized are closely related to the waste problem because if the waste problem is resolved. Then, of course, one parameter of the many parameters in each goal can be achieved based on other parameter variables so that the objectives, as stated in points three, fourteen, and fifteen, will be achieved. In essence, overcoming the waste problem is one of the keys to achieving a healthy and prosperous life and preserving marine and terrestrial ecosystems.

Malang City, the second largest city in East Java after Surabaya City with an area of 110.06 KM² as stated in Malang Mayor Regulation No. 86 of 2016 concerning Malang Regional Code and Data, also makes the issue of waste a problem that must be resolved immediately. Based on data from DLH Malang City, waste in Malang City per day on average reaches 600 tons, where the waste is dominated by household waste. The volume of this waste has increased from year to year. It was recorded that in 2020 the volume of waste in Malang City reached 55 thousand tons, and in 2021 it reached 59 thousand tons. Of the thousands of tons of garbage, household waste which dominates the total waste has increased by 10% and is expected to continue to grow every year.

It is necessary to see these problems and solve them comprehensively and as quickly as possible. It is none other than to carry out the mandate of Article 28H paragraph 1, which reads, "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and have the right to health services". From the explanation of this article, the state, in this case, the Malang City Government, must strive so that the people in its territory get a good and healthy living environment. It can be achieved if the waste problem can be appropriately resolved from upstream to downstream. The main thing is that the volume of household waste can be continuously suppressed and managed to become processed goods that can be reused.

One of the mechanisms adopted in overcoming these problems is presenting legal products in the form of regional regulations in Malang City, which comprehensively regulates waste management. Malang City already has a legal basis regarding waste management. However, after substantive analysis, it still has shortcomings and has not been able to overcome the problem of waste management. In this study, we will look at the weaknesses of these regional regulations and see how these regional regulations work in society so that later on, the problems obtained are used as the basis for reformulating new regional rules.

In previous studies on waste management using empirical juridical (socio-legal) research methods, most researchers focused on analyzing the effectiveness of a regional regulation related to waste. Second,

research conducted by (Prissando & Ambulanto, 2021) those who interpreted the implementation of Regional Regulation Number 3 of 2015 concerning Waste Management in the City of Kediri. Second, research conducted by Sihombing & Syaputra (2020), those who reviewed the implementation of Pelalawan Regency Regional Regulation No. 7 of 2015 concerning Waste, and research conducted by (Suparto, 2019), those who examined the Evaluation of the Implementation of Pekanbaru City Regional Regulation No. 8 of 2014 concerning Waste Management. Thus, empirical juridical research related to waste management specifically discusses waste management arrangements and the operation of regional regulations related to waste management to finally provide recommendations in the form of considerations based on known problems in order to reformulate regional regulations in the future can be said to be rare research.

2. Literature Review and Hypotheses

Regional Regulations (Perda) consist of two forms, namely Provincial Regulations and Regency/City Regional Regulations. It is regulated in Article 7 paragraph (1) of Law Number 12 of 2011; "Perda" is a form of legislation whose position is under the Presidential Regulation (Perpres) (Sihombing & Syaputra, 2020). In its formation, local regulations are made by involving representative institutions. Perda has privileges in terms of material and content. The content contained in the Regional Regulation has unique features because it includes criminal provisions, and the Regional Regulation is positionally regulated in the 1945 Constitution.

The Indonesian constitutional system is formed from political influence and cannot be separated from implementing the hierarchy of laws and regulations. According to Satjipto Raharjo, the law is not an autonomous institution, but it is in a society whose position is related to the sectors of life (Suharjono, 2014). The hierarchy of laws and regulations cannot be separated from the Indonesian constitutional system. Regional rules in the legal system in Indonesia have existed since the days of the Dutch East Indies government. At this time, the applicable legal system cannot be separated from the legal system in the Kingdom of the Netherlands.

After Indonesia's independence, with the enactment of the 1945 Constitution as the Constitution of the Republic of Indonesia, Indonesia's legal system and government of Indonesia are based on the 1945 Constitution. The legislation is a written legal instrument for the national interest only. The nature of regional regulations as a means of accommodating special conditions in the region is a function of provincial rules, which are not only a further elaboration of national laws and regulations but also become a legal tool in paying attention to regional characteristics.

The "DPRD" has jointly approved Regional Regulation, and the Governor or Regent/Mayor has submitted the leadership of the DPRD to the Governor or Regent/Mayor to be stipulated as a Regional Regulation. The submission of the Regional draft Regulation is carried out within a maximum period of seven days from the date of mutual agreement. Draft regional regulations are stipulated by the Governor or Regent/Mayor within a maximum period of 30 days, and the Regional Regulation is mutually agreed to them. Suppose the Regional draft Regulation is not stipulated by the Governor or Regent/Mayor within 30 days. The Regional Regulation is valid as a Regional Regulation and must be promulgated by including it in the regional gazette. A regional regulation must be formulated with a sentence that reads "*this regional regulation is declared valid*" by stating the validity date, and the punishment of ratification must be affixed on the last page of the regional regulation before the promulgation of the provincial regulation text into the regional gazette.

As an effort to supervise regional regulations by the government, no later than seven days after they are enacted, these regulations must be submitted to the government. Local rules that are declared contrary to the public interest and higher laws and regulations can be canceled by the government. The decision to cancel a regional code is stipulated by a presidential regulation no later than 60 days from the receipt of the rule in question. No later than seven days after the decision to cancel the said regional regulation, the provincial head must stop the implementation of the regional law. Then the DPRD and the regional leader revoke the rule in question.

According to Hamid S. Attamimi, the principle of the formation of good laws and regulations is very important to note, considering its function as the foundation of an excellent legal system and as a critical touchstone for a sound legal system, as well as guidelines or signs in the formation of good laws and regulations (Hanifa, 2019). There are two critical principles in forming rules and regulations covering formal principles and material principles. The standard principles are as follows: (1) The principle of clear goals; (2) The focus of the regulation; (3) The direction of the right institution; (4) The code of proper loading material; (5) The guide can be implemented; (6) The basis is recognizable.

The above principle is also supported by Law Number 12 of 2011 concerning the Establishment of Legislation (Wicaksono & Rahman, 2020): (1) The principle of clarity of purpose; (2) Appropriate forming institutions or officials; (3) Compatibility between types, hierarchies, and payload materials; (4) Can be implemented; (5) Usability and usability; (6) Clarity of formulation; (7) Openness. Contents Principle: (1) Shelter; (2) Humanity; (3) Nationality; (4) Kindship; (5) Archipelago; (6) Bhinneka Tunggal Ika

According to Irawan Soejito Regional Regulations consist of several parts, namely: (1) Naming. Naming is a brief and firm description of the contents of a regional regulation so that it can be known what problems are regulated in provincial law. Besides that, in naming a regional rule, it must be clear, short, and not too long because if it is long and unclear, it will obscure the content of the provincial regulation; (2) Opening. The opening consists of the following: (a) Sentence "DENGAN RAHMAT TUHAN YANG MAHA ESA"; (b) The official authorized to stipulate regional regulations is the Regional Head's Governor/Regent/Mayor; (c) The preamble is included with the words "Menimbang."; (3) "Batang Tubuh" or Torso. According to Irawan Soejito, what is meant by the body of a regional regulation is part of a provincial regulation that contains the formulations of the relevant regional rule so that the naming, opening, and signing are outside the body of the regional principle; (4) Signing. According to Article 44, paragraph (2) of Law No. 5 of 1974, Regional Regulations are signed by the Regional Head and the Chairman of the Regional People's Representative Council. Above the signature section, the place and date of the stipulation of the regional regulation are stated.

3. Methods

This article uses empirical juridical (socio-legal) research methods. The empirical juridical or socio-legal method begins with a normative study or a review of the laws and regulations (normative) followed by in-depth observation and dissemination of questionnaires to obtain data on non-legal factors that are related and influence the legislation under study. (Nurhayati et al., 2021). This method has the characteristics of non-doctrinal research that can be done through field research. Data collected in the field is then processed according to analytical techniques as outlined in a descriptive form to obtain the actual phenomenon of the law as part of social reality (Saragih, 2011).

4. Results

Based on the research, it is necessary to reformulate local regulations related to waste management which regulates the following: (1) Considerations that contain philosophical, juridical, and sociological foundations; (2) Legal basis considering that it includes the legal basis for establishing regional regulation; (3) The body of the charge material consists in Table 1.

Table 1. The scope and direction of Regulating the Draft Regional Regulation of Malang City on waste management

Chapter	Chapter	Direction Arrangement
Chapter 1 Terms General	Article 1	In provision general, this load formula academic about definition related terms and phrases related to waste management and the parties involved in waste management
Chapter 2 Intent and Purpose	Articles 2 -3	This chapter contains the aims and objectives of the formulation of this regional regulation related to waste management
Chapter 3 Principle - Principle	Article 4	This chapter describes the principles of waste management
Chapter 4 Space Scope	Article 5	This chapter describes the scope of this regional regulation. In this scope, it will be mentioned about the matters regulated in this regional regulation concerning waste management
Chapter 5 Policy, Strategy, and Planning Management Rubbish	Articles 6-7	This chapter describes the formation of policies and strategies for waste management. These policies and strategies will contain the direction of policy documents, targets, and targets for waste management. In addition, it also includes what things must be included in the waste management planning document the local government will prepare
Chapter 6 Duties, Authorities, and Responsibilities Answer Local Government	Articles 8-10	This chapter will describe the tasks that local governments must carry out. These tasks are also described in more detail within the authority of local governments. In addition, this chapter also contains the responsibilities of local governments in waste management
Chapter 7 Maintenance Management Rubbish	Article 11- 24	This chapter describes the implementation of waste management, which includes the reduction and handling of waste, both of which are further divided into several activities, such as the reduction, which consists of the limitation of waste generation, waste recycling, and waste reuse and for

		handling includes: sorting, collecting, transporting, waste treatment, and final waste processing
Chapter 8 Management Rubbish House Stairs and Trash similar Rubbish House Ladder	Article 25- 38	This chapter will describe the waste that includes household waste and the type of household waste. Then, we will explain how to reduce and handle this waste
Chapter 9 Management Rubbish Specific	Article 39-50	This chapter will describe the type of waste that includes specific waste. Then, we will explain how to reduce and handle this waste
Chapter 10 Institutions – Management Agencies	Articles 51-52	This chapter will contain the institutions that the government can form to manage solid waste in the region.
Chapter 11 Financing and Compensation	Articles 53-55	This chapter will describe the sources of financing in waste management and the criteria for people who can receive compensation, and the form of payment provided
Chapter 12 Cooperation in Management Rubbish	Articles 56-57	In this chapter, we will describe the forms of cooperation that local governments can take with other parties
Chapter 13 Incentive	Article 58	In this chapter, we will describe incentives that can be provided by the regions and the forms of these incentives
Chapter 14 The Role of Society	Article 59	This chapter will describe community roles in waste management, such as giving advice, suggestions, and opinions, managing at the RT/RT level independently, making complaints/reporting, and information related to waste issues.
Chapter 15 Coaching and Supervision	Articles 60-61	This chapter describes the parties authorized to conduct guidance and supervision and the forms of such advice and supervision
Chapter 16 Terms Penalty	Articles 61-62	This chapter describes administrative sanctions against violators of this regional regulation
Chapter 17 Terms Switch	Article 63	In this chapter, it is explained that as long as there are no new implementing regulations, all implementing rules that were born before this regional regulation are still valid
Chapter 18 Terms Closing	Article 64	Contains all Malang City Regional Regulations related to waste management along with derivative rules that are not valid since the enactment of this regional regulation

Even in the future, the waste management arrangements will not be the same as the table. Among the things described in the table, the fundamentals that deserve to be added or improved from the previous arrangements include specific waste management mechanisms, elimination of user fees in waste transportation, financing, incentives, community roles, and sanctions.

Waste management is not explicitly mentioned in this regulation. The urgency of the need to regulate specific waste management mechanisms specifically in certain chapters is because, based on the law on waste management, local governments are also given the authority to carry out specific waste management. So, the provincial government should regulate it in regional regulations. This particular waste includes "B3" waste, waste containing B3 waste, waste arising from disasters, building demolition debris, and waste arising periodically through the following mechanism: (1) Mechanisms for managing household waste and similar household waste. Next is the need for future regional regulations to add a particular chapter on the mechanism for managing household waste and similar household waste. It is because, based on empirical data in Malang City, this type of waste is very dominant, reaching 70%, so it certainly requires special treatment to deal with it. However, currently, there are arrangements in the chapter on waste management; (2) Elimination of levies on waste transportation. This idea assumes that with the retribution, many residents are reluctant to throw garbage at the TPS. So, residents throw their waste at the TPS according to the schedule for picking up the garbage. That way, if garbage arises periodically, a lot of rubbish is scattered along the road. With the elimination of user fees (free), it will undoubtedly increase public awareness of disposing of waste in its place; (3) Financing. In optimizing waste management, it is necessary to give a more significant portion of the budget in the City Budget and, of course, look for other sources of financing by expanding the network of cooperation with Private CSR. They are interested in partnering in waste management. In addition, the abolition of levies will also affect the City Budget, where the APBD will bear all the costs of transporting waste at residents' homes, which aims to optimize waste management; (4) Incentives. Next is related to incentives. There were incentives in the previous arrangement, but it is hoped that incentives can be given to a wide range of parties in the new format. So, multiply the categories of incentive recipients, such as not only for institutions/business entities that make the best innovations in waste management but also for institutions/business entities that report violations of prohibitions, reduce

waste generation, and orderly waste handling. Then, the criteria for individuals who can get incentives are those who make the best innovations in waste management and report violations of prohibitions; (5) The role of society. The previous arrangement already contained the role of the community but in general. The following structure needs to be detailed again and made more concrete regarding the part of the community. Such components include providing suggestions, and opinions, managing at the RT/RW level independently, making complaints/reporting, and providing information related to waste issues; (6) Sanctions. The last relates to sanctions. The sanctions imposed should be in the following setting more administrative sanctions in the form of fines. Because in addition, it directly gets income to the region. There is also no need to carry out complicated proofs if you have to go through criminal provisions, which are often challenging to prove, and in the end, the violator will not be subject to sanctions.

5. Discussion

Empirical condition of waste problems in Malang City

As is known, Malang City is the second largest city in East Java after Surabaya City. This city has an area of 110.06 KM², Malang City consists of five sub-districts, including Kedungkandang, Sukun, Klojen, Blimbing, and Lowokwaru Districts. Population census data in 2021 shows that the number of male residents in Malang City reached 420,383 people and women reached 424,550 people, so the total population of Malang City currently gets 844,933 people. In the table, two can be described as follows.

Table 2. Malang City Population

Sub-District	Total Population	Man	Woman
Kedungkandang	208.075	104.480	103.595
Sukun	196.487	98.171	98.316
Klojen	94.072	45.880	48.192
Blimbing	182.504	90.730	91.774
Lowokwaru	163.795	81.122	82.673
TOTAL	844.933	441.266	424.550

Source: BPS Document Malang, 2022.

The density of the population contributes significantly to the amount of waste produced. Based on data from DLH Malang City, waste in Malang City per day on average reaches 600 tons, where the waste is dominated by household waste. The volume of this waste has increased from year to year. It was recorded that in 2020 the volume of waste in Malang City reached 55 thousand tons, and in 2021 it reached 59 thousand tons. Of the thousands of tons of garbage, household waste which dominates the total waste has increased by 10% and is expected to continue to grow every year.

Nevertheless, household-type and specific waste in Malang City are also relatively high, reaching around 17,700 tons. (about 30%). In a day, hundreds of carts go in and out of TPS - TPS scattered in Malang City. In addition, along the road on the outskirts of Malang City, there is garbage that is still scattered and not handled. The waste produced in Malang City is not only made by households. Many educational institutions in Malang City also contribute to the volume of waste in Malang City. The large number of universities in Malang gave birth to increasingly dense settlements due to many immigrants from outside the area living in Malang City. It is compounded by the construction of new housing and accommodations in suburban areas and the growth of formal and informal trade areas that are increasingly widespread, in addition to the emergence of slum areas in several residential locations that have existed previously. Not only that, many people are still not cooperative in managing waste by littering. In general, it can be seen that there are three main problems related to waste management in Malang City: (1) The increasing amount of waste from year to year makes various existing landfills unable to accommodate the debris. Thus, slowing the decomposition process of waste and accumulation can cause damage, environmental pollution, and other health problems; (2) Local governments are always demanded to improve waste control services, which are fast-paced even though the resources are limited and the lack of funding. It is one of the obstacles to carrying out ideal policies in waste management. Because as is known that funding for waste management nationally. Only able to cover 35% of the needs total funds, other solutions are needed to create an environment with better waste management; (3) Lack of awareness from the public about the importance of sorting and protecting the environment shows many people still throw garbage randomly and carelessly, complicating the waste management process.

Table 3. Outline of Malang City Regional Regulation No. 7 of 2021 concerning Waste Management

Chapter	Chapter	Direction Arrangement
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Chapter 1 Terms General	Article 1	This general provision contains an academic formulation regarding the meaning of terms and phrases related to waste management and the parties involved in waste management
Chapter 2 Principles and Goals	Articles 2 -3	This chapter contains the principles and objectives of the formulation of this regional regulation in the context of waste management
Chapter 3 Space Scope	Articles 5 - 6	This chapter describes the scope of this regional regulation; duties and authorities, rights and obligations, policies and strategies, planning, implementation of waste management, licensing, management institutions, financing and compensation, incentives and disincentives, information systems, cooperation and partnerships, community roles, prohibitions, and guidance and supervision
Chapter 4 Duties and Authorities	Articles 5 - 6	This chapter describes the duties and authorities of local governments in waste management
Chapter 5 Rights and Duties	Article 7-14	This chapter describes the rights and obligations of each person in waste management
Chapter 6 Policy and Strategy	Article 15	This chapter describes the formation of policies and strategies for waste management. These policies and strategies will contain the direction of policy documents, targets, and targets to be achieved in waste management. In addition, it also includes what things must be included in the waste management planning document that the local government will prepare
Chapter 7 Planning	Article 16	This chapter contains the things that must be included in the waste management planning document that the local government will prepare
Chapter 8 Maintenance Management Rubbish	Article 17 - 30	This chapter describes the implementation of waste management, which includes the reduction and handling of waste, both of which are further divided into several activities, such as the reduction, which consists of the limitation of waste generation, waste recycling, and waste reuse and for handling includes: sorting, collecting, transporting, waste processing, and final waste processing. This chapter tends to refer to household waste and similar household waste.
Chapter 9 Licensing	Article 31-32	In this chapter, it is explained that everyone who carries out waste management business activities must obtain a mayor's permit
Chapter 10 Institutions – Management Agencies	Article 33	This chapter contains the institutions that the government can form to manage solid waste in the region.
Chapter 11 Financing and Compensation	Article 34-36	This chapter describes the sources of financing in waste management and the criteria for people who can receive compensation, and the form of payment provided
Chapter 12 Incentives and Disincentives	Articles 37- 40	This chapter describes incentives that can be given by the regions and the forms of these incentives. Along with disincentives to institutions/individuals. Who violates the provisions of this regional regulation
Chapter 13 System Information	Article 41	This chapter describes the components of waste management information that must be accessible to all parties
Chapter 14 Cooperation and Partnership	Article 42-43	This chapter describes the cooperation that can be carried out by local governments/partners in waste management
Chapter 15 The Role of Society	Article 44	This chapter describes the role of the community in waste management (in general).
Chapter 16 Prohibition	Article 45	In this chapter, the prohibitions for everyone are described
Chapter 17 Guidance and Supervision	Article 46	In this chapter, the parties authorized to conduct coaching and supervision are described
Chapter 18 Sanctions Administrative	Article 47	It contains administrative sanctions for anyone who violates the provisions
Chapter 19 Investigation	Article 48	Containing about civil servant investigators and their duties
Chapter 20 Terms Criminal	Article 49	It contains criminal sanctions for anyone who violates the provisions

Chapter 21 Terms Switch	Article 50	In this chapter, it is explained that as long as there are no new implementing regulations, all implementing rules that were born before this regional regulation are still valid
Chapter 22 Terms Closing	Article 51	Contains all Malang City Regional Regulations related to waste management along with derivative rules that are not valid since the enactment of this regional regulation

Based on the Table 3, this provision has not accommodated the specific waste, and relating to particular garbage is not even mentioned. That way, the specific waste problem in Malang City reaches around 17,700 tons (about 30%). It does not yet have clear legal provisions related to its management, so it is not surprising that this waste is indeed a problem in the empirical conditions of the waste problem in Malang City.

In addition, the regulation regarding retribution and criminal sanctions should be abolished in the regional regulation. The elimination of user fees must be done because all costs should be borne by the city government budget (APBD) and the private sector. After all, city cleanliness should indeed be the government's main agenda and encourage all people to dispose of waste in TPS. Criminal sanctions are also less effective because law enforcement is challenging, especially regarding proving violators. Another reason is that in future arrangements, more provisions on special incentives regarding categories should be made to encourage the community and the private sector to be passionate about managing waste and the role of the community to be contained more concretely. Based on this explanation, this regional regulation has not comprehensively addressed the waste management problem. These reasons are the need to reformulate a regional regulation related to waste management.

6. Conclusions

Malang, the second largest city in East Java, is still facing problems in waste management. Empirical conditions in Malang City show an increase in the volume of waste from year to year, wherein in 2021, it will reach 59 thousand tons. This problem must be addressed immediately. As a welfare state, Indonesia must provide a decent living environment as stated in Article 28H, paragraph 1 of the 1945 Constitution of the Republic of Indonesia. This mandate is something that absolutely must be fulfilled. To achieve this, the Malang City Government has made efforts by issuing Malang City Regional Regulation No. 7 of 2021 concerning Waste Management. This regulation contains various matters related to waste management. However, when we look at its implementation in the field, it turns out that there are still problems; in other words, this regulation has not been able to overcome the existing problems. From a normative point of view, this regulation does not contain provisions that specifically regulate the management of household waste, household-type waste, and specific waste, even though the amount of this waste in 2021 will reach 59 thousand tons and even specific waste. Another weakness is the imposition of levies on criminal sanctions, incentives, to the role of the community, which is still considered inadequate in these arrangements. Specifically related to criminal provisions, it is complicated to enforce because the proof is quite difficult.

Designing a new Malang City Regional Regulation is necessary to overcome these weaknesses. In designing the new Malang City Regulation regarding waste management, seven absolute things can be considered loaded or refined from the previous provisions, including specific waste management mechanisms, elimination of retribution in waste transportation, financing, incentives, community roles, and sanctions.

Limitations and Suggestions

This research is still far from perfect. In this study, there are still many shortcomings that can be investigated further. In this study, only limited research was conducted at three TPS in Malang City, namely TPS Borobudur, Dinoyo, and Manyar, and only along Jalan Wilis. In addition, the number of samples taken is only for local waste officers. In the future, the scope of the research can be expanded so that it can obtain more valid and more comprehensive results.

References

- Amelia, D. (2021). *No Impact Of The Covid-19 Pandemic And The Urgency For Establishing Regional Regulations Concerning Legal Assistancetitle. Title.* 309–323.
- Hadita, C. (2020). Regional autonomy political politics of regional liability reports to regional representatives in the implementation of local government. *NOMOI Law Review*, *1*(1), 89–100. <https://doi.org/10.30596/nomoi.v1i1.4645>
- Hanifa, A. A. (2019). *Law Politics of Waste Management in Semarang City.*
- Listiyani, N., & Said, M. Y. (2018). Political law on the environment: The authority of the government and local government to file litigation in Law Number 32 Year 2009 on environmental protection and management. *Resources*, *7*(4), 77. <https://doi.org/10.3390/resources7040077>
- Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). Normative and empirical methodology in the perspective of legal studies. *Jurnal Penegakan Hukum Indonesia*, *2*(1), 1–20. <https://doi.org/10.51749/jphi.v2i1.14>
- Opoku, A. (2019). Biodiversity and the built environment: Implications for the Sustainable Development Goals (SDGs). *Resources, Conservation and Recycling*, *141*(October 2018), 1–7. <https://doi.org/10.1016/j.resconrec.2018.10.011>
- Prissando, F. A., & Ambulanto, T. (2021). Community participation in waste management in Kediri City following Regional Regulation Number 3 of 2015. *Jurnal Mediasosian : Jurnal Ilmu Sosial Dan Administrasi Negara*, *5*(1), 101. <https://doi.org/10.30737/mediasosian.v5i1.1696>
- Saragih, T. M. (2011). Concept of community participation in formation of regional regulations detailed spatial and regional planning. *Sasi*, *17*(3), 11. <https://doi.org/10.47268/sasi.v17i3.361>
- Sihombing, E. N., & Syaputra, M. Y. A. (2020). Implementation of the use of artificial intelligence in the formation of regional regulations. *Jurnal Ilmiah Kebijakan Hukum*, *14*(3), 419. <http://dx.doi.org/10.30641/kebijakan.2020.V14.419-434>
- Suharjo, M. (2014). Formation of responsive regional regulations in support of regional autonomy. *DiH: Jurnal Ilmu Hukum*, *10*(19), 21-37. <https://doi.org/10.30996/dih.v10i19.281>
- Suparto, S. (2019). Problems with establishing Regional Regulations (Perda) on regional spatial plans for Riau Province. *Bina Hukum Lingkungan*, *4*(1), 79. <https://doi.org/10.24970/bhl.v4i1.87>
- Wicaksono, D. A., & Rahman, F. (2020). Interpreting the Authority to Regulate Regional Governments in implementing government affairs through establishing regional regulations. *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, *11*(2), 231–248. <https://doi.org/10.22212/jnh.v11i2.1614>