

**LAW ENFORCEMENT AGAINST AIR POLLUTION SIYASAH
TANFIDZIYAH PERSPECTIVE
(CASE STUDY IN PAREPARE CITY)**

***PENEGAKAN HUKUM TERHADAP PENCEMARAN UDARA
PERSPEKTIF SIYASAH TANFIDZIYAH
(STUDI KASUS DI KOTA PAREPARE)***

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ABSTRACT

Through Parepare City Regional Regulation No. 2 of 2011 concerning Environmental Protection and Management, to further guarantee legal certainty and provide protection for everyone's right to a good and healthy living environment as part of the protection of the entire ecosystem, it is necessary to carry out appropriate environmental management. can maintain and preserve environmental functions. as implementation of Law no. 32 of 2009 concerning Environmental Protection and Management. The purpose of this research is to analyze Law Enforcement Against Air Pollution in Parepare City from the Siyasa Tanfidziyah Perspective. The research approach used in this research is a qualitative approach, with the type of research used being empirical juridical research, with descriptive qualitative data. Using environmental law enforcement theory, and Siyasa Tanfidziyah. The results of this research show that the impact of air pollution resulting from the tire retreading business in Parepare City has a negative impact on the community around the business location. The negative impact felt by the community around the business location is that every day they breathe unhealthy air due to smoke and community activities. disrupted, the law enforcement process

regarding air pollution in Parepare City carried out by Parepare City DLH cannot be said to be upheld, because several factors in determining the enforcement of a law are influenced by the effectiveness of law enforcement. In determining whether law enforcement is effective or not it is influenced by several factors, namely law enforcement factors, facilities or facilities factors, and community factors. And referring to the perspective of siyasah tanfidziyah towards law enforcement, looking at several factors from law enforcement theory and environmental theory it cannot be said to be effective because based on the perspective of siyasah tanfidziyah theory there are still many factors that have not been implemented properly in accordance with the instructions in the Al-Quran.

Keywords :Environment, Air Pollution, Siyasah Tanfidziyah.

ABSTRAK

Melalui Peraturan Daerah Kota Parepare No 2 Tahun 2011 tentang Perlindungan dan Pengelolaan Lingkungan Hidup bahwa untuk lebih menjamin kepastian hukum dan memberikan perlindungan terhadap hak setiap orang untuk mendapatkan lingkungan hidup yang baik dan sehat sebagai bagian dari perlindungan terhadap keseluruhan ekosistem, perlu dilakukan pengelolaan lingkungan hidup yang dapat menjaga dan melestarikan fungsi lingkungan. sebagai implementasi dari Undang-Undang No. 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. Tujuan penelitian ini untuk menganalisis Penegakan Hukum Terhadap Pencemaran Udara di Kota Parepare Perspektif Siyasah Tanfidziyah. Pendekatan penelitian yang digunakan dalam penelitian ini adalah pendekatan kualitatif, dengan jenis penelitian yang digunakan adalah penelitian yuridis empiris, dengan data kualitatif yang bersifat deskriptif. Menggunakan teori Penegakan Hukum lingkungan, dan Siyasah Tanfidziyah. Hasil penelitian ini bahwa dampak pencemaran udara yang ditimbulkan dari usaha vulkanisir ban di Kota Parepare menimbulkan dampak negatif terhadap masyarakat yang berada di sekitar tempat usaha, dampak negatif yang dirasakan masyarakat sekitar tempat usaha yaitu setiap harinya menghirup udara yang tidak sehat akibat asap dan aktivitas masyarakat menjadi terganggu, proses penegakan hukum terhadap pencemaran udara di Kota Parepare yang dilakukan oleh DLH Kota Parepare belum dapat dikatakan tegak, karena beberapa faktor dalam menentukan tegaknya suatu hukum yaitu dipengaruhi oleh keefektifan penegakan hukum itu, dalam menentukan efektif atau tidaknya penegakan hukum di pengaruhi oleh beberapa faktor yaitu faktor faktor penegak hukum, faktor sarana atau fasilitas, dan faktor masyarakat. Serta merujuk dari perspektif siyasah tanfidziyah terhadap penegakan hukum, dilihat dari beberapa faktor dari teori penegakan hukum dan teori lingkungan belum dapat dikatakan efektif dikarenakan berdasarkan

kacamata dari teori siyasah tanfidziyah masih banyak faktor yang belum dilaksanakan dengan baik sesuai dengan perintah di dalam Al-Quran.

Kata Kunci : Lingkungan, Pencemaran Udara, Siyasah Tanfidziyah.

I. INTRODUCTION

Law No. 32 of 2009 concerning Environmental Protection and Management, explains that the environment is a unit of space with all objects, forces, conditions, and living things, including humans and their behavior, which affects nature itself, the continuity of life, and the welfare of humans and other living things.¹ But in reality, the environment has been damaged and polluted. Caused by an industry or business, one of the businesses in the Ujung Baru Village area, Soreang Subdistrict, Parepare City, which disturbs local residents and disrupts residents' activities with the air pollution.

With the existence of Parepare City Regional Regulation No. 2 of 2011 concerning Environmental Protection and Management that to further ensure legal certainty and provide protection for everyone's right to a good and healthy environment as part of the protection of the entire ecosystem, it is necessary to carry out environmental management that can maintain and preserve environmental functions as an implementation of Law No. 32 of 2009 concerning Environmental Protection and Management.² So related to the existing Regional Regulation, there should be no more Air Pollution or air pollution caused by the activities of a business. With the existence of these regional regulations, the people of Parepare City should avoid air pollution.

The environment is a gift from Allah Swt that should be preserved to maintain the sustainability of human life, animals and plants, all of which depend on each other. Environmental sustainability is very important to be maintained in order to avoid pollution and environmental destruction. Human life is more or less very dependent on the environment, this is because many human needs take from the surrounding environment and without it humans will not be able to fulfill and maintain their lives. For this reason, in order for humans to live well and properly they must live in harmony with the natural environment and maintain its sustainability.³

Air is one of the most important components for human life. Without good and healthy air, humans cannot survive. Likewise, other living things

¹ Republik Indonesia, "Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup".

² Walikota Parepare Provinsi Sulawesi Selatan, 'Peraturan Walikota Parepare No. 2 Tahun 2011 tentang Perlindungan dan Pengelolaan Lingkungan Hidup di Lingkungan Pemerintah Daerah Kota Parepare'.

³ Rosyadi and Wulandari, 'Penegakan Hukum Lingkungan Terhadap Pencemaran Udara Akibat Aktivitas Industri Di Kabupaten Gresik', Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam, Vol.24 No. 2 (Desember 2021)", h. 2

cannot live without air. Therefore, air must be kept clean and of good quality so that it meets the requirements for the health of living things, especially humans. One of the means to protect and maintain air quality is law, namely legislation or positive law. The purpose of regulating environmental protection, especially air, is to regulate human behavior or in other words, if humans are good, good air quality will also be created.⁴

Enforcement of Government Regulation No. 41 of 1999 that controls air pollution Article 1 point 1 states that air pollution includes the entry or inclusion of substances, energy, and other components into the ambient air by human activities, so that the quality of ambient air drops to a certain level that causes ambient air cannot fulfill its function.⁵

In reality, today many environments are being damaged due to widespread development as well as the actions of humans themselves. The increasing population and the number of industries or businesses are also one of the causes of the high level of pollution in this country. The pollution that occurs also varies, ranging from air pollution, water pollution, and soil pollution. This research will discuss air pollution, a very disturbing pollution caused by the activities of a tire retreading business in Ujung Baru Village, Soreang Subdistrict, Parepare City. The business owner thinks that the air pollution caused by their company's activities is trivial and feels innocent, even though it makes the surrounding community uncomfortable due to the results of burning using firewood, which causes thick black smoke, and the air pollution has a negative impact on society and environmental sustainability. What's worse is that the businesses that cause this pollution do not realize that what they are doing is damaging the environment and disturbing the community.

Human rights to the environment are in principle categorized as fundamental rights. So to qualify a human right, including the human right to a good and healthy environment as one of the fundamental rights when the right has been institutionalized through the process of transformation into positive law in the hierarchy of the legal system. The scope of the human right to a good and healthy environment is based on the United Nations Subcommision on Human Rights and the Environment. The principle element of rights for all people relating to the human right to a good and healthy environment states that all people have the right to be free from pollution, environmental degradation, activities that may adversely affect the environment or threaten the life, health, and survival of other living things.⁶

⁴ Sembiring, *"Perlindungan Hukum Terhadap Udara Sebagai Upaya Pencegahan Pencemaran Akibat Kendaraan Bermotor di Kota Yogyakarta."* E-Jurnal Universitas Atma Jaya Yogyakarta (Februari 2021). h. 3

⁵ Republik Indonesia, *"Peraturan Presiden No. 41 Tahun 1999 Tentang Pengendalian Pencemaran Udara Pasal 1 angka 1"*

⁶ Laode M. Syarif, *'Hukum Lingkungan Teori Legislasi dan Studi Kasus.* (Kemitraan Partnertip, 2015) h. 103

The 1945 Constitution has emphasized how important environmental law enforcement is, which is emphasized in Article 28H number 1 which reads “everyone has the right to live in physical and mental prosperity, to live, and to get a good and healthy environment and the right to obtain health services”.⁷

From the existence of this article, it can be used as a guideline that the environment is important in the protection of Human Rights (HAM). However, in reality today the article is not really used as a reference in the protection of human rights, because with a business that causes air pollution, and business owners do not care about the waste produced by their company damaging the environment and endangering the community, the human right to a good and healthy environment is not really realized and fulfilled.

Changes in ambient air quality usually include parameters such as NO₂ gas, SO₂, CO, O₃, hydrocarbons and dust particles. If there is an increase in the level of these materials in the ambient air that exceeds the ambient air quality standard value that has been determined, it can cause health problems. These health problems can include eye complaints (burning and watery eyes), inflammation of the respiratory tract, lung congestion, chronic bronchitis, emphysema, or other chronic lung disorders. NO₂ gas, both in ambient air (outdoor) and in indoor air (indoor), has the effect of reducing lung function. Dust particles can reduce lung function acutely and chronically. As a result of air pollution and environmental damage, it will cause health problems and become a socio-economic burden, all of which will be borne by the community and the government.⁸

As explained above, it can be concluded that air pollution has a very bad impact that can damage and disrupt the structure of the function of the decreased air quality and the content of harmful substances that cause impacts that are not good and not suitable for human inhalation.

One of the areas in Parepare City where there is a business that causes environmental impacts, namely air pollution that disturbs local residents due to the business, is the Tire Retreading business in Ujung Baru Village, Soreang District, Parepare City. Problems and obstacles faced by local governments such as the lack of awareness of business owners of the impacts caused by their businesses, and the role of the Parepare City Environmental Service is needed in environmental law enforcement.

So based on the above, the author feels interested in conducting research entitled: “Law Enforcement Against Air Pollution in the Perspective of *Siyasah Tanfidziyah* (Case Study in Parepare City)”. As for the questions of this research, how is the impact of air pollution caused by the tire retreading business in Parepare City, how is the law enforcement process by DLH with

⁷ Republik Indonesia, *Undang-Undang Dasar*, “Pasal 28 H Ayat 1.”

⁸ H. Mukono, *Aspek Kesehatan Pencemaran Udara*, (Surabaya: Airlangga University Press, 2011), h. 2.

air pollution in Parepare City, and how is the Siyasa Tanfidziyah Perspective in law enforcement against air pollution in Parepare City.

II. METHOD

The approach used in this research is a qualitative approach. A qualitative approach is a research method that focuses on analyzing descriptive and subjective data in a complex social context, the aim is to understand the experiences and views of individuals or groups. Qualitative research is descriptive analysis. The data obtained such as observation results, interview results, photographing results, document analysis, field notes, compiled by researchers at the research location, are not poured into forms and numbers. Researchers immediately analyze data by enriching information, looking for relationships, comparing, finding patterns on the basis of the original data (not transformed in the form of numbers).⁹

III. ANALYSIS AND DISCUSSION

a. Impact of Air Pollution Caused by Tire Retreading Business in Parepare City

The environment can be said to be a resource that is used as a tool for human welfare. As explained in Article 33 paragraph (3) of the 1945 Constitution, "The earth, water and natural resources contained therein shall be under the control of the state and shall be used for the greatest prosperity of the people".¹⁰ However, with the increasing population and many factors, environmental sustainability is always in danger, which is often referred to as "pollution" and environmental destruction. And this is the reason for the disruption of the sustainability of the surrounding environmental ecosystem.

Environmental pollution has been regulated in article 1 number 14 of Law No. 32 of 2009 that one of the important components in human life is air, and humans always need it, even in every second of their lives. Every day, to breathe they need an average of 20 m² of air, and getting it is very easy, because air is spread to fill the environmental space. Air is a collection or mixture of gases, where the largest components are nitrogen and oxygen. Between the two, oxygen plays a very important role in supporting the life of living things.¹¹ If the air is polluted, it will cause inconvenience and disruption to the community.

Indonesia is a state of law by applying a positive legal system, where every enforceable law must obtain legality through the formation of laws and regulations. All laws that are enforced are positive laws known as "ius

⁹ Sanjaya, *Penelitian Pendidikan: Metode, Pendekatan, Dan Jenis*.(Jakarta: Kencana, 2015) h. 29

¹⁰ Republik Indonesia, *Undang-Undang Pasal 33 Ayat (3) UUD 1945*."

¹¹ Fahrudin, "Penegakan Hukum Lingkungan Di Indonesia Dalam Perspektif Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup."

constitutum”, which must exist in legislation. This is the law formulated by the legislative power and ratified by the president as the institution that carries out the legislation. In addition, the context of Islamic law on “maqasid al-syariah” shows harmony in Indonesian national law.¹²

Environmental pollution is a crime if there is no effort to prevent pollution, because with pollution that has an impact on living things, especially humans. The disruption of human activities and environmental sustainability due to these impacts makes humans uncomfortable, and is worrying for health if it occurs continuously. Efforts to create and build peace, tranquility and reduce crime that continues to proliferate in society as a manifestation in order to achieve a sense of justice and legal certainty. In order to realize the ideals of the law, enforcing the law should become a reality in people's lives, namely eliminating the gap between legal behavior that should be with actual legal behavior. Regarding air pollution, there are several opinions including, namely:

1. Air pollution according to Government Regulation No. 41 of 1999 concerning air pollution control article 1 paragraph 1, air pollution is the entry of substances, or energy, and / or other components into ambient air due to human activities, causing a decrease in ambient air quality to a certain level that causes ambient air cannot fulfill its function.¹³
2. According to Henry C. Perkins, air pollution is the presence of several contaminants in the atmospheric air, such as dust, fog gas foam, odor, smoke or vapor in a greater number of qualities, and causes the lives of humans, animals, and plants, and objects to be disturbed and can affect the sustainability of the life of organisms and objects.

The description of ambient air quality and complaints of respiratory problems in the community in Parepare City based on the characteristics of respondents classified by age, gender, and last education, ambient air quality is measured using air quality monitoring. An overview of ambient air quality in the Parepare community, that the ambient air quality standards for SO₂ NO₂ and TSP concentrations at two points in Parepare City are still below the ambient air quality standards set based on Regulation Number 41 Year 1999. In the area of Jalan Sultan Hasanuddin (senggol night market) the SO₂ quality standard is 366.46 µg/Nm³, NO₂ 37.62 µg/Nm³, and TSP 43.3049 µg/Nm³, while in the area of Jalan Bau Massepe the quality standard is 314.11 µg/Nm³, NO₂ 75.25 µg/Nm³, and TSP 15.097 µg/Nm³. Although the exposure is still below the quality standard, exposure that occurs

¹² Fikri, “Konteksasi Ushul Fiqh Dalam Hukum Nasional Indonesia: Pelestarian Laut Dan Pengembangan Industri Wisata Bahari.”

¹³ Indonesia, “Peraturan Pemerintah No. 41 Tahun 1999 Tentang: Pengendalian Pencemaran Udara.”

continuously for a long time will increase the potential for respiratory complaints. The potential for respiratory complaints will also increase in populations at risk even though SO₂ concentrations in ambient air are small, especially in people who have lung disease, asthma, and others.¹⁴

The impact of air pollution is the effect caused to humans that disrupts their health and activities. The impact felt by people who are around businesses that cause air pollution indirectly has a major impact on human life. This impact can affect the environment, which in turn will damage the environment itself and also humans, which as a result of harmful substances from air pollution will interfere with health.

One of the businesses that cause air pollution that occurs in the Ujung Baru Village area, Soreang Subdistrict, Parepare City is the tire retreading business. In practice, the business carries out the combustion process using firewood so that it emits a large amount of smoke, the combustion results in a large amount of black smoke which is carried out every day, namely in the morning.

The existence of a tire retreading business in the area greatly affects the condition of the local community, the impact felt by the people of Parepare City is the condition of people who do not breathe clean and fresh air every day. Community activities around the business are disrupted and people feel uncomfortable.

The tire retreading business in Ujung Baru Village uses traditional tools in the process. In the process of making used tires into new tires, it is still done by burning using firewood. This results in the generation of large black smoke that can disturb local residents.

People in Parepare City who are affected by air pollution caused by the smoke of a business are contrary to the 1945 Constitution in article 28H number 1 which reads “everyone has the right to live in physical and mental prosperity, to live, and to get a good and healthy environment and the right to obtain health services”, from this article it can be used as a guideline that the environment is important in the protection of human rights. So the human right to get a good and healthy environment is not really realized and fulfilled.

The importance of Law Number 32 of 2009 concerning Environmental Protection and Management and also Parepare City Regional Regulation Number 2 of 2011 concerning Environmental Protection and Management that to further ensure legal certainty and provide protection for the rights of everyone to obtain a good and healthy environment as part of the protection of the entire ecosystem, it is necessary to carry out environmental management that can maintain and preserve environmental functions.¹⁵

¹⁴ Rahman, Usman, and Rusman, “Gambaran Kualitas Udara Ambien Dan Keluhan Gangguan Pernapasan Pada Masyarakat Kota Pare Pare.”

¹⁵ Hidayat, Abbas, and Alam, “Efektivitas Peraturan Daerah Nomor 2 Tahun 2011 Mengenai Pencemaran Lingkungan Hidup Di Kota Parepare.”

The context of air pollution in Parepare City is based on the Environmental theory that a healthy and pollution-free environment is an important element for human health because the environment is a medium where living things live. In addition, in the environment living things will look for and have character. Not only that, living things also have unique functions that are reciprocally related to the existence of living things that live there, especially humans because they have a complex and real role. The high level of dust and smoke particles generated from the combustion process is one of the sources of air pollution, with the results generated in the form of gases such as CO₂, CO, and dust particles.

The consequences that arise in the human body due to pollutants are the irritation of the respiratory mucosa, which results in an increased incidence of chronic respiratory diseases such as asthma and bronchitis. Some inorganic materials in the form of dust particles can cause pneumoconiosis, biological materials such as viruses and fungi that cause bacteria. At certain levels, the impact of air pollution can reduce the level of human productivity and will also have an impact on other sectors.

Data analysis based on law enforcement theory that based on community complaints related to the perceived impact, law enforcement cannot be said to be effectively implemented, because there are still many entrepreneurs who run businesses without regard for public health in Parepare City. People complain that they often breathe unclean air or inhale smoke, the combustion process is located in the middle of residential areas, during the production of combustion products, namely black smoke that causes sore eyes.

The negative impact felt directly by the community around the business is air pollution from the wood burning stove. The fuel used is wood and used tires. This impact is directly felt when inhaling the smoke, in the form of stinging in the eyes, coughing, and smoke that disrupts community activities. The high level of danger that will be experienced by the surrounding community if there is no effort to reduce the impact of the pollution.

A person's health can be said to be impaired if a person or group of people is exposed to hazardous materials due to ambient air pollution, and those exposed to this exposure can be referred to as an at-risk population. Risk in this case can be said to be a condition that is very likely to cause health problems. If a human being is exposed cumulatively for as long as he or she lives or for a very long period of time, it will cause harmful effects on his or her health. This impact is irrespective of whether it comes from exposure at a very short but high level (acute) or exposure at a low level but lasts for a long time (chronic). Ultimately, this results in human morbidity and mortality.

Human exposure, even if it occurs for a short period of time, will still have an impact on their health, and ultimately lead to a decrease in their level of productivity both socially and economically. The impact of air pollution on health will accumulate every day. And if this exposure will occur for a long

time, it will cause health problems in humans, such as lung cancer, bronchitis, emphysema, and many more.

Based on researcher interviews with several residents around the business, almost all residents who are around the business complain about the smoke generated by the business. So law enforcement by the Parepare City Environment Agency cannot be said to be upright. This is evidenced from the sources interviewed by the researcher that almost all the people around the tire retreading business feel the impact caused by the business.

Based on the results of interviews with several informants that the people of Parepare City who are around the place of business, some of the expectations of the affected community expect follow-up and reduce or solution to the impact felt by the community. Therefore, the role and legal certainty are needed by the relevant agencies in this case the Parepare City Environment Agency to create a healthy society through a healthy environment.

b. The Process of Law Enforcement Against Air Pollution in Parepare City carried out by the Parepare City Environmental Service

Air pollution can occur through several sources, which in Government Regulation of the Republic of Indonesia No. 41 of 1999 concerning Air Pollution Control, explained that “air pollution sources are any business activities and/or activities that emit polluting materials into the air which cause the air to be unable to function”. From several sources that can cause air pollution, control must be carried out, as regulated in Government Regulation No. 41 of 1999 concerning Air Pollution Control. In this Government Regulation, it has been explained that there are several ways to control air pollution, including control of the business sector / and or mobile source activities, specific mobile sources, immobile sources, and specific immobile sources, this is done as an effort to control emission sources and / or sources of interference so that there is no decrease in ambient air quality.¹⁶

Based on Article 10 of Parepare City Regional Regulation Number 2 of 2011 concerning Environmental Protection and Management that in efforts to control and pollute the environment the city government has the authority to determine policies and strategies in environmental management based on national and provincial policies. The purpose of Regional Regulation No. 2/2011 on Environmental Protection and Management is to better ensure legal certainty and provide protection for the rights of everyone to obtain a good and healthy environment as part of the protection of the entire ecosystem, it is necessary to carry out environmental management that can maintain and preserve environmental functions.

¹⁶ "Peraturan Pemerintah RI Nomor 41 Tahun 1999." Tentang Pengendalian Pencemaran Udara

The role of the government, entrepreneurs, and of course also the community is needed so that this air pollution problem can be resolved. The amount of air that is so large that it is said to be unlimited makes us not realize how bad the air condition is. We will realize it after the fatality of air pollution that occurs. But people will not realize that the quality of the environment around them has decreased and of course they will not immediately take action after knowing this.

The implementation of law in society besides depending on public legal awareness is also very much determined by law enforcement officials. Because it often happens that some legal regulations cannot be implemented properly because there are some law enforcement officers who do not implement a legal provision as it should. Environmental law enforcement can be interpreted as an effort made to achieve a sense of obedience to the rules that have been made, both those that apply to the public and individuals, by supervising and applying a sanction either administratively, criminally, or civilly.

In this case the role of DLH Parepare City is needed as a step to enforce Administrative law for violators. Forms of Administrative Law that can be applied are:

1. Written reprimand
2. Government coercion
3. Suspension of environmental permit
4. Revocation of environmental license

The Environmental Service (DLH) of Parepare City is a regional apparatus agency that has the duties and functions to take preventive actions, terminate, and overcome the consequences of violations in the environmental field. In addition, the Environmental Agency has the duty to provide administrative sanctions for perpetrators of environmental destruction. In addition to law enforcement officials, the role and legal awareness of the community is also an important factor in law enforcement.

Regarding people who commit pollution, be it air pollution, water pollution, or soil pollution, it has been regulated in Law No. 32 of 2009 concerning Environmental Protection and Management, precisely in article 69 number 1 letter a it is explained that “every person is prohibited from carrying out actions that result in pollution and / or environmental damage”. From the contents of the article above, it is clear that all people, be it Indonesian citizens or foreigners, are prohibited from taking actions that can damage the environment. Regarding this matter, in PP RI No. 41 of 1999 concerning air pollution control in article 21, it is explained that “every person who conducts business and / or activities that emit emissions and / or standard levels of disturbance into the ambient air must”:

1. Comply with the rules in the ambient air quality standard, emission quality standard, and disturbance level quality standard set by the government to regulate the business and/or activities it conducts.
2. Take measures to prevent and/or mitigate air pollution as a result of their business and/or activities.
3. Provide education to the public to control air pollution in the environment of its business and/or activities.¹⁷

The article explains that business owners must try to comply with government regulations regarding air quality standards, try to take measures to prevent and overcome air pollution. In addition, efforts to avoid air pollution are inseparable so that people are free from pollution and live healthy lives.

In addition to the role and participation of the government in carrying out its duties and authorities in this case, facilities and facilities are also important in Law Enforcement.

Legal facilities and infrastructure that are needed by law enforcement officials are still far from adequate so that they greatly affect the implementation of law enforcement to play an optimal role and in accordance with a sense of justice in society.

In Dutch, law enforcement can be called *rechtoepassing* or *rechtshandhaving*, while in English law enforcement, which includes macro and micro understanding. What is meant by macro here is related to all aspects of the life of society, nation and state, while micro is limited to the examination process in court including the process of investigation, investigation, prosecution to the implementation of decisions that have permanent legal provisions.¹⁸

According to Soerjono Soekanto, there are factors that can affect whether or not a law is effective, namely:

1. The legal factor itself, which is limited to the law. In the enactment of the law, there are principles that aim to make the law have a positive impact, the intention is that the law can achieve the expected goals so that it is effective and the community can accept it.
2. Law Enforcement Factors, namely the parties who play a role in the formation and application of the law itself. In this case, law enforcers have an important role, because law enforcers are closely related to decisions that must be taken outside of legal provisions and rely a lot on personal judgment.
3. Facility factors. Means and facilities are considered very important, because if there are no means or facilities, then law enforcers will not

¹⁷ Undang-Undang No 32, "Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup."

¹⁸ Awalananda and Rusdiana, "*Efektivitas Penegakan Hukum Terhadap Pencemaran Udara Di Kecamatan Gresik Dan Kecamatan Kebomas.*"

be able to take action to harmonize a role that should be with an actual and real role.

4. Community factors, namely the environment or area where the law applies or is applied. In this case, law enforcement can be said to originate from society and its purpose is to provide peace and order in people's lives. So if viewed from a certain angle, it can be said that society is very influential in law enforcement.
5. Cultural factors, defined as the result of work, creation, and taste based on human spirit in the association of life. Legal culture in this case includes values that are influenced by abstract conceptions of things that can be considered good or bad.¹⁹

The purpose of law enforcement is to improve order and legal certainty in society. This can be done by controlling the functions, duties, and authorities of institutions that have duties in law enforcement in accordance with the proportion of their own scope, of course, based on a good cooperation system and support for the goals to be achieved. Meanwhile, in the context of environmental law, environmental law enforcement in Indonesia is closely related to the ability of the apparatus and the compliance of citizens with applicable regulations, which include the fields of administrative law, criminal law, and civil law.²⁰

Law enforcement that can be carried out by the Environmental Service can be in the form of supervisory actions. In its application, this supervision can be divided into two, namely:

1. Preventive Supervision

This supervision is carried out by DLH Parepare City on businesses and / or activities that have environmental permits. In a permit, it can be understood that a party will not be able to do something without a permit, meaning that someone has a closed possibility unless they get permission from the government. So, in this case the role of the government has a relationship with the activities carried out by the person or party concerned. In controlling this permit there are several stages, namely:

- a. Consultation
- b. Preparation of environmental impact assessments
- c. Assessment and examination process
- d. Preparation of environmental permit
- e. Issuance of environmental permit

After a company obtains an environmental permit, DLH Parepare City must continue to supervise in order to find out how the industry can carry out activities to dispose of gas emissions, waste,

¹⁹ Soekanto, "Kesadaran Hukum Dan Kepatuhan Hukum."

²⁰ Moho, "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan."

installations, and so on, whether the disposal activities they carry out are in accordance with the rules or not. The supervision can be done by process:

- a. Monitoring is carried out to see any possible actions that violate the rules by directly visiting the field by the Parepare City Environmental Service.
- b. Inspection is carried out to find facts related to acts of pollution and environmental damage. In this case, inspection of permit documents and sewerage installations will be carried out by the environmental service.
- c. Testing carried out by the Environmental Service is a test of air quality standards and in this case they will be assisted by the South Sulawesi Provincial Environment and Forestry Service. This test is carried out by experimenting and researching the sample results from the object to be tested. This test is carried out in the hope that it can be known whether there is pollution and environmental damage or not. And after testing the ambient air quality standards carried out by DLH Parepare City, it was determined that the ambient air quality in the Parepare City area had exceeded the limit.

2. Repressive Supervision

This administrative law enforcement is a very important legal effort to enforce, because it has the aim of giving deterrence to the perpetrators of pollution by punishing them. Supervision carried out periodically is aimed at businesses and/or activities that already have an environmental permit which is carried out as an effort to monitor the arrangement of licensing requirements by the authorized agency that grants the environmental permit.

Administrative sanctions carried out by DLH Parepare City are based on the results of inspection and sample testing carried out at the preventive inspection stage. And industries that are proven to have committed acts that violate regulations will be subject to penalties for their actions. These administrative sanctions are of various types, namely:

- a. Reprimand delivered verbally. This action is taken if the team in charge of supervising finds violating actions by business actors.
- b. Reprimand delivered in writing. Business actors will be given a written warning if the Environmental Service feels that after the first sanction there is still no improvement from business actors.
- c. Government coercion. In this case the action that can be taken is to remove, obstruct, or restore the situation as before. And if there are business actors who carry out activities outside those listed

in the environmental permit, the Parepare City Environmental Service will freeze the industrial license.

- d. Revocation of environmental permits. This is the last option for business actors who commit violations of environmental pollution and destruction if they continue to carry out these actions even though they have previously been sanctioned by the Environmental Service.

In law enforcement there is something called effectiveness which is a level of success in achieving a goal. This effectiveness can be interpreted as a benchmark in achieving targets or goals that have previously been determined. In enforcing the law if we want to see how influential the effectiveness of this law is, then we can see from the number of people who have obeyed it.

In the implementation of law enforcement, there are several factors that have an important influence on the enforcement of the law itself. These factors are:

1. Law factors
2. Law enforcement factors
3. Facility factors
4. Community factors
5. Cultural factors

In Law No. 32 of 2009 concerning Environmental Protection and Management, PP No. 41 of 1999 concerning Air Pollution Control, and Parepare City Regional Regulation No. 2 of 2011 concerning Environmental Protection and Management, it has been clearly regulated regarding environmental protection and management and arguably this rule has been fulfilled and can be used as a guideline.

Data analysis based on law enforcement theory that law enforcement against air pollution in Ujung Baru Village, Parepare City cannot be said to be upright this is due to the ineffectiveness of law enforcement which is influenced by Law Enforcement factors, Facility Factors, and Community Factors.

c. Perspective of Siyasah Tanfidziyah in Law Enforcement Against Air Pollution in Parepare City

Fiqh siyasah is one aspect of Islamic law that discusses the regulation and management of human life in a state in order to achieve benefits for humans themselves. Fiqh siyasah talks about who is the source of power, who is the executor of power, what is the basis of power, and how the executor of the ruler exercises the power given to him, as well as to whom the executor of power is accountable for his power. In the fiqh siyasah section, the fiqh siyasah that discusses this field is fiqh siyasah dusturiyah. Fiqh siyasah dusturiyah is part of fiqh siyasah that discusses the issue of state legislation.

In addition, this study also discusses the concept of the rule of law in siyasah and the mutual relationship between the government and citizens and the rights of citizens that must be protected.

Among the elements of siyasah sharia is the ruler who runs the wheels of government. In the discussion of siyasah sharia, three institutions of power are known, namely As-Sultah at Tasyriyyah (Lawmakers), As-Sultah at Tanfidziyah in charge of running the executive government, and As-Sultah al-Qada'iyah (Judicial Power).²¹

The author focuses on studying al-Sultah at-Tanfidziyah or siyasah Tanfidziyah. Executive power in Islam called al-sultah al-tanfidziyah means that here the state has the authority to elaborate and actualize the legislation that has been formulated. In this case, the state conducts policies both related to domestic affairs, as well as those concerning relations with other countries (International Relations). The highest executor of this power is the government (Head of State) assisted by his assistants (Cabinet or Council of Ministers) formed in accordance with the needs and demands of situations that differ from one country to another Islamic country.

In determining the perspective of siyasah Tanfidziyah on law enforcement against air pollution in Parepare City there are several factors that have an important influence in the enforcement of a law itself, such factors as legal factors, law enforcement factors, facilities or facilities, community factors, and cultural factors. This factor can be strengthened based on the perspective of siyasah tanfidziyah among them:

1. Law Wnforcemenet Factors

Law enforcement is aimed at improving order and legal certainty in society. This is done, among others, by putting in order the functions, duties and authorities of the institutions tasked with enforcing the law according to the proportions of their respective scopes, and based on a system of good cooperation and support for the goals to be achieved.²²

The implementation of law in society besides depending on public legal awareness is also very much determined by law enforcement officials, because it often happens that some legal regulations cannot be implemented properly because there are some law enforcement officers who do not carry out a legal provision as it should. This is due to the implementation by law enforcement itself which is not appropriate and is a bad example and can reduce the image. In addition, good role models and the integrity and morality of

²¹ Gusmansyah, "Trias Politica Dalam Perspektif Fikih Siyasah." (Al-Imarah ejournal IAIN Bengkulu, 2017)

²² "Ronaldo Tunas Januar", *Kajian Normatif Terhadap Peranan Penegak Hukum Dalam Sistem Peradilan Pidana Di Indonesia*, Journal of Social Science Research 2023

law enforcement officials absolutely must be good, because they are very vulnerable and abuse of authority.

As explained in the Qur'an letter al 'araf 96: Translation: "If the people of the lands had believed and feared, We would have bestowed upon them blessings from the heavens and the earth, but they denied (Our verses), so We punished them for their deeds."

Blessings for leaders and the led have a dimension of spiritual satisfaction that cannot be measured by material advantages. Trustworthy leadership is an anchor for the struggle to uphold justice and truth. Dare to go against the flow to straighten out evil, injustice as buya Hamka did. Our longing for Buya Hamka is felt when we are currently facing weak leadership, because it has not been able to uphold justice and eradicate injustice.²³

As we know that law enforcement is currently still weak. This is due to the low morality of law enforcement officials which results in law enforcement not running properly. A poor law enforcement mentality will affect the law enforcement system because it will favor the powerful. Law enforcement should prioritize the nature of morality and mentality in carrying out law enforcement regardless of caste and social strata in the order of community life. It is intended that the morality of law can be implemented perfectly.

2. Facilities and Infrastructure Factors

Without the existence or support of adequate facilities, it is not easy for law enforcement to take place properly, which includes, among others, highly educated and skilled human resources, good organization, adequate equipment, sufficient finance, and so on. If these things are not fulfilled, it is difficult for law enforcement to achieve its goals.

Media or Tools play a very important role in achieving the expected results. This is seen indirectly in the interpretation, namely (He (Allah) will reward the one who is more correct in his path). From the explanation above, the author draws a conclusion that the media / tools are also very influential on the enforcement of the law, while the inappropriate media will not achieve maximum results.

3. Community Factors

Because law enforcement comes from society and for society in a general sense, then society is one of the phenomena that greatly affects law enforcement. From the social and cultural point of view,

²³ Firman Menne, *Nilai-Nilai Spritual Dalam Entitas Bisnis Syariah*, (Celebes Media Perkasa, 2017)

Indonesian society is a plural society with many ethnic and cultural groups.²⁴

The enforcement of a new legal regulation will become a reality if it is supported by the legal awareness of all citizens. Awareness for the enactment of law is the basis for the implementation of the law itself.

Analysis of *Siyasah Tanfidziyah* in law enforcement against air pollution in Parepare City based on Law Number 32 of 2009 concerning environmental protection and management in Parepare City. Islam teaches to love the environment, and not to destroy the environment, but the rules in the Koran have not been applied. Related to law enforcement against air pollution in Parepare City cannot be said to be upright because in determining the effectiveness of upright or not a law is influenced by several factors.

Researchers found 3 factors, namely law enforcement factors, community factors, and facilities or facilities factors, the first factor is the law enforcement factor where law enforcement officials in this case the Parepare City Environment Agency which plays a role in implementing rules regarding law enforcement has not been implemented optimally, the second factor is from the community itself, One of them is the lack of knowledge and legal awareness of the people of Ujung Baru Village, Soreang Subdistrict, Parepare City against the dangers of environmental pollution resulting from the business that can cause long-term harm, the community does not understand the socialization delivered by the government related to applicable regulations, and the lack of facilities or facilities that hinder the law enforcement process.

IV. CONCLUSION

Based on the description that the author put forward above, the results of research on law enforcement against air pollution in the perspective of *Siyasah Tanfidziyah* (Case Study in Parepare City), it can be concluded as follows:

1. The impact of air pollution caused by the tire retreading business in Parepare City is a negative impact that is felt directly by the community around the business / industry. the impact felt by the community is that the community does not breathe clean and healthy air with the smoke generated by the tire retreading business and also disrupts community activities. So law enforcement by the Parepare City Environment Agency is needed.
2. The law enforcement process carried out by DLH Parepare City has not been carried out effectively, this can be seen from several factors

²⁴ Miswardi, "*Etika, Moralitas dan Penegak Hukum, Menara Ilmu*", 2021

in determining the effectiveness of law enforcement, starting from the legal factors themselves, law enforcement factors, facilities or facilities factors, namely factors that greatly affect the ineffectiveness of law enforcement DLH Parepare City which has very limited facilities and facilities, community factors, and cultural factors.

3. Referring to the perspective of siyasah tanfidziyah on law enforcement, judging from several factors from law enforcement theory and environmental theory, it cannot be said to be effective because based on the perspective of siyasah tanfidziyah theory there are still many factors that have not been implemented properly in accordance with the commands in the Al-Quran verse.

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