

## The Community Participation in the Environmental Management of Used Battery Smelting Activities

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**Abstract.** Article 70 of Law Number 32 of 2009 provides concrete directions, instructions and forms of community participation in environmental protection and management. The participation includes forms of efforts that can be done by the community so that they can participate in protecting and managing their environment. The manifestation of such participation can be in the form of social supervision, giving advice, opinions, proposals, objections, complaints, submitting information and reports. The manifestation of community participation in the Cinangka village is related to the smelting of used batteries which has the effect of environmental pollution which greatly disrupts the life of the Cinangka village community in various ways as directed in Article 70 of Law Number 32 Year 2009. The form of participation was carried out with the submission of complaints to the Village Government to the Bogor Regency Environmental Agency, demonstrations, deliberations with business actors for the use of smelting used batteries, conducting legal proceedings against business actors, and participating in the success of the Eco-Friendly Village program. Because the legal awareness of the community is still low which is influenced by low educational factors, so not all people participate in participating in environmental management.

**Keywords:** Environmental; Management; Participation; Pollution; Social.

### 1. Introduction

A good and healthy environment is a constitutional right that is owned by every Indonesian citizen as mandated in Article 28 H paragraph (1) of the 1945 Constitution which stipulates that, "Everyone has the right to live in physical and

spiritual prosperity, to have a place to live and to have a healthy environment and have the right to obtain health services. The article provides directives that the state as a stakeholder has an obligation to fulfill the rights of the community in obtaining a good and healthy environment. The implementation of Article 28 H paragraphs (1) of the 1945 Constitution as a form of community participation is embodied in Law Number 32 of 2009 concerning Environmental Protection and Management. Article 28H paragraph (1) of the 1945 Constitution is a human right in the form of a right to a good and healthy environment, namely the most basic and essential right that cannot be reduced and humans can enjoy a good and healthy environment. This is because the environment is an ecological unit which is also a cycle of life (recycling) or an ecosystem where humans are in it.<sup>1</sup> One of the rights that must be obtained for the community in the environment is that the community has equal rights and opportunities in playing an active role in protecting and managing the environment, as stipulated in Article 70 of Law Number 32 of 2009.

One of the government's efforts as referred to in Article 70 of Law Number 32 of 2009 provides an effort to overcome an environmental problem by inviting the surrounding community to take part in helping to form a good and healthy environment. The forms of participation that can be carried out by the community as contained in Article 70 paragraph (2) of Law Number 32 of 2009 concerning Environmental Protection and Management include social supervision, giving suggestions, opinions, proposals, objections, complaints, and/or submission of information and/or reports. Juridically, community participation is the most important aspect in environmental management and protection.

Lothar Gundling's opinion as quoted by Koesnadi Hardjasoemantri, there are several benefits of community participation in environmental management, namely: providing information to the government, increasing people's willingness to accept government decisions, preventing lawsuits from being filed by the community and democratizing decision making.<sup>2</sup> It is possible for the community to participate in thinking and providing views and considerations in making decisions in the field of environmental management. Community participation is important and cannot be ignored in order to inform the government about the problems and consequences that arise from the actions planned by both the government and employers related to environmental management and protection. Understanding of the importance of

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<sup>1</sup> Sodikin, "Gagasan Kedaulatan Lingkungan Dalam Konstitusi dan Implementasinya Dalam Pelestarian Lingkungan Hidup," *Masalah-Masalah Hukum* 48, no. 3 (2019): 294–305, <https://ejournal.undip.ac.id/index.php/mmh/article/view/23744/15630>.

<sup>2</sup> Koesnadi Hardjasoemantri, *Hukum Tata Lingkungan*, 7 ed., vol. 1 (Yogyakarta: Gadjah Mada University Press, 2002).

their participation in environmental management needs to be improved and enlightened because future generations also have the right to enjoy a healthy environment. Therefore, sustainable development involving the participation of all interested parties has become a new paradigm to involve certain parties, such as the community more efficiently.<sup>3</sup>

The need for community participation in environmental management is one of the efforts of the community's participation in preserving the environment, so that Law Number 32 of 2009 concerning Environmental Protection and Management provides provisions for equal rights in environmental conservation. This is because, humans are included in an important component because humans help change the environment. The existence of environmental law is a law that regulates the reciprocal relationship between humans and other living things which if violated can be subject to sanctions.<sup>4</sup> The existence of these rules is because humans seem greedy by using the environment intentionally or unintentionally causing damage to the environment.

Community participation in this study is in the form of environmental management in Ciampea District, Bogor Regency. The hope for the need for community participation is because in the village of Cinangka Ciampea there is a used battery smelting factory which pollutes the surrounding community environment. Several other materials that were not used by the smelting activity were stockpiled at several points without considering several provisions that should have caused another problem, namely pollution of the water around Cinangka village. Burning a battery which is one of the processes in a series of battery recycling pollutes the air in the Cinangka village of Ciampea. Air that has been polluted by lead is then inhaled and has a negative impact on people's respiratory health.

The impact of smelting used batteries causes pollution, which is intended from the results of research on the quality of well water, it is found that the lead (Pb) content in the water content is still above the quality standard, which is about 0.05 mg/L to 0.123 mg/L and needs to be done recovery on land that is still contaminated with Pb in Cinangka Village.<sup>5</sup> On February 21, 2019 P3KLL took test samples, the results of

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<sup>3</sup> Sodikin, *Penegakan Hukum Lingkungan Tinjauan Atas Undang-undang Nomor 23 Tahun 1997*, 2 ed., vol. 1 (Jakarta: Djambatan, 2007). p. 36.

<sup>4</sup> Siti Sundari Rangkuti, *Hukum Lingkungan dan Kebijakan Lingkungan Nasional*, 1 ed., vol. 1 (Surabaya: Airlangga University Press, 2000). p. 2.

<sup>5</sup> Chairil Abidin Abidin Said, Arief Adryansyah, Djoko Mulyo Hartono, "Pemulihan Lahan Terkontaminasi dari Kegiatan Peleburan Aki Bekas Tanpa Izin di Desa Cinangka Kabupaten Bogor," *Indonesian Journal of Environmental Education and Management* 4, no. 1 (2019): 1–10, <http://journal.unj.ac.id/unj/index.php/ijeem/article/view/9506/6542>.

the study of lead levels in the soil around the used battery recycling site in the cinangka area were 14393mg/kg. The lead levels in leaves in Cinangka Bogor ranged from 48-557 mg/kg.<sup>6</sup> The impact of the used battery smelting activity shows that humans live in a world that determines their environment or is determined by their environment. Environmental change is largely determined by the attitude and protection of humans in their environment. To overcome this problem, the government always provides limitations in the form of regulations or other policies.<sup>7</sup>

Because of the need for a good and healthy environment as a human right, the government invites the community to participate in environmental management as regulated in Law Number 32 of 2009 especially Article 70. The problem is what form the role of the Cinangka village community in an effort to stop activities the case of smelting used batteries and what efforts have been made by the Cinangka village apparatus.

## 2. Research Methods

The research method used is descriptive research or can also be said to be normative juridical research. According to Philipus M. Hadjon, normative juridical research or normative legal research is research aimed at finding and formulating legal arguments through analysis of the subject matter.<sup>8</sup> According to Lili Rasjidi, "that the original legal research method is a normative legal research method".<sup>9</sup> Normative legal research can be used to explain, strengthen, test or reject a theory from existing studies. Likewise, from the point of view of its application, this research is a problem-focused research, namely the problems studied are based on theory or seen the relationship between theory and practice.<sup>10</sup> The focus of the problem is on community participation in environmental management in Cinangka village, Ciampea District, Bogor as regulated in Article 70 of Law Number 32 of 2009 concerning Environmental Protection and Management. Data collected through library research and field research (empirical method). Empirical legal research is

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<sup>6</sup> antaranews.com, "<https://www.antaranews.com/berita/1009594/klhk-luncurkan-desain-lanskap-mitigasi-pencemaran-timbal>, accessed on February 16, 2020 at 15:59 WIB."

<sup>7</sup> P. Joko Subagyo, *Hukum Lingkungan Masalah dan Penanggulangannya*, 1 ed., vol. 1 (Jakarta: PT Rineka Cipta, 2005). p. 1.

<sup>8</sup> Philipus M. Hadjon dan Tatiek Sri Djamiati, *Argumentasi Hukum*, 1 ed., vol. 1 (Yogyakarta: Gadjah Mada University Press, 2005). p. 3.

<sup>9</sup> Lili Rasjidi dan Liza Sonia Rasjidi, *Monograf: Filsafat Ilmu, Metode Penelitian, Dan Karya Tulis Ilmiah Hukum*, 1 ed., vol. 1 (Bandung: Unpad, 2009).

<sup>10</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normative –Suatu Tinjauan Singkat*, 1 ed., vol. 1 (Jakarta: Raja Grafindo Persada, 1994). p. 5.

research on laws that are in fact and applied by humans who live in society itself.<sup>11</sup>  
The data analysis used is qualitative analysis.

### 3. Results and Discussion

#### 3.1. A Brief History of Used Battery Smelting Activities in Cinangka Village

The results of the study using the interview method explained that,<sup>12</sup> since 1978 the recycling of used batteries in Cinangka village was carried out by the local community, initially only one person. This activity started with a business actor who transferred his used battery smelting business activities in Jakarta to the village of Cinangka. The transfer of business to Cinangka village was carried out because the smelting activities of used batteries in Jakarta were deemed uncomfortable because they were in contact with local people who were disturbed by the pollution produced. The materials obtained at that time were obtained by steaming or looking at the stalls of used goods providers. Cooperation or partnership between used battery smelting business actors and used battery providers is carried out due to the high demand not only in Java but also outside Java.

Since the emergence of used battery smelting activities, there have been many pros and cons from the Cinangka village community considering the direct impact on the environment. One of the perceived impacts of this used battery smelting activity is environmental damage, both pollution of water and soil, considering that the pollutants produced from used battery activities are smoke and sulfuric acid, which, as is well known, sulfuric acid is corrosive to humans, plants and animals.

The results of research on the quality of well water, it was found that the lead (Pb) content in the water content was still above the quality standard, which was about 0.05 mg/L to 0.123 mg/L and it was necessary to restore land that was still contaminated with Pb in Cinangka Village.<sup>13</sup> On February 21, 2019 P3KLL took test samples, the results of the study of lead levels in the soil around the used battery recycling site in the Cinangka area were 14393mg/kg. The lead levels in leaves in Cinangka Bogor ranged from 48-557 mg/kg.<sup>14</sup> Lead is a heavy metal that is widely used in the battery industry. The lead in the battery functions as a positive and

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<sup>11</sup> Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, 1 ed., vol. 1 (Yogyakarta: Pustaka Pelajar, 2015). p. 44.

<sup>12</sup> *Interview with Mr. Irvan Lahardi, Secretary of Cinangka Village on Saturday 18 January 2020.*

<sup>13</sup> Arief Adryansyah, Djoko Mulyo Hartono, "Pemulihan Lahan Terkontaminasi dari Kegiatan Peleburan Aki Bekas Tanpa Izin di Desa Cinangka Kabupaten Bogor."

<sup>14</sup> "https://www.antaraneews.com/berita/1009594/klhk-luncurkan-desain-lanskap-mitigasi-pencemaran-timbal, accessed on February 16, 2020 at 15:59 WIB."

negative electrode where the oxidation-reduction (redox) reaction takes place which produces electrical energy.<sup>15</sup>

### **3.2. Environmental Pollution Due to Smelting Used Batteries**

The smelting of used batteries causes pollution to the environmental air around the incineration and/or smelting of used batteries. Several other materials that were not used by the smelting activity were piled up at several points without considering some of the provisions that should have resulted in another problem, namely pollution of water around Cinangka village, Ciampea sub-district, Bogor regency. In Article 1 Point 12 of Government Regulation Number 101 of 2014 concerning Management of Hazardous and Toxic Waste, it is written that dumping is the activity of disposing, placing, and/or importing waste, and/or materials in quantity, concentration, time, and location certain conditions with certain requirements to certain environmental media.

Errors in the Management of Hazardous and Toxic Waste (B3) are one of the factors in environmental damage caused by human error. Hazardous and Toxic Materials hereinafter abbreviated as B3 are substances, energy, and/or other components which due to the nature of concentration, and/or amount, either directly or indirectly, can pollute and/or damage the environment, and/or endanger the environment, health, as well as the survival of humans and other living things. Hazardous Waste Management is an activity that includes reduction, storage, collection, transportation, utilization, processing, and/or landfill. Of course, this error in the Management of Hazardous and Toxic Waste (B3) causes the right of everyone to not achieve a good and healthy living environment.

Types of B3 waste produced by industry include heavy metals, cyanide, pesticides, paints and dyes, oils, solvents, and other hazardous chemicals. Without adequate management, this waste has a much more severe environmental damage compared to other types of waste.<sup>16</sup> Several regions in Indonesia often experience cases of environmental pollution due to errors in the Management of Hazardous and Toxic Waste (B3). In Cinangka village, Ciampea subdistrict, there are activities to manage hazardous and toxic waste, namely the processing of used batteries which are melted down into tin. By realizing this, hazardous and toxic materials and their

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<sup>15</sup> dan Rita Bambang Hindratmo, Rizqika Rahmani, "Blood Lead Levels of Elementary Students Around Used Battery Smelters in Tangerang and Lamongan Regency," *Journal of Ecolab* 12, no. 2 (2018): 52–102, <http://ejournal.forda-mof.org/ejournal-litbang/index.php/JKLH/issue/view/628#>.

<sup>16</sup> Badrudin Kurniawan, "Pengawasan Pengelolaan Limbah Bahan Berbahaya dan Beracun (B3) di Indonesia dan Tantangannya," *Dinamika Governance* 9, no. 1 (2019): 39–49, <https://garuda.kemdikbud.go.id/author/view/2125632>.

wastes need to be protected and managed properly.

Dumping activities that are not in accordance with a certain amount, concentration, time, and location in accordance with the requirements will cause pollution to other living things, both humans, plants and animals. Dumping is the activity of disposing, placing, and/or entering waste and/or materials in a certain amount, concentration, time, and location with certain requirements into certain environmental media. Likewise, water pollution is one of the impacts felt by the community due to the implementation of dumping activities that are not in accordance with Standard Operating Procedures (SOP).

The activities of managing used battery waste smelting in addition to causing water pollution, the management of used battery waste is included in the classification of radioactive waste management. Every person or entity that utilizes nuclear energy is obligated to make and submit a statement to the Supervisory Agency that the remaining radioactive waste will be returned to the country of origin or handed over to the implementing material for management. The return of the waste to the country of origin must obtain approval from the Supervisory Agency within thirty days. Proof of return must be submitted to the regulatory body no later than fourteen days after the execution of the shipment.<sup>17</sup>

In this case, the management of used battery waste in Cinangka village, Ciampea sub-district does not follow the radioactive waste management procedure. The results of burning batteries are actually traded illegally where the results of burning and other unused waste materials pollute the environment around Cinangka Village, Ciampea District, Bogor Regency.

The people of Cinangka Village, Ciampea District, Bogor Regency automatically do not get their rights as Indonesian citizens who are entitled to a good and healthy environment as referred to in Article 28 H paragraphs (1) of the 1945 Constitution. Article 28H paragraphs (1) of the 1945 Constitution is a Indonesia's form as a state of law is also one of the principles of the protection of human rights. Therefore, the form of participation as described in Article 70 paragraphs (2) of Law Number 32 of 2009 concerning Environmental Protection and Management which contains forms of participation that can be carried out by the community in order to manage and protect the environment to achieve their rights. enjoy a good and healthy environment. Participate in order to be more democratic, the right to play a role in environmental management based on the principle of openness.

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<sup>17</sup> Sukanda Husin, *Penegakan Hukum Lingkungan di Indonesia*, 1 ed., vol. 1 (Jakarta: Sinar Grafika, 2009). p. 67.

### 3.3. The Form of Community Participation

Article 65 paragraphs (1) of Law Number 32 of 2009 concerning Environmental Protection and Management states that, "everyone has the right to a good and healthy environment". This is in line with Article 9 paragraphs (3) of Law Number 39 of 1999 concerning Human Rights which also states the same. The two laws are the implementation of Article 28H paragraphs (1) of the 1945 Constitution which recognizes the right of Indonesian citizens to have a good and healthy environment. Indonesia as a state of law has the principle of protecting human rights. For this reason, various efforts are needed to create a good and healthy environment as a form of fulfilling the rights of citizens.

The negative impact of used battery activities is not only a health problem but also environmental pollution. The sulfuric acid produced as a result of the burning of the battery then pollutes the environment of Cinangka village where when it rains the sulfuric acid mixes with the soil and reaches the ground water.<sup>18</sup> Some people in Cinangka Village whose groundwater has been contaminated by sulfuric acid are not allowed to use groundwater, so they have to use PAM water. This is because of the dangers posed to health when the water is consumed because it is corrosive. The complaints felt by the community as a form of impact from the smelting activities of used batteries are felt to violate their human rights to obtain a good and healthy environment.

Article 70 paragraph (2) of Law Number 32 of 2009 concerning Environmental Management and Protection contains forms of participation that the Cinangka Village community, Ciampea District, Bogor Regency can do as an effort to stop the smelting of used batteries in order to fulfill their rights in get a good and healthy environment. Community participation is a form of community assistance in terms of preventive, promotive, curative, and rehabilitative assistance in the form of manpower, funds, facilities, infrastructure and moral assistance.<sup>19</sup> The forms of participation that can be carried out by the community include:

#### a) Social Monitoring

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<sup>18</sup> "The interview was conducted on Saturday, January 18, 2020 WIB at 13:00 WIB."

<sup>19</sup> Ningsi dan Ikhtiar Ahmad Erlan, "Peran Serta Masyarakat Dalam Upaya Penedalihan Schistosomiasis di Dataran Tinggi Lindu Provinsi Sulawesi Tengah," *Vektora: Jurnal Vektor dan Revertoir Penyakit* 9, no. 2 (2017): 101–110, <http://ejournal.litbang.kemkes.go.id/index.php/vk/article/view/5298/5349>.



The role of the community in this case is more to the function of regulation or legislation because their representation in representative institutions will determine the laws or regulations that will be made. The people of Ciampea participate in supervising the making of laws/regulations, draft laws/regulations on the environment that pay attention to environmental sustainability which are carried out by the local government.

b) Giving Suggestions, Opinions, Proposals, Objections, Complaints

The role of the community can be in the form of providing advice and opinions on environmental protection and management measures that have been carried out by the government. The people of Ciampea Bogor object to actions that can damage or disrupt the process of environmental protection and management. The people of Ciampea submit complaints to law enforcement agencies/authorized agencies if they find actions that damage the environment.

c) Submission of Information and/or reports

The people of Ciampea can immediately submit information and/or reports related to the state of an environment to the government or environmental organizations so that if there are problems, they can immediately be attempted to repair and prevent environmental damage.

Through Article 70 paragraph (3) of Law Number 32 of 2009 as a form of community participation carried out by the people of Ciampea as follows: a) increase awareness in environmental protection and management; b) increasing independence, community empowerment, and partnerships; c) developing community capabilities and pioneers d) Develop community responsiveness to carry out social supervision; and e) develop and maintain local culture and wisdom in the context of preserving environmental functions.

The objectives achieved in principle must also be conditioned by a situation which then arises the desire of the community to participate. This will determine the success and failure of achieving the goals of participation itself. The conditioning must lead to the emergence of community participation freely (of their own volition) and eliminate as much participation as possible due to compulsion.<sup>20</sup> This also happens when an individual engages himself voluntarily in a certain participatory activity. Free participation can still be further classified into spontaneous

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<sup>20</sup> Sodikin, *Penegakan Hukum Lingkungan Tinjauan Atas Undang-undang Nomor 23 Tahun 1997*, vol. 1, p. 47.

participation such as self-belief or pure personal will. Forced participation is usually carried out for two reasons, namely forced by law and/or statutory regulations that oblige and forced by pressure from socio-economic situations and conditions.<sup>21</sup>

The results of interviews that researchers have conducted on January 18, 2020 and February 15, 2020. Researchers have found several efforts that have been made by the community to stop smelting used batteries to fight for their right to get a good and healthy environment.<sup>22</sup> Pak Heru stated that he had made complaints, suggestions, and also objections to Cinangka Village because of the smelting activities of used batteries. Not only that, Pak Heru, who is a member of the Environmental Task Force for the Cinangka Village Community, made an effort to make complaints to the level of the Bogor Regency Environmental Office.<sup>23</sup> The negative impact of the smelting of used batteries was felt by those closest to Mr. Heru whose breathing was disturbed due to the smoke generated from the burning of the battery. In addition, the environment around Mr. Heru's house feels very arid due to the death of the plants due to the infertile soil around Mr. Heru's neighborhood. Based on the results of the interview, the researcher concluded that Mr. Heru had good legal awareness, someone who had values in himself was aware of the existing law and the law that was expected to exist. Pak Heru is aware of the existence of Law Number 32 of 2009 concerning Environmental Protection and Management and Pak Heru is also aware of the rights and obligations that he should expect, one of which is the rights and obligations to participate.<sup>24</sup> The theory of community participation states that it can be called a role if the community takes part in an activity which in this case participates in stopping the smelting of used batteries. Pak Heru has made several efforts that can be considered as a form of his participation in stopping the smelting of used batteries. The things that Mr. Heru has done are to provide suggestions, opinions, proposals, and statements of objection to the activity of smelting used batteries to the Village and even to the Bogor Regency Environmental Office.<sup>25</sup>

Then interviewed Mrs. Anastasia Ery T or often called Mrs. Iyong, a resident of Cinangka village who is known as the Chair of RT 01 RW 09 Cinangka Village and also serves as the Chair of the Griya Salak Environmentally Friendly Village. Starting to settle in Cinangka Village in 2004, in 2005 Mrs. Iyong experienced respiratory

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<sup>21</sup> Ibid.

<sup>22</sup> "The interview was conducted on January 18, 2020 at 11:00 WIB at the residence of Mr. Khaerul Rahman."

<sup>23</sup> *The interview was conducted on Saturday, January 18, 2020 at 12:00 WIB at the Griya Salak Endah Multipurpose Hall, n.d.*

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

problems, coughing, and her body gradually lost weight. After the examination, Mrs. Iyong had to undergo routine treatment for 6 months because there were spots on her lungs. Villagers who knew about the bad impact caused by the smelting activity of Mrs. Iyong's former battery made an effort to stop the smelting activity of the used battery. Mrs. Iyong has taken various ways to stop the smelting of used batteries, including Mrs. Iyong who has complained about this to the village government. Mrs. Iyong's efforts did not stop there, Mrs. Iyong invited the village government to hold a meeting between business actors and residents to discuss village residents' objections regarding the smelting activity of the used batteries. Submission of objections that have been made by Mrs. Iyong in deliberation conducted between business actors, village officials, and villagers can also be stated as a form of community participation as stated in Article 70 paragraphs (2) point b of Law Number 32 of 2009 concerning Protection and Environmental Management which includes in the form of giving suggestions, opinions, proposals, objections, complaints.<sup>26</sup>

Furthermore, the researcher, had the opportunity to interview Irvan Lahardi as a resident of Cinangka village who also serves as the Secretary of Cinangka village, Mr. Irvan<sup>27</sup> said that the residents of Cinangka Village had held demonstrations at the related Ciampea sub-district office, expressed their objections, and asked for the business activities of used battery smelting to be closed and/or stopped. Researchers had the opportunity to interview families who have lived in Cinangka village since 1989. Mr. Nano Suparno as the head of the family, Umi Imi Yanti, and their eldest child Yeni were successfully interviewed at their residence.<sup>28</sup> Based on the results of the interview, Mr. Nano and Umi Imi Yanti admitted that they had worked at a used battery smelting activity. Mr. Nano, umi Imi Yanti, and their eldest son Yeni admitted that they had never made any efforts to stop the smelting of used batteries. They admitted that the smelting activity of used batteries provides a great economic opportunity for families and also most of the people of Cinangka village who do not have the opportunity to get better jobs. This, although Mr. Nano admits that he feels the impact of the smelting activities of used batteries on air pollution, but he admits that he has never made any efforts to stop the smelting of used batteries. Apart from economic factors, the lack of legal awareness and knowledge of what to do by the community is the reason Pak Nano and his family have not made any efforts.

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<sup>26</sup> Ibid.

<sup>27</sup> *The interview was conducted on Saturday, January 18, 2019 at 13:00 WIB at the Multipurpose Hall of Griya Salak Asri, n.d.*

<sup>28</sup> *The interview was conducted on February 15, 2020 at the residence of Mr. Nano Suparno's family, n.d.*

The average education of the Cinangka village community is 8 years or equal to level 2 of Junior High School. The ignorance of the Cinangka village community about the existing law and the lack of socialization they receive are one of the causes of the lack of legal awareness of the Cinangka village community. Krabbe states that legal awareness is awareness or values contained in humans, about existing laws or about laws that are expected to exist.<sup>29</sup> Paul Scholten what is meant by legal awareness is the awareness that exists in every human being about what the law is or what the law should be, a certain category of our mental life from which we distinguish between law (*recht*), and not law (*onrecht*) between what should be done, and what should be done and what shouldn't have done.<sup>30</sup>

The community does have the same, and widest possible rights, and opportunities to play an active role in environmental protection, and management. Considering that obtaining a good and healthy environment is a human right, and is protected by law, the Cinangka village community has the right to participate as widely as possible. to protect and/or obtain their right to a good, and healthy environment. The reality is that not many people in Cinangka village, Ciampea sub-district have a legal awareness that is not good enough. Many of them do not know the rights they have to fight for, the limits in their actions, and what is allowed or prohibited. This has resulted in a non-uniform movement of community participation, some who understand, and have good legal awareness choose to express their objections, and make various other efforts to stop the battery smelting activity, but some others who do not have good legal awareness choose to remain silent because they do not know what they can do.

### **3.4. Action Efforts by Cinangka Village Officials**

Village government as the administrator of government at the village level is currently regulated by Law No. 6 of 2014 concerning Villages, and Government Regulation No. 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages. As a government unit that directly touches the community, the village government is expected to be able to provide public services in various forms of services that are the task of the village government.

The business activities of smelting used batteries in Cinangka village reap many pros and cons in the village community. This forced the Cinangka village to make several efforts to accept the aspirations, reports, suggestions, proposals, and opinions

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<sup>29</sup> Achmad Ali dan Wiwie Heryani, *Menjelajahi Kajian Empiris Terhadap Hukum*, 1 ed., vol. 1 (Jakarta: Kencana, 2012). p. 141.

<sup>30</sup> Marwan Mas, *Penghantar Ilmu Hukum*, 1 ed., vol. 1 (Bogor: Penerbit Ghaila Indonesia, 2014). p.88.

expressed by the Cinangka villagers. Article 18 of Law Number 6 of 2014 concerning Villages contains village authorities covering authority in the field of village administration, implementation of village development, village community development, and village community empowerment based on community initiatives, origin rights, and village customs.

There have been several efforts made by village officials, for example, Mr. Irvan stated that several efforts have been made by Cinangka village, Ciampea district, Bogor Regency as a form of community empowerment effort to stop the smelting of used batteries which has long been a concern in Cinangka village. These efforts are as follows:<sup>31</sup>

a) Dissemination of the dangers posed by smelting used batteries

Mr. Irvan considered that socialization about the dangers posed by these activities was important because knowing the dangers of these activities to health for himself, his family, and even future generations, hopefully can open a glimmer of awareness in the hearts of the people so they are reluctant to carry out smelting activities again.

b) Socialization regarding used battery smelting activities violates applicable law

Village officials held a meeting with business actors in smelting used batteries. Village officials provide information and knowledge in the context of socializing about the actions taken by the business actors who have violated the applicable legal provisions. The B3 waste management activities carried out must obtain a permit from the government, but the business actors in the smelting of used batteries in Cinangka village do not have a permit to carry out these business activities. However, in this case, business actors always argue for the interests of the 'belly', and to provide for their families. Village officials justify the freedom of each individual in choosing a job and conducting business activities, but this freedom or independence is also limited by law. The work must also not violate things that have been prohibited by law or are threatened with sanctions, both criminal sanctions and administrative sanctions.

c) Professional Transfer Activities

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<sup>31</sup> *The interview was conducted on Saturday, January 18, 2019 at 13:00 WIB at the Multipurpose Hall of Griya Salak Asri.*

The professional transfer activity in question is to provide and/or facilitate the business activities of smelting used batteries by providing new jobs that are justified and/or do not violate the provisions of the law. This is intended as a form of village duty and authority in empowering its community. According to Mr. Irvan's confession<sup>32</sup>, efforts have been made to change their profession to become cassava chips craftsmen, besek craftsmen, other food craftsmen, but the value of the money turnover is greater than the smelting activities of used batteries so that they return to their original professions. Meanwhile, Pak Heru<sup>33</sup> also said that the village development program was once supported by Honda to change professions to become a mechanic. But the response of the community is little or even they do not want to. According to Mr. Irvan's confession, one of the reasons is that their work for decades was used to smelter used batteries which then made them have expertise in this field so they did not want to try a new profession, namely mechanics. Apart from expertise reasons, Pak Heru also thinks that economic factors are the trigger for their unwillingness to change professions. The income of being a used battery smelter is more promising than being a mechanic.

#### d) Environmentally Friendly Village (KRL)

Environmentally Friendly Village is a location where the community takes real efforts or actions in protecting, and managing the environment in a structured and sustainable manner. The purpose of the Eco-Friendly Village is to encourage village governments, businesses, and local communities to understand environmental problems, and their impacts, and take concrete, proactive actions that contribute to environmental protection and management efforts.<sup>34</sup> The village government's efforts to include Cinangka village in the Environmentally Friendly Village program which was pioneered by the Bogor Regency Government in order to foster awareness of the Cinangka village community towards the environment so that they no longer carry out activities that damage the environment.

### 3.5. Legal Settlement of Used Battery Smelting Activities in Cinangka Village

Participation is also carried out through complaints as described in Article 70 paragraph (2) of Law Number 32 of 2009. Complaints mean through legal settlement channels. Law Number 32 of 2009 also utilizes various legal provisions, both

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<sup>32</sup> *The interview was conducted on Saturday, January 18, 2020 at 12:00 WIB at the Griya Salak Endah Multipurpose Hall.*

<sup>33</sup> Heru, *The interview was conducted on Saturday, January 18, 2020 at 13:00 WIB at the residence of Mr. Heru.* (Tangerang Selatan, Januari 18, 2020).

<sup>34</sup> bogorkab.go.id, "definisi-kampung-ramah-lingkungan," <https://bkgc.bogorkab.go.id/definisi-kampung-ramah-lingkungan/> accessed on January 20, 2020 at 14:51 WIB.

administrative law, civil law, and criminal law. Civil law provisions include the settlement of environmental disputes outside the court and inside the court. Settlement of environmental disputes in court includes group representative claims, environmental organizations' rights to sue, or government lawsuits. Through this method, it is hoped that in addition to creating a deterrent effect, it will also increase the awareness of all stakeholders about the importance of protecting, and managing the environment for the lives of present and future generations.

There are several provisions in Law Number 32 of 2009 concerning dispute resolution both out of court and out of court due to environmental pollution, especially due to smelting activities of used batteries. Article 84 paragraphs (1) of Law Number 32 of 2009 concerning Environmental Protection and Management states that the settlement of environmental disputes can be reached through the courts or outside the courts. Article 85 paragraphs (1) of Law Number 32 of 2009 concerning Environmental Protection and Management states that an out-of-court settlement is carried out to reach an agreement, including: (a) the form and amount of compensation; (b) recovery measures due to pollution and/or destruction; (c) certain measures to ensure that pollution and/or destruction will not be repeated; (d) certain actions to prevent negative impacts on the environment.

Article 1 point 1 of Government Regulation Number 02 of 2013 concerning Guidelines for the Implementation of Administrative Sanctions in the Field of Environmental Protection, and Management states that administrative sanctions are administrative legal instruments that are in the form of imposing obligations/orders, and/or withdrawing state administrative decisions against the person in charge of business and/or activities based on non-compliance with laws, and regulations in the field of environmental protection, and management and/or provisions in environmental permits.

Article 76 paragraphs (2) of Law Number 32 of 2009 concerning Environmental Protection and Management states that the form of administrative sanctions obtained can be in the form of, among others: (a) written warning; (b) government coercion; (c) suspension of environmental permits, and/or environmental protection, and management permits; (d) revocation of environmental permit, and/or environmental protection, and management permit. Given the limited ability in the field of law in resolving disputes and limited economic capacity, the Cinangka village community is not able to make efforts to resolve through these legal remedies, even though Law Number 32 of 2009 provides access to justice for the community as an effort to manage and preserve the environment. due to the smelting of used batteries in the Cinangka village.

This limitation actually affects the efforts of community participation in environmental management due to the smelting of used batteries. The Cinangka village government as a stakeholder at the village level is also able to provide direction, and solutions for the community in an effort to participate in environmental management through legal remedies which the law has provided for. In addition, the Cinangka village government also has limited knowledge of the law, and also limited economic capacity or, because legal efforts or legal processes require very large funds, so these limitations are only able to provide direction on how the surrounding community participates or participates not through legal remedies.

#### 4. Conclusion

Based on the description above, the conclusion in this study is, the Cinangka village community, Ciampea district, Bogor district has carried out various kinds of efforts as a form of participation as mandated in Article 70 of Law Number 32 of 2009 concerning Environmental Protection and Management to stop used battery smelting activities, namely submitting objections to used battery smelting activities, submitting complaints to the village government to the Bogor Regency Environmental Service, demonstrations, deliberation with business actors in smelting used batteries, conducting legal proceedings against business actors, and participating the success of the Environmentally Friendly Village program.

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