

JURIDICAL REVIEW OF WASTE MANAGEMENT BY THE VILLAGE GOVERNMENT BASED ON THE CIREBON REGENCY REGULATION

Safina Ni'mah Azzahra

*Faculty of Law, Gunung Jati University of Cirebon, Indonesia
Email: safina.122010167@ugj.ac.id*

Deni Yusup Permana

*Faculty of Law, Gunung Jati University of Cirebon, Indonesia
E-mail :deniyusuppermana80@gmail.com*



DOI 10.33603/responsif.v17i2.12355

Accepted: July 2026; Revised: July 2026; Published: August 2026

Abstract

This study aims to analyze the implementation of the village government's obligations in waste management under Cirebon Regency Regional Regulation Number 5 of 2022, particularly Article 8, as well as the juridical implications of the unfulfilled facilities at the TPS in Ki Warga Gegesik Kidul Village. The method used is normative juridical with secondary (supportive) data. The results of the study show that the implementation of the village government's obligations has not been optimal, characterized by limited facilities and infrastructure as well as the accumulation of waste. Juridically, this indicates that legal obligations have not been fulfilled. In addition, the provisions of Article 8 that remain general indicate normative weaknesses that contribute to an lack of certainty and effectiveness of the law. Thus, clearer and operational arrangements and adequate facility support are needed so that waste management can run effectively and sustainably.

Keywords: *Legal Certainty, Legal Effectiveness, Waste Management*

I. INTRODUCTION

The waste problem is one of the environmental issues that, to date, remains a major challenge in Indonesia, in both urban and rural areas. The volume of national waste continues to increase every year, while the management system is not fully optimal. According to Law No. 18 of 2008 concerning Waste Management, waste is defined as the residue of human daily activities or natural processes in solid form. Waste is any material discarded from sources that have no economic value. Anything discarded by its owner or original user because it can no

longer be used.¹ It is estimated that waste generation in Indonesia will reach 70 million tons per year by 2025, according to data from the National Waste Management Information System (SIPSN). However, around 38–40% of this number remains poorly managed, posing a risk of serious environmental problems.² Waste management is a complex process that involves various stakeholders, including governments, companies, and individuals. The main goal of waste management is to reduce the volume of waste generated, recycle and reuse materials where possible, and dispose of waste safely when it cannot be recycled or reused (Elamin et al., 2018). This process must be carried out comprehensively and in an integrated manner, from the source of waste to the final processing stage. An effective, integrated, and environmentally sound management system is needed.³

Within the legal framework, waste management in the regions is regulated by Cirebon Regency Regional Regulation Number 5 of 2022 on Waste Management, which serves as a guideline for local and village governments in carrying out waste management obligations. The regional regulation, in principle, adopts the concept of sustainable environmental management, which emphasizes efforts to maintain environmental functions continuously for the benefit of present and future generations.

This sustainability principle requires a balance among environmental, social, and economic aspects in waste management. However, in its implementation in the field, waste management at the village level still faces various obstacles, especially due to inadequate facilities and infrastructure. This condition can be observed at the Ki Warga Temporary Shelter (TPS) in Gegesik Kidul Village, Cirebon Regency, indicating that waste management facilities are not functioning optimally. These limitations lead an increased waste accumulation, transportation delays, and decreased environmental quality around the polling station.

This condition is also supported by supporting data obtained through a limited interview with Mr. Karyina, as the Head of the People's Welfare Section (Kesra) of Gegesik Kidul Village. Based on the results of the interview, it is known that waste management at TPS Ki Warga is still facing various obstacles, especially related to the limited facilities and supporting infrastructure, and the lack of optimal management systems available. This information

¹Renti Susnita Ismayani and Zainal, 'The Role of the Village Government in Waste Management in North Lipatkain Village, Kampar Kiri District, Kampar Regency * Renti Susnita Ismayani 1 , Zainal 2 1', *Government Student Journal*, 2.2 (2025), 308–16.

² National Waste Management Information System, 'Waste Management Statistics', 2025.

³ Leny Julia Lingga and others, 'Waste in Indonesia: Challenges and Solutions Towards Positive Change', *Innovative: Journal Of Social Science Research*, 4.4 (2024), 12235–47 <<https://j-innovative.org/index.php/Innovative>>.

provides a factual overview of waste management implementation at the village level and serves as supporting data for analyzing the suitability of the implementation of village government obligations under Cirebon Regency Regional Regulation Number 5 of 2022. These problems are not solely technical but also juridical, related to the implementation of legal obligations by the village government in waste management. As part of the local government system, the village government is responsible for implementing the provisions stipulated in regional regulations, including the provision of waste management facilities and infrastructure. If these obligations are not fulfilled, they can result in legal consequences, either in the form of administrative responsibility or as non-compliance with applicable legal provisions.⁴

Furthermore, from the perspective of the principles of sustainable environmental management, this condition indicates a gap between the legal norms set forth in Cirebon Regency Regional Regulation Number 5 of 2022 and the reality of their implementation in the field. Therefore, it is important to examine the extent to which waste management arrangements at the village level align with the principles of sustainability, as well as to analyze the juridical implications arising from the lack of waste management facilities, especially at TPS Ki Warga, Gegesik Kidul Village.

Thus, this study is directed to provide a juridical analysis of the responsibility of the village government in waste management based on Cirebon Regency Regional Regulation Number 5 of 2022, as well as assess the alignment of its regulation with the principles of sustainable environmental management and examine the legal consequences that arise due to the lack of optimal fulfillment of these obligations.

Despite extensive studies on waste management governance and the role of local governments, limited research has examined the implementation of village government obligations under Cirebon Regency Regional Regulation No. 5 of 2022, particularly Article 8, which concerns waste management responsibilities. Existing studies primarily focus on technical waste management, community participation, and general regulatory effectiveness, while neglecting the juridical implications of inadequate waste-management facilities at the village level. Furthermore, previous research rarely integrates legal certainty theory, legal effectiveness theory, and sustainable environmental management principles within a single analytical framework. Therefore, this study fills the gap by providing a comprehensive juridical

⁴ S Amalia, 'The Effectiveness of Waste Management in Wonogiri Regency Based on Regional Regulation No. 11 of 2018 concerning Waste Management', 2024 <[https://etheses.iainponorogo.ac.id/27972/1/SITI AMALIA SKRIPSI.pdf](https://etheses.iainponorogo.ac.id/27972/1/SITI%20AMALIA%20SKRIPSI.pdf)>.

assessment of village-government responsibilities in waste management and identifying normative weaknesses that hinder effective and sustainable implementation

II. RESEARCH METHODS

This research is a normative juridical research with a qualitative approach that focuses on the analysis of legal norms, principles, and laws and regulations related to waste management. The approach used is a statutory approach, reviewing Cirebon Regency Regional Regulation Number 5 of 2022 concerning Waste Management to assess the suitability of the implementation of village government obligations. This research is also supported by limited interview data as a complement to provide a factual picture in the field. The legal materials used are secondary, namely materials that explain primary legal materials, as stated by Soerjono Soekanto, including books, journals, scientific articles, expert opinions, and other scientific works.⁵

III. DISCUSSION

Synthesis of State of the Art

Previous studies have generally discussed:

1. The role of village governments in waste management.
2. The effectiveness of waste management regulations.
3. Environmental governance and sustainability principles.
4. Community participation in waste management.

However, no study specifically examines:

1. The juridical implementation of Article 8 of Cirebon Regency Regulation No. 5 of 2022.
2. The legal consequences arising from inadequate waste management facilities at the village level.
3. The relationship between legal certainty, legal effectiveness, and sustainable environmental management in village waste governance.

Table 1. State of the art this article

⁵ Soerjono Soekanto and Sri Mamudji, 'Normative Law Research' (Jakarta: Rajawali Pers, 2012), pp. 13–14.

Previous Studies	Main Focus	Findings	Limitations
Ismayani & Zainal (2025)	Role of village government in waste management	Village government plays an important role in community-based waste management	Does not analyze juridical responsibility based on regional regulations
Lingga et al. (2024)	Waste management challenges in Indonesia	Identifies technical and social obstacles in waste management	Lacks legal and regulatory analysis
Amalia (2024)	Effectiveness of regional waste management regulations	Effectiveness depends on implementation and supporting facilities	Focuses on regency-level implementation, not village-level governance
Ibrahim et al. (2025)	Legal study of coastal waste management	Examines waste regulation implementation in coastal areas	Does not discuss village authority and legal certainty
Permana et al. (2025)	Village authority in environmental protection	Village authority is strategic for environmental sustainability	Does not specifically examine waste management obligations under regional regulations

1. How is the suitability of waste management arrangements at the village level in Cirebon Regency Regional Regulation Number 5 of 2022?

a) Cirebon Regency Regional Regulations

Cirebon Regency Regional Regulation Number 5 of 2022 concerning Waste Management serves as the legal basis for implementing waste management in the region, including at the village level. These provisions, especially Article 8, regulate the obligations of the village government, which include implementing waste management, providing facilities and infrastructure, increasing community awareness, and coordinating with various related parties. The village government is a party that plays a direct role in implementing waste reduction and collection at the community level.⁶

To ensure an efficient and sustainable waste management system, village governments must provide adequate facilities and infrastructure. As stipulated in Article 8 letter d, which

⁶ Satrio Maulana Ibrahim and others, 'Legal Study on Waste Management on the Coastal Dadap Indramayu Coast in Waste Reduction and Handling from the Perspective of Indramayu Regency Regional Regulation Number 12 of 2016', 1.4 (2025), 255–67 <<https://doi.org/10.62885/legisci.v2i4.588>>.

regulates the duties of the village government to facilitate the provision of waste management facilities and infrastructure at the village level, such as TPS/TPS 3R, transportation facilities, and other supporting facilities, these duties have not been optimally implemented in practice by the village government.

The interview results show that waste management at TPS Ki Warga is still constrained by limited supporting facilities. As a result, waste management activities have not been able to be carried out effectively and optimally. This fact reflects the gap between the normative provisions stipulated in Article 8 of Cirebon Regency Regional Regulation Number 5 of 2022 and its implementation in the field, so that the village government's obligations in waste management have not been fully realized.

b) The Theory of Legal Certainty according to Gustav Radbruch

According to Gustav Radbruch, legal certainty is one of the fundamental values that requires the law to be formulated clearly, firmly, and can be used as a guideline in action.⁷ Legal certainty refers to the need for positive law to provide stability, predictability so that people can plan their actions based on clear rules.⁸ Legal norms that do not have clarity have the potential to create uncertainty for legal subjects in understanding and carrying out their obligations.

In the context of Cirebon Regency Regional Regulation Number 5 of 2022, especially Article 8, provisions that are still general and have not been accompanied by detailed technical arrangements indicate that the element of legal certainty has not been met. The absence of clear standards regarding facilities and infrastructure, implementation mechanisms, and success indicators causes the village government as an implementer to not have concrete operational guidelines in waste management.

The Gegesik Kidul Village Government has an important responsibility in waste management through TPS Ki Warga. That village authority places the village government as a strategic actor in environmental management and solving environmental problems at the community level.⁹

⁷ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975).

⁸ Muhammad Bintang Firdaus, 'Dialectics of Justice, Certainty, Utility of Law in Gustav Radbruch's Perspective on Indonesian Law', 3.1 (2025), 20–21.

⁹ Deni Yusup Permana and others, *Integrating Indigenous Wisdom and Village Authority in Environmental Protection: A Case Study of Indonesia*, *Jambura Law Review*, 2025, VII <<https://doi.org/10.33756/jlr.v7i2.29582>>.

This condition has implications for the potential for differences in interpretation and inconsistencies in implementation in the field. In addition, the lack of clarity in norms also contributes to the low power of law enforcement, so the obligations that should be carried out by the village government have the potential not to be fulfilled optimally. Thus, the ambiguity of the regulation in Article 8 not only creates legal uncertainty but also hinders the effective implementation of sustainable waste management.

c) Theory of Effectiveness according to Soerjono Soekanto

According to Soerjono Soekanto, the effectiveness of the law is influenced by several factors, namely the substance of the law, law enforcement officials, facilities and infrastructure, and the community. A regulation is said to be effective if the regulated norms can be implemented in practice and achieve the goals set.¹⁰

In the context of Cirebon Regency Regional Regulation Number 5 of 2022, particularly Article 8, its implementation has not been effective. This is not only due to the unclear norms and limitations of facilities and infrastructure, but also influenced by the lack of a maximum role of the village government in carrying out predetermined obligations. The village government, as the main implementer, has not fully carried out its functions in providing facilities, operational management, and coordination as mandated by regional regulations.

Thus, the ineffectiveness of Article 8's implementation stems not only from weak norms but also from the village government's failure to implement obligations optimally, so that the goal of effective and sustainable waste management has not been achieved.

Based on the interview results, the limitations in facilities and infrastructure remain the main obstacle to optimizing waste management at the village level. These findings are in line with the theory of legal effectiveness put forward by Soerjono Soekanto, which states that the effectiveness of a rule of law is influenced by the availability of facilities that support its implementation. Therefore, the limited facilities that still persist at the Ki Warga TPS can serve as an indicator that the implementation of Cirebon Regency Regional Regulation Number 5 of 2022 has not been carried out effectively.

d) Sustainable Principles

The principles of sustainable environmental management demand that environmental management, including waste, be carried out consistently to meet current needs without neglecting the interests of future generations. In this context, waste management should include

¹⁰ Soerjono Soekanto, *Sociological Principles* (Jakarta: PT. RajaGrafindo Persada, 2007).

efforts to reduce, manage, and utilize it sustainably, involving various parties. The principle of sustainability in waste management requires that waste management activities not only solve the current waste problem but also maintain environmental quality for future generations. As stated by Evi Purnama Wati, sustainable development is a development process that considers the potential of the present and the future to meet community needs.¹¹

Normatively, Cirebon Regency Regional Regulation Number 5 of 2022 has adopted this principle through regulations regarding waste management and community involvement. However, provisions that are still general and not yet operational prevent their implementation at the village level from running optimally.

This condition also shows that limited facilities and infrastructure remain obstacles to waste management at the Ki Warga TPS. This situation prevents the waste management process from being carried out optimally and sustainably. In fact, the principle of sustainability requires environmental management efforts that are carried out continuously, planned, and supported by adequate facilities. Therefore, the suboptimal performance of waste management facilities and infrastructure indicates that the goals of sustainable waste management, as mandated in Cirebon Regency Regional Regulation Number 5 of 2022, have not been fully achieved.

2. What are the juridical implications for the unfulfilled waste management facilities at TPS Ki Warga, as reviewed based on Cirebon Regency Regional Regulation Number 5 of 2022?

Cirebon Regency Regional Regulation Number 5 of 2022 concerning Waste Management stipulates the obligations of the village government in Article 8, including implementing waste management, providing facilities and infrastructure, increasing public awareness, and coordinating with related parties. Thus, the village government has a legal responsibility to ensure the implementation of effective waste management at the village level.

However, based on the results of interviews and research at TPS Ki Warga Gegesik Kidul Village, there are still obstacles to the provision of facilities, such as limited facilities and infrastructure, and the accumulation of waste. The village government has not been effective in fulfilling its obligations, particularly in providing facilities and infrastructure.

¹¹ Evi Purnama Wati, 'Environmental Protection and Management in Sustainable Development', *Environmental Law Building*, 3.1 (2018), 119–26 <<https://doi.org/10.24970/jbhl.v3n1.9>>.

Juridically, this condition raises the allegation that the village government has failed to fulfill its legal obligations as stipulated in Article 8. However, this cannot be fully imposed on the village government.

Furthermore, the provisions of Article 8, which are still general and are not accompanied by technical arrangements, such as standards for facilities and infrastructure, operational mechanisms, and handling measures under certain conditions, show normative weaknesses. This condition reflects normative weaknesses in implementation, making it difficult for the village government to implement the obligations imposed on it optimally.

According to Gustav Radbruch's theory of legal certainty, unclear or non-operational norms will create uncertainty for the implementer. Meanwhile, according to Soerjono Soekanto's theory of legal effectiveness, unclear norms and limited facilities are the main factors in the non-optimal implementation of the law.

Juridically, the village government's unfulfilled obligations in waste management, as stipulated in Article 8 of Cirebon Regency Regional Regulation Number 5 of 2022, may result in legal consequences. In this case, the Regional Regulation provides for administrative sanctions as stated in Article 59, which include verbal and written reprimands, termination of activities, forced payment, administrative fines, and revocation of permits.

Thus, the problem of waste management at TPS Ki Warga not only reflects weaknesses in the implementation aspect, but also shows structural problems that include unclear norms, limited facilities, and non-optimal implementation of obligations by the village government. This condition confirms that legal uncertainty directly contributes to the law's low effectiveness in practice.

Research Gap

Theoretical Gap

Existing studies discuss legal effectiveness and environmental governance separately. There is still limited integration of:

1. Gustav Radbruch's Legal Certainty Theory;
 2. Soerjono Soekanto's Legal Effectiveness Theory; and
 3. Sustainable Environmental Management Principles
- within a single analytical framework for village-level waste management.

Empirical Gap

Most studies focus on:

1. Urban waste management;
2. Regency or municipal governments;
3. Community participation.

Very few studies analyze:

1. Waste management implementation at the village government level;
2. TPS (Temporary Disposal Site) management performance;
3. Legal implications of inadequate waste facilities in villages.

Regulatory Gap

Research on waste management regulations generally evaluates national legislation or regional regulations broadly. There is a lack of studies specifically examining:

1. Article 8 of Cirebon Regency Regulation No. 5 of 2022;
2. Normative weaknesses of village-government obligations;
3. Absence of operational standards and technical guidelines causing legal uncertainty.

Practical Gap

There remains a discrepancy between:

1. Normative obligations imposed on village governments; and
2. Actual implementation in TPS Ki Warga, Gegesik Kidul Village, as evidenced by inadequate facilities, waste accumulation, and suboptimal management.

This study offers a novel juridical analysis of village-government waste management by examining the implementation of Article 8 of Cirebon Regency Regional Regulation No. 5 of 2022 through the integrated perspectives of legal certainty, legal effectiveness, and sustainable environmental management principles, while identifying the juridical implications of inadequate waste-management facilities at TPS Ki Warga, Gegesik Kidul Village.

Table 2. Novelty

Aspect	Previous Studies	Current Study
Object of Study	General waste management or local government role	Village government obligations under Article 8 of Cirebon Regency Regulation No. 5 of 2022
Analysis Level	Regional/municipal implementation	Village-level implementation (Gegesik Kidul Village)
Legal Perspective	Regulatory effectiveness only	Legal certainty, legal effectiveness, and sustainability principles simultaneously
Focus	Waste management performance	Juridical implications of unfulfilled waste-management facilities

Aspect	Previous Studies	Current Study
Contribution	General environmental governance	Identification of normative weaknesses causing legal uncertainty and ineffective implementation
Policy Contribution	General recommendations	Proposal for clearer operational norms and technical standards for village waste governance

IV. CONCLUSION

Based on the research results, it can be concluded that the implementation of the village government's obligations in waste management, as stipulated in Article 8 of Cirebon Regency Regional Regulation Number 5 of 2022, has not been running optimally. This is shown by the lack of facilities and infrastructure and the accumulation of waste at the Ki TPS Among Residents of Gegesik Kidul Village. The management of TPS by the village government is a form of attribution authority directly granted by local regulations, so the legal responsibility for its implementation is attached to the village government as the authority holder. The non-optimal management of TPS Ki Warga shows a discrepancy between the authority held and its implementation. The unclear norms in Cirebon Regency Regional Regulation Number 5 of 2022, especially Article 8, show that the element of legal certainty has not been fulfilled as stated by Gustav Radbruch. This condition contributes to the law's low effectiveness, as non-operational norms make it difficult for the village government to fulfill its obligations, as explained in Soerjono Soekanto's theory of legal effectiveness. As a result, waste management does not operate optimally, and the goals set by the principle of sustainability are not met. Thus, legal uncertainty directly contributes to the law's ineffectiveness, which ultimately hinders the realization of sustainable waste management.

BIBLIOGRAPHY

- Amalia, S, 'The Effectiveness of Waste Management in Wonogiri Regency Based on Regional Regulation No. 11 of 2018 concerning Waste Management', 2024 <[https://etheses.iainponorogo.ac.id/27972/1/SITI AMALIA SKRIPSI.pdf](https://etheses.iainponorogo.ac.id/27972/1/SITI_AMALIA_SKRIPSI.pdf)>
- Firdaus, Muhammad Bintang, 'The Dialectic of Justice, Certainty, Utility of Law in Gustav Radbruch's Perspective on Indonesian Law', 3 (2025), 20–21
- Friedman, Lawrence M., *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975)
- Ibrahim, Satrio Maulana, Anggi Trisna Sagita, Deni Yusup Permana, and Diky Dikrurahman, 'Legal Study on Waste Management on the Coastal Dadap Indramayu Coast in Waste Reduction and Handling from the Perspective of Indramayu Regency Regional Regulation Number 12 of 2016', 1 (2025), 255–67

<<https://doi.org/10.62885/legisci.v2i4.588>>

- Ismayani, Renti Susnita, and Zainal, 'The Role of Village Governments in Waste Management in North Lipatkain Village, Kampar Kiri District, Kampar Regency * Renti Susnita Ismayani 1 , Zainal 2 1', *Government Student Journal*, 2 (2025), 308–16
- Lingga, Leny Julia, Melta Yuana, Nisa Aulia Sari, Hanifa Nur Syahida, and Cristin Sitorus, 'Waste in Indonesia: Challenges and Solutions Towards Positive Change', *Innovative: Journal Of Social Science Research*, 4 (2024), 12235–47 <<https://j-innovative.org/index.php/Innovative>>
- Evi Purnama Wati, 'Environmental Protection and Management in Sustainable Development', *Environmental Law Development*, 3 (2018), 119–26
<<https://doi.org/10.24970/jbhl.v3n1.9>>
- National Waste Management Information System, 'Waste Management Statistics', 2025
- Soekanto, Soerjono, *Sociological Principles* (Jakarta: PT. RajaGrafindo Persada, 2007)
- Soekanto, Soerjono, and Sri Mamudji, 'Normative Law Research' (Jakarta: Rajawali Pers, 2012), pp. 13–14
- Yusup Permana, Deni, Imamulhadi, Idris, and Montisa Mariana, *Integrating Indigenous Wisdom and Village Authority in Environmental Protection: A Case Study of Indonesia*, *Jambura Law Review*, 2025, VII <<https://doi.org/10.33756/jlr.v7i2.29582>>