

Jayapura Mayor's Instruction : Effectiveness of Lawin Creating a Clean and Healthy Environment

Hasrifal¹, Amri²

State Islamic Institute of Fattahul Muluk Papua, Wamena Sububrs, Distric Heram,
City of Jayapura–Papua 99351 | Hasrifal111299@gmail.com1 , amrigede91@gmail.com2

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Abstrack: To reduce environmental pollution from plastic waste and minimize the use of plastic bags. Thus, the Jayapura City government issued a policy of Mayor Instruction number 1 of 2019 regarding using alternative shopping bags instead of plastic bags. This study aims to find out how the application of these instructions in the community and the administrative law view of the policy on environmental pollution problems in Jayapura. Quality research will be used in this study as data collection through the review of Mayor Instruction Number 1 of 2019, interviews, and observations. The results showed that this instruction was only aimed at specific merchants, such as modern shops/stalls and supermarkets. Meanwhile, traditional market dealers and small stalls on the roadside should be applied. In practice, the shops and merchants mentioned must provide alternative bags, such as noken and cardboard, for people who shop. Confiscation sanctions will be imposed If the business actor does not provide alternative plastic bags. The subsequent finding is that the level of compliance of business actors with these instructions is high. Meanwhile, the legal hierarchy of the Administration of the Mayor of Jayapura Instruction Number 1 of 2019 is a simplified form of Law Number 32 of 2009 concerning environmental management. However, the Jayapura mayor's instruction has not been effective in environmental management. That is because there are still floods due to the accumulation of rubbish aimed at certain business actors.

Keywords: Effectiveness, Mayor's Instructions, Healthy and Clean Environment

Abstrak: Mengatasi pencemaran lingkungan dari limbah plastik serta meminimalisir penggunaan kantong plastik. Pemerintah Kota Jayapura mengeluarkan kebijakan Instruksi Walikota nomor 1 tahun 2019 tentang penggunaan kantong belanja alternatif pengganti kantong plastik. Maka penelitian ini bertujuan untuk mengetahui bagaimana penerapan instruksi tersebut di masyarakat serta pandangan hukum administrasi terhadap kebijakan tersebut terhadap permasalahan Pencemaran lingkungan di Kota Jayapura. Penelitian kualitaif digunakan dalam penelitian ini, pengumpulan datanya melalui pengkajian Instruksi Walikota Nomor 1 Tahun 2019, wawancara dan Pengamatan. Hasil penelitian menunjukkan bahwa penerapan instruksi hanya ditujukan kepada para pedagang tertentu seperti Toko modern, supermarket, Swalayan. Sedangkan pedagang-pedagang pasar tradisional maupun kios kecil dipinggir jalan tidak diterapkan. Dalam penerapannya toko-toko maupun pedagang yang disebutkan tersebut wajib menyediakan kantong alternative seperti noken dan karton bagi masyarakat yang berbelanja. Jika pelaku usaha tidak menyediakan kantong plastik alternatif maka sanksi penyitaan akan dikenakan. Temuan selanjunya ialah tingkat ketaatan para pelaku usaha terhadap instruksi tersebut tinggi. Sedangkan secara hirarki hukum Administrasi Instruksi Walikota Jayapura Nomor 1 tahun 2019 bentuk penyederhanaan dari Undang-undang Nomor 32 Tahun 2009 tentang pengelolaan lingkungan hidup. Namun instruksi walikota Jayapura tersebut belum efektif terhadap pengelolaan lingkungan hidup. Hal itu itu dikarenakan masih terjadi bencana banjir akibat penumpukan sampah dan diterapkan kepada pelaku usaha tertentu.

Kata **Kunci:** Efektivitas, Instruksi Walikota, Lingkungan Sehat Dan Bersih

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Introduction

Plastic waste is a global environmental problem due to plastic edges, which are widely used in everyday life and needed by society¹. However, if the amount of plastic that community uses increases, it will affect the amount of plastic garbage that accumulates. There must be prompt, accurate, and environmentally responsible follow-up in the management of plastic garbage if there is to be no failure and no environmental harm². Many impacts occur when the pile-up happens between them. That is, plastic waste can pollute the sea and land environment and has a danger that constantly threatens the sustainability of the environment and damages the environment. Accumulation of waste has a negative influence on the environment regarding environmental sustainability and pollution, but it can also lead to flooding worldwide because it blocks streams.³ So it can be concluded that plastic is an environmental problem that must immediately find a solution to control the impact that will occur later.

There are many ways of handling plastic waste accumulation, namely the utilization or management of rubbish properly and the handling of plastic waste through the policies of the government or related stakeholders. According to law Number 32 of 2009, regulating the protection and management of rubbish, each district must handle environmental pollution due to destruction. With the existence of the law, many regional governments make regulations and regional policies to deal with rubbish in their regions. For example, the government of Makassar City, through the Department of Environmental Management and Charmer, makes a policy to maximize infrastructure facilities in waste management by creating many landfills in various sectors⁴. Then the provincial government DIY in dealing with garbage, namely by facilitating budget funds in dealing with plastic waste and inviting all government units from the province to the bottom level to maximize activities in educating the community about the household waste hazard⁵. There are still many policies of the central government and local government in dealing with plastic waste because it aims to create an area free from floods and environmental pollution.

As for the community's life, this rubbish is caused by household needs, and the use of plastic bags is increasing. Thus, it is clear that domestic rubbish and plastic bags are the sources of the rubbish that has accumulated around us. Most plastic bags are used in shopping malls, including markets, supermarkets, and other small and medium-sized businesses. Plastic bags are single-use products. However, plastic bags have waste that

¹ Aminudin and Nurwati, "Pemanfaatan Sampah Plastik Menjadi Kerajinan Tangan Guna Meningkatkan Kreativitas Warga Sekitar Institut Teknologi Dan Bisnis Ahmad Dahlan (ITB-AD) Jakarta," *Jurnal ABDIMAS BSI* 2, no. 1 (2019): 66–79, <https://ejournal.bsi.ac.id/ejurnal/index.php/abdimas/article/download/4515/2943>.

² Naila Aulia Rahmah, Novita Sari, and Dania Hellin Amrina, "Kajian Dampak Sampah Rumah Tangga Terhadap Lingkungan Dan Perekonomian Bagi Masyarakat Kecamatan Sukarame Kota Bandar Lampung Berdasarkan Perspektif Islam," *Holistic Journal of Management Research* 6, no. 2 (2021): 42–59.

³ Arif Fajar Wibisono and Piana Dewi, "Sosialisasi Bahaya Membuang Sampah Sembarangan Dan Menentukan Lokasi Tpa Di Dusun Deles Desa Jagonayan Kecamatan Ngablak," *Jurnal Inovasi Dan Kewirausahaan* 3, no. 1 (2014): 25.

⁴ Baiq Aprimawati, "Kebijakan Pemerintah Daerah Dalam Meningkatkan Kualitas Pelayanan Persampahan Dinas Pengelolaan Lingkungan Hidup Dan Keindahan Kota Makassar," *Jurnal Ilmu Pemerintahan Widya Praja* 42, no. 2 (2016): 61, <https://doi.org/10.33701/jipwp.v42i2.150>.

⁵ Surahma Asti Mulasari, Adi Heru Husodo, and Noeng Muhadjir, "Kebijakan Pemerintah Dalam Pengelolaan Sampah Domestik," *Kesmas: National Public Health Journal* 8, no. 8 (2014): 404, <https://doi.org/10.21109/kesmas.v8i8.412>.

decomposes for thousands of years, which can create plastic waste. To overcome environmental pollution from plastic waste and minimize the use of plastic bags⁶. Seeing the increasing need for the benefit of plastic bags in the community, environmental pollution, and rubbish hype could be affected if not foreseen.

The City of Jayapura government released a public statement regarding prohibiting plastic bags in shopping malls and retailers through Jayapura Mayor's Instruction Number 1 of 2019 due to the community's growing need for plastic bags and plastic bags' potentially contributed rubbish everywhere. According to Thomas R. Dye, the policy public is whatever the government chooses to act or not do something⁷. In other words, public policy is everything by the government that has a specific purpose and is beneficial to the community⁸. In making a regulation policy through the instruction of the mayor of Jayapura Number 1 of 2019, the aim is to minimize the use of plastic bags in the community of Jayapura City. The government's policy is also precious for the people of Jayapura to reduce the use of plastic bags to prevent harm from plastic waste. Therefore, the policy of the mayor of Jayapura City through Jayapura Mayor's Instruction Number 1 of 2019 is one of the efforts to make Jayapura City free from environmental pollution and flooding everywhere.

In constructing policy, there will undoubtedly be some obstacles to executing it. According to Elvira M Nalien, the inhibiting factor in implementing the procedure is the existence of the Communication and Resource dimensions. The dimension of communication here is defined as how the communication goes on continuously by the policy maker to whom the policy is directed. In contrast, the resource dimension here supports implementing human and financial resources⁹. In other resources, it is also mentioned that there is a disposition that is about the character and characteristics of a person who is a victim of the policy. A person with a good personality will carry out the procedures made by the policymakers well. Therefore, by looking at the inhibiting factors in implementing a policy, the Jayapura Mayor's Instruction Number 1 of 2019 regarding the use of alternative pockets, then with this research, we will be able to find out how effective the policy is. Then find out the efforts made by the regional government in implementing the Instruction.

Moreover, in making policy, the local government also needs to look at the rules of administrative law. According to Ridwan H.R., administrative law is the body of legislation governing the tools the state uses to administer itself.¹⁰ National administrative law is also an attachment of federal administrative law.¹¹ National administrative law is also an

⁶ Novela Lestari, "Implementasi Kebijakan Pengurangan Penggunaan Kantong Plastik Di Kabupaten Siak (Studi Pada Kawasan Objek Wisata, Pasar Tradisional Dan Kantor Pemerintah)," *PUBLIKA : Jurnal Ilmu Administrasi Publik* 8, no. 1 (2022): 43–58, [https://doi.org/10.25299/jiap.2022.vol8\(1\).9213](https://doi.org/10.25299/jiap.2022.vol8(1).9213).

⁷ Sahya Anggara, *Kebijakan Publik* (Bandung: CV.Pustaka Setia, 2014).

⁸ Abdul Wahab Solichin, *Analisis Kebijaksanaan; Dari Formulasi Ke Implementasi Kebijaksanaan Negara* (Jakarta: Sinar Grafika, 2002).

⁹ Elvira Mulya Nalien, "Faktor-Faktor Penghambat Implementasi Kebijakan Bureaucratic Trimming Di Pemerintahan Kota Bukittinggi," *Jurnal Kebijakan Pemerintahan* 4, no. April (2021): 1–13, <https://doi.org/10.33701/jkp.v4i1.1622>.

¹⁰ Ridwan H.R, *Hukum Administrasi Negara* (Jakarta: Raja Grafindo Persada, 2014), H.17.

¹¹ A. Ristyawati, "Efektifitas Pembatasan Sosial Berskala Besar Dalam Masa Pandemi Corona Virus," *Administrative Law & Governance Journal* 3, no. 2 (2020): 240–49.

attachment of federal administrative law. The purpose of the national administrative law is to simplify central government regulations by looking at legal instruments. With this administrative law, the regional government can form policies from the extended hand of the national policy so that in terms of the budget, it does not require very high costs in socializing the national policy¹². Jayapura Mayor's Instruction Number 1 of 2019 regarding the use of alternative plastic bags for modern business operators, or it can be said that the prohibition for current business operators to provide shopping bags that can produce waste, is an extension of Law Number 32 of 2009 on Environmental Management. Therefore, the purpose of the formation of Jayapura's Mayor's Instruction is to apply the law on the environment, which is hierarchically the highest regulation of the country. With these instructions, it can also become the vision of Indonesia's mission to create a clean and healthy environment in each region.

Prior research on a region's policies has been conducted through regional laws, rules, directions, and other legal documents. First, Alderon Edi Aidore et al.'s research on guidelines by the Bitung City government related to economic growth and poverty through the fishing sector does not affect economic growth. Still, the study shows that the Bitung City government needs to reduce unemployment to overcome economic growth.¹³ Further research related to the policy of the district government of Jember Regency number 1 of 2016 regarding health services seems to have a very positive impact on the people of Balung District, but there are still obstacles.¹⁴ Besides, in his research Oclaila et al. regarding the policy of the Buru Regency government through the regent's instruction number 266/79 of 2018 regarding the establishment of a community-based Integrated Child Protection Post in the framework of preventing violence against children who have not yet walked as much as possible because some of the posts that have been created have not yet run. However, from the few posts that are already running, they are performing their functions well.¹⁵ Further research related to the role of the government through the environment department of the City of Surabaya regarding the management of mask waste where the part of the environment department through strategies and efforts is still ineffective. Insufficient resources and infrastructure are to blame for this¹⁶. Additionally, according to Musamus, Merauke University Lecturer's on the health policies of the Papuan government. The study

¹² A. Sakti R. S. Rakia, "Perkembangan Dan Urgensi Instrumen Hukum Administrasi Pasca Penetapan Undang-Undang Nomor 2 Tahun 2020 Pada Masa Pandemi Covid-19," *Jurnal Hukum* 2, no. 2 (2021): 157-73, <https://doi.org/10.37276/sjh.v2i2.106>.

¹³ Aidore Edi, Rumat Vekie, and Tri Oldy Rotinsulu, "Pengaruh Kebijakan Pemerintah, Produksi Sektor Perikanan Dan Tingkat Pengangguran Terhadap Pertumbuhan Ekonomi Dan Kemiskinan Absolut Di Kota Bitung," *Jurnal Pembangunan Ekonomi Dan Keuangan Daerah* 20, no. 04 (2020): 17-38, <https://ejournal.unsrat.ac.id/index.php/jpekd/articel>.

¹⁴ Ferdyan Helmy Angga Wijaya, "Implementasi Kebijakan Pemerintah Daerah Kabupaten Jember Dalam Pelayanan Kesehatan Masyarakat Di Kecamatan Balung," *Jurnal Fisipol* 1, no. 1 (2018): 1-10.

¹⁵ Oclaila Sulaiman, Tehubijuluw Zacharias, and Sri Listyarini, "Analisis Implementasi Kebijakan Perlindungan Perempuan Dan Anak Pada Pengembangan Gerakan Perlindungan Anak Terpadu Berbasis Masyarakat (PATBM) Di Kabupaten Buru," *Fair Value: Jurnal Ilmiah Akuntansi Dan Keuangan* 3, no. 1 (2020): 217-25.

¹⁶ Firda Ainun Naziyah and Lukman Arif, "Peran Dinas Lingkungan Hidup Dalam Pengelolaan Sampah Masker," *Jurnal Kebijakan Publik* 14, no. 1 (2023): 23-32.

found that the policies of the Papuan government in the health field are focused on the issues of nutrition, nutrition, obesity, and diabetes.¹⁷

From the five previous studies above, it can be concluded that a regional policy can be in the form of regional regulations or instructions. The policy is undoubtedly in place for the community's welfare. Even yet, it will be seen in developing regional strategy whether it achieves its goals or receives a poor reception from the community. In comparison, the novelty of this research with these studies is the form of policy in a particular field. For example, there are many policies in terms of scope, namely waste policies, health policies, regional regulation policies, and many others. It is evident from the research's uniqueness that aspects of novelty from earlier studies are present. However, it is also dependent on how ably regions control the regulation.

Research Method

This research employs descriptive qualitative methods and an empirical juridical framework to gather data from social norms and statements. Since the use of written and unwritten legal materials is directly received through the study location, examining research difficulties related to making the data sense¹⁸. At the same time, the data was acquired through interviews, observations, and documentation. The data obtained will be reduced through editing, organizing, and analysing. The research data obtained will be analysed using the administrative law approach and Lawrence Friedman's legal effectiveness theory, where the theory will consider whether a policy has been authorized, whether there are positive and negative responses and the community's awareness of a policy. Therefore, the efforts of Jayapura city administration in the plan for the efficiency of the policy to be applied would get a valuable solution for the existence of the theory and the facts gathered. Generating administrative law policy is necessary. The data will then be gathered and examined using the administrative law approach to gain the basis of the Mains Law in generating the Mayor's Instruction.

Result and Discussion

Implementation of Jayapura Government Policy Through Mayor's Instruction Number 1 of 2019

The Jayapura City administration adopted a policy known as Jayapura Mayor's Instruction Number 1 of 2019 to limit environmental harm and address flood disasters. The mayor's instructions have been applied since February 2019, focusing on business actors in the city community of Jayapura. As stated in the instructions, the target is all levels of society, business people, the City of Jayapura's Environment and Cleanliness Department, the City of Jayapura's Industry, Trade and Cooperatives Department, the District Heads and Mayors of the City of Jayapura. In terms of the application of a policy, according to Ni Nyoman Pujaningsih, the most important thing is the policy target to whom it will be

¹⁷ Beatus Tambaip and Alexander Phuk Tjilen, "Analisis Kebijakan Publik Dalam Derajat Kesehatan Di Papua," *Jurnal Kebijakan Publik* 14, no. 1 (2023): 101-10.

¹⁸ Suharsimi Arikunto, *Prosedur Penelitian: Suatu Pendekatan Praktik* (Jakarta: Bineka Cipta, 2010).

applied and the relationship between the policy and the target¹⁹. Therefore, seen on the mayor's instruction number 1 of 2019, it is evident that it has been applied to the stakeholders in the instruction in supporting the success of creating prevention of environmental damage.

According to the Jayapura Environmental Control Section head, consumers must bring their plastic bags per application guidelines when shopping at stalls and supermarkets. In other words, if the community does not bring an alternative plastic bag, then business operators, both stalls and supermarkets, do not provide plastic bags when shopping²⁰. At the same time, according to the head of the waste handling section of Jayapura's Environment Department, the Jayapura Mayor's Instruction Number 1 of 2019 only applies to shops- modern shops, supermarkets, and self-services. This Instruction has not been applied in traditional markets or street vendors. The Instruction also remarked that people in modern shops, malls, and supermarkets should prepare alternative bags as noken or cardboard to replace plastic bags²¹. From the contents of the Jayapura Mayor's Instruction Number 1 of 2019, to whom it addressed and how the community can still pack groceries are clear.

Applying the Jayapura mayor's instructions is seen as problematic because the mayor's instructions are only focused on modern shops. However, traditional markets, the most significant contributors to plastic bags, still need to be enforced. According to the head of Jayapura City's environmental department, there is no solution to replace the plastic bags used in traditional markets and street vendors.²² According to the research of Achmad Dani from the Faculty of Law of the University of Palembang, regional regulation was compiled transparently and effectively. Moreover, it does not look at one side in supporting the effectiveness of regional regulations²³. In order to promote a clean, healthy, and accessible environment free from environmental pollution, this implies that all businesses in the City of Jayapura should abide by the Mayor's Instruction Number 1 of 2019 about using shopping bags as an alternative to plastic bags in modern stores. According to interviews and surveillance data, the Jayapura mayor's instructions only apply to specific shops. In contrast, traditional market sellers are not applied. However, traditional markets and stalls by rivers are where most people dispose of plastic bags and are located in places with poorer sanitary conditions.

Every rule and legislation contains points to explain the sanctions that will be obtained if you violate the rules or policies of a government. According to Amri's book, All inoperable community behavior guidelines can result in criminal, civil, or administrative penalties.²⁴ Whereas according to Zairin Harahap, no provision in the District Regulation Law prohibits a district regulation from containing sanctions; in fact, the District Regulation Law permits the inclusion of legal action against persons who transgress the regulations²⁵. Seen from the instructions of the mayor of Jayapura, there is no sanction for the business

¹⁹ Ni Nyoman Pujaningsih and I.G.A.AG Dewi Sucitawathi, "Penerapan Kebijakan Pembatasan Kegiatan Wabah Covid-19 Di Kota Denpasar," *Jurnal MODERAT* 6, no. 3 (2020): 458-70, <https://jurnal.unigal.ac.id/index.php/moderat>.

²⁰ Kepala Seksi, "Wawancara" (Kota Jayapura, 21 Mei 2022).

²¹ Kepala Seksi, "Wawancara" (Kota Jayapura, 21 Mei 2022).

²² Seksi.

²³ Akhmad Dani, "Implementasi Asas Keterbukaan Dalam Penyusunan Peraturan Daerah Akhmad Dani Fakultas Hukum Universitas Palembang PENDAHULUAN Indonesia Merupakan Negara Yang Berkedaulatan Rakyat , Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD NRI 1945) Bahwa Ke," *Solusi* 19, no. 2 (2021): 194-210.

²⁴ Amri and Dkk, *Hukum Perdata* (Bandung: Widina Bhakti Persada, 2016).

²⁵ Zairin Harahap, "Pengaturan Tentang Ketentuan Sanksi Dalam Peraturan Daerah," *Jurnal Hukum* 13, no. 1 (2006): 27-37.

operators of modern shops and supermarkets who ignore the instructions. However, according to the head of the investigation and supervision section, sanctions are applied by confiscating all plastic bags in shops and supermarkets that disobey the instructions. Look at the circular of Jayapura Mayor's Instruction Number 1 of 2019. Since the directive does not include penalties for business actors that disobey the instruction, it will become a problem in the community, and they will not be able to ignore it out of suspicion. Due to the fact that the punishment is not stated in the guidelines, they must apply themselves to continue providing plastic bags to the shopping community.

Indonesian regulations contain several laws related to maintaining a healthy and clean environment. The laws are Law No. 32 of 2009, Law No. 23 of 1997, Law No. 18 of 2008. The laws of Indonesia as a whole, as seen above, demonstrate the seriousness with which the government takes the creation of laws governing waste management in order to preserve a healthy and clean environment. All regional and provincial governments must be allowed to innovate through their regional policies in conjunction with the legislation to attain the objective of a healthy and clean environment. Then the recommendations of these innovations, the Jayapura City government issued the Mayor's Instruction Number 1 of 2019.

Efforts of the Jayapura Government in Implementing the Mayor's Instruction Number 1 of 2019

In executing the enactment of the Jayapura Mayor's Instruction Number 1 of 2019 to the community, modern shops and supermarkets must make steps that the local government must make. The Jayapura City government's efforts to implement the Mayor's Instruction Number 1 of 2019 are as follows:

1. Socialization of Regional Government Legal Products to the Community

One of the steps in executing the Mayor of Jayapura's Instruction is the need for socialization in the community. Since socialization is crucial for the community to understand the details of the Jayapura Mayor's Instruction Number 1 of 2019. In the research conducted by Sadriah, he stated that the community's knowledge of Regional Regulations could be more extensive. Therefore there is a need for socialization from the Regional Government and Legislative²⁶. Furthermore, the Regulation of the Domestic Minister Number 80 of 2015 states that the government and Legislative must disseminate the framework for forming regional legal products. Therefore, it is clear that socialization is essential to spreading the community's adopted regional policies when developing regional law products.

In providing understanding to the community related to Jayapura Mayor's Instruction Number 1 of 2019, action is needed so that the community implements the policy. With that, the Jayapura City government will continue to carry out socialization to the owners of shops and supermarkets in the City of Jayapura by involving all elements of interested parties in the Instruction. Not only socialization activities, but the Jayapura City government also distributed alternative shopping bags to all business sellers (interview, 2021). By carrying out the socialization efforts, the application of the Domestic Ministry regulations on the Legal Products of District Governments will be

²⁶ Sadriah Lahamit, "Sosialisasi Peraturan Daerah Dalam Rangka Optimalisasi Fungsi Legislasi Anggota Dprd Provinsi Riau (Studi Pelaksanaan Sosialisasi Peraturan Daerah Di Masa Pandemi Covid 19)," *Jiap* 7, no. 1 (2021): 32, [https://doi.org/10.25299/jiap.2021.vol7\(1\).6766](https://doi.org/10.25299/jiap.2021.vol7(1).6766).

implemented by the City Government of Jayapura. The refore socialization can also provide understanding to the community in obeying the rules and policies of the City of Jayapura government and not causing problems in the future.

2. Implementation of Supervision Through Back Inspections

Inspecting whether the community enforces the policies made by the regional government can be known through supervision. Research states that the supervision of legal products is essential to be done in order to know that the policies made by the regional government are implemented by the parties aimed at the legal products made. Then also supervision functions as material for evaluating whether the policies made are troublesome or beneficial to the community. Therefore with the implementation of the evaluation of surveillance activities, it will be a matter of consideration whether the policy is extended or revoked²⁷. The surveillance system is carried out by the local government and in the Citizen Lawsuit mechanism. The community has the right to actively monitor the policies issued by the central and regional governments²⁸. Hence the regional government can do many ways to check in the field for use in supervising the legal products it has made.

As a result of this research, the efforts of the Jayapura City District Government to see that Jayapura Mayor's Instruction Number 1 of 2019 has been implemented by business traders utilizing field inspections. In line with what was conveyed by the head of the environmental control section of Jayapura, stating that the effort was to re-check in the field or trample every modern shop/kiosk and supermarket. So that with the inspection, it will be possible to find out how the application of Jayapura Mayor's Instruction Number 1 Year 2019 is applied as a whole. However, from the interview results, it was also found that field-checking efforts since the beginning of this policy have only been implemented once. Due to constraints during the covid 19 pandemic in 2020, the local government of Kota Jayapura has yet to return to the field. The steps made by the Jayapura government through re-inspection in the field implicated the application of the law and sanctions for business traders which not follow the policy.

Jayapura City Government Policy through Mayor's Instruction Number 1 of 2019 In order to Create a Healthy and Clean Environment

The main issue in this article is the effectiveness of the Jayapura Mayor's Instruction. In looking at the application of this instruction, it does not cause jealousy or injustice for one of the parties in the community. The mayor of Jayapura's 2019 Instruction Number 1 is only intended for modern stores and supermarkets. Therefore, it might be constructing enviousness. Whereas in the theory of legal effectiveness, a regulation is undoubtedly based on a sense of justice and does not cause losses with the existence of regulations²⁹. Bronson Rizal Sitinjak, in his research, also stated that DKI Jakarta District Regulation Number 1 of 2014 impacts legal uncertainty and injustice for the community, which can cause new

²⁷ (Saleh et al, 2022)

²⁸ Cholidin Nasir, "Pengawasan Terhadap Kebijakan Pemerintah Melalui Mekanisme Citizen Lawsuit (Supervision of Government Policy Through the Mechanism of Citizen Lawsuit)," *Jurnal Konstitusi* 14, no. 4 (2017): 907-26, <https://media.neliti.com/media/publications/229114-pengawasan-terhadap-kebijakan-pemerintah-41c88480.pdf>.

²⁹ Sudarsono dan Hadiyanti S Desmawanto MH, "Eksistensi Peraturan Daerah Tentang Becak Bermotor," *Africa's Potential for the Ecological Intensification of Agriculture* 53, no. 9 (2013): 1689-99, <https://media.neliti.com/media/publications/34989-ID-eksistensi-peraturan-daerah-tentang-becak-bermotor.pdf>.

problems³⁰. Although the instructions of the mayor of Jayapura are only aimed at modern vendors and do not cause protests, these vendors still question why not implemented in traditional markets, while the purpose of the instructions of the mayor of Jayapura is to create a healthy and clean environment so that there is no damage to the environment.

Before describing whether a government policy is effective, one must understand the legal effectiveness theory. According to Hans Kelsen, legal effectiveness is when a policy or regulation is applied and obeyed by the community or people according to the legal norms³¹. While according to Lawrence M. Friedman, a regulation is practical if there are sanctions in the regulation and there is a negative influence and a positive in society. There is an instinctive awareness of things that are allowed or forbidden³². Thus, the Jayapura City Government's Policy through Instruction Number 1 of 2019 can be effective when the policy is genuinely followed and fulfills the elements that Lawrence M. Friedman put forward.

According to Lawrence M. Friedman, the first legal effectiveness of a regulation or local government policy is the presence of sanctions. Sanctions according to the Big Indonesian Dictionary, sanctions can be said to be a tool to force someone to uphold the law.³³ Even a district regulation is not exempt from sanctions for someone who does not comply. Sanctions for disobeying regional regulations are usually in the form of prison sanctions or fines³⁴. In Jayapura Mayor's Instruction Number 1 of 2019, no sanction or fine is listed. Nevertheless, looking at the facts on the ground and according to the Jayapura City Government in this case, the head of the Environmental Management Section said that the enforcement of punishment for business traders who disobey the Jayapura Mayor's Instruction would be sanctioned through the confiscation of when the shop ignores plastic bags.³⁵ Consequently, the pillars of the effectiveness of Lawrence M. Friedman's law regarding sanctions, then Jayapura Mayor's Instruction Number 1 of 2019 is fulfilled even though it is not included in the instruction.

Second, according to Lawrence M. Friedman, the effectiveness of the law is the presence of positive and negative responses from the community. It happens when community participation in making policies and regional regulations is separate. Alexander Abdullah stated that public participation must be given in controlling government policy.³⁶ The involvement of community participation is enshrined in the 1945 Constitution; the government is obliged to involve the community verbally or in writing in the making of

³⁰ Bronson Rizal Sitinjak, "Eksistensi Peraturan Daerah Nomor 1 Tahun 2014 Tentang Rencana Detail Tata Ruang Dan Peraturan Zonasi Terhadap Kehidupan Masyarakat Provinsi Dki Jakarta," *Jurnal Yuridis* 8, no. 2 (2021): 235-48.

³¹ Sabian Usman, *Dasar Dasar Sosiologi* (Yogyakarta: Pustaka Pelajar, 2009).

³² Noorhidayah Noorhidayah, "Efektivitas Peraturan Daerah (Perda) No. 23 Tahun 2014 Terhadap Pengendalian Peredaran Minuman Keras Di Kota Palangka Raya," *El-Mashlahah* 8, no. 1 (2019): 146-61, <https://doi.org/10.23971/el-mas.v8i2.1320>.

³³ Tri Rama K, *Kamus Lengkap Bahasa Indonesia* (Jakarta: Pusat Bahasa, 2008).

³⁴ I Nyoman Puspa Negara and Putu Edgar Tanaya, "Kekosongan Hukum Pengaturan Sanksi Dalam Peraturan Kepala Daerah (Studi Kasus UU 12/2011 dan UU 23/2014)," *Jurnal Kertha Wicara* 10, no. 10 (2021): 812-29.

³⁵ Kepala Seksi, "Wawancara."

³⁶ Sema Ardianto, "Partisipasi Masyarakat Sebagai Solusi Bagi Problematik Implementasi Peraturan Daerah," *Jurnal Hukum Khaira Ummah* 13, no. 1 (2018): 193-202.

regional regulations.³⁷ Socializing Mayor's Instruction No. 1 of 2019, carried out by the Kota Jayapura district government against modern business traders, proves community participation is involved. After the instructions of the Mayor of Jayapura were implemented, they got a positive response from the community.

In Lawrence Friedman's opinion, the third prerequisite for a policy to be successful is the presence of innate community awareness. Determining the level of implementation and the level of evaluation after the policy has been implemented is undoubtedly crucial for understanding regional policy from the standpoint of strategic theory³⁸. Another opinion based on Lawrence was that community instinct means the community is obedient and appreciative of the rules and regulations. According to the head of the Information and General Documentation unit of Jayapura, the condition of the community is very obedient to the mayor's instructions. Proven that every modern store has prepared alternative plastic bags, and people also bring their plastic bags from home (interview, 2021). Therefore, based on the findings in the field, community awareness of the policies through the Mayor's Instruction Number 1 of 2019 is already underway. However, the Instruction has yet to be entirely operated as a solution to creating a healthy and clean environment.

Discussing whether the Jayapura Mayor's Instruction Number 1 of 2019 as a way to prevent environmental damage can be known after the Instruction is implemented. According to a news site in 2022, it was announced that environmental problems were the cause of flooding in the Jayapura³⁹. According to Yenni Pigowe et al.'s research, there is still environmental pollution in the Acay River due to the absence of garbage bins and human activities for small-scale trade, such as food stall traders, tempeh tofu sellers, workshops, and traditional stalls that affect in environmental pollution, because of plastic waste.⁴⁰ From the indicators of the news site and the research results of 2022, while the Jayapura Mayor's Instruction Number 1 of 2019 has been implemented since January 2019, it proves that the Instruction is a policy solution in creating a healthy and clean environment that is still inadequate. This is possible since the Instruction has yet to be applied to small-scale retailers like kiosks, food stalls, and traditional markets; it only applies to retailers in modern stores, self-service, and malls. Although sellers contribute the majority of plastic garbage, the Covid 19 epidemic is also a contributing element, which has caused the local government's oversight and evaluation to be disrupted.

The study of national administrative law of a regional regulation, in the form of regional regulations, instructions, and other legal products, is closely related. According to Reza Syawawi, in the study of administrative law, he is familiar with the term discretion, where discretion is the leeway to make decisions by looking at the situation. Besides, the leeway to exercise your judgment, provided that it does not contravene any applicable rules

³⁷ fabio Maria Lopes Costa, "Masalah Lingkungan Dan Dampak Pemanasan Global Picu Banjir Jayapura," Kompas.id, 2022, <https://www.kompas.id/baca/nusantara/2022/01/08/pemicu-banjir-jayapura-kombinasi-pemanasan-global-dan-masalah-lingkungan>.

³⁸ amri Amri, "Jayapura City Kua Strategy In Implementing" *Dusturiyah: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2022): 96–110.

³⁹ COSTA, "Masalah Lingkungan Dan Dampak Pemanasan Global Picu Banjir Jayapura."

⁴⁰ (Pigome et al, 2021)

or regulations.⁴¹ An Instruction of the Mayor of Jayapura to make policy through mayor's instruction No. 1 of 2019 is a discretion. However, such discretion is due to the problem's existence to be resolved immediately. Also, the instructions do not disobey or are not based on the highest regulations of the country. The instructions of the mayor made based on several legal regulations, for example, Law No. 32 of 2009 on Environmental Management, Government Regulation No. 27 of 1999 on environmental impact analysis, Government Regulation No. 27 on environmental permits, Government Regulation No. 24 of the year 2018 regarding electronically integrated business licensing services, as well as many ministerial regulations related to the environment. Therefore, by looking at the description, the discretion of the Jayapura government in issuing instruction number 1 of 2019 regarding the use of alternative shopping bags is separate from the administrative law requirements that have been determined.

Conclusion

The policy of the Jayapura government, through the Mayor's Instruction Number 1 of 2019 regarding the use of alternative shopping bags instead of plastic bags, aims to control damage and environmental pollution in the City of Jayapura. This instruction applies only to modern shops or stalls, supermarkets, to malls, while street sellers and traditional markets have yet to apply. The instructions recommend that vendors (modern shops/kiosks, supermarkets, convenience stores, malls) prepare alternative plastic bags such as noken and cardboard. As a result, the retail community will no longer receive plastic bags from the vendors. The policy is to reduce the volume of rubbish in the framework of controlling environmental damage in the City of Jayapura. However, according to Lawrence M Friedman, the policy will be successful if people are made aware of the need to follow the regulations. Moreover, the policy formation aims to be the government's solution to the problems they face.

Furthermore, in the Administrative Law regulations, the policy is a form of effort in implementing the Law on environmental management made by the state. Therefore, if seen from the level of awareness and compliance of the community to follow the policy's instructions, this is because there are sanctions for people who ignore it. The dilemma for the municipal government also stems from the fact that after these directives were implemented, the COVID-19 epidemic struck, which led to suspending the directives' supervision.

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⁴¹ Reza Syawawi, "Diskresi Dan Potensi Korupsi Dalam Penyelesaian Masalah Hukum Terkait Percepatan Pelaksanaan Proyek Strategis Nasional (Analisis Terhadap Peraturan Presiden Nomor 3 Tahun 2016 Dan Instruksi Presiden Nomor 1 Tahun 2016)," *Jurnal Legislasi Indonesia* 18, no. 3 (2021): 419, <https://doi.org/10.54629/jli.v18i3.735>.

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